

# Legislative Council

Wednesday, 13 May 1981

The DEPUTY PRESIDENT (the Hon. V. J. Ferry) took the Chair at 2.30 p.m., and read prayers.

## LEGISLATIVE COUNCIL

*Suspension of Sitting: Statement by Deputy President*

THE DEPUTY PRESIDENT (the Hon. V. J. Ferry): In view of the extreme pressure under which the *Hansard* staff has been operating in recent times in the workings of the Parliament, I propose to leave the Chair until 4.30 p.m.

*Sitting suspended from 2.33 to 4.30 p.m.*

## INDUSTRIAL ARBITRATION AMENDMENT BILL

*Third Reading*

Bill read a third time, on motion by the Hon. G. E. Masters (Minister for Fisheries and Wildlife), and passed.

## SETTLEMENT AGENTS BILL

*In Committee*

Resumed from 12 May. The Deputy Chairman of Committees (the Hon. R. J. L. Williams) in the Chair; the Hon. G. E. Masters (Minister for Fisheries and Wildlife) in charge of the Bill.

Schedule 1—

The DEPUTY CHAIRMAN: Progress was reported after the schedule had been partly considered.

Schedule put and passed.

Schedule 2—

The Hon. G. E. MASTERS: I move an amendment—

Page 93—Delete paragraph (h) and substitute the following—

(h) completing powers of attorney in such form and subject to such conditions as are prescribed; .

Under the schedule as it now stands, if a settlement agent is given power of attorney, there is no provision to cancel that power. The original intention was that the power of attorney should operate for only a particular transaction, and the amendment will achieve that purpose.

The Hon. H. W. OLNEY: I am amazed, alarmed and, indeed, almost despairing to listen to the Minister carry on in the way he left off last night. In its original form, the Bill provided the authority for a settlement agent to complete powers of attorney in the form contained in the 19th schedule to the Transfer of Land Act. The Minister would know all about that schedule; it sets out a standard form of power of attorney which is appropriate and which is the required form to be used when it is desired to give an attorney authority to sign on behalf of the registered proprietor of an interest, or a party to a dealing under the legislation. It is in a form appropriate to that type of transaction.

One of the objections we raised yesterday was that it was inappropriate for settlement agents to be messing around with powers of attorney because of the extent of the implications involved once a power of attorney had been executed. If the Government wants to achieve what the Minister claims it wants to achieve, it should not seek to do it, first of all, by deleting reference to the specific type of power of attorney—that is, the special Transfer of Land Act form—and inserting in its place reference to powers of attorney generally in a form which is yet to be prescribed under conditions which are yet to be prescribed.

If the Government had wanted to legislate in terms of the Minister's recent comments it would have been a perfectly simple exercise to add to the present paragraph limiting provisions providing that, in respect of the completion of powers of attorney, a settlement agent may act only in respect of a particular transaction.

Why is it necessary time and time again in this legislation to say "It will be prescribed in the regulation"? We do not know what the regulation will be. We do not even know whether there will be a regulation. We do not know whether the draftsman will pick up all these things which have not been prescribed. It would not be the first time a draftsman missed out prescribing things which needed to be prescribed.

Yesterday we were told by the Minister that the board would read the second reading debate and would know it would have to exercise one of the options under clause 34 or clause 35 because the Minister said that was the intention. If that is the intention, why can we not have it in words in the Bill so that anybody, particularly a registered settlement agent or a person dealing with a registered settlement agent, can read the Bill and find out what it means?

After all, it has been stuck away in small print at the end of the Bill. Why go into more small print in regulations which will probably be more

difficult to locate—which is the usual thing with regulations—in order to know what the law is?

The Hon. PETER DOWDING: It is good to see the Minister has a sense of humour, because after a tedious night last night it is good to come back and have a laugh, and one could not help but giggle convulsively after considering what the Minister has told us and then looking at the amendment.

At the moment, at least the public have the protection of knowing the settlement agent is not going to burst off into some other print; at least they know the form will be from the TLA which Parliament has approved. But it seems that is not good enough and we now have to leave the matter up to the board, which will do all the legislative work behind our back because the Minister does not want the matter examined publicly in a public place. That is the reason that so much of this legislation has been delegated. It is a disgrace to the parliamentary system. It is convenient for the Minister and the instructing Minister who would prefer that Parliament be deleted. He is publicly showing that with his attitude to the elected legislature.

The Hon. P. H. Lockyer: Don't be silly.

The Hon. PETER DOWDING: The Hon. Phil Lockyer is a good example of that; he would like such a gerrymandered situation that it was completely pointless to get involved in any sort of legislative programme. To call Mr Lockyer any sort of reviewing agent is about as funny as the Minister's explanation.

The power of attorney, which under the existing schedule 2 may be held by the estate agent, is a printed form. The proposal in this amendment is not for a printed form. We do not know what it will be or how complex it will be. Members have heard us saying over a number of hours that we believe settlement agencies should not do that for which they have no training. Members have heard the Minister try to persuade this Chamber that this would not happen, which is just absolute and utter poppycock. We do not know what powers of attorney a settlement agent will have because we do not know what sort of conditions will be imposed. Surely that is the whole point of a Statute; that is, to define the powers of settlement agents. It is on this point we have the unedifying spectacle of the Minister running away from what is his legislative responsibility because this conveniently blocks out discussion by members of this House.

Last night the Minister asked that discussion on schedule 2 be stood over. The Opposition takes the view there are aspects of work in this schedule

that may well be complex which ought not be conducted by people who do not have legal training. If members think that is being some sort of apologist for the Law Society, all I can say is that the Minister has no analytical sense at all. We have the Legal Practitioners Act which is part of an accepted reality in this State that some people have professional training. It is accepted that people with professional training ought to be able to charge for work done and people without training ought not to be able to charge. If that is the case, what is the rationale for derogating from that principle? It is nonsense for the Minister to talk about settlement agents being cheaper and faster, because the reality is the people will lose protection. The Minister cannot jazz up the Bill to pretend to the public it will be in their interest if he does not define the proper role of a settlement agent. A settlement agent has a very limited but useful role which this Statute is designed to protect and control.

All the Minister has done since he has been in the unenviable position of having to represent Mr Hassell—especially in view of that Minister's known views on public discussion—is to say the board thinks everything will be okay. Why does the Parliament not know where the limitations are on this Statute it is passing? Does the Minister not concede that schedule 2 is the absolute apex of this Statute? It is the portion of the Statute that defines the role of a settlement agent. All the intervening provisions, from the short title to the power to make temporary arrangements, are simply mechanical processes after we have our settlement agents. The schedule is an essential portion of the legislation.

There would be many members of the public who would be very concerned that there should be some excessive role given to people who have no legal training. The Minister may denigrate lawyers all he likes, but he cannot escape the fact that it is an historical legislative fact and a common-sense fact that people with training who are prepared to accept the responsibility of using their skills properly should do certain important work. My point is that not every man Jack of them is a terrific conveyancer. The Opposition is very concerned that members of the public will have available to them, without understanding the intricacies of it, a class of paralegal workers with unlimited ability to get involved in legal transactions—because there is very little supervision of them, and because there is a public toleration of a level of legal work which exceeds their proper power. I put it to the Minister that this schedule does not limit the settlement agent's powers far enough. He will be given the ability to

do conveyancing work and to have power of attorney, so the public are entitled to better protection than that which is presently provided.

The Hon. G. E. MASTERS: I was hoping the Hon. Peter Dowding would not be quite so keen to use the extravagant language he used yesterday, but he has started off in the same fashion today. It is unfortunate that he makes statements such as that settlement agents are to be given unlimited power, because they will not have that. I know it, and so does Mr Dowding.

The Hon. Peter Dowding: It is the tip of the iceberg.

The Hon. G. E. MASTERS: That is not true; they will not have unlimited authority. They have never had and never will have unlimited authority, and the honourable member knows that only too well. He is attempting to mislead the Chamber and the public.

The Hon. P. H. Lockyer: It is not the first time.

The Hon. G. E. MASTERS: The public will not lose its protection because this Bill very much relates to the protection of the public.

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): Could I just appeal to members and say that we suspended the sitting earlier this afternoon because of the pressures felt by *Hansard*. Continual talking and interjecting, whilst not interfering really with the speaker, places a strain on reporters. I request co-operation from members.

The Hon. G. E. MASTERS: It seems to me that the Hon. Howard Olney opposed any sort of move to give complete power of attorney to settlement agents. That is his view and we in our party have another view. We are all entitled to our views in this Chamber and, as far as the discussion is concerned, that is what we are talking about.

I refute the statements made by the Hon. Peter Dowding because they were not correct and should be put in their right perspective. I will put it quite plainly. We believe what we intended to achieve by this legislation will be better achieved by the amendment put forward. We believe the completion of the power of attorney should be related and restricted to the transaction undertaken.

The Hon. Peter Dowding: Why do you not say that in the Bill?

The Hon. G. E. MASTERS: If the honourable member allows me to finish I will give him the explanation. Regulations and rules are prescribed in any Act of Parliament and they must be accepted by the Chamber. It is not right to say

there will be nothing members of Parliament can do about it. Of course, the board will prepare regulations and rules and they will be tabled in this Chamber. Members will discuss them and debate them and, of course, they can be changed if the Parliament so desires.

The Hon. Peter Dowding: Why not tell us now what they are?

The Hon. G. E. MASTERS: I will not bother to answer that interjection. The honourable member and others in this Chamber and in another place will have an opportunity to debate, discuss, and change the regulations when they so wish.

The Hon. J. M. BERINSON: The traditional coach-and-four could be driven through the gaps in this legislation. We have been assured time after time by the Minister that all is still well because the gaps will be filled in due course by the rule-making powers of the board.

Again the Minister resorted to that assurance to answer the very valid objections to this first amendment. It appears to me as a result of this approach that we are being asked to accept substantial parts of this Bill on a mixture of faith and hope.

The Government in turn relies on the adequacy of rules or regulations subsequently to be prescribed. Since that aspect of the legislation has become so important as the explanation of the legislation has proceeded, I ask the Minister whether it is the Government's intention to withhold the proclamation of this Bill until the rules and regulations are drawn up. Unless we have that assurance we are in the process of passing a Bill in a very dangerous form.

The Hon. H. W. OLNEY: Mr Deputy Chairman, the Minister either misunderstands or misrepresents what I have said in regard to the amendment. I made known yesterday my opposition to paragraph (h) in clause t(1) of the second schedule. My complaint today is directed to the amendment. The Minister stated it is not intended that paragraph (h) apply in the form in which it was printed in the Bill, but rather apply only in relation to and be restricted to a particular transaction in respect of which a settlement agent is acting.

I accept the Government is determined to have a paragraph (h). The Government says it wants paragraph (h) in a modified form, but why could we not have added to paragraph (h) in its present form words such as "but restricted to" or "related to a particular transaction in which a settlement agent is acting", or some words to that effect?

The Hon. Peter Dowding: That is too simple, too honest, and too obvious for this Minister and his instructor.

The Hon. H. W. OLNEY: Perhaps my colleague has answered correctly the question I was putting. Why, indeed, is it so difficult to say in words in an Act what a Minister has said perfectly adequately and lucidly in his introductory speech to an amendment? I understood this Minister when he delivered his speech. He could have written the same words, or words to the same effect, into the amendment. If he did so I would not be wasting my time or the time of the Chamber. The Government intends to remove reference to the form in the Transfer of Land Act and in its place include a form prescribed under the Settlement Agents Act. I can tell him it will be no good unless the power of attorney is in the form of the Transfer of Land Act—the Office of Titles will not accept it. It is no good in any other form because you have Hobson's choice. That is a bit of free legal advice.

The Minister has told us what the prescribed conditions should be. However, we do not know whether they will or will not be the prescribed conditions. If they definitely will be they should be placed in the legislation; if they will not be, then that is what I want to know.

Was the Minister's statement factual? I assume it was, so there would be no difficulty in substantiating the remarks. A few simple words would achieve what he says will be achieved rather than leave this matter up in the air.

Let us assume that these regulations will be made before the legislation comes into force and are tabled here so that they become effective by the time the legislation becomes operative. Let us assume that the proper scrutiny, that probably will not take place, does take place and this Chamber in its wisdom disallows those regulations. There could be an argument on the scrutiny of the regulations and a situation could arise whereby no forms or conditions are prescribed. What then will be the situation? Will settlement agents be able to act in relation to the completion of a power of attorney? Of course, we know they will and will obtain a standard form from the Office of Titles under the Transfer of Land Act because, after all, that is what has been going on for some time without the sanction of this legislation.

I appeal to the Minister to think again when he asks us to agree to an amendment which makes less clear than before what the intention of the Act is.

The Hon. G. E. MASTERS: I do not believe the amendment makes the position less clear. The Government has made a decision on where this provision should be placed. The Government of the day has decided that the schedule is the appropriate place in which to place this provision.

The Hon. Peter Dowding: You will not tell us why.

The Hon. G. E. MASTERS: The decision is up to the Government.

The Hon. Peter Dowding: You will not tell us why.

The Hon. G. E. MASTERS: It is a decision we have made. I do not need to explain in detail to the Hon. Peter Dowding those sorts of things. However, I will answer the Hon. J. Berinson. It is intended that the regulations will be tabled when the legislation is proclaimed. The Opposition will have ample opportunity to debate and discuss those regulations when this legislation is proclaimed. That is the situation.

Amendment put and passed.

The Hon. G. E. MASTERS: I move an amendment—

Page 94—Delete paragraph (f) and substitute the following—

(f) an application to register a strata plan under the Strata Titles Act 1966; .

I believe clause 1(2)(f) as it was printed in the Bill was incorrectly printed and, in fact, the full stop should have been after "Strata Titles Act 1966". As the Opposition would well know one cannot amend, repeal, or add to the by-laws set forth in the schedule to the Strata Titles Act 1966 unless a registration has taken place. It is quite ridiculous then to proceed with the full text of this paragraph. So that the Bill makes sense and has proper application to the registration of a strata plan under the Strata Titles Act this amendment is required.

The Hon. PETER DOWDING: The Minister bridled a little and took some umbrage at my interjection asking him to explain why the Government was of the view that certain wording was inappropriate. His response to my interjection was that he is not required to tell me anything. With great respect to the Minister, I am sure he does not have the same contempt for the democratic process of this Parliament as does the looming figure behind him, the Minister for Community Welfare.

This Minister I am sure has some high regard for the democratic process. He would accept that the whole purpose of the process is that he give

explanations to us. We are entitled to know what is happening. To suggest we are not is not only silly, but also quite absurd. I am sure the Minister does not honestly hold the view that we should not follow that process.

It strikes me that the proposal to amend this paragraph does not relate only to a typographical error or some other absurd proposition. It is an attempt to ensure that a settlement agent who never before dealt with these sorts of matters in fact will deal with them. In other words, he will deal with them under the conditions set out in the schedule to the Settlement Agents Act. That is important, because that is the quintessence of a settlement agent; he does that which is only mechanical and does not require expertise in relation to the dissection, analysis, and understanding of important regulations and the quality of them.

I submit the real purpose of paragraph (f) is to ensure that settlement agents handle strata titles and plans in their simple form. I do not know the answer to the proposition the Minister raised. I obtained a copy of the Strata Titles Act in an attempt to understand the position.

The Minister's explanation of the legislation before us should have given him a sense of guilt. He must have been told what to say by his party's committee, the Minister in another place, or some adviser. It is quite clear the role of settlement agents in respect of strata plans should be limited, but that will not be the position if this amendment is passed. Therefore I urge members in exercising their constant vigilance as a House of Review to reject this amendment.

The Hon. G. E. MASTERS: I will state the position once more only. When we talk about absurdity, I am sure the Hon. Peter Dowding is being absurd in this case. In relation to words I can only say that any Government makes a decision with the facts before it. It requires advice from expert committees and advisers before eventually coming to a conclusion.

The words included were included as a result of that advice and as a result of consideration given to that advice. The fact that the Hon. Peter Dowding does not agree with the words we use is beside the point. He has a right to say so, but we do not have to accept his opinion. We use the expert advice that is available to us and that is why we used that word.

The Hon. Peter Dowding: Some of that advice is pretty crook.

The Hon. R. Hetherington: You must have a reason.

The Hon. G. E. MASTERS: Of course we have a reason. It is to provide the necessary protection.

Several members interjected.

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): Order!

The Hon. G. E. MASTERS: I am sorry, Sir, I seem to have struck a chord there. It appears that the Hon. Peter Dowding is becoming obsessed with protecting the legal profession.

The Hon. Peter Dowding: You know that is not true.

The Hon. G. E. MASTERS: With this Bill we are protecting the public and offering them a service within the limited abilities of settlement agents in an area in which the agents can act competently and sensibly. We think the wording is appropriate, and if the Opposition wants to challenge the wording, that is its right.

The Hon. NEIL McNEILL: I rise with considerable reluctance, mainly for the purpose of clarifying the situation in my mind. If I have not interpreted the position accurately, I would like to be corrected. I refer to clause 1 (2) on page 94, and I refer members to the wording of paragraph (f). I assume what is set out there will in fact happen if that paragraph is deleted and the Minister's proposed amendment is substituted, and settlement agents will have virtually unrestricted rights to make application to register strata plans. In other words, there will be no conditions. I have certain reservations as to whether settlement agents should have the power to register strata plans.

However, I am prepared to be persuaded that they should in the light of the conditions and qualifications set out in the Bill, which at least give us a degree of confidence which previously was not the case in respect of these agents. However, one can get into considerable difficulty in respect of strata titles and I am referring not to settlement agents, but to the proprietors or the body corporate involved.

I would like this matter clarified to my satisfaction because I do have some reservations notwithstanding the qualifications and competence which in future will be required on the part of settlement agents. I want the matter clarified because this is a complex subject in which we should move with considerable caution. I ask the Minister to disabuse my mind of the misconception I may have in that respect.

The Hon. R. G. PIKE: I emphasise briefly, and I hope with some degree of accuracy, what the Minister has already said briefly and accurately. Let it be clearly understood that paragraph (f)

refers to an application to register a strata title plan under the Strata Titles Act, and the learned gentlemen of this Chamber should be aware that the body corporate under the Strata Titles Act is not constituted until such time as the title is registered. The next part of paragraph (f) says "unless the body corporate constituted by the proprietors... has amended or repealed etc". That can at law have no effect because the simple fact of the matter is that the body corporate cannot exist until the plan is registered. Therefore, in simple terms, those words have no effect at law because the situation does not exist, so it is futile to leave them in the Bill. That is the reason for their deletion.

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): I remind the honourable member that yesterday evening I had reason to refer a member to Standing Order No. 69. He was prevented from complying with that Standing Order by Standing Order No. 68, which Standing Order I wish the member would observe in future.

The Hon. H. W. OLNEY: I accept what the Minister has said, which Mr Pike has corroborated, about the fact that the body corporate is not constituted until the plan is registered. Therefore the words to be deleted are redundant. That raises another question, and one which has been raised time and time again. Why were the words ever included? What is the degree of competence of the draftsmanship? What is the validity of the advice the Minister has been receiving in the preparation of this Bill? Even Mr Pike and I can understand the fairly simple provision.

The Hon. R. G. Pike: Are you agreeing with me?

The Hon. H. W. OLNEY: Yes. That seems to suggest to me that the people responsible for the legislation did not know anything about the Strata Titles Act. That suggests to me that settlement agents had their finger in the pie in a manner in which they should not have because they have not really the competence or experience to be involved in such matters.

The need for this amendment demonstrates the suspicion that the advice behind the drafting of this Bill has been very one-sided. The amendment justifies the criticisms we have made and those we will make shortly.

The Hon. G. E. MASTERS: In answer to the Hon. Neil McNeill, subclause (2)(f) says that a licensee may draw or prepare an application to register a strata plan under the Strata Titles Act. The application must be approved by the registrar. It is simply a matter of preparing the

application, and I think perhaps that answers his query.

With regard to the other comments, I have answered them consistently and I see no point in repeating myself again.

Amendment put and passed.

The Hon. G. E. MASTERS: I move an amendment—

Page 95, paragraph (i)—Delete the passage "unrevoked; and" and substitute the passage "unrevoked."

This amendment is necessary to enable a following amendment to be made.

Amendment put and passed.

The Hon. G. E. MASTERS: I move an amendment—

Page 95—Delete paragraph (j).

I am sure the Opposition will be pleased with and supportive of this amendment. We believe this is a matter which should be undertaken by a legal practitioner.

The Hon. H. W. OLNEY: The Minister is very perceptive and can detect our delight at some distance. I rise to pursue briefly what I said earlier about the penultimate amendment. Why was this provision ever in the Bill at all? The paragraph is obviously related to the carrying on of legal work of an intricate nature. It was proposed that settlement agents should, subject to the conditions imposed by the code of ethics about which we know nothing—be authorised to draw or prepare a claim or demand for interest or such other liquidated damages as are specified in the offer and acceptance or contract relating to the real estate transaction on behalf of the party to the transaction by whom the licensee was appointed to arrange or effect the settlement.

It is not right to say that this applies only after settlement; it involves the construction of a contract or an offer and acceptance, and it involves knowing what "liquidated damages" means. In many cases it involves matters of considerable legal complexity; and yet it was included in the Bill recommended by the committee.

The Hon. Peter Dowding: And passed through the lower Chamber.

The Hon. H. W. OLNEY: Certainly. I am sure the Government would have left it in the Bill had it not been for the degree of opposition evidenced in this most valuable "House of Review". The fact of the matter is that this paragraph is indicative of the expansionist attitude of the

people who drafted the legislation. It proves once and for all that what the Minister said in his second reading speech is quite incorrect. This Bill does not merely legitimate what has, in the past, been done; but it is an intrusion into an area of legal practice which, in the past, has not been within the province of settlement agents. If it has been conducted by them, it has been done illegally.

The Minister has taken the opportunity to say that we are trying to protect the legal profession. I have indicated my attitude to that before. Let me say that every time Mr Gayfer speaks about Co-operative Bulk Handling, and other farmers in this Chamber speak about road transport, the RTA, wheat, sheep, and all the rest—including a Bill to abolish wheat bags, which is under consideration in the lower House—as well as football, we do not say that they are pursuing their own, sectional, vested interests.

The Hon. Peter Dowding: Greyhound racing!

The Hon. H. W. OLNEY: Members opposite have accused me of protecting the interests of the legal profession. That shows an appalling ignorance of the degree of social conscience and public interest that is demonstrated by the practising legal profession. That is conduct which is equal to that of any other professional group in this community.

Amendment put and passed.

The Hon. G. E. MASTERS: I move an amendment—

Page 96—Delete paragraph (i).

Amendment put and passed.

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): The question is "That the title stand as printed".

#### *Point of Order*

The Hon. PETER DOWDING: On a point of order, does not the second schedule have to be put?

The DEPUTY CHAIRMAN: That is so.

#### *Committee Resumed*

The DEPUTY CHAIRMAN: The question is "That the schedule, as amended, be agreed to".

The Hon. PETER DOWDING: The Opposition puts a proposition, not to support any sectional interest in the community, but because we are genuinely concerned that the interests of the public are not protected against persons with no qualifications. Persons with five years' experience in doing many of the things that they

are permitted to do, and some of the things that they have never been permitted to do, may be registered. We are not told anything at all about what areas the Bill covers.

Members of the public think that because the Parliament has passed an Act, and because settlement agents are licensed, those people have the genuine ability to engage in activities when that is not the position at all. Some activities may be too complex for them.

We do not want a proliferation of disputes between parties represented by settlement agents. It will bring discredit to the settlement agents. We have the view that it is very important that the name of settlement agents is a good one and they offer protection to the public. Their role should be limited to the activities they can perform. They can be involved in a whole range of activities; but we do not accept that they can be involved in a great many facets of legal work.

If one does a course at WAIT and ends up with a special qualification and is called a law clerk, or a quasi conveyancer, that is another Bill, another Act, another issue. That has nothing to do with the protection of the Law Society.

We are dealing with the protection of the public. We urge members who take their role as legislators seriously to look behind the bland assertions of the Minister. We are concerned that people might engage in strata title activities that they do not understand fully. We urge that this portion of the Bill not stand as printed, since the Minister does not wish it to go to a Select Committee. We suggest that the obligation is on the Government to work out the proper limits. The Minister pretended to do that in his second reading speech; but that is not the intent of the Bill.

Schedule 2, as amended, put and a division taken, with the following result—

#### *Ayes 18*

Hon. H. W. Gayfer	Hon. Neil Oliver
Hon. Tom Knight	Hon. P. G. Pandal
Hon. A. A. Lewis	Hon. W. M. Piesse
Hon. P. H. Lockyer	Hon. R. G. Pike
Hon. G. C. MacKinnon	Hon. I. G. Pratt
Hon. G. E. Masters	Hon. P. H. Wells
Hon. Neil McNeill	Hon. W. R. Withers
Hon. I. G. Medcalf	Hon. D. J. Wordsworth
Hon. N. F. Moore	Hon. Margaret McAleer

(Teller)

#### *Noes 9*

Hon. J. M. Berinson	Hon. R. Hetherington
Hon. J. M. Brown	Hon. Tom McNeil
Hon. D. K. Dans	Hon. H. W. Olney
Hon. Peter Dowding	Hon. F. E. McKenzie
Hon. Lyla Elliott	

(Teller)

## Pair

Aye	No
Hon. N. E. Baxter	Hon. R. T. Leeson

Schedule 2, as amended, thus passed.

Title put and passed.

*Report*

Bill reported, with amendments, and the report adopted.

*Third Reading*

Bill read a third time, on motion by the Hon. G. E. Masters (Minister for Fisheries and Wildlife), and returned to the Assembly with amendments.

**QUESTIONS**

Questions were taken at this stage.

*Sitting suspended from 6.05 to 7.30 p.m.*

**ACTS AMENDMENT (ELECTORAL PROVINCES AND DISTRICTS) BILL***Receipt*

Bill received from the Assembly.

*First Reading*

**THE HON. G. E. MASTERS** (West—Minister for Fisheries and Wildlife) [7.35 p.m.]: I move—

That the Bill be now read a first time.

Question put and a division called for.

Bells rung and the House divided.

*Remarks during Division*

Several members interjected.

The Hon. R. Hetherington: If you are going to play your stupid games!

The Hon. P. G. Penda: Say it a bit louder. Do not mumble it. If you want to look a fool and have a long night—

The Hon. Peter Dowding: At least there is one democrat amongst you which is a surprising sign.

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): Order!

The Hon. P. G. Penda: It is no wonder you are still in Opposition.

*Result of Division*

Division resulted as follows—

## Ayes 18

Hon. H. W. Gayfer	Hon. Neil Oliver
Hon. Tom Knight	Hon. P. G. Penda
Hon. A. A. Lewis	Hon. W. M. Piesse
Hon. P. H. Lockyer	Hon. R. G. Pike
Hon. G. C. MacKinnon	Hon. I. G. Pratt
Hon. G. E. Masters	Hon. P. H. Wells
Hon. Neil McNeill	Hon. R. J. L. Williams
Hon. I. G. Medcalf	Hon. D. J. Wordsworth
Hon. N. F. Moore	Hon. Margaret McAleer

(Teller)

## Noes 10

Hon. J. M. Berinson	Hon. R. Hetherington
Hon. J. M. Brown	Hon. Tom McNeil
Hon. D. K. Dans	Hon. H. W. Olney
Hon. Peter Dowding	Hon. W. R. Withers
Hon. Lyla Elliott	Hon. F. E. McKenzie

(Teller)

## Pair

## No

Aye	No
Hon. N. E. Baxter	Hon. R. T. Leeson

Question thus passed.

Bill read a first time.

*Second Reading*

**THE HON. G. E. MASTERS** (West—Minister for Fisheries and Wildlife) [7.39 p.m.]: I move—

That the Bill be now read a second time.

In accordance with an undertaking given some months ago, the Government has considered whether the electoral boundaries of this State should be subject to re-examination and redistribution in the light of population growth and population movements.

The matter has been considered by a committee of the Cabinet, and information obtained from the Electoral Department.

The Government has reached the conclusion that it is both appropriate and proper for electoral boundaries to be re-examined and subject to redistribution prior to the next State election. It has resolved to recommend to Parliament accordingly, and this Bill represents the recommendations of the Government in respect of these matters.

It has been necessary to consider a number of policy issues, and that consideration of issues has been undertaken having regard to the growth expected in the population of the State, especially in the north-west and the developments which will support and promote the growth.

By tradition over many years the State has been divided into three areas; each of which is provided with a differently-based scale of representation. Within the close population of the metropolitan area it has been accepted, and it is now still accepted, that a parliamentary representative has the capacity to deal with and effectively represent far more constituents than



can a member who represents an outlying or country area.

In the agricultural, pastoral, and mining areas of the State, as defined in the legislation, our legislation has always given recognition to the factors of distance and communications as well as to population numbers.

In the north-west and Murchison-Eyre, a separate set of considerations related in the past to sparsity of population, distances, difficulties of communications, and diversity of interests has dictated the practice under which this Parliament has defined the individual electorates within that portion of the State. Within the metropolitan area, and within the agricultural, pastoral, and mining area, the electoral districts and provinces are defined without reference to Parliament by the electoral commissioners nominated in the legislation. The basic structure is not to change.

It is, nevertheless, recognised that changes have occurred in the distribution of population in Western Australia, in the methods by which we are able to traverse the distances involved, and in the communications systems available.

This Bill moves cautiously in the direction of recognition of the relative growth in the population of the metropolitan area without abandoning our acknowledgement that distance, transportation, and communication remain a significant disabling factor for many people in the State.

The Government is of the view that an increase in the membership of this Parliament is both necessary and desirable for three reasons.

Firstly, it increases the relative level of representation for the metropolitan area as against that provided in other areas of the State, in recognition of both the absolute and relative growth of the metropolitan population.

Secondly, this step is taken without diminishing the actual representation of country and remote areas of the State, other than by the transfer of one near metropolitan seat.

The Government is firmly of the view that in light of the continuing basic economic importance of the country areas their representation should not be diminished, especially when the problems of distance, transportation, isolation, and communication, whilst diminished, have not been overcome.

It is correct to say also that with the developments occurring in the country, north-west, and remote areas of the State, it would be unfair and unwise in all our interests to reduce the actual representation of those areas at this time.

Thirdly, the increased number of members of this Parliament provides a basis upon which future appropriate redistributions can be made.

The Government believes that the time has not arrived for equal electorates, although it recognises that with the growth and development of the State, especially at the pace now being taken up, the situation will change in the years ahead.

The legislation now presented to Parliament provides specifically for the following—

An increase in the defined metropolitan area involving an extension of the boundaries to include within the metropolitan area—

Wanneroo and the northern corridor area most immediately subject to development growth;

Ballajura, currently under development; Armadale, to cover the coastal plains development; and

Rockingham, to take in the existing defined country seat area;

an increase of two in the number of seats in the Legislative Assembly;

an increase of one in the number of provinces in the Legislative Council;

a move to the west in the boundary between Pilbara and the Kimberley; and

an immediate redistribution to be carried out by the electoral commissioners to redefine the boundaries of districts and provinces in the metropolitan area and in the agricultural, mining, and pastoral area.

Several results will flow from these changes.

There will be 30 metropolitan seats as against the existing 27. An increase of one will arise from the transfer of the seat of Rockingham from the country to the metropolitan area and the other two will arise from the creation of two new districts.

The number of provinces in the Legislative Council covering the whole State is presently 16. This will be increased to 17. Without reducing the number of provinces representative of country, north-west, and remote areas, the change represents an increase of representation for the larger metropolitan population centre.

Because members of the Legislative Council are elected for a six-year term with half the membership retiring each three years, special provisions have been included to meet the situation. Similar circumstances occurred previously and this was dealt with by amendment of the Constitution Acts Amendment Act. These

provisions are to be amended so as to meet the changes which will follow the passage of this Bill.

On the occasion of the next general election, members for seven provinces will be elected to represent the increased metropolitan area in the Legislative Council.

A special election will be held concurrently to elect one member for a term of three years so that the seventh province will be fully represented.

After the redistribution, pending the next general election, sitting members will be able to apply to the Governor for allocation to one of the newly-designated provinces provided that 50 per cent of the electoral population of their present electorate is contained within the newly-defined province.

The amending legislation will operate so as to apply to future elections of the Legislative Council and will apply to its membership after 21 May 1983.

It will apply to elections for the Legislative Assembly when the Legislative Assembly is next dissolved, or on expiry of the House by effluxion of time first occurring after 31 December 1982.

On the passage of this legislation and the granting of Royal assent, the electoral commissioners will be formally appointed and will commence their work. The Act requires that they furnish their report to the Governor by 31 December this year.

The north-west and Murchison-Eyre area of the State has provided the greatest difficulty in our endeavours to adjust the electoral system in a manner which provides for the proper representation of all areas of the State and has regard for factors of distance, remoteness, communication, community of interest and transport, as well as population.

It is acknowledged that the number of electors in the Murchison-Eyre area is relatively very small. The only way in which that number could be increased would be to enlarge the area of that already very large constituency. If this action were taken, it would reduce the effectiveness of representation in this vast area, clearly an undesirable move.

Gascoyne is another constituency of which it might be said that the population is relatively small, and consideration has been given to movements of its boundaries to the north and to the south.

In the end those proposals have been rejected because to make adjustments in that way would achieve nothing but an arbitrary increase in

constituency numbers of people, without regard for other factors.

Having reached those conclusions, the situation remains in the Pilbara where a substantial and growing population spread over a large area makes it extremely difficult for a member to give the area the service and the representation to which it is entitled.

In adjusting the boundary between the Kimberley and the Pilbara it is acknowledged that there is no basis upon which it can be said that there is a community of interest between that part of the Pilbara which is to be transferred to the Kimberley and the existing Kimberley seat.

However, it is correct that—

the most immediate developments in the region are to take place in the Pilbara—to take one place alone, it is expected that by 1984-85 the permanent population of Karratha will have increased by between 3 000 and 4 000 people, with a substantial additional floating population;

developments in the Kimberley will not be as immediate; and

the two parts of the Kimberley electorate created by the redistribution are distinct areas, but servicing them will not require different transport facilities—that is, air transport—as is the case with the present Kimberley electorate.

The change in boundary will result in a Pilbara constituency of approximately 9 000 persons and a Kimberley constituency of approximately 12 000 persons.

Meanwhile, it is recognised by the Government that further thought and consideration will be needed over the years immediately ahead as to the appropriate means by which these rapidly-developing north-west areas can be represented in this Parliament.

In conclusion, I want to make one point very clear: The electoral system in Western Australia is one of the fairest which is known to exist.

The Hon. R. Hetherington: You must be joking.

Several members interjected.

The Hon. J. M. Berinson: Do I detect a blush?

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): Order! Members will have their opportunity to contribute to the debate at a later stage. Meanwhile, I expect the House to accord the Minister due consideration in introducing this measure.

The Hon. G. E. MASTERS: Subject to the legislative structure, boundaries are drawn by electoral commissioners whose independence is without question. The Chief Justice of the State, the Chief Electoral Officer, and the Surveyor General are the electoral commissioners whose final report—after a period for public comment on draft proposals—becomes law without the intervention of any governmental or parliamentary approval.

Any Government of any party which embarks on a course leading to a redistribution cannot guarantee for itself a conclusion which embodies any electoral advantage.

Even in the north-west and Murchison-Eyre, where the boundaries of the individual districts are drawn by the endorsement of this Parliament, the rapidly-changing nature of the population, and the changes in its distribution make any assessment of advantage very temporary and subjective.

In the view of the Government the proposals now put to the Parliament improve the system of representation of people in the Parliament of a State the growth of which, the development of which, and the success of which are unequalled in this nation.

I commend the Bill to the House.

**THE HON. J. M. BERINSON** (North-East Metropolitan) [7.51 p.m.]: Government members who vote for this Bill will be lending themselves to an act of corruption. The Bill is corrupt in that it subverts the principle that the citizens of the State should enjoy equal and effective political rights. In subverting that principle the Bill, and the Government which promotes it, show their utter contempt for democracy itself.

Western Australia was granted independence in 1890, and from that day to this our electoral system has been gerrymandered by successive anti-Labor Governments.

The Hon. P. G. Pental: And by Labor Governments. Look at what happened in the 1940s.

The Hon. Peter Dowding: What would you know about it, Pental?

The Hon. J. M. BERINSON: This Bill is the latest instalment of that shameful process. The Government clearly is determined that it will not be outdone by the manipulative prowess of its predecessors. It is interesting to observe that the ability of the Government to proceed so blithely with such obnoxious legislation is itself a reflection of the corrupting effect of the system.

As we all know, this legislation requires an absolute majority to secure its valid enactment. In most western Parliaments, that is a matter for considerable concern and not a little care. Elsewhere, Whips would be frantically busy and anxious to ensure the attendance required. But not here. In this House, the Government Whip is about the calmest person around. It does not matter that the Labor Party opposes this Bill; it does not matter that the National Party opposes this Bill; it does not matter that at least one member of the Liberal Party opposes this Bill; it does not matter that two other Government members are not even in the country; the Whip is still unconcerned, as well she might be.

Supported by a system which gives the Labor Party 28 per cent of the seats in this House on the basis of 48 per cent of the vote, how can the Government go wrong? Of course it cannot go wrong. With its numbers built up by a rotten system, the Government can corrupt the system further. It is a sort of endless cause-and-effect situation, perpetual movement at last achieved in the cosy cocoon of a political vacuum.

The Hon. P. G. Pental: Very good.

The Hon. J. M. BERINSON: The phrase may appeal to Mr Pental as good, but the Bill is rotten and so is the gerrymander and the system which brought him and his colleagues to this Parliament, giving them representation out of all proportion to the support of the electorate in this State.

The starting point for an understanding of the State's gerrymander is the voting pattern of rural voters. For many years now, they have consistently preferred the anti-Labor parties and, as I recently stressed in this House, to express that preference is their absolute and undeniable entitlement.

What they are not entitled to, however, is to have the effect of their preference magnified by two or three times by a blatant manipulation of the electoral system. In fairness to rural electors, it should be said they have never claimed such a right. In Federal elections, they have accepted with perfect equanimity a maximum tolerance of 10 per cent between all electorates. The same is true with only minor variations in the Northern Territory, the ACT, and every other State of the Commonwealth, with one exception which is—

The Hon. F. E. McKenzie: Queensland.

The Hon. J. M. BERINSON: That is right; of course the one exception is Queensland. Everywhere else the same principle applies.

The Hon. I. G. Pratt: You did not rehearse that enough.

The Hon. R. Hetherington: I am glad you have something to laugh about, because you have no conscience.

The Hon. J. M. BERINSON: The conclusion from all that is clear; it is not the rural voters who demand the gross inequality of the present system; it is the rural representatives. They demand it not for the benefit of their constituents, but for their own self-interest.

Having recognised that rural voting pattern, the Government exploits it to the full and beyond any reasonable limit. To do that, it simply draws an arbitrary line between the so-called metropolitan and non-metropolitan areas and then allocates a disproportionate number of seats to the non-metropolitan area.

The result under the existing Act now sought to be amended is summarised in two propositions set out in my motion of 30 April which, at the cost of some small repetition, I intend to quote at this point. The first proposition is as follows—

- (3) Equal political rights are denied in the Legislative Assembly by a system which:
  - (a) arbitrarily divides metropolitan and non-metropolitan electorates, and requires the former, on average, to have more than double the number of electors of the latter;
  - (b) permits one electorate (Whitford) to have 16 times the number of voters of another (Murchison-Eyre); and
  - (c) allots to the two thirds of voters living in the metropolitan area less than half the number of seats.

The second proposition is in these terms—

- (4) Equal political rights are denied in the Legislative Council by a system which:
  - (a) arbitrarily divides metropolitan and non-metropolitan electorates and requires the former, on average, to have more than three times the number of electors of the latter;
  - (b) permits one province (North Metropolitan) to have 17 times the number of voters of another (Lower North); and
  - (c) allots to the two thirds of voters living in the metropolitan area only one third the number of seats.

The Hon. Phil Lockyer once referred to Meekatharra as though it provided some self-evident justification for the distortions of our system. No such justification is self-evident to me.

The Hon. P. H. Lockyer: You have never been there.

The Hon. Peter Dowding: What a stupid thing to say, Lockyer.

The Hon. J. M. BERINSON: The fact of the matter is that, without having been there, I can tell the honourable member that the same residents of Meekatharra who are quite satisfied in Federal elections with a 10 per cent loading as compared with Perth electorates have a 1 700 per cent loading in State elections. The Government is not simply defending that position; it is now in the process of entrenching it.

#### *Point of Order*

The Hon. P. H. LOCKYER: Mr Deputy President, twice tonight I have had to suffer the Hon. Peter Dowding referring, firstly, to the Hon. Philip Pandal as "Pandal" and, secondly, to myself as "Lockyer". Whilst I realise he treats this House with contempt, as we are discussing electoral legislation, I think it fitting that he be called upon to observe the normal courtesies expected of a member of this Chamber.

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): I was temporarily distracted on parliamentary business and did not hear the terms allegedly used, but I ask members to conform to the standards of the House.

#### *Debate Resumed*

The Hon. J. M. BERINSON: Against the background I have just presented, I come back to the present legislation. Needless to say, the Government presents this Bill as a significant reforming measure. That is like being grateful for the Great Fire of London because it killed all those germs! The truth is that there is an element of reform in this Bill, but it exists to a miniscule degree and in totally unimportant respects. For example, the 68 per cent of voters in the metropolitan area will have fully 41 per cent of seats in this House. Of course, that is better than the present 38 per cent of seats, but still obviously and grotesquely unfair. Similarly, voters in Lower North Province will no longer have a loading of 1 700 per cent against voters in one of the old metropolitan provinces; instead, they will have a loading of 1 200 per cent against every voter in all seven provinces in the new metropolitan area.

That I suppose is progress of a sort. I assume from the interjections trying to be made by the Hon. Phillip Pandal that he believes it is progress of a sort; the Hon. Philip Lockyer obviously thinks that this is going too fast. He seems concerned that by the year 2100 it might be

possible for a majority of this State actually to elect a majority in this Parliament. That I assume is what Mr Lockyer's concern is about. I have some sympathy for him because on any other basis he probably would not be serving in this House.

Mr Deputy President, you know as I do that these changes amount to no progress at all. They represent the merest flicker of movement and in an important sense they are worse than having no movement at all. In fact, they are derisory of the argument for reform and of any genuine concern for democratic government in this State. That is true of other changes proposed by this Bill.

Let us consider the change to Rockingham, for example. Why is Rockingham now being brought into the metropolitan area? The reason is that its numbers and its strong Labor vote would mean that it would become almost two Labor seats if left in the non-metropolitan area. As it is, it will be kept down to about 80 per cent of one Labor seat in the new metropolitan area. Why is Armadale being brought into the metropolitan area? To protect Minister Rushton in the seat of Dale. Members should try to make some sense of this new metropolitan boundary which extends the metropolitan area down to Rockingham in the south and up to Wanneroo in the north, but still leaves out Kalamunda which is about only one-third of their distance from the GPO.

#### *Point of Order*

The Hon. P. H. LOCKYER: Mr Deputy President, I have brought to your notice once before tonight the sort of interjections being made by the Hon. Peter Dowding which are, to say the very least, offensive. He referred to the Hon. Ian Pratt as "Rudolph", which I believe is not in keeping with the standards of the House.

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): Order! There is no point of order. I will be the determining authority on points of order.

#### *Debate Resumed*

The Hon. J. M. BERINSON: If the Hon. Philip Lockyer was less concerned for his personal dignity and more concerned for the democracy of this State, he would be helping both his constituents and all citizens of this State much better than by taking those infantile points of order.

The cynicism and hypocrisy of the whole sorry exercise represented by this Bill are best exemplified by the Government's treatment of the northern seats, the boundaries of which are set by the Government and kept out of the reach of the

electoral commissioners. Gascoyne, with only 3 700 voters, and Murchison-Eyre, with only 1 900 voters, are to remain unaltered, and this, as the Government explains, is because of their size and isolation.

However, Kimberley, because it has become a safe Labor seat with Ernie Bridge as its member, is to be increased to over 12 000 voters. To put it another way, Kimberley, with its enormous size, remoteness, and special problem, is to have as many electors as are today enrolled in those far-flung reaches of the Assembly electorate of central Perth. Under the new provisions, Kimberley will have more voters than all other 26 seats outside the metropolitan area. Kimberley will have 1½ times as many voters as seats equivalent to the present seats of Dale, Darling Range, Kalamunda, Mundaring, and so on down the list. How on earth can that be justified?

The Hon. R. Hetherington: It cannot.

The Hon. J. M. BERINSON: The whole concept of statutory boundaries in the north-west and Murchison-Eyre is one which has outlived its time. It is not only incompatible with the principle of an independent commission which is supposed to function elsewhere; it not only distorts the relativities between the north-west and other seats; it has now reached the stage where it will be internally inconsistent and unfair as well.

At least when those four statutory boundaries were first established in 1965 their enrolments were roughly equal. They were Murchison-Eyre, 2 078; Gascoyne, 2 055; Pilbara, 1 881; and Kimberley, 2 741. Under this Act we will move from that relative equality to a variation between these four seats alone of as much as 6:1. The estimated enrolment in the new seats will be Murchison-Eyre 1 941; Gascoyne 3 781; Pilbara 9 000; and Kimberley 12 000. Again I ask—though not in any expectation of a sensible reply—how on earth can that be rationally or morally justified?

The Hon. Peter Dowding: They do not have to.

The Hon. J. M. BERINSON: To be added to its other logical absurdities is the addition by this Bill of four additional seats in the Parliament. They are totally unnecessary and unjustified, as is the extra cost of \$300 000 or \$400 000 which they will involve. So far as I am concerned, it is hard enough to justify the number of seats we have already in the Parliament. Adding more is ludicrous. How ludicrous it is becomes clear from the mouth of the Minister himself. In his second reading speech the Minister said—

The Government is of the view that an increase in the membership of this

Parliament is both necessary and desirable for three reasons.

He then went on to detail the reasons to which he was referring. The first is irrelevant, the second wrong, and the third incomprehensible. In short, all three are spurious. I do not want members to take my word for that so I will read the reasons the Minister gave. They are as follows—

Firstly, it increases the relative level of representation for the metropolitan area as against that provided in other areas of the State, in recognition of both the absolute and relative growth of the metropolitan population.

Changing the relative level is desirable, but it does not require extra seats. What it does require is the allocation to the metropolitan area of a number of seats now disproportionately allocated to the non-metropolitan area. His second reason was as follows—

Secondly, this step is taken without diminishing the actual representation of country and remote areas of the State, other than by the transfer of one near metropolitan seat.

...their representation should not be diminished.

Why should they not be diminished if that will redress the imbalance which now exists between the metropolitan and non-metropolitan areas? Note also that this Bill not only avoids diminishing the representation of country areas, but also actually increases it. The present quota for the agricultural seats is one member for every 9 153 electors. The representation as provided by this Bill will be increased to one member for only 8 572 electors. Even if the existing quota were maintained we could reduce the Parliament by the equivalent of 1½ seats. If we reduced it by two seats in the agricultural area there would still be one member for each 9 388 electors, or only 200 more than the present quota. I defy anyone in this House seriously to suggest that a member of Parliament doing half an honest job could not cope with a load like that. The Minister's third reason was as follows—

Thirdly, the increased number of members of this Parliament provides a basis upon which future appropriate redistributions can be made.

Any number of members provides a basis upon which future appropriate redistributions could be made. The present number of members provides an appropriate basis upon which a redistribution can be made. In fact, two-thirds of our present numbers something equivalent to the number of

members in the South Australian Parliament—would provide a basis for future appropriate redistributions.

That is not a reason. It is a nonsense argument and anyone who can make sense of that as a reason for adding four extra seats to the more than sufficient number we have now will have my unstinted admiration.

All Australians are grossly over-governed, but the over-government in this State is the worst of all. To demonstrate this I have prepared a table showing for each of the mainland States the number of State members of Parliament, the population as at June 1980 as estimated by the Australian Bureau of Statistics, and the average number of constituents per member. The table also indicates the estimated number of constituents per member in this State after the addition of four further members. I have provided a copy of this table to the Leader of the House. I seek leave to incorporate it in *Hansard*.

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): As the President has pointed out on previous occasions it is not the usual custom for this House to have statements incorporated in *Hansard*.

However, it seems to be a growing cult. I am in the hands of the House and ask whether leave is granted.

The following table was incorporated by leave of the House—

State	Estimated population June '80	Number of State Members of Parliament	Average number of constituents per Member
New South Wales.....	5 145 900	142	36 239
Victoria.....	3 887 100	125	31 097
Queensland.....	2 247 800	82	27 412
South Australia.....	1 299 100	69	18 827
Western Australia.....	1 265 100	87	14 541
Western Australia with an increase to 91 members:			13 902 constituents per member.

The Hon. J. M. BERINSON: From this table it will be seen that even without more members we have per capita already one and a half times as many members as South Australia; double those of Queensland and Victoria; and more than two and a half times those of New South Wales. With even more members the gross excess of our parliamentary numbers can only become even further exaggerated.

I refer next to the Government's most misleading and outrageous gambit of all, which appears on the last page of the Minister's second reading speech. He there said—

In conclusion, I want to make one point very clear: the electoral system in Western Australia is one of the most fair which is known to exist.

Subject to the legislative structure . . .

That is not a minor proviso as we will see in a moment. To continue—

. . . boundaries are drawn by electoral commissioners whose independence is without question.

These references to the system being fair because the electoral boundaries are set by a so-called independent commission are ludicrous and sickening. Any independence by the commission is illusory. In the first place the commission is deprived by the Government of any role at all in the seats of Pilbara, Kimberley, Gascoyne, and Murchison-Eyre. It is no coincidence that until 1980 all four seats were held by the Liberal Party and that three still are. More importantly, it is the Government, not the commission, which draws the completely artificial boundary between the metropolitan and the non-metropolitan areas and determines that the votes of non-metropolitan electors should be worth twice as much as those of electors elsewhere.

Within the impossible constraints imposed upon electoral commissioners they do their best. To suggest that they support and, indeed, are responsible for the present electoral corruption is grossly unfair to their persons and is a threat to the undoubted high standing of the offices involved. The Labor Party stands for votes of equal value for all people. That must apply irrespective of occupation, place of residence, and, most of all, irrespective of the way in which particular groups are likely to vote. We renew our pledge to seek electoral reform on that basis; that is to say, our pledge to democracy.

**THE HON. W. R. WITHERS** (North) [8.20 p.m.]: This legislative theatre and stage may offer its actors and its audience the chance to experience both humour and tragedy, but it is very rare that one has the opportunity to experience humour and tragedy simultaneously—that is the situation contained in this Bill.

One could laugh long and loud at the humour of the lines of the Minister who satirised democracy in his second reading speech. Unfortunately that part of it which describes the division of the Kimberley and Pilbara electorates is not humour to the Kimberley people; in fact, it is deep, divisive tragedy.

I will not embarrass individual members by quoting their past debates in this place unless they desire such masochism during the Committee stage. However, I remind their consciences that the ALP members always have argued for the one-man-one-vote, equal-value principle. This side

always has argued that the large country electorates need special consideration because of their deficiencies in regard to communications, methods of travel, and the large areas with sparse populations. However, this Bill desecrates this philosophy for which we in the past have stood, and for which I will still stand and vote. But what will we see tonight? I will be supporting the argument that I have supported always in this House and an argument in which I have believed. I thought Liberal Party members believed in it. I cannot resign from the Liberal Party because I am still a Liberal and so are the people who put me into Parliament. They are the ones telling me to object to this disgraceful Bill. However, we will see tonight the quirks and expediency of party politics. Suddenly my colleagues will become imbued with the ALP principles which have been espoused by the ALP for ages. We will see Opposition members dance with glee as they take up the chorus line recently vacated by my colleagues.

Members of both sides of the House will swap sides with their principles. I am glad to say my principles have not changed. We will see my colleagues tonight—I hope not all of them—vote against the principles they have espoused year after year. They will sell their principles down the line for the sake of political expediency, and that I can never forgive, and neither will the people of the Kimberley—neither will the Liberals of the Kimberley.

It is my sincere wish that the logics of my debate will cause my colleagues to seek out their consciences. If they cannot vote against this Bill tonight they should at least seek an adjournment of the debate so that they can talk again and consider again what they are doing in going against their principles.

I cannot see how my party cannot change, because if its members vote for this Bill tonight never again will they be able to stand in this House with clear consciences and say "We need in country areas representation that has a greater imbalance when compared with the city because of the large areas of those electorates which have a lack of communications. We take a long time to get around those electorates." They will never be able to say that. Tonight if this Bill passes through all its stages, we will see that a majority in this House has voted for the one-man-one-vote, equal-value principle, and that is against the belief for which I stand. It is democratic theory that does not work in practice yet my colleagues say they will vote for it.

This Bill proposes several changes to the electoral system, but I will deal with only one of

them tonight, and that is the change proposed to the district which I represent. A change will be made to the boundary between Pilbara and Kimberley. The boundary suggested in this Bill will increase the geographic size of Kimberley to 850 000 square kilometres. It will reduce the geographic size of Pilbara to 125 000 square kilometres. North Province will remain unchanged, as will Lower North Province, which encompasses the electorates of Gascoyne and Murchison-Eyre.

The new Kimberley electorate will include the Pilbara region towns of Goldsworthy, Shay Gap, Marble Bar, Newman, Tom Price, and Paraburdoo. It will also contain the communities of Jiggalong, I think, Yandeyarra—

The Hon. Peter Dowding: I have checked that it will contain Yandeyarra.

The Hon. W. R. WITHERS: Actually, Yandeyarra is right on the line.

The Hon. Peter Dowding: Friendly Creek is in Pilbara and Black Hill is in the Kimberley.

The Hon. W. R. WITHERS: The situation has been confirmed by the other North Province member. Also included is the community of Strelley. The tremendous imbalance of these new areas and adjoining electorates may be judged by the number of people in those areas and the number of communities. This is something that the Government does not seem to appreciate. It is all very well to look at a map of a place like Western Australia. We all become accustomed to talking about large areas when we live in Western Australia; we are a bit like Texans when talking about distances. In addition, we have jet air travel, but many people do not seem to realise that in some areas we still must go camping to visit our electors because no reasonable transportation system is available to make such a visit. These communities to which I will refer are communities that need representation. Often they contain only 100 or more people but they still need to be visited. Usually they suffer deprivations greater than those suffered by people in other parts of the electorate and, certainly, far more deprivations than are suffered in other parts of the State except in some areas of the other northern electorates.

When we make a comparison between those northern electorates we find that Kimberley will have 12 000 electors with 38 communities. Pilbara will have 9 000 electors, but only 14 communities. Gascoyne will have 3 781 electors and five communities. Murchison-Eyre will have 1 942 electors and nine communities. If members study these figures in conjunction with the

geographic location of each one of the communities they will realise immediately that the representative imbalance will become even greater than that which I have described. I know it is difficult for members to visualise an electorate which necessitates the use of camping equipment, which I mentioned earlier, or a swag to reach some of the communities. The driving distances with no available accommodation is so great that one needs to camp. Admittedly sometimes we can camp at stations, but I know of one distance along which one cannot camp at a station. The driving distance is so great that in one day a member cannot reach the community and must camp before he reaches his destination.

However, members appreciate what they do in their own electorates with cars, and all members of this House use cars in their representations. Therefore I would like to point out that the vehicle required in the Kimberley electorate is a four-wheel drive vehicle in order that one can reach all parts of the electorate. It must be a four-wheel drive vehicle, and such vehicles, as all members know, are expensive to run and are much slower than the average motorcar.

In order to supply some understanding of the physical representation of the Kimberley electorate as proposed in this Bill, I have drawn up an itinerary which allows the use of an electorate vehicle on community visits. In my itinerary every day is a working day, including Sunday, and only a few hours are spent in each community. In other words, what I am attempting to describe is a continuous journey of representation, spending only a few hours with each community. It must be remembered also that in the Kimberley we have a problem with representation which is seasonal; we can plan to move only between March and November because during the wet season many parts of the electorate are impassable even to four-wheel drive vehicles.

In the itinerary I have just described it takes 28 days to traverse the Kimberley, covering a distance of 8 840 kilometres. If those figures do not impress members, then let me point out that if they journeyed to Argentina by the shortest route from Perth they would cover the same distance. That distance must be covered in order that a Kimberley member may visit each community in his electorate.

The same journey in the new Pilbara electorate will take five days, covering a distance of 1 200 kilometres. Approximately the same number of days would be required to cover the Murchison-Eyre electorate, and four days would be required to cover the Gascoyne electorate because those



electorates have fewer communities—and I will come to that later.

The physical strain of driving in harsh climatic conditions leads to inefficiencies. I am not saying it is hard, physical work, but it leads to inefficiencies which means one has to work harder to produce the result that would be produced in a better climate where reasonable driving facilities are available. In the Kimberley the strain becomes far worse than in other regions, and of course the same sort of stress is experienced in other parts of the Murchison-Eyre, Gascoyne, and Pilbara electorates although not to such a great extent.

When we consider inefficiencies we must look also at the availability of communication with one's electors. Let us consider the communications system in the Kimberley area. The Kimberley currently has the highest telex usage per capita in the world.

The Hon. Peter Dowding: And you are not allowed one in your electorate office.

The Hon. W. R. WITHERS: The Kimberley also has the highest expansion rate of trunk telephone usage in Australia. The annual expansion rate is between 30 and 40 per cent. This is causing a breakdown in our communications system. I have been conducting a survey over the last four weeks and not one day has passed without an indefinite delay occurring somewhere in the communications system of the Kimberley. Yet most members have a stable communications system. We have no STD in the Kimberley, whereas most members have STD available to them.

So what do we find the Government doing about this? The balderdash that the Minister put in his second reading speech saying that communication is taken into consideration is just absolute rubbish because we have the worst communication system in Australia, and now the Government has increased the size of the electorate. That is intolerable.

The Government intends to increase the work load of future members in Kimberley to a stage where they will not be able to represent effectively. If members cast their memories back to 1977 and 1979 they will recall I stood in this House and said that since my return to live in my province in the Kimberley I found I was unable to represent its southern Pilbara towns because the air schedule, time and cost considerations did not allow me to do so effectively.

Although I stated that in Parliament—and it is in the official *Hansard* record—this Government

has increased the size of the Kimberley electorate, taking it into the southern Pilbara.

I have stressed the reasons that the Kimberley electorate should not be enlarged, and my view is consistent with past Liberal policy and consistent with my past debates on the subject.

One must ask oneself why the member for Kimberley in another place sat in the House and did not make a contribution to this Bill.

The Hon. Peter Dowding: Probably because the member for Pilbara was silent too.

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): Order! I draw the member's attention to the fact that he must not allude to a debate in another Chamber.

The Hon. W. R. WITHERS: Yes Sir. Let us take a hypothetical situation. I would find it very strange indeed if under any circumstances under any Bill the Government of the day handed an Opposition member an electorate on a plate and said "Here is your electorate which you now cannot lose." I think if I was the member representing that gift electorate and I was a member of the Opposition, I would indicate my thanks by not contributing to the debate under that hypothetical situation, particularly if I could see that the Government not only was giving me and my party an electorate on a plate, but also that the Government had sold its principles down the line and was giving to me and my party the principle the Government had fought against for so long.

If I were that hypothetical member I would be able to see that the Government was giving the Opposition a test case for the one-man-one-vote-one-value principle. That is what has happened in Kimberley. If members care to add up the number of people on the State electoral roll and divide it by the total number of Assembly electorates they will find it comes out to 12 000—the number of people who happen to be in the new Kimberley electorate.

Government members have sold Liberal Party principles down the line and they know it. They will never again be able to fight for this principle in this House or in any other place if they vote for this Bill. The Government has forsaken its principles. Kimberley is the test bed and the death bed of the democratic values of adequate representation as I have known them as a country member.

I appeal to all country members to vote against this Bill because in the case of Kimberley it forsakes the cause of adequate representation in country areas.

In conclusion, I recognise the need for an electoral boundary change in the north; and I give notice that if this Bill passes the second reading in this House—and I sincerely hope it will not, for the sake of the principles we Liberals have previously espoused; and all members remember them—it is my intention to move an amendment in Committee which will allow for changes to the Pilbara, Kimberley, Gascoyne, and Murchison-Eyre electorates.

My amendment will take heed of the population expansion in the Pilbara and Kimberley—which does not seem to be recognised under this Bill—and also it will take heed of the advice of the shires in the Kimberley who oppose this Bill and all the Liberals in the Kimberley who also oppose it.

I hope to have that amendment passed in order that the people of the Kimberley, the Pilbara, the Gascoyne, and the Murchison-Eyre region will be adequately represented. I believe they should be adequately represented because they have enough privations without the inadequate representation proposed under this Bill.

I oppose the Bill.

**THE HON. PETER DOWDING** (North) [8.42 p.m.]: Nobody would have been insensitive to the emotion and honesty of feeling expressed by the other member for the North Province in his immediately concluded speech—

The Hon. P. G. Pandal interjected.

The Hon. PETER DOWDING: —and for the Hon. Phil Pandal to make a light comment in relation to it simply displays what a cruel world this is and how people like him and his party are prepared to throw away—just like they would throw away a used tissue—a man who expresses principles.

The Hon. Bill Withers has made it quite clear—and properly so—that members opposite are going back on everything they have agreed to in the past and the principles—right or wrong—they have espoused. They are being grossly and totally inconsistent in their support of this Bill, no matter what view of the electoral system they have maintained in the past.

The Hon. W. R. Withers: So will you if you oppose this.

The Hon. PETER DOWDING: I will expand on that, and if when I have finished the honourable member still feels that way, let him interject.

The reality is that members of the Government, with the exception of the Hon. Bill Withers, are content to see nothing happen which would interfere with their grip on the power over this

State, democratic or undemocratic; and they will not allow anything at all to happen which smacks of a democratic purpose. It is beyond me how members can pretend this Chamber is a House of Review and a democratic institution when the Labor Party, no matter what its percentage of the vote, has never come near to holding a majority in this place.

The reason is not, as the Hon. Phil Pandal says, *sotto voce*, in a pathetic way, that we have not the confidence of the electorate, because we do have the confidence of the electorate and have had it for many years.

It is not good enough that we have this geriatric retirement House, as it has been called sometimes in the past, which is quite outrageous as a House of Review. When a person like the Hon. Bill Withers gets up and states from the heart his feelings, and the Hon. Phil Pandal wants to make light of it, that to me is a tragedy. I respect Mr Withers' right to make his speech and to make his views known however unpalatable they may be to the squirming members who do not like the comments he makes.

Democracy is a very fragile flower. On many occasions it has withstood assaults from the Western Australian Liberal Government, the Liberal Party, and its workers. It has withstood the assaults; but at times it has withered. In this Bill, we see an attempt to obliterate completely, once again, the chance for Western Australians to have a free democracy. Whilst it is important that the people should be represented properly, and should have access to their members of Parliament, it is more important that the member who is representing a group in this House has the right to vote for them. By their voting, the members ensure the passage of legislation. It is important that a member should not represent any greater number or any lesser number than any other member, because representation is one of the functions that a member of Parliament carries out.

The reality is that a member votes, and the number of members voting causes the passage or refusal of passage of legislation. While I agree entirely with the Hon. Bill Withers in his points about adequate representation, in my view it is not a matter of how big or how small an electorate should be. What determines that issue is that there should be a broad opportunity for a citizen to express his view, equally with every other citizen, but within certain margins. The margins would provide allowance for the sorts of problems of which the Hon. Bill Withers has spoken.

Within those margins, there should be some equality. The Hon. Bill Withers and I might differ about the extent of those margins. He might say, for instance, that the margins are not so broad that it is the essential attribute of a better electorate that it should be easily manageable by one member. I would say the essential attribute is that a member of this society in Western Australia should have opportunities equal to those of every other member, and that where there are regional differences or regional difficulties in drawing boundaries, they are to be taken into account in the margin.

As the Hon. Joe Berinson has said time and again, if it be the case that for Federal elections the margin is 10 per cent, and that is regarded as an appropriate margin, why on earth can it be argued that 10 per cent or 15 per cent is an inappropriately small margin in Western Australia?

I represent the same area as the Hon. Bill Withers; and there are enormous difficulties in meeting the electoral demands of that area. I submit that they are not met, as the Hon. Bill Withers has suggested, by his presence so constantly all over the electorate. They are met by increasing the facilities available to him, to ensure that his ability to move freely within the electorate is improved. I support all of the comments he has made about the difficulties faced in a member representing the North Province.

However, it is my view that those difficulties can, to some extent, be overcome by means such as diminishing the size of the electorate, and giving to the members the right to use charter aircraft. The charter of aircraft should be open to members having seats such as North Province, Kimberley, and Pilbara, or even the proposed seat of Kimberley. However, I would be hard pressed to argue in favour of the proposal in relation to the electorate of Pilbara, which obviously is being created to service Mr Sodeman, who is in danger of losing his seat. The Government is endeavouring to shore up that seat.

While Mr Sodeman could not say anything somewhere else, he has been very busy supplying the Hon. Phil Lockyer with many little notes; so no doubt we will have some of Mr Sodeman's wisdom about the electoral gerrymander when the Hon. Phil Lockyer rises to his feet. The Hon. Phil Lockyer seems to have an inordinate interest in the seat of Pilbara.

I urge the view that difficulties experienced by the Hon. Bill Withers and me could be solved by the provision of a charter allowance, as the

Federal politicians have. They could be solved by our having access to another electorate office; by our having access to another one or two electorate assistants who have an ability to travel; by our having a telex machine, perhaps shared with a Government department, available for use by the members; by our having better phone facilities; and by a removal of the financial inhibition on phone services, with the members being required to pay 15 per cent of their office phone bills. I am sure my phone bill and that of the Hon. Bill Withers are of a size unheard of in the office of a metropolitan member.

I have my electorate office in the area, because I believe that is valuable for the purposes of representing my electorate. It would suit me, and it would suit my electors, if I had an electorate office in Kimberley as well. The provision of an electorate assistant, who could bring to my attention representations and matters raised by the electors, would, in one way, solve the problem.

The Hon. Bill Withers set out also the financial exigencies of running the seat of North Province. The financial difficulties I have are great. Those problems would not be overcome by our creating another two Perth seats in the Parliament, but by our using the funds to ensure that members covering large areas had access to better and more useful facilities.

Although it is none of my business, I would also take the view that the seat of Murchison-Eyre, with its very large distances, could have such things applying to it. However, I do not know much about that area. It should have access to some of these facilities. They are the things that could solve the problems about which the Hon. Bill Withers has spoken.

I do not wish to debate my position in relation to electoral districts in the metropolitan area in relation to the 8 000 electors in Kimberley because of its essentially discrete geographical nature. I find that a difficult argument. The argument falls because of the system we have seen displayed here in the last few days where, all the talk aside, all the review aside, and all this rubbish about the place being a House of Review aside, none of the members on the Government side bother to make any review of any legislation. The main principle is that it is the numbers that count.

If it is the numbers that count in terms of the number of members, it must be that the numbers are representing an equality. If each member had as many votes as the area he represented, it would be a different ball game. However, that is not the situation. I can understand the members on the

Government benches, and the Minister in particular, sitting there with certain signs of smugness, as the Labor Party will never obtain, in two elections running, the 70 per cent vote needed to take control of this House. It is highly unlikely that that could happen; so members opposite can sit down and resume their smug comparisons. I do not include the Hon. Bill Withers in that comment.

When the Hon. Bill Withers gave his views, he seemed to adopt the attitude that his first reasons for opposition to this Bill were as good. However, the real fact is that opposition based on political theories is simply to be found in the number of people actually in the area. I would like to review some of the events which have occurred over the years. Firstly, whether members opposite like it or not, there was what might be described as a "rort" in 1977, with the plan to which some Liberal Party functionaries, if not members, were parties to. That was a plan to deprive the Aboriginal people of their vote. In its execution, that plan had the effect of turning Aboriginal people away from the voting system that they had tried to have reasonable contact with; so some people have been dissuaded from being involved in this system.

The Electoral Act has been amended to require a special witness to the electoral enrolment card. That is unlike any other State or the Commonwealth. What a pathetic justification was put up for the proposition! However, it has not changed the position with regard to the Aboriginal people at all. The enrolment of electors in the metropolitan area has changed very little; but for the people who live in the Pilbara and the Kimberley, who do not want to go to the police station and find a police officer, or find a justice of the peace, there is no other avenue available.

At the time of the legislation, there was a statement which turned out to be perfectly accurate. That was the criticism of that provision when it was introduced into the Electoral Act. The results are for everyone to see. Based on the census of 1977, for the number of the people eligible to be on the roll, there has been a massive growth in both Kimberley and Pilbara. Based on those figures, we can see what proportion of electors eligible to be on the rolls are in fact on the rolls. If we look throughout Australia, in all the States and the Australian electorate we find that with one exception the figures are between 93 per cent and 99 per cent. In New South Wales, 97.6 per cent of all eligible people are enrolled; in Victoria the figure is 93.6 per cent; in Queensland it is 93.1 per cent; in South Australia, 97.9 per

cent; in Tasmania, 99.7 per cent; in the Northern Territory, 72.8 per cent; and in the whole of Australia, it is 93.9 per cent. However, what is it in the seat of Kimberley? What is it upon which the Government is basing its whole campaign.

In Kimberley, that figure is 46.9 per cent. That is a scandal of notable proportions. What is it in Pilbara? The figure there is 56.3 per cent. Again, I would submit that is a figure of absolutely scandalous proportions. This means that approximately 14 000-odd people who ought to be on the rolls are living in the seat of Kimberley. That would bring that seat up to something in excess of the current enrolments for the seats of Perth and Nedlands.

Let us not have any of the balderdash about how the Liberal Party wants to maintain some sort of geographic entity by splitting the system of voting, by trying to gerrymander the seats to give country people a greater voice.

In Kimberley there should be 14 000 people on the roll. If the electoral office were given permission to take the steps that any proper, honest Government would permit, it would bring those disgraceful rolls into some sort of reasonable order, and we would see the figure of eligible voters around the 14 000 mark.

In the seat of Pilbara, with 56.3 per cent on the roll, the number should be somewhere in the vicinity of 26 000 electors. Once again, if the electoral office were allowed to do what any democratic institution ought to do, those people would be placed on the roll.

The Government has interfered with the enrolment process. It has done so cynically and deliberately. However, now it has announced that no more electoral rolls will be printed until after the issue of the writs for the election. In the situation where the people are changing their homes constantly—in an area like Pilbara, where the average stay is about three years—they will be confused by the system, and the multiple-roll system, and they will not bother to check whether their enrolment is correct. It is the job of the electoral office to ensure that the people are on the roll.

The electoral office has been driven to the situation of providing members of Parliament with photocopies of the computer print-out sheets, which they cannot keep. The Joint House Committee has made a ruling that members of Parliament cannot photocopy them. Goodness knows the reason for that; but members of Parliament cannot have access to the electronic copies. I do not know why that should be. Members on the Government side have access to

the information of Ministers; but they are determined to keep the information away from us.

The Commonwealth roll is now on a computer; and Commonwealth members of all political parties have access to the electronic copy and to a print-out on mailing stickers so they can circulate material to their electors, if that becomes necessary.

Of course, the Government does not want to do anything about the geographical problems and communication difficulties which result from the great distances involved. The Government has the ability to do so, but it chooses not to, because it wishes to maintain those members in those seats either in a position of relative political impotence or in a position where there are so few people in their electorates that they can shake hands with them three times a year with no strain. The Hon. Phil Lockyer and the Hon. Norman Moore could do that with their hands tied behind their backs!

The Hon. N. F. Moore: I wish it were true.

The Hon. PETER DOWDING: What I say is true. I do not dispute the Hon. Norman Moore has a large area to cover. In fact, it is not as big as the area I cover, which he will discover if he looks at the regions in which people live and the distances between the towns. The Hon. Bill Withers has stolen my thunder entirely—if I were a little more theatrical, I would be cross—by his very careful analysis of the sort of time it would take to do the relevant journey by road. I will not say on foot, because I am sure he was talking about the horseless carriage.

Of course, it would be possible to cover Murchison-Eyre and Gascoyne in a lot less than four days and one could have a good time with everybody in the whole electorate if one had a charter plane at one's disposal. That is why the Hon. Phil Lockyer is so anxious to try to get Ministers, who have neglected the area for so many years, to come in and fly him around so that he can see some of his electors in his far-flung electorate.

However, the difficulties in Murchison-Eyre are magnified by a factor of four or five in respect of the electorate represented by the Hon. Bill Withers and me. When they are compared with the obligations of a lower House member, such as the member for Kimberley and the present member for Pilbara—if he ever does any work up there—they would be magnified again.

The Hon. N. F. Moore: You are incredible!

The Hon. PETER DOWDING: Many of my electors tell me that in a very nice way; but I do not want to brag!

If the Government gave me, the Hon. Bill Withers, and the members for Pilbara and Kimberley the facilities, we would have not only electorates which represent a reasonable number of people having regard to the principle of one-vote-one-value, but also reasonable access to those electorates by the provision of adequate staff and allowances for charter flights. Therefore, by those means the problem is not all but solved, but it makes representation much harder than in a metropolitan seat and much harder than in the tiny, pocket-handkerchief seat of Gascoyne, and much easier than in the numerically tiny seat of Murchison-Eyre, but nevertheless within the capabilities of energetic people. I believe it would be perfectly proper.

Let me turn to the question of enrolments. I invite the Minister to deny it is a scandal for a State Government to allow rolls to slip into such gross disrepute and disfavour that they should have, on the one hand 47 per cent in round figures and, on the other hand, 56 per cent, because there is something wrong with the system. If there is something wrong with the system, the Government should do something. However, this Government enters a little room and chuckles, because it has achieved exactly what it sought to achieve. A true, honest, democratic Government would do something about the matter, as was the case in South Australia where Steele Hall made electoral changes, because the mood of the country indicated the people were not going to put up with this sort of ridiculous gerrymander in the future. This proves that it does not pay in the long run to frig around with boundaries and electoral malpractices, because if this is done members can see that their time will come and so will the time come of people like the Premier of Queensland who is not quite as bad as the Premier of Western Australia in achieving an electoral rule.

The Hon. P. G. Pendar: You learnt it all from Hanlon, the Labor Premier up there, but you keep forgetting it.

The Hon. PETER DOWDING: That is the sort of comment we expect from the Hon. Phil Pendar. We expect him to make some sort of vague, irrelevant, historical remark. He refers to a matter members on this side of the House are not interested to hear about, because it does not reflect the policy of the Labor Party.

The Hon. P. G. Pendar: Because it is the truth!

The Hon. PETER DOWDING: That comment does not reflect the policy of the Labor Party and it has not done so for as long as the Labor Party has believed in the principle of one-vote-one-value, which is for many years.

The Hon. P. G. Pendal: You did not expel Hanlon.

The Hon. PETER DOWDING: No, we did not. We have democracy in our party. We do not throw away our cast-offs like used tissues.

The Hon. P. H. Lockyer: What about Ron Leeson?

The Hon. PETER DOWDING: We have within our party all sorts of people of different political attitudes; but the one-vote-one-value principle for which we have fought for many years is coming about gradually throughout the whole of this country. As the Hon. Joe Berinson has pointed out, there has been total consistency for 20 years in the political life of the party as far as I am concerned and there is nothing inconsistent in the propositions I am putting tonight.

The Hon. P. G. Pendal: So long as they keep you in office.

The Hon. PETER DOWDING: The Hon. Phil Pendal should not wiggle on. He has been distressed by the views expressed by members on this side of the House. Even the little echo sitting on his right-hand side—

The Hon. P. H. Lockyer: The big echo!

The Hon. PETER DOWDING: I am sorry; I was talking about the intellectual status of the member when I called him "little". He is unable to produce any sort of reasonable opposition to the propositions put forward by members on this side.

I shall make specific reference to a number of matters, because I want to put the proposition that when decisions have to be made about boundaries, one adopts the principle of one-vote-one-value with a proper quota variant for specific occasions. Of course, if we had a system where these boundaries were determined democratically, we could say certain principles would be applied.

As the Hon. Joe Berinson has pointed out, the electoral commissioners have never had an opportunity to make a determination on the merits of the case in regard to the movement of these boundaries between Pilbara and Kimberley. Had they been given this opportunity, they would have applied certain criteria. Firstly, they would look to the criterion of geographical considerations. If one looks at the map which is displayed in this Chamber, one sees what a farce it is to split the Pilbara into one portion which represents the Kimberley, a little pocket handkerchief on the coast that is to be Mr Sodeman's haven away from the angry Labor voters, and separate the two sections of Kimberley by 1 000 kilometres of the Great Sandy Desert.

Not only would one have to be an intellectual dwarf—we shall see some members opposite who fit into that category when they support this proposition—but also one would have to be blind Freddy to think there is any justice in that sort of determination.

There is one of the intellectual dwarfs speaking. The Hon. Ian Pratt shakes his head and says "Nonsense".

The Hon. I. G. Pratt: I am shaking my head. I did not say anything. You are just an intellectual snob.

The Hon. PETER DOWDING: If the Hon. Ian Pratt knew anything about that area, he would not be able to say it was possible to split one section of an electorate from another and have 1 000 kilometres in between.

The Hon. I. G. Pratt: I did not say a word. You are just a twit.

The Hon. PETER DOWDING: Being called a "twit" by the Hon. Ian Pratt is something of an accolade.

The second aspect the commissioners would take into account is the comity of interest. The Hon. Ian Pratt would not know what I mean; but if he looks at a dictionary, he will follow me. If members look at the yellow line which has been drawn on the map, they will see how much the Liberal Party pays attention to that sort of proposition. It has separated every inland mining town from its coastal service town except in the case of the town of Pannawonica. The Government has separated the communities which rely on Port Hedland—their postal address—from the seat in which Port Hedland is situated. The Government has created an electorate and it is impossible to get from one end of it to the other by plane, unless one goes to the seat of Pilbara first and takes a transfer flight out. How does one get from Kimberley to Pilbara when the planes do not travel from Kimberley to Pilbara?

The Hon. D. J. Wordsworth: How do you get from Albany to Esperance?

The Hon. PETER DOWDING: The Minister has there a decision about a series of interests and electoral boundaries based on the numbers involved in the seats. If one were splitting the Pilbara into two one could do it in a way which would produce two electorates, each with 12 500 electors. This could be done by running a line from north to south and dividing off Port Hedland and the inland mining town of Newman, and the Shire of East Pilbara and Karratha and the other towns of the Shire of West Pilbara. That would produce two electorates each with approximately

12 500 voters, which is a reasonable number in any sort of distant electorate.

The Hon. D. J. Wordsworth: For how long, bearing in mind the way Karratha is growing?

The Hon. PETER DOWDING: A few hours ago I was admonished by the Attorney General for seeking to speculate into the future. Apparently it is not a sin when it suits the Government to do so.

If the member reads the question answered in Parliament today, he will see that, for a short time during the construction phase, approximately 5 000 people will flow into the area around Karratha and, at the end of the construction phase, they leave and there will be only another 500 people. They are the figures the Minister and his Government supplied to me; therefore, the Minister should not come across with a load of nonsense in an endeavour to suggest there is some sort of enormous permanent increase in projected population which would justify electoral distribution now, because that is false. If members look at the figures, they will see the construction phase will not—

The Hon. P. H. Lockyer interjected.

The Hon. PETER DOWDING: The Liberal Party workers of the member who has just interjected go around asking people if they vote Liberal before they put them on the roll.

The Hon. P. H. Lockyer: You should be careful.

The Hon. PETER DOWDING: If the Minister would care to analyse the realities, he would see that, by 1983, there will be a dramatic increase in the temporary—not permanent—population of Karratha. There will be a small increase in the permanent population and, by the 1986 election, all the construction workers will have gone and there will be an increase of 500 people in the area, according to the figures supplied to me by the Government tonight. That would bring the electorate to a figure of approximately 13 000 voters which is a perfectly respectable number, as Sir Charles Court would probably agree, because Nedlands has a similar number.

It is completely untrue for members opposite to say they are meeting the need which will result from an enormous population increase in the area when they know it will not occur on a permanent basis.

The Hon. D. J. Wordsworth: It will occur in 1983.

The Hon. PETER DOWDING: Obviously the Minister cannot hear me.

Several members interjected.

The Hon. PETER DOWDING: The view I take of the population increments which will occur between now and the next election is that they will be largely composed of people who are temporary. These people will live in temporary accommodation which will be removed after they leave and most of them will retain their permanent addresses in the metropolitan area, because they will not become permanent residents of the region.

If one were to read the back of an electoral card one would see that that is one of the criteria. So even the Minister's reasoning is clearly demonstrated to be false.

When the Labor Party stood at the last election its members did not know what the figures would be; however, we said it would be appropriate to divide the Pilbara into two electorates—one north and east of the Pilbara and Hedland—based with Newman as an access, and the towns of Karratha down to Onslow within the other electorate.

The Hon. D. J. Wordsworth: So you would like to increase the size of Parliament?

The Hon. PETER DOWDING: The size of Parliament should be increased if, and only if, it is absolutely essential. I have always maintained the view that the electoral nonsense about the areas of Gascoyne and Murchison-Eyre can readily be solved in other ways.

The Hon. D. J. Wordsworth: Mr Berinson said there should be more members.

The Hon. PETER DOWDING: Mr Berinson did not say anything of the sort. Mr Berinson said that one should pick a quota and then determine how many seats are applicable to that area. If one had 26 000 voters in the Pilbara and 14 000 in the Kimberley—that is, a total of 40 000—then within the appropriate margins that would justify three seats in Parliament. If that creates a situation where one seat must be taken out then one of those miniscule seats like that of the Murchison-Eyre should be included. That would be a reasonable and democratic process.

The Hon. J. M. Berinson: Or sort out the seat for Darling Range.

The Hon. PETER DOWDING: We have the situation where a Legislative Assembly seat has 4 000 fewer electors than is proposed for the seat of Kimberley. The seat I refer to is that held by the Speaker of the Legislative Assembly. How can that be justified?

The Hon. D. J. Wordsworth: Because of its growth rate.

The Hon. PETER DOWDING: Do not be pathetic. I used to live in the shire of Kalamunda and the population has not grown.

The Hon. A. A. Lewis: How long ago was that?

The Hon. PETER DOWDING: About six years ago. That area is so close and so approximate to the GPO that one could run the electorate from Parliament House. Of course people such as Mr Lockyer and Mr Moore run their electorate offices just across the road.

The Hon. P. H. Lockyer: What about Ernie Bridge?

The Hon. PETER DOWDING: Ernie Bridge maintains a permanent electorate office in Halls Creek. Where is Mr Moore's Lower North Province office?

The Hon. N. F. Moore: At 5 Harvest Terrace.

The Hon. PETER DOWDING: Where is Mr Moore's electorate office? The truth is coming out now.

I submit that if these boundaries were decided in a democratic way we would have to look at the practice of representation and my proposition is that this matter is solvable in every way. If the Government members were not so mealy-mouthed about the fact that other members have to represent their electors we would do a better job and would be without this electoral rot which is occurring in Murchison-Eyre.

Another aspect which is extremely relevant to the consideration of this Bill is freedom of election. It is regrettable that this Government has sought to interfere with that process. It has sought to interfere with the fair elections of this State. It has sought to ensure that there should be no public disclosure about electoral contributions.

We all know of pressure groups and, as a consequence, the actions of the Government, especially with another piece of legislation presented in this Parliament. The Government has gone so far as to remove the restrictions on the spending in State elections.

Every democratic country in the world regards electoral expenses as a crucial key to the continuation of democracy. In America electoral expenses are paid for by public funding and New South Wales proposes to do the same thing.

However, what do we do here in little old Perth? We have a whole range of Liberal Party supporters lining up to put some laundered money into the bin without its being disclosed.

The Hon. P. G. Pental: A man who was killed recently had donated a sum of money to the Labor Party.

The Hon. PETER DOWDING: He gave a very large sum of money to the Liberal Party and the Liberal Party has not been prepared to admit that. He gave an enormous sum of money to the Progress Party which is one extreme lackey of the Liberal Party. The Progress Party was trying to knock off Labor Party candidates. That shows what a pathetic newspaper reader Mr Pental is.

Several members interjected.

The Hon. PETER DOWDING: Another proposition which is relevant to the consideration of a decent electoral system is to have a decent, honest, and proper electoral system where the ballot box is not interfered with and where every consideration is given to ensure that a person casts a vote of his own choice.

It has been the situation in the Northern Territory and with some Western Australians that in the past the Government has never provided people with education; therefore some are illiterate. There are Western Australians who have special learning difficulties and find it hard to fill in a ballot paper. It has been the case that because some people cannot read they are totally disadvantaged when trying to cast a vote.

During the 1977 elections certain people interfered with the vote. Because some people were unable to read and were disadvantaged when voting, a group of party workers attended the polling places and stood around while people were trying to cast their vote. We know that the Aboriginal vote was interfered with by the use of a technicality.

During the election Liberal Party functionaries interfered with the election and that matter was proved in a court of law. They also interfered with the presiding officers at the polling booths. The Liberal Party functionaries were proved to be disruptive during the elections. The Labor Party candidate was able to satisfy the Supreme Court judge of those facts.

Any system of voting should not make it more difficult for people to cast a vote. If we have electorates with large numbers of people with special learning difficulties, migrant people with learning difficulties, or Aboriginal people with no opportunity of education, it would seem to me that as a safeguard for democracy, the actions taken by the conservative Government in the Northern Territory should be adopted in this State. The conservatives were returned in that Territory.

If we have the situation where a person is illiterate and cannot remember the name of a candidate because it is not in his culture to know the names or the parties of the candidates, he



should be able to cast a vote in the order of his preference; for example, on a photograph of the candidate.

The Minister opposite will find, no doubt, some good and valid reason against such a system being introduced. When the procedure I outlined was carried out in the Northern Territory there was not one single objection to it and there was no interference in the voting process. However, this Government will not bring in such a process because it fears it will lose its power to determine its point of view. The Government has a fear that it will not be to its advantage.

The reason that the vote in the Kimberley and Pilbara areas has gone so heavily against the Liberal Party is because the people are aware of what this Government has set out to do. Many decent and honest people in those areas are concerned about this matter.

When we look at the effects of the 1977 election when Mr Bill Withers was opposed by a Labor candidate, Mr Withers polled more votes than did the Labor candidate. However, in the areas where the lower House candidate contested the 1980 election, where we polled the votes, we saw the same sort of pattern throughout the Pilbara and Kimberley area where people made a private democratic choice and were showing their resentment against the people who sought to manipulate them.

I wish to draw the attention of the House to a couple of matters which relate to two communications I have received from shires in the Kimberley area. Both shires have objected to the proposal and have put forward proper and valid reasons that they should not go ahead.

These are not the voices of people with political axes to grind. They are the voices Bill Withers spoke about, the voices of decent people in the Kimberley area who want proper representation and who do not wish to be the subject of the electoral manipulation of this Government. The Government is determined to get Brian Sodeman back into the lower House whether or not he does his work.

I submit that the reasons provided in the Minister's second reading speech for this legislation are patently absurd. There is no truth in the suggestion that the changes contained in the Bill are democratic safeguards.

There is no question that the Chief Justice and the other people involved—the commissioners—will have no chance to make a determination on this issue. Why should they not be able to do that? What is wrong with providing them with the power to do that? In view of the growth

predicted by the Minister, why are the electoral commissioners not given the chance to contest the decision? The reason is that the Government is not game to have the validity tested by anyone other than a political lackey.

In view of the changes the Minister has spoken about, why is the Government not prepared to give those people a guernsey?

The Hon. D. J. Wordsworth: I notice the Tonkin Government didn't.

The Hon. PETER DOWDING: The Minister is talking about sudden growth in the area and I asked him why is the Government not prepared to give them a guernsey?

The Minister has either not read the Bill or just wishes to throw in a comment for the hell of it. The Government is not prepared to give those people a guernsey or an opportunity to make a determination in respect of the divisions in the areas of Pilbara and Kimberley.

A series of grossly unfair propositions will result in a continuation of the gerrymander. At least the Hon. Bill Withers is consistent in the position he has adopted. He has told the House that in his view there ought to be a gerrymander as the only way to achieve fair representation for the people.

My argument is that this gerrymander is not applicable to the electorates of Pilbara and Kimberley. In this day and age, the problems of transport and communication are not as difficult as they were in the past. The STD line will be through to the area by the end of 1982. Charter allowances and assistance with travelling allowances as well as additional electorate offices are available to Federal politicians. Such provisions could be achieved. It is not necessary for a member to attend every centre daily. One need only look at the usual practice of a metropolitan member. He does not communicate every day with all his electors. Only a small proportion of his electors will have access to him at any one time.

The Hon. W. R. Withers: But they can have access.

The Hon. PETER DOWDING: I agree with that proposition. Certainly when I am in my house in Broome I always have to put up with an indefinite delay in obtaining a telephone line to Perth. However, as the honourable member knows, Telecom Australia has given an assurance in regard to time delays so I can see some light at the end of the tunnel.

The Hon. W. R. Withers: But a trunk call must be at the expense of the electors.

The Hon. PETER DOWDING: Of course that is so. If we had a decent telephone allowance and were not paying for our office telephone accounts, the electors could reverse the charges. Some very practical ways exist to deal with the problem.

As I pointed out, we could have the discrete areas of the three lower House electorates as presently constituted by the real numbers in those seats. I know we will soon hear from the good old country conservative member, the Hon. Philip Lockyer, who will tell us why his voters should have a vote worth six times that of an elector in the metropolitan area.

Let us look at some of the figures. Why should the member for Albany represent half the number of the residents in the seat of Pilbara? Why should the electorate of Avon cater for half the number of people in the electorate of Kimberley? Why should the seats of Bunbury and Collie be smaller in population size than the seat of Kimberley either as it is presently constituted or as it is proposed to be constituted? Why should it be the case with Dale and Darling Range, Geraldton and Greenough, Kalamunda and Kalgoorlie, Moore and Mt. Marshall, Mundaring and Murray, Narrogin and Rockingham, Roe and Stirling, or Vasse, Warren, Wellington, Yilgarn-Dundas, or Murchison-Eyre? I know that some of these seats are represented by Labor Party members, but we all stand by the principles we espouse. I have not heard any voice coming from across the road to tell me why it should be the case that the seat of Kimberley should be larger population-wise than any one of the seats to which I have just referred.

The Hon. A. A. Lewis: We would need to be across the road to listen to you properly.

THE HON. LYLA ELLIOTT (North-East Metropolitan) [9.34 p.m.]: Since I entered Parliament some years ago, I have become used to being shocked by this Government, not only by the repressive legislation it introduces and by its attempts to reduce the freedom of speech, but also by the blatant way it has taken steps to entrench itself in office. Not only has it done nothing to correct the outrageously gerrymandered boundary situation—and along with Queensland it has become notorious throughout Australia for this situation—but also it has made worse and tampered with the electoral laws to favour the Liberal Party and to keep it in office.

One of the greatest sins that any Government can commit against the people, I suggest, is to deprive them of their ability to have an effective say in who shall govern them. I believe it is just a

short step from depriving them of their liberty and even of life itself.

When the Government clamps down on the freedom of speech and at the same time entrenches itself in office by the laws it passes, it is creating a very unhealthy, undemocratic, and dangerous situation. If those people who want change are robbed of the ability to achieve it by their voice or vote, what is left for them other than violence? Plenty of contemporary and historical examples exist for this point of view. I am sure all members in this Chamber deplore the violence in Northern Ireland and El Salvador, but what do they think that violence is all about? It is about power, the rights of people, and their ability to participate in a meaningful way in the government of their country so that they can correct economic injustice. That is what the violence is all about.

While the Government is telling groups in the community, such as the conservationists, that they should not be demonstrating and taking class actions, but rather, they should be exercising their democratic rights through the ballot box, it is ensuring that their votes are worthless or powerless.

I believe the provisions of this Bill represent another step in the Government's shameful and blatant scheme to manipulate the electoral system of this State in its own interests. If that is not crooked I would like to know what is. The electoral system was bad enough before this Government started fiddling with it. Instead of setting about correcting the anomalies in it, the Court Government, quite cynically and contemptuously, since it has been in office, has introduced legislation for one purpose and one purpose only; that is, to ensure that it cannot be removed from office. Let us look at the way the Government has done this.

In 1975—the very next year after it was elected to office—it changed the metropolitan boundary by juggling the statistics, and by a little sleight of hand, it made near metropolitan electorates safe for the Liberal Party by taking out the Labor voting areas of Dale, Kalamunda, and Toodyay—the seat which later became Mundaring.

At that time it imposed also on the taxpayers of this State the unnecessary burden of an extra \$200 000 a year by increasing the number of members of this Parliament by six—four members in the Legislative Assembly and two members in this Chamber. That was despite the fact that Western Australia already had the

highest proportion of members of Parliament to the population of any of the mainland States.

The next step was in 1976 when the Government amended section 129 of the Electoral Districts Act with the aim of depriving illiterate Aboriginal voters of their right to vote. As the Hon. Peter Dowding has mentioned already, this scheme was exposed at the 1977 election when the Liberal Party sent a group of lawyers north to bully Aboriginal voters at the polling booths to ensure that they did not have their votes.

When this action was condemned by the subsequent Court of Disputed Returns, what did the Government do? It had the audacity, in the very same year, to introduce a Bill to amend the Electoral Districts Act to try to achieve what it had not been able to achieve by its 1976 amendment. Thanks to the public outcry, the Labor Party Opposition, and members of the Government at the time, including the Speaker, that Bill was rejected. However, the Government was not satisfied, and in 1979 it introduced another Bill designed to cook the electoral rolls and to make it difficult for certain people to vote. Unfortunately, it was successful that time. The legislation was passed, and we saw the result of it at the following 1980 election.

We saw disgraceful police-state tactics in Kimberley when decent citizens of this State were arrested like common criminals for no reason other than that of helping people obtain a postal vote. They were hounded and persecuted like common criminals. The same thing did not happen to people in Nedlands, Clontarf, or Florcat, although many there did exactly the same thing. It happened only in Kimberley because of the Labor Party victory there.

In 1981 we have yet another example of the Government tampering with the electoral laws to ensure that the Liberal Party wins the next election. Nobody can dispute that is the main purpose of the Bill. The legislation does this by fiddling with the boundary of the metropolitan area, and with the seats of Kimberley and Pilbara. This matter also was dealt with in detail by the Hon. J. M. Berinson and the Hon. Peter Dowding, so I will not traverse it again.

As the other member for North Province, the Hon. Bill Withers, said very emotionally and sincerely, this has just destroyed the only argument that the present Government was ever able to advance for the gross imbalance in the voting enrolments of the city electorates as against the country electorates. The Government proposes to enlarge the most remote electorate of Kimberley to 12 000 voters, and it will leave

untouched near-metropolitan seats such as Dale, Kalamunda, Mundaring, and Darling Range, which have approximately 9 000 electors each. I know that a certain area will be removed from the Mundaring electorate but it will not effect the ultimate number of voters when the redistribution takes place.

When we look at the previous justification for the gross distortion of voting values, we must ask how the Government can now justify increasing the enrolment for the most remote electorate in the State to 12 000 voters, and yet allowing near-metropolitan electorates to remain with 9 000 voters. It destroys completely any argument the Government has ever advanced on this issue, not that I ever felt its argument was valid. These areas, which are a 30-minute drive from the city, receive the same morning paper, the same television, the same Metropolitan (Perth) Passenger Transport Trust bus services, and they pay the same telephone charges as do people closer to the city. It is absolutely absurd and a scandal to class them as country electorates. If the Government had any credibility at all, it has certainly destroyed it.

The Hon. Neil Oliver: You are talking about travelling 30 minutes to the city; that depends on where you live. Are you taking it from the Metropolitan boundary?

The Hon. LYLA ELLIOTT: That is nitpicking.

The Hon. Neil Oliver: It is not nitpicking.

The DEPUTY PRESIDENT (the Hon. Tom Knight): Order!

The Hon. LYLA ELLIOTT: I intend to continue without answering that interjection because it is quite silly.

The DEPUTY PRESIDENT: There is no need for the honourable member to take notice of interjections; she is addressing the Chair.

The Hon. LYLA ELLIOTT: Yes, Mr Deputy President. I was one who felt that the Government had no argument to advance for inequality of representation on the grounds of distance. However, it has destroyed the last vestiges of its argument now. Not only has it exacerbated a thoroughly scandalous electoral system, but also it has imposed a financially unwarranted burden of \$250 000 a year on the taxpayers for the additional four members. As I said, Western Australia has the highest ratio of members to population of any of the mainland States.

In New South Wales, there is one member for every 35 040 electors whereas under our existing system, with only 87 members, we have one

member for only 14 274 electors, or less than half the number in New South Wales.

The Hon. P. H. LOCKYER: Do you think that is a bad thing?

The Hon. LYLA ELLIOTT: I am sick and tired of the present Government telling me and other people in the community it does not have money for essential things like women's refuges, nurses' salaries, and the like. I recently asked a question about a social worker and I was told there was not enough money to employ one. We do not need four additional members of Parliament. What we need is an honest, genuine redistribution of electoral boundaries.

Our neighbour, South Australia, has 52 400 more people than has Western Australia, yet it has 18 fewer members than has Western Australia, with only 69 members to our 87. In addition, thanks to the efforts of previous Governments, South Australia has a very fair electoral system with the principle of one-vote-one-value applying.

It is amazing the Government can never find money for essential things, but can pluck hundreds of thousands of dollars out of the air to help entrench itself in office.

Finally, I believe the Bill will assist in making Western Australia a laughing stock throughout Australia because of its absurd and undemocratic electoral boundaries. However, this is no laughing matter; it is very serious because it concerns the precious human right of people to a fair and equal vote and the right of the majority to change a Government if it deems fit. This Government, by its continual meddling with both the Electoral Act and the Electoral Districts Act, is making sure that is not a reality. It is robbing people of their equal votes and continuing to make the situation worse.

I oppose the Bill.

**THE HON. P. H. LOCKYER** (Lower North) [9.48 p.m.]: I feel obliged to make a brief contribution to the debate because my electorate has been continually referred to tonight and I believe I have an obligation to clarify certain points so that when members are making up their minds later in the evening they will be able to do so with the truth in mind, rather than some of the vague comments made earlier in the debate.

We have heard tonight the continual bleatings of the Opposition about the northern seats. The debate so far has almost totally covered the proposed change in the electorates of Pilbara and Kimberley. We heard the Hon. J. M. Berinson say he believed we should adopt the Federal system of one-vote-one-value. I take it he was referring to the huge seat of Kalgoorlie, which

represents a massive part of Australia and which, in fact is the largest electorate in the world. I take it he believes it is quite in order for an electorate to be of that magnitude and that the local member can represent the area quite adequately.

The Hon. J. M. Berinson: You are aware, of course, that the Liberal Party supported that basis of distribution.

The Hon. P. H. LOCKYER: I am well aware of it.

The Hon. N. F. Moore: You said the people were happy with it, and I am sure they are not.

The Hon. P. H. LOCKYER: That is a point the Hon. J. M. Berinson made. He said the people in this huge electorate were happy with the situation.

The Hon. J. M. Berinson: I said they accepted it calmly.

The Hon. P. H. LOCKYER: I put it to the House that that is not the case; they are not happy with it, and many do not accept it calmly. That is the sort of comment I would expect from a person who has probably travelled no farther north than Gingin. It is the type of comment we have become used to in this House.

The Hon. D. K. Dans: I have travelled further north than you, Mr Lockyer; I have been to the North Pole.

The Hon. P. H. LOCKYER: I could say it is a great pity Mr Dans did not remain there a little longer.

We heard tonight from the other member for North Province (the Hon. W. R. Withers). As is quite right and proper under Liberal policy, which allows members to stand and say what they like—unlike members of the Opposition, we do not put the screws on our members and insist they speak and vote in a certain way—we saw the Hon. Bill Withers put his point of view.

The Hon. Peter Dowding: How many of your side did that in the lower House?

The Hon. P. H. LOCKYER: In my short time here, not once have I seen an Opposition member cross the floor on any legislation.

The Hon. J. M. Berinson: When have you? When was the last time you crossed the floor?

Several members interjected.

The DEPUTY PRESIDENT (the Hon. Tom Knight): Order! I remind members that the Hon. P. H. Lockyer has the floor. I hope members afford him the courtesy they have enjoyed on many occasions, so that he can be heard and so that *Hansard* can take a true record of what he says.

The Hon. P. H. LOCKYER: I thank you for your courtesy, Mr Deputy President. However, I am used to the Hon. Peter Dowding trying to drown me out. I treat him with the insignificance his station in life demands.

The Hon. Peter Dowding: You are an intellectual dwarf talking to Goliath.

The Hon. P. H. LOCKYER: The Hon. Bill Withers quite rightly exercised his right as a true Liberal to put his point of view on this legislation. However, I am afraid he drifted into similarities with his co-member in not being terribly accurate. I must take him to task on those points.

The Hon. Peter Dowding: Of course, you know a great deal about North Province; you sold insurance around there.

The Hon. P. H. LOCKYER: I know quite a bit about North Province.

The Hon. Peter Dowding: Which province do you represent?

The Hon. P. H. LOCKYER: Mr Withers placed great emphasis on the fact that the local member would need to take a swag along to visit some of the areas to be included in the Kimberley electorate.

The Hon. W. R. Withers: I did not say that at all; I said there was one place.

The Hon. P. H. LOCKYER: The major towns included in the Kimberley electorate are Paraburdoo, Tom Price, Newman, Wittenoom, Shay Gap, and Goldsworthy.

The Hon. Peter Dowding: And Jigalong.

The Hon. P. H. LOCKYER: Paraburdoo and Newman are serviced by modern jet aircraft. The Hon. Peter Dowding probably does not know that DC3s stopped operating on that run a few years ago.

Several members interjected.

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): Order! Members have been requested to conform with Standing Orders. If any member desires to continue the disruption of the proceedings of this House, there are provisions for handling that situation. I will give no further warnings.

The Hon. P. H. LOCKYER: The modern jet aircraft which service Paraburdoo and Newman connect to Tom Price and Wittenoom. Shay Gap and Goldsworthy have a twice-daily service, once in the morning and again in the afternoon. I accept that areas like Yandeyarra and Jigalong are more isolated and it takes more organisation of a member's time to visit those areas. However, I am sure the Department of Aboriginal Affairs

representative in Port Hedland will be only too happy to afford local members the courtesy of assisting them to visit these remote places. It would be only right and proper for him to do so. I would hope that when Mr Dowding sends this copy of *Hansard* to that person, my speech is included.

#### *Points of Order*

The Hon. PETER DOWDING: That is disgraceful. Apart from stating matters which are grossly untrue, the Hon. P. H. Lockyer has done that which he grizzled about earlier this evening by referring to me without my proper handle. My handle—"the Hon."—is obligatory in his mouth.

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): Order! I request members to maintain the courtesies of the House.

The Hon. W. R. WITHERS: I am terribly sorry to do this. I wish to ask the honourable member for a withdrawal of certain words. I waited for him to get to the end of his point, but he kept going on and on. He said that I stated a local member would need a swag to represent some towns in the Pilbara electorate. I did not say that at all. For the last five minutes I have been waiting for him to finish his point so I could ask him for a withdrawal.

The DEPUTY PRESIDENT: Order! There is no point of order.

The Hon. W. R. WITHERS: I am asking for a withdrawal.

The DEPUTY PRESIDENT: Order! There is no point of order. If the honourable member claims to have been misrepresented there is an appropriate procedure to follow.

#### *Debate Resumed*

The Hon. P. H. LOCKYER: The Hon. Bill Withers referred to taking a swag with him not to the Pilbara but to the Kimberley.

The Hon. W. R. Withers: To none of those areas you mentioned.

The Hon. P. H. LOCKYER: If I have offended the honourable member, I withdraw. It is immaterial, as far as I am concerned. Does that make him happy?

The Hon. W. R. Withers: Thank you.

The Hon. H. W. Olney: The whole speech has been immaterial so far.

The Hon. P. H. LOCKYER: The Hon. Bill Withers pointed to what a massive area was to be added to the seat of Kimberley and then compared it with the seat of Murchison-Eyre. He

said the area comprised a huge amount of desert occupied by nobody and he also mentioned a number of communities in the area. I noted his figures differed slightly from mine.

In the central desert there are substantial communities such as Warburton, Wingellina, Giles, and Blackstone.

The Hon. Peter Dowding: When have you ever visited them without a Minister?

The Hon. P. H. LOCKYER: I returned from my second trip to the central desert only recently.

The Hon. Peter Dowding: With a Minister.

The Hon. P. H. LOCKYER: No, by myself.

The Hon. Peter Dowding: Pull the other leg!

The Hon. P. H. LOCKYER: If the Hon. Peter Dowding paid as much attention to his own electorate as he does to mine he would do a far better job. We cannot completely disregard this very vast area; it must be covered. I agree in some part with the Hon. Peter Dowding that perhaps members in these remote areas should have some charter allowance. However, that suggestion completely murders the Hon. Lyla Elliott's argument, because it would have the effect of raising the cost of representation. If the Hon. Peter Dowding had his way we would have electorate offices in every town.

The Hon. Peter Dowding: I have never said that.

The Hon. P. H. LOCKYER: It is a step in that direction.

The Hon. J. M. Berinson: Can you not base your argument on facts?

The Hon. P. H. LOCKYER: The Hon. Peter Dowding once again returned to the enrolment regulations, where a person getting on the roll for the first time must have his signature witnessed by a justice of the peace.

The Hon. Peter Dowding: That is not true; it is only if he is currently not enrolled elsewhere.

The Hon. P. H. LOCKYER: The Hon. Peter Dowding raised this matter. Once again, his argument was completely and totally irrelevant. Getting oneself on the roll is no different from obtaining a driver's licence or a licence for a firearm.

The Hon. Peter Dowding: Yes it is. It is the right to vote.

The Hon. P. H. LOCKYER: If people want to obtain a licence for their rifle, or to drive a motor vehicle, they certainly know where the police station is located and they happily report to obtain the appropriate licence. A similar situation applies to getting one's name on the electoral roll.

Quite frankly, the honourable member's argument does not hold water. The reason this amendment was introduced was to prevent manipulation.

The Hon. Peter Dowding: To prevent proper voting.

The Hon. P. H. LOCKYER: The people concerned know where the appropriate authorities are if they want to have one of the licences I referred to, and I say it is just as easy for them to get onto the electoral roll.

The Hon. Peter Dowding: It is a right, not a licence.

The Hon. P. H. LOCKYER: The member also said we were altering the boundary to make the seat of Pilbara a safe Liberal seat. On what authority did he make that statement? All of a sudden he has become an expert on whether the member for Pilbara is going to hold the new seat. No-one will know who will hold that seat until the electors in the area choose a person to represent them at the next election.

The Hon. J. M. Berinson: Well done!

The Hon. P. H. LOCKYER: For the honourable member to attempt to convince us the legislation will do that is utter claptrap.

The Hon. Neil McNeill: Mr Bickerton found that out.

The Hon. P. H. LOCKYER: The present member for Pilbara is a hard-working and good member, chosen by the people.

The Hon. Peter Dowding: He is a grovelling little toad.

#### *Point of Order*

The Hon. R. G. PIKE: Our Standing Orders require that a member of the House will not make disparaging remarks such as that made by the Hon. Peter Dowding. I ask that he be made to withdraw.

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): I ask the Hon. Peter Dowding to withdraw his remark.

The Hon. PETER DOWDING: On your direction, I withdraw.

#### *Debate Resumed*

The Hon. P. H. LOCKYER: It is sad that we must suffer the continual barrage of interjections by the Hon. Peter Dowding. We have come to expect it though. We heard him criticising the idea of selective enrolment by the Liberal Party. I would like to quote a couple of items from an incredible piece of literature called *Labor Voice*

of August 1977. On page 13 the following can be found in relation to instructions to teams of ALP supporters enrolling people—

If the occupants react positively to the mention of the ALP or the local candidate, then ask if any of the occupants are not on the roll. In the North-West there is little doubt that many will not be.

The Hon. Peter Dowding: That is dead right and that was in retaliation for your tactics.

The Hon. P. H. LOCKYER: That makes a mockery of the arguments we have had to listen to about universal franchise, where everyone should be on the roll. I refer now to the edition of March 1980 and on page 3 the following can be found—

A campaign of enrolment obviously needs to be conducted for us to succeed in Bunbury.

It was not just concerned with the north-west. To continue—

Probably the main reason for Labor's not winning the seat was that despite our much reported enrolment campaigns many workers still did not get on the Pilbara Electoral Roll. Until Pilbara workers enrol and vote in Pilbara and become voters for the seat of Pilbara Labor won't win the seat.

I was pleased to hear the member twice change his statement in the House about the seat of North Province being larger than the seat of Lower North Province. He said it was larger in the population sense. For the record, the North Province comprises 356 100 square miles as opposed to Lower North Province which comprises 463 850 square miles. That gives us a difference of 107 000 square miles, which makes Lower North Province one-fifth larger.

The Hon. Peter Dowding continued representing the Labor Party's policy of totally disregarding people in remote areas. He never mentioned the fact that electorates such as Murchison-Eyre are very sparse and include such distant towns as Wingelina and Giles. The member does not think the people there should be represented. If his party had its way those people would have no representation at all. The Hon. Peter Dowding believes a person can get around the whole area in four days by using a charter aircraft. It took me three days to get around the central desert by aircraft.

It seems the member does not think that places such as Wiluna, Meekatharra, and Leonora are entitled to representation.

The Hon. J. M. Berinson: Do you not think all people are entitled to equal-value votes?

The Hon. P. G. Pental: Not necessarily.

The Hon. P. H. LOCKYER: I shall quote from the Minister's second reading speech as follows—

The north-west and Murchison-Eyre area of the State has provided the greatest difficulty in our endeavours to adjust the electoral system in a manner which provides for the proper representation of all areas of the State and has regard for factors of distance, remoteness, communication, community of interest and transport, as well as population.

The Government has pointed out it was not an easy decision. It has made it quite clear that we will have to keep an eye on the situation at all times. Although the seat of Kimberley has been increased, I do not think it will become an unmanageable size. It will simply mean that the member who represents it will have to make one or two fewer trips to Tamworth to make his records. It is just a matter of organisation.

The Hon. Peter Dowding: Have you not shifted your ground a little bit?

The Hon. P. H. LOCKYER: I was interested in the Hon. Lyla Elliott's comments when she referred to the Government's so-called manipulation. I refer members back to 1959 when on 21 March that year the electors of Western Australia dismissed the Hawke Government by the right and proper way—through the ballot box.

The Hon. D. K. Dans: Is there another way?

The Hon. P. H. LOCKYER: That Government was able to hang on until 2 April, during which time that charming Government tried to proclaim new electoral boundaries. Legally it was entitled to do that, but morally it was a dreadful act. The leader writer in *The West Australian* referred to it as an "undignified departure".

The Australian Labor Party has never stopped whingeing about wanting an electoral redistribution. Now it has one it still will not stop whingeing.

The Hon. J. M. Berinson: We withdraw in the face of that.

The Hon. R. Hetherington: You want to abolish the electoral system altogether.

The Hon. P. H. LOCKYER: The Opposition accused the Liberal Party "back-room boys" of having something to do with this redistribution. As a back-bench member I know if I had been able to have a say I would have arranged things so that the member for North Province would not be gracing his seat after he next had to face the

electors. Seriously though, the redistribution has been done in the right and proper way.

The Hon. J. M. Berinson: In the Liberal tradition.

The Hon. P. H. LOCKYER: It has been done to give some guidance to the electoral commissioner. It does not cease to amaze me that the Opposition has tried to pre-empt what the commissioners will do.

The Hon. J. M. Berinson: The Government has pre-empted them.

The Hon. P. H. LOCKYER: I hope the Chief Justice is taking note of what the Opposition is doing because I believe the eminent man that he is would take great exception to anyone pre-empting what he and his colleagues were going to do.

The Hon. J. M. Berinson: What a lot of garbage. How is he going to change the metropolitan boundary?

The Hon. P. H. LOCKYER: The seat of Kimberley is being increased to 12 000 voters and the new seat of Pilbara immediately will have around 9 000 voters. The Government quite rightly has taken into consideration the rapid population increase that will take place in places such as Karratha.

The Hon. Peter Dowding: Temporary increase.

The Hon. P. H. LOCKYER: These people will be entitled to have a vote. All these people will be entitled to place themselves on the electoral roll and when the 1983 election arrives they will be able to choose their own member of Parliament.

The Hon. Peter Dowding: You think temporary increases justify putting 12 000 people into Kimberley?

The Hon. P. H. LOCKYER: The Government has undertaken to keep an eye on the situation and if the numbers decrease so that the electoral boundaries need to be changed again it will be the responsibility of the Government of the day to do something about it. I do not think it is a terrible thing that the seat is to be extended. It is a compact little area which can be easily covered by any organised member of Parliament.

The Hon. J. M. Berinson: The Minister is enjoying the joke.

The Hon. G. E. Masters: I am enjoying your discomfort.

The Hon. P. H. LOCKYER: The Opposition may have some other worry. It seems to have chosen its candidate to oppose the member for Pilbara. However, it seems it was short of

candidates and so grabbed the electorate secretary of the Hon. Peter Dowding.

The Hon. Peter Dowding: That is a disgraceful slur.

The Hon. P. H. LOCKYER: I am sure she is a worthy candidate.

The Hon. Peter Dowding: Do not denigrate her.

The Hon. P. H. LOCKYER: I am not.

The Hon. Peter Dowding: You are disgraceful, Lockyer.

The Hon. P. H. LOCKYER: The member's rudeness never ceases to astound me.

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): Order! If the honourable member ignored the interjections he would do much better.

The Hon. P. H. LOCKYER: In relation to the northern seats alone, the Opposition has been able to mount no argument. It has to accept there must be some reorganisation and that people in remote areas of the State must be protected.

It is no good the Opposition saying people in remote areas do not need special assistance. These people are entitled to have an equal say along with everyone else. They do not have the advantage of 10c phone calls to their members of Parliament. A person at Giles has to telegraph his local member through Alice Springs. All the bleatings in the world will pull no weight with me. I support the Bill.

**THE HON. D. K. DANS** (South Metropolitan—Leader of the Opposition) [10.15 p.m.]: I have just listened to the most amazing speech I have ever had inflicted upon me in this House.

The Hon. P. G. Penda: It got you blokes stirred up.

The Hon. D. K. DANS: I heard many amazing assertions. I did not know whether it was "Sir Toby Belch" speaking or the Hon. Phil Lockyer. I cannot in all fairness, no matter how hard I try, understand what he was talking about. What we are discussing tonight is a gerrymander—that is not my term, it is the term of the popular Press in this State—in order that a Government losing favour with the people of Western Australia may attempt to stay in power.

The Hon. P. G. Penda: What is the inference of that?

The Hon. D. K. DANS: That is a very good comment from the Hon. Phil Lockyer.

The Hon. P. G. Penda: No, Penda.

The Hon. R. Hetherington: It was the other fiddler.



The Hon. D. K. DANS: "Feedledum and Feedledee!" The Hon. Phil Pendal was a journalist and should be able to accept what I will say. Not only the popular Press of Western Australia, but also the popular Press of Australia are branding this legislation as a greater gerrymander than any ever attempted by the Premier of Queensland. I cannot agree or disagree with those notions, but it is very apparent when the Hon. Phil Lockyer was quoting from his little scraps of newspapers from five, 10, or 15 years ago, that he would not refer to some of the more recent headlines. This legislation means we are discussing a gerrymander. We can speculate about the future when this gerrymander is enacted, as it surely will be, I believe, some time next year.

The Bill will pass through this Chamber and restrictions will be placed—I hope the Hon. Phil Lockyer is listening—on the electoral commissioners by the boundary which has been referred to. Members should look at the map to see the boundary drawn around the metropolitan area. They would realise an amazing division of a portion of the Pilbara will be tacked on to the Kimberley. The electoral commissioners will be severely restricted, and well everyone in this House knows that will be the case.

I can see no good in kidding about the situation. If I were a member of a Labor Government that attempted this kind of thing I would take—whatever the consequences were to me personally—the same kind of action the Hon. Bill Withers took tonight.

Some parts of Australia are more democratic than others. I remind the Hon. Phil Lockyer that in the Federal system of electing representatives to the Federal Parliament we have a fair situation. That also occurs in the States of Tasmania, South Australia, Victoria, and New South Wales. Over one-third of all Australian voters live in New South Wales and they have reasonable and fair electoral distributions.

The Hon. H. W. Gayfer: What about the Senate elections?

The Hon. D. K. DANS: What about them? Perhaps when the Hon. Mick Gayfer rises to his feet he can tell us.

The Hon. H. W. Gayfer: There is poor representation.

The Hon. P. G. Pendal: I have a few things to tell you about that. There have been 30 years of Labor in Tasmania.

The Hon. D. K. DANS: In fact, it is 45 years. The members interjecting are grasping at straws. In Australia we live in a democratic society, but

some parts of this great land of ours are more democratic than others. Already I have referred to the States with reasonable and fair electoral systems, including the Sovereign State of New South Wales, the founding State of this great country of ours, where more than one-third of all Australian electors live.

I ask members to think about this: We must consider that democracy imposes a great obligation not only on elected representatives, but also on every constituent in the length and breadth of this land to protect the democratic society in which we live. If one wants to delve a little into history one will find that Australia is a young country. It was only in 1979 we in this State celebrated 150 years of white settlement. If we consider the distance we have travelled in that time we know we have not done such a bad job. However, it is also a matter of history showing it has not been the forces of Labor Parties, or if one likes to use that term, or parties of the left—I am talking about parties of the left in democracies—that have caused great political changes.

I presume the educated people in this Chamber who do a little bit of reading and examine history know it always has been the excesses of conservatives that have brought about great political change and, probably, the greatest lesson of all time in regard to that can be learnt when one considers the history of Russia in particular—the Russian Revolution—which now is the Soviet Union. The history of that nation is a good point at which to start if, one wants to examine the changes that have taken place in the western world during the last couple of hundred years. I am not trying to say that the Liberals in this country, or the conservatives—there are no real Liberal parties in Australia—have reached the excesses of the Russian Royal Family or the Russian Orthodox Church, but they are fast reaching that point.

This Bill is a very shallow and ill-disguised attempt to cook the electoral books of this State. Simply, I can give no other explanation for it. Members of this House who have a conscience would accept that point. Tonight I have observed them. One could almost read by their mannerisms the struggle going on within themselves. No matter how often they will rise to their feet, and no matter what is said, they will know they are being dishonest and rotten—I emphasise those words.

In most parts of the world today this legislation would not be tolerated for 20 seconds. It would not be tolerated in countries which we refer to as being backward or part of the third world.

Situations such as this could not exist in those countries. It is not fairly noticeable, but is dramatically noticeable, that only one member of the Government—I do not say there will not be more—for one reason or another has supported the Bill. Perhaps he does not have a conscience. Perhaps he is incapable of thinking or finds it hard to think on his feet. Certainly he found it hard to relate to this Chamber what he had to say tonight. That member was the Hon. Phil Lockyer.

He rose to his feet out of pure desperation because he felt embarrassed for being part of the gigantic fraud to cook once more the electoral books of the State of Western Australia. He wanted to say what he had to say—get it off his chest—and make it sound as convincing as possible. I do not believe when he receives a copy of *Hansard* he will be able to read his own speech; he will feel so dispirited and small.

The Hon. J. M. Berinson: One would have to be very insensitive not to feel that way.

The Hon. D. K. DANS: Of course one would. I do not want to belabour the technicalities of this legislation. It did not surprise me that this legislation was brought forward. I am sure the people who had their ears to the ground knew such legislation would come along. Most trained political observers knew there would be another gerrymander, but even the most trained political observer, the most sustained cynic in the community, at no stage would have thought the Government would “come the raw prawn” with this effort and say it intends to correct the situation in the north of this State. If anyone wants to dispute what I am saying—if he cannot comprehend or hear my remarks—let him say so. I will assume that all members understand what I have said, so one by one or on the shoulders of each other they should look at the electoral map that is shown and see what will happen to the seat of Kimberley. Oh, my God—

The Hon. P. G. Pental: An act of confession.

The Hon. D. K. DANS: I will give that later.

The Hon. R. Hetherington: He is waiting for you to say that later.

The Hon. D. K. DANS: I would like to have my ear to the confessional box when the Hon. Phil Pental makes his confession because I am sure he will roast in hell forever.

The Hon. P. G. Pental: So long as I am not in the same place you will be in.

The Hon. D. K. DANS: Wherever I go the conditions will be improved. They tell me hell is a very good place to enter since the late General Secretary of the Waterside Workers' Union

passed away and organised them down there. The conditions have been vastly improved. The member would be in good company.

The Hon. P. G. Pental: We have that place gerrymandered, too.

The Hon. D. K. DANS: I would not doubt that one little bit. One could talk all night—

The Hon. H. W. Olney: You talk all night.

The Hon. D. K. DANS: —about the parts of this Bill which should not have been introduced, but no impression would be made upon Government members.

On this occasion, the projected gerrymander by the Liberal Party has caused more public debate than any other legislation in my living experience. Not for one minute could I say that the public debate will change the result. However, certainly it raises a glimmer of hope that people are starting to take notice. Not only are people taking notice of the gerrymander, but also they are noticing other things that are happening around them such as the sliding economic situation and the lack of disposal income. People are looking very carefully at what is happening to the economy, and quite correctly they are coming to the conclusion that not only is this legislation a snide attempt to keep an ailing Government in power, but also they see it as an extension of the duplicity of the Liberal Governments of this country which have their centre of power in Canberra.

If any member wishes to dispute that fact with me, I suggest that he reads the feeble revelations of the great conjurer, Malcolm Fraser, in this evening's Press.

All these matters compounded do no good whatever for the democratic processes of this country. This is not the first time I have mentioned this point of view in the House. Every time we tamper with the electoral system for our own selfish ends, people in the community tend to reject not only the Liberal Party point of view, but also the Labor Party point of view, and they seek to fulfil their desires in parties with extreme right wing or extreme left wing views. Any member who wishes to research that little exercise will find that people who espouse extreme political views are growing in number very rapidly.

This is an example of a spin-off from the type of action this Government is taking. Rather than bringing people together as Australians in the first place, and more importantly to us, as Western Australians, these actions drive people to seek redress for their real and imagined wrongs outside the parliamentary system. Anyone who

disbelieves that should look around Australia today. If someone takes action to protect his own bailiwick or his own point of view, all hell breaks loose. The Hon. Gordon Masters brands such people as left-wingers, right-wingers, or some other kind of wingers. However, the people who come to live in this country want to live under a democratic system. They do not like this snide attempt to deplete the democratic institutions under which they desire to live.

One could go on and on and it would not make one atom of difference to members opposite. I would like to record in *Hansard* the fact that the day is not far distant when Government members regret their actions. I do not hold the view that, by evening up the electorates and doing all the things we espouse, somehow or other the Labor Party will be elected to power forever. People in some political parties seem to wear mental blinkers on this point. A Labor Party Government had been in power for nine or 10 years in South Australia, and it was tossed out overnight.

Let me leave members with this point: I believe that with all its deficiencies, the Westminster system of government is the best possible system. For us I am not talking about a time span of 15 or 20 years; we must consider long term stability. For a system to continue to operate, there must be the capability for a change of government. That is the great strength of the political system as practised in the United Kingdom. Governments come and go, but the system goes on for ever. This fact stands out as a beacon in all the countries practising democracy.

If any such legislation were to be passed in the United Kingdom, it would not be many years before the Monarchy would be finished and there would be some kind of republic in its place. I have warned the Government before about tampering with the system, but this is its best effort ever.

Even if we leave aside the proposal to amend the metropolitan boundary, the intended alteration to the Kimberley electorate is the most clumsy gerrymander I have ever seen. If I wanted to be a political fence sitter, I would say that in years to come it will be pointed out that the rot commenced in 1981 when the Court Government decided to pull this ramp, because quite clearly the people in the Kimberley do not see themselves as having any affinity with the people in the Pilbara.

I first visited the north-west before 1950 and long before the development of the iron ore deposits and the provision of water in the Pilbara there was a clear division between the Kimberley and the Pilbara. I ask Government members to

think very carefully about what they intend to do. I am not so naive to think that they will vote against the Government's proposal but I urge them to think carefully about it because in a few years' time they may be very sorry for the decision they make today.

**THE HON. P. G. PENDAL** (South-East Metropolitan) [10.37 p.m.]: I rise to support the Bill and very briefly to give my reasons for that support.

I think it was the deputy leader of the opposition who referred earlier tonight to his surprise at the absence of blushing faces on Government members of this Chamber. He tried to develop an argument to this Parliament as to why we ought to have blushing faces. I put it to this House that in this case the blushing faces are being experienced by members of the Labor Opposition both in this House and in another place.

The faces of Opposition members are becoming flushed for the fairly simple reason that they find themselves in something of a quandary about what to do in regard to this legislation, although they are doing their best publicly to show they oppose it. The quandary arises because for years and years the Labor Party has advocated that there ought to be more city representation in the Parliament of this State.

**The Hon. J. M. Berinson:** More equal representation in the Parliament of this State.

**The Hon. P. G. PENDAL:** We will come to that in a minute.

**The Hon. J. M. Berinson:** More equal, not more city.

**The Hon. P. G. PENDAL:** I repeat: For years the Labor Party has advocated—

**The Hon. R. Hetherington:** He is not going to take any notice of you.

**The Hon. P. G. PENDAL:** —a greater representation of city interests in this Parliament. At the very moment that the Government, amongst other things, seeks to bring about that situation, the Labor Party finds itself in that quandary. Its members know that they must obey their masters at Trades Hall and put on a good public show to oppose the motion.

**The Hon. R. Hetherington:** Every corny cliché in the book!

**The Hon. P. G. PENDAL:** At the same time—

**The Hon. R. Hetherington:** He has not said "at this point in time" but he will.

**The Hon. P. G. PENDAL:** —it knows that the legislation will achieve part of that aim.

There is no greater authority for that than the Deputy Leader of the Opposition himself, who conceded in his remarks tonight—albeit grudgingly—that the legislation tended towards reform of the electoral system.

The Hon. J. M. Berinson: Certainly.

The Hon. P. G. PENDAL: He said he did not think it was much.

The Hon. J. M. Berinson: It is 4 per cent out of a 33 per cent imbalance. You regard that as reform, do you?

The Hon. P. G. PENDAL: It does not matter what I regard it as; it matters what the Deputy Leader of the Opposition put forward, and I suggest what he put forward demonstrates the sort of quandary in which members opposite find themselves. They feel they must oppose the legislation but at the same time there are some flushed faces on the other side of the Parliament because the legislation will achieve what is dearest to their hearts: that is, a greater representation of the city areas.

The Hon. R. Hetherington: That is nonsense.

The Hon. P. G. PENDAL: I want to move to another area which the Labor Party seems to have in common with some sections of the media in respect of condemning the Government for this legislation. I do not deny the right of sections of the media or of the Labor Party to condemn or make any other judgment of any legislation that comes before the Parliament. However, one of the main areas of opposition of the leader writers of *WA Newspapers Ltd.* is that this legislation adds four new members to this Parliament. Indeed, the Deputy Leader of the Opposition also touched on this point tonight and repeated the point made by the leader writers of *The West Australian* by saying the four new members of Parliament are unnecessary.

The Hon. Joe Berinson then developed his argument by pulling apart as best he could the three reasons given by the Minister to justify the increase of four members.

The Hon. J. M. Berinson: Are you prepared to defend that?

The Hon. P. G. PENDAL: I am, and what is more I am prepared to add one more reason—a fourth reason to which the Minister did not refer.

The Hon. J. M. Berinson: How about defending the other three first?

The Hon. P. G. PENDAL: The one thing that the Hon. Joe Berinson and other Labor speakers have not done is to show why the increase of four members is unnecessary. They have advanced no reasons whatsoever.

The Hon. Lyla Elliott: I did.

The Hon. P. G. PENDAL: Miss Elliott tried, but did not succeed.

The Hon. D. K. Dans: Look at this headline. That is the result of the gerrymander in Northern Ireland.

The Hon. P. G. PENDAL: I am not interested at the moment in what happens in Northern Ireland; I am more interested in wondering what will happen in Western Australia. Let me return to the point I was about to make to the House. One thing the Labor Party failed to do both in this House and elsewhere during this debate in the last 24 hours was to advance reasons that the proposed four new members are not necessary. One would have assumed they could advance some criterion or some yardstick to say that at the moment we have sufficient members of Parliament or that already we have too many.

The Hon. Peter Dowding: Did you not listen to Mr Berinson?

The Hon. P. G. PENDAL: I listened to him with great interest, and he gave no yardstick whatsoever. Therefore, in the absence of a yardstick being put forward a member such as myself is entitled to find a yardstick by which to measure the merit or demerit of having an additional four members in this Parliament. I put this forward in a serious vein, and I would ask members of the Opposition to listen to it seriously.

If we take the last 20-year period of parliamentary politics in this State we find that the proposal for four new members of Parliament will mean the number of members will have increased by 13 per cent since 1960. During the same period the population of Western Australia has increased by 71 per cent.

The Hon. J. M. Berinson: But we were overloaded to start with.

The Hon. P. G. PENDAL: I thank Mr Berinson for that. In 1960 no-one in the Labor Party in Western Australia or in *WA Newspapers Ltd.* suggested we were overloaded; so the member cannot drag out that argument now and back date it.

The Hon. Peter Dowding: Why not?

The Hon. P. G. PENDAL: No-one is suggesting—

The Hon. J. M. Berinson: We have had some experience since then.

Several members interjected.

The DEPUTY PRESIDENT (the Hon. R. J. L. Williams): Order! Members have been most co-operative this evening and I would ask them to

continue in the same way and to refrain from a chorus of interjections.

The Hon. P. G. PENDAL: I stress again that I am not trying to put forward a political argument on this matter; rather I am trying in a serious way to challenge the argument made by leader writers of *The West Australian* and members of the Opposition in respect of the additional four members of Parliament. I have already pointed out that the addition of four new members of Parliament will represent an increase of 13 per cent in the past 20 years while in the same period the population has increased by 71 per cent.

The Hon. J. M. Berinson: What about improvements in communication and transport?

The Hon. P. G. PENDAL: If we like to use another yardstick—that of Government employment—we find in the same period an increase of 119 per cent. Do members opposite assume it is proper to expand the Government work force by 119 per cent but it is wrong to expand the Parliament by a mere 13 per cent?

The Hon. Peter Dowding: STD didn't exist then.

The Hon. P. G. PENDAL: In the 20-year period to which I am referring civilian employment in Western Australia rose by 112 per cent and the number of school teachers rose by a mere 189 per cent.

The Hon. Peter Dowding: Is that what you want? Growth for growth's sake?

The Hon. P. G. PENDAL: I will come back to that in a moment.

One is entitled to ask why the number of teachers has increased by 189 per cent over the last 20 years. Surely the answer is clear; it is that we have more people in the State, more activity, and more children to educate. Therefore, we need more teachers to cope with that.

The Hon. J. M. Berinson: That doesn't follow at all. Why do we need pro rata 2½ times as many members as New South Wales?

The Hon. P. G. PENDAL: Why should we use New South Wales as a yardstick?

Several members interjected.

The DEPUTY PRESIDENT: Order!

The Hon. P. G. PENDAL: In the same period the number of journalists employed in Western Australia increased by 91 per cent.

The Hon. Peter Dowding: Employed by the Government?

The Hon. P. G. PENDAL: The learned gentleman on the other side will be disappointed to know that the one figure I could not obtain in

the last couple of days—although I tried valiantly—was the increase in the number of legal practitioners. I am not suggesting there is anything sinister about that.

Again, in the absence of any yardstick put forward by the Opposition, let us take the yardstick of medical practitioners. In the same period the number of doctors has increased by 207 per cent. One is entitled to ask why we need 207 per cent more doctors in the last 20 years; and again the answer ought to be self-evident even to members of the Opposition. The reason is that we have a higher population and we have proportionately more people going to see doctors. Therefore the business is there to justify having more doctors.

The Hon. J. M. Berinson: What about the number of chiropodists?

The Hon. P. G. PENDAL: I will come back to that tomorrow when I have had a chance to investigate it.

The Hon. J. M. Berinson: It will be equally relevant.

The Hon. P. G. PENDAL: If I have as much trouble obtaining that figure as I did in trying to obtain the figure for legal practitioners, Mr Berinson might be waiting for a long time.

The Hon. Peter Dowding: What about the table which shows the experience in other States? That is relevant.

The Hon. P. G. PENDAL: The final point I would like to make in this regard is this: The Labor Party has been at pains both in this House and elsewhere—including in the media—to suggest that the increase of 13 per cent in the number of members of Parliament over the past 21 years is enormous.

I ask members to recall if they can who was responsible for the most dramatic increase in the size of any Parliament in Australian history. There is a resounding silence from members opposite. It was the Chifley Government, when it increased the size of the House of Representatives not by a mere 13 per cent over 21 years but, in one fell swoop from, I think, 75 members to in excess of 120 members. That Government did not muck around with any mere 13 per cent increase, which has been our record in Western Australia over the last 21 years.

Another argument which has been advanced by the Labor Party, both tonight by the Deputy Leader of the Opposition and by one of their very esteemed friends from Canberra, Senator Peter Walsh, was the proposition for one-vote-one-value. Senator Walsh was widely reported in this

morning's newspaper as advocating such a system. That argument becomes relevant to this debate, firstly, because the Hon. J. M. Berinson mentioned the effect of such a system and, secondly, because Senator Walsh saw fit from Canberra to buy into an argument which is properly the preserve of the public of Western Australia and members of this Parliament.

The Hon. J. M. Berinson: He is a member of the public of Western Australia.

The Hon. P. G. PENDAL: Like the Hon. J. M. Berinson, Senator Walsh complains about the lack of one-vote-one-value in Western Australia. Yet Senator Walsh himself sits in a parliamentary Chamber that does not even begin to uphold that principle.

It is recognised that we have a weighted voting system for the Legislative Council in Western Australia. I am not ashamed of that principle, because it takes into account the difficulties experienced in outlying and sparsely populated areas.

The Hon. F. E. McKenzie: Like Kalamunda, Darling Range and Mundaring.

The Hon. P. G. PENDAL: For example, the Hon. Norman Moore and the Hon. Phil Lockyer represent about 6 000 people, whilst the Hon. Robert Pike and the Hon. Peter Wells represent in excess of 100 000 people which, in effect, gives a weighting of about 17:1.

Senator Walsh's Tasmanian colleagues in the Senate represent 417 000 people, while New South Wales senators represent 5.1 million people, giving a weighted vote of 13:1 in favour of Tasmania. The Hon. Phil Lockyer and the Hon. Norman Moore were accused in this House of having 16 or 17 times the say of the Hon. Robert Pike and the Hon. Peter Wells. Why are not the same voices of criticism raised about the situation in the Senate, where Tasmanian senators enjoy 13 times the voting power of the New South Wales senators?

I give an undertaking that if Senator Walsh achieves a one-vote-one-value system in the Senate—a principle he holds so dear—I will join with him and talk about the Western Australian electoral system and the way we can overcome our problems here.

The Hon. Peter Dowding: What about giving an undertaking to talk about Western Australia?

The Hon. P. G. PENDAL: I am coming to that. One is entitled to ask what the situation in the Senate would be should Senator Walsh's principle of one-vote-one-value come into effect.

The Hon. Peter Dowding: What has this to do with WA?

The Hon. P. G. PENDAL: It has everything to do with Western Australia. If the honourable member had been listening earlier, he would know I said the weighted voting system favoured the rural and remote areas of this State in the same way all of us seem to accept the system which applies in the Senate, and which protects the interest of the rural and sparsely populated States of Australia.

Members should bear in mind that currently, all States are represented by 10 senators. Under a one-vote-one-value system, New South Wales would be represented by 21 senators, Victoria by 16 senators, Western Australia by five senators, and Tasmania by less than two senators. In one fell swoop, Western Australia would lose 50 per cent of its Senate representation and Tasmania would lose the representation of eight senators.

I repeat that the weighting which exists in the Senate for the protection of sparsely populated States of Australia is no different from the weighting principle which applies in this State for the election of members to this Chamber, where recognition is given to outlying and sparsely populated areas. Yet we have seen Senator Walsh and his colleagues in this place shedding crocodile tears about the so-called death of democracy. It is a lot of extravagant nonsense. If the weighted voting system offends Senator Walsh, let him do as the Hon. Des Dans suggested earlier tonight: Let him clear his conscience by resigning from the Senate.

The Hon. F. E. McKenzie: There's a different system. Can't you see that?

Several members interjected.

The DEPUTY PRESIDENT (the Hon. R. J. L. Williams): Order! The House will come to order! The Hon. Phillip Pendal has the floor, and I am listening to his speech with great interest.

The Hon. P. G. PENDAL: Let these people resign from their parliamentary positions, and forgo their parliamentary salaries and pensions for the rest of their lives. In that case, one would have in the House the people who would take part in debates and be of some assistance to the people of Western Australia, without all this nonsense.

I support the Bill.

THE HON. TOM McNEIL (Upper West) [11.01 p.m.]: I rise to oppose this legislation. I could best express my concern by saying that when we first came within these hallowed walls tonight, when the Labor Party in its wisdom decided to call for a division on this Bill, that

immediately met with a raucous outburst from Government members. My concern is such that whilst the Government may be convinced that it has the numbers to carry this legislation through, it forgets the fact that we are here to represent our electorates within this Chamber as a House of Review.

As the only member of the National Party here, I hope I would be open enough to listen to a debate which could convince me about the merits or demerits of such legislation—

The Hon. D. J. Wordsworth: You voted against the first reading.

The Hon. TOM McNEIL: Yes, I did; but I would hate us to make the claim, even to Mr Wordsworth, who would consider himself—

The Hon. Peter Dowding: He has the courage of his convictions, not like Wordsworth.

The Hon. D. J. Wordsworth: He just told us he did not want to hear the Bill. He voted that way.

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): Order! The Hon. Tom McNeil.

The Hon. TOM McNEIL: I do not deny the allegations of the Minister. I would point out to him also that I supported the Government last night on the legislation concerning settlement agents. I considered at that time, with all due respect to the Minister for Fisheries and Wildlife, that the advice he was receiving from the departmental advisers was not satisfactory and the Minister's performance left a lot to be desired.

I consider that three members of the Labor Party on this side of the House put up one of the greatest performances that I have ever listened to in my short time in this place. Despite all that, I supported the Government on the Bill—and I hope Mr Wordsworth is listening.

I came into this Chamber tonight convinced that this legislation was not in the best interests of the people I represent. When the division was called for I had to make up my mind which way I was going to vote. I decided that I would oppose the Bill; and I stayed in my seat. I voted on the basis that I did not want to listen to the Bill; but now that the Bill is before us, I am quite prepared to debate it.

I point out to members that some pertinent and important points have been made. I "dips me lid" to the Hon. Phillip Pandal because he spoke quite well and refused to be drowned out by the Hon. Peter Dowding. The Hon. Peter Dowding deserves mention for his contribution. The Hon. Bill Withers' rather emotional speech contained a lot of common sense.

When I was walking down the corridor tonight, I was asked whether I was going to speak on the Bill. I said "Yes." The comment was then made "Well, why? It cannot have any real effect on you." Such a comment defeats the principle of why we are here. It is not a question of how it affects me personally; it is a question of how it affects the electors of Upper West Province and the people of this State. Sometimes in this House we are looked on as members of the "geriatric ward"; and certainly we should be prepared to discuss legislation intelligently, if we do not want people to think that of us. People in another place ask "How long did you sit last night?" Instead of being accused of being a rubber stamp, we should listen to sensible debate, and act in a sensible manner on the legislation. If we see something wrong in proposed legislation, we should say so. Rarely do we act as a House of Review.

Last night we dealt with the Settlement Agents Bill. In relation to that, there were a number of gaps which have not been closed satisfactorily. However, I thought it was an intelligent debate on the part of the Opposition.

I defend my right to come in here and form an opinion on any matter; and I retain the right to take part in any debate that takes place.

The Hon. D. J. Wordsworth: Well, don't vote against the first reading.

The Hon. TOM McNEIL: The Hon. Philip Pandal suggested that we should make a realistic suggestion about what we could do to improve the boundaries. My immediate thought is that a convenient attitude to adopt is that of suggesting the use of the Metropolitan Region Planning Authority's boundary as the boundary for the metropolitan zone under the electoral legislation. I am holding a copy of the MRPA plan; and the boundaries shown on that provide a natural barrier. The area is bounded by forests and national parks; and that would have brought in an extra 55 000 rural voters in five or six seats. However, it would not have necessitated any more members of Parliament. It would not have cost the State any more money.

When I go back to my electorate, I would like to be able to face anyone at all and say that I did not approve of this legislation. Therefore, I will vote against it. I cannot see why, in these economic times, we should be promoting four new members of the Parliament, just for the convenience of the Government.

Let us consider the Legislative Assembly. It is true that most of the legislation in this State originates in that House. However, I would not like an increase in this House unless we

performed far more satisfactorily than we do at the moment. In saying that, I am not trying to denigrate any party. However, the party system is what is fouling up the operation of the Council; and unfortunately that looks like prevailing for some time to come.

Under the present system, the Government has the numbers. I do not blame it for saying "Well, we can put this through because the Liberal Party has the numbers." Then the Labor Party becomes upset because it does not have the numbers and it is faced with the futility of attempting to change, in any manner, Bills that come before this House.

The Hon. Peter Dowding: It is not that we do not have the numbers; it is that we cannot ever get the numbers.

The Hon. TOM McNEIL: I can understand that.

The Hon. Peter Dowding: It is not just sour grapes.

The Hon. TOM McNEIL: In this House, we have a different identity, in some respects. We are starting to adopt a different role, and we are starting to move in a different direction. We have seen the work of the Select Committees earlier in this session. I would like to think that every time a Bill was introduced into this House, it would not be assured of being passed. If that were the case, and we reviewed all the legislation, we would have some standing in the community.

The public loves to "get stuck into" this place. People's comments on the radio and TV indicate that they do not believe we really do anything. I would like the people to think that we have an important role to play in dealing with legislation. I take pride in any job I tackle; and I believe we all desire respectability and credibility. That is what we must strive for. We saw that sort of thing last night, when the Hon. Neil McNeill questioned some legislation. At times we have heard from the Hon. Tom Knight, the Hon. Sandy Lewis, and the Hon. Mick Gayfer. It is good for members to query matters in a Government Bill in order that the Bill is seen in its right perspective, and adjusted if necessary. If we are not satisfied with a Bill, we can oppose it. However, we have very little hope of amending it.

I am not at all satisfied with the Settlement Agents Bill. It still has too many holes in it. I was impressed with the attack mounted by the Hon. Joe Berinson, the Hon. Howard Olncy, and the Hon. Peter Dowding. They had a lot to say about the Bill and the way it was constructed; but the Government was deaf to their pleas. Members of the Opposition thought that something should be

done about the Bill; but the Government took no action.

The Hon G. E. Masters: We had a few amendments today. Did you notice those?

The Hon. TOM McNEIL: Yes, I noticed them. I felt very strongly for the Minister last night. He had two very difficult Bills, and he did not have the best of advice. The ammunition fired from the Opposition benches was, in many respects, intelligent debate on the merits of the Bill.

The Hon. G. E. Masters: A lot of legal stuff. It was a very good Bill.

The Hon. TOM McNEIL: I am opposed to this Bill. I can see the futility of sitting into the wee hours of the morning, arguing, knowing that we will not win. That is the complete height of futility. Even if we had a chance, it would be easy for me to walk across and vote in favour of the Bill. However, it is my view that the Bill is wrong.

I would like to see the day arrive when this House was disbanded. On its performance it is certainly not a House of Review and until it is we are wasting our time. We could help the economy of the State if we did away with this House.

In closing, I would like to quote the following part of an Address-in-Reply speech made by the Hon. L. B. Bolton on 11 August 1932—

Owing to the grave financial crisis still existing, expenditure must, wherever possible, be still further reduced and economy practised in every direction. I must own that the Government are entitled to all the sympathy we can extend to them in that respect. There are, however, directions in which the Government can and should further reduce the public expenditure. I am a little disappointed to find that there is no suggestion of this in the Governor's Speech by way of reducing the numbers of members in both Houses of Parliament. I have advocated this reduction for many years, and I am still of the opinion that two representatives, instead of three, for each province, making a total of 20 members in lieu of 30 for this Chamber, and a reduction from 50 members to 35 in the Legislative Assembly, would yet give the people ample representation in our legislative halls. Indeed, I would go even further and support the suspension of Parliament for a term of five or seven years as I am convinced that better results would be obtained if a commission of, say, six members were appointed to control the affairs of the State in the interests of the



State, and the State only, and not of any political party.

I oppose this legislation. I consider that the new boundary lines are completely unacceptable and the advent of 4 new members of Parliament is unwarranted.

**THE HON. F. E. McKENZIE** (East Metropolitan) [11.12 p.m.]: Much has been said previously and it is pointless my going over the points in relation to the main arguments in opposition to this Bill. I was impressed with the arguments put forward by the Hon. Tom McNeil.

The Hon. G. E. Masters: He didn't mention whether he was for or against the legislation.

The Hon. F. E. McKENZIE: He made it perfectly clear he was opposed to it. When the Government introduces legislation such as this it is little wonder that politicians are held in such low regard by members of the public. The matter of the four additional parliamentarians has been canvassed on many occasions during this debate, and opposition to this proposal is valid. At a time when the public who elect us are being forced to live under stringent economic conditions, forced on them by the Fraser and Court Governments, we find that for purely political expediency the Government has introduced this legislation to ensure it is returned to office in 1983. It is only six years ago that a similar measure was introduced to Parliament to ensure a Liberal Government was returned in 1977. I cannot understand how members opposite such as the Hon. Phillip Pandal can stand in this place and endeavour to convince us there is nothing wrong with the legislation.

The Hon. G. E. Masters: He made a very good speech.

The Hon. F. E. McKENZIE: That is the Minister's point of view, but I thought it was a disgraceful speech. Like myself, members of the public have not seen any support in the media for the Government's legislation. The Hon. Phillip Pandal mentioned that *The West Australian* was the only newspaper lending support to the Labor Party's objection to this Bill. But no member in this place can tell me of any section of the media which is supporting the Government in relation to this measure.

The Government introduced the Bill without giving any reasons for changing the electoral boundaries. It has kept its motives in the dark. It kept its legislation on the rack for a long time even though it knew there was a great deal of speculation both inside and outside this House about what the measure would contain. Then, in the dying hours of the Parliament, it has

attempted to rush the measure through with indecent haste. It went to the extent of allowing debate to continue in another place almost until midday today.

I see no justification for the Parliament to be fixing the boundaries of the metropolitan area. It is immoral that members opposite—including the Minister, who is smiling—should be doing this. The Minister has reason to smile when he has a province which includes Mundaring, Kalamunda, and Darling Range which should be in the metropolitan area, but which are in fact said to be in the country.

The Hon. A. A. Lewis: Do not be personal.

The Hon. F. E. McKENZIE: It is not a matter of my being personal; it is a matter of fact. If the Minister's province were to include Canning and made a metropolitan seat, which ought to happen—

The Hon. G. E. Masters: You would not mind getting rid of Forrestfield.

The Hon. F. E. McKENZIE: I am quite happy with Forrestfield. It was in the Minister's area, but as soon as it voted Labor it was shifted. The Minister's Government shifted the metropolitan boundary further out.

The Hon. G. E. Masters: You should know your figures better than that. It did not go Labor.

The Hon. F. E. McKENZIE: In 1977 it slightly favoured the Government, but in 1980 the Government was soundly defeated in that area.

The Hon. G. E. Masters: That was because I was not there.

The Hon. F. E. McKENZIE: If Kalamunda ever goes rotten for the Liberal Party it will no doubt become a part of the metropolitan area. The Hon. Ian Pratt knows that if he did not get rid of Rockingham from his province his seat would go Labor.

The Hon. A. A. Lewis: If I got rid of Collie and Warren, would my province become Labor?

The Hon. F. E. McKENZIE: Mr Lewis is a very good operator. He made sure there was no opponent against Tom Jones in the electorate of Collie so as to ensure the province he represents was saved.

The Hon. H. W. Gayfer: In the country it is the man who will win the seat, not the party.

The Hon. F. E. McKENZIE: I will concede that point. A very good case can be made for the electoral commissioners to decide the metropolitan area. They do a good job and one could not fault what they have done.

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): Order! If members wish to carry on private conversations they are entitled to leave the Chamber.

The Hon. F. E. McKENZIE: Why can the Government not have the same electoral commissioners determine the size and the voting populations for the four special seats in the north? Of course, that would not suit the Government. It wants to draw the lines; it wants to draw the boundaries. It would not give that task to the electoral commissioners because it would lose the seat of Pilbara on the voting at the next election.

I will not prolong the debate, because all the valid points have been made on a number of occasions already. However, I wanted to make a contribution, because this is a rotten, crooked piece of legislation. Members opposite should be ashamed to think they are the perpetrators of such an unjust situation in this State.

THE HON. H. W. OLNEY (South Metropolitan) (11.21 p.m.): I wish to add my opposition to the Bill and, in doing so, make a few comments in regard to matters which have been raised during the debate. Unfortunately I did not receive the same degree of delight in listening to the remarks made by the Hon. Phil Pental as other members apparently did. That may have been because I was out of the Chamber; but I did return in time to hear some interesting statistics concerning the Federal Senate. I heard the Hon. Phil Pental propound the remarkable proposition that, if Senator Walsh somehow waves a magic wand and gets a system of one-vote-one-value to apply in the Senate, Mr Pental will resign from this House. I think that was the promise he made.

Several members interjected.

The Hon. H. W. OLNEY: The comparison with the Federal Senate is so nonsensical as to be unbelievable.

The Hon. Peter Dowding: And irrelevant.

The Hon. H. W. OLNEY: It is irrelevant also, but that does not seem to be a criterion in this debate.

The fact of the matter is in the 1890s six self-governing British colonies decided to federate into the Commonwealth of Australia and part of the deal was to have equal representation in the Senate on a State-by-State basis, irrespective of population.

For many years the Labor Party battled unsuccessfully to get rid of the Senate. It did not achieve that idea and it was castigated and still is castigated for its lack of enthusiasm for the Federal Senate. Members of the Labor Party are

still unenthusiastic about it, but we know it is a fact of life.

We know that, to get rid of the Federal Senate in its present form and not replace it or, alternatively replace it with a democratically elected second Chamber—if there is such a thing—we would have to get through a constitutional referendum which I could guarantee would be opposed by the conservative parties.

The Hon. Peter Dowding: And Mr Pental.

The Hon. H. W. OLNEY: We know if that were so—if one of the major political parties opposed the referendum—it would be lost.

We are in the position that there is no way in the world either that the Federal Senate will ever be reformed under the present Constitution or that the conservative parties would go along with the Labor Party in reforming it in the manner in which Mr Pental pretends he would like to see it done.

The Hon. P. G. Pental: I was not advocating it.

The Hon. Peter Dowding: Why did you spend half an hour on it then?

The Hon. P. G. Pental: I was suggesting the inconsistencies in your argument.

The Hon. H. W. OLNEY: The Labor Party has been perfectly consistent in its attitude to second Chambers. It wanted to abolish the House of Lords, the Senate, and this place. If that is not consistent, I do not know what is.

The Hon. Peter Dowding: The House of Lords is probably more acceptable to Mr Pental. He rather fancies a peerage.

The Hon. H. W. OLNEY: However, discussion about that matter is quite irrelevant to this issue.

I want to raise a couple of other matters which have been dealt with in the debate. My colleague (Mr Dowding) referred to the difficulty in enrolling people, particularly in the electorates he represents. I know something about the north, because I lived and travelled widely there and I know a number of people who live in the constituency of the Hon. Peter Dowding.

I can understand the enormous problems experienced not only getting the indigenous people who are entitled to be on the roll on it, but also getting the largely itinerant work force concentrated now in the Pilbara onto the roll.

As pointed out by the Hon. Peter Dowding, a very small percentage of people in the Pilbara who are entitled to register to vote are actually registered. However, Mr Dowding's problems are not unique to his electorate. Indeed, in my own

electorate, which is in a rather densely populated area, we experience difficulties. In the Fremantle area we have about 30 different ethnic groups, therefore communication difficulties are experienced. Many families have problems, because some members of the family are eligible to be on the roll as they have been naturalised or were born in Australia, whereas usually the older members of the family were not born here and may not be eligible for enrolment. We experience enormous problems in regard to sorting out enrolments.

The Hon. Peter Dowding: Are you advocating the provision of a charter aircraft for Fremantle?

The Hon. H. W. OLNEY: No; we are not advocating a charter aircraft in Fremantle, but it might be handy when we go to Rottneest which, of course, is in our electorate.

The rules relating to the enrolment of voters are fundamental to the consideration of the matter before the House and that is, of course, the determination of quotas which are applicable in various areas. If there is a high percentage of non-enrolment, which is the case in North Province and Fremantle, the whole balance of boundaries will be thrown out of kilter. I put it to the House that even in a densely populated area there are enormous difficulties getting people onto the roll.

If we take the average family these days—particularly the average Fremantle family—usually both adult members work and in Fremantle they start work early and return home late. Therefore, these people experience great difficulty obtaining a registration card. There is also the difficulty in my electorate of the language problem and getting residents entitled to be on the roll but who are not on the roll to understand, firstly, the need to be on it; secondly, the requirements and details on the cards; and thirdly, what to do with the card when it has been signed in front of an appropriate witness.

If a person is working all day and does not know where to get the enrolment or where to find a JP, the situation becomes very difficult. Frequently it is hard to find a JP even though we are told time and time again there are adequate JPs in all areas. It is not always possible to get hold of a policeman after working hours. They put a little wooden clock on the wall outside the police station saying, "Back at nine o'clock". When one returns at nine o'clock one finds the little clock is still on the wall with the same message and one is led to believe that perhaps it means nine o'clock in the morning by which time the person has gone to work. Of course, the East Fremantle Police Station has been closed recently.

The Hon. Peter Dowding: Most JPs live in Nedlands and City Beach anyway.

The Hon. H. W. OLNEY: Many of the JPs appointed for Fremantle are businessmen who do not live in the actual electorate. Enormous problems are experienced and these are fundamental to the basic question of determining exactly which people constitute the electorate. I suggest the electorate should represent all those eligible to vote.

We have a system of compulsory voting and registration but very little is done by the Government through its electoral office to ensure compulsory registration is enforced. It would require a great deal of effort, and that would mean extra financing. I would like to see the money to be spent on four new members of Parliament being spent on the provision of staff to ensure a more satisfactory and adequate system of registering voters. Until that is done we will never have a decent democratic system in this State. Of course, one step in that direction would be our having a united electoral roll with the Commonwealth which makes a reasonable attempt to keep its rolls up to date. One needs only to consider the comparison as obtained in answer to questions raised by the Hon. J. M. Berinson to realise a vast discrepancy exists in some areas between State and Federal rolls.

Everybody who is eligible to be on the Federal roll is eligible to be on the State roll; simply. I know of no excuse for our not having a proper system. At present it is antiquated, and inadequate funds are provided to ensure the public here a reasonable opportunity to comply with the statutory requirement of compulsory registration.

I move now to comment very briefly on what the Hon. Phil Lockyer had to say about compromising the position of the Chief Justice. I am sure he did not mean what he said. What he meant apparently was that by criticising the arbitrary setting of the boundary between the Kimberley and the Pilbara, members of the Opposition were in some way criticising the Chief Justice. That is such arrant nonsense it does not require discussion to demonstrate its stupidity.

An argument was put forward to justify having 12 000 electors in Kimberley and 9 000 in Pilbara. Apparently there will be an increase of some 3 000 voters in the Pilbara electorate before the next election so that each will have 12 000 voters. That would be good in the eyes of people who believe in equality of electors but it would make only those two electorates equal in numbers and not the electorates of Gascoyne and

Murchison-Eyre. In the drawing of those electorates there seems to be no logic or justification, and that applies to the boundaries which will be set by this legislation.

The second reading speech seems to hold out something of a carrot in front of the donkeys. Anyone who accepts the second reading speech at face value ought to be classified as a donkey. The Minister expressing the belief of the Government side had this to say in the second reading speech—

The government believes that the time has not arrived for equal electorates, although it recognises that with the growth and development of the State, especially at the pace now being taken up, the situation will change in the years ahead.

Is the Government saying that in the years ahead we will get to the stage of having equal electorates? Is that the ultimate aim of this Government? Is the Government setting its sights on this most desirable goal which it believes we are not yet ready to achieve? Does the Government see the justice, logic, and good sense in the Labor Party advocacy of equal electorates? If it does not, what does the paragraph mean? Does it mean what it says? Does it mean something different or is it just a bit of padding thrown in to hold in front of the donkeys? I exclude the Hon. Bill Withers from that category, as he seemed to accept that statement as a shift in Liberal policy, but unfortunately it is a policy repugnant to him.

I hope the Hon. Bill Withers is right, but I doubt that in this century we will see a change of the present situation.

Throughout the speech was reference to matters such as distances between communities, community of interest, communications, and populations, and statements that those matters must be taken into account in determining electoral quotas and boundaries.

I have not seen written at any time or heard said what the criteria are by which one measures the relative value of people against areas, communications, transport, isolation, economics, numbers of sheep, numbers of bushels of wheat produced, or numbers of jarrah trees that can be chopped down. But all these matters are taken into account. What is the correct formula? How do we know we have hit upon the right formula when we have an arbitrary line drawn around the metropolitan area excluding a number of seats in the non-metropolitan, but non-remote, areas?

It seems the only criterion to determine the number of seats in the country is the number of seats we presently have. So that the Government does not upset country interests it will not reduce the number of seats in country and mining areas. Effectively it will reduce the relative representation of the non-metropolitan area by continually increasing the number of metropolitan electorates. Of course, by so doing the Parliament will become larger and larger, and more costly. It will be one which in the long run will not do any better job than that envisaged in this Parliament in 1932 by Mr Bolton. I am told by one member that Mr Bolton lost his seat after he made the statement referred to.

We oppose this Bill because it lacks any semblance of logic, morality, or understanding of a true democratic principle that should apply to the election of members of the Parliament of Western Australia. Whilst it is all very well for the Hon. Tom McNeil to say what a good job the Opposition did last night, it was an exercise in futility to come here as we did to try to battle on a non-party-political issue—I would agree with the Hon. Tom McNeil—that good arguments, logic, and good sense will not prevail against the numbers of the Government parties.

I feel that this Chamber is not a genuine House of Review. It was never established as such and it is nonsense to say the Legislative Council is a House of Review. It does not review and its history shows that it is a descendant of the originally appointed and later partially elected, and still later fully elected, Legislative Council.

It exists only because under the Westminster system, as it developed in the United Kingdom, there were two Houses of Parliament. As a consequence, the House of Lords in the UK became part of the constitutional set up. We all know that in Britain the House of Lords has no significant legislative role to play. I would suggest that this House has no significant legislative role to play while the conservative parties control the lower House. Without the conservative parties controlling the lower House, it is a different ball game.

The Hon. R. Hetherington: It is a House of emasculation.

The Hon. H. W. OLNEY: Of course we see then how non-partisan members of Mr Pendar's party are as they toe the line and continue to defeat the Labor Government's legislation. That has been history in the past and will probably be the same in the future.

We oppose this legislation and every aspect of it. We urge members opposite to show a degree of

independence because they are not bound by party rules, they have the freedom to come across the floor to vote. They should do that to at least show who is calling the shots in this Government. They cannot abandon democracy in this way.

**THE HON. R. HETHERINGTON** (East Metropolitan) [11.42 p.m.]: Before I begin the main burden of my remarks, I wish to make some passing reference to a comment made by Mr Lockyer who, in the past, has suggested when I have attacked Ministers in another place that I have been a bit dastardly because I have attacked someone who was not present to defend himself.

Mr Lockyer made a remark about someone whom this Bill will concern. I am talking about Mrs Pam Buchanan from Wickham who is the endorsed Labor Party candidate for the Pilbara as it now stands.

The honorable gentleman said that we were so short of people that we pulled someone out of an electorate office. I think that is an unfortunate statement about an honest, efficient, hard-working, and dedicated person.

I first met Mrs Buchanan when I visited the Pilbara and that is as far north as I have been. That was some time ago and when I came back I reported to my party that if it were looking for a good, honest, hard-working, intelligent, active, and capable candidate, perhaps Mrs Buchanan could be considered. Of course when my colleague, Mr Peter Dowding, was elected he took Mrs Buchanan into his electorate office because he wanted someone who was competent, capable, and efficient. I am quite sure that in due course Mrs Buchanan will make a very good member of Parliament and I look forward to that day.

I wish also to make a passing comment on the question of four extra members of Parliament. I do not know of the experiences of the honourable gentleman opposite, but I do know what I have experienced from irate electors who seem to have thought that this move was my fault because I am a member of Parliament. They have said "We want four more members of Parliament like we need a hole in the head".

People have rung me and told me that. They have rung me and said "The Government" or "Charlie Court" because they do not show any reverence to members of Parliament and perhaps they should.

**The Hon. D. K. Dans:** Court is the Government.

**The Hon. R. HETHERINGTON:** He is the Government. These people have said that the Government is cutting back, then suddenly we find this lovely explanation which Mr Pental

talked about when he extrapolated through 20 years. The Government is cutting back on nurses, doctors, hospital facilities, and all sorts of things.

**The Hon. P. G. Pental:** You tell me the yardstick.

**The Hon. R. HETHERINGTON:** I will tell the honourable member the yardstick used by electors. They have said that at a time of great economic stringency it is very odd that a Government which is cutting back on everything else is planning to increase Parliament by four members in order to get its own way. My yardstick is that if we apply the honourable gentleman's argument to Britain then we could go back to the Tudor times when there was a population of, say, four million and 400-odd members in the House of Commons. At the present time there are 640 members in the House of Commons. There is no need to keep adding members of Parliament.

If Mr Pike has his way some members of this Parliament may find more to do. I have thought that this Parliament and this House being a legislative body and a House of Review should not need more members. It is a farce and it is so ludicrous that a Government, which has members with such scant respect, is going to expand the Parliament to get its own way.

**The Hon. P. G. Pental:** You were one of the blokes who came here under the last increase.

**The Hon. J. M. Berinson:** What has that to do with it?

**The Hon. R. HETHERINGTON:** I am astounded by the comments of the Hon. Phillip Pental. When he first came to this House he had a facility of words which I mistook for intelligence. He says that two more seats should be created. If I can take note of what he has said I hope that does not mean we may have more members like the honourable gentleman. I hope we maintain or get two people like Mr McKenzie and I, if I may say so with all due modesty.

**The Hon. P. G. Pental:** You should resign.

**The Hon. R. HETHERINGTON:** The honourable gentleman reminds me of school children who used to say to me "If you are a socialist why do you own a house?" Some of the honourable member's arguments are quite puerile and it would be a good idea if he resigned. He knew all about school children as he trotted out the prepared words of the Education Department during a debate on that subject in this place.

**The Hon. P. G. Pental:** What has that got to do with this Bill? You are stupid tonight.

The Hon. G. E. Masters: I thought it was another of his very good speeches.

The Hon. R. HETHERINGTON: I thought it was the Education Department's very good speech and that he was acting as an apologist.

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): Order!

The Hon. R. HETHERINGTON: Last week my honoured, intelligent, and learned friend, the Deputy Leader of the Opposition, put forward a motion on electoral justice.

Several members interjected.

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): Order! It is making it extremely difficult for the reporting staff, *Hansard*, to record the proceedings when members interject. Members should appreciate the circumstances in which they have been working in recent times and if nothing else consideration should be given to their performance. I ask Mr Hetherington to continue and for other members to give him their due attention.

The Hon. R. HETHERINGTON: Mr Berinson introduced a motion on electoral justice, the Minister spoke, and then the motion was put to the bottom of the notice paper. We had hoped that Mr Pandal and other members could have joined in that debate to discuss some of the criteria and principles that belong to a democratic system. I thought that what probably would happen would be a rehash of what we had in 1977.

The then Leader of the House (the Hon. G. C. MacKinnon) was much better in dealing with the matter on a similar motion about electoral justice.

The Hon. J. M. Berinson: He will cross the floor on the strength of that.

The Hon. G. C. MacKinnon: Flattery will get you everywhere.

The Hon. R. HETHERINGTON: One of the things the Hon. G. C. MacKinnon said then, and I do not hold it against him because he was putting forward the view of the Government, appears on page 555 of the 1977 *Hansard* as follows—

There is a fundamental and basic difference between the arguments of the Labor Party and those of the Liberal Party. The Labor Party argument has to do with power for the Labor Party; power for the representatives, and the absolute right to get their hold on authority. We the Liberals argue in terms of the interests of the people represented—the voters.

Then came the usual quiet, personal abuse.

The Hon. G. C. MacKinnon: If I said that, it is no wonder they sacked me.

The Hon. R. HETHERINGTON: I realise that the then Minister had a little help from one or two friends. He had to do the best he could, but I admit he presented the argument well. I used to enjoy listening to his way of putting arguments that I often thought were nonsense.

What happened the other night is quite important, because it tells us something of the thinking of the Liberal Party, the origin of the Bill, and the attitude of the gentleman now running this Government. The common factor is power. What did the Minister say the other night? Of course he gave us the same old tired argument about the Senate when he had this to say—

I wish to have this matter placed on record because the public should understand the policies of the Australian Labor Party. It is committed to abolishing the Legislative Council, the State Government, the Governors of the States, the Senate, and no doubt the Governor General.

I do not know how we will be able to do all that from the Legislative Council.

The Hon. Peter Dowding: Who said that?

The Hon. R. HETHERINGTON: The Minister for Fisheries and Wildlife.

The Hon. D. K. Dans: A diabolical statement to make.

The Hon. R. HETHERINGTON: It is interesting because the whole argument was that if we had electoral justice, the Labor Party might do these things. I am not arguing about the fairy stories the Minister told us of what the Labor Party is going to do. For the sake of the argument, I will accept that the Minister actually believes his statement. He believes that if the Labor Party gained power, and if it had a majority in both Houses, it would abolish the Legislative Council—although that is not our policy at present—it will abolish the State Government, the Governors of the States—although there are problems there constitutionally—and no doubt the Governor General and the Senate.

The interesting point about this and other arguments is the preoccupation with the need for the Liberal Party to stay in power so that the Labor Party never has a chance to do the things it wants to do, even if the majority of the people want those things also. Like conservatives from time immemorial, and like the ex-President of France, Giscard d'Estaing, the Liberal Party here

believes it has a divine right to rule and the majority of people must not be allowed to put into power a Government that might do things the Liberal Party does not want.

Of course the Government accuses us of being obsessed with power, but that is because the Government itself is obsessed with power. One can see that preoccupation with power in every action the Government takes.

This attitude is called transference—one transfers one's own opinion to someone else so that one can hide it from oneself. Of course, the desire is there in one's own subconscious. I suggest that the Minister should read a little Freud, but he may be "afreud" to do that because of what he might see!

I have heard all the Government's arguments before, because I used to live in the home of the past master of the electoral fiddle, Sir Thomas Playford of South Australia.

The Hon. D. K. Dans: The book cooker!

The Hon. R. HETHERINGTON: He was the best cook this side of the black stump.

The Hon. J. M. Berinson: You mean the other side of the black stump.

The Hon. R. HETHERINGTON: He kept himself in power for years and years without an electoral majority because he had a worse gerrymander than the one existing in this State.

The Hon. D. K. Dans: Not worse than the one in the Bill.

The Hon. R. HETHERINGTON: Of course today South Australia is a little more democratic, and particularly in regard to the upper House.

The Hon. Neil Oliver: Did you not move then to Nedlands?

The Hon. R. HETHERINGTON: Yes, when I left South Australia I moved to Nedlands because I could obtain a cheap rental house near the university where I was employed. I do not know what that proves, except that I wanted a cheap rental house and I wanted to be able to walk to work. I then moved to Claremont which was a little further from the university, but it was a pleasant place to live. Its one drawback was its political representation—I was represented by the Premier. Although he was not then the Premier, I did not think much of him.

Several members interjected.

The Hon. R. HETHERINGTON: I have now moved to Wilson. I gained a personal benefit from the Government's last electoral gerrymander, but I will not praise it for that. I am now represented by my two friends and colleagues, the member for

Welshpool, and the Hon. Fred McKenzie, the better half of the representation for East Metropolitan Province.

The Hon. J. M. Berinson: Perhaps they would like to ask you another question, Mr Hetherington?

The Hon. R. HETHERINGTON: It was simple enough to answer. I always have reasons for doing things, and I am prepared to explain my reasons. I will now try to explain why I do not like any part of the Bill. It is an electoral three-zone trick, similar to the trick I witnessed in South Australia, except that here the Government had the benefit of the experience of Sir Thomas Playford who left his last fiddle too late; he did not have the necessary constitutional majority. He built up a beautiful scheme which looked great on paper. It was designed to ensure that the Labor Party in South Australia never came to power, but it was too late. The Bill before us is designed to ensure that the Liberal Party stays in power. For all the Premier's great powers of endurance, and his faith in the future, the Liberal Party must face the fact that people in this State are beginning to murmur against him.

The Hon. G. E. Masters: You would like it if it were true.

The Hon. R. HETHERINGTON: As Abraham Lincoln said "You can fool some of the people all of the time and all of the people some of the time, but you cannot fool all of the people all the time."

The Hon. D. J. Wordsworth: You do not fool any of the people any of the time.

The Hon. R. HETHERINGTON: The Premier is perturbed because he is losing his own popularity. If he stays on he might lose the election, and if he leaves, who is there to replace him? Of course, we all know the internecine power struggle going on in the Liberal Party, firstly to get rid of the leader, and, secondly, to replace him by Mr Who.

The Hon. G. E. Masters: Rubbish! There is a lot of absolute rubbish going on, come to think of it.

The Hon. R. HETHERINGTON: It seems to me that the Minister doth protest a bit too much. Whatever happens, it is important that any further decline in the Liberal Party fortunes is not made known in the electorate because it is quite possible, indeed highly likely, that the Liberal Party, which did not win a majority of votes in the last election—and I am not claiming that we did because I do not make false claims—will not win a majority of votes in the next election.

However, under this Bill when it becomes law the Labor Party is likely to find itself in Opposition still. I have heard all sorts of arguments in this Chamber about our electoral system. I know the Hon. Graham MacKinnon used to develop beautifully the argument I first heard put forward by Mr Jeremy Buxton, who is now one of the Liberal Party's gurus in the electorate of Forrest. He is a bright and intelligent young man and he develops an argument to say that we vote State by State and so if there is a majority in enough seats the party concerned wins. It sounds lovely, but it has not very much necessarily to do with democracy. I have pointed this out in the House before, but it was in the last Parliament. I know the Hon. Robert Pike would probably remember the argument; however, I will bore him with it again for the benefit of some of the new members.

The basis of the Westminster model—and I will say something more about that in a moment, as it has decayed in Great Britain—was that Edward I and subsequent kings first appointed and then had elected two knights from each shire and two burgesses from each borough to represent the interests of property owners. Good, conservative people they were.

The Hon. N. F. Moore: And you don't represent any interests.

The Hon. R. HETHERINGTON: I represent a whole range of interests and I am trying to make sure that a single interest does not predominate in Parliament as it did in the British Parliament until 1856, and, of course, in the West Australian Parliament until 1890. One had to be a property owner to vote for both Houses because the communities that had to be represented were not the peasants, not the workers, not the tradesmen, not small farmers, but property owners; and by 1928 this system gradually evolved into something that was called democracy in Britain. That is usually regarded as the date that democracy arrived, when women under 30 and over 21 were finally enfranchised. At the same time it was possible that the party with the majority of votes was likely to get into Government. The idea arose that not only did people represent electors, but they represented the nation as a whole. That, of course, was Edmund Burke's good, conservative view of representation. He was not a democrat, as the Hon. Graham MacKinnon was the first to tell me because he learnt it in grade four.

With the growth of the party system—and I appreciate the remarks of the Hon. Tom McNeil, although they are not practical in a modern society—organised political parties seemed to be here to stay and they raised a certain number of

problems in the parliamentary system which I might discuss at some other time when talking about QASOs; and at that stage we will raise some of the problems that come with the business of holding Governments responsible.

So what we are now looking for is a system that gives some kind of representation and at the same time is democratic; that is, where the majority of the voters choose the Government. That is what democracy is all about. Unless we have free elections and alternative Governments offering themselves to the people so that they have something to choose between, and unless we have the ability for a party or a group of parties which gets the majority of the votes in the country as a whole to form a Government—

The DEPUTY PRESIDENT (the Hon. Tom Knight): Order! There is too much audible conversation and I am unable to hear the Hon. Robert Hetherington clearly.

The Hon. R. HETHERINGTON: Thank you, Sir. I know I am probably too abstruse for some members, but I am doing my best to educate them.

We have evolved various kinds of representation; and I might say that if we are looking for guidelines we could well look to Tasmania which somebody referred to rather sneeringly earlier because with the exception of about three years it has had a Labor Government for the past 45 years.

The people of Tasmania cannot fiddle with their electorates because they use the five Federal electorates which are apportioned by the Federal Government and not by the Tasmanian Government. Seven members are elected on proportional representation in each electorate, which means, of course, that it is a fully democratic system. It is just unfortunate from the Liberal point of view that the Labor Party keeps winning. I would be quite happy—I would not be happy in one way because I would be disappointed and wondering what was wrong—if we had a democratic electoral system and the Liberal Party stayed in office for 45 years. It would sadden me that we were failing, but I would believe it was the democratic right of the people to do that as long as we had a fair and democratic system which, of course, we do not.

We have a system which is malapportioned to give undue weighting to the country areas, and which lumps all the city voters together so that 68 per cent of the electors elect about 54 per cent of the members. That seems to me to be just not fair and not democratic, and I think it is time we did something about it. I do not accept that because



this proposition is marginally better we should go along with it because the line has been drawn to make sure that some electorates on the edge of the metropolitan area are not drawn in; so that people like the Speaker of the House of Assembly may sit safely in the electorate of Kalamunda which should, of course, become part of the metropolitan area under any criteria one may care to use.

So the line is carefully drawn; and then we get the argument advanced in the Minister's second reading speech notes that it is the fairest system known to exist. I am afraid the Minister's speech notes must have been thrown together because in fact they say it is the most fair system; but I suppose that not all people who write speech notes can write English.

I would have thought that seeing this Bill is something of a fairy story the Government would go back to Snow White, remembering that the witch asked "Mirror, mirror on the wall, who is the fairest of them all?" She didn't say "most fair" because it does not have the right ring. If the Government held up this Bill the answer would not have been "this Bill" because it is a foul and iniquitous Bill, a disgraceful Bill, and a Bill that tries to manipulate the electorate.

Of course, the Liberal Party has always acted on two principles. One is the principle of representation according to area and distance and all those difficulties, as well as people; and the other is the principle of expediency and of staying in power. Here the second principle, as the Hon. Bill Withers pointed out so eloquently, has come to the fore, because the Liberal Party has turned its back on its own alleged principles. I am talking about the sacred principles I have been hearing about ever since I came to Western Australia and the same sacred principles I used to hear about when I was in South Australia. One of those principles is that we must take into consideration not just numbers, but distance and difficulties; and so we see that principle in operation in the Kimberley and the Pilbara. It is a disgrace. The Liberal Party might not even stick to its own principles.

In the name of naked, untrammelled political expediency, the remote seat of Kimberley, which has most problems of distance, vast areas and lots of communities, has been made the largest country seat; and the seat with none of those problems of distance, space, difficulty of access and lack of community—that is, Kalamunda—is one of the smallest "country" electorates. It is disgraceful and shameful; it is the kind of Bill nobody with any conscience could support. I would not be seen voting for one tittle, one dot,

one little piece of this Bill because it is an affront to decency, political morality, and democracy. We do not have democracy in this State and the Government intends to make sure we have even less of it. This Bill is nothing more than an attempt to fiddle the boundaries by a Government which is turning its back on its own principles.

I suggest to members that it is possible for the Government to have its cake, and democracy too, if that is what it really wants. This is not my party's policy, but members opposite may care to think about it. We could achieve the aim without any additional members simply by reducing country representation in this House by about eight members.

The Hon. H. W. Gayfer: What!

The Hon. R. HETHERINGTON: I thought members would not like that. We could introduce proportional representation and reduce country seats by up to 10 members, and have all 11 members elected each election on a statewide proportional representation basis. That would make this a democratic House.

Or, if the Government is so anxious to elect additional members to Parliament, we could reduce the number of seats in the metropolitan area and distribute the seats according to three zones.

I suggest these alternatives to the Minister, and, if he believes in democracy, he should consider them. Perhaps I may not have been as clear as I should have been; the Minister may care to have somebody explain to him what democracy means, and what are the principles of democracy.

The Hon. A. A. Lewis: One would think you are the only one with a conscience.

The Hon. R. HETHERINGTON: I do not claim to be the only member here with a conscience; in fact, perhaps some other members have a stronger conscience than I. The Government then could do what is done in West Germany; it has been tried, and has worked.

The Hon. A. A. Lewis: We are back on Tasmania and West Germany.

The Hon. R. HETHERINGTON: There are all sorts of models.

The Hon. R. J. L. Williams: What about the USSR?

The Hon. R. HETHERINGTON: I would not have described the Soviet Union as a democracy.

In West Germany, everybody has two votes, one for the person of one's choice within a single electorate and the other for a party. They count the number of people elected to Parliament

representing the various parties, take the number of votes cast for each party and work out the proportional support for each party adding members at large according to that support. Each party in the lower House is represented according to its vote in the State as a whole.

Two advantages accrue from such a system. There is the advantage of having members who can represent fairly small electorates and members at large who can do additional work all over the place. West Germany is a democracy, and this system has worked there. The Christodemocrats were in government for some 20 years and were replaced by the Social Democrats, who now look as though they are on the way out. In other words, it even behaves like a democracy, because Governments are elected to power and lose government as a direct reflection of the wishes of the electorate. That is what is desirable.

So, for the Minister to describe our electoral system as the fairest system known is absolute nonsense. The Minister claims it is a fair system because the boundaries are drawn by electoral commissioners whose independence is without question. We know that, but the boundaries to the metropolitan area are not drawn by independent commissioners, just as the boundaries to the four statutory seats in the north are not drawn by independent commissioners.

That sort of statement drags the electoral commissioners and the Chief Justice into politics by using them to legitimise a corrupt electoral system. It is a disgraceful tactic and unjustifiably brings the judiciary into contempt. The Chief Justice should not be asked to preside over this boundary-drawing exercise. Certainly, it means we will get fairness within the zones, but the zones themselves are not fair; they are fiddled; they are a ramp. As I said earlier by interjection, if the present boundaries are a rot, the new Bill is rather overwrought; it is beyond anything we could conceive of the Government bringing forward.

It is no good members pointing to Queensland. I remember what the Queensland Labor Government was like and I remember the last Queensland Labor Premier was Mr Gair, later to become Senator Gair, who finished up as a non-Labor man. I have always said within my own party "Let Queensland be a lesson to us. If we draw boundaries for the purpose of political expediency they are likely to rebound against us the next time." Because we are in Opposition, and are not in a position to fiddle things, we must put forward sound arguments about honest electoral systems. I hope one day we will achieve that aim.

I was glad to hear the Minister say in his second reading speech that one day we might achieve the principle of one-vote-one-value. Apparently, we are taking our first faltering step towards that principle. I would not have thought it was a very grand step. Certainly, I would not agree with the Hon. Bill Withers that the Government has suddenly succumbed to the principle of one-person-one-vote-one-value because the Government retains its primary principle that the conservatives should always be in power because they are the ultimate custodians of "truth and decency".

There is the belief that one cannot trust people like those in the Labor Party because they are really not terribly nice chaps. We have these hoary things dragged out about how we act at the dictates of Trades Hall. It does not matter how often I tell members the truth because I am there. I am not looking from the outside and guessing: I am a member of the Labor Party; I am a member of the State Executive; I am a delegate to the State Executive from a union in the Labor Party. I know how the Labor Party works. It is a good party, and I am proud to be part of it. I can have, and I have had ever since I first joined the party as an ordinary rank-and-file member, input into policy-making in the Labor Party.

People talk about the Labor Party and its centralist Caucus system. At least in the Labor Party, if we were in Government, the parliamentary members of the party would exercise some kind of democratic control over the Government that they had put into power.

I am appalled by this Bill. I can find nothing in it to support. I would like to hear from the Minister—

The Hon. A. A. Lewis: Well, give him a chance.

The Hon. P. H. Lockyer: Sit down, so he can respond.

The Hon. R. HETHERINGTON: I would still like to hear from the Minister on whether he believes that we have democracy in Western Australia. At least when the Hon. Graham MacKinnon was the Leader of the House, he dodged the question and said that democracy was a very difficult thing to define. That may be; but I know we do not have it. What we have is an attempt to malapportion the electorates yet again—this time in a way that will make sure that the Liberals stay in power.

One of the things which makes people put up with malapportioned electoral systems is that they are used to them. Quite often, because of various demographic accidents, they work because of the

way the seats are balanced. That means that the majority of votes causes the Government to alternate. However, when demographic changes take place, it is time that the system is reconsidered.

That applies when there is an electorate like that of the Northern Territory. There are no solid areas of interests, which sometimes work quite well as far as electing the people to the Parliament is concerned. When all electorates are marginal, it can happen that the party which wins a bare majority of the votes can win 18 out of 19 seats. When that happens, there is the need to reconsider the electoral system to see how it can be reordered.

I did look at the system in the Northern Territory, and I made recommendations on it. One recommendation is that it should have a system of proportional representation with four or five seats, because then it may have a democratic electoral system that will work, with a working Government and a working Opposition. Under that system in the Northern Territory, I do not think the Labor Party would now be in power; but I am not complaining about that. I just wanted all parties to have a chance to be in power if they won more than 50 per cent of the vote. This is what the Bill is designed not to do.

The Hon. P. H. Lockyer: You are now getting instructions from the boss.

The Hon. R. HETHERINGTON: I never cease to be amazed at some of the interjections from behind me. When one consults with somebody else, one is accused of obtaining instructions. I know why they do it, of course. They do it because they are used to obtaining instructions from the boss. We are a fraternal party of democrats who talk to each other, and obtain advice from each other. We do not obtain instructions from the boss.

We know that the instructions in this Parliament come from the Premier.

The Hon. P. H. Lockyer: Bill Withers would not agree with you.

The Hon. R. HETHERINGTON: I must say that when I look across and listen, it seems that we have a covey of moral pygmies defending an indecent and rotten electoral Bill; and they should be ashamed of themselves for keeping in power this bullying Premier who believes that anybody who disagrees with him is a traitor.

The Hon. A. A. Lewis: That is most unfair!

The Hon. R. HETHERINGTON: It is not unfair at all. It is because of the bullying nature of the Premier, and his criticism of anybody who

does not like him or who does not agree with him, that people are becoming sick of him. That is one of the reasons this obnoxious Bill has been brought in; and I oppose it with all the strength in my power.

THE HON. H. W. GAYFER (Central) [12.26 a.m.]: I was about to tell my very good friend, Robert Hetherington, how much I was appreciating his new style of address. As a matter of fact, he spoilt it with that vindictive finish, which was almost like a flourish—a grand finish with a rapier—which was so foreign to the rest of the speech. We on this side of the House say that the Hon. Robert Hetherington is improving. He is becoming very polished; and that is mainly because he is mellowing. There nothing to be ashamed of. I suggest to Mr Hetherington, because he is mellowing. One can see that.

He did take advice from the deputy leader of his party; but he was very good at making his address. As a matter of fact, I took some notes during his speech. He was talking about how corrupt this legislation was. I think he used that word. Of course, everybody else did.

The Hon. J. M. Berinson: It is the most appropriate possible word.

The Hon. H. W. GAYFER: I think he used the phrase "The very concept of pegging the boundaries like they were would drag us down further." He mentioned how absolutely clean and proper the practices in the State of South Australia were.

The Hon. R. Hetherington: I did not go quite as far as that.

The Hon. H. W. GAYFER: If he did not, it was close to it. He mentioned the State of South Australia; and he was saying how wise and wonderful South Australians were; and what we could learn from that State. He said that he came over to Nedlands and brought that advice with him. He also told us how he used to walk to work every morning with Sir Charles Court; and then he went on to talk about other things.

In this sort of debate, one scores 10 out of 10 for each speech, because the speeches are virtually the same every time there is an electoral Bill. Now we have a whole new scenario. Yes, Mr Berinson will not be new for much longer; but he is the new speaker in this field.

The Hon. J. M. Berinson: Why should the speeches be different if the problem is the same?

The Hon. H. W. GAYFER: That is exactly it.

The Hon. J. M. Berinson: It has been the same for 91 years.

The Hon. H. W. GAYFER: I was talking about the Hon. Robert Hetherington having learned something from South Australia when when he came over here. Let me quote another great South Australian who came over here and became the Premier of this State. That great South Australian, the Hon. A. R. G. Hawke, was a great man and a great speaker, who was appreciated particularly—

The Hon. J. M. Berinson: What is the date of his quote?

The Hon. H. W. GAYFER: It is 1 December 1954; and it is to be found on page 3432 of *Hansard* for that day.

The Hon. J. M. Berinson: Over a quarter of a century ago.

The Hon. H. W. GAYFER: Let me read what he said—

The Hon. J. M. Berinson: I am expecting to hear it.

The Hon. H. W. GAYFER: He was dealing with the Electoral Districts and Provinces Adjustment Bill, which was a Bill similar to the one we are discussing now. The Hon. A.R.G. Hawke said—

The Bill has a great deal to recommend it, including the fact that it pegs metropolitan representation at a certain figure and following that action, pegs the representation of the country areas in the Legislative Assembly at a certain figure. That is a great feature in its favour especially when we realise that the existing Act does nothing of the kind, but, on the other hand, rewards an increasing metropolitan area population with an increasing number of seats in this House.

Those words were spoken by a man of the same political complexion as Mr Berinson.

The Hon. J. M. Berinson: But spoken in a completely different context.

The Hon. H. W. GAYFER: His words are like Mr Berinson's. They were used to prove an argument based on virtually the same premise.

During discussion on the same Bill, Mr Cornell, who was the member for Mt. Marshall and a National Country Party man, was upset that the Bill was creating a seat to protect the Hon. Lionel Kelly. Mr Cornell had the following to say—

The time has come the walrus said To speak of many things.

Of shoes and ships and scaling wax And cabbages and Kings.

I have altered it slightly and I suggest that this is what the Premier had in mind when sponsoring the Bill—

The time has come the Premier said For a redistribution that's not too smelly,

With inner and outer mining seats And one for Lionel Kelly!

The Hon. J. M. Berinson: Was that Bill passed through the Parliament?

The Hon. H. W. GAYFER: No.

The Hon. J. M. Berinson: It did not suit the gerrymander requirements of the Liberal dominated upper House.

The Hon. H. W. GAYFER: Has the Hon. Joe Berinson not got the message that it is all political; that it is the numbers game and that a party cannot win without the numbers?

The Hon. J. M. Berinson: And you cannot get the numbers when you have a rotten gerrymander.

The Hon. H. W. GAYFER: Okay, but when the member's party was in Government for many years it did exactly the same thing. There is nothing new about this.

The Hon. J. M. Berinson: We did not do the same thing.

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): Order!

The Hon. H. W. GAYFER: I refer now to the introduction of the Electoral Districts Act Amendment Bill in 1975. The Bill was introduced in the following way—

The purpose of this Bill is to make certain adjustments to the boundaries of the metropolitan area as currently specified in the Electoral Districts Act and, together with associated amendments to the Constitution Acts Amendment Act which I shall be moving shortly, to increase the number of Legislative Assembly electoral districts in the redefined metropolitan area and to provide for the creation of an additional metropolitan province.

There has been extensive growth in population in several electoral districts within the present agricultural, mining and pastoral area, but just beyond the boundary of the metropolitan area. Members are doubtless aware of the great expansion in population north of Sorrento and of similar increases in the sizes of residential areas in the Dale, Kalamunda, and Rockingham areas.

It is beyond doubt that those areas, which are now closely residentially settled and are

on the fringe of the existing metropolitan electoral area, have themselves become metropolitan in character.

Members will see it is the same old story: nothing has changed. Let us see what Mr J. T. Tonkin had to say about that Bill—

A Bill was introduced towards the end of the session—the dying days of the session—for the purpose of making substantial alterations to the existing framework...

There we see the same complaint about the timing of a Bill's introduction. It is just the same now. He also said—

In order to achieve this purpose the Government is prepared to load onto the cost of Parliament an amount of \$180 000 a year...

So members once again can see it is the same old argument. We have heard it all before.

I am totally committed to providing the maximum representation for country areas, bearing in mind the following points: the vastness of the State; the smallness of the metropolitan area; where the wealth of this State came from and—

The Hon. J. M. Berinson: What about where the people are?

The Hon. H. W. GAYFER: —finally, within reason on money matters, a fair say on how it will be spent. This Bill will do just that.

The Hon. W. R. Withers: Except for Kimberley.

The Hon. H. W. GAYFER: It will still provide 23 country seats—one fewer than at present—there will be four seats in the north-west and Murchison-Eyre region; there will be 30 metropolitan seats, making 57 in all; and there will be 17 provinces in lieu of the present 16.

As a coalition member of the Government, the National Country Party has agreed to support this legislation. I do not see any reason that it should not do this. My friend the Hon. Tom McNeil of the National Party has decided to oppose the measure, but our colleague Mr Ray McPharlin, who represents a third of my electorate, has decided he will support it. I do not know for sure who is right or wrong, but I would like to think Mr McPharlin is right because he is supporting the action I am taking. In any case, members must get it into their heads that it is a political move; it is the art of politics.

The Hon. J. M. Berinson: The self-service part.

The Hon. H. W. GAYFER: That is right.

The Hon. J. M. Berinson: It is not all right.

The Hon. H. W. GAYFER: It is the numbers game.

The Hon. J. M. Berinson: It is a manipulated numbers game.

The Hon. H. W. GAYFER: No more than it was when the Hawke Government manipulated it back in 1954. I think I shall quote from another speech of those days. The Hon. A. R. G. Hawke said that the final result would depend on the decisions of an independent commission which the Bill proposed to establish. So that is what he thought of the judicial people appointed by his own Government to do the dirty work which the Opposition is saying the Government wants them to do.

The Hon. J. M. Berinson: This Bill does not leave it to the commissioners.

The Hon. H. W. GAYFER: Who does the member think will carve up the country seats?

The Hon. J. M. Berinson: It binds them hand and foot to the metropolitan boundary, and that is the core of the gerrymander.

The Hon. H. W. GAYFER: There is no difference. As I said before, the member's speech was a very good one and I may use it in my defence at some later time. A member in the other place gave a good case in opposition to the principle of one-vote-one-value. It is the best one I have heard. The speech of Mr Des O'Neil in 1974 was a magnificent one. I will always remember it and I think members opposite know it. The time will come when they will certainly refer to it.

I do not see anything wrong with what anyone has done. It is all a matter of the political thinking of the time. Politics is the name of the game. If any member believes that country people should have as much representation as possible, as I do, he should support this Bill, as I do.

The Minister's second reading speech says all the things I wanted to hear.

The Hon. D. K. Dans: What a remarkable statement!

The Hon. H. W. GAYFER: It is a remarkable statement made on remarkable statements from the Minister. The following appears in the Minister's second reading speech—

In the agricultural, pastoral, and mining areas of the State, as defined in the legislation, our legislation has always given recognition to the factors of distance and communications as well as to population numbers.

That combats the argument put forward by the Hon. Peter Dowding in relation to communication difficulties. In fact, we are making it rather difficult for him. He then says—

The basic structure is not to change.

I believe that comment. Further on in his speech the Minister says—

This Bill moves cautiously in the direction of recognition of the relative growth in the population of the metropolitan area. . .

Members must agree that is good stuff.

The Hon. D. K. Dans: If you do not stop saying that, I shall leave this place and join the RTA and make your life a misery!

The Hon. H. W. GAYFER: To continue—

The Government is firmly of the view that in the light of the continuing basic economic importance of the country areas their representation should not be diminished. . .

Why should I disagree with that? Does the Hon. Win Piesse disagree with it?

The Hon. W. M. Piesse: I do not disagree with that.

The Hon. H. W. GAYFER: To continue—

The legislation now presented to Parliament provides specifically for the following—

An increase in the defined metropolitan area involving an extension of the boundaries to include within the metropolitan area. . .

That is exactly what the Hawke Bill did.

The Hon. D. K. Dans: No, it is not.

The Hon. H. W. GAYFER: The Minister then goes on to say that the Bill provides for an immediate redistribution to be carried out by the electoral commissioners.

The Hon. D. K. Dans: Even the Minister does not believe that.

The Hon. G. E. Masters: Yes, I do.

The Hon. H. W. GAYFER: The redistribution will be carried out, according to the Minister, as follows —

to redefine the boundaries of districts and provinces in the metropolitan area and in the agricultural, mining, and pastoral areas.

Half the members are frightened of what the Bill will do to them personally.

The Hon. D. K. Dans: It will do something good for me.

The Hon. J. M. Berinson: We have nothing to fear. It will consolidate our seats.

The Hon. A. A. Lewis: How do you know that?

The Hon. J. M. Berinson: I know quite well it will do that.

The Hon. H. W. GAYFER: In 1973 the boundaries were changed by the electoral commissioners. I was a member of the Government then and I did not think the redistribution would affect me. However, two members of this House—Mr Lewis and I—lost their seats. We lost our seats, and we were Government members. At that time the same sort of material was published in the newspapers to the effect that the redistribution would be gerrymandered and Opposition members would lose their seats. I believed it and nobody got a bigger shock than I did when I opened the paper and found out what had happened.

The Hon. D. K. Dans: They put a big black line around it now.

The Hon. J. M. Berinson: They have learned from their mistakes last time.

The Hon. H. W. GAYFER: It could happen to the Hon. Des Dans and I wish him luck if it does.

The Hon. D. K. Dans: I do not need it.

The Hon. H. W. GAYFER: The Minister made a very good contribution. He said—

In conclusion, I want to make one point very clear: The electoral system in Western Australia is one of the most fair which is known to exist.

The Hon. D. K. Dans: Even you are laughing!

The Hon. H. W. GAYFER: I have no reason to argue with the Minister on that.

The Hon. J. M. Berinson: You are still laughing now.

The Hon. H. W. GAYFER: I am a happy fellow.

The Hon. D. K. Dans: Just be careful of your erstwhile friends who might get the chop again.

The Hon. H. W. GAYFER: The Minister made a very good point there. I had not thought of it previously.

The Hon. J. M. Berinson: The court jester!

The Hon. H. W. GAYFER: To continue—

Any Government of any party which embarks on a course leading to a redistribution cannot guarantee for itself a conclusion which embodies any electoral advantage.

I underlined that point carefully as I felt it was most important. The Minister goes on to say that the success of this State is unequalled in the nation; and they are his final words. Certainly

they are stirring words which will carry us on to the next redistribution which will produce exactly the same arguments, which will take a similar amount of time to debate, and which will cost the taxpayer the same amount of money to put into effect.

However, despite all the protestations the legislation setting out the next redistributions will be passed and it will have the same results as this redistribution. It will be a party political windfall for somebody and it will not depend on anything other than the numbers in this place.

**THE HON. J. M. BROWN** (South-East) [12.46 a.m.]: I listened with great interest to the contribution made by the Hon. H. W. Gayfer.

The Hon. H. W. Gayfer: Don't forget you are my member!

The Hon. J. M. BROWN: I did not necessarily agree with all the remarks he made and I should like to elaborate on some of his comments. Anyone who knew Lionel Kelly would realise that, irrespective of the way in which the electoral boundaries were drawn, he commanded such great respect that he would win his seat. The same could be said of George Cornell.

I agree with the remark made by the Hon. H. W. Gayfer that this is a numbers game. The second reading debate is coming to a close and I am the final speaker on behalf of the Opposition. Yesterday in the other place it was interesting to listen to some remarks which were made at approximately 9.30 a.m. to the effect that it would be necessary to complete the debate quickly, because members would have to make way for the Pike-Wells tour to take place. That was one of the asides of the debate.

Although all members can enjoy the humorous side of the situation, we must look at the serious side also and recognise that the amendments with which we are dealing concern people. I believe the people deserve something better than the situation put forward by the Government which has drawn boundary lines and made selections which will be submitted to the Chief Justice, the Chief Electoral Officer, and the Surveyor General as a result of which they will have a very difficult job to perform.

I was a victim of the redistribution which took place in 1973 and I understand the position in which the electoral commissioners find themselves when the Government draws lines on a map.

Indeed, I do not believe country or metropolitan people consider seriously the way in which their electoral representation is influenced by the area in which they live. I believe they simply consider themselves as people of Western Australia.

Therefore, they would not care whether they found themselves in an electorate made up of 15 000 or 25 000 voters.

The people I represent believe in fair play, honesty, and integrity. They think the Parliament should display all those attributes. Members should bear in mind the frequency with which politicians are denigrated by the public who maintain they collect their salaries without working very hard. Of course, the nine members on this side of the House find it difficult to represent their electors. In one week's time it will be 12 months since I became a member and since the beginning of the 30th session of Parliament and what have we been able to achieve in that time?

We as an Opposition certainly have nothing to show for our year's work. We might be able to convince the electors we have done something towards improving the electorate over the past 12 months. We might be able to convince electors that we have made a contribution to debate in this Parliament. Even members from the other side need to query what contribution they have made. This legislation will divide further people in city and country areas. The extension of the metropolitan boundary to include Rockingham and Wanneroo areas will bring a selected few into the metropolitan area in contrast to the many people living in this State.

We must consider the great progress that has taken place generally in this State. I refer to the words of the Minister for Mines when he gave figures on the mineral production of this State and showed the great advances made. Surely we should look at ourselves and reappraise our situation.

I know and all members know that when the division is taken one member from the Government side, one from the National Party, and eight members from the Australian Labor Party will oppose the Bill. We believe it is inequitable and an infringement of the basic rights of the people of Western Australia. The Government is depriving the people of a chance to stand and be counted as citizens of Western Australia.

The action the Government has taken is intended to preserve seats for the Government and, therefore, preserve the Government. We would be the first to acknowledge the Government has a right to introduce electoral changes, but is it right for the Government to do what it intends to do to the people of Western Australia? Is it right that some people of Western Australia, by the drawing of a line, are segregated

within the metropolitan area? Is it right that a line be drawn on a map to indicate the creation of a larger Kimberley electorate? I understand the criteria upon which it is said this action has been taken; that it has been taken because many people have been concerned about the proportion of electors in certain electorates and, in particular, about the amount of representation taken from people in the metropolitan area.

However, the Government cannot advance a good reason for a redistribution. There was not a sufficient number of seats out of balance. If there had been, naturally it would have been the responsibility of the Chief Electoral Officer to advise the Government of a required redistribution. The Government took the action on its own volition because it recognised that many people believed electoral numbers were out of balance and, therefore, to stay their fears that the Government was not acting in a responsible way, it embarked on a course of action which it had the power to do.

It has been well emphasised that we oppose this course of action and strongly condemn the Government for its action. It will make us less efficient and responsible citizens.

The only point I can make in conclusion is that the people of Western Australia should acquaint themselves with the actions of the Government. It is accountable to those people for the action taken.

**THE HON. G. E. MASTERS** (West—Minister for Fisheries and Wildlife) [12.56 a.m.]: I am not absolutely certain whether I should have stood to speak at this stage.

The Hon. D. K. Dans: If you stay, keep a very low profile.

The Hon. G. E. MASTERS: Of course, I was most impressed with the second reading speech, and after hearing the Hon. Mick Gayfer read and highlight many of the very important parts in it—

Opposition members interjected.

The Hon. G. E. MASTERS: —I thought "My goodness, that is good stuff. How true and accurate that is."

Opposition members interjected.

The Hon. G. E. MASTERS: I would say all speeches in support of the Bill were excellent; and it was interesting to hear others in light of the disagreement we have on this issue on this side of the House, and the difficulty we had following the arguments put by the Opposition. We were not impressed.

The Hon. D. K. Dans: I don't mind what you say, but you must remember it goes in *Hansard*.

The Hon. G. E. MASTERS: I am glad it will go in *Hansard*. As I say, we have heard some very good speeches from some members of the Government.

Opposition members interjected.

The Hon. G. E. MASTERS: I am trying to keep the House quiet. If members of the Opposition allow me to reply I will not keep them in suspense much longer.

Electoral boundaries must come under review from time to time, and members must be aware of rapid changes within the State. We have big changes ahead in the 1980s.

The Hon. Peter Dowding: All I can say is 'rah, 'rah!

The Hon. D. K. Dans: I have never seen the Kimberley change so much.

The Hon. G. E. MASTERS: The Hon. Peter Dowding said "rah, 'rah" in a derisive tone.

The Hon. D. K. Dans: I thought it was jocular.

The Hon. G. E. MASTERS: We must have changes at one time or another, and the Government quite properly took the action it did. The metropolitan area now has had added to it something like 25 000 people—the boundaries have been changed quite properly. Areas of expansion to the north and south of the city will be covered as they should be. The boundaries will be changed so that the expanding areas are catered for. If the Hon. Peter Dowding and others who have not seen these areas were to drive around them they would realise the boundaries proposed are absolutely correct and proper.

The Hon. Peter Dowding: Not in the east.

The Hon. G. E. MASTERS: The Hon. Peter Dowding should know better. He lived in the area of Kalamunda and Gooseberry Hill and I have lived there for many years; we both know that a natural boundary exists.

The Hon. Peter Dowding: Rubbish!

The Hon. G. E. MASTERS: It is quite obvious the boundary has been followed for many years, and it will continue to be. It is interesting to note that within the boundary drawn for the metropolitan area the electoral commissioners will carry out a redistribution; we have no bearing on what happens to boundaries within the metropolitan area.

The Hon. Peter Dowding: We are not talking about that.

The Hon. G. E. MASTERS: It has been suggested that we will influence the commissioners. We have no say in what they decide. The electoral boundaries within the



metropolitan area, which is shown on that map in the corner of the Chamber, will be determined by the commissioners. I hope members have had a very good look at that map.

The Hon. D. K. Dans: I have had a good look at it.

The Hon. G. E. MASTERS: That is fine; I want members to have a good look at it. We have no say in the establishment of electoral boundaries.

Opposition members interjected.

The Hon. G. E. MASTERS: The Hon. Mick Gayfer covered the point accurately.

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): Order! Only one person has the call from the Chair, and he is the Minister.

The Hon. G. E. MASTERS: Much of what I wish to say has been covered very well and accurately. I am sorry we heard the Leader of the Opposition speaking with the voice of doom.

The Hon. D. K. Dans: I did not speak about doom, you dill!

The Hon. G. E. MASTERS: I am sorry he adopts that attitude. I believe he held up a paper showing an IRA scene and said that was what would happen in WA; suggesting the same terrible things could happen in this State.

The Hon. D. K. Dans: It was not in my speech.

The Hon. G. E. MASTERS: I say again that the Leader of the Opposition is a doomsday man. Mr Berinson made some very good comments and I must say that this was his second bite at the cherry because we have heard it all before from him.

The Hon. J. M. Berinson: You did not answer the first time.

The Hon. G. E. MASTERS: I am sorry Mr Bill Withers has adopted the attitude he has, but I do recognise him as a very good friend.

Several members interjected.

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): Order! The debate has been conducted on reasonable lines during the evening and it is a shame that members are adopting different tactics now. It would assist the workings of the House if the Minister could finish his speech without interjection.

The Hon. G. E. MASTERS: There is not much to comment about because everything has been covered. Mr Dowding gave us a theatrical performance, similar to that of a prima donna.

The Hon. F. E. McKenzie: Were you ever a painter and docker on the Melbourne waterfront?

The Hon. G. E. MASTERS: I thank members for their support and I commend the Bill to the House.

Question put.

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): In order that the question may be carried, it is necessary that there be an absolute majority. There being a dissentient voice the House shall divide.

Bells rung and a division taken with the following result—

*Ayes 18*

Hon. H. W. Gayfer	Hon. Neil Oliver
Hon. Tom Knight	Hon. P. G. Pandal
Hon. A. A. Lewis	Hon. W. M. Piesse
Hon. P. H. Lockyer	Hon. R. G. Pike
Hon. G. C. MacKinnon	Hon. I. G. Pratt
Hon. G. E. Masters	Hon. P. H. Wells
Hon. N. McNeill	Hon. R. J. L. Williams
Hon. I. G. Medcalf	Hon. D. J. Wordsworth
Hon. N. F. Moore	Hon. Margaret McAleer

*(Teller)*

*Noes 10*

Hon. J. M. Berinson	Hon. R. Hetherington
Hon. J. M. Brown	Hon. Tom McNeil
Hon. D. K. Dans	Hon. H. W. Olney
Hon. Peter Dowding	Hon. W. R. Withers
Hon. Lyla Elliott	Hon. F. E. McKenzie

*(Teller)*

*Pair*

<i>Aye</i>	<i>No</i>
Hon. N. E. Baxter	Hon. R. T. Leeson

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): The result of the division was Ayes 18 and Noes 10. The question is resolved in the affirmative. The Bill is carried with an absolute majority.

Question thus passed.

Bill read a second time.

*In Committee*

The Deputy Chairman of Committees (the Hon. R. J. L. Williams) in the Chair; the Hon. G. E. Masters (Minister for Fisheries and Wildlife) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 5 substituted—

The Hon. J. M. BERINSON: I express my opposition to this clause for reasons similar to those which would apply to clauses 4, 6, and 7. All four of these provisions create additional seats to which we have objected previously. It was interesting to observe that in the second reading stage, except for the rather poor attempt by the Minister, only one member of the Government sought to come to the aid of the party with an argument in support of more seats. That member was Mr Pandal. He gave a stirring speech—the

stirring quality of which was matched only by its superficiality.

My comment to Mr Pental is by way of a very brief and preliminary list of the reasons that we do not need more members today than we had in 1960: even if we do need more dentists, doctors, teachers, and lawyers. Just as a preliminary suggestion, I put it to Mr Pental that since 1964 the area of the State has not increased and that applies also to the average area of electorates. Moreover, since 1960 the ability of members to serve their constituents has vastly improved.

It has been improved by additional transport facilities and by additional communication facilities. Mr Dowding made mention of the STD services as one simple example. It is surprising, when we come to think of it, to realise the progress made in this relatively short period in those two areas of transport and communications. When we consider that the Government's call for extra seats and conditions for the outlying areas is based on area transport and communications, I hope Mr Pental will accept that the points I am putting to him are not at all irrelevant.

To the matters I have raised I would add these additional considerations: Since 1960 there have been very significant improvements in our ability to serve our constituents by way of electorate facilities. In 1960 we did not have electorate offices and we did not have individual electorate secretaries. We did not have the additional electorate facilities that came with these two.

When that package is put together, I ask the Hon. Phillip Pental to consider the matter quite calmly and to acknowledge that the need for additional members remains completely unproven. I go no further than that: I do not want to extend the debate at this point. Contrary to the impression that the Hon. Phillip Pental sought to give, the addition of members is not our major objection to this Bill. It is, in fact, peripheral. Our main objection is to the extension and strengthening of the gerrymander. I would not want anything I might say on the increase in numbers to detract attention from that main issue.

*Statement by Deputy Chairman: His Holiness Pope John Paul II*

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): Members, I feel it is incumbent on me to pass on a message that has just been passed to me that His Holiness, the Pope, has just been shot twice when in St. Peter's Square.

### *Committee Resumed*

The Hon. NEIL OLIVER: Throughout the speeches of Opposition members great play has been made about the increase in the number of members. Although I did not take notes, I believe at least 80 per cent of the Opposition members mentioned it. The Hon. Phillip Pental touched on the increase in the size of the Parliament over 20 years, and this fact was mentioned also by the member who has just resumed his seat. I would like to point out that in 1954, the Premier of the day (the Hon. A. R. J. Hawke) in speaking to a similar debate, in a Gilbert and Sullivan atmosphere similar to that generated this evening, moved to increase the representation in the Legislative Assembly from 51 to 53. At that time the population of Western Australia was approximately 624 000.

In 1975 there was an increase from 53 to 55 members—an additional four altogether—while the population had almost doubled to 1.165 million. Now in 1981, the population is around 1.25 million. Irrespective of the matters of transport, four-wheel-drive vehicles, air travel, and electorate offices, it is certainly apparent that the increase is necessary in line with our increasing population.

The Hon. Peter Dowding: So what?

The Hon. D. K. Dans: That is not to the point.

The Hon. NEIL OLIVER: The argument put forward by all Opposition speakers this evening—

The Hon. D. K. Dans: I never mentioned it.

The Hon. NEIL OLIVER: I am sorry if I missed that point in the rantings and ravings of the Leader of the Opposition. However, there is no justification for the argument put forward by the Opposition on this point.

Clause put and passed.

Clauses 4 to 11 put and passed.

Clause 12: Section 4 amended—

The Hon. PETER DOWDING: It is becoming a habit that Opposition members are forced to rise to say that in the Minister's second reading speech and his subsequent explanations to a Bill, the Minister has not dealt with the real issue involved. With all respect, it must be said again. The Minister is doing his best simply to filibuster this Bill through; the Government is prepared to accept a bit of flak because there is no election for a while, and it hopes the public will forget about it.

It will come as a big surprise to the Hon. Phillip Pental and the Hon. Neil Oliver that at the moment we do not wish to talk about anything

except the Western Australian legislative system: we regard that as the relevant consideration.

The first proposition that needs to be repeated is that the Minister is not a bland clot who cannot understand the nature of an argument. He is a perspicacious gentleman who chooses, for base political reasons, not to recognise the argument we put forward about clause 12(a)(i). He knows, everyone else knows, and even *The West Australian* newspaper knows, that it is nonsense to say the metropolitan area is defined in a fair way and that identifying the boundary for the benefit to his Government is a proper exercise of his political power.

I wish to focus attention on paragraph (b) which is, quite frankly, an absolute disgrace. It is interesting to note how few members—and especially interesting to include the Minister in this category—dealt with the issue raised by the Hon. Bill Withers. The Government cannot have its cake and eat it too. It cannot say that the electorate of Murchison-Eyre deserves special consideration and then ignore the position of the Kimberley electorate. I am not asking the Government to give the Kimberley electorate the benefits that the Murchison-Eyre electorate enjoys by creating six seats of the size population-wise of the Murchison-Eyre electorate. I am saying simply that we are calling for a little electoral justice.

The Minister has no answer to that argument, and neither has any other Government member who took part in the debate. The Hon. Phillip Pandal could not get himself 3 000 miles this side of Canberra. We want to talk about that: how does the member justify that particular situation?

Several members interjected.

The Hon. PETER DOWDING: The Hon. Phillip Pandal was too busy having a go at Walsh in Federal politics. It is a pity he did not focus his attention on the issue before the Chair.

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): Order! Senator Walsh please.

The Hon. PETER DOWDING: Yes, Senator Walsh. I appreciate that the Hon. Philip Lockyer, like Pooh Bear, might be described as a person of little brain. However, the same could not be said of the Hon. Phillip Pandal who has spent some years trying to persuade the public of the truth of the things he is writing about while ignoring the realities.

What is disgraceful about paragraph (b) is that if an innocent bystander happened to have nothing better to do than to pick up a Bill to amend the Constitution Acts Amendment Act and read through it, he would be deluded into

thinking that in 1976 the electoral commissioners made some sort of value judgment about the particular boundaries of the electoral districts referred to. That is the sort of nonsense the Minister would have the public believe. The Hon. Phillip Pandal spent his days as a Press secretary trying to mislead the public also.

#### *Point of Order*

The Hon. P. G. PENDAL: Mr Deputy Chairman (the Hon. R. J. L. Williams): I ask for a withdrawal of the words that I spent my days as a Press secretary misleading people.

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): I ask the honourable member to withdraw those words.

The Hon. PETER DOWDING: If you direct me to withdraw them, Sir, I will.

#### *Committee Resumed*

The Hon. PETER DOWDING: If anybody bothers to read *Government Gazette* No. 33 of 1976 they will find what the electoral commissioners had to say. The Hon. Phil Pandal takes exception to my comments about his activities as a Press secretary, but during his time as a Press secretary he was involved in pushing the Government's line, just as the Minister is involved in that now. As we have seen, the Minister has misled the Chamber on two occasions in the last 24 hours.

The Hon. P. H. Lockyer: You are misleading the Chamber.

The Hon. PETER DOWDING: Your opinion, Pooh-bear, does not matter.

#### *Point of Order*

The Hon. G. E. MASTERS: I believe I understood the Hon. Peter Dowding to say I had misled the Chamber twice in the last 24 hours. If that is so, I ask him to withdraw.

The DEPUTY CHAIRMAN: The Minister has stated he has not misled the Chamber. I ask the honourable member to withdraw that remark.

The Hon. PETER DOWDING: That places me in a very difficult position because I think it is quite arguable that the Minister has misled the Chamber. We covered that in the last debate. I did not say he has done it deliberately. However, if you order me to withdraw, Sir, I will do so for the sake of getting on with it.

The DEPUTY CHAIRMAN: The Minister has taken offence and I feel within the context of the remarks the member should withdraw them.

The Hon. PETER DOWDING: It is late in the evening, so I will withdraw.

#### *Committee Resumed*

The Hon. PETER DOWDING: Let me refer to what the commissioners said. The Minister did not include this in his second reading speech, nor did the draftsman put it in the Bill. We have the pathetic pretense that the Chief Justice, the Surveyor General, and the other member had some sort of judgment to make on this issue. That is false and if the Minister put it to the Chamber as a fact, then he is misleading the Chamber. This is what the electoral commissioners had to say on page 4 of the *Government Gazette* to which I have referred—

Whilst stressing that the Commissioners have no power to make any alteration to the districts and provinces above referred to . . .

They have no power to make any additions or alterations. They have not got the power to do that; they cannot move the boundary. How can the Minister pretend that the areas are as prescribed by the commissioners in their final recommendations? The boundaries are not prescribed by the commissioners. That was set out in their report, because it is what the Government ordered them to do. That was disgraceful.

The Minister might like to try to wriggle out of that, and if he reckons what I have said is not true then he is misleading the Chamber, and I will not withdraw that comment.

To show how false is the story put up by the Minister, the plain fact is that in the proposed new seat of Pilbara there are 5 000 construction workers who are in temporary accommodation. They will not be there permanently.

The Hon. D. J. Wordsworth: You should know—

The Hon. PETER DOWDING: Listen to what I have to say.

The Hon. P. H. Lockyer: Don't be impertinent.

The Hon. PETER DOWDING: You keep your mouth shut, I have the right to speak.

#### *Point of Order*

The Hon. P. H. LOCKYER: I find that offensive, and I ask the member to withdraw it.

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): There is no point of order. I think the Hon. Peter Dowding would get his point across better if he were to lower his volume just a little.

The Hon. PETER DOWDING: Yes, Sir. Pooh-bear is making me shout.

#### *Point of Order*

The Hon. PETER DOWDING: The fact of the matter is that in Karratha there will be a temporary population bubble. The Minister's document shows that to be so. The answer I received to question 276 tells me that at the end of the population bubble, and before the second election from now, there will be only 500 people in the post-construction phase in Karratha and only 400 people on two off-shore platforms. Those 400 people will have as much to do with Karratha as they do now. They will step off the helicopter at the totally inadequate airport facility and catch the first jet down to the city.

The Hon. D. J. Wordsworth: What about the election before that?

The Hon. PETER DOWDING: In that case there will be something; but do not pretend that the Government is altering the electoral boundaries for no purpose other than to accommodate the temporary position of some workers in the year 1983.

The Hon. G. E. MASTERS: I guess the Hon. Peter Dowding has one advantage over most members. When a member wants to be rude to another member it causes him some difficulty; however it comes easily and naturally to the Hon. Peter Dowding. The honourable member quoted clause 12(b), which says that the north-west-Murchison-Eyre area is that area contained in the boundaries of the electoral districts of Gascoyne, Kimberley, Murchison-Eyre and Pilbara—

The Hon. Peter Dowding: As described in the commissioners' recommendation.

The Hon. G. E. MASTERS: —as described by the commissioners in their final recommendations. Mr Dowding knows as well as I do what that means.

The Hon. Peter Dowding: It is not a recommendation.

The Hon. G. E. MASTERS: Let me point out to the honourable member I do not mislead the Chamber. The statements I make are true and correct as far as I am aware.

The Hon. R. Hetherington: They may be wrong.

The Hon. G. E. MASTERS: They may be wrong to the member but not to me. The plain fact of the matter is that in this Chamber we are supposed to give our own opinions and comments in the proper and correct manner, without becoming abusive and frothing at the mouth.

When we take that attitude we get more work done and we have a more realistic attitude.

The Hon. Peter Dowding: Why don't you bring in a rubber stamp?

The Hon. G. E. MASTERS: I have no more to add.

The Hon. W. R. WITHERS: After listening to the last two speakers I think I had better correct something which has been in error for a long time in reference to the north-west-Murchison-Eyre region. We know we have a definition which says the Kimberley is in that area, but in fact it is not.

I will vote for the Government on this clause, but I want to get the matter right in members' minds. As far as I am concerned, the Government has virtually abandoned the Kimberley as an electoral area for the Liberal Party. I would like to point out that the Kimberley was not even recognised when this Act was initially drawn up, because the Kimberley is not in the north-west at all, nor is it in the Murchison-Eyre area. It is a region on its own.

The north-west is that region encompassing the Pilbara, and sections of the Murchison-Eyre and the Gascoyne electorates. The Kimberley is in the north of the State, not the north-west and it is a region on its own. I pass that on for the information of the Chamber.

Clause put and a division taken with the following result—

## Ayes 18

Hon. H. W. Gayfer	Hon. Neil Oliver
Hon. Tom Knight	Hon. P. G. Pendal
Hon. A. A. Lewis	Hon. W. M. Piesse
Hon. P. H. Lockyer	Hon. R. G. Pike
Hon. G. C. MacKinnon	Hon. I. G. Pratt
Hon. G. E. Masters	Hon. P. H. Wells
Hon. Neil McNeill	Hon. W. R. Withers
Hon. I. G. Medcalf	Hon. D. J. Wordsworth
Hon. N. F. Moore	Hon. Margaret McAleer

(Teller)

## Noes 9

Hon. J. M. Berinson	Hon. R. Hetherington
Hon. J. M. Brown	Hon. Tom McNeil
Hon. D. K. Dans	Hon. H. W. Olney
Hon. Peter Dowding	Hon. F. E. McKenzie
Hon. Lyla Elliott	

(Teller)

## Pair

Aye	No
Hon. N. E. Baxter	Hon. R. T. Leeson

Clause thus passed.

Clause 13 put and passed.

Clause 14: Section 7 amended—

The Hon. W. R. WITHERS: I move an amendment—

Page 8—Delete subparagraphs (i) to (iii) and substitute the following new

subparagraphs to stand as subparagraphs (i) to (iv)—

- (i) the electoral district of Gascoyne, being that portion of land contained in the local government shire areas of West Pilbara, Exmouth, Carnarvon, Upper Gascoyne, Shark Bay, Northampton, and Murchison;
- (ii) the electoral district of Murchison-Eyre being that portion of land contained in the local government shire areas of Meekatharra, Cue, Yalgoo, Mount Magnet, Sandstone, Leonora, Wiluna, and Laverton, together with that area of land described in Schedule 2 to this Act;
- (iii) the electoral district of Kimberley being that portion of land contained in the Shires of Wyndham-East Kimberley, Broome, West Kimberley, and Halls Creek; and
- (iv) the electoral district of Pilbara being that portion of land contained in the Shires of Roebourne, Port Hedland, and East Pilbara less that land described in Schedule 2 to this Act; and.

I wish to describe why I have moved my amendment, after first commenting on statements made by other speakers. For instance, the Hon. Peter Dowding mentioned there were several ways of overcoming the difficulties in representing large areas. Although I agree with what he referred to as "systems" which would aid in representation, I do not believe the taxpayer should be required to pay for them. I know the taxpayer always must pay in some way.

The Hon. Peter Dowding: It is cheaper than another member, surely.

The Hon. W. R. WITHERS: The honourable member said he believed we should have the use of air charter. Quite honestly, I would like to have air charter available to me because it would assist me greatly. However, when one considers the vast areas involved, one realises the cost would be horrific. In fact, I did a costing on an air charter between my home town of Kununurra and Newman, which is one of the towns proposed to be in the new seat of Kimberley, and I discovered that the cost would be \$1 800. That is far too much for the taxpayer to be expected to pay.

We all know members can rationalise the reasons they need need to be in different parts of their electorate. For example, it is just as important for a country member as it is for a city member to attend a school prize giving, when the

member's prize is coming up, when there is a citizenship award, or something of that nature or to attend a PCA meeting to discuss certain aspects of forthcoming Government legislation. When one considers the horrific cost of air charter and compares it with the cost of driving for five days from Kununurra to Newman and return, with a stopover of one day at Newman, one sees the cost is out of all proportion and would be too much for the taxpayer to bear. Therefore, I think the electorate should be smaller and more manageable.

The Hon. Peter Dowding also mentioned he would like to have an office in the Pilbara and Kimberley, as I would. I agree that if we were to receive what everybody else in that small 20 per cent, represented by 51 members seems to get in Parliament—whereas 80 per cent of the State is represented by only four members—and if we equated time, distance, and the considerations of the availability of a member to his electors, we would require an office in every town in the electorate; of course, that would be too much.

I am entitled to an electorate office in my home town; however, I have refused to charge the taxpayer for such a facility. Instead, I have installed a chair and a table at the back of my wife's business. I apologise to my electors, saying "This costs you nothing. If you do not like it, I could have an office like the regional administrator. I am entitled to one, but this is free." They seem happy enough with that arrangement. I agree that electorate offices are necessary to effectively represent the people. However, it would obviously cost the taxpayer too much in these times of economic constraint to have electorate offices in each town in my electorate. Therefore, we should reduce the electorates to a manageable size, which is what my amendment seeks to achieve.

The Hon. Peter Dowding mentioned STD would be available in 1982; in fact, it appears we may get STD in 1983. I am sure the honourable member would recognise there are some of our electors who desperately need to see us and speak with us about their desires, or inquire about Government attitudes, who could not possibly use an STD telephone. In fact, I had a meeting recently with a community of people in my electorate. Although they can express themselves in a way I can understand, some of their language is expressed with hand movements; the discussion takes place over a long period of time. We could not say those people were articulate in a precise and concise way. I do not mean this as criticism, but certainly they cannot get their message across over a phone. Even if they could, it would be very

expensive. This is another disadvantage of long distances and large areas.

The Hon. Mick Gayfer said this is a numbers game. Of course it is a numbers game and I recognise that. I recognise also that Governments and parties must maintain credibility before they receive numbers in boxes. I do not believe that actions like this Bill will gain credibility. In fact, they will lose credibility in the electorate for the Government. Certainly I know that at the moment in the Kimberley we have lost credibility because of what is happening with that electorate. I hope that my amendments will be seen as credible. The people who did the numbers game for the Government could not add up.

As I see it, the Liberal Party and the National Country Party have managed very well with credible representation and credible policies. We won those northern seats from the Labor Party because we had credible candidates and credible policies. This Bill is not credible, and we will lose voters because of it.

On 19 October 1965 the Premier, Sir Charles Court, who was then Mr Court, said—

In fact, I think it is fair to say that until recently the whole voting strength of the three electorates in the north—as set by Statute and not at the discretion of the commissioners—

At that time, of course, he was referring to Pilbara, Kimberley, and Gascoyne. He continued—

—would not have equalled that of one of the rural seats. The electorate numbers have been as low as 1 400 and 1 200. I remember that at one stage the three together did not equal one country seat. So if the honourable member wants to speak of the fellow who lives in Kelmscott as against the fellow who lives in Gosnells, or any other part of the State for that matter, the proposition has to be carried to its logical conclusion.

I acknowledge the professed policy of his party is "one vote one value". As I was a member of a staunch Labor family, I remember having this recited to me when I was a small boy. But let us face it: Over the years, because of the peculiar problems of this State, it has suited Governments to have a system which I think, by and large, has not been a bad one. It contains special problems, but there might come a day—there will surely come a day because of a greater intensity of development—when it will be possible to progressively change. But I would not like to suggest—and I am sure the

honourable member would not suggest—that now is the hour to abandon this system, having regard to population, distances involved, and the economic factors, which are so vital to us at this point of time.

I agree wholeheartedly with those words. We cannot abandon those principles. Unfortunately, the Government is abandoning those principles in Kimberley today.

As I said in my second reading speech, Kimberley has now been moved into an area of one-man-one-vote of equal value. That is the death knell of all the things produced by our party in regard to the imbalance in country and city electorates.

The amendments I propose follow the local government boundaries. I believe this should be the case in any consideration of country seats. It is quite foolish to have very large portions of land in another electorate when the seat of local government is in one electorate. When we look at the proposals, we find there will be a greater balance of electors. The Kimberley electors will remain at much the same number as they are now, with the exception of those who live in Telfer.

The proposed seat of Pilbara will take up all of the East Pilbara, with the exception of one small area—not small by city standards, but small by our electorate standards—immediately above the Tropic of Capricorn, which will include the town of Newman and the community of Jiggalong. They will be added to the Lower North Province seat, and the seat of Murchison-Eyre.

The Hon. Peter Dowding: I do not think certain people would like that. You know they never made a very good impression while they were in Port Hedland, with those communities.

The Hon. W. R. WITHERS: We all have our views—

The Hon. Peter Dowding: You will make someone upset.

The Hon. W. R. WITHERS: —on the feasibility of propositions such as this. This is a democratic way of distributing the electors—a way which will allow adequate representation for the people in those electorates. It will decrease the geographic area of the huge Murchison-Eyre electorate; and it will decrease the geographic area of Kimberley also. It will increase the geographic area of Pilbara, but it will decrease the numbers in Pilbara. It will increase the numbers in Murchison-Eyre, and increase the numbers in Gascoyne. There will be an acceptable balance between the proposed electorates.

As I said before, whoever played the numbers game in the Government's proposal could not count.

The Hon. Peter Dowding: In respect of your proposal, what are the numbers? What do you think they would be?

The Hon. W. R. WITHERS: Kimberley will be roughly 6 000, Murchison-Eyre 4 000, Pilbara 9 500, and Gascoyne 7 500, taking them to the nearest five hundred. They would be acceptable electoral roll populations in relation to the size of the electorate.

I commend my amendment.

The Hon. G. E. MASTERS: I have tremendous respect for the Hon. Bill Withers, and I know the way he has represented the north over the years. If he wished, he could stand for Kimberley and he would be able to win it.

The Hon. Peter Dowding: Not in a grunt, especially with your gerrymander.

The Hon. G. E. MASTERS: I ask members to consider the situation very carefully, and support the Government's proposal.

The statutory boundaries were drawn up, and they are realistic in view of the tremendous growth that is about to take place in the northern areas, and particularly in Pilbara. By changing the boundaries we are ensuring better representation.

I recognise that the member representing Kimberley will face some problems. There are the problems of population, distance, and other things. However, the Government has made the proper decision. The proposal put forward by the Hon. Bill Withers should not be supported, although he has strong feelings on this. We would ensure a far better representation than the proposal he has put forward.

The Hon. PETER DOWDING: Does the Minister see a very big increased growth in Kimberley?

The Hon. G. E. Masters: Eventually, yes.

The Hon. PETER DOWDING: The Minister is very cagey. What will he do with the Kimberley, which now has 12 000 electors under the Government's dreadful proposal, if it grows also?

The Hon. G. E. Masters: Are you going to support Mr Withers' amendment?

The Hon. PETER DOWDING: We are going to have this red line—now to be a yellow line—swinging like a pendulum to ensure electoral benefit is given to candidates of the Liberal Party in the north.

I do not suggest either, that if the Hon. Bill Withers were sitting at home watering his lawn in Kununurra and decided to go to the opening of the Karratha School he should charter a plane to fly down there. Rather, he should take the normal jet aircraft service.

The Hon. W. R. Withers: The round trip is a four-day journey.

The Hon. PETER DOWDING: That is the point; I acknowledge that. I understand that a charter aircraft is often cheaper than the sort of jetting the Minister wants the member for Kimberley and the members for the North Province to do. But I do not think there should be an unlimited charter allowance. . . Federal politicians receive a \$6 000 allowance. The Northern Territory Government, which is much poorer than this Government—and with all our booms we could be expected to be rolling in money—can afford to provide members in the isolated areas with unlimited charter rights. I would be quite happy to have an allowance of \$6 000 to be used for specific purposes. It is a red herring to talk about the cost to the taxpayers. Firstly, another member would be far more expensive than what we are suggesting. Secondly, the Minister quite happily tootles off to the north on a ministerial trip which quite often is really no more than a Liberal electioneering exercise. The Hon. Philip Lockyer was able to have the Minister for Community Welfare visit the Warburton area to wave the flag. That Minister went to Onslow to open the police station when he could have got the local member to do that; but he chartered in and out, and that is the sort of cost the Hon. Bill Withers is saying is wrong.

The Hon. G. C. MacKinnon: Don't you think Mr Withers' figures make the electorates better balanced?

The Hon. PETER DOWDING: Yes, except that there is a disparity in relation to Gascoyne. The figures are all lower than what we say would be a proper balance for electorates in a State such as ours.

It is outrageous for anyone to suggest that it is for this place to decide these boundaries. That should not be a political decision. The Hon. Graham MacKinnon will understand that occasionally we all fall into the trap of believing that Parliament will rub a big brush across and fix all sorts of boundaries. The Opposition believes that is a job for an independent commission. We believe the commissioners are very well qualified to do that job and that they should have the right to handle that brush. They should be making the decisions. But the

Government is restricting them by laying down these dictatorial criteria which give them no flexibility to get to the root of the evil of our electoral system. Mr Withers has drawn boundaries which in some respects make good sense. Nonetheless, we do not believe we should be doing this sort of work. Whatever this House does it is clearly making a political decision and it is not its role to make such decisions about matters as fundamentally important as electoral boundaries.

Amendment put and negatived.

Clause put and passed.

Clauses 15 to 19 put and passed.

Clause 20: Schedule 2 added—

The Hon. PETER DOWDING: Once again, although the Minister has had ample opportunity to reply to the comments made by the Hon. Bill Withers, he has not chosen to do so. Once again he ignores this fundamental point that the Government is arguing for tiny numbers in the Murchison area which is geographically far less difficult to run as an electorate.

The Minister is arguing for much lower numbers in the Gascoyne, which is far less difficult to run as an electorate. However, suddenly, when the Government gets to the Labor seat of Kimberley, all its principles are turned upside down. In reply to a question asked of him in 1975, Mr Des O'Neil—now Sir Des O'Neil—said—

But one could appreciate, considering the imbalance in population centred around, say, the Pilbara and particularly Port Hedland that one could destroy whatever community of interest existed if one tried to create that sort of situation. Electoral officers and political parties generally agree that one of the vital aspects in drawing political boundaries is the effect those boundaries will have on community interest, and other matters.

Of course, it is just that principle from which this Bill departs. In answer to a question asked of him on 13 March 1975, the Premier said—

If the honourable member wants to deny people living in places such as the Kimberley, the Pilbara, Gascoyne, and Murchison-Eyre, representation by their own member, I would like him to say so. I remind the honourable member that people in these and other remote areas produce most of the wealth of the State.

It is quite clear the Government believes it does not matter how much wealth an area produces, it



does not matter how desirable it is that there should be one-vote-one-value, and it does not matter how remote an area is or how difficult it is to represent.

Oh, wake up, Mr Lewis.

### Point of Order

The Hon. A. A. LEWIS: Mr Chairman, I was awake and I believe the member should address his remarks to the clause and forget about whether or not I am looking at him, because he loves the idolatry he sees in someone watching him.

The CHAIRMAN: There is no point of order.

### Committee Resumed

The Hon. PETER DOWDING: The Premier made it clear that it did not matter how remote an area was, how difficult it was to service, how far it was from the metropolitan area, how many people lived in it, or how much wealth it produced. He made it clear the one criterion applied to clause 20 and the entire Bill is that the seat of Kimberley is a dead certain Labor seat, so the Government is taking all the inland mining towns which are heavy Labor voters out of the Pilbara and putting them into the Kimberley. If the Minister can deny that as a fact I would be very surprised. If he can he would be denying the truth and once again he could be charged with misleading the Chamber.

The Hon. G. E. MASTERS: I believe I have explained as far as possible the reasons for the Government's stand on this issue; but I am not yet clear whether the honourable member who has just sat down is in favour of or against the new boundaries. Perhaps he could nod or shake his head to indicate his position.

The Hon. Peter Dowding: You would have to be joking. You have either not been listening or you have been asleep.

Clause put and passed.

Title put and passed.

### As to Report

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): The question is "That I do now report the Bill to the House".

Question put and a division taken with the following result—

### Ayes 17

Hon. H. W. Gayfer	Hon. Neil Oliver
Hon. Tom Knight	Hon. P. G. Pandal
Hon. A. A. Lewis	Hon. W. M. Piesse
Hon. P. H. Lockyer	Hon. R. G. Pike
Hon. G. C. MacKinnon	Hon. I. G. Pratt
Hon. G. E. Masters	Hon. P. H. Wells
Hon. Neil McNeill	Hon. D. J. Wordsworth
Hon. I. G. Medcalf	Hon. Margaret McAleer
Hon. N. F. Moore	(Teller)

### Noes 10

Hon. J. M. Berinson	Hon. R. Hetherington
Hon. J. M. Brown	Hon. Tom McNeil
Hon. D. K. Dans	Hon. H. W. Olney
Hon. Peter Dowding	Hon. W. R. Withers
Hon. Lyla Elliott	Hon. F. E. McKenzie
	(Teller)

### Pair

Aye	No
Hon. N. E. Baxter	Hon. R. T. Leeson

Question thus passed.

### Report

Bill reported, without amendment, and the report adopted.

### Third Reading

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [2.05 a.m.]: 1 move—

That the Bill be now read a third time.

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): This Bill requires the concurrence of an absolute majority. The question is "That the Bill be now read a third time". There being dissentient voices, ring the bells.

Bells rung and a division taken with the following result—

### Ayes 18

Hon. H. W. Gayfer	Hon. Neil Oliver
Hon. Tom Knight	Hon. P. G. Pandal
Hon. A. A. Lewis	Hon. W. M. Piesse
Hon. P. H. Lockyer	Hon. R. G. Pike
Hon. G. C. MacKinnon	Hon. I. G. Pratt
Hon. G. E. Masters	Hon. P. H. Wells
Hon. Neil McNeill	Hon. R. J. L. Williams
Hon. I. G. Medcalf	Hon. D. J. Wordsworth
Hon. N. F. Moore	Hon. Margaret McAleer
	(Teller)

### Noes 10

Hon. J. M. Berinson	Hon. R. Hetherington
Hon. J. M. Brown	Hon. Tom McNeil
Hon. D. K. Dans	Hon. H. W. Olney
Hon. Peter Dowding	Hon. W. R. Withers
Hon. Lyla Elliott	Hon. F. E. McKenzie
	(Teller)

The DEPUTY PRESIDENT: I declare the question has been carried with the concurrence of an absolute majority.

Question thus passed.

Bill read a third time, and passed.

## MARINE AND HARBOURS BILL

### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Lands), read a first time.

### *Second Reading*

**THE HON. D. J. WORDSWORTH** (South—Minister for Lands) [2.10 a.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to strengthen the administration and development of maritime and port affairs in Western Australia.

From colonial times, administration of the State's marine and port affairs rested with an office which developed into the organisation now known as the Harbour and Light Department.

In more recent times the business of marine and port administration has undergone major changes. The department has outgrown its existing organisational structure and the legislative provisions have not kept pace with the demands placed on a modern maritime administration.

As a result of this inherent fragmentation of legislative and administrative powers among the State's several service organisations, the Harbour and Light Department has been inhibited in the discharge of its responsibilities.

In an endeavour to improve the effectiveness of the total transport areas, an initiative was taken by the Government in 1977 to transfer the marine and port affairs function of Government to the more appropriate ministerial portfolio of Transport.

Since that time investigations have been carried out by the parliamentary Public Accounts Committee and a study undertaken by a management consultant which focused attention upon the necessity to establish an appropriate maritime authority to facilitate more effective management and greater accountability in the State's maritime affairs.

The Treasury and the Public Service Board also support this view.

The significant change in administration provided for in this Bill is the establishment of a department of marine and harbours as an authority with complete responsibility for all its functions and the obligation to pursue defined marine and port objectives.

The new authority will be established under the Public Service Act as a Public Service department.

It will be created by restructuring and strengthening the Harbour and Light Department to improve its performance in the areas of port development and promotion, port facilities planning and research, administration of shipping and navigation affairs, and financial accountability.

A function of the authority will be to provide co-ordinated advice to the Minister on all matters affecting marine and port affairs.

It also will be the principal adviser to the Minister on port and shipping matters encompassed by the Marine and Ports Council of Australia.

At present seven Government maritime agencies are responsible directly to the Minister for Transport. They are the Harbour and Light Department, which is the State marine authority, and which operates the ports of Carnarvon, Port Walcott, Broome, Derby, and Wyndham, and the port authorities for Fremantle, Port Hedland, Geraldton, Bunbury, Albany, and Esperance.

The department of marine and harbours will provide a focus point for the several authorities in communications with the Minister and promote the common commercial interests of Western Australian ports.

However the legislation will not interfere with the autonomy of the ports, but is designed to facilitate a greater co-ordination of port-related activities and a more effective means of evaluating capital investment.

Advice to a port authority on port promotion and development and capital expenditure will be given only at the specific request of that authority.

The Bill creates a body corporate in the name of the Minister for Transport and imposes the normal contractual rights and obligations which will enable the Minister to provide both port and marine facilities necessary to pursue the State's maritime objectives.

Land and port facilities operated by the respective port authorities are vested in those authorities under the authority of the Acts under which they are constituted. This Bill will enable the vesting by proclamation in the Minister for Transport all of the port harbour and marine land facilities, structures, plant, and equipment which is outside the control of those port authorities, and including fishing boat harbours, commercial and recreational boating facilities, etc.

This will place under the responsibility of the one Minister all the land assets of the State relevant to ports and will enable the effective

control, management, and operation of the State's port and marine affairs.

Provision also has been made for the acquisition in accordance with the procedures set out in the Public Works Act of additional lands which may subsequently be required for the purposes of the Bill.

The Bill protects the interests of any lessees who currently hold leases of land or property which is to be transferred to the control of the Minister for Transport.

A function of the authority will be to construct, maintain, and operate ports, fishing boat harbours, and boating facilities both commercial and recreational. To give effect to this the Minister is authorised to enter into contracts or other arrangements with private enterprise or with Government departments for the execution of this work in part or in whole.

The vesting in the Minister for Transport of all port assets not presently vested in the port authorities will enable the establishment of records of account necessary to disclose the extent of the State's investment in port and marine facilities.

By this means real costs of capital investment, operation, and maintenance will be clearly revealed and recorded in the financial statements of the department.

This together with the department's ability to establish its true operating costs and to reflect all or part of that cost in service charges, will enable financial accountability to be achieved.

Totally effective financial accountability has not been possible in the past because of the fragmentation of the financial administration in the port and marine area.

The Bill also provides for a number of other matters which I should mention briefly. A general manager is to be appointed as a permanent head of the department. The permanent head is required to present an annual report for tabling in both Houses of Parliament. The Minister is given the power to delegate his authority to the general manager or to other officers. Agents may be appointed to act on behalf of the department. The Minister is given power to lease land, buildings, or other facilities in the port area; and there are the usual regulation making powers. The provisions of this Bill are additional to and will not affect the functions presently performed by the Harbour and Light Department under other Statutes. These functions and the legislation currently administered by that department will become the responsibility of the department of marine and harbours.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. D. K. Dans (Leader of the Opposition).

### CITY OF PERTH PARKING FACILITIES AMENDMENT BILL

#### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Lands), read a first time.

#### *Second Reading*

**THE HON. D. J. WORDSWORTH** (South—Minister for Lands) [2.18 a.m.]: I move—

That the Bill be now read a second time.

The amendments contained in this Bill have been brought forward at the request of the Perth City Council which is responsible for the administration of the City of Perth Parking Facilities Act. They are designed to tidy up some of the anomalies and difficulties being encountered in the administration of parking in the city.

One of the more important amendments relates to a device which is being used to circumvent the provisions of the Act. There are known instances of a parcel of land, a building, or a part of a building being taken over by a parking operator and subdivided into areas suitable for parking and then made available to motorists by a lease arrangement or by the payment of a monthly fee.

This practice does not come within the Act's definition of a car park and thus the operator avoids the payment of the annual licence fee. To that extent it gives him an edge over his competitors and has been the subject of considerable criticism by the proprietors of licensed car parks.

At the present time the year fee is \$13.50 per bay and the income from this is paid to the Metropolitan (Perth) Passenger Transport Trust by the Perth City Council to assist in meeting the cost of providing the red, blue, and West Perth "clipper" services. The balance is met from the parking fund.

In some cases zoning requirements are being ignored and also quite importantly the use of the device is hindering the effective control of parking within the city as is intended by the legislation.

To close this loophole it is proposed to redefine a parking station and a parking facility. However where an unlicensed establishment is at present operating lawfully, the proprietor, subject to an application being made within a reasonable time and payment of the prescribed fee, will be granted

an ordinary licence for the number of bays being operated as at the date of the introduction of this legislation.

The Bill also provides for the protection of the existing rights of tenants of offices who, in the main, pay for their parking bays with their rent.

The present penalty of \$200 or one month's imprisonment for unlawfully operating a car park has proved to be inadequate as a deterrent. It is therefore proposed that when the offence is a continuing one the operator be subject to a further penalty of \$100 per day for every day during which the offence has continued.

The provision relating to imprisonment has been deleted. Council has also sought authority to include a commercial component in the ground-floor frontage of council car parks. The premises are to be used either for council purposes or sold. This will enable the use of valuable street level frontages to be used to greatest advantage and at the same time provide a more pleasing facade.

All moneys received from these premises are to be paid into the parking fund and may be used only in relation to a parking station or parking facility.

The inclusion of a commercial component will require the approval of the Minister and such approval is to be published in the *Government Gazette* and tabled before both houses of Parliament where it will be subject to disallowance.

The legislation will also give the council power to impose restrictions and conditions in respect of any land sold under its provisions. However such restrictions and conditions will be subject to approval of the Minister who will also have the power to vary them at the request of council. The land may be sold at auction to the highest bidder or disposed of by tender. Any deviation from these conditions would require the approval of the Governor.

The Act provides for three classes of car park licences; that is, an ordinary licence, a temporary licence, and a special licence.

A temporary licence authorises the use as a car park of land or a building which is intended for use or development for a purpose other than that of a parking station. Since the licence is meant to be of short duration it overrides zoning requirements and can be issued for any site.

The council believes that because of the criteria used in issuing a temporary licence there should be a statutory limitation on its duration and has asked that the Act be amended to prescribe a

maximum term of two years with no power to extend or renew beyond that period.

The Bill limits the maximum period for which the council can issue a temporary licence to two years, but provides that when an application is received for a total period of more than two years the council shall refer it to the Minister with or without a recommendation. The Minister may approve such further extension as he thinks fit in the circumstances.

The daily penalty of \$100 per day would also apply to the unlawful operation of a temporary car park.

Where the holder of a parking licence is convicted of contravening or failing to comply with the conditions of the licence, the Act allows the council to revoke his licence. Council is of the opinion that the power to revoke a licence should rest with a disinterested third party and has suggested that it be transferred to the court. Accordingly the Bill has been drafted to give effect to this suggestion.

The maximum fine which can be imposed by a Court of Petty Sessions in respect of a breach of the regulations made under the Act is \$40. This sum was fixed in 1956 and is no longer a sufficient deterrent to prevent some persons from regularly offending. The Bill will increase the maximum penalty for the breach of a by-law to \$200.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. F. E. McKenzie.

## LOCAL GOVERNMENT AMENDMENT BILL (No. 2)

### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by the Hon. I. G. Medcalf (Leader of the House), read a first time.

### *Second Reading*

**THE HON. I. G. MEDCALF** (Metropolitan—Leader of the House) [2.25 a.m.]: I move—

That the Bill be now read a second time.

The Bill proposes two amendments to the Local Government Act, the first being provision for inclusion in the uniform building by-laws of building standards for buildings constructed within prescribed earthquake-prone zones, and the other to permit councils to meet the reasonable expenses incurred where a councillor's partner accompanies that councillor whilst

attending a municipal conference or carrying out a specific municipal duty.

The amendment in relation to special building requirements for earthquake zones is the result of detailed consideration by the Building Advisory Committee of minimum standards for building construction in such areas.

The standards to be incorporated in the Uniform Building By-laws will include more stringent structural requirements for buildings constructed within defined parts of the State which are known to be earthquake-prone areas. A graduated scale of additional structural requirements is proposed, with the most stringent requirements applying to the highest risk areas and less stringent requirements applying to areas on the periphery.

The second amendment, which relates to the payment of travelling expenses for the partner of a councillor travelling on municipal business, is an issue that has been of some interest to local government recently.

It will be appreciated that councils in this State participate in various municipal conferences, including the biennial Local Government Week activities. The format of several of these conferences and, in particular, Local Government Week, is designed to encourage participation on the part of the partners of local government delegates.

These conferences often serve as a very valuable forum at which councillors from all over the State can get together to participate in a diverse range of activities. The Local Government Act specifically authorises a council to meet the expense incurred by its delegates in attending municipal conferences and the like, but does not authorise expenditure incurred in relation to a person accompanying that delegate.

It is believed that permitting councils to meet these expenses, which would on most occasions be only a fairly modest amount, will not impose any great burden on ratepayers. In fact, the relatively small additional expense involved would, no doubt, be far outweighed by the advantages of increased participation by councillors in these activities.

The amendments proposed in the Bill will permit councils to meet the reasonable expenses necessarily incurred by a councillor when he is accompanied by not more than one other person while attending a municipal conference, carrying out a duty, or performing an act under expressed authority of the council and only where the council, having regard to the nature of the

conference, duty, or act, considers such expenditure appropriate in the circumstances.

It is further provided in the amendment that the payment of such expenses for travelling outside the State requires authorisation by the council as well as approval of the Minister.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. J. M. Brown.

## RESERVES BILL

### *Returned*

Bill returned from the Assembly without amendment.

## MEDICAL AMENDMENT BILL

### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Lands), read a first time.

### *Second Reading*

**THE HON. D. J. WORDSWORTH** (South—Minister for Lands) [2.30 a.m.]: I move—

That the Bill be now read a second time.

This Bill proposes several amendments to the Medical Act, principally in relation to the registration of medical practitioners with overseas qualifications.

The first is to allow the Medical Board of Western Australia, established under the Act, to have some discretionary power in relation to the registering of medical practitioners who hold only conjoint diplomas granted by the Royal Colleges of Physicians and Surgeons in the United Kingdom and the Republic of Ireland.

The principal Act was amended in 1979 to allow full registration to be granted only to those medical graduates holding a degree from a recognised university in Australia, New Zealand, England, and Ireland or to those who passed the examination of the Australian Medical Examining Council.

This then excluded those medical graduates without a degree from even being considered for registration. The Medical Board found itself in the position of having to refuse registration to conjoint diploma holders who would have been an asset to any country simply because there was no provision made to allow such consideration to be given in exceptional cases.

In these circumstances, this has been found to be rather harsh. The first amendment is,

therefore, proposed to allow the board the latitude to consider the registration of those graduates holding only these royal college conjoint diplomas, providing they have passed through a regular graded five-year medical course at a school of medicine in England or Ireland.

This will allow registration of medical graduates of these colleges from England and the Republic of Ireland emigrating to Western Australia.

It will cover also Australians who, having completed their full course of training at these colleges, wish to return and be registered in this State without having to pass the Australian Medical Examining Council's examination.

Another amendment is proposed to relieve the situation regarding the registration of psychiatrists who were recruited from overseas by the Mental Health Services but, because of the 1979 amendments, were not eligible for registration unless they sat for and passed the Australian Medical Examining Council's examination.

This proposal will give the board discretionary powers to allow it to grant full registration to those psychiatrists who have held a certificate of auxiliary service registration, for a period to be prescribed by the board, and who have a post graduate qualification in psychiatry obtained in the United Kingdom, the Republic of Ireland, Canada, South Africa, Australia, or New Zealand, and who have been employed by Mental Health Services during that period.

A further amendment is to allow the registrar to issue a provisional certificate of registration to applicants who, having presented acceptable credentials to the registrar, normally have to wait until the next board meeting for the board to consider their applications and then grant registration where applicable.

At present a graduate would have to wait for a period of up to five weeks before he could legally commence practising.

This proposal is considered quite safe as the registrar, being quite familiar with what qualifications are acceptable, would be unlikely to issue an interim certificate to an applicant if there were any doubt that the board would not grant registration to that applicant.

There is provision for the registrar to issue the provisional certificate for a limited time, which is intended to embrace the date of the next meeting of the board which would consider the application.

There is provision also for the board to extend that time on a particular certificate, up to a maximum of three months, if further time was required.

The board would have the power also to cancel the provisional certificate before the date of its expiry, if it is believed the holder of that certificate was not eligible for registration.

The last amendment is to allow the board the power of discretion to re-register practitioners who have had their names deleted from the register for minor matters but, because of the 1979 amendment to this Act, have primary qualifications which are no longer recognised for eligibility for registration in this State.

Such a circumstance has occurred where a practitioner, who had been practising in the State for many years and who had his name removed from the register for a minor matter, such as the non-payment of a registration fee by the due date, could not be re-registered because his primary qualification was no longer acceptable for registration.

Normally, the board could re-register the practitioner upon his paying the outstanding fee or whatever. However, following the 1979 amendment to the Medical Act the board found that, in cases where the practitioner, even though practising for many years in this State, was qualified only by a conjoint diploma from one of the colleges of medicine in the United Kingdom or the Republic of Ireland, or by some other primary qualification not now recognised as a registrable qualification, he was not eligible for registration without first passing the Australian Medical Examining Council's examination.

As this was never intended by the 1979 amendment, the proposal presented here is designed to overcome this anomaly by allowing the board discretion to re-register previously practising medical practitioners where the board so determines.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Lyla Elliott.

## **RURAL AND INDUSTRIES BANK AMENDMENT BILL**

### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by the Hon. I. G. Medcalf (Leader of the House), read a first time.

*Second Reading*

**THE HON. I. G. MEDCALF** (Metropolitan—  
Leader of the House) [2.35 a.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to provide for a small but important amendment to the Act to extend the Rural and Industries Bank's power to invest in incorporated bodies where a substantial part of those bodies' business is banking or provision of like financial services.

Recent developments in the field of computer based inter-bank telecommunications to facilitate international funds/message transfers have led to the formation of a Belgium incorporated company of which the Rural and Industries Bank of Western Australia must be a member if it wishes to participate in the transfer system.

Section 35 (3)(a) of the Rural and Industries Bank Act limits the commissioners' powers to invest in shares in the share capital of, or debentures issued by, any body corporate to corporations which are incorporated under the laws of this State or are registered in the State as foreign companies under part XI of the Companies Act 1961.

It can be seen that restrictions imposed by section 35(3)(a) prevent the bank from having access to the facilities provided by the Belgium corporation, unless an amendment is made to the bank's Act to allow the commissioners to invest in a body corporate regardless of its country of registration.

It is expected that all other Australian banks will become members of the company and be major users of its communication system. This amendment will enable the bank to compete on equal terms with all other banks.

It is added that the Bill does not affect the current statutory requirement for the bank to obtain the Minister's recommendation and the consent of the Governor if it wishes to purchase shares or debentures in a corporate body, the business of which shall be confined to banking and finance associated services.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. F. E. McKenzie.

**ADJOURNMENT OF THE HOUSE:  
SPECIAL**

**THE HON. I. G. MEDCALF** (Metropolitan—  
Leader of the House) [2.37 a.m.]: I move—

That the House at its rising adjourn until  
11.00 a.m. today (Thursday).

Question put and passed.

**ADJOURNMENT OF THE HOUSE:  
ORDINARY**

**THE HON. I. G. MEDCALF** (Metropolitan—  
Leader of the House) [2.38 a.m.]: I move—

That the House do now adjourn.

*His Holiness Pope John Paul II:  
Assassination Attempt*

**THE HON. P. H. WELLS** (North Metro-  
politan) [2.39 a.m.]: I believe the House should not adjourn without some expression of displeasure and consternation at the act of violence reported to us earlier this evening against His Holiness the Pope.

There appears to me to be increasingly such acts of violence in the community and this senseless act challenges each of us in this House, as well as leaders and every citizen in the community, to try to ensure that such acts do not become prevalent in our community. I repeat: I am aghast at what has happened, and I condemn such useless acts of violence as reported to us. I believe that the authorities, not only in this country, but throughout the world, should examine such actions and try to find the reason for them. We must seek to free the community from such senseless acts.

Question put and passed.

*House adjourned at 2.40 a.m. (Thursday).*

## QUESTIONS ON NOTICE

269. *This question was postponed.*

### ANIMALS

#### Donkeys

270. The Hon. Lyla Elliott, to the Minister representing the Minister for Agriculture:

With reference to the article in *The West Australian* of 11 April 1981, concerning the shooting of donkeys in the Kimberley—

(1) Did the Agriculture Protection Board carry out such a shoot last year?

(2) If so—

(a) when; and

(b) were there representatives of the Press or any animal welfare organisation present?

The Hon. D. J. Wordsworth replied:

(1) Yes.

(2) (a) Between 22 September 1980 and 23 October 1980;

(b) no.

### HEALTH: DIABETICS

#### Syringes

271. The Hon. P. G. Pendal, to the Minister representing the Minister for Health:

(1) Has the Federal Government banned the importation of the American-made Monoject syringes used by insulin-dependent diabetics?

(2) What is the State Government's attitude towards these syringes?

(3) Is the Minister aware of fears expressed by parents of diabetic children that a ban on these syringes will retard control of the disease?

The Hon. D. J. Wordsworth replied:

(1) The Federal Government requires products to meet the specifications of the Standards Association of Australia.

New specifications for 0.5 ml syringes will be set shortly by SAA. Monoject 0.5 ml syringes will not comply. At the present time, although 1 ml Monoject syringes do not quite meet SAA requirements, they are permitted because no other product is available in Australia as yet. Alternative 0.5 ml syringes are now available in Australia. Monoject 0.5 ml were permitted when no alternate supply was available.

(2) The State Government will abide by SAA specifications. Until suitable alternatives are available, Monoject have been purchased.

(3) Yes, those people who have expressed concern have been advised to consult their medical practitioner.

### PORT

#### Port Hedland

272. The Hon. Peter Dowding, to the Minister representing the Minister for Works:

(1) Does the PWD do maintenance and painting work on the Port Hedland wharf?

(2) If so, upon what agreement, if any, with the Port Hedland Port Authority?

(3) Is the Minister aware whether there is any proposed change?

(4) If so, what change?

(5) If not, can the Minister give an assurance that the PWD will continue to do the same work in the next 12 months?

The Hon. G. E. Masters replied:

(1) Yes.

(2) Agreement was formalised by an exchange of letters in 1974.

(3) to (5) The Port Hedland Port Authority has called tenders for the maintenance and painting works. The successful tenderer, according to the understanding with the Public Works Department, is going to offer employment to all the departmental employees who have done the job so far for the department.



## TOURISM

Broome

273. The Hon. PETER DOWDING, to the Minister representing the Minister for Tourism:

- (1) Did the Minister or his department write to the Broome Shire Council to support the rezoning of Broome Lot 1216?
- (2) From whom, and upon what date, and in what terms, did the Minister or his department receive representations on this issue?
- (3) For what reasons did the Minister give his or his department's support?
- (4) Will the Minister supply me with a copy of his letter?

The Hon. G. E. MASTERS replied:

- (1) No.  
A letter of support for the concept of additional accommodation in the Kimberley region was sent to Mr A. P. Reid, Broome, by the Acting Director of the Western Australian Department of Tourism.
- (2) Firstly from Mr A. P. Reid of Broome, by telephone conversation to the department on 11 March 1981. Secondly, a copy of plans for a resort hotel at Cable Beach, Broome was received from Oldham Boas Ednie-Brown, architects and planners, on 11 March 1981.
- (3) See (1).
- (4) See the following letters.

Mr. A. P. Reid  
Bali Hai Wosnova Caravan Park  
Cable Beach  
BROOME. W.A. 6725

Dear Mr. Reid,  
RESORT HOTEL AT CABLE BEACH,  
BROOME

Further to your discussion with an officer of this Department on March 11, 1981 concerning the proposed Resort Hotel at Cable Beach, Broome, please find enclosed my comments regarding the matter.

Should you require further assistance, please do not hesitate to contact the department.

Yours sincerely,  
L. Y. HITCHEN  
ACTING DIRECTOR

March 12, 1981. GC:LC

## TO WHOM IT MAY CONCERN

Recently Mr. A. P. Reid supplied me with a copy of the plans and a description of facilities for the proposed Resort Hotel at Cable Beach, Broome.

For some time now, concern has been expressed by the Regional Tourist Operators and Coach Companies alike, as to the inadequacy of accommodation facilities in the north of this State both to the number of units available and the general standard.

The need for additional accommodation in the Kimberley Region is of particular significance in view of the Region's tourist potential. With the increasing industrial developments of the North West an increase in daily air services and tourist passenger traffic to the area is anticipated.

Mr. Reid's decision to construct the Resort Hotel in Broome is to be commended, and I am keen to see the development proceed with a minimum of delay and seek your assistance in this regard.

L. Y. HITCHEN  
ACTING DIRECTOR

March 12, 1981.

## HOUSING

Karratha

274. The Hon. PETER DOWDING, to the Minister representing the Minister for Housing:

- (1) How many people are listed for assistance at the Karratha office of the State Housing Commission?
- (2) What has been the waiting time of those currently being assisted?
- (3) How many SHC rental homes are to be built in Karratha this year?
- (4) When is it anticipated they will be ready for occupation?
- (5) Will the State Housing Commission be able to maintain an emergency list on completion of the new units?

The Hon. G. E. MASTERS replied:

- (1) The number of applicants in the various house sizes is as follows—

House Types	Common-wealth-State Housing	Aboriginal Housing
Pensioner .....	1	—
Two Bedroom .....	112	1
Three Bedroom .....	49	—
Four Bedroom .....	5	—
<b>TOTAL</b>	<b>167</b>	<b>1</b>

- (2) The current application dates for assistance are—

(a) Commonwealth-State Housing—  
Pensioner no appropriate housing  
two-bedroomed May 1980  
three-bedroomed March 1980  
four-bedroomed March 1980

(b) Aboriginal Housing—  
two and three-bedroomed May 1980.

- (3) and (4) 79 SHC rental units have either been completed or will be commenced in the financial year 1980-81.

28 units have been completed.

18 units are out to tender and have contract completion times between September and December 1981.

33 units are programmed to go to tender by June 1981 with estimated completion times December 1981/January 1982.

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- (5) The State Housing Commission does not have an emergency list in Karratha. Every application is treated as urgent.

The Government is studying all aspects of the SEC action group's proposal and the working committee's report.

No firm conclusions will be drawn until all aspects have been considered fully.

#### FUEL AND ENERGY: GAS

##### *North-West Shelf: Work Force*

276. The Hon. PETER DOWDING, to the Minister representing the Minister for Industrial Development and Commerce:

(1) What will the actual work force be on the North-West Gas Shelf when the construction stage is complete?

(2) What will the estimated population of Karratha be at that time?

The Hon. I. G. MEDCALF replied:

(1) The estimated Pilbara-based work force directly engaged on the North-West Shelf gas project when the constructional phase is complete is 500 in Karratha and 400 on two offshore platforms.

(2) Approximately 12 500.

277 and 278. *These questions were postponed.*

#### FUEL AND ENERGY: ELECTRICITY AND GAS

##### *Charges: Rebates*

275. The Hon. PETER DOWDING, to the Minister representing the Minister for Fuel and Energy:

(1) Is the Minister aware of the great burden that SEC charges are having on people in the low income group?

(2) Will the Minister give consideration to the introduction of an SEC rebate scheme to people of low income positions?

(3) If not, why not?

The Hon. I. G. MEDCALF replied:

(1) to (3) The Minister has announced on several occasions that a high-level working committee of senior State Energy Commission and Department of Community Welfare officers was established to investigate and report upon the SEC action group's proposal for the introduction of an SEC rebate scheme.

#### CULTURAL AFFAIRS

##### *Aboriginal Culture*

279. The Hon. PETER DOWDING, to the Minister representing the Minister for Cultural Affairs:

(1) During the financial year ended 30 June 1980, what funds were spent by the Western Australian Arts Council on Aboriginal culture, and what were the details of each expenditure?

(2) What were the dates of the expenditures in each case?

The Hon. D. J. WORDSWORTH replied:

(1) and (2) 10 October 1979

\$1 000 grant towards the travel expenses of Aboriginal artists from the Kimberley and desert areas for the opening of the Aboriginal educational and recreational centre at Gnangara on 17 November, 1979.

During 1980-81, grants of this nature have been specifically advertised and direct contact made with groups associated with Aboriginal culture. To date results have been encouraging.

August 1980

Grant of \$3 000 to the Aboriginal Cultural Foundation, Darwin, to assist with the travel costs of 26 dancers from the Kimberley region to take part in an Aboriginal dance gathering at Groote Eylandt. The South Australian Film Corporation produced a 50-minute documentary of the gathering.

April 1981

\$5 980 grant to the Aboriginal Boomerang Council of Geraldton towards a 12-month programme of traditional Aboriginal art for Aboriginal children and others from ethnic backgrounds.

April 1981

Grant of \$350 to Aboriginal writer Jack Davis, to assist with travel costs for a tour of schools in the south-west to perform poetry readings, story and legend-telling presentations.

#### FUEL AND ENERGY: STREET LIGHTING

##### *Wittenoom*

280. The Hon. PETER DOWDING, to the Minister representing the Minister for Fuel and Energy:

- (1) Is the Minister aware of concern expressed by the Shire of West Pilbara concerning the poor and unsafe level of street lighting in the town of Wittenoom?
- (2) Is the Minister aware that it is the view of the local shire that whilst the Government concedes that people are permitted to live in the town, the service should be maintained at a level acceptable in any other town?
- (3) Will the Minister make inquiries with his department to see whether the street lighting can be forthwith upgraded to bring it into line with a reasonably acceptable level of lighting?
- (4) If the Minister will, when will he do so, and when will the lighting be upgraded?
- (5) If the Minister will not do so, why not?

The Hon. I. G. MEDCALF replied:

- (1) No.
- (2) Yes.
- (3) The Shire of West Pilbara makes representation to the commission to effect street lighting changes. So far this does not appear to have been done.
- (4) Depends on (3) above.
- (5) Not applicable.

#### CENSUS

##### *Wittenoom*

281. The Hon. PETER DOWDING, to the Minister representing the Minister for Regional Administration and the North West:

- (1) Is the State Government, through the Department of Regional Administration, conducting a census in the Town of Wittenoom?
- (2) Are questions being asked of persons interviewed?
- (3) If so, what are the questions?

The Hon. G. E. MASTERS replied:

- (1) In association with the Wittenoom Health and Works Committee, the Government is maintaining a record (which includes occupation, employer and length of residency) of the people living in Wittenoom.
- (2) and (3) Following the request of the local committee that the Government investigate an adjacent clean site for Wittenoom, general discussions with some families have taken place to ascertain their views and requirements.

#### EDUCATION

##### *Teacher Aides: Aborigines*

282. The Hon. PETER DOWDING, to the Minister representing the Minister for Education:

How many Aboriginal teacher aides in Western Australia are financed by the State Government, and how many financed by the Commonwealth Government?

The Hon. D. J. WORDSWORTH replied:

All Aboriginal aides are funded by the Commonwealth. They comprise—

58 Aboriginal aides.  
45 Aboriginal trainee aides.  
20 Aboriginal supplementary aides.

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123 Total.

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## ABORIGINES

### *Mining: Social Impact*

283. The Hon. PETER DOWDING, to the Minister representing the Minister for Mines:

- (1) Is the Minister aware that on-going development in the Kununurra region, and in particular the diamond find at Lake Argyle, is having an effect on the Aboriginal population?
- (2) Has the Government initiated a social impact study on the effect of mining development in the area on the Aboriginal population?
- (3) If so, when was the study initiated, and when was it completed?
- (4) If not completed, when will it be completed, and will the Minister make available a copy?
- (5) If not, why has the Government not taken steps to obtain such social impact study?
- (6) Is the Minister aware that a social impact study on the Aboriginal population was required by the Federal Government before the Ranger development in the Northern Territory got off the ground?

The Hon. I. G. MEDCALF replied:

- (1) to (6) The Minister is not aware of any detrimental effect development in the Kununurra region, and in particular diamond exploration in the Lake Argyle area, is having on the Aboriginal population.

The Minister understands that the Ashton joint-venturers are currently having discussions with the local Aboriginal groups.

## INSURANCE

### *SGIO*

284. The Hon. PETER DOWDING, to the Minister representing the Minister for Labour and Industry:

- (1) Is the Minister aware that many insurance offices will not insure buildings situated in the north of the State against cyclones and associated risks?

- (2) Is the Minister aware that where such offices do insure against those risks in many cases the premiums are exorbitant?

- (3) Is the Minister aware that the Royal Commission into the State Government Insurance Office reported in 1974 that "in my opinion such restrictions as exist are not in the interests of people of Western Australia" and "in my opinion the advantages which might be involved for the people of Western Australia if the existing restrictions are removed are as follows—

- (a) the office would keep the insurance market competitive and would help reduce premiums, maintain standards, open new areas of business in a field of general insurance business and would provide an independent approach and meet an existing demand in the field of life assurance business and the office would provide the people of WA with adequate representation in the insurance industry enabling them a share in the conduct of that industry in WA."

- (4) Will the Minister allow the SGIO to insure private dwellings against all risks, including cyclone risks, at an appropriate market rate premium?

The Hon. G. E. MASTERS replied:

- (1) Yes, but cover is available.
- (2) No, premiums in cyclone areas must be commensurate with the risk.
- (3) Yes.
- (4) It is not considered advisable to permit the SGIO to insure only those classes of business which are unacceptable to the private sector.

## POLICE

### *Aboriginal Aides*

285. The Hon. PETER DOWDING, to the Minister representing the Minister for Police and Traffic:

- (1) Is the Minister aware of dissatisfaction amongst some Aboriginal police aides in the Police Force that—

- (a) they cannot become police officers because of limitations on their educational experience:

- (b) they are sometimes relegated to menial tasks and not always trained to carry out more responsible duties; and
  - (c) if they progress to the Police Force they cannot be guaranteed a posting within the area of their Aboriginal group?
- (2) Will the Minister give consideration to modification of the selection criteria and training procedures to allow police aides to graduate to full police officers, and provide for such police officers, if they wish, to remain in a particular area for their posting?

The Hon. G. E. MASTERS replied:

(1) (a) to (c) No.

(2) No.

Some Aboriginal police aides could possibly meet minimum educational requirements for the Police Force, but at present it is not intended, as their value not only to the Police Department and the Aboriginal community would lose its emphasis, and would be a retrograde step as far as rational police-Aboriginal relations are concerned.

To allow police aides, once they become general members of the force, to be selective in where they serve, would be a form of discrimination which is something the department does not support.

## HOUSING: RENTAL

### *Tenants: Evictions*

286. The Hon. PETER DOWDING, to the Minister representing the Minister for Housing:

With reference to question 72 of 1 April 1981—

- (1) How many summons were issued against SHC tenants in 1980 based on notices to quit?
- (2) How many summons were directed to Aboriginal tenants?
- (3) How many people left their houses as a result of receiving those summons?
- (4) How many of those families were Aboriginal tenants?

The Hon. G. E. MASTERS replied:

- (1) 304 summons were issued during 1980.
- (2) 153 of these were issued to Aboriginals.
- (3) and (4) This figure is not available as separate figures for the various stages in the legal process from notice to quit to the court order stage are not kept.

## POLICE

### *Training to Work with Aborigines*

287. The Hon. PETER DOWDING, to the Minister representing the Minister for Police and Traffic:

- (1) What training is afforded to police officers who are posted to work in areas with significant Aboriginal population?
- (2) Do they attend a course?
- (3) Is the course a one-off affair, or are there refresher courses before each posting?
- (4) What is the curriculum of the course?
- (5) Who are the lecturers and/or tutors?
- (6) Is any Aboriginal language training given?
- (7) If not, why not?
- (8) Are the police acquainted with any aspect of Aboriginal customary or traditional law?
- (9) If so, what?
- (10) If not, why not?

The Hon. G. E. MASTERS replied:

- (1) The Minister for Police and Traffic advises that there is no specific training course for police officers transferred to areas where there are predominantly Aboriginal populations. However, a number of lecturers attend in-service and recruit training courses to lecture on the subject of Aboriginals in the city and country areas.
- (2) Not a specific course, but the subject is dealt with in the overall training programme.
- (3) There is no specific course on posting, but the subject is on-going in in-service training.
- (4) Lectures involve the role of police Aboriginal aides in northern areas, and the effect of the environment on the Aboriginal population.

## (5) Superintendent Weaver.

Mr Isaacs, of Alcohol and Drug Authority.

Mr Walloy, of Aboriginal Fellowship.

Police Aide Walker, of Kalgoorlie.

## (6) No.

(7) It is impractical. There are too many dialects involved.

(8) to (10) Yes, in general terms, but not specific. The subject was dealt with by Mr Robinson and Mr Christiansen, of the Department of Social Science, of WAIT. These gentlemen are not now available, but replacements are being sought.

## HEALTH: DENTAL

*Fitzroy Crossing*

288. The Hon. PETER DOWDING, to the Minister representing the Minister for Health:

I refer to the dental service provided at Fitzroy Crossing—

(1) What were the costs of it in the years 1976, 1977, 1978, 1979, and 1980?

(2) What number of patients were seen in each of those years?

(3) Was the service closed, and if so, on what date and for what reason?

The Hon. D. J. WORDSWORTH replied:

(1) Detailed costs for individual years are not available. Costs were charged to Wyndham or Derby clinic and not separated. The 1976 establishment cost was \$20 000. The estimate of current operating cost is \$46 000 per annum.

(2) Approximately 1 200 patients per annum.

(3) The initial service was a visiting one from Wyndham or Derby. A full-time officer was appointed in 1979, but he retired in June 1980 and the department was unable to obtain a replacement. The visiting service was resumed. An additional dentist will be appointed to the Kimberley shortly and the current visiting service to Fitzroy Crossing will be increased.

## ELECTORAL

*Aborigines: Education*

289. The Hon. PETER DOWDING, to the Minister representing the Chief Secretary:

(1) Is it the policy of the State Government to provide an electoral education team for Aboriginal communities in Western Australia?

(2) Is the Minister aware that the Federal Government provided such a team?

(3) Will the Minister take steps to have the Electoral Department set up such a team?

(4) If not, why not?

The Hon. G. E. MASTERS replied:

(1) It is the policy of the State Government to promote electoral education amongst all sections of the community, irrespective of race.

(2) The Chief Secretary advises he is aware of such a team.

(3) and (4) No. The Commonwealth maintains an education team in the field for the purpose. Its approach sensibly embraces State electoral matters. There would be no point in duplicating this service.

## SETTLEMENT AGENTS BILL

*Drafting*

290. The Hon. PETER DOWDING, to the Minister representing the Chief Secretary:

What were the qualifications of the small group referred to in the Minister's answer to my question without notice on 12 May 1981?

The Hon. G. E. MASTERS replied:

I am advised by the Chief Secretary that the persons concerned were selected taking into account their knowledge of the real estate industry and the functions of settlement agents connected with that industry.

## QUESTIONS WITHOUT NOTICE

## MEMBER OF PARLIAMENT

*The Hon. H. W. Gayfer: Litigation*

104. The Hon. G. C. MacKINNON, to the Attorney General:

(1) Has the Attorney General seen the report in *The West Australian* of Tuesday, 12 May 1981, in relation to a

case heard in the State Full Court involving Mr H. W. Gayfer, MLC?

- (2) If so, will he examine the transcript of the case and ascertain whether a statement attributed therein to Mr R. J. Davies that Mr Gayfer was "a persistent critic of the Road Traffic Authority" was in fact made by Mr Davies?
- (3) If the statement was made by Mr Davies, will the Attorney General advise whether the statement constitutes a breach of privilege of the House in interfering with the right of a member in his function as a member or otherwise reflecting on a member?
- (4) If it was not made by Mr Davies, who is responsible for the statement, and will the Attorney General advise whether it constitutes a breach of privilege of the House?

The Hon. I. G. MEDCALF replied:

I am obliged to the member for giving notice of the question which enabled me to make some preliminary inquiries. The answer is as follows—

- (1) Yes, I have seen the report in *The West Australian* which was referred to.
- (2) I have obtained the transcript, but I have not yet had the opportunity to read it fully. I have, however, been informed by an officer who has read it fully that the statement attributed to Mr R. J. Davies that Mr Gayfer was "a persistent critic of the Road Traffic Authority" was not in fact made by Mr Davies.
- (3) and (4) On the question of privilege, I shall examine the transcript fully and I shall call for a full report on it and all aspects of parliamentary privilege. It is obvious I am not in a position to answer the detailed questions of law at this stage; but because it is a matter of considerable importance to the House, I undertake to report to the House in due course.

## LEGAL AID COMMISSION ACT

### Amendment

105. The Hon. J. M. BERINSON, to the Attorney General:

This question is in respect of section 37(4)(d) of the Legal Aid Commission Act. That section requires that, in considering applications for aid in proceedings, the commission should take account of the prospects of the proceedings being determined in a manner favourable to the applicant.

As the Attorney may recall, in its last statutory report the commission said it was considering a recommendation to amend the Act so as to limit section 37(4)(d) to civil proceedings only.

I ask the Attorney—

- (1) Has such a recommendation been made to him?
- (2) Whether or not such a recommendation has been made, has the Government considered an amendment on the lines referred to?
- (3) If so, with what result?
- (4) If not, will the Attorney now consider such an amendment, given the serious injustices which can otherwise occur in criminal proceedings?

The Hon. I. G. MEDCALF replied:

- (1) to (4) I am aware of the section and its significance. This is one of the traditional criteria for the granting of legal aid which has always applied in this State and in most other places of which I am aware. Indeed, it was one of the criteria applied by the Law Society under the Law Society legal aid scheme and was a recommendation of that society when the Legal Aid Commission Act was drawn. In one or two cases the results have indicated it might have worked unfairly, because of subsequent evidence becoming available or the facts as disclosed at the time to the various legal aid committees not being the true facts which came out in evidence.

Some members of the legal profession also consider it is not proper to put them in a position of judging the case in advance. However, these criteria still apply throughout Australia with the exception of Victoria. The Victorian

scheme has not yet got off the ground. In answer to the latter part of the member's question, yes, the matter is under consideration. I have had some discussions with the Legal Aid Commission following representations it has made to me on that matter and a number of other topics. The issue is still under consideration and no decision has been made yet.

## SETTLEMENT AGENTS BILL

### *Effect on Legal Aid Commission*

106. The Hon. PETER DOWDING, to the Attorney General:

- (1) I ask whether the Attorney has had conveyed to him the concern expressed by the Legal Aid Commission or the parties associated with it that the passing of the Settlement Agents Bill may result in a considerable reduction in the level of trust accounts of solicitors and a reduction in the input to the Legal Aid Commission pursuant to the terms of the Legal Contribution Trust Act?
- (2) If the Attorney has had that conveyed to him, will he say what steps he has taken, if any, to ensure that the level of income to the Legal Aid Commission from that source will not drop, and if he has taken steps will he tell the House about them?

The Hon. I. G. MEDCALF replied:

- (1) and (2) The answer is "No", I have not had that concern conveyed to me.

## SETTLEMENT AGENTS BILL

### *Effect on Legal Aid Commission*

107. The Hon. PETER DOWDING, to the Attorney General:

Since the matter was raised in the Attorney's presence last night, will he concede that the result of the transfer of large sums from solicitors' trust accounts to settlement agents' trust accounts will have that effect, and what steps does he propose to take to make sure the level of legal aid funding is kept up?

The Hon. I. G. MEDCALF replied:

I did hear discussion by the member on that topic last night. I thought he was

speculating somewhat to the extent to which contributions would build up in the fidelity fund of the settlement agents.

I do not propose to do anything further because we have dealt with the Bill. I believe the matter the member has raised is hypothetical and if what he has suggested may occur does come to pass, some steps will be taken. However, I believe the matter has not been raised with me and I am not prepared to anticipate the likely events.

## CONSERVATION AND THE ENVIRONMENT

### *Broome*

108. The Hon. PETER DOWDING, to the Minister for Fisheries and Wildlife:

My question relates specifically to the Public Works Department's activities near the Broome jetty where there is the arrangement of a port facility for the Camballin project. I ask the Minister:

- (1) Is it a fact that when this matter was previously raised it was taken up with the Public Works Department and assurances were given that work would be done to achieve a minimum of distress to the environment.
- (2) Is it a fact that workmen are this day placing the discharge pipes for the water run in the position that was criticised by the department?
- (3) Will the Minister take steps to ensure that the water run does not cause the environmental damage which was predicted by his department previously?

The Hon. G. E. MASTERS replied:

- (1) to (3) I have endeavoured to gain a report from my department and as yet I have not received it. The most obvious action for me to take would be to speak to the Acting Minister for Works and consult him because it is basically the Public Works Department which is involved. I acknowledge my department has been involved in the past and naturally it will be involved in the future.



## CULTURAL AFFAIRS

*Aboriginal Culture*

109. The Hon. PETER DOWDING, to the Minister for Lands:

In reference to his reply to question 279, what proportion of the Arts Council expenditure was or will be spent on—

- (a) Aboriginal culture;
- (b) Hungarian, Polish, and Ukranian culture; and
- (c) Ballet;

in the 1978 financial year and in the 1981 financial year?

The Hon. D. J. WORDSWORTH replied:

- (a) to (c) I ask that the question be placed on notice.

## POLICE

*Aboriginal Trackers*

110. The Hon. PETER DOWDING, to the Minister for Fisheries and Wildlife:

I direct my question to the Minister for Fisheries and other things.

I refer to publicity surrounding the loss and tragic death of a man near Paraburdoo and the loss and lucky finding of a man near Derby in which Aboriginal trackers were used.

I ask—

- (1) Who were the Aboriginal trackers involved in each case?
- (2) From what town, if any, were they recruited?
- (3) What, if any, remuneration were they paid?
- (4) Do the police maintain a list of people able to assist in tracking or are they simply recruited on the spot for a particular emergency?

*Point of Order*

The Hon. P. H. LOCKYER: I rise on a point of order. Mr Deputy President (the Hon. V. J. Ferry). Before the Minister replies to the question, I would ask whether he could inform the member of his correct title. The Hon. Peter Dowding directed the question to the "Minister for Fisheries and Wildlife and other things".

*Question Without Notice Resumed*

The Hon. G. E. MASTERS replied:

As the Minister for Fisheries and Wildlife and the Minister for Conservation and the Environment, I ask the member to place the question on the notice paper.

The Hon. P. H. Lockyer: It takes him a while to learn!

## SETTLEMENT AGENTS BILL

*Drafting*

111. The Hon. PETER DOWDING:

I would like to ask a question of the same Minister.

The Hon. P. G. Pental: Which one is that?

The Hon. PETER DOWDING: The one referred to so eloquently by the Hon. P. H. Lockyer who does not know his name either.

*Point of Order*

The Hon. NEIL McNEILL: On a point of order I ask whether the member is in order in addressing a question in that fashion.

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): I ask the Hon. Peter Dowding to present his questions in an appropriate way, and in a manner that is acceptable to the Chamber.

*Questions Without Notice Resumed*

The Hon. PETER DOWDING, to the Minister representing the Chief Secretary:

With reference to an earlier question which related to the committee in charge of drafting the settlement agents legislation, and his answer yesterday—

*Deputy President's Ruling*

The DEPUTY PRESIDENT: Order! I have to rule that the question is inadmissible as it refers to a debate which took place during this same session of the Parliament.

Are there any more questions without notice?

*Questions Without Notice Resumed*

## SETTLEMENT AGENTS BILL

*Drafting*

112. The Hon. PETER DOWDING, to the Minister representing the Chief Secretary:

Was the composition of the committee which assisted the Minister in the preparation of a piece of legislation concerning settlement agents an

informal group, or was it a working party, and if not, what was it?

*Deputy President's Ruling*

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): I rule that this question is in the same category as the one asked previously by the member. I must rule it out of order as it contravenes the Standing Order relating to the admissibility of questions.

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