

Mr Matt Birney; Deputy Speaker; Mr Tony McRae; Mr Colin Barnett; Mr Paul Omodei; Dr Geoff Gallop;
Speaker; Mr Arthur Marshall; Mr Jim McGinty; Mr Dan Barron-Sullivan; Mr John Hyde; Mr Max Trenorden;
Acting Speaker; Mr Tony O'Gorman; Mr Jeremy Edwards; Mr Mark McGowan

REGIONAL COUNCIL FUNDING

Motion

MR BIRNEY (Kalgoorlie) [4.15 pm]: I move -

That this House condemns the Premier for his recent threats to withdraw funding from regional councils which exercise their democratic right to oppose the underhand method used by the Labor Party to introduce its one vote, one value policy, which is now the subject of Supreme Court action after being challenged by the Clerk of the Legislative Council.

I note for the record that neither the Premier nor the Minister for Electoral Affairs is in the House. I apologise. The Minister for Electoral Affairs is in the House. This motion is, of course, directed to the Premier and, sadly, he is not here. The Premier has had about a day's notice of this motion, so his absence speaks volumes.

Mr Barnett: He is probably running for cover like he did on the drugs debate on Tuesday.

Mr BIRNEY: I suspect that is the case. On face value, this is a fairly convoluted issue, but when a few of the anomalies are broken down, it is clear that we are dealing with a hypocritical Labor Party and a Premier who is ignorant of the legislative process. That may sound somewhat interesting coming from me as a new member, but I assure you, Madam Deputy Speaker, that I have done a deal of research on this matter and I can say that the Premier has very little understanding of the legislative process as it relates to Labor's proposition to introduce one vote, one value.

I take members back in time to around 1899, when we had a single constitutional document known as the Constitution. That document contained all the provisions that are currently contained in the Electoral Distribution Act, as amended in 1947. Every time we changed our electoral boundaries we had to tamper with our Constitution. I am glad to see that the Premier is now with us. The Constitution was then split into three documents: the Constitution Act 1889, the Constitution Acts Amendment Act 1899 and the Electoral Distribution Act 1947. The Electoral Distribution Act 1947 contains what is known as an entrenchment provision, which is there for a very good reason. It is designed to stop maniacs from tampering with our electoral system. Sadly, the maniacs opposite are of the view that they have found a way around this entrenchment provision, which requires an absolute majority of votes in both Houses of Parliament before any amendment can be made to the Electoral Distribution Act. When we had only the one document, it could not be repealed or amended without an absolute majority. However, when the document was split into three documents, that entrenchment provision, at least in writing, related to only the word "amend". The provision stated that the Act could not be amended without a majority of votes, which in the Legislative Council is currently 18 votes. We know that the Labor Party can muster only 17 votes in the upper House with the help of its Green friends. The exact year eludes me but I believe it was around 1900 when a committee of the upper House considered this matter. In its view, repealing an Act was the same as amending it, which makes sense; an Act is amended if it is repealed. That is well documented in *Hansard*.

This brings us to the current situation with which we are faced. The Labor Party is hell-bent on introducing its one vote, one value policy. It is a foregone conclusion that the Labor Party's preoccupation with the one vote, one value issue is related to electoral advantage. There is no doubt that if these maniacs successfully tamper with our electoral system, they will be handed on a plate a significant electoral advantage. Let us be clear about the Labor Party's motivation. If it wanted to remove the country vote weighting provision from the Electoral Distribution Act 1947, it would have been a simple process. I imagine that it would need only a one-line amendment that we move to strike out the provisions related to country vote weighting on page 56, line 20 or whatever. If that amendment were passed through the House, lo and behold we would then have a one vote, one value electoral system, and the notion of country vote weighting that has been with us for some 100 years would be lost forever.

The Government has hit a significant hurdle. Section 13 of the Electoral Distribution Act 1947 provides an entrenchment provision that requires an absolute majority of votes before the Act can be amended; therefore, the Labor Party hit a brick wall. As far as we were concerned, that was the end of the matter; the Government could not introduce one vote, one value because it could not get the required constitutional absolute majority. However, what did the Government do? What did this grubby lot of electoral maniacs do? They ripped up the Electoral Distribution Act 1947. They could not change the Act because they could not gather the 18 votes they needed; therefore, the Minister for Electoral Affairs decided to rip it up so that for a small time the State would not have any electoral distribution Act. What was the Government's very next action? It reintroduced another electoral distribution Bill, which - surprise, surprise - was almost identical to the one it had ripped up except that

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there were minor changes to a sentence or word and the provisions of country vote weighting had been knocked out.

Far from the Liberal Party being alone in feeling aggrieved by this action, none other than the Clerk of the Legislative Council had some very grave concerns about the way the Labor Party had gone about this exercise. I would hate to put into the Clerk's mouth words such as, "What a grubby little process the Labor Party has undertaken. It is not in accordance with the Constitution or section 13 of the Electoral Distribution Act."

Mr Barnett: They just cheat.

Mr BIRNEY: That is probably a fair comment. If the Government cannot do it one way, it will try to do it another way.

Several members interjected.

The DEPUTY SPEAKER: Order, members!

Mr BIRNEY: Perhaps the Minister for Electoral Affairs might allow me to continue my remarks. Normally I would speak over him, but I have a number of technical arguments to present. The Leader of the Opposition has accused the Minister for Electoral Affairs of being a cheat, and I am also happy to accuse the minister of being a cheat if that helps him. The way the Government has gone about this matter is completely and utterly underhanded. Do not take my word for it; no less than the Clerk of the Legislative Council also has some concerns. I have never met the Clerk of the Legislative Council, but I believe he is a lawyer. Is that correct?

Mr McGinty: That's right.

Mr BIRNEY: The Clerk of the Legislative Council, who is a lawyer in his own right, has some very serious and grave concerns with the way in which the Labor Party has introduced this legislation. The Clerk was not prepared to walk down to the Governor's office and ask him to stamp his approval on that legislation. Let us ask ourselves why that is the case. Did the Labor Party try to rot the electoral system for its own political purposes? I suggest that that is exactly the case.

Let us explore what will happen next. The Clerk of the Legislative Council has said on a number of occasions that he does not see it as his role to present either the yes or the no case in a vigorous fashion. In other words, he does not consider it to be his role to act as a lawyer for either the yes or the no case; he wants clarification as to whether this grubby mob has done the wrong thing.

Mr Hyde: You have never spoken to the Clerk of the Legislative Council. You are relying on second-hand information from your grubby mates.

Mr BIRNEY: We have rumble and bumble over there. If the member for Perth's IQ were one point lower, we would have to water him.

The Clerk of the Legislative Council will now take this action before the Supreme Court and he will present the facts in a neutral fashion. The Labor Party is using the taxpayer-funded office of the Solicitor General to fund its argument. Out in the trenches the local Labor members are fronting up to regional councils and saying, "Don't worry about putting in any money guys, because we have it under control; we have slipped the Clerk \$70 000 and he will present the yes and the no case." The Clerk is not saying that; the local Labor members are saying that to the councils. The Clerk says that his role is to present a neutral case. The Labor Party is using taxpayers' money through the Solicitor General's Office to fund the argument it has been preoccupied with for a number of years. The Government's argument is similar to that which the Minister for Electoral Affairs took to court some years ago. It is well known that that case was thrown out of the court, along with the minister.

Far be it from the Liberal Party to say that both sides of this case should be funded by the Government. Judge McKechnie said that somebody should fund the no case. He considers that the Solicitor General is the proponent for the yes case. Judge McKechnie, a very learned individual, has said that somebody should fund the no case. Why does the Labor Party refuse to fund one side of the argument yet -

Points of Order

Mr McRAE: In spite of the number of personal reflections that have gone by, Standing Order No 92 states that it is disorderly to impute improper motives or make personal reflections on the Sovereign, the Governor, a judicial officer or members of the Assembly or the Council. The member for Kalgoorlie has reflected on the personal motives of a judicial officer, and I suggest that he withdraw his remark.

Mr BARNETT: There is no substance to the point of order. The member has given no example. What is the reflection, what is wrong and what is he on about? He has read out the standing order, presumably to try to stop

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the member for Kalgoorlie's train of thought, but he has not said what he objects to. Before you rule, Madam Deputy Speaker, I presume to throw out the point of order, at least let us hear what the objection is.

Mr McRAE: The point of order I made related to the member for Kalgoorlie's assertion that Judge McKechnie had said that the Government or somebody else should fund the other case.

Mr Omodei: He said in court that there had been a precedent.

Mr McRAE: The suggestion of action was not backed up by evidence. It is misrepresenting the transcripts. If members opposite cared to reflect on them and present them in this place, they would not present the allegation in the way they have. I ask that the assertion be withdrawn.

Mr BARNETT: This must be seen as a frivolous point of order. There was a delay in the proceedings while Judge McKechnie discussed with the various protagonists the issue of who would fund the other case. It is an entirely legitimate point, which goes to the substance of the debate.

Mr McGinty: No he did not. Go and look at the transcripts. He said no such thing.

Mr BARNETT: The minister can argue the issue.

Mr McGinty: Go and look at the transcripts.

The DEPUTY SPEAKER: Order!

Mr BARNETT: This is a point of order that should not be interjected on. The minister can well argue the issue with the member for Kalgoorlie, but there is absolutely no point of order. This is a frivolous attempt by one of the two clowns on the back bench to interfere with the conduct of this Parliament.

The DEPUTY SPEAKER: Rather than canvass the point of order any further I will state this: I have listened to the debate closely and I have looked up some precedents and rulings in this House because I was becoming concerned about the direction of the debate. In this instance I will take notice of the point of order. I do not believe the debate got to that point. However, I was at the point of urging the member for Kalgoorlie to be mindful that under Standing Order No 92 one needs to be careful about personal reflections of officers of the Crown and certainly the Parliament.

Debate Resumed

Mr BIRNEY: Thank you, Madam Deputy Speaker. It appears that the poor sod to my left is a bit confused. I will make my position very clear. Judge McKechnie referred to the Willsmore case, which of course was funded by the Government. He said that he would like to see a proper contradictor in this situation. I do not know if that is clear enough for the member for Riverton, but I cannot make it any clearer.

The Country Alliance has been formed. It consists of the Liberal Party, the National Party, One Nation, the Pastoralists and Graziers Association, the Western Australian Farmers Federation and a loose group of regional councils. The Country Alliance has consolidated its position against the Labor Party. Is that not an indictment of the Government of the day? For the moment, let me disregard the involvement in the Country Alliance of the National Party, the Liberal Party and One Nation. The Pastoralists and Graziers Association, the Farmers Federation and regional councils have consolidated themselves against the Government of the day. I am not aware of when there has been this much opposition from a regional area to the Government of the day. It is absolutely astounding.

I will try to get to the crux of my motion. I am not quite sure of the figures, but the Country Alliance needs in excess of \$100 000 or \$150 000 to fund the Supreme Court challenge. The Country Alliance went to a number of its associates, including regional councils, and said that it wanted some money to fight the case.

Mr McGinty: You have not put your hand in your pocket.

Mr BIRNEY: What did the minister's Labor members say when he hit them for \$5 000? They threw him out of the caucus room.

A number of regional councils have committed money to the cause put forward by the Country Alliance. A number of others are considering committing money. What has the Premier, the first elected member of Parliament, said to those regional country councils? He has said that if they contributed to the action that would ultimately see the binning of the one vote, one value legislation, he would review the amount of funding they received. It is the democratic right of those regional country councils to engage in actions that they think will be good for their ratepayers and regions. What happened? The Premier of Western Australia marched on to regional television and said to regional councils that they had better watch out. These are like the Brian Burke

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days. The Premier said to the regional councils that if they put their hand in their pocket, the Government would make sure that either they would have to keep putting their hand in their pocket or keep going cap in hand to a Government that would give them nothing. That speaks volumes.

What has the Labor Party against country people? Those councillors must pass only one test in their mind before they consider contributing to the action. They must ask themselves whether the ultimate defeat of one vote, one value will be in the best interests of their ratepayers. I do not think that anybody, even those with limited intelligence on the other side of the House, could say that the defeat of one vote, one value would not be in the best interests of country people. I am not sure if the Premier's actions are legal, but why would he seek to threaten a regional council that is simply looking after its own interests? I find it deplorable. People in country Western Australia find it deplorable. Our city cousins find it deplorable, because many people who live in the city understand the difficulties, trials and tribulations of living in regional and rural Western Australia. Sadly the Premier of Western Australia does not understand those difficulties.

Neither country councils nor country people will be intimidated by the Labor Party chardonnay socialist set. These are about the dumbest politics I have ever seen. What happens when country people are threatened? They get their back up. As recently as today another small regional council has kicked in \$1 000. I am told that the Premier's comments may well have pushed those councillors over the edge. One would think that a guy who has managed to get all the way to the top to be the Premier of our State would have half a clue about politics and not want to insult country people. He has obviously incited them to get out their chequebooks. It was a ridiculous statement for him to make, and one which I think he now regrets. I do not think that he will make it again in a big hurry.

During question time the Premier was questioned about taxpayers' funding of this action. This is an important point, so I will lower my voice and hope that I do not attract too many interjections. The Premier said that it is the responsibility of the Government of the day to defend any attack on existing legislation. At face value that sounds about right; in fact, it is more the responsibility of the Attorney General of the day who is charged with defending the State's laws and legislation as they stand. The Premier sadly does not understand what is happening. He thinks that through the office of the Solicitor General he is defending an existing piece of legislation. That was very evident from his comments during question time. He said words to the effect that those who attacked existing legislation should put their hand in their pocket and pay. Those words will haunt the Premier for the next month or two.

Dr Gallop: I hope you are not quoting from an uncorrected *Hansard*.

Mr BIRNEY: That is my recollection.

Dr Gallop: I am just checking.

Mr Barnett: Did you say that?

Mr BIRNEY: I will work through this carefully because it is important. At the conclusion of my contribution, the Premier will be forced to say that he will fund the yes and the no arguments in the one vote, one value case.

A Bill is on the Table in the upper House. It is a Bill as opposed to a piece of legislation. That Bill will not become an Act until it receives royal assent. The Clerk of the Legislative Council has real concerns about whether the Government's actions are legal. As a result, he has taken the issue to the Supreme Court.

Section 13 of the Electoral Distribution Act is an entrenchment provision. It provides that the Act cannot be amended without the support of an absolute majority of members, which the Government does not have. Members on this side thought the Government would say that all bets were off and that it had repealed the Act and introduced alternative legislation. The Act is silent about how many votes are required to repeal it, so the Government believed it was on safe ground. It has become obvious that that argument is flawed. Government members have realised that - they are not as silly as they look. As a result, the Government has now argued in court that section 13 of the Electoral Distribution Act is invalid and, because of that invalidity, this Bill can be passed.

Does the Premier understand the difference between a Bill and an Act? Does he understand that the Labor Party is attacking the electoral distribution legislation so that its Bill can be passed? He did not understand that during question time. I would be surprised if the Minister for Electoral Affairs had not briefed him since then. The Premier said that anyone who attacks a piece of legislation should be prepared to put his hand in his pocket and pay. The Labor Party has argued in the Supreme Court that section 13 of the Electoral Distribution Act is invalid and, as such, it should be able to pass its Bill. Members opposite are attacking the legislation.

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Why should the Attorney General and Minister for Electoral Affairs not be required to stand down from one of his portfolios until this issue is clarified? As the State's chief law officer, he is charged with defending section 13. He is the Attorney General, but he is also the Minister for Electoral Affairs and he is attacking this legislation. Why does the Premier not stand him down from one portfolio until this issue is clarified?

The Labor Party has changed its tune. Initially it said it would not amend the legislation; it would be repealed. It has taken advice and worked out that that is not correct and that the case will be bundled out of court. Members opposite have changed their tack and are now attacking their own legislation. They have the gall to threaten regional councils for putting their hands in their pockets and supporting the no case. The reality is that the Country Alliance - comprising the Pastoralists and Graziers Association, the Farmers Federation, One Nation, the Liberal Party, the National Party and the regional councils - is the defender of the State's existing legislation. The Premier has threatened them! He told those representative groups not to put their hands in their pockets to defend the legislation because, if they do, they will suffer retribution. This bloke has been discredited. He does not understand the legislative process. He has not been briefed, and he has run off at the mouth and threatened country people. It is a disgrace!

The Premier now realises that he has been disgraced. I do not know what argument he will present in response. All he can say is that he got it wrong and that the Government is attacking the legislation. He should acknowledge the statement he made during question time. Given that, both the Country Alliance and the Government of the day should have access to the Solicitor General's Office to sort out this issue in a fair and equitable fashion. A statesman would recognise that he has made a mistake and acknowledge that he presented a flawed argument. This is not about one vote, one value; this is about the legislative process and the Constitution of Western Australia. This is of vital importance, but members opposite want to fund only one side of the argument. That is the same argument, but with a slight twist, that the Minister for Electoral Affairs used with Labor members some years ago. He is back, but this time he has the Government's backing. It is an absolute disgrace. I hope the people see it for what it is and that they do not confuse it with the one vote, one value issue. Hopefully they will recognise that the Clerk's action is simply designed to clarify the State's Constitution and the Electoral Distribution Act.

If the Labor Party intends to attack section 13 of that Act, sadly it will have to fund both sides of the argument and the Premier will have to retract his threat and apologise to those regional councils.

Several members interjected.

Mr BIRNEY: He is getting a briefing from the minister.

This issue can be sorted out in the Supreme Court, and when it is we will all move forward. It will have much wider implications if the court determines that section 13 is invalid and that there is no entrenchment provision in the Electoral Distribution Act. If that happens, the entrenchment provisions in our Constitution will be deemed invalid. The Labor Party is attacking the Constitution for political purposes. Is there no end to the disgraceful and disgusting legislation that members opposite will introduce for political purposes? It is disgusting.

[Interruption from the gallery.]

The DEPUTY SPEAKER: Members of the public are more than welcome to attend, but I remind them that it is a privilege to be in the House and that they should not disrupt the debate.

Mr BIRNEY: I know that many members are keen to address this issue. Why would they not be? Members opposite have their tails between their legs and their ears pinned back.

There has been a significant muddying of the waters. Labor members of Parliament have been fronting up at regional councils. My good friend the member for Eyre told local councillors that they need not worry about funding the one vote, one value case because the seat of Eyre will be abolished before the next election. I did not realise that the redistribution had been completed and that the seat would be abolished. It took me by complete surprise. I questioned officers of the Electoral Commission about the timing of the decision to abolish the seat and was told that the process - which involves advertising, consultation, submissions and so on - had not been commenced. They then have to put out a draft proposal. The commissioners have 42 days in which to meet, and after those 42 days they have to put out a draft proposal. They have to say, "Okay, Western Australia, this is our proposal." They then have to receive submissions from the Liberal Party, the Labor Party and whoever else feels aggrieved by that draft proposal. Then, and only then, can they say, "We are striking the line through the seat of Eyre." The former member for Eyre, Hon Julian Grill, also said at that same meeting, "It is all right, guys. Trust me. I am a former politician. One vote, one value does not apply to your area. I am sure you are all pleased that I have come here to tell you that. One vote, one value does not apply, because you have

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got this 20 per cent variance. There is no problem.” Therefore, once again there has been a significant muddying of the waters, because one vote, one value does apply, albeit that we have a slightly bigger variance in our area.

However, the real test as to whether one vote, one value applies is: will the net result of the change to the electoral system be that we will lose a lower House member of Parliament? The answer conclusively is yes. Therefore, it was okay for Hon Julian Grill to say at that meeting that one vote, one value does not apply and there is no problem. However, what he failed to tell the people at that meeting was that the Government still intends to pluck one lower House member out of their area. There have been some serious discrepancies, and I was very pleased to be able to correct those discrepancies when I had the chance to address my local council.

One argument that is being run by the Labor Party is, “It is okay, because you will get another two members in the upper House. We were bent over the barrel, and that is what we came out with when the barrel was spun. You will get another two members in the upper House, and one of those members will be given to the Mining and Pastoral Region. Therefore, it is no problem. You may lose one member, but you will get another member in the Mining and Pastoral Region.” I have asked a lot of people in my electorate whether they know the names of their mining and pastoral representatives. Most of them can come up with only one name: Hon Norman Moore. Most of them do not know the names of their members of Parliament in the upper House.

Mr Barnett: I could not name them either. Who are they? It is a struggle to think of their names.

Mr BIRNEY: I am a bit confused myself. Importantly, there is no requirement for those mining and pastoral members to have their office in their electorate. I accept that some of those members do not have their office in their electorate. There is no requirement for them to even have their office in Kalgoorlie. Therefore, there is no point in the Government saying that it will take one member off us but it will give us another one when that member may never come into Kalgoorlie-Boulder.

More importantly - and this goes to the very heart of one vote, one value - the Government of Western Australia is formed in this Chamber. It is formed in the lower House of Parliament. It is not formed in the upper House of Parliament. Therefore, a significant reduction in the number of people who will represent country areas and a significant increase in the number of people who will represent city areas will ultimately disfranchise country people. The Government can put no argument against that. The Government of the day is formed in the lower House. The Labor Party is seeking to deny country people their democratic right to elect the Government of the day. That is what the Labor Party is all about.

It is interesting that it is not just the Premier of Western Australia who likes to threaten local councils. I know of another person who also likes to do that. I am sure a lot of members opposite think that now they are in power and are the Government of the day they have carte blanche to tell those nasty councils what they should be doing. It is not just the Premier. Sadly, I have to name in this place the other member of the Government who seems to take delight in threatening local councils.

The DEPUTY SPEAKER: Order! I warn the member for Kalgoorlie about making personal imputations.

Mr BIRNEY: Absolutely, Madam Deputy Speaker. I will read out -

Dr Gallop: What are you reading from?

Mr BIRNEY: Good question! It is a motion that was moved by the Joondalup City Council. The date eludes me, but I am told it was in the past day or so. The motion was moved in response to a letter from the member for Joondalup that was addressed to a councillor of the City of Joondalup. The motion states -

that the Chief Executive Officer WRITES to Mr Tony O'Gorman, MLA, member for Joondalup expressing Council's disappointment and dismay at the tone and content of his recent letter to Cr . . . concerning his secret meeting and advising that secret meetings are not in the best interests of open and accountable Government.”

I will not name the councillor in this place.

We now have another person! They are coming out of the woodwork! This mob is drunk with power! It is as though we have given a bit of power to the parking inspector and he will not let us off; he wants to flex his muscles. Not only has the Premier threatened councils, but also a motion has been moved, seconded and carried by the City of Joondalup expressing concern at the tone of a letter written to a councillor by the member for Joondalup. What a disgraceful Government we have! I am embarrassed to share this Chamber with this mob! This Government has turned this State back 30 or 40 years. This Government is employing bullyboy tactics

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against anyone who does not like what it is about. Threats are the order of the day with the Labor Party in Western Australia.

I will conclude by returning to the crux of my argument. The Premier does not understand the legislative process that has taken place with regard to one vote, one value. The Government of Western Australia is attacking the existing state legislation. The Country Alliance, which includes the Liberal Party, is supporting the existing state legislation. The Premier has nowhere to go, given his statements today in question time. He has said that whoever attacks legislation should pay. I now call on the Premier of Western Australia to fund both sides of the one vote, one value argument. He has no alternative.

MR OMODEI (Warren-Blackwood) [4.57 pm]: I support the motion. I will focus on the Premier's blackmailing of local governments in Western Australia. What is being perpetrated on the people of Western Australia is one of the biggest cons that I have seen in the 26 years that I have been in public life. Let us consider the scenario under the Minister for Electoral Affairs' so-called one vote, one value legislation. In the Mining and Pastoral Region, there will not be one vote, one value. The minister's electoral reform legislation proposes that there will be vote weighting in both the Legislative Council and the Legislative Assembly. Therefore, let us stop this nonsense about people being equal and about an unemployed derelict from Bentley and a rich person from Peppermint Grove having the same -

Dr Gallop: What is the current enrolment in Wanneroo versus the current enrolment in Eyre?

Mr OMODEI: Let me hazard a guess. It is about 36 000 in Wanneroo and about 10 000 in Eyre.

Mr Whitely: Come on! It is 41 000!

Mr OMODEI: Very good! We know that under the Electoral Act, there would be a change of boundaries in Wanneroo. There would still be vote weighting. We know that even if the numbers were struck exactly the same in every electorate in Western Australia, the numbers in Wanneroo, Rockingham and Margaret River would be out of kilter within six months. Therefore, do not give me this nonsense about one vote, one value. It is and always has been a nonsense argument. Electoral representation in this country is all about fairness - fairness for all the people in Western Australia to be represented equally.

I want to focus on the Premier's threat to local governments that if they do not toe the line, and if they put their hands in their pockets and spend one ratepayer dollar, he will cut their grants. That is what he will do. The Premier of Western Australia was reported in *The West Australian* as having said this, and was also quoted as having said it when he attended a northern ward council meeting in Geraldton. I ask the Premier whether that is correct.

Dr Gallop: You used the word "threat", but that is not the word I would use.

Mr OMODEI: If it was not a threat, then what was it? Was it a pleasantry? The Premier told the councils that if they did not do what the Government told them, their grants would be cut. If the Premier knew anything about local government, he would know that in Western Australia the majority of funds raised by local government comes from local government rates -

Mr Hyde: Not for all regional councils.

Mr OMODEI: I know that the member for Perth is a local government expert. However, he should have a good look at the activities in the past few days of his colleague, the member for Joondalup. He has been having secret meetings with ministers in his office in an attempt to intimidate a major city council. I cannot believe that a member of Parliament could be so naive, dumb or stupid, or all those things.

The majority of funds for councils in regional WA comes from the Local Government Grants Commission. It is distributed by the Commonwealth Grants Commission to the States. An Act dealing with the State Grants Commission mirrors the commonwealth Act. There is a formula for the distribution of funds for general expenditure, and also for roads. Will the Premier sack the Local Government Grants Commission if it distributes those funds using that formula?

Dr Gallop: No.

Mr OMODEI: Thank God for that. Some local governments will still have some money.

Mr Speaker, it is good to see you in the Chair, because this is a very important issue. The Premier of Western Australia has blackmailed another sphere of government. This is unprecedented. I cannot remember anything like this ever happening.

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Dr Gallop: I can, and I will tell Parliament all about it.

Mr OMODEI: I am pleased to hear that. I wait with bated breath to hear the Premier's allegation about my behaviour as a minister. When I was a minister, I restructured the City of Perth -

Dr Gallop: Without a referendum.

Mr OMODEI: Yes, without a referendum, but by an Act of Parliament. People marched to the steps of Parliament House because they were not happy with my decision. However, within six months I was invited to open every new administration centre. I was referred to by the mayor of the Premier's municipality, Victoria Park, as the best Minister for Local Government ever seen in this State. So lick that! I also opened all the other administration centres. The good friend of the members for Riverton and Pilbara, Jack Marks, organised an Italian piper to pipe the delegation up the stairs of the centre in the Town of Vincent. I opened that centre in front of many people. Jack Marks - friend and champion to many on the other side of the Chamber - had tears in his eyes when he embraced me. He embraced the radical right-wing member for Warren-Blackwood.

It appears that the Premier has committed himself by saying that the Local Government Grants Commission will not be sacked if it distributes grants to country WA, and that that money is safe. Let us move to the next issue, which is the community sporting and recreation facilities fund -

Dr Gallop: Which the Government has increased.

Mr OMODEI: That is very good. The Government gave a heap of money to Wanneroo. Are members aware of the division of money after Wanneroo and Joondalup were divided into two local authorities? Each received \$30 million cash in the bank. What has the Government done? The generous Premier has provided Wanneroo with a grant under the community sporting and recreation facilities fund. What about the country local governments that do not have two bob to scratch themselves with?

Dr Gallop: Those grants were made on the recommendation of the local government department.

Mr OMODEI: Come on!

Dr Gallop: Are you saying that they were not?

Mr OMODEI: I am saying that it was an independent group, but that it was influenced in its decision to provide a grant to one of the wealthiest councils in WA. If one of these councils -

Dr Gallop: No, we will not.

Mr OMODEI: The Government will not cut the community facilities fund - I am delighted, and very appreciative. How generous can the Government be?

Let us talk about the community facilities fund. This fund helps provide community facilities, such as change rooms, playgrounds and so on. Will the Government cut those funds?

Dr Gallop: No.

Mr OMODEI: I am making great progress today.

Mr Hyde: What about your toilet fund?

Mr OMODEI: I just mentioned that one. The community facilities fund -

Mr Hyde interjected.

Mr OMODEI: The member has been out of local government for only six months, and already he has lost touch. I feel sorry for the member for Perth.

I can see that the Premier is in conference with the Minister for Electoral Affairs. However, he has not made a commitment about Safer WA funds. Are they safe?

Dr Gallop: They are very safe.

Mr OMODEI: This side of the Chamber has had a series of wins for local government today; we are doing very well. What areas of funding for local government will be cut by the Government?

Mr McGinty: It is time that you gave up, because you are not making any sense. You have been here too long.

Mr OMODEI: I think the minister is trying very hard. However, the truth of the matter is that the Premier told country councils that he would cut their funds if they attempted to finance proper representation on the electoral reform issue.

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Mr McGinty: He did not.

Mr OMODEI: He did too. It seems that the Premier is attempting to back down from the threat he made to councils in country WA. If the Premier is not going to cut funds, does that mean he will stop the Minister for Planning and Infrastructure from visiting country councils?

Dr Gallop: No, I definitely will not do that.

Mr OMODEI: I am pleased about that because the Manjimup Shire Council has asked the minister to visit Manjimup on no less than three occasions. I have written to her three times, we phoned her three times in the past week, and she has still failed to make a commitment to come and talk about some very important issues.

Mr Barnett: Did you ring her in the morning?

Mr OMODEI: I am not sure of the time because my secretary made the phone call. As a country member, I am entitled to know whether the Premier intends to cut road funding. It has already been cut by about \$200 million. However, will there be further cuts to road funding? Will the Premier apologise to local governments for making an absolute fool of himself?

Prior to the Premier's speech to the nation, I was approached by local councils seeking my opinion about the Country Alliance fundraising efforts. I replied that it was their call because they were responsible for their local governments. I told them that if they wanted to assist the rural alliance, then it was their right to do so. They were also entitled to make the other decision. If I were approached by one of these councils now - after the Premier has made his decision - I would say that every local government in country WA should fund the Country Alliance campaign.

Mr Dean interjected.

Mr OMODEI: Let us talk about Bunbury. I wonder what influence was brought to bear in Bunbury. Half the Bunbury City Council hierarchy are Labor Party members. The former member for Mitchell, Hon David Smith, is sitting somewhere on that council. He assisted the member for Bunbury's election campaign.

I need to have answers to questions. The previous Government committed \$700 000 to the Pemberton community facility for the Pemberton package. I recognise that the Government is committed to the \$5 million for the mill, and that the issue of the \$700 000 is being discussed. I hope that my attacking the Premier does not mean that that funding will also be refused. I have heard some very disturbing rumours that some ministers are sympathetic, but that they do want to give me any credit. No-one should give me the credit; I do not want the credit. I just want that community to be treated fairly. I put that on the record.

Mr Hyde: Where is your lead speaker on this issue?

Mr OMODEI: The member for Kalgoorlie, as a very good politician, is probably talking to the media right now. Has the member noticed that there are no members of the media in the gallery? He is probably a better operator than the member for Perth. The member for Kalgoorlie might be only a new member, but the member for Perth can learn a lot of lessons from him. I find it astounding that in this day and age, the Premier would go very public and threaten local government, a very important sphere of government in Western Australia, to the extent that the Government has said that it will cut state government funds if local government funds the Country Alliance bid to get fair representation in country WA. That is what it is about; it is about fair representation. During the previous election, timber workers rallied; and while they rallied, they did not do other things and it played into the Labor Party's hands. I can tell members what will happen this time. All the people in country WA will be ringing their city friends and relatives to tell them about this Government's activities. That is the way I will run my next campaign. I will get every person in the bush who has a brother, sister, mother, relative or friend in the city to let those people know what the Premier is about. He is about crucifying country WA!

DR GALLOP (Victoria Park - Premier) [5.11 pm]: There is a phrase that people in glasshouses should not throw stones. I will start my contribution to this debate by referring the House to *The West Australian* of Thursday, 24 June 1999. It contains an interesting article headed, "Council boycotts threat", underneath which is the subtitle, "Local government forest protests might be illegal". Of course, it is referring to the comments of the then Minister for Local Government, the member for Warren-Blackwood. The issue was that some local authorities in Western Australia had determined that they wanted their purchasing policies to reflect their views of the environment, as they had every right to do. The councils said that they did not want any timber that had come from clear-felled forests. As a result, the Minister for Local Government said that what the councils were doing was possibly illegal; and, if it was not, he was going to change the law to put it beyond doubt. He criticised the councils on the basis that they were using taxpayers' money to make their point. He backed that up

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by saying that he wanted to change the law so that they could not do it! It is ridiculous for the Liberal Party to come into this Parliament and talk about threats against local government.

Mr Barnett: It is your personal conduct and lack of integrity that is in question. As long as you cheat on the people of Western Australia, you will be brought to account.

Dr GALLOP: The argument I put forward was quite simple and went like this: today in Western Australia, and indeed in Australia, there is a move from within good local governments to ensure that the money that they are given by their ratepayers is spent on proper purposes. As members know, we campaigned very strongly in opposition against the huge amount of money being spent on political advertising. Interestingly, the Commonwealth Government is the biggest single advertiser in Australia today. It has taken taxpayers money and is directing a huge amount of it into what can be described only as political advertising. That is a very important issue. When we came to government, we reduced the amount of money that is spent on advertising, travel and consultants. We will save \$119 million during our four-year term, which will go into direct service delivery. That is good policy. We have the view that when in government, be it local, state or federal, money should be spent on proper purposes. That is an issue that we have taken up. I will now add to that.

Mr Barnett: You are a joke!

Dr GALLOP: What is a joke about that? What is a joke about \$119 million that was being spent wastefully by the previous Government going into direct expenditure on behalf of the people?

Mr Marshall interjected.

Dr GALLOP: The Leader of the Opposition has said - he is on the record - that the Government of Western Australia is spending too much. Members opposite cannot tell us that we should not cut back in various areas because the Leader of the Opposition believes that we are spending too much! The National Party believes that we are spending too much on metropolitan hospitals! Come on! The National Party says that we are spending too much on metropolitan hospitals, and the Leader of the Liberal Party says that we are spending too much! They cannot come in here and complain when we cut back on expenditure in particular areas as a result of our financially responsible policies.

From time to time, local governments come to the State Government and say that they have a problem and ask for assistance. I will give an example. Recently, the City of Fremantle came to me and said that it had been involved in a very important project to build a proper memorial for the HMAS *Sydney* as part of the memorial in Fremantle. It is one of the best memorials in Western Australia. The best memorial currently in Western Australia is in the city of Geraldton, and I congratulate the Geraldton Rotary Club and the local government for that. They asked me as the Premier for more money.

Mr Omodei interjected.

Dr GALLOP: That is good, too; I take the member's point. From time to time, local governments come to the State Government and ask for assistance with a program outside the normal range of grants.

Mr Omodei interjected.

Dr GALLOP: Do members know what we have to do when we consider that? We must consider the capacity to pay. That is one of the issues that must be taken into account. I am sure the member did the same thing when he was minister. What is the capacity of that local government to pay? If local governments are spending lots of money on political purposes, their capacity to pay will be taken into account when we get such requests. That is what I said and I stand by it. That is good government. That is the Government of Western Australia ensuring that when taxpayers dollars are spent, they are spent properly. That is our responsibility. I am talking about ensuring that the capacity to pay is taken into account when requests for funds are considered. We are not threatening local government. We are engaged in good government. It is a simple point on behalf of ratepayers and taxpayers. We want a system in place whereby the money that is collected by local governments from hardworking people is spent properly.

On the issue of the legislation that passes through this Parliament, I remind all members that we went into the election campaign with a policy. Unfortunately, we are not able to fulfil that policy to the degree to which we would like.

Mr Barnett: So you thought you would cheat. That is what it comes down to.

The SPEAKER: The Leader of the Opposition!

Mr Barnett: You couldn't do it because you did not have the absolute majority, so you set about cheating the processes of this Parliament and the Constitution. That is what the Labor Government is doing. It is cheating.

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The SPEAKER: The Leader of the Opposition has made his point.

Dr GALLOP: The Leader of the Opposition has lost the ability to have a rational debate about anything, and we have seen further evidence of that tonight.

Mr Barnett: At least we are having this debate.

Dr GALLOP: We had to compromise on our principles with the Greens (WA) in the upper House. They said that they did not want to change to the degree to which we wanted. The Greens would not accept that legislation, so we compromised on it. The progress of the legislation and the way it has been introduced and taken through the Parliament has been done with the advice of the Crown Solicitor.

Mr Barnett: Blame someone else! Blame the Solicitor General!

Dr GALLOP: It is not a question of blaming the Solicitor General. It is a question of pointing out to this House that every step we have taken has been taken on the advice of the Solicitor General.

Mr Barnett: You do not blame the Solicitor General. The member for Fremantle is the Attorney General and the minister responsible for electoral reform.

Dr GALLOP: No-one is blaming anyone.

Mr Barnett: It is his responsibility and he must accept it. It is his decision to progress the legislation in this way with you as Premier. It is not the Solicitor General's decision; it is the Attorney General's decision.

The SPEAKER: I am sure the Leader of the Opposition will have his chance to make a contribution to the motion. He has just dominated the last -

Mr Barnett interjected.

The SPEAKER: I call the Leader of the Opposition to order for the first time and urge him to make his contribution by way of a speech and not by lengthy interjections to the Premier.

Dr GALLOP: In progressing this matter we have based our position on the advice of the Solicitor General. References have been made to the Labor Party trying to "cheat" during the process. This illustrates the standard to which the Leader of the Opposition falls in his contributions to these debates. He is saying that the Solicitor General has been complicit in the process in which we are "cheating".

Mr Johnson: That is not what we are saying.

Dr GALLOP: That is exactly what members opposite are saying, because the Solicitor General has certain responsibilities, which he discharges very well, and we take his advice on these matters because it is important. All of those decisions have been made on his advice. Therefore, any reference to the Labor Party acting improperly in this matter is totally out of order.

Let us move to the heart of the issue. The Country Alliance, which represents a range of groups in our community but primarily the interests of the Liberal and National Parties, does not want to pay the bill. The issue of electoral reform in Western Australia has been on the agenda for many years. We have finally got the legislation through Parliament. The coffin containing malapportionment is going down and the people who represent this backward view of the world are doing everything they can to try to stop the progress of our community.

Mr Trenorden: That is your view of rural Western Australia.

Dr GALLOP: No, it is not my view of rural WA at all. It is my view of the National Party and its interests. It is scratching and clawing to try to defend this system, and fair enough; it should do its scratching and clawing, but it should not ask ratepayers or taxpayers to pay its bills. The Opposition should pay its bills just as we did when we took this matter up in the court process.

I will quickly recap on the three arguments that I put forward today. First, the Liberal Party is in no position to talk in this Parliament about threats to local government. When it was in power it threatened local government with a change in the law that would make it illegal for local government authorities to express views about these matters. I have never said local government authorities cannot express views about these matters; of course they can do so. Secondly, whenever local government authorities come forward for discretionary money to fund a raft of issues, we take into account their capacity to pay. On behalf of the people of Western Australia, we consider that matter.

Mr Barnett: That is an absolute threat.

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Dr GALLOP: The Leader of the Opposition can call that a threat, but I think it is good government.

Mr Barnett: It is not good government to threaten people, particularly levels of government.

Dr GALLOP: I ask the Leader of the Opposition: if a local government authority approached him for funding outside the normal range of grants that are available, would he take into account its capacity to pay?

Mr Johnson: That is not what you said to them.

Dr GALLOP: Well, that is my argument. That is the point of the question and if members opposite are incapable of answering it, they are incapable of understanding what I am saying.

Mr Barnett: Can I remind you of what you said? You are quoted in *The West Australian* of 9 March as saying -

I say to local governments, if you are going to waste your money on political purposes like this, then we are going to have to reconsider our grant program. Local governments in WA have been increasing their rates and they come cap in hand to the State Government on a range of issues

Dr GALLOP: Exactly; on a range of issues. The Leader of the Opposition quoted from *The West Australian*. It is interesting that the other part of my press conference that dealt with the issue of making sure taxpayers' money is spent properly was not quoted. We have campaigned on that issue and we have reduced the amount of money spent on consultants, travel and political advertising. That is the context of the comment, and what I was saying was clear to everyone who heard those comments. I ask the Leader of the Opposition again: if a local government authority came to him and asked for money, would he take into account its capacity to pay? Members opposite are not responding. We are supposed to have a Parliament in which we can have a dialogue on these issues, but the Leader of the Opposition will not respond.

Mr Barnett: Because we are talking about your threat.

Dr GALLOP: I am talking about that very subject. Would the Leader of the Opposition take into account the capacity to pay?

Mr Barnett: I would not threaten local government as you do.

Dr GALLOP: The Leader of the Opposition has wrapped himself into a little ball. He can engage no longer in genuine dialogue, but only in abuse. One has only to look at him to see that. He is no longer capable of participating in a proper debate. I do not know what has happened to him since he became Leader of the Opposition, but what I have said is true, and everyone has seen his performance in Parliament. I have invited him to enter into a debate on this subject, but he will not do so because he cannot, and he has wrapped himself into a little ball. He seems to hope that from that position he can win an election. I have been Leader of the Opposition and I know that more work must be done by the current Leader of the Opposition if he wants to win an election.

I will summarise my arguments. First, the Liberal Party has no right to talk about threats to local government. Secondly, I explained my view to this House on taking into account the capacity of the local government authority to pay, which must include an assessment of whether money has been spent on political purposes. That is the criteria we use for ourselves, so we use it for others also. Thirdly, the approach that we have adopted to the introduction and passage of the legislation has been based on the advice of the Solicitor General. The Leader of the Opposition is saying that we have acted improperly.

Mr Barnett: It is your decision as a Government; it is not the decision of the Solicitor General. You refuse to take responsibility for this decision.

Dr GALLOP: We take full responsibility for these things. However, we take responsibility for them based on the advice of the Solicitor General.

Mr Barnett: Will you provide that advice to the Parliament?

Dr GALLOP: Will there not be an argument in the Supreme Court? Has the Leader of the Opposition ever attended the hearing of a constitutional case?

Mr Barnett: No, I have not.

Dr GALLOP: I will tell him what happens there. I attended the hearing of a constitutional case in the High Court with the Attorney General. We watched it on each of the three or four days that it ran. Many arguments arose and it was a transparent and open process. The position of Western Australia on this issue will be open and transparent and the argument will be outlined.

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The Leader of the Opposition cannot take what he really believes in into his caucus room. First, he believes in one vote, one value, and has said so on many occasions; however, he cannot get that position up in caucus. Secondly, he will not take on a leadership position with caucus. He is hamstrung by his own party and he is a hostage to his backbench on this issue. The National Party almost got there. In 1996 Hendy Cowan, the then Leader of the National Party, accepted the argument of the Commission on Government that we should have one vote, one value. I thought that at last we were finished with all of the nonsense we have had in Western Australian history since the 1996 election and, whether Labor won or lost, we could get on with the job of establishing a fair electoral system for all Western Australians.

The word “rort” is referred to in this place, and it is an interesting word. I have done a lot of research on this issue. When I made a submission to the Commission on Government under the Liberal Government run by Sir Charles Court, those in government changed the boundaries of a couple of their seats, but they did not do it by way of an independent electoral commissioner. Hon Ian Thompson, who was a member of this Parliament, left the Liberal Party and then gave a famous speech. I remember it well; it was one of the best speeches I have ever heard delivered from the other side. He said that the minister came in and put a map on the table and said, “Ian, we have a bit of a problem with your seat. Do you remember the boundary between the metropolitan area and the non-metropolitan area? We have to make sure you win at the next election.” They actually drew the boundary between the metropolitan area and the non-metropolitan area in order to ensure his re-election. He called it jiggery-pokery; he did not use the word “rort”. That is the form of those opposite. We then had the situations in Kimberley and Mundaring. Where is the member for Swan Hills? Those opposite fiddled the boundaries up in Mundaring so that that seat could become a Liberal seat. That is their form.

We want a system in which everyone has an equal vote and the electoral commissioners independently determine the boundaries. What a sin! Those opposite come in here talking about “rorting”. That is the truth.

Mr Barnett: “Cheating” was the word I used.

Dr GALLOP: The Leader of the Opposition can lower himself to that level. He can take himself down into the pit. Every day that goes by he goes down further and further into that little ball he has created for himself.

The Australian Labor Party is on the verge of creating a fairer electoral system in Western Australia. We are seeing elements in our community who do not like that.

Mr Birney: What have you got against country people?

Dr GALLOP: I have nothing against country people. I thank the member for the interjection. Let us talk about country people. Let us talk about the announcement by the Minister for Sport and Recreation yesterday: more money to local government in Western Australia, mainly to build sporting facilities and regional development commissions.

Several members interjected.

The SPEAKER: Order, members! The member for Kalgoorlie!

Dr GALLOP: The most important way to empower a local community is to give it financial resources. We are increasing the amount of money that is available to local governments to do good things for their communities.

Mr Marshall interjected.

The SPEAKER: Order, member for Dawesville.

Mr Omodei interjected.

The SPEAKER: Order, member for Warren-Blackwood.

Dr GALLOP: The Labor Party has no case to answer on this issue. We have seen a very poor performance from the opposition benches. The Leader of the Opposition has not been willing to engage me in a proper debate about this issue, and that is a poor reflection on him. The court case will occur according to proper processes; we will defend the legislation and the process under which that legislation went through Parliament; those who are opposed to that process will make their case; and whatever comes out of that process will be. The Opposition has no argument here tonight. I have outlined the inconsistencies from when its members were in government until now. I have explained what I meant in relation to local government and I have made it clear how we have acted on the advice of the Solicitor General. It is very simple: we have no case to answer, whereas those opposite have in terms of their efforts to uphold a system of malapportionment that has no place in the twenty-first century.

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MR MARSHALL (Dawesville) [5.33 pm]: I support this motion 100 per cent. The Premier has made a number of mistakes since Labour took Government 15 months ago. The Premier has threatened local governments that if they decide to support the court case costings for one vote, one value they will have their funding withdrawn. That is the most humdinger of a mistake the Premier has made during the past 15 months.

I have watched the Premier grow in confidence during this period. He came into government as a hesitant Premier, but he is a quick learner and he has gained in confidence. He has made decisions on the run, but he has overstepped the mark and become overconfident. Overconfident people make mistakes and become losers. One of the old-time tricks in tennis when changing ends at five-four in the third set is to tell the server how well he is playing. He is told, "You're serving like a bomb, mate ; I can't get your serve back." That is the lead-in to break his serve, because he starts thinking how good he is. He believes that someone is giving him a tick on the side. The Premier is starting to believe in himself and is not thinking of other people in Western Australia. I have seen overconfidence in hundreds of sports people and people in the television world. Television personalities and sporting people gain in confidence and power as their performance improves, and then they change. They walk with a bit of a swagger, they hold their head up higher and they are a bit more aloof; when they go to a restaurant they expect the seat that faces out to everybody. I have seen that happen and I have seen them fall. Someone has to remind the athlete that he is getting a big head. Unfortunately, over the past 15 months our Premier has developed an inflated ego and the public is seeing his over-exposure. He does not allow his ministers to go on television or make press releases. It is said in the community that the Premier has a big head, and that is a blatant fact. It hurts me to say that, because to me he is a good person. The job and the power have got to him. He must start to look into a mirror and get his feet back on the ground. He also has a nickname of "Parcels", because he is always wrapping himself up. Members may not agree with that nickname, but it appears to people who watch from the gallery that that is the case. They say, "How come he always gets up and criticises the previous Government and then spends the next 10 minutes telling us how good he is?" I tell them that that is the pattern, he is receiving bad advice, and he is really a good bloke; after all, he is a Rhodes scholar. The comment then comes back, "A Rhodes scholar? Well, that is what's wrong. He is obviously an academic who has not been out in the big world." I am warning members that that is what is coming into the arena. Our Premier has fallen for the big power play trick - having the power and then believing that he is better than everyone else.

Mr Kucera interjected.

MR MARSHALL: I venture to say that he may not be our Premier going into the next election. However, that is only speculation, Minister for Health.

The member for Warren-Blackwood was explaining the situation and the Premier responded by saying how his Government had been trying more appropriately to manage the State's funding. It is the taxpayers' money. If he has done that, I congratulate him. At this stage the budget results have not shown that to be the case. It is a good thought. What gives the Premier the right to go to local governments and tell them how to spend ratepayers' money? He cannot see the big picture. He can see his own picture and he does not know he has been threatening the local governments. He has said, "Not me. I am there to help people understand how to handle their money." Who the heck does he think he is? Does the Premier not think that these councillors, who are voted in to look after their ratepayers' money, know? Does the Premier think they do not go to all the seminars and conferences? They do not need a Premier with a record in government of bankrupting the State over the previous terms. They do not need a Rhodes scholar who has never been in business, and does not know how to read a balance sheet, to tell them what to do. The Premier, however, thinks he can do so, and that is the fault. All members know that local government cannot survive without state and federal funding. The threat to take away state funding was tainted with dictatorship. Once a leader is seen as a dictator, it gets the backs up of all the people he is looking down on. Local governments do not want to be looked down on. They do not want to be dictated to by a Premier.

The City of Mandurah, which is the local government that takes care of the interests of the people of my electorate, relies heavily on state funding. It receives money from the community sport and recreation facilities fund, which has done wonders for the area's sporting facilities over the past nine years. I say nine years, because the city had some prolific allocations in the first eight years, and in the last year and a half that level has been maintained by this Government, for which I praise it. Regional areas need top facilities, as they raise the standard of sport and thus provide sportspeople with the chance to get into metropolitan, state and national teams. Facilities develop the skills of the performer, so it is a good move. Regional and metropolitan areas rely on that money. The City of Mandurah also relies on money from the State Government for coastal care. It is one of the few regions that need to tap into that money, because the Indian Ocean makes up much of the boundaries of the city, and with the estuaries, the city has one of the largest waterways in Australia. The Peel

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and Harvey Inlets are three times the size of the Swan River. Much money is needed to ensure the clarity of the water, and also for coastal care. Road grants are vitally important. Any road that is not declared a main road is under the regulation of local government, which must ensure good roads, which prevent accidents. Local governments also benefit from funding for disability access. Mandurah also receives funding for mosquito control; that money comes from the health budget, and is very important, given all the waterways and the danger of malaria and other diseases. The Lotteries Commission, though not directly controlled by the State Government, is a very important avenue for local government funding. The community facilities fund is also important, and is providing another boat ramp in my electorate. With so many boat owners, and the city being so close to the metropolitan area and attracting recreational fishing, another ramp was necessary, and that community facilities fund provided it. As well as this, the biggest source of funds is the grants commission, the money from which is not tied to any specific projects.

An enormous amount of money comes through the State Government. The local governments, and the ratepayers of all the regions appreciate this. Normally, funds are provided on a 50-50 basis, to be matched by ratepayer funds. Taxpayers' money is combined with the ratepayers' money, leading to conciliation, goodwill and sportsmanship. People have been very happy with that, but when the Premier of Western Australia uses his position to threaten or barter with local government to satisfy his political whims, then he has certainly made a big blue. Everyone is now talking about it, and they are ashamed of the team that supports him. To interfere with freedom of speech, and the decision making of people on local councils, is to insult their intelligence and their integrity. Anyone who thinks he is bigger than all of that had better start looking into a mirror, and should start changing and back-peddalling. The Premier believes he controls everything. As a Rhodes scholar and a person I have seen grow in this job until now, his best way out is to try talking his way out. He talked his way into this a few minutes ago and made it worse. His best way out is to do what any champion will do when he knows he has made a mistake; that is, apologise to all the local governments of Western Australia and admit he has made a horrendous mistake. He has taken them for granted, he has bullied them and he has thought he was better than them, but he is wrong. He has reached the stage at which his head is too big. As an analogy, I used to tell my adolescent children that when something gets bigger than their brains, they are in big trouble. Our Premier has gone back to his adolescent days, and his father should have given him that tip.

MR MCGINTY (Fremantle - Attorney General) [5.47 pm]: It is important to remember that this debate is about a very simple issue of equality. As at today's date in Western Australia, there are 9 344 people enrolled in the electorate of Eyre. Numerically, it is the smallest electorate in the State. By contrast, the member for Wanneroo represents 41 371 electors. Those people who think that is fair, that is, members opposite who have opposed the Government's attempts to bring equality into this Parliament, should realise that this is the only Parliament in Australia that does not have equality. What has come from members opposite is a complete rejection of the principle that every Western Australian should be equal before the law, and every Western Australian should have an equal say in electing the Government. The Opposition is denying and rejecting that, notwithstanding the fact that there is a 450 per cent divergence between the largest and the smallest electorate in the State. That is what this debate is all about. It is not, as some members opposite would have us believe, about esoteric constitutional notions of entrenchment, manner and form, and suddenly discovering cases like *Wilsmore* and *Trethowan*.

For the Liberal Party it is a crass argument of self-interest and convenience. The Opposition would be putting the exact opposite argument if there were political advantage in it. In the case of the National Party, this can be understood. Five members of the National Party sit in this Chamber. They need to maintain five members to retain political party status. They, and everyone else in this Chamber, know that if this law is upheld, the National Party as a recognised political party in Western Australia can be kissed goodbye. They cannot win five seats under a fair electoral system in this State. They know that, and I can understand them fighting it. They are fighting for their own survival, which is understandable. The Liberal Party, as the Premier said, has been reduced to a rural rump. They were wiped out so conclusively in the city that the majority of Liberal members in this Parliament come from the bush. The tail is now wagging the dog, as the Liberal Party desperately tries to promote self-interest in the face of principle in this debate. They are doing it under the guise of all these lofty constitutional principles, but dishonesty will get them nowhere. Denial of principle will get them nowhere. They might find very interesting what I have to tell them about the way the people of Kalgoorlie have been, arguably, criminally misled. The member for Hillarys should listen to this, because he might be interested to know what has been going on in Kalgoorlie.

Mr Johnson: Can you substantiate that?

Mr MCGINTY: I have the documents right here.

Mr Johnson: They are very serious allegations.

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Mr McGINTY: They are indeed. I would view it seriously if the people in the City of Kalgoorlie-Boulder have been told a lie as the basis of the request for funding. If elected councillors have been grievously misled about very important facts we should all take that seriously. The people of Kalgoorlie should be very worried about what is going on inside their council, because they have been lied to. They have been misled. They have been urged to put a significant amount of ratepayers' funds into the Country Alliance's campaign to defend the status quo of electoral laws in this State. They have been misled and I suspect -

Mr Birney: By the member for Eyre and the former member for Eyre.

Mr McGINTY: The member for Kalgoorlie should listen, because he might be interested in this.

The City of Kalgoorlie-Boulder has been misled in the document that is the basis upon which the ratepayers have been asked for money. If councillors vote to give money on the basis of the information before them, and that information is demonstrably untrue - I am not suggesting this should occur, so members should not misinterpret me - and there were an inquiry, I have no doubt heads would roll. That is how serious it is.

Mr Barron-Sullivan: Are we getting more threats?

Mr McGINTY: No, not at all. I will tell members what has happened in Kalgoorlie, because they will share my amazement. What has occurred there is so despicable that honest members of the Opposition will stand up and say that it is not right and people cannot do that. Let me tell members what has occurred. I will quote from the documents tabled at the council meeting that was held last Monday night in Kalgoorlie. These documents form the basis upon which the council debates these matters and makes decisions. I will read out one paragraph on page 168 of the council documents that were considered on 11 March. It contains a reference to the sort of argument that the Government might put in relation to restrictive procedures. The extract reads -

If they are successful in this challenge an example of what may happen is The Government can unilaterally abolish the Upper House -

Do members believe that? Does any member in this place think that is true?

Mr McGowan: Who wrote that?

Mr McGINTY: This is part of the council papers that formed the basis upon which the councillors were asked to donate money.

Mr Johnson: Who is the author?

Mr McGINTY: Either the mayor or council officers. This is the basis upon which the Kalgoorlie-Boulder City Council was asked to put \$10 000 into the Country Alliance. I will go on, because it gets worse. Everyone here knows that regardless of the outcome of the Supreme Court case, the Government cannot unilaterally abolish the upper House. However, that is not what the councillors in Kalgoorlie-Boulder have been told. They have been told that the Government can unilaterally abolish the upper House. With due respect to whomever wrote this document, that is a barefaced lie. There is no other way to describe it. It is misinformation that is designed to deceive the good people of Kalgoorlie. I was born in Kalgoorlie, so I have some considerable affection and affinity for the people there. That is not acceptable.

Several opposition members interjected.

Mr McGINTY: These are very serious matters. There is no prospect whatever, regardless of the outcome of the Supreme Court action and any argument that might be put there, that the Government can unilaterally abolish the upper House. It is not true.

Several opposition members interjected.

Mr McGINTY: I ask that opposition members please listen to this because it is extremely serious.

The SPEAKER: Order! The Deputy Leader of the Opposition has endeavoured to make that same interjection three times. The Attorney General wishes to continue with his speech. I ask you to desist from disrupting that speech.

Mr McGINTY: I will repeat the quote -

If they are successful in this challenge an example of what may happen is The Government can unilaterally abolish the Upper House where the majority of country representation is -

We all know that is not true either. Which House contains the majority of country representation? For those members opposite who do not know the upper House has 16 country members and the lower House has 23 country members. The majority of country representation is not, as the City of Kalgoorlie-Boulder has been

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informed, in the upper House. It is demonstrably the opposite; the majority is in this House. It is another gross misrepresentation by whomever it was who drafted this information that forms the basis upon which the Kalgoorlie-Boulder City Council makes its decision in relation to funding. There is more. It goes on. This is the basis upon which the Kalgoorlie-Boulder City Council has been asked to make a donation to the Country Alliance. I will go back to the beginning again -

If they are successful in this challenge an example of what may happen is The Government can unilaterally abolish the Upper House where the majority of country representation is because there is no longer a need to ask the people via a referendum.

That is wrong. Section 73(2) of the Constitution Act expressly requires a -

Mr Barron-Sullivan: If you get rid of entrenchment, a Government can do away with that by a simple majority.

Mr McGINTY: That is not an argument in this case.

Mr Barron-Sullivan: If you get rid of entrenchment -

Mr McGINTY: The Deputy Leader of the Opposition does not understand. I will tell him what the argument is, because he is misrepresenting the situation. The member for Mitchell is the one who must be blamed for a significant amount of this misrepresentation, assuming the good intentions on the part of the people of Kalgoorlie-Boulder

Mr Barron-Sullivan: If you do away with manner and form provisions you can make that change.

Mr McGINTY: Because of the constitutional requirements of this State, if the question whether the upper House should be abolished were ever posed - it will not be in our time - the people will be required to vote at a referendum. That will remain the case. The councillors in Kalgoorlie-Boulder have been grievously misled. They have been deceived in the pursuit of money to support the legal case.

There is more to this gross misrepresentation. I refer again to the misrepresentations made in this document. They continue -

This will mean that the state will effectively be governed from Perth.

Since 10 February last year there has been a very effective Government in Perth. Nothing will change there one way or the other. This State has a very effective Government at the moment. However, I take the first three points as being a serious representation of the facts. I would be extremely upset if I were a ratepayer in the City of Kalgoorlie-Boulder. If I were a councillor in the City of Kalgoorlie-Boulder I would demand that this matter be set straight.

Mr Barron-Sullivan interjected.

The SPEAKER: Order! I call the Deputy Leader of the Opposition to order for the first time.

Mr McGINTY: This is a deadset disgrace. When someone tries to extract money out of people on the basis of a misrepresentation, quite apart from the propriety of whether local government should be funding something of this nature, it is a serious matter. It is wrong if councillors vote in reliance of this advice, which they would, because it was provided, I presume, by the chief executive officer or some other council officer and by the mayor, whose name is against it, so he must take responsibility for it. Money is being sought under false pretences. Let us not mince words. I urge the people in Kalgoorlie-Boulder to look closely at this matter. I urge the councillors in Kalgoorlie-Boulder to look behind the misrepresentations, distortions and untruths that have been peddled to them.

There have been some misunderstandings among members opposite. Essentially, the Government will put three arguments to support the validity of the legislation passed by this Parliament. The first is the argument that the Electoral Distribution Act has been repealed. A repeal is not caught by section 13. Section 13 relates only to an amendment. That is the amendment-repeal argument. That is the first and primary argument that the Government will put. The second argument relies on section 5 of the Colonial Laws Validity Act and section 6 of the Australia Act which gives manner and form provisions binding effect if they concern the constitution powers and procedure of the Parliament. It is arguable, and we will argue that in this case a provision for a majority required in a particular case does not concern the constitution powers or procedures of the Parliament and therefore that provision by virtue of section 6 of the Australia Act has no effect. Finally, we will be arguing that Sir Charles Court, effectively, impliedly repealed section 13 of Electoral Distribution Act with his amendment to the Constitution Act in 1978. For all of those reasons -

Mr Barron-Sullivan: We are arguing against an entrenchment provision.

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Mr McGINTY: Sir Charles Court repealed it. It is as simple as that. The member for Mitchell's side of politics repealed section 13. They are the arguments the Government will be putting.

Mr Birney: Is the Attorney General arguing against section 13 of the Electoral Distribution Act by saying that it is invalid?

Mr McGINTY: No, we are saying Sir Charles Court repealed it in 1969.

Mr Birney: You are arguing that it is not valid at the moment. Who is going to defend the action? Will the Attorney General, as the State's chief law officer, defend the current legislation?

Mr McGINTY: The Government will be saying that in its view section 13 of that Act is not part of that.

Mr Birney: Are you going to defend the action as Attorney General?

Mr McGINTY: The legislation will be passed by this Parliament. That is the proper process.

Sitting suspended from 6.01 to 7.00 pm

MR BARRON-SULLIVAN (Mitchell - Deputy Leader of the Opposition) [7.00 pm]: We heard earlier an amazing tirade from the Attorney General and Minister for Electoral Affairs about goings on in Kalgoorlie. I cannot see how the remarks of the minister cannot be compared with anything other than blatant thuggery. We clearly heard an implied threat that a local government authority would be subject to investigation if it were to assist the Country Alliance in the Supreme Court case. That comes hot on the heels of an open public threat by the Premier on council funding if any council decided to support this legal case. The Attorney General and Minister for Electoral Affairs should be challenged to go outside this Chamber and spell out exactly what he was saying and whether he was indicating that, if the Kalgoorlie-Boulder City Council were to contribute money to this court case, somehow the Government would institute an investigation into that council.

Mr Hyde: He never said that and you know it.

Mr BARRON-SULLIVAN: Based on what the minister was saying, it was clearly an implied threat. Why did the minister raise it if it were not some kind of an implied threat against the Kalgoorlie-Boulder City Council? The minister went on to say that the Country Alliance was being misleading, when in fact the minister was misleading this Chamber on the matter.

Members will have noticed that the minister avoided the word "entrenchment". He did not respond to any of my interjections when I suggested what could happen if the Government were successful in arguing its point of view in this court case and entrenchment provisions were abolished.

The minister did not point out that in the section 78(b) notice sent to every State and the Commonwealth, he lists his arguments that will be taken up in the Supreme Court. The minister said that in Australia we have this quaint notion of entrenchment, which some members in this debate seem to want to elevate to being some great constitutional principle, which, he said, is a barnacle on the keel of progress.

As members will be aware, section 106 of the Constitution is the section that gives our state constitutional laws validity and protection. In effect he is challenging the validity of manner and form of the entrenchment provisions in the Western Australian constitutional legislation. If the case is won, those entrenchment provisions will be no longer valid. One of those entrenchment provisions provides, ultimately through legislation, for a referendum of the people to abolish the upper House. If the minister were to succeed with this argument in the Supreme Court, a Government could unilaterally, without going to the people, take the necessary steps through legislative change in both Houses, to abolish the upper House. The Attorney General and Minister for Electoral Affairs did not want to talk about entrenchment because he is worried that he would be entrapped and be found to have been misleading.

Mr Trenorden: It is interesting that the Crown Solicitor is running a no case in that situation. The Crown Solicitor will be going into this case to argue against Western Australian law.

Mr BARRON-SULLIVAN: The very interesting point is that, in effect, the Attorney General, who should uphold our constitutional safeguards, the manner and form of the entrenchment provisions in our constitutional legislation, as it is his duty to do so, is also wearing the hat of the Minister for Electoral Affairs, so he wants to tear down those safeguards. He has a clear conflict of interest and therefore should not be performing the role of Attorney General. He should be stood down from the Attorney General portfolio for the duration of the Supreme Court case. The Government is also trying to put the frighteners on every council throughout the State by saying that the Country Alliance is somehow a political initiative. Anyone who thinks that the Clerk of the Parliaments is remotely political should think again. We could not find a more impartial officer of the Crown. The Clerk of

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the Parliaments has taken this matter to the Supreme Court for adjudication. This is the part the Government will not admit to, and no wonder. It is trying to deny the fact that the Clerk will not argue with vigour both sides of this case.

The member for Kalgoorlie may know, but I understand that the government representatives and lobbyists have been telling local councils that about \$140 000 will be spent by the Parliament on arguing both sides of the case. Is Kalgoorlie-Boulder one of those councils?

Mr Birney: What they forget to tell the council is that the Solicitor General will also be arguing the case for the Labor Party.

Mr BARRON-SULLIVAN: Absolutely. The other thing they do not say is that the Clerk will not argue both sides of the case with the vigour necessary in a situation like this. I refer to Dr Schoombee, who is acting for the Clerk.

[Quorum formed.]

Mr BARRON-SULLIVAN: The point I was making was that, through his legal counsel, the Clerk of the Parliaments will not argue with any vigour either side of the case. Members opposite should not take my word for it; they should listen to what Justice McKechnie, the Supreme Court judge, and the Clerk's counsel, Dr Schoombee, have to say on the matter. I could quote many extracts from the transcript of the court proceedings, but I will quote only a few to make the point. Justice McKechnie said that entrenchment was something which was imposed and which has its origins in things such as the statute of Westminster, the colonial laws and the Validity Act, which allowed manner and form provisions in the colonial legislation to act as a fetter on the ability of Parliament to enact legislation. He also said that he did not find the notion of entrenchment constitutionally appealing. In fact, he found it repugnant; in other words, if there is not someone to argue the no case. That was on 25 January. Let us go on. Justice McKechnie said to Mr Mitchell, the counsel acting for the Attorney General in the case -

Mr Mitchell, I accept that the matter should be determined quickly but it is more important that it be determined properly and at the moment there is no, in my view - it is entirely doubtful there is a proper contradictor. . .

Later that day Justice McKechnie said -

My concerns are that in the present materials I do not see a proper contradictor who would argue the case.

In other words, the Government has not got anyone arguing the no case.

Mr Bradshaw: Is the member saying that the Attorney General was wrong?

Mr BARRON-SULLIVAN: I am saying that the Attorney General and the Labor Party members who are peddling these little fibs to local councils are misleading them quite deliberately. On 1 February Justice McKechnie said -

The issue of concern is that it's a matter which affects directly your client as plaintiff because the lawfulness of his actions is called into question, but it obviously has interest to perhaps every voter in Australia and certainly major political parties and members of parliament. Because of that further public interest in what is notionally a piece of private litigation, it would be wrong for the matter to proceed with less than full adversarial argument on both sides.

He is again saying that there is no full adversarial argument and that it is needed. On 1 February Justice McKechnie said -

I'm only concerned that the matter be put before the Full Court with full and vigorous argument on both sides.

I could give the House many other quotes to that effect. The Clerk has indicated that a case was not presented for the no side. Labor Party merchants of deceit are telling local government that \$140 000 will be spent to argue both sides. They are trying to frighten the councils from contributing to the Country Alliance's case. We hear the argument that six years ago the Labor Party had to pay its own fees, so everyone else should as well. The Premier said that the Government of the time was the custodian of the existing legislation. In other words, the Attorney General should be defending the existing legislation. He is doing exactly the opposite.

I want to make a couple of points about the blatant thuggery of this Government and the Attorney General. He has made an implied threat to launch an investigation against the City of Kalgoorlie-Boulder if the council

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contributes to the Country Alliance's legal case. I pointed out that the Attorney General has been blatantly misleading and I have quoted the counsel for the Clerk of the Legislative Council and Justice McKechnie to indicate that we have been telling the truth and what the Attorney General has been saying is nothing less than misleading. The Attorney General did say something correct today. I am dying to see the final *Hansard*. The Attorney General said that the Country Alliance was misleading people by saying that if this legislation went through the State would be governed from Perth. The Labor Party would be able to win government in Perth alone and would not need any country seats. That is what we have been saying; that is quite right. We are worried that the Labor Party can gerrymander the system and rot it so the Labor Party can govern from Perth. I agree with the Attorney General. I agree with what else he said. He said that the State has been governed from Perth for the last year. What an admission. Perhaps that is why road funding has been cut in country areas and why the sewerage infill program has been cut in country towns. Perhaps that is why salinity funding has been deferred and country bus operators are not getting the deal they deserve. Perhaps that is why we are being covered in cobwebs while we wait for the forest industry support plan. Perhaps that is why this Parliament and this House will end up with only 15 country members out of 57! That lot on the other side do not give a damn about the country. The Attorney General admitted it. He said today that this State has been governed from Perth for the last year. I tell councillors in Kalgoorlie: if they do not help the Country Alliance and if this miserable lot of deceitful misleading people get their way, the State will be governed from Perth by the Labor Party for a long time to come.

MR HYDE (Perth) [7.15 pm]: The crux of this issue is that it is more than right and proper that the Premier of this State should offer guidance and leadership to local government. That is all this matter is about. We have a democracy here; I do not know how the vote will go on this motion, but I urge all members to oppose it. Unfortunately, the member who moved this motion had left when the member for Warren-Blackwood explained how the Local Government Act works in this State. Local government is a creature of the State Government. It comprises 144 councils, which are all established through an Act of this Parliament. That is where the power comes from. It is a point that was wholly missed by the member for Kalgoorlie in his initial comments. He does not understand local government and the role of the Premier. Clearly, under the Local Government Act, councils are responsible for acting in the best interests of people in their district, not just ratepayers. Members are using language that comes from the previous Act. The excellent member for Warren-Blackwood, when he was the minister, got rid of all that and acknowledged that local councils did not just look after ratepayers, they looked after the people of the district. Many people living in council areas do not pay rates. As the Premier correctly pointed out, a majority of country councils receive their funding from a number of grants and funds such as Safer WA and the security fund, which I am privileged to chair. These councils do not receive the majority of their funds from rates. The member for Warren-Blackwood pointed that out. Hopefully the member for Kalgoorlie is out and about boning up on the Constitution. The member for Warren-Blackwood could have given more information on the real situation with local government. With so much money coming from the State, the Premier does have an important guidance and leadership role. I look back to the former Government. I took advice from the then Premier, Hon Richard Court, and the current Leader of the Opposition - I often met with him in his role as the Minister for Energy.

I remember the Minister for Planning, Hon Graham Kierath. What happened about the Shire of Chapman Valley? He directed that council about its policy on the transport of uranium. The word "thuggery" was mentioned by a colleague of that former minister. Obviously, that was what was happening with that minister. This motion has nothing to do with thuggery, coercion or anything else like that. It has everything to do with a statesmanlike Premier exercising his proper right, as recognised by the member for Dawesville.

In addition to the issue of the Shire of Chapman Valley, there are other examples. The member for Warren-Blackwood confessed to the role he played in the split up of the City of Perth. Money used in the split up of that council was at the direction of the State Government. The State Government took money from ratepayers, myself included, to pay for the shemozzle of social engineering at the time. It was clearly an initiative of the State Government of the day, as State Governments play an important role in local government.

Another issue, totally misunderstood, concerns the electorate of Eyre. If there is no change to the electoral laws and as this year is an off year after an election, there must be a redistribution of seats in Western Australia. The smallest seat in regional Western Australia is Eyre. One does not have to be a Rhodes scholar or to have been in this Parliament 30 years or even one year to know that if the Electoral Commission looks at any boundaries, it will look very closely at the smallest seat in the State, which is the seat of Eyre.

Perth is the smallest metropolitan seat. Under the current system, more changes would be made to my seat than any other metropolitan seat.

Mr Johnson: How many electors do you have?

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Mr HYDE: I have only 20 800. Under the current system, I need another 4 000 voters, and the seat of Eyre needs another 6 000. There is no skulduggery. One does not have to be a Rhodes scholar to work out that the seats of Eyre and Perth would be most affected by a redistribution under the current system. The issues of representation in the Mining and Pastoral Region and the changes to the upper House have been raised. The greatest effect the Greens (WA)'s proposal will have on that area will be an extra representative.

Members raised the issue of a certain letter. The Opposition's best shot is the tone of a letter. I have a library of letters from the then Minister for Energy, the then Minister for Local Government and other ministers. I could be a prat -

Mr Johnson: I do not believe that for one moment.

Mr HYDE: The letters the member wrote when he was the Minister for Citizenship and Multicultural Interests were exemplary. Other ministers' letters were not. The member for Warren-Blackwood admitted that \$1.7 million was spent on an inquiry into the City of Cockburn as a result of a state government decision. All the Opposition has is a letter from the statesmanly Premier of the day offering advice. The Deputy Leader of the Opposition tried to reword what the Minister for Electoral Affairs said. I am sure *Hansard* got it right. The minister provided three clear examples of allegations in the printed report prepared by the chief executive officer and others that went to councillors. If, as the member implied, councillors made a decision on erroneous information, that could form the basis of an investigation. The member is wrong. It is not the Attorney General or the Minister for Local Government and Regional Development who conducts investigations into local government. If a council were clearly misled, the Department of Local Government and Regional Development would launch an investigation. The former Government allowed that to happen with the City of Cockburn, the City of South Perth and the City of Wanneroo. The department launched investigations into three councils when the coalition was in government.

Mr Johnson: You say that it is not the Attorney General or the Minister for Local Government who launches those investigations. Why has the Minister for Local Government been having secret meetings with some City of Joondalup councillors in the member for Joondalup's office?

Mr O'Gorman: They were not secret.

Mr Johnson: They will not tell anybody what was said.

Mr HYDE: There were no secret meetings.

Mr Johnson: I have seen a copy of the letter by the member for Joondalup.

Mr HYDE: When the member for Warren-Blackwood was Minister for Local Government he held a number of meetings in my office and in Jack Marks' office. I am sure the member would deem them secret. The then Minister for Local Government had a number of meetings in Council House with Lord Mayor Peter Natrass, as well as the Leader of the Opposition and me. They were not secret meetings.

Mr Johnson: They must be secret if no-one will say what they were about.

Mr HYDE: The member for Kalgoorlie admitted that he meets with the chief executive officer of the City of Kalgoorlie-Boulder and gives him information.

Mr Birney: As well as the councillors and the mayor.

Mr HYDE: That is very good. The CEO of Kalgoorlie-Boulder has, we hope, been given wrong information. He printed it in an agenda and presented it as official advice.

Mr Birney interjected.

Mr HYDE: No; the member had his chance. As the Attorney General clearly explained, all three points were totally wrong. They have been explained and are in *Hansard*. We will go forward.

The other concern raised in relation to the current redistribution was about the representation of people in regional Western Australia. If the Opposition uses that as an argument, it must, ipso facto, also be referring to the 76 per cent of Western Australians who reside in the metropolitan area. The Opposition cannot have it both ways. It cannot argue that the 24 per cent of residents who live in regional areas should have an unequal representation and not say that it devalues metropolitan residents and believes their votes are worth less. I have been to Kalgoorlie and other areas of regional Western Australia. People are interested in services. How many people passionate about regional Western Australia and concerned about electoral reform attended the upper House travelling circus on electoral reform in Geraldton? Four. The Opposition should have put the hat around in Geraldton to get its money for a legal challenge. Those meetings were a disaster for those who believe that there is a massive groundswell of people in regional Western Australia who would prefer a rorted vote to

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services. This Government is providing services. Community sporting and recreation facilities funding has a 50 per cent weighting towards regional Western Australia. The weighting of Healthway funding directed towards regional Western Australia is greater than 50 per cent. Regional Western Australians comprise 24 per cent of the population, but they receive more than 50 per cent of funding. The Minister for Planning and Infrastructure today announced the preservation of traditional planning uses in regional Western Australia. They are more examples of this Government delivering services and giving extra attention - more than 24 per cent - to regional Western Australia. That is what people want. They do not want more unwieldy votes; they want services. That is what people in regional Western Australia are saying. The Opposition must move on from its ideological argument about one vote, one value. One vote, one value is about fairness and equity, and that is the place for it. The Labor Government's policy is to provide everybody with both a ladder of opportunity and a safety net. That safety net is rightfully used by people in regional Western Australia. That is why we are putting extra resources into health and a range of other government activities. That is what this Government will be judged on. It will get very few brownie points for doing the right thing about one vote, one value, but it will get all the brownie points for providing services and concentrating on the core activities of government in regional Western Australia.

I totally reject the motion. I urge all members of this House to oppose it if it goes to a vote.

MR TRENORDEN (Avon - Leader of the National Party) [7.27 pm]: I take the arrogant threat of the Premier to regional and rural Western Australia very seriously. I will explain why I take the threat very seriously by outlining the track record of the Labor Government. It has taken \$290 million a year from funding for roads and \$25 million from this year's country health funding. Police have been moved from at least two districts. A substantial number of officers were lost from my region. Local government losses on airports amount to about \$2 million, but the State will not provide support. The Government has taken \$5 million from the regional development fund to spend on promoting tourism in Perth. What an insult! It has taken \$4.2 million from the salinity fund, and has removed capital funding for major items like the Ravensthorpe District Hospital. That funding has vanished into the ether. The Government has refused to extend the Broome port, which is an important facility servicing an oil and gas industry that is trying to compete with the industry in Darwin. This State obviously wants that business to go to Darwin. It has taken no action on Indian Ocean Drive. A major piece of infrastructure is situated on the coast to our north. Two development commissions have written a report saying that \$700 million of development in that area is on the line.

The Government has ripped \$20 million out of Western Power. Western Power is now doing the rounds and telling councils that there will not be any capital development this year because there is nothing left in the bucket. It is saying that those councils may not receive any maintenance and warning that although it hopes there will not be blackouts, there may be brownouts. This follows the coolest summer on record, and as a result, Western Power has, like the Water Corporation, received much less revenue.

An amount of \$9 million was taken from the Department of Agriculture. My town of Northam will be the first town in regional WA for some decades that the State has bypassed in providing assistance to the community for the beautification of the town to pick up the downturn that will occur. The Government has refused to back Skywest Airlines Pty Ltd at a time of crisis after the collapse of Ansett Australia. What did the State Government do about Skywest? It told Skywest to go away; it did not want anything to do with the airline. It has put a blight on regional tourism right throughout this State. It refuses to sign the national salinity action plan. The Government has refused to put \$186 million over seven years into regional WA. It refuses to support local community banking. I find that particularly disappointing. The sewerage infill program has been cut substantially. About 1 000 jobs have been lost around Australia, many of which are in regional Australia. Recently, the Wickepin nursing home suffered a big miss as well.

Mr Barnett: Do you know what is incredible about this debate? This motion is essentially a no-confidence motion in the Premier. The Premier is not here; in fact, not one frontbench minister is here to support the Government.

Ms McHale: I am here.

Mr Barnett: You are not on the front bench; that is the front bench.

Mr TRENORDEN: We must take the Premier seriously.

Mr Hyde: At least they were here for question time.

The ACTING SPEAKER (Mr Andrews): Members, the Leader of the National Party has the floor.

Mr Matt Birney; Deputy Speaker; Mr Tony McRae; Mr Colin Barnett; Mr Paul Omodei; Dr Geoff Gallop;
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Mr TRENORDEN: We must take the Premier seriously because he has already done this. He has already ripped huge amounts of money out of regional WA. To back up that position, Minister Stephens in the other place went to a meeting of local governments in Bindoon, which I attended along with a lot of other people. He said to the gathering of local governments that the reason this Government will not give them any money is that they did too well under the previous Government, particularly under the National Party. That was his statement. He went through the program and outlined areas such as water, health and infrastructure in which local governments did too well. He told those local governments that they would get nothing during the term of this Government.

Mr Barnett: They will get 24 per cent. That is the criteria now.

Mr TRENORDEN: It is 24 per cent. A minister went to local governments and said that they would miss out. That is it! This Government is city centred. The member for Fremantle clearly said tonight that this Government will govern from Perth for Perth.

Mr McGowan: Where are we?

Mr TRENORDEN: Exactly. The member for Rockingham does not have to worry about it; he represents the metropolitan area and his area will be looked after. However, councils in my electorate are desperate. The constant call from councillors is how do they get to talk to a minister of this Government. One minister will talk to them - Hon Kim Chance. He is the only minister who will talk to people in the wheatbelt. Nobody else will talk to them. We have a major problem.

The Premier spoke about democracy, yet he will not allow local governments to make a democratic decision. He gave an impassioned speech about how he loves democracy and almost cried on the spot. However, local governments should never dare be democratic! The Premier has taken an outrageous position. Justice McKechnie said that he is concerned only that the matter put before the Full Court of the Supreme Court have full and vigorous argument on both sides. Laurie Marquet, the Clerk of the Parliaments, has clearly stated that he will not be putting the no case.

Mr Hyde: No, that is wrong.

Mr TRENORDEN: He said that; it is on the record.

Mr Hyde: No, it is not. It is a misquote.

Mr TRENORDEN: The member for Perth should not mislead this House. It is clearly on the record.

Mr Hyde: Read the transcript of his letter.

Mr TRENORDEN: Here it is. The member for Perth is misleading the House.

Mr Hyde: No.

Mr TRENORDEN: The member should ring him and ask him. I have done that myself. He has clearly told me that he will not be putting the no case. The Premier is batting way out of his league. The people of rural and regional WA will remember this. This is the most arrogant statement I have heard from a Premier in the 16 years I have been in this House. I have never before heard standover, concrete shoe-type statements such as these come from a Premier. Members opposite can get as excited as they like, but I spent the day walking around the streets of the Woolarama last Friday. Can members guess what the people were talking about?

Government members: Sheep!

Mr TRENORDEN: That is exactly why Labor Party members are really on the nose with country people; they display an arrogance towards country people which country people really detest.

MR O'GORMAN (Joondalup) [7.35 pm]: It feels a bit like a birthday to me; this is the second time in one day I have made a speech.

Mr Barnett: You need more opportunities. We will always support you.

Mr O'GORMAN: I know what the Leader of the Opposition supports. I was not going to speak on this motion today, but as the member for Kalgoorlie sought to take out of context -

Mr Barnett interjected.

Mr O'GORMAN: The Leader of the Opposition should sit down and listen for once; he might learn something. The member for Kalgoorlie decided to raise in this debate a letter I wrote to one councillor at the City of Joondalup. I sent copies to all the councillors at the City of Joondalup, the chief executive officer and the mayor because I thought it was necessary that they know where I stood on the issue.

Mr Matt Birney; Deputy Speaker; Mr Tony McRae; Mr Colin Barnett; Mr Paul Omodei; Dr Geoff Gallop;
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Mr Johnson: I have a copy of that letter.

Mr O'GORMAN: I know the member has a copy because the Liberal Party has many members on the Joondalup City Council -

Mr Birney interjected.

Mr O'GORMAN: Do members opposite want to listen and learn something and not be ignorant, as they usually are? The member for Hillarys should be quiet. I will give members all the details if they will listen for once.

Mr Johnson: They will not be all the details.

Mr O'GORMAN: Today the member for Kalgoorlie -

Mr Johnson: I hope he will tell you about a councillor who was there and who had affiliations with that particular party.

Mr O'GORMAN: If I might continue, the member for Kalgoorlie said in his speech that I wrote a letter with a threatening tone. I believe that was the term used.

Mr Birney: That is what the council said in its motion.

Mr O'GORMAN: I have not seen the council's motion. Obviously there are a lot more Liberal members on the council than Labor members, because I have not heard anything about last night's council meeting.

Mr Johnson: How many members of the Liberal Party are on the council?

Mr O'GORMAN: Are members going to listen?

Mr Barnett: This is a major issue. You will have to come clean on it.

Mr O'GORMAN: It is not a major issue. If this is a major issue for the Leader of the Opposition, he does not have a lot on his plate worth talking about, so he should just sit down and listen and be quiet.

Mr Barnett: I am sitting down.

Mr O'GORMAN: The Leader of the Opposition should be quiet and learn how to listen.

Mr Johnson: You stand up.

Mr O'GORMAN: I am standing up.

Mr Barnett: Come on, be accountable!

Mr O'GORMAN: The background to my writing the letter was that a number of councillors and members of the general public came to see me because they were concerned about certain things that went through the council about which they were not happy. When they raised those issues with the council, they did not get satisfactory answers. That is why they asked me to arrange a meeting with the minister, which I did and which I would do again tomorrow or next week if I had to. Last night at the council meeting, Councillor Patterson put forward the following motion -

"That:

I in the interests of open and transparent government, that Council REQUESTS the Mayor to write to the Minister for Local Government asking for details of the meeting between a number of City of Joondalup Councillors and himself that was held in January 2002, with his correspondence including:

Mr Birney interjected.

Mr O'GORMAN: The member can just listen for once. I will read the third motion, because I answered that as well.

Mr Birney: I am very serious about it.

Mr O'GORMAN: I will tell the member what I am going to tell him. I will read notice of motion No 3 before providing my response to it.

Mr Birney: Motion No 3 is about you.

The ACTING SPEAKER (Mr Andrews): Member for Kalgoorlie, I am trying to listen to the member for Joondalup. He clearly indicated that he did not want to take an interjection.

Mr Matt Birney; Deputy Speaker; Mr Tony McRae; Mr Colin Barnett; Mr Paul Omodei; Dr Geoff Gallop;
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Mr O'GORMAN: In the letter to Councillor Patterson, I first addressed notice of motion No 4. The first part of the notice of motion states -

... with his correspondence including:

- who convened the meeting?
- who was in attendance?
- what issues were discussed at the meeting?
- the agreed outcomes of the meeting?

(2) once a response is received it is tabled at the following Council meeting.

The letter I wrote to Councillor Patterson states -

Mr Birney: It's very nasty.

Mr O'GORMAN: It is not very nasty; it is plain. It explains my position and outlines his position.

Mr Birney: It is unparliamentary.

Mr O'GORMAN: It is not unparliamentary. It was sent by a member of Parliament.

Mr Birney: It is threatening.

Mr O'GORMAN: It is not threatening. The letter states -

It has been brought to my attention that you have a number of notices of motions on the agenda for the Tuesday 12 March council meeting regarding a meeting held in my office with a number of councillors and members of the public with the Minister for Local Government.

I offered the information to him. It was not a threat. The letter continues -

If you require any information about that meeting it would be more appropriate for you to ask me as the host/convenor of the meeting.

That was me; I am proud of that. The letter continues -

Firstly when I convene meetings between my constituents and any Minister I am not obliged to tell you, the Mayor or anybody else -

That includes members of Parliament and other councillors -

what the meeting is about or who attends. Since your curiosity has gotten the better of you I will give you this much detail.

The councillors and members of the public that attended did so out of a concern that possibly proper processes were not followed during the outsourcing of some of the City of Joondalup services.

That is the issue; that is all he needs to know. The letter continues -

Mr Birney: Can't you just read the first and last sentences?

Mr O'GORMAN: I will read the whole lot, because I want it on the record. It continues -

These issues were raised with the Minister and he agreed to have the processes looked into. Unless you feel that the correct processes were not followed, you or any other councillor has nothing to fear from whatever the Minister finds.

I will not disclose the names of the participants because that is none of your business and also I would not like to put those persons in a position where they fear retribution for their actions.

Their fear is justified. I have seen the e-mail that was sent to some of those members, threatening them that this matter was going to be raised in Parliament. It has now been raised in Parliament. Notice of motion No 3 states -

That:

I Council ENSURES all ratepayers are aware of its commitment to financial efficiency, discipline -

Mr Birney: That's not it.

Mr O'GORMAN: It is notice of motion No 3.

Mr Matt Birney; Deputy Speaker; Mr Tony McRae; Mr Colin Barnett; Mr Paul Omodei; Dr Geoff Gallop;
Speaker; Mr Arthur Marshall; Mr Jim McGinty; Mr Dan Barron-Sullivan; Mr John Hyde; Mr Max Trenorden;
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Mr Birney: No it is not. Motion No 3 is that the chief executive officer write to Mr Tony O'Gorman MLA, member for Joondalup -

Mr O'GORMAN: I am reading notice of motion No 3 which appeared on last night's council briefing paper. It states -

- 1 *Council ENSURES all ratepayers are aware of its commitment to financial efficiency, discipline and local economic development, a report be prepared by the Chief Executive Officer on the success of Council's contracting out activities since December 1999.*
- 2 *the report requested in (1) above is to address the following issues:*
 - *the amount of money saved by these contracting out activities.*
 - *the reduction in the number of FTE's employed by the council.*

I do not think that sacking people is a good measure of financial efficiency. It continues -

- *the increase in money available for improvements to various amenities in the City of Joondalup.*
- *the positive impact for local business and economic development in the City of Joondalup -*

That was notice of motion No 3, which appeared on the notice paper of last night's council meeting. My response in the letter to Councillor Patterson states -

In respect of your motion No 3 I feel that it is more appropriate that the Auditor General provide the report from an independent point of view in the interests of fair and open government.

I used Councillor Patterson's own words. That is what happened. It is out of line for the member for Kalgoorlie to say I threatened Councillor Patterson.

On the subject of secret meetings, the member for Greenough had a secret meeting with his councillors. Nobody kicked up a fuss about that. What is the issue? There is no such thing as secret meetings. I did my job and I did it well. I will do it again tomorrow and next week.

Several members interjected.

The ACTING SPEAKER: I call the member for Greenough.

Mr Barnett: The record should show that the member for Joondalup wimped out again.

MR EDWARDS (Greenough) [7.44 pm]: I will correct the member for Joondalup. I did not have a secret meeting with councillors; I had a meeting with some local businesspeople.

Several members interjected.

The ACTING SPEAKER: I ask members not to interject across the Chamber, particularly when that occurs so close to the member with the call.

Mr EDWARDS: Thank you, Mr Acting Speaker. I will start again. To correct the member for Joondalup, I did not have a secret meeting with councillors; I had a meeting with some local businesspeople of the City of Geraldton for the benefit of that city and the region. This motion has already been explained by other speakers, so I probably do not need to go into detail. I will keep my comments to observations about the Premier's role and conduct apropos local government. He is passionate about the role he plays, and so am I. Having spent some 10 years in local government, I also feel reasonably passionate about that.

I will correct a couple of points raised during the debate on this motion tonight. The member for Perth said that only four people attended the meeting in Geraldton. I was one of those people. One reason for the poor attendance was that the committee meetings were badly advertised. A lot more people arrived after the committee had shut up shop and gone home. The committee ran until about 10 o'clock. However, because it is a regional centre, people drive in from an hour or two away. They were not happy to find that they could not put forward their points of view on the one vote, one value issue. I refute the observation made by the member for Perth. Again, it shows a misunderstanding of country and rural Western Australia.

I take greater issue with the Premier's comments on local government. I find it ironic that we are currently debating industrial relations legislation and the questionable activities of standover tactics, which have been recognised in this House as a means by which unions enforce their wishes. The Premier is using the same tactics. I am sorry that the Premier is not here to hear my comments. I remind him that his Government started

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this chain of events with the one vote, one value legislation. The issue of equity has been floated around in the Chamber tonight. However, I am aware that on proposed figures, the Mining and Pastoral and Agricultural regions will each have some 13 000 electors. Other electorates will have some 22 000 electors. It is crass to say that one vote, one value is a fair and equitable system. That is not the case at all. Touching on the one vote, one value issue, 98 per cent of Western Australia, including the wealth generating agricultural and resource regions, will be represented by just 15 of the 57 seats in this House. I remind the House that that is what we are talking about. Fifteen seats out of 57 is small representation.

Mr Barnett: It is pretty close to their criteria of 24 per cent.

Mr EDWARDS: Yes, it is pretty close. I thank the Leader of the Opposition. Our country communities and rural industries need strong representation. We are seeing that more every day. The Leader of the National Party has probably commented on that already. The proposed legislation tips the balance in favour of the metropolitan area. It is interesting that since the Premier made his intimidating comments to councils - I call them that because I believe they were intimidating - some councils have changed their minds. I know that some councils were perhaps a little wary of supporting the legal, not political, no case. Some of those councils are now having second thoughts about not supporting it. In fact, they will actively support it.

I was a guest at the northern zone meeting of the country shire councils of the Western Australian Local Government Association in Geraldton last Friday, as was the Premier and some other members of this place and the other place. Some 12 councils were represented. I will give the Premier his due, he made a very positive speech and some questions were asked at the end. A councillor asked a question about one vote, one value and the comments made by the Premier about Kalgoorlie-Boulder and other councils. The Premier said he was very passionate about this issue, and he repeated that earlier this afternoon. Councils are equally passionate about what they can and cannot do. The Premier probably did himself a disservice by making those intimidatory threats, because I believe the 12 councils within my patch will now be coming out strongly in support of the no case. I would not have said that was the situation prior to his comments. Those councils have shown their anger. The Premier should remember that local councils are democratically elected.

I believe I have some authority to speak on this issue. I spent some 10 years at different levels of local government and at one time I was the president of the Western Australian Municipal Association, as it was in those days.

Mr Hyde: And a very good one.

Mr EDWARDS: I thank the member for Perth. I was not looking for a compliment. Maybe I should illustrate the democratic process that took me into local government. I wanted to raise an issue and it was put to me by the ratepayers association to which I belonged that perhaps I was the right sort of person to put my name forward for election to council, which I duly did. I was democratically elected through the electoral system that is determined by the Electoral Commission.

If it sounds as though I am a bit pedantic about local government, I also have a passion about local government and it should be recognised in this House that local government is a sphere of government. The Premier tends to forget that. I believe the Premier was a local government councillor at one time.

I digress a little to say that I find the democratic decision-making process in local government different from the decision-making process in this place. In fact, I find the local government process a little more straightforward than the processes in this place, but there are obviously differences between the two spheres of government. I emphasise that local government is an autonomous sphere of government in its own right. It has been a form of authority in this State in one way or another since the 1840s. In fact, local government was a sphere of government in this State before the Assembly was formed in 1890. Local government authorities - whether they were road boards or some other organisation - were in place prior to this State Parliament being established. Therefore, it has an important role to play. The Premier and his Government should remember that.

I repeat, local governments are autonomous, they are decision makers, they represent their electors and they represent them through their decision making. If local governments consider it right and proper to spend money on behalf of their electors on a legal issue in the Supreme Court, that is their decision. Their electors voted for them as councillors to make that decision. On a simple matter, such as a mowing contract, the councils have the democratic right to make a decision. I will fight for that principle to the end. The Premier has not recognised that. He has the gall to stand here and threaten and intimidate local governments. That is not his role. I will give a simplistic example. The Commonwealth Government could feel inclined to make some rulings about the goods and services tax in this State. I understand GST money will be distributed to the State and the Government will spend it as it wishes. The Commonwealth could specify how this State will spend the money.

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Those local governments are doing the job they were elected to do. The Premier's attitude smacks of arrogance and disregard for local government, and he should have a long hard think about his threats and intimidation. He has lost some respect and integrity among country and regional councils. As I said earlier, I have spoken over the past three days to members of the 12 councils with which I am associated and they are considering the no argument. Prior to the Premier making his comments, I do not think that was much of an issue. I support this motion and remind the Premier that local government is an active part of the government of this State.

MR MCGOWAN (Rockingham - Parliamentary Secretary) [7.56 pm]: I have only a few minutes in which to speak, so I will be brief. Members opposite fundamentally misunderstand what the Premier said the other day.

Mr Omodei: It was very clear.

Mr MCGOWAN: I have only five minutes. There is a fundamental misunderstanding about this issue and I want to make a simple point. The Government and the Premier do not object to local authorities taking a political stance on various issues around the State. Councils may raise motions and send letters about the state of their hospitals and police numbers in their districts. These are all political matters. The Premier objects to funds being raised and spent on blatant political causes because he thinks it is inappropriate. I will pose a simple and straightforward question to the Leader of the Opposition. In 1995 and 1996 the then Opposition, with the members for Fremantle and Victoria Park, took a case to the High Court in which the Labor Party objected to the electoral laws of this State. Let us say that the City of Rockingham and my constituency are adversely affected by existing electoral laws, and 20 minutes away there are electoral districts half the size of the electoral districts of Rockingham and Peel. Suppose the City of Rockingham took a stance on that issue and decided to donate \$50 000 towards the cause of the Australian Labor Party. Would the Opposition support that?

Mr Barnett: If they voted to do so, that is fine. They would be answerable to their ratepayers.

Mr MCGOWAN: In 1997 the then State Government introduced into this Parliament the third wave legislation, which contained a significant constitutional issue to try to stop the transfer of Western Australian workers to federal awards. Suppose a local council in an area with a high number of workers - Cockburn, Kwinana or Rockingham - decided that it wanted to contribute to a Labor Party challenge to those laws. Would the Leader of the Opposition agree with that?

Mr Barron-Sullivan: Did that happen?

Mr Barnett: That is hypothetical.

Mr MCGOWAN: It is not hypothetical. It is an identical situation to the one we are talking about now. The Leader of the Opposition will not answer that question. The objection the Government has is that councils that regularly complain that they do not have sufficient funds to fulfil their responsibilities to their electorates will spend their hard-earned ratepayers' funds on political campaigns. That is the extent of our objection. The Premier is saying that if councils do that, it must be a factor when considering discretionary spending in local authority areas. If local authorities think that they have sufficient funds to throw around on blatantly political campaigns and court challenges -

Mr Barnett: Do you support the Premier's threat?

Mr MCGOWAN: Yes, I do.

Mr Barnett: The member for Rockingham agrees it is a threat, and we have that on the record.

Mr MCGOWAN: Every member should be aware that we object to the spending of money by those councils. I have had a lot of involvement with local authorities in the State during the past three or four years. One constant emerges no matter where I go - whether the city or the country. Whenever I show up the first statement is that the councils want money and they do not have a sufficient rate base. Councils in the electorate of the member for Cottesloe claim that they never have enough funds to fix the roads. They want the State to pay. The Shires of Broomehill and Moora never had enough funds either.

Debate interrupted, pursuant to standing orders.