

# Legislative Council

Tuesday, 11 November 1986

**THE PRESIDENT** (Hon. Clive Griffiths) took the Chair at 3.30 p.m., and read prayers.

## TAXES AND CHARGES

### *Stamp Duty Avoidance: Ministerial Statement*

**HON. J. M. BERINSON** (North Central Metropolitan—Minister for Budget Management) [3.32 p.m.]—by leave: The Government will introduce legislation in the current session of Parliament to eliminate various stamp duty avoidance practices which have come to attention and which have the potential to result in very significant loss of revenue to the State. The legislation will provide that the new requirements apply from today's date.

Avoidance practices result in a greater tax burden on those who abide by the law and pay duty as required. The Government is determined to prevent that occurring.

The major avoidance scheme involves the transfer of property without complete documents being drawn up, and is known as transacting in offers. The scheme involves execution by one party only of an offer to sell, buy, or lease property and acceptance by conduct only. As a result, there is no instrument on which stamp duty can be levied. I am advised the scheme is also being used in loan agreements.

The Government has given careful consideration to the best means of overcoming the transacting in offers scheme, while ensuring that stamp duty does not become payable in respect of a greater range of transactions than in the past.

The proposed changes will require all parties entering into transactions involving the change of ownership of real property in Western Australia, in respect of which no instrument liable for duty is brought into existence, to lodge with the Commissioner of State Taxation a memorandum setting out the terms of the transaction. A memorandum will also need to be provided in respect of certain loans of money or lease agreements where a written offer or written acceptance results in a transaction which does not bring into effect a dutiable instrument.

The memorandum provided by the purchaser, borrower, or lessee, as the case may be, will then itself become the dutiable instrument

and liable for stamp duty at the relevant rate of duty.

Details of the relevant types of loans and leases will be announced when the legislation is introduced. There will be exemptions for loans such as unsecured bank overdrafts and money lent overseas. The Government intends to make these measures enforceable from today to prevent further loss of State revenue.

## AMERICA'S CUP YACHT RACE (SPECIAL ARRANGEMENTS) AMENDMENT BILL

### *Second Reading*

Debate resumed from 29 October.

**HON. P. G. PENDAL** (South Central Metropolitan) [3.38 p.m.]: The Bill before the House is the second we have seen in recent months by which the Government is making some special arrangements for the influx of visitors during the period of the America's Cup.

The parent Act which was introduced several months ago provides that the contents of the Act and now the subsequent Bill will die sometime in the middle of February. In a general sense, the Opposition supports the content of the Bill, but I draw particular attention to several provisions which I think confer the most extraordinary degree of power—administrative and political—on any Minister of the Crown in this State.

I want to go in some detail into those powers because in many ways they are quite draconian, and I will use the occasion to express the view that the Government and in particular the Minister will want to be exercising these powers with a great deal of caution.

The Bill is like any other that Governments introduce; it is a bit like the curate's egg in that it is good in parts. It deals with several matters, for example with the placement of caravanners at the height of the America's Cup. But it deals also with somewhat extreme measures and I want now to touch on those.

I know we are not dealing with the Committee stage of the debate yet, but by the very nature of the Bill it is hard to avoid detailed comment during the second reading.

Proposed part IIA includes "Division 2—Traffic" and we are told that the Minister is to have powers for the control of traffic which are described thus: Where the Minister is of the opinion that it is necessary or convenient to make special arrangements for the purposes of any one or more of the following purposes, the Minister may by order give such directions as

he considers necessary or convenient for that purpose.

Amongst those purposes quite specifically and explicitly stated is the assembly of persons. I must confess that this brings to mind shades of section 54B of the Police Act which the present Government had so much to say about while it was in Opposition; indeed in its early days in office the Government was very quick off the mark in bringing about the repeal of that section.

It is only in the last few days that members would have become aware of comments made by the most recently retired Premier of New South Wales, Mr Wran, and other people within the Australian Labor movement, including Senator Graham Richardson from New South Wales, both of whom made the point in their own various ways that Labor Governments across Australia had lost their way. I am not saying that this Bill suggests to any great extent that this Labor Government has lost its way with crowd and other controls being introduced for the America's Cup, but I must point out the irony of these powers wanted by the Government when we recall its attitude to that section of the Police Act which was removed only a few years ago and which indeed prohibited certain types of assemblies occurring in certain areas.

Hon. D. K. Dans: But this is not the Police Act.

Hon. T. G. Butler: It is a different power.

Hon. P. G. PENDAL: I am well aware that this is not the Police Act we are dealing with and I am sure Hon. Tom Butler would be interested to know that this Bill proposes to confer on the Minister powers probably with more potential for misuse than ever existed with section 54B of the Police Act.

Hon. T. G. Butler: Don't talk so much rot.

Hon. P. G. PENDAL: If the member believes it is rot, it probably suggests he has not even read the Bill, a comment which I am sure is not far off the mark. We are being asked to pass a Bill that allows the Minister to make orders in certain circumstances and we are told that where the Minister is of the opinion that it is necessary or—and note this—convenient—and that brings another element into it entirely—the Minister may by order give directions as he considers necessary or convenient for the purposes of any one or more purposes which are listed.

The first purpose, in paragraph (a) of new section 11B (1) relates to the movement of traffic or pedestrians or both. The second, in paragraph (b), is the assembly of persons. These are the Government's own words.

Hon. A. A. Lewis: What about cray-fishermen?

Hon. P. G. PENDAL: That is quite a relevant interjection because those people to whom the member has referred found it necessary the other day to bring their sense of outrage to the Government's attention by what they did at the start of one of the day's racing for the America's Cup.

As I said, these are the words put in the Bill by the Government, not the Opposition, which will give the Minister in charge of the Bill, the Leader of the House, the power to make special arrangements for people assembling in the streets and assembling in public and other places.

The Bill also tells us that without derogating from the generality of subsection (1) of proposed section 11B, that order may include a direction to do certain things. Subsection (1)(c) provides for directions for the seizure, removal, and detention of obstructing or abandoned vehicles. Is it not ironic also that it is only a few years ago that a Minister of the present Government in this House who has since translated himself to the other House, gave us lectures night after night on the matter of the seizure of certain trucks and barrows owned by people who transacted business in the Hay Street Mall?

Hon. Tom Stephens: That is a different matter altogether.

Hon. P. G. PENDAL: It is different if someone else does it but it is not different when someone here can be given the power to seize someone's goods! It was that principle which was debated in the House a few years ago and which was criticised very trenchantly by members of the present Government. I admit I am dealing with the bad parts of the Bill first, and I will come to the good parts in a moment.

The Bill allows the Minister to make orders—and I ask Government members who have been interjecting to listen carefully to this because they may have an answer for it—regulating or prohibiting the assembly of persons. There is silence on that point.

The Bill goes on and it gets worse. That prohibition will extend to the assembly of persons on any area including private land referred to in the order absolutely or subject to the terms

and conditions specified in the order. If that is not a case of first-class and rank hypocrisy from a group of people who only a couple of years ago actually took their protests into the streets of WA because it was felt section 54B infringed the civil liberties of people because it controlled, managed, and regulated people's rights to march and to assemble, I do not know what is.

Hon. D. K. Dans: Have you been to Fremantle?

Hon. P. G. PENDAL: The Minister knows that I have.

Several members interjected.

The PRESIDENT: Order! I will not permit a Committee debate during the second reading of this Bill. The honourable member addressing the Chair quite properly pointed out that it was difficult when dealing with a Bill such as this not to go in some detail into its clauses, but the purpose of a second reading debate is to talk in broad principles about the Bill. I was happy about his going along as he started until he actually got into a Committee debate, where several members were participating. That was the straw that broke the camel's back and caused me to intervene. The member should continue discussing the Bill as he would during the second reading of any other Bill.

Hon. P. G. PENDAL: By way of interjection, the Leader of the House implied that one needed to know the circumstances of what will occur in the City of Fremantle with the challenge for the cup to understand why some of these provisions are necessary. I said at the outset that the Opposition supports the Bill. If we did not accept that there was a need for some form of control of crowds and crowd management, we would oppose the Bill. I am trying to draw to the House's attention—the Minister has effectively done it by way of interjection—that, given a set of circumstances, presumably one can justify anything.

Hon. D. K. Dans: I agree.

Hon. P. G. PENDAL: It is not good enough for arguments to be put forward stating that something was white three years ago, but today, because circumstances are different, it is now black.

The desire to set up a Transport Advisory Committee really escapes me. It is probably fairly desirable for the Government to make sure that local government authorities, in particular, are consulted about matters that affect their areas of responsibility. I have no opposition to that. However, at the same time, this

legislation broadens that to allow the head of a local government authority to be a member of the Transport Advisory Committee. On the surface that is fairly acceptable. But I draw the House's attention to the fact that the orders that the Minister will be able to issue under this legislation are the orders that state, among other things, that before making an order, the Minister "may" consult with that committee. I think that underlines the draconian nature of this legislation. On the one hand, one cannot proclaim a willingness to consult with people as the Minister sets out in the second reading speech and then find, on the other hand when one looks at the small print, that the Minister does not need to consult them at all. The Bill does not say that the Minister "must", "shall", or "should" consult them and I will refer more to that in the Committee stage. It means that the Minister "may" if he feels like it, if there is time, and if the circumstances are right, consult with one of those traffic advisory committees.

I suggest that the Minister consider this because it seems to confer powers on him that might never have been intended. I was not aware that there was anything so draconian in the original legislation. The powers may never be used.

Hon. D. K. Dans: Hopefully they never will be.

Hon. P. G. PENDAL: I agree, but members will recall that, eight or 10 years ago, the Court Government passed controversial legislation relating to emergency fuel supplies and one would have thought we had started the third world war. The then Opposition made the point that those powers may never be used but it was nonetheless a bad thing in principle to have such sweeping powers on the Statute book in the first place.

I turn now to the latter part of the legislation which deals with caravanning and caravan sites. I do not think many people in Western Australia understand the extent to which the ordinary rules of law are being extended in this case. I do not have great difficulty with some of it. However, I think people should know what they are being asked to endorse. Notwithstanding any other law of Western Australia—it is specifically stated in the Bill—one of the orders to which I have made reference may enlarge the number of caravan sites or camps contained in a park. Let us be careful about what we are doing. In one fell swoop we are perhaps doubling the size of caravan parks throughout Western Australia without receiving assurances

from the Minister about the health and hygiene problems and ablution facilities of those parks.

An order may also lengthen the period for which a caravan may be parked on a site or a camp used and people should know that this will permit caravan parks to be used not only for housing caravans but also it will allow private residences to be used as caravan parks because the Minister told us in his second reading speech that the legislative working party which came up with all of these arrangements identified potential problems in accommodating the expected influx of caravanners and campers. If these provisions are acceptable to the Caravan Parks and Trades Associations of WA and to other people who have first-hand knowledge of the industry, I commend the Government for at least consulting with those people. However, people should be in no doubt about the powers these provisions confer on the Minister. They are intended to ease the load on caravan parks by creating new and temporary caravan parks and allowing for the accommodation of caravans on private properties as I mentioned one or two minutes ago.

The Bill also allows for the use of a person's private home.

Hon. D. K. Dans: That can happen with a relative now.

Hon. P. G. PENDAL: The facility can be offered to another relative.

Hon. G. E. Masters: But they are not allowed to do it under the local government regulations, are they?

Hon. D. K. Dans: They can.

Hon. P. G. PENDAL: The House and the public are entitled to get some form of assurance from the Minister, notwithstanding the fact that the parent Act will die with that in-built sunset clause around the middle of February.

Hon. D. K. Dans: 15 February.

Hon. P. G. PENDAL: I thank the Minister for reminding me of the date.

I refer, in particular, to the projected numbers of visitors to Western Australia because of the America's Cup. I register my protest about some of the tactics that the Government—not the Government as a whole, but certain people within it, including the Premier—have used. These tactics will be found in retrospect to have been most unwise.

In his second reading speech, the Minister with special responsibility for the America's Cup tried to justify inclusion in the Bill of

those quite serious provisions that are before us. He said—

I would like to point out that visitor number predictions are available. However, the actual number of people visiting the State and areas around the State during the period may vary considerably . . .

That is the first official concession on the part of a Government Minister—and full marks to the Minister for having done it—that the figures that are being bruited about by the Government might be a bit rubbery. I include the figures the Premier gave in New York on 20 August in that category. Many people in the community may well have made commercial decisions based on those talked-up figures. Small businessmen, for example, do not have recourse to sophisticated advice or computer projections. Nevertheless, they may have made decisions which were based on the figures talked up by the Premier and, to a lesser extent, other members of the Government.

All along the Opposition has said that the America's Cup is an event of such significance that it looks after itself. It is a self-propelling event.

Hon. D. K. Dans: I wish that were right.

Hon. Tom Stephens: You would be criticising us if we took any other course of action.

Hon. P. G. PENDAL: No, I would not.

I refer specifically to the study which was released by the Minister and which was tabled in the House some months ago. It was commissioned by the Government, but was produced by the Centre for Applied Business Research at the University of Western Australia. Figures taken from that report, if used correctly as any other set of statistics, were impressive enough with respect to the number of people who would be attracted to Western Australia. There was no need to try to talk up those figures or to exaggerate them. Yet, sadly, that is what happened.

The figures the Premier gave to a very large and influential American audience in New York were reported in the *Daily News* of 20 August. Those figures did not coincide with the figures that I knew were part of the report that the Minister tabled in this place some months ago. As a result, I went to the centre at the university and asked for some sort of explanation. After all, public funds produced that report and we are seeing the results of it in the Bill now before the House. I discovered something extraordinary; namely, that the projected figure of 1.2 million visitors to Perth was incor-

rect and that the correct number would be half of that, about 600 000 visitors.

Hon. D. K. Dans: You are incorrect. I have always said that there will be something like 526 000 visitors for the cup.

Hon. P. G. PENDAL: The Minister is off the hook.

Hon. D. K. Dans: I was never on the hook.

Hon. P. G. PENDAL: I have already conceded that other people in the Government did not follow the line taken by the Minister.

We must ask where the other projected 600 000 visitors are to come from. The Premier tried to imply that the other 600 000 people were to come from overseas or the Eastern States. I know that he tried to imply that because when I checked with his department, there was the devil of a flurry for his officers to discover what it was that the Premier was talking about in New York on that day. Those 600 000 people were people who were to come from the country areas of Western Australia. We must then object that there are not 600 000 people in the country areas of Western Australia. The man at the university said that that was correct. He warned me that the figures must be used very carefully indeed. Obviously, the Premier was not using them carefully. The man at the university told me that the extra 600 000 visits were from people coming to Perth from Bunbury or other centres and making five or six visits over the next few months. How rubbery can figures get!

I commend the Minister with special responsibility for the America's Cup for at least saying in his second reading speech that figures for the actual number of people visiting the State may vary considerably. My word, they do! They vary by about 100 per cent. To his credit, the Minister has said that the figure he works on is approximately 526 000. That figure properly represents the number of people coming from the Eastern States and from overseas. One could even forgive the Government if, in the course of its hype and its propaganda war, it were to say, "We have done another study and have found that of the 600 000-odd so-called visits by people from the country areas of WA, 80 000 are by people who have indicated that they will drive to Perth and look at something to do with the America's Cup. The Minister would then be entitled to add the 80 000 to his 526 000 figure for people coming from outside the State. He could then truthfully say what the Premier did not truthfully say in New York; namely, "This is the number of

people who are being attracted to Western Australia because of the cup."

Much of the legislative change that we are being asked to endorse in this Bill and in the Bill introduced a few months ago has to do with those special arrangements that Hon. Des Dans knows more about than anyone else in the Chamber. I understand that, but it is a case in which the sting is in the tail. Ultimately, the Government's desire to hype up the figure has crept up on it. Thus on the one hand the Premier has said that we will have 1.2 million visitors and the Minister has said that we will have about 526 000 visitors. Anyone else can have their two bob's worth anywhere in between those quite disparate projections. That will be one of the sins that will visit the Government for having done something that was simply unnecessary.

The America's Cup was and is an event of such magnitude that it will attract people here. Whatever the number of visitors for the summer of 1986-87, it will surely be higher than that we would ordinarily have attracted. With those remarks, I signify that we intend to support the Bill. However, I ask the Minister to address himself to the remarks I made at the opening of my speech as to why we need that sort of extreme legislative power that will reside in the Minister. I admit that that bothers me. One or two people have commented that many other Ministers do not exercise that sort of administrative control. Very often those sorts of powers are vested in someone who has a particular skill in that area. That is not meant to be a side-swipe at the Minister, but it seems to be a dangerous thing that we are being asked to do.

I am not sure that we have any other option; crowds are already starting to arrive. In the years ahead the Government may well find a great deal of gratitude for its tactics in making sure this Bill has a sunset clause and dies on February 15.

I support the Bill.

HON. H. W. GAYFER (Central) [4.11 p.m.]: The National Party supports this Bill. We are well and truly aware of the sunset clause within the principal Act, and we are gratified that it is there so that this legislation will terminate somewhere in mid-February.

We are quite unanimous in our approval of the Bill for the reasons put forward by Mr Pendal, and that is the uncertainty of knowing exactly how many will be coming to view the cup races. We can all be wise. The National

Party has said all along that we will never have 1.2 million visitors in the metropolitan area; we have said we will be lucky to have 600 000. We may be wrong; we sincerely hope we are. But in this instance, if we are wrong, this is the sort of draconian provision, as my honourable colleague described it, which must be there in order to preserve the position against the almost chaotic conditions which could occur if, over Christmas, everybody had a change of heart and decided to come into Perth. This could include all my farmer friends who normally take a caravan to Busselton or somewhere like that during the school holidays but may decide instead to come to Perth.

It is absolutely essential that the Minister has control over any condition which might arise, particularly in respect of regulating and prohibiting the parking of caravans in certain places. The few caravan parks we have may well be full. People may decide to park their caravans in the street and allow drainage to go into the street or something like that. There must be power to stop this type of illegal parking. Hygiene and sanitation requirements are absolutely essential, and they should be under the control of some person who can ascertain that the facilities provided are not over-used and that they are in good order. They must properly cater for the crowds.

The Minister may need to call on the Transport Advisory Committee. If we do not get the crowds, there will be no reason for him to call the committee together, but if there is a sudden influx into an area such as Fremantle, then he will surely call the committee together. He may say, "There is a problem around the corner; so many vehicles are coming down we will need this committee to be activated." People with mobile homes or tents might come to the City of Stirling, for instance. If we were in Russia we would know, because one must fill in a form before crossing the border stating exactly when and where one intends to be at a particular time. That is understandable. But we are not in Russia.

We realise, as the Minister said in his second reading speech, numbers may vary considerably. One would have to be pretty good to judge how many people may suddenly make up their minds to come to Western Australia. We are within a fortnight of the holiday season, which runs through to March. This will be the period when people may be making plans.

This Bill gives the Minister control in any part of the State where an event associated with the America's Cup is held. We believe this is

absolutely essential if there is to be a reasonable amount of restraint over activities that may be caused by some overcrowding which may suddenly appear because of the America's Cup. Extreme power is contained in the Bill, but we believe it is necessary to have it on our books. If the Minister does not want to use it he does not have to.

**HON. G. E. MASTERS** (West—Leader of the Opposition) [4.16 p.m.]: I have listened with interest to my colleagues talking about the Bill and what it would do. I support the Bill, and I support the activities of the Government which are designed to cope with the pressure of the America's Cup. Whether 400 000 or one million people visit the State, it will be good for Western Australia. I suggest Hon. Des Dans is right when he says half a million people are likely to come to Western Australia over the period when the cup is being contested and when the trials are taking place. That is a significant number and it will make an impact on our community.

If we do things right and make it easy for people, they will talk to their friends and relatives, and they may well come back in future years. They will talk about this State of Western Australia and the fact that it will be worthwhile all those people coming here. That is really what it is all about. It is a public relations and tourist exercise, so anything we do to help in that regard will be worthwhile.

This is extraordinary legislation. Not many Ministers would be prepared to take on the responsibility of making the decisions which Hon. Des Dans has been proposing to do in this and other legislation. Members will recall that prior to this session earlier this year the Minister was given absolute control over liquor outlets and the right of people to sell liquor in extraordinary circumstances. I thought he was game to undertake that type of decision-making, bearing in mind the very sensitive area of liquor and liquor sales. He is now introducing legislation dealing with many other things—campers, caravans, and the like. Once again he seems to be all-powerful, though certainly in this legislation he has a committee called the Transport Advisory Committee to help and advise him. Nevertheless, at the end of the road, it is the Minister who will make the decisions. He takes either the credit or the blame. It is a fairly risky business.

An interesting thing about this America's Cup legislation is that although it is obviously directed to the metropolitan and Fremantle areas, it is State-wide in its application, so that

if the Minister considered it proper and right he could quite easily say to the people in Meekatharra or Kununurra, Broome or Derby, that certain arrangements could be made.

Hon. D. K. Dans: They would be very prosperous places.

Hon. G. E. MASTERS: It would be difficult to believe that many of those 500 000 people in the early stages would be going to some of those remote areas.

Nevertheless, it is possible—if not now, in the future. I think the Minister could be taking on matters at a time when, not only will we have the America's Cup, but also he and everyone else knows that the month of January is a holiday period for almost everyone—60 or 70 per cent of the population. Caravans and camps will be all over the place. How will he cope with applications from people in the south-west and coastal areas who have been refused permission to camp and put their caravans in certain places? As a result of this legislation, these people may now apply to the Minister because the rules have been changed, the America's Cup is on, and they want to put their caravans in places where camping was not permitted previously.

The legislation also refers to permission to use reserves for camping and caravanning. The Minister could well be faced with requests to allow camping in areas which the responsible departments would not consider acceptable. He could say that as a particular activity is not related to the America's Cup he cannot allow it. It will be difficult to draw a line. The advisory committee will comprise a nominee of the Commissioner of Police, a nominee of the Commissioner for Main Roads, and one person nominated by the local authority involved. The local authority will be outnumbered on the committee. The Minister would know as well as I do that many local authorities are very strict about the caravan control in their shires and cities. Very often—and certainly around January—people bring caravans from the country and park them in friends' backyards. Although the Minister said, by way of interjection earlier, that it is permissible to park caravans in backyards, my understanding is that many local governments do not allow it.

This legislation will give the Minister of the day the power to overrule those local authorities despite the fact that the advisory committee will contain a representative of the local authority involved. Anything we can do to encourage people to enjoy their visit and

further promote tourism in this State is welcomed, but this legislation, as well as other legislation introduced by this Government, is quite extraordinary in the powers it will give the Minister. What will happen on 15 February when many of these people will expect these extraordinary pieces of legislation—short-term legislation—to continue? In some cases the Government may decide their provisions can continue. It is a testing period. We will have to look at the situation with respect to shopping hours soon.

With those comments, I support the legislation.

HON. D. K. DANS (South Metropolitan—Minister with special responsibility for the America's Cup) [4.24 p.m.]: I thank the members who have spoken in support of the Bill. I wish to clear up a few points. Firstly, I know how severe this legislation is, and I did take the right kind of advice before the legislation was drafted and printed.

I do not see any similarity between this Bill and section 54B of the Police Act. I do not blame Hon. P. G. Pandal for drawing our attention to these matters.

I refer to what has happened earlier with respect to the parent Act. No-one was heavy-handed on Sunday morning at Fremantle. I commend and place on record my admiration of and support for the policemen and the Department of Marine and Harbours officers who controlled the jam of boats at the entrance to the fishing boat harbour. It was a very good example of commonsense.

I want to clear up the question of visitor numbers. When the original study was undertaken, I said it dealt only with people's intentions. As we proceed further with the America's Cup, a number of other things will come to light and we will have to take note of them. One important question is, who will be the final challenger? A great deal hangs on that point when we consider the number of visitors to Perth for the challenge.

Hon. P. G. Pandal was half-right when he referred to 700 000 visitors. There are 700 000 people, give or take a few, who visit Perth and Western Australia every year. They do not come just from country areas to Perth, but also from interstate for reasons other than the Cup. What we did was add to that number another 500 000, whose intentions, at the time of the survey, were to visit Western Australia. We came up with the figure of 1.2 million people who would visit Western Australia, but that

was for the whole year and not just for the period of the Cup. Hon. P. G. Pental may have been misled after speaking to the people at CABRA.

Hon. P. G. Pental: I agree.

Hon. D. K. DAVIS: Visitors may come from New South Wales or Darwin, but that figure of 700 000 is a yearly figure without the Cup. Many of our tourists are generated locally.

I was recently in the United States and I took the opportunity to speak to the American tour operators and staff of the airlines who are booking tours to Australia. Their figures are far in advance of anything given to me. I was told the number of people who had paid money into the till. They are happy with the numbers. We cannot accurately estimate who will be here in January and February, and in particular February, because a great deal hinges on who is the final challenger.

When I asked Hon. P. G. Pental had he been to Fremantle, of course I knew he had, but has he ever walked around Fremantle? I assume he has. A railway line runs down the back of Fremantle. No-one would suggest that we are going to run trains through a group of people. We will have to remove the people for their own safety. We have a wharf area, a port, and a rock lobster industry, all of which have to operate while the Cup is in progress.

I want members to visualise Fremantle and the area where the races are held. Eighty per cent of the activity around the America's Cup is onshore. People come to see the boats go out, and come in, drink, and do all the things people do at these events. We have restricted vehicular access to a very small area from the railway line to the jetties or the groynes, but we have not restricted people. If too many people get into that area, for their own safety it may be necessary to say, "that is enough". People could be forced into the water and over the railway line in the other direction.

These are some of the considerations we have to take into account and there are many other examples I could give. This America's Cup contest is not being held in a lively little place like Newport. It is in a commercial port area that handles not only all inward and outward cargo for W.A., but also is the base of a very vital fishing industry, and particularly the rock lobster industry and the boatbuilding industry.

The powers may be draconian but they must be so that we can preserve life and property if necessary.

I do not know how we could accurately estimate the number of caravans that will come to WA for the cup. We have spoken to the caravan association, the police, and many other people. This is a bit like the CABR report where we must take the figures and other information given to us at face value. The sort of information we have received is that given by the police, who have indicated that we can expect one accident for every 100 cars that come across the Nullarbor. I have also been told that 5 000 caravans will come across from the east. Bear in mind that when we promoted these figures from the CABR report we were not dealing with something like a football match or a prize fight. People are coming and going all the time even now. The event will take place over five months. Some members will be aware of the annual Blessing of the Fleet in Fremantle. I was there this year and I know estimates of the crowd put the number at 150 000 people in Fremantle on that day. I am prepared to accept the figure given to me by my own people that 120 000 people were in Fremantle that day. We were surprised at the ease with which they were controlled; no-one got out of control.

What I am trying to say is that we are really fretting around in the dark because there has never been another America's Cup contest over the last 132 years held anywhere else except Newport, Rhode Island. The largest number of syndicates involved has previously been seven, yet on this occasion we have, I think, 13 syndicates plus our own defenders, and many syndicates have two boats.

We are making arrangements whereby if anything extraordinary happens, we will not be found wanting. No-one has said to me that the arrangements we have made for the America's Cup are anything but superb. No Minister wants to have these sorts of powers, and I will be glad when the sunset clause comes into effect on 15 February and the legislation goes out the window.

The police officer in charge and his men have been excellent; the customs people have been excellent; the people out on the water have been excellent. Above all, the people who have been in Fremantle up-to-date, those out on the water and those onshore, have been superb. But that is not to say we will not see a little bit of hysteria. People can get onto the railway line, and they can get themselves somewhere and interfere with fishing vessels without knowing what they are doing. They can get down onto the wharf and create difficulties.



The legislation covers the whole State simply because that is the easiest way to handle the matter. It would be very difficult to try to draw a line through Cottesloe, Subiaco, and so on, and say that the legislation would apply only to that area. We will have a lot of events related to the cup.

Up-to-date we have had no reason to become heavy-handed and I hope that in future we will not need to change. In my second reading speech I made it quite clear when I said—

The first piece of special legislation, necessary in conducting such an event, was passed earlier this year. At that time, members appreciated that existing legislation in Western Australia was never intended to superimpose an event such as the America's Cup yacht race and its associated activities.

This Bill reflects the recommendations of two legislative working parties established to ascertain whether there was a need to introduce changes to existing legislation. The Transport Legislative Working Party, comprising representatives from the Police Department, the State Planning Commission, the Fremantle City Council and the America's Cup Office, has identified several areas where existing legislation was inadequate to meet the needs of the event.

I have not spoken to any person involved in local government who disagrees with what we are doing to control caravans. I hope for the economy of the State that caravan parks will be full, both in Perth and other areas, so that we do have to enforce some of the legislation to open up other areas for caravans. Areas in the south-west have often had to allow caravans to be parked on their local ovals because of overcrowding. Perhaps some time in the future a Minister for Tourism, Local Government, or Planning will have to make other arrangements for caravans.

I do not see any problem with this legislation. If people get out of order we will be able to tell them to be nice and to go about things in an acceptable manner. The legislation is designed to protect people and property from injury and damage that might occur if these powers were not available.

I commend the Bill to members.

Question put and passed.

Bill read a second time.

### *In Committee*

The Deputy Chairman of Committees (Hon. John Williams) in the Chair; Hon. D. K. Dans (Minister with special responsibility for the America's Cup) in charge of the Bill.

#### **Clause 1: Short title—**

Hon. P. G. PENDAL: The Minister said that these powers to control assembly were to be used, for example, when people clogged the railway line in Fremantle. He would be aware that the line is fenced and a walkway goes over it. What happens now on a suburban railway line such as the one in my electorate when someone wanders onto the railway reserve? Is the Minister suggesting there is no power under a current Statute to handle that trespass? The import of what I am saying is, why is it necessary for us to endorse this proposal to give the Minister these powers to break up a crowd, in the example used, of people on the railway line? Surely such a power is already contained in a current Statute.

Hon. D. K. DANS: The control of all aspects of this event is in the hands of one Minister and this is so that things can be done quickly. Sure, the Minister for Transport has by-laws to deal with people who trespass on railway reserves, but it would not be much good looking to him if we had 10 000 people on the railway line down in Fremantle at any one time. The railway line is just one example; it could be the crane on the wharf or anything else. Regulations already exist to cover these different areas but we need something so that we can act very quickly and effectively.

This is a special piece of legislation that puts the power in my hands on this occasion. Next time the power might be in the hands of the member opposite and perhaps it will be a better power because we will have learnt from our mistakes on this occasion. It is not unlike legislation that was introduced in 1956 to cover the Olympic Games in Melbourne or more recently to cover the Commonwealth Games in Brisbane. That legislation was introduced to expedite the movement of people, which is simply what we are doing here. The sunset clause means that the legislation will lapse on 15 February.

**Clause put and passed.**

**Clauses 2 to 5 put and passed.**

**Clause 6: Part IIA—**

Hon. P. G. PENDAL: This clause gives the Minister the power to seize, remove, or detain a vehicle that is obstructing the way. Is that provision not already on the Statute book? I

know that the Minister has said that we are dealing with emergency situations that may occur under the responsibilities of one Minister, but is he saying also that there is no legislation, perhaps under the jurisdiction of the Minister for Police and Emergency Services, conferring that same power?

Secondly, what would prevent the Minister for Police and Emergency Services or another Minister from exercising that power with great haste? I am puzzled why we want to give the Leader of the Government in the Legislative Council the power to seize, remove, or detain abandoned vehicles. I am not saying that that power should not exist. I am suggesting that it probably exists already. This Minister has other portfolio responsibilities. Who can say that he may not be in another place when it becomes necessary for him to issue the orders to seize, remove, or detain an abandoned vehicle?

Hon. D. K. DANS: I thought I had adequately answered that question earlier. This is a separate piece of legislation granting powers in the circumstances raised by Hon. P. G. Pendal. I do not dispute the fact that there may be other legislation. However, this legislation places all the powers in the hands of one Minister. We believe that is the best way to handle the event.

I repeat that, until now, there has been no need to use any of the extraordinary powers and I hope that on 15 February we will be able to say that there was no need to use them. I am the central reference point which will be approached by people with problems.

Hon. P. G. PENDAL: I thank the Minister for that answer. Further on, the clause grants the Minister power to regulate or prohibit the assembly of persons on any area, including private land. The Minister has given us the example of the railway reserve. Can he give us an example of what might occur on private land?

Hon. D. K. DANS: I travelled to Newport and had lengthy discussions with Captain Nolan of the Coast Guard. Its powers on the water make our powers on the water seem almost negligible. People in a high state of excitement may get into the boat pens or, for example, the Bond syndicate headquarters, and before we know it there could be a crush of people who may not only tip the boats over, but could cause injury to others. There is at Fremantle, spread out over a large area, a number of private facilities in addition to the facilities owned by the Government. People have to

be protected from themselves and we have to protect private property. Everyone knows what has happened at football matches and other events overseas when mob hysteria comes to the fore. We want to prevent that happening.

Hon. P. G. PENDAL: I thank the Minister for the explanation.

A further part of the clause relates to the creation of the Transport Advisory Committee. The Bill states that, before making an order, the Minister "may" consult with the Transport Advisory Committee.

If the Transport Advisory Committee is anything other than window-dressing, why would the Minister not have an obligation to consult with it? It seems to me that the wording defeats the purpose of setting up that committee if he is given the option of consulting it.

Hon. D. K. DANS: On all occasions we will consult with the Transport Advisory Committee. An excellent transport group has been working on the cup arrangements from the first day. However, there could be an occasion when the superintendent of police in charge of the task force could say that there is a problem and could ask for permission to do certain things. That could mean that I would have to make a split-second decision.

No-one knows what lies ahead of us. Mr Pendal spoke about visitor numbers. Visitor numbers will be determined by the boat taking part in the final challenge. If it happens to be the Kiwi boat, we may have a problem on our hands because, as John Bertram said the other day, it is as though New Zealand is preparing for the third world war.

Naturally the Transport Advisory Committee will be consulted on every occasion when time is available. However, we have attempted to ensure that we have enough flexibility to deal with any situation. I have the utmost confidence in the police and the people who now make up the transport group, as I will have confidence in the Transport Advisory Committee when it is up and running.

Hon. P. G. PENDAL: I too have the utmost confidence in the police. This clause is intended to allow us to cope with visitor numbers.

Hon. D. K. DANS: It is not particularly visitor numbers but incidents.

Hon. P. G. PENDAL: They tend to result from visitor numbers. I have with me the follow-up document on visitor numbers.

It is true that the Minister was dealing with visitor intent. That is why I said that I had no quarrel with what he said, but that is not what the Premier and his statements dealt with. They did not deal with possibilities, intentions or hopes. They dealt with 1.2 million people. That is what I said was misleading. I did not say that what the Minister said was misleading. Had I been able to lay my hands on the second and more revealing document, I could have pointed out that it endorsed the point I was making.

I have no other comments to make on this clause.

Hon. D. K. DANS: I am dealing with the Bill, not with what the Premier or anyone else said. I will just refresh Mr Pandal's memory. The follow-up document said that roughly six per cent of people who had stated their intention to come from the Eastern States for the cup had changed their minds. We have since found that the airlines and other people had not started to market the cup in the Eastern States. The airlines had not started to market it because of the Victorian Football League grand final and the Melbourne Cup. Since then there has been a dramatic increase in bookings. The airlines themselves are starting to market the event and more people are now beginning to take an interest in it. We will only be able to say who was right or who was wrong and whether the legislation worked after the event. When we retain the cup, as I am sure we will, we will be able to use the experience gained for any future major event. We will be able to look at our blunders and have a foolproof operation for the next event.

Hon. D. J. WORDSWORTH: I can only reflect what is being said by other members and people in the community, namely, that perhaps this is a gigantic overkill.

Hon. D. K. Dans: What, the Bill?

Hon. D. J. WORDSWORTH: Yes, the Bill. We seem to be preparing for every odd thing that could happen here, there, or anywhere else. I wonder, for example, how the Commissioner of Police will feel in future. He will probably feel most insecure when a large crowd is projected for a football final, without this sort of dramatic legislation which would enable him to rule with an iron rod. As we get closer to the main event, we realise that some 400 or 500 contests are taking place on the water. That tends to take the sting out of the event. In fact, some of the best yachting is probably taking place now. It might be far better than that

which will take place towards the time of the finals, yet very few people are watching the racing now.

Because of the number of events, we are unlikely to see great masses of people going mad. The average Western Australian will have it out of his system before the final races. I remember asking Captain Barron how he was going to control all the boats that would be in the water. He said that there would be no problem controlling the boats, because there would not be that many there after small boat owners experienced choppy water. The majority of Western Australians, after taking their small boats out for a trial run, will have learnt not to do so. By the time the final arrives, we will all be sitting at home in a quiet spot looking at the television or even sitting in a hotel looking at a big screen.

**Clause put and passed.**

**Clauses 7 to 10 put and passed.**

**Title put and passed.**

### *Report*

Bill reported, without amendment, and the report adopted.

### *Third Reading*

Bill read a third time, on motion by Hon. D. K. Dans (Minister with special responsibility for the America's Cup), and transmitted to the Assembly.

## **LEGAL AID COMMISSION AMENDMENT BILL**

### *Second Reading*

Debate resumed from 29 October.

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.57 p.m.]: I thank Hon. John Williams for his contribution to this debate and I will refer to a number of his comments in turn.

Mr Williams referred in the first place to the reduction in the number of Law Society nominees to go onto the Legal Aid Commission. In the first place, the number of legal practitioners on the commission will still constitute a majority and they will obviously have ample capacity to bring their experience to bear on the affairs of the commission.

Under the current proposals the total number of commissioners will increase from eight to nine. Of those, the chairman must be a legal practitioner; two nominees of the Law Society

will be legal practitioners; at least one of the Commonwealth representatives is by practice a legal practitioner; and, of course, the director of the commission, who is *ex officio* a member, is also a legal practitioner. Thus a minimum of five legal practitioners out of nine members will be on the executive body of the Legal Aid Commission.

The Law Society's share of nominees, I suggest to the House, is reasonable and there is nothing unusual, let alone ominous, in the reduction in the number of its nominees from three to two. It is very much in the ordinary course of events for such types of bodies that there should be a mixture of nominee members and appointed members, and that remains the pattern in this case.

Mr Williams drew attention to the provision calling for prior approval of out-of-pocket expenses. The problem sought to be met by this provision does not relate to the timing of payments, nor is it a question of trying to counter any fiddling of the accounts submitted. The position is that there is some need to restrain unnecessary expenses, even though they are properly paid out.

There is a risk in the present state of the Act that some practitioners may call for more professional or specialist advice than is really warranted by the circumstances, and it is unfair in those circumstances that those accounts should be paid. Taxing masters very often disallow certain claims for reimbursement. That is not on the basis that the payments have not been made but that they should not be the subject of reimbursement in all the circumstances of the case.

Question put and passed.

Bill read a second time.

[Questions taken.]

*In Committee, etc.*

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

*Third Reading*

Bill read a third time, on motion by Hon. J. M. Berinson (Attorney General), and transmitted to the Assembly.

## ACTS AMENDMENT (ELECTORAL REFORM) BILL

*Second Reading*

Debate resumed from 29 October.

HON. G. E. MASTERS (West—Leader of the Opposition) [5.15 p.m.]: The Opposition is presented by the Government with yet another electoral Bill, and it must be quite obvious to everyone that there are a number of major differences between the Liberal, Labor, and National Parties' philosophies. Anyone who took any interest at all in the debates in another place would have seen that although the Government made a number of concessions in some minor some areas key issues were still in dispute, although I must say a different attitude has been adopted by all parties in recent times.

The debate in another place was restrained and carefully considered, but the end result clearly indicated that the Bill in its present form is unlikely to gain the support of the Liberal Party or the National Party. We consider the Bill to have some bias towards the Labor Party, and the figures I will produce later—some of them supplied by the Government—support that suggestion.

Despite the willingness to make reasonable and fair concessions—and that is what we think we are doing and have done—the debate in another place suggests the Government is not likely to shift from some of the basic issues it has pursued in the Bill. It is fair to say that the Liberal Party has been prepared to support electoral changes to an extent never before entertained by our party. I hasten to add it has not been without considerable debate within our party and in the party room and strong reservations by some members, including a number of my colleagues in this House.

Having gone right down the road with regard to the Legislative Council by proposing regions and proportional representation in those regions, as well as electoral boundaries to be set by an independent Electoral Commission, the House must see that in coming this long way we have come to the conclusion that our calculations—and we have done a lot of them—are fair and just. If there is any doubt about the sincerity with which I approach this debate I draw to the House's attention what will happen to my province—West Province. Under the Government's proposals it is possible the province I have represented for 12½ years would disappear and I would lose what would be considered after the last election to be a safe

seat. I had some reservations before the election, but the hills people are loyal and discerning and made a good judgment about their member. Under the Government's proposals it is likely a large part of my electorate will disappear.

Hon. J. M. Berinson: It will not disappear; it will be in a region, the same as every area.

Hon. G. E. MASTERS: My province will disappear.

Hon. J. M. Berinson: Everyone's province will disappear.

Hon. G. E. MASTERS: If the Minister will allow me to finish; that is the way I am approaching this debate, because our proposals still mean my province will disappear. I am not saying the Government is taking it away; I am saying I am agreeing to a proposal whereby West Province goes down the chute, and I have to be dinkum about approaching this Bill when I can put that proposition forward.

Hon. Fred McKenzie: There must be a catch somewhere.

Hon. G. E. MASTERS: Hon. Fred McKenzie knows that when I go down this line, there is no catch at all.

My colleagues in the National Party and the Liberal Party have every reason to doubt the Government's sincerity in this matter. The proposal the Government put forward of three regions in the metropolitan area would certainly mean an Independent, a National Party member or an Australian Democrat would be unlikely to gain a seat. We put forward a proposal whereby one seat in the metropolitan area would guarantee an Independent or an Australian Democrat a seat in the Legislative Council.

We can argue the facts and figures that have been supplied to us by the Labor Party; we have studied them at great length. I thank the Minister and his adviser for making that information available. It was of great benefit to us and it certainly supports the argument I will put forward.

Members can understand the serious concern we have about the Government's sincerity in bringing this legislation forward. In expressing our concern and suspicion of the Government, I wish to refer to a letter given to us signed by Arthur Tonkin when he resigned as Minister for Police and Emergency Services. This letter has been around for a long time, and has been quoted publicly in the Press and in another place. It should be on the record as a back-up

for the grave suspicions we have about the Government's genuine desire to get this legislation through or to make any realistic compromises.

The letter is under the heading of the Western Australian Minister for Police dated 22 April 1986 and signed by Arthur Tonkin. It says—

Personal and Confidential

HON. PREMIER (Himself)

I hereby tender my resignation from the Ministry. Such resignation is to be effective immediately. I have informed the news media of my decision (see attached).

To hear my colleagues say, as they did in Geraldton on Sunday night, that we must make absolutely sure that the bill, which will contain the promises we had made to the people at the election, is defeated was to hear betrayed all that I have tried to stand for as a member of the Australian Labor Party. The fact that I made the promise on the part of the Government makes my own position untenable.

I had never thought it possible that I would hear such a betrayal of basic Labor principles from people whom I believed were my comrades in arms. I cannot continue to serve in a Government from which I feel totally alienated.

Further, I believe that such an insincere attitude to the question of electoral reform will be communicated to the people. This will have a disastrous effect upon the Government and upon the cause of electoral reform.

If our main purpose is to stay in Government and if we are prepared to be corrupted in the pursuit of that imperative, then we must part company.

I refer to a further paragraph on page 2 which says—

It seems that this Government is treading the same cynical path trodden by the Tonkin Government when its Legislative of Western Australia bill, with its attendant five minutes speech by the Minister, facilitated the union of conservatives on both sides of the Parliament in their ridicule of those who would introduce into Western Australia a decent and honourable electoral system.

If that is not enough, we have only to look at the ALP policies over a number of years. I refer to the State policy of 1973. I am not in a mood

to start shouting and raving tonight. I am putting forward our concern and feelings and our policy in a calm and reasoned way. I hope the Government can see what we are trying to get at. In 1973 the State Policy was for the abolition of the Legislative Council and the Legislative Assembly for the purpose of establishing a unicameral Parliament.

Hon. Fred McKenzie: But that is history now.

Hon. G. E. MASTERS: Sure, but we have a concern. The 1978 policy was that the Legislative Council would be reformed with the eventual aim of establishing a single House of Parliament, with that single Chamber of Parliament having the same number of members as the sum of members of the two Chambers it replaced. In 1979, 1982 and 1984 the policy was for the reform of State Upper Houses and, ultimately, their abolition. That was the Federal policy.

In 1978 a Bill was introduced into this Parliament which proposed proportional election of Council members on a State-wide list. It aimed for the removal of power to hold up Government legislation longer than 12 months with no authority to reject or defer a money Bill. The 1982 State policy maintained the achievable goals but it dropped the abolition of the Council as one of the immediate achievable objectives. I am suggesting that is happening now. It was unpalatable as far as the electorate was concerned and as far as the people supporting the Legislative Council were concerned. They sometimes support this House quite differently from that of the Legislative Assembly as you, Sir, and Hon. P. G. Pendal and I know well.

A further proposal was that there be no authority to reject or defer a money Bill. In 1984 the policy duplicated the 1982 version with a new introduction concerning parliamentary deadlocks and an approach to electoral reform.

The Labor Government has progressively over a number of years, introduced a number of Bills which have been designed to undermine completely the powers of the Legislative Council. It would destroy the powers of the Legislative Council and reduce it to nothing more nor less than a debating House. I submit this was with the clear intention of finally abolishing the Legislative Council.

One can see the grave suspicion we have about the change in the policy which does not support the Labor Party's State policy and is not supported by its activities over recent

times. When the opportunity arises and the numbers are right, the Labor Party will abolish the Legislative Council. Members can understand why we have a serious concern. The direction in which the Labor Party has been heading over recent years would suggest that to be the case.

Hon. T. G. Butler: We dropped the abolition of the upper House. I thought you would be pleased about that.

Hon. G. E. MASTERS: We do not believe the member. The member should let us have a decent debate on this matter. He is making silly remarks; he is not in a union meeting now.

Hon. T. G. Butler: You feel good about it.

Hon. G. E. MASTERS: I do feel good. I am very serious about this. We do not believe the Government because of its Federal policy and its actions in the past. We think its change in policy has been a matter of convenience. Can it blame us? There has been no proof to the contrary. The legislation introduced would suggest it is going down the path I have just described.

Now that some major changes have been proposed Hon. Tom Butler is correct and genuine in his comments that in fact there is no wish on his part or on the part of his colleagues to abolish the Legislative Council at any time. If that is the statement he is making, I welcome it.

Hon. Garry Kelly: You need a referendum anyway.

Hon. G. E. MASTERS: That does not matter. The Opposition has grave suspicions about this legislation and I am building up to the suggestion that all the actions of the Government over a period of years have given the Opposition every reason to doubt its sincerity towards what we would assume to be the abolition of the Legislative Council in the long term rather than the short term.

The question I put to members of the Government is: Are we simply going through what are normal tactical moves to the Labor Party? The tactics of the Labor Party are familiar to me and to my colleagues. Having failed with a number of frontal attacks—Mr Butler knows them only too well—the Government has moved to a bit by bit approach. We have seen it with the industrial relations legislation.

The alternative is that the Government does not care whether this legislation is passed. The Government knows that it has every opportunity of winning control of this House at the

next election. It would be silly for the Opposition to deny that.

As far as the Opposition is concerned it is the Government's objective to abolish the Legislative Council in the long term, and whichever way it goes about it, it feels that it is on a winner. It does not matter whether this legislation is successful or whether it fails.

I put it to the Attorney General, who is handling this Bill, that the Opposition will insist that he certainly not require concessions to the genuine amendments it will put forward.

We know that Mr Arthur Tonkin, when Minister for Parliamentary and Electoral Reform, was an embarrassment to his party and we are told that his resignation was engineered by his leader.

Hon. J. M. Berinson: That is absolutely untrue.

Hon. G. E. MASTERS: I made a passing remark about Arthur Tonkin and the Attorney General says that it is untrue.

Hon. Phil Pandal and myself attended a Conference of Managers at which Hon. Joe Berinson, the Minister handling the Bill in this House, was also in attendance. The reason I say that Mr Tonkin was an embarrassment to his party was that that conference was arranged because a number of changes had been proposed by the Labor Party to the electoral legislation and we went along with four or five of them. We were in conflict with at least one change, perhaps two, but we were prepared to negotiate with the Government on those matters. However, we were faced with a Minister for Parliamentary and Electoral Reform who said, "Do you agree with it?" We did not and he walked away. The meeting took 20 seconds only. That is a darn good reason he has not got the job today.

I suggest that the current Minister for Parliamentary and Electoral Reform has made an effort regarding this legislation. He has been in touch with me and a number of my colleagues over a period of time and has offered the information we needed and which we have used.

I draw the attention of members to a large number of amendments that the Opposition has placed on the Notice Paper today. The Clerk has a copy of them and I am happy for them to be passed around the House. They are basically the same as those which were put on the Notice Paper in another place, but there are a few minor changes. The proposed amendments have taken into account the concessions made by the Minister. There is nothing secret

about them and the Opposition's position has not changed very much.

Hon. J. M. Berinson: We have not had the opportunity to read them. Will you clarify whether you will be supporting the second reading of the Bill?

Hon. G. E. MASTERS: I will make some comments about that before I concede anything of the sort. The Opposition is demonstrating its sincerity in this matter and is prepared to put its cards on the table and make its calculations available to the Government.

Before dealing with the key issues I will mention some of the areas in which there has been general agreement. I emphasise very strongly that the Opposition is putting forward a package which it will not allow to be picked off bit by bit. If the Government intends to leave out pieces of that package and to bring in another Bill without considering the whole package, we are wasting our time.

The Opposition has agreed to retain the same number of members of Parliament—34 in the Legislative Council and 57 in the Legislative Assembly. However, there have been proposed changes on the part of both the Government and the Opposition to the setting of boundaries. Part of the Opposition's package is to agree to the setting up of an independent Electoral Distribution Commission to set electoral boundaries.

Again, I will emphasise my own position. I was particularly interested to read the answer to a question asked by Hon. David Wordsworth dealing with the local authorities' involvement in the proposed regional break-up. I was also interested to learn that the Government considers that an independent Electoral Commission should set the boundaries—the Opposition says on strict guidelines and the Government says on a demographic basis—and that the South West Region would include Kalamunda, Mundaring and Darling Range. I am realistic enough to know that a large part of my electorate would go down the chute. That information is quite misleading and it was intended to be misleading. Part of Mundaring, Kalamunda and Darling Range will be in the South West Region, but it will comprise hundreds of square miles of forest. It is a little sad that we are given that sort of information. Nevertheless, the Opposition agrees that included in its package should be provision for independent Electoral Distribution Commissioners. I emphasise the word "independent".

I know that in the Legislative Assembly the Opposition did not achieve all it wanted to and it gave way on a certain number of changes. It was agreed that the Electoral Commissioner should be appointed after consultation with Opposition leaders. The proposition put forward by the Government in another place is not acceptable to me in any shape or form. To say my colleagues in another place were charitable is to put it in its kindest form.

I would not accept the word of the Premier. I think he is totally unprincipled and untruthful in some of the things he says and I have good reason to believe that. I am referring to him giving his word that he would consult with Opposition leaders in appointing certain people to the position of deciding the electoral boundaries.

I refer to my experience of the Premier's word which involved the industrial relations Bill which we debated two years ago. In one of the rooms behind your Chair, Mr President, he and I reached an agreement and 24 hours later he broke it cold-bloodedly because it did not suit him. We saw the breaking of pairs when the Premier ordered the Whip to break pairs. We were promised a copy of the regulations of the Western Australian Development Corporation, but we did not receive them. In respect of the Government Insurance Office the Premier promised the establishment of a supervisory committee but because of technical reasons he chose to duck out of that. The Opposition has strong reservations about the word of the Premier.

Members in another place have accepted the Premier's word; that is, that there will be consultation between the Premier and the Opposition leaders when appointing the Electoral Commissioner. If that proposal were put to me I would not accept it, because I would not believe it. However, because my colleagues in another place have accepted it, I am prepared to go along with it, but I do have strong reservations and I have every justification for those reservations.

Agreement was made in another place about the question of scrutineers. The Government suggested that there be one scrutineer in the counting booth regardless of the number of team members—whether five Liberal Party, five National Party or five Labor Party. Agreement was reached that there be a maximum of three scrutineers.

We agreed that there should be one for a single candidate, but a maximum of three for a team.

Provided the Government accepts our propositions with regard to the regions and some other arrangements as fair and reasonable, we will go along with the procedures for drawing positions; otherwise it is a waste of time.

I understand that the procedure for drawing positions on the ballot paper has been resolved. I draw members' attention to the existing arrangements and I am sure we have all suffered from them. Candidates went along on the day nominations closed, the electoral officers put the names in six-inch square envelopes, opened a nine-inch square box and the envelopes were placed in one on top of the other. The box was given a shake but even so whichever envelope was first in, was certain to be last out. On one occasion my name was on the bottom of the ballot paper because of this system. However, I practised a few tricks at home and managed to get the envelope containing my name to the top on the next occasion. It was not easy. It was totally unfair but I learned a few tricks as I got older. I agree with the proposition of a specially designed ballot box in which to put marbles or something of that kind which can be tumbled. Maybe I shall not come out so well next time!

Another area we have looked at is the procedure in the event of a tied vote. I read the debate in another place very carefully and I note that there is an amendment on the Notice Paper stating that in the event of a tied vote there shall be a re-election. That is a reasonable proposition. Any election involving a tied vote can be referred to the Court of Disputed Returns and I do not know of any occasion on which the call for a further election has not been agreed to. We have said that there should be a re-election in the case of a tied vote. Some reservations were expressed by the Minister for Parliamentary and Electoral Reform, and he referred to candidates lower down on a Senate-type ticket. In the event of a tied vote between the third and fourth candidate or fourth and fifth candidate, should there be a re-election? I guess we must consider this aspect and the alternatives available.

In the event of tied votes for candidates in the Legislative Assembly, and perhaps the Legislative Council, a further election should be held, bearing in mind that on many occasions in this State the difference between the elected candidate and the unsuccessful candidates is a handful of votes. In average elections



the difference between the number of seats on each side is usually quite small, for example, in percentage terms, 47:53 or 48:52. Therefore a couple of tied seats—which is quite conceivable—could make the difference between being in Government or in Opposition. Some progress has been made in this area but I am not sure the matter has been resolved. Therefore, we have an amendment on the Notice Paper.

In principle the Liberal Party has agreed to a system of regional representation in the Legislative Council based on proportional representation. We have put forward that proposal to the Parliament at this time. I am loath to lose the province I have represented for 12 years and to lose contact with an area in which I have lived for 25 years. I know the majority of people in my province and, if I do not know them, hopefully they know me.

The matters in doubt relate to the Legislative Assembly and the weighting between the metropolitan area and the country areas. I make it absolutely clear, as I am quite sure my National Party colleagues will also, that the Liberal Party has no intention of leaving country people in the lurch or allowing them to be swamped by the city vote, thus losing proper representation in this Parliament. That is a very important issue and the Liberal Party will stand firm in that area. If members look at our proposals, they will see that they are fair and reasonable.

Hon. J. M. Berinson: In your proposal do you define "proper" as used in the process?

Hon. G. E. MASTERS: If the Attorney General will allow me to develop my argument, I will give my definition of "proper", although it is quite different from his. He believes in one-vote-one-value and I do not agree with that.

Hon. Tom Stephens: We got to 1.4:1.

Hon. G. E. MASTERS: I suggest that the member should look at the figures provided to us by the Minister for Parliamentary and Electoral Reform. If he does not have a copy of them I will make one available. We will ask the Government about those figures. We dispute the number of regions proposed to be created and where they will be. We also dispute the number of Legislative Council members for each region. It is quite obvious that the Labor Party views this quite differently from the Liberal Party. It is not an insurmountable difficulty if there is genuine goodwill on each side. It may seem strange to Hon. Robert Hetherington, but I have changed my views considerably, as he will hear from my speech.

The Labor Party proposes that there be six regions for the Legislative Council the North and East region with three MLCs and four MLAs; the Agricultural Region with three MLCs and four MLAs; the South West Region with seven MLCs and 10 MLAs; and three metropolitan regions comprising seven members of the Legislative Council in each region.

It is obvious from the odd numbers that the Government proposes that all members of the Legislative Council should be elected at one time rather than half at one election and the other half at the next election. We are very firm that only half the members should face election at any one time and we are not flexible at all on that issue.

From the figures set out by the Government with regard to the regions and the weighting, we see that in the Legislative Council the metropolitan area will gain seven seats and the country areas will lose seven seats. I have no doubt at all that Government members will have seen the proposals of the Liberal Party in respect of the Legislative Council. However, for their information, I will repeat them.

There shall be an electoral region known as the metropolitan region which shall return 18 members; that is one region, whereas the Labor Party has proposed 21 members in the metropolitan area in a series of three regions each with seven members. The Liberal Party proposes electoral regions known as the south-west and the eastern central regions, each comprising six members, and the northern region comprising four members. These members will serve in the Legislative Council.

The Notice Paper in another place contained amendments by the National Party putting forward a different proposition. No doubt those amendments will be repeated on the Notice Paper in this House. The proposition put forward is reasonable under all the circumstances and we emphasise that with the even numbers representing these regions half the members should be elected at one election and the other half at the next election.

The Government has accepted that there should be some kind of country weighting and Hon. Tom Stephens, by interjection, said that the Government's figure was 1.4:1.

However, as far the Legislative Council is concerned there is a recognition that there should be a country weighting. It does not follow in the Legislative Assembly, as I will draw to the attention of the House later.

Hon. Garry Kelly: It is a compromise.

Hon. G. E. MASTERS: That is what we have done. What we proposed in the past and what we are proposing now are quite different. We are putting forward our proposition to the House for debate, and I will spell out for members our position so far as the Legislative Council is concerned. I point out again that the Government has recognised that there should be a country weighting, albeit not as much as we support or require, and certainly not as much as the National Party will require. It is a question of whether or not there should be a weighting.

Hon. Tom Stephens: That is not the question.

Hon. G. E. MASTERS: No, the question is the level of the weighting.

Hon. Tom Stephens: The question is that we have agreed to compromise in order to assist the process of getting this legislation through.

Hon. G. E. MASTERS: We know very well what the Government is about, and it will be proven during the debate, by the response from the Minister, and by the final outcome of the debate. We will find out whether or not the Government is dinkum. I put to members a few moments ago that we have every reason to doubt the sincerity of the Government, and I read out some letters and other details.

I do not know what Government members are talking about, but the issue is not whether or not there should be a weighting, but the level of the weighting. The Government seems inconsistent when it says there should be one-vote-one-value in the Legislative Assembly but, maybe for convenience, it is supporting a weighting in the Legislative Council.

Hon. John Halden: What weighting are you proposing?

Hon. G. E. MASTERS: Our weighting is about 1.9 : 1.

Hon. J. M. Berinson: In the Legislative Council or in the Legislative Assembly?

Hon. G. E. MASTERS: In the Council. I know the Government's weighting—it was mentioned in the other place. It is inconceivable that the Government should propose that there be three metropolitan regions, certainly in view of its previous stand. It always said that there was a commonality of interest throughout the metropolitan area, and gave that as a reason that my electorate, and electorates like it, should be swallowed up into the metropolitan area. The Government said it was un-

reasonable to draw a boundary line when electorates seemed to be similar.

Having said that, the Government proposes to divide the metropolitan area, I suggest for convenience, and obviously, we must assume, for electoral gain. I do not see how it is possible that we can always accept that there is a common interest in areas that I represent, but I have argued about that, and I say that my province could well disappear as a province. However, the Government would be hard-pressed to tell me there is no difference between my area and some of the areas in the city. There seems to be no reason at all why there should not be one region, for the reasons I have just given. I am not saying there should be a low level of representation, but there should be one region and if the population is large it should be a large representation.

Hon. J. M. Berinson: Why?

Hon. G. E. MASTERS: Because the Minister would accuse us if we did not say there should be a large representation.

Hon. J. M. Berinson: Why, on that basis, do you not go back to one of the policies that you also did not accept, and argue for a State-wide electorate?

Hon. G. E. MASTERS: There are great differences between the metropolitan area and the country. That is what I am trying to tell the Minister.

Hon. J. M. Berinson interjected.

Hon. G. E. MASTERS: This debate is going nice and quietly.

Hon. J. M. Berinson: It is going absurdly at the same time.

Hon. P. G. Pandal: Only in your opinion.

Hon. J. M. Berinson: I have been very polite and restrained, but this is utterly absurd.

Hon. G. E. MASTERS: It is quite obvious I have now got to the crux of the matter, where the Labor Party is hurting because it knows its position in this respect is not honest at all.

Hon. J. M. Berinson: You want to maintain a gerrymander, that is the problem.

Hon. G. E. MASTERS: How can the Minister say we are maintaining a gerrymander?

Hon. J. M. Berinson: You are only looking for a weighting of 2 : 1!

Hon. P. G. Pandal: Perhaps you would like the Bill thrown out?

Hon. J. M. Berinson: I would like you to approach an honest compromise.

Hon. G. E. MASTERS: I will go on to explain my views on the single metropolitan region. There is a common interest, a commonality, in the way people live—the same types of schools and transport facilities—in the metropolitan area. There should be a single metropolitan area with sufficient numbers representing it to satisfy us or the Labor Party—the Labor Party says 21. Why does the Labor Party not say there should be one metropolitan region with 21 representatives? Why split it into three? Surely if the Labor Party is sincere, 18 members can represent the metropolitan area very easily, when one looks at the size of the electorates of Hon. Phil Lockyer and others. Surely everyone must accept that the Government has deliberately split up the metropolitan area for political advantage.

Hon. J. M. Berinson: That is utterly absurd.

Hon. G. E. MASTERS: Of course the Minister says that, and I expect him to. How can he say that South Perth is different from North Perth, or that Midland is different from Gosnells? Certainly I can say that Kalamunda is different from South Perth or Mundaring is different from Mt Lawley, but the Labor Party in its proposition would not even accept that. Without any shadow of doubt there is a commonality in the metropolitan region. There is nothing at all wrong with having one region.

Hon. J. M. Berinson: What is wrong with having three?

Hon. G. E. MASTERS: The Minister knows very well what the reason is.

Hon. J. M. Berinson: Spell it out.

Hon. P. G. Pandal: You mind your business—the member is making a very good speech.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): Order! Hon. P. G. Pandal will desist.

Hon. G. E. MASTERS: In simple terms—and they are as simple as can be—the Labor Party sees a political advantage and knows it will gain more seats by having three regions in the metropolitan area than by having only one.

Hon. Tom Stephens: We could not have been fairer, and you know it.

Hon. G. E. MASTERS: I say again, and I really think this should be noted: If there were three regions it would be most unlikely that the Australian Democrats would gain a seat. It would be quite difficult for the National Party to gain a seat, and it would certainly be impos-

ible for an Independent to gain a seat under the Labor Party's proposals.

Hon. J. M. Berinson: Why should you be precluding Democrats and Independents from gaining seats in the non-metropolitan regions, if you are so democratic?

Hon. G. E. MASTERS: The honourable member knows very well that if one looks at the voting patterns in the country areas, the Australian Democrats have no hope at all.

Hon. J. M. Berinson: They would, if they were voting for 17 positions.

Hon. G. E. MASTERS: There would be absolutely no hope of Independents gaining seats in country areas. However, in the city, where there is a significant vote for the Democrats and where the Labor Party did a deal very successfully last time, the Labor Party is now trying to deny the Democrats a chance of gaining a seat by splitting the metropolitan area into three regions.

Hon. Garry Kelly: Under your proposal, with half going out, the quota would be 10 per cent in the metropolitan area. Under our proposal it would be 4.5 per cent.

Hon. G. E. MASTERS: If one looks at the figures and the percentage vote in the metropolitan area—and it will be an expanded metropolitan area—one finds there is every chance that an Australian Democrat would gain a seat in the metropolitan area. That is what we are talking about. The Labor Party is seeking to gain maximum advantage by gaining more seats.

Hon. Fred McKenzie: Are you saying the Australian Democrats do not support this Bill?

Hon. G. E. MASTERS: I am not saying that at all; I am just saying that our proposition would suit them much better. The member cannot deny that.

Hon. Fred McKenzie: How do you know? Have you asked them?

Hon. G. E. MASTERS: We can work it out, can we not?

Hon. Tom Stephens: Mr Kelly tells us you are wrong.

*Sitting suspended from 6.00 to 7.30 p.m.*

Hon. G. E. MASTERS: I admit that our proposal of a single region could well lead to a situation where, in some cases, an Australian Democrat or an Independent could hold the balance of power in the Legislative Council. It happens in the Senate and it could well be that what we are putting forward would at some

time result in that situation. We put that proposition forward as far as the Legislative Assembly is concerned because the Government seems to be committed to a one-vote-one-value situation. In the Legislative Council it is a little different. The Government has said it could be  $\pm 15$  per cent but it is more likely not to be  $\pm 15$  per cent because the boundaries will be on a demographic basis in the Government's Bill.

We make no secret that we have a different view in this respect and we have laid down certain guidelines that should be followed in the setting of boundaries. As far as we are concerned the boundary commissioners should take into account the community of interest, means of communication, physical features, and existing boundaries, as well as the number of people in the particular area. It is no good saying, as the Minister for Parliamentary and Electoral Reform said in another place, that the commission would use its discretion. He said that community of interest and flexibility would be taken into account, but the Bill does not say that at all. We need to get it down on paper because there are certain things that need to be considered in setting electoral boundaries. No-one would know better than members who represent country areas, the truth of what I am saying.

We see that the Labor Party has banded around the one-vote-one-value system for a good many years. Members might see the odd car with a "one-vote-one-value" sticker on the back of it. As far as the Labor Party is concerned it is supposed to suggest to the public that one-vote-one-value means that the party that gets most votes, gets most seats. That is not the case. Let me give members some examples of why it is not the case.

Hon. Garry Kelly: It is better than what you have been proposing in the past.

Hon. G. E. MASTERS: That is utter rubbish. The one-vote-one-value system leads to gross distortions, far worse than our present system.

Hon. J. M. Berinson: When has it led to a majority of votes not securing a majority of seats? That is the important distortion.

Hon. G. E. MASTERS: Let me give the Minister an example of the Federal election. I am sure the Minister will have considered that point and will have an answer in his second reading speech. There were 10 House of Representatives seats in Western Australia 12 years ago. The Liberals had 57 per cent of the vote and gained nine seats. The Labor Party won the

election, but the Liberal Party won 90 per cent of the seats for 57 per cent of the vote in Western Australia.

Hon. J. M. Berinson: It exaggerates the whim but it cannot lead to a loss.

Hon. G. E. MASTERS: I agree. The Minister has put it in a nutshell. It certainly exaggerates a whim. I can understand the Minister becoming upset. These are the official figures. Is the Minister going to dispute these figures? At the last Federal election there were 13 House of Representatives seats. The Labor Party won 54.4 per cent of the vote and took nine seats or 70 per cent of the seats. Surely, that is one hell of a distortion.

Hon. Tom Stephens: Your members behind you are blushing with shame.

Hon. G. E. MASTERS: They are not my figures, they are public figures. I now refer to the figures supplied to me by the Minister for Parliamentary and Electoral Reform. I guess these figures have been supplied to Government members but obviously they have not read them. They are a summary of percentages of first preference votes and seats for Western Australia.

Several members interjected.

The PRESIDENT: Order! I will not tolerate any interjections. We will go through this debate quietly, carefully and methodically with the people who want to speak being able to do so without interruption. I have already mentioned earlier this afternoon I will not tolerate interjections.

Hon. G. E. MASTERS: At the last Federal election, under the one-vote-one-value system, out of the 13 House of Representatives seats the Labor Party took 54.4 per cent of the vote and 70 per cent of the seats. There have been even worse distortions with the one-vote-one-value system. It is a wicked system which we have used over a number of years in this State. I will quote some of the figures to make a comparison with the figures I have just referred to under the one-vote-one-value system.

In 1962 the ALP scored 44.4 per cent of the vote and took 48 per cent of the seats; in 1965 it scored 42.6 per cent of the vote and 42 per cent of the seats; in 1968 it scored 45.3 per cent of the vote and 45.1 per cent of the seats; in 1971 it scored 48.9 per cent of the vote and 50.9 per cent of the seats; in 1977 it scored 44.2 per cent of the vote and 40 per cent of the seats; in 1980 it scored 45.9 per cent of the vote and 41 per cent of the seats; in 1983 it scored 55.2 per cent of the vote and 56.1 per cent of the

seats; and in 1986 it scored 53 per cent of the vote and 56.1 per cent of the seats.

As I said, those are not my figures. When we talk about this dreadful system, I point out that the one-vote-one-value system is far from perfect; in fact, it is very imperfect because it leads to great distortions, as I have just mentioned.

Hon. J. M. Berinson: Excuse me, Mr Masters, those figures relate to the Assembly, not to the Council.

Hon. G. E. MASTERS: I am talking about the Assembly.

Hon. J. M. Berinson: How about giving the figures for the Council.

Hon. G. E. MASTERS: I will. I admit that the figures are not so good for the Council. I am talking about the distortions that the one-vote-one-value system can lead to, and I am comparing the House of Representatives with the Legislative Assembly. I am not comparing the Senate with the Council.

Hon. J. M. Berinson: Why not?

Hon. G. E. MASTERS: I will get around to those figures in a moment. The one-vote-one-value system for the House of Representatives is nowhere near as fair as the system that applies to the Legislative Assembly in this State.

Hon. Garry Kelly: Are you advocating PR for the House of Representatives?

Hon. G. E. MASTERS: Those figures have been supplied to us. Let us consider the latest figures because I admit that over a period of years, the Legislative Council vote favours us. I cannot deny that; it is a fact, excepting the last election which favoured the Labor Party.

Hon. J. M. Berinson: We got a majority at the last election. Are you complaining about that now?

Hon. G. E. MASTERS: I am not complaining at all. It was more an advantage for the Labor Party than a disadvantage.

Hon. J. M. Berinson: Not at all.

Hon. G. E. MASTERS: I do not suppose the Attorney General read the minute from the Cabinet meeting at Geraldton. I admit that what is on the front page of that minute might be a shock for the back-bench members of this House, but certainly Mr Berinson and Mrs Hallahan must have read the minute and understood what it said. In 1986, the ALP gained 54 per cent of the vote and took 32 seats in the Assembly. On a percentage basis, it was entitled to just under 31 seats, so the system

suitied the Labor Party at that election. In the Council the ALP scored 51 per cent of the vote.

Hon. J. M. Berinson: Precisely, and got a majority of the seats by one.

Hon. G. E. MASTERS: It got nine and was entitled to just under nine.

Hon. J. M. Berinson: How much under nine?

Hon. G. E. MASTERS: The figure is 8.67.

Hon. J. M. Berinson: Thank you.

Hon. G. E. MASTERS: I said, "Just under nine." All I am saying is that the wicked system suits the Labor Party when the votes are running for it.

Hon. Garry Kelly: What about the previous election?

The PRESIDENT: Order! Hon. Garry Kelly will not interject again. I have asked him once already. I suggest that the Leader of the Opposition address the Chair and stop inciting members to carry on a barrage of interjections. Let this not be one of those nights when somebody knocks off early.

Hon. G. E. MASTERS: Mr President, I have no intention of knocking off early, and I certainly do not intend to incite the members by giving them facts and details that belong to them rather than being calculated by us.

The fact is that at the last election this system suited the Government. Certainly the votes ran for it, and it suits the party for which the votes run. Nevertheless, we have to take into account that the one-vote-one-value system is full of holes and is far more unfair in many cases than the system we have now.

Hon. T. G. Butler: How can you say that?

Hon. G. E. MASTERS: Easily, because it is true. I do not want to be disruptive, but the facts speak for themselves.

Hon. T. G. Butler: It surprises me that you can say that.

Hon. G. E. MASTERS: It should not surprise the member, because I always speak the truth.

The one-vote-one-value system will absolutely decimate the National Party in the country areas because we propose that, of the 57 Legislative Assembly seats, there be 33 seats for the metropolitan area—there are now 30 so that means a loss of three to the country—10 in the south-west, nine in the eastern agricultural area, and five in the north and pastoral area. We propose, therefore, that there be a total of 24 seats in country areas, a reduction of three. The Labor Party, on the other hand, suggests

that there be 29 seats in the metropolitan area and only 18 in the country areas.

Hon. H. W. Gayfer: That does not impress me at all.

Hon. G. E. MASTERS: I am sure it does not. That is what one-vote-one-value is all about.

There is a lesser change in the Legislative Council, but nevertheless, an increase of seven for the city and minus one for the country. That is the Labor Party's proposal. The making of divisions of the State into regions shall be based on the calculation in the south-west and the agricultural regions by adding the total number of electors in both regions and dividing by two, with a plus or minus tolerance of 20 per cent. This is our amendment. The making of a division in the one single region of the metropolitan area allows for a plus or minus tolerance of 10 per cent. There will be a plus or minus tolerance of 15 per cent in the south-west and the agricultural regions.

It has been said that the present system is unfair. I guess that the Government has some reason for making those accusations at times. However, recently the system has proved advantageous to the Labor Party. We will put forward a proposition which we believe is fair. It seems, from the Labor Party's calculations, that our proposals for the Legislative Assembly will disadvantage us more than the Labor Party. We can go no further in our endeavours than the proposition we now present to the Parliament.

We recognise that there should be a reasonable and fair country weighting and we are committed to that weighting. We have proved conclusively that, in the Legislative Assembly, one-vote-one-value is not a fair method of election and I have given my reasons.

Hon. T. G. Butler: How did you prove it conclusively?

Hon. G. E. MASTERS: If the member cannot understand facts and figures, that is his problem. I hope the member will explain to me how, under the one-vote-one-value system, his party, with 50.4 per cent of the vote, was able to procure 70 per cent of the seats. How is that fair? The Labor Party, by splitting the metropolitan vote, is attempting to rig the vote and deny the smaller parties the opportunity to gain seats. I am sure when those parties examine my party's proposition and the Labor Party's proposition, they will understand that that is the situation.

I received some figures from the Minister for Parliamentary and Electoral Reform. I will use those figures, but they do not seem to add up. I have spoken to the Government adviser here, and he has given me some more information. No doubt he will be listening intently and making some comments for his Minister to use in reply. I will listen intently to those comments. The information given to the Liberal Party by the Minister for Parliamentary and Electoral Reform lists the alternatives for the Legislative Council as a result of the proposals by the Labor Party, the National Party, and the Liberal Party. Indeed, in the figures directed to the Labor Party proposal, the Government has said that in the North and East Region there would be 63 300 enrolments. In the Agricultural Region there would be 62 300 enrolments. In the South West Region there would be 155 000 enrolments, and in each of the three metropolitan regions there would be 202 500.

I put it to the Government that it cannot come along with those figures and not give us some indication of where it thinks the lines ought to fall. I know that the Government cannot draw the lines, and the Minister will say, "Look, we can only make an assumption." But the Government must have worked out something on the figures it has supplied to us. It must have drawn some lines.

I listened intently to the reply given by the Minister to the question by Hon. David Wordsworth. It simply did not add up, because he included in those divisions areas which I know very well will be included in the metropolitan regions. The Minister knows that as well.

I have a map, but I do not think I will use it. I simply want to draw attention to it in this way. If the figures quoted by the Government are correct, it seems to me a strong possibility that to have 155 800 in the South West Region—and it is very difficult to work out how the Government could possibly reach that figure—it must include Rockingham and Kwinana. I do not know, but the Government could tell us if it is doing that. In the Agricultural Region, the Government has 62 300. What does it include in that? I suppose it must include Geraldton and, I would have thought, Esperance, although the Minister seemed to indicate tonight that that was not the case.

Our calculations suggest that the Government's figures are wrong. They are well and truly wrong. The interesting thing is that in making its calculations on the figures I have just quoted—the Labor Party figures—the

Government works out the Legislative Assembly ratio as 1:1, and in the Legislative Council 1.4:1. Those ratios have already been mentioned by Hon. Tom Stephens, and they recognise a weighting.

In the calculations on the Liberal Party proposal put before the House today, the Government somehow or other comes up with another set of figures. I would like the Minister to explain how that can be the case. Certainly I can understand the northern region being different—the Government puts it down as 40 000, but we draw a different line using the 28th parallel. It says that the eastern and central region has 90 000 voters. The figure for the south-west is 100 000. For the metropolitan area, there is a total of 635 000.

In the calculations of our figures, it seems that the Government has loaded the metropolitan vote and completely thrown it out of kilter. Why should the metropolitan enrolments be more under the Liberals than they are under the Labor Party? For a start we draw a boundary with a 50-kilometre radius. The Labor Party draws no boundary. If in fact the boundary commissioners in their deliberations are to make the same decision as they would under both the Liberal and Labor proposals—apart from a set of directions, they will take into account community interest, and the like, and that should not restrict them too much—surely to goodness, in fairness, the calculations of metropolitan enrolments under our proposals ought to be the same or less; certainly not more.

I put it to the House that the Government has deliberately loaded the figures for the metropolitan area and reduced the country vote, thereby making the calculated ratio for the Legislative Assembly 2.4:1 under our proposal, and for the Legislative Council, 3.5:1. Our calculations based on the Labor Party's figures and a fair assumption of the enrolments indicate ratios of 1.8:1 and 1.9:1.

I do not know why the Government should have attempted to manipulate those figures. If in fact there is some misunderstanding or some reason why the metropolitan area should contain more voters under our proposal than under the Labor Party's proposal, we must look at it. I cannot understand why that would be. There is no reason at all. In fact, I would have thought that the ratio would be less because we have guidelines indicating that certain areas should not be included unless they meet certain criteria.

We have said there should be community of interest, and other things, so I challenge the Government because with those figures before us, I view with some concern the calculations the Government put forward. It appears to us there was a deliberate manipulation of the figures for no reason other than to distort the end result and to try to influence the media into saying that the Labor Party's proposals are better than ours. It is quite wrong: The reverse is the case.

Let us now talk about fixed terms in the Legislative Council. The Government has proposed that both Houses have a maximum term of four years. The Legislative Council will have a fixed term of four years while, of course, the Legislative Assembly can be flexible. The Liberal Party is adamantly opposed—and I make this as clearly as I possibly can—to any suggestion of a fixed term and both Houses going out at the same time. We say there should be a fixed term for members of the Legislative Council, and half of them should come up for re-election at one election, and half at the next election.

In all of the speeches made by our members in another place, we said that the terms should be three years and six years. Personally, I am not worried whether it is four years and eight years. I understand that in New South Wales it is four years and 12 years, and in South Australia and Victoria, the Senate, and the United States Senate, all of the terms are split. I cannot understand why the Government should pursue its policy. It is trying to break down the whole system, as far as I am concerned.

The Legislative Council must be seen to be different because it fulfils a different role. Hon. Tom Butler, in his short time here, has made very little contribution; but I guess as time goes by he will come to realise the value of the Legislative Council, as Hon. Bob Hetherington has realised. I will listen with great interest to the speech of Hon. Bob Hetherington on these matters, as I have done in the past.

In relation to the Legislative Council I quote from the fifth edition of *Australian Senate Practice* by J. R. Odgers. Of course this quote relates to the Senate, but if one replaces the word "Senate" with "Legislative Council", exactly the same arguments apply. Chapter 1 has the subheading "Two sieves must be better than one". The main heading is "Functions, Composition, Powers of the Senate and Dis-

agreement between the Houses". On page 2, the following appears—

The claim is often made that Government control of the Senate is essential for effective government, but performance does not support that claim. All free systems of parliamentary government acknowledge the need for checks and balances against any concentration of unbridled power and, so far as the Australian system is concerned, the Senate is the most important of the constitutional checks and balances. Lack of control of the Senate can no doubt be inconvenient to a Government and at times frustrating, but such considerations are secondary to the greater good of responsible checks and balances exercised by an Upper House which, unlike the House of Representatives, is not subject to Executive domination.

I understand that there are faults on both sides of this House, but there always will be, I guess. One cannot deny that members on my side and members of the National Party have shown their independence on numerous occasions. I can understand that the greatest difficulty the Labor Party has—perhaps it is its Achilles heel—is the fact that its members cannot and dare not make any independent judgments at any time. That is the very big weakness of the Labor Party. Members of the Labor Party in another place, and the Labor Party's national body, have only one objective, and that is to weaken and ultimately destroy the Legislative Council.

Several members interjected.

Hon. G. E. MASTERS: The informing function is well expressed in a statement by a former President of the United States, Woodrow Wilson.

Several members interjected.

Hon. G. E. MASTERS: If Hon. Kay Hallahan suggests that is pathetic, I am sorry for her.

I quote—

It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice, and to embody the wisdom and will of its constituents. Unless Congress have and use every means of acquainting itself with the acts and the disposition of the administrative agents of the government, the country must be helpless to learn how it is being served; and unless Congress

both scrutinize these things and sift them by every form of discussion, the country must remain in embarrassing, crippling ignorance of the very affairs which it is most important that it should understand and direct. The informing function of Congress should be preferred even to its legislative function.

I could go on to many other quotes on this matter, but I am sure the message has come across.

Over the past years the Opposition has amended and rejected a deal of bad legislation brought forward by the Government, often saving the Government very considerable embarrassment. We are being frank tonight. Hon. Joe Berinson is laughing, but perhaps this will catch up with him.

Over the last six years when we of the Opposition were in Government, we did not say things publicly. Privately we did, but certainly in the early days of the President—who has now left the Chair—and other members of this House, there was a great deal of independence, and that was of great benefit.

A Government member: That was some years ago.

Hon. G. E. MASTERS: It was not all that long ago. Hon. Vic Ferry and Hon. John Williams were here, to name a couple. There was independence. In the later years when we were in Government, for one reason or another we kept our arguments private to our party room. Perhaps we should have argued publicly and made our decisions here.

As far as we are concerned, half the House should go out, and half continue. If there were an election for all the members tomorrow, based on the present boundaries—in other words, if we simply said that everyone would go out in 1989 on the existing boundaries—it is quite possible, in today's political climate with the present feeling against the Government, that Hon. Doug Wenn and Hon. Beryl Jones could be defeated.

I would not support that at all. I would say they are here for six years; they should make a strong contribution and serve the Parliament as they were elected to do. It brings stability to the House, whether the member is on the opposite side or on ours. The fact that we have had control here for many years does not change my mind. If in the next election there were a change, I would still maintain that everyone should not go out together—half should leave at one time and half at another. It may be



either to our advantage or to the advantage of the Labor Party; I do not care. It is the principle that is important.

If there were a complete change, both Houses would allow everything to go through. Everything and anything would be changed.

I would like to quote from the Constitutional Commission bulletin No. 2 dated September 1986. It is headed, "Commission favours six proposals by Conventions", and reads—

1. That the term of the House of Representatives be extended from three years to four. The terms of Senators would be made equal to two House of Representatives terms. (Recommended by the Adelaide Convention, 1983).

The Constitutional Commission is recommending that the upper House, or upper Houses, should have double the term of the lower House. It is recommending that members go out half at one election and half at another.

May I now mention the situation of optional preferential voting. The fact is that again we are opposed to that proposition. We have what we call a compulsory voting system. With a compulsory voting system, people voting should be compelled to follow the preferential system. Coming from the UK, I guess I favour voluntary enrolment, and if anyone were to put up in this House that there should be an option whether to enrol or not, we could have a first-past-the-post system. I do not really see that I could argue against that proposition, but if we are to have compulsory enrolment, then people should be required to follow the voting pattern and fill in preferences.

It is wrong to say that people find that difficult, because most people in Australia have grown up with that system. Some people coming to these shores may have an initial difficulty, but we use how-to-vote cards—which at times present problems. Nevertheless, most people have grown up with the system and understand it.

There was a different system in the Federal scene where the Senate used one system, and the preferential system was used for the House of Representatives—to the great sorrow of the Labor Party. We are completely opposed to optional preferential voting. The Labor Party goes further than that; it talks about an officer in charge of the polling booth making a decision whether the intent is clear or not. That may be interpreted by different officers in different ways. We may have the farcical situation

of a person filling in a tick and a cross, and the officer in charge saying the tick seems to be pretty obvious, and also the cross. A ballot paper could be marked 1, 2, 3, 3. The 1 and the 2 would have a line drawn below them, and the other votes would be thrown away. Another paper could be marked 1, 2, 2, 4. A line would be drawn after the 1 and the rest thrown away.

We have grown up with the system of preferential voting, and if we are to maintain compulsory enrolment and compulsory voting, we must surely draw some guidelines and not have everything higgledy piggledy. We would be the laughing stock of the rest of the world if we were to adopt that sort of approach.

When redistribution takes place is a question of lesser importance. There are some arguments and difficulties about that. I do not think we need to go into great detail concerning the minimum vote before a fee is refunded. We can reach agreement on that.

The Liberal Party has gone a long way in its proposed electoral changes, to the strong opposition of some of our members. Our concept has now proved to be far more genuine than the Labor Party's—a system for the first time to its advantage—but it does not give a damn.

I am disappointed at the refusal of the Government to make more than a token protest. The Liberal Party has addressed the question of country seats. We have proposed a regional system. We have agreed to the Electoral Commission setting boundaries. I could give no better example than my own personal situation. I emphasise that we have brought this forward as a package. We simply cannot give way on certain areas. We have chosen a path to follow, and the Government surely cannot expect us to take on board some of its unfair and biased directions. After months of work by many members, that is the position at this time.

This is a package, and I emphasise we will not have a bar of it if the Government sees fit to throw certain things out of our package. We are putting forward a genuine package, and that is how it stands. The Minister must give a clear indication that his Government is prepared to support fair regional proposals, elections for half the Legislative Council, and forget about tinkering with the preferential voting system.

I challenge the Minister and the Government to say they are dinkum on these issues. It is their choice. If the attitude of the Minister in the Legislative Assembly is reflected in the Minister's comments in this House with regard

to our proposals, there seems to be no point in continuing with the Bill now; rather it should be deferred for further discussion.

The proposal for one-vote-one-value will decimate the country areas. That is built into this piece of legislation.

Hon. J. M. Berinson: Why hasn't it done that in the Commonwealth, New South Wales, Victoria, or South Australia?

Hon. G. E. MASTERS: I will pass the Minister the paper.

The Government has the ball in its court; it must make the choice. By forcing through this Bill, it will eventually sabotage its own legislation. The Government knows it, and we know it. Time will show whether that is what the Government wants and whether Arthur Tonkin was correct.

Hon. J. M. Berinson: It will show what you want, not what we want.

Hon. G. E. MASTERS: If the Government wants to force this through instead of deferring it for further discussions, knowing full well there are differences of opinion which cannot be resolved in this House in any shape or form, the Government is intentionally sabotaging and torpedoing its own Bill.

For the first time, the Liberal Party has put forward a genuine move for some changes, and I mean that sincerely. The Government's own figures show that our proposals are fairer than those of the Government. The ball is in the Government's court; it is either dinkum, or Mr Arthur Tonkin was right.

HON. E. J. CHARLTON (Central) [8.12 p.m.]: I begin by referring to a few points in the Minister's second reading speech. On page 2 of his speech, he referred to the Bill proposing a greater vote weighting than under previous legislation and went on to talk about ratios. The National Party does not agree with that point.

His second point about the Bill modifying the position in 1983 and 1984 in relation to the Legislative Council always being dissolved at the same time as the Legislative Assembly, is favoured by the National Party. On page 3 of his speech he referred to the Bill implementing the concept of regional multi-member electorates by proposing six regions. The National Party does not accept or agree with that proposal. Fourthly, the Bill proposes a redistribution after every second election rather than defined criteria which should lead to a redistribution. That is something our party could sup-

port. Finally, the Bill proposes a greater flexibility in electoral distribution and talks about a 15 per cent tolerance. That is connected with the earlier point regarding the one-vote-one-value ratio.

Where that arrangement prevails in other States and there is a 15 per cent margin of tolerance, the immediate reaction is that small, sparsely populated areas would be given that tolerance. However, when I was in New South Wales, it was pointed out fairly conclusively to me that that tolerance is used against the country areas. They are the areas which will lose population, whereas the coastal areas will gain population. So the loading is put in the sparsely populated areas and the tolerance is on the positive and not on the negative side. One needs more people in those seats to make a comparison with the numbers in the inner metropolitan area. Instead of appearing to be to the advantage of the sparsely populated areas, that system works in reverse.

There are a number of other aspects in the Bill with which the National Party agrees. We are in favour of a number of changes to the Electoral Act which are necessitated by time. I refer to changes to the boundaries and how they will be drawn, a concept which the National Party supports, and we also support the concept of geographical descriptions being taken as a guide. It is now proposed to require the publication of the boundaries by the commissioner, and we support the drawing of the boundaries by an independent commission.

The National Party is in favour of the proposed four-year terms and supports the point I mentioned earlier about elections for both Houses at the same time. The reason we agree with four-year terms and the Council being elected at the same time is that it is too much to expect voters to elect people for an eight-year term. Our first priority is to have fewer elections; we would certainly like to see that in the Federal sphere where three-year terms still operate. In this State we have not been subject to the forced early elections which are foisted on voters for all sorts of reasons. That has been done to the detriment of the nation. There is no question that early elections are held at a time which is convenient for the Government of the day. All parties and Governments have done it, and it is to the disadvantage of so many responsible decisions that should have been made in this nation.

We oppose any change to voting procedures to introduce optional preferential voting, as proposed in this Bill. As far as the Assembly is

concerned we are not in favour of one-vote-one-value or the weighting that has been proposed. It is one of the most unbelievable situations. I know members of the Government honestly and genuinely believe that if people have equal rights they should be entitled to have the same number of electors in an electorate voting to send a representative to Parliament to look after their interests. I would have no hesitation in agreeing to that if the population of Western Australia were more evenly distributed. Anyone who went around the State and saw the way people earned their livelihood, how they live, how they went about their day-to-day business, and their standards of health and education, would understand the situation a lot better and would not try to put an argument as to how a member would represent them on the basis of one-vote-one-value.

The area of Western Australia comprises approximately 2.5 million square kilometres. The National Party is suggesting that the metropolitan area—the area roughly within a radius of 50 kilometres of the GPO—will return more members of Parliament than the rest of the State, even with a 2:1 ratio. There will be 33 or 34 members returned from the metropolitan area and 23 members from the country area. Those 23 people will represent an area covering almost 2.5 million square kilometres.

Hon. J. M. Berinson: But with fewer people.

Hon. E. J. CHARLTON: Yes, I agree. The population of the metropolitan area is about 600 000, and about 200 000 people live in the rest of the State. The point is that there will be fewer representatives covering the country area. All members know that it is a large area with very few people living in it. It depresses me when I read motor vehicles stickers which carry the slogan "one-vote-one-value".

Hon. J. M. Berinson: At the moment we are talking about one-vote-one-and-a-half value.

Hon. E. J. CHARLTON: Yes, I am referring to a 2:1 ratio and to the effect it would have on members in this House and in the other place who represent the people in the city.

Hon. J. M. Berinson: Why are you putting more weight on area than on population?

Hon. E. J. CHARLTON: Firstly, the people of this State should come to terms with what is involved in living outside the metropolitan area and what the country people term as being fairly represented. It is one thing to have equal representation and equal opportunity on a numbers basis, but it is another thing to consider country people having representation

equal to that of people living in the metropolitan area.

It is a fact that people in the country know their members of Parliament personally and that people in the metropolitan area do not. Is it simply because there are fewer people in the country area and, therefore, they have a greater opportunity to get to know their member? I know that country members in this House and in the other place have very few opportunities to visit their electorates when Parliament is sitting. Obviously members of Parliament representing metropolitan electorates have the opportunity to go home to their families every evening and country members do not.

Last week when Parliament was not sitting I had the opportunity to visit the Wickepin Shire Council which has five cricket teams within its boundaries, but which is unable to provide a grassed oval. These sorts of issues provide the opportunity for country members of Parliament to get to know their electors better.

I suggest that country members of Parliament are sought after by their electors more than are metropolitan members because many more problems are associated with living in the country than with living in the city.

Hon. Tom Stephens: The weighting does not seem to have fixed up the problems in the country areas.

Hon. E. J. CHARLTON: That may be so. I knew that point would be raised and I am glad that Hon. Tom Stephens raised it.

I make no apology for the following statement. The fact remains that the 57 members of Parliament in the other place come from all sides of politics, but the majority of them represent electorates in the metropolitan area and often, when required to vote on legislation, they do not make the correct decision because they are not aware of the problems facing country electorates.

Only today I read in *The West Australian* about a \$70 million package that the Government has offered to nurses, hopefully to prevent a breakdown in services. Over a long period of time, successive State and Federal Governments have said there is a need to provide assistance to various sectors of the community. I could go on for two or three hours quoting from relevant articles which have appeared in the Press over the last three weeks.

Hon. J. M. Berinson: Don't you think that nurses' wages have some relevance to the country's welfare?

Hon. E. J. CHARLTON: They do. However, nothing has been said about freight charges. The people in the country have copped it in the neck. There is no reason or logic for these charges.

Hon. J. M. Berinson: Who pays the most taxes in this State—the people in the metropolitan area or those in the non-metropolitan area?

Hon. E. J. CHARLTON: If members want to debate how much taxation is paid by people in the metropolitan area and people in the country area it can be debated when we are considering the question of taxation. It would not matter if every man, woman, and child did not pay even \$1 tax on profits because they would pay sales tax on freight. That is only one example. If members opposite want to debate this matter at some other time I will be happy to do so. Tax on freight charges has been with us for the last 20 years.

I come back to representation. I will not labour the point any further, but I believe that members who represent city electorates should visit country electorates to compare the job country members do with the job they do. Obviously we will hear more as this debate continues from members who do not share my point of view.

Australia is the most urbanised nation in the world and the majority of people live in the metropolitan areas. I am sure that some members will mention gerrymanders; they will refer to the Queensland election and to the gerrymander in that State. Have members ever considered that there is probably a gerrymander in the metropolitan areas of Australia?

Where do successive Governments direct the resources for Government services? A lot of it is directed into the city areas. That is as much a gerrymander as is having a weighted vote in the country. If members do not agree with me, it is their prerogative.

There is evidence of it in many areas and one may ask what is happening in the areas of health and education. I could go on and on. They are not ancillary sorts of things; they are important to people in their day-to-day living.

Country people who have problems usually go to their member of Parliament. I will give the House an example. An elderly couple visited me and told me that they were faced with a \$16 000 account for hospital services. The lady had been in a city hospital for five months and the account was not covered by their private hospital insurance.

I do not deny that we must have capital cities, service areas, and regional centres, but the people in the country area must be equally represented. In the final analysis, the only thing they have to fall back on is political representation. After all, the lives of people are determined by political decisions, regardless of what they are.

If Australia were more evenly populated, it would be a different story. Another argument would apply to a State like Tasmania, because it has a small population and its people are closer together.

No-one seems to disagree with the system operating for the Senate. The same number of senators represent each State, yet the population in each State is vastly different. I have never heard anyone argue that Western Australia should be represented by only four senators, while other States might be represented by 10, 12, or six senators.

Hon. Garry Kelly: That was the price of Federation.

Hon. E. J. CHARLTON: Would Hon. Garry Kelly like the Senate to be dominated even further by one particular group of people? I am sure even Hon. Garry Kelly would not agree to doing away with the present situation.

Hon. J. M. Berinson: Do you think it is a good idea to have a handful of Australian Democrats dominating what happens?

Hon. E. J. CHARLTON: If the Democrats were half as good as the National Party in this place, it would probably be all right. Obviously, that is not the case. Does the Attorney have any more good questions like that?

We cannot run away from the fact that the wealth of this country is born from the earth of this State, despite the service industries in the metropolitan area. We are an exporting nation, not a manufacturing nation. However, if the nation is to survive with a reasonable standard of living, it will have to manufacture more. The grain that is grown, the wool that is produced, and the mining that takes place all occur outside the metropolitan area. Although very few of our exportable commodities are produced within this 50-mile radius of the GPO area, we see a continual rationalisation of those services in country areas which provide a back-up to country people. If that is not worth taking into consideration, I do not know what is.

With respect to preferential voting, it is certainly not right to say that if an individual wants to have the option to vote for one candi-

date or the lot, his vote will be valid. We were quite happy to follow the Senate arrangement that was brought in for the last election. The National Party obviously is in favour of proportional representation. It is good that at this time the National Party, the Liberal Party, and the Labor Party are all agreed on proportional representation. With preferential voting, it would be consistent if the voter followed the how-to-vote card of the party to which he gave his first preference. We would accept that as an alternative. In other words, we would accept the system followed for Senate elections. Obviously there were some problems with that system at the last election, but change always brings problems.

I mentioned the recent Queensland election because of the so-called gerrymander. I said earlier that I thought a gerrymander provided an example of what people could do with words when twisting an argument to suit themselves. During the speech by the Leader of the Opposition by way of interjection it was asked how a minority of the people could elect the majority of members of Parliament. In the recent Queensland election, the Labor Party obtained 40 per cent of the vote; the non-Labor parties obtained 56 per cent of the vote. I am not saying that there is no argument for change, but given those figures I do not see how the Labor Party could say that the only reason it did not get into Government was because of a gerrymander. The fact is that the Labor Party got 40 per cent of the vote; that is the main reason it did not get into Government. I will not elaborate on that any further, but I think people should bear those facts in mind when considering that issue.

The National Party is in favour of this Bill being read a second time, but we will not support the appointment of a Select Committee. Every member of this Parliament is fully aware of his position with respect to the issues and knows full well the changes to which he is prepared to agree and so forth. We do not think any good would come out of having a Select Committee to make further inquiries. It has not been proposed and I hope that it will not be.

The National Party will have its amendments circulated to all members for them to consider. I apologise that they were not circulated earlier, but assure members that they will shortly be made available. We want to retain a weighted voting for the Assembly of around 2:1—in other words, we want the non-metropolitan areas to have around 23 or 24

seats and the metropolitan area to have 33 or 34 seats. With respect to the upper House, the Labor Party wants to divide the State into six regions and to have 21 seats in the metropolitan area and 13 seats in the country area. The Liberals want to have 18 metropolitan seats and 16 country seats, and the National Party wants 17 metropolitan seats and 17 country seats. Based on the fact that an equal number of senators come from each State, the National Party believes that the metropolitan area and the country areas should contain the same number of members. Community of interest is to be taken into account when drawing boundaries. It is also one of the reasons for having equal numbers of senators from each State. The National Party thinks the same principle should apply with respect to the Legislative Council, and that there should be 17 country members and 17 metropolitan members.

The country area would be broken into two regions; one would be the north-west and mining areas, including the seat of Kalgoorlie because there is a community of interest—that is, mining and pastoral—from the north down to that area. The balance would be bracketed into one area because it has closer community of interest, from where it joins the north-west to the south coast. They would elect five in the north area and 12 in the agricultural and south-west areas.

There would be a weight ratio and loading on the non-metropolitan area in the agricultural south-west of 2.5:1 and in the north-west it would be greater than that, depending on where the commissioners drew the boundaries. As far as the National Party is concerned that decision would be left to the commissioners.

A great many other areas laid down in the Bill are worthy of mention. As far as the overall result of the debate in this House is concerned, I make it perfectly clear on behalf of the National Party that we are in favour of change. Obviously there is a large degree of difference between what the Government has put forward and the suggestions made by the Liberal Party and the National Party. With regard to the amendments to be circulated, I hope the Government will consider the points put forward.

Under the present system the Labor Party holds a large number of seats in country areas. I have spoken to many people of all political persuasions and not one non-conservative voter—some of whom are directly involved with the Labor Party—who has agreed with all those sorts of things proposed by the Govern-

ment, has said that we should not retain vote weighting in country areas. I would be happy to give the names of the people to whom I refer—in private, of course.

Hon. A. A. Lewis: How big a weighting?

Hon. E. J. CHARLTON: Not less than 2:1. I am referring to business people, not members of the farming fraternity. That reaction is typical wherever one goes. Never before have these people been subjected to so much economic pressure and stress. The only thing they have left with which to bargain is their representation through their local member of Parliament.

When one considers the changes proposed by the Government, the weighting of 1.4:1 means that one Assembly seat in every three seats in the country will disappear. Can members imagine the size of the electorates? I am sure Hon. Jim Brown, Hon. Tom Helm, and other members on that side of the House will understand the situation as well as I do, and they would not want to represent an area larger than they now have.

We were elected under a provincial system and if we were to have a system of proportional representation members could find themselves representing areas stretching 500, 600 or 700 miles. If I were re-elected under such a system my electorate would cover Carnarvon in the north, and down to the south-west. It would be similar to being elected as a senator for a Federal seat, and as an individual I would not look forward to that.

All parties have agreed that some change is necessary. No-one is suggesting a vote weighting of 11:1; that is neither good nor acceptable.

In summary, the National Party is certainly not in favour of the Government's proposals as put to this House and as passed in another place. We are genuinely sincere about change and we hope that the Government is prepared to accept some of the amendments we suggest.

We are entering a new era and we all tend to think that circumstances have never been the same as they are in our lifetime. On Friday evening at a function at Wickiepin, held in recognition of a man who had given 30 years' service to local government, I spoke to people who took me back to the time when they had no power, no refrigeration and a whole host of other things which people living in the metropolitan area today cannot remember being without. Not many people can remember being without power.

Hon. A. A. Lewis: Mick Gayfer can remember.

Hon. E. J. CHARLTON: Yes, he can, and I can also. I can remember when we did not have scheme water, and there are still people who do not have scheme water.

Hon. H. W. Gayfer: I do not have scheme water.

Hon. E. J. CHARLTON: That is one good thing about having a good member of Parliament in one's area.

Hon. A. A. Lewis: Did Bill Atkinson get it for you?

Hon. E. J. CHARLTON: No, he did not. I was fortunate because I lived close to the main goldfields water supply line; it was important to be in the right place at the right time.

Sometimes changes are made for the sake of change or to pacify people, but it must be remembered that the Labor Party is in Government, and congratulations to it. Members on this side of the House accept that the Government is the Government and that if we want to change that situation we must do it by performance and by giving an undertaking to the people we represent that if they want changes, we will have the internal fortitude and will to make them. We should not talk about it all the time; actions speak louder than words. Nowhere has that been more amply demonstrated than in the Federal sphere over the last 10 or 15 years.

When it comes to representing people it is most important for all members, regardless of their policies, to be given the opportunity to win. No matter how small an area or how much voting there is in particular areas, if we have a situation in which in the final analysis there are more members in the metropolitan area than in the country area—no matter what the weighting; and party politics aside—there will be an opportunity for those members to be in the majority. Nobody should forget that point.

The National Party does not yet have representatives in the metropolitan area, but obviously those people from the Labor Party and the Liberal Party in the country areas are not very happy with the way things have been going so far as their livelihood and representation are concerned.

They are not critical of their party from the point of view of their members not representing them, but they are outgunned and outnumbered all the way down the line. The Government should act more responsibly and

demonstrate its ability to make decisions, not only for the good of the people out there in the community, but also because what is good for country people is good for the nation.

**HON. D. J. WORDSWORTH** (South) [8.51 p.m.]: I support Hon. Gordon Masters, who very admirably covered the ground for the Liberal Party. I will discuss one field, and that is the matter of the consequences of the regions proposed by the Government, and the need for a loading for rural areas and the consequences of that.

In the first place I will make a general remark: Government, in whatever country, does much to look after its disadvantaged. When it comes to taxation and the matter of one's contribution to the cost of running one's country, we have always accepted that we must look after those who are disadvantaged and cannot pay their fair share. I am yet to hear any party, anywhere in the world, say "one-man-one-tax". The times when everyone had to make an equal contribution have long gone.

In the same way, I believe most countries in the world look after their disadvantaged when it comes to isolation within their electoral system. This is not new, nor peculiar to Western Australia; it is recognised in many of the major countries in the world, from Great Britain to Japan, to Canada and elsewhere. In fact, it is the case in more countries than not. Without doubt, the people living in isolation are disadvantaged—I do not think there are any arguments against that. Yet repeatedly we see that the party which claims social justice is the one that seems to be determined to take away any advantage that the political system might give to those who live in isolation.

Hon. Tom Stephens: That is absolute nonsense.

Hon. D. J. WORDSWORTH: It is quite correct, and I assure the honourable member I will go further. This parliamentary system as we know it today has some advantage for those who live in isolation.

Hon. Tom Stephens: Look what you guys did to my area.

Hon. D. J. WORDSWORTH: I will comment on that in a moment.

Hon. Tom Stephens: So you should—you were involved in the construction of it.

Hon. D. J. WORDSWORTH: I will come back to that. The present system does give some advantage to those who live in isolation, to those who venture out from the metropoli-

tan area, go out and develop the country, occupy the country and utilise its resources, earn Australia some overseas income, and feed the peoples of the world. There are countless arguments to support the need to have an electoral system whereby those who live outside the metropolitan area have some sort of loading; yet there are very few against it. In fact, I do not think we have heard one argument—although we have not heard a speech from the Government on this matter as yet—as to why there should not be a loading for those people living in the country. What is the disadvantage? What harm has it ever done? Government members shout about one-vote-one-value, but cannot tell us what harm the current system has done.

Hon. Tom Stephens: It has guaranteed that 50 per cent plus one have not had their wishes reflected in the Parliament.

Hon. D. J. WORDSWORTH: How has that been reflected?

[Quorum formed.]

Hon. D. J. WORDSWORTH: I was endeavouring to show the members of the Government that there has been no disadvantage from having a loading towards those people living outside the metropolitan area, and I stated that to date members opposite have not been able to supply any arguments as to how they had been disadvantaged. It would appear that the current system does not necessarily give unfair benefits to any group. One could not say that the rich are enjoying any benefits from the current system. It appears that anyone who makes any money out of the country retires and pretty quickly comes to the metropolitan area to invest his money there, so one could not say the rich are benefiting from the current system.

Indeed, there is ample proof to show that those who live in isolation are being disadvantaged by the Parliaments in this country. I suppose the greatest illustration of that is the way in which we tax fuel. The biggest tax take after income tax comes from fuel tax, and that is nothing but a tax on isolation. Who pays the largest amount of fuel tax? How much do the people of the metropolitan area pay in fuel tax? A tank of fuel for them lasts a week or more.

Hon. Mark Nevill interjected.

Hon. D. J. WORDSWORTH: That is right. Country people are the ones who pay it, and that money is not spent in the country, if that is what the honourable member said. We just had

a Bill before this House to take the money away from the roads and put it into Transperth.

Hon. Tom Stephens: The roads are excellent in my electorate.

Hon. D. J. WORDSWORTH: Well, the honourable member has been looked after far too well by a Liberal Government, that is his trouble. I have contributed as much to that as has anyone. Yes, the member has had an unfair share. I point out that this House does not have a reputation for looking favourably on those who live in isolated areas; indeed, we have been very hard on those people. Not only have we unfairly taxed them when compared with the rest of the community by making fuel so expensive, but also rural people have to pay sales tax on every item they buy locally, and that again is nothing but a tax on isolation.

I believe they are just two examples of the way in which despite the fact that this Parliament is meant to be gerrymandered in favour of the rural areas, rural people have not had much to gain from it.

Hon. Tom Stephens is always very keen to support the Aborigines and has reflected upon this side of the House in regard to land rights. The interesting thing is that we on this side are supporting a system that gives Aboriginal people—those disadvantaged people living in the country—a better vote in this House: A loading of 2 : 1.

Hon. Tom Stephens: The lengths that your crowd went to to try to prevent the Aboriginal people from voting in 1977! Mr Oliver would be blushing even more if he were here tonight.

Hon. D. J. WORDSWORTH: I seem to have made that point quite well. Here we have the very people who talk about social justice trying to reduce the value of the vote of the Aborigines in our country.

Let us now consider the proposed system of regions, and I will start with that region to be known as North and East Region. The requirement here is that the region be remote from the capital. Obviously when the State is being divided into regions one would start with the Kimberley, and to fill the requirement laid down for 62 300 electors we find that, from the last election, Kimberley has 17 918, Pilbara 15 034, Gascoyne 5 113, Murchison-Eyre 3 702, Kalgoorlie 11 181 and Esperance-Dundas 11 694. This is a total of 64 643, very close to the figure proposed in the Bill.

As a budding electoral distributor I obviously have my own figures fairly right. That is something like three per cent more than the number

of electors proposed in the Bill and would be acceptable.

Hon. Tom Stephens: A budding what?

Hon. D. J. WORDSWORTH: Electoral distributor; in other words I am trying to foreshadow how the commissioners would interpret this Bill. I thank the Attorney General for answering my question as to how the Government saw the subdivision. I found that we were very much in line.

The interesting thing is that when one looks at that figure in that area of 64 643 electors, one finds that all those seats would have 15 600 electors. The Government's ideal was that over all the State the average would be 15 000,  $\pm$  15 per cent. So, any person who thought that hopefully this isolated area of the Kimberley would receive a loading that was less than the 15 500 would be greatly mistaken because the seat is in fact above the average. It is ironic that the Government is proposing for this isolated area that we add the 15 per cent while in the metropolitan area we reverse it.

I refer now to that line we drew between Kimberley and Pilbara.

Hon. Garry Kelly: It was a bit of a tiger.

Hon. D. J. WORDSWORTH: The Parliament endeavoured to even up the seats and make them somewhere near equal. Can Hon. Garry Kelly tell me what was wrong with the line. No? The only thing wrong with it is that we split the two so that they had roughly the same number of electors. As at the last election Kimberley had 17 918 and Pilbara had 15 034. The only pang of conscience I have over that division concerns the community of interest. We put some of Pilbara in with Kimberley and those people concerned felt they had no community of interest. That is certainly the only pang of conscience I have about that line we drew.

But what happened in the last redistribution? We find Boulder was put in with Esperance. Can members imagine anything more odd than that? Members could hardly say there was any community of interest between those two areas. This was done by the Chief Justice of the State together with the Chief Electoral Officer and the Surveyor General. Members opposite should not be too critical about these sorts of divisions. I did not hear them complaining about Boulder being placed with Esperance. The people of Esperance did. Why did members opposite not complain? Because it involved a Liberal seat being won by Labor. That is why they all shut up on that one.



We often hear talk of a gerrymander, but who set the size of Murchison-Eyre at 3 702 electors? Was it this Parliament loaded up with Liberals? No. It was the Chief Justice and his two colleagues who decided Murchison-Eyre should have 3 702 and Kalgoorlie should have 11 100. Electoral Commissioners over generations have made these decisions. It is not the fault of the electoral system. It was the commissioners who decided Gascoyne should have 5 113 electors. Let us not have members opposite slinging off at the Liberal Party majority in this House.

The system proposed by the ALP is far worse than the present system. What a ridiculous suggestion it is that an MLC should serve an area from Kununurra to Esperance. It is bad enough in the Federal scene where one member represents an area from Kununurra to Esperance and has to go to Canberra to make the views of the people there known. At least one can argue that he represents a portion of WA from the whole of Australia. But then we divide Australia into State Parliaments and then divide those Parliaments into small subdivisions, and we end up with an electorate the same size as the biggest electorate in the world, namely Kalgoorlie. When we subdivide WA into provinces we end up with the biggest province in the world. For all that is wrong with the Federal seat of Kalgoorlie, this proposed province would be 10 times worse.

What chance would an MLC for the area living in Esperance have of getting up to the Kimberley? Unfortunately all our aircraft leave from the metropolitan area.

Hon. Tom Stephens: Mr Campbell does it successfully.

Hon. D. J. WORDSWORTH: I have heard him complain about it a number of times. The Government wants to duplicate a ridiculous system.

The next region is the Agricultural Region. Again I tried to foresee what current electoral districts, or Assembly seats, would fit into this new Agricultural Region. I found I was right in line with the Government's thinking when I suggested that Geraldton would be in it with 10 396 electors, Greenough with 10 235, Merredin with 9 074 and Mt Marshall with 8 531. Obviously with these numbers we were going to have too many people in the Agricultural Region because we still had to consider the electorates of Avon, Moore, Narrogin and Katanning-Roe, all of which would have to go into this Agricultural Region. What I did next

was to take perhaps two-thirds of Avon and perhaps only a half of Moore and two-thirds of Narrogin and Katanning-Roe for inclusion in the region. In that way I was able to cut down the size of the region to 63 300.

I asked today how the Government foresaw the Agricultural Region and I was not too far wrong in my understanding. It had all of the electorate of Avon in the area, and had excluded the electorate of Narrogin altogether.

Hon. A. A. Lewis: I beg your pardon?

Hon. D. J. WORDSWORTH: Narrogin will not be included in the Agricultural Region and yet everyone knows how far Narrogin extends into the wheatbelt.

Hon. A. A. Lewis: It is the most important wheatbelt seat in the State.

Hon. D. J. WORDSWORTH: The Labor Party does not think so because it has excluded Narrogin and two-thirds of Katanning-Roe. The interesting thing is that having done that, we end up with an average of 14 300 electors in those seats.

It is interesting that the southern Shires of Gnowangerup and Katanning will not be included in the Agricultural Region so I hope the National Party realises that one of its members, Mr Monty House, will disappear from that electorate.

Out also are the Shires of Jerramungup and Ravensthorpe. At a rough guess, I do not think it will be very long, if there is any growth in the isolated regions, before Esperance is added to the South West Region because it is not hard to see that the south coastal areas have also been excluded from the Agricultural Region and form a peninsular running out to meet Esperance.

Let us now consider the remaining rural region, the South West Region. The Government proposes to have 10 districts in that region. The only requirement under the Bill is that they are contiguous seats. It includes the electorate of Dale with 12 289 electors, Mandurah with 12 390 electors, Murray-Wellington with 11 234 electors, Bunbury with 9 232 electors, Mitchell with 11 636 electors, Warren with 8 758 electors, Collie with 9 410 electors, Vasse with 10 820 electors, Stirling with 10 002 electors, and Albany with 9 212 electors. Those are the obvious electorates that will be included. We still have the areas that were excluded from the agricultural areas, including Narrogin, half of Katanning-Roe, and the south coast area. But there are only 130 000 electors. That is the most we could get out of the area. Yet, the

Government's proposal is that there be 155 500 electors in each region. There is therefore a deficiency of 25 000 in the Government's plan.

After looking a little deeper into it we realised that that figure of 25 000 includes the electors living in the electorates of Mandurah, Darling Range, and Kalamunda. We are always talking in this House about electoral reform and the first thing the Government wants to do each time is to put those people into the metropolitan area. It always says the range seats are Liberal Party held and should not be classified as agricultural. Yet, under this system, the Labor Party would put them outside the metropolitan area. At a rough guess, I think a major mistake has been made. The whole proposal does not hold water.

It is not possible to divide the State into regions and come up with the numbers intended by the Labor Party. It would be foolish for us to even proceed along those lines.

I support other speakers who have said it is important to have provinces and that members should not represent the whole State. I certainly would not like to represent an area from Kununurra in the north to Esperance in the south, let alone the whole State. I know that the proposal does not include representation of the whole State but a number of members of Parliament—in the case of the south-west, 10 members—will represent one province and I believe that would be highly unsatisfactory. I believe that members of Parliament should be associated with the people who elect them and that they should be able to identify with the people and their problems.

Hon. Graham Edwards: How big a group?

Hon. D. J. WORDSWORTH: I think probably as large a group as one could adequately represent—that is, the group I represent. I have travelled over a million kilometres in my parliamentary life, driving around my electorate. When I go to an agricultural show, my constituents drive 50 kilometres to their homes and they know I have to drive 250 kilometres to my home. I identify with their problem of isolation.

Hon. Graham Edwards: Where is home?

Hon. D. J. WORDSWORTH: Esperance. In fact, it is very hard to describe where a rural member of Parliament's home is. I have a home in Perth. I spend fewer than half of the nights of a month in Perth, 25 per cent of the nights of a month in Esperance and the rest on the road. Nevertheless, I travel every weekend and mix with the people who elect me.

Hon. Graham Edwards: How many people do you represent?

Hon. D. J. WORDSWORTH: I represent three electorates which contain about 11 000 electors each—that is, about 33 000 electors. They are spread over an area of 500 kilometres by 500 kilometres. I can just cover that area. I identify with those people and their problems and I believe that, unless one does, one cannot represent them properly.

I would not care to work in a system where we live in the metropolitan area and do not have to rely on the people in the electorate to re-elect us, but rather, rely on the officials in our parties to nominate us for Senate-type seats. I have seen already what happens with the senators of this State. They quickly work out who elects them and it is not the people of Western Australia; it is the officials of the various political parties who decide whether they will be nominated and where they will appear on the Senate ticket.

Hon. Tom Stephens: You have been mixing with too many Liberal senators.

Hon. D. J. WORDSWORTH: It is the same with Labor Party senators. I would like to know when the last Labor Party senator travelled out of the city.

Hon. Doug Wenn: A Labor Party senator was in Bunbury last Friday.

Hon. D. J. WORDSWORTH: Big stuff. It is the second largest city in the State and it was visited by a senator.

I feel there is a need for staggered elections. I think the system that allows for half-Council elections and half-Senate elections, as applies in most upper Houses, has many advantages. The greatest advantage is that it takes two elections for a party to win control of the upper House. The Labor Party has cried continuously that it has never won control of this House. The fact is that, since 1964 when the franchise was expanded, the last election was the first time the Labor Party has won two consecutive State elections. As soon as it did, it suddenly found that its numbers in this House started to rise.

Hon. J. M. Berinson: It is not the first time we have won two consecutive elections.

Hon. P. G. Pendal: Since 1965 it is.

Hon. D. J. WORDSWORTH: It is the first time since 1964 when the vote was expanded.

Hon. J. M. Berinson: What about earlier periods when we won many times in succession?

Hon. D. J. WORDSWORTH: That was when there was not full adult franchise.

Hon. P. G. PENTAL: Those were the times when the Labor Government supported a gerrymander in the lower House.

Hon. D. J. WORDSWORTH: It also supported it in this House. A Labor Government introduced it to this House. It is not a National Party idea in Queensland either. There must have been a reason for the Labor Government to introduce the gerrymander. At the next election it would have a very good chance of getting the numbers. The Labor Government has shown that it is not the system that it can blame, but its policies.

Hon. J. M. BERINSON: Why didn't we win a majority?

Hon. G. E. MASTERS: Mr Berinson, you are whistling in the dark.

Hon. D. J. WORDSWORTH: I do not think that there is any secret about what side I support. I have discussed some of the problems in the regional system as proposed. I will not go into all the other matters within the Bill, as they have been adequately covered by Hon. Gordon Masters and will be covered by others. I just wanted to point out how ridiculous and how full of inequalities the regional system as proposed would be.

HON. A. A. LEWIS (Lower Central) [9.22 p.m.]: It is interesting to hear the interjections of members of the Labor Party. It is a pity that a gag has been put on them and that they will not give us their ideas on this Bill. It is obvious that Mr Arthur Tonkin was right. Let us give credit where credit is due. The gentleman really fought for what he believed in.

Hon. P. G. PENTAL: He was consistent.

Hon. A. A. LEWIS: I disagreed with what Arthur Tonkin fought for, and I think I always will, but at least he was consistent until he was kicked out by the more pragmatic members of Cabinet. I refer to those who thought that governing at any price was better than having ideals. When the Labor Party first introduced electoral reform legislation, it knew that it had to have 18 members in this House for that legislation to be passed. I do not know about the ex-Independent, but I have a fair idea that he will be joining the Liberal Party in voting for this Bill. When it comes to laws, the National Party will turn around and vote with the Opposition on this Bill. Thus, we are flying a bit of a kite. That is why the Attorney and his members are not very interested in the Bill. Day by day we hear from the Attorney and

others about the difficulty the Government has with this House, but the Government has not yet learnt what it ought to do.

I invite you, Mr President, at this moment to look at the people who talk about numbers. There are only six Government members in the House.

Hon. J. M. BERINSON: Do you think that is as important as the gerrymander?

Hon. P. G. PENTAL: They are not allowed to talk.

Hon. A. A. LEWIS: They are not allowed to talk, and they are probably not allowed to interject because they might increase my time.

Hon. Tom Helm: Heaven forbid!

Hon. A. A. LEWIS: I love having a minder here who forbids me doing certain things. Here we have a so-called Government that is meant to be holding the benches of the House. The Government tells me that it has 16 members, but this Bill is so important that it can rally only six to sit on the Government benches. Members opposite are absolutely ludicrous, and their arguments follow the same line.

Hon. J. M. Berinson interjected.

Hon. A. A. LEWIS: It is interesting that the Attorney has woken from his slumber and tried to defend the ALP on two indefensible matters, the first being the number of members backing him, the second being the Bill. With respect to the Bill, I say from my position as both an Independent and a Liberal—

Hon. Doug Wenn: Never an Independent! You might not have been in a party, but you were never an Independent.

The PRESIDENT: Order! The honourable member ought to get on with addressing the Chair. He has only 40 minutes of his time left.

Hon. A. A. LEWIS: Mr President, I thought you would protect me from those unruly interjections.

I was about to say that it was an absolute pleasure to deal with Mr Malcolm Bryce. I must admit that in the conversations I had on this subject with the Premier I also found him a pleasure to deal with. If the Attorney had taken the advice given to him behind the Chair some three or four years ago by Hon. Graham MacKinnon and me—Hon. Bob Hetherington was there—we could have had this matter resolved long before now. The only party that has brought real reform into the State Parliament is the Liberal Party, and nobody can deny it.

Hon. J. M. Berinson: You should go on the stage!

Hon. A. A. LEWIS: In 1964 the Labor Party said, "Whacko! Those Libs have gone mad. They are letting us right in to take over the upper House." Where did the Labor Party go when we got adult franchise in the upper House? It went straight down the gurgler. But the Labor Party thought that it was on a sure thing. It thought that it was going to win so easily.

Hon. David Wordsworth explained the fallacies in this Bill. It will be interesting to hear tomorrow the Attorney's answer to Hon. David Wordsworth with respect to his question about whether the Government would leave Narrogin out of the agricultural district. It is not only in an agricultural district, it is also the biggest wheat-producing electorate in the State. But this Government does not really understand anything about agriculture. It does not care a damn about anybody in the bush.

I return to the subject of Mr Bryce and Mr Burke and their pragmatic attitude that let Arthur Tonkin go on the rocks. I wonder whether he still has a car; most other ex-Ministers have, so I suppose that he also has one to get around in.

Let us have a look at this proposition. Is the Labor Party really dinkum? Is the Attorney General really dinkum? If they are dinkum, they should cut the number of members of Parliament. I do not mind if I am the first to go. I am not that selfish, but I would hate to see Hon. Joe Berinson go any greyer in his attempts to cut costs in other areas. The Government should reduce the numbers in the Legislative Assembly to 51. There are enough old hacks—I think I remember the word "dunderhead" from somewhere, and there are probably some of those in all political parties—in the Labor Government who will be retired under Australian Labor Party rules at the next election, so it should not really affect the Labor Party.

Let us cut the number of members of the Legislative Assembly to 51 and cut the numbers in this place to 30, and have five regions. This is what I will ask the Attorney General to do because the Minister for Parliamentary and Electoral Reform said that the Electoral Department will get these figures out and show all the members the figures and how they balance out. If we are dealing with cuts in the upper House, we should have five seats with six members, each seat with three members being

elected every three years. If a four-year term is introduced for the Assembly, it should be eight years for the Council. I cannot see why the ALP has such a fascination about the upper House having an eight-year term.

The upper House in New South Wales, as I understand it, is still on a 12-year term; the upper House in Victoria is on an eight-year term; while the upper House in South Australia is also on an eight-year term—

Hon. D. J. Wordsworth: They are all Labor Governments.

Hon. A. A. LEWIS: I do not really think that matters. I think we should be pragmatic enough and fair enough not to worry about the politics involved. We should not be trying to score political points. With due deference, too many people try to do that.

Hon. J. M. Berinson: Not in Parliament!

Hon. A. A. LEWIS: Certainly not in the upper House, Mr Berinson. I was talking to my minder—some people know who my minder is—

Hon. Graham Edwards: She is a very nice lady.

Hon. A. A. LEWIS: Well, she is far more intelligent than many members in this place, but I was talking to a male minder—and I am not like that either.

Let us have a look at my system of five provinces. It could overcome Mr Charlton's problems, and it could overcome the problems of Hon. Tom Helm, Hon. Tom Stephens, Hon. Norman Moore, and Hon. Phil Lockyer.

Hon. Tom Stephens: I don't have a problem.

Hon. A. A. LEWIS: Oh yes, Hon. Tom Stephens does. Every time he makes an interjection, he has a problem.

The north-west and goldfields could have, in rough terms, 75 000 people while the north and south agricultural provinces could have about 150 000 people each, using the same figures that were given by Hon. David Wordsworth, taking into account Darling Range, Mundaring, and what we laughingly call the "inner country". The north and south metropolitan areas could have 225 000 people each. The weighting would be 1:3 and 2:3. In other words, the seats in the agricultural areas would be two-thirds of the metropolitan area, and the seats in the north-west and the goldfields would be one-third of the seats in the metropolitan area.

I believe that this could be done by cutting the number of seats for this place to 30 and the number for the other place to 51. Imagine the

cost this would save the Government. Imagine the pleasure the Minister for Budget Management would get if there were 10 fewer members, 10 fewer electorate officers, and 10 fewer electric typewriters which would have to be renewed. Imagine the pleasure he would get from little things like that, and all the little goodies to which he could allocate the money, such as to other members or to advisers.

This scheme is workable. It could be implemented and I believe it should be implemented. Too many people go on talking about cutting costs and having smaller government, but very few people do something about it. I do not blame this Government because it is not alone in this. Very few Governments, if any, implement cuts, especially cuts in the number of members of Parliament. No doubt the Government thinks that it could become unpopular with members of Parliament, but I can assure this House that outside in the real world the electors who vote for members would be standing in the aisles cheering a Government which decided, "Okay, we can do with fewer members of Parliament." I cannot understand why so many members of Parliament have gone white.

It is interesting that many members in this regional system of mine would not be here after future elections. It is a fact of life that they would not get selection for the wider areas. I believe we have to go beyond that. I think we have to be a little bit deeper, and, unfortunately, politics does creep into electoral reform legislation. I believe it should not.

Hon. Tom Helm interjected.

Hon. A. A. LEWIS: I might say that most of this speech was written when I was in my other phase, but I was sure going to get it. This was before I rejoined the Liberal Party. It is interesting that members of the Labor Party are laughing. They are not allowed to do this sort of thing; they have to trot out the party line, despite what they may think; they follow the party line like lemmings going over a cliff.

Hon. Tom Helm interjected.

Hon. A. A. LEWIS: We have not heard from members of the Labor Party on this matter, and we probably will not because they might be put under some curse. I understand, however, that Hon. Robert Hetherington is to give us one of his erudite performances in a few minutes. I have heard Hon. Robert Hetherington discuss this subject a few times and I think his ideas are very acceptable although I do not always agree with them.

Hon. Tom Helm interjected.

Hon. A. A. LEWIS: He would not expect me to accept everything he said.

The PRESIDENT: Order! The honourable member is supposed to be addressing the Chair on the merits or otherwise of this Bill. The encouragement he has given to Hon. Tom Helm to break the rules is something he ought not to do.

Hon. A. A. LEWIS: I am desperately sorry. I apologise. I would hate to lead Hon. Tom Helm astray. His job is to look after me rather than the other way around.

There is another way of setting the numbers of the lower House. It is a New Zealand system which may allow us to reduce the loadings over a period.

Hon. Tom Stephens: I like the New Zealand system. You get rid of the upper House as a result.

Hon. A. A. LEWIS: We have heard Hon. Tom Butler screaming that it was not the policy of the ALP to get rid of the upper House. Now we have Hon. Tom Stephens saying we will get rid of the upper House. Does the Labor Party know what it wants? It will be in Opposition after the next election because it does not know what it wants to do.

Several members interjected.

Hon. A. A. LEWIS: I know I am not allowed to answer these unruly interjections and you, Sir, would castigate me severely if I did so. I will stick strictly to the Bill.

I find the New Zealand system rather intriguing. A number of seats are allocated to the South Island. At the present moment, I think that number is 25. The population of the South Island is divided by 25 which gives a quota which is then divided into the population of the North Island and that gives the number of seats for the North Island. We should take this into consideration in Western Australia. I would like the Attorney General to ask his department to have a go. I am not setting a figure but I would suggest 20 country seats to get to the five per cent I want the Assembly to be. I am not wedded to that figure. I just want a reduction. If we took, for example, the figure of 20 for all the country seats and divided the population of the country by 20, then divided that quota into the metropolitan area, we would get the number of metropolitan seats. Over a number of years, after a redistribution, the number of seats in the city would

expand because the set number would be in the country area.

Hon. J. M. Berinson: It seems to me on that basis you do end up with equal numbers of voters in every city in the State. I do not quite follow why you should not start at that point without an automatic break up of seats.

Hon. A. A. LEWIS: There is a problem if one starts at that point. As a professional politician, the Attorney General would know the Electoral Commissioners have to start either at Fremantle and go north around the State, or go south around the State. By doing that, one would know the country would be divided into 20, 25 or whatever number of seats and then they would go back into the metropolitan area. We would still have the same problem in the metropolitan area but it would give more balance.

Hon. J. M. Berinson: Am I right that the system would then require the Parliament to continue to draw the boundary—

The PRESIDENT: Order! I remind honourable members that the rule in regard to the reading of newspapers in this House has not been cancelled and neither has the rule that permits a conversation to be carried on between the speaker and the frontbench of the Government.

Hon. A. A. LEWIS: I am sorry about that, Sir, but it was only for clarification. I am sure you will understand this matter is extremely technical. The Attorney General and I are not trying to incur your wrath but are trying to clear up the subject we are debating.

I believe the New Zealand system is one worth looking at. It could give us a new perspective when dealing with electoral reform Bills.

I refer to the situation of the  $\pm 15$  per cent and the loading. The Attorney General would know, if he has followed Electoral Commissioners in the past, that 15 per cent really means five or six per cent. Very rarely do Electoral Commissioners go to 15 per cent. It is a proven fact—at least federally—that the percentage was at 20 and then came down to 10. Under the 20 per cent situation they did not get above an eight per cent variation. If the figure is 10 per cent, they would be lucky to get above four per cent. The  $\pm 15$  per cent is something of a red herring.

I am bitterly worried about the loading of rural seats which I do not think is covered in the Bill. With eight, 10 or 15 per cent, those seats do not become out of balance and the

Electoral Commissioners may have a situation where a country seat is above a city seat in numbers because of the 15 per cent loading, and the commissioners have an outer metropolitan seat which will grow so quickly and the country seat will not grow nearly as fast. It is not equitable for that country seat to be hit in that way. I can see nothing in the Bill that prevents it. We should have an amendment to prevent a disadvantage to country areas.

I do not think many members would argue that the loading needs to be closed up. Over a period of years, we could reach a one-vote-one-value situation but I do not really believe that anybody here who has studied the situation could say that the one-vote-one-value system is as pure as some of the people that proposed it believe. I think Hon. Gordon Masters dealt fairly well with that aspect.

It is interesting to hear the ALP and our purists talking of one-vote-one-value. At the 1986 election the ALP in this Chamber won nine seats, which is 52.9 per cent of the seats, with 44.6 per cent of the vote. I would have thought that was not bad doogs for the Labor Party. It will never do it again, but that is what happened at the last election.

The Liberal Party won six seats in this Chamber, which is 35.3 per cent of the seats, with 42 per cent of the vote. Silence from the Labor benches; a complete hush.

Hon. J. M. Berinson: Are these one-party preferred votes?

Hon. A. A. LEWIS: Yes.

Hon. J. M. Berinson: But you cannot count them in a preferential system; you have to go to the preferred vote.

Hon. A. A. LEWIS: I love that. I am very pleased the Attorney General mentioned it. If he is not sucker bait, I do not know who is, because the other 4.8 per cent of the vote was a conservative vote that gave the National Party 11.8 per cent of the seats, which was two seats. So, on a one-party preferred system the Labor Party won nine seats with 47 per cent of the vote and the Liberal and National Parties together won eight seats with 44.8 per cent of the vote.

Hon. J. M. Berinson: So the majority party won a majority of seats. Are you complaining about that?

Hon. A. A. LEWIS: No, the Attorney General is, just as the whole of the ALP has been complaining for years. It is a perfectly fair system, is it not?

Hon. J. M. Berinson: No.

Hon. Robert Hetherington: Of course not.

Hon. A. A. LEWIS: I am sure Hon. Robert Hetherington will tell us why it is not.

Hon. Robert Hetherington: I will.

Hon. A. A. LEWIS: I am glad he is going to tell us again.

Hon. Robert Hetherington: You won't be here to listen to it.

Hon. A. A. LEWIS: I will just wipe from my eyes the tears brought there by Mr Hetherington's comments.

In the Legislative Assembly the ALP won 32 seats, which is 56.1 per cent of the seats, with 53 per cent of the vote. It is a known political practice and fact that blue ribbon—perhaps it is red ribbon—Labor seats have a higher proportion of that party's votes than blue ribbon conservative seats.

Hon. Robert Hetherington: Not true.

Hon. A. A. LEWIS: It is true.

Hon. Robert Hetherington: No, it's not.

Hon. A. A. LEWIS: It is a long time since Hon. Robert Hetherington has lectured on this subject. He should go back and check his figures.

The Liberal Party won a third of the seats with 41.3 per cent of the vote. I know Mr Berinson will not come in again, because he outsmarted himself the last time.

This is the first time that I have seen a Labor Bill on electoral reform come forward where I believe we can get somewhere with it. I believe something can be done with this Bill. I believe that with a little bit of goodwill from all parties we can get electoral reform. The Government has shown its pragmatic approach; it has shown that it is willing to listen. After all, a lot of what it has introduced is a bastardised form of what Graham MacKinnon put to this House when we last debated this matter. I do not think anyone would deny that. Unfortunately he was not allowed to give a final speech in this place because the Government prorogued Parliament, something it is likely to do this year because everything is becoming a bit too embarrassing for it. A committee from the other place and a committee from this place are embarrassing the Government and it is trying to race its legislation through so that it does not get caught with its pants down as it did last year. I hear around the corridors that proroguing is on again. However, I do not think the public will wear it a second time.

To summarise as I did for the Deputy Premier previously when he asked me about the sorts of things I believed in—I think he was a little shocked to learn this—I think the Assembly should be reduced to 51 seats. I agree with the 15 per cent flexibility. I believe the Council should be made up of 30 members representing five regions. I agree that the commissioners should set the districts. I previously conveyed to the Deputy Premier the fact that I agreed with a redistribution every second election. But, looking at the New Zealand system probably the census would be a better term for redistribution.

Hon. Mark Nevill: They have no upper House.

Hon. A. A. LEWIS: I cannot recall saying anything about having no upper House. I said that I agreed that the Assembly should be reduced to 51 seats and the Council to 30 seats. That is a saving of 10 politicians and I am sure the Attorney General, the Minister handling the Bill, would find that appealing. It should appeal to every person in the Chamber and in the other Chamber if he or she is dinkum about smaller government. Once we reduce the numbers of members of Parliament we can cut down the horrendous size of the Ministry to about 10. We can then cut down the number and size of departments. We will not be able to do that unless we are first able to do the same job on ourselves. It is completely dishonest for Governments to say they will start with the departments. Look at the mess this Government has made of the Water Authority, the Health Department and the Department of Conservation and Land Management. I should not be talking about it now, but the Government is also doing the same thing in the environment area.

The Government now has more advisers than it has ever had, yet we are getting a far worse service in this place.

Hon. B. L. Jones: Rubbish!

Hon. A. A. LEWIS: It is not rubbish.

I agree with a four-year term for the Legislative Assembly and I believe that the Legislative Council members should have a term of twice four years; that is, eight years. I see nothing wrong with that. My friend, Hon. Robert Hetherington agrees that it is done in other places and that it has not curled up the toes of other Governments.

I have outlined the regions I consider should be set up. If there were time and the Government was not intending to prorogue Parlia-

ment, a committee of both Houses could be set up to discuss matters of mutual interest with the Federal Parliamentary Committee on Electoral Reform. I have read some of the work that has been done by the Federal committee and it is putting forward, in a non-partisan way, some very intelligent thinking. I forget the name of the person who is chairing that committee, but it has reached some sensible conclusions. Parliamentary reform is very important and, as I said earlier, it can be done if everyone is reasonable, pragmatic and non-political. If everyone was fair we could have electoral reform.

I am very interested to hear all the comments about the Electoral Commissioners. I put the following suggestion to the Attorney General and to the Minister for Parliamentary and Electoral Reform for consideration: Why do we not appoint a judge or a retired judge as chairman and have a nomination from the Premier and a nomination from the Leader of the Opposition to carry out the work of the Electoral Commissioners and let them get on with the job? The judge would sort out all the differences and it would get us over a lot of our problems very quickly.

I tend to think that as politicians in Government and Opposition we shy away from perhaps suggesting that the General Secretary of the Labor Party and the General Secretary of the Liberal Party are probably the best persons to undertake the work of the Electoral Commissioners because they are dealing with these problems all the time. They are pragmatic enough to do the job. However, it is just a suggestion.

I have made the point about city seats and the loading of country seats. In any redistribution most metropolitan seats should have fewer electors than the country seats if there is no loading.

I am not in favour of optional preferential voting, although I am probably not against it as much as some people. With all the propaganda that various parties are distributing, all the people in Australia should now be well educated about this matter. Maybe if we have to go for an optional preferential system it will mean that the education system has failed because the majority of people cannot vote.

The system of optional preferential voting has backfired on the Federal Government. I would like to ascertain the results of two or more Federal elections before we institute a system of optional preferential voting.

We have an ideal opportunity to institute electoral reform and to cut down the size of Government and really make a contribution to the State. It needs only willingness from the members in this House to get together and do it. We must decide whether it will go to a committee or whether it will be thrashed out for a number of days in this place.

I commenced my speech by saying that I did not believe that this Government was dinkum about electoral reform. However, if it is, I am sure we are closer to electoral reform now than we have been since the Liberal Party introduced the last successful electoral reform in 1964. I remind members that that electoral reform had a gestation period of 10 years. We should not be frightened to leave this Bill on the Notice Paper in order to discuss it in ad hoc committees and informal meetings to come to a solution. If the Government is dinkum it will do that.

Debate adjourned, on motion by Hon. Margaret McAleer.

## ENVIRONMENTAL PROTECTION BILL

### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon. Kay Hallahan (Minister for Community Services), read a first time.

### *Second Reading*

HON. KAY HALLAHAN (South-East Metropolitan—Minister for Community Services) [10.09 p.m.]: I move—

That the Bill be now read a second time.

This Bill advances the progress that Western Australia has made over the last 15 years in its environmental laws.

Since the current Environmental Protection Act came into operation 15 years ago, only minor amendments have been made. These changes have done little to maintain the Act as effective legislation in a period of rapidly changing technology and economic development.

It is now apparent that this State needs to make its environmental Statutes as good as any equivalent laws in Australia, and this Bill seeks to achieve this end.

Over the years the Environmental Protection Authority has demonstrated a capacity to provide the Government with sound, professional and dispassionate advice on the environment, but to do this it has had to develop a number of ad hoc procedures.



In modernising the legislation, Mr President, this Bill seeks to set out those procedures clearly.

In addition, presently in this State pollution control powers are dispersed through a number of Statutes, and this limits their effectiveness. I do not wish to single out any particular segment of our community activity for specific criticism, but it is worth noting that the Government and the Environmental Protection Authority continue to receive public complaints over incidents of pollution, particularly from the Kwinana industrial area and Cockburn Sound.

The community recognises that Western Australia needs industry, particularly large export-oriented and wealth-generating enterprises for its economic benefits and employment prospects, but it does not like and will not accept dirty industry. Pollution control laws therefore need to be clear, precise, and effective. The Bill then seeks, amongst other things, to consolidate pollution regulatory powers.

The major principles underlying this Bill are—

- (1) To increase the membership of the Environmental Protection Authority to five members, to widen its level of expertise. In this regard, the EPA will remain the principal source of environmental advice to the Government, and its role in this function is clarified. The staff of the Department of Conservation and Environment will be incorporated into the authority.
- (2) To establish community-based advisory committees to assist with the preparation of advice to Government on the state and quality of the environment.
- (3) To provide a clear mechanism for the preparation and declaration of environmental protection policies, and to make it clear that local authorities and the community at large are to be involved in the development of these policies.
- (4) To formalise the need for the environmental assessment of proposed developments. This continues the process already established by the EPA, and in respect of which it is held in high regard.
- (5) To set out mechanisms for the Government and decision-making authorities, where a development pro-

posal is approved to proceed subject to environmental conditions, to agree on those conditions; moreover, for developments to be monitored during implementation to ensure that the conditions are being complied with.

- (6) To consolidate pollution control responsibilities with respect to air and water quality, and noise abatement, into the one Act. Environmental management and pollution regulating tasks will be delegated to appropriate management agencies, including local government, subject to approved environmental protection policies and standards.
- (7) To provide a clear appeals mechanism whereby the results of environmental assessment are open for public scrutiny, and, where appropriate, an appeal to the Minister can be lodged. Similarly appeals can be made in the pollution control area.

In the development of this legislation it was necessary for there to be a balance of the various competing points of view. Mr President, I believe that through the extensive consultation process that has taken place, the required balance has been admirably achieved.

This Bill embodies and updates most of the good policy directions in the 1971 Act, including the formulation of environmental protection policies, the assessment of development proposals which are likely, if implemented, to have a significant effect upon the environment, and general pollution arrangements.

As we would all know, over the past 15 years there has been significant progress both within Australia and worldwide to understand and manage the earth's resources and to reduce pollution. North America in particular has led the way in ensuring that new projects are rigorously evaluated to determine their likely impact and their economic benefits. This trend matched strong moves which required established industries and Government utilities to meet better and more appropriate emission and discharge standards. As well as protecting the wellbeing of the community at large, these standards allow for the continued conservation of important elements of the environment.

In WA, to go back over 15 years, the early environmental laws were essentially penal in nature and scattered through more than 60 Acts.

Mr President, this Bill will resolve many of the ambiguities which have arisen over the years about where environmental responsibility should rest and how our environmental laws should be administered. Under the 1971 Act, the Environmental Protection Authority was provided with a limited overview role. It tended, in this regard, to concentrate its activities mainly on assessing the environmental impact of development proposals. In addition, the authority looked toward other departments to carry out pollution control responsibilities. The EPA's powers to set guidelines and standards or to prevent pollution from whatever source were found to be restricted.

As indicated earlier, with strong community and industry support, the EPA has demonstrated a significant capacity to advise the Government appropriately on the environmental issues relating to development proposals, whether they be new industries or changes in land use.

With respect to particular aspects of the Bill, Mr President, I would like to dwell on a number of major elements. The independence of the Environmental Protection Authority is assured, and this is clearly indicated in the Bill. Although the Minister is provided with some powers within the Bill to request the authority's early advice, or to direct a higher level of environmental assessment following an appeal, the Minister is not in a position to direct in any way the form of the advice that he receives. This is absolutely essential to ensure the impartiality of the EPA's considerations, and to enable the advice to the Government to be developed in a climate outside political control.

The Bill also provides for the chairman of the new five-member authority to be the Chief Executive Officer responsible to the Minister for the staff of the authority.

For pollution control the licensing and enforcement aspects are made to be always subject to the Minister. However, powers of delegation are provided so that regulation, monitoring as and when necessary, and prosecutions, may be undertaken by other bodies, in particular, local authorities. They have a major role with respect to breaches of noise abatement provisions.

Mr President, the definitions of environment, pollution and proposal have been developed after detailed consideration of definitions used in similar legislation elsewhere in Australia and overseas. There is a need, as I have said earlier, for this State's environmental

laws to be consistent with those in the rest of Australia, and these definitions go some way to ensuring that consistency.

The definition of "environment" makes it clear that we are dealing with the total interrelationship between living things and man, and all living things and their physical, biological, and social surroundings. The word "social" is included, as it is in the current Act, but the meaning is widened so that consideration can be had of the consequences of a development on the immediate physical and biological surroundings.

The EPA will not be looking at sociological issues, nor will it be examining welfare matters or aspects of that nature. On the other hand highway traffic noise, as an example, poses both environmental and social concerns.

The Environmental Protection Authority must be allowed to advise the Government on how the interrelationship between the natural environment and the community should be managed. There are in this regard a number of recent projects which required such an analysis to be made.

With respect to the definition of pollution, this again captures what is currently in the Environmental Protection Act but also allows for pollution to be prescribed in regulations. This relates particularly to limits being placed on emissions or discharges of certain noxious materials.

Under part II of the Bill the EPA retains its wide-ranging functions to oversee and coordinate investigations into the protection and conservation of the environment. The Department of Conservation and Environment will be dissolved and its staff will become staff of the authority. This will allow more efficient and effective servicing of the EPA's needs.

Part III of the Bill sets out the procedures to be followed for the preparation and approval of environmental protection policies.

A foremost principle incorporated into the Bill provides for local authorities to be consulted in the formulation of environmental protection policies, whenever they are likely to be affected. These policies will set guidelines and standards for emissions and discharges into the environment, and for various undertakings which may have a significant impact on the environment. Currently, as an example, the authority is looking toward a policy developed in conjunction with interested parties to conserve the State's wetlands, and another policy

to regulate dredging and the disposal of spoil from the Swan River estuary.

Powers have been included in the Bill so that offences against an approved environmental protection policy can attract a harsh deterrent penalty. As these policies are developed, the wide consultative network will ensure that they are truly appropriate for the State's needs.

Mr President, you will also know that through the Bill significant public participation is encouraged in the preparation of environmental protection policies. Part IV of the Bill provides for the formalisation of the need for environmental assessment of proposals where there is potential for environmental impact.

The EPA has gained considerable public and industry support for the way it has drawn up procedures for evaluating the environmental impact of development proposals. But the 1971 Act gives no guidance as to how these matters should be treated.

Part IV provides the means by which the EPA will undertake environmental impact assessments and report and make recommendations, as well enabling the Minister to use the report and recommendations as the basis for setting environmental conditions.

The Bill sets out clearly that trade secrets and other sensitive commercial material provided by a proponent to the authority must be retained in confidence. The Minister is responsible for ensuring conditions are enforced, although normally this will be done through relevant statutory provisions in other Acts. In addition, appeal rights are given to decision-making authorities, proponents, and other persons in respect of levels of environmental assessment, and on the authority's report and recommendations.

The public in this regard can appeal to the Minister to have the EPA assess a proposal that it has otherwise decided not to examine.

While an environmental assessment is being carried out decision-making authorities such as Government departments, for example, cannot make the final decision which would have the effect of allowing the proposal to be implemented. However, decision-making authorities are not prevented under these measures from beginning and continuing with negotiations with relevant parties at all levels as if the proposal were to proceed, other than to make that final decision.

The ultimate decision to proceed with a project can only follow receipt of the report of the EPA and the agreed conditions, and the conditions have to be complied with.

Should there be a disagreement on the setting of conditions, an avenue of appeal—to an appeals committee—is provided so that appropriate conditions can be set. Conditions can be modified if monitoring of the development shows circumstances have changed. The basic aim is to ensure that developers do comply fully with the intention of the conditions.

The Bill also provides for administrative procedures to be prepared. They will set detailed guidelines on the preferred methods of carrying out the environmental assessment of proposals.

Part V of the Bill deals with pollution control. The intention of this part is to combat pollution so that it does not adversely affect human life or environmental quality.

Causing pollution is deemed to be an offence and any individual or body corporate is required not to cause pollution. Persons responsible for certain kinds of discharge of wastes will be required to report them and correct them. Generally the powers in the Bill enable any source of pollution to be stopped.

Current laws do not require the reporting of spillages or emissions which affect the environment. This is a major deficiency and is being corrected. As well, this Bill establishes clear mechanisms to deal quickly and efficiently with any potential problems and difficulties which may arise as the result of an accident during the handling or production of hazardous substances. In this context, clean-up and cost-recovery provisions have been incorporated into the Bill in line with the findings of the recent oil spill inquiry.

Additionally, Mr President, approvals to develop or modify certain prescribed activities have to be obtained, but only after assessment as outlined in part IV. In these cases, licences which may impose conditions are mandatory.

Clear avenues of appeal are built into the legislation.

A feature of the Bill is that all discharges or emissions of pollutants to the air, land, or water, and emissions of noise, odour, and electromagnetic radiation are considered together. This continues the first steps taken over a year ago when the Government shifted the administration of the Clean Air Act and the Noise Abatement Act to the Minister for Environment.

The licensing of shore-derived discharges of wastes into estuarine, coastal, and marine waters is included in part V. This initiative results from the definition of waters including the sea and any waters whatsoever. Such discharges previously have gone unregulated except in designated harbours.

Port authorities are well equipped and trained to deal with pollution from ships, but they are not structured to deal with or control industrial effluents or sewage discharges. The progressive deterioration of Cockburn Sound through the 1960s and 1970s was due largely to inadequately treated effluents being discharged into this poorly flushed system. Active participation by most industries has resulted in a real improvement in the quality of the sound's water column over the past five years, but regrettably, accidents still occur. The area and the performance of industry are now being constantly monitored.

While dealing with the Kwinana area, members will note that we have included within the Bill measures to prevent the emission of nuisance odours. Odours are a difficult problem for industrial estates but modern equipment can reduce the effect.

To ensure a continued high-quality environment, the Government intends through this Bill to encourage the fabrication and use of pollution control devices. Another aspect of this matter is the coverage given in the Bill to the control of unreasonable noise.

Community noise problems will continue to be dealt with by local authorities. The first point of contact on such problems will be through qualified health surveyors who will be appointed inspectors under the Bill.

Penalties for offences committed under this Bill are outlined in schedule 1 of the Bill. Both individuals and corporate bodies are subject to a scale of penalties for breaches. Daily ongoing penalties may apply in cases of a continuing offence under part V.

The maximum penalty is consistent with current standards elsewhere. It will be used as a strong deterrent to prevent pollution. In this regard, in response to recent incidents of malicious environmental degradation—for example, the blasting of reefs at Rottnest—the Government has introduced as an additional deterrent the prospect of up to six months' imprisonment for offenders. Premeditated acts of pollution or negligence leading to pollution should receive a heavy penalty to reflect the

community's concern about environmental damage.

When this Bill is proclaimed, Western Australia will have landmark environmental legislation—the best in the Commonwealth.

Mr President, as you can appreciate, the drafting of this Environmental Protection Bill has been a complex and lengthy procedure. There has been consultation with a number of organisations and individuals and their contribution has been invaluable. I am certain this Bill would not have reached this stage without the assistance and cooperation of all those concerned.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. A. A. Lewis.

### **AGRICULTURE AND RELATED RESOURCES PROTECTION AMENDMENT BILL**

#### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon. D. K. Dans (Leader of the House), read a first time.

#### *Second Reading*

**HON. D. K. DANS** (South Metropolitan—Leader of the House) [10.26 p.m.]: I move—

That the Bill be now read a second time.

The purpose of the legislation is to increase the penalties for offences under the Agriculture and Related Resources Protection Act 1976. The level of penalties has not been increased since its introduction in 1976 and they are therefore out of line as a result of the inflation which has taken place since then.

In the Agriculture and Related Resources Protection Act, penalties are imposed for offences involving the introduction of declared plants and declared animals and the keeping of declared animals, for not controlling declared plants and animals, for non-compliance with direction notices, and for not correctly following direction notices or procedures.

Other penalties involve the obstructing, misleading or assaulting of an inspector, and penalties which can be imposed under regulations to the Act.

Western Australia is relatively free of the serious pests which occur in other States, and it is reasonable that penalties should be sufficiently high to act as a deterrent to their introduction.

In the current legislation there are differences between the penalties which can be imposed on local authorities and individual landholders. The Bill standardises the penalties for similar offences. The penalties provided for failure to control declared plants or animals are increased from \$50 for a first offence and \$250 for subsequent offences, to \$100 and \$500 respectively. For failure to comply with direction notices the penalty is basically doubled to \$200 for first offences and \$1 000 for subsequent offences.

In the sections dealing with introduction of declared plants and introduction and keeping of declared animals, the penalties are increased and the principle of a much higher penalty for subsequent offences is introduced. This is designed to cope with both the individual who is likely to offend only once and others who may, for commercial advantage, choose to continue to offend if the penalty remains at a relatively small amount. The penalties for subsequent offences therefore range from a minimum of \$500 to a maximum of \$2 000 for those sections covering failure to advise or deliver specimens to the authorities, up to a minimum of \$1 000 and a maximum of \$5 000 for the more serious offences of introducing and keeping declared species.

For obstructing or assaulting an inspector the penalty is increased from \$200 to \$500 and for failure of an occupier of land to notify the owner if a notice is served on him the penalty is doubled from \$50 to \$100.

For penalties imposed under regulations the maximum penalty is increased from \$500 to \$1 000 with, where appropriate, minimum penalties unchanged.

Another amendment made is to provide for all proceedings involving penalties to be heard before a stipendiary magistrate. A transitional provision covers proceedings in process.

Other amendments made are standard drafting changes dealing with the repeal of the arrangement of the Act and deletion of the definition of section and subsection.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. W. N. Stretch.

## RURAL HOUSING (ASSISTANCE) AMENDMENT BILL

### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon. Kay Hallahan (Minister for Community Services), read a first time.

### *Second Reading*

HON. KAY HALLAHAN (South-East Metropolitan—Minister for Community Services) [10.32 p.m.]: I move—

That the Bill be now read a second time.

The proposed amendment will enable horticulturists in the Kununurra area who are lessees of special lease land on the Ord River irrigation scheme to meet eligibility criteria to obtain finance to enable the building of a house on the property.

At times the authority has received applications from these special leaseholders for finance for housing and has had to decline any consideration of the application in spite of knowing it would enable the horticulturist to work his property much more effectively.

Under the existing legislation, the definition of holding is set out as—

- (a) land of which an approved farmer is the holder of the fee simple estate;
- (b) land of which an approved farmer is the lessee under a conditional purchase lease or pastoral lease granted under the Land Act 1933; and
- (c) land of which an approved farmer is the lessee under a perpetual lease granted for the purposes of the scheme as defined in section 4 of the War Service Land Settlement Scheme Act 1954.

In these definitions there is a deficiency in that those with land held as special lease do not qualify.

Where a special lease is issued under section 116 of the Land Act there are certain conditions to be met. Among these in the Kununurra area is the building of a house on the land.

It has been found that leaseholders are not able to fund a home and develop the property so that a living can be made from the property. Normal commercial lenders are lending for the development but rarely for a house.

Advice from the Lands Department is that the department has opted for a special lease rather than a conditional purchase lease as it is

considered freeholding can be made within a five-year period, whereas conditional purchase cannot.

This therefore allows the special lease to be freeholded. Freeholding cannot take place without a house on the land.

The authority is able to handle applications within its operations and can fund the loans from either funds from the home purchase assistance account, privately borrowed funds from the Central Borrowings Authority or internal funds and balances.

Security for the loan is available by a registered mortgage over the land.

It would be known to most members of the House that access to home finance by some farmers has been a problem for some time, but with the establishment of the Rural Housing Authority this has changed. Many farmers, 417 in fact over the State of Western Australia, have been directly assisted with funds of almost \$13.3 million.

The authority is able to borrow funds on its own account from either the home purchase assistance account or the Central Borrowings Authority and then on lend these funds at very competitive rates to farmers, pastoralists and horticulturists.

Up to the end of June 1986, some 282 applicants received just over \$8.4 million in loans directly from the authority.

To this must be added another 135 applicants who were loaned \$4.74 million from building societies or the R & I Bank under the protection of an indemnity issued by the Treasurer of Western Australia.

There have been others who have received encouragement from officers of the authority to apply to their own bank, and following a detailed report and inspection of the applicant's property, were successful in obtaining the required finance.

It is known some 107 availed themselves of this service by the authority.

The Government is aware that the tropical fruits industry, in particular bananas, is an expanding industry in the Kununurra area and by amending the Rural Housing (Assistance) Act to allow the Rural Housing Authority to assist with housing finance, those there now will be able to live on their properties and produce more fruit to supply the local and new overseas markets.

It is not costing the Government extra capital works as the infrastructure is there and these resources will be better utilised.

Many of those working the special lease land are living in the Kununurra town where housing is at a premium.

The proposed amendment will allow these special leaseholders to move to live in homes on their holdings and thus release their current accommodation for the growing population of Kununurra itself.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. G. E. Masters (Leader of the Opposition).

### **CONTROL OF VEHICLES (OFF-ROAD AREAS) AMENDMENT BILL**

#### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon. J. M. Berinson (Attorney General), read a first time.

#### *Second Reading*

**HON. J. M. BERINSON** (North Central Metropolitan—Attorney General) [10.37 p.m.]: I move—

That the Bill be now read a second time.

The principal purpose of the Bill is to expand, from five to seven, the membership of the advisory committee appointed under the Control of Vehicles (Off-road areas) Act.

The committee provides advice to the Minister having responsibility for the administration of the Act on matters relating generally to the use of land by vehicles in off-road situations and, in particular, to the declaration of permitted or prohibited areas.

In recent times there has been a rapid increase in the popularity of road vehicles with four-wheel drive capabilities. As the greater number of such vehicles are having and will continue to have an impact on the available off-road areas it is now considered appropriate that a representative of these users be appointed to the advisory committee.

The present composition of the committee provides a balance between representatives of planning and enforcement agencies and the user groups. This is seen as desirable and a principle which should be retained. Accordingly, in addition to the provision for a representative of the users of four-wheel drive vehicles it is proposed to include a member nominated by the Minister administering the Conservation and Land Management Act, be-

ing a person having appropriate experience in environmental matters.

As a result of these changes there is a need to alter the quorum of the committee from three to four and to make provision for the appointment of deputies to the additional members. These matters are also included in the amending legislation.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. G. E. Masters (Leader of the Opposition).

### MISCELLANEOUS REPEALS BILL

#### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon. D. K. Dans (Leader of the House), read a first time.

#### *Second Reading*

HON. D. K. DANS (South Metropolitan—Leader of the House) [10.39 p.m.]: I move—

That the Bill be now read a second time.

This Bill is the second in a series of Bills to be introduced to repeal obsolete legislation and regulations as they are progressively identified by agencies as part of an on-going review process coordinated by the Office of Regulatory Review. Members will recall that last year legislation was passed which abolished eight statutory agencies and repealed six Acts.

In addition to proposals contained in the current legislation a further 18 Acts have been targetted for possible abolition along with five regulations and eight Government agencies.

This Bill addresses the need to ensure that the Statute books are cleared of legislation which for a variety of reasons no longer serves any useful purpose.

Some of the Acts and regulations have been on the books since Western Australia was a colony, and their provisions have no application in the community today.

The Exportation of Horses Act for example, was introduced to stop a blackmarket in horses going to India to take part in events such as the charge of the Light Brigade. After exhaustive inquiries we have established that this trade has been overtaken by events and there is no need for the Act or the fine of 20 pounds it imposed. Much the same can be said for The Shipwrecked Colonial Seamen's Act of 1880, The Engine Sparks Fire Prevention Act of 1895, and The Foreign Seamen's Offences Act of 1878.

However, this Bill is only part of the Government's comprehensive regulatory review programme. For example, amendments to the Bills of Sale Act passed earlier this session obviate the need for the lodgment of notices of intention to register bills of sale. The significance of that action is illustrated by the fact that 88 000 lodgments were made during the past 29 months.

As well, Bills to abolish the WA Arts Council, the WA Wheat Board and the General Insurance Brokers and Agents Acts have been introduced this session. Work is also under way to review the need for the Factories and Shops Act which is often pointed to as a source of red tape for business. One of the underlying principles in developing the second stage of occupational health, safety and welfare legislation has been to rationalise the existing Factories and Shops Act.

Another facet of the regulatory review programme is to subject selected Statutes, regulations and procedures to economic assessment and review with the aim of reducing the unnecessary burden of red tape in the community. To this end, the Government has sought the view of the WA Confederation of Industry, the WA Chamber of Commerce and Industry and the Small Business Association to identify the areas of most immediate concern to business.

While it might seem bizarre that laws which talk of people paying one shilling to be allowed to export horses, or being fined five pounds for not having a spark arrester fitted are still on the Statute books, they are in fact the more harmless examples.

The work being carried out by the Office of Regulatory Review in these areas is some of the most important work being undertaken for the Government.

I turn to the detail of the Bill now. The Bill seeks to repeal the written laws listed in its schedule. Part I of the schedule lists 11 obsolete Acts, and part II of the schedule lists 26 obsolete regulations.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. P. G. Pendar.

### SALE OF GOODS (VIENNA CONVENTION) BILL

#### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon. Kay Hallahan (Minister for Community Services), read a first time.

*Second Reading*

**HON. KAY HALLAHAN** (South-East Metropolitan—Minister for Community Services) [10.42 p.m.]: I move—

That the Bill be now read a second time.

This measure has its origins in a special session of the General Assembly of the United Nations on the establishment of a new economic order.

In Vienna in April 1980, the United Nations adopted a Convention on Contracts for the International Sale of Goods, with a view to removing legal barriers and thereby promoting the development of international trade.

Australia is a party to the convention and in May 1984 the Standing Committee of Attorneys General agreed that it should be implemented by complementary legislation in the States and Territories. This, therefore, is a Bill for an Act to give the provisions of the convention the force of law in Western Australia.

The convention provides uniform rules which govern the formation and operation of contracts for the sale of goods between parties having their places of business in different

countries. It is not, however, an exclusive code covering all aspects of international trade.

In particular, it generally does not apply to goods bought for personal use, nor does it apply to goods sold by auction, on execution or otherwise by authority of law. Also excluded are sales of various types of securities and negotiable instruments, ships, vessels, hovercraft, aircraft and electricity.

The convention governs only the formation of contracts of sale and the rights and obligations of the sellers and buyers arising from such contracts. This is a timely measure given the difficulties that Australia is facing in its role as a trading nation.

Although in general, parties may, if they wish, exclude or vary the application of this convention, it nevertheless provides a system of ground rules for the international sale of goods which should be welcomed by the Australian business community.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. N. F. Moore.

*House adjourned at 10.44 p.m.*



## QUESTIONS ON NOTICE

### DTX AUSTRALIA LTD

#### *Relocation: Encouragement*

384. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for The South West:

- (1) Is the South West Development Authority still encouraging DTX to place its factory in Bunbury?
- (2) Who are the new members of South West Development Authority and who are the members of South West Development Authority advisory committee?
- (3) Is it the intention of SWDA to produce another coloured brochure on the south-west this December as it did last year just before the elections?
- (4) If so, why?
- (5) If not, why not?
- (6) How many meetings have been held of—
  - (a) the South West Development Authority; and
  - (b) the South West Development Authority advisory committee this year?

Hon. D. K. DANS replied:

- (1) South West Development Authority and Industrial Lands Development Authority are currently waiting on the DTX board to respond to an offer of land in Bunbury on which to establish the facility. The Government will consider further action once a decision from DTX is received.
- (2) Mrs J. S. Wright of Bridgetown has replaced Sister Glenys Yeoman on the SWDA board.  
Members of the SWDA advisory committee are—

Mr John Mumme (Chairman)  
Mr Jim Bovell  
Mr Dudley Tuckey  
Mr Malcolm Wills  
Mr Iver Robertson  
Sir Don Eckersley  
Mr David Reid  
Mr Peter Proctor  
Mrs Rosanne Pimm  
Mr Robert Tognela  
Dr Christine Sharp  
Mrs Sandra Hohnen

Mr Robin Lloyd  
Mr Jack Guthrie

- (3) It is the intention that SWDA continue to promote Bunbury and the south-west region by use of colour brochures, videos, and static displays as it has done throughout its period of operation. The December brochure referred to was well accepted and the authority will endeavour to maintain a high profile in this area.
- (4) and (5) See above.
- (6) (a) 17;  
(b) 9.

## HOUSING

### *Land Sales: Rural and Industries Bank*

542. Hon. N. F. MOORE, to the Leader of the House representing the Premier:

- (1) How many building lots were sold by the Rural and Industries Bank during the periods 1 July 1985 to 30 June 1986 and 1 July 1986 to 22 August 1986?
- (2) How many of the building lots, in each of the above two periods, were sold directly to the public without the use of a private real estate agent?

Hon. D. K. DANS replied:

- (1) The Rural and Industries Bank of Western Australia sold 423 building lots in the period 1 July 1985 to 30 June 1986. A further 43 lots were sold in the period 1 July 1986 to 22 August 1986.
- (2) Sales directly to the public without the use of a private real estate agent were—
 

1 July 1985-30 June 1986—	180 lots
1 July 1986-22 August 1986—	10 lots

## HOUSING

### *Land Sales: Landbank*

543. Hon. N. F. MOORE, to the Minister for Community Services representing the Minister for Planning:

- (1) How many building lots were sold by the Landbank during the periods 1 July 1985 to 30 June 1986 and 1 July 1986 to 22 August 1986?

- (2) How many of the building lots, in each of the above two periods, were sold directly to the public without the use of a private real estate agent?

Hon. KAY HALLAHAN replied:

- (1) 1 July 1985 to 30 June 1986—738  
1 July 1986 to 22 August 1986—137  
(2) 1 July 1985 to 30 June 1986—100  
1 July 1986 to 22 August 1986—20

These sales were either sales via builders' allocation or sales directly to Homeswest and display home builders.

### TECHNICAL AND FURTHER EDUCATION

#### *Lecturers: Contact Time*

544. Hon. N. F. MOORE, to the Minister for Community Services representing the Minister for Education:

- (1) Is it correct that the teacher contact hours for full-time TAFE courses have been cut as follows—
- (a) Diploma in Business Administration—24 hours to 12½ hours;
  - (b) Diploma in Accounting—26 hours to 17 hours; and
  - (c) Diploma in Graphic Design—30 hours to 25 hours?
- (2) Is the Minister aware that lecturing staff, study area committees, and advisory committees are opposed to the cut in full-time courses?
- (3) In view of the Minister's alleged support for student councils, is the Minister prepared to see a deputation of TAFE student representatives to discuss the cuts in teacher contact hours of full-time TAFE courses?

Hon. KAY HALLAHAN replied:

- (1) (a) and (b) Teaching hours for these courses are currently under consideration;
- (c) yes.
- (2) A variety of views have been put by various interest groups.
- (3) I saw a deputation yesterday.

### TECHNICAL AND FURTHER EDUCATION

#### *Lecturers: Conditions of Employment*

545. Hon. N. F. MOORE, to the Minister for Community Services representing the Minister for Education:

When does the Minister intend to table amendments to the Education Act regulations to change the working conditions of TAFE employees?

Hon. KAY HALLAHAN replied:

Should amendments to the Education Act Regulations be required they will be tabled after consultations with the State School Teachers Union have been completed.

### EDUCATION: STUDENTS

#### *Year 11: Secondary Allowance*

547. Hon. N. F. MOORE, to the Minister for Community Services representing the Minister for Education:

What is the anticipated annual cost to the Government of its decision to provide a secondary allowance to all year 11 students, regardless of their age, following the introduction of the Federal Government's Austudy programme?

Hon. KAY HALLAHAN replied:

\$250 000 is provided in the 1986-87 Budget to extend the additional assistance scheme to provide school book assistance to year 11 and 12 students of needy families.

### EDUCATION: PRIMARY SCHOOL

#### *Wiluna: Budget Allocation*

553. Hon. P. H. LOCKYER, to the Minister for Community Services representing the Minister for Education:

What purpose is the proposed \$50 000 in the 1986-87 State Budget to be used on the Wiluna Primary School?

Hon. KAY HALLAHAN replied:

It is for improvements to the administration facilities at the school.

# EDUCATION: HIGH SCHOOL

## *Exmouth District: Budget Allocation*

554. Hon. P. H. LOCKYER, to the Minister for Community Services representing the Minister for Education:

Can the Minister inform me of the purpose of the expenditure of \$680 000 on the Exmouth District High School which is proposed in the 1986-87 State Budget?

Hon. KAY HALLAHAN replied:

To provide additional facilities and upgraded science laboratories necessary for the introduction of upper school education at Exmouth District High.

# EDUCATION: HIGH SCHOOL

## *Carnarvon: Budget Allocation*

555. Hon. P. H. LOCKYER, to the Minister for Community Services representing the Minister for Education:

What is the purpose of use for the estimated \$50 000 to be expended in the 1986-87 Budget on the Carnarvon Senior High School?

Hon. KAY HALLAHAN replied:

It is the expenditure to 30 June next anticipated to be achieved by the proposed upgrading programme being planned for the school.

# INDUSTRIAL RELATIONS

## *36-hour Week: Union Levy*

559. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Industrial Relations:

Is the Minister aware that—

- (a) currently the Plumbers and Gas Fitters Union is placing pressure on building site workers to pay a levy for its 36-hour working week campaign;
- (b) during the last few weeks this levy has been doubled from \$5 to \$10;
- (c) union pressure on workers to pay the levy includes—
  - (i) threats that union cards will be cancelled;
  - and

(ii) that the “heavies” will be sent to pressure the workers; and

- (d) the union is telling workers they are not to work more than five hours per week overtime?

Hon. D. K. DANS replied:

- (a) to (d) The Minister is generally aware of the campaign being conducted by the Plumbers and Gas Fitters Union. Because of the Government's concern the Minister has written to all plumbers stating the Government's opposition to the claims, its expectation that employers will totally oppose the claims, and urging individual plumbers not to take industrial action in support of the claims.

If the individual employees and employers are aggrieved by the union's actions, it is expected that they would take the matter to the appropriate tribunals.

# GOVERNMENT BUILDING: AUSTMARK TOWER

## *Bunbury: Staff Relocation*

560. Hon. A. A. LEWIS, to the Minister for Community Services representing the Minister for Conservation and Land Management:

- (1) Is it the intention of the department to move any staff into the Austmark Tower block in Bunbury?
- (2) If so,
  - (a) from what sections;
  - (b) how many from each section;
  - (c) what offices will they be vacating; and
  - (d) what will the offices mentioned in (c) be used for?

Hon. KAY HALLAHAN replied:

- (1) Following discussions with the Public Service Board, it is proposed that 23 CALM staff be located in the Austmark Tower at Bunbury.
- (2) (a) Timber production, wildlife protection, environmental protection, silviculture, research, planning, training, engineering, timber industry regulation, inventory and personnel;

- (b) Timber production—5
- Wildlife protection—2
- Environmental protection—2
- Silviculture—3
- Research—2
- Planning—1
- Training—1
- Engineering—1
- TIR—2
- Inventory—3
- Personnel—1
- (c) The following CALM offices—
- North Boyanup Road, Bunbury office—12
- Spencer Street, Bunbury office—3
- Busselton office—3
- SOHQ, Como—2
- Harvey office—1
- Manjimup office—2
- (d) North Boyanup Road, Bunbury; Busselton; Como; Harvey; and Manjimup—to accommodate existing overcrowding;
- Spencer Street, Bunbury—to be vacated.

#### GOVERNMENT BUILDING: AUSTMARK TOWER

##### *Bunbury: Staff Relocation*

563. Hon. A. A. LEWIS, to the Minister for Community Services:

- (1) Is it the intention of the department to move any staff into the Austmark tower block in Bunbury?
- (2) If so—
  - (a) from what sections;
  - (b) how many from each section;
  - (c) what offices will they be vacating; and
  - (d) what will the offices mentioned in (c) be used for?

Hon. KAY HALLAHAN replied:

- (1) Yes.
- (2) (a) The country south regional office;
- (b) nine;
- (c) interim accommodation leased at 91 Victoria St, Bunbury pending completion of the Austmark Tower building;

- (d) departmental lease expires to coincide with the completion of the Austmark Tower.

#### QUESTIONS WITHOUT NOTICE

##### PARLIAMENT HOUSE

##### *Extensions: Minister's Support*

172. Hon. P. G. PENDAL, to the Minister for Works and Services:

- (1) Is he aware that at a briefing on the extensions to Parliament House for members of Parliament, officers of the BMA informed members that the project had his support?
- (2) If so, when and for what reason did he withdraw that support?

Hon. D. K. DANS replied:

- (1) and (2) I have never withdrawn my support. I went along to a meeting of the Joint House Committee and told members I had supported and encouraged the architects to draw up those plans. That was the end of it.

##### AMERICA'S CUP

##### *Women's Camp*

173. Hon. V. J. FERRY, to the Leader of the House representing the Minister for Police and Emergency Services:

I gave notice of this question to the ministerial officer concerned.

Having regard to the fact that a group of women camped at Point Peron a couple of years ago, disrupting the local community, and bearing in mind another or possibly the same group of women camped in a public place in Canberra recently, again disrupting the community—

- (1) Can the Minister assure the people of Western Australia that similar disturbances will not be allowed during the America's Cup period?
- (2) What action can the Government take to prevent disruptive groups of people imposing their unwanted presence upon the Fremantle community, or anywhere else in this State?

Hon. D. K. DANS replied:

- (1) and (2) I do not have the answer to that from the Minister for Police and Emergency Services, but I hope the member listened very carefully to the debate a few moments ago.

## ELECTORAL

### *Regional Groupings*

174. Hon. D. J. WORDSWORTH, to the Attorney General representing the Minister for Parliamentary and Electoral Reform:

Further to question without notice 308 of 23 October 1986 asked in the Legislative Assembly, predictions were made as to the likely result of previous elections under the various party proposals. Under the Government proposal, what shires or portions of shires were grouped together to form each district in the—

- (a) North and East Region;
- (b) Agricultural Region;
- (c) South West Region?

Hon. J. M. BERINSON replied:

The Minister's advice is as follows—

Under the Acts Amendment (Electoral Reform) Bill 1986, all electoral boundaries will be drawn by independent Electoral Distribution Commissioners.

In preparing the answer to Assembly question without notice 308, the Government made its calculations based on possible interpretation of the definitions of the proposed regions. The Electoral Distributions Commissioners will no doubt produce different interpretations of the definitions of each region.

Rather than list well over 100 local government authorities, Assembly districts have been listed in regions as allocated for the purpose of the Government's calculation. State Electoral Maps Nos. 3 and 4 show the relationships between State electoral and local Government boundaries.

- (a) North and East Region—

Esperance-Dundas  
Kalgoorlie  
Gascoyne

Murchison-Eyre

Pilbara

Kimberley

- (b) Agricultural Region—

Greenough

Geraldton

Moore

Mt Marshall

Merredin

Avon

Katanning-Roe (Shires of Ravensthorpe, Lake Grace, Kent, and Gnowangerup)

- (c) South West Region—

Mundaring

Kalamunda

Darling Range

Dale

Mandurah

Murray-Wellington

Mitchell

Bunbury

Vasse

Warren

Collie

Narrogin

Katanning-Roe (Shires of Katanning, Broomehill, Tambellup, and Cranbrook)

Albany

Stirling

## TAXES AND CHARGES

### *Fringe Benefits Tax: Savings*

175. Hon. A. A. LEWIS, to the Minister for Budget Management:

Has the Minister any idea of the savings which will result in his Budget from changes in the Federal Government's fringe benefits tax?

Hon. J. M. BERINSON replied:

I have had no calculation of that nature brought to my attention.

## MOTOR VEHICLES

### *Government: Hire*

176. Hon. A. A. LEWIS, to the Minister for Budget Management:

- (1) Does the Minister recollect three approaches by me to him over the last three years regarding the State hiring cars from one source?
- (2) What has been done about this?
- (3) Does he plan to pursue the savings indicated?

Hon. J. M. BERINSON replied:

- (1) to (3) I do not recall three approaches by the honourable member, but I do remember at least one, and that was enough. Arrangements are in place for concessional terms from nominated car hire firms.

## ELECTORAL

### *Regions: Party Proposals*

177. Hon. D. J. WORDSWORTH, to the Attorney General:

In relation to Assembly question without notice 308, I asked at the same time whether comparisons were made under the ALP, Liberal Party, and National Party plans for proposals for the regions of Geraldton, Albany, Esperance, Kalgoorlie, and Boulder?

Hon. J. M. BERINSON replied:

Allocation of some major country centres to regions for the purpose of the Government's interpretation of regional definitions proposed by the three parties were as follows—

Major Centre	(i) A.L.P.	(ii) Liberal Party	(iii) National Party
(a) Geraldton	Agricultural	Eastern and Central	Agricultural
(b) Albany	South West	South West	Agricultural
(c) Esperance	North and East	Eastern and Central	Agricultural
(d) Kalgoorlie	North and East	Eastern and Central	Mining and Pastoral
(e) Boulder	North and East	Eastern and Central	Mining and Pastoral

## TAXES AND CHARGES

### *Stamp Duty: Farm Machinery*

178. Hon. A. A. LEWIS, to the Minister for Budget Management:

Further to his ministerial statement regarding change of ownership of real property, will the Minister exempt farm machinery as regards stamp duty?

Hon. J. M. BERINSON: By reference to the term "real property" I was referring to land. I am not sure I understand the connection between that and the member's current question.

Hon. A. A. LEWIS: Real property, in technical terms, means not only land. Real property covers farm machinery. In the Minister's statement he talked about real property. I am sorry to be so long asking the question, but I think the House deserves an explanation. It has always been assumed in farm machinery circles that real property includes farm machinery and large trucks—things like that. When one talks about real property, I want to know if only land is meant.

Hon. J. M. BERINSON replied:

I would not, in the course of questions without notice, go into formal, legal opinions as to the meaning of terms like "real property". It might help the honourable member, though, if I re-emphasise to him the clear indication in the ministerial statement that it is not proposed to catch by these anti-avoidance measures any items which have not always been regarded as properly subject to stamp duty.

## JUSTICES OF THE PEACE

### *Appointments: Applications*

179. Hon. W. N. STRETCH, to the Attorney General:

With regard to the appointment of justices of the peace, has the department caught up with the backlog of appointments, and is it in order to pass on requests from people in one's electorate rather than say to them that the Attorney General prefers we not bring names forward at this stage?

Hon. J. M. BERINSON replied:

I am not sure of the current position. In the normal course of events there is always some sort of backlog. The direct answer is that the moratorium has now expired, so members should feel free to forward nominations as they wish.

**TAXES AND CHARGES**

*Stamp Duty: Farm Machinery*

180. Hon. A. A. LEWIS, to the Minister for Budget Management:

I gather from the Minister's previous answer that he does not think farm machinery is exempted from stamp duty. There are certain exemption forms that have to be filled out. That is why I asked the question. If this comes at all within the farm machinery realm, will he consult the PGA, the PIA, the FMDA, and the PMA so that we can discuss the matter with him?

Hon. J. M. BERINSON replied:

I will draw this question to the attention of the Commissioner of State Taxation, but I have to say frankly that I am not really sure what the purpose of the question is. I am personally not aware of exemptions from stamp duty on the property to which he is referring. If exemptions are in place it would follow from the statement I made that they would continue. Nonetheless, I will make sure his comments are drawn to the commissioner's attention.

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