

# Legislative Assembly

Tuesday, the 11th October, 1977

The SPEAKER (Mr Thompson) took the Chair at 4.30 p.m., and read prayers.

## QUESTIONS

Questions were taken at this stage.

## SOLAR ENERGY RESEARCH BILL

### *Second Reading*

MR MENSAROS (Floreat—Minister for Fuel and Energy) [4.57 p.m.]: I move—

That the Bill be now read a second time. The Bill now before us is intended to create the solar energy research institute of Western Australia. In the initial stages the institute is intended to function essentially as a financing body to assist the Government with its aim to promote and co-ordinate research into solar development and utilisation.

Let me say at the outset that the Government has no illusions concerning the formidable technical and cost barriers which stand in the way of widespread adoption of solar energy. We see this alternative energy form as mankind's long-term salvation, but on present indications there are few grounds for supposing that solar energy can make a significant contribution before the next century.

It often requires a full generation to bring about a significant change to the energy supply and demand balance. A realistic time scale from initial research to large-scale commercial application of a new technology can be anything up to 25 years, or even longer. Thus we need to start now if we are to achieve any significant reduction in our critical dependence on liquid petroleum fuels.

With these thoughts in mind about 18 months ago the Government approached the State Energy Commission to obtain advice and suggestions on how best to initiate and promote solar energy research in Western Australia. With its bountiful solar resources we felt that this State has a special responsibility as well as plenty of opportunities to push ahead with solar development.

To obtain opinions and ideas from a wide selection of organisations, the State Energy Commission requested the Energy Advisory Council to propose specific measures for solar energy research. The council set up a special work party

to investigate the matter, which comprised representatives of—

- The Chamber of Mines of Western Australia.
- The Confederation of Western Australian Industry.
- The University of Western Australia.
- The Western Australian Institute of Technology.
- The Department of Industrial Development.
- The State Energy Commission.

The work party met on several occasions over a period of several months. It assembled a complete picture of the solar energy work now under way in Western Australia and identified a number of promising areas for new research.

Specifically, the work party recommended that the Government of Western Australia take the lead in setting up an appropriate form of co-ordinating body which it called the "solar energy research institute of Western Australia". Subsequently the work party submitted a formal report which was endorsed by the Energy Advisory Council and later by the State Energy Commission and the Government. The work party report forms the underlying basis of the present Bill before the House.

The main features of the Solar Energy Bill are as follows—

- (1) The solar energy research institute of Western Australia will be a statutory corporation with the normal powers and responsibilities of a body corporate.

Despite the fact that it must be a statutory body, the intention is that in its implementation it will be as far removed as possible from the Government's influence and left to the scientific and industrial institutions.

- (2) The functions of the institute, which are set out in clause 6, are to encourage solar energy development; undertake research projects in its own right; carry out investigations referred to it by the Minister; co-ordinate solar research where appropriate in Western Australia; receive funds from the Government, industry, and other sponsors, and allocate such funds to approved research projects undertaken by outside organisation; monitor and evaluate solar developments nationally and overseas; maintain a collection of relevant data on solar energy; and promote public

awareness of solar energy. In performing its functions the institute would be subject to the Minister.

- (3) The powers of the institute are set down in clause 7. It will be able to purchase and construct facilities, deal in property, open and maintain a bank account, and participate in applications for patents or registration of industrial designs.
- (4) The institute would be managed by a three-man board of directors as set down in clause 8. The chairman of the board would be a Commissioner of the State Energy Commission who would be assisted by two other persons appointed by the Governor on the nomination of the Minister and selected from a panel of names recommended by the Energy Advisory Council. There are the usual provisions for the appointment of acting directors and an acting chairman, and provision for remunerating directors.

Clause 17 deals with meetings of the board of directors and the procedures to be followed.

- (5) Clauses 18 to 24 deal with the solar energy advisory committee which is to consist of a number of specialist advisers to assist the board of directors. The committee will have representatives from the Confederation of Western Australian Industry, the Chamber of Mines, the Perth Chamber of Commerce, each of the two universities and the Institute of Technology, the CSIRO, and the Department of Industrial Development, as well as such other persons, if any, as the Minister considers appropriate.

It is the Government's firm intention that the institute will avoid any significant overhead expenses. It is to be essentially a means of financing solar research. The Government has already announced that it will make available \$250 000 as an initial funding allocation for the institute and it is our firm resolve to get virtually all this money into the hands of worthy solar energy researchers. We do not want the funds to be eroded by administrative and ancillary overhead expenses.

Accordingly the State Energy Commission will provide virtually all of the administrative and back-up support required by the institute, particularly in the early period of its existence. There is, however, provision to appoint full-time employees to the institute should it be judged appropriate and desirable in the future.

Persons or organisations wishing to undertake solar research will fill out a detailed application form and submit it to the board of directors of the institute. Individual persons, university researchers, private companies, and interstate and overseas organisations are all free to apply. The board will refer applications to the advisory committee for advice and after receiving such advice allocate such funds as are available to successful applicants. Thereafter the institute would monitor progress with the research projects which are receiving support and assemble proper progress reports.

Clauses 25 to 27 and clause 31 deal with the institute's financing arrangements.

The Government is very much aware that solar research, like many other areas of research, could absorb considerable amounts of money, yet produce little tangible result. To ensure that this does not happen the Government has provided for the institute—

- (a) to be subject to effective control and management;
- (b) to be monitored by and subject to the influence and opinions from appropriate outside persons and bodies;
- (c) expenditure to be accountable and subject to audit;
- (d) adequate feed-back of information arising from research projects and frequent progress reports.

It is not intended, especially in the early years, that the institute should set up its own laboratory facilities. The universities, Institute of Technology, State Energy Commission, and several private companies have laboratory facilities available already. To ensure efficiency it is intended that these facilities be used to the utmost.

Similarly it is essential that Western Australia does not attempt to duplicate research work already completed or under way interstate or overseas. The institute will keep closely in touch with solar energy progress world-wide and ensure that research work which it funds is directed towards areas which will be of direct benefit to Western Australia.

In this regard the Government is aware of the recent report of the Senate Standing Committee on National Resources which recommended a cautious and low-key approach to solar energy research. We are conscious, however, that the committee had to present a national picture. I

have said many times that the energy resources and needs of the several States vary considerably. What is right for Western Australia may not be appropriate for other States or the nation as a whole.

We are convinced that in Western Australia solar energy could have a big future in view of our climate, residential life style, and massive industrial and mineral projects, many of which require copious amounts of low-grade heat which could be supplied by solar means. Accordingly we feel that the institute should concentrate on the more practical and technical aspects of solar research rather than basic research which is more the province of universities. Water heating for homes and industry, water pumping for irrigation and remote domestic supplies, cool rooms and food refrigeration, air-conditioning, and perhaps small scale electricity generation in remote areas are the potentially useful avenues of research for Western Australia. No doubt many more ideas will come forward once the institute is in operation and begins to receive applications for research grants.

We have been in touch already with the CSIRO and overseas organisations, and useful links could develop with the United Kingdom Department of Energy, the Electrical Power Research Institute in San Francisco, and Japan's Sunshine Project. The institute will provide a convenient and useful point of contact for co-operative research projects with such interstate and overseas organisations.

I personally visited those organisations and they were delighted at the prospect of having very close co-operation with the research institute to be established in Western Australia. Some of them even expressed the hope that they might participate with finance if an appropriate project were being researched in Western Australia.

To summarise, therefore, the Government feels the establishment of the institute is an appropriate and practical method of focusing attention on solar energy, making a start on tangible research and development projects, and maintaining an up-to-date picture of solar energy developments all over the world. The institute is merely one step in securing the State's long-term energy future which must, we believe, include a very substantial reliance on our inexhaustible solar energy resources.

I commend the Bill to the House.

Debate adjourned, on motion by Mr T. H. Jones.

## CONSTITUTION ACTS AMENDMENT BILL

### *Second Reading*

Debate resumed from the 22nd September.

**MR BERTRAM** (Mt. Hawthorn) [5.12 p.m.]: This measure manifests just one further chapter in the conservative Government's grab for power in this State and the consolidation and cementing in, as it were, of that power. I will refer later to some of the other steps which have already been taken. There was the famous crooked line incident of last year, just to mention one.

The Bill could also be described, so far as the Legislative Assembly is concerned, as a treacherous Bill because it violates the allegiance to the Assembly and abdicates its responsibility and position of power in favour of the other place, the Legislative Council. So far as the people of Western Australia are concerned, as well as this Parliament generally, the Bill can be said to mutilate the Constitution because it chops off certain of the vital limbs or organs of the Constitution—if not immediately, it provides all the potential for doing that.

You may therefore have concluded, Mr Speaker, that we in the Opposition oppose the Bill. We have no alternative, looking at it responsibly and with a degree of dignity in the true sense. We also hope that before this debate is finished members of the National Country Party will suddenly move out of hibernation and have a look at what is happening here before it is too late.

**Mr McIver:** You must be joking!

**Mr BERTRAM:** I think generally it is a good test in life to have some thought as to the fairness of situations and as to how we may deal with them and react to them. I think it is also fair, when one makes an allegation of power grab, to justify it. On the aspect of fairness let us have a look at the position in Western Australia.

One is entitled to wonder, quite objectively, when the conservatives in this State will satisfy ultimately their lust for power. They grab power all the time irrespective of the effect upon hundreds of thousands of Western Australians who do not happen to go along with their ideas.

Let us look at the scene in Western Australia. Conservatives, or their fellow travellers, have controlled the Legislative Council nonstop from 1832 up to—

**Mr Sibson:** Are you saying the electors are wrong again?

Mr B. T. Burke: Bunbury has been under-represented for four years.

Mr BERTRAM: What electors were there in 1832?

Mr Sibson: We are talking about 1977.

Mr BERTRAM: If the honourable member will pause just for a moment, I will come to that. As the Hon. John Tonkin pointed out to him on a number of occasions—and at least he should have absorbed that because it was repeated often enough—numbers do not depend on merit but on arithmetic.

The Legislative Council had absolute control—and this means, of course, the conservatives in the Legislative Council—from 1832 to 1890. Then came responsible Government, and that responsible Government will continue until this Bill becomes law. Whether or not it becomes law will depend on the National Country Party—at least I think that is what its members call it.

Mr McIver: Is that the latest name?

Mr BERTRAM: In respect of the Legislative Council, not one election from 1890 to 1977 has been won by any party but conservatives, and as you are aware, Mr Speaker, we even have that "glorious" situation where I, as an elector of Mt. Hawthorn, have one fifteenth of the value of the vote of the electors of some other electorates which lie a few miles to the north, west, south or east of my electorate. I am only one of about 18 000 electors in Mt. Hawthorn, to mention just one electorate.

All of this has to do with the one thing—power; just as the spouse-to-spouse legislation relating to death duty had something to do with power and had little to do with housekeeping. The Premier keeps dishing up this odd term "housekeeping" which makes Government management sound rather like gardening or what a batsman does at cricket.

The conservatives have seen to it that it is well nigh impossible for the party we represent here—now representing nearly 300 000 Western Australians—to win Government in the Legislative Assembly. Early last year, with an election to be held this year, the Premier was dead scared as conservatives are wont to be, that he may somehow or other lose the election.

Mr Sibson: What a joke!

Mr BERTRAM: Therefore, the Government created four new seats in the Legislative Assembly. That was to do with power then as it is to do with power now.

Mr Nanovich: He did the right thing when he put the issue of daylight saving to a referendum.

Then there were 15 Labor Party-held electorates that voted against daylight saving.

Mr B. T. Burke: Relevant point!

Mr BERTRAM: That is a turn up—let us congratulate the member for Whitford.

Mr Davies: Has it something to do with horses?

A Government member: Why don't the unions put some power back into Victoria?

Mr BERTRAM: A certain reverend gentleman of local origin recently referred to the problem in Rhodesia, and he said that we should have great concern about what is happening there. I, and the other people on this side of the House, certainly have concern; of the 66 seats in the Parliament of Rhodesia, 60 members represent 250 000 white people and 16 members represent 6.5 million black people. I point out also that of these 16 members, half of the representatives are appointed.

We are concerned about the situation in Rhodesia, but very few people seem to be concerned about the situation in Western Australia where precisely the same principle applies. People here are discounted and divided, and their votes are diluted. The difference between the two situations is only a matter of degree; the principle is identical.

In Rhodesia people are dying because they are fighting to achieve the principle which we are seeking to achieve in this State. The one-vote-one-value situation does not obtain in Western Australia and that also has something to do with power. The conservatives say, "Let us control the State; it does not matter how or what principle is involved." The conservatives go on to say, "Do not let us worry about that, even if we happen to be on the tail end of the western world and even if we happen to set a filthy example for mankind generally. It does not matter if we besmirch the State image we must keep on grabbing power at any price."

The issue here is power. The conservatives and their fellow travellers also preside over and/or control an overwhelming number of boards, councils, authorities, committees, and so on, throughout the length and breadth of this State. The longer this Government is in power, so much more apparent and inevitable that situation will become. The conservatives have immense power, very often even down to the grass roots.

Then there is the Press which might be referred to accurately as being part of the fourth tier of government—that is, the private sector—which possesses the power, and it uses it to censor what

the people read. We know that the Press has the power to make and break Governments, although it specialises in making conservative Governments and in breaking non-conservative Governments. It is well known, with some exceptions, that the conservatives possess the power of the Press.

Mr Sibson: You do not sound very convincing with that comment.

Mr BERTRAM: What was that interjection?

Mr Jamieson: Treat him with disdain.

Mr BERTRAM: I have never heard anyone argue that the Press in this State supports us.

Mr Sibson: I just said that you do not sound very convincing.

Mr BERTRAM: I do not have to be convincing—the force of the case is well known, I just have to draw attention to it at this stage. I do not need to convince anybody.

Mr Tonkin: It is well known if you have any intelligence at all.

Mr BERTRAM: So we then come to what may be called the fourth tier of government. Here again the conservatives have the upper hand; they control the business sector generally. They are in a wonderful position, and certainly in a better position than anyone else to influence what we can eat and drink, what we shall look at and listen to, what we shall wear, and how and where we should travel etc. With odd exceptions this tier of government fixes the price we will pay for articles. Members on the Government side may say that we have some affinity with the unions who also have a little say. The unions have a little say, but too often they have to break the law to have that say, whereas the conservatives do not have to do that.

Possessed of all that immense power, the conservatives want to grab some more power with this Bill as well as the next Bill on the notice paper, just to mention two. Already the Government has had a good grab of power in the last year or so.

We have a situation where something approaching 50 per cent of the people of Western Australia hold all of the power with a few exceptions, a few titbits one might say, while the other 50 per cent of the people have virtually no power at all. This is supposed to be a democratic State! As I have said, the conservatives are not satisfied with that gross imbalance; they now wish grab some more power.

It is interesting to observe that after the other legislation to which I have referred becomes law, we will be in a situation where 300 000 people—that is, half of the Western Australians represented by the conservatives opposite—will be able to amend the Constitution at will, just as it has been shown they are capable of doing with the same careless abandon with which one might change one's shirt, and as regularly.

If the people whom we represent wish to bring about a change in the Constitution, it will be necessary for a Bill to be passed in this Chamber and then for it to be passed in another place, and members can just imagine that happening. It will then be necessary to refer the legislation to a referendum and it is well known by nearly everyone—except perhaps the member for Bunbury—that the people do not take too happily to referendums and usually they vote in the negative, although very often quite wrongly. Of course, the people have the right to be wrong, and I do not object to that either.

I now come to the six members of this place who tell us that they are members of the National Country Party.

Mr Carr: The what?

Mr BERTRAM: The National Country Party, and in *Hansard* their party is shown as the NCP. These members are: Mr Cowan, the member for Merredin; Mr Crane, the member for Moore; Mr P. V. Jones, the member for Narrogin; Mr McPharlin, the member for Mt. Marshall; Mr Old, the member for Katanning; and Mr Stephens, the member for Stirling. That is six in all, and in the hands of those members resides the power to defeat this Bill if they want to use that power. If those six members want all this power to go to some other party, they will do nothing about it. However, they must remember they represent a minority party, and heaven only knows what bargain was arranged in regard to these four new seats.

Mr Stephens: Get down to some valid reasons why we should support you—you have not given any yet.

Mr Tonkin: You would not hear any anyway.

Mr Old: We will not hear them because there are not any.

Mr BERTRAM: The member for Stirling is one member who believes he has a duty to the party he represents, and obviously he was not too happy about the bargain.

Mr Tonkin: The proof of the pudding is in the eating.

Mr BERTRAM: They are the members who have the power to do something, and they have an obligation to do something in this matter because they represent a minority party and this Bill is aimed at minority parties; that is, the National Country Party and the Australian Labor Party. These members must remember that it is only a matter of time before the members of the National Country Party, so called, will be sitting on this side of the Chamber, in Opposition, with the other conservatives dominating them. The conservatives will then not miss the National Country Party any more than it does the ALP.

Mr H. D. Evans: It was very nearly "on" the last time.

Mr BERTRAM: Make no mistake about it, that will happen. Members of the National Country Party can sit there and sleep but that is what is happening. They will rue the day if they do nothing about this measure. It is up to members of the National Country Party to see that justice is done; I can assure them that we will not be lacking in doing the right thing.

I would say the honourable members would have been in Opposition now, and would not have had a seat in Cabinet, either, had the member for Gosnells not finished in front of his opponent on or about the 19th February this year. That is the sort of slender thread or tenuous attachment the honourable member has to the Government.

Can members opposite imagine sitting around the Cabinet table with the Premier? Can they not imagine him having his sub-Cabinet meetings with his own crew—*motley though it may be*—and the remainder having their sub-Cabinet meetings on other issues? Members could just imagine how the Premier delights in it. His attitude is, "Get rid of them as soon as possible and, if the people will cop it, amend the Constitution once again and increase the numbers by another couple of seats." Members opposite might think that is a complete absurdity; that it would be shameful to do it. But I am telling them it is on the cards, and they should not work on any other basis. They would be very wise to judge people on their performance rather than on their promises.

Mr Stephens: Are you speaking to the right Bill?

Mr BERTRAM: Oh, yes; that was a little bit of introduction. I am just moving along to the National Country Party people.

Mr Nanovich: You are moving along the yellow brick road.

Mr BERTRAM: Members of the National Country Party are the perpetual lemmings of politics. One wonders just what on earth makes them tick. At any event, having named them and their electorates, posterity has it unmistakably on record what attitude they took towards this Bill.

I am primarily concerned with those members of the National Country Party who I believe are genuinely members of that party, and who throw their weight around as they should in the present situation, under the powers they temporarily have. I am not really hoping to make much ground with those people who say they are members of the National Country Party but whose demeanour cannot be distinguished from those who are not members of that party but who in fact are so-called "Liberals".

The Deputy Premier read the introductory speech to this Bill, and a rather odd sort of speech it was. In fact, he was so dissatisfied with his prepared notes that he tacked a few words on the end. He thought what he had to say was quite wishy-washy. Members of Parliament had to wait until *The West Australian* of the 3rd October to find out what the Attorney-General had to say about it.

I believe it is a fact that this Bill really emanates from the Premier, and not from the Attorney-General—at least, I am hopeful that this is the case. If this is the Attorney-General's idea of doing the right thing by the people of this State, I hope that in the future, nobody has the temerity or the cheek to start talking about Labor Attorneys-General or any other Attorneys-General, and about their "special obligations". My own firm belief is that this Bill is either the product or the directive of the Premier, because it has his stamp written all over it.

Therefore, I would suggest that members of the National Country Party should have a closer look at this Bill. They will see it seeks to amend section 46 of the Constitution, which is a vital section dealing with the relationship between the upper and lower Houses. Section 46(9) is to be thrown out of the window and replaced. The existing section 46(9) gives validity to laws passed up to or about 1951. However, the new subsection will give validity not only retrospectively but also into the future. Those members who have been here for a few years have already seen what abuses can occur to the Standing Orders if the Government has the numbers.

Mr Blaikie: Are you reflecting on the Chair?

Mr BERTRAM: No, I am reflecting on most members opposite, and so I should. This amendment will have the effect virtually of changing

the section from a constitutional provision to simply another segment of our Standing Orders. Instead of being contained in the Standing Orders booklet, of which we all have a copy, it will be Standing Order No. 46, to be found in the Constitution.

We have all had experience of what power and people will do. We have seen it here repeatedly, with people being pressed down over a period of time. I suggest that members of the minority National Country Party should look a little ahead of their noses to a time when they are in Opposition—a time which is not very far away. What will happen when a question arises in respect of section 46—which will then be really one of our Standing Orders, but which for convenience I will call section 46—and members of that party have a perfectly legitimate case in respect of one of those subsections? What will happen when the Premier says, “Get lost”? What will happen to their viewpoint, no matter how valid? Will it be sustained, or do members think it will be lost?

Mr Stephens: What has happened in the past?

Mr BERTRAM: I am relying on that.

Mr Tonkin: The member for Stirling is quoting precedent, now.

Mr BERTRAM: The introductory speech was a very poor old effort. After one has been here a while and has gained a little experience, one comes to realise it is not wise to take very much notice of second reading speeches. Instead, one looks at the Bill, and considers the environment at the time. There may be a little bit of substance buried somewhere in the second reading speech, but that certainly is not always the case.

This Bill is an extraordinary thing; it is a power-grab Bill. So, the Premier says, “For Heaven’s sake, let us find some reasons to justify it. It doesn’t matter whether they are the actual reasons for the legislation; just trot a few reasons out.” That was the purpose of the second reading speech on this occasion; it was designed to give some “colourable” reason, some alleged justification for the Bill.

As it happens, the Minister introducing the Bill made a first-class botch of it, because his second reading speech did not contain even some “colourable” justification. There is supposed to be a fear that all sorts of adverse consequences will flow in respect of Bills due to the present confusion with section 46 of the Constitution. It is claimed that Bills will be invalidated, and all that sort of thing.

On the 6th October, 1977, I asked question 893 of the Premier, part (2) of which stated as follows—

How many and what Acts have been invalidated by reason of them being in breach of section 46 and in each case which subsection was breached?

In fact, there are currently nine subsections. Remember, we are supposed to be faced with the prospect of legislation being invalidated; I think this section has been the same since 1921. The answer, which was supposed to be in justification of the Bill, was as follows—

(2) and (3) I am not aware that any Act is under challenge or has been invalidated by reason of noncompliance with section 46.

It has been 56 years, from 1921 to 1977, that section 46 has been in force, yet no Act or Bill has been invalidated because of this section. I assume when the Premier says, “I am not aware”, he means that is the position according to the advice he has been given; he was barely born in 1921. The answer continued—

As I have already said, one of the purposes of this measure is to ensure that such a thing cannot happen.

The member for Scarborough recently stood in this place and delivered a homily. I think one of the things he said—no doubt he will correct me if I am wrong—was that we should not legislate here; we are sort of “trustees”.

Mr O’Neil: Could you help us? You said that I introduced this Bill, which I did not. I am wondering whether you are debating the right Bill, because you have not got around to the subject matter of the legislation you are discussing.

Mr BERTRAM: I am dealing with the legislation seeking to amend section 46 of the Constitution.

Mr Jamieson: The Premier introduced it.

Mr O’Neil: The honourable member said that I introduced it.

Mr BERTRAM: If that is so, I stand corrected.

Mr Jamieson: I think the member for Mt. Hawthorn mentioned section 46 of the Constitution a number of times, so that must have given members opposite a clue.

Mr O’Neil: That is all we have had!

Mr BERTRAM: Quite obviously, that was a grave error on my part; I must own up to that. For the record, it was not the Deputy Premier but in fact the Premier who introduced the Bill.

However, I believe I greatly ameliorated my mistake by expressing the view that the legislation had the Premier's hand written all over it; the heavy hand of the Premier was pressing down on this legislation; one could smell it.

Mr Tonkin: Members opposite really pick up the essential points of the debate.

Mr BERTRAM: Yes, it is a salutary lesson to us all; I am really indebted to the Deputy Premier for his sizeable contribution to the debate. When I think further about the matter, any suggestion that the Deputy Premier was involved in this legislation would be defamatory outside these portals.

However, I was referring not to the Deputy Premier but to the member for Scarborough when I was interrupted. The member for Scarborough said we should legislate only where it is right, necessary, and proper. That may not have been the message he was trying to put over, but whether or not it was, it happens to be a principle to which I subscribe. Yet here we are again, fiddling around not with Standing Orders or regulations but with the Constitution of the State of Western Australia. We are to amend the Constitution to overcome a disability which has never once manifested itself in the period from 1921 to 1977.

Mr Young: Would you like to continue to run the risk of having legislation which we thought was valid invalidated at a later time? I would have thought this was a very important amendment.

Mr BERTRAM: The Premier does not regard this as a very important matter. Part (3) of my question asked as follows—

At this moment how many and what Acts are under challenge or in jeopardy of challenge because of a breach of section 46, and in each case which subsection is said to have been breached or is it thought may have been breached?

Of course, part (3) of my question was answered, in effect, by, "See answer to (2)".

I have already mentioned another aspect of this issue; namely, that if in the near future the Australian Labor Party wants to amend the Constitution for the people it represents—roughly half the people of Western Australia amounting to some 300 000 in number—it will have to do it by way of referendum. In the light of that statement, part (5) of my question asked as follows—

Would the Government accept an amendment to this Bill requiring it to be submitted to the people by way of referendum; if not, why?

That was part (5) and the answer was, "No". That is quite a statement. What is good for our people is something different for the other people, notwithstanding the already existing hopeless imbalance of power from the top echelon to the bottom, from the north to the south, and from the east to the west in Western Australia. He went on to say—

As I have already said, the object of this Bill falls within a small compass. It may be described—

Here is the gem—

—as a housekeeping measure—

Like a cash book; that is a housekeeping measure.

Mr Tonkin: Old Mother Grundy.

Mr BERTRAM: Yes. The answer continues—  
—designed to clarify the requirements and effect of section 46 and to facilitate compliance by the Parliament with those requirements and at the same time to put beyond doubt the proposition that the Parliament is the master of its own procedures.

More of that in a moment. Let us see what Speaker Guthrie had to say about this proposition; that is, that it is a mere housekeeping, petty-cash measure—a matter of no consequence. In a paper delivered while he was Speaker—I think to a Speakers' conference—when talking about section 46 of the Constitution, he said—

The point which I wish to emphasise is that in this Paper I intend dealing with a constitutional problem and not a question of procedure.

There is a flat denial about this housekeeping measure, by someone not inexperienced in this House. In fact he was the Speaker. He went on to say—

As I am dealing with such a question, automatically it follows that we must face up to something that goes to the very root of our Parliamentary system of government.

"The very root of our parliamentary system of government" is what he says, while the Premier says it is a housekeeping measure, something to do with the club up here which is made up of two units, according to the conservatives—the upper House and the lower House—and the spirit of the Bill makes it very clear that that particular club is over and beyond the people outside. The thought is that we here are to stand over and above, and talk down to the people, not serve them. That is what is implied.

As to the question and the significance of what this is all about, it is interesting also to quote from a viewpoint expressed by the Clerk

of the Parliaments on the 17th January, 1967. He gave a long history, because this is not a new problem; it has been with us ever since 1890. As members no doubt know, a Select Committee touching on this question was appointed in 1915 and there were all sorts of manoeuvres to do with this issue, although mostly in recent times things have run fairly well. The only exception is when Labor is in Government when all sorts of difficulties tend to occur in another place in this Parliament. Pettifogging, humbug proceedings emerge in great volume.

The following are the recommendations made by the Clerk of the Parliaments and are hardly the sort of things which would encourage us here to be dealing with this matter as mere housekeeping procedure—

Disagreements will undoubtedly continue to occur between the two Houses until section 46 is further clarified, and with this object in view, it is recommended—

- (a) That the Standing Orders Committee of the Legislative Council meet during the present recess for preliminary discussions.
- (b) That, if considered desirable after study, the Standing Orders Committee of the Legislative Council request discussions with the Standing Orders Committee of the Legislative Assembly.
- (c) That, if acceptable to both Committees, the two Houses be requested to authorise the Joint Standing Orders Committee to frame amending legislation which may be considered desirable.
- (d) That, if the Standing Orders Committee so desires, a legal adviser be retained to assist the Committee in its deliberations.

In other words, he was saying that this matter is very important. He realised the difficulties which could be involved and therefore he set out a detailed, comprehensive, and responsible way of dealing with section 46. As it is we are in danger of dealing with section 46 with even less responsibility, effort, and real comprehension than we would ordinarily apply in dealing with an amendment to our Standing Orders.

Section 46 is in the Constitution because that is where the founding fathers—the boys who really knew what they were talking about because they were manufacturing the State Constitution quite a bit in London at and about that time—put it, and for a very real purpose. They put

it there because that is where it belonged, but the idea of the amendment is to take it out of the Constitution. It appears that it is left in the Constitution, but for all effective purposes it is taken out—the very opposite to what was originally intended.

On another constitutional Bill the Premier went to great lengths—he did not impress anyone very much really—to explain that particular constitutional amendment which is the other one on the notice paper—the one following this one. He said that he had obtained some sort of a mandate from the people to do what he is about to do. He was apparently slightly conscience stricken about whether he has the right to fiddle with a fundamental document which happens to be the Constitution of the State of Western Australia, without having proper authority. I would like to imagine for a moment what *The West Australian* would say to us if we brought down amendments to the Constitution like this Government is doing, and of their dimension and significance! To date all we have had are a few comments from the Attorney-General. That is about the sum total of what has happened. We could almost imagine the Bill does not exist.

However, as I have said, we are dealing with a section of our Constitution, and an extremely important one.

On the 6th October in question 893 I also asked the Premier the following—

- (6) Has the Government sought a mandate from the people for this amendment to this State's Constitution?

The answer was, "Not expressly". I think perhaps one could go a step further and say, "Not at all". I suppose we could say it has some implicit authority, but I should like to know where that exists. "Not expressly" was the answer.

Another question was asked because in the speech it was said that the ALP had had something to say about the upper House not doing any work. I am only paraphrasing what was said. There is nothing altogether new about that, but looking around for an excuse to justify the measure because there is no bona fide reason other than the mere grabbing for power, the Government has stated that the ALP says that the upper House should do some more work. The Premier says, "Yes; we will salute the ALP and give the upper House more work." That is one of the alleged reasons for the existence of the Bill; that is, to allow more legislation to flow conveniently through the upper House so it will do more work.

We all know the ALP's viewpoint about the upper House. It is not that it should do more work because the ALP recognises the futility of the upper House and that it is an unmistakable anachronism. The ALP seeks ultimately to remove that House. The Hon. Ruby Hutchison will be remembered for her efforts towards that end, and I daresay that in the fullness of time the upper House will be abolished.

What is happening here is *à la* Parkinson's law; that is, we do not need the upper House, but somehow or other we must justify its existence by feeding it a bit more legislation and giving it certain powers which the Constitution never in its wildest dreams ever intended it—the upper House—to have.

At the moment section 46(2) of the Constitution Acts Amendment Act reads—

(2) The Legislative Council may not amend Loan Bills, or Bills imposing taxation, or Bills appropriating revenue, or moneys for the ordinary annual services of the Government.

The first amendment intends to remove the comma after the word "revenue".

Mr Stephens: Do you oppose that?

Mr BERTRAM: There is probably reason to object, but I cannot think of it. Members will recall that one of the new, shiny faces opposite, during the last Parliament, told us we should not trust the Government; but he did not have to waste his energy really, because we have long since come to that conclusion. It might not be a very delightful state of affairs, but the statement was accurate.

Subsection (7) is the next to be altered under the Bill, and at the moment it reads—

(7) Bills imposing taxation shall deal only with the imposition of taxation, and any provision therein dealing with any other matter shall be of no effect.

The last part of that subsection is to be deleted so that when the Bill is carried—if the members of the National Country Party permit it and are determined that they will shoot themselves down in flames for perpetuity—the subsection will then read—

(7) Bills imposing taxation shall deal only with the imposition of taxation.

That is where it will stop. That brings about an interesting situation because it was pointed out to me like a shot when I mentioned it to someone that it seems to say the same thing, except that instead of saying it expressly it says

it by implication. That was the thought immediately occurring to a person to whom I spoke. Therefore the amendment calls for an explanation.

We are supposed to be a House acting responsibly, but the Minister or Premier has not seen fit to tell us what trick is involved in that little move.

Section 46 (9) reads as follows—

(9) No infringement or non-observance of any provision of this section shall be held to affect the validity of any Act assented to by the Governor at any time prior to the thirty-first day of January, 1951.

The Bill will repeal that subsection and re-enact it if the members of the National Country Party permit it to be carried. Country Party members should dismiss from their minds the other two amendments and consider the responsibilities to those they are supposed to represent here and have a look at this. Proposed new subsection (9) reads as follows—

Any failure to observe any provision of this section shall not be taken to affect the validity of any Act whether enacted before or after the coming into operation of the Constitution Acts Amendment Act, 1977.

That particular provision is extraordinarily abhorrent.

Mr Stephens: You will elaborate, will you?

Mr BERTRAM: As someone said recently, it will have the effect of putting the other place into a position where in certain respects it will mirror the power and jurisdiction of the Legislative Assembly, and that was never intended. High authorities shudder at that thought which is altering the whole balance of this Parliament and the Government is doing this without a mandate being asked for or given. No provision has been made for a referendum because a referendum is a gauntlet which only the people we represent are going to have to face up to.

This Government knows we would have Buckley's chance of even imagining that we would get a constitutional amendment through the upper House. On the other hand the Government knows perfectly well that a constitutional amendment put up by it to the other place would be guaranteed as a matter of course. That is the unfairness which anyone with a soul or any sensitivity would see.

Superimposed on top of that again for the people we represent and for the people the Government represents is the need to go to a referendum and as a general consequence receive what flows from it. The Opposition wonders just where the limits of ordinary decency

are in people who are clutching and clamouring for power; they get a bit of power and want more. One can only hope they finish up like the monkey with the bottle of nuts; he will get his hand stuck and starve to death. It is only a hope and I have no confidence it will happen.

As has been said before, members of this House talk a lot about dignity; it really means sounds and appearances. We are concerned about things of a most superficial and petty nature being done, yet at the same time a Bill of this character—combined with the other Bill on the notice paper and coupled with the other grabs for power in recent years—is introduced. This is supposed to be dignified legislation introduced into a dignified forum. I reject that as an utterly absurd proposition and I identify this proposition for what it is—skulduggery of the highest degree.

Let us have a look at the obnoxious consequences which will flow once this measure becomes law. It will either flow or the door to its happening will have been opened. The existing legislation, or the nexus between the upper House as established by our founding fathers, will be on the way to being utterly destroyed. What has been a constitutional provision, put there as a system of checks and balances involving the judiciary, is being tipped out. Section 46 now is going to depend upon the whim of the people with the majority and decisions are going to be taken not on merit but on numbers. That in itself is fairly frightening.

Another consequence is that the ability of any citizen to challenge the regularity of parliamentary proceedings will be abolished; completely put an end to and destroyed. There is a body of opinion at the moment which believes that a court could decide that a breach of section 46 could invalidate legislation. That is a weapon put there by the people who wrote the Constitution to protect the man in the street against the abuses of power by power-hungry people. Those power-hungry people do not exist only in Africa or Russia; they exist in Australia. We all know that and we do not have to be very observant. The provision was put there as a block so that the people we all represent would be protected. So, should this Parliament happen to go berserk and go beyond its jurisdiction—that seems to be a very real possibility and there is common ground here among many people—a citizen could challenge legislation but under this amendment his right will be completely wiped out without any mandate asked for or given.

As I have already pointed out, it is section 46 (9) that validates not only past legislation but also all future legislation to have the lower House, the upper House and the courts so as to build into the Constitution the checks and balances which were thought to be necessary. Part of that is being dismissed and the people will no longer have that right. The other Chamber which was always intended to be a House of Review is now going to be something else.

As I have already intimated this will place the Government over and above the people instead of its being the servant of the people. The Constitution which is enacted and which governs every citizen is suddenly going to have a piece taken out of it to give special provision for those of us here; we are to be above and beyond the rest of the people in Western Australia. When all is said and done, there are over one million people outside of this Parliament and there are only 87 of us here. So it is quite unnecessary and there is no justification for it.

One might say that it places the Government—really the Premier—above the courts and that is a bad thing. It gives half the voters of Western Australia an unjust advantage over the other half and this also is bad. It will render the provisions of section 46 a laughing stock.

We then have a provision in the Constitution which is a laughing stock; it can be ignored or contradicted at the whim of those who have the numbers. The way things have been set up in recent times the people with the numbers and who look like having them for some time because the books have been cooked are the conservatives. If they do not like a particular section, particularly section 46, they can go around it just as they do with Standing Orders. It will also divest the Legislative Assembly of exclusive jurisdiction on fiscal matters. This may not appear to be so but in the long term that is what is going to happen.

It was always intended that those initiatives in respect of money matters, as is written into section 46, were the prerogative of this Assembly; certainly not of the House of Review, so called. I have already said that what it intends to do is to shore up the upper House in a Parkinson's law manner. It tries to give that House work and give it some reason for being; that is, some justification for being there at all. Quite obviously that is not good either.

The Attorney-General, or perhaps it was the Premier—it sounds more like the Premier—said it would make the Parliament the master of its own destiny. I say it will make the Government—the Executive—which is the master of

the Parliament, the master of the courts and the people. That is what it will do.

The Parliament gets saddled with all sorts of obnoxious conduct which deceives the people outside but does not deceive members here. The Parliament was said to have made the decision about going on strike in respect of the Constitutional Convention held in Melbourne. In the strictest sense that was right, but as a matter of fact it was the Premier's decision with his band behind him, aided and abetted by the National Country Party. The result of this amendment, as I have said, is that the Government is going to become more the master of Parliament, the master of the courts, and by that vehicle the master of the people.

In the Premier's speech, said to be justifying this Bill, he said, from memory, that there was no thread of consistency in the rulings on section 46. I would ask the Premier how much consistency we will get from this state of affairs where section 46 is going to become the plaything of the numbers; the plaything of the people who have the power for the time being.

These days people repeatedly point the finger of scorn at Parliaments in other parts of the world which are made up of only one political party. I think they are entitled to be unhappy with that situation, but I wonder whether it is very much better to have a Parliament in which one party always has the numbers; always has the power. For all practical purposes this is a one-party House. As a matter of fact in a sense it is worse than a one-party House because the people outside believe it is a bona fide Parliament when we here know it is not.

*Sitting suspended from 6.15 to 7.30 p.m.*

Mr BERTRAM: During the tea suspension my attention was drawn to the state of the parties in the upper House, which is that there are only four members of the National Country Party, 18 members of the Liberal Party, so called, and 10 members of the Labor Party. If the National Country Party wants to do anything about this Bill it really has no options at all. Whatever it wants to do in respect of this measure—perhaps to refer it to a Select Committee or to amend it—it must do in this place because it will get short shrift in the other place. From what happens in the other place members of the National Country Party will have a preview of what they will be getting in the near future and for a long time to come.

Prior to the tea suspension I was speaking about the consequences which will flow from this Bill either immediately or in due course, and I was

saying I believe it is a far more dangerous situation for people to imagine they have a multi-party House when they have not than to be in a position where unmistakably one-party rule occurs. At least in one case it is perfectly clear what is happening, while in the other case people labour under a complete misapprehension, and that is not good.

This Bill will give to the other place, which has little responsibility for its conduct, powers it was never previously thought it should have. The lower House can be forced to the people, and when members of that House go to the people they put forward a policy and should be able to bring that policy to fruition. The upper House does not have that responsibility. Members of the upper House cannot be forced out of office. They can stay there for six years doing virtually nothing, as has been customary, and being under no obligation at all to face the people.

The upper House members are centralised. They are remote from the people they represent but they will acquire in due course—at least the capacity will exist for it to occur—powers equal to those of members of the Legislative Assembly who are much nearer to the people and therefore in a much better position to present an argument and understand the people who are at the grass roots. The Bill will abandon the Westminster system and the restricted role of the so-called House of Review. The powers of the more populous House—the people's House, the Legislative Assembly—will be severely curtailed.

I have often wondered just what is meant by a House of Review and what its functions are supposed to be. While we hear the expression bandied around, I have had the greatest difficulty finding out from anybody what is meant by it. I suppose to the extent that it is a second House and looks at all the legislation we have already looked at, it performs a review function; but the conservatives write into the expression "review" all sorts of high-sounding thoughts which they never describe accurately, any more than they attempt to describe socialism accurately.

Let us have a look at the accepted authority on the functions of a House of Review. I am quoting from a speech by the Lord Chancellor at the conference of Commonwealth Speakers and Presiding Officers in the Senate Chamber at Ottawa on the 9th September, 1969. This is what he had to say about the responsibilities and functions of so-called Houses of Review—

Therefore, in Bagehot's view the House of Lords has value as a revising Chamber with some powers of delay; but he added:

"It is incredibly difficult to get a revising assembly, because it is difficult to find a class of respected revisers."

He was quoting from a publication by Walter Bagehot on the English Constitution. The Lord Chancellor went on to say—

The two most important English Conferences in this century, the Bryce Conference set up in 1917, and the All-Party Conference set up in 1968, were in remarkably close agreement upon the functions of a second Chamber. The *Bryce Report* lists such functions as follows:

- (1) The examination and revision of Bills brought from the House of Commons...
- (2) The initiation of Bills dealing with subjects of a comparatively non-controversial character...
- (3) The interposition of so much delay (and no more) in the passing of a Bill into law as may be needed to enable the opinion of the nation to be adequately expressed upon it...
- (4) Full and free discussion of large and important questions...

The *White Paper on House of Lords Reform* published in November 1968 has three out of these four items—namely, one, two and four—but it puts No. 4 first and follows up with items one and two. Instead of Bryce's No. 3 relating to delay, it lists "the scrutiny of the activities of the executive", and adds two other matters: the consideration of subordinate legislation (the importance of which as I have said, has vastly increased since 1917); and the scrutiny of private legislation, for which the Commons has probably less time available than it had 50 years ago.

It will be seen that both these conceptions of the functions of an Upper Chamber presuppose a House that is not merely subordinate, but is also complementary to the elected House and to some extent shares in its responsibilities. There is, in other words, a division of power between the two Houses—a division that may well—and indeed I think must—be weighted in favour of the elected House. Yet if all power resides in the elected House and the second House has none, not even, for example, a power of delay, the advantages of a second Chamber are lost and

it were better, as some countries have decided, to abandon all pretence and go over to a one-Chamber legislature.

The next thing the Bill will do is render it all the more difficult for an Opposition to be a strong Opposition. We hear a lot of poppycock from the Premier when he is talking to the peasants—at least it appears that is his definition of people, and he would speak in that manner only if he possessed that mental attitude towards them—about his being in favour of a good, strong Opposition. That, of course, is abject and utter nonsense. I am sure there are members in this place who would describe it far more eloquently. The Premier is so keen on having a strong Opposition that he draws boundary lines to ensure we cannot have a strong Opposition. He allows the upper House to be elected on unfair boundaries which are immovable. That is the man who believes in a strong Opposition.

The tragedy is that people swallow it—even people who are able to think but who unfortunately trust the words of others instead of diving down to find out what the truth is. Such people may be excellent in a certain field but they are busy people and are inclined to accept what is told them on political questions. I warn them they would do better to look into these matters because when they rush into print saying the Labor Party should be a good, strong Opposition, they are blaming the Labor Party when they should be blaming those who cooked the boundaries. No Opposition is perfect, it is true, but we will have an even more parlous situation in this State with the Opposition being pushed into discard and treated in the way it is apparently being treated in this and other measures.

I will mention one of the alleged justifications for the Bill; that is, bolstering up the sitting time in the upper House. The *Parliament of Western Australia Digest* for 1973—which is Vol. 1—tells us on page 8 the months in which the Parliament sat in that year, the sitting days of the Legislative Council and the Legislative Assembly, and the total hours of sitting from meeting to adjournment of both Houses.

One of the pretences by way of justification for this Bill is that, instead of the upper House taking holidays at the beginning of a session, that House will be able to appear to be doing some work to justify its existence and show that members are actually spending some time in the Chamber. This measure may well achieve that objective, if in fact it is worth achieving, but the relevant

point is not whether it sits for the first few weeks of a session or goes on holidays but how many hours and days it sits overall.

In 1973 the Legislative Council sat for 73 days and the Legislative Assembly sat for 76 days. Leaving out the minutes, in the same year the Council sat for 367 hours and the Assembly sat for 597 hours. That position will not be altered, if we are to believe the second reading speech of the Premier on this Bill. If we have a closer look at the possibility, and I would say the probability, of it then, of course, the hours might tend to come closer together.

In 1974 the Council sat for 45 days and the Assembly sat for 50 days. The Council sat for 225 hours, whilst the Assembly sat for 329 hours. In 1975 the Council sat for 50 days, and the Assembly sat for 57 days. The total hours were 240 for the Council, and 376 for the Assembly.

Mr Tonkin: Do the members of the Council get paid the same amount of money as the members of the Assembly are paid?

Mr BERTRAM: Obviously the member for Morley will throw some light on that aspect in due course.

Mr Tonkin: I think members of the Council receive more in district allowances.

Mr BERTRAM: I think they do; they receive more for far less work not only in Parliament but also in the electorates. I think the member for Morley is in favour of applying the work-value test, and he is entitled to argue on that point.

In 1976—the last figures I have of the days and hours of sitting—the Council sat for 59 days while the Assembly sat for 65 days. The Council sat for a total of 243 hours, and the Assembly for 420 hours.

What this Bill should be doing is, in fact, opposite to what it seeks to achieve. The powers, the privileges, the prerogatives, and the initiatives of this House, the Legislative Assembly, should be strengthened and not diminished.

I would ask members to look at the amendments on the notice paper in my name, because if they are carried they will achieve what I have said; namely, ensure that the initial intention of the Constitution is continued, and that the power of this House is in no way whittled down.

It should ensure that the position of the House of Review will be near enough to that which I have already quoted from the Lord Chancellor. Speaker Guthrie, who was the Speaker of this Assembly from 1968 to 1971 or thereabouts,

had a bit to say about section 46 of the Constitution. I want to quote a portion of a speech he made—which I referred to earlier this evening—after he had set out some argument. At the end of his address he touched on section 46 of the Constitution. He said—

It follows, therefore, that some safeguards will be needed to hold in rein a recalcitrant Upper House. I am not impressed with the argument that, where each House is elected under the same franchise, that each should possess equal powers. The only justification for retaining the bi-cameral system is that there should be a House of Review.

I imagine Speaker Guthrie was well aware of what was intended by a House of Review. No doubt he would have been aware of the comments of the Lord Chancellor and others. He went on to say—

With that I do not quarrel, but the Legislative Council must accept that its retention is as a House of Review and therefore must accept some restraints. It is idle to say that reform is only possible on terms prescribed by the Council. Just as the House of Lords has had to bow to public opinion so must, I submit, the Legislative Councils in Australia.

He said further—

I conclude, therefore, on the note, firstly, that I think that constitutional amendments are both necessary and desirable and possibly in all States and that any proposed amendments to the Constitution will require deep and prolonged thought.

There is no proof of that in the debate tonight. This is the type of debate which will give far less study to this question for which the routine Standing Orders applying to this House provide. To continue—

Furthermore, I feel that both Houses of Parliament will need to act in a very responsible manner when considering any such proposals.

At this stage I do not propose to talk about the amendments on the notice paper, because it is not appropriate to do so. I simply repeat what I said earlier that this Bill, when it becomes law, will mutilate the Constitution and pervert section 46 into something more of a parliamentary political plaything, rather than an important, fundamental section of the Constitution.

It seems to me that the only possible hope of the Bill being given the treatment it deserves—that is, being thrown out of the window—is for the National Country Party—and

it would be uncharacteristic of it if we are to be guided by its performance in recent years—to sit up and take notice; to see what the Bill is aimed at; to decide not to commit hara-kiri; and to be mindful of what it is subjected to when its numbers are reduced and the Premier provides more seats for his supporters. If the National Country Party did that the Bill might then be disposed of, otherwise it looks as though the people of Western Australia will have thrust upon them yet another Bill in respect of which the Government has not asked for and has not been given any mandate.

**MR TONKIN (Morley)** [7.52 p.m.]: Every country has its myths, and one myth which we keep perpetuating in Western Australia is that this State is a democracy. We see here a party which is in power deciding to entrench itself even further in power. We hear from members opposite time and time again that, in fact, it is going to implement its policy, and it has no fears of future elections. If that is so, why then does it have to fiddle with the Electoral Act, as it did last year, and why does it now bring forward this amendment to the Constitution Acts Amendment Act?

I find that people overseas do not believe that our Constitution exists. They are used to Australians going overseas and telling stories about bunyip farms and goanna farms, but when they talk about the Australian Constitution and the Western Australian Constitution the people overseas laugh at first, and then become contemptuous. That is a shame. I believe we should not have to put up with the odium or disgrace of having a Constitution which is ridiculous and so palpably unfair as this one is.

To use one example, some of our people say in an untrue fashion that the Westminster system is the one upon which our Constitution is based. The Westminster system insists that Governments are made and unmade in the lower House. In fact, that is not so in the case of Western Australia; so, to that extent we cannot claim to have a Constitution based on the Westminster system, because Governments can be made and unmade in the Legislative Council or the upper House. So, our Constitution is a perversion of the Westminster system. In fact it is not similar to the Westminster system at all, because the Legislative Council can stop the supply of money which a Government needs to enable it to govern.

Worse than that, not only can it stop supply, which means that the upper House can unmake Governments—which is contrary to the whole style and spirit of the Westminster system—but

also it does not have to face the people. So, we have an absurd situation where those who cause the chaos and refuse a Government the supply of money do not have to go to the people and justify their action.

Surely if the 32 members, or a majority of them, in the upper House are prepared to throw a Government out, they should be prepared to go to the people and say, "We have done this in good faith. We feel this Government is no longer fit to govern, and so we are happy to prove to you at the election that, in fact, we have done the right thing." Of course, that is not the case at all. The situation is that the Legislative Assembly only would have to go before the people, but the Legislative Council would not have to do so.

This Bill in fact, entrenches this system even more. It means that 32 members or to put it more accurately 16 members, because one has to be the President, sitting in another place can defy the wishes of the people and say, "We do not care whether the people have elected the Government. We will destroy the Government, and we will not have to face the consequences of that decision." That is something to which we cannot subscribe. We do not believe it is right that we in this House should allow 16 people to defy the wishes of the electors and then say, "We do not have to face the people to justify our decision."

That is the situation in Western Australia. It is no wonder that people overseas in more civilised lands find it hard to believe that this kind of situation has been developed in Western Australia. The worst thing about this Constitution is that it has never been approved by the people; they have never decided the Constitution for themselves. It has been decided by a succession of conservative parties sitting in the two Houses, and imposing upon the people of the State a Constitution which is as undemocratic as this one.

This cannot lead to stable government or respect for the institution of Parliament because if, in fact, 16 persons can thumb their noses at the people of the State and say, "We will throw this Government out even though the people clearly wanted it a month ago, and we will not have to justify our decision at an election", then we cannot expect the people to continue to obey the laws passed by such a Parliament.

If Parliament does not have to take notice of the desires of the people, and if the Legislative Council can throw a Government out, and if after the following election the same Government is returned it can throw the Government out again and again, how can we expect the

people to have any respect for that Parliament? How can we expect them to say, "We must obey the laws passed by Parliament" when those laws are passed by a Parliament which can defy the will of the people and does not have to justify its actions to the people for some period approaching six years?

That is a plain matter of common sense. It is a plain matter of humanity and of the type of animal which the human being is. He is prepared to accept that he should obey some rules provided he can see some legitimacy associated with the making of those rules. If, in fact, he finds that those members of Parliament do not have to face the electors and can destroy the Government the people have elected, he will say, "Why should I take notice of the laws perpetrated upon us by those people?"

The Legislative Council—and this is referring, of course, to section 46 of the Act, which is under discussion—can continually send back to the Legislative Assembly any Bill which it cannot amend, and it can request amendments. So we have a situation in which the Constitution says the Legislative Council cannot amend certain Bills, but that Chamber can send back a Bill to the Assembly and request amendments. If in fact the Assembly insists upon the Bill in its original form, the Council can send back the Bill time and time again.

This happened in 1927 when the Legislative Council continually sent back to the Legislative Assembly not amendments, because it was not permitted to do so under the Constitution, but suggested amendments to a Bill. In other words, there is no deadlock-solving machinery available to this Parliament. As we can see, under section 46 we can have a complete deadlock between the Houses, and nothing can happen to prevent it.

We see that in the Westminster system which we profess to follow, and which I aver we do not follow, the wings of the House of Lords have been very effectively clipped so that in effect it is now a unicameral system, and there is no way in which the House of Lords can continually frustrate the wishes of the lower House.

In the Australian Parliament, of course, there is provision for a double dissolution, and we have seen double dissolutions on three occasions since Federation, in 1913, 1951, and 1974. After a double dissolution occurs there is provision for a joint sitting, and we have seen only one joint sitting, which occurred in 1974.

In Victoria provision has been made for a joint sitting, if a deadlock occurs between the two

Houses. Even that odd animal, the New South Wales Legislative Council, can delay money Bills only for one month and no longer. So that upper House does not have a great deal of power. In South Australia, there is provision for a dissolution of the House of Assembly in the case of a deadlock. If the deadlock still exists after the dissolution, there can be a double dissolution or the election of 10 new members to the Legislative Council.

So one finds that in other States of Australia and, of course, throughout the world, there is provision for deadlock-solving machinery; there is some way to overcome a deadlock between two Houses of Parliament. We do not have such machinery in our Constitution, and that is why our Constitution is possibly the most archaic of any nation that has the British tradition and which claims to model itself upon the Westminster system of government.

We often hear it said that the main aim of the second Chamber is to prevent extremist legislation. Why then did not the Legislative Council act to stop the extremist legislation which was embodied in the fuel and energy Bill in 1974? That legislation is so extreme that it enables the Minister—not the Parliament, but the Minister—to nullify the Australian Constitution. One can say that cannot be done because it is illegal, and that is what we pointed out at the time; nevertheless that is what that Bill purported to do. It gave to the Minister tremendous powers of arbitrary arrest, and tremendous other powers which could turn Western Australia into a police State. If ever there was an example of extremist legislation, that Bill was it. It was the most extremist legislation one could see in any country in the world that purports to be British and liberal in its traditions. Yet the Legislative Council did not act in any way to put a brake upon that extremist legislation.

Another way in which the second Chamber could prevent extremism is by the establishment of a system of standing committees to look, for example, at the area of subordinate legislation. Why has not our Legislative Council appointed a subordinate legislation standing committee to act as a brake upon the Executive—which is the justification for the existence of that Chamber?

Why did not this House of Review, if it is there to stop corruption of various kinds, prevent the Ministers of the Crown in the Brand Government receiving shares from Comalco, a company with which they were dealing? That was a corrupt practice, but it was not prevented by the

Legislative Council. Yet that Chamber is supposed to be there to try to prevent extremism of various kinds. How more extreme an example can one find than that of Ministers of the Crown accepting shares from a company with which they were doing business?

If we look at the *Hansard* record of 1972, at page 3993 we find the following comment by the Premier—

It was to the credit of the Legislative Councillors that when we were in Government, they still acted as a vigilant House of Review.

Let us look first of all, with respect to conservative Governments, at the record of that vigilant House of Review. We find that the Mitchell Government in 1921—its worst year—lost four Bills out of 67, which represents 6 per cent. The Mitchell Government in 1932 lost eight Bills out of 72, making 11 per cent—the worst ever record of any conservative Government. We find that the Brand Government in its worst year out of 12 years lost two Bills out of 120, or 1.6 per cent.

When we look at the various Labor Governments we find that in 1912 the Scaddan Government lost 12 Bills out of 47, or 25 per cent. In 1928 the Collier Government lost 15 Bills, or 16 per cent. In 1941 the Willcock Government lost 10 Bills, or 13 per cent. Then in 1958 the Hawke Government lost 20 of its Bills, representing 20 per cent of the legislation introduced. The Tonkin Government lost 21 Bills between 1971 and 1974.

That is the record of our House of Review. It can be clearly seen that it is a partisan Chamber and it is clear that the statement that it is a House of Review is nonsense.

We saw the present Premier, when he was the Leader of the Opposition, standing in this place wanting to stop supply and to destroy the Government which had been elected by the people. This gives the myth, the lie, to the suggestion that members opposite are democrats. Obviously they are not democratic, because they were not prepared to accept the decision of the people. The people had the temerity to elect a Labor Government, and that Government was to be destroyed. The then Leader of the Opposition, who is now the Premier, could not get this Chamber to reject supply because he did not have a majority; but he did all in his power to get the Legislative Council to reject supply. It did not do so; perhaps it was because the 1974 and 1975 precedents had not then been set.

We have to ask ourselves whether in fact a Labor Government elected in the future would

have supply stopped by a Legislative Council which refused to accept the verdict of the people and, in an anti-democratic way, sent this House to the people whilst it did not have to go to the people itself. The amendments we are suggesting would remove that possibility. We believe in government by the people, for the people, and of the people; and we believe the people should have a choice. If they wish they should be able to elect a Liberal Government; if they wish to do so they should be able to elect a National Country Party Government; and if they wish to do so they should be able to elect an Australian Labor Party Government, or any other Government of their choice. If the people do elect such a Government we do not believe there should then be another House to destroy that Government, especially when the other House does not have to face the consequences of its action by going to the people itself.

Therefore, the opposition of the Opposition to this measure is simple. It is based upon 19th century liberalism, which is not radical or socialist. Our opposition to this Bill is really quite conservative; it is based on the idea that the people should be able to choose their Government.

I would like to quote a comment made by Lees-Smith, a noted expert on government, who said this—

If a second Chamber becomes subject to the party system, it interferes unfairly with the party to which it is opposed, whilst it ceases to function when its own party is in office, with the result that it increases instead of diminishes the misrepresentation of the public will.

I interpolate there to say that the misrepresentation of the public will to which Lees-Smith is referring does occur in single-member constituencies where, by the very nature of things, a person may obtain 51.1 per cent of the vote and yet his party will have one member in that constituency, while another party which receives 49.9 per cent of the vote will have no representation. Given that as being a fact for a particular constituency, if one multiplies that effect throughout the electorate it is quite possible for a party which obtains 55 per cent of the vote to obtain 65 per cent of the seats in the Parliament.

That system is not to be confused with the one in this State where a weighting system is deliberately built into the electorates, and where different voting strengths are deliberately given to different people. Even in the case of one-vote-one-value, that kind of lack of proportion between

votes cast and members in the Parliament will occur. This is the kind of thing about which Lees-Smith was speaking. I continue to quote him further—

But party is a necessary and inevitable institution of democratic government on a large scale and the problem, therefore, of creating a representative second chamber which will be outside its control, is by the nature of the conditions, insoluble. This leads to the fundamental conclusion that a second chamber is an unsuitable instrument for ensuring that a Lower House will keep in touch with public opinion and attempts to use it for this purpose should be abandoned.

Of course, it does not do anything of the kind. It does not keep the Government in touch with public opinion because the very Chamber which can cause an election at any time it likes by stopping supply does not have to face the people, and so it can escape the consequences of its decision.

I turn now to the comment of a conservative Prime Minister of New Zealand (the Right Hon. Sir Sidney Holland) who said—

We took office on 13th December last. What did we find? We found that the Legislative Council was comprised of thirty-three members, the majority of whom, approximately twenty-seven, had publicly proclaimed their opposition to the policy of the present Government. Where is the sense of having an Administration elected by a very large majority when there is no chance of having its legislation passed by the Upper Chamber? We knew that at least twenty-seven of those thirty-three members would vote against the policy the people decided to have.

Democratically we go to the electors and place our policy before them. Both sides do that. The electors give their decision and they are entitled to have the policy put into effect for which they voted.

So we have the absurd situation in which we allow people to elect a Government and then say to them, "You can also elect another Chamber to ensure that the Government cannot put into effect the policy for which you voted." We found that when we were in Government in 1971 to 1974, the political party which consistently over many years opposed the concept of the Ombudsman—and which had been defeated at the election—emasculated a Bill to introduce the office of Ombudsman. So one might ask the question: What was the point of holding the 1971 election, because the people chose quite clearly

to elect a Labor Government at that time, and yet they found their will thwarted? Their will was thwarted by a House of Parliament half of whose members were elected not in 1971 but in 1968 at a time when the electoral opinion was quite different.

So we have the absurdity of the Legislative Council being able to frustrate the will of the elected Government and, therefore, the will of the people. That is the reason we have on the notice paper an amendment which refers to this ability to block legislation.

Section 46 (8) deals with an absurdity, and we suggest it should be deleted. It provides that there shall be a Message from the Governor before the Parliament can vote to spend money. So we have the absurd situation in which a Minister of the Crown introduces a Bill and, as a wonderful coincidence, a Message is received from the Governor saying that the Governor recommends that the moneys be spent.

We know the Governor did not decide to do that but acted on the suggestion of that very same Minister of the Crown. What is the point in a Minister of the Crown introducing a Bill and then getting the Governor to bring forward a Message which enables him to spend money? This twists and perverts legislation presented by the Opposition because this requirement means that the Opposition cannot introduce Bills for which a Message is needed from the Governor. It perverts the whole original idea of a Bill.

I had this experience in the previous Parliament when I introduced a Bill to establish a Press Council in Western Australia. I found that I could not include in the Bill something which required a charge upon the Crown. Therefore, I had to devise a method of paying for the Press Council and one of the bodies to pay was the Australian Journalists Association. I was not in favour of that but that was the device I had to use. I was not able to introduce legislation which the AJA would support and which I wanted to introduce. It is absurd that we should have the requirement of a Governor's Message because we are representatives of the people every bit as much as the Government. In many cases we represent more people than members of the Government represent, so why should we not be able to suggest that the taxpayers' money be used for certain purposes?

I have heard it argued by conservatives that this would take budgetary control out of the hands of the Government. In fact it does nothing of the kind. By definition a Government has a majority in this Chamber. If it does not like

a piece of legislation it can kill it with its numbers. So it certainly would not take control of budgetary policies away from the Government.

I believe we, as Opposition members of Parliament, should be able to legislate just as much as Government members. The Premier does not believe that; he puts every obstacle in our way. We believe this requirement for a Message from the Governor is a fiction because we know that the Governor acts on advice from the Minister who has introduced the Bill. So it is poppycock, a fiction, and a farce, about which Gilbert and Sullivan wrote so ably, because we know that the Governor is not making the decision in any real sense.

We believe this Bill is undesirable because it tends to cement in a basically undemocratic system, a system in which the people who cause an election—the members of the Legislative Council—by stopping supply need not face the people themselves. What kind of democracy is it if they can say to the people within months of an election taking place, "We are going to destroy the Government you have elected but we will not have to face the music, we will not have to justify our decisions, and we will not have to go to the people. What will happen is that the Legislative Assembly will go to the people while we will be immune. If you send that Government back to us we can do the same thing again, even quicker this time, as the Government will be running out of money because of the supply situation?"

Surely this situation is not only absurd but also undemocratic. A fundamental principle is that if we, as representatives of the people, wish to make a decision we should be prepared to back it up by going to the people and justifying that decision. That is what democracy is all about. We should have to face the people at an election which we have brought about. That is so in this Chamber; it is not so for members of the Legislative Council.

This situation was recognised in the 1920s but in this State we have gone backwards because the Premier is showing himself to be more old-fashioned and more reactionary than the people in the 1920s by saying, "We will cement in this situation and we will make sure that this system continues so that the Legislative Council will be able to reject supply."

I have no doubt that just as the Premier sat here some years ago and asked for the rejection of supply, he will do so again. I have no doubt that he will hope that the Governor would act as the Governor-General acted in respect of the Whitlam Government. Therefore, we ask, "Do

members opposite believe in democracy or do they not? Do they believe that the people should have the right to choose any kind of Government, even a non-Liberal Government, or do they just go through the farce of saying that there can be an election but if the people do not choose them there will be hell to pay? That is what we saw occur in the period from 1972 to 1975. Twice during that time supply was rejected by the Senate.

The Westminster system depends on Governments being made and unmade in the lower House. That is not so in Western Australia. It is possible—I think it will happen with increasing certainty in the future—for the Legislative Council to make and unmake Governments. In a sense I hope that is so because then it will be exposed for what it is and will be destroyed; its members would be seen as arch "undemocrats", as frauds, and as being opposed to democracy because they will be destroying a Government elected by the people and will not have to face the music themselves—certainly not for many years when the pressure will have died down and other issues will have clouded the position.

This is why I said at the beginning of my speech that we have a Constitution which is the laughing stock of the world and to which I am ashamed to admit. I was born in this country. I am proud to be an Australian, but I am certainly not proud of the Constitution of Western Australia. It has no place in a modern society. It has no place in a society which purports to follow the British tradition, the democratic tradition, or the Liberal tradition. I believe those traditions are worth while and that we should follow them. This Constitution does not follow those great traditions.

This Bill will make the Constitution even worse. We in this State are going backwards. It is something about which I and other members of the Opposition are sad. It is something about which we can do very little because the laws are made by this Parliament and we do not have a majority here. But if members opposite continue to make a mockery of democracy and a mockery of the people, the people will lose respect for this institution and for this Constitution; the people will lose respect for the laws that are made by this institution. Once that happens, the seeds of anarchy are sown. If there is anarchy it shall be upon the heads of members opposite because anarchy arises when people lose respect and we cannot expect people to respect an institution which is not based on justice, on democracy, or on a fair go.

Australians believe in a fair go. They want a democratic system to be introduced into Western Australia for the first time. For that reason we believe we are speaking for the majority of Western Australians when we oppose this Bill.

**MR JAMIESON** (Welshpool—Leader of the Opposition) [8.23 p.m.]: I should imagine that if a Government in a democracy were to do anything in this day and age in respect of section 46 of the Constitution Acts Amendment Act it would be working in the opposite direction and clarifying the position so that the House of Review had no right to initiate matters dealing with finance instead of trying to clarify the position in the way the present Government is acting; that is, to give more power to the Legislative Council or at least to clarify the power in this regard.

I think it is high time we took a very keen look at where we are going. To me the Legislative Council as we have known it act in the past in its supposed review capacity bears no resemblance to the Chamber on which it was modelled—the House of Lords. That House no longer has these powers, has never asked for them, and is not likely to ask for them again; and should not have them.

If the Legislative Council is to remain it should remain as a proper House of Review and not as some sort of duplication of the Legislative Assembly. Until we reach that stage we will not have a clear indication—and the people will be further confused—as to who is really governing the State. We know very well that when a Labor Government is in office the Legislative Council governs the State. When a Liberal Government is in office usually the Legislative Assembly governs the State. So to that extent the situation must be very confusing to those people who are not closely associated with the parliamentary system.

If we clarify this one aspect so that Bills dealing with finance cannot be initiated by the Legislative Council we will solve the problem for all time. But the Premier's proposed amendment on this occasion does not do that. It further cements the situation by giving a right to the Legislative Council to enter the scene further. The Premier may as well take away the responsibility altogether. I do not know why he deals with this situation in a piecemeal fashion. If he is saying that the Legislative Council has a right to initiate money Bills under certain circumstances it may as well have the right to do so under all circumstances.

After all, the forces of the Premier's political colour have always controlled the Legislative Council and I should imagine they would do only the bidding of the Government of the day if it is a Liberal Government; they have always appeared to do that. The number of Bills which have been either completely emasculated or completely obliterated by the Legislative Council when a Liberal-National Country Party Government had a majority in the Legislative Assembly is far different from when a Labor Government has had the majority in this place. The figures are quite striking when we consider the extent to which that Chamber has affected the legislative programmes of the various Governments which have been elected.

In my few words to this Chamber tonight I am suggesting that we should be going the other way. We should be purifying the Constitution so that we know exactly where the people's House stands and where the other Chamber stands. The House of Review does not do any reviewing; it does a lot of the axe work when a Labor Government is in office in this State and it duplicates the work of this Chamber when a Labor Government is not in office.

If we wish to do any clarification at all surely it should be along the lines that the Legislative Council should not have this right. I agree that section 46 is confusing to some degree and it is no wonder that the several presiding officers referred to came down with a decision which made the legal powers of the State wonder whether under certain circumstances legislation initiated and passed in the other Chamber would be in order in the ultimate or whether it should have come via this Chamber with a Message from the Governor for appropriations for the matters it encompassed.

I think we have been going along fairly well in this regard. I am not altogether opposed to the decisions of these presiding officers. They were no doubt made after receipt of good advice and possibly after a lot of research and I do not think they should be lightly set aside.

The lesson for the Government of the day is that if it does not like section 46 of the Constitution Acts Amendment Act as it now stands, it should initiate its legislation by way of Message through this Chamber. It is not a difficult problem for it to overcome to secure a Message. It merely needs the signature of the Governor or the Administrator on another piece of paper.

The Government might say it is desirable for a Minister in the other place to initiate his own legislation. Of course, that is not possible in

many cases and still would not be possible if this Bill were passed. For instance, the provisions under the Traffic Act which were recently introduced to increase licensing fees and other things, by no stretch of the imagination, could have been introduced in the other place. They were introduced here with a Message, effectively passed and then undoubtedly handled in the other place by the Minister who looks after that particular portfolio.

So to me it seems to be quite an unnecessary move into the field of enlarging the powers of the Legislative Council in the first place, and then, as proposed by the Premier, to alter the Standing Orders of both Houses. The Standing Orders have served us fairly well and we have a reasonable idea of how these things would work at this stage. We certainly will not have that reasonable idea after the legislation as proposed in this Bill is passed. Because of that and without wanting to be a reactionary in any way I would prefer the existing circumstances than accept the proposal put forward by the Premier who contemplates giving this greater power to the Legislative Council. Because of that the Opposition opposes the proposed legislation in the form of this Bill.

**SIR CHARLES COURT** (Nedlands—Premier) [8.31 p.m.]: The member for Mt. Hawthorn who led for the Opposition in this matter made some rather wild statements at the start of his remarks and it caused us to query whether in fact he was speaking to the right Bill. It did appear to us that he was wandering into the next Bill on the notice paper because of some of the very extravagant remarks he made, none of which we agreed with. We felt he must be trying to pave the way for a dramatic utterance on that piece of legislation.

For some extraordinary reason he kept coming back to a theme of power. Anyone who took the time to have a look at section 46 of the parent Act and then looked at the proposed amendments would realise it is just a reverse of that. It is not a question of power; it is not a question of any Government, party, or person seeking power.

First and foremost we want to bring the whole debate back to the realities of the situation. In fact, the Leader of the Opposition of all the three speakers for the Opposition was the one who came back more to the actual detail of the amendments before us and the section under consideration. After all, this Bill is a very restricted one which deals only with a particular section, and for good purpose.

Those of us who have been here many years are conscious of the fact that presiding officers have had to face tremendous difficulties. They have done their best to walk the tightrope dealing with particular situations, both in respect of private members' Bills and also in connection with Government Bills. I think in the main they have served us well and have shown a degree of common sense and it is true we have got by up to this point.

This brings me to the next point that the member for Mt. Hawthorn made great play about; that is, what cases are there where legislation has been invalidated because of a misinterpretation or misuse of section 46. He did not seem to be very happy about the answer he got from me on this question when he asked for information from me earlier this session. He must realise that one does not wait until there is a collapse of legislation.

The Opposition members would be the first to challenge the Government if they had reason to believe certain legislation had defects in it and the Government did not try to do something about it, constitutionally or otherwise. If we did not take action to tidy up the section beyond reasonable doubt, they would be upset. The situation could arise and there may be a situation where the legislation would be challengeable if someone sought to try to upset the legislation of this Parliament. Therefore the amendment before us, simple as it is, is intended to remove beyond doubt the decision made by the Parliament.

The honourable member does not seem to accept the fact that prevention is better than cure. From the information before us and the number of arguments that have been made over the years the Government is convinced that it is time we tidied up this provision. We introduced this Bill separately so as not to get involved with the more complicated nature of the next Bill on the notice paper.

The member's criticism and vilification of the NCP was such that I could not follow him, so I will not dwell on it now. I am sure NCP members understand the content of this Bill better than he does.

One allegation he made was the threat to the power of this Parliament. I want to remind him that contrary to his expressed views the Bill before us, because of the replacement subsection (9) to section 46, strengthens the position of the Parliament; it declares beyond any doubt that the legislation passed by this Parliament will in fact be binding and not be challengeable as we

believe it could have been in the past. New subsection (9) reads as follows—

Any failure to observe any provision of this section shall not be taken to affect the validity of any Act whether enacted before or after the coming into operation of the Constitution Acts Amendment Act, 1977.

There has been a suggestion that we are giving more power to the Legislative Council. Again I remind members that if they read section 46 they will see this is not the case. Under no circumstances could the Budget Bills be introduced in another place. Under no circumstances could Bills imposing taxes be introduced in another place, even after this legislation is passed. If one reads section 46 as it stands, it spells out very clearly that the Legislative Council may not amend Budget Bills, Bills imposing taxation or Bills appropriating revenue or moneys for the ordinary annual services of the Government.

Mr Tonkin: Could it reject those Bills?

Sir CHARLES COURT: Yes; the phrase, "or moneys for the ordinary annual services of the Government" has a very special meaning to those who understand Government finance and who understand legislation that goes with it.

The member for Mt. Hawthorn made the statement that this legislation would divest the Legislative Assembly of its powers over fiscal measures. It does nothing of the sort. It is very important when considering Bills that members should read them and study them fairly. To make a statement like that is completely irresponsible and at variance with the amendments being introduced into the parent Act both before and after it is amended, assuming these amendments are carried.

The honourable member made great play about Governors' Messages. I am surprised he did so because he has now had a fair amount of experience in this Parliament and he is a student of the place and of its machinery. He knows there are very good and salutary reasons why we have Governors' Messages. They are certainly not a farce.

If one understands the Constitution, the laws dealing with the finances of the State, and the constraints that are imposed on Governments and Treasurers in particular, one will find they are very significant in the system and the operation of this Parliament.

Mr Tonkin: Explain why they are not a farce.

Sir CHARLES COURT: Of course they are not; the member should try having a Message without the constitutional right to get one. The member laughs about it, but one of these days,

Heaven forbid, he might be in a position where he wants to get finance but does not have the Parliament's approval and then tries to act outside the warrant or appropriation system. He will find out what the powers of the Governor are, and rightly so.

Mr Tonkin: The Governor does what you tell him.

Sir CHARLES COURT: It is quite improper for the member for Morley to ridicule a system he either does not understand or he just wants to destroy.

Mr H. D. Evans: Who advises the Governor on his Messages?

Sir CHARLES COURT: The elected Government does, but I remind the member for Warren that there is a very clearly defined system by which the Government gets its finance, whether by warrants or by appropriation.

Mr Tonkin: Who controls them?

Sir CHARLES COURT: The Parliament controls them. I despair for the honourable member. He and most of his colleagues have been through many Budget debates but they do not yet seem to understand the constraints imposed on Governments under the system by which we operate. A Government can work under warrants for a limited time and then it is subject to the appropriations of this House, and to the supervision of the Auditor-General himself.

Mr Tonkin: Why then do you need a Governor's Message?

Sir CHARLES COURT: It is necessary because there needs to be someone to tell the public that there is statutory provision for the financial requirements of a piece of legislation. It is sought only in a case where the Crown Law Department advises that there could be a challenge on the grounds of a charge on the Crown.

Mr Tonkin interjected.

Sir CHARLES COURT: I do not want to appear like a schoolmaster, but the member for Morley could well do with one on this matter. I hope someone will take him aside and give him a few lessons.

The amendments are simple and clear-cut; they are intended to remove doubts that have existed and hopefully they will improve the operation of this House without in any way giving added power to another place, if that is what is worrying Opposition members.

I think it is a long overdue amendment. It is a sensible one and the sooner it is passed and we get it in our Standing Orders the better it will be.

Question put.

The SPEAKER: The question is that the Bill be now read a second time. Those in favour say "Aye", and those to the contrary say "No". As this Bill requires a constitutional majority it will be necessary for me to divide the House. Ring the bells.

Bells rung and the House divided.

Division resulted as follows—

**Ayes 29**

Mr Blaikie	Mr O'Connor
Mr Clarko	Mr Old
Sir Charles Court	Mr O'Neil
Mr Cowan	Mr Ridge
Mrs Craig	Mr Rushton
Dr Dadour	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Spriggs
Mr Hassell	Mr Stephens
Mr Herzfeld	Mr Tubby
Mr P. V. Jones	Mr Watt
Mr Laurance	Mr Williams
Mr MacKinnon	Mr Young
Mr Mensaros	Mr Shalders
Mr Nanovich	

(Teller)

**Noes 17**

Mr Barnett	Mr T. H. Jones
Mr Bertram	Mr McIver
Mr T. J. Burke	Mr Pearce
Mr Carr	Mr Skidmore
Mr Davies	Mr Taylor
Mr H. D. Evans	Mr Tonkin
Mr Harman	Mr Wilson
Mr Hodge	Mr Bateman
Mr Jamieson	

(Teller)

**Pairs**

Ayes	Noes
Mr McPharlin	Mr Bryce
Mr Coyne	Mr Grill
Mr Crane	Mr B. T. Burke

The SPEAKER: I declare the second reading of the Bill carried by a constitutional majority.

Question thus passed.

Bill read a second time.

*Reference to Select Committee*

MR BERTRAM (Mt. Hawthorn) [8.46 p.m.]: move—

That the Bill be referred to a Select Committee.

Sir Charles Court: Surprise, surprise!

Mr BERTRAM: There are a number of reasons for this motion, and not the least of them is the great difference of opinion that exists between the Government on the one hand and the Opposition on the other. The Government is persisting in its attitude that the Bill is of minimal importance and will not have any profound repercussions. We on this side have already expressed, and we still maintain, an attitude quite at variance to this. When all is said and done this Bill is an amendment to the Constitution of the State and, as I have already said, no mandate for this amendment was asked for and no mandate for the amendment was given to the Government.

Section 46 has caused a considerable amount of debate almost from the time it was first enacted, and at least one Select Committee was set up to consider it. This committee was composed of members of the Legislative Council and of the Legislative Assembly in 1915.

That committee brought down a report, and suggested legislation was annexed to it. A few attempts were made to have that Bill converted into law and ultimately more or less successfully in 1921 it became law, with the exception of one provision. The provision which was deleted said that if the Assembly refused to make any such omissions or amendments the Council should not be entitled to repeat, press, or insist thereon. From memory that provision was deleted in another place and the remainder of the Bill was recommended and carried into law. We now see it as section 46 of the Constitution Acts Amendment Act.

At that time the seriousness of tampering with section 46 was acknowledged and we have a precedent therefore to look very carefully at that section. If we are to amend section 46, as the Premier is so determined we shall, then we should go a step further and amend it in all proper and appropriate respects.

The provision suggested by the Select Committee of 1915 was a good provision if we consider the attitude which would be taken by, say, the Parliament of Westminster. It was a pity that that provision did not become law at the time, but in my view there is no reason that it should not become law now. We do not want a repetition of the events mentioned by the member for Morley where a Labor Government was elected by the people and a few months afterwards an attempt was made by the present Premier to chop off supply. In the metropolitan area in 1974 the Australian Labor Party received a tremendous vote, but had the Premier had his way, it would have

been snuffed out of office in 1973 *à la* the Whitlam-Kerr type of deal. That it a grossly unfair situation, but while we have people of the Premier's ilk prepared to take such action, we must make provision in the Constitution to deal with it.

Members will see in the amendments which appear on the notice paper there are other provisions which are fair, proper, and appropriate provisions. As I have said, those amendments again simply point out the distinction in attitude between members of the conservative parties and members of the Opposition. It is very unsatisfactory that a Standing Order should be brought in here without the reasonable agreement of all members of the House. Since section 46 is to be taken out of the Constitution and really converted into a Standing Order provision, then we should deal with it in the same way. We should face up to the problems involved in a responsible manner.

Judging from the debate that has taken place in this House the real import of this Bill is not fully comprehended. It is no good lamenting about this at a later stage. The proper thing to do is to appoint a Select Committee, as happened in 1915; a precedent is already there. We must study the legislation carefully and we must attempt to establish some sort of unanimity in respect of the whole section rather than proceed in a piecemeal way.

I again emphasise the importance of this measure. I have moved for a Select Committee because I believe this measure should be given the closest scrutiny, and it should be the subject of detailed research and inquiry. It is not a Bill to be dealt with in the same way as other less important measures; that is to say, measures that are not constitutional amendments. One does not tamper lightly with any Constitution and in this Parliament we are fiddling around with the Constitution now almost as often as we fiddle around with the Liquor Act, and that is a bad thing. We should not be legislating piecemeal and without a close scrutiny of the subject in an attempt to reach something approaching unanimity.

Earlier in the second reading debate I mentioned the function of the House of Review. The member for Morley has spoken already about the fact that there is no longer a need for subsection (8) of section 46. The other day in the Press the Attorney-General was reported to have said that about 90 per cent of the Bills must emanate from this House because by some stretch of the imagination apparently that number of Bills require a Message. What an odd sort of situation it is that we need to bring in Messages for 90

per cent of the Bills rather than reverse the situation so that only 10 per cent of them need Messages. It was about the 14th century that the necessity for Messages originated and the provision is no longer appropriate today. In any other organisation one would seek to streamline procedures, but not here. The conservatives are determined to follow this procedure whether or not it is sensible or appropriate. So we receive Message after Message when a much simpler procedure could be followed.

We can see an example of this type of situation with a Bill which has been introduced into this House already. When we come to debate that Bill, we will see some of the foolish things that can happen from the continued application of section 46(8).

It is not fair or reasonable that the upper House should be able to enforce its will indefinitely against a Government in the lower House, and it is for this reason that the amendment on the notice paper attempts to include a time limit.

Nor do we believe, as I have mentioned, that it should be possible for the upper House to block any legislation in the way in which the Premier sought to do during the term of the Tonkin Government. Mercifully, more responsible people were not prepared to go along with him and we checked his attempt in this direction.

A great deal of inquiry and debate has occurred between responsible men in many Parliaments about the relationship between the upper and lower Houses and yet an overwhelming majority of members here really have little knowledge of the workings of section 46. In fact, we seem to have shown very little concern about the section at all, and that is most unsatisfactory, to put it mildly.

This Bill requires greater study. The Constitution should not be picked up, dropped down, amended, patched up, and fiddled with in this manner, as happened with another Bill, and as happened during the last Parliament. Any amendments should be accomplished in a proper and reasonable manner and one way to do that is through a Select Committee.

**MR TONKIN (Morley) [8.58 p.m.]:** I second the motion moved by the member for Mt. Hawthorn. As he has pointed out, this Bill is to amend the Constitution, and that is something that should not be done lightly. I wonder what has happened to this Parliament in that we no longer believe in Select Committees. In bygone days committees were a common device used to probe difficult matters, to obtain skilled advice from people, and to obtain comments from the

average citizen. I suggest this Parliament has fallen from its former glories when it revelled in the fact that it was a Sovereign Parliament and it took its duties very seriously. With the style of Government which the Premier prefers, the appointment of Select Committees is refused continually.

We believe in this case a Select Committee is desirable. I do not think many members on the Government side understand the purpose of the Bill. We need a thorough look at this question of constitutional change. Some of the matters raised in this debate strike at the very base of our society and whether or not we are to have a democracy where the people choose the Government, and whether a House which is not accountable immediately to the people should be able to destroy a Government.

Probably the questions involved here are fundamentally questions of philosophy rather than questions of fact; that is to say, questions of the basic ideology of the people. If we believe we should have a democracy in Western Australia, that means we believe the people should have some influence on the way in which this society develops. The way to do that of course is for the people to have access to Parliament.

One way of getting access to Parliament is through a Select Committee. This would enable people to express their views on this matter, whether they be university dons, clerks, bulldozer drivers, teachers, bank clerks, labourers, or whatever. Having been on a Select Committee which dealt with constitutional matters, I know the vast majority of people will not come forward, will not feel themselves competent to comment. However, I was amazed on that occasion during the 27th Parliament at the very large number of people who had expertise, expertise we would not necessarily have been able to tap.

The main purpose of a Select Committee is that it has an educative influence on members of Parliament. Education is a life-long process, and we should continue to educate ourselves to the greatest degree possible. For instance, we know many people have changed their minds in regard to homosexuality by sitting on a Select Committee; that was something which enabled people to understand the problems surrounding homosexuality far better than they did before.

The Constitution also is a very complex, although a very different kind of problem. I do not know why the Premier has this obsession with

not having Select Committees. He has an obsession with ramming legislation through this Parliament as quickly as he can. All he wants to do is to impose his will. I do not know why he adopts this attitude. He seems to oppose the free inquiry of members of Parliament. He does not seem to have respect for the institution of Parliament, or want to see Parliament operate in a proper manner. He just wants to see the decisions taken in Cabinet rubber stamped in this place in the shortest possible time. However, we do not share the Premier's low view of this place; we believe it has a prime legislative function to pursue.

We believe such reviews should be carried out in depth. We should look at these matters very carefully. It has often been said that the Premier is very skilled as a one-man-band. It is quite clear that people who dare to disagree with him in Cabinet—as did the member for Mt. Marshall and the member for Stirling—can no longer stay in that Cabinet. We do not like autocracy; we do not like a one-man-band, where one man can impose his will on a State. This may have been appropriate in tribal days, but it is no longer appropriate today.

We believe this Parliament should be treated with respect. Its members should be allowed time to cogitate upon matters and to put forward submissions on issues in which they have an interest. They should be permitted time to think about problems which could be associated with legislation, and then report back to this House. The idea of ramming this Bill through in one night and then putting it up to the other place to be rammed through again is abhorrent to the Opposition.

We believe in the institution of Parliament; we believe it should be allowed to operate properly. There is only one man in Western Australia who is preventing it from operating properly, and that man is the Premier. We believe megalomaniacs of this kind are a danger to society, and for that reason we believe this Parliament should assert its authority and its right to consider these matters.

This Bill seeks to amend the Constitution of Western Australia, and even though it may appear to be only a small amendment, it relates to a fundamental part of the Constitution. For the Premier to treat the Parliament as being his own personal, private rubber stamp just is not acceptable to the vast majority of Western Australians, who today are better educated than ever before, who are very concerned with the future of their State, and who want to have some share in shaping their State.

The Opposition abhors this ramrod approach to legislation, the idea that Parliament is some kind of sausage machine, the end product of which is a creature in exactly the same form as it went into the machine. We believe we should have a chance properly to digest the input of this place and to see to it that when it comes out it has the stamp of approval of the representatives of the people of Western Australia—not just one man, who happens for the time being to be Premier of the State.

We do not like one-man-bands; we do not like a situation in which one man runs a State. We abhor this system. We know that it is acceptable in the Soviet Union, and that a person like Breshnev has this same power over the Soviet Union. Whatever he decides will come out, in fact comes out of the Supreme Presidium. We know he has the ability to say, "What I want goes." We also believe the Premier has this same kind of power. However, the Opposition does not believe in this kind of power, or in a one-man-State. For this reason, we say the Parliament should be permitted to carry on its proper function.

We know that during the time of the Tonkin Government there were seven Select Committees; in the time of the last Parliament, there were two Select Committees, one of which was put to an improper use. However, in this Parliament we have had no Select Committees whatever. If the Premier continues to treat Parliament in this way, it will become a sham, as the member for Melville quite rightly said in his maiden speech. It is no wonder that people visiting this place know what it is all about within five minutes of being here. This is something about which we should be ashamed; it is not acceptable to the Opposition.

We want Parliament to operate properly. Decisions relating to legislation should not be based upon numbers, as they are at the moment, but upon mature reflection by mature people, who are permitted the opportunity to express their views, and to vote according to their beliefs. This one-man-band approach adopted by the Premier is unacceptable to Western Australians. It may be suitable in the Soviet Union, East Germany and Hungary, but it certainly is not suitable, appropriate or acceptable to Western Australians.

**SIR CHARLES COURT** (Nedlands—Premier) [9.06 p.m.]: The Government rejects the motion for a Select Committee, and for good reason. The amendments before the House should be

clearly understood by all concerned. They do not contain any matter of great depth, as the member for Morley suggests. One either accepts the principle, or one does not. We in Government have embraced the principle because we believe it is in the best interests of this Parliament. We have given our reasons very clearly and simply; there is not a lot to be said about it, because it is a simple Bill. It refers specifically to section 46 of the Constitution and deals with the workings of the two Chambers, one with the other, and the overall working of the Parliament.

**Mr Tonkin:** The relationship of the two Houses is not a simple matter; it is the very basic and fundamental matter of Parliament itself.

**Sir CHARLES COURT:** The principle involved in section 46 and the amendments now proposed are very clear-cut and easy to follow. It is simply humbug on the part of the Opposition to suggest the matter should go before a Select Committee, merely to try to further the objectives of the member for Morley, in particular, who has a bit of a thing about Select Committees.

**Mr Tonkin:** I have a bit of a thing about democracy, and the proper functioning of Parliament.

**Sir CHARLES COURT:** This "thing" about democracy to which the honourable member refers is just a farce.

**Mr Carr:** The Premier says democracy is a farce!

**Sir CHARLES COURT:** In office, the member for Morley would be the biggest autocrat and dictator one would ever strike. I have seen these people around before; they talk about democracy, committees and suchlike until they get into office, and then we see them come out in their true colours.

For the member for Morley to liken what we seek to do to what occurs in the Soviet system is so farcical as to be ridiculous.

**Mr Tonkin:** It is not; you know that whatever Breshnev decides will come out, will come out, and it is the same with you.

**Sir CHARLES COURT:** I believe that if the honourable member made a study of the Soviet system he would get a completely different idea of the situation with Mr Breshnev and other people in similar situations in totalitarian countries. Mr Speaker, the Government rejects the motion to refer the Bill to a Select Committee.

Question put and a division taken with the following result—

## Ayes 18

Mr Barnett	Mr T. H. Jones
Mr Bertram	Mr McIver
Mr T. J. Burke	Mr Pearce
Mr Carr	Mr Skidmore
Mr Davies	Mr Taylor
Mr H. D. Evans	Mr Tonkin
Mr Harman	Dr Troy
Mr Hodge	Mr Wilson
Mr Jamieson	Mr Bateman

(Teller)

## Noes 29

Mr Blaikie	Mr O'Connor
Mr Clarko	Mr Old
Sir Charles Court	Mr O'Neil
Mr Cowan	Mr Ridge
Mrs Craig	Mr Rushton
Dr Dadour	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Spriggs
Mr Hassell	Mr Stephens
Mr Herzfeld	Mr Tubby
Mr P. V. Jones	Mr Watt
Mr Laurance	Mr Williams
Mr MacKinnon	Mr Young
Mr Mensaros	Mr Shalders
Mr Nanovich	

(Teller)

## Pairs

## Ayes

## Noes

Mr Bryce	Mr McPharlin
Mr Grill	Mr Coyne
Mr B. T. Burke	Mr Crane

Question thus negatived.

*In Committee*

The Chairman of Committees (Mr Clarko) in the Chair; Sir Charles Court (Premier) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 46 amended—

Mr BERTRAM: I move an amendment—

Page 2, lines 2 and 3—Delete paragraph

(a) and substitute the following—

“(a) as to subsection (2), by—

(i) inserting the following passage after the word “amend” namely, “, neglect to pass or fail to pass”;

(ii) deleting the comma after the word “revenue” in line three; and

(iii) adding the following to the end thereof: “and in any case such a Bill must be dealt with and returned to the Legislative Assembly within 30 days or such other space of time as the Legislative Assembly may from time to time fix.”

*Point of Order*

Sir CHARLES COURT: Mr Chairman, I rise on a point of order to get your direction as to the validity of this amendment. The Bill was specific in terms of what it sought to do and now the honourable member has moved an amendment and has on the notice paper several amendments which are completely at variance with the objects of the Bill, which has now been adopted by this Chamber at the second reading stage. I suggest, with respect, that the amendments do not seek to amend the Bill in the way one would normally expect amendments to do so. On the contrary, they seek to introduce a completely new concept. If they were passed the Bill would bear no resemblance to the form in which it was adopted at the second reading stage.

Mr TONKIN: On the same point of order, this is a Bill for an Act to amend section 46 of the Constitution and it is quite in order for us to amend any part of section 46. If we try to work out whether something runs counter to the original intention of a Bill, I think you, Mr Chairman, will be in a most difficult—and indeed, impossible—situation. The Opposition usually tries to alter the meaning of a Bill and it would be nothing new for us to do so, and for us to move an amendment is part of our constitutional right.

If we had moved outside section 46 there might be some substance to the Premier's complaint, but we have stuck to the purport of this Bill which is to amend section 46 and our amendments refer to section 46.

Mr BERTRAM: This point of order is just a manoeuvre to attempt to stifle legitimate debate on the section of the Constitution Acts Amendment Act which is before the Committee. It is an old gag but I trust, Mr Chairman, that you will not fall for it. The member for Morley has referred to the title of the Bill, which is a Bill for an Act to amend section 46 of the Constitution Acts Amendment Act, 1899-1975.

This is not a Bill to amend any particular subsection. At any event, this clause touches on subsection (2) which is the very subsection with which I am dealing.

Is it suggested that we have to get down to a phrase, a word, or a letter? There are nine subsections to section 46; my proposed amendment deals with subsection (2) and this clause deals with subsection (2). How much closer can one get? One cannot get any closer. We are right at the point, and this device merely to put a stop to debate on worth-while amendments surely will be recognised by you, Mr Chairman. I do not think one need say any more.

The CHAIRMAN: I shall retire until the ringing of the bells to consider the point of order.

*Sitting suspended from 9.19 to 9.45 p.m.*

#### *Chairman's Ruling*

The CHAIRMAN: I have considered the point of order raised by the Premier in regard to the amendments which appear on the notice paper. I have considered them in the light of Standing Order No. 266, and I rule that there is a point of order: these particular amendments, as moved, are not admissible.

#### *Dissent from Chairman's Ruling*

Mr BERTRAM: Mr Chairman, I move—

That your ruling be disagreed with.

The CHAIRMAN: I ask the member for Mt. Hawthorn to put in writing the reasons for his dissent.

Mr BERTRAM: I thank you for your forbearance, Mr Chairman, while I write down my reasons. I will read them out and then hand them to you.

The CHAIRMAN: No, I ask the member to pass them to me, and to resume his seat.

I will now report to the House.

*[The Speaker (Mr Thompson) resumed the Chair.]*

The CHAIRMAN OF COMMITTEES (Mr Clarko): Mr Speaker, I have to report that while in Committee on a Bill for an Act to amend section 46 of the Constitution Acts Amendment Act, 1899-1975, and while considering an amendment on the notice paper in the name of the member for Mt. Hawthorn the Premier rose on a point of order concerning the admissibility of that particular amendment. I considered the

matter and ruled that there was such a point of order and that the amendment was not admissible. At that stage the member for Mt. Hawthorn moved to dissent from my ruling for the following reasons which he has submitted in writing—

The proposed amendment is—

- (1) as required by Standing Order No. 266 relevant to the subject matter of the Bill;
- (2) otherwise in conformity with Standing Orders of the House.

In particular the amendment seeks to amend subsection (2) of section 46 which is the section which is immediately before the Committee—a subsection which comprises only four lines of print or thereabouts.

The SPEAKER: To enable me the better to understand the points advanced by the Premier and the member for Mt. Hawthorn, I am prepared to hear argument at this stage. The member for Mt. Hawthorn.

#### *Point of Order*

Mr TONKIN: Is this regarded as the moving of the motion to dissent from the ruling or are we discussing the point of order raised by the Premier?

The SPEAKER: I assume the dissent from the Chairman's ruling will be pursued by the member for Mt. Hawthorn, who I understand moved it. The reasons have been read to me but I would like to hear his expression and then perhaps hear what the Premier has to say. I will then give consideration to my thoughts on the matter as to whether or not I support the Chairman's ruling.

#### *Debate (on dissent motion) Resumed*

Mr BERTRAM: Mr Speaker, on page 8 of today's notice paper, under the heading, "When in Committee on the 'Constitution Acts Amendment Bill'", the following appears—

Mr BERTRAM: To move:—

Clause 2.

Page 2, lines 2 and 3—To delete paragraph (a) and substitute the following paragraph:

"(a) as to subsection (2), by—

- (i) inserting the following passage after the word "amend" namely, ", neglect to pass or fail to pass";
- (ii) deleting the coma after the word "revenue" in line three; and

- (iii) adding the following at the end thereof: "and in any case such a Bill must be dealt with and returned to the Legislative Assembly within 30 days or such other space of time as the Legislative Assembly may from time to time fix."

I read that proposed amendment to the Committee and was about to explain the reason for it when the point of order was taken that the proposed amendment did not comply with the provisions of Standing Order No. 266, which reads—

Any amendment may be made to a clause, provided the same be relevant to the subject matter of the Bill, or pursuant to any instruction, and be otherwise in conformity with Standing Orders of the House; but if any amendment shall not be within the title of the Bill, the Committee shall extend the title accordingly, and report the same specially to the House.

In raising his objection the Premier made out no case at all other than to say, I think, that what we were seeking to put in here was a completely new concept. He may have added other words but that will be for him to argue about.

I rely on the grounds already submitted to the Chairman, as read to you by him, Mr Speaker. Section 2 of the Act contains only about five very short lines. Firstly, I should say section 46 is the one under review. Section 46 has been laid open before the Committee, not any subsection of it. The title of the Bill is, "A Bill for an Act to amend section 46 of the Constitution Acts Amendment Act, 1899-1975". No specific subsection is mentioned. If the Government wants to restrict debate to a subsection of an Act, it should say so. If it does not do that it should not later on condemn the Opposition for proceeding in the manner which we have advertised. Here the question under review is section 46. Clause 2 on page 2 of the Bill says—

2. Section 46 of the principal Act is amended—

- (a) as to subsection (2), by deleting the comma after the word "venue" in line three;

So we go a step further. The Bill is not only to do with section 46; the Committee has immediately before it not only section 46 but also subsection (2) of that section.

I do not know how one can really be more precise than to get down to a subsection. I argue

that the subsection has been laid open by this Bill. It is a very short subsection, and we are seeking to insert a few words into it. I do not know how one can be much more precise than that. The subsection could hardly have fewer words, and so it is a precise provision which has been placed before the Committee, inviting debate, approval, or amendment as the case may be.

This is a classic case of the Premier, having in the back of his mind the existence of Standing Order No. 266, wanting to close the debate as soon as he possibly can, and seeking to implement the Standing Order where it is just not applicable.

As I have said, section 46 (2) is before the Committee for attention, and we are treating it on that basis. Therefore I argue that the ruling of the Chairman of Committees that the amendment I have identified is out of order because it is offensive to Standing Order No. 266, is wrong.

Sir CHARLES COURT: Mr Speaker, by way of explanation, I refer you to the fact that the Bill that was introduced by the Government contained specific terms, and they were debated at considerable length at the second reading stage. Therefore, when we look at Standing Order No. 266 we have to place special weight on the words, "the subject matter of the Bill". As he is a legally trained person, I am sure the member for Mt. Hawthorn would accept that.

When we place weight on those words we have to refer to the interpretations section of Standing Orders, and in particular page 58, where the following is stated—

"Subject Matter of a Bill" means the provisions of the Bill as printed, read a second time, and referred to the Committee.

Bear in mind that the Committee is in theory and in legal terms a different body from the House that considered the Bill during the second reading stage. Therefore, it is very important that we accept the fact that the reference to "the subject matter of the Bill" is paramount. There have been many cases where this has been illustrated. In fact, one occurred within the life of the present Parliament in another place where this very question was argued and the principle of "the subject matter of the Bill" was in fact accepted by members of the Opposition. Members will find that for themselves if they read the debate that ensued on a similar matter. The Opposition did not agree with some other aspects of the matter, but at least it agreed with this particular provision.

Mr Speaker, I invite your attention to the fact that the series of amendments put forward by the member for Mt. Hawthorn must be taken in toto in order to ascertain the full burden of what the Opposition is seeking to achieve. It is trying completely to distort the original intention of the Bill as passed at the second reading stage, and as referred to the Committee.

I also invite your attention to the fact that whilst some people adopt the rather simplistic view that as long as they keep within the section being considered they can do what they like, we come back to the basic question of "the subject matter of the Bill". Referring to the subsection that the Opposition seeks to amend, the insertion of the passage "neglect to pass or fail to pass" after the word "amend" completely changes the significance of the Bill, even if one does not go any further.

Then the Opposition has used the device in the form of the amendment put forward by the member for Mt. Hawthorn to reinsert the reference to the comma. Of course, the Opposition had to do that to make sense out of it. Then it goes on to add a third part to the amendment to subsection (2) of section 46, which again completely distorts the purpose of the Bill, by adding the following words at the end of that subsection in the parent Act—

... and in any case such a Bill must be dealt with and returned to the Legislative Assembly within 30 days or such other space of time as the Legislative Assembly may from time to time fix.

I do not think I need go further because I have never seen an amendment which is so diametrically opposed to the intention of a Bill, even though it might be contained in the same subsection. I submit to you, Sir, that the subject matter of the Bill and not only the subject matter of the section has to be paramount in a case like this. There are circumstances in which when one is dealing with a section one can make quite substantial amendments to it, but always within the confines of Standing Order No. 266, and also within the confines of the definition of "Subject Matter of a Bill" as set out in the interpretations on page 58 of our Standing Orders.

The SPEAKER: I have heard from the member for Mt. Hawthorn and the Premier to assist me in making up my mind as to where I stand with regard to the ruling made by the Chairman. I intend now to leave the Chair to consider the matter further, after which I will give a considered opinion on the points that have been raised.

*Sitting suspended from 10.07 to 10.17 p.m.*

### *Speaker's Ruling*

The SPEAKER: The question for me to decide at this stage is, in effect, the meaning of the words "subject matter of the Bill".

My reading of the Bill, supplemented by speeches made in the House, leads me to the view that the amendments framed and proposed by the member for Mt. Hawthorn are not strictly relevant to the subject matter.

The member's amendments deal with broad issues concerning relations between the two Houses and their respective powers. The Bill is primarily concerned with the challengeability of legislation passed by the Parliament.

I uphold the Chairman's ruling.

### *Committee Resumed*

Mr BERTRAM: The first part of the proposed amendment has been dealt with and is said to be out of order. Mr Chairman, may I proceed with the second part?

The CHAIRMAN: That also would be ruled inadmissible as would be the subsequent ones appearing in your name.

Mr BERTRAM: In that case I turn to subsection (7) of section 46 which reads as follows—

Bills imposing taxation shall deal only with the imposition of taxation, and any provision therein dealing with any other matter shall be of no effect.

The intent of this Bill is to delete the words "and any provision therein dealing with any other matter shall be of no effect". That section will then read—

Bills imposing taxation shall deal only with the imposition of taxation.

The Bill as amended seems to be saying precisely by implication what the section currently says.

We have had no explanation at all as to what then is going to be achieved by this particular amendment. Surely the Committee is entitled to a clear and concise explanation as to just what is to be achieved. I think until a satisfactory explanation is given the Opposition has no choice but to oppose it. It should be remembered that the provision was not put there lightly; it was put there as a result of the recommendation of a Joint Select Committee in 1915. It is not for us lightly to strike out the words without receiving an explanation from the Government. The Opposition objects to and opposes the amendment and looks forward to being given the courtesy of some knowledge of what it is all about.

Sir CHARLES COURT: I gladly respond to the member's invitation. He will know from his professional training that it has always been not only a practice but also a requirement that, except in the most extraordinary circumstances which I cannot think of at the moment, a taxing Bill stands alone. The words in the present Act are as follows—

... and any provision therein dealing with any other matter shall be of no effect

This can bring about all sorts of legal complications and matters of interpretation if the Bills are ever challenged. It has been established that we do have such a thing as a taxing Bill and we have had experience recently in this Chamber where a Bill was brought down that dealt entirely with the actual method of the imposition of the tax. We had another Bill which dealt with the tax itself.

There are two different forms of Bills and good reasons for that separation in this particular legislation. It was brought to the Government's attention that these words that have been included in the parent Act, if taken literally, could produce a situation where, in all good faith, a Bill brought down to impose a tax could be challenged because, for some quite innocent reason, some other words had been tacked onto the piece of legislation. The particular legislation dealing with the imposition of taxation could then be made challengeable.

I emphasise that when the Bill was first brought down we were trying to overcome the situation where the will of the Parliament could be challenged. To ensure that the will of the Parliament prevails is part of the basic reason that the Bill was brought down. I remind the honourable member that it is the custom and the need to have a Bill which spells out a tax simply and clearly and not to have any other provisions surrounding it. One of our fears was that the words that have been put in the parent Act brought their own dangers. Again I quote as follows—

... any provision therein dealing with any other matter shall be of no effect.

Those words were probably put in to be ultra-safe, but as often happens in legislation, contracts and the like, when one adds words by way of amplification an anomaly is created which was originally intended to be avoided. For that reason the words are to be deleted.

In the legal profession they have a term called "tacking" other matters to taxing Bills and this is frowned on traditionally for good reason. To

avoid any suggestion of "tacking" it was decided that these words be deleted.

Clause put and passed.

Title put and passed.

### *Report*

Bill reported, without amendment, and the report adopted.

### *Third Reading*

Leave granted to proceed forthwith to the third reading.

**SIR CHARLES COURT** (Nedlands—Premier) [10.27 p.m.]: I move—

That the Bill be now read a third time.

Question put.

The **SPEAKER**: I declare that the third reading of the Bill has been carried with the required constitutional majority.

Mr Barnett: How do you know?

The **SPEAKER**: I detected no dissentient voice, and I satisfied myself that there was a constitutional majority present.

Question thus passed.

Bill read a third time and transmitted to the Council.

## **ACTS AMENDMENT (CONSTITUTION) BILL**

### *Second Reading*

Debate resumed from the 6th September.

**MR JAMIESON** (Welshpool—Leader of the Opposition) [10.28 p.m.]: This is another Bill dealing with constitutional matters. We have just spent a long time debating one such Bill and we could be just as long on this one. I consider this Bill to be quite mischievous, unnecessary, and totally reprehensible. The Opposition will oppose it strongly and we utterly reject this unprincipled exercise in political chicanery, cooked up by the Premier to prove the Liberal Party is ultra-establishment and the Labor Party is very much against the establishment. We will examine that as we go along.

Let me say at the outset that this legislation reflects the threadbare nature of the Government's legislative programme. The Government is bringing forward little of consequence and is fooling around with these "bit" theorems which may be important to it, but which I am sure are not very important to the people of Western Australia.

So far this session the Government has introduced a series of machinery Bills which reflect the needs of the administration of the State and do

not contain any vision of this State's future. They are public service measures, not measures dealing with broad Government policy. They demonstrate fairly clearly that after three years of office the Government has run out of ideas and steam. I mentioned this the other night. After only three years it has become tired and unimaginative and it has virtually given up the ghost in regard to propositions which would be of benefit to this State.

Mr Rushton: You have run out of speeches.

Mr JAMIESON: Maybe the Minister will run out of speech when I have finished. The Government is starting to act more like an ineffective Opposition than the Government of the day. Again I reiterate that it seems to have run out of steam and has no positive ideas upon which to act.

Mr Sibson: We are cooking on gas these days.

Mr JAMIESON: The member for Bunbury is always full of gas and one of these days he will float merrily away with no Mary Poppins to bring him back again.

Mr Sodeman: That is not an intelligent comment from the Leader of the Opposition.

Mr JAMIESON: And that is not an intelligent comment from the member for Pilbara, so we are about even.

Mr Barnett: Don't bring yourself down to his level.

Mr Pearce: Is the member for Bunbury reading his interjections tonight?

Mr JAMIESON: What is proposed in the Bill is something for which the Premier claims he has a mandate.

Mr Sibson: On what do you base that?

Mr JAMIESON: Not on the member for Bunbury because he would not know whether he had a mandate or not. Someone should give him some field glasses so he knows what is going on.

The present situation is that there is not enough positive legislation to go on with so the Government is dealing with a lot of mischief.

Mr Sibson: Yes, we certainly are with you fellows over there.

Mr JAMIESON: Fairly severe limits are placed on private members' legislation and we have an amount of it yet to be introduced. The time could be better used to deal with that legislation which entails a positive approach to problems of the State than in trying to deal with this sort of legislation. If we had time to consider the

legislation we regard as of real importance, some reasonable debate would result and stunts like this one need not necessarily come before the House.

It is amazing to note that the Government apparently thinks this legislation will prevent the implementation of ALP policy or that it will negate ALP policy. Unfortunately for the Government, the comments the Premier made when introducing the legislation indicate that he has misread or misconstrued the policy. I doubt whether he has ever read it and I certainly doubt whether he has ever read the Federal Constitution with which I will deal in a little while.

The legislation before us is both unnecessary and sinister. It is unnecessary because it is wasting the Parliament's time and in the large part will have little practical effect under the present Constitution and electoral circumstances of this State and the nation. It is sinister because it puts yet another hurdle in the way of democratic reform. We have already had a debate on this earlier tonight. The position in this State is such that this Parliament is not truly democratic. The Premier protests that it always is; but it is not and it cannot be until a basis of one-vote-one-value is represented by the members of this House. It will only then be representative of the wishes of the people of Western Australia as expressed by the ballot box. It certainly is not at present. The Premier stated that the Bill is designed to achieve three things. He said—

One is to emphasise the role of Her Majesty the Queen in the Parliament of Western Australia. Another is to protect and preserve the existence of both Houses of the State Parliament and to ensure their continued role as an integral and essential part of the law-making process.

The third purpose of the Bill is to confirm by Statute the office of Governor, and that appointments to the office of Governor and the instructions with which the Governor must comply in performing his duties are both made and issued by the Queen personally, as is the present case.

The Premier then went on to outline some more specific matters covered in the Bill as follows—

The Bill proposes to spell out clearly in our Constitution the fact that our Parliament consists of the Queen and the Legislative Council and the Legislative Assembly.

The Bill also proposes that any future Bill which would abolish either House of the Parliament, or which would reduce the numbers of the members of either House, or

which would permit either House to be constituted by members not elected by the electors at large can become law only if such a Bill is passed by an absolute majority of both Houses of the Parliament and is approved of by all of the electors of the State voting at a referendum.

The same procedure would also apply to any Bill which would abolish or alter the office of Governor, abolish or alter the sole right of the Queen to issue instructions to the Governor as to the performance of his duties, or alter the requirement that every Bill must be presented to the Governor for assent before it may become law.

The Premier later quoted from his election policy booklet. The amazing part about this is that the only time he dwelt on this matter was briefly in his initial campaign speech. At no other time at any place where he was reported giving public orations on his policy did he again refer to it. If it is so important, surely he would have referred to it a number of times so that the people of this State would have known exactly what they were up for if they elected a Government of this ilk. His quotation from the election policy booklet was—

We also have reason to believe that attempts could be made to alter the office of Governor, to abolish or water down the right of the Queen to appoint the Governor, to by-pass the Governor's role in giving assent to every law, or to make the Governor a rubber stamp of the Government as part of the process of undermining our State Constitution and our Parliament.

He might be able to tell me of even one particular item in regard to which the present Governor has not been a rubber stamp for his Administration. I presume there are none; I could be wrong.

Before we go any further let us be quite clear on the ALP policy on these matters. The Premier claims this legislation is necessary to protect this institution against ALP policy. Unfortunately, he is a bit confused about ALP policy. Perhaps this is from ignorance although we know that facts have seldom stopped him from shooting from the hip when he thinks the occasion warrants it.

Firstly, let me make it quite clear that there is nothing in the ALP policy about abolishing or changing the role of the Queen in this State or the nation. One would have assumed there was; but we will deal with the actual contents of the policy later on.

Of course, the Premier reads something in the Press and believes it is gospel, unless it is a report of what he has said and then we are told he has not been reported correctly.

Secondly, anyone with the slightest knowledge of the parliamentary system of government is aware that the Parliament always comprises the Monarch plus Parliament. In our case this means the Monarch and two Houses of Parliament, all having equal constitutional weight. That is not in doubt. The parliamentary system would have to be abolished for this to be changed. Therefore this aspect of the legislation is quite pointless and an empty type of gesture. It is undoubtedly an exercise in political point scoring.

It is true that the ALP is committed in the long term to establish in this State a unicameral Legislature; that is, a single House of Parliament. However, we recognise very clearly this course probably is not yet acceptable to the people of the State and to that extent I made it very clear during the election campaign that the only electoral reform that would be attempted during the life of the next Parliament should we be elected would be that of reforming the Legislative Council on the basis of a proportional representation House. There was nothing else at all.

Under the constitution of the ALP and its rules and platform I was quite entitled to say this, as I will show directly. We recognised very clearly that this course is probably not yet acceptable to the people of this State, as I said earlier—I am referring to a single Chamber of Parliament—and we were quite prepared to accept that at that time. Our immediate attempt, of course, would have been to reform the Legislative Council to which we have always shown strong exception.

When the proposal of the Premier was mooted, *The West Australian* in an editorial stated that before the Premier started doing anything about the matter he ought to consider some reforms for the Legislative Council. That paper was not keen on the idea at all—not before he did something to make the situation more democratic and created a more accurate reflection of public opinion in the Legislative Chambers of this State.

A clear expression of opinion in the ballot box is all we have ever asked. We have never asked for anything which would have a detrimental effect on the people of this State.

We do not want the grotesquely weighted proposition in the electoral boundaries which exist at present in favour of interests instead of people as they are.

Our first aim would be to democratise the Legislative Council instead of our having the one in existence at present. The Premier's speech suggests we propose to reduce the number of members of Parliament. His statement was based on ignorance. If he had taken the trouble to investigate our policy he would have discovered we are committed to maintain the size of the Parliament. Indeed, our policy goes so far as to say that should we ever be in a position to create a unicameral system of government in this State, the size of the Chamber would be that of the numerical strength of both Houses of Parliament at that time.

Mr H. D. Evans: What would be the representation in the electorate?

Mr JAMIESON: Approximately the numbers which now constitute a country constituency.

Mr Blaikie: It would have to be better than your colleagues in South Australia.

Mr JAMIESON: Put us on that basis and let us try.

Mr Blaikie: Yes?

Mr H. D. Evans: I would be game.

Mr JAMIESON: The Premier stated that—

We also have reason to believe that attempts could be made to alter the office of Governor, to abolish or water down the right of the Queen to appoint the Governor ...

That is one of the greatest political hoaxes perpetrated in this State for a long time. I do not know how anyone but the Monarch could formally appoint the Governor. I do not envisage how it could possibly be done. The Premier might tell us how it can be done, if he knows, but I am sure he does not.

Leaving that aside, it is monstrous for the Premier to imply to the public that the Queen actually appoints the Governor anyway. She might sign the documents associated with the appointment of the Governor, but there is no Governor who is not already chosen by the Administration and recommended to her. That is so in the State of Western Australia, and in all other States for that matter.

I have been through the situation of a Governor being appointed, the same as the Premier has, so this is a lot of nonsense that he is trying to put over the people. The niceties of the procedure suggest that the Government only makes a recommendation to the Monarch, but we all know that the recommendation is always accepted and that the Monarch would never reject it. I am sure the Premier would not indicate to this

House that the Monarch would ever reject any such recommendation, particularly in this day and age.

So the Governor is the appointee of the Government of the day, and for the Premier to suggest anything different is a shameful exercise in blatant deception. He is not telling the public the factual situation. It ill-behoves him to try to baffle the minds of the public by some administrative trick that they do not appreciate, because the people just do not realise the differences between all the sections of government.

The action which the Australian Labor Party would take in regard to the position of Governor would be to leave the office unfilled. That is clear enough in our platform as I explained previously. We would appoint a Lieutenant-Governor. We did this some years ago, and there was no great outcry. The Lieutenant-Governor remained in office for about 17 years, and I did not hear anyone say that any harm came to the State because of this. In fact, during that time, the State made a fair amount of progress.

The State went through the trials and tribulations of war, and finally, during the latter years of this particular person's time in office, the conservative Government appointed him as Governor. However, during the whole time he occupied the position of Lieutenant-Governor he did a necessary job for the State in as capable a manner as any other Governor. Of course in this instance I am referring to the late Sir James Mitchell.

Such an appointee would carry out all the duties and functions of the office. The Constitution provides for this quite clearly and it would make more sense than the existing situation which costs the State almost \$500 000 for the Governor's establishment. We do not need to keep up this sort of establishment for a Governor to carry out largely ceremonial functions in this day and age. Surely we are entitled to our opinions on this matter without being classified as traitorous or as acting in some other way against the situation that prevails.

The constitutional and legal functions could well be carried out by a part-time Lieutenant-Governor at much less expense. The proposal to confirm by Statute the office of Governor is completely unnecessary. In any case it may be that the Premier is misleading the Parliament and the people by giving them the impression that by voting at a referendum they can abolish or create a Governorship, and I believe that is what the Premier has done.

The Federal Constitution contains a number of references to State Governors. For example, in part II, relating to the Senate, clause 12, states—

The Governor of any State may cause writs to be issued for elections of senators for the State. In case of the dissolution of the Senate the writs shall be issued within ten days from the proclamation of such dissolution.

Clause 15 reads—

The name of any senator so chosen or appointed shall be certified by the Governor of the State to the Governor-General.

There are no fewer than five separate references in various sections of the Federal Constitution to the office of a State Governor. It appears to me that before the office of any State Governor could be abolished there would have to be a referendum of all the Australian people under the terms of the national Constitution. Whatever Western Australians felt about it would not matter. There would have to be sanction by a constitutionally-held referendum to adjust the situation. In other words, even if Western Australians wanted to abolish the office of Governor of Western Australia they may not be able to do so without a national referendum being carried out. Just in case members on the other side of the House are so afraid of the Australian Labor Party that they fear a future Labor Government could promote a referendum to abolish State Governments and thereby carry out the constitutional requirements, I point out that it is also a constitutional requirement that a majority of the people must so determine that sort of action within this State.

The last paragraph of the Constitution of the Commonwealth of Australia reads as follows—

No alteration diminishing the proportionate representation of any State in either House of the Parliament, or the minimum number of representatives of a State in the House of Representatives, or increasing, diminishing, or otherwise altering the limits of the State, or in any manner affecting the provisions of the Constitution in relation thereto, shall become law unless the majority of the electors voting in that State approve the proposed law.

So it is quite obvious that this legislation is just an unnecessary exercise on the part of the Premier. In his speech he has not even related his remarks or anything else to the Commonwealth Constitution. He has disregarded completely the requirements under that piece of legislation—the full

Constitution of the Commonwealth of Australia—when he has been considering this situation. So it appears to me that this is one of those matters about which the Premier knows little.

A little knowledge is a dangerous thing when the Premier becomes involved in something like this. I do not doubt that because every now and then we see how the Premier interferes with the Constitutional Convention. He races in without giving much thought to the subject matter under discussion. He has not been associated with any working committees or parties associated with the Constitutional Convention. He races in with a speech that is usually politically orientated and he races out and is gone again until the next Constitutional Convention comes around. In the meantime many people who are involved very closely with the working parties are left to carry the can and he is very willing to criticise them when it comes to the plenary session of the Constitutional Convention without having played any part in any way in these interim measures.

Even if the State Constitution were amended to abolish the position of Governor, that would not be enough. As I pointed out, the Federal Constitution would have to be amended because it appears that the Federal Constitution probably already protects the office of Governor of Western Australia regardless of the way Western Australians feel about that office.

This shows how unnecessary the legislation is because the Governor of Western Australia is protected by the national Constitution and it is highly unlikely that a Federal referendum on Governors will be held, particularly in the near future. Many other matters are probably regarded as more important than that. Furthermore, the office of Governor is so firmly entrenched that it needs a majority in both the Houses of Parliament of Western Australia to alter or abolish the provisions associated with it. So already there is more than sufficient protection to ensure that all these heinous events that the Premier so readily wants to lay on our plate will not happen.

Mr H. D. Evans: Would the passage of the Bill through both Houses be before or after that referendum?

Mr JAMIESON: Under the proposal put up here by the Premier, the provision for a referendum would have to be passed in both Houses of Parliament by a constitutional majority. On top of that, the proposal would have to go to a referendum. At present it requires the passage

of legislation to alter the Governor's establishment in any way. To this extent it is completely protected.

In the present grossly malapportioned Legislative Council, the forces of conservatism, as represented by the Liberal Party and the National Country Party, have an entrenched and permanent majority because they have rigged the State's electoral system. One need only look at the facts and figures on this matter—and I will deal with a few of them directly—to show that that is the case. Until there are enough Liberals in the upper House who understand the principles of democracy and who care about them sufficiently, this will continue to be the situation and the office of Governor could not be changed under these circumstances, at least until someone like Steele Hall comes forward. Of course this is probably the reason the Bill is before us at this time.

If we were moving towards establishing a democratic Parliament, the problem the Premier foresees might be a real one. There might be someone perhaps prepared to fight for the principle of one-vote-one-value legislation to be the permanent consideration of this Parliament and not a move such as is being made on this occasion.

The cardinal democratic principle that every person's vote shall be of equal value to everyone else's vote is the salient feature that we, as a party, press and stand for. If we happen to be moving in that happy direction, we might be able to have a worth-while, interesting, and important debate on this measure in relation to the place of referendums in the system of parliamentary democracy. We have not had any referendums cemented in our legislation in this State for a long time. The last one appearing in legislation was taken out by the McLarty-Watts Government when a five-yearly referendum was held in regard to the licensing legislation on a local option. That referendum became such a farce that everyone was glad to see the last of it. It was not doing any good for the State, and it was costing a great deal of money.

This measure is a charade, and the Premier is using Parliament to play political games; in this case it is a game which has as much relevance to the realities of government in Western Australia as has snakes and ladders. Of course the Premier always wants to play the game of Monopoly. That is all he seems to know and whether he is using false or proper money does not matter to him as long as he has the monopoly. He wants to maintain that monopoly.

Turning again to the proposal requiring a referendum before either House of Parliament can be abolished, it is perfectly clear that this is another measure to further entrench the unfettered, undemocratic, and elitist power of the Legislative Council.

The Liberal and National Country Parties are not satisfied with having permanent control of the most powerful upper House in the world; they are not satisfied with having it so firmly rigged that it can never be changed while their members toe the party line. They are so frightened of a challenge to their power that they must go further; they must guard against a significant number of their members ever becoming imbued with the spirit of democracy.

When one examines the legislation one finds it is aimed more at those sorts of people than it is at the Labor Party. The Government is afraid that at some time there might emerge another Dr Hislop, who will embarrass the Government by causing further democratisation of the Legislative Council, as Dr Hislop did in 1965. Undoubtedly without Dr Hislop's move to this day no change would have been made to the limited franchise which used to exist in respect of the Legislative Council up till that time.

The referendum proposal is simply a phony attempt to give a veneer of democracy to a malapportioned, rigged, and inequitable system. The legislation is farcical when in the Legislative Council 66.5 per cent of the voters are represented by only 37.5 per cent of the members, and when 33.5 per cent of the voters returned 62.5 per cent of the members. It is farcical when the nine smallest Legislative Council provinces representing only 29.5 per cent of the electors return more than half of the members of the Council; in other words, 29.5 per cent of the electors can control that Chamber. If that is democracy then, of course, I am not here. The Premier is prepared to prop up this system and to do nothing about it despite the demands and protestations not only of the Australian Labor Party but also of the more enlightened people who write the editorials of *The West Australian* and who say that something is needed to be done about this matter before the Premier goes about his task of cementing in the Governor's establishment.

Besides that, this measure does not do anything to prevent what our party political platform indicates should be done. It is absolute nonsense to suggest that the Legislative Council needs protection when it has repeatedly blocked attempts to make it more democratic, let alone those attempts to abolish it.

In the 39 upper House elections held since 1890, control of the Council has not once passed from the conservative forces. That Chamber has never acted as an independent or impartial House of Review. It rejected 20 Bills during the six-year term of the Hawke Labor Government, but it rejected only one Bill during the 12-year term of the Brand Liberal Government. It rejected 21 Bills during the three-year term of the Tonkin Labor Government, but it rejected none during the past three-year term of the Court Liberal Government. Therefore, one can see the brush with which it is tarred, without entering into a discussion of just how conservative that Chamber really is.

The Legislative Council has been consistently and firmly opposed to reform. It has been consistently and totally opposed to change. It has been consistently and totally committed to reaction, and it has consistently substituted the thuggery of numbers for the responsibilities of review.

With a record like that, what possible need is there for further protection of the Legislative Council? It has shown itself over the last 87 years to be remarkably adept at protecting itself from the chilly and ever-changing winds of democracy. It does not appear to me to be in need of any help additional to that which it has been able to accord itself.

The proposals in the Bill will simply allow the Legislative Council to carry on even more successfully than it has in the past. That Chamber has been obstructive, and democratic parliamentary reform is not possible while this situation exists. If we are to have referendums, then it would appear to me that the appropriate time to conduct them would be after a proposal has been passed twice by the Legislative Assembly and rejected each time by the Legislative Council. If it is the desire of the Government to conduct referendums in respect of the Constitution, it might be appropriate that the people have some say in the matter at this stage.

It is unlikely the Liberal Party would ever consider a proposition like that; its members very much prefer the existing situation in which they mark all the cards in their favour before they play the game.

There is great irony in the fact that the Premier's proposal is to use a referendum, which by its very nature is conducted on the basis of one-vote-one-value, allegedly to protect the Chamber which is elected on a grotesquely weighted vote. If there were some justification for

the holding of a referendum, surely the Government would put forward a proposition at this stage that we should conduct a referendum to cement this situation in our Constitution. However, the Government is not doing that; it is saying, "We will wait so that finally, no matter what happens, the matter must be referred to a referendum."

I wonder how serious the Government is in its desire to consult the people in respect of changes, and whether it really wants the opinion of the people on major issues of the day or only on those issues on which it suits the Government to consult the people. So far it has indicated very clearly that the latter position will prevail.

The Government wants to hold a referendum in respect of the office of Governor and in respect of changes to Parliament, but it is violently opposed to a referendum on the single most significant issue of our time; the life and death issue of mining and exporting uranium. When we put that matter to the Government, it says it is the responsibility of the Administration to make such decisions. Surely before a decision is made on such a vital issue as that, the matter should be referred to the people for their consideration.

The Government is prepared to ask the people about whether there should be one or two Houses of Parliament, but not whether we should have democratic elections based on the principle of one-vote-one-value. This is a hypocritical double standard. I warn the Government that unless the Parliament is reformed and allowed to operate on a proper democratic basis it will become increasingly irrelevant to the people of this State. More and more people will form the opinion that since the Parliament is not representative of them, and since it is unresponsive to their wishes, they will have nothing to do with it and they will go about getting their wishes fulfilled by other means; and then, of course, the whole system will crash around our ears.

It will be a very sorry day for us when that happens, but it can and will occur if the Government does not take heed that the people of this State will one day require the control of the Parliament to be in their hands and not in the hands of the Liberal Party. When that day arrives all the blame will attach to the successive Liberal Governments and their conservative predecessors who have placed a higher value on entrenching themselves permanently in power, regardless of who is in office, than on making this State a functioning liberal democracy—using the word "liberal" in its proper meaning.

It is sheer humbug for the Government to claim it has a mandate for this measure. I mentioned earlier the only occasion on which the Liberal Party policy undertakings surfaced during the election campaign was when the Premier made a brief reference to them in his campaign opening.

I defy the Deputy Premier to arrange for an opinion poll to be taken on this subject, in order to ascertain the feelings of the population of this State. I am sure the Deputy Premier would get a shock.

After the brief release of the original policy, it disappeared without trace and properly so, because it was never more than a stunt. The measure itself appears to be sheer humbug. The Premier will insist, of course, that he has justification for this; but he is dodging around, tilting at windmills, as he is always doing, without achieving any good at all for the population of this State.

It is about time members opposite pointed out strongly and forcefully to the Premier that this State has real problems; it has unemployment problems; inflation problems; housing problems; and many other problems.

Mr Pearce: Premier problems.

Mr JAMIESON: Yes; the State has Premier problems also.

The State Government should be devoting itself full time to solving those problems, instead of involving itself in childish grandstanding of this nature.

I have mentioned the reference in the Constitution to the Governor a number of times. I have also mentioned the construction of the last sections of the Constitution which indicate to me, and to anybody who has studied the Constitution Act and the Constitution of the Commonwealth, that to amend any of these particular sections one would need to have a referendum of the people of Australia in order to obtain a majority of votes of the States to approve it. Therefore, the Governor's position is truly cemented in the Constitution.

I would like to refer to some of those figures, as is very often necessary, to make sure the Government of the day realises just what it is doing and what it has done; in order that it has an appreciation of the situation. The latest figures we have available for the various State districts and provinces are contained in *Hansard* of the 11th August, 1977, at page 432. We can see that a seat such as Whitford at present has 21 401 electors as against Murchison-Eyre which has 2 226; that is approximately a 10 to one value in

voting. If we look at the provinces of the Legislative Council we can see that North Metropolitan has 90 145 electors and Lower North has 6 015; a proportion of one to 15 in voting value.

There are many in between those examples I have given. There are proportions of nine or 10 to one, in the case of the Council, and many multiples of voting values in respect of the Legislative Assembly. This is manifestly unfair and until it is overcome democracy will not see the light of day in this State.

I promised earlier that before finishing I would very clearly indicate the position, because even though we make available to the Library the latest volumes of Platform Constitution and Rules of the Australian Labor Party both State and Federal, whenever they come out, it seems that it is of very little use. Either the Liberal members cannot read or they do not understand, and particularly the Premier, because he does not seem to comprehend what is stated in those volumes.

As you may or may not know, Mr Acting Speaker (Mr Watt), the paramount rule on matters if there is some conflict within the Australian Labor Party is the platform of the Federal body. For the edification of members, I would point out that in constitutional matters the statement covering Legislative Councils and State Governors is No. 6 on page 10. It says as follows—

The office of State Governor, and State Legislative Councils, to be abolished, this aim not to be interpreted in such a way as to prevent steps being taken to effect reform of those Parliaments.

At the election I indicated very clearly the reforms that were intended and they did not go anywhere near as far as suggesting anything along the lines that the Federal platform would have allowed. It distinctly indicates that anywhere along those lines steps being taken to effect the reform of Parliament were quite in accord with the platform of that party. In respect of the State platform, on page 4 under the heading, "Constitutional", it clearly states as follows—

2. Reform of the Legislative Council with the eventual aim of establishing a single house of Parliament.

3. A single chamber Parliament to have the same number of members as the sum of the members of the two chambers it replaces, all members to be elected from single member electorates.

There is a further paragraph about the State Governor. It is a decision of the State conference in 1976 and at the time it upset the Premier. It reads as follows—

For so long as the Constitution prevents the abolition of the office of State Governor, the office be left unfilled and Government House be closed as a Vice-Regal residence and handed to an appropriate body for public use.

While Government House possibly did not close completely during those 14 to 17 years that I referred to when there was a Lieutenant-Governor, it certainly had the same effect as is proposed there. If at a future time we wanted to abolish the office of Governor the party has come down with a very clear indication and we could not do it. I have shown members opposite the Federal Constitution is a bar to this action; therefore, we would not be able to achieve the ultimate purpose. The party has given a very clear indication that until such time as the ultimate purpose can be achieved, a Lieutenant-Governor will be on the throne; and I see nothing wrong with that.

It would appear that the Premier resents the fact that if at some time the Liberal Party came into office after the Labor Party had been in office, it would have to appoint a Governor. That would be the business of the Liberal Government; it would be their choice. We have stated what we would do while we were in office, and that is in accordance with what I have suggested.

The Labor Party has appointed only one Governor during its period in office in this State. When the Labor Party has been in office there has either been an incumbent Governor who has had his time extended, or there has not been a necessity to appoint a Governor at all because of the term he has already been given by the previous Government. The one exception, of course, was Edwards whom we appointed some few years ago. I do not know whether one could say that was Labor's best effort of government in being able to appoint Governors. However, we tried to do what most Governments would have done and we appointed the person who appeared to us to be the best person available at the time. To appoint a Lieutenant-Governor we would be looking at a similar situation.

We will not go along with piecemeal measures aimed at entrenching the Liberal and National Country Parties in power for ever. Because of that, we are not prepared to be associated in any way, shape, or form with the change of the Constitution of this State. If we need something,

let us have a thorough review. Let us have somebody bring down a recommendation. Let us appoint a commission outside Parliament, if necessary, to come up with a proposition as to the necessary reforms in this day and age. Since 1890 when responsible Government became applicable in this State, more changes have needed to be made. It is probably not the full prerogative of lay citizens, although it is their undoubted authority that one has to look at in the final analysis, but it would probably best be the prerogative of lay citizens or legally trained citizens who could bring down the recommendation to improve the Constitution Act and the Constitution Acts Amendment Act. It is time these two Acts were completely reviewed and amalgamated into one Act.

However, the Government seems to run away from this. It has reformed most other forms of legislation, but it does not touch this piece of legislation. Many of the sections are completely antiquated. We are not prepared to accept the piecemeal action of the Government which will cement the Legislative Council for all time as it now exists. It will also cement the Governor in office which is quite unnecessary and will enable him to use his political chicanery for the purpose of trying to beat the Opposition by some kind of game that the Premier indulges in.

The Premier cannot show he has a mandate for this action. In fact, the Australian Labor Party would be only too happy to refer this matter to the people, to test public opinion; I am sure the Premier would not get the consensus he believes he already has.

I oppose this Bill and hope members opposite will have second thoughts about legislation which aims to do something which does not need to be done. This situation has arisen simply because the Government of the day has not taken sufficient time to compare the requirements laid down under the Australian Constitution, and the Western Australian Constitution Act, and Constitution Acts Amendment Act. I oppose the Bill.

**MR DAVIES (Victoria Park) [11.21 p.m.]:** When this legislation first was introduced, I did not think it was worth a second look, and in many ways I still think it is not worth getting one's knickers in a knot over; it simply seeks to do exactly what has been common practice for many years past.

However, what I do object to is the implication by the Government—the Premier does this very well and often—that the only people who are concerned with law and order and democratic principles are the members of the Government.

No-one can say I have ever tried in any way to overthrow democratic principles or to take any action other than by democratic principles, and I strongly object to this line of unctuousness the Premier adopts in regard to "loyalty to the Crown" and this kind of jingoism.

The Bill will do nothing to raise the status of Parliament or to ensure the smooth working of Parliament; neither will it raise the status of parliamentarians, although I suppose in many respects only we can do that by our own actions. In many ways, it is merely a reflection of past Parliaments, where members thought it necessary to entrench their position, just as the Premier tries to entrench his now. However, the Premier is not seeking to entrench his position in accordance with modern-day thought but in accordance with the principles which have been adopted by common usage in the past.

We have never rejected those principles. We have said on one or two occasions what we would like to see happen, and we have been perfectly honest and genuine. I strongly object to the way what we have said has been interpreted by the Premier, not in accordance with what the statements actually mean, but simply to suit his own ends. It gets so that the Premier finally believes himself and his misrepresentations, and he has now gone for the overkill represented by this Bill.

I suggest the day may come when the Premier finds the legislation he is introducing now is a stumbling block to what he wants to do. With this legislation, we are not dealing in fact but in fancy; we are dealing mostly with implication, because the Premier has made several implications as to what Labor Party policy really means and from which he wants to protect the Western Australian public. However, I have neither heard nor seen any large public outcry as to what we propose in our policy and similarly, I have seen no solid endorsement—except from some fascist right-wingers—for what the Premier proposes. Even in those cases, I think some of the letters appearing in the newspapers may have been inspired from a particular source.

We are not concerned with what political parties or Cabinets think; we are concerned with what the people think. Irrespective of what the Government does on this occasion, it is only when the public mind is set and when the time is right that change will be brought about. Irrespective of what Government is in power at that time, it will not be able to hold back any change which the public want.

The second point on which I should comment is how poorly the Premier's speech and the legislation generally was researched. I must congratulate the Leader of the Opposition on the speech he made tonight, in which he pointed out quite clearly to the Premier that he is working under a number of mistaken ideas, and he is also trying to re-endorse action for which no re-endorsement is required, because it is already more than adequately covered. It is a pity that the Premier did not remain in the Chamber for the entire speech of the Leader of the Opposition because he might have learnt something. I do not know why he left the Chamber for some time when a Bill he considers to be most important was being debated. Perhaps he was slightly embarrassed that, in so many ways, his department has led him up a gum tree in regard to the factual position in respect of this legislation.

I also draw attention to what I hope is a misprint in the Premier's second reading speech where, at the bottom of page 1054 of *Hansard* the Premier is recorded as talking about a referendum, and about the Bill being passed by an absolute majority of both Houses. He then goes on to say—

... and is approved of by all of the electors of the State voting at a referendum.

I hope that does not mean we must obtain a 100 per cent result at a referendum before the Bill becomes law. That is what it says in *Hansard*, although it is not in accordance with what is contained in the Bill. I do not think that even in our wildest dreams we could hope for a 100 per cent result.

Mr O'Neil: I thought you always got that in Victoria Park.

Mr DAVIES: Unfortunately, try as I might, I cannot get much more than 63 per cent. However, I assure the Deputy Premier that I will not give up trying. I hope what is contained in *Hansard* is a misprint.

I think the Premier has gone for an overkill with this Bill. He has gone on with a lot of humbug, distorting Labor Party policy for his own ends, dealing with our policy as a matter of fancy rather than fact and implying things which do not exist. The Bill is poorly researched. His department obviously does not know the provisions of the Australian Constitution, let alone the Western Australian Constitution.

I strongly object to the Premier's repeated implication that only he, and possibly some of the Government members, are loyal members of this Parliament. He makes such statements regularly, and he did it particularly well at election

time. I strongly object to such a suggestion; we on this side are just as loyal as members opposite and we will continue to be so while we work under the Acts of Parliament to which we give allegiance.

Finally, I repeat my earlier statement: Irrespective of what kind of legislation the Government introduces, irrespective of how it endeavours to tie up all the ends, to dot all the "i's" and cross all the "t's" to make certain there are no loopholes in legislation, when the time is right for reform the people themselves will clearly express their wishes, and reform will take place. Irrespective of what people like the present Premier might like to think, that is the situation. It is a matter of very great regret that in bringing down legislation of this nature at this time, the Government can look only to the past, instead of trying to look to the future.

I congratulate the Leader of the Opposition on the excellent speech he made tonight. I only hope that some of it has got across to members on the other side and that even at this late stage they may have second thoughts about the way they have been led by the nose in the party room. I oppose the Bill.

**MR HASSELL** (Cottesloe) [11.30 p.m.]: In addressing some remarks to the House in support of the legislation I should like to open by taking up a couple of the points made by the member for Victoria Park in his address. He referred to what he called the overkill and said that the Premier may find that in time the legislation becomes a stumbling block to what the Premier may want to do. I believe that is what a Constitution should be about. It should be concerned with establishing a structure of government and a system of government which provide a stumbling block to passing majorities which may move without due consideration and without consensus.

The member also said that the Labor Party is concerned about what people think and that when the time is right for reform it will take place regardless of what this legislation provides or does not provide. I think those remarks reflect a strange attitude towards this Bill because it does nothing if it does not provide for the people to say what they think about changes of a fundamental nature to the Constitution. I agree with his remark that when the time is right for reform it will take place regardless of the provisions of this Bill; and the Bill certainly does not purport to prevent reform taking place.

**Mr Skidmore**: It makes it awfully difficult.

**Mr HASSELL**: If the vote of the ordinary people makes it awfully difficult to achieve—

**Mr Skidmore**: It is not the ordinary people; it is the vote of this present Government.

**Mr HASSELL**: The member was talking about this Bill.

**Mr Skidmore**: That is right.

**Mr HASSELL**: The Bill provides for a vote of the ordinary people on a fundamental constitutional change. The object of this legislation is to entrench the basic constitutional structure of the State, the position of the Governor, the position of this House, and the position of the Council unless the approval of the people is obtained at a referendum at which all electors may vote.

I find it extremely difficult to understand why members of the Australian Labor Party, who are constantly referring to alleged injustices in the system of voting and the importance of the so-called one-man-one-vote-one-value principle, are opposed to a measure which gives a completely non-electorate based vote to every elector and requires a majority.

**Mr Davies**: You cannot say that when it has to go through both Houses first of all. The imbalance is there straightaway.

**Mr HASSELL**: Constitutional change has to pass through both Houses now.

**Mr Davies**: That is right. You are saying referendums are a good thing.

**Mr HASSELL**: I am indeed saying they are a good thing.

**Mr Davies**: We are still complaining about the imbalance.

**Mr Tonkin**: That is an extra barrier to change.

**Mr HASSELL**: The member for Victoria Park was talking about something which is irrelevant to the Bill. A further argument used by the Leader of the Opposition and the member for Victoria Park was directed to a matter which is not changed by the Bill and which is not relevant.

**Mr Tonkin**: It is an extra barrier erected against change.

**Mr HASSELL**: Is the member for Morley saying that the vote of the people is a barrier to democratic change?

**Mr Tonkin**: It is an extra barrier to the kind of change. Of course it is a barrier. We have to seek their approval. You already have this gerrymandered approval from these two Houses and you add another barrier.

Mr HASSELL: I can only say that that attitude is inconsistent with all the other arguments which are constantly presented, mostly in debates where they are irrelevant, regarding the system of elections.

The present position under the Constitution is governed by section 73 of the Constitution Act. That section contains specific requirements. In particular, a special procedure is incorporated to require an absolute majority in both Houses and also a requirement that certain Bills, including Bills to amend section 73, be reserved for the approval of the Queen and cannot simply be approved by the Governor.

The new law in effect will add a further requirement of a referendum of all voters at which a simple majority is required. The Bill itself will not require the approval of a referendum to become effective. I should like to put into the record of this House the basis in law, as I understand it, of the effectiveness of the legislation when it is enacted. It is undoubtedly correct that this legislation will have full effect on the basis of the case of the Attorney-General (New South Wales) v Trethowan, a case concerning the abolition of the Legislative Council in New South Wales which became the subject of litigation in the Supreme Court of New South Wales, in the High Court of Australia, and in the Privy Council. In each of those courts the validity of the entrenching legislation was upheld.

The provisions in question provided that the Legislative Council in New South Wales should not be abolished before the proposal had been approved by a referendum in New South Wales and that the legislation should not be presented for the assent of the Governor in the State before the referendum had been held and had given that approval.

The constitutional provision also stated in section 7A that the provision requiring a referendum could not be altered without the approval of a referendum. The matter came before the Supreme Court on an application for an injunction to restrain the presentation of the legislation to the Governor before the referendum had been held.

The essence of the legislation was a two-step process: Firstly, a proposed Act to remove the referendum requirement so that it could be approved without the approval of the people at a referendum; and, secondly, a change to the Constitution for the abolition of the Council. The matters received a unanimous decision of the three courts mentioned.

Mr Bertram: Of the High Court?

Mr HASSELL: I did not say that the courts were unanimous. I said that each of the courts approved of the effectiveness of the legislation. In the High Court it was approved by a majority. Of course, in the Privy Council there was no possibility at the time of a majority because that court, through its practice then, could give only a unanimous judgment in the form of advice to the Crown.

I would like to refer to some points made by Mr Justice Dixon, as he then was, in the High Court of Australia; and I choose to refer to that judge because he was one of the last judges of the High Court who considered constitutional matters in a strictly legal way and did not allow himself the liberty of straying to political considerations.

Unfortunately that practice is not followed in the same way in more recent judgments and there are a number of judges of that court who could do well to look back to his example. It was his strict adherence to the legal profession and the system of legal interpretation which gave him the high reputation he had throughout the world as a great lawyer and judge.

At page 429 of vol. 44 of the *Commonwealth Law Reports* he referred to the Colonial Laws Validity Act, an enactment of the Parliament of the United Kingdom which was adopted when questions as to the validity of the Constitutions of the Australian States arose. Section 5 of that Act provides—

... every representative legislature shall, in respect to the Colony under its jurisdiction, have and be deemed at all times to have had, full power to make laws respecting the constitution, powers, and procedure of such legislature; provided that such laws shall have been passed in such manner and form as may from time to time be required by any Act of Parliament, letters patent, order in council, or colonial law for the time being in force in the said Colony.

Mr Justice Dixon then said—

This provision both confers power and describes the conditions to be observed in its exercise. It authorizes a representative legislature—

I interpolate to say that this Legislature in Western Australia is a representative Legislature within the meaning of that section of the legislation. To continue—

—to make laws respecting its own constitution, its own powers and its own procedure.

The power to make laws respecting its own constitution enables the legislature to deal with its own nature and composition. The power to make laws respecting its own procedure enables it to prescribe rules which have the force of law for its own conduct. Laws which relate to its own constitution and procedure must govern the legislature in the exercise of its powers, including the exercise of its power to repeal those very laws. The power to make laws respecting its own powers would naturally be understood to mean that it might deal with its own legislative authority. Under such a power a legislature, whose authority was limited in respect of subject matter or restrained by constitutional checks or safeguards, might enlarge the limits or diminish or remove the restraints. Conversely, the power might be expected to enable a legislature to impose constitutional restraints upon its own authority or to limit its power in respect of subject matter. But such restraints and limitations, if they are to be real and effective and achieve their end, must bind the legislature.

That judge upheld the New South Wales legislation requiring a referendum. He was supported by a majority of his colleagues and by the Privy Council. Therefore the legal base upon which this legislation will be upheld is very clear and it will not be possible whilst that decision stands—and, of course, with the authority of those three courts it is unthinkable that it should do anything but stand—that proposed changes to the Constitution in Western Australia affecting the Legislature or the position of the Governor will not require the approval of a majority of the electors in the State.

On the basis of that, the legislation goes forward with a great chance of success.

I would like to express my support for the principle of the legislation—the principle that on a fundamental change to the Constitution the people at large in the electorate have the final say. That is not an undemocratic principle. It is the essence of democracy. It is a very limited entrenchment of our Constitution and it puts our Constitution partially in line with the Constitution of the Commonwealth of Australia which is itself an entrenched Constitution.

The Commonwealth Constitution requires the approval of the electors under a special majority provision both in relation to structure and powers. Our Constitution will not and does not deal with

powers because of its historical origin and it is only in respect of structure that these provisions are to be introduced.

It is perhaps fortunate that we do not face the further prospect of constitutional argument in the courts over the powers of the State. Unfortunately, those powers which the Commonwealth has designated as its powers in the Commonwealth Constitution are the subject of determinations by the High Court; and I say “unfortunately” because there is no doubt in my mind that the High Court of Australia has for a long time successfully subverted the Commonwealth constitutional provision for change by interpreting the Constitution in a political or a sociological manner according to the composition of that court. It has even done so in a strange way—

Mr Skidmore: You do not have much faith in the system.

Mr HASSELL: —in relation to the structure of the Commonwealth Parliament. It is an appropriate stage to say that it is high time the composition of the High Court of Australia became the subject of some influence of the Governments of the States because it is clear that under the present system we will continue to have judges in that court who have a greater inclination to the Commonwealth than they have to the States and who are not always mindful of the political pact which the Commonwealth Constitution represents.

I refer members to an article which appeared recently in *The Australian Law Journal*, vol. 51, at page 5 under the heading, “The High Court of Australia—Wrong Turnings”, by Sir Arnold Bennett, QC, of the Queensland Bar. He pointed out that in regard to territorial representation, the corporations power, Commonwealth places, and appropriation by the Parliament, the High Court has made decisions which have indicated a path of decision-making quite inconsistent with the Federal structure and nature of the Constitution.

He concludes by saying, at page 14—

It seems that the States are heading for destruction unless the turnings discussed in this article can in due course be reversed.

In view of those wrong turnings, and others—the seas and submerged lands legislation is one—it is a relief to me that the States’ powers will not, as a result of the proposed legislation, become the subject of further litigation or another system of judicial consideration. That is simply because the entrenching provisions in this legislation relate purely to the essential structure of State Parliament, and not to the question of its powers.

Frankly, I cannot see any basis for the concern of the Opposition about this legislation. It is legislation designed to protect the Parliament from change that is not based on consensus.

Mr Tonkin: The Government continually changes the Constitution without basing it on consensus—time and time again. The amendment to the Electoral Act last year created six new members of Parliament, which no-one wanted.

Mr HASSELL: I do not know why members opposite constantly talk about an issue which is irrelevant to this Bill. This measure is concerned with protecting the position of the Parliament. The argument raised by the member opposite is different, and ought to be debated on another occasion.

I support the principle that legislation which is for change to the basic structure of government should require the approval of the voters by referendum, and therefore I support the Bill.

Mr Tonkin: What a surprise!

MR BERTRAM (Mt. Hawthorn) [11.52 p.m.]: What the Government is trying to put over here is the proposition which I referred to earlier during another debate that whilst it is perfectly fair for the Government—the conservatives—to fiddle around with our Constitution—the Constitution Act, or the Constitution Acts Amendment Act—with impunity whenever it feels like it, without mandate given, without any justification at all other than perhaps to cement in power; whilst the Government can do that, any amendment which we on this side may at some time want to move—may, not shall—then a different set of procedures must obstruct and a different set of procedures has to be followed. There is a different set of rules for the game—the same objective: amendment of the Constitution or the Constitution Acts Amendment Act—but completely different procedures are required to be followed. One procedure is absolutely simple and straightforward, and the other virtually impossible of application.

The member for Cottesloe seems to have some qualms about the validity of this measure, and he told us about the Trethowan case. However, he did not tell us that case was back in 1930—not 1730—nor did he tell us what is probably the truth; that is, that the Government which tried to bring it in was tipped out at the next election. Of course, at that time probably the boundaries in New South Wales were fairly decent—by the standards of that time anyway. Nor did the member for Cottesloe tell us that the High Court from time to time these days changes its mind. I

believe a judge recently commented to a litigant and told him he had better bring back another case shortly because there was to be a new bench.

I do not know whether one is entitled to be that over-confident with this legislation. I doubt that if at some time it has to stand up to a challenge, it will be successful merely because it was successful in 1930. When will the Government give us some power in this place; this century or the next century?

With the boundaries the way they are, what reasonable prospect, by any stretch of any bow, is there that we will be able to amend the Constitution in the manner contemplated by this measure? Which century will we get that opportunity? Yet, here we have people forecasting what the High Court or the Privy Council will be doing if they then still exist, and wondering whether appeal will still be available to them.

It seems a degree of panic has occurred in the ranks of the conservatives. They lost power for five minutes in Canberra, and we saw what that did to them, and the sort of thing they did and the depths to which they stooped in order to frustrate the will of the people and the Government at that time.

We have here, out of the blue, this particular measure which is said to have some sort of immunity. I suppose that is the way it would be described, coming along nearly 50 years after a similar or what I suppose could be termed a comparable move in New South Wales. This measure will entrench and cement in the power which the Government has; to all intents and purposes it comes out of the blue, and I repeat, without justification. There appears to be panic running through the conservative forces. So, we now cop this legislation—terribly unfair legislation. Personally, I certainly would not want to be associated with it in any event.

Conservative people view things rather differently, if it gives them power. What does it matter what sort of stigma is placed on the State Parliament, or on the conservatives themselves?

Mr Hassell: What power does this Bill give?

Mr BERTRAM: What the Government already has.

Mr Hassell: What power is granted by this Bill? Members opposite have said it would be a fetter, and now you are saying it gives power.

Mr BERTRAM: It cements in and entrenches a position even greater than it is today in a manner which the drafters of the Constitution never contemplated and never intended. If they

had intended it, it would have been in the Constitution. Many people have argued that one Parliament should not be able to bind the next Parliament. That line of argument went on during the Trethowan case, and concerned the Colonial Laws Validity Act of 1865, which is an Imperial Act. I am not so sure, because of the feelings at the time when the Privy Council may have to decide upon this question, whether it would be very keen to try to support—or sheet home in the Australian context—the provisions of the Colonial Laws Validity Act.

Quite recently in South Australia the Dunstan Government set up a satisfactory and fair arrangement in respect of electoral boundaries. As we would expect, a conservative raced off to the Privy Council and tried to set it aside, but found all the arguments he put up were unceremoniously tossed out, so that the law in South Australia which came under challenge and which has turned out to be a thoroughly fair law will remain on the Statute book.

This is a panic variety of legislation which is very unfair and unjustified. It was never originally in contemplation and there is no real need for it now. As I have said, it is a fine state of affairs when with the one Constitution we have various formulas for amendment. One is simple, straightforward, and available to the Government and another makes it virtually impossible for the people who are not on the Government side to change the Constitution of the State.

**SIR CHARLES COURT** (Nedlands—Premier) [12.02 a.m.]: The Leader of the Opposition referred to this legislation as a stunt. I can assure him it is certainly not a stunt. Surely nothing is so important as the very basis of our Constitution and our parliamentary system.

He went on to say nothing we could do would negate the ALP policy. Perhaps he is right in spite of the legislation we introduce. It could be, if the ALP is able to get command of both Houses—

**Mr Jamieson**: I think you have it around the wrong way.

**Sir CHARLES COURT**: If the Labor Party got command of both Houses here and felt strongly enough at that time about wanting to change things, it could take the question to the people. If the Labor Party were able to command a majority in both Houses, and if it had strong policies on changing the whole parliamentary structure and the relationship with the Queen and the Governor, it is reasonable to assume the same

Government at that time would be able to command a majority in a referendum on the issue. That is fair enough.

I am not questioning the sincerity of the Leader of the Opposition when he says the ALP acknowledges the role of the Queen and the fact that the Parliament is the Queen working with the two Houses of the Parliament. It has to at the present time; that is what it is all about. It is good to hear his sentiments but I want to say they fool no-one.

**Davies**: That is not fair. You are getting down to unfair implications again. This is exactly what I object to. You are a master at it.

**Sir CHARLES COURT**: Just listen for a minute. I said it is good to hear from him and he may have been expressing the views of his colleagues and himself, but it does not fool anyone in the long term.

**Mr Davies**: You have no proof. You imply things. Flights of fancy again.

**Sir CHARLES COURT**: The Leader of the Opposition quoted from his platform and made no bones about it. It involves, if possible, the abolition of the Legislative Council, the abolition of Governors—

**Mr Davies**: Within certain bounds.

**Sir CHARLES COURT**: —and many such reforms within the restraints of the Constitution to bring about those ends.

**Mr Davies**: What is wrong with that?

**Sir CHARLES COURT**: I have no quarrel about anyone doing anything under the Constitution. I want it enshrined in the Constitution that if any party wants to change the character of this place and the Constitution under which we work, it will have to go to the public. As far as the Commonwealth Constitution is concerned, if it is desired to change it, it must go to the public. On this particular issue, surely it is not too much to ask the Government of the day to go to the public and get a declaration from the public of their views on it. The things we are trying to enshrine in the Constitution are things which are basic to the very Constitution of this Parliament and the State itself.

**Mr Jamieson**: That is nonsense—pure, unadulterated nonsense.

**Sir CHARLES COURT**: I remind members opposite that, no matter how much they might feel it is unlikely or impossible, some of the things we fear could take place. The Leader of the Opposition said the Australian Constitution stands astride their path. No matter how difficult or impossible he might think it is to bring

about some of his objectives, I remind him that Mr Whitlam, when he was Prime Minister, did his darndest to sow the seeds to bring about the thing we are genuinely afraid of.

Mr Jamieson: What is that?

Sir CHARLES COURT: I remind the Leader of the Opposition that it was Mr Whitlam who tried to abolish Agents-General. It was Mr Whitlam who tried to deny to the States the right to submit their honours. It was Mr Whitlam who wanted the Governor's appointment to be submitted to Canberra for onward movement to London, if ever, and had it not been for the British Government—first of all a Conservative Government and then a Labour Government—he might have got away with it.

Mr Jamieson: The central Government in Canada stopped the provincial Governments from sending honour lists on about 50 years ago. Have they done anything else?

Sir CHARLES COURT: I could not care less what they do in Canada because, firstly, they have a different Constitution, and secondly, they do happen to be slightly different in their attitudes towards many things. They have such problems as Quebec which, thank goodness, we do not have. In the short term that one man, when Prime Minister in Canberra, did his best to sow the seeds of the destruction of the very parliamentary system we have here.

Several Opposition members interjected.

Sir CHARLES COURT: It does not matter what jeers come from the other side; the cold hard fact is when the final crunch comes on the ALP in this State it will not necessarily be from the decisions of the State parliamentary party; it could be either from the lay wing of the organisation in Western Australia or from Canberra itself.

Mr Davies: Jingoism's joy!

Sir CHARLES COURT: I happen to have been Premier at the time Mr Whitlam was Prime Minister, and I have personal knowledge of what he tried to do. If he could have got away with it, he would have sowed the seeds of the destruction of the system under which we work. He did not get away with it because the British Government—a Conservative Government and later a Labour Government—stood astride his path. The Leader of the Opposition put forward the fact that the Australian Constitution stands astride the path of the ALP in implementing its policy.

Mr Jamieson: I did not say particularly the ALP. Any other party could do what you are worried about.

Sir CHARLES COURT: I come back to the point he made about the Australian Constitution giving some protection to the position of Governor. First of all, we could have Governments in Canberra which would go to the people and get through a referendum to alter the Australian Constitution in respect of these particular points. If so, that would be the will of the people and none of us could do anything about it.

I also remind him that the references to the Governor in the Constitution would not on their own stop the ALP if it had people strong and determined enough.

Mr Jamieson: Now you are above constitutional lawyers.

Sir CHARLES COURT: It would not stop them achieving their purposes and I want to remind members opposite that it was a Liberal Government—

Mr Jamieson: You are a beauty! I will send your comments to them.

Sir CHARLES COURT: The Leader of the Opposition can send them if he wishes; lawyers hold no fear for me. I remind the Leader of the Opposition that it was my own party in Canberra that tried to take out of the Constitution one of the Governor's roles. The ALP supported that move, but thank goodness it did not succeed. It was my own party in Canberra, but we resisted it because if one thing goes it is the beginning of the end. I do not care who is in Canberra; if any Federal Government tries to chop into the roots of the Constitution it will have my opposition to that attempt.

Mr Jamieson: You and I won't live for ever.

Sir CHARLES COURT: That is the point I am trying to make. No matter how the Leader of the Opposition might feel about it and no matter how he might feel that it is impossible to bring about the situation we fear, there will be others who follow him in 10 or 20 years who have other ideas. It is not a bad thing to enshrine into the Constitution something to give protection to the people of this State. If that is not a fair thing I do not know what is. I cannot understand why the Opposition wants continually to oppose this proposition.

Mr Jamieson: What happens if the United Kingdom becomes a republic? You would have problems then.

Sir CHARLES COURT: One cannot alter the sequence of such events.

Mr Jamieson: Of course not.

Sir CHARLES COURT: It is not a bad thing to put hurdles in front of people who want to destroy; at least they will have something they need to step over. All we ask is that people in power at that time and who may command both Houses have to go to the people to get the answer. That is the real basis of this Bill.

Out of his mouth the Leader of the Opposition has given us the main reasons to be careful and on our guard because it is basic to his party's policy to get rid of the Legislative Council and the Governor. Once we get rid of them the whole structure on which we are based could be destroyed. I commend the Bill.

Mr Davies: What happened in Queensland? This is humbug and jingoism.

Question put.

The SPEAKER: In order to pass in the affirmative this question will need the support of an absolute majority. If, when I put the question, there is a dissentient voice I shall have to divide the House. The question is that the Bill be now read a second time. All those of that opinion say, "Aye"; against say, "No". There being a dissentient voice the House will divide.

Bells rung and the House divided.

Division taken with the following result—

#### Ayes 29

Mr Blaikie	Mr O'Connor
Mr Clarko	Mr Old
Sir Charles Court	Mr O'Neil
Mr Cowan	Mr Ridge
Mrs Craig	Mr Rushton
Dr Dadour	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Spriggs
Mr Hassell	Mr Stephens
Mr Herzfeld	Mr Tubby
Mr P. V. Jones	Mr Watt
Mr Laurance	Mr Williams
Mr MacKinnon	Mr Young
Mr Mensaros	Mr Shalders
Mr Nanovich	

(Teller)

#### Noes 18

Mr Barnett	Mr T. H. Jones
Mr Bertram	Mr McIver
Mr T. J. Burke	Mr Pearce
Mr Carr	Mr Skidmore
Mr Davies	Mr Taylor
Mr H. D. Evans	Mr Tonkin
Mr Harman	Dr Troy
Mr Hodge	Mr Wilson
Mr Jamieson	Mr Bateman

(Teller)

#### Pairs

Ayes	Noes
Mr McPharlin	Mr Bryce
Mr Coyne	Mr Grill
Mr Crane	Mr B. T. Burke

The SPEAKER: I declare the Bill to be carried with an absolute majority of the number of the members of the House.

Question thus passed.

Bill read a second time.

#### In Committee

The Chairman of Committees (Mr Clarko) in the Chair; Sir Charles Court (Premier) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 2 amended—

Mr JAMIESON: I would ask the Premier to explain why it is necessary to have this clause; it is a reiteration of the present situation. Surely, if this is going to mean anything it should have been amending the Australian States Constitution Act, which is another Act altogether. The Premier made no mention of this during the course of his speech, but it is under the powers of that Act that this provision now prevails.

The whole matter has been poorly researched before being brought to the Chamber. The Premier has some idea that he wants to bring this forward to subvert the ALP from doing something, or perhaps doing something in the distant future. The Premier was not very interested in getting a reasonable case together.

He reiterates in a clause set out there something that is clearly already apparent and which needs some attention surely to the State's Constitution Acts Amendment Act.

Sir CHARLES COURT: I assure the Leader of the Opposition that no Bill has been introduced to this Chamber which was better researched legally than this one was.

Mr Jamieson: I say baloney to that, and it is real baloney, too, otherwise you would have touched on many of the things I touched on.

Sir CHARLES COURT: If we introduce a Bill here and speak for too long a period the Opposition says we are being verbose. If we try to deal with the salient features only we receive the reverse criticism. Having reread the notes presented to this Parliament, I believe we covered effectively all that is in the Bill itself.

Mr Davies: That took 10 minutes and it included interjections and quotes from the Bill itself.

**Sir CHARLES COURT:** The Leader of the Opposition can say I know nothing about it if he likes, but the people who researched this are competent and they undertook the research they were instructed to do.

**Mr Jamieson:** You would have to know what the instructions were that were given to them.

**Sir CHARLES COURT:** These people had some pertinent remarks to make. They said that the Bill seeks to add two subsections to section 2. The first amendment will provide a clear definition of the word "Parliament" as consisting of the Queen, the Legislative Council, and the Legislative Assembly. This is in fact the case at present, but such a subsection would spell it out in the appropriate place in our original Constitution.

The second new subsection spells out the present constitutional position. The points that are noted were referred to quite properly by the Leader of the Opposition. This was something we already knew, and it was explained to me as follows—

The insertion of those provisions would make a link with the proposed section 73(2)—and I refer to clause 6—which would require a referendum before altering the present constitutional situation.

While this might have appeared to be redundant, as it did when I first read it, it was explained by the experts that it was necessary in the interests of good drafting and orderly presentation of what was intended, for the extra subsections to be provided.

Clause put and passed.

Clause 5: Part IIIA Added—

**Mr JAMIESON:** The Premier goes to untold trouble to try to make out that the Australian Labor Party is a nefarious party. Some of his very close relatives were instrumental many years ago in forming the party and in establishing its early policy. Our policy has not changed greatly since then. I do not think we have gone off the road, but I believe he has gone off the road. Reactionaries are born, and they will continue to be born, I suppose.

I have been to many conferences, both State and Federal, of the Australian Labor Party, and I have never heard a debate on any form of republicanism.

The Premier quoted part of what Mr Whitlam said during an address, or what someone else said. These are personal opinions and it does not matter who made them until they are substantiated by a decision of a conference.

Obviously the Premier suits himself. He does not have to take notice of the Liberal Party in this State; therefore, he virtually does as he likes. The Premier assumes that an ALP leader would be in a similar position. However, we go by the written word and by established constitution. We like to know where we are going. We indicate clearly to the people what we intend to do.

This is not so with the ilk of the Liberal Party; it never has been, and it never will be. The Liberal Party is a conservative party and in its conservative cloisters its members do not like to disclose their intentions to the people.

Our council meetings are open to the Press and when we are making up our policy, it is recorded clearly. On no occasion have we held a debate on the issue of republicanism.

The Premier would give the impression that we are always negotiating some way to overthrow the Crown. The Crown was overthrown once by the people of Great Britain, and it is not inconceivable, I suppose, that a similar thing could happen in 100 years' time. There are not many monarchies left in the world and although they are anachronisms, they are not unpleasant anachronisms. A monarchy will continue to exist in Great Britain until the people no longer want it, and then irrespective of what we think, or whether or not we hold a referendum, the people of Great Britain will please themselves. Who will approve our Governor then? It may be that under a new Constitution the people of Great Britain would not worry about us because they will determine what they want for Britain and that will be the end of it.

The British people will not worry about what we on this side of the world do. We have a different foreign policy; we do many things differently. We enter wars which the British do not enter and we involve ourselves in many activities these days which are of no concern to people on the other side of the world.

Because of our basic ethnic ties we still have some appreciation of the monarchy and that appreciation is superimposed on our system, right down to the very carpet in this Chamber.

A year or so ago I moved a motion here dealing with the national anthem. The Premier was very caustic about my motion and would not have a bar of the idea of adopting anything except, "God Save the Queen". He was quite sure the people of Australia wanted that anthem and that alone, and he is on record as having said so.

**Sir Charles Court:** They have still got it.

Mr JAMIESON: How wrong the Premier was. Sir Charles Court: The national anthem is, "God Save the Queen".

Mr JAMIESON: No it is not; that anthem is to be used only when royalty or royal representatives are present. When the Premier attends functions, the wrong anthem is usually played. We have now adopted a tune that is appropriate for our purpose, and that is, "Advance Australia Fair". The Premier would not have a bar of that one, but how wrong was he?

Sir Charles Court: We still have "God Save the Queen". What are you worried about?

Mr JAMIESON: Did it even receive one-third of the votes?

Mr Laurance: Don't you worry about that.

Mr JAMIESON: The "Song of Australia" received fewer votes than "God Save the Queen". The Premier argued that had the referendum been conducted on the original list put out by Mr Whitlam, "God Save the Queen" would have received top rating. The Premier can look at *Hansard* to see how wrong he was. I say again that the Premier is wrong because he believes the ALP is racing wildly towards a republican system.

I cannot see any revolution occurring within the near future. However, there may be one; we have had revolutions in the not-too-distant past, and they have occurred with a representative of the Monarch present and taking part in them. One does not know what will happen in the future if the Australian people determine by referendum they will have a different sort of Government. If such an occasion were to arise, I would hope the Premier would accept the decision of the people, but I know he would not because he is too conservative to accept any such changes that the Australian people might want to make at any time, as was illustrated here tonight with his attitude towards the anthem, "God Save the Queen".

Sir CHARLES COURT: The Leader of the Opposition is doing his best to convince members that Labor members are great people for the establishment, who believe in all we have at the moment and hope it will never change.

Mr Davies: They are realistic.

Sir CHARLES COURT: This makes me feel so good! I remind the Leader of the Opposition that the Labor Party had a Prime Minister who made no bones about where he was heading. Surely the Leader of the Opposition was not so

deaf or indifferent that he did not know the objective of that man. It is true he could say that was the personal opinion of that Prime Minister—

Mr Jamieson: It was.

Sir CHARLES COURT: —but I never heard any member of the Australian Labor Party disassociate himself from what that Prime Minister said. He had an absolute hatred of the States.

Mr Jamieson: That is nonsense.

Sir CHARLES COURT: One has only to look at the minutes of one of the Premiers' Conferences when the Prime Minister expressed his views about how abhorrent he found the situation that he, as Prime Minister, should have to preside over a conference of State Premiers. Whilst he might have been expressing his personal opinion, he was the head of the ALP at that time as well as being the Prime Minister of the country, and therefore one cannot ignore what he said.

No-one is suggesting that someone will run out tomorrow and do all the things we are concerned about; but surely it is our responsibility now to write this into the Constitution and clearly to spell out the situation. All we are providing is that if some future Government—be it 10, 20, or 50 years hence—desires to change the situation, it can do so by taking action through the Parliament and by going to the people. That is little enough to ask.

While the Leader of the Opposition tries to cover up the final objectives of some people in his party, he cannot alter the fact that there could be other people who come along in a few years' time and want to turn the situation upside down. It is little enough to ask them to go to the people.

Clause put and a division taken with the following result—

#### Ayes 28

Mr Blaikie	Mr O'Connor
Mr Clarko	Mr Old
Sir Charles Court	Mr O'Neil
Mr Cowan	Mr Ridge
Mrs Craig	Mr Rushton
Dr Dadour	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Spriggs
Mr Hassell	Mr Stephens
Mr Herzfeld	Mr Tubby
Mr P. V. Jones	Mr Watt
Mr Laurance	Mr Williams
Mr MacKinnon	Mr Young
Mr Mensaros	Mr Shalders
Mr Nanovich	

(Teller)

## Noes 18

Mr Barnett	Mr T. H. Jones
Mr Bertram	Mr McIver
Mr T. J. Burke	Mr Pearce
Mr Carr	Mr Skidmore
Mr Davies	Mr Taylor
Mr H. D. Evans	Mr Tonkin
Mr Harman	Dr Troy
Mr Hodge	Mr Wilson
Mr Jamieson	Mr Bateman

(Teller)

## Pairs

Ayes	Noes
Mr McPharlin	Mr Bryce
Mr Coyne	Mr Grill
Mr Crane	Mr B. T. Burke

Clause thus passed.

Clause 6: Section 73 amended—

Mr JAMIESON: This clause is obnoxious because it provides that a referendum is required to decrease the numbers of the Legislature, but not to increase them. If at a future date when the Legislature has members who are more enlightened than those at present, it is determined the Legislative Council should be similar to that prevailing in South Australia and have proportional representation, it could be appropriate to lower the number of members from 32 to 30, so that at every election 15 members would be elected, instead of 16 members as at present. Under this Bill such a simple change will require not only the ramifications of an absolute majority in both Houses of Parliament, but also a referendum.

If that is not conservatism in action, then I have not seen it. There is reason to require a referendum for an increase in numbers if a referendum is required to lower the numbers. It is not reasonable that a referendum should be required in one case and not in the other. Why should the provision be open-ended in respect of decreasing numbers? Is it intended to continue unnecessarily to increase the number of members in both Chambers, just to comply with the legislative programme of the Liberal Party? If there is justification for a referendum in one case, there is justification for it in the other case. If the Premier wants to argue that the provision is there to prevent manipulation of the Parliament, let me point out that within the course of the law he could still manipulate the Parliament by putting legislation to do all sorts of things through both Houses.

Perhaps the Government could create 20 more provinces in the metropolitan area. However, it cannot take it the other way, and have a simple proposition adopted. This highlights the obvious fact that the Premier is aiming at only one thing. He is not interested in the requirements of the people of this State; he is interested only in cementing into the Constitution a further degree of conservatism.

Sir CHARLES COURT: As a matter of courtesy to the Leader of the Opposition, I make a brief response. It is a fact that this clause deals with the issue he raised, and with a number of others. I refer members to the paragraph above the one to which the Leader of the Opposition referred which states—

... expressly or impliedly provides that the Legislative Council or the Legislative Assembly shall be composed of members other than members chosen directly by the people;

Together with the paragraph providing for a reduction in numbers, this is all part of a pattern which is clearly set out in this clause, and for which we make no apologies. It was intended to be enshrined in our Constitution so that if people tried to do a fiddle, they would have to go to the people.

Mr Jamieson: They do not if the numbers are going upwards.

Sir CHARLES COURT: If they are going upwards, we do not have this prospect of someone trying to abolish something. Lowering the numbers by one or two would not be at all that serious. But there are a number of devices—I can assure the Leader of the Opposition that some of his Federal colleagues have some fairly advanced thinking in this regard—whereby we could virtually shut this place down by continually reducing the numbers or changing the method of representation. Therefore, it is fair enough to provide that these matters should go to the people to see whether they want to make changes directed at undermining and eventually abolishing the Constitution under which we work.

Mr DAVIES: I refer to clause 6 (3), which states as follows—

On a day fixed by the Governor by Order in Council, being a day not sooner than two months after the passage through the Legislative Council and the Legislative Assembly of a Bill of a kind referred to in subsection (2) of this section.

The Premier might like to comment on why it was thought necessary to stipulate a period of two months. I can see a lot of dangers in setting a

time span. Firstly, I do not think it is necessary to wait two months. The prime time to hold a referendum is immediately after a Bill goes through both Houses of Parliament, because people would be familiar with the issues involved due to the media coverage while the Bills were going through Parliament.

I instance the daylight saving issue, where a referendum was held very soon after the decision to proceed so that people would know the situation as it existed, and what it was all about.

Perhaps the Premier is suggesting that by waiting two months, any heat which may have been generated will have gone out of the debate. People may have forgotten some of the reasons for the referendum, and there may be a chance of it not succeeding where otherwise it might have succeeded had the referendum been held shortly after the Bill went through Parliament.

Secondly, let us consider the situation where Parliament in its last session sits until the middle of December and the Government calls an election for the middle of February. That kind of timing is not uncommon. What would happen if we had to wait two months before we had a referendum? We might have the situation where the election was held before the referendum. Possibly, the two could be held together.

These are not situations which could not arise. There are persons who manipulate the timing of these things to suit their own ends. I remind the Chamber of the disgraceful attitude of the Premier when he called the last election, and gave people 24 hours in which to enrol. It suited his purpose to effect that kind of timing, although I do not imagine it suited the Country Party's purpose.

Also, while provision is laid down for a minimum period of two months, it does not stipulate any maximum time. In fact, the referendum could be held two years after the Bill passed through both Houses of Parliament; there is nothing to say it must be held before a certain time. Once again, this reflects the poor thought which has gone into this legislation. I believe this clause badly needs attention.

Sir CHARLES COURT: There is a very good reason for stipulating the period of two months. If we tried to stage a referendum in less than that time, we would run into all sorts of practical difficulties. The intention is that there be ample opportunity for the public to learn what it is all about. If there were no such minimum period laid down, the whole thing could be connived in that the referendum could be held at a time of the

year when it would be impossible to conduct a proper campaign. I believe the period of two months is little enough. I cannot recall how quickly the daylight saving referendum was held after the trial period, but it seemed to be no time at all, because we were so busy getting it organised.

Mr Davies: It was one month.

Sir CHARLES COURT: The same situation would prevail in this case. I believe it is sensible to provide for a minimum period, rather than simply to leave it at the whim of the Government of the day.

Mr DAVIES: Whilst that is one of the explanations the Premier could have made, it does not satisfactorily explain all the circumstances which could arise. I think it is only a convenient excuse. If the Premier believes we must wait at least two months, by the same reasoning he should suggest the referendum be held not later than four months or six months later. I do not accept that in the heat, rancour or even agreement which might arise on a particular measure with the public at large when matters of this nature are being debated in the Parliament, the media would not fully report what was happening while the legislation was going through the Parliament.

I do not think the Premier is naive enough to make such a suggestion. Whether the media supported the legislation one way or the other would be of little consequence. What the Premier is implying is that when the Bill had completed its passage through the Parliament, the people would know very little about it.

The Premier further states it would be impossible to hold a referendum within two months. I do not believe that is so. In fact, the last State election was held at less than two months' notice. With the likelihood of a referendum in the near future, I am quite certain the Electoral Office would be alerted, and could cope with the situation.

It was a very poor and lame excuse advanced by the Premier, and I do not accept it. If a minimum period is to be set before a referendum can be called, there should also be a maximum period by which time it must be called. The Premier suggests the public needs at least two months to learn the facts of any particular case. Perhaps he also is providing for the situation where he could wait 12 months in the hope that the public had completely forgotten about the issues involved. This clause represents very loose drafting and it badly needs attention.

Sir CHARLES COURT: Mr Chairman, I do not recall at any stage saying that it would be impossible to hold a referendum in less than two months; but it would be difficult and undesirable to hold a referendum within the two months. So far as the maximum period is concerned, I remind the honourable member that if he looks at clause 6 (v) (b) at the top of page 8 he will see that the Bill cannot be presented for assent until the referendum has been held and a majority of the electors vote in favour of the Bill. So there is no danger on that side of it. The main thing is to ensure that it is not held too quickly. If the Government of the day decides it has pulled a "boner" by getting the Bill through Parliament, it need not put it to referendum, in which case it would not receive assent.

Mr DAVIES: I am astounded that the Premier could now suggest that steps having been taken, a Government could responsibly forget the whole measure by not submitting it to a referendum; that is what the Premier said. What kind of a stand is the Government taking when it can for several hours tonight tell us how important it is that we have all the safeguards and do all these things, and the Premier can now come out in his true colours and say it does not matter, because the Government of the day need not go any further and need not submit the matter to referendum.

Sir CHARLES COURT: I am most surprised at the member for Victoria Park. He has defeated himself by his argument. The Government of the day will have made the decision to pass the legislation. If it finds it has dropped a "clanger" and it should not have done this, it would be quite competent not to submit the matter to referendum, because it must go to referendum before it is assented to.

Clause put and passed.

Clauses 7 to 9 put and passed.

Preamble put and passed.

Title put and passed.

#### *Report*

Bill reported, without amendment, and the report adopted.

#### *As to Third Reading*

SIR CHARLES COURT (Nedlands—Premier)  
[12.54 a.m.]: I move—

That leave be granted to proceed forthwith to the third reading.

The SPEAKER: Is leave granted to proceed forthwith to the third reading of the Bill?

Mr Jamieson: No.

Leave denied.

## **PAY-ROLL TAX ASSESSMENT ACT AMENDMENT BILL**

### *Returned*

Bill returned from the Council without amendment.

### **BILLS (8): ASSENT**

Message from the Deputy Governor received and read notifying assent to the following Bills:—

1. Coal Mine Workers (Pensions) Act Amendment Bill.
2. Country Areas Water Supply Act Amendment Bill.
3. Land Drainage Act Amendment Bill.
4. Country Towns Sewerage Act Amendment Bill.
5. Public Service Arbitration Act Amendment Bill.
6. Public Service Act Amendment Bill.
7. Public Service Appeal Board Act Repeal Bill.
8. Government Employees (Promotions Appeal Board) Act Amendment Bill.

## **SOLAR ENERGY RESEARCH BILL**

### *Message: Appropriations*

Message from the Governor received and read recommending appropriations for the purpose of the Bill.

*House adjourned at 12.55 a.m. (Wednesday)*

## **QUESTIONS ON NOTICE TAXIS**

### *Bucket Seats*

892. Mr HARMAN, to the Minister representing the Minister for Transport:

- (1) In view of the stated policy of the Taxi Control Board, why has the board allowed certain vehicles with bucket seats to be licensed for taxi purposes?
- (2) How many such vehicles were so licensed?
- (3) Since my question 753 of 1977 what action has the board taken in respect of those vehicles with bucket seats previously licensed?

Mr O'CONNOR replied:

- (1) Since the Taxi Control Board took over the responsibility for the inspection of taxi-cars (other than for mechanical fitness) on the 25th February, 1977, no newly licensed taxi-cars have been permitted to operate with bucket seats.

Steps have been taken to require the fitting of bench seats in the front on those cars which were wrongly licensed with bucket seats before the board took over this function. Those cars licensed with bucket seats prior to the 8th July, 1974, will be permitted to see out their operational life.

Replacement vehicles must be fitted with bench seats.

- (2) As at the 6th October, 1977, 10 vehicles registered prior to the 8th July, 1974, have approval to operate for the time being with bucket seats.
- (3) There has been no change in policy other than as stated in (1) above.

### ROAD TRAFFIC AUTHORITY

#### *Patrolmen*

898. Mr T. H. JONES, to the Minister for Police and Traffic:

Will he please advise the number of traffic patrolmen at present employed at each centre in—

(a) the metropolitan area;

(b) country centres?

Mr O'NEIL replied:

(a) Metropolitan area:

Perth	180
Fremantle	32
Armadale	9
Rockingham	7
Midland	19
Kalamunda	3
Mundaring	2
Wanneroo	10

(b) Country centres:

Albany	10
Bencubbin	1
Beverley	1
Boddington	1
Boyup Brook	1
Bridgetown	1
Brookton	1
Broome	1
Bruce Rock	1
Bunbury	11
Busseton	4
Carnamah	1
Carnarvon	6
Collie	2
Coolgardie	2
Corrigin	1
Cranbrook	1
Cunderdin	1

Darkan	1
Derby	1
Dongara	1
Donnybrook	1
Dowerin	1
Dumbleyung	1
Esperance	4
Eucla	1
Exmouth	2
Geraldton	10
Gnowangerup	2
Harvey	1
Jurien Bay	1
Kalgoorlie	11
Kambalda	1
Karratha	7
Katanning	4
Kellerberrin	2
Kojonup	1
Kondinin	1
Koorda	1
Kulin	1
Kununurra	1
Lake Grace	1
Lancelin	1
Leonora	1
Mandurah	5
Manjimup	5
Margaret River	1
Meekathara	1
Merredin	4
Mingenew	1
Moora	3
Morawa	1
Mt Barker	1
Mt Magnet	1
Mullewa	1
Narembeen	1
Narrogin	5
Newman	2
Norseman	3
Northam	10
Northampton	2
Perenjori	1
Pingelly	1
Pinjarra	2
Port Hedland	7
Quairading	1
Ravensthorpe	1
Southern Cross	1
Tambellup	1
Three Springs	1
Tom Price	2
Toodyay	1
Wagin	2
Warooka	1
Wickepin	1

Wickham	1
Williams	1
Wongan Hills	1
York	1

# ROAD TRAFFIC AUTHORITY

## Office Hours

900. Mr T. H. JONES, to the Minister for Police and Traffic:

Will he advise—

- (a) the individual Road Traffic Authority centres where a 24-hour seven day a week service operates;
- (b) the individual Road Traffic Authority centres where less than a 24-hour seven day a week service operates, and the hours involved?

Mr O'NEIL replied:

- (a) One only—Road Traffic Patrol, Perth.
- (b) Armadale—  
Monday/Thursday 0700/2400 hours.  
Friday/Sunday 1800/0200 hours.
- Fremantle—  
Sunday/Thursday 0700/2400 hours.  
Friday/Saturday 0700/0300 hours.
- Kalamunda—  
16 hours alternating between 0800/2400 hours.
- Midland—  
Monday/Saturday 0700/0200 hours.  
Sunday 0800/2400 hours.
- Mundaring—  
Monday/Thursday 0700/2400 hours.  
Friday/Sunday 0800/0100 hours.
- Rockingham—  
Monday/Sunday 0700/2400 hours.
- Wanneroo—  
Monday/Thursday 0700/2400 hours.  
Friday/Saturday 0700/0200 hours.
- Albany—  
Sunday/Thursday 0800/2400 hours.  
Friday/Saturday 0800/0100 hours.
- Bencubbin—  
8 hours alternating between 0800/2400 hours.
- Beverley—  
8 hours alternating between 0800/2400 hours.
- Boddington—  
8 hours alternating between 0800/2400 hours.
- Boyup Brook—  
8 hours alternating between 0800/2400 hours.

- Bridgetown—  
8 hours alternating between 0800/2400 hours.
- Brookton—  
8 hours alternating between 0800/2400 hours.
- Broome—  
8 hours alternating between 0800/2400 hours.
- Bruce Rock—  
8 hours alternating between 0800/2400 hours.
- Bunbury—  
Sunday/Thursday 0700/2400 hours.  
Friday/Saturday 0700/0300 hours.
- Busselton—  
Monday/Sunday 0700/0100 hours.
- Carnamah—  
8 hours alternating between 0800/2400 hours.
- Carnarvon—  
Monday/Thursday 0800/2400 hours.  
Friday/Sunday 0800/0300 hours.
- Collie—  
16 hours alternating between 0800/2400 hours.
- Coolgardie—  
16 hours alternating between 0800/2400 hours.
- Corrigin—  
8 hours alternating between 0800/2400 hours.
- Cranbrook—  
8 hours alternating between 0800/2400 hours.
- Cunderdin—  
8 hours alternating between 0800/2400 hours.
- Darkan—  
8 hours alternating between 0800/2400 hours.
- Derby—  
8 hours alternating between 0800/2400 hours.
- Dongara—  
8 hours alternating between 0800/2400 hours.
- Donnybrook—  
8 hours alternating between 0800/2400 hours.
- Dowerin—  
8 hours alternating between 0800/2400 hours.
- Dumbleyung—  
8 hours alternating between 0800/2400 hours.

- Esperance—  
Monday/Thursday 0700/2400 hours.  
Friday/Sunday 0700/0100 hours.
- Eucla—  
8 hours alternating between 0800/  
2400 hours.
- Exmouth—  
16 hours alternating between 0800/  
2400 hours.
- Geraldton—  
Monday/Thursday 0800/2400 hours.  
Friday/Sunday 0800/0300 hours.
- Gnowangerup—  
16 hours alternating between 0800/  
2400 hours.
- Harvey—  
16 hours alternating between 0800/  
2400 hours.
- Jurien Bay—  
8 hours alternating between 0800/  
2400 hours.
- Kalgoorlie—  
Monday/Thursday 0800/2400 hours.  
Friday/Sunday 0800/0300 hours.
- Kambalda—  
8 hours alternating between 0800/  
2400 hours.
- Karratha—  
Monday/Sunday 0800/0300 hours.
- Katanning—  
Monday/Thursday 0800/2400 hours.  
Friday/Sunday 0800/0100 hours.
- Kellerberrin—  
8 hours alternating between 0800/  
2400 hours.
- Kojonup—  
8 hours alternating between 0800/  
2400 hours.
- Kondinin—  
8 hours alternating between 0800/  
2400 hours.
- Koorda—  
8 hours alternating between 0800/  
2400 hours.
- Kulin—  
8 hours alternating between 0800/  
2400 hours.
- Kununurra—  
8 hours alternating between 0800/  
2400 hours.
- Lake Grace—  
8 hours alternating between 0800/  
2400 hours.
- Lancelin—  
8 hours alternating between 0800/  
2400 hours.
- Leonora—  
8 hours alternating between 0800/  
2400 hours.
- Mandurah—  
Monday/Sunday 0800/2400 hours.
- Manjimup—  
Sunday/Thursday 0800/2400 hours.  
Friday/Saturday 0800/0200 hours.
- Margaret River—  
8 hours alternating between 0800/  
2400 hours.
- Meekatharra—  
8 hours alternating between 0800/  
2400 hours.
- Merredin—  
Monday/Sunday 0800/0100 hours.
- Mingenew—  
8 hours alternating between 0800/  
2400 hours.
- Moora—  
Monday/Sunday 0800/0100 hours.
- Morawa—  
8 hours alternating between 0800/  
2400 hours.
- Mt Barker—  
8 hours alternating between 0800/  
2400 hours.
- Mt Magnet—  
8 hours alternating between 0800/  
2400 hours.
- Mullewa—  
8 hours alternating between 0800/  
2400 hours.
- Narembeen—  
8 hours alternating between 0800/  
2400 hours.
- Narrogin—  
Monday/Thursday 0800/2400 hours.  
Friday/Sunday 0800/0100 hours.
- Newman—  
16 hours alternating between 0800/  
2400 hours.
- Norseman—  
Monday/Sunday 0800/2400 hours.
- Northam—  
Monday/Sunday 0800/2400 hours.
- Northampton—  
16 hours alternating between 0800/  
2400 hours.
- Perenjori—  
8 hours alternating between 0800/  
2400 hours.
- Pingelly—  
8 hours alternating between 0800/  
2400 hours.

## Pinjarra—

16 hours alternating between 0800/  
2400 hours.

## Port Hedland—

Monday/Sunday 0700/0100 hours.

## Quairading—

8 hours alternating between 0800/  
2400 hours.

## Ravensthorpe—

8 hours alternating between 0800/  
2400 hours.

## Roebourne—

8 hours alternating between 0800/  
2400 hours.

## Southern Cross—

8 hours alternating between 0800/  
2400 hours.

## Tambellup—

8 hours alternating between 0800/  
2400 hours.

## Tammin—

8 hours alternating between 0800/  
2400 hours.

## Three Springs—

8 hours alternating between 0800/  
2400 hours.

## Tom Price—

16 hours alternating between 0800/  
2400 hours.

## Toodyay—

8 hours alternating between 0800/  
2400 hours.

## Wagin—

16 hours alternating between 0800/  
2400 hours.

## Warooka—

8 hours alternating between 0800/  
2400 hours.

## Wickepin—

8 hours alternating between 0800/  
2400 hours.

## Wickham—

8 hours alternating between 0800/  
2400 hours.

## Williams—

16 hours alternating between 0800/  
2400 hours.

## Wongan Hills—

8 hours alternating between 0800/  
2400 hours.

## York—

8 hours alternating between 0800/  
2400 hours.

## TRANSPORT

*Frozen and Dry Goods to Wiluna*

901. Mr COYNE, to the Minister representing the Minister for Transport:

- (1) What tonnage of freight was transported and delivered to Wiluna by Bell Freightlines on successive Tuesdays since 19th July last?
- (2) What proportion of the total volume was made up of frozen goods?
- (3) If the answer to (2) is less than 50%, does not this breach the Transport Commission's recently proclaimed policy of permitting balanced loadings of frozen and dry goods?

Mr O'CONNOR replied:

- (1) Since the 19th July, 1977, 63.25 tonnes of freight has been approved for road transport from Perth to Wiluna by Bell Freightlines.
- (2) and (3) 32.79 tonnes.

## ROAD TRAFFIC AUTHORITY

*Air Patrol*

922. Mr GRILL, to the Minister for Police and Traffic:

In respect of the air patrol section of the Road Traffic Authority:

- (1) What personnel were assigned to the body when it was established?
- (2) What were the ranks of those personnel?
- (3) What changes in personnel and equipment (including aircraft) have occurred since the establishment of the air patrol?
- (4) What is the cost of maintaining the air patrol?
- (5) What training or examinations have been undertaken by air patrol personnel during service by those personnel with the air patrol?
- (6) What were the results of any examinations involved in the training referred to above?
- (7) Where were these training courses or examinations undertaken?
- (8) Were they full-time or part-time courses?
- (9) How much did each cost?
- (10) Who paid the costs?

- (11) How many policemen in Western Australia hold a commercial pilot's licence?
- (12) Who are they?

Mr O'NEIL replied:

- (1) Four men.
- (2) One 3/c sergeant, one 1/c constable and two constables.
- (3) Aircraft purchased 7th December, 1976, in lieu of previous hire arrangement: no other changes in equipment.  
Personnel has remained static at one sergeant and three constables.
- (4) \$8 601 per month including all salaries and aircraft operational costs.
- (5) One constable attended courses in Victoria and Western Australia for a total of 21 weeks on commercial pilot rating and one constable attended a five-week course in Victoria and a seven-week course in New South Wales on commercial pilot rating.
- (6) One constable has passed three subjects towards a commercial pilot's licence with three subjects remaining and the other constable has passed four subjects with two remaining.
- (7) Victoria, Western Australia and New South Wales.
- (8) Full time.
- (9) Victoria \$270 each. Air fares \$175 each. Western Australia \$5.
- (10) Road Traffic Authority in each instance apart from the New South Wales course which was paid personally by the officer concerned.
- (11) Two known.
- (12) Constable Monkhurst.  
Constable Wallis.

#### GOLDMINING

##### *Hill 50 Mine*

926. Mr GRILL, to the Minister for Mines:

Concerning the Hill 50 mining operation at Mount Magnet:

- (1) Have any exemptions from the labour conditions been applied for by the operators of the mine for the leases upon which the mines are situated?

(2) If so—

- (a) when were they applied for;
- (b) were the applications successful; and
- (c) for what period were they granted?

(3) If the applications were successful, what were the grounds for the applications and on what grounds did the warden uphold the applications?

Mr MENSAROS replied:

- (1) Yes.
- (2) (a) 2nd June, 1977;  
(b) Yes;  
(c) 27th June, 1977 to 26th December, 1977.
- (3) The warden recommended the applications for approval on the following grounds:  
Plant and equipment on maintenance basis until economics of goldmining improves sufficiently to enable operations to be recommenced.

927. *This question was postponed.*

#### LAND

##### *Urban Lands Council*

928. Mr CARR, to the Minister for Urban Development and Town Planning:

- (1) Under which Act of Parliament does the Urban Lands Council operate?
- (2) How does it operate?
- (3) What staff does it have?
- (4) Can he say when each of the reports for the years 1974-75, 1975-76, 1976-77 covering the operations of the Urban Lands Council will be tabled in this House?

Mr RUSHTON replied:

- (1) and (2) The council, being an interim authority, operates through the Rural and Industries Bank Act by the bank acting as trustee and agent.
- (3) 5 male and 2 female officers of the State Public Service.
- (4) The interim council was established in April, 1975. Its management of financial resources made available by the Commonwealth and the State have been reported on for each respective year by

the Auditor-General. A general review of operations to the 30th June, 1976, has been prepared and I will hand the member a copy.

## LAND

### *Urban Lands Council*

929. Mr CARR, to the Minister for Urban Development and Town Planning:

- (1) Who are the members of the Urban Lands Council?
- (2) Who, or what interests, do each of them represent?
- (3) How do each of the members of the Urban Lands Council report to the people they represent?

Mr RUSHTON replied:

- (1) Chairman:

Mr R. B. MacKenzie A.M., F.A.I.V., F.A.I.M., Chairman State Housing Commission to 31st August, 1976. Also Chairman Rural Housing Authority from 1st November, 1976.

Members:

Mr C. G. Adams A.A.S.A., SEN., A.P.T.C., Assistant Under Treasurer, State Treasury.

Mr L. W. Graham M. Econ., B.A. (Econ.) DIP. T.R.P., M.R.A.P.I., Principal Planning Officer, Town Planning Department.

Mr H. E. Hunt B.E., A.M.I.E. Aust., Chief Engineer, Metropolitan Water Supply, Sewerage and Drainage Board.

Mr K. Meyer A.A.I.V., C.D., Sworn Valuator, Co-ordinator of Urban Development.

Mr P. N. Solomon B. Econ., F.A.I.V., Managing Director, Estates Development Pty. Ltd., Federal President, Urban Development Institute of Australia.

Mr P. N. Troy B.E., Dip. T.R.P., Master in Highway Engineering M.I.C.E., Member, Urban Research Unit, Research School of Social Sciences, Australian National University. Member, South Australian Land Commission.

- (2) The only member appointed as a representative of any particular authority was Mr Troy who was the nominee of the Commonwealth Government.

- (3) Members were selected for their expertise and experience in land planning, acquisition and development and financing and are answerable only to the Government of the day as activities of the council are regarded as confidential in the public interest.

## LAND

### *Urban Development*

930. Mr CARR, to the Minister for Urban Development and Town Planning:

- (1) What are the urban land development policies of the Government?
- (2) How are these policies reflected in the activities of the Urban Lands Council?
- (3) How are the land development activities of the Urban Lands Council related to those of the Metropolitan Region Planning Authority, the State Housing Commission, Joondalup Development Corporation and the Rural and Industries Bank?

Mr RUSHTON replied:

- (1) The policies of the Government were stated on Page 85 of the document "Liberal Policy 1977-80".

*Inter alia* this states—

"We will continue our programme for speeding up the flow of serviced housing lots in the metropolitan area, to moderate prices through competition."

"We will extend our successful co-ordination of urban lot development to country areas."

- (2) The Urban Lands Council has assumed a complementary role in land development. For example, in the year ended June 1977, the council commenced construction of 1 084 sites and during the year offered 696 sites for sale. Depending upon the level of demand, the council's 1977-78 programme is to produce some 1 500 sites. Its marketing policy and the volume of land offered is undoubtedly a moderating influence on prices.
- (3) There is no relationship other than that which normally results from organisations operating in the same industry.

**SCHOOL***Dudley Park*

931. Mr SHALDERS, to the Minister for Education:

Is it the intention of the Education Department to reclassify the Dudley Park primary school to class 1A status in 1978?

Mr P. V. JONES replied:  
No.

**POLICE AND RTA***Strength*

932. Mr T. H. JONES, to the Minister for Police and Traffic:

- (1) What was the strength of the force for the years 1970 to 1976 inclusive, but excluding Road Traffic Authority personnel?
- (2) Since the Road Traffic Authority was established, will he supply the number of persons employed—
  - (a) in a clerical or administrative capacity; and
  - (b) as patrolmen,
 on an annual basis to 30th June, 1977?

Mr O'NEIL replied:

- (1) As at 30th June—
  - 1970, 1 529;
  - 1971, 1 616;
  - 1972, 1 686;
  - 1973, 1 807;
  - 1974, 1 984;
  - 1975, 1 790;
  - 1976, 1 782.
- (2) (a) As at 30th June—
  - 1975, 342;
  - 1976, 386;
  - 1977, 422.
- (b) As at 30th June—
  - 1975, 389;
  - 1976, 503;
  - 1977, 494.

**POLICE AND RTA***Strength*

933. Mr T. H. JONES, to the Minister for Police and Traffic:

Will he advise under the provision of the estimates for year ending 30th June, 1978—

- (a) the additional police force strength; and
- (b) the additional Road Traffic Authority strength?

Mr O'NEIL replied:

- (a) 80;
- (b) 40.

**POLICE AND RTA***Equipment*

934. Mr T. H. JONES, to the Minister for Police and Traffic:

Under the provisions of the 1978 estimates, what are the amounts that will be spent on equipment for—

- (a) the Police Force;
- (b) the Road Traffic Authority?

Mr O'NEIL replied:

- (a) \$236 000;
- (b) \$184 200.

**POLICE AND RTA***Applicants*

935. Mr T. H. JONES, to the Minister for Police and Traffic:

Will he advise the present waiting list for people to be employed as—

- (a) male police;
- (b) female police;
- (c) Road Traffic Authority patrolmen?

Mr O'NEIL replied:

- (a) 215;
- (b) 59;
- (c) 28.

**POLICE***Strength*

936. Mr T. H. JONES, to the Minister for Police and Traffic:

On a per head of population basis, can he advise the strength of each Police Force in Australia, excluding Road Traffic Authority personnel in Western Australia?

Mr O'NEIL replied:

State or Territory	Authorised strength		Population adj. census		Ratio
	30/6/77		30/6/77	30/6/77	
N.S.W. ....	8 414		4 964 900		1:590
Victoria ..	6 750		3 788 700		1:561
Queensland	3 834		2 166 400		1:565
Sth. Aust.	2 781		1 277 400		1:459
Tasmania	964		410 600		1:426
A.C.T. ....	585		210 000		1:364
North. Ter.	468		101 088		1:216
West. Aust.	1 834		1 196 500		1:652

In other States and Territories, traffic control is under the authority of general police. There is no separate authority as in Western Australia.

Including road traffic patrolmen, the strength in Western Australia as at 30th June, 1977, was 2 351, making a ratio of 1:509.

The percentage of police engaged in traffic duties in this State is much greater than in other States or Territories.

### LAND

#### *Reserve 30623*

937. Mr BARNETT, to the Minister for Lands:  
Would she please advise the precise location of reserve 30623, Cockburn Sound, location 16?

Mrs CRAIG replied:

Reserve No. 30623 is comprised of Cockburn Sound Location 2146 and has been surveyed on Lands and Surveys Diagram 74064.

A copy of the diagram is submitted for tabling.

*The diagram was tabled (see paper No. 296).*

### EMPLOYMENT AND UNEMPLOYMENT

#### *Kwinana*

938. Mr BARNETT, to the Minister for Labour and Industry:

Would he please advise me of—

- (a) the numbers of—
  - (i) adult females;
  - (ii) junior females;
  - (iii) adult males;
  - (iv) junior males,
 unemployed in the Kwinana region;
- (b) the number of job vacancies for the Kwinana region?

Mr GRAYDEN replied:

As at the 30th September, 1977, the numbers of unemployed were—

- (a) (i) 195;
- (ii) 243;
- (iii) 737;
- (iv) 289.
- (b) Seventy-nine unfilled vacancies as at the 30th September, 1977.

### FORESTS DEPARTMENT

#### *Pilots*

939. Mr BARNETT, to the Minister for Lands:  
Further to my question on the departments advertising for pilots for the forest spotting scheme, would she please advise:
- (a) if appointments have now been made;
  - (b) how many;
  - (c) what are their names; and
  - (d) from which State were they selected?

Mrs CRAIG replied:

- (a) Letters of acceptance to successful applicants have been forwarded. Indentures have not yet been signed.
- (b) Seventeen.
- (c) Mr G. J. Love,  
Mr K. Burley,  
Mr Kai Efraimssen,  
Mr G. Exmann,  
Mr G. Holliday,  
Miss Y. Dobinson,  
Mr K. Noack,  
Mr P. Hales,  
Mr G. Simpson,  
Mr L. Bond,  
Mr J. Woodward,  
Mr G. Makin,  
Mr I. Farmer,  
Mr G. Greenacre,  
Miss S. Horan,  
Mr G. Menkins,  
Mr M. McLean.
- (d) Fifteen from Western Australia.  
One from Queensland.  
One from Victoria.  
Both interstate pilots have had a full season of experience on the fire spotting scheme in Western Australia.

### STATE FORESTS

#### *Dieback*

940. Mr BARNETT, to the Minister for Forests:
- (1) How much money has been spent in each of the last three years on research into dieback in this State?
  - (2) How much money is to be made available for this purpose in this financial year?

Mrs CRAIG replied:

- (1) The Forests Department spent in the order of \$200 000 on research into jarrah dieback in each of the last three years. Expenditure within the universities and CSIRO is not known.
- (2) Approximately \$200 000.

## PUBLIC WORKS

### *Rockingham Proposals*

941. Mr BARNETT, to the Minister for Works:  
Would he please outline the proposed works indicated for Rockingham amounting to \$118 000 on page 15 of this year's loan estimates?

Mr O'CONNOR replied:

\$118 000 is listed on 1977-78 General Loan Fund Estimates to finalise the Rockingham Hospital contract.

## SCHOOL DENTAL THERAPY CENTRE

### *Rockingham*

942. Mr BARNETT, to the Minister for Health:  
In view of the allocation of \$1 570 000 in this year's loan estimates for dental clinics in primary schools, is he now in a position to indicate if a school in the Rockingham electorate will be provided with a dental clinic?

Mr RIDGE replied:

No. Planning for the siting of clinics is not complete but the needs of the people of Rockingham will be given careful consideration.

## SCHOOL AND HIGH SCHOOL

### *Rockingham*

943. Mr BARNETT, to the Minister for Education:

What are the details relating to—

- (a) the allocation of \$32 000 for the Rockingham High School referred to on page 18 of this year's loan estimates;
- (b) allocation of \$70 000 for the Rockingham High School on page 19 of this year's loan estimates;
- (c) allocation of \$12 000 for Rockingham Beach primary on page 21 of this year's loan estimates?

Mr P. V. JONES replied:

- (a) The \$32 000 is a carry-over from the previous year of the cost of constructing the fifth stage of Rockingham High School.
- (b) The \$70 000 is provided for the construction of additional home economics facilities.
- (c) The \$12 000 is a carry-over from the previous year of the cost of a library resource centre and the upgrading of classrooms and administration area.

## UNEMPLOYMENT RELIEF

### *Drought Towns*

944. Mr BARNETT, to the Treasurer:

What is the reasoning behind the drop in moneys available for unemployment relief in drought towns, i.e., from \$518 874 last year to \$150 000 this year?

Sir CHARLES COURT replied:

Although only \$150 000 is provided in the General Loan Fund Estimates, more money is available from the Consolidated Revenue Fund provision of \$2 000 000 for Item 106 of the Miscellaneous Services Division.

Projects already approved this year will require State grants of \$188 240 and as other qualified projects are submitted and approved, additional expenditure will be incurred this financial year.

## KWINANA POWER STATION CONVERSION

### *Number to be Employed*

945. Mr BARNETT, to the Minister for Fuel and Energy:

How many persons are expected to be employed on the conversion of the Kwinana power station for which \$16 052 000 has been allocated in this year's loan estimates?

Mr MENSAROS replied:

During the 12-month period in which the loan allocation of \$16 052 000 will be spent, a peak of 300 persons are expected to be employed on the Kwinana power station conversion.

This number will fall to between 250 and 200 towards the end of the period.

## PORTS

*Outer Harbour Development*

946. Mr BARNETT, to the Minister for Works:  
What are the details of the \$1 600 000 allocation for outer harbour development referred to in page 37 of this year's loan allocation?

Mr O'CONNOR replied:

The amount is for the completion of 230 metres of additional berths south of the existing bulk cargo jetty at Kwinana to provide for bulk loading facilities and also a fitting out berth for grain ships waiting to load at the adjacent grain jetty.

## CONSERVATION AND THE ENVIRONMENT

*Estuarine Conservation and Management Authority*

947. Mr BARNETT, to the Minister representing the Minister for Conservation and the Environment:

Would the Minister please provide a breakdown of the \$790 000 allocated in this year's budget for field projects, estuarine conservation and management authority?

Mr P. V. JONES replied:

The member is advised that the term "estuarine conservation and management authority" was used while legislation was being developed to establish a Waterways Commission and the member is reminded that he was a member of this House when such legislation was passed in 1976. With regard to the \$790 000 for field projects of the Department of Conservation and Environment these range over a wide variety of topics such as Cockburn Sound studies and predictive air modelling.

## YACHTING EVENT

*Government Assistance to Mr Lewis*

948. Mr HARMAN, to the Premier:

- (1) Did his Government recently grant financial assistance to a person named Lewis to compete in a yachting event?
- (2) What was the nature of the event and where was the event held?

- (3) (a) What was the amount of financial assistance granted; and
- (b) when was the amount paid?

Sir CHARLES COURT replied:

- (1) No.
- (2) and (3) Not applicable.

## PENSIONER CONCESSIONS

*Publication of Guide*

949. Mr DAVIES, to the Premier:

- (1) Who was responsible for compiling "A Guide to Pensioner Benefits available in Western Australia" and issued by the Government?
- (2) How many were—
  - (a) printed;
  - (b) issued,
 of the first edition?
- (3) What was the cost of the first issue?
- (4) What answers apply to the same questions in regard to the second printing?
- (5) Are any stocks of either printing now on hand, if so, how many?

Sir CHARLES COURT replied:

- (1) At the request of the Government, the information was prepared by the Public Relations Section, Premier's Department.
- (2) (a) and (b) 15 000.
- (3) \$5 040.
- (4) 20 000 printed at a cost of \$2 782.
- (5) Approximately 4 000 of the second printing are currently held in stock. It is possible that additional numbers are held by various pensioners' organisations which were supplied with copies of both editions of the publication. A third edition is currently being prepared based on up-to-date information and the advice and guidance of various pensioner groups is being sought concerning content, etc., before finalising the publication.

## STATE GOVERNMENT INSURANCE OFFICE

*Premiums for Earthmoving Vehicles and Cranes*

950. Mr CARR, to the Minister for Labour and Industry:

- (1) Is he aware that page 17 of the SGIO Motor Vehicle Insurance Tariff indicates

that earthmoving vehicles and cranes which are usually garaged outside a 30-mile radius of Perth are subject to premiums in excess of twice the premiums paid on vehicles normally garaged within 30 miles of Perth?

- (2) Is he aware that firms with "District A" insured vehicles frequently do work in country areas and tender against firms operating vehicles licensed in districts "B" and "C"?
- (3) Is it a fact that operators based in country areas are discriminated against by this system of insurance premiums and placed at an unfair disadvantage compared with metropolitan competitors?
- (4) Why are cranes, which operate essentially in urban conditions, included in the category of earthmoving vehicles?
- (5) Will he consider requesting the State Government Insurance Office to amend its premiums to reduce the difference in premiums between city and country?
- (6) Will he consider requesting the State Government Insurance Office to remove cranes from this category of vehicles?
- (7) If "No" to (5) and (6), will he consider requesting the State Government Insurance Office to amend the boundaries of district "A" to include the main regional urban centres of the State?

Mr GRAYDEN replied:

- (1) to (7) SGIO motor vehicle premium rates are not Government charges and are set by the general manager of the office having regard to market conditions, claims experience and other factors.

The general manager will be pleased to discuss the points raised on a direct basis.

## PLUMBERS

### *Examinations*

951. Mr CARR, to the Minister for Water Supplies:

- (1) Is it a fact that any plumber wishing to obtain a full MWSS&D Board sewerage licence must satisfy the board of water and sewerage examiners by passing their examination?

(2) Is it a fact that Geraldton plumbers concerned have to undertake those examinations in Perth?

(3) Is it a fact that examinations are normally held at Leederville Technical College?

(4) Is it a fact that permission has been granted by the officer-in-charge of Leederville, for the new Geraldton Technical College to be used for local students?

(5) Is it a fact that the MWSS&D Board has continued to refuse examinations to be held locally?

(6) Will he intervene to allow the examinations to be held locally, especially as a full-time sewerage inspector is now understood to be resident in Geraldton?

Mr O'CONNOR replied:

- (1) to (3) Yes.
- (4) Such permission could not be granted as these examinations are conducted by the Metropolitan Water Board in the metropolitan area, using Leederville Technical College as an examination location.
- (5) and (6) As a metropolitan authority, the Metropolitan Water Board only holds plumbing examinations in Perth. The certificate of competency issued by the Metropolitan Water Board's examiners is also accepted by the Public Works Department as evidence that an applicant for a full water supply and sanitary plumbers licence under the Country Towns Sewerage Act is qualified to receive such a licence.

However, the department is currently reviewing its examination requirements in respect of the provisional licences which authorise plumbers to work only in country towns. It is planned that these examinations will be held in country areas as necessary to satisfy the demand.

## COAL

### *Eneabba*

952. Mr CARR, to the Minister for Mines:

- (1) Is he aware of recent publicity in the *National Miner* suggesting that deposits of coal at Eneabba may prove to be commercially viable and suitable for open cut mining?

- (2) Is he able to give the House any further information as to the possible viability of these deposits?

Mr MENSAROS replied:

- (1) Yes.
- (2) Exploration for coal in the area mentioned is active with a number of companies participating. To my knowledge no new economically viable coal deposits have been located and tested to date. The deposit located by Taylor Woodrow remains the only prospect with an economic potential but I am hopeful that similar deposits may be located during the present activity.

### QUESTIONS WITHOUT NOTICE TAXIS

#### *Rates Charged*

1. Mr HARMAN, to the Minister representing the Minister for Transport:
- (1) Will he detail the criteria/method of assessment and/or data used by the Taxi Control Board to adjust flag fall charges, detention fees, and rates per kilometre charged by taxi-cabs?
- (2) Will he detail the proposed increases in flag fall, detention fees, and rates per kilometre?
- (3) What percentage increase does each proposal represent?

Mr O'CONNOR replied:

- (1) An examination and assessment of the costs of operation of a Holden Kingswood 202 automatic taxi pack, which is considered to be an average taxi-car, was made.
- (2) This has not yet been decided.
- (3) Approximately 11 per cent.

### STATE FINANCE AND ECONOMIC POLICIES

#### *Federal Control*

2. Mr JAMIESON, to the Premier:
- (1) Has he seen *The Australian Financial Review* report of the 15th September, 1977, in which the Queensland Premier, Mr Bjelke-Petersen, has claimed that despite the new federalism policy which Mr Bjelke-Petersen originally supported,

he now believes that Canberra is looking to impose all the charges it can and leave the States as dependants—relying solely on the Commonwealth for their financial support, which also means strict Canberra control on the States' financial and economic policies?

- (2) Is the State Government's attitude in this matter in line with that expressed by Mr Bjelke-Petersen?
- (3) If "No" to (2), why not?

Sir CHARLES COURT replied:

- (1) to (3) In answer to the Leader of the Opposition, I have not seen the article referred to which I gather from what the honourable member has said is in *The Australian Financial Review*, of the 15th September.

I shall acquaint myself with the article and then let the Leader of the Opposition have an answer. From what he has read out to the Chamber, I could not express a view at the moment.

### ALCOHOL AND DRUG AUTHORITY

#### *Halfway House*

3. Mr DAVIES, to the Minister for Health:
- (1) Has he received a letter from the Committee on Alcoholism and Drug Abuse, Council of Social Service of W.A. (Inc.), expressing concern at the proposed establishment by the ADA of a halfway house?
- (2) If so, will he be meeting representatives of the committee, as requested, before taking irretrievable steps to establish such a house?
- (3) If he does not have the letter, will he await its arrival before acting?

Mr RIDGE replied:

- (1) to (3) In reply to the member for Victoria Park, I have not had a chance to check this question positively.
- I must say I am not aware of having received the letter in question from the committee. However, if representations are made to me I would be happy to meet with the committee. I can assure the member that no final decision will be reached pending a meeting with the organisation.

## EDUCATION FUNDS

### *School Spending Programme*

4. Mr H. D. EVANS, to the Minister for Education:

- (1) My question is totally without notice. Were the principals of south-west schools recently contacted by the district superintendent, by telephone, and informed that an additional \$1 million was available to be spent on schools, and that they were required to submit a programme of school spending ranging between \$4 000 and up to \$15 000, and in some cases the principals were given less than half an hour in which to prepare their individual submissions?
- (2) Why did this procedure occur, and was it not unusual?
- (3) Were all schools treated alike, or were there priorities according to needs?
- (4) Can the Minister say that needy schools fared better than those which were more happily positioned?

Mr P. V. JONES replied:

- (1) to (4) As the member has indicated, I had no prior knowledge of this question but I will research it for him and see if what he has said is so.

The question of inviting schools to recommend some funding certainly has taken place recently in relation to minor works money.

The specific question as to having received only half an hour during which to make up estimates is something I will find out about. It does not seem to me that it would be so, and if it was so it is not what we are seeking.

## ROAD TRAFFIC AUTHORITY

### *Air Patrol*

5. Mr B. T. BURKE, to the Minister for Police and Traffic:

Adverting to the reply to part (3) of question 922 on today's notice paper, is the Minister in a position to indicate

whether—in talking about changes in personnel—although he said that the ranks assigned to the air patrol section of the Road Traffic Authority did not change, the actual personnel did change?

Mr O'NEIL replied:

In reply to the honourable member, I am in no such position.

## TAXIS

### *Responsibility for Inspection*

6. Mr HARMAN, to the Minister representing the Minister for Transport:

My question relates to the reply to question 892. I am sure the Minister, because of his previous portfolio, will be able to answer it.

In answer to the question the Minister stated that the Taxi Control Board took over the responsibility for the inspection of taxi-cars on the 25th February, 1977. My question is: Who had that responsibility prior to the 25th February, 1977?

Mr O'CONNOR replied:

Prior to that date taxis were inspected by the Police Department.

## ROAD TRAFFIC AUTHORITY

### *Air Patrol*

7. Mr B. T. BURKE, to the Minister for Police and Traffic:

Taking into account the reply which the Minister gave to my previous question, relating to question 922 on today's notice paper, would the Minister explain why two constables who are in possession of commercial pilot's licences are apparently not employed in the air patrol section of the Road Traffic Authority?

Mr O'NEIL replied:

I am in no position to answer the question. I suggest if the member wants a detailed answer he place his question on the notice paper.