

ELECTORAL AMENDMENT BILL 2001

Second Reading

Resumed from an earlier stage of the sitting.

HON FRANK HOUGH (Agricultural Region) [5.29 pm]: During questions without notice I had a vision of perhaps helping Doodlakine become the capital of Western Australia! I need help to do that under one vote, one value, which is a ridiculous system. I beg my two fellow parliamentarians from Doodlakine, the Leader of the House and Hon Jim Scott, to stand tall like the three musketeers as men among men and oppose one vote, one value. We should have one vote, but not one vote, one value. Together we will stand tall. Doodlakine could become the new capital if my two fellow member friends had the courage to oppose this ridiculous one vote, one value rubbish. I trust Hon Kim Chance and Hon Jim Scott to join ranks and stand tall with me and oppose it. I am begging them to stand tall and be counted like men among men.

Several members interjected.

Hon FRANK HOUGH: And Doodlakine will become the state capital.

Several members interjected.

The DEPUTY PRESIDENT: Order! One member at a time.

Hon FRANK HOUGH: Democracy is first and foremost a mechanism for selecting a Government. All other considerations such as whether votes should be weighted, who can vote, or what issues can be voted on are secondary. This was never so true as in ancient Greece; and on 18 September Hon Christine Sharp told us eloquently that ancient Greece is where the term democracy originated. Although Hon Christine Sharp dissected the term and keenly informed us that “demos” means “the people”, she stopped -

Hon G.T. Giffard: So have you, Frank!

Hon FRANK HOUGH: I am doing a paper shuffle.

Several members interjected.

The DEPUTY PRESIDENT: Order, members!

Hon FRANK HOUGH: Mr Deputy President, please bear with me.

Hon Christine Sharp stopped short of mentioning that the latter portion of the word democracy is derived from “kratien”, which means “to rule”. As a device for choosing the Government of the day, therefore, the term democracy gives little advice for how votes should be allocated, weighed or even counted. Perhaps Hon Christine Sharp should be informed that democracy, as practised by the ancient Greeks, was not extended to slaves, immigrants or even women. It was limited to citizens; that is, locally-born males who had wealth, property and privilege. Even by ancient Greek standards, we in Western Australia are a far more equitable democratic society, even if only because women get the vote.

Another interesting and interrelated fact that surfaced was that the word “democracy” operates on two different levels: the world of reality and the world of ideals. As academic Jack Lively noted back in 1975, the word “democracy” is used to describe actual systems while still retaining its ideal connotations. In apportioning electoral districts, there is inherent tension between the concept of absolute equality of voting power and the concept of relative equality of voting power. Absolute equality of voting power is an ideal, and, like most systems that seduce us with promises of absolute political equality, this will never be totally realised in the real world, because in the real world we understand that equality can be both an enemy and a friend to democracy. Equality forced onto a democracy without any regard for the different situations of people in distinct geographical regions will create its own popular brand of suffering and hardship for the unrepresented few. I do not need to point out that in the real world, things never operate in the way they are intended, and in this context we know that one vote, one value is not fair. The disparity between the real and ideal form of democracy often results in ambiguities about the type of voting system that should be adopted, and how votes should be weighed and counted. As a result, many different countries, including the United States, Spain, the United Kingdom and Venezuela, all claim that they are democracies. However, to cut the story short, there are two kinds of democracy: a liberal democracy, of which Australia is regarded as a prime example, and a people’s democracy. These two types of democracies are worlds apart. A liberal democracy values each individual and respects his or her rights whether he or she is a rural or a metropolitan voter. At the other end of the spectrum, a people’s democracy promotes closer links between the authority and the people it governs. People’s democracies owe a lot to the work of the leading French political thinker Jean Jacques Rousseau. His ideal was a truly popular government in which every person’s vote and opinions were given equal consideration. Unfortunately, and even

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[COUNCIL - Wednesday, 28 November 2001]

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Rousseau conceded this point, such equality could be achieved only in small scale, economically self-supporting communities without large scale industries or commerce. Having said that, a people's democracy is usually found in the communist countries of the east.

I find it interesting that the works of Rousseau inspired the anarchist writers Godwin, Proudhon and Bakunin; and even Marx and Engels drew inspiration from Rousseau's conception of political equality. How many of us here would prefer to live under an equitable and democratic socialist regime rather than in the relatively equitable, liberal and democratic state that is Australia? The Australian liberal democratic state owes much to the history and lessons learnt from past mistakes. In a sense, we were very fortunate when our democracy was created because we took the best parts from the systems of both the United Kingdom and the United States. It was from these two systems that our founding fathers drew their inspiration and took the best elements to plug into our system of government.

In old times, people required protection from those who ruled over them. As human affairs developed, it became necessary that the interest of the rulers should reflect the interests of the people of a nation. We keep forgetting that the universal franchise or the popular vote is only a recent development. A few hundred years ago, in the places in which voting was practised, the privilege of voting was extended to those with property. The idea of a popular vote was unthinkable. Why? Because, it was feared that once the vote was extended to the poor and unpropertied masses, the property and wealth would be voted away from its owners and redistributed.

John Stuart Mill, one of the western world's greatest liberal thinkers, had a name for this - he called it the tyranny of the majority. A tyranny of the majority occurs when majorities vote to strip away the legitimate rights of individuals or minorities when the latter's needs and opinions differ from that of the majority. In Mill's day in the mid-1800s, the tyranny of majority opinion and rule against the propertied minority was very real. Mill promoted education along with the extension of the vote to the masses. He believed that with better education, people would morally, and for the good of society, vote as a whole. How wrong he was. Mill based his philosophies around the supremacy of the individual, because, like all liberal thinkers, he had a positive view of human nature. He believed that the individual grew through education and that educated individuals would always vote for the common good. He was wrong. In addition, Mill believed that only an individual knew what pleased him or her, and not the Government - and certainly not the majority. Therefore, by educating the masses about the concerns of the whole of society - this included the concerns of the minority - the tyranny of the majority could be overcome. Mill's belief in mankind was in sharp contrast to the political theorists who came before him. For example, Thomas Hobbes had a deep distrust of human nature. He was probably right - this is why we will wind up with one vote, one value. To him, all men were predatory, greedy, cruel and frightened of everyone else. This is happening here with Jim McGinty, who is being cruel, predatory and uncaring. He does not care about the country folk.

A government member: You are describing the Liberal Party.

Hon B.M. Scott: It's moments like these that we do not need a McGinty.

Hon FRANK HOUGH: That is right. In a famous quote Hobbes argued that the life of a man is solitary, poor, nasty, brutish and short. Hobbes, an Englishman, was misquoted as saying that the life of a man is solitary, poor, nasty, British and short. Which man has the more accurate view of human nature - Mill or Hobbes? If members lock their doors at night, I suggest it is Thomas Hobbes. I further suggest that when Western Australians are given the choice between allocating more public resources to the city or the country, altruism will not prevail.

It is ironic that, one and a half centuries after Mill expressed his ideas on democracy, the tyranny of the majority hangs over our rural constituents like the sword of Damocles. If one vote, one value legislation is enacted, would metropolitan voters vote away the portion of the State's wealth that is allocated to the rural sector, or would they vote in favour of the rural sector out of duty to the common good? Dare I suggest that, because of metropolitan self-interest, it would become so futile for the rural minority that they would be in danger of losing their livelihoods. They would be controlled totally by the city. It only makes sense that physical features and municipal boundaries should be considered when drawing boundaries. What if, in the interests of equality, electoral districts were made similar in geographical size, so that the rural vote swamped the metropolitan vote? Would the Government be happy about that? I wonder if anyone would protest against it. Could the metropolitan region rest assured that country people would make benevolent decisions about the distribution of resources?

As a result of the 1987 amendments to the state Electoral Act, malapportionment has been significantly reduced in both Houses. In 1986, one Western Australian upper House electorate had as few as 8 550 votes. I think that was the seat of Kalgoorlie. Another had 97 000, and will now have 297 000. Following a redistribution based on the amended Act in 1988, the average enrolment for seats in the Legislative Assembly in the country area was

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10 500, whereas the average enrolment for seats in the metropolitan area was 20 000. In the last general election, the average enrolment was 12 000 in the country, and 23 500 in the metropolitan area. Why should city people care about those who live way beyond the city limits? Country people are so far removed from the minds of city dwellers that even if a rural voter lost his or her livelihood to the ravages of the rural condition, city people would still sleep at night, and enjoy their weekends, their games of golf and the beach. The miseries of country people would not even be a blip in the lives of metropolitan people, because they are too far removed. A letter was sent to my office by P. Ensor, of Albany, who claimed that the people in the bush were regarded as second-class citizens. Their power in Parliament is very weak, and it will be weakened further if the one vote, one value policy is passed. The city has all the up-market infrastructure, and the people are pampered. The letter asked what country workers have. The correspondent concluded by saying that some compensation and acknowledgment must be given to those who contribute to the wellbeing of all the people of Western Australia.

As Hon Paddy Embry explained, people who live in the city do not appreciate how easy it is to jump on a bus and go to the local medical centre, or to jump on the train and go into the city. Some friends of mine came down from Mt Marshall to have dinner with us on the Friday night before the Merredin by-election. They live only one and a half hours drive away. They drive down to Merredin and think nothing of driving that far to get a video. If any honourable members in here had to drive more than seven minutes to get a video, they would be absolutely upset. We can walk across the street after 5.00 pm and get a Hungry Jacks burger, a Big Mac or some Kentucky fried chicken. I know friends of mine in the country who look forward to having Kentucky fried chicken on Thursday night, and drive for an hour and a half, from Tammin to Northam, to get it. Imagine driving that far for a box of Kentucky fried chicken!

I know you, Mr President, like others, would like to see the three "Doodlies" stand tall together. I know that we can stand tall, and it is just a matter of courage. I know that there will be withdrawal symptoms after walking across to the other side of the Chamber when the big vote comes. Hon Jim Scott would probably go down in history for taking that little walk, only five metres from where he is sitting, to crunch one vote, one value. It is most important that we do this. Under Labor's plan the average country enrolment in the Legislative Assembly would increase from 13 000 to about 20 000 dollars.

Hon Kim Chance: Voters, not dollars.

Hon FRANK HOUGH: Did I say dollars? I am always thinking of dollars. I was just working out if I had enough money for dinner tonight.

It may be argued that this legislation is justified to realise further equality in the voting system. I argue that it is not. In his book *Understanding Liberal Democracy*, the scholar Barry Holden argues that equality has to do with sameness in its proper recognition. Things, persons, groups or whatever are equal if they are the same in important respects, and the principle of equality demands that things that are the same in relevant important respects should be treated equally. I wonder how many metropolitan Western Australians have been to country towns like Westonia, Bruce Rock and Narembeen. I am glad that Liberal Party members are now travelling out to the country. It is fantastic. If they travel out there they will know that a significant proportion of country roads remain unsealed. Can members imagine the condition of those unsealed roads in the country? Would metropolitan people drive along a gravel road in Peppermint Grove? They would not be able to control the car, or their temper.

Hon B.M. Scott: You are dreaming.

Hon FRANK HOUGH: I am not dreaming. This is why one vote, one value is so unfair. People in metropolitan Perth, and Hon Jim Scott, who has shifted out to Doodlakine, which has many gravel roads that the member probably has not seen -

Several members interjected.

The PRESIDENT: Order, members! Hon Frank Hough has two minutes before the House is due to suspend. He should be given a fair go.

Hon FRANK HOUGH: I will now try for a different definition of equality, and see how it sits with the metropolitan area. I ask members to assume that all voters are equal in that they possess certain inalienable rights. John Locke said that all men are born free and equal in their right to life, liberty and property. One vote, one value guarantees vote equality, but can it guarantee to individuals liberty, property and other basic rights? Can we not at least acknowledge that our rural constituents, when compared with their city counterparts, do not have equal access to facilities, or even basic utilities like electricity, water and telecommunications? Health and education are two other areas. Can we acknowledge that the average rural family does not have equal access to

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any of these facilities? Consumer prices are also unequal. A jar of Vegemite costs \$1.97 in Mt Magnet, but only \$1.20 in Perth. That is not equal value.

Sitting suspended from 6.00 to 7.30 pm

Hon FRANK HOUGH: The dinner and the chamber music were fantastic. I would have loved to bring the musicians in here to assist me for the next couple of minutes. They could have played music while I put a proposition to the Leader of the House and Hon Jim Scott. Maybe we three could be men among men and stand tall; the three "Doodlies" could help knock the one vote, one value legislation on the head. If we did that, in years to come when our grandchildren read *Hansard*, they would say, "The three "Doodlies" belted the one vote, one value legislation in the mouth. What a gallant mob of people they were. Hon Kim Chance, Hon Jim Scott and Hon Frank Hough killed the one vote, one value legislation." In moments like these, we do not need a McGinty.

One vote, one value is grossly unfair. There are gross disparities between the facilities people in rural and regional areas can access and the facilities metropolitan people can access. I will take this opportunity to refer to Jack Lively, who said that democratic control implies subjugation of the expert to the ignorant. Perhaps Lively's wording is a little strong, but the proverb illustrates what the rural sector would be up against if this one vote, one value legislation were passed. If it were passed, rural people, who are fully aware of their own circumstances and needs, would be granted only as much financial assistance, improvements to infrastructure and input into the political agendas as the more populous metropolitan regions saw fit to give them. That would mean that rural Western Australia would be at the mercy of the metropolitan area.

If society chooses the one vote, one value legislation, it will choose to ignore the disparities and structural inequality that exists between metropolitan and rural regions. This leads back to Barry Holden's view of political equality that I referred to earlier. Things that are the same in relevant and important respects should be treated equally. There is a world of difference between the situation of rural people and people who live in a large city. Ignoring the important differences in lifestyle, access to resources and regional culture will necessarily impact on the inalienable right of a great many rural individuals to their liberty; that is, the liberty to go about their own business unimpeded by self-serving, uninformed idealists.

Ignoring the important differences between rural and metropolitan people would impact on the right to property, because if bad decisions were made by the city on behalf of the country, country people could expect to lose their livelihoods and property as a result. If the weighted vote were taken away from people in the rural sector, representation of the rural sector and the decision-making power over the rural sector would go to the metropolitan majority. Is it right and desirable in this democratic society that the rural people of our State should be drowned in a sea of public opinion that originates from a region unfamiliar with the values and concerns of the rural regions? Can rural voters be guaranteed that a tyranny of the majority will not prevail?

In summary, although the principles of political equality lie in the heart of the democratic ideal, what this equality entails is hotly disputed. It is argued that the possession of formal voting rights is worthless when economic, social and other inequalities provide an uneven access to political power. This is the case in rural areas, where individuals must travel vast distances to access their members of Parliament with their grievances. However, their metropolitan counterparts probably have to drive for only five or 10 minutes if they live in a very large Perth metropolitan electorate to talk to their local members. In rural Western Australia some people may have to drive a minimum of two or three hours to speak to their representatives. They cannot simply get on a bus and travel down town to the offices of their member of Parliament. Often people in remote and rural areas must travel hundreds if not thousands of kilometres to gain access to their members. Is this fair? Is this equal? Is it right and socially desirable? If the weighted vote were taken away from the rural population, they would have fewer members of Parliament to serve their needs.

Is political equality between individuals as implied by the principle of one vote, one value more important than equality between the different groups of people irrespective of their relative size? The latter is important because the principle of one vote, one value is indifferent to hardships that can be suffered by a particular group in society. The majority is indifferent to the suffering of the minority. A voting system that does not give equal consideration to each person's opinions fails to take into account the depth of feelings and the intensity with which they are held by some people. Fairness demands that intensely held views should not be swamped by those held with little or no conviction even if the majority of people hold those views. Perhaps the proponents of one vote, one value would better spend their time finding ways to better represent the views and concerns of electors instead of promoting ways to deprive rural regional voters of their representation. One vote, one value is totally and utterly unfair.

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The concerns of the metropolitan region are not being unrepresented by the current system; therefore, the only outcome of one vote, one value legislation will be that the metropolitan region will gain even more representation that it does not need. It would potentially be over-represented at the expense of the rural voters and the rural regions. Metropolitan Western Australia would be over-represented and rural Western Australia would be under-represented, which would be totally unfair. People should not be subjected to this unfairness.

Australia's founding fathers drew from the experiences of foreign Governments when designing our own system. Although it is understood that our system is based on the English Westminster style of government, our founding fathers were impressed enough with the success of republican federalism exercised in America, for example, that they adopted some its key features - obviously we picked all the best features. Republican federalism relied on a balance of institutions with constitutional safeguards to curb abuses of power in our system. A balance of institutions includes a bicameral Legislature like that which we have in both Western Australia and Canberra. This fact did not go unnoticed by Hon Christine Sharp on the steps of Parliament on 7 November.

Mr President, did you know that it is a requirement of democracy in a balanced bicameral system for the upper House to be elected on a different basis from the lower House? In that way laws must be endorsed by two major parties - one constituted by population and the other constituted by the region.

Members can debate ad nauseam whether Australia has balanced bicameralism in the powers of the Houses of Parliament, but there is one thing that we cannot deny; that is, the upper House was designed as a check and balance of the exercise of power in the lower House. In England, where the system is asymmetric, the upper House is not as blessed as its lower House counterpart. For that reason alone the upper House was designed by our founding fathers to be roughly equal to its counterpart.

A summary of a quote on the Australian Parliament web site states that closely associated with federalism is the design of the Legislature to require distributed majorities for legislative decisions. This ingenious invention of the American founders of one Chamber representing the units of the federation according to population and the second Chamber representing those units equally has been widely adopted, including by Australia. It requires that proposed laws be endorsed by two majorities, one constituted by population and one constituted by region. This ensures that the double majority for legislative decisions is reasonably geographically distributed - an important factor in a country with an extensive territory and an uneven population distribution.

That summary holds true for Australia at both the national and state levels. Members may well ask where I am leading with this and I shall make the connection for them. I start by reminding them that the method of vote counting for the lower House is specifically designed to manufacture a majority, because it is from that House that the Government is drawn. That is the reason preferences are distributed until an absolute majority is achieved. Applying a one vote, one value system to the upper House would result in members being transferred from rural regions to the metropolitan region. When that happens, the major parties, which have nothing to offer the rural regions but everything to offer the metropolitan region, will overrun the Legislative Council, as they do in the Legislative Assembly. The result will be an upper House that practically mirrors the lower House. That is the reason One Nation totally opposes one vote, one value.

Under these circumstances members can forget about the Legislative Council being a check on the Legislative Assembly. At best it will be a convenient rubber stamp for the majority party's legislation as it is rushed through Parliament. Based on everything I have mentioned so far, members can see that it does not make sense to discuss the reality of the formal devices of democracy - such as the type of voting system chosen or the way in which votes are counted - without making qualifications about a region's political culture or behaviour.

Hugh Emy stated in *The Politics of Australian Democracy* that the effectiveness of any one formal device of democracy clearly depends on its relationship to the other devices and the total system. Hugh Emy made a very good point. Although the system that we currently have in place is not perfect, it is far more equitable than the system proposed under one vote, one value. We must constantly remind ourselves that Western Australia is a vast area in which the majority of voters reside in or around the metropolitan area of Perth. That brings me to another point. The concerns of the metropolitan region are not unrepresented by the current system, therefore, the only possible outcome of the one vote, one value legislation would be for the metropolitan region to gain even more representation - potentially overrepresentation in fact - at the expense of rural and regional Western Australia.

The final point I wish to make is about perceived extra wealth generation in a non-metropolitan area attracting extra voting power. About one-quarter of Australia's exports and 19 per cent of Australia's gross domestic product is sourced from Western Australia. Processed mineral and agricultural products are the State's major manufacturing exports, worth approximately \$2 billion. In the light of that fact, perhaps we could conclude that the Agricultural Region's wealth-generating capacity should be enough in itself to preclude it from having its

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representation taken away and given to the city. The production coming out of rural and regional Western Australia and the wealth produced by 99 per cent of that vast area of this great State will be put in jeopardy under the new system.

We hope that the Greens (WA) will see the light of day and that they were not conned during the final dinner, thereby becoming judases. We hope that the minister will stand tall and cross the floor because he comes from rural Western Australia. We hope that Hon Jim Scott, who comes from rural Western Australia, has the courage to stand and be counted. We hope that Hon Chrissy Sharp, who depends on and lives in country WA, has the courage to stand and be tall among the men; she does not have to be a bloke about it but she could stand tall. Children may look back at *Hansard* in years to come and say, "I knew those honourable people. I knew Hon Kim Chance, who crossed the floor and told Jim McGinty to get a life." Our kids might say, "Hon Jim Scott was not half a bad bloke after all. He knew how to vote." Perhaps our kids will look back and say, "Hon Chrissy Sharp, as the *Titanic* sank, threw out a lifeline and grabbed on to the boat and said, 'I hate one vote, one value. It is not good for rural and regional Western Australia. It is not good for Western Australia and I will crush one vote, one value.'" I hope those members have the courage to stand tall and look after Western Australia, as we all do.

HON RAY HALLIGAN (North Metropolitan) [7.48 pm]: Others before me, and I am sure others who follow me, will go down a similar path of continually asking a question about this so-called one vote, one value legislation. One must ask initially what is proposed by the legislation and what the Government expects as an outcome by bringing it to this Parliament.

Hon Simon O'Brien interjected.

Hon RAY HALLIGAN: The interjection hit the proverbial nail on the head. I expect that any legislation that comes before this House will provide something better for the people of Western Australia; that is, all the people of Western Australia for whom this Government said it would govern. When the Government was elected in February it said that it would govern for all Western Australians. I do not believe I am cynical but if I am, I am in good company by saying that this legislation is not necessarily for the good of all Western Australians. It is incumbent upon the Government to fully explain to the House how it expects this legislation to provide the people of Western Australia with something better than they have currently. One may ask what the reasons are for bringing this legislation before Parliament. One usually finds a need. People petition the Government or the Opposition, or they petition some of their elected representatives and tell them that there is something wrong with the current system, that they want something changed, and that they think things could be better. No-one has come to me and said there should be a change to the electoral system. My colleagues suggest that no-one has come to them asking for this change. Does that mean that everyone in Western Australia has gravitated towards the Labor Party?

[Quorum formed.]

Hon RAY HALLIGAN: I was suggesting that the people of Western Australia have gravitated towards the Labor Party, or possibly the Greens (WA), and said that there is something wrong with the electoral system and it has to be changed; that something is wrong that cannot be put right other than by legislation being brought into Parliament. Have people done that, or has some ideology forced them into this situation? Worse still, is it something that members of the Government and the Greens have dreamed up together, which suggests that if the Government gets support on this issue it will support the Greens on something else?

Hon Robin Chapple: That will never happen.

Hon RAY HALLIGAN: That is an interesting interjection from Hon Robin Chapple. No deals will be done; none whatsoever?

Hon Robin Chapple: None whatsoever.

Hon RAY HALLIGAN: Therefore, we are not likely to have 36 members in the Legislative Council provided this Bill goes through?

Hon Robin Chapple: No; that has been our position all the way through.

Hon RAY HALLIGAN: And no deal was done? The Greens did not have to force the Labor Party into agreeing to those additional two seats?

Hon Robin Chapple: We gave them an option.

Hon Simon O'Brien: Take it or leave it!

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Hon RAY HALLIGAN: Exactly; take it or leave it. Members do not need an adding machine to do the sums. The Greens know they have the numbers in this House. The Greens have the balance of power and they are in a position to force the issue. Hon Robin Chapple is suggesting that he did not do that; and that as a matter of principle he would have stood back and told the Government that his party would not force it into that situation and, if the Government believed it was being threatened, the Greens would stand back. That did not happen either? At the end of the day, the people in this Chamber and others who read about this in the media will fully understand the situation.

Following the election in February this year the Labor Party has suggested that it has a mandate to bring forward this legislation. There was a suggestion that the people understood and knew exactly what this was about. The Labor Party is now throwing out its chest and crowing about the whole basket of promises it made. It was suggested that there was a mandate. I do not think those on the government side fully understand what a mandate is, so I will explain it to them.

Hon G.T. Giffard: Tell it to John Howard.

Hon RAY HALLIGAN: I will even go back to Gough Whitlam, because he was the one who started it. I happened to be in Canberra at the time; when the member interjecting was probably still in short pants. He still has quite a bit of experience to gain. The idea is for him to sit back and listen and learn.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon RAY HALLIGAN: Mr Deputy President, there is some ignorance coming from the other side of the Chamber.

A mandate is a political idea in two senses. A mandate is not a substitute for prescribing constitutional, legal or parliamentary procedures, although it may influence the working of such procedures; and a mandate doctrine has been mainly developed by politicians in political forums rather than by philosophers or academics. Therefore, when something is put forward as a mandate it is often in a political sense; it has not been developed by academics.

Hon N.D. Griffiths: It is not academic; it is real.

Hon RAY HALLIGAN: No, it is purely political. It is not something someone can hang his hat on. It is something the Government tries to force under people's noses to convince them that everything it wants to do is a right.

Questions about mandates also arose during the first election of the Howard Government in March 1996. We will all remember that there was mention of the goods and services tax. It was mentioned continually.

Hon G.T. Giffard: Never ever never! Never ever never!

Hon RAY HALLIGAN: Like L-A-W law - let us go down that path; or no child will be living in poverty. How many clichés does the member want?

Hon G.T. Giffard: Never ever never!

Hon RAY HALLIGAN: And L-A-W law - that was Keating.

Hon G.T. Giffard: And Howard said, "Never ever."

Hon RAY HALLIGAN: That is all right. Then he went to the public and told them what he intended to do. What did the voting public do after he told them exactly what he was proposing? They voted him in. Keating waited until he was voted in, after promising all those tax cuts, and then said the people would not get them. He lied to the people; he had no mandate - the complete opposite.

It was even more prominent during the Whitlam Government of 1972 to 1975. Prime Minister Whitlam essentially placed the word "mandate" in the Australian political lexicon. I happened to be in Canberra at that time and I can recall that nearly every second phrase he used was, "I have a mandate." The people showed him what they thought of his mandate in December 1975.

Hon N.D. Griffiths: They also showed it in 1972 and 1974.

Hon RAY HALLIGAN: He was a marvellous Prime Minister. Does the member remember Mr Khemlani and the financial deals? Was that the forerunner to WA Inc? Did the member learn about his politics by looking at Whitlam and what he was doing at that time? That is why Whitlam was kicked out in no uncertain terms in December 1975. The Governor General certainly did the right thing on 11 November 1975 when he told the then Labor Government that it needed to go back to the people.

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Hon J.A. Scott interjected.

Hon RAY HALLIGAN: There are many electoral systems, not only throughout the States of Australia but also around the world. Does that mean they must all be the same? Tasmania has a Hare-Clark system, and New Zealand has a different system as well. Those opposite are not making a comparison with that. They are being selective in their comparisons, and I will get to that shortly. Just because there is one system elsewhere, they are saying, because it suits their purposes, that we should have the same system here. However, that is not necessarily the case.

Hon J.A. Scott: No, I was not saying that.

Hon RAY HALLIGAN: The member just asked whether that was the system at the federal level. Why not make a comparison with Tasmania, where the system is completely different? I am prepared to mention a number of systems, not just one. This is but one way of doing things; I do not deny that.

I return to the mandate. When Mr Whitlam spoke of recommending that the Governor General exercise the prerogative of mercy and release several youths who had refused national service, he also wrote -

It may be assumed that this was endorsed by the electors and that Your Excellency's Government has a mandate to take these steps.

I repeat that Mr Whitlam loved the word mandate. He used it at every opportunity to explain what he was doing and why he was doing it. I suggest that those opposite may have learnt their politics on mandate from Mr Whitlam. The research paper says -

Whitlam's most extended exposition of his view of the mandate is to be found in the August 1975 Chifley Memorial Lecture:

Whitlam said -

So the debate about the meaning of the mandate has centred on the question of whether in 1972 and again in 1974 the Australian Labor Party was given only a general mandate to govern or a specific mandate to implement each part of its programme.

Is the mandate merely general or is it specific? Is it a grant of permission to preside or a command to perform? Our opponents naturally interpret it in the weakest sense as a general and highly-qualified mandate to govern-on their terms and indeed by their grace and favour. I interpret the mandate as being both general and specific-a general mandate to govern for the term for which we were elected and a specific mandate to implement the undertakings we made, within that term. But even when I speak of a general mandate I cannot accept the conservative definition of a mere mandate to govern, a permit to preside over the administration of government and, hopefully, to administer the existing system in a sufficiently acceptable way to give reasonable prospects of re-election-for a further renewal of the mere mandate to preside. The mandate as I interpret it is to move by specific programmes toward the general goals and the general objectives accepted by the people at elections.

That was his view, and of course he was entitled to that view. The unfortunate part is that although I certainly agree with the first part of his definition of "to govern", I do not agree with the second part, unless it is spelt out in no uncertain terms. I do not think there is any doubt that the goods and services tax was spelt out in no uncertain terms. In this instance, the Government's one vote, one value proposal was not spelt out to the general public, particularly those in the regional areas.

Hon G.T. Giffard interjected.

Hon RAY HALLIGAN: That is fine. The Government can argue its case at a later stage.

In 1974, two political scientists, Gordon Reid and Clem Lloyd, wrote -

The theory of mandate applied by Mr Whitlam was often naïve and obscure. Inherent in it were very real dangers of inflexibility in the composition of policy, and confrontation with the Senate on the wrong political issues. Undoubtedly, the Whitlam mandate also gave expression to a strong strain of idealism and a remarkable fidelity to the performance of electoral promises.

I do not think there is any doubt that Gough Whitlam was very strong in his thoughts and ideas and in his pursuit of achieving certain things. However, that does not suggest for one moment that he had the people behind him. As I said, in December 1975 that case was proved in no uncertain terms.

To get to a more current situation, I will talk about Mr Beazley, who of course was the Labor Party's previous federal leader. He said in 1996 -

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John Howard has won this election. There's no question about that. But he's won it with the lowest vote to win an election that any of us can actually recollect ... He has a right to govern well. And a government has a right to introduce anything that they like ... He is entitled to put forward any piece of legislation that he wants. And he can claim for that legislation the merits of the arguments associated with that legislation. He can claim no more for it than that.

I do not necessarily agree with that. I will not be a hypocrite. Hon Graham Giffard should listen to what I say. I am not a hypocrite. The research paper states that a month later Mr Beazley was more pointed and went on to say, talking about John Howard -

'He cannot claim a mandate for his GST, and he certainly cannot claim a mandate for the indecent haste with which he wants to implement it'.

This is an issue on which John Howard went to the public. It was the icon of his policy. He went to the people with it, and they voted him in.

Hon N.D. Griffiths: And he failed to get a majority of the vote.

Hon RAY HALLIGAN: They voted him in.

Hon N.D. Griffiths: He failed to get a majority of the two-party preferred vote, unlike us.

Hon RAY HALLIGAN: Like Labor's 37 per cent of the primary vote? Do not bother to go down that path, or we will go back over all of Labor's legislation over the past 100 years when it was in government. Labor was in exactly the same situation. That is an absolutely ludicrous argument - I thought more of the minister. It is a stupid argument, because both sides of politics end up in that situation quite often. Does that mean that if a party does not receive a certain percentage of the primary vote, it should not bring any legislation into this Parliament? It is a ludicrous attitude. If a party has the vote of the public, that is all that is required. If it has the seats, that is what is required.

Hon G.T. Giffard: What is your point?

Hon RAY HALLIGAN: I am talking about the mandate. Labor went to the people and did not fully explain to them exactly what it intended to do. Now it has brought legislation into this Parliament, to use Beazley's words, with indecent haste. We received the report from the committee yesterday. The committee had eight weeks to produce that report.

Hon N.D. Griffiths: That is a long time.

Hon RAY HALLIGAN: That is not a long time. Hon Nick Griffiths should not be stupid. How many pages are in the report?

Hon N.D. Griffiths: On two Bills!

Hon RAY HALLIGAN: It is not the Bills; it is the issues. There are 205 pages of a report that had to be produced in eight weeks. There are probably more people out there who wanted to give their opinions to the committee but were not given the opportunity. We should hold a referendum. I will have something to say about that later. Why not give people the choice? The Government's leader has been down that path before over a number of years. Labor Party members definitely wanted to go to the people when they did not like legislation that the coalition Government tried to pass. They are very selective, and that is why I talk about hypocrisy. When they did not like legislation, they screamed and said that we should go to the people.

Hon G.T. Giffard: What are you doing now?

Hon RAY HALLIGAN: We are saying that we should go to the people and give them the opportunity to have a say.

Hon G.T. Giffard: Who is being a hypocrite - us or you?

Hon RAY HALLIGAN: Not at all. Members opposite have changed their attitude.

Hon G.T. Giffard: What have you done?

Hon RAY HALLIGAN: I was not in Parliament at that stage.

Hon G.T. Giffard: You just told me that you have changed your attitude.

Hon RAY HALLIGAN: I was not in Parliament. I did not have the opportunity. Hon Graham Giffard has possibly not had that opportunity, but some of his colleagues certainly have. They have had every opportunity and they have not done so. What are we trying to achieve? It is not equality of voting; it is a gerrymander for

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the current Government to try to provide it with seats that it hopes it will hold for some considerable time. What is equity? Does that mean absolute? Let us go -

Hon J.A. Scott interjected.

Hon RAY HALLIGAN: Hon Jim Scott is having a bad night. If that is the quality of his interjections, that is very bad indeed.

Hon B.K. Donaldson: You have to draw pictures for Hon Jim Scott.

Hon RAY HALLIGAN: I think the member is right, and I thought more of Hon Jim Scott.

Members opposite talk about equality of votes, yet they want to introduce this business of plus or minus 15 or 20 per cent. Where is the equality there? What about the dummy voters? This demonstrates the selective thinking of members opposite. They are not genuine in their push for one vote, one value. There are always exceptions to the rule. It is the "yes, but" excuse. If this does not suit them, they will change it. They are not absolute. They are not convincing; they cannot convince anyone. I doubt very much that they can convince themselves. We go through this situation of their asking for so-called equality all the time. Members opposite have had an opportunity to do something about many issues but have done very little. People in regional areas are complaining about health care in hospitals. They certainly complained in Merredin. That was not something that Liberal Party members pushed when they were there. People came to us complaining about what the Government is not doing, yet when it went to the people in February it said it had the answers and would fix the problems in the health service.

Hon N.D. Griffiths: And we are.

Hon RAY HALLIGAN: When? The Labor Party has been in government now for 10 months. It has been in government for over 20 per cent of its term and what has it done? Absolutely nothing! The Minister for Health has said that there is more money in the hospital system than ever before.

Hon N.D. Griffiths: There is.

Hon RAY HALLIGAN: Marginally. What did Hon Nick Griffiths say to me only a few weeks ago in an interjection? When I said that we had put more money into the hospital system, he said that we wasted the money. What is his minister currently doing by putting more money into the system? Is he wasting it as well?

Hon N.D. Griffiths: No, he is not. He is doing an effective job.

Hon RAY HALLIGAN: I see. He is doing it well! Then why are there still complaints out there? Why is it that 10 months into government, the Labor Party still has not got it right?

Hon N.D. Griffiths: Haven't you listened to your colleagues? You are a bunch of whingers.

Hon RAY HALLIGAN: Members opposite have not listened for eight years.

Hon N.D. Griffiths: We were a constructive Opposition.

Hon RAY HALLIGAN: Constructive nothing! Members opposite would not be able to construct anything. The Government's policies are like a house of cards - a breath of wind and they fall down. The Government has not been constructive. Members should look at all the amendments to the legislation that the Government has been able to put through. I do not want to continue going down that path; it is taking me away from the Bill before us.

Members opposite are being selective. The Greens (WA) hold the balance of power; they could have forced this Government to do certain things, but what have they done?

Hon Robin Chapple: Read our position.

Hon RAY HALLIGAN: No. The member is like Kim Beazley, who said, "This is what I stand for" but achieved nothing.

Hon J.A. Scott interjected.

Hon RAY HALLIGAN: No, they have not. What have the Greens achieved? What have they done to assist the hospital system in regional areas? What have they done to force this Government to do something on law and order? They have done absolutely nothing.

Hon Robin Chapple: Over the years we have consistently argued for royalties for the regions.

Hon RAY HALLIGAN: Where is it? The member is doing a Kim Beazley - "This is what I stand for." The Greens have had the balance of power for 10 months but they have done absolutely nothing.

Hon Robin Chapple: Because we will not cross-bargain.

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Hon RAY HALLIGAN: Now come the excuses. What is the member's purpose in being in the House? Five out of 34 or 33 votes on the floor can do nothing. The Greens do not mind voting with Labor to pass legislation, but they will not amend it to cause the Government to do something for the people of Western Australia.

Hon Robin Chapple: We have - several times.

Hon RAY HALLIGAN: No, they have not.

Hon Robin Chapple: Yes, we have.

Hon RAY HALLIGAN: Why are there still complaints about the hospital system? Why are petrol prices as high as they are? What have the Greens done to cause this Government to change the parity pricing between regional and metropolitan areas? Absolutely nothing! They have done nothing in ten months.

Hon N.D. Griffiths: Are you going to mention the Bill soon?

Hon RAY HALLIGAN: Yes. I am talking about hypocrisy at the moment.

Hon J.A. Scott: That is what I was going to ask.

Hon RAY HALLIGAN: Yes; Hon Jim Scott will want to get away from that, because in 10 months he has done nothing. It is the same with education and law and order. We hear plenty of complaints from the Greens. They have the balance of power and could force the Government to do something, but they have done absolutely nothing.

Hon Jim Scott interjected.

Hon RAY HALLIGAN: Why are there complaints? Either the member has been asleep or he has had his ears blocked, because the complaints are still being made in enormous numbers.

The DEPUTY PRESIDENT (Hon George Cash): Order, members! Hon Ray Halligan has the floor.

Hon RAY HALLIGAN: I am wondering about this so-called equality of votes. People in regional areas want to make sure that they have fair and reasonable representation; that is all they are after.

Hon E.R.J. Dermer: What about our constituents in the north metropolitan area?

Hon RAY HALLIGAN: I probably see 90 per cent of Hon Ed Dermer's constituents. I do not know where he is. I can get around the metropolitan area quite easily. Members should not forget that there are seven of us in 1 005 square kilometres, plus 14 lower House members.

Hon E.R.J. Dermer: Divide it by 360 000 constituents.

Hon RAY HALLIGAN: There are 21 representatives for 1 005 square kilometres, and the Government wants to take eight members out of the regional areas and put them into the metropolitan area! The member is not for one moment suggesting that we might be over-represented in those 1 005 square kilometres, is he? We are falling over one another all the time. When I go to functions, I quite often see three or four other members of Parliament there.

Hon J.A. Scott: I have seen more in Merredin than I have in the north metropolitan area.

Hon RAY HALLIGAN: Hon Jim Scott does not get around all that far. If he were in Merredin, he would not see me here. The point is that there are 21 state representatives in 1 005 square kilometres in the North Metropolitan Region. How many are in the South Metropolitan Region?

Hon Simon O'Brien: There are only three who do anything useful, but there are 15 altogether.

Hon RAY HALLIGAN: There are 15 representatives in the South Metropolitan Region. I thank Hon Simon O'Brien. In those two areas there are 36 representatives, and the Government still wants to take eight members out of the regional areas and put them into the metropolitan region. It is a ridiculous state of affairs.

Hon E.R.J. Dermer: Currently.

Hon RAY HALLIGAN: I can understand the Labor Party wanting to go down this path, but I am most upset that the Greens (WA) support the Labor Party. The Greens are being very selective. As I said before, they have done a deal. The Greens will gain an extra two members in the upper House and the Labor Party will have 36 members. However, that is not necessarily what the people want. The Government is telling people that it will not ask the opinions of the people of Western Australia. It is implying that people know nothing.

Hon J.A. Scott: I thought you were going to say something about the system.

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Hon RAY HALLIGAN: I am saying that the Government should go back to the people and give them some options.

Hon J.A. Scott: You haven't put any scenarios. All you are doing is complaining.

Hon RAY HALLIGAN: That is all Hon Jim Scott has done for the past eight years. I can refer to *Hansard* and read all his whingeing comments. I am trying to put forward something constructive.

Hon J.A. Scott: Like what?

Hon RAY HALLIGAN: I am suggesting that the Government ask the people what they want. Is that not constructive? Do the people not deserve a vote on this issue?

The DEPUTY PRESIDENT (Hon George Cash): Order! I am more than happy to call Hon Jim Scott as the next speaker, but Hon Ray Halligan has the floor.

Hon RAY HALLIGAN: When he is on his feet he may be able to explain why the people should not have a say on this issue. As we travelled around talking to people, they said that they would dearly love to have a say. It is amazing that the Greens are going down this path. However, it is what I expected of them. It is amazing how members of the Labor Party in particular - I will leave the Greens out of this - have argued that previous coalition Governments have not had a mandate to do certain things; yet when it suits the Labor Party's circumstances it has a mandate. There is no consistency.

Hon J.A. Scott interjected.

Hon RAY HALLIGAN: I will quote the words of Dr Geoff Gallop, albeit on a different piece of legislation -

Hon N.D. Griffiths interjected.

Hon RAY HALLIGAN: His words are great; I love his words. Exactly the same words apply to this legislation as the words he used in relation to the industrial relations legislation.

Hon N.D. Griffiths: I do not think he will quote you, my friend.

Hon RAY HALLIGAN: The minister should wait a moment. He said that this legislation poses a massive threat to our community. They are words with which I agree.

Hon N.D. Griffiths: Are you going to vote with us on industrial relations reform next year?

Hon RAY HALLIGAN: Is the Government going to bring it forward?

Hon N.D. Griffiths: Yes.

Hon RAY HALLIGAN: I thought as much. Was that another election promise?

Hon J.A. Scott: Didn't you vote?

Hon RAY HALLIGAN: No, I was not in this place then, I became a member in June of that year.

Hon N.D. Griffiths: We missed you.

Hon RAY HALLIGAN: Yes, unfortunately. Was that not a great pity? Was that another election promise? The Government is a bit slow in bringing that legislation forward. It is intent on pushing ahead with all its pre-election promises. It seems as though the Government is fanatical about its commitments, so it is forcing them through rather than rethinking them. In the light of day, now that the Labor Party is in government, it can review matters. It could be 12 months or two years since it gave the matter some thought, but it will not rethink it because it was a pre-election promise that it wants to force through the Parliament. A number of promises like that have been made, such as the promise to regulate for isolation fencing around swimming pools. That regulation is being forced through the Parliament purely because it was a pre-election promise. The Government's adherence to issues just because they were election promises is obvious in its media releases. It is not a matter of the Government saying that it is bringing forward legislation because it believes in it. Every media release says, "Here is another pre-election promise." That is the path the Government is taking. It is trying to convince people, but it is forcing through legislation. It does not matter to the Government whether it is good legislation; that is the difficulty. In time, people will see that the Government's legislation is inappropriate.

Hon N.D. Griffiths: They consistently lied when they were in power but we don't.

Hon RAY HALLIGAN: Dear oh dear; here we go again. Hon Nick Griffiths amazes me at times. He was a nice bloke in opposition but in government, that is a different matter.

Hon N.D. Griffiths: I was constructive, unlike you.

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Hon RAY HALLIGAN: I did not see anything constructive during that time. I was talking about equality, being selective and the like. I like the idea of everyone having one vote, although representatives in the upper House will not be elected by one vote, one value. It is different in this place. When preferences are distributed there is a different value. Members opposite are arguing that all those preferences should be counted as though they had their original value.

Hon J.A. Scott: You don't understand the system.

Hon RAY HALLIGAN: We are being selective, yet again. One vote, one value should apply only in certain circumstances. In other circumstances the system is different. Is that not wonderful?

Hon J.A. Scott: I just said that you don't understand the system.

Hon RAY HALLIGAN: I do understand the system. That is exactly why Greg Smith, particularly, and Murray Nixon are not here. Members opposite accept that system because it won them a seat in this place.

It is amazing. Members opposite are very selective in their approach now, as they were in the past and as I have no doubt they will be in the future. There is no equity. All that people in regional areas want is reasonable representation, and they should be provided with that. They have had it for years and it should continue.

This Government is going down a particular path for all the wrong reasons. Unfortunately, it is being supported by a minority, not "the" minority, party in this House that happens to have the balance of power. That is a great pity. We will talk about selectivity, judgments and the like regarding other legislation. This legislation is based on ideology and pre-election promises. The Government will give the community what it promised in the election campaign, whether it be right or wrong.

Hon J.A. Scott interjected.

Hon RAY HALLIGAN: Hon Jim Scott should ask Mr Keating who said, "Look, it's in L-A-W law."

Hon J.A. Scott: That's like C-O-R-E - core.

Hon RAY HALLIGAN: He said L-A-W law and then changed his mind. Hon Jim Scott asked a question and I am suggesting that he ask the Labor Party. It changed its mind. I am not denying John Howard changed his mind. It is all right for Governments to change their mind. Just because they made a pre-election promise they do not have to force through legislation if it is not the right legislation. The Government needs to rethink its policies. In this instance the Opposition has made the constructive suggestion that the Government hold a referendum to give people the opportunity to have a say on the matter. I see nothing wrong with that. That is a reasonable approach. That would be admitting to the community that it was some time ago since this issue had been considered. It would be accepting that circumstances may have changed, as they often do, and, because of the enormity of the changes involved, a number of scenarios will be put to the people in a referendum. That is not an unreasonable approach. That has been the Opposition's argument all along.

Hon J.A. Scott: It has not actually.

Hon Robin Chapple: We will talk about it later.

Hon John Fischer: It would be a good idea to have a citizens initiated referendum.

Hon RAY HALLIGAN: That is the other issue. If that is the Greens' belief, that is its first opportunity. All it will probably require is an advertisement in the paper. If we presented a petition bearing 10 000 signatures, it would allow people to have a referendum. That would give them an opportunity to have a say. I see nothing wrong with that approach. My concern with this legislation is that I do not believe it provides the people of regional Western Australia with what they want from this Government or any other Government for that matter. That is why it is important that we give the people the opportunity to have their say on it. It is something of some enormity, which will change things for some considerable time. I will not quote from the report of the Legislation Committee; I am sure every member has read it, at least in part. Many people who came before the committee said that they will have difficulties talking to their members.

Hon N.D. Griffiths: Not many people came before the committee.

Hon RAY HALLIGAN: Those who did held that view. I said before that a lot more people would have liked to have appeared before the committee but they did not have the time. That is another debate for another time; we will not go down that path, except to say that the majority of people that did appear said that they were concerned that they would not be able to see their local member. They would probably have to rely on the telephone, because they do not have access to the Internet, or wait some considerable time - might I suggest as long as opposition members have to wait to see ministers in the current Government - for six to 10 weeks. That

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has been my experience, but I know of others not in Parliament who have had similar problems. Hon Nick Griffiths can frown if he wishes, but I can assure him of that. I am not looking for parliamentary privilege.

This legislation is being pushed through this House for all the wrong reasons; that is, it was a pre-election promise. The Government did not rethink it, and it has not given any thought to the fact that people in regional areas want and deserve the opportunity to vote on this legislation, because if it is passed it will change their lives. At least they want the opportunity to tell us, as their elected representatives, what they want from us, so that we can stand up here and argue their case. That is why we were elected, and why we sit in this House. When we are out there talking to them, we can provide an alternative point of view. We have reached a stage at which in principle and in practice we should go back to those people and say that we are prepared to listen. They are the ones that voted us into this place, and we want them to tell us their point of view on this legislation. That is important, and I hope members of the Labor Party and the Greens (WA) will accept it as a responsible thing to do, rather than just railroad this legislation through this place. They can be given as many possible scenarios as the Government wishes, but they must have the opportunity to make their views known.

HON M.J. CRIDDLE (Agricultural) [8.33 pm]: I do not think this legislation should ever have reached this stage. In all my travels in the city, I have not heard any overwhelming support for this legislation proceeding, and in the country, according to the Western Australian Farmers' Federation, 85 per cent of people believe that it should not progress. The legislation divides the State into 57 electoral districts, and six regions - the situation that exists at present. Looking further into the Bill, there is an indication of a variation depending on the size of the electorate. If it contains less than 100 000 square kilometres, it will be allowed a variation from the average of plus or minus 10 per cent. However, if it is larger than 100 000 square kilometres, there will be a greater variation.

I have lived in the country all my life, apart from the nine years I spent in Perth getting educated, and I still live there. There is a clear feeling by country people that this legislation will disfranchise them. My participation in country life goes back to my starting with a virgin block of land, with no services whatsoever being provided. I pointed this out to the committee and I think it is worthwhile reciting it again here, just to put my contribution into context. Having started with a virgin conditional purchase block, completely uncleared, with no services, and developing from there, I understood the value of representation. It was very difficult to get, even at that stage.

Hon Jim Scott interjected.

Hon M.J. CRIDDLE: That is a ridiculous remark. We are talking here about representation of parliamentarians in the State of Western Australia, so that the people in Western Australia can be well represented, and get the services into rural and regional Western Australia. Of course, under the current system, people in the city have a first-class opportunity to have good representation, with their 34 representatives at present.

Hon N.D. Griffiths: Is it not your case that the country is currently inadequately serviced, notwithstanding your representation?

Hon M.J. CRIDDLE: Hon Nick Griffiths is putting words into my mouth. I have said that country people have developed their services with the representation they have, and they will continue to do so.

Hon Nick Griffiths interjected.

The DEPUTY PRESIDENT: Order, minister. Let Hon Murray Criddle develop his argument, because I am interested in hearing it.

Hon M.J. CRIDDLE: Services are being developed in country areas with the representation that presently exists. If that representation were lost to the city in the form of eight seats moving from the country to the city, obviously, just as Western Australia argues regularly that it does not get fair funding when compared with the eastern States, so the people in the country will feel disfranchised under the same sort of relationship. That is the reasonable argument that should be developed. The country has the representation at present, and it is getting services over a period, as services develop in the city. The representation at present is reasonable. However, if the country-city ratio is reduced to 15-42 in the lower House, that balance will be lost. It is a clear argument of numbers; the straight fact is that the level of representation will be lost. Removing those seats will put country people under an enormous amount of pressure. Opportunities have been developed for road funding, although the present Government has cut dramatically the amount to be provided over the next three years. Putting in place a \$75 million infrastructure fund will not replace the \$200 million a year that has been ripped out of road funding. The argument needs to be balanced on that basis.

A report has been prepared by some very competent members of this House, including you, Mr Deputy President. The committee has travelled around the State, but this was a very rushed report. People would have liked to put their view to the committee. There is a feeling in country areas, which is reflected in one of the

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recommendations, that when people go into a committee hearing, which is very much like a courtroom for people who have never really faced that atmosphere, they do not feel comfortable. I saw that happen in Geraldton. The committee was good enough to wait for me because I was a little late getting to the hearing. However, I did see a case in which a person found it difficult to present his view to the committee. People become concerned about the kind of atmosphere in which they find themselves when they have to go before a committee to present their view. Notwithstanding that, I understand that right across regional Western Australia there was a strong case for maintaining the system that we have at present. I understand that there is talk of better services for members of Parliament as a trade-off for losing the numbers in the country. However, it is the face-to-face contact of the people in the country with their political representatives that is absolutely essential. That is the point that must be made. When I was out in the Merredin electorate during the recent by-election, I travelled from the north near Kalannie - in fact, one could travel another 100 kilometres further north to get to the north of electorate - and I then travelled through the evening to Corrigin which is not even the southern extent of that electorate. It took me three hours to travel from Kalannie to Corrigin; therefore, had I travelled the full distance of that electorate, it would have taken something like four and a half hours.

Hon N.D. Griffiths: Your predecessor, the previous Minister for Transport, would have travelled that distance in half the time.

Hon M.J. CRIDDLE: My predecessor would not have broken the rules as Hon Nick Griffiths has just described. He is a very safe driver and to my knowledge he has never had a serious accident, if he has had an accident at all. That shows that he has displayed some credible driving traits.

The point I am trying to get across is that these are very large areas. The current Merredin electorate comprises 19 shires and it takes considerable time to service them. We would be lucky to provide a reasonable service to all those shires in a year, let alone talk to all the towns that are in that electorate. If this Bill goes ahead, this electorate will stretch from that southern boundary through to an area near Geraldton. It will be an enormous electorate and the time it will take to travel from the north to the south of that electorate will double - never mind about travelling from east to west. This will put an enormous amount of pressure on the representative who is elected to that area. That is the difficulty with this legislation. I note Hon Nick Griffiths' reaction - he has probably never had to represent people in that type of environment, and I understand that. I understand that he is a metropolitan representative.

Hon N.D. Griffiths: I have 260 000 electors. How many do you have?

Hon M.J. CRIDDLE: About 80 000 - but it is 1 400 kilometres from the north to the south of my electorate and that distance has to be covered. People can visit Hon Nick Griffiths in his electorate office without a great deal of difficulty, and that is an upper House seat. How many lower House seats are there in his electorate?

Hon N.D. Griffiths: There are 10.

Hon M.J. CRIDDLE: So 10 into 260 000 is about 26 000 people. How far do they have to travel to get to the electorate office - four or five kilometres?

Hon N.D. Griffiths: Some have to travel a considerable distance.

Hon M.J. CRIDDLE: Six kilometres!

I have just explained the difficulty that country people have in a practical sense of getting face-to-face contact with their political representative.

Hon N.D. Griffiths: In terms of face-to-face contact with representatives, the issue of distance is part of your argument. However, part of the contrary argument is the number of people. We have more people and the same amount of time.

Hon M.J. CRIDDLE: The minister has the same amount of time but if one of my constituents from Esperance wants to see me, it is almost impossible for him to do that. If the Merredin electorate were extended out to what might become the Moore electorate, a constituent in my electorate would virtually have no opportunity to see me unless he or she left home, travelled, stayed overnight and then went home the following day. That is the truth of the matter. The opportunity for face-to-face representation is almost negligible. That is the situation to which we are headed. Under the present system - as I said at the start when Hon Nick Griffiths tried to mislead me into saying that -

Hon N.D. Griffiths: I did not try to mislead you. You're incapable of being misled.

Hon M.J. CRIDDLE: I am pleased to hear Hon Nick Griffiths say that - I have kept him on track.

The point I am trying to demonstrate - it has been clearly recognised by the minister - is that country people will have a great deal of difficulty if the distance they must travel to see their representative is extended. This is

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applicable not only in the upper House but also in the lower House. As a result of this, people are feeling that they will be disfranchised, which brings me back to the argument of fairness and equity for country people.

I touched on the distances from Sydney, Melbourne and Perth and the money that goes back into the country means there is an enormous amount of money going into the city. However, we must maintain the services in the country. I have a real fear about the lack of numbers and representation in the party rooms and in Parliament. That must be clearly understood. Nowadays, we have clear indications about issues such as school buses, roads and so on. I know it has been claimed that hospital funding has not been cut. I have invited the Minister for Health to come up the coast where there is a shortfall of about \$300 000 for the local multipurpose centre to provide a 24-hour service as a hub for the region. This issue must be addressed. The cutback in this year's allowance - I know this is a complicated issue but the funding arrangements show that it has occurred in those areas - it has put enormous pressures on the hospital and health services in the country.

Hon N.D. Griffiths: It is complicated, but those who say that there are cutbacks are really talking about getting less than what they asked for; they are really getting an increase.

Hon M.J. CRIDDLE: I am talking about the needs of country people being funded, not areas in which people have great expectations. I am talking about the health needs of those areas. When Hon Peter Foss was the Minister for Health he used to talk about needs, and I agree entirely that those needs must be met from a funding point of view.

Hon Frank Hough made some comments about One Nation's opportunity at the last election. In his inaugural speech, Hon John Fischer said -

I have no particular wish for One Nation to take credit for the election of the Labor Party nor do I wish to gloat about One Nation's role in the defeat of the coalition; however, I do wish for the record to set down the truth: I believe that One Nation's preferences were responsible for the election of the Labor Government.

As I have already stated, that is one of the reasons that we have arrived at this position. The other reason is due to the siding of the Greens (WA) with the Labor Government on this issue.

Hon B.K. Donaldson: Like they normally do.

Hon M.J. CRIDDLE: The Greens have done that in the past. I cannot recall the last time they voted with us, but that is their right.

Hon Robin Chapple: Out of 10, that is seven to you and three to these guys.

Hon M.J. CRIDDLE: Hon Robin Chapple is talking about the legislation that everyone lets through; I am talking about controversial legislation.

Because I have given Hon John Fischer the credit for making those comments, I will give credit to the Greens for making a few comments about their position in rural and regional Western Australia. The Greens (WA) state that they are basing their stance on the principles of participatory democracy, vote equity and regional representation. According to the Greens, participatory democracy means the accessibility of and availability to political representatives. Adding several hundred kilometres to the large distances already travelled by members and constituents does not enhance participatory democracy. The Greens were elected on only 6.8 per cent of the vote and will, in this case, determine the future make-up of the Parliament.

Hon Robin Chapple interjected.

Hon M.J. CRIDDLE: I am crediting the Greens with their position. I got more than the quota. To put the record straight, Hon Robin Chapple got 0.26 of a quota, which is 4.4 per cent of the primary vote.

Hon Robin Chapple: Eleven members of this House got fewer votes than I did.

Hon M.J. CRIDDLE: I am putting the Greens' point of view forward; the member should cop it sweet. I got 1.3 of a quota; Hon Dee Margetts got 0.27 of a quota, or 4.5 per cent of the primary vote; and Hon Christine Sharp got 0.67 of a quota. If the quotas of those Greens were added together, they would total almost as much of the quota as I got. In his speech in the Address-in-Reply debate, Hon Robin Chapple stated that the four pillars of the Greens (WA) structure included social and economic justice, and participatory grassroots democracy. He said also -

The economy of Western Australia has depended on the mining industry for more than a hundred years. Why then do we pay such little respect to the men and women who risk their lives on mine sites every day?

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Why do the Greens want to take away their political representation? Is that social justice? Is it grassroots democracy?

Hon Robin Chapple interjected.

Hon M.J. CRIDDLE: The Greens will not give them representation. These are the people the member represents. The member also stated -

Regionalisation or decentralisation has been a key direction of mine ever since my early days as a Port Hedland town councillor. Unfortunately, the opposite is occurring . . . Why . . . when the region has most of the resources that are generating so much revenue and wealth for the State? . . . One reason is the greed of successive Governments which have retained in the Perth metropolitan area the economic wealth of the Mining and Pastoral Region.

Hon Robin Chapple must represent that area. According to the Australian Bureau of Statistics, the localities of Pingelly, Gingin, Boyup Brook, Albany, Nannup, Beverley, Denmark and Murchison are among the 10 areas in this State with the lowest household incomes. Those residents will not get the representation they have had previously. Other members have also made remarks about this issue. During the Address-in-Reply debate Hon Dee Margetts stated -

During my years as a senator, I found particular satisfaction in working and developing relationships with communities in such areas as Geraldton, Esperance, the Avon, the Gingin coast, Lancelin and so on . . . Perhaps the most important part of the work of a parliamentary representative is to reach those people who otherwise find it difficult to have a voice within the parliamentary system, to represent their issues and values . . .

Yet, here the member is taking away the representation they already have, and he proposes to reduce the number of country members to 15 and to increase the number of members who represent the city to 42.

Hon Robin Chapple interjected.

Hon M.J. CRIDDLE: What is the good of access if a constituent cannot see his member of Parliament?

Hon Robin Chapple: I suggest that a member for the North Metropolitan Region would not see half the constituents that you or I do because we get out there.

Hon M.J. CRIDDLE: I have lived in the country all my life and I know that people want to see their parliamentarians. If this legislation is passed, they will have fewer opportunities to do that. The member did not listen to what I said to the minister. The member does not understand the distances that are involved.

Hon Robin Chapple: I travel in my electorate, I can assure you.

Hon M.J. CRIDDLE: Did the member fly from one town to the other?

Hon Robin Chapple: I drove.

Hon M.J. CRIDDLE: I bet! Hon Christine Sharp has made some remarks to which I should also reply. If we pass this legislation, we will disfranchise country people and will not give them an opportunity for face-to-face representation. We will also take away telecommunications and the opportunity to create wealth in those areas. The Greens, in particular, have an opportunity to make a stand and to give those people appropriate representation.

The other issue I have difficulty understanding is the Greens' suggestion that a six-by-six situation in the upper House will provide better representation. That is nothing more than an opportunity for the Greens to get another member in the House.

Hon Robin Chapple: You lack imagination.

Hon M.J. CRIDDLE: I do not lack imagination; I am the most positive person in this place. Lower House seats are the most important seats because that is where the Government is formed and the budget delivered. That is where we must keep the country members. The Greens are trading country members in the lower House for two extra seats in the upper House, which does not make any sense.

I would like to know how the Greens will achieve these two extra seats in the legislation. How will they get the legislation passed in the lower House and sent back to this place, without being drawn into an arrangement in which they will have no guarantee that the Government's commitment will be carried out. I cannot see how the Greens can ensure that two extra seats will be provided for in that legislation when it leaves this House. I would like the members to explain it to me so that I have some indication of the guarantee. Members of the Greens

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have said to me that they will not let the legislation pass until they are guaranteed that those seat will be provided for in the legislation. It will be interesting to see how the Greens guarantee their existence into the future.

Another point that must be made about the future is the percentage requirement for members to be elected to this House. I referred to that issue earlier when I told members the percentage of the vote that the Greens attracted. Members must get about 0.5 of a quota to ensure a reasonable commitment by the voters.

Hon Robin Chapple: Thirteen members in this House got less than five per cent of the primary vote.

Hon M.J. CRIDDLE: I have indicated clearly why the National Party believes that this legislation is unfair. It leaves country people with very little certainty and a feeling of being disfranchised. People who support this type of legislation can expect an enormous backlash in rural and regional Western Australia in the future.

HON SIMON O'BRIEN (South Metropolitan) [8.59 pm]: The Bills we are considering touch on a range of matters, and the House has already invested some time in considering those not only in plenary session, but also in the work of the Joint Standing Committee on Legislation, which tabled a report yesterday. I acknowledge the tremendous amount of work that has been done in a comparatively short time by the Standing Committee on Legislation. If it is in order to do so, I would like to refer to the tabled report for some support for the points I wish to make.

The DEPUTY PRESIDENT (Hon George Cash): It certainly is in order.

Hon SIMON O'BRIEN: Thank you. The second reading stage was interrupted in slightly unusual circumstances so that the Bills could be referred to the Standing Committee on Legislation for it to investigate the Bills and report to the Parliament by 26 November. The committee did not have a great deal of time - about eight weeks in total - and I commend it for the amount of work it did in those eight or so weeks. It takes a while to consider the approach to a complex and controversial matter such as this Bill. It is not the sort of thing committee members can do by sitting around a table and saying that they will work their way through it. An approach must be worked out. In this case a range of other administrative arrangements had to be made because the committee took the trouble to go to a number of regional and remote areas around the State to seek evidence about the issues raised by the Bills. One can see from the report that the committee went to a few regional areas in a rather compressed time frame. Much of the eight weeks was a parliamentary sitting period and the committee had a range of other duties to attend to in the consideration of other legislation that had been referred to it. Individual members also had plenty of other work to do. The fact that they were able to do that and produce this sizeable report indicates that a great deal of effort went into it, and I acknowledge the work of the committee.

Committees in this place have an excellent tradition of doing a great deal of work. This is a classic illustration of the considerable value of the committee work done by members. Despite the slightly uncharitable and superficial views published in a newspaper article earlier this week about potential further remuneration for chairmen of standing committees, the fact remains that all members in this place willingly participate in committees, which take up a lot of their personal time. When the members of a standing committee have to travel to the Kimberley, as the Standing Committee on Estimates and Financial Operations did last year, they not only have an amount of work additional to electoral requirements, because electoral requirements are still there when they return, but they are also away from their homes and other private commitments. In the same way that a trip to examine public health services in the Kimberley is not a 100 per cent glamorous expedition, I dare say that much of the travel done by the Legislation Committee in connection with its examination of these Bills in public hearings throughout the State was hardly a holiday or a picnic either. In fact, I understand from my conversations with a number of members that it was jolly hard work. It infringed on members' private lives considerably and tied up participating members for almost the full eight weeks.

Members can see from the report that a great deal was accomplished in those eight weeks. I have examined the entire report, which has a great deal of information of assistance to the House. Sometimes when I see a sizeable report - this one is the best part of an inch thick - I wonder whether it is a bit of a report with a whole lot of attachments. That has been known to happen in other places. However, this eighth report, as with most reports authored by members of the Legislative Council, has useful and worthwhile material, is free of extraneous bulky matter, and is worth examination from cover to cover.

My attention was drawn to paragraph 6.83 on page 68 of the report, which refers to whether greater resourcing of members representing rural and remote areas is a substitute for representation. A few minutes ago Hon Murray Criddle concluded his remarks by asking that very question: can face-to-face representation be substituted by a form of greater resourcing for members? The committee commenced its report on this question in these terms -

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Given the difficulties experienced by the Committee in trying to visit the areas of the State affected by the proposed changes, the Committee received a number of very clear messages.

The report sets out seven messages as follows -

6.83.1 It was unable to determine what areas and towns to visit without the assistance of the local Member.

That indicates the need to have that local knowledge. The report continues -

6.83.2 Itineraries were proposed that proved to be nonsensical given the relative positions of the places, the distances and the available roads between them.

6.83.3 Travel by land was not practical.

6.83.4 For many places, a plane that could get into those places was far too slow and uncomfortable.

6.83.5 It was easy to leave out places as too small, (for example, Warburton) but in time they turned out to be most significant. When their significance was recognised it was not always possible to redress the situation.

That paragraph was from the point of view of the committee's inquiry. However, it is a particularly pertinent observation. The committee drew attention to two other points as follows -

6.83.6 There were cultural difficulties in dealing with aboriginal people which meant that much greater preparation was required to advise of issues to be discussed and greater time to enable that discussion to take place in a culturally sensitive manner.

6.83.7 Meaningful discussion on issues is diminished unless they are fully canvassed and understood in the community.

It struck me as pertinent that the committee, in examining the Bills, had found those difficulties in consulting with people in remote and regional areas. Those difficulties are highly pertinent to the question of representation under the electoral changes that have been proposed by the Government.

I return to the question of the Bills and where we go to from here. It has already been made clear by this side of the House that we will be opposing the second reading of these Bills. I do not have any surprises to announce suddenly in connection with that opposition.

Hon N.D. Griffiths: Aren't you going to represent your electors? You are going to be consistent and represent the interests of the Liberal Party. That is what you are all about.

Hon SIMON O'BRIEN: I am not sure I understand the point of the interjection by Hon Nick Griffiths, but no doubt if he wants me to follow that up he will flap his gums again.

My colleagues on this side of the House have already advanced a number of arguments about these Bills and I do not intend to canvass that ground again.

Several members interjected.

Hon SIMON O'BRIEN: I will do my best. The minister is too kind and, supported by the Leader of the House, I am encouraged to make the following observations, secure and comforted in the knowledge that they will listen attentively and seek to accommodate those observations.

Suggestions have been made that the motivation for the Gallop Government's persisting with this so-called electoral reform is its wish to advantage its own political prospects. I would certainly not embrace that view without examining it a little more deeply. I therefore went back through the recent history of electoral change in Western Australia. In 1987 there was a notable departure from what had gone before.

Hon J.A. Scott: Who was in government then?

Hon SIMON O'BRIEN: Labor was in government.

Hon J.A. Scott: How did they get it through?

Hon SIMON O'BRIEN: They did it with the assistance of members of the National Party. Of course, members of the Legislative Council were elected under a different method, as the member knows. At that time, provinces were represented by two members who were elected in rotation every three years for a six-year period. That was one of the major changes introduced in 1987 that resulted in the system we now have in this Chamber. I do not need to tell the House what those new provisions are. We are now entertaining the prospect of some further finetuning. That system was first used during the state election held on 4 or 6 February 1989.

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Hon Kim Chance: I should remember, I was a candidate, but I do not.

Hon SIMON O'BRIEN: In which seat was that?

Hon Kim Chance: That was the first year that regions were used. I was No 2 on our ticket in the Agricultural Region.

Hon SIMON O'BRIEN: I was also a candidate in the 1989 election. I did very well, too. I came second in the Legislative Assembly seat that I contested and I managed a 10.4 per cent swing. The only trouble was that the nature of the seat was such that I got belted by about 15 per cent. It was one of those seats. The informals came third. A group called Grey Power came a distant fourth. Another group called the Alternative Coalition came fifth with about 4.7 per cent of the vote and it later metamorphosed into the Greens (WA). Although there were no surprises in the seat that I contested -

Hon E.R.J. Dermer: Which district was that?

Hon SIMON O'BRIEN: It was the district of Cockburn, which was won by Bill Thomas, who has subsequently retired from the Parliament. Some other things happened in 1989 that deserve reflection. It had been alleged, as is now being alleged in some quarters, that there might be a teeny weeny bit of political self-interest on the part of the incumbent Labor Government in trying to push through certain changes to the electoral system. In 1987 the Government managed to get members of the National Party to jump into bed with it. The Nationals might think that was a big mistake in retrospect, and they would be right.

Hon E.R.J. Dermer interjected.

Hon SIMON O'BRIEN: They did. They had four members before, then they had three and now they have one in this place. The Nationals have learnt a lesson. We have just heard from our colleague Hon Murray Criddle. On this occasion, years down the track, the Labor Government has another four or five members to jump into bed with it. When I said that during a previous debate, one member took umbrage. I think she was being a bit precious. She was offended by the term "jumping into bed" with someone. I was not meaning it in a suggestive way; it is a euphemism meaning that they have entered into some sort of close -

Hon E.R.J. Dermer: Cuddle.

Hon SIMON O'BRIEN: Yes. Hon Ed Dermer uses an interesting term - cuddle. Anyway, the Greens are going to facilitate this electoral Bill because they have come to some sort of deal or arrangement with the Labor Government. Just as the Nationals regretted jumping into bed with the Government on so-called electoral reform in 1987, the Greens will also come to regret jumping into bed with Jim McGinty, even if they are over 16 - too late to do anything about it - because they might find that, having got into bed with the Labor Party, things are not to their liking. They might find that their numbers start declining as well; they might find they have been done over and that they go the same way as the members of the National Party. This is not simply an exercise about the Australian Labor Party doing a little bit of tweaking of the electoral laws to try to hold power; there is something else on the agenda.

The Government would also prefer to see Labor members on the pinker side of the House, rather than members of the Greens (WA). However, it will be too late when the Greens eventually wake up to that. I return to the 1989 state election.

Hon N.D. Griffiths: I think you are on safer ground when you talk about history rather than your predictions, because it seems to me you have no faith in the legal opinion of Hon Peter Foss either.

Hon SIMON O'BRIEN: We will have the luxury of seeing whether my predictions come true. I will go back to the history. In the 1989 state election, the Liberal Party scored the majority of the two-party preferred vote across the State, but failed to secure enough seats. It won a lot of seats, and a lot of new members came in who replaced older members.

Hon N.D. Griffiths: It was similar to the 1998 federal election.

Hon SIMON O'BRIEN: Indeed, it was. However, fortunately, on 10 November 2001, the matter that concerns Hon Nick Griffiths, and earlier concerned Hon Ed Dermer, was corrected, and now the federal coalition Government holds office with a two-party preferred majority. Therefore, that is all right after all. However, in 1989 it was not all right in Western Australia, because the system had been rigged to produce a result in the Assembly that gave a majority of the seats to a party without the majority of the vote. I have looked back at those results.

Hon E.R.J. Dermer: That is a serious and unsubstantiated allegation.

Hon N.D. Griffiths: As in 1998, when an Opposition has to win too many seats, and it fails to fall across the line, even though it may get a majority of the vote on a two-party preferred basis. That is the way things happen.

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Hon SIMON O'BRIEN: Is it as simple as that?

Hon N.D. Griffiths: Yes.

Hon SIMON O'BRIEN: Is it just what happens? Before the 10 November election, members opposite were not saying that it was somehow all right. They were complaining about it.

Hon N.D. Griffiths: I am just pointing out how things happen.

Hon SIMON O'BRIEN: Let us look at how they happen. Under the existing provisions of the Electoral Act, boundaries were redrawn in accordance with the formula with which members are now familiar - I am referring specifically to Assembly districts - regarding the number of seats in the metropolitan area and in the non-metropolitan area, how boundaries are created and the tolerances that can be applied to the quota that exists in each seat. At this time, there is also a provision in law that enables the commissioners drawing the boundaries to have regard to what the voting population of the Assembly district will be, not now or at the next state election, but even further down the track, to make allowances for growth. Of course, these district boundaries must last for two full terms, which is eight years, not the six years that applied under former regimes prior to the 1987 changes.

As we found out, that is a long time. There is massive change in population numbers within certain areas, and in other areas there is not so much change. Of course, there is a range of reasons that some areas grow and others are more static. However, the allowable tolerances are not sufficient for some extremely rapid areas of growth. Wanneroo is one district that is often cited, as are Southern River and Peel. I recall that not so many years ago Peel was well below quota. The records for 1994 or so show that that is the case. I think at that time it was below the quota to the extent of double figures.

Hon G.T. Giffard: Two?

Hon SIMON O'BRIEN: No, it might have even exceeded 10 at one stage. I would have to check that. However, it is significantly over quota now. If these Bills do not go through the Parliament, in the normal course of events there will be another redistribution.

Hon Kim Chance: The commissioners' estimate of growth in districts has normally been fairly accurate, hasn't it?

Hon SIMON O'BRIEN: To the extent that it can be. The Leader of the House's interjection is fair to the commissioners. In further fairness to them, it is a tough ask for them to do it over a period of up to eight years - very difficult indeed - because, in effect, they start off about three years before polling day. The ballot that counts is the one on polling day. That is the one day out of 1 461 days when the people vote. These Bills are all about that one day; yet the boundaries are settled maybe three years in advance. Then there is a polling day, and four years after that there is another general election, all on the same boundaries.

Hon Kim Chance: Having just voted three times in 10 months, it sounds like heaven.

Hon SIMON O'BRIEN: It has a certain charm about it. I am sure it looks better from government than from opposition. In 1989, the suggestion was afoot that the rules were created in such a way that they advantaged the Labor Government. This is very much a generalisation, and I will ascertain in a moment whether it can be applied to what happened.

Hon N.D. Griffiths: Are you criticising the electoral commissioners?

Hon SIMON O'BRIEN: No, I am criticising the clever Labor members - the minister's predecessors - who drafted the provisions at the time. They are now succeeded by some of the minister's smart-alec colleagues who are trying to put through these Bills and to pretend that they are about fairness and equity. No, I am not saying that the electoral commissioners showed any bias in any way. I am saying that the system that they were given to work with guaranteed that there would be a bias. I will tell the House the way in which the bias works. The seat of Cockburn at that time was a rapidly growing area. It was dissimilar to the current seat of Cockburn and its boundaries. In 1989, it was intended to call the seat Bibra. However, the City of Cockburn objected. It felt that there should continue to be an Assembly district called Cockburn, and that view prevailed. Therefore, the seat that was going to be called Bibra was called Cockburn. Within that seat were all sorts of areas that have now built up a lot; for example, Bibra Lake and South Lake. At that stage, I think the quota for an Assembly district was, on average, about 20 000 or maybe 20 800. It was something in that neighbourhood, I think. Of course, one looks at the figures some time before the election when one first takes stock of a seat. The enrolment in Cockburn at that time was under 17 000 because it was an area that would grow. The seat of Applecross was an old, settled, steady area where there would not be any new subdivisions. People would just continue to live there. From memory, about 21 000 voters were enrolled. The number of votes on the election day in February

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1989 were fewer than that, as they always are. Nonetheless, there was a significant difference in some of these seats.

As I said, Cockburn was a newly created, safe Labor seat. It would always be a Labor seat. It took 10 183 votes to return a Labor member to the Assembly in Cockburn on a two-party preferred basis. I am relying on the 1989 state election results. It took 12 497 Liberal voters in the strong Liberal seat of Applecross to return a Liberal member. This was a theme that had people connected with my Cockburn campaign and those connected with the Liberal's Applecross campaign asking questions such as how much that continues across the State.

Hon Kim Chance: The imbalance now is 39 000 to 9 000.

Hon SIMON O'BRIEN: However, one could look at other situations. When I looked at the situation in the South Metropolitan Region, I found that to some extent the Leader of the House was correct in his interjection. There were a number of safe Liberal seats and a number of safe Labor seats throughout the district. The result of the two-party preferred vote across the 10 districts was that the Liberals won five of the 10 seats with 87 800 votes to Labor's 86 300 votes. It was slightly more to the Liberals, with 50.43 per cent across the 10 seats, but that is very much even stevens, and the parties got five seats each. On face value that seems to be very even-handed. However, it is not if one looks a little closer at the nature of the South Metropolitan Region at that time. The way these seats -

Hon N.D. Griffiths: You are going to talk about Hon Doug Shave, I take it.

Hon SIMON O'BRIEN: I am about to talk about Doug Shave. Melville previously had a 13 per cent buffer and was held by Hon Barry Hodge, a Labor minister. Doug Shave came along - whatever members might think about Doug Shave, he was a very good campaigner - and won that seat with 32 votes to spare. That is cutting it far finer than anyone would ever like. The point I am making is that as somebody had designed the system, Melville should have remained a Labor seat, but with a reduced majority from the 13 per cent it had previously. Therefore, the same sort of vote, but slightly above 50 per cent, would have gone to the Liberals across the whole region, but with six seats going to Labor and four to the Liberals.

Hon N.D. Griffiths: This is a hypothetical.

Hon SIMON O'BRIEN: As Hon Nick Griffiths says, it is a hypothetical and that is the way the cards sometimes fall. Let us look a little further afield.

Hon N.D. Griffiths: Elections are funny beasts.

Hon SIMON O'BRIEN: They are funny beasts. I do not know that there is anything conclusive in the South Metropolitan Region. I am not saying that there is, but this is what I investigated.

Hon N.D. Griffiths: You would be safer reading tea-leaves.

Hon SIMON O'BRIEN: That may well be the case. However, in the East Metropolitan Region things were rather different. The Liberal Party had 46.46 per cent of the two-party preferred vote to the ALP's 53.54 per cent across the whole region. One would expect that there would be strong Labor areas and strong Liberal areas across that vast, sprawling electorate.

Hon N.D. Griffiths: There were close contests.

Hon SIMON O'BRIEN: There were some close contests, but not all that close. All in all, the ALP ended up with eight seats to the Liberals' two. That is interesting, because, as Hon Nick Griffiths pointed out, there were very close contests in some of those seats. However, some of the Liberal-held seats were very one sided; all the Liberal votes in those particular localities had been grouped together.

Hon N.D. Griffiths: That is the nature of single-member constituencies.

Hon SIMON O'BRIEN: I will give my speech, because I have limited time and the minister wanted to hear what I had to say. It was the other way around in the North Metropolitan Region. The Liberal Party had 53.58 per cent of the vote, and the ALP had 46.42 per cent on a two-party preferred basis; yet eight of the 14 seats went to the ALP and six to the Liberal Party. A lot of surplus Liberal votes compacted into a number of seats with large majorities.

Hon Kim Chance: That is demographics. Rich people live in little ghettos; that is the way it happens.

Hon SIMON O'BRIEN: I am sure that one of the Leader of the House's colleagues will do his best to try to break them out of those ghettos. I make it clear that I am not suggesting that someone sat down with a pen and drew boundaries around those ghettos of Liberal voters, as the Leader of the House calls them, to concentrate them in one area, although that possibly occurred a few years later in the seat of Alfred Cove.

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Hon N.D. Griffiths: Are you suggesting that something untoward happened in the seat of Alfred Cove?

Hon SIMON O'BRIEN: I thought it was extraordinary that the subsequent -

Hon N.D. Griffiths: The seat of Alfred Cove came into existence under your Government.

Hon SIMON O'BRIEN: It did. I remember thinking at the time that Jim McGinty, the then Labor leader, could not have drawn the boundaries better himself for what became the 1996 election. Lo and behold, in 2001 we find out that yet again Jim McGinty wants to redraw the boundaries to his own benefit for subsequent state elections.

For those and a range of other reasons which have been expressed in this place and which will be expressed elsewhere on many occasions, I am suspicious of the motivations behind these Bills. I have explored only one area. Is there someone in this State who, as an observer of the political process around this place, does not know, or at least have a creeping suspicion somewhere deep in his heart of hearts or in the pit of his stomach, that maybe Jim McGinty and his colleagues are motivated a bit more by their own political wishes than by any notion of pure equality in the electoral system? I can see that the true believers opposite have faith that Mr McGinty's motives are pure, and that it gives them a warm, fuzzy feeling inside. I wish members opposite all the best in their enjoyment of that warm, fuzzy feeling, but I do not believe it one bit. Truth be known, no impartial believer believes it at all. The partial observers - I refer once again to the Greens (WA) - know in their heart of hearts that what is behind these Bills is a desire to advantage the ALP in subsequent state elections. They have chosen to accommodate that. They have found a way to accommodate that, supposedly to keep face with the public, by also putting in a few things for themselves. Hon Louise Pratt is pulling faces at me. I wish that if she had something to say, she would get up and make a contribution. She sits there with a couple of her colleagues, like April, May and June, and never makes a contribution. I hear the occasional sneer and snide remark, but they make no real contribution. They are wearing their enamelled badges from Emily's List Australia to show that they have been hoicked into the Parliament because they have such a contribution to make.

Hon Kim Chance: I am a member of Emily's List.

Hon SIMON O'BRIEN: Hon Kim Chance is a member of Emily's List?

Hon Kim Chance: I am. I have paid my \$75 and I am a member of Emily's List.

Hon SIMON O'BRIEN: I do not know what other sacrifices he had to make to be accommodated there. Compared with the contribution that is made by some others - there have been the Kirners and the Lawrences - at least the Leader of the House's contribution is substantial. It is a pity that on occasions like this, his undoubted skill is applied to lending his support to two Bills like this.

Hon Kim Chance: One word that none of you is prepared to mention is democracy, because you are frightened of it.

Hon SIMON O'BRIEN: These Bills are a great shame and a pity and a blight on the history of legislation and democracy in Western Australia. The proof of that is not in the figures and the way the boundaries are drawn or because we all know the motive behind this. What is wrong with these Bills is the skulduggery behind the puerile, transparent attempt to get around the law of this land by avoiding the need to have an absolute majority to pass the second and third reading stages of the Bills in this place. The Labor Government has done that by introducing not an amending Bill, but a Bill that purports to repeal by simple majority the existing provisions, and superimposes almost identical provisions that are contained in what members opposite are calling a new Bill while denying that it is an amending Bill. That is the real proof that this is a shonky legislative proposal. If people do not know in their heart of hearts that the very clever way of allowing for quotients and boundaries to be ruled and drawing boundaries up to seven or eight years in advance is wrong, they must know that the nature of these amending Bills is wrong. No-one of fair or reasonable mind can challenge that. This is clearly a way of getting around a provision that has been on the statutes of Western Australia for many years.

Hon N.D. Griffiths: Are you going to thank us for helping you with your speech?

Hon SIMON O'BRIEN: Hon Nick Griffiths can give me an extension of time if he is desperate to ask more questions. I intend to conclude because I do not want to detain the House.

Hon Derrick Tomlinson: I do.

Hon SIMON O'BRIEN: In conclusion, the Leader of the House wants to know about democracy. I said earlier that people exercise their votes once in 1 461 days. That is when it counts and when we must consider what equity and fairness are. When we draw up the figures, seven or eight years before that day, not 1 461 days but 2 922 days ahead, and indicate the boundaries two elections down the track, they will be the fair figures on which everyone can vote! That is how cockeyed results arise, as the Labor Party found in 1989.

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Hon Kim Chance: Not with 39 000 to 9 000. That is the imbalance now.

Hon SIMON O'BRIEN: It is under the system the Labor Party created, which further illustrates the point and which is a good time for me to conclude. I want to leave some time for Hon Louise Pratt, who will no doubt tell us about democracy in Western Australia.

HON DERRICK TOMLINSON (East Metropolitan) [9.45 pm]: Is Hon Louise Pratt not going to speak? Never mind, I know what it is like to be on the backbench in Government. She will be in opposition soon and she will then have a chance to speak.

The challenge was thrown out by the Leader of the House to talk about democracy.

Hon Kim Chance: I thought it would be a nice change.

Hon DERRICK TOMLINSON: Had he been here earlier he would have heard an erudite presentation on the notion of democracy by Hon Frank Hough. The question of democracy is interesting, because that body, which was deemed to be the epitome of the democratic system was Periclean Athens. As Hon Frank Hough pointed out, in Periclean Athens there were three classes of people: the citizens, the plebeians and the slaves. The only people who participated in this process of the people ruling - the democratos - were the citizens and the plebeians, who were the minority.

These days, we would call the plebeians - the artisans - the working class, as distinct from the slaves who were precisely that, goods and chattels owned by the citizens.

Hon Kim Chance: Hon Simon O'Brien still regrets that we changed that.

Hon DERRICK TOMLINSON: It has not changed a great deal at all.

Hon Simon O'Brien interjected.

Hon DERRICK TOMLINSON: Does Hon Simon O'Brien want an extension of time?

Hon Simon O'Brien: I'm sorry, I was just taking it.

Hon DERRICK TOMLINSON: That notion of democracy is about governance by a power elite. That is the fundamental principle of democracy laid down by Periclean Athens. Is that very different from today? The notion of democracy - the notion that people govern - is nothing more than governance by the power elite; the power elite being the citizens as opposed to the plebeians and the slaves. Is that very different from what we have in Australia today? The philosophy that used to prevail in the Labor Party - I am grateful that it no longer does - was based on a class war between the capitalists and the workers. The struggle in the Australian political system was between the capitalists or the bosses and the workers. The bosses were the power elite in terms of finance and management. The underclass in that proposition comprised the workers. However, the workers recognised - this was the birth of the Labor Party - that if they were to compete equally with the capitalist class, they would have to unite, because in unity there is strength. However, in any body established along democratic principles, a power elite emerges, the members of which function to protect their own positions of power. Let us call them unions. In about 1966 there was a distinct shift in the Labor Party when it became much more inclusive, but still a power elite, which is much more a middle-class elite. Our democratic system in Australia continues to have a contest between two power elites: the power elite of the capitalists versus the power elite of the Labor Party, or the power elite of the Liberal and National Parties versus the power elite of the Australian Labor Party. The plebeians and the slaves in that system are simply used and manipulated to maintain the positions of power of those two elites, which are in constant contest with one another. So much for the Labor Party's notion of democracy. It is really about the contest for the distribution of power. That was the point made by Hon Frank Hough in his erudite presentation.

Let us move to another rather nebulous concept - equality. I draw again upon the speech of Hon Frank Hough, who said that equality is possible only when all other things are equal. If all things are not equal, and it is desired that people in this democracy have equal power, those who are unequal by circumstances beyond their control must be treated unequally. I will try to illustrate that point, because I see that the minister has a quizzical look on his face.

Hon Kim Chance: Are you talking about disabled people?

Hon DERRICK TOMLINSON: I will use that example. A person who is disabled is not able to function in society without some form of assistance. For that person to function as an equal within our society, he or she must have some aid to function equally. That is a very easy concept to understand - that if a disabled person is to function equally, that person must be treated unequally.

Hon Kim Chance: Because that person needs a guide dog, for example?

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Hon DERRICK TOMLINSON: Yes, for example. The member should try to take his dog into a public place. Take another example, of the child who is intellectually not the equal of Hon Nick Griffiths. A person who does not have the intellectual capacity to function equally with Hon Nick Griffiths would require more time to acquire knowledge, and greater assistance to acquire knowledge and skills in the education system. In the education system, the notion exists that every child must be treated equally in terms of outcomes. For there to be equal outcomes in the educational system, each child must be treated differently, because each is different. The child with the greatest learning disability will have the greatest share of resources. Some of our education resource centres have a teacher-pupil ratio of two teachers for one pupil. This is a fairly easy concept to understand. The proposition is that for people to function as equals they must be treated unequally, or must be given an unequal share of the community resources.

Is Hon Louise Pratt trying to interject? Here is her chance to make a speech. She should not be shy.

Let us now relate what I have just argued to the argument that I have heard so many times in this debate - the comparison between urban and rural dwellers. Opportunities are available to urban dwellers because there is a sufficient mass of people to economically provide quality and quantity of services - schools, hospitals, roads, and a transport system - which we take for granted in our metropolitan areas.

Hon N.D. Griffiths: How do you propose to treat non-metropolitan urban people?

Hon DERRICK TOMLINSON: Hon Nick Griffiths is anticipating me again, because, by comparison, they are not equal in terms of their opportunity for access to education, health services and entertainment.

Hon Kim Chance: They are not far away from it. How is a resident of Kalgoorlie worse off than a resident of Perth?

Hon DERRICK TOMLINSON: That is an excellent point, because Kalgoorlie is a major urban area. How can that be compared with Leonora? Let us explore this. There must be a sufficient mass - I will call it a critical mass - that does not implode or explode. There must be a critical mass. In the urban areas - whether they be the metropolitan area or the rural urban areas such as Albany, Geraldton, Bunbury and Kalgoorlie - there is a sufficient mass of people to provide reasonable access to health, education, welfare, employment and quality of life. Moving away from those areas into the rural and remote areas, the population becomes smaller and is more sparsely distributed. The critical mass disappears. Without the critical mass, either of two things is required to provide those people with equal opportunity for education: the education must be taken to them, or they must be taken to the education. The ratio of spending on remote students as opposed to urban students is eight to one. The School of the Air takes the education to the students, using the most effective medium. Alternatively, if it is a more effective way to provide the education service - particularly so in upper secondary school - the students are taken to the education, and the cost of that is paid in the form of living away from home allowances, isolated children's schemes and student travel. Four times a year, their travel to and from their place of residence is paid.

Hon Kim Chance: That is a sound social argument, but it is not an argument for giving them two votes.

Hon DERRICK TOMLINSON: Of course it is not a reason for giving them two votes. However, just as in all of those very obvious cases of physical and intellectual disability, society is quite willing to accept that for those people to have equal opportunity, they must have an unequal share of the community's resources. Likewise, people living in geographically remote areas must have an unequal share of resources to allow them to participate equally as citizens in Australia, with all the rights and privileges of citizenship. The ratio of expenditure on education, health schemes and all manner of resource allocations between urban and remote areas is eight to one. That does not mean they are given two votes. They receive one vote.

Hon Kim Chance: They get two now.

Hon DERRICK TOMLINSON: Hon Kim Chance knows that is a falsehood. The member knows that every person has one vote. I will correct myself; most people have one vote. Some people vote early and vote often, but they are acting unlawfully. We lost the seat of Swan Hills in 1989 because 400 dead people voted; however, that is another argument. Every person in Western Australia who is enrolled to vote and fronts up on polling day lawfully gets one vote.

Hon Kim Chance: However, they do not get the same value.

Hon DERRICK TOMLINSON: That is exactly my point. For people to participate equally as citizens in the Australian government system, they must have the same unequal treatment as if they were disadvantaged in other respects. If they are geographically disadvantaged in their ability to participate in government decision making, it follows by the same principles of redemptive egalitarianism that they are given a greater share of the resources. They cannot be given two or three votes, but factors including geography, distance from the centre of power, ease of access to the centres of power and ease of communication are taken into account. Do not tell me

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that it is easy to communicate in the bush, because it is not. In spite of satellite telephones, some people still do not have telephones in their homes. Taking into account all of those things, if those people are to participate equally and are to be equal citizens in the decision-making process, they must have unequal opportunities. That is the difference with the Government's proposition that they have two votes, which is a lie; they have one vote. However, their representation takes into account their geographic disadvantages. The system is not based on equality -

Hon Kim Chance interjected.

The PRESIDENT: Order, Leader of the House, this is not question time. I call Hon Derrick Tomlinson, who might like to address the Chair.

Hon DERRICK TOMLINSON: Thank you, Mr President. The system is not based on equality but equity. Mr President, as you and I discussed many years ago, the difference between equality and equity to advise equal outcomes - do you not want me to address the Chair, Mr President?

The PRESIDENT: I do.

Hon DERRICK TOMLINSON: Equity means taking account of the circumstances that cause some people to have fewer opportunities than others. That is the proposition that the Government must consider when it refers to equality.

Hon Kim Chance: What services justify the need for three times the voting power? The member has not explained that.

Hon DERRICK TOMLINSON: It is not three times the voting power. The difference is fair representation. The minister will call it unequal voting power; however, I will call it equal voting power but with unequal representation to account for other disadvantages faced by those constituents. By the very principles of redemptive egalitarianism in our society, people who are disadvantaged by circumstances beyond their control are entitled to unfair treatment to make them equal citizens.

Hon Kim Chance: By the same logic, the poor should get three votes because of their disability.

Hon DERRICK TOMLINSON: No, they should not, because I do not believe that they are disempowered from the power system or that they are unequal in the power system simply because they are poor. They might be disempowered in my party and in the minister's political party because they are not political elites; however, they are not disqualified from being political elites just because they are poor. I am a striking example of that!

The PRESIDENT: The member has always been a striking example!

Hon DERRICK TOMLINSON: We will never come to any consensus on this issue because the perception of what equality means is the fundamental difference between the two sides of the House. On this side of the House, equality means fair representation; on that side of the House, it means equal representation. The matter will be resolved by the group that exercises maximum power. Maximum power is the absolute majority of numbers in this place and the other place. That is the way the issue will be resolved. It will not be resolved by intellectual argument; it will be resolved, as all things are resolved in democratic systems, by the exercise of power by the power elite. That is democracy. I am sorry that Hon Kim Chance has fled before I had the chance to return to the theme of democracy, because he was so keen to talk about it.

I want to focus on this Chamber, because in all the debates I have listened to in this Chamber about the Electoral Amendment Bill, the focus has been on the other place. Even the Bill focuses on equality in the other place and keeping the status quo in this place. I suggest that the only reason the status quo will remain in this place is that the power elite has realised that it does not have the numbers. If the members of the power elite do not have the numbers, they will not chance their arm. One of the underlying principles driving the need for reform in the lower House is the understanding that Government is formed in that Chamber. That is where control of the Treasury lies and where the Executive resides. I am aware that some members of this House participate in the Executive; however, Government is formed in the other Chamber. Therefore, the argument being propounded is that true, equal Government means equal representation in the districts. I can understand the principles underlying that argument. Clearly, I do not agree with them, because I argue for fair representation as opposed to the notion of equal representation that is being propounded in the Bill.

Whereas there is a discernible justification or theoretical underpinning of reform of legislation in the Legislative Assembly, there is no theoretical underpinning or philosophy that drives change in this place. The only philosophy that affects this place - the status quo - is the knowledge that the power elite is powerless. It does not have the numbers. One of the great problems of this House is that we have yet to determine our role. What is our role? I compare my role, as a member for the East Metropolitan Region, with the functions and role of my 10 Assembly colleagues in the same geographical regions. They are quite different functions. My Assembly

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colleagues are truly representatives. I cannot claim to represent Armadale, Serpentine-Jarrahdale, Gosnells, Belmont, Mundaring, Swan Valley, Gidgegannup and Beechboro, because each of those is a distinct community with its own characteristics. The 10 lower House seats have, as a guiding principle of the establishment of electoral boundaries, a community of interest. They have, in theory, a representation of each community interest. In the upper House, we do not have that representation of a community interest because we are five members elected on proportional representation to service geographically two-thirds of the metropolitan region.

Our functions are different, although, like my lower House colleagues, I constantly receive calls from constituents to assist them through the intricacies of public governance. I am called upon, just as my lower House colleagues are, to visit schools, hospitals and public places, and to attend funerals, the opening of art galleries, the establishment of parks and the unveiling of statues.

I am a politician and a parliamentarian, like my lower House colleagues, but our functions are different. Have we really defined our function? We tend to rely upon the proposition that we are the House of Review. Historically, that was the function of the Legislative Council. We inherited that function from the British Westminster system. The Westminster system is about the devolution of power to the Commons and the retention of constraint by the power elite - the House of Lords - upon the exercise of power by the Commons. We transported that system to the colonies. What did we do in the colonies? First, we gave governance to the power elite. In the colonial period, the Legislative Council was the power elite. When we established the Legislative Assembly and gave governance to that power elite - which was the Legislative Council of the colonial period - the power elite retained that power of review and that constraint upon the exercise of power by the Commons. That situation in the franchise existed until 1963, I think, when there was electoral reform. For that date, I rely on Hon Nick Griffiths, who is usually the font of wisdom in these matters. However, it was in that period.

The electoral reform in 1963 took away the property franchise and exclusive power of the financial managerial elite and democratised power; in other words, distributed it equally among all male and female enfranchised citizens, initially over the age of 21 and subsequently over the age of 18. The function of review, therefore, changed. After 1963, that function of review did not exist except insofar as the electoral distribution continued to favour the rural elites because of that weighting of representation. It was nothing more than the exercise of power by an elite.

Let us follow through the notion of the House of Review. I described it in political terms as something that we inherited from our colonial antecedents. However, Hon Frank Hough pointed out that the Australian Constitution was derived largely from the federal Constitution of the United States of America. Although all the Constitutions of the States had their origins in a British parliamentary statute, they took the hereditary power elite principle and applied it to a financial managerial landed power elite in the colonial system because there was no hereditary aristocracy in the colonial system.

Returning to the American system, we find that the authors of the American Constitution espouse the virtue of the bicameral system. Alexander Hamilton, one of the authors of the American Constitution, said -

“It is a misfortune incident to republican governments” he said, “that those who administer it may forget their obligations to the constituents, and prove unfaithful to their important trust. In this point of view, the Senate, as a second branch of the legislative assembly, dividing power with the first, must be in all cases a salutary check on the government. It doubles the security of the people by requiring the concurrence of two distinct bodies in schemes of usurpation or perfidy, where the corruption of one would otherwise be sufficient. This is a precaution founded on such clear principles that it would be more than superfluous to enlarge on it . . .”

Therefore, to prevent the power elite, who became the Government in the Assembly, from abusing its power, the argument is to have a second Chamber as a check and balance on the exercise of power. We would like to believe that that is what this Chamber is about.

Again, referring to one of the authorities of my learned colleague Hon Frank Hough, John Stuart Mill said -

“A majority in a single assembly, when it has assumed a permanent character, when composed of the same persons habitually acting together, and always assured of victory in their own House, easily becomes despotic and overweening, if released from the necessity of considering whether its acts will be concurred in by another constituted authority. The same reason which induced the Romans to have two consuls, makes it desirable there should be two chambers; that neither of them may be exposed to the corrupting influence of undivided power, even for the space of a single year.”

John Stuart Mill espoused a principle propounded by Robert Michels who argued the iron law of oligarchies, which was simply that any institution founded on democratic principles functions to protect the power of those

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who exercise authority, and those who exercise authority function to continue their own power. Therefore, a body established on democratic principles inevitably, according to Michels' iron law of oligarchy, becomes an oligarch - an authority power exercised by a permanent power elite.

John Stuart Mill argued that to prevent that happening there needed to be a second Chamber, because in the second Chamber the opportunity to review is a check and a balance on power. We would like to think that is so about this Chamber. However, I turn to a scholar whom I respect; Professor Frank Crowley, who taught me history in my second undergraduate year. I am referring to the proceedings of the Fourth Annual Workshop of the Australasian Study of Parliament Group, entitled "The Role of Upper Houses Today", Gordon Reid, Editor, 1983. Professor Crowley stated about the Legislative Council in Western Australia -

"The influence exercised by the Legislative Council" . . . "has been due principally to the great difference in the franchise of the two Houses of Parliament. The Council represents property and interests rather than numbers, and rural areas more than urban areas . . . The relationship of the two Houses of Parliament is notable for its chronic political dissensions. The Council has at all times been zealous to assert its constitutional rights within the parliament, while on the other hand for more than half a century it has been the frequent object of ridicule and criticism of labor supporters . . . Electoral results have never rewarded the Labor Party with a majority in the council . . . Disputes between the Council and Assembly have never paralyzed administration, but have often acutely inflamed political tempers.

That was the case until 1993. In 1993, as a result of the 1987 amendments to the Electoral Act, the monopoly by the two elites of the Liberal-National coalition and the Labor Party was broken by proportional representation, which allowed minority groups or other power elites to erode that monopoly. We now have the situation in which, to exercise the sort of power necessary to reform this Chamber in the manner in which the power elites in the Assembly might prefer, they require the concurrence of the minority groups - in this Chamber either the five Greens (WA) members or the three One Nation members. Before that, of course, it was the Greens and the Democrats, and before that an Independent held the balance of power in this Chamber.

In spite of the rhetoric about this being a House of Review, it never has been. Yet what did the reports of the Royal Commission into the Commercial Activities of Government and Other Matters, for example, blame for the excesses of the abuse of power in that period? They found fault in this Chamber. The royal commissioners argued - not in these words - that this Chamber did not properly exercise its powers of review. We could argue that at length, but the proposition underlying the royal commission's argument is that this Chamber is one of the checks and balances on the power and authority of the other place; a check and balance on the Executive and on the institutions of government. However, this House has not been a check and balance on the institution of government historically, when for a century one party held undisputed control of this House. It was not until 1993, when the minority groups entered this Chamber and controlled the balance of power, that it had the capacity and the opportunity to function as a House of Review, because they were disinterested - I use the word advisedly - power groups that had to be courted by the other two power elites. The proposition I put to you, Mr President, is that in 1988 we reformed the Electoral Act and brought about a profound change in the composition of this Chamber. We reformed the Electoral Act and provided for proportional representation to enable the formally disempowered minorities to exercise power in this Chamber, but in doing that, at no time have we sat down and considered what is the function of this Chamber. Since 1990 a process of review has emerged - to the opposition of the power elites - through a committee system, but the nature of this House does not allow that committee system to function as a process of review.

One of the things that is missing in this Bill is any attempt to consider the functions of the two Houses. Certainly there is the proposition that government is formed in the Assembly, and government in a representative democracy demands equal representation; therefore, we must have one vote, one value. That philosophy underpins the fundamental reform of the Bill. There is no attempt to reform this House, not because the power elites believe that this House does not need reform - it does - but because nobody has sat down to determine what its function is. Until we determine what its function is, any attempts to reform will be quite meaningless.

Let us go back to my original proposition. Democracy is a contest of power between political elites. One of the contests for power between those political elites is the interests of the rural versus the metropolitan. Underlying the 1988 reforms is equality in the representation between rural and metropolitan in this Chamber - equality in representation insofar as they have equal numbers, not insofar as they have equal numbers of electors. I suggest that before this Bill proceeds any further, it needs to be reconsidered and a function of this House framed so that the House can be reformed according to a coherent and cogent philosophy.

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HON ALAN CADBY (North Metropolitan) [10.29 pm]: The Government keeps telling us that weighted voting in Western Australia is some kind of deep democratic aberration. Hon Nick Griffiths stated in his second reading speech -

Every citizen shall have the right and the opportunity . . . without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote . . . at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

He went on to say -

Comparison with similar democratic countries such as the United Kingdom, India, France, the United States and Canada . . . supports the proposition that electoral equality is now regarded as an essential feature of representative democracy.

The fact is, however, that in many parliamentary jurisdictions that depend on single-member electorates, there is no enrolment equality. The United Kingdom, to which the minister referred in his second reading speech, does not have one vote, one value. It has a system of boundary reviews that moves slowly and that deliberately subordinates equality of enrolment to community of interest. It gives weighting to regions on the basis of politics, and, sadly, under Blair's New Labour policies, increasingly for party partisan politics.

I will give some of the facts about the voting system in Britain. It must be remembered that Britain has been used by the minister as a prime example of one vote, one value politics. First, Britain has no automatic trigger for redistributions. They are a long process held at the pleasure of Governments. The same set of boundaries will last for more than a decade. In the half century since the end of World War II, there have been only five redistributions. There were redistributions in the late 1940s, the mid 1950s, the late 1960s, the early 1980s and the mid 1990s.

For political advantage, the 1960s Labour Prime Minister, Harold Wilson, suspended the redistribution due to come into effect for the 1970 election, which he lost anyway and which hopefully is an omen for our current Government! By 1970, there were massive disproportions between the inner-city rotten boroughs - I lived in one known as Sandwell - and the outer suburban seats many times their size. In contrast, thanks to the Electoral Distribution Act 1947, Western Australia has had honest and regular redistributions on no fewer than nine occasions - in 1948, 1954, 1961, 1966, 1972, 1976, 1981, 1988 and 1994. Sadly, I was alive for all those. Whatever the fate of this Bill, there will be a redistribution - the tenth - in 2002.

Secondly, in Britain the practice of redistributions is to maintain local government boundaries at the expense of numerical equality. Accordingly, there are more than 106 000 electors in the Isle of Wight, which is off the southern end of Britain, partly because it is a separate local authority and it would run against tradition and local sentiment to have part of the island hived off into another seat. This is despite the fact that it is 50 per cent larger than the average English seat and has nearly five times the enrolment of the smallest seat in the United Kingdom Parliament. This seat is in the Western Isles of Scotland, and had an enrolment of some 21 807 for the 2001 general election.

Of course, it is easy to focus on odd extremes of enrolment, as the Labor Party has done with Wanneroo. What is more significant is the systematic over-representation of the regions within the United Kingdom. Traditionally, Wales and particularly Scotland were given more seats than they merited on a strict basis of enrolled population. Northern Ireland, until the 1970s when it lost its Parliament, was deliberately under-represented on the basis that no other region had its own Parliament. Of course, there was a major change in 1999 when Scotland and Wales got their own Parliaments. Logically, Scotland should then have been brought into line with the rest of the United Kingdom and lost at least 10 of its 72 seats in the House of Commons, but that did not happen. It did not happen because New Labour holds 56 of the 72 Scottish seats. The 72 Scottish seats enjoy a 20 per cent weighting against English seats. At the recent general election, they had an average enrolment of 55 300 compared with around 69 000 for English seats. We must bear in mind that most Scottish seats are not remote and geographically distinct like the Western Isles, but are urban seats with easy communications. When Wales is included with Scotland, there are 112 seats, of which 90 are held by the Labour Party and only one by the opposition Conservative Party. Labour is maintaining a vote weighting for its own advantage. I have taken members through this study of the British Parliament to show not only that it has only a nodding reference to one vote, one value but also that Labour gains a positive benefit from the inequality of enrolment.

It is no accident that this Bill, through the device of imaginary voters, maintains an extra seat in the Mining and Pastoral Region, while the Agricultural Region gets little benefit. There will be four members in both regions,

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but the value of a vote in the Agricultural Region will be more than 25 per cent less than in the Mining and Pastoral Region. The Labor Government has worked out that in the Agricultural Region it would be hard-pressed to hold an expanded Geraldton seat, and would have no chance whatsoever of winning the other three seats. Yet in the Mining and Pastoral Region, on historical voting patterns, it could win all four seats easily. All this rigmarole about dummy electors is not about fair representation of electors; it is about maximising the election chances of a callous, greedy Government that only recently attempted to tax old people out of their homes.

In the process of redistribution, as set out in proposed new sections 16H and 16J in clause 4 of this Bill, there is to be a major innovation. The enrolment equality that this Bill seeks to achieve will not be based on actual enrolments; rather, it will be based on projected enrolments four years ahead of the redistribution. Districts with an area of less than 100 000 square kilometres will need to have enrolments within 10 per cent of the average enrolment in 2006. Those few districts with an area greater than 100 000 square kilometres will be able to depart from the quota by 20 per cent.

[Quorum formed.]

Hon ALAN CADBY: I say in passing that the Bill elevates statistical forward enrolment projection to a kind of holy writ. In general, the projections may be correct. However, they are always only projections, not real voters on the electoral roll. Unforeseen economic shocks can negate the most careful and honest forward projections, and we are all aware of the dangers of extrapolation in trend analysis. The Bill says nothing about any limits on enrolments at the time of the redistribution. It is obvious that if boundaries are drawn so as to balance in four years, districts with a high anticipated growth will have their initial enrolments set well below the average. It is equally clear that those districts that are anticipated to have below average growth, or even declining enrolments, will have their initial enrolments loaded up.

An outer suburban district like Wanneroo, which I have mentioned before, or perhaps a hypothetical new seat that we might call Quinns, could have an extremely low initial enrolment and be the smallest district in the Legislative Assembly. Nothing in the Bill precludes this. On the other hand, it is easy to predict which districts will be given initial enrolments well above the average, anticipating that this will even out in four years. These will be the broadacre farming electorates that are not sufficiently large in area to benefit from dummy electors and the inner metropolitan seats.

We can look forward to great southern National Party heartland seats with high enrolments and the maximum number of inconvenient, non-Labor electors corralled into two or three ultra-conservative seats. This disproportion will be very much in evidence at the next election in 2005.

The Labor version of one vote, one value will devalue the votes of farming communities as opposed to votes in the high-growth, outer suburban area that either favour the Australian Labor Party or are politically volatile.

The other electors whose votes will be devalued by this apparently innocent proposal to project enrolments four years ahead are the electors of Cottesloe, Nedlands and Alfred Cove - electorates in which elderly people may still be taxed out of their family homes by this predatory, socialist Government and the electorates that this Gallop Government has not the slightest interest of trying to win. High enrolments will waste the votes of these people whose interests the ALP does not govern. They could have enrolments 4 000 above average; that is, 4 000 electors who will be within, for example, Nedlands and not within a marginal seat.

I turn to the eighth report of the Standing Committee on Legislation. Although I have had insufficient time to read the report, I have glanced at the recommendations. I acknowledge the commonsense of all committee members in the second recommendation, which states -

The Committee recommends that section 16H in Clause 4 of the Electoral Amendment Bill 2001 be deleted.

The fifth recommendation questions the lawfulness of the Bills relating to electoral reform. Today we heard the intention of the Clerk of the Legislative Council to seek answers from the Supreme Court on questions related to the Bills and the absolute majority status. I am disturbed, however, by recommendation 19 on page 164, which states -

The Committee by a majority (Hons Jon Ford, Kate Doust, Adele Farina and Giz Watson MLCs) recommends that an inquiry be held into optional voting for 16 and 17 year olds.

Today we received a report from the Auditor General titled, "Life Matters: Management of Deliberate Self-Harm in Young People". The executive summary on page 5 states -

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Western Australia has one of the highest rates of youth suicide in Australia and, given the increasing pressures on young people and the global trend in youth suicide, it is possible that this number could rise despite recent suicide prevention initiatives.

Page 9 of that report states -

Western Australia has one of the highest rates of youth suicide in Australia with 47 deaths in 1999 and 65 in 1998. However, given the increasing pressures on young people and the global trend in youth suicide, it is possible that this number could rise despite recent suicide prevention initiatives.

Although I am not tempted to link voting with the suicide of young people, it may be an option for some which may be too much to face. Page 163 of the eighth report contains a submission by Mrs Jacky Embry, in which she discusses the pressure on young people. In her submission to the committee on lowering the voting age to 16 years, she stated -

"This is not a fair imposition to place on our children who are still growing and learning about themselves as they progress through puberty. They should be allowed to be 'children' for longer before the responsibilities of adulthood are thrust upon them."

I could not agree more with the author. We should let young people enjoy their childhood without being burdened by the possibility of voting, just because it may suit a political party that is out to destroy our society as we know it under the guise of protecting the environment.

It is common knowledge that many in the Labor Party have sold their souls to the Greens (WA) in supporting gay and lesbian reform and the demotion of the relationship of marriage as a foundation on which to bring up children. What is next? What will they do to get the Greens' support? Maybe the destruction of all private Catholic school systems, and for what? All of this in the hope of entrenching a Labor Government of envy in Western Australia.

As many members may be aware, 1999 saw the passing of Screaming Lord Sutch. Screaming Lord Sutch was the founder of the Monster Raving Loony Party. Members should not be upset; the spirit of the Raving Loony Party is alive and well in WA. It is now under the guise of the Labor-Greens coalition. Today I went on to the web page of the Raving Loony Party and downloaded a few of its policies. These policies are for the United Kingdom, so some of the terms, places and the like may be different. These policies will certainly strike a chord, particularly with those on this side of the House. Its policy on transport and regions environment states -

Under a Loony government any prospective home purchaser be issued with a full description of such dictionary terms as 'floodplain', 'coastal erosion' and 'exposed headland'. This will save time explaining why they have no house anymore after nature takes charge of the environment.

Its road policy states -

To prevent a fuel crisis and help farmers we will work together with Volkswagen to produce a new car which runs on farmyard effluent. We propose to call this new car the 'Dung Beetle' . . . In order to stop motorway congestion - We'll Close Them!

I hope Hon Robin Chapple is writing these down, because I am sure they will appear in the manifesto of the Greens next time.

Hon Robin Chapple: They are already here.

Hon ALAN CADBY: As I said, the Raving Loony Party is alive and well. That policy continues -

Public Transport All bus shelters will have central heating. This will be turned on full in summer and off in the winter, just like the buses. Shipping In the interest of safety, all Cross Channel Ferry crews will be made to wear flares.

I turn now to its regions policy. Members must think about the English regions and translate that into the regions of Western Australia. Its policy states -

We will really do something about the north-south divide. We will place labels in the extremities of the country, like Lands End, and John O'Groats, and then fold tab 'K' (Kent) into slot 'M' (Merseyside), and fold tab 'C' (Cornwall) into slot 'W' (The Wash), finally, folding tab 'J' (John O'Groats) into slot 'S' (the Severn Estuary), and end up with an interesting bit of Origami. After sticking a pin in the middle around Birmingham, we'll make a nice rosette to wear at party campaign meetings. Alternative policy: The north/south divide should become a more complicated mathematical equation rather than a simple division. We suggest a square root. Down in the south of Britain there is invariably a water ban

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during the three weeks of sunshine. To the north of Britain there is a Loch . . . We'll drain the Loch . . .
pipe the water down . . . two mysteries solved!

Its policy on media and sport culture states -

We believe that a "Monty Python Ministry of Silly Walks" should be put in place.

Members may translate this into the new belltower or even the convention centre. It continues -

The Loonies plan to hire Japanese origami experts to fold the millenium dome roof into the shape of an elephant to reflect this amazing national phenomena being a white elephant . . . Hat wearing will be encouraged by abolishing VAT on headwear. This will also help revive the UK's ailing millinery industry. It will be illegal for bald people not to wear a hat in public. This will prevent accidents caused by sunlight reflecting into the eyes of unsuspecting aircraft pilots. This idea will also be extended into the Houses of Parliament. The speaker in The Commons will have the power to make unruly MPs stand in the corner for ten minutes, wearing a pointy hat with a big 'D' on it.

MEDIA There should be a national debate on the subject of why there is only one female Smurf. . . .

We'll introduce fruit machines where you put a lemon in the slot to try and line up three of the same coinage, in order to win more lemons.

EDUCATION

This is close to my heart. I am sorry Hon Graham Giffard is not here. We asked a question on this.

We'll make class sizes smaller by standing kids closer together & giving them smaller desks. Schools will be instructed to concentrate on the four Rs: Reading, Writing, Rock and Rave. Any MP who's constituency sells off a school playing field to developers will be required to relinquish his/her own back garden as a replacement sports facility for the school. . . . Due to the decline in educational standards and vocabulary, it will be made law that every child should make up a new word every day and use it when talking to their mother. Potentially, English develops 21 900 000 words in a single year if everyone follows this policy, thus enriching our language.

DEPT OF HEALTH

I hope Bob Kucera can hear this -

We propose to facilitate free electric chairs for the disabled if they want them. Free Viagra will be made available for the over 69s. . . . We propose to double the NHS bed capacity by building giant mirrors alongside every hospital. . . . We believe that all doctors, whether trained in Britain or overseas, should be made to take a course in basic spoken English, rather than their native Medicaese, as well as training in readable handwriting, as opposed to Scrawlese.

HOME OFFICE + LAW AND DISORDER

Our policy on Asylum Seekers is simple, the asylum should be better sign-posted.

One for the Greens -

It is proposed that a law be passed making all "GM" foods illegal. They just stick to what they do best . . . making -

Hon Derrick Tomlinson: Making motor cars.

Hon ALAN CADBY: I thank Hon Derrick Tomlinson. I am trying to find something I can read without falling about with laughter. It is difficult, particularly when Hon Derrick Tomlinson is making me laugh.

FISHERIES

We will clean up the fishing because it stinks.

FOOD

Free range chickens will be issued with free range rovers . . .

MINISTRY OF DEFENCE

All bombs & guns should be kept in the fridge to stop them going off.

MINISTRY OF PETS

Extract from *Hansard*

[COUNCIL - Wednesday, 28 November 2001]

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All animals will have the same rights to cross the roads as zebras, pelicans and puffins. Electronic pets will be allowed a proxy vote by email . . .

DEPT OF TRADE AND INDUSTRY

All fast food burger outlets will be banned under the trading standards act. Its not beef in those burgers, it's cardboard.

TREASURY

The Loonies propose that a minimum requirement of maths 'O' Level be made for all government ministers and their treasury advisers, thereby preventing two different rates of inflation when used to calculate raises in both state benefits and taxes. We'll illuminate the Black Economy by shining a light on it.

There is more. I read that to break the monotony. Much of what I wanted to say has been said and I do not like to repeat everything. I have lost my place and my other policies from the Raving Loony Party, so on that note, I will sit down.

Debate adjourned, on motion by Hon B.K. Donaldson