

allowed to make their own recording of television programmes unless the programmes have been made especially for the schools. However, a programme can be very good and quite suitable for schools, but it cannot be recorded. The Minister replied and said there were no limitations, but then went on to give details of limitations. In a further question I asked whether the answer to part (1) applied, and he replied that it was not applicable. However, it was applicable because there were limitations.

I then had to ask further questions to point out where the Minister had gone wrong, and he said he would make inquiries. That is what he should have done in the first place. In the case of the Minister for Education, I asked whether there were limitations, and he replied by saying that there were no limitations, but then went on to list them. The latter part of the question was made completely worthless.

That is the standard of answer we receive to our questions. We have to ask two questions, when one would do. I have given three such examples. I suggest the standard of the Ministers in this House is very low.

I am concerned that the Minister for Conservation and the Environment is not answering questions relating to the Conservation Through Reserves Committee. I realise he is waiting on a report from the EPA on the CTRC. That is fair enough, but every time he is asked a question he refers to previous answers when, in actual fact, the questions do not relate to the previous questions and answers.

There seems to be this reflex action. In fact, I had some fun when I asked questions about the jumbo steelworks. I was repeatedly referred to the answer to question 4 supplied by the Premier. So, in one question, I left out any reference to a jumbo steelworks and the question was answered because there was not that reflex action.

Sir Charles Court: We were a wake-up to that one.

Mr A. R. TONKIN: I believe my time has almost expired so I will save the rest of my comments until the Committee stage of the Bill.

Debate adjourned, on motion by Mr Blaikie.

House adjourned at 11.46 p.m.

Legislative Council

Wednesday, the 5th November, 1975

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

QUESTIONS (10): ON NOTICE

1. TERMINATING BUILDING SOCIETIES

Funds

The Hon. J. C. TOZER, to the Honorary Minister representing the Minister for Housing:

- (1) Does the Minister recognize that the figure of \$210 000 made available to the three terminating building societies in the Pilbara from the Home Builders' Account will provide finance for only six or seven loans for houses of little better than minimum standard?
- (2) Is he aware that one of the terminating building societies has already returned seventeen applications to the applicants as the meagre allocation has been committed?
- (3) Will he please endeavour to channel additional funds, possibly from other areas where the requirement is not so urgent, to these terminating building societies in the Pilbara to meet the undoubted demand?

The Hon. I. G. MEDCALF replied:

- (1) Yes.
- (2) The demands from all districts throughout the State have increased and the supply of funds has been cut.
In 1974/75 the Pilbara received \$259 000 from a total of \$18 645 000 whereas in 1975/76 \$210 000 was allocated from a total of \$8 088 000.
- (3) All loans to other areas have been committed, and the Commonwealth Government indicates no further funds from this source can be expected during 1975/76.

2. WEST COAST HIGHWAY

Marmion Avenue Extension

The Hon. R. F. CLAUGHTON, to the Honorary Minister representing the Minister for Conservation and the Environment:

Further to the answer to my question 8 on the 30th October, 1975, regarding West Coast Highway Study—

- (1) Does the Minister's answer indicate that the private consultants, Scott and Furphy Engineers, have been empowered to answer questions on behalf of the Government?
- (2) If so, does the Minister affirm that any information given by the consultants has the same authority as information given directly by the Minister?

- (3) In respect of the investigations involving Duke Street, Scarborough, would the Minister advise who was responsible for the inclusion of the study of this route in the consultants' term of reference?

The Hon. I. G. MEDCALF replied:

- (1) and (2) The Government has as yet no position with regard to the siting of any possible extension of West Coast Highway. Consultants have been retained to assess the various alternatives and these will be considered by the Government when their report is complete.
- (3) Duke Street is contained in the study area defined by the terms of reference agreed to by the Metropolitan Region Planning Authority and Environmental Protection Authority.

3. WATER SUPPLIES

Hopetoun

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

- (1) Can the Minister advise if Hopetoun will be supplied with a comprehensive water scheme in this financial year?
- (2) If not, when is it anticipated this facility will be provided?

The Hon. N. McNEILL replied:

- (1) and (2) Hopetoun cannot be supplied with a reticulated water scheme until such time as a satisfactory source of supply is located.

4. INDUSTRIAL ARBITRATION

Private Industrial Agreements

The Hon. D. W. COOLEY, to the Honorary Minister representing the Minister for Labour and Industry:

- (1) Do the recent amendments to the Industrial Arbitration Act confer any power on the Western Australian Industrial Commission to prevent unions and employers from entering into private industrial agreements?
- (2) If the answer is "No" are there any other means whereby such agreements can be registered so that they may be enforceable at law?

The Hon. I. G. MEDCALF replied:

- (1) No. Many private industrial agreements are entered into between unions and employers and not registered with the Western Australian Industrial Commission.

- (2) Industrial agreements can be registered only by Industrial Tribunals. Breaches of unregistered private industrial agreements would have to be pursued in civil courts.

5. WORKERS' COMPENSATION

Premiums: North-West

The Hon. J. C. TOZER, to the Honorary Minister representing the Minister for Labour and Industry:

- (1) Is the Minister aware that the premiums, paid by employers north of the 26th parallel for workers' compensation insurance cover, carries a 25% loading above that paid elsewhere in the State?
- (2) As employers in the north are forced to pay abnormally high wages, thus compounding the premium loading, will the Minister request the Premium Rates Committee to remove this discriminatory impost which can only act as yet another disincentive to the establishment of commercial enterprise in northern areas?

The Hon. I. G. MEDCALF replied:

- (1) Yes.
- (2) Payment of abnormally high wages in the north, which is acknowledged, has no effect whatsoever on premiums due to the fact that premiums are assessed on the first \$50 only. The loading is due to the high costs of treatment, air transport, and away-from-home allowances incurred in all cases of serious injury. I will request further consideration by the Premium Rates Committee.

6. ELECTRICITY SUPPLIES

Hopetoun

The Hon. T. KNIGHT, to the Honorary Minister representing the Minister for Fuel and Energy:

Would the Minister advise when it is anticipated that Hopetoun will be supplied with a satisfactory extension or installation to provide the town with State Energy Commission power?

The Hon. I. G. MEDCALF replied:

The Energy Commission is at present negotiating with the local Shire and it is expected that a Commission installation will be supplying the town by mid-1976.

7. **PRE-SCHOOL CENTRES***Policies: Explanation*

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

- (1) How many officers of the Education Department are involved in addressing pre-school parent groups to explain the Government's policies on pre-primary centres?
- (2) What extra payments are made to the officers in respect of these duties since the meetings are held in the evenings?
- (3) How many meetings of parent groups have been addressed by these officers since the 5th October, 1975?

The Hon. I. G. MEDCALF replied:

- (1) It is the professional duty of all senior officers and, in particular, district superintendents, to answer questions and offer advice on departmental policies. However, three officers have been used consistently to address pre-school parent groups.
- (2) Under the Education Act special overtime payments are not made. The same provision applies to the professional officers employed under the Public Service Act.
- (3) It would be difficult to indicate the exact number of addresses which have been given because this would imply that statistics have been maintained and it would be difficult to distinguish between meetings of groups addressed, consultations with local authorities and follow-up inquiries from groups. The number would be approximately 32.

8. **UNIVERSITY OF WESTERN AUSTRALIA***Hostels: Pay-roll Tax*

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

- (1) Is the Treasurer aware that St. Catherine's College for resident students at the University of Western Australia pays pay-roll tax, while the other private residential colleges—St. George's, St. Thomas More, St. Columba and Kingswood—do not?
- (2) In these closing months of International Women's Year would the Treasurer demonstrate the State Government's sympathy with the objectives of this great international event by removing this discriminatory tax on the sole entirely female residential establishment?

The Hon. N. McNEILL replied:

- (1) and (2) The Hon. Member's questions have been answered in the Commissioner of State Taxation's letter to him of 4th November. If the Commissioner's explanation does not fully cover the Hon. Member's questions, I suggest he write to the Treasurer. The Treasurer has asked me to state that the pay-roll tax application to colleges is not something that can be related to International Women's Year which the Government has marked in other effective ways.

9.

TRAIL BIKES*Land at Herdsman Lake*

The Hon. R. F. CLAUGHTON, to the Honorary Minister representing the Minister for Industrial Development:

- (1) Is the Minister aware that there are no lands vested in the City of Stirling that are suitable for use by mini-bike and trail-bike riders?
- (2) Would the Minister agree to allocate portion of the land zoned for industrial purposes on the north side of Herdsman Lake, and under the control of the Minister, to be set aside for use by mini-bike and trail-bike riders if the area is found suitable for this use?

The Hon. I. G. MEDCALF replied:

- (1) No.
- (2) No. The future use of the land is committed.

10.

BEEF INDUSTRY*Issue of Tags*

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

- (1) On what basis are tags issued by the Beef Industry Commission?
- (2) If on an historic basis, over what period are these figures collected?
- (3) What allowance is made for producers to change from an increasing herd to a static herd?
- (4) What allowance is made for seasonal production?
- (5) How many tags are issued to the Esperance district?
- (6) (a) How many cattle have come from the Esperance district this winter; and
(b) how is this reflected in tags issued?

The Hon. N. McNEILL replied:

I am advised as follows by the Beef Industry Committee:

- (1) to (4) The Committee has delegated to the W.A. Live-stock Salesmen's Association

operations committee the issue of tags. Guidelines used for distribution of tags among agents and between selling centres are based on historical records of:

- percentage of market
- percentage of sales at live-stock centres

percentage of private sales
Additionally the operations committee has been assisted by the findings of a Department of Agriculture survey of beef producers' intentions to market beef over the 6-month period October 1975-March 1976.

The operations committee programmes fat cattle sales for each month and determines the desired number of tagged cattle for each sale. The allocation to sale centres is based on historical performance of these centres and the agents' assessment of the availability of suitable cattle in the region. It issues directions to country livestock agent branches to issue tags so that the numbers of tagged cattle forwarded to a particular sale match those actually required.

Any alteration to the programme is made in agreement with the Meat and Allied Trades Federation.

Agents issue tags to beef producers based on the agents' knowledge of the cattle actually carried on the property and the previous year's turn-off of such cattle.

The Committee's guideline has been for agents to issue tags for 50 per cent of the cattle eligible to be included in the support scheme, over the peak supply period.

- (5) 1542 tags were issued for October.
- (6) This information is not immediately available but will be supplied to the Hon. Member as soon as the figures can be collated by stock firms.

BILLS (2): RECEIPT AND FIRST READING

1. Constitution Acts Amendment Bill (No. 4).

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

2. Reserves Bill.

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

STATE FORESTS

Acquisition of Land at Manjimup: Assembly's Resolution

Message from the Assembly received and read requesting the Council's concurrence in the following resolution—

That the consent of this House be granted to purchase, acquire, resume or appropriate the land designated Nelson Location 3643 in the Shire of Manjimup for the purpose of inclusion in the surrounding State Forest No. 38.

STATE FORESTS

Revocation of Dedication: Assembly's Resolution

Message from the Assembly received and read requesting the Council's concurrence in the following resolution—

That the proposal for the partial revocation of State Forests Nos. 2, 22, 28, 36, 40, 43, 47, 64 and 69 laid on the Table of the Legislative Assembly by command of His Excellency the Lieutenant Governor and Administrator on 28th October, 1975 be carried out.

LEAVE OF ABSENCE

On motion by the Hon. V. J. Ferry, leave of absence for 12 consecutive sittings of the House granted to the Hon. G. C. MacKinnon (South-West—Minister for Education) on the ground of parliamentary business overseas.

LEGISLATIVE COUNCIL

Limitation of Powers: Motion

THE HON. R. F. CLAUGHTON (North Metropolitan) [4.48 p.m.]: I move—

That the members of the Legislative Council commend the wisdom of the United Kingdom Legislature in the interest of securing good and stable government for its people, by its continued support of the limitation on the powers of the House of Lords to reject a money bill or to indefinitely obstruct Government Legislation and furthermore the Legislative Councillors call on this Government to introduce legislation so that the powers of this Chamber may similarly conform with those of the Upper House of the Mother of Parliaments.

The motion is not intended to be critical of this House, this Parliament, this Government, the Opposition, or individual members of this Parliament.

It will be recalled that on previous occasions I said that I believed it was

our duty as elected members of this House to uphold the Constitution as it stood until such time as it might be changed.

However, that does not mean we should be blind to the deficiencies of the Constitution as it presently exists, or that we should not take whatever action we can to make it a better instrument by which the will of the people may be brought into effect. It is true—and I would hope—that all members of this Parliament have an overriding allegiance to the democratic ideal that has been developed within the Westminster style of Parliament. That is an ideal which would transcend other allegiances, particularly those of a party.

It could be said that the democratic ideal embodies the belief that the ultimate power resides in the people and, thus, is expressed through elected representatives because it is quite impossible and certainly impracticable that all persons should meet collectively in order to decide what collective action they should take. This is the system which has been built up over centuries of experience within the United Kingdom, and it extends far back and beyond the time of the confrontation with the British Kings. It is a tradition which grew up with the Anglo-Saxon people.

The system is based on what is known as a two-party system; that is, there is a Government and an Opposition, and the Opposition is the alternative Government. Through this method of parliamentary organisation—or planning organisation—the people are presented with a choice of policies which would not be available in any other way to ensure a consistency in the policies presented to them. In other words a multi-party system which may involve four, five, six or more parties of approximately equal numbers, as represented in the Parliament, becomes quite unmanageable and unworkable.

The British people have chosen, in the manner they vote, a preference for the two-party system; that is, the system which operates in this State and in Australia generally. As I have said, it is the only way in which a real choice of policies can be presented to the people with an assurance that those policies may then be applied consistently when a party is elected to government.

The question then is not one of party ideologies, it is a question of the basic adherence of all members of Parliament, not only in this State but throughout Australia, to the democratic ideal.

The two-Chamber system—the bicameral system—is one we have inherited from the mother of Parliaments and it is something of an historical accident. The House of Lords was the original Parliament, and it has remained there because it is there. It has presented something of a dilemma at different times to the British people but

they have chosen that it remain because they are not sure what else to do with it.

The Hon. N. E. BAXTER: Do you believe the judgment of those people was right?

The Hon. R. F. CLAUGHTON: I will not reflect on their views; I simply state the fact that they have chosen to retain it, and that has been done in their wisdom. The British people have made various changes, as I will explain. Amongst those changes, for example, is the power to appoint additional members so that a Government can be assured that its legislative programme will not be obstructed unnecessarily. That is one action which has been taken.

The British people are very much aware that the present system has faults, and historically a great number of changes have been made. The fact is that very serious problems arose with regard to the powers held by the Chamber to reject Government legislation. I am now talking about the House of Lords. The most significant event in modern times, in that Parliament, was what happened from 1906 onwards. The Government at that time had its legislative programme obstructed to the extent that there was a very strong move to bring about a change in the nature of the powers of the House of Lords.

The final action of that House was the rejection of supply in 1909. At that time the people believed the Government which they had chosen should have a right to carry out its programme, for which it had been voted into power. Their belief in the rightfulness of that Government to carry out its policies was so strong that, in fact, after a further election the powers of the House of Lords were reduced very substantially.

As a result of the change which came about the House of Lords was no longer able to reject money Bills, and all other legislation had to be passed after some possible period of delay. Subsequent to that time there have been further amendments to the Parliament Act so that today the House of Lords is not able to reject a money Bill at all. It may only delay such a Bill for one month. I believe that other Bills cannot be delayed any longer than six months from the date of disagreement with the House of Commons.

The Hon. N. McNeill: When was that first change made following 1909?

The Hon. R. F. CLAUGHTON: I think it was in 1911. The latter changes in 1959 were concerned with the period of time that all other Bills may be delayed.

The powers of this House may be compared with those of the House of Lords at an earlier stage, remembering that the constitution of this Parliament was drawn up in the 1890s. Subsequent to the original Constitution Act, we had the Constitution Acts Amendment Act in which the powers of this Chamber were detailed.

Section 46 of the Constitution Acts Amendment Act has a number of provisions referring to the powers of this Chamber. I draw attention to these so that they may be compared with those of the House of Lords to which I have just referred.

Section 46(1) provides that a money Bill may not originate in this Chamber. I will read the whole subsection for the benefit of members—

Bills appropriating revenue or moneys, or imposing taxation, shall not originate in the Legislative Council; but a Bill shall not be taken to appropriate revenue or moneys, or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand of payment or appropriation of fees for licenses, or fees for registration or other services under the Bill.

Subsection (2) of this section provides that the Legislative Council may not amend money Bills; that is, loan Bills, Bills imposing taxation, or appropriating revenue or moneys other than for annual services.

Subsection (3) provides that the Legislative Council may not amend money Bills so as to increase any proposed charge or burden on the people. Subsection (4) states that the Legislative Council may return a financial Bill to the Assembly to request omission or an amendment of any item or provision within the Bill, but not so as to increase any charge or burden on the people.

Subsection (5) is a very important one, and it says—

Except as provided in this section, the Legislative Council shall have equal power with the Legislative Assembly in respect of all Bills.

It is in this section that we find the power of this Chamber to reject a money Bill. The powers are qualified in relation to effecting or amending money Bills, but with all other Bills it has equal power to that of the Legislative Assembly, including the power to reject all legislation. Apart from this, members are aware that in this Chamber we enjoy a fixed six-year term, and, except for appointing a Conference of Managers, it is not possible for the Government to take any action in respect of this Chamber in the event of a disagreement between the two Chambers.

It is interesting to examine the events in New South Wales in 1929 when there was disagreement between its upper and lower Houses, after the defeat of the Lang Government and the election of a conservative Government. Because of the very grave problems that had arisen during the period of the Lang Government, the public and all members of Parliament were very much aware of the problems associated with what were regarded as the excessive powers of the Legislative Council

in that State. The Bavin Government—which enjoyed a majority in the lower House—passed a Bill containing certain provisions, and I would like members to realise that this was a non-Labor Government which put forward the proposals. Firstly, appropriation Bills, even if rejected, shelved, or amended unacceptably by the Legislative Council, could be presented for assent. That means if a Bill were rejected by the upper House, it would be returned to the Legislative Assembly. Once it had been passed a second time in that Chamber, it could then be presented straight to the Governor for his signature without further reference to the Legislative Council. The other provisions read as follows—

Bills appropriating for other than annual services or imposing taxation could only be delayed. If the Council rejected or shelved these or suggested unacceptable amendments, and if after three months' delay the Assembly again passed such a Bill and it met the same fate, then there was provision for a (free) conference between managers and a joint sitting to deliberate but not vote upon the Bill. If this did not resolve the conflict, the Assembly could send the Bill for assent.

Any other Bill, if the Council blocked it twice, could be submitted to a (free) conference, followed if necessary by a joint sitting at which a vote would decide the fate of the Bill and its amendments. If the Bill did not pass, but if the Assembly again passed the Bill in the next Parliament the Bill would go to the Governor for assent.

The proposals were not accepted by the Legislative Council as it was then constituted, and even to this day there is debate about the need to reform the upper House of the Parliament of New South Wales. I thought this matter was of value and that I should draw it to the attention of members because it is clear that all parties recognised the need for substantial changes in the power of the upper House, and this incident was in line with what had occurred in the United Kingdom.

One could question the role of the upper House. We know that this Chamber has great powers; it is able to introduce or reject all legislation, except measures which may be termed money Bills. This Chamber has been called a House of Review, and I believe the public generally accepts that this is the role it should play. In all discussions about upper Houses, it is believed their real role is to delay legislation in order that it may be considered over a longer period of time. Perhaps legislation could be introduced in the heat of the moment, but after time has elapsed and both sides have had

time to cool down, a more considered opinion may be given.

The Hon. T. O. Perry: Are you saying this is the role of the House?

The Hon. R. F. CLAUGHTON: No, I am saying that in discussion we hear these points of view about the role of upper Houses.

The Hon. T. O. Perry: And you said this House operates in that way.

The Hon. R. F. CLAUGHTON: I said the public accepted that the role of this Chamber is that of a House of Review.

The Hon. T. O. Perry: They would be real judges, wouldn't they?

The Hon. R. F. CLAUGHTON: I do not want to argue about that at present.

In more recent debates it was suggested that the Chamber could play a larger role again, and this matter has been discussed in relation to the Australian Senate. The role of the committees of that Chamber was referred to, together with the very sound investigations that various committees have made on an all-party basis. This indeed may well be the future role of upper Houses. However, I do not believe this role can be filled only by upper Houses, because even in this State we have a standing committee—composed of members of the Legislative Assembly—and this system is designed to give all members a more effective role in determining what takes place in government, so that the Government may be better and more efficient as a result.

I would like to quote a few extracts to demonstrate other opinions about the upper Houses of Australia. In 1960, Mr S. R. Davis said—

The PRESIDENT: Would the honourable member please identify the publication for the record?

The Hon. R. F. CLAUGHTON: Certainly. Mr Davis said—

It is doubtful whether second Chambers anywhere at any time have exercised a more paralysing authority over the proceedings in lower Houses. This is quoted in the book titled *House of Review?* by Ken Turner, published by the Sydney University Press in 1969. The portion I read was from a book published in 1960.

Again on page 6 of the same book—*House of Review?*—Mr Turner says—

It does seem likely that a second Chamber will be less tractable where it need not take account of anticipated reactions but can veto finally and with impunity.

A little further on the article continues—

The basic reason for the self-assertiveness of most Australian State Upper Houses seems to be the unchallengeable security and impunity of their permanent non-Labor majorities.

To illustrate this last point I would indicate that up to 1968 in Tasmania, for example, Labor never held more than five out of the 19 Upper House seats.

The Hon. D. J. Wordsworth: How many did the Liberals hold?

The Hon. R. F. CLAUGHTON: The honourable member can give that information if he likes; I am talking about Labor as against non-Labor, and I repeat that up till 1968 Labor never held more than five out of the 19 Upper House seats in Tasmania.

In the 1965 election in South Australia Labor gained 55 per cent of the vote and it gained four out of the 20 seats of that Chamber.

The Hon. S. J. Dellar: Shame.

The Hon. R. F. CLAUGHTON: With the introduction of compulsory voting in this State the number of Labor members in this Chamber was reduced in the 1965 election from 13 to 10 members out of a House of 30.

The Hon. J. Heitman: That is still too many.

The Hon. R. F. CLAUGHTON: So the change to compulsory voting and the universal franchise did not break the non-Labor grip in Western Australia.

The Hon. A. A. Lewis: Is this what your predecessors wanted?

The Hon. V. J. Perry: This was the will of the people.

The Hon. S. J. Dellar: We are not arguing that; he is merely quoting comparative figures.

The Hon. R. F. CLAUGHTON: Mr Perry may draw what conclusion he likes from the facts.

The Hon. S. J. Dellar: Conscience.

The Hon. R. F. CLAUGHTON: The recent events in Australia and the past history of conflicts in all States—in New South Wales, particularly, in the 1920s and the 1930s, and in Victoria in the 1940s, and later in South Australia—indicates that excessive powers in the constitution of Upper Houses is a divisive influence in the community and in the parliament; and it is an invitation for these powers to be used and also abused. This contributes to uncertainty and instability in government.

I think that point has been very well illustrated over the last few years in respect of the Australian Government, and more especially is it so at this time.

The existence of these powers has meant that popularly elected Governments have not been able to carry into effect important parts of the policies on which they went to the people. The uncertainty and the instability is created by threats to stop supply.

Perhaps I should draw attention to the conditions in this Chamber when the Supply Bill is received. When the Bill comes to this House special provision is

made for it to proceed without delay, and all members here, traditionally, have respected that view. But every now and then throughout Australia we have seen that groups arise in various Upper Houses that are prepared to disrupt the state of the nation in their own interests.

The PRESIDENT: Order! I would point out to the honourable member that his motion deals with the Legislative Council of this State. I do not think what is happening in the Federal Government or in any other State Government is really relevant to the motion moved by the honourable member.

The Hon. R. F. CLAUGHTON: I was, of course, drawing a comparison not of what has actually happened here in the past, but what has happened elsewhere where these powers have existed. I think a reference to the events that have occurred elsewhere are a clear illustration of the good sense of the people of England in seeing the value of curtailing the powers of its Upper House so that the popularly elected Government is able to carry out its mandate.

No matter what our own personal views about it may be, I think it is self-evident that the changes brought about by the English people were extremely necessary, and these were achieved without unnecessary violence in the community.

The British people have a very long tradition of doing things in this way—by discussion and by consensus—and at the same time they have to this day retained the House of Lords.

If we can judge from their actions in the past I think they will continue to do this. So to talk of England and the way the House of Lords is based, or to talk about its membership, is to talk about something quite different from the powers that it actually has in respect of legislation.

It is no criticism, I believe, of the British people, to say that they do not elect their Upper House; that they choose to maintain the system of hereditary peers and nominated peers—law peers. It is a system that suits the British and it is one that continues to work for their country.

In Australia we have chosen a different way to appoint our Upper House; we have elected to do so by a general election. But that has nothing to do with the proposal in this motion that I have presented to members.

There are two different sides to the matter. The method of appointment of members of the Upper House is quite a separate one from the powers of the Upper House.

I hope the members here will support this proposal and, in the interests and the future of democracy and its greater fulfilment in this State, I hope they will agree to call on the State Government to introduce legislation along the lines I have suggested.

The Hon. S. J. DELLAR: I second the motion.

THE HON. N. McNEILL (Lower West—Minister for Justice) [5.24 p.m.]: I really have some difficulty in taking seriously and without a degree of cynicism the words used by Mr Claughton in support of the motion he has moved.

One would think that if a motion of this nature had to be moved it would surely come from somebody on the front bench; more particularly one would expect it to come from the Leader of the ALP, or the Leader of the Opposition in the Parliament. The motion is so important. But when it emanates from Mr Claughton—

Points of Order

The Hon. R. F. CLAUGHTON: I ask that those words be withdrawn because I think the Minister is reflecting on me.

The PRESIDENT: Which words does the honourable member want withdrawn?

The Hon. R. F. CLAUGHTON: That the motion should arise from myself and not from the Leader of the Opposition, thus implying that I have lesser rights than he has in Parliament.

The Hon. J. Heitman: That is fair enough.

The PRESIDENT: Order! I can find nothing unparliamentary in the remark. I understood the Minister to say he was surprised to find the motion introduced by Mr Claughton and not by the Leader of the Opposition. Surely there is nothing unparliamentary in that statement.

The Hon. R. F. CLAUGHTON: The point of order was that the words be withdrawn. Standing Orders provide that, when requested, words must be withdrawn.

The PRESIDENT: Would the honourable member please write down the words he wishes to have withdrawn.

The Hon. R. F. CLAUGHTON: Standing Orders provide that the words will be taken down by the clerk. The custom, however, is that *Hansard* reports the words and then quotes them when asked to do so.

The PRESIDENT: I wish to be able to identify the words that Mr Claughton wishes to have withdrawn. On this point I do not consider there is a point of order. I do not consider the words to be objectionable, but if the honourable member will write them down I will give them my consideration.

The Hon. R. F. CLAUGHTON: I do not want to appear difficult, but if this course you are following now, Sir, was the normal one I would accept what you are saying. But the Standing Orders simply state that,

when requested, the words must be withdrawn. There is a further procedure in the Standing Orders which provides that the clerks must take down the words. However, never at any time, are the words taken down by the clerk. What is done is that *Hansard* is asked to provide a copy and the words are taken from that if any objection arises.

The PRESIDENT: If the honourable member will read the appropriate Standing Order he will find it states that improper words can be asked to be withdrawn. I am trying to identify the words the honourable member wishes to have withdrawn. The Standing Order in question is 86. Unless I can identify the words the honourable member wishes to have withdrawn I cannot very well request that they be withdrawn. Standing Order 91 says—

When any Member objects to words used in debate, and, after stating them, desires them to be taken down, the President shall direct them to be taken down by the Clerk accordingly.

I repeat, I cannot identify the words, because the honourable member has not stated them.

The Hon. R. F. CLAUGHTON: The words used by the Minister were that he viewed my words with some cynicism and because the motion was of such importance he would expect it to be moved by the Leader of the Opposition rather than by myself. Those are the words which I consider to be a reflection on myself.

The PRESIDENT: I do not regard the words as being a reflection at all. The Minister has expressed an opinion that he thought the Leader of the Opposition would move this motion instead of the honourable member. It is not sufficient merely for a member to object to words. The words must be offensive and unbecoming before I can order that they be withdrawn. There must be some basis for the objection.

The Hon. R. F. CLAUGHTON: I cannot recall when a debate of this kind has taken place in this Chamber previously and, when a member objects to words that have been spoken, they have not been automatically withdrawn. I hope that precedent will be followed in this instance.

The PRESIDENT: I had hoped the honourable member would not persist, but I will leave it to the Minister for Justice because he has been asked to withdraw the words.

The Hon. N. McNEILL: As I have been asked to withdraw, I feel that I may with respect, and with your indulgence, Mr President, refer to Standing Order 86, under which Mr Claughton is asking that

the words be withdrawn. If I may, I will quote Standing Order 86 which reads—

No Member shall use offensive—

The Hon. R. F. CLAUGHTON: Mr President—

The PRESIDENT: Order! The Minister for Justice is on his feet.

The Hon. R. F. CLAUGHTON: Mr President, I rise on a point of order. I ask that the Minister for Justice withdraw the words without qualification.

The PRESIDENT: It is not unusual, in a case such as this where it is claimed that words used are improper, to have the matter questioned. I can recall other occasions. At the point when he was interrupted the Minister was purely trying to justify the situation. If he does not justify it then I will ask him to withdraw the words.

The Hon. N. McNEILL: To continue, Mr President, I refer to Standing Order 86 which reads—

No Member shall use offensive or unbecoming words in reference to any Member of either House, and all imputations of improper motives and personal reflections on Members shall be considered highly disorderly . . .

You know the Standing Order, Mr President, so I do not need to quote it further. I was not aware that I was using anything that came within the ambit of that Standing Order.

The PRESIDENT: In the circumstances I think the Minister should withdraw the remark. The phraseology of the Standing Order, to my way of thinking, suggests that the Minister should withdraw his words. What he subsequently says to the honourable member is not a matter for me to contemplate.

The Hon. N. McNEILL: Mr President, I withdraw the words.

The Hon. Clive Griffiths: That would mean you would have to withdraw the whole of your speech.

The Hon. S. J. Dellar: He is not allowed to debate the motion.

The PRESIDENT: Order please, Mr Dellar! The Minister will resume his seat. One hour having elapsed from the time fixed for the meeting of the Council, leave of the House will be required to enable the debate to continue. Otherwise the following motion and other motions on the notice paper will be dealt with in rotation. The question is that leave to continue the debate be granted. The ayes have it.

Debate Resumed

The Hon. N. McNEILL: A reference to the fact that I have suggested a denial of the right of members is quite incorrect. I have not made any such suggestion, nor do I claim that any member of this House

should be denied his right to move a motion or to make such contributions to the business of this House as he so desires.

Now let me return to the motion, or perhaps I should say, in the circumstances, let me start again because it is clear that I withdrew all those words which were in fact my speech up until that time. I consider that in the circumstances it is a strange thing indeed that when we have had, on numerous occasions, debates in this House and in other places, observations have been made about the necessity for the Legislative Council. Some members have also expressed the view that the Legislative Council ought to be dispensed with because it serves no useful purpose. We have known, historically, that many elements would wish to sever connections with the mother of Parliaments—the expression Mr Claughton has used in his motion.

We also know there are considerable elements within the political life of Australia who would wish to go further and sever our connections with the Imperial status.

The Hon. D. W. Cooley: And there are some who want to sever their connections with democracy.

The Hon. N. McNEILL: If Mr Cooley wishes to join the debate I would welcome it and I hope he will continue—with your indulgence, Sir—because he just used the word “democracy”. I put it to members opposite, particularly to Mr Claughton and Mr Cooley, that in the light of their interpretation of the word “democracy” and the way it has been applied by them to this House, do they, under the same interpretation, consider that the House of Lords is democratically elected? Of course they cannot claim that. So I say that one can surely be a little cynical in one's approach to a motion such as this when we are asked to do something which appears in the first part of the motion and which I consider to be highly commendable; namely, to commend the wisdom of the United Kingdom Legislature. I will support that. I support the people of the United Kingdom in their wisdom for retaining the House of Lords.

I may even go further and commend them for their wisdom in limiting the powers of that House in the terms of the Parliament Bill of 1911, to which Mr Claughton referred, because you will appreciate, Mr President, as will all other members in this House, that there is an enormous difference between the House of Lords and the Legislative Council in this State. There is a vast difference between the House of Lords and other upper Houses to which Mr Claughton referred. The basic fact, of course—which the honourable member stated—is that, almost completely, it is a hereditary House; it is not an elected House. If there is no significance in that, are we, in this House, to go back to the

days of representation on a property franchise because it is unimportant? Of course not! That is the situation as we well know; namely, that the House of Lords is not an elected House; certainly not all the members of the House of Lords are nominated—they are life peers.

We need not go any further into that aspect and therefore the parallel or the analogy which Mr Claughton tries to draw does not stand up in a debate of this sort. It is not without significance, too, that Mr Claughton referred to the upper House of New South Wales. Once again he knows, I am sure, that that House is not constituted in the same way as this Legislative Council. He knows full well that that is not an elected House in the same sense as the Western Australian Legislative Council is elected.

Do I need to mention again, Mr President, the Act for which you were responsible in 1963-64, which brought adult franchise and universal suffrage to the people of Western Australia in Legislative Council elections, and which was supported by all parties. So is there another House in Australia in this unique situation where we have not only all its members elected on the same basis as all members of the Legislative Assembly, but also elected in conjoint elections?

The Hon. Lyla Elliott: They are not.

The Hon. N. McNEILL: May I assume—I think correctly—that the interjection suggests that they are not elected on the same basis because they are part of different electorates or provinces? We have been through all this before in debates during this current session and you would not permit me, Mr President, to go over that ground again, because it has been covered extremely well.

I return to the point that in the course of this speech Mr Claughton referred to the situation in the Senate. How many times in the history of Australia has this happened? How many times in the history of Western Australia has such a situation occurred? As my question is met with silence, the answer speaks for itself; it has not happened. When Mr Claughton used the expression “Insecurity of Government” I think he used the correct words. It is the instability and insecurity of Government that has created the situation with which Australia is faced today.

The Hon. S. J. Dellar: And Oppositions.

The PRESIDENT: Order, please! Mr Claughton, in moving this motion, has not referred to other Parliaments, and I ask the Minister to refrain from mentioning them because other Parliaments do not come into the matter at all. They have no relation to the motion before the Chamber.

The Hon. N. McNEILL: I respect your view, Mr President. I will therefore turn to the motion and, more particularly, to

its application to this House and to the powers of the House of Lords. Because of its entirely different Constitution and different historical background, to the best of my knowledge and belief the Legislative Council of Western Australia cannot be compared in any way with the House of Lords. This House is elected on a completely adult franchise basis. It has its own Constitution which does not necessarily have to conform with the Constitution of any other place, because it happens to be the Constitution of the Parliament of Western Australia, and it is our right and the people's right to change that Constitution if we so desire.

However, while we have that Constitution, it is completely irrelevant to say that we ought to change it in order to reduce the powers of this Council so that we cannot obstruct vital Government legislation.

The Hon. D. W. Cooley: Money Bills.

The Hon. N. McNEILL: Mr Cooley has interjected, "money Bills". Perhaps those Bills happen to be the ones that are so currently in the minds of the people.

The Hon. D. W. Cooley: Stick to the words in the motion!

The Hon. N. McNEILL: I do not need the assistance of Mr Cooley to tell me the words contained in the motion. On the contrary I suggest that perhaps he should read them again to realise what the motion does contain. I draw his attention to these words—

...to reject a money bill or to indefinitely obstruct Government Legislation.

Those are the words that are contained in the motion. Government legislation has been obstructed in the Legislative Council on numerous occasions. I must repeat that there have been occasions when I have been responsible for such obstruction, as you, Mr President, once again would know. There are other members presently in this House who have been responsible for obstructing their own Government's legislation. I cannot help asking again: I wonder how many members of the Opposition in this House have obstructed their own Government's legislation?

If members of the Opposition claim they do not have the numbers in order to be effective in that obstruction, let me say again that with adult franchise they have the opportunity to get them. Mr Cloughton said that following a certain recent election the number of ALP members was reduced from 13 to 10.

The Hon. S. J. Dellar: That is only a temporary measure.

The Hon. N. McNEILL: It follows that the ALP's numbers must have been greater on previous occasions. However, is that material to the argument?

The Hon. R. Thompson: I do not think so. That was not the argument at all.

The Hon. N. McNEILL: If it is material—and Mr Cloughton was not prepared to make an observation at my invitation—then of course it demonstrates once again that there may well be a certain insincerity in the motion.

The Hon. R. F. Cloughton: The point I made was that it did not change the majority in the House.

The Hon. N. McNEILL: If it is material then, of course, we are talking only about a situation of numbers in this House, and therefore if one can extend that line of thinking a little further one can say that if the Opposition had the numbers in the House we would not have this motion before us, or would we?

The Hon. Lyla Elliott: We would not have a House.

The Hon. N. McNEILL: That is an interesting observation.

The Hon. N. E. Baxter: Perhaps we would not have.

The Lyla Elliott: Not this House.

The Hon. N. McNEILL: On the other hand, virtually Mr Cloughton is moving for the continuance of this House. As he wants its powers somewhat restricted he is implying that the House will continue its operations.

The Hon. S. J. Dellar: At this time.

The Hon. N. McNEILL: Let us have all the qualifications the Opposition likes to express. We must acknowledge that if the Labor Party was absolutely sincere in its intention to abolish the Legislative Council the most effective way it could do so would be to gain government in the Legislative Assembly and then gain the constitutional numbers in the Legislative Council.

The Hon. R. Thompson: We might go along with this House if you make it a democratic House.

The Hon. J. Heltman: What is undemocratic about it? You tell us when you get up.

The Hon. N. McNEILL: There is a marked inconsistency on the part of the Opposition. Mr Cloughton is asking us to bring our House into line with the House of Lords which is not an elected House and therefore, it is not a democratic House.

The Hon. N. E. Baxter: He would not commit himself when I asked him.

The Hon. D. W. Cooley: You are twisting words, you know.

The Hon. N. McNEILL: In answer to the interjection of Mr Cooley, I do not have to resort to those tactics.

I have said before, and I say again, that prior to the last State general election elements in the Labor Party, if not the Labor Party itself, conducted a campaign against the Legislative Council. Certain people deliberately went to the hustings

for the purpose of denigrating and derogating the Legislative Council in their endeavour to achieve its abolition. That cannot be denied; but what was the result?

The Hon. R. F. Claughton: I deny it. There was no such campaign.

The Hon. N. McNEILL: The present Government parties were returned in greater numbers than previously, and the Labor Party which was espousing and promoting that campaign suffered as a consequence. Is there no significance in that? I think there is. In other words, it is the wish of the people that the upper House be retained, and as long as it is retained, let us bear in mind the Constitution and why its provisions are such as they are. I will not dwell on that aspect, but will make a reference, if you will permit me, Sir, to the Senate.

Just as the Senate has a continuing role, so has the Legislative Council because we have the alternate retirement of 15 members at each election. That was not as a consequence of an historical accident; it was done deliberately in order to provide for the continuation of Parliament in the interests of the people and for their protection against a violent change by an incoming Government. No-one can deny that.

The Hon. R. F. Claughton: At that time.

The Hon. N. McNEILL: Of course it was at that time. Has the situation changed, though? Of course it has not. We have had any number of illustrations and demonstrations by the people that those circumstances have not changed. The people need protection against Governments of whatever colour so that they do not become extreme or too radical, or go beyond the wishes of the majority of the people responsible for their election. This is the safeguard of a bicameral system and the two-party system.

I thought it rather curious that Mr Claughton should refer to the party system and the role of the Opposition and Leaders of the Opposition. He said that the people understood the part to be played by an alternative Government which enjoyed a particular position of privilege as Her Majesty's Opposition.

Surely this means that the Opposition has a role to play, and if the Opposition in this upper House carries out its function in order to protect the continuing rights of the people, then it should be retained so it continues to have that power.

I find it very difficult indeed to divorce my thinking in respect of this motion from the situation elsewhere in Australia. I believe that members of the Opposition would prefer this House to be abolished, but they at least want some restriction placed upon its powers.

The Hon. S. J. Dellar: That is not in the motion.

The Hon. N. McNEILL: The Opposition wants the powers of this House to be restricted, particularly in respect of money Bills. Is it not a fact that members of the Opposition are still prepared to stand for election? I understand that Mr Claughton, who moved the motion, prior to the last election was a little fearful of the result in his case. I think this was because of the situation in which you, Mr President, were involved on a previous election in the same province.

The Hon. S. J. Dellar: Bart Cummings was not confident yesterday, either, but it paid off.

The Hon. R. Thompson: Most members have those fears when they are up for election.

The Hon. N. McNEILL: That is true, but I suggest that in Mr Claughton's case his fear may have been more severe than was the case with other members because of an experience at a previous election.

The Hon. S. J. Dellar: He won handsomely.

The Hon. N. McNEILL: Indeed he did. However, his apprehension at the time was obviously born of a desire to be returned to the House to be a member in order to be able to exercise the powers available to members in this place, a right which under Standing Orders can be exercised, as he has indicated this afternoon with his motion.

I wonder at myself for even bothering to take the time to debate the motion because I find it difficult to believe that it is not something of a ploy. However, we take it seriously because it touches on a very important matter indeed. I restate that to draw for analogy upon the House of Lords and compare it with the Legislative Council or the upper House of New South Wales or that of any other State in Australia is quite inappropriate. The fact that there are these differences in the various Houses is justification for the existence of this House. We created a unique situation, one in which you, Sir, were so vitally involved. It is to the credit of the Parliament and the Legislative Council at the time that they took the action they did.

While this House is a fully elected House, elected by all the electors of Western Australia, those elected are entitled to enjoy the powers which repose in the House as a consequence of the Constitution under which it operates. Therefore I hope that the House will completely reject the motion.

THE HON. R. THOMPSON (South Metropolitan—Leader of the Opposition) [5.56 p.m.]: I have an engagement after dinner this evening and therefore will not

be able to continue my speech then. Consequently I will have to shorten my remarks.

The PRESIDENT: I will remain in the Chair until 6.15 p.m.

The Hon. R. THOMPSON: Thank you, but I will try to conclude before then.

I think I should point out to the House that it was at my request that Mr Cloughton moved this motion, the reason for my request being that something like 21 Bills will have to be dealt with from the beginning of this week and of those I must study 16. Consequently I asked Mr Cloughton to prepare the motion and move it and there is nothing wrong or untoward in such a procedure. He did the job well and consequently there is no reflection on the honourable member.

The Hon. N. McNeill: No reflection was made on the honourable member.

The Hon. R. THOMPSON: I agree with the sentiments that you have expressed, Mr President; that we should be discussing the motion and not what has been done in other parts of Australia. That was not the purpose of the motion.

I was rather taken aback when the Minister, in making a summary of the debate, did not actually touch on the real reason for the motion, but skirted around it. The real reason of course is obvious. I think all members should read the motion and understand what it means and why it is worded as it is. Shortly I will refer to Erskine May's *Parliamentary Practice* and Abraham and Hawtrey's *Parliamentary Dictionary*.

In answering the Minister I think I should say that members of the Labor Party have never pretended that they support the continued existence of the Legislative Council. We would be dishonest if we said that. It is always the members of the Government who have made that claim and it is always the members of the Government who have repeatedly said that they believe in upholding the Westminster system of government. While this Chamber remains and I remain a member in it I also will uphold that system.

It is not the province of members of the Labor Party to try to lose elections; our objective is to win a sufficient number of seats in this Chamber to enable us to abolish it. We make no secret of that.

The Hon. J. C. Tozer: Not very successfully.

The Hon. J. Heitman: We did not hear much about it at election time.

The Hon. R. THOMPSON: We acknowledge that that is not part of the motion. I make that clarification so we will all know where we stand and so we will not have crossfire concerning the principles for which the Labor Party stands.

All members should know what we stand for; we make no secret of it. If this House

is to operate as it is commonly said it does—as a House of Review—it should operate on the Westminster system, with limited powers. In relation to those powers I will quote from Erskine May's *Parliamentary Practice*, 18th Edition, at page 555. The motion does not deal only with money Bills, as pointed out by the Minister; it deals with all Bills. The passage I wish to quote is headed "Bills other than Money Bills", and it reads—

Proceedings on the bill.—In the case of public bills, other than money bills within the meaning of section 1 of the Act of 1911, it is provided that a bill which is passed by the House of Commons in two successive sessions (whether of the same Parliament or not), and which, having been sent up to the House of Lords at least one month before the end of the session, is rejected by the House of Lords in each of those sessions, shall, on its rejection for the second time by the House of Lords, unless the House of Commons direct to the contrary, be presented to Her Majesty and become an Act of Parliament on the Royal Assent being signified to it. One year must elapse between the second reading of the bill in the House of Commons in the first of these sessions and its passing in the House of Commons in the second session.

By section 2 (3) of the Act of 1911 a bill is deemed to be rejected by the House of Lords if it is not passed by that House either without amendment or with such amendments only as may be agreed to by both Houses; and by section 2 (1) a bill containing any provision to extend the maximum duration of Parliament beyond five years is exempted from the provisions of the Act.

That point was well made by Mr Cloughton.

Erskine May's *Parliamentary Practice* deals with the Westminster system. It is the bible on parliamentary practice and is the authoritative book for all western style Parliaments. The powers of the House of Lords, the methods and practice, and the way Bills will be assented to if they are not passed by the House of Lords are spelt out, chapter and verse. The House of Lords is given, without fear of contradiction, the right to review legislation and send back requested amendments; but the elected Government—and this is the point—the people on the Treasury benches, are responsible for bringing legislation and Budgets before Parliament, and that legislation cannot be rejected by the upper House, which in our case is the Legislative Council.

I will now quote from chapter XXXI, page 776, of the same publication—

The Financial Functions of the Lords
Concurrence in Supplies and Taxation

Stated generally, the responsibility discharged by the Lords in the grant of supplies for the service of the Crown, and in the imposition of taxation, in concurrence not initiation or amendment. Thus, while the demand for supply made in the speech from the throne on the opening of a session is directed to the Commons, the speech is addressed to both Houses of Parliament; and to the financial legislation which that demand creates the Lords must be a consenting party.

The operative words are "the Lords must be a consenting party". We now know from Erskine May exactly what are the functions of the House of Lords in respect of nonmoney Bills and money Bills.

The Act of 1911 referred to in the first extract I read from Erskine May is the Parliament Act, 1911. I will now read the summary of that Act which is contained in Abraham and Hawtrey's *Parliamentary Dictionary*, 3rd Edition, on page 145—

The power of the House of Commons to insist on a public bill being passed into law without the assent of the Lords is derived from the Parliament Act 1911, as amended by the Parliament Act 1949. Different conditions are laid down according to whether the bill is a money bill or not.

(1) Any bill which the Speaker certifies as dealing solely with certain matters relating to finance (including the imposition or regulation of taxation, the imposition of charges on the Consolidated Fund or the National Loans Fund or on money provided by Parliament, and the appropriation or issue of public money) may, unless it is passed by the Lords without amendment within one month of being sent to them by the Commons, receive the royal assent and become law, without the Lords having consented thereto.

(2) If a bill is passed (in the same form) by the Commons in two successive sessions, it may receive the royal assent and become law, notwithstanding that the Lords have not consented to it, provided that one year has elapsed between the first time that the bill received a second reading in the Commons and the second time that it receives a third reading in that House. A bill prolonging the duration of Parliament beyond five years is expressly excluded from the operation of the Act.

It should be noted that in the case of bills of both classes the Act says that the bill shall be presented to His Majesty for his royal assent "unless the House of Commons shall direct to the contrary".

I do not think I need quote any more of the article. It specifically states that

Royal assent can be given to legislation introduced by the elected Government which commands the Treasury benches—the Legislative Assembly, as it is here.

The Hon. R. J. L. Williams: Do not say that. It is a different system.

The Hon. R. THOMPSON: I said the Legislative Assembly commands the Treasury benches here. Members of the House of Commons are the elected representatives of the people in England, and we have the same system of Parliament.

It was through the will and force of the people that the House of Commons requested the House of Lords to change what had been its practice prior to 1883, from memory—I could be a few years out. I think Mr Williams will acknowledge that it was through the will of the people that pressure was brought to bear on the House of Lords and we saw the gradual change with the Parliament Act of 1911 and a further amending Act in 1949.

The motion under discussion states that the elected Government should have the power to pass legislation, whether it be a Labor or non-Labor Government. I am not being political and drawing into the argument what this House does and does not stand for. Members know my thoughts in that respect. While I am a member of this House and while it exists, I will uphold its traditions; and if I can abolish it I will do so. While I am a member of the House I must conform with its Standing Orders, and I concede that our Constitution should be changed for any successive Government.

The Hon. R. F. Claughton: It is the 5th November.

The Hon. S. J. Dellar: That is significant.

The Hon. R. THOMPSON: It might be fortunate that I will not be here tonight—Guy Fawkes might be lingering within these portals.

It should be the right of Governments to carry out their policies, whether or not they be financial. Governments should not be impeded. A great deal of legislation has been rejected in this Chamber in the years I have been here. It probably should not have been rejected because in many cases the legislation was intended to put into operation the policy of the Government of the day, which it was elected to do.

Legislation was defeated in this Chamber because, as I have always stated, the Chamber is a party House of Parliament. It is not a House of Review. The fact that once in a while a couple of members cross the floor on an issue does not make this a House of Review. If this Chamber is to remain as a House of Review, I would like it to request the Government to alter the Constitution to the effect that the only purpose of this Chamber is to be a

House of Review. Members would then of course be charged with the duty of reviewing every item of legislation.

I commend and thank Mr Claughton for taking the trouble to carry out research and do the job I asked him to do.

Sitting suspended from 6.14 to 7.30 p.m.

THE HON. R. J. L. WILLIAMS (Metropolitan) [7.32 p.m.]: Mr President, one can appreciate the motives which have led the Hon. Roy Claughton to put forward this motion that the members of the Legislative Council commend the wisdom of the United Kingdom Legislature in the interests of securing good and stable government for the people, by its continued support of the limitation on the powers of the House of Lords. Their lies the nub and the kernel of the whole argument. However the historical events in respect of the House of Lords may have escaped the notice of members of the Opposition. Were one to consider the House of Lords and its history, one would not have the temerity or the audacity to put forward such a motion in this House.

One matter that escapes the knowledge of the Opposition is that the House of Lords—forming part of the mother of Parliaments—is not an elective House, but a selective House. It has become a selective House for good and historical reasons. Yet here we have a member of the Opposition claiming that we in Western Australia in all our wisdom should stand in all our dignity and glory and say that after 148 years of responsible government we should ape something which has been going on in the United Kingdom for four and even five centuries. If that proposition was not put forward with the sincerity for which the member for North-East Metropolitan Province is known in this place, it would be laughable.

The Hon. R. F. Claughton: It is the North Metropolitan Province.

The Hon. S. J. Dellar: You know so much about the English Parliament; it is a pity you don't know more about this Parliament.

The Hon. R. J. L. WILLIAMS: I should have said "North Metropolitan Province." Everybody wants to confuse this Western Australian Parliament with the House of Commons and the House of Lords. No-one has a right to do so; we have only a right to say they serve as a model. However, we in Western Australia took certain steps to ensure that this upper House should review legislation.

I think it was my predecessor (the late Hon. Gordon Hislop) who challenged the Opposition in 1965. Mr President, this would be clearer in your memory than in mine, but I understand that in 1965 Dr Hislop said, "Let us hold free elections in respect of this House"; and he moved a motion which was successful. The result is that we have a House which is duly

elected on popular franchise by the people of Western Australia; and no matter what the Opposition may say, that is the case. The fact—and it is a very pregnant fact—is that we on this side of the House hold a majority; and that reflects on the Opposition. It reflects the fact that the Opposition has not done sufficient work, has not campaigned enough, to obtain a majority.

The Hon. Lyla Elliott: Right back to 1890?

The Hon. R. J. L. WILLIAMS: Do not talk to me about 1890, because I can take Miss Elliott back to 1215. The system is very, very simple. We in this State decided in 1965 that we would adopt a certain procedure; and that procedure was adopted at the behest of the then Opposition in this House. Members of the Opposition then thought they would slaughter us; they said if we went to the polls under popular franchise there would not be one Liberal-Country Party member left on the benches of this place—a result which is not evident today. Now, of course, members opposite bemoan the fact. If they want to talk about constitutional government, let us go back to 1215 and the *Magna Carta*.

The Hon. D. W. Cooley: Isn't it a fact that the Labor Party has consistently polled more votes than your party since that time?

The Hon. Clive Griffiths: It hasn't won as many seats.

The Hon. R. J. L. WILLIAMS: I think perhaps seats come into consideration, because Mr Cooley cannot deny the fact that members on this side or the other side of the Chamber do not influence in any way, shape, or form the drawing of electoral boundaries by the Chief Justice, the Surveyor-General, and the Chief Electoral Officer of this State. They form an independent tribunal and they draw the lines; and we fight the battle on those lines.

The Hon. S. J. Dellar: Where are boundaries mentioned in the motion?

The Hon. R. J. L. WILLIAMS: That means the Labor Party, which has completely and absolutely neglected this House, now complains because this Chamber stands as the people want it to stand. Members opposite do not like it, but the people want it to stand in this way. To draw a comparison between this place and the House of Lords is totally erroneous.

The Hon. S. J. Dellar: Particularly in your case.

The Hon. R. J. L. WILLIAMS: It does not matter about my case. If Mr Dellar wishes to be Lord Exmouth or Lord Bassendean, that is up to him.

The Hon. S. J. Dellar: I follow South Fremantle.

The Hon. R. J. L. WILLIAMS: What I am saying is that this is an elective House

and not a selective House. Interjections I welcome, but challenge me on the history of this matter, or the British Constitution Act of 1911 when the then Prime Minister of England (Lloyd George) could not get a money Bill through the House of Lords.

The Hon. Lyla Elliott: It was called the Parliament Act.

The Hon. R. J. L. WILLIAMS: Miss Elliott can call it what she wishes, and I will call it what I wish. A rose by any other name would smell as sweet. The point is that the Prime Minister of the day went to the Sovereign of the day (King George V) and said, "You will create certain powers for the House of Lords which is not elective and you will decide that this Government will rule the House of Lords by electing a sufficient number of Peers to get the Bill through."

The Hon. R. F. Claughton: I think you mean "nominating".

The Hon. R. J. L. WILLIAMS: So do not talk to me about the power of the House of Lords, because its power has been completely and absolutely diluted. It has become the tool of the political party in power, be it Liberal as in the case of Lloyd George, Labor as in the case of Clement Attlee, or Conservative as in the case of Heath.

The Hon. Lyla Elliott: Do you think it should be abolished?

The Hon. R. J. L. WILLIAMS: I did not say that at all. What I am saying is that if this Chamber were a selective Chamber then by all means abolish it, but do not dare to suggest that this elective Legislative Council should be abolished.

It was members of the party opposite who challenged the Government in 1965 by saying, "Take this to the people; we will win." However, they were most distressed when they came—in true Australiana—a complete gutser.

The Hon. S. J. Dellar: That is not very parliamentary, coming from you.

The PRESIDENT: Order! I hardly think that term is parliamentary.

The Hon. N. McNeill: It is very expressive.

The Hon. R. J. L. WILLIAMS: I beg your pardon, Sir; let us say they had a complete disaster. Let us get down to the real point: This motion is fatuous.

The Hon. S. J. Dellar: And you are repetitive.

The Hon. R. J. L. WILLIAMS: The motion compares two unidentical situations. This has been the main prong of the attack of the Opposition ever since I have been in this House. Members opposite have blithely gone into the Press with all sorts of propaganda, and they have said the upper House is not really constitutional and that it works against them.

The Hon. R. F. Claughton: I don't think we have ever said it is unconstitutional. It is constitutional.

The Hon. R. J. L. WILLIAMS: Then read the papers and read the letters written by the supporters of members opposite—the hawks of this world; not the Bob Hawkes, but the other hawks—who continually attack this House and say it is not democratic. The real reason that members opposite have not a majority is that they do not get out and work to win seats, and we do. We win the seats and we do a darn good job, too; and members opposite do not like it.

The Hon. S. J. Dellar: You lose some seats too, and don't ever forget that while you are pointing your finger.

The Hon. R. J. L. WILLIAMS: We are 20 to nine in this House. Excuse me, Mr President, it is actually 21 to nine.

The Hon. Clive Griffiths: It is really 20 to 8 now!

The Hon. R. J. L. WILLIAMS: Actually, it is 7.43 p.m.!

The fact is that members of the Opposition seek continually to denigrate this House. We will debate Bills in the future, be it tomorrow, next week, next year, or whatever; and always there will be the cry from members opposite that this is an undemocratic House. There are things occurring in this country at the Federal level at the moment; and you, Sir, know as well as I do that there was once a question of this House taking a certain step in much the same regard. We did not do it. We did not do it because the Opposition, as it was then—

The Hon. R. F. Claughton: It was not their policy.

The Hon. R. J. L. WILLIAMS: Mr President, we often hear these slight interjections which mean nothing. What I am saying is that this side of the House has been extremely responsible. Under your leadership, Sir, we had 12 years of responsible government. No matter how members opposite try to convince the public outside, or what propaganda campaign is mounted, the evidence of the ballot box is here for all to see.

I repeat: We have 21 seats to the Opposition's nine seats. The people of this State have the opportunity at any time to change the situation, unlike the House of Lords. It is not like another place saying, "We cannot get the Bill through. Therefore, we will promote Lord Ferry and the Earl of Pinjarra into that House so that it may be passed." Here lies the stupidity of this motion; we are talking about two different places. One is elective and the other is selective; let the House be under no delusion about that.

Members opposite try to compare a House which is only 150 years old with a House with centuries of tradition behind

it. They are saying, "Let us take the short-cut because it suits the ALP at the moment."

Members in this place and in the House of Representatives present themselves to the people every three years and the people—stimulated by the propaganda machine—wish to denigrate this House and its functions.

Although I was not here at the time and did not know, one has only to read *Hansard* to discover that certain members of the Labor Party were elected to liquidate this House; it is no secret. This does a grave disservice to the people of Western Australia; they have more sense than that. The people know that within responsible government, checks and balances are needed. Members opposite can talk about the bicameral system until it comes out of their ears.

The Hon. D. K. Dans: Not for much longer. Chairman Gough is going to fix it.

The Hon. R. J. L. WILLIAMS: Mr Dans says that it will not be with us for much longer. Members of the Opposition would love to see a unicameral system; they have campaigned for it. At least they have been honest about it, and have said what they wished to say. Sometimes I wonder what would really happen if they achieved a unicameral system. What cry would they then take up?

Certainly, they took up Dr Hislop's cry. They said, "Yes, let us be done with this property franchise. Let us have a popular franchise, because we then would stand a chance." Dr Hislop took them up on their challenge.

The Hon. D. K. Dans: By interjection; read your *Hansard*.

The Hon. R. J. L. WILLIAMS: Dr Hislop said, "If necessary, we will agree to popular franchise." If I am wrong, Mr President, I know that you with your knowledge of the history of this House will sit me down and tell me that I am not telling the truth.

The Hon. S. J. Dellar: It is a pity that you have not yet talked about the motion.

The Hon. R. J. L. WILLIAMS: Dr Hislop challenged the Opposition; he took it to the State, but the State was under no delusion, because it needed the second House. As for the mealy-mouthed business of comparing us with the House of Lords!

The Hon. S. J. Dellar: Oh my gosh!

The Hon. R. J. L. WILLIAMS: How stupid can one get?

The Hon. D. K. Dans: Do you not believe in the House of Lords?

The Hon. R. J. L. WILLIAMS: I do not believe in the House of Lords as it is presently constituted. We cannot compare it with the Legislative Council of Western Australia, because the Legislative Council is a duly elected and popular franchise House.

The Hon. D. K. Dans: Do you believe that the power of the House of Lords has been reduced?

The Hon. R. J. L. WILLIAMS: Mr Dans knows as well as I do that the House of Lords can be changed at the whim of the Government of the day. But let the Legislative Assembly try to put a few more members in this place; that is a constitutional impossibility. Members of the Opposition can confer as much as they like; the simple fact is that this House is an elective Chamber. The Labor Party cannot, will not, and does not want to win seats in this Chamber because it never campaigns vigorously enough to win seats.

The Hon. Grace Vaughan: Their heart is not in it.

The Hon. R. J. L. WILLIAMS: That is true; their heart is not in it because they are born losers.

The Hon. D. K. Dans: Just like Gough!

The Hon. R. J. L. WILLIAMS: Gough stands up and tells a very good story; if I could do half as well, I would be happy.

The Hon. D. K. Dans: What about your good friend Khemlani? What a party! Fancy placing faith in him.

The Hon. R. J. L. WILLIAMS: I am not concerned with that matter; I am totally devoid of the type of politics Mr Dans is playing. I am saying that the 1911 Act—

The Hon. D. K. Dans: We do not have to worry about that, because this place will disappear soon enough.

The Hon. G. E. Masters: That is wishful thinking.

The Hon. D. K. Dans: It is not wishful thinking at all.

THE PRESIDENT: Order!

The Hon. D. K. Dans: You are steering yourself into a sea of salt.

THE PRESIDENT: Order!

The Hon. R. J. L. WILLIAMS: The Opposition has attempted to compare two unlikes. It is a mere kite-flying operation. This motion not only should be defeated but members of the Opposition should be required also to hang their heads in shame for trying to compare the House of Lords with the elected Legislative Council of Western Australia.

The Hon. D. K. Dans: No matter how bad the misrepresentation is?

The Hon. R. J. L. WILLIAMS: The motion should not have been moved because it has no basis to support it. It is so tenuous as to be like muslin, which is just what the Opposition is trying to present to us; namely, a complete muzzling, blanket case.

The Hon. D. K. Dans: They cannot get away from Khemlani and the Moslems.

The Hon. R. J. L. WILLIAMS: Mr Dans says Moslem and I say muslin; he has the

advantage of pronunciation. I referred to the cloth which is flimsy and used to wrap cheese, which is exactly like this motion of no consequence.

THE HON. D. W. COOLEY (North-East Metropolitan) [7.53 p.m.]: It is remarkable how far Government supporters will stray from the motion to try to justify their position.

The PRESIDENT: Order! I do not think members who have spoken to date have strayed from the motion, except where I have pointed out that fact to them.

The Hon. D. W. COOLEY: I respect your ruling, Mr President. The basis of arguments advanced by members opposite is that this is an elective and not a selective House and in that respect, it is different from what is proposed in Mr Cloughton's motion.

The fact is that Government supporters are obsessed with the idea that because the Australian Labor Party's policy is to abolish this Chamber, a motion such as this would seek to achieve that aim. Nothing could be further from the truth. If members read the motion properly, they would see it certainly would not provide for the abolition of this Chamber.

The Hon. R. J. L. Williams: I never suggested that at all.

The Hon. D. W. COOLEY: The motion merely calls on the Government to introduce legislation so that the power of the Chamber may similarly conform with that of the upper House of the mother of Parliaments.

The Hon. R. J. L. Williams: Then put it on a selective basis and not an elective basis.

The Hon. D. W. COOLEY: If the honourable member would give me the same opportunity I gave him, perhaps I could advance my views and the reasons I do not think the arguments propounded by members opposite are valid.

It is claimed that we on this side have some disrespect for this place because we favour its abolition. That is not true, as Mr Cloughton quite clearly indicated.

The Hon. N. McNeill: Only because you cannot get the numbers in this place.

The Hon. D. W. COOLEY: Although the Leader of the House may not believe or accept it I derive a great deal of pride from representing in this place an electorate containing 67 000 voters, most of whom are workers. Because our policy aims at the abolition of this Chamber, it does not follow that we have a disrespect for it.

There are many things contained in the Liberal Party policy with which I strongly disagree; but that does not mean to say I disrespect its policy. For instance, the policy of members opposite brings them to introduce anti-worker legislation to advance the interests of the people who support them. But I do not disrespect them

for that because they have a certain obligation in respect of the people they represent.

The Hon. N. McNeill: You could not resist that temptation, could you?

The Hon. D. W. COOLEY: Perhaps if members were to read the motion—

The Hon. R. J. L. Williams: Define "worker" for me. What is a worker?

The Hon. D. W. COOLEY: In comparing selective and elective Houses of Parliament, members opposite are trying to draw a big red herring across the trail. The Leader of the House said this place is elected in conjunction with the other place, but of course that is not true at all because only half the members of this House are elected in conjunction with the members of another place.

The Hon. N. McNeill: I said that also.

The Hon. D. W. COOLEY: Members of this Chamber come up for election every six years. It might well be that the whole pattern of things will change and that members of this Chamber will be elected every three years. But what do we find in situations like this? The Government in the lower House, which is democratically elected by the people, can have its legislation obstructed by a hostile upper House. In fact, money Bills, which are the life-blood of the State, can be rejected in this House. That is not a democratic situation, and it is one which should be changed.

The Hon. R. J. L. Williams: When did that happen in this House?

The Hon. D. W. COOLEY: Fortunately, it has not happened to date. However, events of this nature are taking place elsewhere. Contrary to what the Leader of the House said, it has not happened in this State; but certainly it has happened in Australia.

The Hon. R. J. L. Williams: We are defining this House, not the rest of Australia.

The Hon. D. W. COOLEY: In recent weeks we have watched while members of the Liberal and Country Parties in Canberra have tried to take away from us our democratic system of elected Parliaments. During that time I have given a great deal of thought to the principles of democracy. It comes down not so much to a party consideration but to the very basic thing on which most of our lives are patterned; namely, the rule of the majority.

The Hon. T. Knight: Is compulsory unionism a part of that?

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

The Hon. D. W. COOLEY: Whether the Liberal Party, the Labor Party, the Country Party, or some other party is in power, that party is democratically elected by the will of the majority.

Point of Order

The Hon. R. J. L. WILLIAMS: Mr President, I take a point of order. The honourable member is talking about the elected majority. As I understand it, there is an elected majority in the Legislative Assembly and in the Legislative Council of this State.

The PRESIDENT: Order! What is your point of order?

The Hon. R. J. L. WILLIAMS: My point of order is that the remarks of the honourable members are not germane to the subject of the Legislative Council and the Legislative Assembly of Western Australia.

The PRESIDENT: Order! I have asked several speakers to keep within the terms of the motion, and I make the same request of the Hon. D. W. Cooley.

Debate Resumed

The Hon. D. W. COOLEY: This motion is based on the British system of Parliament and the Opposition is trying to have the legislatures of this country return to the system of majority rule. There is no question about that at all. This motion seeks to base the system of Government in this State on a similar pattern, but not in respect of the manner by which members of the House of Lords are elected, and not on how members of the Legislative Council of this State are elected. It is a question of whether a properly constituted and democratically elected Government of this State should have the power to carry on the affairs of the State without obstruction, and without the Legislative Council being able to block all money Bills.

That is what the motion seeks to achieve. It is not a question of the abolition of this Chamber; it is simply a question of changing the system by which legislation can be dealt with in Western Australia. I believe this House should be what many members opposite have termed it to be—a House of Review. Members of this House should be able to review legislation that is brought before it by the democratically elected Government of the State, whether it be a Liberal, a Labor, or any other type of Government. We should be able to review and pass legislation.

If members of this House consider that legislation brought before it is not what it should be, they should point that out to the Legislative Assembly, and endeavour to amend it. However, it is not right or proper for an upper House in any part of Australia or anywhere else in the world, where a democratic system of Government exists, to act other than in the way I have mentioned.

The Hon. N. McNeill: It depends on whether or not you believe in the Constitution.

The Hon. D. W. COOLEY: There is no question about our believing in the Constitution.

The Hon. N. McNeill: Of course there is. This happens to be a vital question.

The Hon. D. W. COOLEY: We believe in the democratic system of Government. If the Labor Party in this State were placed in similar circumstances I do not think we would find it wanting to block legislation put forward by a democratically elected Government.

The Hon. N. McNeill: You must be joking.

The Hon. D. W. COOLEY: In the national Parliament the Labor Party has had a majority at different times.

The PRESIDENT: Order! The honourable member will resume his seat. I would remind members and draw their attention to the fact that the final words of the motion call upon this State Government to introduce legislation, so that the powers of this Chamber may conform with those of the upper House of the Mother of Parliaments. I repeat that what has happened in other States of Australia has nothing to do with the motion.

I would direct Mr Cooley and other members who might speak to the motion to confine their remarks to the motion. That is what the Standing Orders require to be done.

The Hon. D. W. COOLEY: If the Constitution envisages that power should be given to this Chamber to do the sorts of things I have mentioned in respect of money Bills and to block legislation indefinitely, I think the framers would have made different provisions in the Constitution. The people who established the parliamentary system in Western Australia and in Australia stipulated that the term of the democratically elected lower House shall be for a period of three years, so that if anything goes wrong in the administration by the elected Government and the people feel the Government is not doing its job properly, they will have the opportunity at the end of the three-year term to decide whether or not that Government shall remain in office.

The Hon. N. McNeill: There is just one point: the term is "not more than three years."

The Hon. D. W. COOLEY: By that interjection I assume that the Minister would like to see the term of an elected Government shortened by the action of this House in blocking supply.

The Hon. N. McNeill: It is the right of the Opposition to defeat the Government at any time.

The Hon. R. J. L. Williams: When did we block supply in this House?

The Hon. D. W. COOLEY: Everybody knows that supply has not been blocked in this House. Many principles have been enunciated by many eminent people in

respect of the role of the upper House. I hope that by quoting certain extracts I will be speaking within the bounds of the motion.

As far back as 1901 Sir Edmund Barton gave his attitude on the Constitution. He is reported in the *Federal Hansard* as saying—

It has never been my desire to belittle the Senate, but only to require what I think is absolutely essential, that ultimate and actual supremacy in connection with Money Bills must be confined to one House of the Legislature, if any Legislature consisting of two Chambers is to work at all smoothly."

That is recorded in the *Federal Hansard* of the 14th June, 1901.

Sir Robert Menzies in 1932, in a letter dated the 3rd November to the Governor of New South Wales (Sir Philip Game) quoted from the "Dismissal of a Premier—The Philip Game Papers". Sir Robert Menzies is recorded as having said—

Under the Australian system of universal suffrage and triennial Parliaments, with a legally recognised and responsible Cabinet, it must, in my opinion, follow that so long as a Premier commands a majority in the Lower House, and so long as he is guilty of no illegal conduct which would evoke the exercise of the Royal Prerogative, he must be regarded as the competent and continuing adviser of the representative of the Crown.

The PRESIDENT: Will the honourable member resume his seat? I propose to read the motion that is before the House, in order that members who have lost sight of the subject matter under discussion may be reminded of the contents of the motion which reads—

That the members of the Legislative Council commend the wisdom of the United Kingdom Legislature in the interest of securing good and stable government for its people, by its continued support of the limitation on the powers of the House of Lords to reject a money bill or to indefinitely obstruct Government Legislation and furthermore the Legislative Councillors call on this Government to introduce Legislation so that the powers of this Chamber may similarly conform with those of the Upper House of the Mother of Parliaments.

My interpretation of the motion is that this Chamber has been asked to convey a message to the Government that it considers this Chamber should be fashioned on the House of Lords. In my opinion some members speaking to the motion have been endeavouring to introduce matters that are being debated at the present time in the Commonwealth Parliament. That is not the subject of the motion. I would

ask members to direct their remarks to the motion before the House.

THE HON. Lyla ELLIOTT (North-East Metropolitan) [8.10 p.m.]: I wish to support the motion. It does not call upon this House to change the composition of the House, or the manner by which its members are elected. I do not think any member opposite can interpret the motion in that way. What it seeks to achieve is to change our Constitution in such a way as to bring it into accord with the British position, so that the will of the people will be observed by Parliament and there will not be any obstruction by an undemocratic upper House.

Unfortunately in this State we have the worst of two worlds. Not only have we a restrictive undemocratic situation as far as the passage of legislation is concerned, but we also have the undemocratic composition of this House.

The Hon. N. McNeill: How on earth can you say that?

The Hon. Lyla ELLIOTT: I do not know how members opposite can continue with the nonsense they have put forward about the Labor Party not being able to win more seats in this House because it did not work hard enough. That is absolute rubbish. There have been 13 changes of Government in the Legislative Assembly since responsible government was introduced in 1890, yet not once has the majority in this Chamber left the hands of the conservative parties.

The Hon. Clive Griffiths: Has it ever occurred to you that it was the will of the people?

The Hon. D. K. Dans: It is later than you think!

The Hon. Lyla ELLIOTT: Surely that suggests something about the manner in which the members of this House are elected.

The Hon. Clive Griffiths: The people make the choice.

The Hon. D. K. Dans: By pursuing the dishonesty of the Liberal Party in fixing electoral boundaries.

The PRESIDENT: The honourable member is having some difficulty in making her speech. She would be able to continue if the interjections were fewer.

The Hon. Lyla ELLIOTT: The control of this House has always been in the hands of the conservatives, and this was achieved in the first place by means of the property vote which existed until 1964. To say that the Labor Party claimed it would sweep the polls as soon as the old franchise was changed is absolute nonsense. At the time the Opposition, led by Mr A. R. G. Hawke, knew full well that the provisions of the 1964 Act would be detrimental to the chances of the Labor Party to win more seats. At the time we held 13 seats in this House. However,

it was known at the time that that legislation would not favour the Labor Party, because of the guidelines laid down in the Act for the drawing up of electoral boundaries.

We knew the legislation would not be advantageous to us, but because we supported the principle of adult franchise, our party recognised it was more important, and so we went along with the legislation. Ever since that time it has been alleged by members opposite that the Labor Party supported adult franchise, because it thought it would be able to gain a majority in the Legislative Council. The fact is the Labor Party supported it, because of the principle involved.

On the question of whether we have a democratic situation in this State in respect of the election of members to this House, I would say the matter has been debated on many occasions; and I myself have spoken on it many times. It is absurd for members opposite to claim that a situation exists in this State where it is easy for the Labor Party to gain a majority in this House.

I think it was Mr Williams who mentioned that Parliament did not have anything to do with the drawing up of electoral boundaries. He said the Boundaries Commission did that. What nonsense! The guidelines are laid down well and truly to determine the way the boundaries will be drawn, and how many country seats there shall be as against metropolitan seats.

The DEPUTY PRESIDENT: Order! I draw the attention of the honourable member to the fact that her remarks have absolutely nothing to do with the motion before the House.

The Hon. LYLA ELLIOTT: Perhaps not, but I am trying to answer some of the nonsense we have heard from members opposite.

The Hon. Clive Griffiths: There was a redistribution under the Tonkin Government. As a result of that your party won only five seats at the following election.

The Hon. LYLA ELLIOTT: Here again we see a red herring being drawn across the trail. Mr Clive Griffiths knows full well that the Boundaries Commission can only draw up the boundaries within the guidelines established under the Electoral Districts Act. It is set out that there shall be so many members representing the metropolitan area and so many representing the country area and it is well known that country electors are, in the main, conservative.

The Hon. Clive Griffiths: They hold nine seats out of 30.

The Hon. D. K. Dans: Be careful.

The Hon. LYLA ELLIOTT: I repeat: It takes 15 times the number of people to elect a member in my electorate compared with the number of people who elect a member for a North Province.

The DEPUTY PRESIDENT: Order! The honourable member has strayed from the motion again.

The Hon. LYLA ELLIOTT: I think I have made my point.

The Hon. I. G. Pratt: What was it?

The DEPUTY PRESIDENT: I think the honourable member has made her point.

The Hon. LYLA ELLIOTT: I consider it would be most valuable for members of this Chamber if they studied the history of the events which led up to the eventual reduction in the power of the House of Lords. During the period when the Liberals were in office, towards the end of the 19th century—1886-94—there was continual conflict between the House of Commons and the House of Lords. The House of Lords, consisting of Conservatives, was not prepared to pass some of the more progressive measures put forward by the Liberals—not to be confused with the Liberals in this State.

The Hon. D. K. Dans: Never!

The Hon. LYLA ELLIOTT: However, the Liberals were finally defeated in 1894 and the Conservatives enjoyed an easy ride for the next 12 years—similar to what happened in this State not very long ago.

The Hon. Clive Griffiths: It was the best 12-year period we ever had.

The Hon. LYLA ELLIOTT: In 1906 the Liberals were returned to office and the House of Lords suddenly became active again. It started to reject important Liberal legislation and during the following four years it rejected some 18 important Bills which included the Education Bill; the Plural Voting Abolition Bill; the Scottish Landowning Bill; the Licensing Bill; and the Finance Bill (Budget) 1909—the Budget.

The Budget was rejected in 1909 and, as a result, it became increasingly obvious to the members in the House of Commons that it would be necessary to reduce the power of the House of Lords if they were to govern effectively.

In 1907 the Prime Minister (Mr Campbell-Bannerman) announced—

... a way must be found and a way will be found by which the will of the people, expressed through their elected representatives in this House, (the commons) will be made to prevail ...

The House of Commons introduced a resolution that the power of the Lords to alter or reject a Bill should be so restricted by law that within the limits of a single Parliament the final decision of the Commons would prevail. Those details appear at page 32 of *The British Constitution* by J. Harvey and L. Bather.

The Hon. Clive Griffiths: That is a justifiable comment because the House of Lords is a selective House.

The Hon. **LYLA ELLIOTT**: That resolution was introduced in 1907, and in 1909 the House of Lords rejected the Finance Bill which provided the Liberals with an opportunity for which they had been waiting.

The Hon. **A. A. Lewis**: You have said that they were not the same as the Liberals here.

The Hon. **LYLA ELLIOTT**: A Bill was drawn up titled the Parliament Bill and it was designed to restrict the powers of the House of Lords. It was passed by the House of Lords in August, 1911.

Contrary to what Mr Williams told us, from my reading of history the additional Peers were not appointed by the Government led by Prime Minister Mr Asquith, but he threatened to appoint additional Peers unless the House of Lords passed the Parliament Bill of 1911.

The Parliament Act of 1911 provided that—

- (a) a money Bill became law within one month of being sent up to the House of Lords with or without its agreement;
- (b) other public Bills could receive Royal assent without being passed by the Lords if passed by the Commons during three consecutive sessions, with a period of two years between the second reading in the first session and the third reading in the third session; and
- (c) the parliamentary term was reduced from seven years to five years.

That occurred in 1911 but we are still trying to introduce the same principles in Western Australia in 1975.

The Hon. **Clive Griffiths**: Because we have an elected upper House.

The Hon. **LYLA ELLIOTT**: The passing of the Bill meant that the House of Lords could not delay a money Bill at all, and could delay other legislation for a period of two years only. Following the passing of the Bill there was a period of co-operation between the two Chambers because of long periods of conservative government.

At the end of World War II the Labor Government was returned to power with an overwhelming majority, and it was determined that its social reform programme would not be destroyed by the House of Lords. In 1949 a further Parliament Bill was introduced which reduced the delaying powers of the House of Lords from two years to one year. Here we are in 1975 talking about introducing into this State principles which were agreed to in Britain in 1911 and in 1949.

I was wondering what the position would have been had the Constitution of this State and, indeed of Australia, been drawn up after 1949. I would not have been

surprised to find it was very different from the document we have today.

The Hon. **Clive Griffiths**: That is a startling statement.

The Hon. **N. McNeill**: That is supposition.

The Hon. **LYLA ELLIOTT**: I suggest our Constitution in this State is more appropriate to the 19th Century than to the 20th Century. Bicameralism originated over 500 years ago when there were no political parties and no such thing as a democratic vote by which the people could express their will.

After centuries of civil strife and the shedding of a good deal of blood we see at Westminster today a Parliament in which the will of the people is recognised, and where that will is not frustrated by an archaic and restrictive Constitution.

We are continually told by conservatives in politics that our parliamentary system was derived from the mother of Parliaments which is held up by conservatives as an ideal model to be followed by all democracies. Yet, the same conservatives refuse to recognise the principles adopted in the Parliament Acts of 1911 and 1949 which have ensured that the power of Parliament rests in the lower House, or the House of Commons—the people's House.

The conservatives tell us we should have a bicameral system, but it is not a modern bicameral system; it has to conform to what existed in Britain prior to 1911—over 60 years ago.

The Hon. **Clive Griffiths**: That is not right at all; that is completely wrong. It is nothing like the House of Commons which existed prior to 1911.

The Hon. **LYLA ELLIOTT**: The power held by this Chamber in respect of the passage of legislation is exactly the same as that which existed in Britain prior to 1911.

The Hon. **Clive Griffiths**: Except that the people elect members to this House.

The Hon. **LYLA ELLIOTT**: I have already said that we have the worst of both worlds. This House is not popularly elected.

The Hon. **Clive Griffiths**: What do you mean? My constituents would take strong exception to that remark.

The Hon. **V. J. Ferry**: How did the honourable member get elected?

The Hon. **LYLA ELLIOTT**: I do not intend to go through the electoral situation again. I cannot understand how members opposite can continue with the farce that the majority of people elect the majority of members. That is not so.

The Hon. **Clive Griffiths**: That is what happens. We won 10 seats, and you won nine.

The Hon. **D. K. Dans**: Do not worry; it will not be for much longer. Gough will fix it.

The Hon. G. E. Masters: He will fix everything.

The Hon. D. K. Dans: He will fix you.

The PRESIDENT: Order! The honourable member is waiting for the interjections to cease so she can continue her speech.

The Hon. Clive Griffiths: Ten seats to nine seems reasonable.

The PRESIDENT: Order please! The Hon. Lyla Elliott.

The Hon. LYLA ELLIOTT: To continue: Members opposite tell us that we should have a bicameral system, but they are not prepared to give us a modern bicameral situation.

The PRESIDENT: I point out to the honourable member that the motion asks that this House be patterned on the House of Lords.

The Hon. LYLA ELLIOTT: I am trying to relate my remarks to the motion but it is difficult to speak merely to the wording of the motion when so many remarks have been made opposite which require answering.

The PRESIDENT: I regret that Standing Orders are quite clear and the subject matter under discussion must be that which is in the motion.

The Hon. LYLA ELLIOTT: Yes, Mr President. As a result of not having our powers reduced to those of the House of Lords we have this situation.

The Hon. Clive Griffiths: The result is that people elect members to this House.

The Hon. LYLA ELLIOTT: When a Labor Government is in office in the other place many of its important Bills are destroyed in this Chamber. However, when a Government of a different colour is in office all of its legislation is passed. We have seen a frightening situation develop in the Federal Parliament.

The PRESIDENT: Order! The honourable member is aware that she is infringing.

The Hon. LYLA ELLIOTT: Because the powers of this Chamber are not the same as the House of Lords we have also had the situation, when the Tonkin Government was in office, when there was a threat to withhold supply. I know it did not happen, but there is no guarantee that it will not happen in the future.

The Hon. A. A. Lewis: That is why we have this House of Review.

The Hon. LYLA ELLIOTT: If supply is refused in the future it will create great chaos and turmoil in this State. We know what could happen if supply were refused.

The Hon. A. A. Lewis: I wish you would tell Gough.

The PRESIDENT: Order! The Hon. A. A. Lewis will keep order. On at least

a dozen occasions I have asked honourable members to stick to the motion.

The Hon. R. H. C. Stubbs: He is a slow learner.

The PRESIDENT: And my remarks include the interjectors.

The Hon. LYLA ELLIOTT: As I said, we are all aware of the result if a Supply Bill is held up for any length of time.

The Hon. N. McNeill: There is an easy solution to it, of course. A very quick solution.

The Hon. LYLA ELLIOTT: It was a real possibility when the Tonkin Government was in office and although it did not occur on that occasion there certainly is no guarantee that it will not happen in the future. Are members opposite happy with that prospect? If they are not happy that such a situation could occur, they should indicate their concern by supporting this motion.

THE HON. V. J. FERRY (South-West) [8.29 p.m.]: The motion before the House does, in the main, two things. In the first place, it commends the wisdom of limiting certain powers in the House of Lords and, in the second place, it calls on this Government to introduce legislation to ensure that the powers of both the House of Lords and the Legislative Council in this State conform.

Tonight we have heard from speakers in the Opposition ranks a certain line of approach. I suggest that the arguments which have been raised have been based on false premises. The motion supported by the arguments which have been put forward by members opposite presumes that all conditions in the House of Lords and in this Chamber are equal.

I am sure we all know that is not the case. The difference between the representation in the House of Lords and the representation in this Chamber has already been pointed out. Therefore, the representation is not equal. It does not necessarily follow that the powers of one House should, in fact, conform to the powers of the other House because there are variables to be considered. We know that the House of Lords comprises members who come from what are known as Lords Spiritual and Lords Temporal.

The Hon. D. K. Dans: What is the difference?

The Hon. V. J. FERRY: Lords Spiritual are associated with the Church of England, and Lords Temporal are hereditary peers and peeresses; that is, earls, dukes, marquesses, viscounts, and barons. Mr Cloughton amazes me, but perhaps I should not be amazed at this motion.

The Hon. R. F. Cloughton: It does not take much to amaze you.

The Hon. V. J. FERRY: I wonder whether the honourable member wishes

to model this House upon the House of Lords, and whether he would choose to have the members appointed by the same means as they are appointed to that House. If he does, I wonder whether he sees himself as the Viscount of North Metropolitan Province, or perhaps the Archbishop of that area could be a spiritual lord—or as has been suggested, maybe we could have the Baron of Balga and the Duke of Duncraig. If this argument is to be pursued, it seems strange that it should be pursued by a member of the Australian Labor Party. If my information is correct, the ALP does not believe in titles in any shape or form, and therefore, the member's argument is spurious and has nothing to do with the motion before the House. Clearly, the composition of the House of Lords is quite different from the composition of this House.

We know that barons can be created for life by an Act of Parliament in the House of Lords, and they can be appointed as Salaried Lords of Appeal in Ordinary, who remain members of the House after their retirement from office. As we know, the members of this Chamber represent people and therefore this House, as laid down in the Constitution Acts Amendment Act, has certain powers, and for very good reasons. It is in fact responsible to the electors, responsible to the people of Western Australia, and therefore it has responsible powers, and with those responsible powers comes responsibility, which I believe this House enjoys; it has shown it is responsible.

Referring more particularly to this Chamber, I believe that the popular voting figures for the election of members to this House by our system show statistically that people generally do not trust the power vested in one House alone. It is quite obvious when one studies the votes cast for members of both Houses, that there are variables, and this adds weight to the belief that the people of Western Australia appreciate the Legislative Council as it is currently constituted. It is a fact that half the Council members retire each three years, and the other half continue in office. I suggest that the purpose of a second Chamber is not to confer rights on any section of the community, but to provide extra safety, additional security, for the rights of the people as a whole. We, as elected representatives, have the task before us. To suggest we should go back to the situation prevailing in the British Parliament in respect of the House of Lords, with its quite different composition, is a spurious argument.

Mr Claughton and other speakers have used the word "democracy" many times: I never cease to be surprised at the number of definitions placed on this word. I feel that a fair interpretation of democracy is a system whereby the people have

a say. However, it is quite amazing to hear Mr Claughton and other members of the Australian Labor Party in this Chamber espouse the concept that democracy should be modelled on the House of Lords. I wonder what the result would be if they suggested this theory to their supporters. I have a fairly good idea what their reaction would be.

I understand the House of Lords comprises approximately 1075 members, and from my reading it appears that the average active attendance is something like 250 members.

The Hon. D. K. Dans: Representing how many people?

The Hon. V. J. FERRY: Of the 1075 hereditary or nominated members, the attendance is about 250. Is this the sort of democracy that Mr Claughton wishes to see in Western Australia?

The Hon. D. K. Dans: Representing how many people?

The Hon. V. J. FERRY: The United Kingdom has evolved a system—

The Hon. D. K. Dans: You won't tell us, will you?

The Hon. V. J. FERRY: —and there are very good reasons—

The Hon. D. K. Dans: How many people do they represent?

The PRESIDENT: Order!

The Hon. V. J. FERRY: For very good reasons the United Kingdom has evolved a system—

The Hon. D. K. Dans: How many people?

The PRESIDENT: Order please!

The Hon. D. K. Dans: You cannot tell us.

The Hon. V. J. FERRY: I am not concerned about the number of people. It may be 10, 10 000, or 100 million.

The Hon. D. K. Dans: But how many?

The PRESIDENT: Order! The Hon. D. K. Dans will keep order.

The Hon. V. J. FERRY: Approximately one-quarter only of the members of the House of Lords are active members. I understand they receive no salary, but they certainly receive expenses, perhaps appearance money, postage, etc. However, there is no comparison between their role and that of the members of this Chamber. It is quite specious to suggest that this House should conform—as the motion suggests—with that particular House in the United Kingdom.

I can see no justification at all for Mr Claughton's motion. I believe it was mischievously introduced to create public unrest, and perhaps to add to the uncertainty current within the community, for one reason or another. I do not think it does credit to the Australian Labor

Party or to Mr Claughton who has seen fit—as is his privilege—to move this motion. It is not for the benefit of Western Australia. Under the Constitution, this House has the undeniable right to refuse legislation. Subsection (5) of section 46 of the Constitution Acts Amendment Act reads—

Except as provided in this section, the Legislative Council shall have equal power with the Legislative Assembly in respect of all Bills.

There are exceptions, and I do not intend to go into them because they have been canvassed already. Apart from those exceptions, this Chamber has equal power with the Legislative Assembly, and for a very good reason; that is, to protect the rights of the community and of the electors.

In the final analysis it is the people who have the say, and not the members of this Chamber or of another Chamber. Western Australia has adult franchise, and the people elect members to both Houses of this Parliament. Therefore, I believe this particular motion is purely mischief making, and I certainly cannot support it.

THE HON. A. A. LEWIS (Lower Central) [8.38 p.m.]: I did not intend to rise in this debate, but so many things have been canvassed, I felt I must make a contribution. I hope that if Mr Claughton replies, he will answer our questions so that we will know exactly what he meant when he moved his motion. There seems to be a great deal of confusion about the difference between selective and elective government. If, Mr President, you could put up with the members of this House being selected for the rest of their natural lives, I believe I would have to retire, because motions such as this could be introduced during our selected period.

The Hon. D. K. Dans: You had better watch it; the President may agree.

The Hon. A. A. LEWIS: I do not think that either you, Sir, or I, could put up with motions such as this too often. It is very interesting that it should come from a party which proposes to take the letters "EIR" from our letterboxes and replace them with a "P".

The PRESIDENT: Order!

The Hon. A. A. LEWIS: I beg your pardon, Sir.

The Hon. D. K. Dans: What does the "P" stand for?

The Hon. V. J. Ferry: Peculiar!

The Hon. A. A. LEWIS: In deference to you, Sir, I will not answer Mr Dans.

The Hon. D. K. Dans: I would like to know.

The Hon. A. A. LEWIS: I can tell Mr Dans numerous meanings for this outside the House.

The PRESIDENT: As long as it is within the scope of the motion, I have no objection to the honourable member answering Mr Dans' question.

The Hon. A. A. LEWIS: It is not within the scope of the motion, Sir, and you have ruled so many times that we should not discuss matters which are not before the Chair.

The Hon. D. K. Dans: I want to know what it means.

The Hon. A. A. LEWIS: Miss Elliott spoke at some length. She referred to the legislation introduced in the House of Lords in 1911.

You will remember quite well, Mr President, that when you were Leader of the Opposition in this House on many occasions the Tonkin Government was quite happy that the Opposition reviewed its legislation.

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

The Hon. A. A. LEWIS: The present Government is happy about this too. I have had the benefit of being a member in another place.

The Hon. D. K. Dans: But how do you know that?

The Hon. A. A. LEWIS: I have the assurances—

The Hon. D. K. Dans: You have made a statement—qualify it.

The Hon. A. A. LEWIS: —of Ministers in that place that amendments will be made in the House of Review.

The Hon. D. K. Dans: When?

The Hon. A. A. LEWIS: Mr Dans can talk to me at a later date, and I will explain the whole parliamentary procedure to him.

The Hon. D. K. Dans: You have made a statement here, and I think you should qualify your remarks.

The PRESIDENT: Order! The honourable member who is on his feet is entitled to continued with his speech.

The Hon. A. A. LEWIS: Thank you, Sir.

The Hon. D. K. Dans: He should qualify his remarks.

The PRESIDENT: Order! I wish to hear the Hon. A. A. Lewis, and the Hon. D. K. Dans may, if he chooses, make a speech later on.

The Hon. A. A. LEWIS: Thank you, Mr President. I reject the whole motion out of hand. For several reasons I do not believe we can compare this place with the House of Lords. Firstly, the argument has been canvassed widely tonight that we cannot compare a selected Government with an elected Government. It is my opinion that the franchise of this House is a very good one, although I can see a little animosity towards it from the other side. I believe, as does Mr Ferry, that this is a mischief-making motion.

The Hon. R. F. Claughton: Is that the reason you are opposing it?

The Hon. A. A. LEWIS: It hurts me a little—

The Hon. R. F. Claughton: I am listening, and I am trying to follow your speech.

The Hon. A. A. LEWIS: Would it not be better to let me finish one part at a time?

The Hon. R. F. Claughton: I am endeavouring to understand it.

The Hon. A. A. LEWIS: If the honourable member wants me to repeat my remarks I will, because it takes a lot to get ideas through to members on the other side. We were discussing the difference between the House of Lords and this place. I had reached the stage of saying that this was a mischievous motion. It fascinates me, and it seems fairly hypocritical that people who stand for election to this House, and who are bound by party dogma and platform—

The Hon. R. F. Claughton: What has that to do with the motion?

The Hon. D. K. Dans: What is dogma? Give me your description of dogma. You do not know.

The Hon. A. A. LEWIS: After I have finished my remarks on this subject, if Mr Dans is willing I will take him outside and explain many things to him. His basic education is lacking.

The Hon. D. K. Dans: Tell me now. Tell me what dogma is.

The Hon. A. A. LEWIS: I will give the honourable member a short basic course at a later stage.

The Hon. D. K. Dans: You mentioned the word "dogma", not I. You tell me what it means in respect of this motion.

The Hon. A. A. LEWIS: I will talk to the motion before the Chair.

The Hon. D. K. Dans: You are using words you do not know.

The Hon. A. A. LEWIS: I am not really worried about the fact that the word "dogma" appears to upset the honourable member.

I would like to get back to this question of hypocrisy; of people who consider it is their bounden duty to get rid of this place. Since that is their policy I do not know why they even stand to be elected in the first instance, because if this place is so bad one would think they would not want to stand for election. I admit their contributions are pretty poor.

The Hon. D. K. Dans: According to you. Anyway what has this to do with the motion?

The Hon. A. A. LEWIS: Their contributions are certainly poor according to the public, because the electors have returned only nine of them to this place. I do not know how they expect to be elected to

this House when they set out to destroy it. The House of Lords has never set out to destroy itself. The House of Lords has been the keystone to the Westminster type of Government.

The Hon. D. K. Dans: Since when?

The Hon. A. A. LEWIS: It always has been.

The Hon. D. K. Dans: Since when?

The Hon. A. A. LEWIS: Since 1215. I am sorry Mr Dans missed most of the remarks by Mr Williams when he was speaking on the question of the British Constitution.

The Hon. D. K. Dans: I know what Mr Williams had to say.

The Hon. A. A. LEWIS: It seems that in its attempt to try to make mischief the Opposition has seen fit to bring this motion forward for political purposes, without first considering the fact that it is being slightly hypocritical—and I say slightly because members opposite might get upset and seek a withdrawal if I use the word "hypocritical" without qualifying it.

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

The Hon. A. A. LEWIS: Members of the Opposition are certainly being hypocritical when they stand for election to a House they wish to abolish.

The Hon. Lyla Elliott: How else can we abolish it unless we stand?

The Hon. A. A. LEWIS: I think the public would admire members of the Opposition if they stuck to their so-called principles and got out; if they stood down for a few years, if only to test the public reaction.

The Hon. D. W. Cooley: That is your idea of democracy.

The Hon. A. A. LEWIS: Secondly I would point out that this is an elective House, and not a selective House. If Mr Claughton wants us to be selected for life, he can count me out, because I am quite prepared to face the workers in my electorate.

The Hon. D. K. Dans: That is a good expression.

The Hon. A. A. LEWIS: Mr Cooley laughs. Apparently he does not think the coalminers at Collie are workers; apparently he does not think the farmers are workers.

The Hon. D. K. Dans: What was your majority when you were elected?

The Hon. A. A. LEWIS: Members on that side of the House seem to imagine that they have a monopoly so far as workers are concerned. Mr Cooley laughs when I talk about the workers in my electorate and, as I have said, apparently he feels that the coalminers of Collie and the farmers are not workers. It is the right thing to face one's electors.

The Hon. D. W. Cooley: I cannot help laughing at comical things.

The Hon. A. A. LEWIS: The honourable member would be in a continuous state of giggle if he were living alone.

The Hon. R. F. Claughton: He is a happy man.

The Hon. A. A. LEWIS: The second point—

The Hon. D. K. Dans: What was the first point?

The Hon. R. F. Claughton: He is so unhappy because he has to live with himself.

The Hon. D. K. Dans: What was your first point?

The Hon. R. F. Claughton: His first point was that the House of Lords was selective.

The PRESIDENT: Order! Would Mr Lewis please continue with his remarks and disregard interjections because they are disorderly.

The Hon. A. A. LEWIS: Thank you, Sir. The first point I was about to make—

The Hon. D. K. Dans: Thank you very much.

The Hon. A. A. LEWIS: —was that the members of the party opposite are hypocritical when they seek election to this Chamber, particularly when they want to destroy it. The second point I wish to make is that it is farcical to compare this Chamber with the House of Lords.

The Hon. R. F. Claughton: How many times are you going to repeat that?

The Hon. G. E. Masters: He was asked to do so.

The Hon. A. A. LEWIS: I say this because one House is selective and the other is elective. I have put in my six pennyworth to indicate that members of the Opposition obviously want to be selected so that they will not lose their seats in forthcoming elections for which they will stand despite the fact that they want to abolish this House. I prefer to go to my masters who are the workers.

Any person in his right mind would reject this motion out of hand, because it has been brought here purely for the purpose of making mischief.

THE HON. W. R. WITHERS (North) [8.51 p.m.]: I have listened to this debate and I am developing a slow but smouldering anger. I am an Australian and I am going to react like an Australian. What I am about to say may be unparliamentary, but it is about time somebody said it; and I propose to do so on behalf of the people of the North Province whom I have the honour to represent. After having listened to the debate on this motion—

The Hon. S. J. Dellar: What about the motion you brought in when the Tonkin

Government was in office? Do not forget that. Tell the people of the North Province about that.

The Hon. W. R. WITHERS: The honourable member is referring to a motion I moved in all sincerity against a man whom I liked. I did this because it was my duty to do so. However, after having listened to the debate on this motion I have developed a slow and smouldering anger and all I can say is that the motion itself and the debate on it have been a bloody waste of time!

The PRESIDENT: Order! I would ask the honourable member to withdraw the reference he made.

The Hon. W. R. WITHERS: I will withdraw any unparliamentary statement I made.

THE HON. R. F. CLAUGHTON (North Metropolitan) [8.53 p.m.]: I believe the debate in this Chamber has been quite valuable. It is very seldom that members have an opportunity to discuss the basic ideas on which our parliamentary system is established. Even though, as is apparent from the tenor of the debate, many of us are at opposite poles in regard to the motion, I think it is an excellent exercise in the democratic process.

The Hon. N. McNeill: The opportunity is available every day the House sits.

The Hon. R. F. CLAUGHTON: That is right; that is what I am saying; and I am so glad the Minister agrees that we should take time on this occasion to discuss this type of motion, because it is very seldom that such matters get debated in this Chamber.

The Hon. N. McNeill: That is different from getting the opportunity.

The Hon. R. F. CLAUGHTON: The opportunity is only provided when a member moves such a motion.

The Hon. N. McNeill: True, and the opportunity is available every sitting day.

The Hon. R. F. CLAUGHTON: I must say the Government does not provide us with many opportunities by bringing forward motions of this nature. We can only put forward our ideas when a motion of this kind is introduced.

On the same lines I might also say that there have been many occasions when visitors have come to this Chamber and I have explained to them the processes of this House which give members a great deal of opportunity to debate thoroughly legislation that is presented to them.

So we would agree that the ordinary procedures in this Chamber which have been established under the Westminster system are extremely good and provide the necessary means by which the theory of democracy can be carried out as far as possible in this Chamber.

Having listened carefully to the various members who have spoken I find it very difficult to understand why members of the Government are not supporting the motion. They seem to have based their opposition entirely, or almost solely, on the fact of the different circumstances in which members enter the House of Lords and our Legislative Chamber here. I made it quite clear when I introduced the motion that this was a different argument; a different story altogether.

The Hon. V. J. Ferry: You could not do it in isolation.

The Hon. R. F. CLAUGHTON: What we are dealing with is the powers of the Chamber.

The Hon. V. J. Ferry: You could not do that in isolation either.

The Hon. R. F. CLAUGHTON: I would agree with the honourable member and I would point out, as members on his side have done, that members enter this House on a different basis; some are elected and some are appointed, and there are differences in the way they are elected.

The Hon. V. J. Ferry: We are dealing with this House.

The Hon. R. F. CLAUGHTON: That is one principle; the manner in which members may enter an upper House; but the question of what the powers of that House should be is a separate one entirely, and that is the substance of the motion I have put to members.

It is quite apparent that when an upper House has powers that might be regarded as excessive then historically, and in quite recent times, it has been well established that those powers can be and have been abused to the disadvantage of the people.

The other point I tried to make extremely strongly when I spoke to the motion was that we all say we believe in the democratic ideal; and that ideal is based on the representation of people who, when they elect members to the Government, expect that Government to be able to do its job. They believe—whether rightly or not—that the party which has a majority in the lower House—call it the House of Commons or the Legislative Assembly—should as a Government have the power to carry out its task, and they hold it responsible for what it does.

If in fact there is another Chamber that has powers which are equal at least to the powers of the lower House, and which are able to frustrate, obstruct, and even deny finance to the Government the belief of the people is not then being adhered to. When things go wrong under those conditions the people blame the Government for not being decisive and not carrying out the things they said they were going to do. We have seen in a number of instances where the power of the upper House has been carried to the

point where the people have become extremely disturbed. They have become disturbed to the point that where a newly-elected Government has come to power with a mandate—

The Hon. N. McNeill: Are we talking about the Tonkin Government?

The PRESIDENT: I would remind the honourable member that he is not keeping to the motion before the House.

The Hon. R. F. CLAUGHTON: Where a newly-elected Government has come to power to bring about—

The PRESIDENT: Order! I ask the honourable member to refrain from making those remarks; he is not keeping to the motion.

The Hon. R. F. CLAUGHTON: I was referring to the Constitution of the House of Lords.

The PRESIDENT: I would appreciate the honourable member not referring to other Parliaments.

The Hon. R. F. CLAUGHTON: I regret that, Mr President. I said that there are a number of Parliaments where that has happened. I had in mind particularly events from 1906 to 1909 in the United Kingdom when an extreme degree of obstruction to the Government at that time brought about support for a Government to limit the rights and powers of the House of Lords.

The Hon. N. McNeill: Actually, it went back to about 1860.

The Hon. R. F. CLAUGHTON: It went back much further than that, as other members have said; that is, the historical development of the two-Chamber system. Nothing has been said—apart from the fact that there is a difference between the manner in which members of the House of Lords are appointed and the members of this Chamber are elected—or presented as an argument against the motion on which members will shortly be called upon to vote.

The Minister for Justice was one who made some reference to his belief that an upper House gave protection against extremes, but where one party has never had a majority in this Chamber and the electoral system is such that it is not likely to, it can hardly be regarded as giving the sort of protection suggested by the Minister for Justice.

The Hon. N. McNeill: Why are you so pessimistic about your electoral prospects?

The Hon. R. F. CLAUGHTON: In deference to you, Mr President, I do not want to canvass that area. Very recently during a lengthy debate on a Bill, those matters were discussed and I will not be drawn off the track at this time by the Minister for Justice.

So that was the only other idea put forward. If the Minister for Justice has studied

the case for an upper House he will know that that idea has been very soundly discounted. There are arguments for the retention of an upper Chamber that are put forward for a very different and more positive reason than that.

Mr Williams spoke at some length, and suggested that some audacity and temerity had been shown in bringing this motion forward. He believed that members of the Labor Party had missed the point that the House of Lords was not elected. If he had listened to my remarks when I introduced the motion he would have found that this is not so, because I made quite a strong point about it. I can only repeat that Mr Williams could not have listened very carefully to what I said.

The honourable member spoke about the introduction of legislation in this Chamber in 1965—actually, it was 1963—which provided for compulsory adult franchise to the Legislative Council in this State. If the honourable member had read *Hansard* reports at that time he would have found there was no dissentient voice against that proposition, because the Labor Party believed that everyone had a right to vote in Legislative Council elections. Again I do not want to canvass that particular area because it is not germane to the motion. I simply refer to it to demonstrate that Mr Williams was another honourable member who did not provide any sort of sound argument that the motion should not be agreed to.

Mr Williams further stated that as the House now stands is how the people want it to stand. That situation continues to exist because the people have never been given an opportunity to have a say on the nature of this Chamber and the manner in which members are elected to it, because it has never been a strong point in an election. At a general election other matters are always more strongly put forward, and I cannot recall any election where any proposition relating to the abolition of the upper House, to changes in its powers, and to the method of its election has been a dominant argument during an election campaign.

Another statement made by Mr Williams was that the motion was fatuous. I think that the remarks made by Mr Williams can be more aptly described by the use of that word.

Mr Cooley spoke on the idea of democracy which is generally thought of as being the majority opinion prevailing, and I would not disagree with that. When introducing the motion I did refer to the sorts of ideas that I believe are inherent in the principle of democracy as established by the Westminster system.

Miss Elliott also spoke about the amendments made in 1963 which increased the rights of people in voting for members of this Chamber. She said, as I do, that Labor people believe in this right as a principle.

We also believe that that right should be equally available to people and not weighted in any way.

Mr Ferry also spoke on the differences between the manner in which members are selected for the House of Lords and the way in which members are elected to this Chamber. I repeat again that that is not the question we are debating. We are debating the powers of this Parliament.

The Hon. V. J. Ferry: We cannot debate the powers in isolation.

The Hon. R. F. CLAUGHTON: I do not suppose that whatever I said would convince Mr Ferry. It was particularly evident from the speech he made and from the speeches of other members of his party that they seem unwilling—I do not say this with heat—to examine different ideas. In the speech I made in this Chamber several years ago I discussed different ways in which this Chamber might be composed. At that time I suggested that perhaps a nominated House may indeed be the best way to appoint members to an upper House, because in that way we could select the best people from our community.

The Hon. V. J. Ferry: Who are the best people to represent people? I think the people should decide that through the ballot box.

The Hon. R. F. CLAUGHTON: I agree with the honourable member, but no matter what system we use we cannot guarantee that we will get the best sort of people elected. The difficulties that occur in these sorts of ideas should not prevent us from discussing them, and testing out the different ideas to ascertain if they have any value.

It is important that in filling the roles that we do we should keep our minds receptive to different ideas and so be able to analyse those ideas and arrive at conclusions on them in a logical sort of way so that our minds will not be closed or our ideas locked in because of prejudice or bigotry.

Mr Ferry also repeated remarks made by the Minister for Justice in suggesting that this House provides security for people and he did so without really examining that idea very closely, either. It would seem that what he did mean is that the Liberal Party is the conscience of the people.

The Hon. V. J. Ferry: I was not talking about the Liberal Party; I was expressing my views.

The Hon. R. F. CLAUGHTON: It is the Liberal Party that is controlling the majority in this Chamber.

The Hon. V. J. Ferry: That is because of the will of the people.

The Hon. R. F. CLAUGHTON: Again I do not want to be unkindly critical of the honourable member, but that is the implication in his remarks. I do not think

that is a reasonable basis on which to test the motion we have before the Chamber. Mr Ferry went on to say that I seemed to suggest that democracy should be modelled on the House of Lords. I did not say that at all.

The Hon. V. J. Ferry: That is the way you were arguing.

The Hon. R. F. CLAUGHTON: Apparently Mr Ferry did not follow my argument. The honourable member is obsessed, it would seem, about the manner in which members are appointed to the two Chambers. That was not my argument at all. My argument was based on an elected lower House where the majority party of the representatives of the people form the Government, and that Government should have an untrammelled right to govern which is not unduly obstructed or frustrated by the powers of an upper House. That was the proposition I was putting to the honourable member. It has nothing whatever to do with the manner in which the members of the House of Lords are selected or the way in which members are elected to this Chamber. Does Mr Ferry suggest that the British system is wrong?

The Hon. V. J. Ferry: I did not suggest it was wrong. I said it was there to suit the circumstances.

The Hon. R. F. CLAUGHTON: That is what the honourable member suggested.

The Hon. V. J. Ferry: We have a different system here, and we cannot compare the two.

The Hon. R. F. CLAUGHTON: The honourable member is saying the two cannot be compared.

The Hon. V. J. Ferry: That is right.

The Hon. R. F. CLAUGHTON: But the powers of the two can be compared and that is the important factor. Again, it is quite obvious that Mr Ferry does not want to be inspired by that argument, and I regret that that is so because what we are discussing is the basic principles of democracy and how they should be applied in this State. Section 46(5) does not protect the rights of the people. It simply sets out the powers of this Chamber.

The Hon. V. J. Ferry: The people have the ultimate say.

The Hon. R. F. CLAUGHTON: The people do not have the ultimate say.

The Hon. V. J. Ferry: At an election? Of course they do.

The Hon. R. F. CLAUGHTON: The people do not have the ultimate say. They have the power to indicate how they feel about the Government which is in the other Chamber.

To sum up the debate, I believe that those who have spoken in opposition to the motion have failed dismally to provide constructive arguments in support of the existing powers of this Chamber. It is my

belief that the English people have displayed exceedingly good sense in the powers they have placed in their upper House, and that good sense is so respected that nations all over the world have attempted to copy them.

Western Australia based its Constitution on the situation which existed in 1890, but things have changed considerably since that time. Yet we have failed to learn the lesson.

I hope members will support my motion in order that in 1975 we can at least catch up with the political philosophy of the democratic system of the British people.

Question put and a division taken with the following result—

Ayes—7

Hon. R. F. Cloughton	Hon. R. H. C. Stubbs
Hon. D. W. Cooley	Hon. Grace Vaughan
Hon. S. J. Dellar	Hon. D. K. Dans
Hon. Lyta Elliott	(Teller)

Noes—17

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

Fairs

Ayes	Noes
Hon. R. Thompson	Hon. G. C. MacKinnon
Hon. R. T. Leeson	Hon. H. W. Gayfer

Question thus negatived.

Motion defeated.

CLOSING DAYS OF SESSION: SECOND PART

Standing Orders Suspension

THE HON. N. McNEILL (Lower West—Minister for Justice) [9.21 p.m.]: I move—

That during the remainder of this second period of the current session so much of the Standing Orders be suspended as is necessary to enable Bills to be passed through all stages in any one sitting, and all messages from the Legislative Assembly to be taken into consideration forthwith.

Perhaps I should make some brief explanation of my motion. I say "brief" because I am sure that as members have had some prior experience of the circumstances which arise at the close of a parliamentary session, it would not be necessary for me to give a lengthy explanation.

A similar motion is moved towards the end of every parliamentary session in order to facilitate the business, and I hope the House will support the motion on this occasion.

There will be no attempt on my part to force legislation through hurriedly, nor to deny members of the Opposition the opportunity to debate any matter. However, in cases where mere formalities are involved, with the passing of the motion the business of the House can be expedited.

Perhaps I should say at this stage that I am unable to indicate as yet when the close of the session will be as we have not established a target date. We will see how the House and Parliament progress with the legislative programme, and act accordingly.

I would also like to convey to members that so far we have been able to avoid lengthy sittings into the night. We have also avoided early sittings of Parliament on Wednesdays and sittings after tea on Thursdays. However, as the session draws to a close and the state of the notice paper is such that it appears necessary and desirable for the House to sit a little earlier on Wednesdays, I hope members will co-operate by making their arrangements flexible. It may also be necessary to meet earlier than 2.30 p.m. on Thursdays.

However, in these circumstances I would give an indication of a special adjournment. I merely mention the matter now to enable members to make their arrangements fairly flexible so that they will not be unduly inconvenienced should Parliament sit earlier or later than normal.

With that explanation, I hope the House will support the motion.

THE HON. S. J. DELLAR (Lower North) [9.25 p.m.]: As the Minister has indicated, a motion such as this usually appears on the notice paper at this time of the session, so naturally the Opposition was expecting it and we will endeavour in all ways to co-operate in order to facilitate the business of the House without limiting our right to debate issues which come before the Chamber, and to debate them at length if necessary; and without limiting our right to seek information which at most times is readily available, but sometimes requires slight extraction.

It is a pity the Minister cannot indicate a target date. However, as he has warned members of the possible necessity to sit earlier or later, I am sure they will make their arrangements flexible in order that they will not be inconvenienced if this should prove necessary. With those comments, we will not oppose the motion.

Question put and passed.

NEW BUSINESS: TIME LIMIT

Suspension of Standing Order No. 116

THE HON. N. McNEILL (Lower West—Minister for Justice) [9.26 p.m.]: I move—

That Standing Order No. 116, limit of time for commencing new business, be suspended during the remainder of this second period of the current session.

Once again, members will appreciate that on certain occasions it may be necessary and desirable for new business to be introduced after 11.00 p.m. so I hope the House will support the motion.

THE HON. S. J. DELLAR (Lower North) [9.27 p.m.]: As with the previous motion, the Opposition raises no objection. The reasons for the motion are obvious, and we will continue to abide by the Standing Orders.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [9.28 p.m.]: While the Opposition has no objection to the motion, I feel I cannot let the opportunity pass without saying something about this Standing Order which I believe to be a valuable one. I trust the Minister will not make use of the suspension unless absolutely necessary. It would seem to me that a much more practical procedure, and certainly a better way to serve the people we represent, would be to consider an amendment to Standing Order 51 which concerns the commencement times of this Chamber. It would be far more useful to sit at a more reasonable time in the day in order to accelerate the business at the closing of a session.

It has always appalled me, as a person concerned with the efficiency of production of people according to their psychological and physical resources, to find we sometimes sit in the early hours of the morning when our powers of concentration are at their lowest. I am sure we have all proved that we were not able to concentrate and produce, as efficiently as possible, a contribution to the debate on several Bills during the early hours of some mornings during this session.

However, I hope the Minister will keep in mind the more logical alternative of calling us together earlier in the day, rather than expecting our biological clocks to be wound to coincide with ridiculous finishing times like 5.00 a.m.

THE HON. N. McNEILL (Lower West—Minister for Justice) [9.29 p.m.]: If the House finds itself in the situation of sitting at the ridiculous hour of 5.00 a.m. it will be due to one thing, and one thing alone; that is, the speeches members make.

The Hon. S. J. Dellar: On both sides.

The Hon. N. McNEILL: I said "members". However, the intention of the suspension of this Standing Order is to help members in order that they might be given the opportunity to learn of new business. The Standing Order deals with the introduction of new business after a certain hour in the evening.

It is an aid in the closing days of the session whereby new business—and it refers specifically to new business—can be introduced to enable the Opposition to become acquainted with it earlier than would otherwise be the case.

Question put and passed.

HOSPITALS ACT AMENDMENT BILL*Third Reading*

Bill read a third time, on motion by the Hon. N. McNeill (Minister for Justice), and transmitted to the Assembly.

**INDUSTRIAL ARBITRATION ACT
AMENDMENT BILL (No. 2)***Third Reading*

THE HON. I. G. MEDCALF (Metropolitan—Honorary Minister) [9.31 p.m.]: I move—

That the Bill be now read a third time.

During the Committee stage, the Hon. Mr Cooley inquired whether the Government has any intention of awarding a salary commensurate with the title "Senior Commissioner". I indicated at the time that I believed there was no change, and I am now in a position to confirm that the Bill provides only for the change of title.

Perhaps I might add that the position of chief commissioner is prescribed under the Salaries and Allowances Tribunal Act, and the salary is fixed by the tribunal.

As the new title proposed in this legislation will not take effect until the Bill passes and the Act is assented to, it may be considered a little early to state what the salary position will be. Nevertheless, if the position is prescribed under the Act, the salary will be fixed by the tribunal, and if it is not so prescribed the salary will be fixed by the Government Salaries Committee, which looks at statutory salaries other than those prescribed.

The other point raised by the honourable member was to do with the position being held by a male or a female. I am sure he is satisfied that section 26 of the Interpretation Act covers that point.

Question put and passed.

Bill read a third time and passed.

**INTERPRETATION ACT AMENDMENT
BILL***Third Reading*

Bill read a third time, on motion by the Hon. N. McNeill (Minister for Justice), and transmitted to the Assembly.

FAMILY COURT BILL*Second Reading*

THE HON. N. McNEILL (Lower West—Minister for Justice) [9.34 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes to set up the Family Court of Western Australia. It will exercise Federal jurisdiction under the Family Law Act, 1975, of the Commonwealth and non-Federal jurisdiction under the various relevant Acts of this State.

In accordance with section 41 of the Commonwealth Family Law Act, 1975, this

State has signified to the Commonwealth Government that it wishes to enter into an agreement for the creation of a State court to be known as a Family Court. The agreement which will follow the passing of the present legislation will be between the Government of Western Australia and the Commonwealth Government, and is the basis for the provision by the Commonwealth of the funds necessary for the establishment and administration of this State's Family Court.

The reasons for the establishment of a State Family Court are—

- (1) To provide within the one court for both Federal and State jurisdiction in relation to matters of family law, thereby going beyond the range of matters which could be entertained in a Commonwealth court. This objective is of great importance to those who will be resorting to such a court, because it overcomes the problems associated with the choice of the proper tribunal. When jurisdiction is divided, unfortunately there is often a problem of demarcation, and this can have serious consequences for parties who choose the wrong forum.
- (2) To enable the State, through its court, to continue to exercise jurisdiction in family law matters, with the opportunity to retain complementary action with other responsibilities in the area of welfare and counselling services of the State Community Welfare Department. This would allow jurisdiction on all related matters to be carried out under the one jurisdiction.
- (3) In the public interest, to keep the administration of justice as close as possible to the people it is designed to serve.
- (4) To make it unnecessary to establish a further Commonwealth court in this State.

The Commonwealth Attorney-General has indicated that the Family Law Act, 1975, will come into operation throughout Australia on the 5th January, 1976, and it is hoped that the State Family Court will be established and ready to operate by the 1st April, 1976, or shortly thereafter.

On the passing of this Bill, agreement can be finalised between the Commonwealth Government and the Government of Western Australia, after which the necessary accommodation can be acquired and the Family Court set up. The appointment of judges and administrative and office staff must also be arranged in order that the State's Family Court can become operative as soon as possible, the earliest date at this stage being the 1st April, 1976, as mentioned.

During the interim period between the time the Commonwealth Family Law Act comes into operation and the commencement of the State legislation and the setting up of the Family Court, the Supreme Court and the Summary Relief Court will exercise the jurisdiction invested under the Family Law Act. It is desirable that the interim period be kept as short as possible in order to minimise the burden of work that will fall on the Supreme Court with the anticipated substantial increase in matrimonial matters.

The Family Court as created will be constituted as provided in this Bill with the jurisdiction of the court exercisable by one judge. The court shall consist of a chairman and such other judges as the Governor may consider necessary to conduct the business of the court. The chairman will be equivalent in status and salary to a puisne judge of the Supreme Court, and the other judges equivalent to a judge of the District Court. It is a requirement that judges be persons who, by reason of training, experience, and personality, are suited to deal with matters of family law, and that they cannot hold office beyond the age of 65 years. It is anticipated that a court consisting of a chairman and three judges will be required in the first instance.

The judges of the Family Court, in discharging the duties of their office, and the counsel appearing before them shall not wear the usual court robes.

Officers of the court are also appointed by the Governor. They consist of a registrar, marshal, director of counselling and welfare, and such other officers and staff as are necessary for the court's proper functioning. These officers hold office subject to and in accordance with the Public Service Act, 1904.

The jurisdiction of the Family Court, as expressed in the Bill, has, throughout the State, the Federal jurisdiction with which it is invested by the Family Law Act. This requires that it shall have regard to—

- (a) the need to preserve and protect the institution of marriage as the union of man and woman to the exclusion of all others, voluntarily entered into for life;
- (b) the need to give the widest possible protection and assistance to the family as the natural and fundamental group unit of society, particularly while it is responsible for the care and education of children;
- (c) the need to protect the rights of children and to promote their welfare; and
- (d) the means available for assisting parties to a marriage to consider reconciliation or the improvement of their relationship to each other and to the children of the marriage.

The Court also has non-Federal jurisdiction throughout the State in regard to—

- (a) affiliation proceedings and proceedings relating to the maintenance and custody of ex-nuptial children—this jurisdiction is currently exercised by the Married Persons and Children (Summary Relief) Court;
- (b) adoptions, and guardianship of children—this jurisdiction is currently exercised by the Supreme Court.

Also included in the Bill as a requirement of the Commonwealth Act is provision for a Family Court counselling service. In this regard it is anticipated that initially three welfare officers will be sufficient. One of these will be the director of counselling and welfare, an appointed officer of the Family Court who will be responsible for providing assistance to any person seeking counselling facilities.

A further provision contained in this Bill is the exercise of Federal jurisdiction by courts of summary jurisdiction constituted by a stipendiary magistrate only and sitting outside the metropolitan region. These courts of summary jurisdiction may also exercise all the non-Federal jurisdictions of the Family Court of Western Australia except those conferred by or under the Guardianship of Children Act, 1972, and the Adoption of Children Act, 1896.

Part IV of the Bill contains references to appeals. A person aggrieved by a decision of the Family Court in the exercise of Federal jurisdiction may appeal to the Full Court of the Family Court of Australia. In respect of the non-Federal jurisdictions of the Family Court, an appeal may be made to the Full Court of the Supreme Court of Western Australia. From any decision made in a court of summary jurisdiction an appeal may be made to the Family Court of Western Australia.

In part V of the Bill the Governor has a regulation-making power. There are a number of matters which can be the subject of regulations, including the practice and procedure of the Family Court and courts of summary jurisdiction, the establishment of registries, places and times of sittings of the courts, attendance of witnesses, manner of service of process, enforcement and execution of judgments and orders of the court, appeal procedures, duties of court officers, powers and functions of court officers, and a number of other matters that will assist in the smooth running of the Family Court and courts of summary jurisdiction.

Western Australian Statutes under which the Family Court will have non-Federal jurisdiction are the Adoption of Children Act, 1896-1973, the Guardianship of Children Act, 1972, the Child Welfare Act, 1947-1972, and the Married Persons and

Children (Summary Relief) Act, 1947-1972. Necessary amendments to these Statutes, which are all of a machinery or consequential nature, are included in this Bill in the form of the first schedule. In the third schedule the Married Persons and Children (Summary Relief) Act is further amended to abolish imprisonment for failure to pay moneys ordered to be paid under the Act. This will bring the non-Federal jurisdiction of the court into line with the Federal jurisdiction of the court.

Although the Bill does not seek to repeal provisions of State law which would appear to be about to be covered by the new Commonwealth provisions, those State provisions will be superseded by the operation of the Commonwealth Act.

Clause 2 of the Bill permits the various provisions to come into operation on such day or days as fixed by proclamation. The passing of this legislation will allow the necessary preparations to proceed smoothly to ensure that the Family Court of Western Australia is set up as quickly as possible. I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Grace Vaughan.

PUBLIC SERVICE ARBITRATION ACT AMENDMENT BILL

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Honorary Minister) [9.47 p.m.]: I move—

That the Bill be now read a second time.

This Bill has been prepared principally to overcome difficulties which have arisen in regard to amendments to industrial agreements made under the provisions of the Public Service Arbitration Act.

The majority of the agreements concerned are those made between the Public Service Board and the Civil Service Association. They are usually entered into for a term of three years, with the provision that after 12 months negotiations can be reopened for amendments to agreements. It has been understood by all parties that if agreement cannot be reached, the matter could be referred to the Public Service Arbitrator for hearing and determination. Although the Act has been in operation since 1966, this situation has not arisen until recently.

The Civil Service Association lodged a claim with the Public Service Board earlier this year to amend a salaries agreement covering a Public Service occupational group. Agreement could not be reached, and the Civil Service Association lodged the claim with the Public Service Arbitrator to have the matter determined. The arbitrator then raised the question of his jurisdiction to deal with the matter. Although the Act gives him the power to make and amend awards, there was doubt in regard to similar power in relation to agreements. Legal opinion which was then

sought confirmed that this power did not exist.

The difficulty in the present case has been overcome by both parties agreeing to the Public Service Arbitrator sitting as a private arbitrator. However, the lack of statutory power in these circumstances is a matter of concern to the board and to the association.

Another amendment contained in the Bill clarifies the intention of subsection (2) of section 27 of the Act. The Public Service Arbitrator requested this amendment to make it clear that the 12-month interval which must elapse before an award or agreement can be reopened dates from the date of operation of the award or agreement, and not the date it was signed.

I commend the Bill to the House.

THE HON. D. W. COOLEY (North-East Metropolitan) [9.49 p.m.]: The Opposition has no objection to this Bill. It is simply a means to allow the Public Service Board and the Civil Service Association to amend agreements and to give to the arbitrator the jurisdiction to determine matters which are in dispute. It is a sensible arrangement. I had discussions with members of the Civil Service Association this afternoon and they are in complete agreement with it. We support the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. I. G. Medcalf (Honorary Minister), and passed.

BUSINESS FRANCHISE (TOBACCO) BILL

Second Reading

Debate resumed from the 4th November.

THE HON. N. McNEILL (Lower West—Minister for Justice) [9.50 p.m.]: During the debate which took place yesterday on the second reading of this Bill a number of queries were raised and points made by the Leader of the Opposition, in respect of which he required some answers and explanations. I will endeavour to deal with these in the order in which they were raised.

The Leader of the Opposition made a number of criticisms in the course of asking questions and, if I recall correctly, he mentioned firstly the matter of the introduction of Bills of this nature. He referred to similar Bills in other States and queried the fact that Tasmania was not included as a reference in my second reading speech. The explanation I give is that the

Bill before us is not a taxation Bill because it does not impose a tax. It requires the payment of a license fee and is a licensing Bill. In fact, that makes it quite different from a consumption tax, which was the principle involved in the Tasmanian legislation.

I think it will be recalled that, at the time, I indicated by way of interjection that I understood the form of the Tasmanian proposal was quite different, and that is borne out by the statement that the Tasmanian proposition was a consumption tax. The tax proved to be unworkable, and was accordingly withdrawn by the Tasmanian Government.

As a consumption tax, the Tasmanian proposition was on a basis totally different from the franchise proposed in this Bill. The studies indicate that Tasmania does not have a business franchise operating at all, and that is an additional reason that no reference was made to that State in my second reading speech.

The Leader of the Opposition also referred to a particular type of legislation provided by the Commonwealth. I found this a little difficult to follow, but I have made inquiries and I am not aware of any Commonwealth law which has been passed to provide the States with any authority to license businesses. In fact, I am by no means satisfied that the Commonwealth has the power to pass any such law.

A further matter raised by the Leader of the Opposition was in respect of the interpretation of a tobacco retailer. He asked whether a person who sold tobacco at, for instance, a country show or fete would need to apply for a license. When he raised the matter, I was of a mind that the Bill appeared to me to be clear enough. Nevertheless, further clarification was sought and my view was confirmed; the measure is quite specific in that it will be unlawful for any person to sell tobacco without a license. Therefore, the answer to the query raised by the honourable member is that a person who wishes to retail tobacco at such a function must have a license, and the minimum cost of such a license is \$10. However, there is a qualification; which is that if the person involved is a storekeeper or a person who already holds a license to sell tobacco in the course of his business—and he would be the most likely person to sell tobacco at such a function—he would not need to obtain an additional license to sell tobacco at that show or fete; but he would have to have the location of the retailing outlet endorsed on his current license. I think I have made it clear that if the person concerned already holds a license he would merely need to have the location of the outlet endorsed on his license, and no additional fee would be payable.

The Hon. S. J. Dellar: Would that be done annually? Say he was going to do it at a country race meeting each year?

The Hon. N. McNEILL: The period of the license is specified in the measure, if I recall correctly; however, we can consider that matter in Committee.

A further question raised by the Leader of the Opposition—and at some great length—was in relation to vending machines and in particular to the number of vending machines which may be owned by one person. His question was whether each machine would have to be licensed or whether a person would need only one license. I think the honourable member compared this situation with a small corner store or a small tobacco retailer. Once again, I have obtained confirmation of the answer I obtained by reading the Bill; that is, if one person owns a number of vending machines only one license is necessary, and the license could be endorsed with the location of the machines, as required. Needless to say, of course, the same thing would apply to any other retailer with more than one outlet. These provisions are the same as those operating in all other States which have a Business Franchise (Tobacco) Act.

The honourable member made a further criticism related to the administration of the proposed Act by the Commissioner of State Taxation. He criticised in particular the provision made for the commissioner to delegate authority to other officers of the department. I point out this is a standard provision in laws administered by a taxation authority. It occurs in the taxation laws of this and other States, and also in the laws of the Commonwealth. In practice such provisions have been found to be neither unnecessary nor impracticable or unworkable; in fact, I am advised they have worked very well. The commissioner, as we all know, has had considerable experience in this field and he has received no previous complaint in respect of this provision.

The next matter raised concerned what I would describe as the right of entry—a matter which has been discussed in respect of numerous Statutes. Certainly I agree the right is well spelt out in this Bill and it relates to the power of the commissioner or his officers to enter and inspect any premises in relation to the selling of tobacco.

In all of the legislation administered by the Commissioner of State Taxation authority is given to him to enter and inspect premises at reasonable times. "At reasonable times" in practice means working hours. I think such provisions have always been implemented in this manner, and it is understood the term has a meaning to that effect. As I have said, such a provision is contained in all legislation administered by taxation authorities throughout Australia and, once again, to

the best of my knowledge and belief has always been included in these laws.

In Western Australia we have the same type of authority for entry and inspection for other purposes. This power is well known in numerous pieces of legislation. The State Taxation Department supplies its inspectors—and this is for the purpose of safeguarding the rights of people and to see there is no abuse of the power contained in the provision—with a special authority signed by the commissioner personally and also by the person authorised to carry out the inspection.

I am told the inspectors are compelled to produce this authority when making inspections, and are instructed to verify their identity by giving their signatures for the purpose of comparison, if so requested. The inspectorial staff are required to enter premises at reasonable times during normal working hours.

If warrants had to be issued for every inspection it would certainly lead to a very costly and time-consuming arrangement. In all reasonableness, particularly in respect of taxing measures which remotely resemble this Bill, the provisions are by no stretch of the imagination regarded as extreme. I think they are supported by the explanation I have given as to the safeguards that have been provided, which require the authority to be carried by the inspectorial staff.

I am told by the commissioner that this particular system has been in operation ever since 1921. It may well have been in operation before that time. To the best of my knowledge and belief there have been no complaints about the conduct of any officer, or about any abuse of the authority they carry.

It has been explained to me that under the proposed Business Franchise (Tobacco) Act it will be necessary from time to time to inspect premises and records, so as to ensure that persons are duly licensed—as will be required by law—and that the figures submitted, on which license calculations have to be made, are correct.

It is not intended that there will be any addition to the existing inspectorial staff in the stamp duties section of the department which will have the responsibility of administering this law, and the inspections for the purposes of this law will be carried out from time to time as may be necessary, or simply as a routine matter.

The Leader of the Opposition also made a comparison between provisional tax and the method of paying license fees by wholesalers. The reason for arranging payment by instalments is to allow the wholesaler to meet his obligations over a period. This is because if the full fee was required—as it is with the provisional tax mentioned—the wholesaler would be placed in a difficult financial position. Therefore in the circumstances I am not sure that to describe the payment of a license fee as a

provisional tax is the correct interpretation to place upon this provision.

I believe I have covered all the points that have been raised by the Leader of the Opposition. I hope I have given him satisfactory answers. I fear in one particular area my explanation may not have satisfied him, because he held some fairly firm views about vending machines.

However, with the explanations I have given, and more particularly with a practical understanding of the position that has been given by the responsible Minister and by the Commissioner of State Taxation, I hope I have said enough to persuade the Leader of the Opposition that the Bill is worthy of support. I hope I have answered all the queries that have been raised.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. Clive Griffiths) in the Chair; the Hon. N. McNeill (Minister for Justice) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Functions of Commissioner, etc.—

The Hon. N. McNEILL: In view of the queries that have been raised and the observations I have made on them, I am prepared to allow some little time to enable members to gain an understanding of them.

Progress

Progress reported and leave given to sit again, on motion by the Hon. N. McNeill (Minister for Justice).

SECURITIES INDUSTRY BILL

Second Reading

Debate resumed from the 29th October.

THE HON. N. McNEILL (Lower West—Minister for Justice) [10.07 p.m.]: The Securities Industry Bill, together with other associated Bills, has remained on the notice paper for some little time. They have been left on the notice paper quite deliberately, because they are of major consequence and are rather complicated. They have been left on the notice paper to enable members to have a full opportunity to obtain an understanding of them.

There has been little examination of the Bill in the debate in this House, other than that undertaken by the Leader of the Opposition. Because of the comments he made in his second reading contribution I feel it is necessary for me to spend some time in commenting on some of his references. I indicated during the course of his second reading contribution that he clearly had some misunderstanding, if not of the true purpose and function of the securities industry legislation—to which he gave minimal attention—then of the correct

interpretation of the operation of the Interstate Corporate Affairs Commission.

There is only one way that I can cover the ground which the Leader of the Opposition covered, and that is to make reference to his speech in a serial fashion. The first point I refer to is contained in his opening words. He referred to the fact when addressing himself to the Companies Act Amendment Bill, which was incorporated into the Interstate Corporate Affairs Commission agreement, that it was contrary to the best interests of federalism and of Australia.

I cannot let the opportunity pass without making some observation on that comment. Clearly in the operations of the Interstate Corporate Affairs Commission we have an expression of federalism between the States and within Australia. It is a prime and a very unique example of the capacity of the States to get together in a very satisfactory atmosphere, in order to meet the requirements and the convenience of a very important and big section of the Australian securities industry.

Rather than being in any way anti or contrary to federalism, this is a very sincere and a very definite expression of federalism. The Leader of the Opposition also said that the establishment of the Corporate Affairs Commission would ultimately have disastrous overtones. I am not quite sure what he meant by that remark.

The Leader of the Opposition went on to say—

I say that because when the Corporations and Securities Industry Bill is passed in the Federal Parliament we will find there will be two Acts of Parliament in respect of this area of jurisdiction.

First of all, I emphasise his use of the word "when". That is a very important aspect in the consideration of this matter.

I have traced the history of this legislation at least as far back as the meeting of the Attorneys-General in 1973. I have referred to the activities of the committee under Sir Richard Eggleston, and to the decision of the Commonwealth Government to go along on a unilateral basis with the preparation of its own securities industry legislation.

We are now almost into 1976, and we find that three years after 1973 the Commonwealth has not yet got its legislation. It is true that the Commonwealth has introduced legislation into the Federal Parliament—and I will say more about that later—but we are aware of the committee that has been set up by the Senate. It is still examining the legislation, and it has been given authority by the Federal Parliament to extend the period for the presentation of its report.

I hazard a guess that the earliest possible time will be late in 1976 before any legislation can be brought down in the Federal Parliament as a consequence of the representations to and the recommendations and report of the Senate Select Committee. That is a period of four years in which to introduce legislation, if legislation is introduced. After that it will take a considerable period before such legislation can be put into operation.

So, time or the word "when" as used by the Leader of the Opposition is, in my view, fairly significant. It is an important consideration we must keep in mind. In the same context the Leader of the Opposition said in his contribution to the debate that there will be two Acts of Parliament in respect of this area of jurisdiction. If there is complete understanding there would be no necessity for two Acts of Parliament. The whole purpose of the exercise is to obviate the necessity for two Acts of Parliament; that is, to work in the same jurisdiction. Such an exercise would be a complete waste of time and money, and obviously would be unnecessary.

It must be borne in mind there are areas of the law in which the Commonwealth has the power and jurisdiction to operate; but there are certainly areas of the law where the States have the jurisdiction and the power, as well as the historical and traditional right, to operate.

That fact is well known, and Mr Medcalf referred to it by way of interjection when he indicated that the Commonwealth has had no experience in this area. There are no stock exchanges in the territories. The Commonwealth has not operated in the securities industry field, and all the experience and expertise in this highly sensitive and highly complicated area lie within the States.

So, it is not unreasonable at all for the States to the extent that they have been able to get together to provide for an Interstate Corporate Affairs Commission and provide the necessary legislation while understanding and respecting the fact that there could be areas of the law in which the Commonwealth might well operate. While the Leader of the Opposition made numerous references to the report by Mr Ryan—the Chairman of the Interstate Corporate Affairs Commission—to the Senate Select Committee recently, he stressed the need for co-operation and for the law to be dealt with in a complementary fashion. That, in fact, is absolutely fundamental to the approach of the States.

The Leader of the Opposition expressed the view—which might be expressed by other people—that the States alone must operate in this area. Far from that. The basis of the approach by the four ICAC States was to endeavour to achieve a joint approach with the Commonwealth. The Leader of the Opposition asked the size of

the staff in the securities department of Western Australia. By interjection, I endeavoured to clarify the situation for him. There is no securities department in Western Australia.

I have been living with this legislation for a little time so I did not fully appreciate that all other members did not have a knowledge of it. We have, of course, a State Companies Office with a Registrar of Companies, and a certain number of staff. Those people are responsible not just for the administration of company law, but for security legislation. They are also responsible for the Business Names Act, the Associations and Incorporations Act, and a number of areas dealing with the commercial field. In fact, the securities department—to the extent that one can use that term—comprises two people. Only two officers are presently engaged purely and solely on the question of the securities industry. There was reference to the New South Wales Corporate Affairs Office, to which Mr Ryan reported in his meeting with the Senate Select Committee, and the Leader of the Opposition mentioned a staff of some 389 people. I do not know what the split-up is in the Corporate Affairs Office—previously the Companies Office—in New South Wales.

Those people in the New South Wales office would be engaged in a whole range of subjects covering the administrative procedures normally associated with a companies office. I do not know how many of them would be solely engaged in the securities industry, but I imagine it would be relatively few. The fact is it is convenient for us to operate at the present centre of the Interstate Corporate Affairs Commission. Mr Ryan, of that office, is currently chairman.

There is no basis whatever for the Leader of the Opposition to fear that there will be a duplication of staff with the passing of the Commonwealth legislation. Even if there was only Commonwealth legislation the State Companies Offices, or Corporate Affairs Offices, would still be required to function. There would still be areas of jurisdiction which they would have to administer irrespective of what the Commonwealth was doing. There would not be any great buildup or duplication of staff.

The Leader of the Opposition also mentioned micro film records and interstate telexes. We have a telex and rather than being a disadvantage it is a great advantage, bearing in mind that the fundamental purpose of the Corporate Affairs Commission, and the subsequent amendments to the Companies Act, was to provide for uniformity in the law—not necessarily a change in the law—and to provide for greater convenience for the commercial industry of Australia. In order to achieve that one needs communication, and telexes become part of that communication.

Rather than imposing a cost we believe it will constitute a convenience.

It is intended to have an arrangement between the four States—and I would like the arrangement to embrace the six States and the territories—so that the telex will be an aid to the business community of Australia and a means of saving costs as well as adding to their convenience considerably.

The Leader of the Opposition suggested we should scrap the Bill and wait for the Commonwealth legislation to be reviewed by the Senate Select Committee. I have already made observations on that. He suggested that the four States were acting out of pure cussedness, but that is not the situation at all.

If I may speak a little personally in respect of this matter, after taking office a certain matter came to my notice which made it clear that some amendments were very desirable. In view of the experience of 1973, it was intended up to that point that no action would be taken because the Commonwealth intended to introduce legislation. As a result, everything virtually was held in suspension. I can recall that I noted we ought to continue to examine the matter with a view to making necessary alterations in the law. I see now, in retrospect, that that certainly was the better course to adopt in order to try to keep the law up to date rather than just wait for Commonwealth legislation to come down. The Leader of the Opposition referred to New South Wales, and to the Premier of Queensland. However, he has a complete misunderstanding of the position. We have had a Companies Office for a very long time and we have now provided for a change of name and the appointment of a commissioner rather than a registrar. It is functioning and has become a more sophisticated means of providing greater convenience to the public.

We also got into trouble on the question of the Rae Select Committee. Perhaps I could discuss this matter in general terms without speaking specifically to the Rae Select Committee itself because that committee was not necessarily the basis on which our legislation was introduced. However, it has relevance to the subject. The Rae Select Committee came out with an enormous report of many volumes, and I think some dates are very relevant.

In 1970 the Brand Government in this State introduced and passed securities legislation. Some of the other States did likewise. It was realised at that time the legislation was not complete, and it would not cover the entire field satisfactorily. It was on a trial basis, bearing in mind that we had a Standing Committee of Attorneys-General, and the Eggleston committee which was looking for better and more detailed legislation.

The Rae Select Committee sat and heard evidence, and brought down a report over

a period of four years. The reports became available throughout 1974, so members can realise the time involved. The Leader of the Opposition was critical of me when he said that the Federal Government and the Attorney-General, in response to what I must describe as a Dorothy Dix question in the House of Representatives, indicated that I on behalf of the Western Australian Government had not responded to an offer or an approach to co-operate with the Commonwealth. That, of course, is a misinterpretation of the situation. I asked, by interjection, whether the Leader of the Opposition was aware of the previous approach I had made in respect of this matter.

Bearing in mind that we came into office early in 1974, and the Rae Select Committee report came out during 1974, on the 12th July, I, through the Premier (Sir Charles Court) conveyed a request to the Prime Minister concerning this very legislation. The Prime Minister replied to my telegram sent through the Premier on the 12th July. I will not read the full context of the telex because it is rather lengthy, but the Prime Minister said the legislation which the Attorney-General had prepared was at present being examined in the light of the many recommendations of the Senate Select Committee. He said that when the examination was completed the Attorney-General would submit a draft to cabinet for approval. So much for the claims by the Opposition that there was lack of co-operation by the States and by Western Australia.

In response to a telegram from our Premier in July, the Prime Minister replied that he would welcome our early comments on the recommendations of the Senate Select Committee. That is rather interesting. The Rae Select Committee inquired over a lengthy period of time and with the enormity of the material available to it it was not possible to carry out a quick examination or come up with immediate comments. The offer or approach for discussion was conveyed to us on the 20th December and that is the approach about which the Leader of the Opposition was critical because I did not respond. However, he admitted he was not aware of the date the legislation had been introduced into the Commonwealth Parliament. For the information of members, the Commonwealth legislation was introduced into the Federal Parliament on the 5th December, 1974.

First of all, in July, 1974, the Premiers approached the Prime Minister, and the Prime Minister replied indicating he was not prepared to make details available to us, but that he would welcome our comments on the recommendations of the report.

A Bill was introduced into the Parliament on the 5th December, and it was on the 20th December—according to the

Leader of the Opposition in this House—that the Commonwealth first made its approach to the States to discuss the legislation. If that, by any stretch of the imagination, can be regarded as negotiations conducted in an atmosphere of co-operation, it would be difficult to persuade me of it. That was the timing, and I believe it is most important that it should be understood.

The Leader of the Opposition went to some lengths to refer to a number of other objections, apart from the evidence given by Mr Ryan, the Chairman of the Interstate Corporate Affairs Commission. Some of these objections were quite interesting. The Leader of the Opposition acknowledged his feeling that the Commonwealth Government had not acted quite properly in all the circumstances and in all respects, and I felt that he was endeavouring to place a great deal of emphasis on the need for co-operation in an approach by the Commonwealth and the States. Of course, that co-operation has always been available from us.

In reading these various reports, the Leader of the Opposition endeavoured to use them in such a way that indicated criticism of the States for having set up Interstate Corporate Affairs Commission while the Commonwealth was still trying to legislate in this same field. I would like to refer again to one of his quotes from an article by the Law Society of New South Wales. He said—

The Law Society of NSW made a plea yesterday to the Senate Select Committee on the Corporations and Securities Industry Bill sitting in Sydney that the Commonwealth and the States should co-operate in drawing up a bill which could become "a model of co-operative federalism."

That is exactly what we have been trying to do. The Leader of the Opposition quoted further down from the same article as follows—

No provision is made even for liaison or co-ordination with the State Corporate Affairs Commissions...

It is proper to ask whether this duplication is not wasteful both of money and scarce expertise in this area.

Once again this is an illustration of an argument in support of our Bill. Organisations such as law societies, the Australian Finance Conference, and commercial industry, recognise the need for the States to be able to operate and operate well in this field, and that all our dealings for legislation in this area should be on a co-operative basis.

The Leader of the Opposition quoted also from *The Australian Financial Review*, and this article was in the same vein. I do not think I need go over it again, as Mr Thompson and Mr Medcalf engaged

in a little conversation across the Chamber in regard to this matter of co-operation. Mr Medcalf pointed out that the offer of co-operation was not received by Western Australia until after the Bill was introduced into the Federal Parliament. Of course, that was rather late in the piece to be endeavouring to achieve some joint effort on behalf of all parties, particularly when the Prime Minister has indicated that he is not prepared to discuss details of the legislation with us during its drafting stages.

I do not really think it is necessary for me to comment further other than perhaps to refer to the fact that despite the lack of co-operation—and I suppose it can be described that way—we did achieve something. As late as the 8th April of this year, when we were proceeding with our legislation and with the setting up of the ICAC, I conveyed to the Federal Attorney-General a Press statement I had issued that day referring to the intentions of the State. In that telex I expressed the State Government's concern about the legislation—that is the Federal legislation—and I expressed all the doubts felt by commercial industry throughout Australia about the constitutional powers available to the Commonwealth to operate in certain of these areas. I endeavoured to highlight the unnecessary duplication of costs that could be involved. I requested that in the public's interests, the Bill be deferred until the proposals had been examined more thoroughly. There was no response to that telex—and I use these words advisedly—from the Federal Attorney-General.

It may well have been within your powers, Mr Deputy President, to say that I have not been talking about the Bill, but I have traversed the same ground as covered by the Leader of the Opposition. In fact, he did not discuss the Bill as such, although it is a very large Bill. He spoke more particularly about the operation of the ICAC.

The four States involved in the commission—Queensland, New South Wales, Victoria, and Western Australia—now have the administration of some 85 per cent of company business in Australia, and I would like to think that South Australia and Tasmania will join us soon. I would like to think also that there could be co-operation with the Commonwealth in the area in which it may have the jurisdiction, so that in fact there is complete and complementary legislation available. However, until that event occurs, I believe we have already performed a great service for the commercial community of Australia. I recall that the Leader of the Opposition made the statement that if Mr Fraser becomes the Prime Minister we will see the end of the ICAC.

The Hon. S. J. Dellar: The end of Australia!

The Hon. N. McNEILL: That is an absolute presumption, and a quite invalid

one. The operation of the ICAC would certainly be facilitated by the presence in Canberra of a much more sympathetic and understanding Government and a much more sympathetic and understanding Prime Minister. However, complete uniformity in the administration of the securities industry must still remain whatever party is in Government. I repeat that this could be achieved with a great deal more facility than is presently being experienced. In other words, we could have been assured of complete co-operation and at least discussion during the formative and drafting period of the legislation. Let us face it, the securities industry does not stop at State borders and there is a need for all authorities in Australia to be involved and to have an interest. The best way to achieve that is to have the respective Governments operating on common ground, and it is a matter of very great regret that this has not been the experience.

Let me return to the point that if a Liberal-Country Party coalition Government were in power in Canberra, and if Mr Fraser were the Prime Minister as I hope—

The Hon. S. J. Dellar: That it never happens.

The Hon. N. McNEILL: —he soon will be, although that may be a disappointment to the Opposition in this House, I can assure members that the ICAC will continue to operate and flourish, perhaps more efficiently than it is doing at the present time. With those comments I commend the Bill to the House.

Question put and passed.

Bill read a second time.

EVIDENCE ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 29th October.

THE HON. N. McNEILL (Lower West—Minister for Justice) [10.42 p.m.]: As has already been indicated, and I think it is understood, this Bill is consequential upon the Securities Industry Bill upon which I have just spent a good deal of time. I would like to refresh members' minds about the measure before us which is really to effect a change in title of the Registrar of Companies. This amendment relates more specifically to the Companies Act rather than to the Evidence Act as such. As I recall it, the Leader of the Opposition raised no queries in respect of the measure, and I therefore commend it to the House.

Question put and passed.

Bill read a second time.

BEEF INDUSTRY COMMITTEE ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from 21st October.

THE HON. S. J. DELLAR (Lower North) [10.44 p.m.]: This Bill seeks to make some amendments to the Beef Industry Committee Act to institute a quota system for beef cattle in this State. We have no great opposition to the measure, and we see it as an attempt to assist the beef industry.

In the Minister's second reading speech he indicated that a quota system will be instituted and that the issue of tags will be taken care of by the Western Australian Livestock Association.

It was rather interesting to hear the answer given to the question asked this morning by Mr Wordsworth. The answer reveals that the tagging system already has been instituted and is in operation. Perhaps the Minister could comment on this aspect when replying to the debate.

Members would be aware of the problems confronting the beef industry throughout the State; in my opinion, these problems are caused by the lack of overseas markets, although the tagging system we are talking about now is aimed mainly at controlling the oversupply situation on the home market. It is suggested that approximately 4 000 tags will be issued to cover this situation and an additional 1 000 tags to cover the situation of cattle not being of a sufficiently good quality to qualify for the high-class home market, where such meat could be diverted to secondary markets.

I have a feeling that the Opposition agrees with the contents of the Bill. However, I am sure other members who are more familiar with the problems confronting the industry will explain in further detail both now and in the Committee stage of the Bill their views on the legislation. The Opposition has no intention of delaying the second reading stage.

THE HON. T. KNIGHT (South) [10.47 p.m.]: I rise to support the Bill. I believe something must be done to improve prices as they now stand, and this Bill is a step in the right direction. Action must be taken to improve the flagging beef prices and also the situation in which producers find themselves. Obviously, supply is flooding the market and this legislation is designed to assist to reduce that oversupply.

Support from all sections of the industry is necessary to make this Bill work. It means that the agents, the producers, the exporters and the abattoirs must all throw their weight behind the legislation in an endeavour to make it succeed. With such an attitude, the problems will be overcome. Action is needed and is needed now, otherwise the situation will get worse and will be to the detriment of the entire rural industry.

One move only will not solve this problem; it will take a multitude of small ideas from all sections of the industry and the community to achieve this aim. Although this legislation is a step in the right direction, many other little ideas are needed. In the present world market situation, one big move is not enough to overcome the problems the industry faces.

I have been trying to do something to improve the beef industry. I have been in touch with some overseas interests and through this source I am hoping in the next couple of weeks to have additional overseas beef markets. I ran a slogan competition of my own in relation to the "Eatapoundabeefaweek" campaign, which was only one small step in helping the farmers overcome their problems.

I have worked out that if the 1.2 million people of Western Australia ate an additional half-pound of beef a week it would result in an additional weekly consumption of 600 000 pounds of beef which, when one considers that the average dressed weight of a beast is 400 pounds, would amount to an additional 1 500 head a week, or 78 000 head a year being required for the home market. This may not necessarily solve the problems of the beef industry, although it would go part of the way.

As the Minister said in his second reading speech, our current consumption is 6 000 head a week or 312 000 a year. If the public of Western Australia were to adopt my suggestion, it would result in an increase in consumption of 25 per cent. Thus, only a small move could solve quite a few problems and in addition would inform the public of the situation facing the beef industry.

It is my opinion that the public are not fully aware of the problems of the industry, because someone is always pushing something. As Governments, we are too apt to force things on people, such as levies, rates and taxes. I believe the average Australian citizen likes to think he is part of his country. People like to be able to help alleviate problems. Therefore, if we can get across to the public the situation facing the beef industry, we could be part of the way towards overcoming these problems. I am sure the public would put their backs to the task and help.

The Hon. Clive Griffiths: They would put their teeth to it.

The Hon. T. KNIGHT: We can eat our way out of this problem. For too long, things have been pushed at the public, and not fully explained to them. With beef prices at their present all-time low level, it is time we made the public aware of the situation.

When compared with the present level of salaries and wages, beef can be seen to be a very low-priced commodity and I believe that the public, having been made aware of this fact, would rally to the

support of the industry. By adopting my suggestion, we would make the public more aware of these problems and, in being more aware, they would take more note of what is happening, and of the stringent conditions and times through which the farmers are going. I am sure they would want to do their best to help.

If the farmers go out of business, the small country towns and perhaps even the larger provincial towns will be brought to a standstill because they rely wholly and solely for their incomes on the farming hinterland. If the businesses in these towns fail I believe we would find a large drift of people to the city with the associated problems of unemployment, etc. We cannot afford to let that happen. I believe my faith in human nature is justified and that, given the opportunity, the people will prove I am right.

The Australian Meat Board also has run a slogan competition with the same purpose as my own; namely, to promote the consumption of beef. At the Royal Show the board had a meat pavilion at which it demonstrated new ways of cooking and cutting beef; in fact, the demonstration was a very forward-thinking look at the actual use of beef. I found the pavilion to be of great interest, and at most times it was full of people observing what was going on.

In addition, the Australian Meat Board produced the world's biggest hamburger. I realise this was only a gimmick, but these things create public interest. I understand that several world records were created by the weight of the hamburger, the size of the tin used to cook the hamburger, the size of the bun, etc. As members will be aware, most things are sold because of the way they are publicised, and I believe that not enough is being done to promote this product. Such moves may be a step in the right direction.

Over the years, farmers have been told to move away from dairy cattle and other forms of farming and into beef production; they were told they could not keep up with the demand. However, since the influx of farmers into the industry, the entire beef industry has collapsed.

It is my opinion that we can blame previous Governments for this collapse. I consider the Government should have signed rise and fall contracts over that period, which could have been adjusted according to the prevailing world economic circumstances. It would be impractical and impossible to sign contracts on a 10-year or 15-year basis with inflation at its present level and with the possible deflation of beef prices in the years to come.

I mentioned before the lack of promotion in the beef industry. The Government should look at promotion on a world-wide scale, because our marketing procedure for rural commodities has been

sadly lacking in the past. Money should be allocated to this area, because if we do not publicise the product we can hardly expect to sell it.

The Hon. Clive Griffiths: Do you think the Government should be buying it?

The Hon. T. KNIGHT: Definitely; the Government runs the country, and it was the one which suggested we should move into beef production.

The Hon. A. A. Lewis: They are not running the country in Canberra.

The Hon. T. KNIGHT: I repeat my earlier suggestion that we should waive the sales tax on deep freeze units. Many people now are buying bulk meat and although my suggestion may be just another little gimmick, it could assist the industry. Perhaps the savings in sales tax could be used to purchase meat to go with the units; this could be achieved by an arrangement between the retailer and a local meat outlet. It would be another small contribution to alleviate the problems facing the industry.

This legislation, plus the Bill to establish a meat commission we passed last week, improved promotion of the product and public awareness of the situation facing farmers must be helpful in assisting the beef industry. With those few words, I support the Bill.

THE HON. A. A. LEWIS (Lower Central) [10.57 p.m.]: I oppose the Bill and I would hope that some of the people who have spoken earlier this evening also will see fit to oppose it at the conclusion of my remarks in about one hour's time. This place should act like a House of Review.

The Hon. Clive Griffiths: The same as we always do.

The Hon. A. A. LEWIS: When we on this side of the House look at legislation, we do not blindly follow dogma and party ideology.

The Hon. S. J. Dellar: You would be joking! What does "dogma" mean?

The Hon. A. A. LEWIS: I should like to make a few comments on the remarks of Mr Knight who really mouthed the sort of things the rural industries have been mouthing for several years.

The Hon. T. Knight: Then it must be right.

The Hon. A. A. LEWIS: I do not know how Mr Knight says it must be right when it has failed dismally; that is why the beef industry is in its present position.

The Hon. C. R. Abbey: It has not had a chance to work yet.

The Hon. A. A. LEWIS: This is the third Bill along these socialistic lines which this Government has introduced since it came to power. I like winning and I like legislation that is winning legislation; I do not want to be a three-time loser as some

members of this place apparently do. In no way will this legislation work, and I intend to prove to the House why it will not work.

Members will recall that the last time I spoke on this subject I referred them to the *Hansard* record of my previous speech on the matter. When the first Bill was introduced, I made a speech, but when the second Bill came before the House I did not want to repeat myself; I merely referred the House to my previous remarks so that they could see the truth of what I had said before. It is a pity Governments do not occasionally listen and see the error of their ways, because supply and demand cannot be interfered with.

I agree with Mr Tom Knight that beef promotion is a very good thing, and if he wants to see more than he was shown at the Royal Showgrounds probably he could come and live with me for a while and I could teach him all sorts of new ways to cook beef.

The Hon. S. J. Dellar: All the bull in the world!

The Hon. A. A. LEWIS: I would like to follow this all the way through from the so-called experts on the beef industry.

The Hon. S. J. Dellar: I bet that does not include me.

The Hon. A. A. LEWIS: Perhaps we should link the honourable member with the chicken meat industry. I would like to quote some words taken from a publication issued by the Bureau of Agricultural Economics. I note that it has been printed by the Commonwealth Government Publishing Service, although in the actual publication there has been a misprint, as the Australian Government Publishing Service is mentioned. This report was issued in January, 1975. This quote is taken from page D-3, and reads as follows—

Demand for Australian beef on overseas markets is unlikely to rise much in the first half of 1975 and prices for cattle in Australia are expected to remain at fairly low levels. The build-up in Australia's cattle numbers in 1974 points to a greatly expanded potential increase in beef production in the future.

It then goes on to say what is needed to be done to make an assessment of the overseas market. In paragraph 4 on the same page of this report, the following is shown—

Looking to the medium term, a slackening in the recent rapid rate of growth in production in major importing countries is inevitable because of definite biological and other restraints on the extent to which slaughterings can be expanded over a period of years.

We have already seen terrific slaughterings of young cattle and calves in the

United Kingdom, the USA, and in the South Americas there have been slaughterings of both young calves and of breeders. One of these days it may come home to some of the proponents of this Bill that any marketing is based on a supply and demand situation. It is unfortunate that people think they can cure a supply and demand situation with legislation. In no way can this be done.

If I may move to the Australian beef cattle industry and the submissions made to the Industries Assistance Commission, which the Federal Government has side-stepped and done nothing with, on page 3 of the report published by that commission, in discussing the situation in the industry, the following appears—

Despite the slump in prices the turn-off of cattle for slaughter is at a record level and around the maximum that can be absorbed presently in the domestic and export markets. Estimates presented in Attachment D indicate that in the fiscal year 1975-76, the level of slaughter will reach a new production record of 9.3 million head

Also, the April issue of the report published by the Bureau of Agricultural Economics shows that there were 37 million cattle in March, 1975, and it was suggested that the number of cattle could increase so much that in March, 1976, the herd could be increased by another one million head.

I hope, having some faith in the cattle industry, that this will happen and I also hope that we will then realise that the business of trying to control production, of trying to control supply to a market is just not on; that in all areas we will have ups and downs because of the supply situation and the promotional situation.

I will later quote from the report issued by the Meat Industry Advisory Committee—not the Beef Industry Committee—set up by the previous Government which I think performed some extremely valuable work. However, at the moment I return to the report issued by the Industries Assistance Commission. I quote from paragraph 5.0 on page 6 where the following appears—

The assessment of market outlook in the preceding section indicated that recovery in beef prices was unlikely to be immediate and would be the result only of a prolonged interaction of demand and supply factors.

This, of course, is something which the proponents of the Bill never seem to realise. Supply and demand is the factor that will affect the price no matter how many different coloured tags we put on the tails of beasts. As an interesting sidelight, when cattle did not reach the price suggested it was not a very nice job to remove the tags from the tails of the beasts, as some agents have pointed out to me. I quote again

from the report issued by the Industries Assistance Commission as follows—

The conclusion is unavoidable that at least in the short to medium term, there will be a situation of excess supply and that beef prices will remain relatively depressed. At the same time, the trend of rising prices for purchased inputs is also likely to continue during this period.

May I interpolate here to say, with the present Government we have in Canberra, it will continue at a very fast rate? I continue to quote—

The issues of producer liquidity and herd growth therefore become dominant in the context of the present IAC reference.

It would appear that the experts in our departments do not look at the overall situation and do not take any notice of reports that are prepared for the Government at great expense and over a long period of time. One would think that it would be the idea of the Ministers—unfortunately we have had a couple of fledglings take on the portfolio of Agriculture after the socialists have left off, and they, of course had to be advised by their departmental officers—that some advice should come to them from committees such as the Meat Industry Advisory Committee which was set up by the previous Minister for Agriculture and which submitted a report to the previous Minister for Agriculture on the 28th February.

Let me return to the Western Australian scene and quote from page 122 in which there is discussion on market opportunities for Western Australian beef. I am sure that you, Sir, will be interested to learn it is aimed only at Western Australia. This quote reads as follows—

The estimated turnoff from the agricultural areas in the period 1977/78 is estimated to be 650-700 000 head or 110-120 000 tonnes. In comparison consumption in Western Australia will be between 45 000 tonnes (44 kg/head 1973/74) and 61 000 tonnes (60 kg/head 1974/75) depending on the retail price of beef in relation to alternative meat prices.

I mention this again, because in some figures and in some announcements that were made by a member of the Australian Meat Board some dire predictions were made for mutton for the beginning of 1976. Later on I would like to tie this up in my speech when dealing with what will happen to beef at this stage. I continue to quote—

Therefore at least 50 per cent of production from the agricultural areas will have to be exported placing the industry in the same position as the Australian beef industry generally, i.e.

dependent on overseas markets with saleyard prices being set by returns from export markets.

There is no way by which anybody could convince me that by trying to fiddle—and that is all this Bill does—with supply and demand, producers will get a higher price for their product. As one travels around the country and talks to real beef producers—people who are not stud men and not those producing very small herds and immaculate stock for breeding purposes; I am talking of commercial beef men in my electorate who are running about 1 000 beasts—it is fascinating to learn that in another place members mentioned that one stock firm gave all its tags to one breeder.

The stock firm had 30 tags, and the breeder had 400 head of cattle. It appears to me that if a man is in an industry and has reached the stage where he has 400 head of cattle to send to market, he knows that his cattle are prime and the butchers know his cattle are prime, and therefore he should be allowed to market his stock.

Many people who have not been beef producers in the past have entered the beef industry and have bred from a poor type of cattle and this causes an unfortunate surplus on the market, because these people do not come within the category of the typical year-in and year-out breeder. They have upset the market in the same way as some people in wheatbelt areas, who have become engaged in sheep production, have upset the wool market at times. I believe that cattle of this poor type should be got rid of as quickly as possible. There may be some fine types from high-bred stock among them, but it is extremely doubtful whether there are many of that kind of stock that will ever make a truly marketable proposition.

May I now return to the submissions that were made to the Industries Assistance Commission. This is a fairly long quote, but I think it is pertinent so far as this supply management situation is concerned, because this particular submission was put forward by the beef breeders of Australia. It reads—

Following the marked change from this relatively stable and predictable situation over the last three years however, attention has focussed on various stabilisation arrangements and related production and marketing strategies. These are seen as a possible means of alleviating the industry's immediate difficulties and of dealing with a probable longer-term situation of market instability. The policy of simply 'meeting the market' which may have been appropriate during a longer period of sustained market growth, is being questioned in a probable future situation of market instability in which the degree and length

of periodic swings in the market are likely to be largely unpredictable.

Possible alternative strategies cover a wide range. At one end of the spectrum would be a policy of reducing the size of the industry to a level which would supply the domestic market and reasonably assured export markets at a relatively high and stable price to producers. If administratively feasible, such a policy may achieve its pricing objectives but there is the question of the costs involved in a severe cut back in the industry both at the farm and off-farm levels, particularly in those cases where there is no apparent alternative use of resources.

At the other end of the spectrum, is a policy of maintaining the herd and potential production at a high level to take advantage of periods of relatively strong market demand. Attempts could be made to counter market fluctuations through various income stabilisation measures. This policy would also involve heavy costs if it meant that the unit return from the resources retained in the industry was much lower than that from alternative uses over an extended period.

In the current situation, probably the most obvious disadvantage of any proposal for either a price or income stabilisation scheme is the delay which would be involved in implementing a scheme—

These are fairly important words. To continue—

—which was equitable and acceptable to the industry. The complexity of issues to be resolved (12) and the need to take into account many elements imply that price and probably income stabilisation schemes could not be developed to an acceptable stage in the short run.

That is what this Government is trying to do; to go against expert advice and establish one of these schemes in the short run. However, it is completely impossible to do it. The submission continues—

A further point of relevance is that if a stabilisation scheme were to be introduced now, with the object of raising prices, it is likely to exacerbate one of the most critical elements in the current situation, namely the number of cattle being held on properties.

If I may comment on that, with the Hans Christian Andersen attitude of putting its head in the sand, this Government says it is possible to do it because the producer can hold his stock off the market until they get tags. How completely impractical can one get to suggest that a farmer can take baby beef from a mother and put it on the market? The time limit for any

decent commercial grower whom I know would be five weeks, and even then he is taking a severe risk in attempting to hold prime stock back for that long. If he holds it back any longer it has to go over another season, and people uninitiated may suggest that that stock could be fed with hay or grain.

Unfortunately that is the sort of attitude of some of our beef producers today. They do not have the know-how concerning feed. Probably the foremost experts in feeding in the world are the Americans, and depending on skeletal size, breed, and what-have-you, they feed grain to certain breeds, very seldom hay, but they feed silage. We are just not as far advanced as the Americans in this aspect of beef production. We have not had to be.

For many years we have been able to sell all the beef we have been able to produce—and any type of beef. If there is any criticism I have of all our rural production it is that we take the f.a.q. sort of standard instead of a premium standard.

We adopt the attitude of, "She's right mate; she's fair average quality. Don't worry about premium grade or anything", because we have been able to sell it. This has happened in many of our industries including the wool industry, some of the grain industries, and certainly now in the beef industry. This f.a.q. type of mentality has harmed us and we will not get out of that attitude for a number of years.

The Hon. T. O. Perry: Feed lots are no better off than those grazing.

The Hon. A. A. LEWIS: I am sorry Mr Perry did not listen to what I said. For his benefit I will repeat that I said in essence that we do not have the expertise in feeding allowing for the skeletal heights of up-to-date development of certain breeds. For instance the breed of Mr Perry would probably do better than Mr Abbey's on grain than on green chop. Mr Abbey's I believe, would probably do better on green chop.

We have not as yet assessed our skills in holding over beef over long dry summers in this country and anyone who has done any amount of holding cattle over the summer period has found there is no weight gain and they do not attain this until they get sufficient green feed of a good calibre to fatten them up. Those cattle are taken from a domestic proposition for another eight months until a stage where they become an export proposition; and we know the export market.

Some people may wish to take a gamble and believe, as I do, that the international beef market by next year will be fairly buoyant; but I do not believe this is a way to run an industry. I do not believe people should be expected to take a punt on what the market will do. We should have concrete marketing plans for both domestic and export beef.

I will return to the Industries Assistance Commission, and I thank you, Sir, for

bearing with me in the length of these quotations. I will repeat the following quotation for the benefit of certain members—

A further point of relevance is that if a stabilisation scheme were to be introduced now, with the object of raising prices, it is likely to exacerbate one of the most critical elements in the current situation, namely the number of cattle being held on properties. Given the limited opportunities for expanding demand, any endeavours to raise prices significantly by intervention in the market would require commensurate restrictions on supplies coming forward on to the market. The most likely effect of this would be to accentuate the already heavily stocked position of properties.

In other words in its submission to the commission, the beef industry believed that it is not possible to play ducks and drakes with the beef market which is oversupplied. We must supply and sell and meet the market in the short term. I believe that in the long term things can be done if people spring off their tails and if people produce prime products—premium grade products—for both local and export markets.

If I am right and by the middle of next year we do have another high in the beef market, people will tend to forget we have had a pretty lean time for 12 to 18 months. They will forget about setting up a marketing scheme and about getting proper markets overseas on long term.

I will give one example of a gentleman in my area who wanted to export 200 steers per week year in and year out when the price was at a very reasonable level, but he could not get them. It was a five-year contract and the farmers were expecting the price to go up so they would never sign away beef like that. Of course, looking back, they rued the day they did not take the opportunity to obtain a long-term market. Some of those very same people are in dire straits today because they would not accept a guaranteed contract over many years.

If I may I would like to quote from some newspaper cuttings to show how ridiculous the situation is when it is followed through to a logical conclusion. On the 29th August, 1975, Mr Knight talked about a nomination scheme. I would not be opposed to a nomination scheme like the one we had in the sheep industry some years ago where it was possible to sell all one's sheep provided one gave the abattoirs a nomination the week before. Very few people were inconvenienced by that. For two or three weeks, because of oversupply, we had to hold back; but in reality that was only for two or three weeks.

On the 28th August in *The West Australian* the headline was, "Govt may control cattle market". Is this what a Liberal and Country Party Government is trying

to do—control the supply and production? Does that not sound very familiar to members as being part of the policy of socialistic parties? This is a Government of which in most instances I am proud to be a member, but in this case it is indicated that it may control the cattle market. The then very new Minister for Agriculture, the present Minister, made this statement in answer to a member in another place.

Another headline in *The West Australian* of the 4th September was, "Beef plan 'for emergencies'". That has a good ringing sort of sound. The emergency was with us for about 12 months before the 4th September, 1975, but we only then start talking about it.

The Minister then went on to talk about two sales a day, and what-have-you. At a later stage in my speech I will refer to the ridiculous situation of two sales a day.

Do members know something? According to *The West Australian* of the 19th September the ALP had doubts about the beef scheme. It had a socialistic scheme given to it on a plate, but it had doubts about it.

It fascinates me that when a party so weak in numbers and policy has something handed to it on a plate by a Government, it does not take the opportunity to make every post a winner.

They should have shown it to the rural people, saying, "We agree with this; this is what we want. It is socialistic control of supply and production and we are all for it." But no, they immediately say they have doubts about it. I doubt, as with anything to do with rural products, that members of the Labor Party know what they are talking about.

The Hon. S. J. Dellar: Perhaps they had doubts because they did not know the full details of the scheme that was proposed.

The Hon. T. O. Perry: That would be the first time you agreed with Mr Lewis. He has doubts about it, too.

The Hon. A. A. LEWIS: I have no doubts about it whatsoever. It stinks. Mr Cooley could give a No. 3 speech on this one. This is all for the workers and nothing for the producers. It seems to me we go on and on.

I will not quote at length from these newspapers clippings. *The West Australian* of the 12th September carried an article under the headline "Bill seeks tags plan for beef", and it went on to say how the tagged cattle will be sent to auction covered by the minimum price scheme and how many private sellers could get these tags. I have already pointed out the problems with private tags for any grower of note. I believe in the small man as much as anybody else does. The small producer can be just as good as the big producer, but in this State I think it would be fair to say the big producer is producing the

bulk of the marketable cattle. If we follow the traditional beef producer and his prices, we will see far less fall in his prices than in the prices of other producers.

Then came the quote of the year—a byline of Mike Zekulich in *The West Australian* on the 2nd October—"Beef won't rise much". How dead right he was. He went on to say—

There should be only marginal increases in retail prices of beef—

Or wholesale prices of beef. To continue—when the expanded reserve price scheme for beef cattle sold on the domestic market begins operating next Monday.

The headline "Dramatic rise in US prices for Australian beef" appeared in *The West Australian* of the 24th September. So it can be seen that day by day we are going from a very sad story to a dramatic rise in US prices for Australian beef. I will have it pointed out to me from behind that we do not sell very much beef to the US, but I will mention later on the terrific effect export markets have.

When the last two socialistic beef schemes were brought into this House we were told about the wonderful prices Western Australia would get through those schemes and how badly off the Eastern States were. A fortnight later, in *The West Australian* of the 8th October we had the headline, "Upturn seen in the beef trade"—seen by no greater expert than the Chairman of the Australian Meat Board. He was speaking in Northam. It is amazing how such experts can foresee price rises but can never see when the crash is coming. It worries me greatly that people go along with the experts without thinking for themselves.

I interpose here and give grain growers a little warning. I would not be at all surprised to see wheat quotas come back. Russia has only to get a good crop next year and the year after, and we will be in dire trouble with Australian wheat. Do not let us forget it. I believe that too often when things are riding high in any one industry we forget an evil which may come when we cannot sell our product. This is mainly because of the complacency of the rural producer. I am only trying to point out what happens in industry over the years—in this case over the months. It can go so quickly from good to bad and not so quickly from bad to good.

In *The West Australian* on the 8th October the Industries Assistance Commission was urging cheap beef loans. I am all for cheap beef loans but I do not really believe this is the way to overcome the problem. I think it will help people out but that it is only a temporary measure. We need a long-term bank, very much the same as the South African Land Bank.

Earlier, when the President was in the Chair, I said I would refer later on in my speech to a comment by a member of the

Australian Meat Board, Mr Dempster. The headline in *The West Australian* on the 11th October was, "Disastrous meat surplus predicted", and the article went on to say—

A big surplus early next year could turn WA's mutton market into a disaster.

If it does that, can anybody say in all honesty that the beef market will not also be in a big mess? If mutton is going to be, as it has been in the past, 2c or 3c a pound, will the public buy beef? I do not believe they will.

I believe these very wise people who will not listen to the submissions of the beef people to the Industries Assistance Commission will not listen to the Meat Industry Advisory Committee which was set up by the State Government and will go ahead and put in a system where the cattle must have tags and it is necessary to hold cattle over. Why are we asking the producer to hold cattle over? A disastrous meat surplus at the beginning of the year—is this what the legislation is all about? I do not believe it is and I hope we can have some answers from the Minister on this matter because, as I say, I am going to oppose it to a great extent.

It appears to me we are being asked to vote for the third time on something that has not worked twice, and we hear the Hon. T. Knight saying, "Give it a go—goodwill." Good lord! We cannot expect to govern our industries on goodwill and hope. We must be businesslike about it. There has come out of late another sticker which followed the sticker of Mr Abbey and Mr Knight. The new sticker shows a bull in a fairly ferocious stance and the caption is, "You are in beef country. Eat beef you bastard." I believe that probably gets the message across far easier and quicker than the caption, "Eat a pound of beef a day", because it is a little more positive.

The Hon. T. Knight interjected.

The Hon. A. A. LEWIS: It is nice of Mr Knight to say so. I am going to give the House the benefit of my views, so members can sit back and listen to some constructive criticism.

The Hon. T. O. Perry: We have not had anything constructive yet from a man who has not been a success as a beef producer himself. If you were a successful beef farmer I would not mind.

The Hon. A. A. LEWIS: The Hon. T. O. Perry calls himself a successful beef farmer. He has to come up with something on the marketing side so that he does not have to go to the Government and ask the Government to run his business. I have never asked the Government to run my business.

The DEPUTY PRESIDENT: Order! Would the honourable member please address the Chair?

The Hon. A. A. LEWIS: I have never asked Governments to run my business. I have run my business by myself. I have taken my losses by myself and I do not expect to have my production or anything I do controlled. I believe in the right of the individual to paddle his own canoe and not be controlled by legislation which in the long term will hurt the producer.

Since this Bill was introduced I have been right throughout my own electorate and into the electorates of many other members.

The Hon. C. R. Abbey: Did you give them notice?

The Hon. A. A. LEWIS: No, I did not. Two producers out of some 300 favoured this scheme. The rest of them thought it was a lot of rot, and I believe the producer does not want some imaginary scheme which may or may not have effect. The industry is working at the moment on goodwill, they say. A little later I will read some comments from producers in my area, stating what they think of the scheme.

Before I do that, it gives me great pleasure to quote a few figures from the Australian Meat Board's circular "Market Notes for Livestock and Meat" dated the 31st October.

The Hon. D. W. Cooley: The Australian Meat Board or the Commonwealth meat board?

The Hon. A. A. LEWIS: The Australian Meat Board. I merely quoted what was on the paper. I did not want to upset anybody or enter into a fierce political argument. I would like to comment on the prices. I will just run through them casually. Last week in Sydney the price for yearling beef, domestic market quality—the stuff we are tagging—was 39.5c and this week it is 42.5c, a net rise of 3c; in Brisbane the price was the same at 44c in both weeks; in Adelaide and Melbourne the price fell by 2c; in Hobart the price went up by 3c. And what happened to the price in Perth? It dropped 0.5c, despite the fact that we put pretty coloured tags on the tails of the animals.

Now we come to ox beef, and this is rather important because some of the cuts from what is called ox beef are sold on the local market. We see a 1.7c drop in Perth. Brisbane, Sydney, and Hobart rose; and Adelaide rose by 8c.

Now we talk about cow beef—again outside the scheme—and we find the price increased in almost all States. The rise in most States was about equal to the rise in Western Australia, except for Hobart, which dropped. There was talk of other States bringing in a scheme like this. I believe probably they had a better look at the consequences of such a scheme than some of the people in this State.

I would like to elaborate on one or two matters in respect of the supply management scheme. It is amazing that any scheme which is so socialist in nature could be introduced by a Liberal-Country Party Government. I oppose it, not only on principle and not only because it will not work, but because the scheme will leave the producers at the beginning of next year in a far greater mess than they are in now.

In discussions with the Beef Industry Advisory Committee, members of the committee pointed out it was easy to carry stock over for another six or eight months. Admittedly this was said a few weeks ago. What they did not realise is that hay crops are not going to be anywhere near as good as people originally thought they would be, because farmers in areas in which prime beef is grown did not use as much super as they would normally. They have already held back stock, and their land is overstocked. They are being asked to hold on even longer. This will have only one result. It will result in the supply of second-grade meat to the market because these farmers will not be able to produce prime domestic meat. If they can afford to put super on their properties perhaps they will be able to get into export quality beef; but I would hate to see the Government force producers into providing meat that is fit only for hamburgers. Surely the beef producers of Western Australia deserve a better title than the producers of the greatest hamburger in the world.

I would like now to turn to some comments made by growers. I have in my hand some notes of a meeting between two producers, an abattoir operator, and a livestock agent. In essence, they said the Bill is not practicable. They have seen the previous two attempts to control supply onto the market and they believe when the scheme fails—and it hurts me very deeply to say this—the Government will go into complete control of the whole beef industry. Legislation will be brought to this place to control the whole of the industry and farmers will be told what they can grow and how many cows they may have. That is the next step.

These people in the field, who are not politicians but just ordinary, practical people, can see what a so-called private enterprise Government is doing to them. They can see the Government destroying them step by step because it thinks it can interfere with supply and demand. They believe these controls will not benefit any producer and that ultimately the Government will have to agree that the price scheme has not worked. They also mentioned the high-priced cuts of beef taken from export carcasses, and I have already touched on that. These cuts are used in the local trade. Large numbers of 500-pound and over steers are used on the

local market. What effect does this have? Competition is taken out of the industry.

It appears to me that as there are to be two sales, the first of which will consist of animals with tail tags, a farmer could take along 30 head and receive only 15 tags even though all the cattle are of the same type. An abattoir operator may pay the reserve price for the 15 tagged cattle and then buy the remaining 15 at the second sale. If the need of the operator is only 15 head a week, what will happen in the second week, because he has bought two weeks' supply? Under this scheme he cannot be stopped from doing that because he has bought in the second sale. Therefore, automatically we will defeat what is alleged to be the purpose of the scheme. It fascinates me to think that departmental experts cannot see the practicalities of this.

Far too often we hear producers running down butchers and the middlemen. Only recently I was privileged to hear a gentleman from the Australian Meat Board pointing out to some growers the costs of putting beef through an abattoir and on to the butcher's floor. He was going to be smart; he organised the killing for himself, and he also organised everything else. But when the meat was ready the price was 7c above the price of the local butcher.

What producers do not realise is that the butcher is their front man; and if the butcher is pushing beef he can do far more than the producer can because he is the marketing agent. He is the person who is actually getting across to the consumer. If every butcher in Western Australia—and I agree with Mr Knight that we should eat more beef—said to the housewives, "Gee, love, the beef is nice this week" that would have a dramatic effect on the sale of beef. Butchers are the front runners; they are the people to whom the producer must look.

I would like to quote from *The Scottish Farmer*. It is not a magazine I read regularly, but this article happened to be handed to me in conjunction with this Bill. The article is dated the 9th August, 1975, and the headline is, "Thank goodness no meat board—FMC". The FMC, as Mr Masters would know, is the Fatstock Marketing Corporation. I quote as follows—

The decline in support for a meat marketing board is recognised with some satisfaction by the Fatstock Marketing Corporation.

No statutory organisation can lubricate the process of meat marketing says the FMC News, the organisation's newsletter, in its latest quarterly issue.

"The persistent calls for a meat board, which have echoed loudly across the agricultural scene for more than 20 years, now seem to be muted. Many

of the meat board lobby recognised that our entry into the Common Market had virtually killed their cause, and the canvass by the National Farmers' Union already indicates clearly that the majority of farmers are not in favour of a meat board," states the FMC.

"The fact is that a marketing organisation which buys right and sells right will succeed. But if it lets down the farmer on price or service he will take his stock elsewhere. If it tries to sell too dearly to the butcher or fails to deliver on time he will buy from somebody else. Meat marketing is a competitive business where margins are small and the only guarantee of survival is efficiency.

I would hope that our Government would read that article over and over again. I repeat: the only guarantee of survival is efficiency. I believe probably that is the most important thing we can look to in respect of this industry in Western Australia.

I acknowledge the need for a meat classification scheme in this State and throughout Australia. I believe we should study the report of the Meat Industry Advisory Committee, and heed the advice prepared by the committee after many months of work. Did we take its advice? No; we ran off with some other stupid scheme which will lead us into further disaster for the producer. I would quote from page 143 of the recommendations of the Meat Industry Advisory Committee under the heading, "Recommendations on organisation of marketing", as follows—

- (a) marketing systems suitable for Western Australian conditions which would improve the efficiency of marketing by informing producers of market requirements and minimise costs associated with the selling of stock and meat;
- (b) the minimum price schedule system for varying classes and categories of livestock as an alternative means to compulsory acquisition of ensuring producer confidence by reducing market price fluctuations;

The committee did not ask for beef tags; it asked for a marketing system. Is it not fair that when a committee has been set up to provide advice, we should follow that advice? We cannot be political about this; we have to give the Minister for Agriculture in the Tonkin Government full marks for setting up the committee, and we must give the committee full marks for producing a report which I doubt would have pleased that Minister.

The Hon. D. W. Cooley: He was a Minister in a very good Government.

The Hon. A. A. LEWIS: We discussed that earlier tonight, and I do not think we

should continue to discuss it because the matter is not really relevant to the beef industry.

I would say that that Minister in the previous Government would be extremely disappointed with this report, because it was a private enterprise report. It finished up that way despite the fact that there were union representations on the committee.

The Hon. D. W. Cooley: Are there not any unions in private enterprise?

The Hon. A. A. LEWIS: My word there are! That is why we are in government. That is why people in private enterprise do not want any socialistic schemes. That is why I challenge Mr Cooley to pass this Bill because it will give his unionists a fair go if they can buy on a private enterprise market, and not on a socialistic-controlled market. I am telling Mr Cooley to put his vote where his mouth is, because if he votes for the Bill it will do his supporters no good whatsoever. In the long run it can only increase prices for the people whom Mr Cooley supports.

The Hon. D. W. Cooley: You are a lonely little petunia in the onion patch.

The Hon. A. A. LEWIS: I did not know that this Bill had anything to do with vegetables. I heard Mr Cooley talking about onions. However, steak and onions do make a very tasty dish.

The DEPUTY PRESIDENT: Order! The honourable member will not encourage interjections.

The Hon. A. A. LEWIS: I am sorry, Mr Deputy President. However from the conclusions made by the Meat Industry Advisory Committee I want to make three quotes from page 123. The first one is as follows—

Producers, particularly beef producers, will have to expect fluctuations in sale-yard returns and will need to maintain more flexibility in their livestock production plans.

The next quote reads—

Recent large increases in the cost of production, processing and transport have contributed to reduced net returns of meat producers.

These are basic factors which Governments tend to forget when they introduce legislation such as this. I feel sorry for the Leader of the House in having to introduce a Bill of this nature. It is not fair to ask a man who believes in the private enterprise system to introduce socialistic measures.

The Hon. D. K. Dans: And thereby hangs a tale!

The Hon. A. A. LEWIS: If I may, I will now make the third quote from the conclusions arrived at by the Meat Industry Advisory Committee. It reads—

In the interests of stability in the meat industry long term contracts for supply only should be encouraged.

Such arrangements would permit adjustments in price over the term of the contract.

To me that sounds like marketing, but it also sounds like an opinion from people who knew what they were talking about; people who followed the private enterprise system right through to the end. It is of no use this Government saying, day by day, "If this does not work we will try something new", and at every step it is moving closer to a controlled production situation.

Can anyone tell me of any farmer who really wants a Government to control his enterprise? There may be some, but I have never met them. I have met some fringe-type farmers who may have some socialistic ideas of the Government running their enterprise, but no real farmer wants to give away his independence to a Government, because most Governments cannot be trusted by him. Surely you, Sir, know this as well as I do. No pioneer on any type of land would want to give away that for which he has worked all his life. No farmer who goes out and lives in a tent for years would want to give away his independence. Any farmer who started in a pioneer fashion would not want to give away his independence to some Government; to give away his private enterprise spirit and his independence for which he has worked for so long, only to see a socialistic Minister, with one stroke of a pen give away all he had worked for over a number of years. I am sure, Sir, if I asked you questions on the wheat industry and we started passing Bills dealing with that industry you would get very upset and say, "No way".

I believe this House should say, "No way should such socialistic legislation be passed."

Finally I am now reaching the stage where I would like to refer to some of the comments made by the Minister in his second reading speech. At the beginning of his speech the Minister said—

Members will recollect the introduction of the Beef Industry Committee Bill in 1974, which provided for the setting by a committee of minimum prices for certain specified classes and weight ranges of beef, with the aim of achieving reasonable price returns for producers for beef sold on the domestic market, and introduced at the request of all segments of the industry.

I do not believe that. I do not believe all sections of the community asked for that, nor do I imagine that the Minister believes that. I cannot possibly believe that a farmer asked for such a scheme when two similar schemes have already failed. Difficulties have been met in the administration of such a scheme. Let the Minister read the speech I made on the original scheme. I pointed out there and then that I considered the Minister should

withdraw the Bill and send it back to another place, telling them what they could do with it.

This Bill is of no use in the same way as the other two Bills were of no use. In his speech the Minister went on to say that a high percentage of beef has fallen outside the classification used by the committee. What does the committee think would happen if we tried to control markets? How do people think they can stop baby beef growing? Who wants to stop them growing, anyway? Quoting again from the Minister's speech, he said—

In 1974 the period of heavy supply had largely gone before the scheme became operative.

What will happen when we get a large supply? It fascinates me to think that Ministers and departments are of the opinion that schemes such as this can work. I believe it is an insult for a Minister to be given a speech in which it is admitted that mistakes have been made. In the first line of the second paragraph of the Minister's second reading speech there is an admission that the scheme has been a failure because it is stated that there have been difficulties in the administration of this legislation.

The Hon. J. Heitman: What about giving the answer to the question instead of running the scheme down? That is the right thing to do.

The Hon. A. A. LEWIS: If Mr Heitman will stay on long enough, he will hear it.

The Hon. J. Heitman: We have waited for about two hours to hear it.

The Hon. A. A. LEWIS: The honourable member has waited for about only half the time I am going to take and if he wants to interject I will probably take longer. I will go on because I am in no hurry, but I have outlined the background of the situation.

The Hon. J. Heitman: We have heard the speech.

The Hon. A. A. LEWIS: The honourable member may have heard the speech but he has not heard the full background. I can assure him that he will have the full background without any equivocation. The Minister also said—

Provision must be made for the committee to have management of supply in order to regulate supplies of beef coming forward which are suitable for home markets...

Did you hear those words, Mr President? I draw your attention to them once again.

This is not socialistic but good private enterprise stuff. However, it is not the sort of stuff that I or any decent farmer will want to be a party to.

In his second reading speech the Minister went on to use some clichés. He said—

The scheme is based on the willingness of all segments of the industry to co-operate.

Again that is a fairy tale. Who will not make a dollar if he possibly can?

I have explained the operations in the second sale, and what the operator can do. If there are 30 head of cattle and he wants only 15 a week, he has to buy 15 at the first sale and 15 at the second sale.

The next paragraph in the Minister's speech is interesting—

Firstly, provision is made for records to be kept by abattoirs, auctioneers, and purchasers of beef, and for these records to be available to a person authorised to see them.

I presume that person will be a member of the committee. To continue with the Minister's speech—

Secondly, there is provision for these people to make such returns to the committee as are prescribed.

I wonder how many more things can be prescribed, and how many more forms have to be filled out to sell our stock. According to the Minister—

This is the first time that an attempt has been made to implement a scheme of this type in Australia through a period of oversupply.

Does the Minister really want us to believe that this is the first time a scheme of this type has been introduced? What about the other two schemes which failed? I say it is not the first time an attempt has been made to introduce a scheme of this type through a period of oversupply. Does the Minister believe that the other two schemes were introduced through a period of oversupply?

The Minister went on to say—

It is to be hoped that they will be overcome by the goodwill and co-operation of the total industry.

It saddens me to have to vote against the Government; and it saddens me to belong to a Government which brings forward this sort of legislation.

Mr Heitman has asked me to make some constructive suggestions. This will take less than half an hour. I think the honourable member should have the benefit of those suggestions, although he has heard them privately from me. He has asked me to tell him about the ways I think marketing of beef should operate.

My view is that we can forget the short term, because the supply and demand situation—despite the efforts of this Government—will sort itself out probably by the middle of next year. I realise there will be many sad beef producers. What are we to do? Do we take the advice of some of the people I have mentioned tonight in the Meat Industry Advisory Committee?

The Minister, Mr Heitman, or any other member could give his views on the practical solution of long-term contracts. I do not think there is any member in this

House who is silly enough to think that we do not need export markets for our beef. If some member does think that, I am afraid I can have no truck with him. He should run off on cloud nine because he does not realise the true situation.

We come back to the situation that has been pointed out by the Meat Industry Advisory Committee; it is that at least half of our beef production has to be exported. I believe that we can find, not necessarily now but certainly within the next six or eight months, long-term markets provided we are not greedy, we accept a reasonable price, we do not try to catch up with the loss we sustained in the last 18 months, and we take the attitude that this will not happen to us again.

In international marketing it is fairly simple to produce a scheme of selling a product on a forward basis where the price is not fixed and can be altered with the fluctuation of inflation in both countries involved. There is no difficulty in international marketing under this method. Have we, are we, and should we use this form of selling our rural products? I suggest we do not use this form. It is very unfortunate for us that we do not. This is the basis on which we should start on the sale of our products.

The second basis is to promote the product. Both Mr Knight and Mr Abbey have done this in their own way in promoting the sale of beef, and I congratulate them for doing that. Of course, they will run into competition with the lamb, mutton, and pig producers, but there is room on the market for all of us to encourage the Australian housewife to purchase beef. However, we have done very little to make the job of the consumer easier.

For years we have said to the consumers, "Here is the product. You can lump it or leave it." For years we have been selfish to the extreme in saying that we do not care what the consumer wants. We have not undertaken a consumer-oriented survey in years. Instead we should say to the housewife, "You are our most precious customer. What do you want?"

I shall not develop these themes any further, because I am sure members have got the idea that I am opposed to this whole proposition. I am opposed to socialism, and I think members opposite know I am opposed to socialism. Probably because of the logic of my argument in this instance they will vote with me in opposing the Bill, because they believe this should be a House of Review, as I do. Very seldom do they cross the floor to vote against their party, but I am sure they will oppose this sort of legislation because it affects the people they represent—the workers, the unionists, and the housewives in the suburban electorates.

My parting words to the Minister are, "Forget this Bill." Marketing has been carried on so far with goodwill, although

there are many bugs to be ironed out. I do not want to come back to this House early next session to have a fourth go at introducing a marketing scheme whereby the industry is taken over completely. I would not like to tell the Leader of the House and you, Mr President, how many cows can be kept. I am sure that you, Mr President, would not like that, but that is what will happen if this disaster is allowed to go on and this type of legislation is continued.

I oppose the Bill. In my view the item should be deleted from the notice paper or the Bill should be defeated, because it will not serve any good purpose to the producer or the consumer.

THE HON. D. J. WORDSWORTH (South) (12.20 a.m.): I am sorry to take up the time of the House at this hour, but I intend to be in Albany tomorrow when the second reading of the Bill will be concluded. Therefore, if the House will bear with me I would like to record my views on the legislation now.

As members know, the whole intention of the Bill is to try to control the management of the beef industry and to control the amount of cattle coming onto the local market. While it is agreed by most producers that we have no hope of controlling the export market, it is felt that at least producers should be given a fair go on the local market and that the price consumers pay in Western Australia should give the producers a reasonable return.

I do not think anyone could disagree with those sentiments, not even Mr Lewis. I certainly agree with them, but I am also fearful of whether in fact they can be implemented and whether the result will be a price difference between the local market and the export market. I do not know whether by controlling the amount of beef coming onto the market the producer will be better off in the long run, or whether he will lose what he gains.

My chief concern with the legislation is that it will limit the amount of beef on the market and will slow down the amount killed. No-one can deny we have a glut of beef on the market. I believe that if we could get rid of that glut we would have some hope of limiting our production, but I am fearful that this supply management will push that glut ahead of us and that we will not be able to digest the quantity available. Perhaps I could liken the beef industry to a hunk of meat in a sausage skin, with the lump forever in front of one.

One of the aspects which worries me about the whole scheme is that we have not been given sufficient figures concerning production in Western Australia. We know that 55 per cent of our beef is exported, leaving 45 per cent to be consumed

locally. We also know that the local consumption of beef has gone up 40 per cent. One can assume that now at least we are consuming well over 50 per cent—but probably between 50 and 60 per cent.

We seem to be treating the whole of Western Australia together, and yet we know that 45 per cent of our beef animals are in the north. I have asked questions in the House of the Minister who has indicated that there is very little effect from northern beef on the Midland market. In fact, probably less than 5 per cent of the beef from the pastoral areas in the north comes onto the local market.

If we export 40 per cent of our production and half of our production cannot get onto the local market because it is in the north, then we must be very close to eating our way out of trouble. But what do we find? In his second reading speech the Minister actually tried to give figures to demonstrate why we should have these controls on the amount of cattle on the market. I feel I should take the opportunity to again read what the Minister said, as follows—

I am able to provide some figures to assist the House in its consideration of this legislation. Taking the Australian Bureau of Statistics' figure of almost 714 000 beef cows and heifers over one year of age held on farms at the 31st March, 1974, it is calculated that, based on a 75 per cent calving and 70 per cent marketing of calves, there would be a production of baby beef in 1975 of almost 375 000. It is estimated on the basis of the difference between production and export, that the average weekly demand in the south west is for between 5 500 and 6 000 carcasses. This may be a slight under-estimate.

At a consumption of 6 000 carcasses per week, consumption in the four months from the 1st October to the 31st January, will be approximately 102 000. Potential production is therefore almost three times as great as estimated domestic demand. This does not take into account steer beef, which has been held over from 1974 calving, and has yet to be sold.

The Minister has said that there are three times as many baby beef as can be allowed onto the market to be consumed locally and therefore we must have controlled marketing.

I asked a member of the staff here to obtain the latest statistics on the number of cattle in Western Australia. Unfortunately the most recent Year Book he was able to obtain was the one for 1973, in which the cattle numbers provided are for 1971. However, the number of cattle in the agricultural area is given as 861 000. I would be very surprised if of that 861 000 over 700 000 are cows. I think the Minister has obtained the wrong figure and

has quoted the total number of cows in the whole State. I do not know. I am trying to work as a member of Parliament only. He has a staff of beef experts, economists, and what-have-you. However, I certainly believe he has given us the wrong figure.

I do not consider we would have to worry about the baby beef production from the Pilbara, yet this is why we have the Bill in front of us.

I do not consider enough facts and figures have been presented to the producers or to this House. The Minister's figures are about twice as high as they should be.

Mr Knight has suggested that if we ate more beef we would eat our way out of trouble. I believe that would not be hard to do. We have increased our consumption by 40 per cent. We could improve the situation if we lowered the age at which the animals could be killed. We could then eat all the beef we produced.

For instance, if the weight of the average animal we eat is 400 pounds, obviously if we killed it at half its present age it would produce 200 pounds which we could consume. If we followed the theory through to ridiculous lengths, we could suggest that we killed the animals when they were one week old, and then we would run out of beef. However, I do not suggest that we should do that.

Nevertheless, we could get on top of our problem if we reduced the age for killing. For this reason I recommended to the Government that the pig chain at Robb Jetty be converted to a calf chain.

Members will recall that the pig chain was closed down because Robb Jetty was turned into a Mohammedan-type abattoir where pig killing is not allowed. I suggested the Government should convert that pig chain to a calf chain. In fact very little conversion would be necessary to enable the Government to kill veal at no charge. This might cost the Government \$200 000 a year for labour to work the chain. In this way we would get rid of a lot of the younger stock or the poorer type to which Mr Lewis referred. We do have off-type breeds here. If my suggestion had been adopted and farmers had been encouraged to utilise this service, we could have overcome a lot of our trouble particularly in the dairy area.

Unfortunately, that was not done. The Government did, in fact, reduce veal killing charges by half but I do not feel that was good enough. I believe that if the works had been turned over to completely free killing, with the Government supplying the labour, the plant would not have been idle and we would have achieved something.

I am inclined to think that the marketing system will tend to make farmers hold back their livestock. As a result, the stock will get bigger, and poorer in quality. Indeed, in an article published in *The West*

Australian on the 23rd October beef producers were asked to hold back stock. That request came from Mr C. W. Maisey who was speaking on behalf of the Beef Industry Committee. He called on the farmers to keep livestock back.

The farmers have held back their stock and they are able to do it because of the good season. However, I am fearful of what will happen in the next couple of months. Farmers have been encouraged to keep stock back rather than to sell it.

I asked a question seeking information concerning the number of tags which had been issued, and I was told that in Esperance 1500 tags had been issued for the month of October. That is a very small number considering the number of cattle produced in the area. It works out at 18 000 tags a year. Just one property has 10 000 breeders, and there would be dozens of properties with 1 000 breeders, as well as hundreds of smaller farms.

While it is the intention of the committee that agents will issue tags in proportion to about 50 per cent of the cattle eligible for sale, I do not believe the tags have been issued. I do not think they have been called upon to issue the tags because the scheme has not been going for very long and the farmers have had a good season and have been willing to wait.

I will quote Elder Smith Goldsbrough Mort Ltd. which had been marketing 100 head of cattle for one client each week. The tags issued to Elders totalled 90, so it will be seen that agent cannot even keep up with one client.

I am concerned with the new land areas, a large proportion of which I represent. I asked the following question of the Minister for Justice representing the Minister for Agriculture—

- (1) On what basis are tags issued by the Beef Industry Commission?
- (2) If on an historic basis, over what period are these figures collected?
- (3) What allowance is made for producers to change from an increasing herd to a static herd?

For those who are not aware of the livestock industry, I will explain that in the case of a property which is being developed, the female cattle are kept back and the males are sold. Obviously, only half of the livestock production is sold. However, if for some reason the farmer cannot continue to develop his farm, he is not able to keep back his female stock, so he has to sell them. I am trying to point out that the production in a place such as Esperance could double just because additional stock is put on the market.

I did not receive a sound reply to my question. I was told that the tags were worked out on the percentage of market, the percentage of sales at livestock centres, and the percentage of private sales. I do not believe that would be indicative

of the numbers of livestock available for sale in the Esperance district.

The new land areas will be hit by a marketing scheme such as this. I am also fearful that not enough variance will be allowed in the issuing of tags to account for seasons. One particular area can have a good season, and that will be the area which will supply cattle to the market during winter months. As it happens, the Esperance region had very good rains during April and it was able to put cattle on the market during the winter months whereas places such as Margaret River had no hope.

While articles were appearing in the Press stating that cattle were being shot, the buyers were travelling to Esperance—a distance of 500 miles—and paying \$70 for cattle on the properties. That does not add up. Unfortunately, the cattle at Margaret River were not saleable whereas those at Esperance were saleable.

The Act previously operated on a six-monthly basis, but that provision has been thrown out and the Act will now be with us forever until it is destroyed by the Governor or the Executive Council; just as we have wheat quotas with us forever, we will have this type of marketing scheme forever.

I repeat: I am very concerned about what will happen once we get into this sort of marketing process. I am concerned particularly with the new land areas which are some distance from the markets.

Again quoting from my local experience, I know one producer who has 250 head of baby beef. I would say that 200 of them will be fit for the local market as baby beef. If he receives 100 tags his hopes are absolutely nil. He will have to get rid of the baby beef, for financial and feeding reasons. He will have to market them somehow.

If he does not receive sufficient tags he still can send them to the Midland Junction Abattoir. If they are of the classified type, and he does not have tags, I suppose the abattoir will be able to send the cattle back again. What he will do then, I do not know. He can be given permission to sell them if an exporter purchases them. He would have to also consider boning them, but he would be looking to the local market to sell the better cuts. That would be for at least half the animal so, a large proportion of that export meat would come back onto the local market which means that the number of tags will be reduced. It will be a little like the dog chasing its tail.

I pointed out that I felt the most sensible approach to this glut was to consume as much as we can on the local market and to tend towards veal rather than just run them on to export. We have heard an amazing lot of rumours around this State about what is happening to Australian export beef. I have heard from various people that it is going to South

America and being repacked under the Uruguay label and exported elsewhere. I do not know who could say this kind of thing. It sounds stupid. The "Market Notes for Livestock and Meat" quoted by Mr Lewis state that current price levels in the Argentine and Uruguay are well below Australian prices, and in another place they state that the lower prices currently ruling in the South American countries, particularly, had affected Australia's chances of exporting to Italy. So it can be seen on that one issue we cannot compete with South America and have no hope at all of matching their prices.

I happen to know the President of the Australian Angus Association very well, and I would like to quote from the report in the *Australian Country* of November, 1975, of his visit to Buenos Aires where he judged at the World Angus Conference. He is reported as having said—

Whilst in Argentina the delegates viewed a cattle sale where the average price for pure commercial Angus pregnancy tested in-calf two-year-old heifers sold for the equivalent of approximately \$A30 a head and since that time they have had a 50 percent devaluation.

This is the kind of thing Australia is trying to compete against. Unfortunately Argentina is unable to get its livestock onto the American market because of foot and mouth disease, and I would say there is no chance at all that Australian meat has ever been repacked and put into South American cartons because that would straightaway prevent it being admitted to the US market. These rumours seem to be passed around to make farmers frightened and try to talk them into this kind of marketing.

If we were more honest with ourselves, we would see our main troubles in the industry today are not so much a fall in the prices on export markets but largely the cost factor in our production—not necessarily on the farm, because we are unable to pass those costs on, but from the point of view of slaughtering and shipping to the markets.

I would like to quote from a symposium which was held at the Melbourne Show on the 23rd September and which was reported in the *Meat Producer and Exporter*—

In the four years from June, 1970, to June, 1974, killing and boning costs have risen about 75 per cent. In the ensuing 12 months they have jumped by about 81 per cent . . .

The costs went up 75 per cent in four years and then another 81 per cent in one year. It is these costs which are ruining our export markets.

The same thing is happening with freights. Freight rates in the US and the UK have risen between 34 and 40 per cent

from 1974 to 1975 and there is a forthcoming rise in the order of 30 per cent in the near future. This is what is creating havoc with our markets.

It is also reported in the same article that Mr Wyatt, the Australian Meat Board Marketing Officer, said the US price for manufacturing beef would have to rise 66 per cent before we would have a break-even price for the Australian producer. It is rather frightening that the American market has to rise 66 per cent before the Australian producer will be producing economically, and I have to say the chances of that happening are nil. Mr Wyatt says at the same time that on the domestic market a price rise of 63 per cent is required to make production worth while. I hope this Bill can increase prices in the order of 63 per cent because this is the kind of thing we will have to look for to become economic once again.

Many theories have been expounded on whether the Bill should be introduced or whether the Act needed amending. The Farmers' Union has actually made the threat that if this Bill does not go through we will have statutory marketing and beef will be marketed in a similar way to lamb through the Lamb Marketing Board. It is rather interesting to note how little call there has been from beef producers for statutory marketing of beef. Unfortunately, we have not seen very good prices through the Lamb Marketing Board. In this week's statistics from the Australian Meat Board we find that the Perth price is 43.3c a kilogram, which is the second lowest in Australia. In Sydney the price is 62c, in Brisbane 67c, and in Hobart 63c. There is only one city where the price is below ours, and that is Adelaide. If that is an example of statutory marketing and what happens when we have full control of a market, I think the beef producer will not give very much encouragement to it.

The Hon. C. R. Abbey: But the average for 12 months was \$1 a head better than in any other State.

The Hon. D. J. WORDSWORTH: It is like having one foot in the refrigerator and one in the oven: the average is perfect.

I notice that in New Zealand the price of export lamb is well over \$9, although that country is much further away from the markets we are serving in the Middle East now and it does not have a ratio of live sheep to carcass meat, which helps us so much in Western Australia. Undoubtedly that is the reason we are achieving the sales to the Middle East—that producers want to continue with the export of live sheep from this State.

I know we are not debating the Lamb Marketing Board but I would like to pose the question to this House and to producers that if statutory marketing is the ultimate, why have we not a two-price system for lamb? Are the local consumers

in Western Australia paying any more than export prices? I think these are questions which should be answered because that is what this Bill is endeavouring to do. Perhaps the proposals in the Bill might be better than statutory marketing. The Bill certainly has a better philosophy, anyway.

I must congratulate the State Government on its announcement that it will look into freight relief for producers in Esperance. I have produced maps for the Government—although I cannot show them to the House—showing the position of export abattoirs throughout Western Australia. It is interesting to note the relationship of the abattoirs to the points of production, and we see that most cattle are produced within 120 miles of an export abattoir. Unfortunately, the only centre of cattle production which does not fit into this category is Esperance, and this is mostly because we were unable to complete our own abattoir.

The Government will look into the position of giving some support to the producers in Esperance, and I would like to illustrate to the House the need for it. I will take the example of an average export type cow which, at the moment, is worth \$40. If it is produced in the normal beef area, the average freight will be \$4. The return after paying freight will be \$36. If this animal is produced in Esperance, the freight will be \$14, and the producer will receive \$24 only. The selling cost of the animal will be much the same wherever it was produced, and this means that the person who produces his cattle near an abattoir will lose 20 per cent of the total value of the animal for selling and freighting, but the person who produces in Esperance will lose 50 per cent of the gross to sell and freight the animal. So in Esperance we lose 50 per cent of the sale price, as against other beef producers who lose 20 per cent. One can imagine how this is affecting the farmers in the new land areas.

The situation was not quite so bad when an animal could be sold for \$100. Let us say again that the freight on such an animal was \$4 and the selling cost was \$6, the average producer then received 90 per cent of the sale price of the animal. The beef producer in Esperance would pay \$20 to sell and freight his animal—or 20 per cent—so we were only about 10 per cent behind other cattle producers in the days that a cow sold for \$100.

The Hon. G. E. Masters: You probably brought your land a lot cheaper than those nearer the abattoirs.

The Hon. D. J. WORDSWORTH: That is right, the price of the land was based on the economics of \$100 per animal. We are now 30 per cent behind other beef producers. We appreciate the fact that the State Government will endeavour to grant some relief to the producers in Esperance.

I would like to repeat my remarks that the only real solution to our problem is to reduce output. I was staggered to see the sort of cattle on the market at the opening of the cattle yards in Denmark. Very few animals were killable, and I understand the main reason for this was that the cattle had been kept on beyond the time they should have been killed. The feed was poor because the farmers had not had the cash to outlay on superphosphate, and the stock had gone down the drain. The producers in that area are in great difficulty, and I am frightened that this pattern will be reproduced throughout Western Australia.

When one looks at the figures obtained from research farms, one sees that one cannot stay in business whilst hand feeding cattle to any great degree. Beef producers must cut down on their stock, and as the price of superphosphate has increased from \$14 per tonne to \$60 per tonne, the animals will not be able to be carried. The only course to take is to kill the females as calves. If there is any hold-back of stock for the market, the females will become cows and they will be put to the bull again. In the old days of unlimited export to the United States at profitable prices, it did not matter when one's stock was very thin as it could still be sold. However, nowadays stock must be good, and one cannot achieve this result if one is overstocked. The only alternative we can see in Esperance today is for beef producers to go into cropping, and to do this one must reduce cattle numbers.

Whilst the sentiments behind the introduction of this measure are very good—the desire is to lift the price of cattle on the local market—I am frightened that it will hold back the sale of livestock. I would like to point out to producers again that if this solution is the ultimate, why has not the Lamb Marketing Board taken the same course? Why do we not have a two-price system for the sale of lambs?

Debate adjourned, on motion by the Hon. C. R. Abbey.

House adjourned at 12.57 a.m.

Legislative Assembly

Wednesday, the 5th November, 1975

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

ALSATIAN DOG ACT

Amendment: Petition

MR CLARKO (Karrinyup) [2.17 p.m.]: I have a petition for presentation to the House. It reads—

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.