

HOUSE OF ASSEMBLY

Thursday, October 16, 1975

The SPEAKER (Hon. E. Connelly) took the Chair at 2 p.m. and read prayers.

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

Land and Business Agents Act Amendment,
Licensing Act Amendment (R.S.L.),
Planning and Development Act Amendment (Regulations),
Returned Servicemen's Badges Act Amendment,
Statutes Amendment (Gift Duty and Stamp Duties).

SUCCESSION DUTIES ACT AMENDMENT BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

BEVERAGE CONTAINER BILL

At 2.3 p.m. the following recommendations of the conference were reported to the House:

As to amendment No. 3:

That the Legislative Council do not further insist on its amendment but make the following amendment in lieu thereof:

Clause 4, page 2, line 26—Leave out "the amount" and insert in lieu thereof the following words "an amount not exceeding five cents" and that the House of Assembly agree thereto.

As to amendments Nos. 6 to 10:

That the Legislative Council do not further insist on its amendments.

Later:

The Legislative Council intimated that it had agreed to the recommendations of the conference.

Consideration in Committee of the recommendations of the conference.

The Hon. G. R. BROOMHILL (Minister for the Environment): I move:

That the recommendations of the conference be agreed to. It is with some pleasure that I move this motion. The Committee will recall that the Legislative Council provided that there should be a maximum deposit of 2c on both a beer bottle and any other container of that nature that was similar to a can. This meant that the Government would have been restricted to applying that 2c to a can and would have been required to provide the same to the beer bottle. I will not repeat the reasons why we had problems in accepting the amendments, but what has finally happened as a result of the conference is that the Legislative Council has restored the position relating to the Government's discretion to determine whether the beer bottle ought to have a deposit or be exempt, and we are no longer committed to the principle of providing a 2c deposit on the beer bottle. At the same time, as a result of the outcome of the conference the Government has assured members in another place that it recognises that the problems of broken beer bottles is a community difficulty and has indicated that it will provide severe penalties in other legislation to deal with the improper disposal of beer bottles.

Members will recall that the Government's original proposal left it to the Government's discretion to determine the deposit on a can. The Legislative Council's amendment limits the Government to providing a deposit on the can of not more than 5c. I believe that the Committee

can accept the amendment because it is possible that, in any case, 5c might have been the sum finally arrived at. However, as the Legislative Council's managers pointed out, it is better for the industry to know what the maximum deposit will now be so that it can make its arrangements accordingly. That was the basis of the agreement, and the other consequential provisions were then not proceeded with.

Motion carried.

PUBLIC WORKS COMMITTEE REPORTS

The SPEAKER laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Mawson Co-educational High School conversion (Stage II),

Port Augusta West Sewerage System.

Ordered that reports be printed.

QUESTIONS

The SPEAKER: I direct that the following written answers to questions be distributed and printed in *Hansard*.

GRAND JUNCTION ROAD

In reply to Mrs. BYRNE (October 7).

The Hon. G. T. VIRGO: Reconstruction and widening of Grand Junction Road between North-East Road and Anstey Hill is not included on the Highways Department's five-year advance works programme. Annual average daily traffic volumes range from 8 000 just east of North-East Road to only 1 300 east of Dillon Road and, accordingly, the priority of this project is low in comparison to the priorities of other departmental projects competing for the limited funds available for urban arterial roads.

CAVAN BRIDGE

In reply to Mr. BOUNDY (October 8).

The Hon. G. T. VIRGO: Construction of the new western carriageway, which includes new over-pass structures over both the existing broad gauge railway and the new standard gauge railway, is currently scheduled for commencement towards the end of 1977. Following this work, which could occupy some 18 months, the existing eastern carriageway will be reconstructed and this work will include an over-pass over the new standard gauge railway and improvements to the existing over-pass over the broad gauge railway. However, the South Australian Railways have recently advised the Highways Department of a revised railway standardisation programme. Scheduling of the works, including availability of funds and other resources, is currently under examination to ascertain whether the desired construction schedule for the over-passes can be achieved. Consequently, a firm date cannot be given until examination of the schedule is completed. It is hoped that firm dates can be fixed within the next two months.

LAND PURCHASES

In reply to Mr. DEAN BROWN (September 11).

The Hon. PETER DUNCAN: After consulting with the Real Estate Institute, it appears that no responsibility could be placed on the agent, as he would not know whether a block had been filled or not, nor can the vendor be held liable to declare such a fact, as in the isolated cases where filling has been used, he may be unaware of this fact as the filling could well have been performed by a previous owner.

PRIME MINISTER

Dr. TONKIN: Does the Premier retain absolute confidence in the Prime Minister of Australia, and, if he believes the Prime Minister's recent actions deserve his support and the support of the South Australian Government, will he say why? The Prime Minister and his Ministers have misled the Australian Parliament over the loans affair, and presumably this has had some effect on the South Australian Government. Whether or not this was intentionally misleading is known only to Mr. Whitlam and those Ministers concerned. In the press in recent months, members of the Australian Labor Party, including a Minister of this Government, have attacked the Prime Minister. The Hon. Jim Dunford, No. 2 on the Australian Labor Party's Legislative Council ticket, said in relation to the unfortunate demotion of Mr. Clyde Cameron:

This is the worst decision Gough Whitlam ever made. He has shown he is a man who cannot be trusted.

In the *Australian* on July 7, the Hon. Mr. Dunford is reported as saying:

Mr. Whitlam owes his present position to Clyde Cameron, and now he has turned on him and stabbed him in the back.

On the same subject, the Minister of Labour and Industry (Mr. Wright) is quoted in the *Canberra Times* of June 13, as saying:

I am absolutely disgusted with the Prime Minister's action.

In the light of these statements, the Premier's recent electoral rejection of the Prime Minister, and other recent events, do the members of his Government now totally support the Prime Minister?

The Hon. D. A. DUNSTAN: I certainly support the Prime Minister as Prime Minister of this country, which he rightfully is. I will have more to say later this afternoon about the utterly unconstitutional and improper actions of people in whom apparently the Leader claims to have some sort of confidence. The confidence of the Labor Party in the Prime Minister is clear.

Members interjecting:

The SPEAKER: Order! The honourable member for Eyre must cease interjecting.

The Hon. D. A. DUNSTAN: The honourable member for Eyre, thank goodness, never speaks for the Labor Party.

Mr. Gunn: He wouldn't want to.

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: We would not want him to, either. The position is as I have stated, and I point out to the Leader that some of the people in the Australian Parliament who are not members of the Labor Party have that view, too, because I notice that, in that Parliament today, a member who was not a member of the Labor Party voted for that Party on a motion of confidence.

Mr. GOLDSWORTHY: In the light of the Prime Minister's earlier statements in 1972, does the Premier agree that the Prime Minister should now resign? In his policy speech in 1972, the then Leader of the Opposition (Mr. Whitlam) said:

Are you prepared to maintain at the head of your affairs a coalition which lurched into crisis after crisis, embarrassment piled on embarrassment, week after week? I think it is ironic that those words are so much more appropriate today than they were on that occasion. In these circumstances it would seem that the only appropriate action for Mr. Whitlam would be to resign.

The Hon. D. A. DUNSTAN: Obviously the Opposition at the moment is less concerned with the Government of this State than it is with endeavouring to electioneer.

Obviously, it does not believe in democracy either, or in the maintenance of constitutional government.

Dr. EASTICK: Will the Premier admit that it has suddenly become politically expedient to reassert a close and fraternal interest in the Prime Minister?

The Hon. D. A. DUNSTAN: No.

Dr. EASTICK: Will the Premier say when, between July 12, 1975, and yesterday, he and the Prime Minister became firm friends? The lack of association that existed between the Premier and the Prime Minister up to July 12, 1975, is on public record. An answer earlier this afternoon indicated that it was not as a matter of political expediency that the Premier had suddenly found the friendship reblossoming. Therefore, I ask the Premier when, between July 12 and yesterday, they suddenly came together again as friends.

The Hon. D. A. DUNSTAN: The honourable member talks about political expediency! He has just, in his explanation said that it was on record that prior to July 12 the Prime Minister and I were not on good terms, yet he spent vast sums of money during the election campaign to tell the people of South Australia that we were. We had full page advertisements—

Members interjecting:

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: Who is talking about political expediency now?

INDUSTRIAL ACCIDENT

Mr. ABBOTT: Is the Minister of Labour and Industry aware of the accident which resulted yesterday in the unfortunate death of a workman at the Torrens Road premises of Classic Weld Proprietary Limited? Will the Minister have this accident investigated to ascertain whether or not safety measures were being maintained at the time of the accident? This factory is in my district and, as a former trade union official, I express considerable concern that many employers do not maintain safety precautions in their workshops. I am informed that the workman concerned, a welder, was operating a mobile crane with a chain sling around a girder when it slipped and crushed him. One often finds that, in order to cut costs, employers refuse to employ qualified crane drivers. As a result of this accident, the workman, who was aged 36, has left a widow and an 11-year-old son. The other workman who was injured at the same time suffered a broken jaw and chest injuries.

The Hon. J. D. WRIGHT: I am not aware of the details of the accident. I extend my sympathy to the family of the unfortunate worker who has been killed. I will certainly obtain a full report and inform the honourable member accordingly. In fact, I will make sure this afternoon that an inspector visits the premises in question and examines the circumstances of this accident.

JAWS

Mrs. BYRNE: Will the Minister for the Environment ask the Minister of Tourism, Recreation and Sport, whether the Tourist Bureau is interested in making use of the publicity associated with the film *Jaws* to promote tourism in this State? I understand that this film is one of the most successful of its kind in film history. As some of the filming was done off the shores of Port Lincoln, the film, perhaps, could thus be used to attract overseas tourists interested in this type of sport—big game fishing and, in particular, shark fishing.

The Hon. G. R. BROOMHILL: I shall be pleased to refer this matter to my colleague and ask him to consider the proposal.

SUPPLY

Mr. DEAN BROWN: Is the Premier aware that the Prime Minister deliberately misled the people of Australia when he said that in 75 years the Senate had never rejected a money Bill? Does the Premier still have any confidence whatsoever in the credibility of the Prime Minister? In 1970, when he was Leader of the Opposition, Mr. Whitlam and his Party opposed the money Bill relating to the States' receipts duties. The Bills were rejected by the Senate. Mr. Whitlam, as Leader of the Opposition, gave his attitude at that stage as to what should happen. In the House of Representatives on June 12, 1970, he said:

Any Government which is defeated by the Parliament on a major taxation Bill should resign . . . This Bill will be defeated in another place—

He was referring to the Senate—
The Government should then resign.

The Hon. D. A. DUNSTAN: The honourable member knows that that was neither a Budget nor a Supply Bill, and the conditions do not apply. He is simply trying to electioneer again.

Mr. Gunn: You've got a—

The SPEAKER: Order!

Mr. CHAPMAN: Will the Premier agree that the Senate has the right to reject or delay any money Bills, an announcement in this connection having been made by the Commonwealth Leader of the Opposition (Mr. Fraser) yesterday?

Members interjecting:

The SPEAKER: Order! The honourable member for Alexandra has the floor.

Mr. CHAPMAN: Mr. Justice Murphy, who, in June, 1970, was the Prime Minister's Senate Leader, told the Senate at that time:

The Senate is entitled and expected to exercise resolutely but with discretion, its power to refuse its concurrence to any financial measure, including a tax Bill. The Australian Labor Party has acted consistently in accordance with the tradition that we will oppose in the Senate any tax or money Bill or other financial measure when necessary, to carry out our principles and policies.

Senator Murphy then went on to list 40 financial Bills that Labor Party Senators, between 1967 and 1970, had themselves voted against.

The Hon. D. A. DUNSTAN: Undoubtedly constitutionally there is a right of an Upper House to refuse to pass any measure. However, the constitutionality of the Senate's doing so in the circumstances of the present move will be dealt with in a motion before the House later this afternoon.

COOK COMMITTEE

Mr. WELLS: Can the Minister of Education say what is the future of the Cook committee in view of the recent announcements concerning funding of non-government schools from the Schools Commission?

Mr. Gunn: You can thank Whitlam—

The SPEAKER: Order! The honourable member for Eyre must cease his constant interjections, or I shall be forced to take action.

Mr. WELLS: I understand that the future system will be that the States fund non-government schools to the extent of 20 per cent of the cost of maintaining a child at a Government school. The commission will then apply grants on top of that according to need. In view of that, what future role will there be for the Cook committee?

The Hon. D. J. HOPGOOD: There will be a future for the Cook committee, which has been a very successful committee in this State and which has won the confidence of the people in the non-government sector of education—indeed, a signal victory. The situation, as I understand it, next financial year and in following years will be that it will be necessary for the Schools Commission to have a committee in each State making appropriate recommendations to it, collecting information about the situation in non-government schools, and so on. It is expected that the membership of that committee will substantially be the membership of the existing Cook committee. In fact, this Government has committed itself to the future of the Cook committee by, in the last month or so, making an appointment to that committee of a research officer whose task will be specifically to move amongst the schools in the non-government sector so that the committee may have even more detailed and intimate information than it has at present as to their needs.

NATIONAL PARKS

Mr. ARNOLD: Can the Minister for the Environment say whether the National Parks and Wildlife Service Director (Mr. R. G. Lyons) intends to prosecute 50 persons who allegedly violated provisions of the National Parks and Wildlife Act during the Labor Day long weekend? A report in the *Advertiser* of October 14 states that about 70 hunters were questioned by officers of the National Parks and Wildlife Service. Of this 70, 50 are alleged to have violated the Act. Does the department intend to prosecute, and can the Minister say whether the department will enter into an educational programme for hunters with regard to the requirements of the Act, as well as hunting and gun safety? I believe that it is clearly the responsibility of the National Parks and Wildlife Service to engage in such a programme with regard to hunting and gun handling, as the sole purpose of the Act is to protect landholders and hunters and to ensure general safety in hunting.

The Hon. G. R. BROOMHILL: All the facts concerning the offences will be considered by the Director, who will make a recommendation to the Minister. On the surface, it seems likely that prosecutions will be proceeding. Regarding the general education of hunters, the publicity about these possible prosecutions will be educational for all of those people who read the article; it will encourage them not to break the law, and to familiarise themselves with that law.

Mr. Arnold: What about gun safety?

The Hon. G. R. BROOMHILL: I do not believe that that is a responsibility of the National Parks and Wildlife Service; it is perhaps dealt with by another area of Government. However, I will have the matter examined and see to whom that aspect of the question ought to be referred.

SPELD

Mr. EVANS: Is the Minister of Education aware that Speld (the organisation that helps children who have specific learning difficulties) desperately needs accommodation and financial assistance? I am told that Speld must leave its present office accommodation at Pennington Street, North Adelaide, for which it has been paying virtually nothing—a peppercorn rental. The organisation desperately needs new accommodation. Most of the work done by the organisation is voluntary. Its members raise funds to continue its activities, and it receives limited financial help from the Government. Will the Minister help to arrange

office accommodation for the organisation, with the Government meeting the cost and providing other financial assistance. Recently, I welcomed the allocation of \$40 000 for the Royal Society for the Prevention of Cruelty to Animals. That society certainly needed assistance, but surely children with specific learning difficulties also need Government help, so I ask the Minister to take appropriate action.

The Hon. D. J. HOPGOOD: About a month ago Speld held its Australian conference at the Raywood In-Service Centre. The Minister of Health and I were entertained by the organisation at dinner, and some informal discussions were held afterwards; I might add that it was a pleasant evening for all concerned. However, Speld did not take the opportunity then to impress on me that it was faced with an urgent situation regarding office accommodation. I was told at the dinner that the organisation was taking up certain matters with Don Banfield. I understand the organisation's main contact with the Government has continued to be through him. Because of the matters brought to my attention by the honourable member, I will take up the matter with my colleague to see what assistance is required and what assistance can be supplied.

STRATHALBYN ROAD

Mr. WOTTON: Will the Minister of Transport obtain a report on the extremely dangerous condition of the main road between Strathalbyn and Ashbourne? I have received many letters from constituents complaining about the condition of this road, on which there have been several serious accidents. One letter relates to a person who was recently critically injured on this section of road. Another letter comes from the Strathalbyn High School Council, and states in part:

The main concern with regard to this road is the series of very bad blind corners . . . The road is not sealed and these corners are sharp as well as blind, and most are extremely narrow . . . The road has been in need of realigning for many years, and we feel that it is about time that more than talk was carried out. As this road is a school bus route, we are very concerned for the safety of the schoolchildren who travel twice a day along this road.

Will the Minister therefore seriously consider this matter?

The Hon. G. T. VIRGO: I will ask the Commissioner of Highways to give me a report on the matter.

JUVENILE ABSCONDERS

Mr. BOUNDY: Will the Minister of Community Welfare investigate the possibility of his department's informing country police stations when juveniles abscond from McNally Training Centre and similar institutions in this State? My question arises out of the reply which was given by the Minister in this House last Tuesday and which was reported in yesterday's *Advertiser* in an article which stated:

Ninety-six boys have absconded from two Adelaide institutions since June 30 . . . The number of absconders still free was 10 from McNally and three from Brookway. Many of my constituents are concerned about the level of illegal use and theft of motor vehicles and damage done to other property by juveniles. It is a frequent occurrence at weekends, and results in considerable damage to property, and sometimes the total loss of motor vehicles. I understand that the Community Welfare Department does not notify local police officers when juveniles abscond. On several occasions, absconders—

The SPEAKER: Order! I call the honourable member's attention to the fact that he is now commenting. He may ask his question and explain it, but he must not comment.

Mr. BOUNDY: People in my district have stated that on several occasions absconders have been responsible for these offences, and knowledge by local police officers of these abscondings may well prevent some of these occurrences.

The Hon. R. G. PAYNE: I should have thought it would be the responsibility of the Police Department to make known to police officers in any given area the possibility that absconders may be there. Certainly, my understanding of the position regarding these matters in the Community Welfare Department is that the police are notified if and when an absconding occurs. I am a little perturbed at the rather loose language used by the honourable member, and I trust that what he has said appears in clearer form in *Hansard*, because I think a failure throughout the community as a whole is that people do not realize that not all the damage alleged to be caused by absconders is so caused. I hope that *Hansard* shows that that is not the sort of thing that the honourable member was implying.

Mr. MATHWIN: Can the Minister of Community Welfare say what action, if any, the Government is taking in an effort to recapture the 10 out of 50 absconders from McNally Training Centre since June 30? Is it a fact that, of the 30 escapees from McNally who were charged with offences committed while at large, some were involved in an alleged rape? In reply to a Question-on-Notice on October 14, the Minister stated that the predominant offences committed whilst absconders from McNally were at large were illegal use, breaking and entering, and larceny. It seems to me that that reply was inappropriate if other offences had been committed, particularly if an allegation of rape had been made against some of the absconders. That alleged offence was not even mentioned in the answer given by the Minister on Tuesday.

The Hon. R. G. PAYNE: First, I have no reason to doubt the information that was supplied in the answer. If the honourable member has other information that has come into his possession, I shall be pleased if he will give me specific details. I supplied the information in good faith and it was given to me as a series of statistics in answer to the honourable member's question. I hope I have made that clear. Surely, the apprehension of absconders at any time from any institution, whether prison or remand home, is a matter for the police, and I have every confidence in the Police Force. Apparently, the honourable member is suggesting we should not have confidence in the Police Department. I understand he is asking what action the Government is taking. I should think normal action was being taken right now by the Police Department, in which I have the utmost confidence. He also mentioned the statistics involved. I remind the honourable member that statistics, whether we are talking about persons who abscond or about the number of bottles of wine sold, or whatever, are easily manipulated by people who wish perhaps to illustrate or demonstrate a point. I could say to the honourable member that for the whole nine-month period, including the period for which he so loudly quoted the statistics today, the number of absconders was 61, which was over 20 less than for the same period last year, but that would be almost as profitless as the kind of question he raised in the House, because it does not prove anything. These matters are somewhat cyclic in nature. They occur on impulse. World research has shown (and I know the honourable Leader has had some interest in these matters over the years and would probably agree with me) that few abscondings from that type of training institution are planned. They usually occur on impulse, sometimes because one person—

Mr. Mathwin: It proves the security is crook, doesn't it?

The SPEAKER: Order! The honourable member for Glenelg has had his opportunity to ask the question.

The Hon. R. G. PAYNE: The honourable member mentioned security. McNally is divided into two main areas in that sense—a secured area and what we would describe as a less secure area. Whether people are placed in one area or the other depends on assessment, and I remind the House that a most difficult area in the treatment of offenders, juvenile or otherwise, is the assessment of the case. I am sure that members opposite would not disagree that one of the important aims is the rehabilitation of the offender. Assessment needs to be done, and mistakes do occur. I get the impression sometimes, from five years on this side, and from the number of times this matter has been raised, that members opposite think that this is some kind of science and that all one does is build a box, put "X" number of offenders into it, and let them out after a period. Nothing could be farther from the truth; the security at McNally is under constant review: in fact, it is not a new thing for these things to be aired. I suggest, if the honourable member is acting in the public interest—

Mr. Mathwin: I am.

The Hon. R. G. PAYNE: —I am prepared to give him credit for believing he is, but I am not sure he is, because the kind of conditions in training institutions today are such that the inmates can see what is said about them, about what ought to be done, and what is suggested by some members. To some extent, those things may contribute to the unrest that results in further abscondings.

STATE FINANCES

The SPEAKER: The honourable member for Hanson.

Mr. BECKER: This is a bonus, three questions in one week!

The SPEAKER: I call the honourable member's attention to the fact that that remark is a reflection on the Chair, and I ask him to withdraw it.

Mr. BECKER: I am sorry, Mr. Speaker, I apologize to you. I was referring to my Whip. I thought it would be my turn again next fortnight. Will the Premier say whether the State Government contemplates any difficulty in receiving all agreed Australian Government funds, and whether the State Treasury has sufficient funds to meet its future Revenue Account commitments if any funds are unduly delayed by the Australian Government? The Revenue Account deficit for the two months ended August 31, 1975, was \$21 660 000. The Revenue Account surplus for the three months ended September 30, 1975, was \$14 118 000. The Treasury explanation states that the higher surpluses for the September quarter were partly due to some catching up of receipts in respect of Medibank and the railways transfer agreement.

Dr. Eastick: Were they behind?

Mr. BECKER: They were, until the end of August. The Treasury statement indicates that the Treasury funds are buoyant, even though there will be some heavy interest commitments in October and November. Can the Premier assure the House that means are available to the State Treasury to meet salaries and wages due to Government employees, in the event of any undue delay in income?

The Hon. D. A. DUNSTAN: I am not aware of any difficulty facing us in that respect. On all present indications to me, we are covered for some time to come. At this stage, it is not possible to forecast what may be happening in the national capital, so I cannot make long-term forecasts, but I point out to the honourable member

that we have considerable funds apart from those shown in the Treasury surplus. I draw his attention to the fact that the accumulated Treasury surplus presently shown gives the complete lie to those who went to the people of South Australia a few months ago and said that South Australia was on the verge of bankruptcy.

Mr. Venning: It appears that way.

The Hon. D. A. DUNSTAN: I do not know how the honourable member can now account for an accumulated surplus of \$35 000 000 in our Treasury accounts.

The Hon. J. D. Corcoran: The economist has come up with a solution.

The Hon. D. A. DUNSTAN: Yes. What he is not able to account for is the amount that we also hold in reserve. It is absolute nonsense to say that this State was facing bankruptcy or, indeed, financial difficulty under the policy of this Government, and I point out to the honourable member that, apart entirely from the amounts shown in the Treasury accounts supplied to him, we have trust fund and working balances of considerable size indeed. We have not used those, but the Liberal-governed States already have used similar funds. I can assure the honourable member that we are in a happier situation than exists anywhere else in Australia.

CONSTITUTION AMENDMENT

Mr. BLACKER: Will the Premier say whether he has received communications from the Governor in furtherance to a deputation that the Governor received last Thursday at 3 p.m. and, if he has received such communications, will he say whether the Government expects that such communications will in any way influence the passage of the Constitution Act Amendment Bill (No. 5)? On Tuesday last, Mrs. Bailly, who lives in a town near Bordertown, waited on the Governor, and I understand that the Governor agreed to communicate with Cabinet to discuss further the full aspects of the implication of the Government's claim to a mandate for one man one vote one value.

The Hon. D. A. DUNSTAN: I have not had any communication personally from His Excellency about the matter. I did hear something about it informally, but whatever petitions have been given to the Governor will not alter the views of this Government about the mandate for which it has fought and which has been endorsed again and again by the electors of South Australia.

EDUCATION CENTENARY

Mr. LANGLEY: Can the Minister of Education tell the House of the feelings amongst educationists generally regarding the centenary of education in schools, which is now taking place? Today I visited Black Forest Primary School, when an assembly of the school showed what former assemblies had done many years ago. There is no doubt that times have changed, and the work of the Principal (Mr. Halwell), the staff, and the scholars is to be commended. In fact, they received a cheque for work well done.

The Hon. D. J. HOPGOOD: The whole concept of education week and the centenary of education in this State has been received extremely well in schools and, indeed, the teachers, pupils, and school councils are co-operating fully in celebrating education week and honouring those who in the past have built what is now an impressive edifice in education. Perhaps the honourable member did not have the opportunity to be with the Premier, the Minister of Mines and Energy, the Deputy Leader of the Opposition, and me, last evening, when Mr. Colin Thiele's

book, *Grains of Mustard Seed*, was launched by the Premier. That book is an excellent exposition of 100 years of secular State education in this State. The schools have worked hard to give this work proper recognition and, as the honourable member has indicated, a fund has been established by the schools for oversea aid. There have been some heroic efforts by the students in contributing to that fund.

RARE SPECIES

Mr. RODDA: Will the Minister for the Environment, in the evening of his Ministerial career, say whether the National Parks and Wildlife Service intends to widen the scope of the eighth schedule of the legislation regarding the rare species kept at present by aviculturists? The Minister will know that one species was added to the schedule because of concern that was expressed about it. I therefore ask whether the schedule will be extended again to include another species?

The Hon. G. R. BROOMHILL: I cannot answer the question off the cuff. It may well be that this matter is already being considered. I think the honourable member will know that from time to time expert advice from aviculturists and people on the National Parks and Wildlife Advisory Council advise the Minister on whether or not the schedules are up to date or whether they should be altered because of changed circumstances. Nothing has come across my desk about this, but I will obtain a report and see that the honourable member is informed.

EMERGENCY FIRE SERVICES

Mr. RUSSACK: Will the Premier, because of his unswerving loyalty to and apparent influence with the Australian Government, use his good offices to overcome the unacceptable imposition of astronomical increases in telephone charges to the Emergency Fire Services organisation? I have received two letters about this matter, one of which is from the District Council of Snowtown stating that the annual fee previously applying to the Snowtown E.F.S. was \$12.84. The Australian Telecommunication Commission has informed the service that as from September 1, 1975, all concessions have been withdrawn and the new fee applying to the Snowtown E.F.S. will be \$89 a year. There are three E. F. S. organisations in the Snowtown district. The previous total fee was \$38 a year, and the total cost now will be about \$267 a year. The District Council of Balaklava has told me that on the figures supplied by the Australian Post Office the total cost to the district council will be \$172 compared to a total cost of \$35 previously. Of course, metered telephone calls are charged separately. The council is extremely unhappy about the 500 per cent increase. As the E.F.S. is a voluntary organisation, and as it is essential in country areas, particularly during the fire season, I ask the Premier whether assistance can be given to overcome these steep increases and this imposition.

The Hon. D. A. DUNSTAN: The honourable member well knows this is not within my jurisdiction. I have made representations—

Mr. Russack: I am seeking your assistance.

The Hon. D. A. DUNSTAN: I will gladly give assistance to the honourable member, for what it may be worth. I point out that the fact that I support a concession personally does not mean to say that that necessarily gets the approval of the Government in Canberra, of whatever political complexion it is, any more than it used to do in the days when these benches were occupied by Liberals and there was a Liberal Government in Canberra.

REGENCY PARK DEVELOPMENT

Mr. JENNINGS: Can the Minister for the Environment say what will be the environmental impact of the Regency Park development on surrounding areas? I do not care whether he answers the question or not, because this is the last question he will ever have asked of him as a Minister. I want to thank him on behalf of, I think, all members on this side, and all members of this House, who, if they were honest, would acknowledge the fair and wonderful treatment he has given and his devotion to his position. I now ask the question—and I want a proper answer, too!

The Hon. G. R. BROOMHILL: I am proud that the honourable member appreciates what has been done in the project to which he refers, and I think it is true to say that it will be a magnificent complex when it is finished. I thank him for his kind remarks, which I appreciate.

GAUGE STANDARDISATION

Mr. VENNING: Can the Minister of Transport say whether there has been any alteration to the expected completion date of the new standard gauge line between Adelaide and Crystal Brook? If no alteration has been made, when was it originally planned to have the line completed? I do not believe my question needs any further explanation.

The Hon. G. T. VIRGO: There is a slight delay in the programme of the standard gauge work as a result of the economic position applying in Australia, the standardisation proposal suffering the same fate as are all other national projects because of the desire of the Australian Government to add its contribution towards a return to prosperity. I have no definite date in mind, and I do not think it is practical to provide one, because we are dealing with a period four to five years ahead, and it is impossible to know what will occur during that period. My greatest fear at the moment is that, should the events so develop in Canberra that I know the member for Rocky River would favour, we will probably return to the era where Mr. Peter Nixon, as Minister, would refuse to give South Australia anything at all.

NORTH ADELAIDE CROSSING

Mr. COUMBE: Can the Minister of Transport say, in relation to the standard gauge line planned from Port Pirie to Adelaide, what work is now being done on the planning of the North Adelaide railway crossing? Last week or early this week, the Minister gave information about park land acquisition in the general area of the crossing relating to the crossover between the two gauges. The redesign of the road system and of the vehicular crossing at North Adelaide is absolutely essential, and I believe it is part of the overall scheme. To say that traffic conditions are chaotic at that crossing is the understatement of the year. I ask the Minister whether plans have now been formulated for this crossing, because I understand that plans have been, or are, in hand for the overpasses at Ovingham and Islington. In regard to the North Adelaide crossing, has his relevant department co-operated with the Adelaide City Council in the formulation of the road system in conjunction with the City of Adelaide Development Plan and having regard to traffic flows in that plan, which is now on public display.

The Hon. G. T. VIRGO: The plans have been formulated but not finalised. As the honourable member would appreciate, when the former Australian Government employed Maunsell and Partners to look at the overall question of standardisation, the consultants in producing

their report left two or three matters unresolved, and one of them, and probably the major one, was the North Adelaide crossing problem. Several alternatives have been put forward and are currently the subject of discussion, but at this stage I regret to say that I am not able to point to the solution that has been finally adopted. It is still under discussion, and as soon as there is more information I will let the honourable member have it.

TERTIARY EDUCATION ALLOWANCES

Mr. ALLISON: Is the Minister of Education making any representations to the Australian Department of Education regarding the inadequacy of student tertiary allowances, which have failed to keep pace with inflationary rises in the cost of living and which have also been further reduced as a result of the means testing of inflated salaries of parents?

The Hon. D. J. HOPGOOD: The only specific representation that has been made recently was in relation to allowances for students undertaking country teaching. I believe I announced that representation to the House at the time it was made which was a short time ago. There has not yet been the opportunity, because of the brevity of time, to get a response from Mr. Beasley on that matter.

SOLAR HEATING

Mr. WARDLE: Can the Minister of Mines and Energy say whether the Government intends to use solar energy heating for hot water services in dwellings at Monarto? I could quote from an authoritative document on this subject, but modesty forbids. About a year ago when I was in Israel I observed that great use was being made of solar energy heating. While I admit that Israel probably has more hours of sunshine than has the Monarto site, the latter has many more hours of sunshine than has the metropolitan area of South Australia, and I believe there is a great possibility for water heating through this method.

The Hon. HUGH HUDSON: This matter has been investigated, and any opportunity that arises for the use of solar energy for water heating purposes will be catered for in the Monarto development. The last contract for housing awarded by the South Australian Housing Trust in Whyalla involved the use of solar energy water heaters as a supplementary means of water heating, and about 25 per cent to 30 per cent of the normal cost of electric power in heating water would be saved as a result. It was demonstrated that this type of heating in these houses would be economically advantageous. If that is the situation (and agreeing with the honourable member's claim regarding the amount of sunlight at Monarto in comparison with that in the metropolitan area of Adelaide), I would be very confident that a development of that kind would be a significant feature of the Monarto project. I have not discussed this aspect with the General Manager of the Monarto Development Commission for some time, but I will raise it with him. If he can provide me with any further information, particularly after he has taken into account the document to which the honourable member has referred, I will give the honourable member that information.

BEEF INDUSTRY

Mr. VANDEPEER: In the temporary absence of the Premier, will the Deputy Premier ask the Premier to give immediate consideration to the report in the *Stock Journal* of this week that the responsibility for implementing the Industries Assistance Commission's recommendations on assistance to the beef industry rested with the State Governments? The article states:

Whether or not the Australian Government implements fully the recommendations of the I.A.C. report on assistance for the beef industry depends largely on the State Governments.

It also states:

It is understood some Federal Ministers and backbenchers support the general recommendations contained in the report, the exception being the meat export levy. They are believed to be particularly interested in the household support scheme for producers whose businesses are assessed as non-viable.

Considering that the report states that much of the responsibility lies with the State Governments, I ask the Premier to investigate this immediately, as he has said that the State has an excess of money of about \$35 000 000.

The Hon. J. D. CORCORAN: First, the fact that the statement was made does not necessarily mean that it is true.

Mr. Vandeppeer: You're not having a shot at the media, are you?

The Hon. J. D. CORCORAN: If the honourable member casts his mind back to the time when the beef industry was first given assistance, he will realise there was a joint scheme between the Australian Government and the various States. The various States put forward a sum of money, which was matched in turn by the Australian Government, and that Government in turn set down criteria that were to be observed by the States in handling this money to assist the beef industry. There were certain points in that criteria of which the honourable member would be well aware. The purpose of this scheme was, in fact, to maintain the industry as a viable industry, not to prop up inefficient beef producers or people who had some beef and mainly sheep, or something like that. They had to be *bona fide* beef producers, and they had to be in financial difficulties. The main purpose of the scheme was to provide carry-on finance where that could not be obtained from the normal source. As far as I am aware, the Australian Government has not altered, to this date anyway, the criteria. I am aware of the I.A.C. report to which the honourable member has referred. In fact, many of the points made in that report were submitted by our own Agriculture Department, so I do not want the honourable member to think that the State Government is not sympathetic towards the plight of the industry. But I point out to the honourable member (and I want him once and for all to get rid of the fallacy that seems to exist in his mind) that, because there is \$35 000 000 in the kitty, we can throw it around and spend it like a drunken sailor, as the Premier was once accused in this House of doing.

Mr. Vandeppeer: You admit you've got surplus funds?

The Hon. J. D. CORCORAN: The surplus funds are fully committed to the future, and the honourable member knows that. The State has not the resources to do on its own the sorts of thing the honourable member has suggested. That is the point I am making. I would urge the Australian Government to adopt the I.A.C. committee's report on this matter; I think it should. If it does, of course, the State will do its best to comply with whatever conditions are laid down.

OPEN SPACE AREAS

Mr. EVANS: Does the Minister for the Environment feel dissatisfied that there are large areas of beautiful bush and open space land which he, as Minister, has not purchased, even though he was given the opportunity to purchase them while he was the Minister? The Minister, in representing the department, had the opportunity to

buy 60 hectares of bush land within 20 kilometres of the Adelaide General Post Office, but he said that he felt the area was too small and that the money was not available. More than three years ago an area in the Cherry Gardens district was to be purchased by the department. People were informed of that, and some people are still waiting for the Government to make a decision, the Minister not having taken any action in that area. In the Coromandel Valley area a large section of declared open space land was available. The Minister refused to buy that land and the open space order was removed so that the person could sell it on the open market. Many other parcels of land in outer country areas which were available to the Minister and which the planning authorities said it wanted acquired still remain unacquired. I therefore ask the Minister whether he is dissatisfied with the amount of open space and bush land he was able to purchase as Minister.

The Hon. G. R. BROOMHILL: Rather, I think I ought to say that I am proud that the Government, during my six years in office as Minister for the Environment, has provided me with the funds to buy a very considerable amount of open space of all kinds, that is, national park, conservation park, recreation park, and of course the many millions of dollars that has been made available to us to buy open space under the Planning and Development Act. I think, that, if we consider the record of this Government, the number of parks that we have (we now have more than 150 environment, conservation, and recreation parks), and the percentage of this land to the total of area of this State, we can be well satisfied. However, I think it is fair to say that I, and I assume most members of the community, would always like to see additional areas of land made available for these purposes. What the honourable member has referred to is not those large sections of land that were purchased but some of the smaller areas that are perhaps significant in some way or another but nevertheless are too small by themselves to be managed by a Government department. Accordingly, quite generous sums are made available through the Minister of Local Government to local government to enable councils to purchase these pieces of land as public parks. However, there will always be some small pieces of land that, marginally, we may decide we ought to have as land kept in public ownership. Nevertheless, I think that, rather than give the impression that the honourable member has given (that we ought to be dissatisfied with what has occurred), we ought to be very pleased with what has been achieved.

MOUNT COMPASS WATER SUPPLY

Mr. CHAPMAN: Will the Minister of Works provide me with a report on his department's water supply project at Mount Compass, including information on how much water has been found by the Mines Department; whether the flow does, or is expected to, measure up to the requirements; when this supply will be available to the townsfolk, where the storage tanks will be sited, what size they will be, and when they will be installed? The Mount Compass folk have expressed to me their appreciation of the Minister's efforts so far in the scheme. Although anxiously looking forward to a water supply, they are unaware of any storage tank plans. I appreciate that when the Minister approved of the scheme to be commenced his department did not know whether or not it would strike water, but it appears that some supply has been found. It has been suggested to me that an area of conveniently situated high land, presently held by

the community, would be available to the department or to the Government for the siting of a storage tank.

The Hon. J. D. CORCORAN: The honourable member will appreciate that I do not have the information to hand. However, I will obtain the report he has requested and bring it down as soon as possible.

SUCCESSION DUTIES ACT AMENDMENT BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Succession Duties Act, 1929-1973. Read a first time.

The Hon. D. A. DUNSTAN: I move:

That this Bill be now read a second time.

It provides for very generous remissions of succession duties. There is no doubt that rapid inflation over the past few years has meant that the incidence of succession duties has fallen with increasing severity on beneficiaries of deceased persons. The Government believes that relaxation of the incidence of duty is justified in two main areas: in the case of duty on a dwellinghouse passing to a surviving spouse, or to a relative who has a special claim to succeed to that property, and in the case of rural property. The present Bill contains provisions that enable a half interest in a family house of average value to pass to a surviving spouse without duty. Furthermore, there is an increase in the general statutory exemption from \$12 000 to \$18 000. This should mean that, where an estate is of average size, the surviving spouse, or surviving orphan children (to whom the benefit is extended by the Bill), will take their shares free of succession duties.

Thus, a surviving widower is now to be entitled to the same benefits applicable to a surviving widow. I see this as a significant advancement in achieving equality between the sexes. An important aspect of the Bill is that these statutory exemptions are in future to be indexed and will be adjusted annually to accord with movements in the consumer price index and with movements in the average value of residential properties in this State. It should also be observed that the Bill will extend the new concessions in relation to dwellinghouses not only to widowers and to orphan children of the deceased, but also to an adult son who has devoted himself to the care of the deceased over a period of 12 months preceding the death of the deceased.

Such a concession was given to a daughter housekeeper by the 1970 amendments, and there is no good reason why a son in the same situation should be discriminated against. A spouse adjudged to have been a putative spouse of the deceased on the date of his death under the proposed new Family Relationships Act (notice of which was given today) will also be entitled to the concessions proposed by this Bill in relation to property passing to a surviving spouse. The concessions proposed in relation to rural property are generous. All previous limitations under which the rebate was reduced as the value of the succession increased have been swept away. Rural property will be assessed for duty at half the rate applicable to other property.

Moreover, the existing provisions under which no rebate is allowable where the property is held jointly or in common have been removed. In their place a new provision is inserted providing for a proportionate rebate where rural property is held in this form of tenure. Members will know that this has been a contentious matter before the House on several occasions. The Government, after a considerable period, has considered reports made by Treasury officers in relation to this matter and has decided to give a concession not previously conceded by any Government of any political complexion in this State on this matter.

Clause 1 is formal. Clause 2 amends the definition section of the principal Act. Amendments are made to the definition of "administration" and "administrator". These amendments are designed to ensure as far as possible that the provisions of the South Australian Act cannot be evaded by an administrator obtaining a grant of probate or letters of administration outside the State. New definitions of "spouse" and "putative spouse" are inserted. The purpose of these definitions is to extend the succession duties concessions available to spouses under the principal Act to cover a longstanding *de facto* relationship. Clause 3 enacts new section 4b of the principal Act. This section provides, in effect, that the new amendments will apply in respect of the estates of persons dying after the commencement of the amending Act.

Clause 4 provides that a gift made by a person to his spouse at any time during his lifetime of a half-interest in a matrimonial home is not to be regarded as a disposition attracting succession duty. I draw members' attention to this clause because questions have been asked about the effect of section 8 (1) (o) of the principal Act. Clause 4 of this Bill provides a specific exception to those provisions to make the position clear. Some legal argument has been adduced on this score and, even though the Government believes the position is as stated under the law it nevertheless takes this opportunity to make clear that there can be no argument that the gift of a half-interest in a matrimonial home, designed to take advantage of these remissions in succession duties in relation to matrimonial homes, can itself attract succession duty. We have made clear that it cannot.

Mr. Nankivell: That applies only to this State and does not affect probate.

The Hon. D. A. DUNSTAN: It will not affect Commonwealth estate duty; there is no way of our doing that. Clause 5 repeals and re-enacts sections 9 and 9a of the principal Act. The purpose of the amendment is to make it clear that actual or prospective delays in administering an estate are not to be taken into account in ascertaining the value of the estate. The amendment follows a recent judgment of Mr. Justice Zelling in which he held that such delays should be taken into account when making a valuation for succession duty purposes. Clause 6 closes up a loophole in the legislation that has been exposed by a recent judgment of the High Court. A testator lent out large sums to his beneficiaries shortly before his death. The terms of the loan were so generous that the value of the debts to the estate was reduced practically to nothing. Thus the incidence of succession duty was effectively circumvented. The amendment enables the Commissioner to treat any such debt as if it had fallen due at the date of death. The amendment is similar to legislation that has already been adopted in several other States to overcome the problem.

Clause 7 makes drafting amendments to section 51, and inserts a new provision enabling the Commissioner to remit wholly or in part the interest payable on overdue succession duty. Clause 8 enables the Treasurer to fix from time to time the interest to be paid by the Government when there has been an overpayment of succession duty. Clause 9 makes an amendment consequential upon the proposed abolition of the status of illegitimacy under the law of the State. Clause 10 makes a consequential amendment to section 55c.

Clause 11 amends section 55e of the principal Act. A simplified definition of "dwellinghouse" is provided. The definition of "land used for primary production" is amended

for two purposes: first, so that land will not be excluded from the definition because it is devised contingently on the beneficiary surviving the testator for a short period (a common provision in many wills); and, secondly, so that land will not be excluded from the definition because it is held jointly or in common. Clauses 12 and 13 make consequential drafting amendments to the principal Act.

Clause 14 sets out the new scales on which rebates of succession duty are ascertained. A surviving spouse or an orphan child under the age of 18 years may, where he derives an interest in a dwellinghouse, receive property of up to \$35 000 in value without attracting duty. Where no such interest is derived, a surviving spouse or a child under the age of 18 years may receive property of up to \$18 000 without duty. Other descendants or ancestors may receive property of up to \$6 000 without liability to duty. These amounts are indexed. Each year the Treasurer will publish a notice adjusting the values in accordance with movements in the Consumer Price Index. This matter relates to the general rebate and movements in the prices of residential properties in relation to the matrimonial home rebate.

In order to make the operation of this clause clear, I shall furnish each member with an explanatory note that contains a number of examples showing how rebates will be calculated under the new provisions. The schedules set out the present provisions and the changes in rebate, and give examples of the application of the new provisions on various inheritances. It should be noted that, under the principal Act as it now stands, a rebate is allowed in respect of moneys received under certain life assurance policies. No such rebate is allowed under the new provisions.

Clause 15 provides for rebates of duty on rural property. The rebate is to be a rebate of 50 per cent upon the duty otherwise payable. The provision by virtue of which the rebate is presently reduced as the value of the property increases is removed entirely. Moreover, the Act at present provides that there is to be no rural rebate in respect of land where the land is held jointly or in common. This limitation has been removed by amendments to sections 55e and 55n. A new provision is inserted providing for a proportionate rebate where the rural property was held jointly or in common by the deceased and other persons. Clause 16 makes consequential amendments to section 55k of the principal Act. Clause 17 makes a metric amendment. Clause 18 makes a consequential amendment to section 55n. Clause 19 makes an amendment consequential upon the provisions of the Family Relationships Act. Clause 20 increases to \$2 000 the limit of the amount in a bank account that may be paid out by a bank without a succession duties certificate. Clause 21 makes a consequential amendment to the schedule.

Mr. NANKIVELL secured the adjournment of the debate.

AUSTRALIAN PARLIAMENT

The Hon. D. A. DUNSTAN (Premier and Treasurer): I move:

That this Parliament deplore and condemn the action of certain Senators in announcing that they will vote to refuse Supply to a duly elected Government in the Australian Parliament. In the history of this State, despite the fact that there have been many years during which a Government has faced a hostile majority in the Legislative Council, our Upper House has never entertained a motion to refuse Supply. A Government has a right to continue to govern according to law for the period for which it was elected to govern.

The simple facts of the Constitution are that a Government is chosen by the people in electing a majority in the Lower House of the Parliament, and that Government is elected for

a period specified in the Constitution, regardless of whether it has a majority in the Upper House of a bicameral Legislature or not. While it is true that all Bills must pass both Houses of Parliament (and that includes Supply Bills), no representative system of Government on the Westminster system can operate if an Upper House interferes with the money power which traditionally resides in the Lower House, by refusing supply to a Government. In all the years during which there have been Labor Governments in South Australia there has always been a hostile majority in the Legislative Council, but it has never refused Supply as such. There was a constitutional argument at the time of the Verran Government about the Government's tacking on other measures to Supply, but a specific refusal of Supply to oust a Government has always been held to be so far contrary to the effective working of the Constitution that it has never, to my knowledge, even been proposed.

Indeed, the argument when an Appropriation Bill was refused after being introduced by the Verran Government was over the very fact that it would be normal to pass an appropriation measure, and the Legislative Council objected to having various other matters tacked on to an Appropriation Bill which it said were not properly a part of it, and that that was therefore interfering with the very constitutional principle about which I am now talking. The reason for this course by Upper Houses must be obvious. People are entitled to stable Government. They elect for a period of time a Government which is deliberately chosen to give sufficient time to a Government to carry out policies on which it was elected.

Inevitably, Governments from time to time must do things which are temporarily unpopular but which are aimed to have long-term results which the Government believes will gain majority support. If an Upper House were so far to depart from being a House of Review to becoming merely a Party instrument as to wait for any situation in which it believed the Government of the day was temporarily unpopular and then force an election for Party advantage, continued responsible Government in Australia would become impossible. Voters could never elect a Government in the knowledge that it was able to remain in office for long enough to carry out the policies on which they had elected it, and the whole institution of Parliamentary democracy would flounder. There is no excuse for what is happening in the Senate at the moment in the rejection of Supply. There is a reason, of course; and that reason is just the one to which I previously adverted. The Liberal and National Country Party majority in the Senate, including Senators from this State, believe that their Parties have a temporary political advantage in the electorate and therefore are prepared to bring this country's Constitution into chaos and disaster in order to gain power by forcing a Government to an election which they believe it will lose.

If, in fact, Liberals in this State support that principle, undoubtedly we are due for constitutional alterations in Australia and would have to propose them promptly in this Parliament; they would be to deprive the Upper House of the right to reject a Supply Bill. That would have to be carried at a referendum of the people, and I believe it would be carried. This matter is so clear that I do not believe there is any necessity for prolonged debate. All people who are concerned for the continuance of responsible Government will join with this Parliament in condemning the shameful and improper actions of the majority of the Commonwealth Senate.

The Hon. J. D. Corcoran: I second the motion *pro forma*.

Dr. TONKIN (Leader of the Opposition): I have never, in my experience in this House, heard the Premier, when talking on a matter that he regards as seriously as this, having to read his speech and speaking to so little effect for such a short time.

Mrs. Byrne: It was very effective.

Dr. TONKIN: The adjective that comes to mind to describe his speech is "pathetic", and it was apparent that the Premier did not believe in what he was saying. Let us look at the motion, which was drafted hurriedly yesterday and which is in a peculiar form, having three sentences, not one of them following in relation to the other in any sort of grammatical sense. Not only was the motion hurriedly drawn, and drawn incorrectly in my view, but it is incorrect in detail, because although the Premier has done a little research and found what the position was regarding the Verran Government (which obviously he was unaware of when he wrote this out), he has tried to explain it away. He has not explained it away to my satisfaction or that of other members on this side.

There certainly was a political crisis in this State in 1912. The Legislative Council refused to pass the Appropriation Bill in the form in which it was transmitted to that Chamber and in the form that the Government of the time, a Labor Government, tried to enforce. That statement immediately renders inaccurate and misleading the terms of the motion and seriously calls into doubt the credibility of the whole exercise. Perhaps the Premier should have looked further into the publication written by Mr. Combe, *Responsible Government in South Australia*, where he would find, at page 146, that the Verran Government immediately decided to submit to the electors the whole question of the relation of the two Houses of Parliament after this crisis and after the Appropriations had been refused. John Verran took the appropriate action at the time. He took his Government to the people, and it is a matter of record that his Government was defeated and a Liberal Government, the Peake Government, came in.

Mr. Langley: So, that's all right, is it?

The SPEAKER: Order!

Dr. TONKIN: In the present circumstances, the Premier is trying to muddy the pool again, as he so frequently does regarding so many of the matters that he tries to make contentious. Having demolished the major terms of his motion (and I have no doubt that he finds that embarrassing enough for him to retire from the Chamber), I will move an amendment that I consider far more satisfactory. I move:

To strike out all words after "condemn" and insert: the Prime Minister's action in refusing to resign and face the electorate following his Government's disgraceful and reprehensible record of maladministration and dishonesty, climaxing in the events which caused the resignation of Mr. Rex Connor, and

- (a) believes that under these circumstances as a matter of principle, he should take such action in the interests of democracy; and
- (b) in these circumstances, supports the action of certain Senators in their attempts to force him to go to the electorate by voting to defer Supply to the Whitlam Government.

The Hon. G. T. Virgo: So, you support anarchy.

The SPEAKER: Order!

Dr. TONKIN: There is no question in the minds of members on this side or in the minds of most of the people of Australia that the correct course of action that should be taken as a result of this disgraceful and reprehensible loans affair is that the Prime Minister should stand up and take the blame for those matters, and not require and force

his Ministers to resign. He should stop doing a Pontius Pilate, and that is what he is doing. He has washed his hands of the entire matter and he thinks that, by doing that, he washes himself free of blame.

Mr. Allison: It's an admission of incompetence.

Dr. TONKIN: It is, but it is a totally cowardly and dastardly thing to do. The record of the Whitlam Government since its election has been a long and sorry one. I will not go through the history in any great detail: the details are only too well known to members opposite.

Mr. Goldsworthy: Inflation, unemployment, and so on. We know the details.

Dr. TONKIN: I will not speak about the performance of that Government: the record inflation, record unemployment, mal-administration, interest rates, housing shortages, and all the other disasters that have overtaken the Government. I will speak about specific members of the Government and the people associated with the Whitlam Administration. On December 11, 1974, Mr. Crean went. He did not agree with the Prime Minister's financial policies. He was not willing to go along with the Labor Party's deliberate use of inflation to further its own ends.

On June 5, 1975, Dr. Cairns was sacked from the Treasury portfolio because "he was unwise in seeking funds without authority". On June 12, Mr. Cameron was sacked. That dismissal caused much comment from members of the trade union movement in South Australia and from members and Ministers in this House who totally and absolutely disagreed with Mr. Whitlam. I will refer later to their comments. On July 2, Cairns was sacked for misleading the people of Australia in regard to the existence of brokerage fees for overseas loan raising, and the whole miserable, sordid loans affair came into the open.

On October 13, we saw Mr. Rex Connor forced to resign over a further opening up of the entire loans affair and (this is the cardinal rule) because he misled Parliament. There are other names, all of which have unpleasant connotations for the people concerned and for the people of Australia. Mr. Barnard, who at one time was Deputy Prime Minister of this country, did not agree with the Prime Minister's financial policies, either. The Prime Minister was described by Mr. Hawke at the time as having committed an act of political insanity. Mr. Vincent Gair was removed from his position as a member of the Democratic Labor Party in the Senate and transferred as an ambassador, in a bid by the Prime Minister to gain control in the Senate.

Mr. Keneally: Would you like to name the Liberals who were transferred to ambassador postings?

Dr. TONKIN: Mr. Cope was demolished and destroyed ruthlessly without mercy by the Whitlam Government. He was stabbed in the back by the Prime Minister, who cut him down because he would not accept direction from the front bench of the Labor Party Government, particularly from Mr. Whitlam. Now we see His Honour Mr. Justice Murphy on the bench of the High Court of Australia.

Members interjecting:

The SPEAKER: Order! I must call members on Government benches to order. There is far too much interjecting.

Dr. TONKIN: Senator Murphy, having piloted through legislation for territorial Senators, sat on the bench in judgment or whether or not that legislation was valid.

It was not unanimous vote: it was a four to three vote. I mention also the jobs for the boys, that is, the political appointments of Mr. Cairns, Mr. Cavanagh (Junior), Mr. Peter Wilenski, Mr. John Menadue, Mr. John Spiegelman, Mr. Al Grasby, and Gayle Wilenski.

The Hon. Hugh Hudson: Get out of the gutter.

Mr. Goldsworthy: That's not getting into the gutter.

The SPEAKER: Order! These interjections must cease from both sides.

Dr. TONKIN: If the Minister wants one further name, I mention that of Juni Morosi.

Mr. Wells: You are the biggest back stabber in the House.

The SPEAKER: Order! I call the member for Florey to order.

Dr. TONKIN: She was the last on a long list of incidents that bring no credit to the performance of the Whitlam Government. It is a shameful Government, and the whole sordid and sorry business has culminated in the resignation of Mr. Rex Connor. Of course the Prime Minister should face the people. If the events of the past few months had occurred in relation to a public company, criminal and civil charges would have been laid. There is only one court that can judge a Government. There is only one court that can bring to trial the Prime Minister and his Government, and that is the people of this country, the electors.

Mr. Keneally: When your mob determines.

Dr. TONKIN: He has an obligation to resign and face the people of this country. It was clear on October 12, the day before these most recent disclosures were made about the part played by Rex Connor in the loans affair, that Mr. Fraser, the present Leader of the Opposition, had not decided to take action to deny Supply. When one listened to the speech he made at the weekend, it was clear he had not made that decision. He said:

On one hand there is the principle that a government with a majority in the Lower House should in the ordinary course of events, run its full time. This is a sound and important principle of our Constitutional practice. It is a principle on which I place very great weight. Reasonable continuity of government depends on observance of the principle that, in the normal course of events, the government supported by the Lower House is entitled to Supply, our system of government would not work unless this were the case. It is important to realise nevertheless that the Constitution quite deliberately gives the Senate the power to reject Appropriation Bills. In this it intentionally diverges from the original model of the Westminster system. A Senate elected on a universal popular franchise cannot in any way be compared with a hereditary and appointed Upper House such as the House of Lords. The Constitution provides, under circumstances it does not specify, that the Senate may act to compel a government to face the judgment of the people. The Senate was designed to protect the federal system and to review all the legislation of the Lower House. Clearly it was contemplated that the circumstances could arise which would be so serious as to induce the Senate to refuse Supply to the government until the government had been prepared to face the people.

The Hon. Hugh Hudson: So Fraser is to be a judge of that, and he stands to gain most out of it.

Dr. TONKIN: I suggest that the Minister should wait a little time to see what his colleagues have said on the subject before he criticised them too much, he might be pleased that he did. Mr. Fraser was in a difficult situation, which was resolved for him on the following day, when the loan scandals once again came to light. At that time he believed, with many others, that the decision was taken from him. It had been taken out of his hand because he, and everyone in Australia, believed that the Prime Minister

would have the decency to face the people and put his Government on the line. It is a scandalous situation, and it is even more scandalous to realise that the Prime Minister was not prepared to put his job on the line in those circumstances. If he is so sure that he still has the support of the Australian people, why does he not go to the polls and be judged? The answer is quite obvious. He knows perfectly well that he no longer has the support of the Australian people. Indeed, he is held in contempt by the people. He will not go to the polls: he will hold off for as long as he possibly can. He has his back to the wall and he will grasp at any straw, even one provided for him by this Government, to avoid facing up to his responsibilities. Any Prime Minister or any Premier is responsible for the actions of his Ministers, and with a corrupt Government one can only assume there is a corrupt Prime Minister. It has been said to me many times—

The Hon. Hugh Hudson: Is that why MacMillan resigned over the Profumo affair?

Dr. TONKIN: The people who are now in Government and who are members of the Labor Party are no longer the people who used to be there and who used to be supported traditionally by the unions and the workers. They are no longer the same people; they are no longer people one can trust; they are no longer the Clyde Camerons, the Chifleys, the Curtins—

Members interjecting:

The SPEAKER: Order! I remind all members who wish to refute anything the Leader has said that they will have the opportunity later in the debate if they wish to avail themselves of the opportunity.

Dr. TONKIN: —even the Frank Walshes. These were honest men. Their word was their bond, and they did what was expected of them: everyone could trust them. That is more than one can say of the members of the Labor Government in Canberra now.

Mr. Goldsworthy: They are a different breed.

Dr. TONKIN: My Deputy Leader is entirely right: they are an entirely different breed. Their ideology is totally different, and I believe the people of Australia are fast waking up to the fact, but it has taken them some time. Certain Senators are now forced to threaten action, as they have been condemned by a Whitlam at bay to take this action. When addressing himself to the 1970 Budget Mr. Whitlam said, (and I hope honourable members opposite will take notice of this):

Let me make it clear at the outset that our opposition to this Budget is no mere formality. We intend to press our opposition by all available means on all related measures in both Houses. If the motion is defeated, we will vote against the Bills here and in the Senate. Our purpose is to destroy the Government which has sponsored it.

Later, he said:

We all know that in British Parliaments (among which he clearly included Australia) the tradition is that if a money Bill is defeated . . . the Government goes to the people to seek their endorsement of its policies.

Those were Mr. Whitlam's words: What has happened to change his mind now? He obviously does not hold his principles very highly: he does not hold any principles at all. He has done a switch around. Is this the man who is condemning the Senate's attitude now. Let us look at what Senator Murphy said. On June 18, 1971, Senator Murphy is quoted in *Hansard* as saying:

The Senate is entitled and expected to exercise resolutely but with discretion its power to refuse its concurrence to any financial measure, including a tax bill. The A.L.P. has acted consistently in accordance with the tradition that we will oppose in the Senate any tax or money bill or

other financial measure when necessary to carry out our principles and policies.

Senator Murphy went on to list 40 financial Bills that A.L.P. Senators between 1967 and 1970 had voted against. That support of Mr. Whitlam and Senator Murphy at that time of the sort of action now contemplated by the Senate, is shared by Senator Steele Hall as recently as July 16, 1975, on the occasion of the one-day sitting, when he said:

Does the Government believe that simply by denying further information to the Opposition and to the public, which is thirsting for it and which is being led by the media to obtain it, it can close the books? It cannot. This is an evolving situation. The Parliament has been tried and the Ministry has not answered. This is the second major attempt to obtain information which so far has not been available. If the Government is able to frustrate this move, something else will happen. If I were in the Opposition's position I would adjourn the Senate until January 1 next year and let the people decide in the meantime. Something will have to be done to find out just where the Government is culpable or where it is blameless, because it will not say. The Opposition's position is, of course, somewhat difficult. As I have said, it cannot let the matter rest here. It will be the Government's responsibility—I have no doubt that it will be the Government's responsibility—if the Opposition is forced into further action to obtain the information that it desires.

The Prime Minister has no support at all at present from his own followers. Despite what the Premier said today (and he said it briefly, perfunctorily and without any deep feeling about the matter), it is obvious what his degree of support for the Prime Minister really is. He dissociated himself from the Prime Minister so thoroughly at the recent election that he managed to scrape back home into Government. He cannot have it both ways. On July 9, the Premier said:

"All I have said in effect is precisely what the Prime Minister himself has said, they have made some quite serious mistakes. He has acknowledged his mistakes, so do I." The Premier also said that Whitlam's Government had made quite real mistakes; he did not think its administration was by any means free of criticism or that its judgment had been sound.

That was what the Premier said before the recent election. His reaction was: "My Government is being attacked and it hurts." He suggested that Mr. Whitlam might not come to South Australia during the campaign. Indeed, I understand he told him to keep out. How consistent is that? There have been testimonials from the union press, too. Mr. Hughes, the Federal Secretary of the Textile Workers Union, said:

Manufacturing industry employees would not support the Federal Labor Government at the next election after its performance of the past 12 months.

Scope (that remarkably fine publication which is left outside for honourable members to peruse) of July 31, 1975, states:

But its (loans issue) handling was a massive indictment of the Leader of the Parliamentary Labor Party and Prime Minister, Mr. Gough Whitlam. The blame for providing stimulus for a press campaign against the Australian Government has been sheeted home by the Labor movement to Mr. Whitlam's high-handed and autocratic actions.

On the same day, another quote from *Scope* is as follows:

The stringent Federal Budget framed last week will cause massive unemployment of at least 500 000 by the end of the year, hardly affect inflation and could force thousands of small businesses to the wall. The Government economic advisers show little understanding of the real problems of the union movement and the working class. Workers could not be blamed if they threw up their hands and placed no more faith in Mr. Whitlam.

It would be fair, and absolutely correct, to say that the credibility of the Whitlam Government is at an all-time

low. It has no respect left. Before the resignation of Mr. Connor, the situation was bad enough, but now that the loans scandal has finally been admitted to be true by Mr. Connor's enforced resignation, the people of Australia can come to only one conclusion. Once this matter came out and the Government stood revealed for what it is—a corrupt, unscrupulous, and unprincipled Government—on our side of politics we had no alternative but to take whatever measures we could take to force the Prime Minister to take the step he should have taken, which he was morally bound to take, to front up to the people of Australia and say, "Well, here it is, you be the judge." He has not got the guts to do it.

When the details of the loans affair were revealed everyone confidently expected that the Prime Minister would submit his resignation and put his Government to the people. The fact that members of the Senate have now given notice that they will defer Supply is no excuse for the Prime Minister to back off still further from his moral obligation and responsibility. To say that Governments or Prime Ministers (and this has been the garbage that has come across the Chamber) have some divine right to govern for as long as they wish within their term is absurd. A Government has the responsibility during its term of office to carry out its government in a way that is in the best interests of the people of Australia. It is only for as long as it carries out that duty, and for as long as it has the support of the people of Australia, and the support of both Houses of Parliament in the bicameral system, that it is entitled to govern.

The Hon. Hugh Hudson: That's a new theory.

Dr. TONKIN: There is nothing undemocratic about that, and that is the whole basis of the bicameral system. That is why the Australian Labor Party wants so badly to see the end of the bicameral system. Mr. Whitlam and his Ministers have been discredited. They are guilty of incompetence, and of misleading Parliament and the people of Australia. As I said before, in any ordinary public company situation the matters could be challenged in court. There is only one court available to test Mr. Whitlam and his Government and that is the electorate. If Mr. Whitlam is, indeed, a man of principle, as he says he is, if he stands for the things he says he stands for, and if he believes that conventions should be adhered to, he should be prepared to face the people. He should go to the people and let them decide whether he has acted properly. As for the motion moved by the Premier in this place (moved, as I said, as a gesture and nothing more), it is ridiculous. It is moved by a man who, for his own political ends, and to save his own political skin, dissociated himself from the Prime Minister previously.

This is the man who is supposed to fight and win for South Australia, but he is willing to disagree with the Federal Labor Party when it suits him. He is willing to line himself up as hard as he can when his Party is in danger. This myth of two separate Governments and two separate philosophies in the State and Federal scenes is now exploded once and for all by the move that the Premier has made today. I repeat that the Prime Minister has a moral obligation to face the people at a general election, and the Premier has no business trying to put him off that course. If the Premier really believed in the welfare of the people of this State he would be urging his colleague to take that very step.

The Hon. J. D. CORCORAN (Minister of Works): I support the motion. The Leader of the Opposition made great play about the speech made by the Premier. At

least the Premier talked about the problem that confronts this country at the moment, unlike the Leader of the Opposition, who did not really mention it, because I suppose he would have experienced some uncomfortable moments had he done so. He made great play about the Loans scandal. It may be of interest to the Leader, if he has not already heard, to know that the central figure, apart from Mr. Connor, in this affair at the moment has been declared (or so it is alleged in the press today) a bankrupt. I am talking about Mr. Khemlani. He is not even using his own name. He arrived in this country at a very fortuitous moment for Mr. Fraser.

The Hon. G. T. Virgo: Who's paying his hotel bill?

The Hon. J. D. CORCORAN: I do not know. Maybe it is a sheer coincidence that this fellow came to this country at this time.

Members interjecting:

The SPEAKER: Order! The Opposition members will have their opportunity to speak at the correct time. This constant interjecting must cease, or I shall be forced to take action.

The Hon. J. D. CORCORAN: The Commonwealth Leader of the Opposition has had the temerity to suggest the Prime Minister should have resigned over this affair. Maybe it will eventuate that the Leader of the Opposition will have to resign over it. That is not as funny as it sounds. What has happened just seems to be fortuitous. It may have been a coincidence, but now some of the background of Mr. Khemlani has come to the fore, perhaps there is something worth looking at there, too. The Leader of the Opposition talked also about the fact that there had been resignations and sanctions—

Mr. Mathwin: You don't say—

The SPEAKER: Order!

Mr. Mathwin: —what he did when—

The SPEAKER: Order! I must warn the honourable member for Glenelg. I have given sufficient warning and in the case of the next honourable member who persists with this senseless interjecting, I will take action, and I mean that. This applies to honourable members on both sides of this House. This will be the first time I have taken this action, but I am willing to take it today.

The Hon. I. D. CORCORAN: Mr. Speaker, I am replying to the statement made by the Leader of the Opposition; I am not trying to be provocative. The Leader made great play of the fact that the Prime Minister had sacked Dr. Cairns, that Mr. Connor had resigned, and that Mr. Crean and Mr. Cameron had been sacked. I think he used that term, but in fact they were not sacked, but were given other portfolios. He made great play about this and said this showed that this Government was corrupt (I think that was the term he used). Let us cast our minds back to the Liberal Administration of recent years. Let us look at the Holt Administration. From January, 1966, to December, 1967, seven Ministers failed to hold their original portfolios. During the Gorton years (and I want members to listen to this carefully) from January, 1968, to March, 1971, there were 36 changes in the Ministry, including Mr. Fraser who was fired a couple of days before Gorton sacked himself.

Even a change of Prime Minister did not make any difference to that situation, because Mr. McMahon took over and he failed to prevail on the Liberal and Country Parties to submit themselves to the will of the people in a general election. How did the stability of his Ministry fare? Between March, 1971, and December, 1972, there

were 23 changes in that Ministry! What has happened during the Whitlam Ministry is fairly pale stuff when it is compared to those years when the Liberal and Country Parties were in power. Yet members opposite have the cheek to believe that because these moves have taken place the present Commonwealth Government should submit itself to the people.

The present constitutional crisis is just that—a constitutional crisis. It is not a crisis of confidence in our duly elected Government: it is a crisis of confidence in our system of Government. So, if and when there is an election (and whatever type of election it may be), voters will not be asked to decide between Whitlam and Fraser, but to decide between order and chaos. That is how serious this crisis is, the most serious crisis ever faced in this country. I look at the Leader's amendment to the motion, and the first thing I see is that he has decided now that it is the responsibility of Whitlam to go to the people to avoid this crisis. In fact, it seemed rather strange to me that until yesterday the major newspapers throughout Australia were saying in editorials that Mr. Fraser would have to be extremely careful in any decisions that he made in this regard.

They pointed out the crisis that certain action could lead to (and the *Advertiser* was not the least of these editorials), and the things that could flow from it. In fact, I think some of the editorials said openly that we did not want a situation developing in this country that could lead us to the situation of Italy and Portugal, at the moment, and the situation of France a few years ago, or even recently. Those editorials were then aimed at Mr. Fraser and the decision he was involved in at that time. He was to be the motivator if there was to be one, and Mr. Fraser made that decision yesterday. He set the course, and now we hear the Leader saying and see some of the editorials saying that Mr. Whitlam will be responsible for this crisis if he does not go to the people. What rot! Let the responsibility be pinned fairly and squarely on the shoulders of the Federal Leader of the Opposition (Mr. Fraser); he made the decision and set the course. Whatever the outcome will be, he is to blame for it. There was a vote of confidence in the Government in the House of Representatives today, and Mr. John Gorton supported the Government. As I have said, this is not a question of confidence in the Government; it is a constitutional crisis.

If honourable members do not believe what I am saying, let us look at what would have happened. Since Federation the popularly elected Government in the House of Representatives had not had the numbers in the Senate. There could have been 45 elections, not 25, since Federation if every Opposition had decided to do what Mr. Fraser decided to do yesterday. I am concerned about what this action means to the stability of Government at a national level. As the Premier has rightly said, although Verran was involved in a situation in the Upper House here in 1912 (and I know that this has happened in Victoria on two occasions when Bills were tagged to appropriation until the Bills were dealt with), there has been no attempt to do this sort of thing by the Upper House in this State, because it is known that it has had no such right, even though it has had the power to reject Supply. However, as the Government was previously constituted in this State it did not represent the voice of the people.

The Senate does not represent the voice of the people of Australia. We have a situation in which Tasmania, with a population of about 250 000, elects 10 Senators to

the Senate, and New South Wales, with a population of about 2 500 000, elects 10 Senators to the Senate. So, it is not a democratic institution, because it is not the representative of the people. The Lower House, the popularly elected House, reflects the will of the people of Australia. As has already been pointed out, in 1972 and again in 1974, the Labor Party was elected to office in the Lower House. Indeed, it was rather strange to listen to Mr. Fraser this morning (on *A.M.*, I think it was) when, in reply to the question, "What are you going to do to correct the things you consider to be wrong in Australia, and how quickly will you do it?", he said, "Of course, we will have three years." The very thing that he is now setting out to do is to deprive the present elected Government of the remainder of its term in office. In addition, he has set a precedent, and in future any Government that has to take an electorally unpopular decision in order to rectify errors could have a hostile Senate and, with this precedent in mind, force an election at the first opportunity. That is the kind of situation that will develop from Mr. Fraser's decision yesterday.

He and his colleagues in Canberra are fully aware of it. Steele Hall, on television last evening, sized up the exact situation by saying that Mr. Fraser had chosen a sleazy track to the Prime Ministership. It seems unusual to me, and even ironical, that the Leader of the Opposition can treat convention and tradition so lightly, because I always thought that the Tories were upholders of convention and tradition. They have attacked the Labor Party consistently for trying to erode convention and tradition. However, what they did yesterday was to break a convention that has existed since Federation. The Commonwealth's Opposition has threatened to do this, and has thought of nothing else since 1972 but turning out the elected Government during the three-year period for which it was elected. The great upholders of convention and tradition are now saying that it was perfectly correct to do what it did in Canberra yesterday, despite all the consequences that will flow from it.

Yet we see on the Notice Paper in the Leader's name an item that deals with the breaking of a convention, which has existed only since 1949, by the New South Wales and the Queensland Parliaments in appointing other than a Labor Senator to the Senate in the place of Labor Senators who had either retired or died. I agree entirely with the Leader's sentiments on this matter. He is standing up for that convention, which he believes should not have been broken, according to his motion. If this House faced that situation, he says we should follow the convention, and I agree with him on this matter.

Dr. Tonkin: The Prime Minister should resign, also.

The Hon. J. D. CORCORAN: We are talking conventions and a convention was broken yesterday to produce this constitutional crisis. The Leader of the Opposition is inconsistent in his approach or hypocritical in his approach to this matter, because he knows that that convention should never have been broken by Queensland, nor should it have been broken by the New South Wales Parliament. The Queensland case was probably the worst of the two. Mr. Fraser, as a result of those people being appointed, has been able to do these kinds of thing and get away with them. The Leader made great play about Senator Murphy. Senator Murphy was appointed to the High Court, and the Leader thought that that was disgraceful, but he has forgotten that Sir Garfield Barwick was a Minister at the time he was appointed to the High Court. The Leader talked about jobs for the boys and about Junie Morosi.

However, he seems to have forgotten Ainslie Gotto. Those things do not come into the argument, or have any bearing on the argument in which we are now involved.

Statements have been made recently by constitutional lawyers and professors of law who have stated clearly that they would disagree with Mr. Fraser if he made this move, because of the things that would flow from it. Although I could give examples of those statements I will not do so, because Opposition members have read them and they know them as well as I do. They also know exactly what the consequences of this decision will be. It is not a matter of whether Mr. Whitlam will go to the people: it is a decision made yesterday that has set the course that will destroy our Federal Constitution. It is a flimsy fabric, as someone has said, and, if we do not observe the normal traditions, customs and conventions that apply, the stability of Government in this country is at stake. It is remarkable to me that Great Britain can get along without a written Constitution. It relies entirely on convention and tradition. Yet here, with the few conventions and traditions we have, we are breaking the most vital of them for pure political expediency. I sympathise with Mr. Fraser for the pressure he has had exerted on him during the past week by big business and the media, and certainly by the tail that wags the dog (Mr. Anthony). The Country Party has wagged the Liberal dog for years, and this is a classic example again of Mr. Anthony's putting the screws on and getting his own way again.

Mr. Anthony is not very interested in the future of Australia; he is interested in getting back in power. God knows why, because whatever happens it could well be that, in a short time, we will have a Senate hostile to the popularly elected House of the Liberal Government. Who knows how long that Government will stay in power? This decision by Mr. Fraser is not in the best interests of stable Government or in the interests of the country and should be deplored and condemned, as it is in the Premier's motion, and not as is suggested in the Leader's amendment. I urge members to view this matter with all the seriousness it deserves. This is a constitutional crisis of the highest order: it is the most serious that has ever faced this country in its short history and should be treated as such. The people of Australia should be made perfectly aware of this situation and should be told constantly what will flow from this action if the Whitlam Government does not secure a majority in the forthcoming election of half the Senate members, as it would need to do so that it could govern, see out its term, and do what it wanted to do by giving its plans and its Budget an opportunity to work before it went to the people when it should in about 18 months. I support the motion.

Mr. GOLDSWORTHY (Kavel): Probably the kindest thing I could say about the Deputy Premier's speech is that it had an air of conviction that was sadly lacking in what the Premier said. I suppose the Premier is hoping what he said will appear in print and that it will read better than it sounded in the House. It was probably his most feeble effort and, after all, he is vaunted by members on the other side for his oratory, but there was no conviction in his speech. We know perfectly well that the motion was drafted in haste. In fact, I have never seen such a motion, because the motion itself was followed by argument. Be that as it may, the Premier was far from convincing in what he said today. All he said was that the Commonwealth Opposition is seeking to cash in on a situation in which the Government is temporarily unpopular. Temporarily unpopular! I suggest that the Premier is grossly out of touch with the

sentiments of people in the community, because the Commonwealth Government is in complete disgrace. The Deputy Premier has attacked Mr. Khemlani, suggesting he is a bankrupt. What sort of a fool is Connor? How gullible would the people of this country be if they entrusted the biggest loan negotiations ever undertaken by this country to the ilk of Mr. Connor and a man who the Deputy Leader suggests is a bankrupt. Surely it is not a condemnation of Mr. Khemlani, but is a condemnation of Mr. Connor and the Commonwealth Government of which he was a part. I would point out, too, that there is a difference between reshuffling Ministerial portfolios (because we go through that process here from time to time) and a Minister's deciding that he does not want to serve in the Ministry, or being beheaded for malpractice or dishonesty.

The Hon. I. D. Corcoran: Howson was sacked for that.

Mr. GOLDSWORTHY: Perhaps for incompetency, but not for the sort of dishonesty that was so patent in the case of two of the most powerful figures in the Labor Party—Cairns and Connor. I suspect that many members of the Labor Party (indeed many members in this House) would like to have seen Cairns and Connor remain and Whitlam get the chopper. The Deputy Premier referred to Senator Hall. The Leader of the Opposition quoted remarks made by Senator Hall in July. Senator Hall advocated precisely the path Mr. Fraser has chosen to follow. I would not put too much faith in advocating his sentiments, because, in July, he was advocating precisely the course of action now being followed. Obviously the Premier has his tongue in his cheek in moving this motion, or he is completely hypocritical in trying to support the Whitlam Government in office. That is what he is attempting to do.

Everyone in Australia knows (hat the fate of the Whitlam Government is sealed, whether it be now or in 18 months time. It is just a question whether we allow this question to slip further into the mire, whether we allow unemployment to rage on and increase, or whether we take a responsible course and halt the further impoverishment of this country. Not much has been said in this debate by Government members about the role and function of the Senate. Suggestions have emanated from the Labor Party that the Senate does not have the right or power to reject or delay Supply, but conflicting arguments have been made about that by Labor legal spokesmen. Recently Mr. Bowen (Minister for Manufacturing Industry) is reported as follows:

"It's about time the Senate was put in its place." Earlier, Mr. Bowen repeated claims that uncertainty in the economic and business climate was resulting from the possibility of the Senate's rejecting supply.

Mr. Bowen, a Sydney solicitor before entering Parliament, said last night that, under the Constitution, only the House of Representatives had exclusive powers over appropriation Bills. The Senate did not have the same power as the Lower House over money matters.

Those are the remarks of an eminent Labor legal spokesman. However, Senator Everett, a Labor Senator and Queen's Counsel, said he believes the Senate has the power. The report states:

A Labor senator said yesterday his Government's argument that the Senate could not reject a money Bill was ingenious but untenable.

The Hon. J. D. Corcoran: But they can reject it.

Mr. GOLDSWORTHY: I will pursue that point. Bowen said the Senate could not do it, but another Labor member said it could. The report continued:

Senator Everett, Q.C., said the Senate had the straight legal power to reject a Bill appropriating revenue.

This is in complete conflict with an opinion given by another Labor member. To put what Senator Everett said in context I will read the whole report, which states:

"But that power is very much a reserve one which should only be used in the most extreme circumstances," he said.

"It would be a dangerous exercise to invoke it merely because the Opposition thinks the present Government is electorally unpopular."

That is what the Premier seized on in promoting his motion today. The Deputy Premier referred to a letter which was written by certain eminent constitutional professors and which appeared in the weekend newspapers. There is no argument about the Senate having power to reject or delay Supply, but the whole argument becomes one of semantics. In what circumstances should the Senate exercise this power? Professor Castles, one of the signatories to that letter, is now having second thoughts about what he said. There is no question about the legality of what the Senate has done, because it has the power to do it. Whether the Government believes the Senate should have the power is another question, but the Senate has acted lawfully in delaying Supply. Mr. Whitlam has always put a fairly high price on himself. He believes he can govern without money. However, the Senate has an undoubted right to reject Supply.

Mr. Nankivell: They haven't rejected it yet.

Mr. GOLDSWORTHY: No, it has only delayed it; it has the right to delay and reject. Even the eminent professors of constitutional law accept that the Senate has the power, but that it is just a matter of when the power should be used. The professors urge caution. The Adelaide professor is having second thoughts about the matter.

The Hon. J. D. Corcoran: That's my point.

Mr. GOLDSWORTHY: The Deputy Leader's point is that what has happened should never have happened, but the power is there. After all, the Senate is the States' House and is elected to preserve the rights and the position of the States. It is no good the Government's talking about undemocratic elections, because the Senate was elected for this purpose and was given power for this purpose. If the Senate believes that the States are suffering under an Administration, it has as much right as does any other House to uphold and protect those State rights, so let us not have any more of this business about the Senate's not having the constitutional right to do what it is doing. The Senate has the constitutional right and has seen fit to exercise it. The Prime Minister has not challenged, in the High Court, the Senate decision, because he knows that the Senate has the undoubted right and he believes that the "exceptional circumstances" exist, to use the term used by the law professors. I suggest to the Deputy Premier that even one of those legal men now believes such circumstances exist.

How much longer can the Senate and the public go on suffering corruption and dishonesty in high places? The record of the Whitlam Government is appalling on all these grounds. I will remind the House, particularly the Government, of some of the history of the Whitlam Government. Before he came to office, Mr. Whitlam, as Leader of the Opposition, stated:

Do you believe Australia can afford another three years like the last 20 months?

He said that to the people whom he is now afraid to face and whom he will govern without money. Mr. Whitlam also stated:

Are you prepared to maintain at the head of you affairs a coalition which has lurched into crisis after crisis,

embarrassment piled on embarrassment week after week? Will you accept another three years of waiting for next week's crisis, next week's blunder? Will you again entrust the nation's economy to the men who deliberately, but needlessly, created Australia's worst unemployment for ten years? Or to the same men who have presided over the worst inflation for 20 years?

The mind boggles at things that have developed under Labor, such as the tremendous escalation in unemployment and inflation that has occurred since those words were spoken. How can the man cling to office and deliberately create chaos by refusing to resign, when he has made the statement to which I have referred? The Prime Minister is of precisely the same ilk as those senior men in the Labor Party whom he has dismissed or forced to resign. I remind the Premier of his own dealings with the Prime Minister on a matter of much moment and consequence to this State. I refer to what happened at about the time Mr. Whitlam made the statement to which I have referred. That was before the election of the Labor Government, when this report appeared in the press:

The A.L.P. wants funds from the wine industry in return for abolishing the wine tax if it is elected to Federal Government. The request for financial support is made in letters sent to firms and people in the industry. The letters are signed personally by the Premier (Mr. Dunstan) as Chairman of the A.L.P. Federal election finance committee. Mr. Dunstan says firms and people have already spent hundred of thousands of dollars on the wine tax and on collecting information for the Customs and Excise Department. He says the future of the wine industry has become an election issue. The A.L.P. believes, and its Federal executive has stated, that only abolition of the tax would guarantee continued prosperity for the industry and grape growers, Mr. Dunstan says. He suggests a donation "forthwith" or a pledge of a donation, to be paid only after the Leader of the Federal Opposition (Mr. Whitlam) has given an unequivocal assurance that a Labor Government would abolish the excise and not replace it with a sales tax or any other imposition.

In support of that press announcement, the Premier sent out a letter, and I make no apology for bringing up this matter again, because I believe that it shows the Prime Minister to be in exactly the same class as those senior men whom he has dismissed. The letter is recorded at page 1029 of *Hansard* of September 18, 1974, and part of it states:

The future of the wine industry has become an issue at the forthcoming Federal elections. The Australian Labor Party believes, and its Federal Executive has stated, that the only solution that will guarantee continued prosperity for the wine industry and the many thousands of growers who supply it is complete abolition of the excise and its non-replacement by a sales tax or any other imposition. I seek your financial support for the A.L.P. campaign for the elections. You have already spent many hundreds of thousands of dollars on the wine tax and on collecting the information required by the Customs and Excise Department. The election of a Federal Labor Government will save you these costs in the future. You may be sceptical about the intentions of an A.L.P. Government regarding the excise. Accordingly, the attached form provides the opportunity for you to:

(a) forward a donation forthwith; or

(b) pledge a donation to be paid only after the Federal Leader of the Australian Labor Party, Mr. Gough Whitlam, has given an unequivocal assurance during the campaign that a Government led by him will abolish the excise and not replace it with a sales tax or any other imposition.

There are several ways in which donations can be made. If you would like to discuss your donation with me, you can make the necessary arrangements through Mr. David Combe, whose telephone number of 51 8744. Donations and pledges should be sent to me at the above address.

Yours sincerely, Don Dunstan

No other impost was to be placed on this industry, the most significant part of which is in this State, and much of that part is in my district and the neighbouring District of Chaffey. How long did that promise and unequivocal

assurance last? A press report of a statement by the Premier is as follows:

Dunstan hits out in wine row:

An angry Premier, Mr. Dunstan, said today the Federal Government had placed him in a "shamefully difficult position" by insisting on new imposts on the wine industry. I have been put in a position of personal dishonour and I bitterly resent it, said Mr. Dunstan. In an almost unprecedented attack by a Labor Premier on the Federal Labor Government, Mr. Dunstan said: "I have been put in a position I would not have believed possible."

Mr. Arnold: He's getting used to it now, though.

Mr. GOLDSWORTHY: These are the people whom the Premier supports today, and he says that we are not experiencing exceptional circumstances. The Prime Minister has had to sack two senior men in the Labor Party for being liars and misleading Parliament, yet the Prime Minister is in the same category. The Premier has said so. The report continues:

"I express my sense of shame at what has happened. I have told the Federal Government of my views. I made representations to the Prime Minister as late as last Friday when he visited me in hospital." . . . Mr. Dunstan said he was dismayed and horrified at the Government's decision to press ahead with the imposts.

"The wine industry is the one industry in Australia dominated by South Australian producers," he added. "The decision on the brandy differential will be an enormous blow to wine grape-growers, particularly those in the Upper Murray districts where brandy grapes are grown in quantity and cannot be used for anything else."

"The decision about revaluation of stocks will not affect the larger co-operative wineries but it will have serious and damaging effects on the smaller proprietary wineries."

What was Whitlam's reaction to this unequivocal assurance on which the Premier had raised funds to have him elected Prime Minister? A report states:

In Canberra today, a spokesman for the Prime Minister said Mr. Whitlam would not comment on Mr. Dunstan's attack. The spokesman said that it was felt that any reply from Mr. Whitlam would only worsen the situation.

If that does not place the Prime Minister in precisely the same category as those Ministers whom he has sought to sack, those senior men in the Labor Party, Dr. Cairns and Mr. Connor, I do not know what does. They are two of the most powerful members of the Labor Party, and the Prime Minister can put himself in the same category as they have been put in, because he can cause personal dishonour and shame to a colleague, the Premier of South Australia. The Prime Minister has not been honest and has not honoured his promise to the people of this State and, in particular, to many of my constituents and people in the District of Chaffey who depend on them. Reference has been made to "temporary" unpopularity, but those people would not believe another word the Prime Minister said. Let me remind the House of the illegal raid sanctioned by Senator Murphy of the A.S.I.O. offices and his promotion to the High Court. In the Gair affair, the Government tried to manipulate the Constitution to gain an advantage in the Senate. The Government made promises to this State which it has broken. It promised grants for road and sewerage works, but they were loans, not grants. The broken promises by the Prime Minister are legion. Let us have none of this nonsense about temporary unpopularity. Let members opposite talk to the wine makers. Are the growers likely to get bogged down in an argument on the semantics and technicalities of whether or not the Senate has the right to exercise the power it undoubtedly has?

A professor of law asserted that the Senate did not have such a right, and then, in the light of circumstances prevailing a few days later, he changed his mind. His

salary is assured, but what about the people whose livelihood depends on the word and honour of the Prime Minister of this country? Let no-one think Mr. Whitlam can wash his hands of the doings of his senior colleagues. Let no-one think he is in a class separate from that of the senior men in the Labor Party. Let no-one think the sudden interest by the Premier in propping up the Prime Minister in office is a genuine attempt to prop up a man who has been the cause of shame and dishonour to him.

What are the circumstances needed before the Government will say that the Senate has power to use the power it undoubtedly has? A former Treasurer has been proved untrustworthy and completely dishonest; the Minister for Minerals and Energy has been proved to be completely dishonest; and the Prime Minister has been proved, by the words of our Premier, to be dishonest. What circumstances would warrant the approval of the Government for the Senate to exercise its right? The Prime Minister is clinging to power. He says he can govern without money. The Prime Minister is deliberately seeking to create chaos.

The Senate has the undoubted right to block Supply; to delay Supply, and it has exercised that right. No thinking man would think that he could carry on and plunge this country into chaos. The onus is on Whitlam whether or not he believes the circumstances are right or wrong. The Senate has acted, in its judgment, in the best interests of the people and the States whom they are elected to represent. It is no good the Deputy Premier's trying to throw the onus on Mr. Fraser: the onus is fairly and squarely on the Prime Minister, who I believe has proved to be completely untrustworthy. The Government's actions have been completely reprehensible, and I believe that, if we took the motion to the average people, they would look at the record of the Commonwealth Government and say, "This Labor Government is not for me." I support the amendment and completely reject the motion.

The Hon. R. G. PAYNE (Minister of Community Welfare): I move:

That the time for moving the adjournment of the House be extended beyond 5 p.m.

Motion carried.

Mr. KENEALLY (Stuart): I support the motion and oppose the amendment. The Deputy Premier has said that this country is currently facing the most serious constitutional crisis in its history and, if there is to be an election, the election will be between order or chaos, not between Whitlam or Fraser. I thank the Deputy Leader of the Opposition for the 24 minutes he took to speak, because in that time I was able to calm down a little after the anger that had risen in me as a result of the Leader of the Opposition's contribution. Members opposite talk about principle in politics when we have people like Mr. Fraser, the man who at least two former Leaders of the Opposition of the Commonwealth Liberal Party (Mr. Gorton and Mr. Snedden) rued because of his actions against them. Mr. Fraser is the man who was sacked by Mr. Gorton; the man who stabbed Mr. Snedden in the back, and the man who, during his whole career, has shown an unprincipled desire to become Leader of his Party and Prime Minister of Australia. He is the man who is determined to become Prime Minister of Australia at any cost, even if it breaks convention and destroys the constitutional processes under which this country acts. That is the Mr. Fraser whom members opposite wish to defend in this debate.

What about the Leader of the Opposition? What is his performance as an honourable, principled man? The

member for Light took his Party as close as one could possibly take it to become the Government in this State, the closest the Liberal Party has been to Government since the boundaries have been changed. What did this principled man, the Leader of the Opposition, do? He stabbed his Leader in the back, and now the former Leader is on the back benches and the Leader of the Opposition is on the front bench talking about principle! He would not know what the word meant. He probably thinks it is spelt "principal"; it is a principal on which one gets interest, money. Principles in action and morality are things the honourable gentleman would know little about.

We have heard members opposite say that the Senate has the power to reject or delay Supply. No-one denies that this is the case. The Deputy Leader said that if, in the view of the Senate, the House of Representatives (the popularly elected Government of Australia) is not acting in the best interests of Australians, the Senate has the right to deny Supply, and force the Government to the people. In whose view is the duly elected Government forced to go to the people? It is the view of a handful of Senators who do not agree with the political philosophy of the Government of the day. What the honourable gentlemen opposite are putting to us is that Upper Houses in future should be able to determine the Government of Australia—the Upper Houses are to become the majority Houses, the governing Houses. We reject that. We believe that Governments are made in Lower Houses, and Governments must be defeated (if they are to be defeated) in the Lower Houses. Much less has been made of the fact that the Senators have the right to deny Supply. Constitutionally they do have that right, but if anybody would suggest that in the current circumstances the Senators in the Commonwealth Senate should deny Supply, he would have rocks in the head. They have been told by Mr. Fraser, who is a member of the House of Representatives, that Supply should be delayed. It is not a decision that the Senators made: it is not a decision that they reached after due consideration but one that was made by a man who does not even reside in the Commonwealth Senate but who is a member of the House of Representatives. The Senators have become tools to this man in his unprincipled drive for power, and the Commonwealth Senators who support Mr. Fraser on this are therefore no more than tools in that man's dishonourable drive for power.

We have heard the Leader and Deputy Leader denigrate Commonwealth Ministers, saying that they have been sacked, when in fact they have had their portfolios changed. I was amused to see the reaction of members opposite when the Deputy Leader gave a clear indication of the sorts of change that were made in the Gorton and the McMahon Ministries, 31 changes being made in less than three years in the Gorton Ministry. There was incompetence: there was no doubt about that, yet the Senate did not feel inclined to take the House of Representatives to the people then. During the McMahon Ministry, in little over 12 months, 23 changes were made—another indication of complete and absolute incompetence by the Commonwealth Ministry, yet the Senate did not feel compelled to take the duly elected Government of the day to the people.

Mr. Becker: You should be a racecourse broadcaster.

The SPEAKER: Order! Order!

Mr. KENEALLY: The point I am making to members opposite is that there are two rules: one for the L.C.L. when it is in Government in the Lower House and when it has the majority in the Senate, and another for the Labor Party when it is in Government in the Lower House and the Liberal Party has the majority in the Senate. The real

fact of life is that there are gentlemen within the Commonwealth Liberal Party, and I suggest within the State Liberal Party, who believe they were born to rule. No greater example of this can be shown than the actions of Mr. Fraser. He believes he was born to rule, and he is not going to let anything stand in the way of his becoming Prime Minister of Australia.

We have heard comments from the Deputy Leader about not only the incompetence but the absolutely corrupt activities of the Commonwealth Ministry. I should like the honourable gentleman to go outside this House and list the corrupt activities in which he believes the Commonwealth Ministers of the Australian Labor Party Government have been involved. If any charges can be levelled against Mr. Connors and Dr. Cairns, they might well be that they could have misled the Parliament. If they misled the Parliament, surely they have paid the price for doing so; they are both no longer in the Ministry. For anyone to suggest they were corrupt in what they did is a charge that I would throw right back at honourable members opposite. The whole issue of the loans affair has been a job that has been done on the Labor Party, and the Labor Party has had the job well and truly done on it.

Members interjecting:

The SPEAKER: Order!

Mr. KENEALLY: Make no mistake about that. The world will be negotiating in petro-dollars very soon, and because the Federal Government was forced to go outside the normal channels of credit and finance to get a loan, we have an enormous reaction from people like members opposite, who are great supporters of and get great support from normal channels, as do our media, our multi-nationals, etc. It has been said that if the Commonwealth Liberal Party had not sold Australia's resources to overseas control, there would have been no need to negotiate a loan. Perhaps charges of naivete could be levelled against some of the gentlemen involved, but certainly it would be difficult to substantiate a charge of being corrupt. Corrupt they were not.

We have also been told that the Whitlam Government has been the worst Government in Australia's history. I say that, if it is not the best, it is very close to being the best Government this nation has had. We have heard little about its legislation in regard to health, education, transport, urban development, and local government. It was the first Government ever, federally, to give more than lip service to local government needs and social welfare. I could go on. The good legislation the Australian Labor Party Government has introduced is legion, and, instead of our having a snide attack on it motivated by interests that are well represented by gentlemen opposite, I should think that some attempt should be made to give credit where credit is due.

It is well known that Mr. Fraser, in trying to find out, I suppose, what he considers to be reprehensible circumstances, has been rushing around with his ear to the wall hoping for someone to use the word "reprehensible". "Reprehensible" to Mr. Fraser is merely what Mr. Fraser thinks the Commonwealth Labor Government has done. It is not necessarily what the people think: it is what Mr. Fraser thinks. This is the very danger that members opposite are promoting when they suggest that Upper Houses should be able to determine when Governments are elected and when Governments are defeated. It merely becomes the decision of a chance majority in the Upper House, and, no matter what actions the Australian Labor

Party would take in the Federal Government, there is no doubt that the chance majority the Liberal Party has in the Senate would oppose the legislation of the Australian Labor Party and would be seeking something reprehensible (that will be a word that people in this country will live to rue) rather than finding what they consider to be reprehensible circumstances.

When Mr. Fraser was asked what he would do if he was the Prime Minister of Australia and the Labor Party took this action, he said, "If we had done anything that was reprehensible, we would take our medicine". He was not prepared to say that, if they had done anything which was, in the view of the Labor Party, reprehensible, they would take their medicine, because that is somewhat different. The Leader of the Opposition made the strange statement: "Who does the Prime Minister think he is? Does he think he has the divine right to determine when elections are going to be held? This is a right that is not his at all; this is a right the people have." The Leader of the Opposition believes it is a right the Senate, directed by Mr. Fraser, has, but it is not a right the Prime Minister has. Governments are elected by the people for a three-year term to implement a programme on which they go to the people, and any Government faced with a hostile Senate will not be able to bring in legislation which may be required but which may be temporarily unpopular under the threat of being thrown out by the Senate—and that is what is happening. That is what members opposite support. That action, as has been pointed out by the Deputy Premier, could lead to the greatest constitutional crisis this country has ever had.

What is the history of the Opposition federally in recent months regarding conventions? We have seen Mr. Lewis not appoint to Mr. Justice Murphy's vacancy in the Senate a member from the Labor Party. We have seen Mr. Bjelke Petersen from Queensland taking similar action. We saw the Senate last year delay Supply until it got an undertaking that there would be an election. This year we see the Senate delaying Supply again, attempting to force the Prime Minister to resign. When the Prime Minister suggested there might be a half Senate election, Premiers of the Liberal States said they would refuse to issue writs for a half Senate election. If anyone told me that this country is not going headlong towards constitutional chaos as a result of the actions of Liberal Party members, I would be surprised if they could justify this. These people believe that they were born to rule. There is no convention, principle or tradition they are not willing to break in their grab for power. They have no consideration for the will of the people or for the decision of the people at an election and they will determine when the Government will be elected and broken. We are going headlong into a situation whereby Lower Houses can no longer govern and where Governments will be determined by Upper Houses. If there is any argument for the abolition of Upper Houses, that is it.

I support the motion, which is worthy of the support of all members. Anyone who would try to justify the unprincipled stand of Mr. Fraser would try to support the unprincipled contribution of the Leader of the Opposition, these two gentlemen who are renowned for their lack of principle in their own actions and in their own Parties, these gentlemen who try to profess to be democrats but who are nothing short of being fascists in their approach to democracy. I oppose the amendment, which in itself, is nothing short of an affront to democratic institutions.

Mr. DEAN BROWN (Davenport): Our current crisis has been brought about because Mr. Whitlam is now making

a desperate attempt to cling to power. The Premier has made a pathetic attempt this afternoon to support the corrupt, crumbling dictatorship of Mr. Whitlam. The Premier has tried to protect the worst dishonesty of any Government Australia has ever experienced. He has tried to perpetuate the worst unemployment and the highest inflation Australia has ever faced.

Mr. Keneally: The people will determine that, not the Senate.

Mr. DEAN BROWN: I turn initially to the motion and will comment briefly on it, because I believe that it does not make sense. First, the Premier claimed that the Senate had refused Supply. The Senate has not done that: it has simply said that Supply will be deferred. Secondly, the Premier deplores and condemns the Senate because it has refused to debate Supply. One should look at the statements and the attitudes of Mr. Whitlam, the villain and the megalomaniac at the centre of the current crisis. Mr. Whitlam has previously said that he would refuse Supply, and I will quote briefly from some of his statements. On August 25, 1970, the present Prime Minister, when debating an Appropriation Bill, said:

Let me make it clear at the outset that our opposition to this Bill is no mere formality. We intend to press our opposition by all available means on all related measures in both Houses. If the motion is defeated, we will vote against the Bills here and in the Senate. Our purpose is to destroy this Budget and to destroy the Government which has sponsored it.

In 1970, Mr. Whitlam said that he was willing to pull down a Government by defeating the Appropriation Bill. In 1970, the present Prime Minister, also when debating a money Bill, had this to say:

This Bill will be defeated in another place. The Government should then resign.

The Prime Minister, in 1970, as Leader of the Opposition was willing to say, as an A.L.P. member, that he was willing to have his Party vote against a money Bill in the Upper House and bring the Government down and that, if the Government was defeated in that House, it should resign. It is a pity that he does not reread some of his previous statements. Thirdly, the motion states that an Upper House in South Australia has never entertained a rejection of Supply. The Leader of the Opposition earlier today gave a classic example of an occasion in this State when the Legislative Council rejected Supply, not just entertained the idea of doing it. The Leader of the Opposition read from the history book that relates that story. The motion also states:

A Government has a right to continue to govern according to law for the period for which it was elected to govern.

The Premier gave no evidence of what law provides that a Government has the right to govern according to law. If one looks at the Constitution, one sees that at least the Opposition in the Upper House has the right to reject Supply. So, the Premier's motion is meaningless, and he has produced no evidence in an attempt to support it. In fact, the law gives power to the Senate to reject Supply. We see that the law as applied in the Constitution has been not broken but upheld.

I come now to the Premier's pathetic attempt when speaking in support of his motion, and basically his argument fell in two areas. His first point was that an Upper House should never reject Supply, but I have already given an example of an occasion on which Supply had been rejected here. It is a shame that the Premier did not read the Prime Minister's statement, because, in trying to put forward the argument that Supply should not be rejected, he completely ignored previous statements by Mr.

Whitlam and former Senator Murphy. Both of them on numerous occasions openly supported and boasted about the fact that they were willing to vote against Supply. They supported one further principle by upholding the view that, if the Supply Bill was defeated in the Senate, the Government should resign. We see the same now that Mr. Whitlam is Prime Minister, and Supply is being not rejected but deferred. The same Mr. Whitlam is unwilling to uphold the principles involved or the convention that exists: that convention being that he should resign, and he has outlined that convention himself.

I come now to the Deputy Premier's speech, which was equally pathetic. His argument was on two lines. First, he tackled Mr. Khemlani and said that he was an undischarged bankrupt who had used an assumed name. He said, "How can we rely on this man's evidence?" I throw back to the Government the very question: "Why has it selected such a man to raise \$8 000 000 000 for Australia?" I should have thought that by that very statement of the Deputy Leader that that was the very ground why the Government should be brought down and why the Prime Minister should resign. It is interesting that the Deputy Premier should question the accuracy of Mr. Khemlani's statement, whereas the Prime Minister accepted Mr. Khemlani's statement: it was on that statement that Mr. Connor resigned. Is the Deputy Premier now saying that Mr. Khemlani was incorrect, that Mr. Connor should not have resigned, or that Mr. Whitlam was incorrect even in asking Mr. Connor to resign? That is the logic of his argument.

The second threat to the Deputy Premier's argument was that convention was currently under threat. He said that the Liberals had broken the convention by rejecting Supply. Former Senator Murphy pointed out that it was not even a tradition that had been broken if Supply was rejected. I will again quote from Senator Murphy's speech. This is what he said in the Senate on May 12, 1967:

The Opposition opposes this Bill. There is no tradition, as has been suggested, that the Senate will not use its constitutional powers, whenever it considers it necessary or desirable to do so, in the public interest. There are no limitations on the Senate in the use of its constitutional powers except the limits self imposed by discretion and reason. There is no tradition in the Australian Labor Party that we will not oppose in the Senate any tax or money Bill, or what might be described as a financial measure.

Senator Murphy is saying there is no tradition for stopping an Upper House from rejecting Supply. He says openly that the A.L.P. would do it and, in so doing, would not breach the Constitution, any long-standing convention, or even a current tradition. Obviously, the Premier's case cannot be substantiated; nor can the case put forward by the Deputy Premier that we are facing a constitutional crisis because the Opposition has rejected Supply. On June 18, 1970, Senator Murphy pointed to 165 financial measures that were voted against by the Australian Labor Party. He was proud to point that out. If his argument is accepted, there were 165 occasions when the A.L.P. was willing to break with convention.

Just because the Liberal Party has once deferred consideration of Supply, the Labor Party is trying to condemn it for that action. I reiterate that on 165 occasions since 1950 the Labor Party has broken the so-called convention. It is not a convention; it is not even a tradition, according to the Labor Party. On November 4, 1970, Senator Murphy expressed exactly the same sort of sentiment. The Liberal Party has not broken the convention; we have not even broken the tradition. Who has broken the convention? I

believe the Prime Minister has done so, because he has not resigned after Supply's being deferred. The Prime Minister, to use his own words, once said:

This Bill will be defeated in another place. The Government should then resign.

The Prime Minister believed then that there was a convention that, if a Supply Bill was defeated, the Prime Minister should resign and go to the people. It is the Prime Minister who has broken the convention and has brought about a so-called constitutional crisis: it is not the Liberal Party. The member for Stuart in his incredible contribution made tremendous generalisations about Australia's facing the worst constitutional crisis it has ever faced. I put to him the same argument I have just used to smash the argument of the Deputy Premier. If we face a constitutional crisis, it has been brought about by the Prime Minister, not by the Liberal Party.

It is interesting to note that even though the member for Stuart said that we are facing the worst constitutional crisis ever he gave no reasons to support his case. The same applies to other Government members who have spoken in this debate; they were threadbare on facts or even on a case to put forward. Their speeches made generalisations and had no substance behind them. During Question Time today, I wrote down a reply the Premier gave. I am sure he could substantiate its accuracy by reading *Hansard*. The Premier said:

Constitutionally, an Upper House has the right to reject any Bill, including Supply.

Therefore, there is no constitutional crisis; the Liberal Party has used its power under the Constitution and has acted properly. Before this debate began even the Premier admitted it. During almost his entire speech, the member for Stuart said that Fraser was born to rule. What an incredible generalisation, but that is the sort of political statement the Labor Party so often uses. It cannot be refuted; it cannot be substantiated. What can be substantiated is that Mr. Fraser is destined shortly to govern Australia.

In the past Senator Hall has been referred to as a man or principle. It is unfortunate that when the occasion arises a person can throw aside a principle he holds because of political expediency. Senator Hall knows an election is imminent, and has made a desperate attempt to create some sort of difference between the Liberal Party and the Liberal Movement. He has jumped on the one emotive issue that he could scrape up as a difference between the two Parties. To point out the sheer hypocrisy of what he is doing, I quote from a speech he made in the Senate on July 16, 1975, during the special one-day sitting on the loans affair, when he said (in part):

Does the Government believe that simply by denying further information to the Opposition and to the public, which is thirsting for it and which is being led by the media to obtain it, it can close the books? It cannot. This is an evolving situation. The Parliament has been tried and the Ministry has not answered. This is the second major attempt to obtain information which so far has not been available. If the Government is able to frustrate this move, something else will happen. If I were in the Opposition's position—

and this the important part—

I would adjourn the Senate until January next year and let the people decide in the meantime.

Let us analyse that statement. Senator Hall was saying (and remember this is before the loans affair worsened and before Mr. Connor resigned or misled the people of Australia) that if he were in charge of the Opposition in the Senate he would adjourn it (which would automatically

mean that all debate on Supply would be adjourned) and he would force the Government to go to the people because it would be without money. He said that three months ago but, for political expediency, he now changes his attitude (even though the situation has worsened) and knocks the Liberal Party. I plead with the Liberal Movement that, if it is sincere in trying to throw out the Labor Government, it should unite with the Liberal Party and the National Country Party to throw out the corrupt and dishonest Government.

The present Labor Government has stumbled from crisis to crisis. The Australian people have gone from the Morosi affair to inflation; from inflation to the loans affair; from the loans affair to the sacking of Dr. Cairns; from Cairns to unemployment; from unemployment back to the loans affair; and from the loans affair to the sacking of Connor. In the past six months we have seen the most blatant and deliberate dishonesty by the Ministers in the whole of Australia, and the Prime Minister has been at the centre of this debacle—this dishonesty. He has claimed that he had no knowledge of it. That may or may not be correct but, if he had no knowledge of it, the whole situation is a reflection on his gross incompetence. The Prime Minister is either a liar or is so incompetent that he has lost control of his Cabinet. He should resign.

I will briefly draw a parallel between former President Nixon and the Prime Minister. America suffered greatly because it went from crisis to crisis with a Leader of the nation whom the people could not trust. For from one year to two years that country floundered without proper leadership and with a Government that was merely trying to tackle crisis rather than govern the country. Australia faces a similar situation. This year we have had eight months of crises. We have gone from crisis to crisis and we are starting to reflect the same levels of unemployment (or worse) and inflation as America reflected. There is a close similarity between the Nixon crisis in America and the Whitlam crisis in Australia.

I hope that the Prime Minister has sufficient regard for the future of Australia to resign, without allowing the whole situation to continue to flounder so that it reaches the same low point as was reached in America. Australia cannot afford to drift along from crisis to crisis any longer. I congratulate the Senate on using the powers given to it under the Constitution to save Australia and on rejecting Supply. In doing so, the Senate has not broken convention or even tradition, in Senator Murphy's own words. However, I condemn the Prime Minister for not resigning and not upholding the convention that he laid down in 1970. For the sake of Australia, I plead with the Prime Minister to resign immediately.

Mr. MILLHOUSE (Mitcham): The Liberal Movement supports this motion. I am pleased that I have got back in time to speak on it before the vote is taken. I have not had the opportunity to listen to the arguments, such as they must have been, that have been advanced.

Mr. Dean Brown: Where were you? In the Supreme Court?

Mr. MILLHOUSE: That is right. I have not heard the arguments for or against the motion, but I imagine that, long before now, all the possible arguments on one side or the other would have been canvassed, so I will not try to go over them all. In my view, the letter in the *Advertiser* last Saturday morning, which the member for Goyder has told me has been mentioned in the debate, sums up the position. Part of the letter states:

This is not to say that the rejection of the Budget, or any other money Bill, would be unconstitutional in the sense

that it would amount to a breach of the strict letter of the law. Section 53 of the Constitution clearly allows the Senate to reject a Budget, just as it can reject any other measure. But the existence of the power does not mean that it would be constitutionally proper to exercise it.

No Government, democracy or Parliament can work if it sticks only to the rigid letter of the law. The letter must be filled out by conventions and one of the conventions which, as this motion sets out, has always been observed here and, except in the most extreme circumstances, should always be observed in any democracy is that an Upper House does not vote against Supply. That is the whole point, as far as I can see.

I want to say how extremely concerned I am (and I believe many other Australians are) about the situation facing this country. I suppose the word "factionalism" always can be used for politics and politicians in a democracy, but never more appropriately than now on the Commonwealth scene, where we see it on both sides, and between the two sides. We are getting to the stage where the people of Australia will become utterly sick and tired of democracy, just as they did in Germany in the early 1930's. If that happens the people will not give a damn if the whole system disappears and is replaced by something that is a dictatorship but is efficient. That is the whole danger of the situation that we could reach now.

I know, because my own political convictions are this way, the enormous temptation there is to the Liberal Party and the Country Party in Canberra to get this wretched, inept and awful Government out of office. For the short-term benefit of Australia, the sooner it is out the better. However, it is a matter of how it is done and, if irreparable harm is done to the whole system by doing it this way, it should not be done at all. That is the position we are reaching in this country. As I came down to the House from the court (and the member for Davenport was keen to get in *Hansard* that I had been away, as I could tell from the interjection), I saw a *News* placard reading, "Canberra chaos grows." A report in the stop press today states:

Thousands of public servants today marched on Parliament House in revolt against the Federal Opposition's stand to block the Government's money supply. Workers, including bus drivers, gathered on the lawns outside Parliament House, bringing essential transport services to a virtual standstill.

That is only the beginning of what will happen if this situation persists. We had one interesting report in a newspaper over the weekend about what had happened more than 100 years ago in Victoria, when a similar occurrence took place. That was only on a colonial scale, and the present situation is on a national scale. It is Australian-wide. What will be the end of it if this goes on?

I make one suggestion to members of the Liberal Party. The unions have been besought by everyone to exercise restraint in wage demands. Indexation has been described as a fragile plant. We know that restraint is vital to the health of the economy. If the Liberal Party and the Country Party cannot restrain themselves, and if they go ahead and tip the Government out and get into office themselves, how the hell are they going to suggest to the unions in future that they should exercise restraint in industrial matters? They will not have one hope in a hundred, not the hope of a hailstone in hell, of doing it, if they get into office in this way.

I should hope that, in normal circumstances, this country would be better governed with a Liberal-Country Party

coalition than under a Labor Government, but if the change comes about this way, after the chaos, upset, disruption and bitterness that will go on if this move takes place, I doubt that our next state will be better than our present state. That is why I and my colleague strongly support the motion, and the Liberal Movement supports the stand taken by Senator Hall in Canberra, which is on all fours with this motion. I would have hoped that this matter was above and beyond Party political advantage, yet from the speech made by the member for Davenport, which was the only speech I heard, that is the only level on which it is being tackled by him and his Party. I hope that the motion is carried.

The House divided on the amendment:

Ayes (21)—Messrs. Allen, Allison, Arnold, Becker, Blacker, Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Nankivell, Rodda, Russack, Tonkin (teller), Vandepeer, Venning, Wardle, and Wotton.

Noes (25)—Messrs. Abbott, Boundy, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Duncan, Dunstan (teller), Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, Langley, McRae, Millhouse, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Majority of 4 for the Noes.

Amendment thus negatived.

The House divided on the motion:

Ayes (25)—Messrs. Abbott, Boundy, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Duncan, Dunstan (teller), Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, Langley, McRae, Millhouse, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Noes (21)—Messrs. Allen, Allison, Arnold, Becker, Blacker, Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Nankivell, Rodda, Russack, Tonkin (teller), Vandepeer, Venning, Wardle, and Wotton.

Majority of 4 for the Ayes.

Motion thus carried.

CONSTITUTION ACT AMENDMENT BILL (COMMISSION)

Returned from the Legislative Council with the following amendments:

No. 1. Page 7, lines 43 and 44 (clause 7)—Leave out “the Chief Justice has certified in writing that”.

No. 2. Page 8, lines 15 to 17 (clause 7)—Leave out all words in these lines and insert—

“(3) Where it is necessary for a Bill to be approved by the electors in accordance with this section, the Bill shall, on a day appointed by proclamation (being a day that”.

Consideration in Committee.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I move:

That the Legislative Council's amendments be agreed to. The effect of the amendments is to take out of clause 7 the provision that, where a Bill is presented and it relates to the entrenched clauses, it must go to a referendum unless

there is a certificate by the Chief Justice that it does not offend against the principles of the enactment. The Chief Justice has in the past few days raised an objection to a procedure requiring him to give a certificate, on the grounds that this is acting not judicially but in an administrative manner, and he does not think that that is appropriate. It is unfortunate that this objection should have arisen at this stage, because the judges were consulted before the Bill was introduced, at which time the Chief Justice was out of the State. I have been unable to discuss the matter with the Chief Justice, but it is believed that it is better to deal with the Bill now and to remove the grounds for the Chief Justice's objection.

Without the certificate of the Chief Justice, it is still the case that no Bill may be presented for assent without a referendum if it offends against the stated principles in the section, that is, if it alters the provisions for one vote one value and an electoral commission independent of political control. If the Government were to attempt to present a Bill for assent without taking it to a referendum and it did offend against those provisions that matter could be taken to the court by any citizen. I believe that we have sufficient safeguards, and the Government therefore moved these amendments in the Upper House, and they were agreed to there. I do not think that any member opposed them, and I commend them to the Committee. I think that it is wise to make these amendments now rather than have some disagreement with the judges regarding the procedure to be adopted hereafter.

Dr. TONKIN (Leader of the Opposition): When this matter was debated previously, I was surprised that the Chief Justice was referred to in this way. I understand that Their Honours generally are not entirely satisfied about their inclusion in the matter. The Chief Justice has expressed his opinion in definite terms, and the Opposition supports the amendments.

Mr. MILLHOUSE (Mitcham): I, too, support the amendments. I believe that in many ways this is a more satisfactory solution than the certificate of the Chief Justice, and I say that with the utmost deference to him and to the likely future holders of the office. The amendments mean that the matter will be decided, if it should arise, in open court (probably by three judges in the Full Court, after argument and with reasons published), although there is no reason to believe that any Chief Justice would ever act other than in a proper, impartial and judicial manner. One could never go behind the certificate of the Chief Justice whereas now, although we have perhaps the slight inconvenience of a hearing and the costs that would be involved, the matter will be open to scrutiny in the usual way. I think that, on the whole, that is a more satisfactory way, particularly if the present Chief Justice thinks, as he apparently does, that it is an improvement to the Bill.

Motion carried.

ADJOURNMENT

At 5.47 p.m. the House adjourned until Tuesday, October 28, at 2 p.m.