

HOUSE OF ASSEMBLY

Thursday, September 24, 1970

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

ASSENT TO BILLS

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

Companies Act Amendment,
Goodwood to Willunga Railway (Alteration of Terminus),
Housing Improvement Act Amendment,
Lottery and Gaming Act Amendment,
Public Finance Act Amendment,
Public Purposes Loan.

DISTINGUISHED VISITORS

The SPEAKER: As Speaker of the House of Assembly it is my privilege to welcome to the Chamber delegates to the Sixteenth Conference of the Commonwealth Parliamentary Association. I am able to say, as Speaker, that never before in the 113 years' history of the House of Assembly have our galleries been graced with so many and with such illustrious representatives from the Commonwealth of Nations. On behalf of all members of this, the popular House in the Parliament of South Australia, I warmly welcome our fellow legislators and officers of Parliament from overseas, and trust that their short stay amongst us will be as pleasant to them as it is gratifying to us. The Leader of the delegation is Senator the Hon. F. G. Smith, Q.C. (Attorney-General of Barbados) and I invite the honourable Premier and the honourable Leader of the Opposition to introduce the honourable Senator as the representative of all our distinguished visitors.

The Hon. Mr. Smith was escorted by the Hon. D. A. Dunstan and Mr. Hall to a seat on the floor of the House.

QUESTIONS**MURRAY STORAGES**

Mr. HALL: In view of the fact, as I understand it, that the Minister of Works will be deputizing for the Premier at a meeting of representatives to consider the future of the Dartmouth dam legislation, can the Minister say what will be the Government's policy if it cannot get the other parties to the River Murray Waters Agreement to agree to a two-dam policy?

The Hon. J. D. CORCORAN: I shall not be deputizing for the Premier, as the Leader has suggested: I shall be acting in my capacity as Minister of Works. The meeting, which is to take place in accordance with the wishes of the Prime Minister and of the Premier of New South Wales, will be initially at Ministerial level. As the remainder of the Leader's question is hypothetical, I suggest that there is no need for me to reply to it.

ISLINGTON POLLUTION

Mr. JENNINGS: Will the Minister of Roads and Transport use his best endeavours to prevent a recurrence of the regular burning off of diesel oil at the Islington railway workshops? Recently, I have received several complaints, mostly from railway workers or their wives, about an occurrence on a recent Saturday morning when the sun was almost obscured by what was described as the burning off of diesel oil in the workshops. Most of the people who have complained live near the workshops. Although I live much farther away than do most of the people who have complained, I, too, noticed this smoke, and it was certainly extremely offensive. This pollution is much worse than that which occurs as a result of burning at the Wingfield dump in the area, about which pollution we often have complaints. As I think that the Minister will easily be able to get information about the matter, I ask him to give me a reply as soon as he can.

The Hon. G. T. VIRGO: There was a brief press comment about this matter a few days ago and I, like the honourable member, was alarmed when I read it. I hope to have some information on the matter soon. However, because of the honourable member's question, I shall press for an early reply and, more important, for the elimination of this problem.

NATIONAL SERVICE

Mr. MILLHOUSE: I should like to ask a question of the Premier concerning his attitude to National Service, as expressed in this House on July 14 and as affected by the statement reported in the *Advertiser* this morning to have been made by his Commonwealth colleague, the Leader of the Opposition in the Commonwealth Parliament.

The Hon. J. D. Corcoran: What is the question?

The SPEAKER: Will the honourable member ask his question?

Mr. MILLHOUSE: I have fully outlined my question. Now I seek your leave and the concurrence of the House to explain the question.

The Hon. D. A. Dunstan: No!

The SPEAKER: Order! The honourable member must ask a question and then seek leave to explain it.

Mr. MILLHOUSE: With very great respect, ever since this controversy started and ever since you gave your ruling—

Mr. Burdon: You won't respect the ruling.

The SPEAKER: Order! This House decided, by resolution, that the question must be stated and an explanation given after that. As Speaker, I am obliged to interpret the decision of the House, and I request the honourable member to state his question.

Mr. MILLHOUSE: On a point of order, ever since that ruling was given—

The Hon. J. D. Corcoran: What is the point of order?

Mr. MILLHOUSE: My point of order is this: until yesterday the way in which you interpreted that ruling, certainly when I asked questions, was to allow me to give my explanation and then to say what the question was about (the substance of the question), then to give the explanation and finally to frame the question itself, and you did, on numerous occasions, actually protect me from interjections from the Government side when I was following that procedure.

Mr. Clark: He knows it takes you a long time to understand, so he gave it to you.

Mr. Ryan: That protection is withdrawn.

The SPEAKER: Order!

Mr. MILLHOUSE: I, therefore, ask you why, yesterday and since, you have changed the practice that you allowed me to follow.

The Hon. G. R. Broomhill: What is the point of order?

Mr. MILLHOUSE: The point of order is that I should be allowed to follow that practice today, as I have in the last few days and as have other members.

The SPEAKER: There is no point of order. The function of the Speaker is to give rulings, not to explain his actions.

Mr. MILLHOUSE: In that case, I must move dissent from the ruling you have now given.

The SPEAKER: Will the honourable member put in writing his motion to dissent?

Mr. MILLHOUSE: Yes, Sir.

The SPEAKER: I have received in writing from the member for Mitcham the following motion:

That this House dissent from the ruling of the Speaker that a member must frame his question before seeking to give an explanation of it, instead of allowing the long-standing practice of this House to continue, that is, to allow a member to explain his question before asking it.

I point out to members that as recently as Wednesday, September 16, the Votes and Proceedings of this Chamber note that, on a point of order being raised, the Speaker ruled that a question without notice should be asked before any explanation be offered in accordance with Standing Order 125. That ruling was debated at length and this Chamber upheld my ruling.

Mr. MILLHOUSE: I do not desire to go over all the ground that was gone over on the occasion to which you have just referred, Mr. Speaker, except to read out to the House, in support of my motion, the Standing Order in question:

In putting any such question, no argument or opinion shall be offered, nor shall any facts be stated, except by leave of the House and so far only as may be necessary to explain such question.

My strong contention is that that Standing Order does not oblige a member to frame his question before seeking leave of the Speaker and the concurrence of the House to explain it. In support of that contention, I point to the long-standing practice of this House, a practice that goes back at least to 1955 to my knowledge, of adopting the following procedure: a member gets up; he directs his question to a Minister; he asks for leave to explain it; he gives his explanation; and then he frames the question. If, during the course of the explanation, a member should object to more explanation, "Question" is called. That has been the practice in this House from the time I entered it, and I believe for a long time before that, until the debate that we had in this House a little over a week ago. You, Sir, gave a ruling on that occasion and it was upheld by a vote of the House on Party lines.

It was admitted by members who voted to uphold your ruling that this was a departure from the practice we had previously enjoyed in this House, and I do not think that any member opposite would deny that this was a departure from previous practice. I remind all members, and particularly the Premier, of what the Premier said in this House on July 21 on the matter of the asking of questions. Having been asked first a question by the Leader of the Opposition and then another one

by me following a statement he made to the effect that maybe Question Time could be altered and made more efficient, the Premier said:

I am concerned to see that this procedure operates more efficiently. I assure the honourable member—

and that was me: he gave an assurance to me personally in answer to my question—

that since it is the purpose of this exercise to ensure that better value is given to all members, including Opposition members, during Question Time, I would not want to do anything that would not be generally accepted.

The Minister of Education then interjected, as is his wont:

You want to give better value to the Opposition.

The Premier then said:

I always advocate that.

Those words were clear and unequivocal. There was to be no alteration in the practice of the House regarding the asking of questions unless it were generally accepted. It is admitted that your ruling makes a change in the generally accepted pattern of Question Time in this House, and that ruling was upheld by the Government members supporting your ruling and every member of the Opposition voting against it. I suggest that that shows that there is not a general acceptance of the change that is made by your ruling, and, there is therefore a direct breach of the undertaking which the Premier gave me in this House on July 21. I point out that we have heard a lot in the last few days about the Premier and his undertakings and changes of attitude on a number of topics, but here it is in black and white; yet he it was who took the point, if I recall it correctly, on September 16 regarding questions and then vigorously upheld your ruling which means a change in the practice of this House, and that change was not, and is not, generally accepted by members. I ask whether, in view of that, we can accept any undertaking given by the Premier.

Since you, Sir, gave that ruling, on each occasion on which I have asked a question (and I ask one or two questions each day, sometimes more) I have been careful to direct my question to a Minister and then to give the substance of that question in some detail so that there might be no mistake about the subject matter of my question. I have then sought your leave and the concurrence of the House to give an explanation of the question; I have given the explanation; and I have then framed the question. That is what I have been

doing each day since September 16 and on every occasion, until yesterday, you allowed me to follow that procedure. Further, when there were interjections from members opposite, you supported me in that procedure and on a number of occasions you obviously turned a deaf ear to calls of "Question" from members opposite. Therefore, there can be no doubt at all that between September 16 and yesterday you upheld my right in accordance with Standing Order 125 to give the substance of the question in some detail, so that there could be no mistake about it, to seek leave to explain it, and to then frame the question; and it was not until yesterday, Sir, that you insisted that I should actually frame the question before seeking leave to explain it.

I do not know what happened to prompt you yesterday to change the attitude you had adopted when I was asking questions up to that time but, whatever the reason for the change in attitude may be, I must protest because it is not, I respectfully suggest, in accordance with Standing Order 125 and, as I say, I do not want to go over all that again. Therefore, I make two points in summing up: First, the Premier gave an unequivocal undertaking in this House (and I presume he spoke for the Government and, indeed, for the Government Party) that there would be no change in the practice of this House with regard to questions unless there was general acceptance of the change, and yet he has supported a change, and so has every member of the Government. The second point is that your ruling, Sir, is not in accordance with Standing Order 125 or with the practice and procedure which you yourself have allowed me and other members to follow since the debate on September 16.

Mr. EVANS seconded the motion.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I oppose the motion. Sir, the member for Mitcham has tried today to rehash a debate held in this House last week concerning your ruling on Standing Order 125, which, referring to questions without notice, provides:

In putting any such question, no argument or opinion shall be offered, nor shall any facts be stated, except by leave of the House and so far only as may be necessary to explain such question.

Your ruling, Sir, as a result of the flagrant abuse of that Standing Order by the member for Mitcham (because he was the outstanding

contributor to the ruling that you were forced to give)—

Mr. Hall: By whom?

The Hon. D. A. DUNSTAN: By the actions of the member for Mitcham, supported by the Leader.

Mr. Millhouse: And you took the point!

The Hon. D. A. DUNSTAN: The point I took was as a result of a circular sent by the Speaker, and the ruling in this House was a ruling of the Speaker. It was not a ruling of the Government; it was a ruling of the Speaker, and notice had been given of it to the member for Mitcham. [The ruling that was dissented from was as follows:

You must ask your question and then seek leave to explain it.

That ruling, which is at page 1389 of *Hansard*, is the ruling which you, Sir, referred to in the Votes and Proceedings of the House. It was dissented from and the ruling was upheld. The honourable member is now trying to rehash the whole of the debate. If that is what he wants to do, let us deal with what has been happening. Sir, you gave your ruling because of conduct in this House (I assumed that could be the only reason why a Speaker would have to rule in the way that he did), in which the member for Mitcham gloried. He used to get up, state that he was going to ask a question, seek leave to explain it, and then make a speech to the House not in explanation of his question but offering argument, opinion and debate that was often completely irrelevant to the question he subsequently asked. Then, when he was pulled up and his final question was asked, it bore no relation to the matters of prejudice which he had at length (sometimes for over 20 minutes) offered to this House. He used to sit down with a happy grin and say, "Well, I got it in, anyway."

Mr. Ryan: Many times!

The Hon. D. A. DUNSTAN: It happened time and time again. What he did, then, was to take up the time during questions without notice in this House, and this deprived other members of their right to ask questions.

The Hon. J. D. Corcoran: What is he doing now? He's preventing his own members from asking questions.

The Hon. D. A. DUNSTAN: It is the abuse of this Standing Order and of the generous practice of this House with which other members have previously complied over many years (and during most of that time—and I have been here a little longer than the honourable member; it is 18 years now—

Mr. Nankivell: Too long!

The Hon. D. A. DUNSTAN: Well, we will leave that to the voters, who in the majority have decided otherwise on every occasion during that 18 years. The honourable member had produced a situation which led you, Sir, to decide that the only way in which you could judge whether honourable members' explanations of their questions were, in fact, relevant to the questions to be asked was that you should be told what the question was, and that leave could then be sought to explain it. That is a generous provision of this House which has not inhibited any member since the ruling was given because, Sir, since you gave that ruling and it was upheld by a vote of this House, all members, except two, in this Chamber have complied with your ruling. The two exceptions have been the member for Mitcham and the Leader of the Opposition. All the other members of the Opposition have asked their questions; they have found no difficulty in doing so; they have then sought leave to explain them, and leave has been given.

There is no difficulty in doing that. If a member has a question to ask, why is it difficult to put that question before he puts the explanation? He then gets leave to make his explanation, and that leave is freely given in this House. The only difference from the previous practice is that, then, the Speaker may see that the explanation is relevant to the question being asked, and that is entirely in accordance with Standing Order 125. This matter was debated last week, and your ruling was upheld; and since that time the member for Mitcham has done his level best to evade your ruling on every occasion that he could.

Because of the tolerance which you, Sir, have consistently exercised from the Chair, you have sought to ensure that there should not be difficulties for members in this House, and on many occasions you have risen to draw the honourable member's attention to the fact that there was a ruling and that he must put his question. The honourable member has consistently tried to evade your ruling, and today you have pointed out to him that he may not continue to do so. The honourable member is now saying that, because you have been tolerant with him in an effort to get him to obey your ruling, that means that your ruling should not continue, although it was given in this House and upheld by a vote in this Chamber as late as last Wednesday.

The next thing is that the honourable member says that there is some breach of faith on my part and on the part of the Government.

This was not an action of the Government in initiating a matter before the Standing Orders Committee for changes in Standing Orders. The matter to which the honourable member has seen fit to refer as the undertaking I gave the House arose in this way: there was an article in the morning press by one of that newspaper's editorial writers stating, in effect, that there were certain inefficiencies about Question Time in the House and that it would be more sensible for us to look at some of the procedures in other Parliaments, because what was happening was that questions were being asked here as questions without notice to which obviously Ministers would not immediately have a reply, and that it would be far more sensible for notice to be given of those questions beforehand and the answers obtained, instead of unnecessary time being taken up in the normal putting of questions that would have to be answered at a later date. That was what the article stated.

I was then asked publicly whether I thought there was substance in this and I said that I thought there was; it is a good idea for Parliament to look at its procedures and see whether we are going about things in the most efficient way. There was an immediate press conference by the Leader who said I was taking away the freedoms, liberties and responsibilities of members of Parliament. I did not intend to do that. What I am suggesting to members is that they should look at this matter and see whether we cannot do the whole business more efficiently. The thing should be looked at by the Standing Orders Committee on which both sides of the House are represented. I did not intend that the Standing Orders Committee should make changes in Standing Orders that did not receive general acceptance, and I gave that undertaking. Those are the words that are now quoted against me, because you, Sir, have made a ruling as a result of the flagrant abuse of the tolerance of the House by the member for Mitcham. That ruling was upheld and there was no change in Standing Orders whatever. Yet the honourable member says I am guilty of a breach of faith to members, whereas it is the honourable member who is guilty of a breach of faith to his electors in the way he has been conducting himself in this House.

Mr. Millhouse: I've been returned regularly.

The Hon. D. A. DUNSTAN: Perhaps he will get some support in Mitcham, but the honourable member will not get support from the majority of electors in this State whom he has never represented during the whole time

he has been in this House. The ruling which you, Mr. Speaker, gave was strictly in accordance with Standing Orders; it was upheld by this House; and there is already a decision on it. The honourable member is endeavouring to evade that decision and to rehash a debate that was held in this House last week, on which a vote was taken and on which the ruling was clear. In this matter, I ask honourable members to uphold the authority of the Chair with which all members opposite have complied, except for the member for Mitcham and the Leader.

Mr. HALL (Leader of the Opposition): The Premier made one good point when he said that the electors had supported his Party in the past. However, on what basis did they support his Party? What freedoms did his Party have when it was in Opposition in this House so that it could express the will of the people through its opposition? I draw attention to *Hansard* of July 1, 1969, to demonstrate the sort of freedom that the then Leader of the Opposition (Hon. D. A. Dunstan) enjoyed in this House. He commenced his question as follows:

A company known as Comtel International Proprietary Limited—

The SPEAKER: Order! The motion before the House is that the Speaker's ruling be dissented from, and I ask the honourable Leader to link up his remarks to the motion.

Mr. HALL: I link up my remarks by referring to Standing Order 125, about which we argued previously and which the Premier consistently neglects to study and to interpret properly. He disregards completely the meaning of the word "except", about which I have previously spoken; he will not accept the meaning of the word "except"; he refuses to face it. He will give no credence to any explanation about it. He will not refer the matter of your decision, Mr. Speaker, to the Standing Orders Committee: he wishes to change the Standing Order in a *de facto* way. He will not interpret the Standing Order according to the English language. He knows very well that, by the inclusion of the word "except" in this Standing Order, it is clearly provided that one may, by leave of the House, give an explanation and information in respect of a question.

I point out that the Premier frequently engaged in this very practice, in the use of which he now wishes to restrict the Opposition. I link up my remarks by giving examples of the way the Premier previously asked questions in this House. I will show that he did not have

to conform in any way to the restriction that he now votes for and wishes to apply to the present Opposition. When he was in Opposition, the Premier used to run straight into a question without saying what it was about. He did not give the House the courtesy of naming the subject about which he was asking a question until he had got into his explanation. I can, at some detail, and at the risk of boring members—

Mr. Ryan: You are now.

Members interjecting:

Mr. HALL: I notice that members appear to be listening sufficiently to interject.

The SPEAKER: Order! Interjections are out of order.

Mr. HALL: I repeat that the Premier went on for well over one-third of a column in *Hansard* as he rushed through his explanation, and he did not give the House the courtesy of saying what his question was, nor was this demanded, because freedom was then extended to Opposition members in this way, without any restriction by the Government. You, Mr. Speaker, would be well aware of that, because, as a private member, you, too, used to make use of the freedom you then had, and *Hansard* shows the proof of this. I may say that you were a very good questioner of the Government. As Premier at that time, I had respect for your questions and I never denied you the right to explain them unless you first asked your question. Choosing indiscriminately, I refer you to *Hansard* of September 30, 1969, when you said, without stating the subject of your question:

I read in Saturday's newspaper that action had been taken to counter an outbreak of hepatitis which had apparently occurred at the Largs North Primary and Infants Schools.

At that stage we did not know whether you were going to ask the Minister to take remedial action, or whether you wanted Commonwealth assistance, or what direction your question might take. Eventually you ended up asking your question as you wished. As preamble to your question on November 13, 1969, you said:

I have read in country newspapers distributed to farmers that considerable discontent has been expressed at meetings held at the southern end of Yorke Peninsula as a result of rumours that the Government intends to increase charges for grain handled over the facilities at the new port of Port Giles.

At that stage we did not know what in fact your question would be.

The Hon. D. A. Dunstan: It was relevant.

Mr. HALL: It may have been relevant in the Premier's mind. That is his personal assess-

ment and it should not be used to grind members here into a state of repression in relation to the questions they ask. On July 30, 1969, you, Mr. Speaker, said:

I was pleased to see the Minister of Immigration and Tourism interest himself in my district a couple of weeks ago by inspecting Fort Glanville Caravan Park, in company with the Premier.

At that time I appreciated your interest in the action we were taking on matters in your district, but I point out, Mr. Speaker, that you in no way indicated the tenor of your question at that time. I refer you also to *Hansard* of July 31 last year, when you asked a question about hard drugs. You did not say at the beginning that the question was about hard drugs. You said:

In the temporary absence of the Premier, representing the Minister of Health, I address my question to the Treasurer. This morning's *Advertiser* reports an address given yesterday by Dr. Salter.

You then went on to quote from the *Advertiser* of that morning. On August 5, 1969, when you were properly representing your district, you said:

My attention has been drawn to the present mouse plague in this State. Some people allege that it has been brought about through storing surplus wheat on farms.

You were then dealing with a subject far removed from your own district, but no-one denied you the right to do that or required you to state the question first. Therefore, two matters stand out. One is the failure of the Premier and his Ministers to accept the word for what it means, and the insistence of the Premier and members of his Government in rising to a point of order on a Standing Order which I believe you have been interpreting quite fairly in some instances. I point out the questions which have been allowed and on which co-operation has been forthcoming from members, where the subject matter has been known before the explanation was given.

The Hon. Hugh Hudson: Most members have asked the question first.

Mr. HALL: Most members have been intimidated.

The Hon. Hugh Hudson: Most members are prepared to accept the ruling.

Mr. HALL: The Minister who interjects was the greatest offender this House has known in making offensive accusations against people on our side, and now he does not want this Opposition to follow the course he followed when in Opposition. Because the course he followed led to Government, he does not want

our course to lead to Government. That is why he is acting in this way.

On Tuesday this week the member for Fisher asked a long question in very respectful terms; if I may say so, it was an extremely useful question. That is my opinion. Perhaps the Premier thinks the honourable member's question was irrelevant. Whether I think it was useful or whether the Premier thinks it was irrelevant has nothing whatever to do with the rights of members. The member for Fisher went on to say that his question related to a certain matter, which he stated specifically without framing his question. Then he went on at some length to ask what I have said was a very useful question.

On the same day the member for Kavel, in referring the Minister of Education to a matter, did not state his question beyond making the proper reference to it, and he went on to explain it. The member for Mitcham followed immediately after him and used the same procedures. We know that the question asked in this House immediately after the ruling was voted on last week followed the same procedure. *Hansard* shows that the Labor member for Unley asked a question.

Mr. Langley: And got sat down by the Speaker.

Mr. HALL: The Speaker did not sit the honourable member down: he protected the honourable member. The honourable member may look at *Hansard*, if he wants to speak in this debate, because there he will get the exact words of the question.

Mr. Langley: I got sat down, and you know it. You left that out.

Mr. HALL: Mr. Speaker, you did not sit the honourable member down. *Hansard* shows that the member for Unley had time to ask his question in this House, under the protection of the Speaker. We are asked to acquiesce in a change after the Premier had given his undertaking in the most general terms.

Mr. McRAE: I rise on a point of order, Mr. Speaker, to object to the way in which members opposite are continually referring to the undertaking given by the Premier and to statements made by members on this side in relation to your ruling. I contend that that has nothing to do with the matter at issue. We are debating your ruling, and members opposite are taking advantage of you. I am offended by the way they are doing this. They are implying that you are being intimidated in some way by members on this side or by the Government. I ask that my point of order be upheld and that the Leader and

other members be required to refrain from referring to statements made by the Premier. It is your ruling that we are discussing.

The SPEAKER: The motion before the Chair is a motion to dissent from the Speaker's ruling on a decision about the asking of questions. The subject matter is the form in which a question must be asked. I ask the Leader to try to confine his remarks more to the motion to dissent than to an elaboration on what other members have said in the past. For the guidance of members, I say again that this decision is recorded in the Votes and Proceedings of the House of Assembly for Wednesday, September 16, 1970, and the motion is to dissent from that ruling. I ask the Leader of the Opposition to confine his remarks to that matter.

Mr. HALL: I was confining myself to the statement alluded to by the Premier and the member for Mitcham in this debate, and the Premier stated:

I would not want to press something that did not have the general support of members. That statement was given in the form of an undertaking, because before that the Premier had stated:

I think I can give the honourable member the undertaking that he wants.

He was referring to the subject matter here and the way it came to be under discussion. He applied his wording certainly, and may I say that at that time the Opposition was extremely relieved indeed to know that that was the Premier's attitude.

The Hon. HUGH HUDSON: I take a further point of order, Mr. Speaker. The matter the Leader of the Opposition is referring to is a statement by the Premier relating to changes in the Standing Orders. The matter subject to debate at present is your ruling about the meaning of an existing Standing Order. Therefore, the Premier's remarks about procedures that would be adopted if any Standing Orders were changed is completely irrelevant to this debate, and discussion of those remarks is out of order.

The SPEAKER: I have pointed out to the Leader that the motion is to dissent from the Speaker's ruling in relation to Question Time. It does seem to me (and I am not taking sides) that the Leader is debating what the Premier has said on some other occasion. This ruling was given by the Speaker, not by the Premier. It is the Speaker's duty to interpret the Standing Orders, and I did interpret them. I gave members 10 days' notice of my intention to give this ruling. A motion

to dissent was moved on September 16, and my ruling was upheld. I ask the Leader to confine his remarks to the subject matter we are discussing. We are not discussing what the Premier said, because it is the Speaker who is responsible, and it is the motion to dissent from my ruling that is being debated.

Mr. HALL: With respect, we were discussing these matters because the debate had proceeded along those lines. Both members who spoke alluded to, and quoted freely from, the subject matter that I was quoting. However, I will not try your patience further, Sir, by reminding the Premier again of his undertaking, because he has been reminded of it. I can say little more to sum up, but I draw the attention of members again to the facts that I have spelt out to the House. May I again say respectfully to those who take points of order that you, Sir, in your interpretation of Standing Order 125, are turning your back on the meaning of the English word used. You are refusing to accept what it means. A dictionary can be used, and there are various ways of interpreting this, but the word is being dealt with as if it did not exist in this Standing Order. The question that comes to the House for consideration is what the Premier's previous undertaking means. Apparently, it had no relevance to this issue. We are told we must accept change because it is good for the House, not because it may be good for us, and the Government wants it to be so. We have been told that, because of this, change there must be. We ask the House and you, Sir, to give us the same freedom as the Government Party had when it sat on this side. We see no reason in this Parliament, in this State, or anywhere else why we should be denied the freedom they enjoyed and used. More relevantly, may I point out to you, Mr. Speaker, the freedoms that you used.

The Hon. G. T. Virgo: You're making Question Time a shambles. You're just trying to sabotage the procedures of the House.

Mr. McKee: Making Question Time a farce.

The SPEAKER: Order!

Mr. HALL: I repeat "the freedoms that you used", but your ruling will deny us these freedoms. Therefore, I support the member for Mitcham.

The Hon. J. D. CORCORAN (Minister of Works): I support what the Premier has said about the action of the member for Mitcham this afternoon in dissenting from your ruling again, Sir. I doubt whether there are any other Parliaments of the Commonwealth that have the freedom that we have concerning questions

without notice. On every sitting day two hours is available for members, both of the Opposition and of the Government, to question Ministers on matters of public interest, and no-one in this House objects to that. However, not only have members of the Opposition neglected to conform to the Standing Order to which your ruling refers but also members of the Government Party have neglected to conform to it. Therefore, members of both sides have made your task difficult. This action is not aimed at the Opposition.

Mr. Millhouse: Who are you kidding?

The Hon. J. D. CORCORAN: I am kidding no-one: I made a statement and the honourable member knows that it is correct. Members on both sides have abused the Standing Order.

Mr. Millhouse: It is aimed at the Opposition.

The Hon. J. D. CORCORAN: Let us consider the Standing Orders again. Standing Order 124 provides:

At the time of giving notices of motion, questions may be put to Ministers of the Crown relating to public affairs; and to other members, relating to any Bill, motion, or other public matter connected with the business of the House, in which such members may be concerned.

Standing Order 125 provides:

In putting any such question, no argument or opinion shall be offered, nor shall any fact be stated—

and this is the big point the Leader has made—except by leave of the House and so far only as may be necessary to explain such question. You, Sir, have continually tried to make members conform to Standing Orders, but without success. As a result you have decided to give the ruling that we are now debating. That ruling means that the member must ask his question and then seek leave of the House and your leave to explain it. Then you, Sir, are in the proper position to judge whether the remarks made by the honourable member concerning his question are relevant or otherwise. I think that is a perfectly reasonable attitude to this matter, and I see no reason why the member for Mitcham is objecting, except that he does not like to be told what to do and he does not want to comply with your ruling.

The Hon. Hugh Hudson: Or with Standing Orders.

The Hon. J. D. CORCORAN: Of course. I do not see any reason why his dissent from your ruling should be upheld, and I support the Premier's stand.

Mr. COUMBE (Torrens): Mr. Speaker—

The Hon. G. T. Virgo: We'll get a lot of questions today.

Mr. CUMBE: The interjection from the Minister is typical of his attitude and his treatment of the Opposition in this important matter. We are debating the rights of the minority of this House and of the people of South Australia, but the cynical remark of the Minister is typical of his attitude. A week ago when this matter was being discussed we heard two learned gentlemen from the Government side, both Queen's Counsel, give opinions on this matter. May I, as a lay member with no pretence to the high honour and dignity that they can claim, speak on Standing Order 125, which provides:

In putting any such question, no argument or opinion shall be offered, nor shall any facts be stated, except by leave of the House and so far only as may be necessary to explain such question.

I suggest that if we consider the English sense and the tense of the Standing Order, its meaning can be open to complete argument. I refute the argument advanced by the learned Attorney-General last week, because nowhere does the Standing Order provide specifically that the question has to be asked first. The Attorney argued at some length that the question had to be asked first and then leave could be sought and argument presented. It was on this point that you, Mr. Speaker, ruled. In all sincerity I submit to you that the Attorney is wrong, because the Standing Order does not provide that the question is to be put first. I point out sincerely that this question has never been referred to the proper authority, the Standing Orders Committee. After carefully reading Standing Order 125, some members may argue that it is ambiguous, and in my opinion it does not specifically state that the question has to be put first.

If the Standing Order is carefully considered it can be taken to mean that the member can put the argument and the explanation of it before putting the question, an interpretation that is completely contradictory to the opinion of my learned opponent across the floor, the Attorney-General, who postulated that the member had to put the question first. The Standing Order does not specifically state that, and the practice of this House (quite apart from the Standing Order) and the form we have observed from time immemorial (certainly since I have been a member) is as the Leader quoted earlier in this debate. Not only you, Sir, as a private member, but also every member has adopted the practice of seeking leave, where necessary, and then explaining the question.

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If I may say so without showing disrespect to you, Sir, a former Speaker of the House (the late Sir Robert Nicholls) permitted this practice, and he was the acknowledged doyen of Speakers, possibly in the whole of Australia. He permitted this practice. This is a serious matter and my protest is on behalf of the Opposition and on behalf of the minority of the people of this State and the right of free speech. I object to any move to stifle the right of the Opposition to put forward the views of the common people of this State—the people whom this Party really represents.

The Hon. HUGH HUDSON (Minister of Education): Mr. Speaker, you have ruled that the question must be asked first and the explanation follow. No member is stopped from asking the question and no member is stopped from giving an explanation; the position is just as it was before. Yet the member for Torrens is suggesting that the rights of free speech are being denied. What members of the Opposition are objecting to is the application of a ruling in relation to Standing Order 125 which will enforce the Standing Order and prevent breaches of it. The Leader of the Opposition and the honourable member for Mitcham want to break a Standing Order; they do not want anything done which would permit you, as Speaker, to control effectively the limits of their explanations. They want to break the law of this House and they have admitted that they have broken it previously. Even though *Hansard* and the Votes of Proceedings show clearly that the Speaker's ruling is that the question must be asked first and then an explanation given, the Leader of the Opposition and the honourable member for Mitcham have persistently broken that ruling and persistently refused to obey the law of this Chamber. I put it that way for reasons which I hope will be apparent to many members. There is no restriction on the rights of members as a result of the ruling that has been given. The ruling has been given only because it is not possible to determine whether an explanation is going beyond the extent to which it is necessary to explain the question that is asked if the question that is asked comes after the explanation.

Mr. Coumbe: The previous Government did not complain.

The Hon. HUGH HUDSON: Members of the previous Government complained about me when I breached the Standing Order. For

many years the kind of ruling that you, Mr. Speaker, have given would not have been necessary because we did not have the situation in this House of a closely contested political situation between Opposition and Government. I venture to suggest that, when Sir Robert Nicholls was Speaker, members did not push their debating privileges to the limits they do at present.

Mr. Millhouse: If there is so much in what you are saying—

The Hon. HUGH HUDSON: What the honourable member is saying is as follows: "Here is Standing Order 125, let's not enforce it; I want to be able to break it because others members have been able to break it." If any breach of the rules of this House has occurred, the honourable member for Mitcham is saying, "If that has occurred in the past, then let me do it, too." Mr. Speaker, if a ruling that interprets these Standing Orders as they are written (and that is your job and not the job of members of the Standing Orders Committee)—

Mr. Coumbe: What are they there for?

The Hon. HUGH HUDSON: The Standing Orders Committee is there to determine the form of the Standing Orders. The right of interpreting Standing Orders is not the job of the Standing Orders Committee; it is the job of the Speaker, and it is subject to the decision of the House. Ultimately, the House is its own master in this matter.

Mr. Hall: No, the Labor Party is the master.

The Hon. HUGH HUDSON: The Leader has shown quite extraordinary behaviour since the ruling was given last Wednesday and since the original motion of dissent was defeated. He has consistently refused to observe the ruling. He has not observed it once; in every question that the Leader and the member for Mitcham have asked, they have deliberately defied the Speaker's ruling and the decision of the House.

Mr. Millhouse: And we have been upheld by the Speaker.

The Hon. HUGH HUDSON: No, you have not; you have been tolerated but not upheld. The Leader and the member for Mitcham have been tolerated only because the Speaker is a gentleman and does not like putting people, such as certain members opposite, continually in their place. However, members opposite, particularly the two to whom I have referred, have tried the patience of the Speaker again and again. The Speaker gave a ruling, which is in the Votes and Proceedings,

and no Opposition member has challenged the accuracy of those Votes and Proceedings. It is also in *Hansard*, and every member opposite knows that what I am saying is true. Every member opposite knows that the two members who have refused to observe your ruling, Mr. Speaker, in any way whatsoever have been the mover of the motion and the Leader of the Opposition. It is about time that they stopped their childish, petulant activities in this respect. There is no restriction on the freedom of members as a result of the Speaker's ruling in this matter.

Mr. Hall: In that case, we can talk as we want, if there is no restriction.

The Hon. HUGH HUDSON: There is no restriction on the freedom of members that previously applied. Members can still explain their question and ask it. What the Leader is objecting to is the enforcement of the law of this House.

Dr. Tonkin: As you see it!

The Hon. HUGH HUDSON: No—as the Speaker has ruled, as has been supported by this House, and, indeed, as the member for Bragg has observed. The member for Bragg has observed the Speaker's ruling; he knows what the ruling is, and he has not followed the stand taken by the Leader and the Deputy Leader in deliberately flouting the ruling of this House and, therefore, the order of this House.

Mr. Hall: You said there was no restriction; what are you talking about?

The Hon. J. D. Corcoran: There is a requirement, but no restriction.

The SPEAKER: Order!

The Hon. HUGH HUDSON: The Leader has great difficulty with the meaning of English words.

Mr. Hall: I do when you interpret them.

The Hon. D. A. Dunstan: His English is even poorer than his lucidity.

The Hon. HUGH HUDSON: Honourable members in this House can still ask a question and they can still explain it; there is nothing to stop them from doing that.

Mr. Hall: Except you!

The Hon. HUGH HUDSON: You can still ask a question and—

Mr. Hall: Then let the member for Mitcham do so.

The Hon. HUGH HUDSON: The Leader of the Opposition wants to do a "Medlin"; he wants to sit down and occupy the House. He will be sitting on the floor next, because he is refusing to obey your rulings, Sir. I ask

the Leader of the Opposition and the member for Mitcham to cease doing a "Medlin" in this House.

Mr. MILLHOUSE (Mitcham): First, I absolutely reject the contentions, made by the Premier in replying to my motion of dissent from your ruling, Mr. Speaker, regarding my practice in asking questions. He said, as I understood him, that sometimes I had gone on for 20 minutes in explaining my question.

The Hon. D. A. Dunstan: Irrelevantly!

Mr. MILLHOUSE: Yes, the Premier is deliberately confirming the statement about 20 minutes. I ask the Premier to support that allegation if he can. I deny absolutely that I have ever in the time that I have been in this House given an explanation of a question that has lasted more than, at the most (and I cannot think of one), five minutes. If the Premier wants people to swallow the untruths that he has uttered this afternoon, let him stand up to the specific allegation that he has made and instance any question which I have asked that went in explanation for anywhere nearly as long as he said in his speech and confirmed by his interjection a moment ago. There is no such instance. If the Premier had been talking about the Minister of Education, it would be a different matter altogether. We had from the Minister an apology for the present ruling and for the present situation. As I put to him by interjection, he used this procedure to the limit when he was in Opposition, but now that he is in power he does everything he can to deprive other members of the privilege and right that he exercised.

If that is fair and just on the part of the honourable gentleman, I will eat my hat. It is not; it is the most unfair and unjust attitude that any individual member can possibly take. The member for Torrens has eloquently answered the contention made the other day and repeated here by the Premier that Standing Order 125 lays down a procedure for the asking of questions that demands that the question be asked first. It does not do so; it is silent on this point. That is a matter of interpretation of the Standing Order, and the interpretation given in this House has always been that a member may explain the question and then actually frame and ask it. As I have said, the former member for Glenelg (the present Minister of Education), when in Opposition, deliberately flouted this interpretation. We used to see him come into the House late, sometimes well after 3 o'clock, look at the clock, and ask question after question,

spinning out his questions until 4 o'clock. If that is not deliberate time wasting I do not know what is.

One of the most important points I make in my reply on this matter concerns the undertaking given by the Premier in this place on July 21. I canvassed this matter at length in my speech supporting the motion of dissent and pointed out that it was a clear and unqualified assurance to all members of this House that there would be no alteration. The Premier himself, when he rose, tried to restrict the undertaking by saying that it was referring only to one matter, but that is untrue, and I believe it is deliberately untrue on the part of the Premier. I intend to refer to the questions asked on that occasion and to the replies that the Premier gave. The following is the question asked by the Leader of the Opposition, and it was not restricted to one matter:

Will the Premier give an assurance that he will not tamper with the form of questioning which is such a basic freedom that members enjoy in this House?

The Premier replied (the reply was not restricted to one matter, and the Premier knows that it was not restricted to one matter):

I do not for one moment want to stop the rights of members effectively to question Ministers or others about matters that concern this House.

That reply was not qualified. He concluded by giving the following assurance to the Leader:

I assure the Leader that I would not support any system that in any way took away from members their rights to obtain effective information for their constituents.

That was not qualified in any way.

The Hon. J. D. Corcoran: You are talking a lot of rot.

Mr. MILLHOUSE: I am referring now to the undertaking which the Premier gave.

The Hon. J. D. Corcoran: About the Standing Order, and that hasn't been changed.

Mr. MILLHOUSE: I hope that the Minister of Works will follow me. When I asked my question (and it was in reply to my question that the unqualified assurance was given), I did not restrict it to one matter. I gave an explanation in accordance with long standing practice in this House.

The Hon. G. T. Virgo: It was a long explanation.

Mr. MILLHOUSE: It was not. The explanation extends over 14 lines in *Hansard* so, judging by that length, I should say it lasted about two minutes. I asked the Premier:

Will the Premier undertake that whatever proposals are made to alter the present system are not proceeded with unless they are agreed to by the Opposition?

That was not restricted to any one particular matter.

The Hon. J. D. Corcoran: You're talking about alterations to the Standing Orders.

Mr. MILLHOUSE: No, I am referring to the system. Let me repeat this again to get it through to the Minister. I said:

Will the Premier undertake that whatever proposals are made to alter the present system are not proceeded with unless they are agreed to by the Opposition?

That is the question I asked, and it was in answer to that question (admittedly, after the Premier had canvassed the specific matter that had led to this question) that he gave the undertaking that I read out in the first place. The Premier knows that there was no qualification on that. In this place this afternoon, he deliberately misled honourable members and tried to claim that this undertaking which he gave was restricted to one particular matter. It was not restricted, as anyone who takes the trouble to read the questions and answers will see. That was a deliberate untruth on the part of the Premier. He deliberately misled this House.

Mr. LAWN: I rise on a point of order, Mr. Speaker. I understand that the member for Mitcham is referring to a question that he asked the Premier about alterations to Standing Orders, having received an assurance that they would not be changed without a meeting of the Standing Orders Committee. Apparently you, Mr. Speaker, then gave a ruling that the member for Mitcham considers conflicts with the assurance that the Premier gave him. I raise this point of order on the ground that the inference to be drawn from the honourable member's statement is that you, Sir, were subject to either some decision of this Party or of the Premier to give the ruling you gave. I had no knowledge of the matter until you gave the ruling. In respect of the ruling that you gave last week, notice of which you gave some 10 days earlier, did you make that decision yourself or were you subject to any decision of the Labor Party or of the Premier? If your reply to that question is in the negative, I ask you to ask the member for Mitcham to desist from reflecting on the Chair.

The SPEAKER: My answer to the honourable member's question is in the negative. I have made it clear before in the House that this was my decision, made after consulting

certain people who have similar positions, and other people. However, I was under no direction. I would not deny that I discussed this matter casually with Opposition members. However, I make it clear that I was under no direction. If the honourable member for Mitcham is trying to imply that I was under direction, I must ask him to desist. I was under no direction. I gave 10 days' notice of my intention so that honourable members would be able to consider the matter. The honourable member for Mitcham must refrain from implying that I received any direction during the show adjournment. If he has made that allegation, I ask him to withdraw it and to refrain from making it again.

Mr. MILLHOUSE: I was not even dealing with that question: it was not in my mind at all.

Mr. Lawn: What is the point you're making?

Mr. MILLHOUSE: The point I am making is that the Premier deliberately misled the House this afternoon.

The Hon. J. D. Corcoran: But the Premier did not give his decision: the Speaker did.

The Hon. D. A. DUNSTAN: The honourable member has made remarks which are clearly contrary to Standing Orders and which are offensive to me, and I ask him to withdraw them.

The SPEAKER: I request the member for Mitcham to withdraw those remarks.

Mr. MILLHOUSE: I am not prepared to withdraw the remarks. Anyone reading the report of this debate will see that the Premier deliberately misled the House.

The SPEAKER: Order! I again request the honourable member for Mitcham to withdraw the remarks which the Premier has said reflect on him and which he has asked the honourable member to withdraw.

Mr. GOLDSWORTHY: On a point of order, Mr. Speaker. Could the remarks be stated for the benefit of the House?

The SPEAKER: There is no point of order.

Mr. MILLHOUSE: Read *Hansard* and you'll see what the Premier said earlier. The point I was making had nothing to do with the Speaker at all.

The Hon. Hugh Hudson: Why don't you observe the Chair?

Mr. MILLHOUSE: The Premier gave an unequivocal and unqualified undertaking in the House that there would not be an alteration in the system.

The SPEAKER: Order! Standing Order 168 provides:

If any member persistently or wilfully:

- (a) obstructs the business of the House, or
- (b) refuses to conform to any Standing

Order of the House, or to regard the authority of the Chair;

or if any member, having used objectionable words, refuse either to explain the same to the satisfaction of the Speaker, or to withdraw them and apologize for their use; the Speaker shall name such member and report his offence to the House.

I ask the honourable member for Mitcham to consider my request to him to withdraw his remarks and to apologize for the offensive remarks that he has made to the Premier.

Mr. MILLHOUSE: I cannot withdraw, but I am prepared to explain, in accordance with that Standing Order, why I said what I did say.

The SPEAKER: I again ask the honourable member for Mitcham to withdraw those remarks.

Mr. MILLHOUSE: Sir, I cannot withdraw what I said about the Premier, because I believe it to be true.

The SPEAKER: Order! I have to name the honourable member for Mitcham for refusing to comply with Standing Order 168. Does the honourable member wish to explain?

Mr. MILLHOUSE: Certainly, Sir.

The SPEAKER: He has the right to explain.

Mr. MILLHOUSE: What I said was that the Premier had deliberately misled the House this afternoon, and I said it for this reason: in the debate to which I am now replying, the Premier said that the undertaking that he gave in this House not to alter the procedure for questions was restricted to one particular matter and did not apply generally to the system of asking questions. I have pointed out, by going through the questions and answers which we had in this House on July 21, that the questions which he was asked and the answers which he gave, even though they arose out of a statement he made in this House about one particular matter, were not restricted to that one particular matter. I know the Premier well enough to know that he has not forgotten, between July 21 and today, the effect of the questions and answers and the unqualified undertaking which he then gave. As he asserted in this House today that the undertaking was qualified, I am saying that that was misleading, and deliberately misleading, because he remembers what he said on July 21 and I know that he has looked it up. That

is why I say it was deliberately misleading, and I cannot, in conscience, withdraw that. It is my belief.

The Hon. J. D. Corcoran: The Premier did not alter this: the Speaker did.

Mr. MILLHOUSE: I am not talking about the ruling: I am talking about the undertaking, and it is on that undertaking that I say he has been deliberately misleading.

The SPEAKER: Order!

Mr. MILLHOUSE: That is my explanation.

The SPEAKER: Is the honourable member, on reflection, prepared to withdraw?

Mr. MILLHOUSE: Sir, I have given you an explanation. I ask whether you accept it.

The SPEAKER: Standing Order 170 provides:

Whenever any such member shall have been named by the Speaker or by the Chairman of Committees, such member shall have the right to be heard in explanation or apology, and shall, unless such explanation or apology be accepted by the House, then withdraw from the Chamber.

I ask the honourable member to withdraw.

Mr. Goldsworthy: Could I ask a question, Mr. Speaker?

The SPEAKER: Order!

Mr. Millhouse having left the Chamber:

The Hon. D. A. DUNSTAN (Premier and Treasurer): In accordance with Standing Order 170, I move:

That the member for Mitcham be suspended from the service of the House for the remainder of today's sitting.

The Hon. J. D. CORCORAN seconded the motion.

The House divided on the motion for suspension:

Ayes (25)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Dunstan (teller), Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, Lawn, McKee, McRae, Payne, Simmons, Slater, Virgo, and Wells.

Noes (16)—Messrs. Allen, Becker, Carnie, Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall (teller), Mathwin, McAnaney, and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

The SPEAKER: There are 25 Ayes and 16 Noes, a majority of nine for the Ayes. The question therefore passes in the affirmative. Therefore, the honourable member for Mitcham (Mr. Millhouse) will be suspended from the service of the House for the remainder of this sitting.

The House divided on Mr. Millhouse's motion:

Ayes (16)—Messrs. Allen, Becker, Carnie, Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall (teller), Mathwin, McAnaney, and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Noes (25)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Dunstan (teller),

Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, Lawn, McKee, McRae, Payne, Simmons, Slater, Virgo, and Wells.

Majority of 9 for the Noes.

Motion thus negatived.

ADJOURNMENT

At 3.48 p.m. the House adjourned until Tuesday, October 13, at 2 p.m.