Legislative Council

Tuesday, 20 October 1987

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

AIDS: SEXUAL PARTNERS

Information: Petition

The following petition bearing the signatures of 190 persons was presented by Hon P.G. Pendal --

> To:
>
> The Hon The President and members of the Legislative Council of the Parliament of Western Australia in Parliament assembled:
>
> We, the undersigned citizens of Western Australia:
>
> Call on the Minister for Health to introduce legislation to give doctors the legal right, even obligation, to inform the sexual partner of a patient where the latter is confirmed as being infected with the AIDS disease.
>
> Your Petitioners, therefore, humbly pray that you will give this matter earnest consideration and your Petitioners, as in duty bound, will ever pray.

(See paper No 388.)

CHARITABLE ORGANISATIONS

Select Committee: Special Report

HON B.L. JONES (Lower West) [3.33 pm]: I bring up a special report from the Select Committee on Charitable Organisations. Government agencies, charitable organisations, and members of the public were invited to make a submission to the inquiry, and general public comment was sought through newspaper advertisements placed in *The West Australian* city and country editions in May and June 1987.

Written submissions were received from the 33 individuals and organisations listed in appendix 1 to the report. As well as written submissions, the committee interviewed 36 individuals and representatives of charitable organisations listed in appendix 2 to the report.

The committee sent a letter and a questionnaire to every licensed charitable organisation in the State advising them of the existence of the committee and requesting them to furnish certain information to the committee together with a copy of their most recent audited accounts. This information has brought to light various problems not previously considered by the committee. This and more recent developments with regard to the nature of fundraising activities both in the State and overseas necessitates the committee to seek an extension of time.

Therefore, I am directed to report that the committee requests that the date fixed for the presentation of its report be extended and, I move --

> That the date for the presentation of the Committee's report be extended from 31 October 1987 to 28 April 1988 and that the report do lie upon the Table and be adopted and agreed to.

Question put and passed.

LEAVE OF ABSENCE

On motion by Hon Margaret McAleer, resolved --

> That leave of absence be granted to Hon P.H. Lockyer for six consecutive sittings of the House by virtue of urgent private business.

ACTS AMENDMENT (LEGAL PRACTITIONERS, COSTS AND TAXATION) BILL

Report

Report of Committee adopted.

ACTS AMENDMENT (STUDENT GUILDS AND ASSOCIATIONS) BILL

Second Reading

HON N.F. MOORE (Lower North) [3.36 pm]: I move --

That the Bill be now read a second time.

The fundamental issue being addressed by this Bill is the question of freedom of association. It relates to the fundamental right of all citizens to join or not to join an organisation or association.

It is my belief, and always has been, that there should be no compulsory requirement for citizens to become members of any organisation, particularly if they do not support the aims, objectives, and activities of that organisation. The compulsory membership of student guilds and councils at tertiary education institutions has been an issue which has exercised many minds for many years.

In Western Australia there were, for all intents and purposes, compulsory fees payable directly to student guilds until 1977, when the then Court Government enacted legislation which introduced the concept of a services and amenities fee. This fee was payable by all students to the university administration which then passed the funds on to the guilds to be used for certain specified purposes. Students also had a choice about whether or not they joined the guild, and they were required to indicate their intention on the university enrolment form. In other words, students did not have to join the guilds, but they still had to pay the money.

In 1983, as his very first piece of legislation, the Minister for Education, Mr Pearce, introduced legislation to reintroduce compulsory membership of student guilds. The new legislation in effect abolished the services and amenities fee and required as a condition of acceptance at a tertiary institution the payment of a membership fee directly to each guild.

I was successful at that time in having an amendment accepted by the House, which was subsequently agreed to by the Legislative Assembly, which allowed for conscientious objection. The provision of a proper conscientious objection clause was not originally part of Mr Pearce's agenda.

We now have in this State a requirement for all students at tertiary institutions to become a member of the student organisation or pay an equivalent amount of money to a charity of their choice. We have, in effect, de facto compulsion.

As I said at the outset, my main reason for opposing this state of affairs is my opposition to any requirement for a person to compulsorily become a member of any organisation. My opposition is also a reflection of my support for the concept of deregulation and my basic belief that individuals and organisations perform better if they have to compete. Strange though it may seem, there are even some people in the Labor Party, particularly those who govern the State and the nation, who would agree that there is a real need in this country for deregulation and the introduction of competition if the economy is to achieve its potential. Yet we still find many who cling to the belief that compulsory membership of unions is a necessity for economic growth and the compulsory membership of student guilds is a necessity for academic success.

There are those in the community who see an analogy between compulsory trade union membership and compulsory membership of student guilds. There is something to be said for this analogy, although it is arguable that student guilds have much to do with the working conditions of students. I doubt that the argument most often used by supporters of compulsory union membership -- that non-members bludge off the members -- applies to the student guilds. Student guilds provide in the main a very good service to students; however, it is not a service that all students need or even want. The services could easily be provided on a pay-for-use basis or through voluntary fees. There is an argument that the guilds need the compulsory funding to maintain the services they provide. However, an in-depth

analysis of the finances of the Guild of Undergraduates at the University of Western Australia would indicate that that guild at least has the financial resources to look after itself. It is my view that if fees were voluntary many, if not most, students would join if the guild were able to provide its services in a competitive way.

Of course, it has not always been the case that the compulsory fees have been spent on student welfare and services. For many years the obnoxious, and now defunct, Australian Union of Students, was funded on each Australian campus directly from the compulsory student guild fees. The causes taken up by the AUS, and supported by the lunatic left, as Mr Butler describes them, ranged from very active support for the PLO and Hanoi to a call for 1983 to be declared as "International Year of the Lesbian". Needless to say, students themselves have removed this cancer from our society and proponents of a replacement are having real problems in getting it off the ground.

The Labor Party has also had its own vested interest in maintaining compulsory student guild fees. A quick glance through the long lists of student activists and guild leaders reveals the names of many ALP politicians, union officials and Labor functionaries. It has long been my belief that the Labor movement used the guilds as a very effective, compulsorily funded, training ground for future politicians and union officials. In a letter to *The West Australian*, written as a response to an article entitled, "Where have all the Radicals Gone?", the then president of the university branch of the ALP, Mr Keating -- not the Federal Treasurer -- wrote as follows --

> The answer is remarkably simple - they are now running the country in Federal and State Government. The guild of undergraduates honour boards for the past 30 years now read like a Who's Who of Federal and State cabinets.

Now that these former activists are in fact running the country, and have in many instances shown a propensity to become less radical, and in some cases, almost conservative in their policies, perhaps they might now give some thought to deregulation of student guilds and, for that matter, trade unions. Or is their new found economic and social pragmatism but a facade to cover their ultimate objectives for this nation -- "gradualism" as the Fabians would call it. The response of the Government to this Bill will give an indication, albeit a small one, of the real thinking of the former radicals. The Australian Institute For Public Policy has recently published a booklet entitled *Compulsory Student Unions -- Australia's Forgotten Closed Shop*. I commend it to honourable members as a publication of some worth on this issue.

In conclusion, I return to my initial comments. This issue is about principles -- the principles which relate to compulsion and the principles which relate to freedom of association. Compulsory unionism violates the principle of freedom of association just as the law which requires all students at tertiary education institutions to become members of student associations violates the principle of freedom of association. Yet in this country, if one does not join the union in some industries, one does not work; and if one does not join the student guild, or pay an equivalent fee to a charity, one does not graduate. These violations of the principle of freedom of association should be removed from the Statute book. This Bill, in a seemingly small way, attempts to translate objective 14 of the Australian Labor Party's platform into reality for students at our tertiary institutions.

I remind members opposite that objective 14 of their platform reads in part --

> Recognition and protection of fundamental political and civil rights, including freedom of expression, the press, assembly, association, conscience and religion.

The Liberal Party platform states --

> The Liberal Party vigorously advocates individual liberty and the right of freedom of speech, religion, organization, assembly, procession and non-violent dissent.

I therefore call on all members of the House to support this Bill because it is a reflection of a very important principle which transcends party politics.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Fred McKenzie.

INDUSTRIAL RELATIONS AMENDMENT BILL (No 3)

Second Reading

Debate resumed from 14 October.

HON G.E. MASTERS (West -- Leader of the Opposition) [3.47 pm]: The Opposition opposes this Bill. It is unfortunate that some of the private members' Bills introduced from my side of the House are not treated with the same amount of enthusiasm as the Bill introduced by Hon Tom Butler, but I guess that is understandable and for good reason as far as the Government is concerned. The Bill was entirely predictable, and it was only a matter of time before someone introduced it. I find it surprising that a Bill which represents a move to legalise and reintroduce compulsory unionism in Western Australia is introduced at this time.

The responsible Minister, Hon Peter Dowding, was obviously looking for a suitable puppet to carry the can and introduce this Bill. It is interesting that the Minister representing the Minister for Labour, Productivity and Employment was not asked to deal with the Bill in the normal manner.

Hon Fred McKenzie: It is a private member's Bill.

Hon G.E. MASTERS: The member and I both know -- as every member in this House knows -- that it is Hon Peter Dowding's Bill and that Hon Tom Butler introduced it on Hon Peter Dowding's behalf.

Hon Fred McKenzie: I did not know that.

Hon G.E. MASTERS: Maybe the member did not know that, but he would be the only one who did not know.

It is also interesting that a Bill which was identical, except for one word, was put before the tripartite advisory council in 1986, representing the unions, the Government and the employers, and that council failed to agree to the legislation; so at that time the Minister did not proceed with it.

As I have said, the Bill will in effect reintroduce compulsory unionism in Western Australia.

Hon T.G. Butler: That is not true.

Hon G.E. MASTERS: I will tell the honourable member why I think it is true. I am not going to enter into a tit for tat across the Chamber; Hon T.G. Butler introduced the Bill, and he will have ample opportunity to respond.

I am glad to see Hon D.K. Dans here; I am surprised, indeed, that Hon Des Dans did not introduce the Bill. Had that been the case, I could have been much more cautious in my approach because I know the way in which he deals with industrial relations legislation.

I repeat: As far as my party is concerned this Bill will reintroduce compulsory unionism in one form or another to Western Australia. The Liberal Party, as always, is opposed to compulsory unionism; the Liberal Party is opposed to people being forced to join an association against their will. We have just heard a speech from Hon Norman Moore in which he proposes to pursue one of our policies -- that is, to enable people to choose whether or not they want to belong to an organisation, and not be forced to pay a fine or a penalty if they do not join. As I understand it, surveys carried out indicate that 70 per cent of Western Australians are opposed to compulsory membership of unions or having to pay any sort of levy or fine if they do not agree to join. It should be noted that an International Labour Organisation convention, a United Nations charter which I have quoted on almost every other occasion on which this sort of debate has taken place, supports the view of the Liberal Party and, I would think, the National Party. Article 20(2) of the United Nations Universal Declaration of Human Rights reads as follows --

> . . . no-one may be compelled to belong to an association.

Several members interjected.

Hon G.E. MASTERS: Does the honourable member want me to reply or would he rather I sat down and took his word for it? Convention 87 of the International Labour Organisation also upholds this principle of freedom of association as part of the protection of the right to organise. The Liberal Party is opposed to any compulsion in any form. The Liberal Party is

opposed to standover and intimidation in the workplace and to any sort of industrial blackmail.

Several members interjected.

Hon G.E. MASTERS: I assume from the comments just made by honourable members opposite that they do not agree with me on those issues.

Several members interjected.

Hon G.E. MASTERS: I repeat: The Liberal Party is opposed to standover, intimidation and industrial blackmail; and members opposite have said they do not agree with me. I must assume that they support those sorts of things.

Hon Graham Edwards: We do not think you are dinkum.

Hon G.E. MASTERS: I can assure the Minister that I am dinkum. Almost every day employers, in one way or another, are blackmailed into paying so-called union dues. I guess that is mainly an excuse to get cash and funds. On the weekend I spoke to a water driller -- a fellow with his own small business -- who said that only a few days ago he was on site drilling when a union fellow came along. This fellow had his hard hat on -- they always wear hard hats; I am not sure whether it is to protect themselves or not -- and asked the driller, "Are you a member of the union?" to which he replied, "No, I am self-employed. I am not in a union and have no intention of joining a union." The union representative said, "Well, we'll stop the job." The boss of the site came along and said, "No, don't do that. We'll pay the dues." The union representative was quite happy about that; he went into the office, collected the money and said, "Good day", and off he went. He was not worried about anything else other than collecting his blackmail money.

Hon D.K. Dans: Nonsense.

Hon G.E. MASTERS: Well, the fellow did not sign up. Surely that is not right? Would Hon Tom Butler think it is right?

Hon T.G. Butler: The dispute was resolved.

Hon G.E. MASTERS: A dispute was avoided because the site boss was forced to pay a sum of money.

Hon T.G. Butler: Commonsense prevailed.

Hon G.E. MASTERS: That might be Hon Tom Butler's interpretation; it is not mine. Blackmail prevailed. Is Hon Tom Butler in favour of the union man coming along and saying in effect, "Pay up or we'll close the job"? Perhaps that is the sort of thing Hon Tom Butler and his colleagues believe in. I would exclude Hon D.K. Dans because he has never condoned that sort of activity. The same thing has happened with building projects all over the State. There are, if one likes, gangsters in our midst and we do not need to name those people who are the main culprits. It is interesting to note that Kevin Reynolds is a member of the Builders Labourers Federation who has been keeping his head down. We do not read so much about him lately; I understand that he might well take Hon D.K. Dans' place when he retires. I guess Mr Reynolds has seen what happened to Mr O'Connor and the dreadful mess that he got into when he was running for a Senate seat. The Government had to bail him out. Nevertheless, I would think that Mr Reynolds has taken note of what is likely to happen, so we have people like Bill Ethell, of the Building Workers Industrial Union, in the running.

I am delighted to read that Mr Marks and Mr O'Connor have offered to come to some arrangement on the strike-free agreement with Mr Sarich. I think it is about time that happened. It seems that for one or two of these people the penny has dropped. Everyone, including Hon Tom Butler, is trotting around talking about "productivity". One would think they had invented the word. Had they discovered the word seven or eight years ago, Australia would not now be in its present mess and the standard of living would not have continued to drop over the years.

Several members interjected.

Hon G.E. MASTERS: I believe the unions play a very important role but they are still not living in the real world. The unions and their leadership have to earn their membership; they

have to earn them in the way everyone else earns them: They must encourage people to say, "Look, you are a good organisation; you can do something for me. I want to join." That is the way to get good members.

Hon T.G. Butler: For somebody who wanted to destroy unions, that is a bit hypocritical.

Hon G.E. MASTERS: I have no wish to destroy unions. My son is a member of a union and I have no intention of destroying the unions; but I am saying that there is a small number of people in the community whom I would call ratbags. I think Hon Tom Butler himself described them as such. It does not matter whether they constitute five or 10 per cent because they do an enormous amount of damage. When I talk about good union leaders, I include among those Clive Brown, for whom I have a tremendous regard. He does a great job and once one receives his word, one can absolutely trust it. I like the fellow and I have no argument against him at all. However, I have a dislike for people like Bill Ethell and Kevin Reynolds, who are quite different people.

We believe and are convinced that the people who run some organisations -- whether it be a union or anything else -- have to earn their membership. They should not have to dragoon people into being members. In most cases unions do earn their members; people do choose to join them. There is no question about that at all. If I were in a certain industry, I would definitely join a union, where I knew the union leadership was good.

Several members interjected.

Hon G.E. MASTERS: I was once at a conference at which Jack Marks spoke. I have a fair regard for him; he is a bit of a rabblerouser, but one can take his word. I once said to him, "If I were working in your area, I would quite probably be encouraged to join your union. If you stepped out of line, I would reserve the right to leave." That is what I am talking about. Hon Tom Helm would agree with that, I am sure.

Hon Tom Helm interjected.

Hon G.E. MASTERS: I ask members to look at the legislation and to understand exactly what it proposes to do.

Hon D.K. Dans: Are you supporting this Bill?

Hon G.E. MASTERS: No, I am strongly opposed to it, and I will tell Hon Des Dans why. I am giving a few accolades where they are due.

Hon D.K. Dans: I was genuinely confused for a while. You said you liked Mr Marks and Clive Brown.

Hon G.E. MASTERS: I do. I like the man, but I do not agree with all he says. Let me put the honourable member right.

Hon D.K. Dans: Do you like Bob Hawke?

Hon G.E. MASTERS: No, I detest the man.

I ask members to look carefully at what this legislation is about.

Hon T.G. Butler: Now we are getting down to it. That is what we are asking you to do -- look very carefully at what it means.

The DEPUTY PRESIDENT (Hon John Williams): Order! I have been very tolerant indeed of the banter going backwards and forwards across the Chamber, but it is time the member on his feet was accorded the privilege of Standing Orders, and I intend to enforce them.

Hon G.E. MASTERS: I ask members to look carefully at the legislation because it is an important Bill, although a very small one -- one and a half pages to be exact -- and it looks innocuous. The Bill seeks to amend section 23 of the Industrial Relations Act by repealing subsection (3)(e) and (f). This section deals with the powers of the Industrial Relations Commission and it says --

> The Commission in the exercise of the jurisdiction conferred on it by this Part shall not --

This part of the section deals with what the commission shall not do. It goes on to say --

(e) provide for --

(i) compulsion to join an organization to obtain or hold employment; or

(ii) non-employment by reason of being or not being a member of an organization;

That simply means the Industrial Relations Commission cannot tell people they must join a union, and it tells others that they cannot force people to do so. That is very important. It then goes on to say --

(f) provide for preference of employment at the time of, or during, employment by reason of being or not being a member of an organization;

Again we are discussing the powers of the Industrial Relations Commission and its ability to direct compulsion or preference. The legislation says it shall not do so. If Mr Butler's Bill is successful, the abolition of (3)(e) and (f) will mean the commission can provide for compulsion to join a union and for preference.

Hon T.G. Butler: Since when?

The DEPUTY PRESIDENT: I suggest you ignore the interjections and address the Chair.

Hon G.E. MASTERS: I ask members to look at section 23 which says that the commission shall not do certain things. It does not have to be told that it can do certain things. This is what the legislation says, and that is why it is in the legislation -- to prevent the Industrial Relations Commission from doing it. All members should understand exactly what this legislation will achieve as far as the Industrial Relations Commission is concerned.

This Bill contains the proposed repeal of Part VIA of the Act. This provision was put in the legislation five or six years ago, and the Government has made a number of attempts to delete it. If it is successful this time it will remove from the legislation the protection of people from standover, intimidation, threats, and damage to their work and workplace.

Hon D.K. Dans: Part VIA is not working now; you know that.

Hon G.E. MASTERS: I remind Hon Des Dans of his words when he was Minister for Industrial Relations. The reason it is not working is because of his attitude and that of successive Ministers. His words are recorded in *Hansard* and he said something like "this Government and I will not use that filthy legislation".

Hon D.K. Dans: That is right, and I have not changed my mind.

Hon G.E. MASTERS: It is not surprising that the legislation will not work, because when we get to a part of the section which I will not go into in detail about now which deals with prosecution by the Attorney General or an industrial inspector, it talks about certain actions which need to take place. I remind members that this section deals with the conduct of employers and others prejudicing employees and others by reason of membership or non-membership of employee organisations. It deals with employers who would in one way or another say to an employee, "You will not have a job unless you join a union", or "You will lose your job if you leave the union." It protects the unionist and non-unionist from standover by the employer. It is a very fair provision. It goes on to mention that a person who threatens to dismiss an employee because he or she is not a member, or is a member, of a union is in breach of the Act. Again it protects an employee from standover and intimidation in relation to membership or non-membership of a union. That is fair enough. No-one on this side of the House or among the National Party members would agree with people being forced to take certain actions or lose their jobs or livelihood as a result of that sort of standover. It goes on to say that a person who advises, encourages, or incites other people to engage in such activity breaks the law. A person who hinders or prevents the supply of goods or services by a second person from a third person is committing an offence because it is a secondary boycott. It has a domino effect; further down the line someone else will suffer. All members would be appalled if that sort of situation were to continue.

Part VIA goes on to say that a person who threatens that --

(i) discriminatory action will or may be taken against a second person; or

(ii) the free and lawful exercise of his trade, profession or occupation by a second person will or may interfered with,

Further on the Bill says --

(c) takes, or threatens to take, industrial action against an employer . . .

It is important to note that subcontractors are protected as far as possible in this section. Subcontractors and the subcontracting system have been under threat for some time. The subcontracting system has almost been destroyed in the construction industry. The housing industry has held out and has repelled attacks by Bill Ethell and his colleagues and still relies on the subcontractor system. However, more and more subcontractors, for one reason or another, are having pressure applied on them, whether they are self-employed or not. The union rules themselves provide that a person who is self-employed does not become a member of the union. Nevertheless, those people are coerced and threatened, so we felt with the introduction of this section five years ago that at all costs subcontractors and the subcontracting system should be protected. That is what this part of the section is about. I am appalled that the Government has not seen fit to protect that section of the community which deserves protection and which is entitled to it under the law.

I refer to the prosecutions that can take place. If a person has been told that he will lose his job or be put out of business if he either does not join a union or leave the union -- in most cases it will be where he refuses to join a union -- under the existing Act the person who is threatened is entitled to contact the department and ask for an inspector to visit him. The inspector should be directed to interview the person and if there is sufficient evidence of someone using intimidatory tactics he should be prosecuted. It is interesting to note that that has not been done since this Government has been in power. I am sure the Government will correct me if I am wrong, but I understand that not one complaint put to the department or to the Minister during this Government's term of office has resulted in an inspector following up the complaint and prosecuting where necessary. The Attorney General has not seen fit to take any action either.

Part VIA of the Act is really the only genuine protection under industrial law against intimidation and standover tactics. It is the only protection that people in the workplace have against someone threatening that if they do not join a union they will be sacked; if they do not join a union the site will be closed down; if they do not join a union, the supply of materials to the site will be blocked; if they do not join a union action will be taken against their family. This sort of thing happens on many occasions. I am appalled to think that this House would remotely consider repealing that part of the Act which gives protection against that sort of action. I guess that if this Bill reaches the Committee stage there will be a great deal of debate about this matter. I indicate to the House that the Opposition will oppose the second reading of the Bill.

I refer to proposed section 113(1), which Hon Tom Butler refers to as very important and which he says gives people the opportunity not to join a union if they do not want to. The provision states that members of the commission, or a majority of them -- I use the following word advisedly -- may make regulations. The regulations will state that if the registrar is approached by a person, or persons, who do not want to join a union he will impose an appropriate fee.

Hon T.G. Butler: Who says that?

Hon G.E. MASTERS: Is Hon Tom Butler saying that that is not the case? I bet it is.

Hon T.G. Butler: That is a dreadful thing to say.

Hon G.E. MASTERS: What does Hon Tom Butler think the fee will be? It is important that the Opposition knows that because if this Bill becomes law the people administering it will make reference to *Hansard* and will read the words of the member who introduced the Bill, and they will take action according to what he said. If he is saying that there is nothing in the Bill which states that there should be a fee that should be the equivalent --

Hon T.G. Butler: I am saying that there is nothing in the Bill to that effect.

Hon G.E. MASTERS: I put forward the following scenario: The registrar, when issuing a certificate, will charge the person receiving the certificate the equivalent of the union dues. On a number of occasions a Bill similar to this one has been introduced into this Parliament and reference has been made to this situation. The person who chooses not to join a union will be required to pay a fee. It is a penalty on those people who do not wish to join a union.

If a person says that he does not want to join a union he will go to the registrar and ask for a certificate and he will pay the appropriate fee. Very few people will bother to do that because they will take the easy way out and join a union. It is nothing but a fine on the person who does not wish to join a union.

I emphasise that the Bill says the commission "may" make regulations. It does not state "shall" make regulations and, therefore, there is no certainty that regulations will be drawn up. I put forward the following scenario: The Industrial Relations Commission, because of changes to section 23 of the Act, will make sure that certain industries will have compulsory unionism or preference to unions. I am sure that this applies to the Transport Workers Union under the Federal legislation. Let us say that the commission says there will be compulsory unionism in the mining industry. Having said that, only certain people will be able to apply for an exemption certificate.

Hon T.G. Butler interjected.

Hon G.E. MASTERS: I am reading Hon Tom Butler's Bill.

Hon T.G. Butler: Not very well.

Hon G.E. MASTERS: I am saying that what will happen is that only certain people will be entitled to those certificates. I point out again to the member who cannot read his own Bill that the Bill states --

> The members of the Commission, or a majority of them, may make regulations . . .

It does not state "shall" make regulations. If the honourable member cannot understand the difference between "may" and "shall" I feel sorry for him.

This Bill is a big hoax and it is one which we would have expected to be handled by the Minister, Hon Peter Dowding, some time ago. Because of his run for the premiership, he has probably chosen not to handle this obnoxious Bill and he has offered it to a new member, who cannot read the Bill, to handle.

Hon T.G. Butler: You are pathetic.

Hon G.E. MASTERS: Nowhere near as pathetic as Hon Tom Butler.

I emphasise again that the Industrial Relations Commission will, in my view, be able to direct compulsory unionism and preference in many industries if it wants to. It will have a choice as to whether it makes regulations -- the word in the Bill is "may" make regulations. Indeed, the end result will be that most people will choose to join a union instead of applying for a certificate and paying the appropriate fee which will be the amount of the union dues. It is a way to coerce people to join a union -- they have to do one thing or the other. The easy way is to join a union, especially if a person has a man wearing a hard hat standing over him saying, "You must join a union."

I point out again that part VIA of the Act provides the only protection against the use of standover tactics. I refer not only to subcontractors, but also to men and women working to try to earn a living. They deserve that protection. I urge members to oppose the Bill.

HON N.F. MOORE (Lower North) [4.19 pm]: I support the remarks of the Leader of the Opposition in opposing this legislation. It was rather ironical that last Wednesday two Bills were introduced by private members, both of which dealt with a similar subject and both of which had the opposite intent. As my leader has clearly pointed out, Hon Tom Butler's Bill, the one we are debating now, seeks to ensure compulsory membership of unions. The Bill I introduced on the same day sought to remove compulsion for students to join student associations at tertiary education institutions.

I want to look at Hon Tom Butler's Bill -- I should say Mr Dowding's Bill -- from a slightly different angle from that adopted by Hon Gordon Masters. The member's second reading speech states --

> The regulation-making powers of the commission contained in section 113, are to be amended to enable the registrar to issue certificates of exemption from union membership which will be recognised, and which will have equal status with union membership.

Hon Tom Butler said in his second reading speech that the Industrial Relations Commission

will be given the power to enable the registrar to issue certificates of exemption. I wonder why it is necessary to write into legislation that one person can decide whether or not another person should be a member of an organisation. Surely, it is the individual's right to decide whether or not he wants to be a member of a union. The second reading speech also stated that --

> The issuing of certificates of exemption will adequately deal with the problem of those people who object to joining a union to ensure that they are not prejudiced. It is just and proper that these people are given the consideration proposed in this Bill.

In other words, the member was saying that people who do not want to join unions will be given some consideration by allowing the registrar to decide whether or not they must join. Surely, it is up to the individual to make his own judgment in respect of whether he becomes a member of the union, the bowling club or whatever.

Hon T.G. Butler: Would you agree that a non-member of the bowling club should enjoy the benefits of the bowling club?

Hon N.F. MOORE: No, I do not think they should. The member is saying that if a union achieves something for the workers every worker who benefits from that should be a member of the union. I believe that if a person does not want to join a union he cannot expect to enjoy the benefits gained by the union. In the same way a person who does not want to join the student guild should not be able to use the guild's facilities. That is a choice for them to make and it is not for the lawmakers of this country to tell them that they must do certain things in order to benefit from the union.

Hon T.G. Butler interjected.

Hon N.F. MOORE: I am talking about my views of Hon Tom Butler's Bill and my views about compulsory unionism and compulsory membership of any association. It was also stated that --

> The question of union membership is better handled by the Industrial Relations Commission,

Not for the individual. The Bill does not give him the choice; it states that the issue should be decided by the Industrial Relations Commission. That is the whole problem with this sort of legislation. That is the principle which the Government violates and which, as I explained a minute ago in the previous debate, is a principle of the Labor Party. Freedom of association as I understand it means the freedom to join and the freedom not to join. Hon Tom Butler stated that union membership is better handled by the Industrial Relations Commission and continued --

> . . . which has the overwhelming support of the majority in our society.

I do not care what sort of support it has, the place to make these decisions is this place and we should be making decisions that the Acts and laws in this country stick by the basic principles of our parties; that is, that people can choose whether or not they want to associate with other people or be members of unions or members of a tennis club. That should be the law of this country; we should not have an organisation set up and appointed by the Government making decisions about whether people join or do not join associations.

Individual freedom is the most important thing we have; we are born with it and regrettably throughout history it has been taken away. I am doing my best to return a little of that freedom to the individual. This Bill will take away a bit more of the freedom that people have, albeit they have very little now. Compulsory unionism is a fact of life. Along St George's Terrace one can see signs such as "No ticket, no start" and "Nobody on this site unless they have a ticket". I am trying to argue that that state of affairs is unacceptable to me and to many people who believe in freedom of the individual. It should be unacceptable to Hon Tom Butler if he stands by the principles of the Labor Party. A document entitled "Platforms for Government", which I read frequently, states on page 77 under the heading "Basic principles of the Labor Party" objectives.

> 14. Recognition and protection of fundamental political and civil rights, including freedom of expression, the press, assembly, association, conscience and religion; the right to privacy; the protection of the individual from oppression by the state; and democratic reform of the Australian legal system.

That is objective 14 of the Labor Party, not of the Liberal Party. It states that one of the objectives of the Labor Party is to provide freedom of association for individuals and the protection of the individual from oppression by the State. I regard this sort of legislation as oppression. It is saying that a Government appointed body, called the Industrial Relations Commission, shall make a decision about whether I as an employee should or should not join a union. It is not the commission's business; it is not for it to make that decision about what I do. The second reading speech also states that --

> The effect of my amendments to the Industrial Relations Act is to remove part VIA and to return to the commission the jurisdiction to deal properly with the matters related to membership or non-membership of unions.

The question of membership or non-membership should have nothing to do with the Industrial Relations Commission; that decision should be made by the individual. I will continue to argue that point.

As Hon Gordon Masters pointed out, the Bill seeks to repeal those sections of the Act which indicate the areas in which the commission shall not act and one of those is in relation to compulsion to join unions and preference to unionists. In other words the existing legislation states that the Industrial Relations Commission shall not direct that there be compulsory membership of unions or preference to unionists in awards. I accept the argument of Hon Gordon Masters that this Bill seeks to take away that requirement which prevents the commission from doing certain things. The only reason to take away a clause which prevents it from doing something is to allow the commission to do that thing. The Government would not take away a negative if it did not intend to replace it with a positive. I have no doubt that the intention of this Bill is devious and it is to ensure that compulsory membership of unions is introduced whether or not we like it.

We need to again read the Labor Party's platform if we want to know the thinking behind this legislation. On page 151 of the document "Platforms for Government" under the heading "B Trade Unions" it states --

> 2 The recognition of the rights of unions to regulate their own affairs in a democratic way, free from government and judicial interference and at the same time expanding the role of the Industrial Registrar on advising on matters relating to rules so that unions will have access to information and independent advice which will allow them, where necessary, to improve and update their rules.

It refers to the rights of unions but says nothing about the rights of unionists or individuals who do not want to be unionists. It further states under clause 6 --

> The right of access to workers by the unions who represent them including personal access, distribution of information and the convening of meetings of workers.

Again it refers to the rights of all unions to get involved with the activities of workers so that it can ensure that they become unionists, but there is no reference to the rights of individuals not to become unionists. In clause 11 it states --

> Recognise that the legitimate role of the trade unions is not limited to legally defined industrial matters.

Therein lies one of the most important reasons that the Labor Party is so actively involved in the union movement. It provides it with a vehicle in which it can push a whole range of issues if it so desires.

What we find these days is that the union movement takes the running on those issues which the Labor Party considers politically unacceptable. It uses the union movement to fly its kites to find out the public's reaction, and when it does find out, it acts accordingly -- Government by kite flying or by opinion poll.

That relates to the argument that the ALP uses; that in fact trade unions should be able to do all the things they wish and not be limited merely to industrial matters. Therein also lies one of the main reasons that there should not be compulsory unionism. If we are prepared to allow unions to be involved in all sorts of issues -- to spend money however they wish, to make decisions about the points of view they will adopt on a wide range of issues, to hold political strikes and things of that nature -- we cannot expect every person working in an industry to contribute financially and become a member of the union. That is the

fundamental reason. If unions simply confined their activities to the improvement of the working conditions of employees, members opposite could come in here and mount an argument about compulsory union membership which had a bit more credence. But that is not the case, regrettably. Unions are involved in things that individual human beings do not want to be involved in and they should not be forced to be involved in those activities.

So the basic principle I enunciated in my previous speech about student guilds prevails in this case -- that the principle of freedom of association is paramount. Instead of making it difficult for people to get out of unions or making it compulsory for them to be in unions, maybe it is time Hon Tom Butler looked at deregulating unionism. Deregulation has become the in word for the Federal Government especially, and Mr Burke also is using that word quite freely. If the union movement is not to go the way it has gone in the United Kingdom, perhaps it should become competitive. I have observed over a number of years the very competitive nature of unions when it comes to snatching members from other unions. They are very good at fighting each other, and very competitive in seeking to get membership from the same groups of people. For instance, the Building Workers Industrial Union and the Builders Labourers Federation have been at loggerheads over who should represent whom and they are very competitive in the way in which they go about getting membership.

Maybe we should look at extending this competitive spirit to the question of membership of unions, full stop -- not just membership of particular unions but whether in fact there should be some competitive aspect to membership of unions as a whole. If this happens the unions, in endeavouring to provide services which would attract members, would find that through the competition that is generated they would end up providing far better services than they do now. Competition is a great thing. It brings out the best not only in individuals but also in organisations.

Hon Tom Helm: Are you saying there should be more unions?

Hon N.F. MOORE: I am not suggesting that, but surely it should not be a question of how many unions there are, but rather of what services they provide. We should have the number of unions required to provide the best services for the number of workers we have. Unions are organisations that represent labour. Should they not be in competition with each other to see who can provide the best services? That would be an excellent way of doing it. At the same time, let us have voluntary membership so that unions must compete for their members instead of Hon Tom Butler's coming in here with legislation like this and saying that everybody should be a member of a union whether they like it or not. Instead of relying on legislation and compulsion, why not give competition a go? Why not give individuals the right to make their own judgment about these things -- why not give them that choice? I am convinced unions will find they will get just as many members.

Hon Tom Helm: I do not believe you.

Hon N.F. MOORE: Is Hon Tom Helm saying that if we take away that compulsion unions will not get so many members?

Hon Tom Helm interjected.

Hon N.F. MOORE: I have heard all that. That is what I am saying.

Hon Tom Helm: You are not saying that.

Hon N.F. MOORE: Is Hon Tom Helm saying that everyone should belong compulsorily to a regulated organisation and should not have the choice to move from one to another? Is he saying there should be no competition between unions?

Hon Tom Helm: I do not think you should hurt the employer. Don't you agree with that?

Hon N.F. MOORE: I think we should get a bit of harmony into the system. I was on a trip recently, and we talked about harmony. Harmony has been achieved in Hon Tom Helm's own country -- the United Kingdom -- in some places because unions which stuck with the silly old ideas of compulsion have become irrelevant. Nobody takes any notice of them any longer. They are so out of date and old fashioned that they have become an anachronism. Industries in the United Kingdom which are going ahead, and the workers who work in those industries, are not tied up by compulsory unionism or by all the old fables that have surrounded unionism in the United Kingdom for generations. There is competition in the United Kingdom now, and it is working. It is not working everywhere, but it is working in those parts of the United Kingdom where industry is flourishing.

Several members interjected.

Hon N.F. MOORE: We must do something about preventing this sort of legislation, and about getting industrial relations into the twentieth century. I commend the Minister for taking people to look at other parts of the world which have moved into the twentieth century, but what they have in those countries is not what we have in this Bill. This Bill is a reflection of the tired old compulsion we have had tossed up here year after year by the Labor Party and the unions in Western Australia -- and it will not work. The only way we will get anywhere is through deregulation and competition, which applies as much to the economy as it does to unions. We all know it and I cannot understand why the member has brought forward a Bill like this. I can understand the Minister's not bringing it forward himself. He must be too embarrassed to do so, knowing it is out of date and unnecessary.

I strongly oppose the Bill.

HON H.W. GAYFER (Central) [4.38 pm]: If the Bill introduced by Hon Tom Butler did not exactly say it, certainly the interjections that have been made from both sides of the Chamber have indicated that the Bill deals with compulsory unionism. I say right from the start that the National Party is adamant that union membership is a choice that must be made individually and free of any coercion. We want to know why a person should have to get permission from anybody, at any time, to join a union. The proposals in the Bill completely cut across the National Party's philosophy.

Hon T.G. Butler: Where?

Hon H.W. GAYFER: Hon Tom Butler was out of the Chamber when I started my speech, and I explained it pretty fully. It does cut right across our philosophy, which disagrees with any compulsion at all so far as unionism is concerned.

Hon T.G. Butler: Could you answer the question? Could you tell me whereabouts in the Bill the question of compulsion exists?

Hon H.W. GAYFER: Mr President, I suggest, through you, that when this speech is printed in *Hansard* and Hon Tom Butler reads my opening remarks he will realise that I have rightly said that by the interjections made by Hon Tom Butler and Hon Tom Helm, the Bill does deal with compulsory unionism.

Hon T.G. Butler: I heard what you said.

Hon H.W. GAYFER: Hon Tom Butler was not even in the Chamber.

Hon T.G. Butler: I was in the Chamber and I heard what you said. Now answer the question.

The PRESIDENT: Order! Order!

Hon H.W. GAYFER: The point is that the proposal in clause 4 of the Bill introduced by Hon Tom Butler refers to section 23 of the principal Act to which, incidentally, Mr Butler never referred in his second reading speech. Hon Tom Butler did not mention section 23 in his second reading speech; Mr Masters did. Section 23 says in part that "the commission in the exercise of the jurisdiction conferred on it by this part shall not", and then follows on page 21 paragraphs (e) and (f) which Mr Butler's Bill wishes to delete, yet he made no reference of this in his second reading speech. Paragraph (e) is as follows --

> (e) provide for --
>
> (i) compulsion to join an organization or obtain or hold employment; or
>
> (ii) non-employment by reason of being or not being a member of an organization;

So if the Bill is not dealing with compulsory unionism, why does Mr Butler want to delete that provision? It is as simple as that.

We oppose the Bill on principle. We cannot understand why section 113 should be amended to enable the registrar to issue certificates of exemption or why he should be the judge and jury of all things associated with unionism. It is amazing that Mr Butler has that much faith in that course of arbitration, because he says in his second reading speech that the commission which will be dealing with these applications is identified by Western Australians as being the umpire and the judge. I am amazed that he should absolutely and

unequivocally say that the commission is the umpire and the judge. If that were the case, why should there be so many objections -- loud objections -- to decisions made by the commission? How many times do we see strikes continuing despite rulings by the commission that they should end, when the commission is acting as umpire and judge? Why should he have so much faith in the commission's being able to, correctly, be the umpire and the judge when so often it has been proved not to be so -- when people have not accepted decisions made by the commission as the umpire and judge? So many of its decisions have not been accepted on many occasions. Having established that the Bill deals with compulsory unionism, I need not go any further than to repeat that the Bill chooses to delete section 23(e) and 23(f) of the Act.

Mr Butler's Bill deals also with section 113 of the Act and he wishes to amend this section by inserting a provision which says that the commission "may" make regulations "requiring the registrar to issue certificates of exemption from membership of organisations". He may issue them, which means that he does not have to issue them. Therefore, having taken out the provision in section 23 that provides the safeguard for the worker who does not want to be a union member, we are now left with section 113 being amended so that the commission may order the registrar, and the registrar may issue a certificate. It is a three-way move in the provisions of the Bill for a person to gain exemption from compulsory unionism. The Bill also says very clearly that the registrar can prescribe fees that a person not wishing to be a union member will have to pay into some account established somewhere to evade the liability of compulsory unionism.

Section 113 says that the members of the commission or a majority of them may make regulations providing for the duration of the certificate referred to in paragraph (a). In other words a person applying for a certificate of exemption will more or less be on parole; he will not be able to get a permanent certificate to say that he need not belong to a union. All he has is a piece of paper that indicates that he does not need to be a member of a union. It will be rather like a P-plate, for want of a better description; it will certainly be very temporary because eventually he will have to go back through the same applications and face possibly the same waiting period to be heard before he will be able to produce a piece of paper showing that he is a non-unionist and has been guaranteed by the commission that he has received absolution from the sin of not being a union member. But why should he need that bit of paper?

The question that crosses my mind more than any other is at what time would he have to produce this paper? When will the paper be needed? At what stage in his life will a person be compelled to produce this piece of paper? This is the most horrifying aspect of the whole Bill. We in the National Party do not believe that everyone must belong to a religion. A person may belong to a religion but we do not believe that he must carry a piece of paper to say that he need not belong to a religion. Unionism is something like religion. Consequently we cannot go one inch of the way with Mr Butler's proposal.

I take the point made by Hon Gordon Masters when he said that in 1986 a similar proposal was not agreed to by the tripartite council. We have been informed that this Bill not only was not discussed by the tripartite council but also was introduced last week without its knowledge. So much for the consensus of this tripartite council, which is the advisory body to Mr Dowding, the Minister for Labour, Productivity and Employment, and which has represented on it both employer and union members. The tripartite council was not even being thought of much less being informed about the introduction of this Bill into this place. Yet it is not so long since a similar Bill was introduced here and Government members kept on with the pressure of saying it had been approved by the tripartite council.

Hon D.K. Dans: And you didn't believe me.

Hon H.W. GAYFER: It does not matter. Mr Dans claimed every time during the course of that Bill that the tripartite council had agreed to it and therefore there was no reason why it should not be agreed to by members opposite at the time or those members who held opposing views. I put it straight back to Mr Dans: If it applied in one instance that the tripartite council's concurrence was needed, heavens above it needed that concurrence to be brought forward this time! Mr Butler will have a lot of explaining to do to the tripartite council as to why he has put himself up as judge and jury -- in fact, as God Almighty -- and

introduced legislation which has not been approved by that council. We oppose this Bill.

Debate adjourned, on motion by Hon Neil Oliver.

MARKETING OF EGGS AMENDMENT BILL

Assembly's Message

Message from the Assembly notifying that it had disagreed to the amendments made by the Council, now considered.

In Committee

The Chairman of Committees (Hon D.J. Wordsworth) in the Chair; Hon Graham Edwards (Minister for Sport and Recreation) in charge of the Bill.

The amendments made by the Council, to which the Assembly had disagreed, were as follows --

Page 8, line 11 -- To delete the words "Minister shall" and substitute --

Legislative Council shall appoint a Parliamentary Committee to

Page 8, line 15 -- To delete the word "Minister" and substitute "Committee".

Page 8, line 19 -- To delete the word "him" and substitute "the Committee".

Page 8, line 21 -- To delete the word "Minister" and substitute "Committee".

Page 8, line 21 -- To delete the word "his" and substitute "the".

The Assembly's reasons for disagreeing with the Legislative Council's amendments were as follows --

(1) The Bill already contains an adequate mechanism for review of the operation and effectiveness of the Egg Marketing Board and the effectiveness of the Act.

(2) That mechanism has been acceptable to both Houses of Parliament in a number of other recently passed Bills of a similar nature.

(3) The Legislative Council is exceeding its jurisdiction in insisting upon amendments, taking unto itself the executive powers it is now claiming.

Hon GRAHAM EDWARDS: I move --

That the amendments made by the Council be not insisted on.

Hon C.J. BELL: I believe we should insist on our amendments. The message from the other Chamber contains some factual errors and some presumptions to which this Chamber might take strong exception. Point (1) is clearly not true. Perhaps I might quote some remarks of Hon Joe Berinson in relation to this on 30 September 1980 which are reported at page 1632 of *Hansard*. During the debate which set up the Standing Committee on Government Agencies he quoted from an editorial in *The Weekend Australian* of 27-28 September of that year and referred to some comments made by Senator Rae. I would like to quote those comments because they are important to what we are talking about today, which is the role of this Chamber and its power to do things, and the reasons why it should do them. Hon Joe Berinson said --

> Senator Rae made perhaps one of his most telling points when he demonstrated that statutory authorities and their bureaucrats lead a charmed life when compared with organisation in the private sector with which the "qangoes" sometimes seek to compare themselves. Organisations such as the Australian Wheat Board or the Australian Egg Board, he pointed out, have no competitive benchmark. "These bodies have monopoly powers and thus the market cannot judge their performances," he said. Neither, he might have added, can the shareholders -- the taxpayers -- judge their performances, or vote the directors and executives out at an annual general meeting. Appointed by the Government, the executives and senior bureaucrats are not only protected by normal Public Service regulations but by Governments which will not sack them if they are inefficient for fear of losing face by admitting the wrong appointments were made in the first place.

> Those comments, I would submit, are readily transferrable from Commonwealth to State and from the particular primary industry agencies referred to, to agencies in general.

That contains some of the points that have to be made. The basic thrust of the amendments we sought to make was to take from the Minister the power to conduct the review of a body of which he is in charge, and of which he is the guardian, and give it back to Parliament. We are not seeking to take the power to make the review from that body, or any outside body, or any individual. We are seeking to make the Legislative Council responsible for reviewing the legislation which it passes. It is quite ludicrous to suggest that the Minister and his bureaucrats -- with the best will in the world I suggest that Ministers are unlikely to have total control of their bureaucrats -- should review a statutory authority for which they are responsible. If this amendment were put in place it would not mean that the statutory authority would come to an end. It does not mean that anybody will necessarily finish their job on a given date. It just says that a committee of the Legislative Council will review the operations of the Act which it passed, and surely that is part and parcel of its responsibility. The committee would review the Act and present a report to Parliament. It is then the Minister's responsibility to accept or reject any report which comes into the Chamber. The Chamber cannot compel him to do anything, and it is up to the Government as to what action it takes. However, the public and the Parliament would know that the review was carried out openly, impartially, and to the benefit of the community as a whole, not to the benefit of the department or the Government. It would be to the benefit of the community to which this Parliament is responsible. That is the basic thrust of what we seek to do.

[Questions taken.]

Hon C.J. BELL: In case any member assumes that the comments of Hon Joe Berinson were a slip of the tongue, we might look at further quotes from him. On 6 April 1982, on page 541 of *Hansard*, he said --

> There has never been any doubt in my mind that detailed parliamentary scrutiny of Government agencies is highly desirable.

Once members form a Government they do not want a Government examination of the legislation for which they are responsible.

Hon Graham Edwards: I do not think you understand the legislation.

Hon C.J. BELL: I understand the legislation perfectly.

Hon Graham Edwards: Of course you get scrutiny of the board. What you are saying is pure nonsense. You obviously lack understanding in this matter.

The CHAIRMAN: Order! This is the Committee stage of the Bill, and any member can speak any number of times.

Hon C.J. BELL: That is an incredible statement from the Minister, who clearly does not understand the import of the proposal. We have set out to ensure that this Chamber reviews the legislation, for which it had the partial responsibility for putting in place. The Minister sought in his original proposal to have a review carried out by the Minister and his department, or anybody else he might see fit to conduct that review. That is quite unsatisfactory because we cannot and will not get a proper review in that type of circumstance.

Hon Graham Edwards: Tell us why not.

Hon C.J. BELL: As I said, and as Hon Joe Berinson said also -- and I quote his last sentence to the Minister, because perhaps he was not listening earlier --

> The executives and senior bureaucrats are not only affected by normal public service regulations but by Governments which will not sack them if they are inefficient for fear of losing face by admitting the wrong appointments were made in the first place.

Hon Graham Edwards: What does that have to do with the review of this legislation?

Hon C.J. BELL: It has everything to do with it because this Chamber of Parliament will make a review.

Hon Graham Edwards: We know that, but tell us how it is going to make an effective review.

Hon C.J. BELL: The Minister will not make an effective review -- or is unlikely to -- and I make the point that we are talking about a five-year span.

Hon Graham Edwards: Tell us how this Chamber will effectively review this industry?

Hon C.J. BELL: We have a committee of this Chamber which will be empowered --

Hon Graham Edwards: With expertise in that industry?

Hon C.J. BELL: Yes; it will seek that expertise if it requires it.

Hon Graham Edwards: So you are going to appoint someone to stand for your party, with expertise in the egg marketing industry?

Hon C.J. BELL: This Chamber has the expertise to pass this legislation; the Minister is happy about that; but he then says it does not have the expertise to review the legislation. That is a nonsensical argument if I ever heard one.

Hon Graham Edwards interjected.

The CHAIRMAN: Order! The Minister will have his opportunity in a moment.

Hon C.J. BELL: This Chamber has a committee to review Government agencies -- the Standing Committee on Government Agencies -- and it may at any time review any statutory organisation.

Hon N.F. Moore: Do you think the Minister thinks that committee has the expertise to do the job?

Hon C.J. BELL: I wonder about that. The reality is that that committee would be the normal one to review statutory legislation, but because we are talking about a period of five years, we cannot necessarily presume that committee will be in existence; and that is the reason why the words were used that "A committee of the Legislative Council will review the legislation."

If the Government wishes to change the Standing Committee on Government Agencies, which has a particular expertise in this role and has had this role as its duty for a number of years, it could do so. I have no objection to moving in that direction, but the Government then turns around in the next couple of lines to say -- and perhaps we ought to move on to this -- that the mechanism has been acceptable to both Houses of Parliament in respect of a number of other recently passed Bills of a similar nature. Quite frankly, only one other piece of similar legislation, which was in regard to the Potato Marketing Board, has been passed in recent times. I raised this matter during the debate, although I did not press it. As far as I am concerned, in future I will seek to insist in all similar legislation that this Chamber reviews these matters as a matter of course.

We passed a Bill some time ago which was brought to the Chamber with some urgency from the industry concerned, and little progress has been made since that time, which is a matter of concern to the industry; and perhaps we should have taken more care to insert a proper review clause in that Bill. I am sure that if that legislation comes back to this Chamber, we may look at doing just that.

Another statement, which I suggest was the height of arrogance or impertinence, was that this Chamber is exceeding its jurisdiction. We are told by the Minister that this Chamber has exceeded its authority by amending this Bill to take the review power from the Minister and give it to this Chamber. The Minister also said that this Chamber would exceed its jurisdiction if it insisted upon its amendments.

We should perhaps consider what some of the Labor Party members do in fact think about this. What we are coming down to is the real nub of what the Labor Party believes is the role of this Chamber. I was interested to look at the transcript of the Royal Commission into Parliamentary Deadlocks to see what the Labor Party thought the role of this Chamber was, because when one analyses the net effect of what is proposed, this Chamber becomes an absolute nothing; it has no powers whatsoever. If one adopts the conclusions that were made on page 301 of the transcript, the Legislative Council is to have no power; it has a suspensory veto only, which is its sole power. The Council could redefine its role to include the maintenance of vital research and information that is essential to modern Government. If that is not the biggest piece of bumpkin one could ever read, I do not know what is.

Hon T.G. Butler: Are we marketing eggs?

Hon C.J. BELL: We are talking about the jurisdiction and the role of this Chamber, because the Minister's concern was that this Chamber has exceeded its jurisdiction. I am sorry that Hon Tom Butler did not understand what we are talking about.

There is no contest in respect of the effectiveness of the changes to the Marketing of Eggs Act. The only thing which this Chamber sought to change was to insert a review clause in this Bill for which this Chamber would have responsibility. We made no changes to Government policy in regard to the marketing of eggs. We accepted every proposal that was put before us in regard to the marketing of eggs. The only thing we sought to do was to make this Chamber responsible for the legislation which it passes. Even if the provision were not contained in the Bill, the Standing Committee on Government Agencies could still carry out such a review. However, if the matter was of a somewhat sensitive nature, the Government of the day -- whether this one or another one -- would be likely to resist it.

Hon Graham Edwards: In five years' time, it will be this one.

Hon C.J. BELL: The honourable member's Christmases may come around occasionally, but I would not count on that one. The point is that a Government may seek to resist a review of that kind because it is sensitive. In many cases the very fact that a Government reviews its own legislation causes those who have an interest in the matter to play the system -- one off against the other. If it were to come to the Council, a proper and fair review of the legislation would be much more likely.

Those are the reasons why we moved to amend this Bill. Those reasons are as valid today as they were when we sought to put them into the Act. For that reason, I cannot accept the motion of the Minister that we do not insist on our amendments.

Hon H.W. GAYFER: I will not debate the various objections that the Assembly has raised, through its Committee, as to why it should not agree to the amendments made in this place. I will not argue the merits or otherwise of the reasons those amendments were made in this place. What I will argue with is the right of the Assembly to instruct this Council that it is exceeding its jurisdiction in insisting upon the amendments, taking unto itself the executive powers it is now claiming.

Opposition members: Hear, hear!

Hon H.W. GAYFER: That is the point at issue. It matters not that, according to the Government, there is something sinister about us having a committee, and why that committee should be set up. The reasons for the existence of that committee are not part of the objections that we in the National Party have to this message from the Assembly. I repeat that what inflames us is the fact that the Assembly is telling the Council that the Council does not have the right to do certain things.

I will quote from the Parliamentary Privileges Act, section 1. This is something we should remember for all time, because it is the basic purpose of this place --

> The Legislative Council and Legislative Assembly of Western Australia respectively, and the Committees and members thereof respectively, shall hold, enjoy, and exercise such and the like privileges, immunities, and powers as, and the privileges, immunities, and powers of the said Council and Assembly, and of the Committees and members thereof, respectively, are hereby defined to be the same as are, at the time of the passing of this Act, or shall hereafter for the time being be, held, enjoyed, and exercised by the Commons House of Parliament of Great Britain and Ireland and by the Committees and members thereof, so far as the same are not inconsistent with the said recited Act or this Act, whether such privileges, immunities, or powers are or shall be, held, possessed, or enjoyed by custom, statute, or otherwise. Provided always, that with respect to the powers hereinafter more particularly defined by this Act, the provisions of this Act shall prevail.

The right of this place to set up a committee of any description is encompassed in the decisions we make. It is not for another place to tell us that we cannot do it. That, and nothing else, is the objection that I have to this Assembly message. For that reason alone we have to disagree with the message. It does not matter what it contains. It does not matter whether I agree with the supplementary explanation that the committee will not serve any

purpose. That matters not a whit. What does matter is that somebody somewhere is telling this place that we cannot do something. No-one in this Chamber could agree with this message. If anyone does agree with it that is tantamount to saying that they have no faith in this place, and do not agree with the rights and privileges under which it was set up.

Hon T.G. Butler interjected.

Hon H.W. GAYFER: I would tell Hon Tom Butler that I am right. If any members do disagree with the rights of members in this Chamber, they are hypocritical in sitting in this place and should no longer be in this Chamber. In fact, they should resign forthwith, because they do not support the rights and beliefs which we accept when we take the solemn oath to uphold the traditions of this Chamber. For that reason, and I am very sincere about this, I would tell Hon TomButler --

Hon T.G. Butler: So am I.

Hon H.W. GAYFER: -- nobody is going to usurp our privileges by writing to us from another place and saying we cannot do something. By God, if we want to do it we will do it.

Hon G.E. MASTERS: I endorse the comments made by Hon Mick Gayfer and Hon Colin Bell. We should deplore this kind of message. It is the first time I have ever seen such a message come to the Legislative Council in the whole of the time I have been in Parliament. We must send a message to the Minister, Mr Grill, saying that we are not at all happy and will not accept that sort of statement. I do not think the Minister responsible for sending this message understands at all the role of the Legislative Council. He has become so puffed up with his executive and ministerial powers that he does not think anyone, least of all the Legislative Council, should make any comment or criticism at all. We know that he and his Executive -- the Ministers and the Premier himself -- treat the members of this Chamber with absolute contempt. They have never had any opportunity to make a firm contribution which has sought to deviate from the party line.

Hon B.L. Jones: Not all of us.

Hon G.E. MASTERS: The day that members opposite do so, I will be very pleased. I invite them to do it. Members on this side of the Chamber, be it National Party or Liberal Party, will not accept this kind of message. If there was ever any chance of the Minister succeeding in rejecting and arguing against the amendments, it has failed, simply because he has insulted this Legislative Council.

Hon Graham Edwards: How do you know it has failed?

Hon G.E. MASTERS: I think it will fail. I ask the Minister if he will support this message.

Hon Graham Edwards: You are caucusing these days, are you?

Hon G.E. MASTERS: Rhubarb! I would have thought that the Minister who is interjecting would have joined us. By the time most of us have spoken on this subject and expressed our opinions, he will have a fair idea of how he will go.

The message says --

> The Bill already contains an adequate mechanism for review of the operation and effectiveness of the Egg Marketing Board and the effectiveness of the Act.

That is the Minister's opinion and he has a right to it, but so have we a right to our opinion and we can express it how and when we want to in this place. The executive powers have become so great under the Burke Government in Western Australia that the Government has lost track of what it is about. It is about one thing in particular, which is to serve Parliament and the people of Western Australia. The Executive -- the Ministers -- are elected by members of Parliament and provide the Government of the State, that is as far as it goes. They are responsible to the Parliament. If this Parliament cannot proceed with its business, we might just as well not be here.

Part (3) of the Assembly's reasons says that the Legislative Council is exceeding its jurisdiction in insisting upon the amendments, taking unto itself the Executive powers it is now claiming. We are not taking unto ourselves the Executive powers but rather the responsibility as members of Parliament of considering legislation and making judgments on it. I draw members' attention to a report of the Select Committee on a Committee system in

the Legislative Council, the members of which were Hon J.M. Brown (co-Chairman), Hon V.J. Ferry (co-Chairman), Hon I.G. Pratt, and Hon Mark Nevill. Two are members of the Labor Party, and one of them was co-Chairman. I quote now from the committee's interim report which stated --

> Your committee is impressed by the achievements of the Federal Senate which has managed to preserve its legislative powers, and their exercise, intact while expanding its functions by judicious and timely use of select and standing committees.
>
> Your committee accepts the constitutional role of an upper house as being one of revision and investigation. Its absolute veto over legislation may be likened to the reserve powers of the Crown, ie, if it is to be used at all, it is used sparingly and in cases of necessity.

I refer now to page 1 of the final report where it deals with the role of the Council as a second Chamber and states --

> In our interim report we said:
>
> > . . . the preservation of the bicameral system lies in defining with some precision the functions a second chamber may usefully perform without being seen as a threat to the government of the day. . . .Your committee accepts the constitutional role of an upper house as being one of revision and investigation.

I put it to members that the message we have here is nothing short of insulting. The Minister obviously has no understanding whatever of what this Chamber is about or the role of members of Parliament, whether his own members or members on this side. There is a man who has such contempt for this place that he sends this sort of message. There is a man who by his performance in recent times is shown to be inadequate, and he should have resigned a long time ago. He fouled up an abattoir sale and took the responsibility on himself and robbed the public of $3 million or $4 million.

Hon Fred McKenzie: Rubbish!

Hon G.E. MASTERS: This man has used the same adviser and the same tactics on this Chamber, but they will not work. I implore members on both sides to reject the message and take it as an insult and insist on our amendments to the legislation.

Hon N.F. MOORE: I also do not support the motion put forward by the Minister for two reasons. One relates to the question of having a review of the operations and effectiveness of the Egg Marketing Board. This Chamber, quite rightly in my view, deleted the words "the Minister shall" and inserted "the Legislative Council shall appoint a Parliamentary Committee to". The Bill then goes on to talk about reviewing the operations and effectiveness of the board.

At the time I would have preferred to write in instead of "Parliamentary Committee" the words "Standing Committee on Government Agencies", but I am advised that the former was the appropriate wording to use in view of the fact that the Standing Committee may disappear at some time in the future. That would make its insertion in the Act irrelevant at some future date. So I was happy to go along with the words that were inserted, but I believe the most appropriate body to carry out the review function is the Standing Committee on Government Agencies.

I was interested to hear the Minister's interjections during the speech of Hon Colin Bell when he said the committee referred to in the amendment would not have the expertise to carry out the review and in effect he said the only people capable of doing that were the Minister or his department. That is clearly an insult to his own colleagues because the Standing Committee on Government Agencies consists of three Government members and three non-Government members. That committee has a commendable record when one considers the activities it has carried out since its inception.

Hon J.M. Brown: You tried to ruin it once.

Hon N.F. MOORE: I did not.

Hon J.M. Brown: Yes you did. You politicised it.

Hon N.F. MOORE: I sought to have my point of view expressed in the committee and it was different from that of the honourable member. He claimed that because I had a different view I took a political view.

Hon A.A. Lewis: I thought they took their football and went home.

Hon N.F. MOORE: They did, and they withdrew from the committee in a ridiculous and juvenile performance.

Hon J.M. Brown: On your part!

Hon N.F. MOORE: It must be expected that from time to time members of a committee will disagree about conclusions, and on this occasion we disagreed. It was one of the few times this committee has had that problem, if I can call it that. Politicians of different persuasions will always argue from time to time. That committee has written a large number of reports which have met with the agreement of both sides of politics, and it has made some excellent recommendations. Regrettably Governments have not always seen fit to adopt them, but they have been well researched and presented by a committee which has the financial capacity to employ a research officer and an executive officer who is a well-qualified lawyer with the capacity and expertise to instigate inquiries of the sort envisaged by Hon Colin Bell when this Bill was here before.

If we are serious about Parliament having a role in legislation we have to be serious about the input committees can make. Hon Colin Bell who moved these amendments and was supported by this Chamber has done us a service by drawing attention to the need for this Chamber to get itself involved in the review of statutory authorities. We agreed some years ago to set up the Standing Committee to look at statutory bodies, and it follows as night follows day that that is the most appropriate body to review their functions and effectiveness.

I commend this Government on instituting review clauses. For the first time I can recall since I came here review clauses have been attached to legislation. That is a step in the right direction, and I am the first to compliment the Government for doing that. We are suggesting the next step. The review should not be done by the Government itself -- the old Caesar unto Caesar problem -- but should be reviewed by the Parliament. I am a bit offended, and I guess members opposite are, at the Minister's suggestion that we do not have the expertise to review the functions of the board when we have the expertise to set up the board in the first place to decide whether there is a need to do certain things. It is an insult not only to me and members on this side of the Chamber, but also to the Minister's own colleagues, particularly those who are members of the Standing Committee on Government Agencies. I will be fascinated to hear their views on what we are seeking to do tonight.

We should reject the views of the Assembly expressed in reasons (1) and (2) because what we have sought to do here is the correct way to go. It is a step in the right direction and the beginning of a system whereby Parliament reviews the activities of the bodies it sets up. What better way to ensure we do not adopt a rubber stamp approach to what we do than to give ourselves a role in deciding whether the bodies we set up by legislation are doing the job? Other members have referred to the third reason for the Assembly's disagreement with us, and I agree entirely with the comment made by Hon Mick Gayfer, which hit the nail on the head.

Section 46(5) of the Constitution Acts Amendment Act states --

> Except as provided in this section, the Legislative Council shall have equal power with the Legislative Assembly in respect of all Bills.

The exception to which it refers is in relation to money Bills. We all know that this Chamber has certain restrictions in what it can do with regard to money Bills. However, with all other Bills this place has the same rights and powers as the Legislative Assembly. Those rights and powers are to move amendments to legislation providing those amendments do not relate to money.

The amendments mean that instead of the Government reviewing the operations of a board, a committee of the Parliament should review those operations. The review of the operations of a committee or a board are clearly within the competence of this place. For the Legislative Assembly to suggest that this Chamber is in some way exceeding its jurisdiction by these amendments, is unbelievable. I cannot understand how the Minister in charge of this

legislation could come up with such an objection. It does not make sense in law and it is clearly quite absurd. To invoke this sort of argument because the Minister does not want the Legislative Council to review the Egg Marketing Board makes one wonder where his priorities lie. We have an argument about the constitutional rights of both Houses of Parliament over the very important issue of who will review the Egg Marketing Board!

When I read the Assembly's third reason for not agreeing to the amendments I could not believe that it was put forward as a reason that the Legislative Council should not insist on its amendments. I believe that this place should insist on the amendments for the two reasons I have mentioned. Firstly we should, as a Chamber, use one of the committees, in this case it should be the Standing Committee on Government Agencies, to undertake a review of the Egg Marketing Board. As I have already said, I compliment the Government on having a review clause, but I wish that it were not the Government reviewing it, but rather the Standing Committee on Government Agencies.

The second reason I oppose the amendments is the absurdity of the third paragraph of the Assembly's message which suggests that the Legislative Council does not have the power to amend Bills. It is beyond my comprehension why we should have this sort of tripe dished up to this Chamber. After all, this Chamber has rights and powers equal to those of the Legislative Assembly. I reject the Minister's proposition.

Hon A.A. LEWIS: I align myself with the remarks of Hon Mick Gayfer. I wonder how much further the Minister for Agriculture can go in insulting this Chamber. He has continued to do it under his portfolio of Minister for The South West. He does not recognise any member of this place in their electorates. A perfect example of this Minister is that a shire president and a shire clerk waited for him at an airport for one and a quarter hours -- he was two and a half hours late but they had heard only about the first hour. This man wanders around the south west ignoring all members of this place and this message compounds what Minister Grill is doing.

The CHAIRMAN: Order! I have to draw members' attention to the fact that this message comes from the Legislative Assembly. It does not come from a Minister and I ask members to refrain from naming a particular person.

Hon A.A. LEWIS: The message comes from the Legislative Assembly and the person who handled the Bill and suggested the amendments be rejected in the Legislative Assembly continues to be extremely rude and arrogant.

Hon P.G. Pendal: He had a haircut for the by-election.

Hon A.A. LEWIS: He might be like Samson -- he might be losing his strength. He certainly is in the south west.

A Government member interjected.

Hon A.A. LEWIS: The Government will lose. The Labor Party says that it will be six per cent, but it will be in the order of 16 per cent.

The CHAIRMAN: Order! The member will confine his remarks to the message before the Committee.

Hon A.A. LEWIS: I am sorry, Mr Chairman, but the interjection diverted me from what I wanted to say.

This is something that no elected member of this place can put up with. Mr Chairman, you can imagine what Hon Roy Claughton would do if he were still in this place. I have a fair idea what Hon Peter Dowding would have said if this sort of message had come back from the previous Government. There is a gentleman on my left, whom I will not name, who would have liked to have a fair crack at it. I also know what Hon Des Dans would have said had the situation been different.

A Government member: Circumstances alter cases.

Hon A.A. LEWIS: Members opposite shifted their ground when they went into Government. I suppose Hon Des Dans has shifted a little since he has moved from the frontbench to the backbench. Hon Phil Pendal sticks with the point all the time and I wish that Hon Tom Butler would do the same.

Hon T.G. Butler interjected.

Hon A.A. LEWIS: He did not say that. Mr Chairman, I hope that you allow me to deal with Hon Tom Butler's interjection.

The CHAIRMAN: Order! It was out of order and I did not hear it.

Hon A.A. LEWIS: I did, Mr Chairman, and I hope that *Hansard* did not, but I will correct it. He continues to refer, out of context, to Hon Phil Pendal's comments about blocking legislation. Any person who reads what Hon Phil Pendal said would know that that was not the context of his speech. Hon Tom Butler goes on, as he continues to do now --

Point of Order

Hon GRAHAM EDWARDS: I understand that we are debating a motion not to insist upon the amendments and I believe that you, Mr Chairman, should draw that to the attention of the member who is speaking. He is nowhere within cooee of the motion.

The CHAIRMAN: Hon A.A. Lewis will continue and he will take note of what I said earlier.

Committee Resumed

Hon A.A. LEWIS: I am dealing with the Assembly's reason (3) and the slur on this place. I reiterate that I believe that Hon Mick Gayfer has thrown the challenge to the Government to see how every member of the Government votes. There is no doubt in my mind that the Opposition will be voting against the Minister's motion.

Hon H.W. GAYFER: I bring members back to my previous comments. The argument before the Chamber is House versus House. I did not name one person. In fact, not one but three people drew up the Assembly's reasons for disagreeing to our amendments. I wish to make it very clear that the other House never objected to its three reasons for objection. They did not even go to a division.

In other words, the message from my previous comments in respect of this matter was an objection to the fact that the other House should believe that it has the authority to tell this Chamber that it is not allowed to do something as far as legislative practice is concerned. That is my objection. I am not bringing personalities into this. I am defending the right of this Chamber in the same way as I have defended it before. No person, party, or other House shall tell this place what it shall or shall not do when its rights and privileges are well and truly stated in the Constitution. I make it clear that I am not attacking any person, I am attacking a decision which was not questioned by any member of the other place. The thing that irritates and hurts me so badly is that the other place should not have the effrontery to tell this place what it should or should not do.

Sitting suspended from 6.00 to 7.15 pm

Hon GRAHAM EDWARDS: The thrust of the motion before the Chamber is that the Legislative Council should not insist upon its amendments. In its original form the Bill contains adequate provision for the appropriate review of the operation and effectiveness of the board. I refer members to clause 20 of the Bill. I believe the most important function of this clause relates to the effectiveness of the operations of the board. Importantly, the Minister is in a position to appoint suitably qualified persons to carry out that review having regard to the operations of the board and its effectiveness.

I refer members opposite to proposed subsection (2). Quite clearly and logically if the Opposition believes that it has a function -- and I do not deny it does -- that function should follow the tabling of that review in this place and in the other place; if at that stage the Opposition is not happy that the review has achieved the standards it wishes, a number of courses are open to it. If the Chamber insists on these amendments, I believe the Opposition needs to explain to the industry why it is taking from that industry the ability to conduct the activities of the industry -- and, indeed, taking from the Minister the ability to conduct a review.

Hon C.J. Bell argues that he is seeking to review the legislation. I put to him that he is not seeking to review the legislation but is really preventing an objective review of an important agricultural industry in this State. I asked by way of interjection how we can be sure we have the required expertise in this Chamber to conduct an operational review of the board;

remembering that the bureaucrats to which Hon C.J. Bell refers do have some expertise in that area, and that is why they are employed in the egg industry. The same may not be said of members in this Chamber. Members may not have the expertise to conduct an operational review of the effectiveness of the board across the State.

The Act is not to be reviewed; I reiterate, the operational effectiveness of the board is to be reviewed. For that reason I believe this Chamber should not insist on the amendments. I urge members opposite to support the motion.

Hon C.J. BELL: I was interested to hear the Minister's comments because quite clearly he has failed to understand the import of the debate; that is, the powers of the Legislative Council to carry out a review. The Minister says the Legislative Council has no powers to carry out a review of an Act of which it is the creator.

Hon Graham Edwards: That is not what I said. I said the operational effectiveness.

Hon C.J. BELL: That is the net effect of what the Minister said. I question the point the Minister made regarding people involved in the industry having the competence to report effectively. Any person that the Minister calls to give evidence can be called by the committee of this Parliament. We would expect that, and such people would be the first the committee would call on to give evidence on the performance and effectiveness of the operations of the board, the need for the continuation of the functions of the board and such other matters as appear relevant. To suggest that a committee of this Parliament could not call on them would indicate that either the Minister has no intention of cooperating with the Chamber and is trying to preclude Parliament from reviewing legislation it has created, or he misunderstands the appropriateness of the Council or any House of Parliament to review legislation.

The third point of the message states that one of the reasons why we should not insist on the amendments is that this Chamber is exceeding its executive powers. Surely the powers of the Executive are to administer the Act within the parameters of the Act; not to change the Act, not to review the Act, but to administer the Act. To review the Act is the role of the Parliament, not the Minister who administers the Act. The key to the whole argument is that Parliament has the right to review its own legislation. The Minister has the role and responsibility to administer that legislation, and at the end of the day he has no obligation whatever to put in place any review recommendations which might come forward from a Committee of this Chamber. That is the prerogative of Government, and so it should be. The Government makes decisions. It is the role and right of this Chamber to review legislation, and it is the role and right of the Minister to administer the legislation -- we ought to be quite clear about the difference between the two.

Hon Robert Hetherington: Are you arguing that the Minister has no right to review legislation?

Hon C.J. BELL: Not at all. He should be reviewing it all the time, but we are talking about the formal right of this Chamber to say it wishes to review. I would hope the Minister would carry out an annual review of legislation. When he makes annual reports to the Parliament, effectively that should be the annual review of the legislation.

The arguments propounded by the Minister do not hold water and this Chamber should reject the motion moved by the Minister for the reasons I have outlined.

Question put and a division called for.

Bells rung and the Committee divided.

The CHAIRMAN: Before appointing tellers, I cast my vote with the Noes.

Division resulted as follows --

Ayes (13)

Hon J.M. Berinson	Hon Graham Edwards	Hon Robert Hetherington	Hon Fred McKenzie
Hon J.M. Brown	Hon John Halden	Hon B.L. Jones	*(Teller)*
Hon T.G. Butler	Hon Kay Hallahan	Hon Garry Kelly	
Hon D.K. Dans	Hon Tom Helm	Hon S.M. Piantadosi	

Noes (14)

Hon C.J. Bell	Hon H.W. Gayfer	Hon N.F. Moore	Hon D.J. Wordsworth
Hon J.N. Caldwell	Hon A.A. Lewis	Hon P.G. Pendal	Hon Margaret McAleer
Hon E.J. Charlton	Hon G.E. Masters	Hon W.N. Stretch	*(Teller)*
Hon Max Evans	Hon Tom McNeil	Hon John Williams	

Pairs

Ayes	Noes
Hon Doug Wenn	Hon Neil Oliver
Hon Tom Stephens	Hon P.H. Lockyer

Question thus negatived; the Council's amendments insisted on.

Report

Resolution reported, and the report adopted.

ELECTORAL (PROCEDURES) AMENDMENT BILL

In Committee

The Deputy Chairman of Committees (Hon John Williams) in the Chair; Hon J.M. Berinson (Leader of the House) in charge of the Bill.

Clause 1: Short title and principal Act --

Hon A.A. LEWIS: I remind the Leader of the House that while I was making my speech certain remarks were interjected and I said there were some things I would like answered because they reflected on one or two of the amendments. In other words, if an amendment went one way, another amendment would have to follow on. I will ask the Leader of the House some of those questions again and I hope he will answer them.

The Leader of the House has said he wants quicker results and that is why he proposes to close the polls at 6.00 pm, but then he proposes to carry the postal votes through until the Tuesday morning. That does not appear to be making it any quicker and I would like the Leader of the House to explain why it will be quicker.

I asked whether people living within 20 kilometres of a polling place could become general postal voters on religious grounds. I asked about habitation rolls being made more freely available like the ordinary rolls. I asked about the reasons for the counting going on to interpret the results. I asked about the 6.00 pm closure for nominations, and the Leader of the House will remember that because he said it happened federally, when it does not. I can see great difficulties with this one because the Federal people have not indicated that they will move in this way, and we are supposed to be moving as close as possible to the Federal scene. Lastly, I asked about itinerant electors and about members of Parliament who have to live out of their electorate because of their duties in Parliament, and there are quite a number of members of Parliament in this category on both sides of the Chamber. The Bill says that a member of Parliament will not be able to be enrolled in his electorate if he lives out of it, which has always been the right of a member of Parliament. An itinerant elector who is kept out of his electorate because of his occupation or for some other reason is to be allowed to enrol in his own electorate. That seems to be a little out of kilter and the general public will be treated one way while members of Parliament will be treated another way. I will deal with other matters as the clauses come up for discussion, but I would like answers to those questions before we start.

Hon J.M. BERINSON: The question of the quicker result following the 6.00 pm closure of the polls really relates to the general picture of the election result and does not go to the detail of any seat where the vote is so close that we have to wait on postal votes and the distribution of preferences. I think it is true to say that in practice the general picture which emerges of an election is available on the night. What I said in my second reading comments was that that would come two hours earlier. But not a great deal hangs on that; there are a number of reasons to justify a 6.00 pm closure and that is only perhaps a lesser reason.

In relation to general postal votes, I understood the honourable member to ask whether a person could claim a postal vote on religious grounds if he lived inside or outside the

20-kilometre limit. The position is that distances are irrelevant in this case. Habitation rolls are not as readily available as general rolls under this Bill. All I can say is that the position is advanced from the previous position under the present Act, which provides for the ordinary rolls but makes no provision for habitation rolls.

A further question related to the 6.00 pm closing for nominations. From memory I addressed this matter in my reply to the second reading debate and I do not think I can add to what I said, which was that the proposal for the six o'clock closure is with a view to avoiding any possibility of confusion arising from the fact that the voting rolls close on the same day and that they close at six o'clock. This is an attempt to get uniformity to overcome the slight prospect that someone might be disadvantaged or led astray by the different times. I think I said that I saw very little hanging on this one way or the other.

Hon A.A. Lewis: There are enormous administrative details for both the Electoral Commission and for the political parties.

Hon J.M. BERINSON: In a very long period of following elections I can recall only one case of a problem and that is the celebrated case of a New South Wales Minister who did not get there in time to nominate. But nothing much hangs on this.

I really do not see a connection between the arrangement for itinerant voters and that for members of Parliament, who are to be required to nominate in the electorate where they live and vote rather than in the electorate they represent if that does not happen to be the place where they live. Whatever might be said about members of Parliament, I have so far not heard them referred to as itinerants.

Hon A.A. Lewis: You have not had many discussions with country members.

Hon J.M. BERINSON: To that extent we can safely leave those two issues as separate.

Clause put and passed.

Clause 2 put and passed.

Clause 3: Section 4 amended --

Hon P.G. PENDAL: The Opposition intends not only to oppose this clause but also to seek to defeat it, and I signalled that in my speech to the second reading of the Bill a week or so ago. We will seek to defeat the clause not only for what it does to section 4 of the Act but also for its impact on clause 27. The essence of what the Government is seeking to do is to delete the reference in the Act to the term "Christian name". I acknowledge that not everyone has a Christian name. Clearly, people of the Jewish faith would not have a Christian name and people with no faith at all would not, in their view, have a Christian name. In the second reading debate I said that the onus was on the Government to indicate that the term "Christian name" was no longer relevant. If it could demonstrate to the Committee that 10 per cent or 20 per cent of the population were Christians, it could mount an argument to back up its assertion that the term "Christian name" had become redundant. The fact is that in the 1981 census 77 per cent of people in Australia described themselves as Christians in one way or another. The Government is attempting to throw out a term in which 77 per cent of people believe in order to accommodate 23 per cent of people who do not believe in it.

Our amendment to a later clause allows for a more tolerant view of this matter because we seek to put in an option. We do not seek to throw out the baby with the bath water.

Hon J.M. Berinson: You seek to throw the bath water out with the baby.

Hon P.G. PENDAL: That is what it amounts to. It is a reversal of the peculiar situation that people are normally in. I believe that the Opposition's amendment will accommodate those people who do not have Christian names or who find the term offensive. Last week, the Leader of the House attempted to tell us that "given name" means "Christian name".

Hon J.M. Berinson: I said that "given" includes "Christian".

Hon P.G. PENDAL: I accept that. I believe there is no sense in throwing out a term that 77 per cent of the population believes is correct when it is possible to include a term which will satisfy that 77 per cent of the population and the 23 per cent who do not regard themselves as having Christian names. In the second reading debate I said that if the Government wanted

to delete terms that were outdated or that were thought to be offensive to some people, why did it not have the courage to get rid of the great Christian festivals of this nation? This nation closes down for Christmas Day, a paid public holiday. It also closes down for Good Friday and Easter Monday and at least half of the country closes down for Easter Tuesday. That would be the ludicrous position the Government would find itself in as a logical extension of its argument for de-Christianising our language because it no longer has any application to most people.

For those reasons, I ask the Committee to vote against this clause.

Hon J.M. BERINSON: Hon Phillip Pendal said that he does not accept my comment made at an earlier stage that the term "given names" includes Christian names.

Hon P.G. Pendal: I said I accepted that, but I did not accept the accuracy of your argument.

Hon J.M. BERINSON: I assure the Committee that I am nothing if not ecumenical. I do not see this as an issue worthy of prolonged debate. I accept that the Opposition will later move to provide for the possibility of both Christian and given names on ballot papers and I am prepared to accept that as a reasonable approach to this matter. For that reason the Government will not pursue this clause but will allow the opposition to it to prevail.

Hon P.G. PENDAL: I thank the Leader of the House for that response. It is important to many people and I will seek later to do the things that I have signalled that I will do.

Hon E.J. CHARLTON: I signify, on behalf of the National Party, that we will support the amendment to be moved later.

Clause put and negatived.

Clause 4: Section 17 amended --

Hon N.F. MOORE: Will the Leader of the House explain to me why it is necessary to make this alteration? I think it is the product of a very mean mind. Very few members of Parliament are involved. Those who are involved quite deliberately live outside their electorates. Some members, such as I, have huge electorates -- in my case it is about 500 000 square miles in area -- and, because of the transport routes in this State and the way they operate, it is much more convenient for me to live in the metropolitan area and use the transport routes to my electorate. If I lived in Laverton and wished to travel to Carnarvon, I would have to travel to Perth first. It therefore makes good sense for someone with an electorate like mine -- for example, Hon Tom Helm -- to live in the metropolitan area. I take an interest in what is going on in my electorate and I think I am entitled to vote in my electorate even though I do not live there.

I do not think any proposition has been put forward which would present the argument in a way that I find at all compelling. Whoever thought this up has a mean mind, and I hope that we are given an explanation which in some way will help us understand why it has happened. In the absence of such an explanation, I will strongly resist this clause.

Hon J.M. BERINSON: With due respect to Hon Norman Moore, the question is being put in the wrong way. I do not think the question here should be why we are repealing the provision which allows a member to vote in his electorate although he does not live there; the real question is why members were ever allowed to vote in an electorate in which they did not live. No-one else can do it. Hon Norman Moore's only reason for a continuation of the old provision is that members have an interest in the electorate. Of course they do, and many other people may well have interests in those electorates without living there. It has never been suggested that those people, while living at one address, should be able to vote somewhere else. The whole pattern of voting entitlements is based on the place where a person lives.

Anticipating Hon Sandy Lewis, let me say that itinerant voter provisions do not change that one whit because there we are dealing with people who do not have a regular address. It is not a question of anyone being mean; in this provision we are seeking to get away from some special entitlement to members of Parliament which I am sure not once in history has affected the result in an electorate and which is, to take the long and short of it, simply an anachronistic provision. We are getting rid of it and I do not know why it was ever there in the first place.

Hon P.G. PENDAL: All of the arguments about why Hon Norman Moore is correct have been supported by the Leader of the House because he anticipates the debate which will take place in the next clause. He asked why members of Parliament should be allowed to reside other than in the district of a province they represent. He said that does not apply to anyone else. I know we cannot debate the next clause, but suffice it at the moment to say that at a later stage that is precisely what the Committee will be asked to do. We shall be asked to take it one step further and indeed acknowledge that some people do not live anywhere.

I drew attention to the absurdity of that in the second reading debate, and I will not discuss that part of the argument now. But the Leader of the House cannot have it both ways; he cannot say that a member of Parliament, because of the peculiarity of that job, cannot continue to be enrolled in the province even if he does not live there, and yet on the other hand indicate to us that an identical facility will be conferred on itinerant people.

Hon J.M. Berinson: It is not identical because they do not live anywhere on a permanent basis.

Hon P.G. PENDAL: That is an absurdity in itself. I have dealt with that, but the Leader of the House chose not to respond to it during the second reading summary -- that was his failure to do so. Therefore, I put to the Committee the utter absurdity of a person not living anywhere. A person must have some connection somewhere to be in the State. I said last week that a person cannot live in a post office box. Hon Norman Moore's comments should stand. I cannot work out why we should be making such a concession in the following clause, but nonetheless those arguments back up Hon Norman Moore's contention that members of Parliament should continue to enjoy that facility.

Hon A.A. LEWIS: I support Hon Phil Pendal. I know I am not allowed to talk about the next clause, but it is obvious to me that these itinerant voters are not residents. The Leader of the House can tell me if I am wrong.

Hon J.M. Berinson: No, that is not right. They are people in Western Australia but without a fixed place of residence.

Hon A.A. LEWIS: That is not the way I read the legislation, and I ask the Government to look at the drafting of this Bill. I understand that the basis is that they are in Western Australia and do not reside in any electorate, and intend to return. How can they not reside somewhere unless they are touring all the time -- and that would apply to very few people? They are not residents but they intend to return to where they started.

Hon J.M. Berinson: There are two categories and we are going ahead to the next clause. One is the category of persons absent from the State temporarily and the second category covers itinerant persons.

Hon A.A. LEWIS: A person can be away from his original home, his principal abode, his grassroots, because of his job and become an itinerant voter.

Hon J.M. Berinson: Yes.

Hon A.A. LEWIS: But a member of Parliament cannot?

Hon J.M. Berinson: That is right.

Hon A.A. LEWIS: They are conflicting provisions.

Hon J.M. Berinson: No, they are not.

Hon A.A. LEWIS: The Government in its wisdom or otherwise -- I say it is otherwise -- is granting other people certain conditions that members of Parliament, forced to be away from their regular abode but intending to return to it, cannot enjoy. I do not think anyone with any sense would leave my home at Boyup Brook to come to live in the smoky city. Members of Parliament are itinerants, although the Leader of the House does not think so. I do not want this taken the wrong way, but I have only been in my own bed nine days since 4 July. The average country member of Parliament who is working his electorate is a complete itinerant. Because of the fact that -- as Hon Norman Moore said -- a member may have to live outside his electorate to efficiently manage his electorate, the Government has now decided to disbar him from voting for himself. There is no way that at my stage of life I am going to get to the desperate situation of losing my seat by two votes; I can assure members of that.

I think the Minister is trying to have two bob each way with two successive clauses, and the Leader of the House has not explained to this Committee why he wants to this, as I asked him to do when I spoke on clause 1 because I did not really think we should be arguing it. I asked the Leader of the House a question during the second reading debate, and I still have not received an answer. This tends to be the attitude of this Government; it just lets the matter drift and will not give any answers. We will stay here tonight for a while until we get some sensible answers. If there are some sensible answers, I would like to hear them, because the Leader of the House has not given them to me.

Is the number of members who vote in their own electorates, yet live outside their electorates, imposing an administrative burden on the Electoral Commission? As we go through this Bill bit by bit, it seems that even though the Leader of the House talked in his second reading speech about service to the electors, the great service of this Bill in just about every item of it is to the Electoral Commission and to the bureaucrats who are running it, not to the general public. I want the Leader of the House to give us some sensible answers in respect of this clause. I think Hon Norman Moore is right in saying that it is a petty sort of thing. The Leader of the House knows -- and I think he has heard this before in his own portfolio of Budget Management -- that if one gives something to somebody and then takes it away in the next Budget, one will hear about it. The Leader of the House has not given any reason why he wants to remove the provision, and has not told us who will benefit from it. I hope he can answer my questions this time because it is the third time I have asked him for answers.

Hon J.M. BERINSON: I am quite sure I can answer this question but I am equally sure I cannot answer it to the member's satisfaction because it does not matter what I say, he will not be satisfied. As a result, I am really forced to repeat myself, which I will do briefly.

There is only one real consideration in support of the measure to change the right of members to be enrolled in a place other than where they live. That justification rests on the fact that there is absolutely no-one else in the community who can do it, so why should they? I cannot carry that any further; that seems to be a sensible proposition which cannot be taken any further and I do not see why it needs to be.

The second part of the member's question-cum-complaint is: Why are we suggesting this proposal on the one hand and yet have the provisions for itinerant voters on the other? The reason is that the two questions are entirely separate, and it does not matter how few nights Hon A.A. Lewis has spent in his own bed, that does not make the question of itinerant voters any more relevant. However, it does occur to me that part of the problem we have arises from the fact that this Bill does not go into any extensive detail as to the nature of the arrangements to be made in respect of itinerant voters. That has been done deliberately because when the Commonwealth tried to itemise all the refinements in its legislation, it took no less than 10 pages of its Act to deal with this small question of itinerant voters.

This Government's Bill seeks to obviate that sort of detail in the parent legislation and to refer the details to the regulation-making process. I inform the Committee, however, that it is envisaged that the regulations in respect of itinerant voters will mirror the provisions which the Commonwealth has in its Act for itinerant voters. For example, the basic requirement is that a person should not live at any one address for more than one month at a time. If a person who is registered as an itinerant voter does live at a particular address for one month, it is his obligation to re-enrol as an ordinary voter.

I think that really comes down to the example of Hon A.A. Lewis about the number of nights or days that members might be away from their permanent residence. First, members do have a permanent residence; and secondly, even if they are away for a considerable period, it really does not make much sense for them to register as itinerant voters, even though they might qualify for it, because the next time they are back at their permanent residence for one month, they are obliged to become ordinary voters.

Hon A.A. Lewis: As a country member, I am never at home for one month.

Hon J.M. BERINSON: I will accept that if Hon A.A. Lewis tells me that he is never at his home for one month at a time and is never at another address for one month at a time in the course of a year.

Hon D.J. Wordsworth: I have never spent a week at one house since I have been in Parliament.

Hon J.M. BERINSON: That does not mean it is not the member's permanent residence.

Hon D.J. Wordsworth: Which one is the permanent residence?

Hon A.A. Lewis: We have been debating this in the Salaries and Allowances Tribunal for years. You are only an amateur.

Hon J.M. BERINSON: Nevertheless, let me say that if Hon A.A. Lewis and Hon D.J. Wordsworth each want to claim that the nature of their work precludes them from having any permanent address and that they do not reside at any one place for as long as 30 days in a year, then I say to them that if it is their preference, by all means they can register as itinerant voters.

Hon A.A. Lewis: At a time or in a year?

Hon J.M. BERINSON: At a time.

Hon A.A. Lewis: You have changed, because you just said --

Hon J.M. BERINSON: It does not matter whether it is at a time, in a year, in a term of Parliament, or in a lifetime. This debate is really getting ludicrous. We are talking about 100 people in the whole of the State who, for no good reason, are allowed to vote in a way that the rest of the population is not. We are saying that while we accept that members of Parliament are indeed very special people, we need not go to the extent of giving them any particular rights as to their manner of enrolment.

Hon P.G. Pendal: How many itinerant voters are there? There are not many, but you are prepared to extend special provisions to them.

Several members interjected.

Hon J.M. BERINSON: That is all that is involved in this proposition. There is no denigrating what any of the members do. It does not denigrate the nature of their work, the importance of their work, or anything else at all. All it is saying is that members of Parliament do share certain characteristics with the whole of the rest of the population -- namely, they are voters too -- and on that basis their enrolment ought to follow the general pattern.

Hon D.J. WORDSWORTH: There is one great difference between a member of Parliament and the rest of the electorate, and that is that he is a member of Parliament. There are certain things that could embarrass a member of Parliament, such as being taken to court because he has the wrong address listed. It would be easy to prove that a member of Parliament does not live where he is registered as living. This happened to me at the last election. My political opponents questioned the fact that I had on my advertisement an address in Mt Barker. In other words it was suggested I had contravened the Electoral Act. It is sensible that members of Parliament are put separately from the rest of the electorate so that their place of residence cannot be questioned. It is quite easy, particularly when one first qualifies as a member of Parliament, to have the wrong address registered. For example, on my tax return I put the residence where I stayed every night of the last year, whether or not my wife was with me. There is a very good reason to question where the devil my residence is. The Minister is saying that because I started off 14 years ago, having spent a month in Esperance, I can continue to call that my residence. There is no definition of residence in the Bill. I have looked for this before because, as I said earlier, I was greatly embarrassed by my political opponents questioning where my residence is. I think the whole question of this clause was to put beyond doubt the issue of where a member of Parliament resides. It does not matter to the man in the street but it can be very embarrassing for a member of Parliament.

Hon E.J. CHARLTON: Everyone seems to be referring to the next clause, which I think is related to this subject. Nearly everyone has referred to the clause because of its inconsistency. The National Party believes we should be consistent and we do not have a problem with the definition of a member of Parliament's residence. We will act accordingly. The previous speaker said that not many people will be affected by the problem of where they live. Since the last Federal election a number of people have told me they went to vote and were asked the usual questions -- where did they live and whether they still lived there -- and when they replied, "No, not now", they were stopped from voting. A young girl mentioned this to me the other day. She made a point of being honest and telling the electoral officers she had shifted three or four months previously and she was not allowed to

vote. She could have made an absentee vote. However, I think we should be consistent and I do not think this clause is right.

I acknowledge what Hon Norman Moore had said: It is well nigh impossible for him to live in his electorate and do his job properly. I do not think we should be given any special favours as members of Parliament by being able to live somewhere else and yet vote in our electorates. One could take the whole thing down the line and say that when one ceases to be a member of Parliament, and if one is not living in one's electorate, one may not go back to live in that electorate. We should be consistent about this clause. The National Party believes that if it denies members of Parliament the opportunity to vote for themselves, that is one of the prices we have to pay for living outside our electorate at a particular time. There is a principle involved. One cannot allow people to go running off here and there to vote because it suits them. This clause demonstrates that members of Parliament should not be above the regulations and that we should abide by them and have to vote wherever our registered address is.

Hon N.F. MOORE: I am convinced of the righteousness of not only my argument but also of the arguments put by Hon A.A. Lewis and Hon David Wordsworth. I propose to move an amendment which will have the effect of deleting that part of clause 4 that takes away the ability of a member of Parliament to vote within the electorate he represents, even if he does not live in that electorate. I move an amendment --

Page 2, lines 17 to 19 -- To delete the lines and substitute --

(b) by adding after subsection (4) the following subsections --

(4a) A person who --

The effect of that amendment would be to take from clause 4(b) the words --

by repealing subsection (4) and substituting the following subsections --

Those words relate to the taking away from members of the Parliament the capacity to vote in an electorate in which they do not reside. I do that in this way because I do not want to remove the rest of clause 4(b), which is the subsection which is being substituted. I do not want to go through the argument again except to say I happen to be of the belief that members of Parliament, by virtue of the sort of job they have, should be given particular consideration in respect of where they might vote. I guess a member of Parliament has a greater interest in the way in which people vote and who actually votes, particularly when he is up for election himself. I think it is only fair that in view of the nature of our occupation, some consideration should be given to members who are unable to live in their electorates for reasons that preclude the provision of an efficient service to their electors.

I would be interested to know what "itinerant" and "reside" mean in real language, because in the event that I am not successful I will become a person of no fixed address which might give me some way of voting for myself. That is important, Mr Lewis, because I remember that Hon George Brand lost an election by four votes. It can come down to that, so it is important that members of Parliament be given the opportunity to vote for themselves even if, for reasons best known to themselves, they are not able to reside in their electorate.

Hon J.M. BERINSON: On the form of the amendment, do I take it that lines 17 and 18 are to be deleted altogether; it is not just a matter of individual words being changed?

The DEPUTY CHAIRMAN (Hon John Williams): They are to be deleted altogether.

Hon J.M. BERINSON: I have previously tried to express some surprise that so much weight should have been put on this issue, given how relatively unimportant it is. On the same reasoning I am inclined to accept that the issue itself is not so important as to encourage the expenditure of further passion on it, and since so little really hangs on the particular provision I am inclined to accept this amendment and satisfy the members who have been proposing it. It has occurred to me that acceptance of this amendment will lead to some consequential drafting requirements. I have had the assistance of the draftsman on this, and if this amendment passes I will be proposing amendments to later parts of clause 4.

Hon N.F. MOORE: I thank the Leader of the House for his consideration of this matter. I appreciate the consideration he has given to members like me who will now not have to become persons of no fixed address.

Hon D.J. WORDSWORTH: I also thank the Leader of the House, because having read clause 45, which deals with compulsory enrolment and the fact that one is subject to a $10 penalty the first time one changes residence without notification and $20 on the next occasion, it has relieved members of Parliament of the necessity to dodge notification as often as the regulations say.

Amendment put and passed.

Hon J.M. BERINSON: I move the following amendments --

Page 3, lines 1 to 3 -- To delete the lines and substitute --

(4b) Notwithstanding section 4, or subsection (4a), or an enrolment under subsection (4a), if a person has been enrolled under subsection (4a) does not attain 18 years of age

Page 3, line 13 -- To delete "(4b) subsection (4)" and substitute --

(4c) Subsection (4a)

Page 3, line 19 -- To insert after "Subject" the following --

to subsection (4) and

Hon P.G. PENDAL: Can I have some indication from the Leader of the House that what we are doing is no more than tidying up clause 4 as a result of the amendment successfully moved by Hon Norman Moore, and it does not alter the provision other than in relation to the enrolment of members of Parliament? Does the rest of the clause remain as intended?

The DEPUTY CHAIRMAN: Due to the complication of the consequential amendments and so that the Committee can be perfectly clear about this matter, I will leave the Chair for a few minutes so that members can circulate and discuss the amendments.

Sitting suspended from 8.50 to 9.00 pm

Amendments put and passed.

Clause, as amended, put and passed.

Clause 5: Section 17A inserted --

Hon P.G. PENDAL: A lot of the merits or otherwise of this clause have been debated extensively in the previous clause by everyone attempting not to debate it, and the Opposition at least intends to vote against the clause and bring about its defeat. It is widely referred to as the proposed section dealing with itinerants and also those people who do not actually live anywhere. Notwithstanding that it has been included in the Commonwealth Act -- and that does nothing for me personally -- it will create a situation in which unscrupulous persons could seriously abuse the provisions of the Electoral Act. I do not know how many itinerant voters we are referring to or how many people have the potential to be enrolled under this proposed section. But, I refer the Leader of the House to his remarks on an earlier clause dealing with provisions for members of Parliament. He indicated to the Committee that we were going to a lot of trouble in order to accommodate the wishes of a group of people who numbered fewer than 100. I suspect that at best the Government's arguments could apply in this case to a not much more impressive figure than that. The Opposition will seek to defeat the clause.

Hon D.J. WORDSWORTH: I presume that a person cannot be registered in two States at one time.

Hon J.M. Berinson: That is right.

Hon D.J. WORDSWORTH: By having joint Federal and State rolls a person cannot be enrolled on two rolls -- one takes that for granted. In other words if this person is out of this State, say in South Australia and an election is held there, can he vote?

Hon J.M. Berinson: No.

Hon D.J. WORDSWORTH: He has his address there.

Hon J.M. BERINSON: I am disappointed to hear from Hon Phillip Pendal that he is taking such an unreserved position against this provision. In fact, I would have thought that consistency alone would encourage him to accept these itinerant and out-of-State provisions,

given the direction in which we went to accommodate members of Parliament. I have, in fact, given the figures before and they are quite small, although not as small as Hon Phillip Pendal suggests. The Commonwealth roll at the last election showed 159 enrolments of electors temporarily out of the State and 237 enrolments of itinerant electors. That is a small number but, as we have consistently maintained, it should surely be our job to see that everyone who lives in this State has a vote in this State and that particular and perhaps temporary circumstances should not deprive them of that important right.

The question of possible manipulation has been raised in a number of ways. I refer again to the fact that unlike the Commonwealth legislation, this Bill is drawn on the basis that the details of the scheme will be provided by regulation. That is to avoid the very extensive drafting exercise which was engaged in by the Commonwealth. I have already indicated that those provisions took up 10 full pages of the Act. Nonetheless, the provisions will mirror the Commonwealth provisions and these include the following: In respect of absent electors, enrolment in more than one State will not be permitted and limits will be placed on the periods for which such enrolment is possible. The first part of that detail directly meets the question that Hon David Wordsworth asked. In respect of itinerant electors the address of their enrolment will be restricted to a ranked list of locations and will not be transferable at whim. Itinerant electors will lose their enrolment status if they are out of the State for longer than one month. In addition, these electors will not be able to stay in any residence for longer than one month without becoming liable to register as electors in the normal way.

Hon N.F. MOORE: I have some real concerns about these decisions being made by regulation. The Bill says that regulations may be made and then gives the different circumstances under which regulations may be made to enable people to vote.

I have had an experience where this Chamber actually disallowed some education regulations; and not long after the Chamber had risen those regulations were re-gazetted. As members know, once regulations are gazetted they are put into action and continue to have force until such time as they are disallowed. This means that while there is a provision in our Constitution which allows Parliament to disallow regulations, we can actually have a situation where a Government can gazette regulations, have them in force while Parliament is not sitting, and there can then be an election before Parliament even sits. So people's voting entitlement in respect of itinerant voters can be determined by regulation and never go before Parliament.

While the Leader of the House has claimed that the Commonwealth legislation has 10 pages relating to this provision, that is certainly preferable to allowing a Government to decide by regulation about a person's voting entitlement. As I said, there could be an occasion where the Parliament has no say about such a matter, which I believe we should have some say about. So I find that aspect of this clause difficult to accept, without even getting into the argument about who should or should not be itinerant voters.

Hon D.J. WORDSWORTH: I too am concerned about the fact that we need to have regulations and that there are 10 pages of regulations concerning this one clause. We are going to great trouble to say that people cannot put the numbers one to 10 on a ballot paper and we need to put a party designation, or in some places even put a cross; yet they are intelligent enough to read 10 pages of regulations to know if they are eligible to be enrolled.

Hon E.J. CHARLTON: While the Leader of the House absorbs that comment, my comment is that the National Party opposes the clause. Secondly, I wonder, as I mentioned in the second reading debate, how far the Bill goes when it refers to relatives. I would like the Leader of the House to clarify what the Government has in mind there.

I am surprised that the Government wants to implement this part of the Bill or change it to this degree when we have so many people who do live in one place for more than a month and yet did not vote at the last State or Federal election. These people have never exercised their obligation to notify the Electoral Commission of their change of address. We are talking about putting in this clause, which is very loose, when in fact -- if we take the Leader's figures -- only a couple of hundred people are involved. I know of hundreds of people in one small area who are itinerant, if one likes to use that term, because they have moved in and have been there for probably a year, yet they are not on the electoral roll. I think these are some of the areas we need to look at.

I think the benefits of the clause do not warrant the possibility of opening up a Pandora's box with regulations and so forth.

Hon A.A. LEWIS: To follow on from Hon Eric Charlton, I ask the Leader of the House whether he really believes that he will be able to control the one-month provision for itinerant voters. How is he going to check up on them? He cannot tell me he will do it through the electoral roll because unless the Minister for Budget Management gives us a few million dollars to smarten up the electronic devices and the computer that the Electoral Commission has at the present moment, there is absolutely no way he is going to be able to check on people, although I admit that the electoral rolls have been worse in the past, and I deal with them pretty constantly at present.

This also refers to a subsequent clause, and I want to know how the Leader of the House thinks he is going to provide control, whether by the clause or by regulations. I do not like legislating by a Bill or by regulations when one cannot control what one is doing. I think this clause is airy-fairy and there is absolutely no way that the people affected by its provisions can be controlled.

Hon J.M. BERINSON: There would be a limitless list of aspects of the electoral system about which one could ask the same questions: How does one control people going on the roll when they are obliged to; how does one check on them registering their change of address; and how does one check on this or that? The fact is that there is a whole range of requirements on people and we look to them to meet their obligations as citizens when it comes to the voting process, and whether we can check that everything has been done correctly and at the proper time, we still say that is their obligation. We also say that the ability to vote is one of their rights. I must stress again that a principle is involved here, which is that if people are citizens of this State, they ought to be entitled to vote and they should not be precluded from that right by the particular circumstances of their residence or the fact that they move about from time to time.

Logic was never one of my strong points, which may be why I have some difficulty with the proposition put by Hon Eric Charlton. He says we have hundreds of people all over the place who are entitled to vote and do not, yet here we are worrying about people who might want to vote but who cannot at the moment. I do not see any inconsistency about that. On the contrary, I would have thought that if we are disturbed by the fact that there are hundreds of people who are entitled to vote and do not, we should at least be equally concerned about those who are there and want to vote but are prevented at the moment from doing that by a technicality about the nature of their residence.

I do not think that the argument can be taken much further than that. On the one hand, we have all sorts of theoretical fears about manipulation and conspiracy by people who are setting out to do the wrong thing; on the other hand we have a principle involved, which is whether we are going to facilitate people's ability to vote in spite of the fact that their residential arrangements are unusual. The Commonwealth has already dealt with this matter, and I defy anyone to come up with any example of a complaint which they have received about the Commonwealth provisions in respect of any voters who are absent interstate or itinerant being manipulated. I have not had any cases brought to my attention, and I know the people in our Electoral Commission have not either.

So the test is whether we are going to let our suspicions override what in the end is a very important principle, and I think that on any question of balance we ought to come down on the side of facilitating people's ability to vote rather than making it more difficult for them to do so.

Hon E.J. CHARLTON: I do not wish to prolong this debate, but how many complaints have there been from people who are unhappy and who wanted to vote, but could not? I have heard that when there is a State election, people who are interstate or overseas still vote. I have been told that a lot of people attended at Australia House to vote in the last Federal election.

Clause put and a division called for.

Bells rung and the Committee divided.

THE DEPUTY CHAIRMAN (Hon John Williams): Before the tellers tell I give my vote with the Noes.

Division resulted as follows --

Ayes (14)			
Hon J.M. Berinson	Hon Graham Edwards	Hon Robert Hetherington	Hon S.M. Piantadosi
Hon J.M. Brown	Hon John Halden	Hon B.L. Jones	Hon Fred McKenzie
Hon T.G. Butler	Hon Kay Hallahan	Hon Garry Kelly	*(Teller)*
Hon D.K. Dans	Hon Tom Helm	Hon Mark Nevill	

Noes (14)			
Hon C.J. Bell	Hon H.W. Gayfer	Hon N.F. Moore	Hon D.J. Wordsworth
Hon J.N. Caldwell	Hon A.A. Lewis	Hon Neil Oliver	Hon Margaret McAleer
Hon E.J. Charlton	Hon G.E. Masters	Hon P.G. Pendal	*(Teller)*
Hon Max Evans	Hon Tom McNeil	Hon John Williams	

Pairs	
Ayes	Noes
Hon Tom Stephens	Hon P.H. Lockyer
Hon Doug Wenn	Hon W.N. Stretch

Clause thus negatived.

Clause 6: Section 22 repealed and a section substituted --

Hon J.M. BERINSON: I move --

Page 4, line 14 -- To delete "(1) Subject to subsection (2) and" and substitute --

Subject to

Members will appreciate that this is simply consequential on the rejection of clause 5.

Amendment put and passed.

Hon P.G. PENDAL: I move --

Page 4, line 15 -- To insert after "name", the following --

title

This will require some additional adjustment. I will explain the addition of the word "title", as that would appear to be the simplest part of my explanation. Part of the Government's intention in this Bill is to denude the information on the electoral roll so that only a person's name and address appear. I think I am right in saying that the principal things the Government wants to delete are a person's gender and occupation. I not only want to persuade the Government not to do those two things, but I want to persuade the Chamber to go further down that path. I am suggesting that the more information on the electoral roll the better.

Consideration of the word "title" comes about in this way: Every member in this Chamber will have had this experience but fortuitously it came to my attention in quite a graphic way only yesterday in relation to the South West Province by-election. The introduction 10 or 15 years ago of the female title Ms caused a lot of concern amongst people who did not want to use it. Some women use that title these days and most free-minded people will acknowledge their right to do so. A person who uses the title Miss or Mrs is in the same situation. There is no way in the current electoral roll -- and this applies to the Commonwealth -- where one can determine whether a person is Miss, Mrs, Ms or even another category. It is for that reason that we should build up the roll so that the person's title appears on it.

It goes further than those couple of titles. I have in front of me an envelope that was sent by one of the political campaigns -- it does not matter which one for the sake of this argument -- addressed to a Ms J.M. Buswell, Convent, Parkville Street, Bunbury. Ms J.M. Buswell is entitled to be offended by the use of that title, and equally offended by being called Miss J.M. Buswell, as she is a Roman Catholic nun entitled to the title Sister. It goes further than that. The title Doctor is conferred on a variety of people. Under the current law there is no way to identify them when writing to them. I am the first to acknowledge that it is mostly members of Parliament in our society who make use of the electoral roll in order to communicate with people. Extending the argument of the Leader of the House a little while

ago about people's right to vote, members of Parliament have a right to make direct contact with those people. I am simply trying to use the whole of this clause to show that rather than needing less information, we should have more. It is not a big bill; it would be a negligible cost to the community.

My intention is that after the word "name" the word "title" be inserted. That is on the Notice Paper. I apologise that I have not previously given notice of this, but it is no big departure. I seek your guidance, Sir, as to whether I can move that after the word "title" the word "occupation" be inserted, in order to restore what the Government seeks to knock out.

This is what makes it complicated: I want further clarification that we are dealing, in line 15, with the words "given name". One assumes that my later amendment will accommodate that, because, in effect, we will be retrospectively inserting the words "Christian or given name". If I understand it correctly, that will come up in clause 27.

I hope I have made myself clear in what is a complicated issue. In summary, after the words "given name", which I presume will become "Christian or given name", I want to insert the word "title" for the reasons I have mentioned. After the word "title", which is on the Notice Paper, I want to insert the word "occupation", which I have not given notice of until a few minutes ago. I do not propose to go beyond that because later in this clause I will move a second amendment which will spell out in some detail what is meant by the word "title".

The DEPUTY CHAIRMAN (Hon John Williams): To insert the word "occupation" after "title" you need only seek the leave of the Chamber to insert that word in your amendment. The amendment will then be considered as a whole. As to the second point I shall have to wait a second to find out whether, given that your amendment to clause 27 would be successful, you could insert after "given name" the words "or christian name". That is what you are seeking to do now. I do not think that even if it succeeds in clause 27 it would be amended throughout the Bill.

Hon P.G. PENDAL: Thank you, Sir. You will be aware that when we were discussing the Government's move to delete the definition of Christian name, the Government conceded and said it would agree with the Opposition. Therefore I thought that was strong ground for assuming that we would not have trouble at a later time in amending clause 27.

Amendment, by leave, withdrawn.

Hon P.G. PENDAL: I move an amendment --

Page 4, line 15 -- To insert after "surname" the words "christian or".

Hon ROBERT HETHERINGTON: I oppose this amendment. I believe it is a lot of unnecessary nonsense. All Christian names are given names, but all given names are not Christian names. Surnames and Christian names apply to everybody whether they are Muslim, Christian or agnostic. I do not see the necessity for this kind of grandstanding and I oppose the amendment.

Amendment put and passed.

Hon P.G. PENDAL: I move a further amendment --

Page 4, line 15 -- To insert after "name" the words "title, occupation".

Hon E.J. CHARLTON: I heard Hon Phillip Pendal's comments earlier on this amendment. I cannot see the necessity for including the words "title" and "occupation" in the clause. With the acceptance of both Christian and given names by the Committee, there is no reason for including titles on the roll. I believe that correspondence can be addressed to Phillip Pendal without using a title. I also agree with Hon Phillip Pendal that women should not be referred to as "Ms". As I said earlier, I do not agree with occupations being included on the roll. People change their jobs and obviously would have to advise the Electoral Office of those changes. Every member of Parliament knows of occupations on the roll that are incorrect. I believe it is important to have all of those other things that we have talked about on the roll, but it is not necessary to include titles and occupations.

Hon ROBERT HETHERINGTON: I would like to know whether implied in Hon Phillip Pendal's amendment is the notion that it will be mandatory to put a title on one's enrolment form. I personally do not like titles; members may notice that on the list of members in this Chamber I appear as just Robert Hetherington because that is good enough for me. I agree

with the Quakers that a name is a name and that should be good enough for any man or woman. I would not like to put a title to everyone, whether it be Mr, Hon, or whatever. It is a lot of nonsense and I wonder whether or not he wants to make it mandatory.

Hon G.E. MASTERS: I am interested in the reason that the Government seeks to delete from the provisions of the Act the requirement for an elector's title and occupation to appear on the roll. I cannot understand why the Government is deleting these requirements. It has already been made clear that some people are entitled to certain titles when one is writing to them, for example, Dr, Sister, Reverend, and so on. My wife likes to use her title of "Mrs"; she strongly objects to being called "Ms". The cost of including this information is negligible, it does no-one any harm and it satisfies those people who like a title or would be offended if their title were not used. It is a sign of respect and people are entitled to that respect. There is no reason for deleting the provision.

As far as occupation is concerned, it is important that people's occupations be recorded. I know that in some cases people change their occupations and the rolls are sometimes out of date. However, I understand that with the modern procedures and practices the rolls are not too far behind. Also members of Parliament are being offered better facilities and more modern equipment by the Government which will enable them to keep in touch with the people in their electorate. When members of Parliament are dealing with specific legislation, such as health or education, this information helps them to communicate with the people involved in those fields in their electorate. That is a simple matter of communication. The cost to the community of including this information on the roll is of little consequence; it provides a service and fulfils a need of members of Parliament and other people who use the electoral roll. For example, it can be used when searching for lost relatives and members of Parliament receive such inquiries all the time. I would be interested to know why the Government proposes to make these deletions when the cost is so low and the benefits are considerable.

Hon D.J. WORDSWORTH: I have to admit that I do not like the word "title"; it sounds like something from the British aristocracy. I prefer the word "prefix". To accommodate Mr Hetherington we could perhaps use the words "desired prefix". When one completes a form which has on it "Mr, Miss, Ms, or Mrs" I often think it is indicating that a person may use his or her desired prefix.

This would accommodate the Government and it would then not be necessary to indicate a person's sex. I am not sure why the Government wants that provision removed. At least if the roll contains people's desired prefix one can establish whether they are male or female and in that case I would be happy about the sex of the person not being included on the roll.

Hon J.M. BERINSON: I have no doubt that the electoral rolls are used for all manner of purposes, not only by members of Parliament but also by real estate agents, encyclopaedia salesmen, debt collectors, and others. The fact remains that the purpose of the information on the electoral roll is to enable the election process to be carried out. There is no need -- in fact there is no justification -- to go beyond the collation of information and material which is essential to that roll. The Commonwealth and South Australian electoral rolls have no reference to sex and occupation, and nothing has suffered as a result. The reason it has not suffered is that these items of information simply are not necessary; they are not necessary there and they are not necessary here. That is the long and short of the reasons for the proposal to delete them.

I want to draw particular attention to the serious difficulty -- I ask members to keep this very practical consideration in mind -- which would arise if we went along Hon Phillip Pendal's route of adding the title, whether called "title", "prefix" or anything else. This would have the effect in proposed section 22 of the Act of requiring rolls to set out information which includes a title. That is expressed in a mandatory form in proposed section 22. Clause 6 of the Bill provides in part that under proposed section 22 of the Act rolls shall set out the surname, Christian or given name, etc. The effect of this amendment would be to add to the mandatory requirements for the roll the inclusion of a title for each elector. That would not just affect the position of new enrollees; it would be a mandatory requirement on the hundreds of thousands of electors now on the roll. In other words, to meet the requirements of this section would in fact require the Electoral Commissioner to go to every elector on the roll in order to obtain this additional information. That happens to be information which, if

not absolutely useless, is so peripheral to any real purpose of the electoral system that the game is simply not worth the candle. I would urge that very serious practical consideration against the course which is being urged upon us by Hon P.G. Pendal. It is important that we do not follow the member down that path.

Hon P.G. PENDAL: I am astonished at the number of occasions, particularly from the Leader of the House, when it is said that the reason we cannot do things in this Chamber is because of the inconvenience it would cause to the Government servants of this State.

Hon J.M. Berinson: I did not even mention Government servants.

Hon P.G. PENDAL: The Leader of the House mentioned the Electoral Commission.

Hon J.M. Berinson: I am talking about a couple of hundred or thousand electors who do not even have to send in a new form.

Hon P.G. PENDAL: The Leader's contention is that it adds nothing. I would suggest to the Leader of the House -- and certainly to Hon Garry Kelly, who has tuned in even later still -- that people are entitled to be addressed in a form that is acceptable to them. I am inclined to think that Hon David Wordsworth is correct in partly going down the path suggested by Hon Bob Hetherington, which is that some form of desired prefix should appear on a form. However, it seems to be too big for the Leader of the House to comprehend that there are dozens of public and Government forms around Government offices which require people to strike out whichever is not applicable -- Mr, Mrs, Miss, and with some forms perhaps even Ms. A person may find it offensive to be written to as Miss Smith if she is a Roman Catholic nun and within the community is universally accorded the title of Sister. I do not know which prefix applies to a rabbi, but if someone were to write to him as Mr, I suggest he would be offended. To give an example of something which I know more about, if the Archbishop of Perth were to receive a letter addressed to him as Mr Foley, he would be offended. We are not talking about a few people. The Leader of the House told us in earlier clauses of this debate that we were seeking to change the clause about itinerant voters because it affected about 400 or 500 people. The Leader of the House made an impassioned plea that we pass the clauses he was suggesting because those people were entitled to some consideration. I am not talking now about a mere 400 or 500 people, but about thousands of people.

It is true, as the Leader of the House says, that the purpose of an electoral roll is not to be a convenience to a member of Parliament or to anyone else who wants to direct mail to people on that roll, but it is ludicrous to suggest that is a reason why one should reduce the amount of information which can sometimes be helpful to persons other than members of Parliament. I do not know what the difficulty was when the Leader of the House said this information could fall into the hands of real estate agents and a few other people such as encyclopaedia salesmen, which would be a disaster in his view, so it is silly to belittle something which attempts to overcome a very practical problem which is faced by many thousands of people.

I also want to respond to the Leader's comments about how this provision can be applied to people who are already on the electoral roll.

Hon Garry Kelly: Make them fill in another card.

Hon P.G. PENDAL: I do not think they need to fill in another card. At the moment I will not do anything other than seek to have my amendment go through. If a further amendment is then required which says that this provision will apply to all new enrolments as of 1 January next year, I guess the problem is going to take care of itself, albeit fairly slowly. As members and the Leader of the House will know, electoral rolls are purged from time to time, and it is part of the Electoral Commission's job to keep the roll up to date.

Hon Garry Kelly interjected.

Hon P.G. PENDAL: The difficulty about a debate of this kind is when one gets asinine comments like that from a person who has not even bothered to read the title of the Bill, let alone get down to the nitty gritty, so I would prefer that if he wants to make a comment, he makes it on his feet.

Hon J.M. Berinson: I am not sure what you mean by "purging" in this context.

Hon P.G. PENDAL: It is part of the job of the Electoral Commission to keep the rolls up to

date, and I understand that in the past one of the difficulties with the State electoral roll vis-a-vis the Commonwealth roll was that not enough resources went into updating the State roll and it was, therefore, hopelessly out of date, whereas the Commonwealth authorities were invariably better informed about the contents of their roll.

I understand that it has been the practice for years that the Commonwealth -- and the State to a lesser extent -- physically attempts to keep the rolls up to date, and I suggest that is a process which could be applied here. I am not suggesting that 200 000 or 600 000 letters be sent out, but it would not be beyond the wit of the Government or the department, given the resources at its disposal, to make that additional information available in the course of checking those rolls, as it indisputably does. Having said all that, I still say it is not my problem as a legislator, and I get irritated when it is said that we cannot really introduce amendments like this because it will cause someone a bit of work, which is the implication of what has been said.

Hon J.M. Berinson: It may cost $1 million.

Hon P.G. PENDAL: There is not the slightest chance in the world, while the present Leader of the House is also the Minister for Budget Management, that it will cost the State $1 million. I can give members an absolute assurance in that respect. If that means that we report progress on this clause to accommodate the Leader's way of finding a solution, then I think we ought to do that because the principle that a person does not get mail addressed to him or her which they find offensive is still worth pursuing. I am the first to admit that, but of course it does not apply as much to a male as to a female. If a male is called "Mister" and he is a doctor the problem is a minor one.

Hon Garry Kelly: What if someone is written to and called "C.J." Dennis or "P.G." Pendal?

Hon P.G. PENDAL: That is what happens now. The situation I have described earlier, which obviously Hon Garry Kelly did not hear, related to a Catholic nun, and is a good reason why his suggestion should not occur. The amendment under debate relates to the insertion of the word "title". A point was made regarding whether we should use the word "prefix" or something less grandiose, and that was the best advice available. This makes sense because in a later amendment the word "title" is defined therein by the use of the word "prefix". I urge the Committee to support the amendment.

Hon E.J. CHARLTON: We are talking about the names of people on the rolls. If people use the roll and incorrectly use certain terminology or affix a title or prefix to an individual's name, that person should be taken to task for so doing. The person receiving that mail should indicate that he does not wish to receive mail addressed in that way. If the Electoral Commission writes to my wife as Evette Charlton, Station Road, Tammin, she will not be upset. I will not be upset by that either. The important point is that we want the Christian or given names on the roll so that people can be identified by the names they have and live by.

I understand the point made by Hon P.G. Pendal regarding mail to the Archbishop William Foley of Victoria Square. It is for the Electoral Commission to identify individuals to enable them to vote. The debate is not about people using the rolls. Far too much use is made of the rolls, and we should not give anyone extra avenues of involvement.

Amendment put and negatived.

The clause was further amended, on motion by Hon J.M. Berinson, as follows --

Page 4, lines 18 to 21 -- To delete subsection (2) of proposed section 22.

Clause, as amended, put and passed.

Clause 7: Section 23 amended --

The clause was amended, on motion by Hon J.M. Berinson, as follows --

Page 4, lines 24 and 25 -- To delete the lines and substitute the following --

inserting after "christian" the following --

" or given "

Clause, as amended, put and passed.

Clauses 8 to 10 put and passed.

Clause 11: Section 44 amended --

The clause was amended, on motion by Hon J.M. Berinson, as follows --

Page 7, lines 11 and 12 -- To delete the lines and substitute the following --

inserting after "christian" the following --

" or given "

Clause, as amended, put and passed.

Clauses 12 to 14 put and passed.

Clause 15: Section 52 amended --

Hon G.E. MASTERS: Could the Leader of the House indicate why the words "in the prescribed form" are to be deleted from the Act?

Hon J.M. BERINSON: The deletion of the words "in the prescribed form" relates back to clause 12(b) which provides that electors may make changes in their enrolment particulars in writing rather than necessarily completing a fresh claim. In other words it would be open to provide the necessary advice simply by writing a letter rather than obtaining a prescribed form.

Hon G.E. Masters: Thank you.

Clause put and passed.

Clause 16 put and passed.

Clause 17: Section 56 amended --

Hon G.E. MASTERS: This clause provides for the deletion of "maiden name" and the substitution of "name before marriage". How will this operate if someone has been married two or three times? Would that person use her name before the first, the second, or the third marriage, or would there be a multiple choice?

Hon J.M. BERINSON: My understanding is that after a second marriage, the name before marriage is the name of the first marriage. It is that, among other considerations, which really makes it inappropriate to refer here to maiden name, which would look to the name before any marriage at all.

Hon G.E. MASTERS: Is the Leader of the House saying that a person responding to the requirement for name before marriage would put either her maiden name if it was the first marriage, or the name of her previous marriage?

Hon J.M. BERINSON: Yes and no. It really depends on the name which the person has chosen to use after marriage. There will be some cases where, for example, women will carry their maiden name into their first marriage. Therefore I do not think we can assume as Mr Masters just did --

Hon G.E. Masters: I am a bit old fashioned.

Hon J.M. BERINSON: There is something to be said for being old fashioned, and I am a bit that way myself; but the fact remains that the honourable member's assumption was not correct and that again really fortifies the justification for the use of the terminology "name before marriage". The fact is that at the time of the second marriage the name might well be the maiden name or the name of the first marriage. We cannot assume that in current circumstances it would always be the first married name.

Hon D.J. WORDSWORTH: The only thing that worries me is that while one can use one of those previous names for inclusion on the electoral roll, one might not be using that name at other times. In other words, a person could be known as Marie Wordsworth but we suddenly find that she is enrolled as Marie Johnson. People need to be able to peruse the names of people on the electoral roll and to be able to object to certain people, but this will be very difficult if they are able to switch names. It might be different if they used a name they had changed by deed poll, but under this amendment they might use a name which they use only for being placed on the electoral roll.

Hon J.M. BERINSON: As I understand it, the position is that a married woman in all circumstances is entitled to use either her married surname or her maiden surname; there is

no law that obliges her to use one or the other or to use only one of them. That therefore is not a problem that is unique to the electoral system, if it is a problem at all; it is a situation of general application.

Hon NEIL OLIVER: I do not know how correct the Leader of the House is. Is he saying that in a court of law, in either a civil action or a criminal action, a writ or a summons can be issued using a married woman's maiden name and the case can be listed?

Hon J.M. BERINSON: Of course, I am not allowed to give legal opinions in this Chamber; nonetheless my understanding is precisely as I conveyed earlier.

Hon E.J. CHARLTON: I am not too sure that what the Leader of the House is saying is in fact the case. Section 56 of the Act refers to "a list in the prescribed form of the maiden name", which is the bit we are changing to "name before marriage". It goes on to refer to residence and occupation and then says "by the marriage certificate of every woman not under 18 years of age whose marriage has been registered in each registry district respectively during the month, as well as particulars of the name", and so on. I could go along with the original comment made by the Leader of the House about the name before marriage, but his subsequent comment about people getting married and wanting to retain their previous name complicates things. This business of trying to cater for these people is a little difficult.

Hon J.M. BERINSON: We are not catering for them; we are catering for a position where the name before a particular marriage may not be the maiden name because another marriage has intervened. In response to other comments I went wider than the present clause requires. However, for the purposes of clause 17, all that is being recognised is that the name of a woman at the time of marriage may not be her maiden name.

Hon D.J. WORDSWORTH: We seem to be talking about what a woman wishes to call herself.

Hon J.M. Berinson: No, we are not.

Hon D.J. WORDSWORTH: I am sure the Leader of the House did a moment ago. We are talking about the name furnished to the Electoral Commission every year by the Registrar General.

Hon J.M. Berinson: That is right.

Hon D.J. WORDSWORTH: What has that to do with what a woman wants to call herself?

Hon J.M. Berinson: Nothing. However, it has something to do with what her name was before the marriage.

Hon D.J. WORDSWORTH: The object of the exercise is for the Electoral Commission to cross off the name already listed and give her another name.

Hon J.M. Berinson: Yes.

Hon D.J. WORDSWORTH: Why else does the Leader of the House want the Registrar General to tell the Electoral Commission that he will change the name?

Hon J.M. BERINSON: No, he will not change the name. Having received the information, the Electoral Commissioner, pursuant to a clause still to come, will approach that elector in order to clarify the name under which she will appear in the roll. However, that is a matter for a later clause, not this one.

Hon MARGARET McALEER: Is the furnishing of the name, residence, and occupation of the husband to the Electoral Commissioner relevant when the occupation has already been taken off the roll?

Hon J.M. BERINSON: Very likely not. This reflects the position that has always been there and attention has not been given to it.

Clause put and passed.

Clause 18 put and passed.

Progress

Progress reported and leave given to sit again at a later stage of the sitting, on motion by Hon J.M. Berinson (Leader of the House).

(Continued on page 4645.)

SESSIONAL ORDERS

Committee: Leave to Sit

HON J.M. BERINSON (North Central Metropolitan -- Leader of the House) [10.35 pm]: I move --

That the House continue to sit beyond 11.00 pm.

HON G.E. MASTERS (West -- Leader of the Opposition) [10.36 pm]: I have some reservations about this motion. Members know that we have sat on very few days over the last three or four weeks. It seems that, at the Government's whim, either we do not sit at all or we continue to sit sometimes late into the night. What is the Minister's intention for this legislation? It will be a lengthy debate and could well go until early tomorrow morning. I understand that the Leader of the House deems it necessary to make some progress on this Bill, but I believe it is unnecessary to sit late tonight considering the amount of time we have sat in recent weeks.

HON A.A. LEWIS (Lower Central) [10.37 pm]: I understand the problem of the Leader of the House. However, I wonder why, when we get to within 25 minutes of the 11 o'clock Sessional Order, the Leader of the House moves this motion. We knew at 3.30 this afternoon that this might be a lengthy debate. I believe the Leader of the House should have mentioned this matter then to allow people who have to rise early in the morning to make arrangements to do so. I think he has been extremely discourteous.

I believe that the Sessional Orders of this place are being thrown out the window at the whim of the Government. They are there to guide us. If we go on this way, we will have to talk about going back to the days of unlimited times for speeches because all of these things were part of a package. I do not know how many times the Government believes it can break those arrangements. However, I believe when it does, it should show courtesy to members of this House.

HON J.M. BERINSON (North Central Metropolitan -- Leader of the House) [10.38 pm]: I believe I make every effort to maintain the courtesies of the House. I do not believe that I am acting in any way inconsistent with them. As far as I am aware, the practice has always been that the motion to extend the sitting time is always moved between 10.30 and 11.00 pm. It is not really possible to anticipate our requirements at three o'clock in the afternoon because we do not know how long things will take.

I was amazed that it took us something like an hour and a quarter to pass clause 4. I thought those clauses were going through on the nod.

Hon D.J. Wordsworth: That was your bad judgment.

Hon J.M. BERINSON: I accept that. It did not have anything to do with excessive debate on the other side of the Chamber! I accept that it was my mistaken judgment! Nonetheless, we are all human; I acknowledge that it is one of my failings. The fact is that we have really not got far enough with this Bill to allow it to rest at this stage.

In my defence, I have to say something about Mr Master's comments. I would have been quite happy to proceed with this legislation last week. I understood the reason for its being held over to this week was more to meet the convenience of Opposition speakers who wished further time to consider it rather than to meet my convenience. I do not enjoy late hours any more than anyone else does, and I hope we can keep this sitting and all others within reasonable bounds.

Question put and passed.

Sitting suspended from 10.40 to 11.05 pm

ELECTORAL (PROCEDURES) AMENDMENT BILL

In Committee

Resumed from an earlier stage of the sitting. The Deputy Chairman of Committees (Hon John Williams) in the Chair; Hon J.M. Berinson (Leader of the House) in charge of the Bill.

Progress was reported after clause 18 had been agreed to.

Clause 19: Section 61 repealed and a section substituted --

Hon P.G. PENDAL: I merely wanted to make the observation that this clause has some significance to a clause we dealt with earlier, when we were assured by the Leader of the House that, were we to adopt a suggestion I made in relation to having people's prefixes included on the roll, we would be looking at huge amounts of money because the Electoral Commission would have to write to those people.

My understanding, based on the notes provided by the Minister for Parliamentary and Electoral Reform, is that it is proposed that married women may choose to be enrolled in their surname prior to or after marriage. I understand the practical effect of that is that after the marriage register reaches the Electoral Commissioner he will ask the married woman on a form whether she wishes to use her pre-marriage name or married name, and will cause enrolment accordingly.

I make the observation that it is peculiar how in that situation it would not be beyond the wit of the Government of the day, or the Electoral Commissioner, to write to approximately half of the population to come by that information, whereas it would have been quite impossible to achieve that under the suggestion that I made.

Hon J.M. BERINSON: Hon Phillip Pendal's observation ignores the existing practice. I might say by way of preliminary comment that this clause would not require the commissioner to write to half the population but only to those persons who had been married in that particular period. That is not the essential point; the essential point is that the existing section 61 of the Act requires the commissioner to contact women who have been married in any event. The only difference involved in this clause is that the question which the commissioner puts to the woman is in different terms and instead of requiring her to register under a particular name it provides her with an option of two.

Clause put and passed.

Clause 20: Section 62A inserted --

Hon A.A. LEWIS: I will not hold up the Committee for a long time, but I just want to warn the Leader of the House about this clause. It is one where a computer can be used instead of having the record in written form. That is why I made the comment earlier that the Minister for Budget Management might be up for a bit of dough.

At the present time, if one registers one's address on the electoral roll as 38 Rotten Row, and then changes one's address to 40 Rotten Row, the whole of one's name, occupation, and address must be deleted from the computer at the Electoral Commission because the computer system is not geared simply to remove the number and replace it with another number. I just hope the Government does not believe that transferring to computers will be of great benefit to it because, as the Minister knows, I have had something to do with computer rolls and, to be quite frank, they are a helluva mess. I am not going to oppose this clause but I warn the Government that it is going to be up for a lot of money in the near future in order to do the job properly.

Clause put and passed.

Clause 21: Section 65 repealed and a section substituted --

Hon P.G. PENDAL: This is one of those clauses that seeks to undo things that have been done to the Electoral Act in the last couple of years, and in particular to reduce by 14 days the period needed between the announcement of an election and election day. I ask for the record why the Government has seen fit to reduce the time by 14 days. I know that we touched on the same thing in other clauses in order to bring the 49 day period back to 28 days -- and various Opposition speakers speculated on the Government's motives there -- but there has been no response from the Government.

Hon A.A. Lewis interjected.

Hon J.M. BERINSON: Hon Sandy Lewis has reminded us, by interjection, that the present length of the pre-election period was a result of Labor Party initiatives. That is quite right. However, the truth of the matter is that in the light of experience since then it is very clear that the earlier change to procedures involved an excessive burst of enthusiasm, the value of which has not been proved by experience.

Hon G.E. Masters: I am amazed you can keep a straight face.

Hon J.M. BERINSON: This is the situation, and we all know it. We do not need seven weeks for elections; the public are utterly bored by it; the parties -- and this applies equally to Opposition and Government parties -- are unable to maintain the interest of the electorate over a period like that; and costs are unnecessarily multiplied. The long and short of it is that it becomes a great bore.

I know that a theory is floated from time to time to the effect that long election periods are bad for Governments and good for the Opposition. Our own experience hardly confirmed that; we went through this long period in the last election and I do not believe that anyone can claim that it did the Government any harm or the Opposition any good. The reality is that if one is better geared to an election, one is going to do better, whether it is spread over four or seven weeks. It is an equal reality that one simply does not need seven weeks. In addition to the detriment which I have indicated in other respects, there is also the consideration that government effectively comes to a halt over the election period and that seven weeks is really an excessive period for that to occur.

We have been through this many times before and I do not think I need to go through it again at great length, but I simply remind the Chamber that the seven week period which we now have is far in excess of the period which applies everywhere else in the other States and with the Commonwealth, and that even the 28 day period is more than most of the other Parliaments apply. The minimum and maximum periods of the respective elections are as follows: Commonwealth, 33 to 58 days; Victoria, 33 to 58 days; South Australia, 24 to 54 days; New South Wales, nil to 40 days; Queensland has no stated periods; Tasmania and the Northern Territory have a minimum period of 14 days.

We are moving to a position where we are proposing a minimum 28 day period and a much longer maximum period than applies anywhere else. In fact, I think the maximum period is 90 days, but no-one could seriously suggest that would ever apply. All the periods have been calculated so as to be fair to all relevant parties, that is to the political parties, to the candidates, and especially to the electors in respect of their capacity to have ample time to enrol after an election has been called. I know that we can raise all sorts of fancy arguments about this, but the bottom line is that we are proposing a wholly practical amendment to the present situation and one that would stand comparison with any system in the country.

Hon G.E. MASTERS: The Leader of the House gave a good performance just now. I think it was as good as we have seen tonight, and I was impressed by the way he was able to keep a straight face.

The real reason for the change is obvious to everyone: It would suit the Government of the day to have a shorter election period. It may be the experience of the last election did not necessarily reflect that, but experience over many years and many elections would prove without a doubt to anyone who takes an interest that normally there is an advantage to the Government of the day to have a shorter period of time in which to conduct the election. We might as well be straightforward about it, and I have no doubt, if the Leader of the House were on this side of the Chamber, he would be opposing the clause, as we are now. So I do not think we need to fool each other as to the reason why these changes are taking place. It is simply a matter of whether the Opposition will accept those changes, knowing that they would be of some disadvantage to it at the next election, but I guess the day will come when the pendulum will swing over and it would advantage us.

Hon D.J. WORDSWORTH: I was wondering what the opinion of the National Party was because it has not come forward with one, but I am sure that the catastrophe that happened during the last Federal election when the Premier of Queensland was going to become the next Prime Minister of this country, but unfortunately was caught in Disneyland and was not able to come back in time to organise an election campaign, illustrates very well the need to have a longer period before elections.

Clause put and passed.

Clauses 22 to 26 put and passed.

Clause 27: Section 78 amended --

The clause was amended, on motion by Hon J.M. Berinson, as follows --

Page 14, lines 14 and 15 -- To delete the lines and substitute --

(i) by inserting after "christian" the following

" or given "; and

Clause, as amended, put and passed.

Clause 28: Section 85 amended --

Hon P.G. PENDAL: Where did this originate? It changes the close of nominations from the present and traditional noon to 6.00 pm. On the surface this seems insignificant. I would have thought that it would be less convenient to the people concerned. I presume we will still go through the process at a minute past 6.00 pm that we previously went through at a minute past noon -- that is, the returning officer will draw for the positions on the ballot paper -- and that we are not looking to hold over that process until the next morning or another date. I want to know what has prompted this change and I would like an assurance that the public nature of the draw for positions on the ballot paper will continue.

Hon A.A. LEWIS: The closing of nominations is now to be 6.00 pm and we will have the draw at five minutes past six. It will probably be held on a Friday because it is very seldom not held on a Friday. We have already lost seven of the 28 days for the election. There will be 57 Assembly returning officers and, under the new system, six regional returning officers who will phone in the results. There will be people from the political parties phoning their headquarters, whether they be National Party, Liberal Party or Labor Party people. Usually on the following Saturday the nominations close at noon and the public know the results of the draws. Usually that information does not get into the newspapers until the following Monday morning because it will be too late once it goes through the system to get into the Press for Saturday morning.

This takes that 21 days and reduces it by another three days to 18 days' effective campaigning. The other thing it does in a practical sense -- and I imagine that all political parties are the same -- is that if one has a draw at lunchtime, one usually has one's how-to-vote card ready to go and to take the numbers. All one has to do is put one's name and position on the card. I have been involved in the administrative side of this for 30 years and I know that the majority of printers start printing those how-to-vote cards over the weekend. Administratively this will take 24 hours away from them, not just six hours, because under the present arrangement they can set up their presses in the afternoon. I am sure there are reasons we should not do it; I cannot see why the closing of nominations and the closing of the roll should be at the same time. People will get confused. I can remember a Liberal Party member by the name of Roger Tonkin who got a flat tyre going into nominate at noon and missed out. Anybody who does not nominate as soon as nominations open deserves to miss out anyway. If they want to be members of Parliament, they will nominate. There will be no confusion in their minds about when people have to nominate for Parliament. We are not really giving a service to anybody by putting the time back to 6.00 pm. I believe we ought to have a look at it. I will not raise a hue and cry about it but I believe that for commonsense we do not need to change the time. I do not believe the Federal Government will do it. Can the Leader of the House assure me that the Federal Government will do it because I do not believe that it will?

Hon J.M. BERINSON: I have already indicated that the 6.00 pm time was proposed with a view to uniformity between the closing times of the nominations and the roll, both of which occur on the one day. I take seriously the point that Hon A.A. Lewis has raised, but I do not think the difficulties he has referred to are of the order he suggests. For example, if details of the draw and so on perhaps take until 7.00 pm to reach the parties' headquarters and the Press, that detail would certainly appear in the later edition of *The West Australian* and would undoubtedly get into the Sunday papers. I do not think there is a question of more than one day, at the most, being lost, even in respect of country areas. It would also be in the interests of the regional radio and television groups, for example, to refer to that sort of detail

over the weekend, so I think that while there may be some time lost in some places, there would not be a significant period lost anywhere.

Similarly, I agree with Mr Lewis that the practice is for printers to get to work over that weekend; all parties come down to centralised printers for convenience. The sort of business and urgency attached to it would have them working over Saturday and Sunday in any event. I would expect that the aim, whether with a Friday lunchtime or Friday 6.00 pm closing, would be to have the material ready by Sunday night -- except that there is an element of delay in those respects, but this would not create any serious difficulty for either the parties or the electors.

Hon A.A. LEWIS: Referring to the coinciding of the rolls closing and the nominations closing, with new section 69A the rolls have eight days and the nominations seven days. We could have one closing one day, and the other the next -- that is not coinciding.

Hon J.M. BERINSON: We are dealing with different terminology covering the same period. The clause says the rolls close on the eighth day after the issue of the writ; with nominations, there are seven days. The fact remains that both closures occur on the same day, so whichever way it is expressed that is the end point of the process.

Hon A.A. LEWIS: Should the drafting not have made the reading simpler? The Leader of the House said he wanted the wording to be simple for the electors, so why do we not use the same type of language in both cases?

Hon J.M. BERINSON: One of the reasons for the different terminology is that the period for the close of rolls is fixed at eight days, whereas the period for close of nominations is flexible and expressed to be from seven days to 45 days.

Hon A.A. LEWIS: The Leader of the House has just given me the answer I want: There could be a variation in the closing of rolls and the closing of nominations. The Government is not winning anything by doing this, and I just emphasise the point.

Clause put and passed.

Clauses 29 to 31 put and passed.

Clause 32: Section 93 amended --

Hon A.A. LEWIS: A person can claim general postal voter status in two ways: Having a religious belief, and being further away from the polling booth than 20 kilometres; and he will remain on the general postal vote roll as long as these conditions continue to apply. Am I correct?

Hon J.M. BERINSON: That is correct so far as it goes. There is a third category dealing with persons with a permanent disability.

Clause put and passed.

Clauses 33 to 38 put and passed.

Clause 39: Section 113 amended --

Hon G.E. MASTERS: The Opposition, and certainly the Liberal Party, opposes this clause which leads us into the question of the design of ballot papers. In my second reading speech I indicated to the Leader of the House that I, and hopefully the National Party, would be sticking to our guns on the design of the ballot paper. During lengthy debate on the major electoral Bill, agreement was reached on a form of ballot paper that was something like, if not very much like, the design of the Commonwealth ballot paper. The Leader of the House during his second reading speech made comment on a fault in the present design of the ballot paper; indeed, it was not the same as the Commonwealth ballot paper. I have yet to be convinced that that is the case.

We should continue with the arrangement now in the Act; that is, that the form be of similar design to the Commonwealth's, and for that reason it is not likely any misunderstanding or mix up will occur. The more changes we have, and the more difference between Commonwealth and State ballot papers, the more likely it is there will be mistakes made during the elections. Two Federal elections ago a mix-up occurred which led to a lot of informal votes. I think we should be directing ourselves towards being as close to the Commonwealth ballot paper as we can.

Hon Garry Kelly: The design was not at fault. The mix up was caused by the different methods of voting.

Hon G.E. MASTERS: Our argument was both. Hon Eric Charlton particularly made the point that the design of ballot papers is similar to, if not the same as the Commonwealth ballot papers. Hon Garry Kelly is correct about the other matter he raised, but that is not the point at the moment.

Hon Garry Kelly: The Leader of the Opposition raised the bit about informal voting.

Hon G.E. MASTERS: Yes. It was the design of the ballot papers which caused it. The Commonwealth papers have a provision for a registered voting ticket, but in the House of Representatives it is not the same and there was a mix-up there. That seems to have largely resolved itself now. This time the Opposition will oppose clause 39 and will seek to retain the existing provisions in the Act.

Hon E.J. CHARLTON: When we debated the previous Bill we inserted the names of the political party next to the candidate's name in section 113C. Is there no question of having the party name on the ballot paper?

Hon J.M. BERINSON: The provision of party names for the Council is already in the Act. Clause 43 of this Bill opens the way for party names on the Assembly ballot paper. This is a very important part of the Bill and it involves a number of separate questions. The first, and I suppose the easier question, relates to the need to amend the form of the Council ballot paper as it appears in the schedule. I will try to indicate in a few moments the reasons justifying that change, but they essentially come down to what might be called technical difficulties, which difficulties have been drawn to our attention by the Electoral Office. There can be room for argument, and I know there will be argument, on the principle of introducing ticket voting to the Assembly paper, but I do ask members who feel strongly about that to at least keep separate the issue of the Council voting format. The argument for that is not one of principle, it is one of practicalities.

If I can go on from there to a general discussion I come to the second part of the clause which looks to the implementation of ticket voting in the Assembly so that the system there parallels the provisions we have already agreed on for the Council. The Government has commissioned an independent survey of public preference as between three different ballot paper designs; namely, first according to the present legislation; secondly offering ticket voting in both Houses with a horizontal format; and thirdly offering ticket voting in both Houses in a vertical format. This was a professionally-conducted survey in which 304 people in country and metropolitan locations were questioned. The results were as follows: Seventy nine per cent preferred the vertical format ballot papers with ticket voting. Ballot papers formatted according to the present situation produced the highest percentage of informal votes for both Houses. Informal voting on the present Legislative Assembly voting format was especially high, approximately double. The absence of party names from the current Legislative Assembly ballot paper was a heavily criticised feature.

Existing legislation presents voters with two different ballot papers. The Legislative Assembly has a vertical format and the Legislative Council has a horizontal format. The Assembly paper gives no ticket voting option but the Council paper does. The Assembly paper at the moment does not allow for party names; the Council paper provides for party names.

Hon Neil Oliver: That Act has to be proclaimed; you have only just introduced that.

Hon J.M. BERINSON: That is right, but that is under the Act to which this Council has agreed.

Experience has indicated that the dissimilar ballot papers will cause an unacceptable rise in the informal vote. We are now well past the stage where that proposition is advanced on merely a theoretical basis. It does not even have to rely on the survey to which I have referred although that was a professional and independently-conducted survey among a good representative sample of electors. Much more valuable as a guide to the practical undesirability of the mixture of systems is the experience in Commonwealth elections where, as we know, the Senate has provided for ticket voting while the House of Representatives has not.

The result of that has been quite dramatic. If we compare the average result in the Senate in the five elections before ticket voting was introduced, we find an average informal vote of 9.42 per cent. In the two elections since ticket voting was introduced that figure fell to 3.73 per cent; that is, to something significantly less than half of the previous average informal vote. On the other hand if we look at the effect in the House of Representatives over these same elections we find that the average informal vote over the five elections prior to ticket voting in the Senate was 2.56 per cent, and it went in the last two elections to 6.81 per cent.

Hon G.E. Masters: What was the figure for the last election?

Hon J.M. BERINSON: I will give those individual figures; I am happy to have them in *Hansard*. We had an improvement to less than 50 per cent of the former informal votes in the Senate and an increase in the informal vote in the House of Representatives by two and a half times. I will give Mr Masters the details of the figures he asked for. In the House of Representative elections of 1974, 1975, 1977, 1980, and 1983, the respective informal votes were 2.52 per cent, 2.3 per cent, 3.3 per cent, 2.69 per cent, and 1.98 per cent, totalling an average of 2.56 per cent. In the last two elections -- that is, the two elections since ticket voting was introduced in the Senate -- informal voting in the House of Representatives was 7.08 per cent in 1984 and 6.55 per cent in 1987, totalling an average of 6.81 per cent. Members will recall a major education exercise before the 1987 election in which the Commonwealth spent over $4 million trying to minimise the informal vote in the Senate. What was achieved was a reduction in the informal vote by just one half of one per cent. Even if we ignore the averages and look at the 1987 result based on $4 million-worth of education advertising, we find that the average informal vote in the House of Representatives rose from 2.56 per cent to 6.55 per cent. That is an absolute disaster.

Hon P.G. Pendal: Because you changed the system.

Hon J.M. BERINSON: Of course we changed the system, but we changed it for the better as will be seen by the results in the Senate.

I have indicated the informal vote reduced to less than half. There can be only one possible explanation for this striking reduction in the informal vote in the Senate on the one hand and the appalling increase in the informal vote in the House of Representatives on the other hand, and that is the confusion arising from the two different systems of marking ballot papers in the one election.

Hon P.G. Pendal: No, it was because of the changed system.

Hon J.M. BERINSON: It was not the changed system. Changing the system resulted in a reduction in the informal vote for the Senate by almost six per cent. Can anyone argue that it was a bad move to amend the voting system in a way which reduced the informal vote for the Senate by six per cent? I do not believe Mr Oliver would argue that.

Hon P.G. Pendal: Yes, he would. All that proves is that they can put a tick on a bit of paper. It does not prove that their understanding improved at all.

Hon J.M. BERINSON: It proves that, in our system of voting as in every system of voting, the important issue is the ability of voters to record a vote for the party they want to support and, to go further than that, to ensure that the vote that they record is an effective vote. Here we have a position where a change of system reduces the informal vote by six per cent. I ask again: Can anyone argue that that is bad in principle, in practice, or on any other basis?

Hon P.G. Pendal: We have already been through that and you don't listen. It proves nothing about any increased level of understanding of what those voters were doing wrong in the past. All it shows is that they are brighter at being able to tick something. They are able to fill out a Lotto ticket with ticks.

Hon J.M. BERINSON: The member can be as derogatory as he likes about six per cent of electors who are helped by the system. The fact is that, before this change to ticket voting, the system of voting in Australia was the most complicated in the democratic world. No other system has our pattern of preferential voting and, when it comes to the Senate and the capacity, especially at double dissolutions, to require as many as 50, 60, or 70 squares to be filled out in order, I do not think that an error or a failure to record a correct vote is a reflection on the voters; it is a reflection on the voting system. That has been largely overcome by ticket voting. However, the feds made a mistake. Their mistake was not to

appreciate early enough that this very important improvement in the Senate would lead to confusion in the House of Representatives' ballot unless the two were brought into line.

Hon E.J. Charlton: Does this clause with which you are now dealing refer totally to voting for the Assembly or is that clause 40? Are we talking about the setting up of a ticket?

Hon J.M. BERINSON: Clause 39 refers to ballot papers in the form set out in proposed schedule 3 which carries the form of both Council and Assembly papers. Somewhere along the line I think it is important to try to draw all the relevant principles together. That is why I am going on at length.

I wish to go back to the form of the Council paper. I have said before that there are important technical reasons to support the amended form of Council ballot papers, irrespective of what one thinks about the Assembly position. The reason for that is the practical difficulties of implementation which have been brought to our attention by the electoral officers themselves. When I first said that in the second reading debate, a member of the Opposition asked me why we have that problem here if it does not occur in the Senate. I think that is a reasonable question and it needs an answer. Basically the reason is that the provisions of the setting out of the Senate paper are significantly different from our own provisions, particularly in respect of independent candidates. The position is that only groups of candidates may lodge voting tickets in the Senate elections and, therefore, individual candidates, perhaps unfairly, are printed as a single group on the ballot paper.

As against that, proposals for State elections allow both groups and individual candidates to lodge voting tickets. The Government believes it would be inappropriate to print the names of individual candidates as a group on the ballot paper with a horizontal format like that used for Senate elections for the following reasons: Present State law proposes for Legislative Council elections, two ballot paper forms, each of which attempts to adapt a Senate-style form to cope with the differences in State law.

The existing section 113B requires the Electoral Commission to decide whether the names of ungrouped candidates will be presented separately or in a group and which of two alternative ballot papers will be used. The existing form A shows ungrouped candidates, with voting tickets, placed before ungrouped candidates without voting tickets. That is an ordered result which the draw for ballot paper positions is highly unlikely to produce. In other words, the form of the ballot paper has been predicated on the assumption that in the free draw from the barrel, candidates with tickets will all come out together and independent candidates without tickets will come out together. On the law of probabilities, that simply is not possible.

As well, existing form A discriminates against ungrouped candidates by giving those with a voting ticket a separate column each, but by grouping those without a voting ticket into one column. The existing form B discriminates against ungrouped candidates by grouping them and placing their voting ticket squares around a dogleg in the format; that is, on the right-hand-side of the paper which is separated from what might be seen by electors, in some sense, as more legitimate candidates. Although I say it myself, I am not in the habit of going on at length at the Committee stage, but this is a crucial part of this Bill. It goes to a matter of different, but related issues and it also involves some complications simply in the technical aspect of it. I am sorry for the length to which I have gone, but I hope that the explanations I have now given will obviate any lengthy discussion further on.

At the heart of all these propositions is the importance of keeping down the informal vote in both Houses and the need, as a result, to adopt parallel systems of voting for the Legislative Council and the Legislative Assembly; that is, bringing to the Assembly paper both the party or independent designations and the capacity to register a ticket vote. I know that it is very difficult to persuade people on the floor of this Chamber to change views which they previously developed, but I seriously put the argument that we have important issues which really demand a proper consideration on their merits and on the principles involved. It is on that basis that I urge members to support this clause in the form as listed.

Hon TOM McNEIL: I have to confess that there is some confusion over the progress of this Bill in regard to exactly where a member has to take a stand if he decides to give the Government support.

Members of the National Party are divided in their opinion in this regard. I know that my colleagues are prepared to go along with party designation on the ballot paper for the

Legislative Assembly which is in line with what they would do in the upper House. I differ from them slightly insofar as I am prepared to have the same situation apply in the Assembly as would apply in the upper House.

I have heard the arguments put forward by the Liberal Party in relation to the electoral reform Bill which was debated recently and can accept its consistency on this matter. I could not accept the argument put forward by my party. However, in the party room today it was suggested that because people may vote for the upper House on a voting ticket, to simplify the matter a box be placed in one corner of the ticket and that the party option be accepted -- this would be unacceptable in the Assembly. I can accept the fact that there are so many numbers on a proposed Council ticket that this would simplify voting. However, I will argue that although there may be one candidate to six or one candidate to three that option should be available to Assembly voters.

If we have a situation where candidates for the upper House are voted for in a particular manner, I cannot see any reason why the same principle should not be applied to an Assembly ballot paper. The confusion Hon Eric Charlton and I had was at which part of the Bill we would have to signify our support for either party designation or ticket voting. I thank Hon Eric Charlton for interceding on my behalf, but he was clarifying the situation to ensure that I would vote in the way in which I am prepared to vote on this clause.

Hon G.E. MASTERS: I imagine that the survey to which the Leader of the House refers will be made available to the Opposition.

Hon J.M. Berinson: Yes, that is correct.

Hon G.E. MASTERS: It is interesting that with surveys all sorts of answers are obtained depending on the way the questions are framed. I guess a survey can be engineered to go a certain way by careful wording of the questions that are asked of the public. Nevertheless, I accept that the Government has set out to survey the public to obtain some sort of response on the format of the ballot paper. I have not seen that information and I am still not persuaded that we should change from our previous stance.

It was a very simple method of drawing up a ballot paper and, quite frankly, with all the colours and the large number of squares and references, I find it much more difficult than the one we have under the existing Act. I am certainly not persuaded by the argument put forward by the Leader of the House to change the format of that ballot paper. He has not given any real reason why it is not workable. It seems to me that we are adding further confusion so far as the public is concerned. There are two different forms of voting paper in the Federal scene and now we are introducing a third form of ballot paper. That presents even a bigger problem. The public will know that it is a different procedure and a different format from the Commonwealth system. Surely they should be running in parallel as far as we are able to achieve that. As the Commonwealth format changes, we could then consider making changes but it would surely be much better to follow the Commonwealth as far as possible in this State. I am not convinced that we should further complicate the matter by introducing a different procedure for the State.

I am opposed to a registered voting ticket for the Legislative Assembly. The public have a certain responsibility to understand whom they are voting for and the very simple voting format that has been followed in this State for a long time in the Legislative Assembly should be retained. Very often there are only two candidates, and rarely more than three or four, in a State election and it is not too much to expect the people voting for the Government to represent them in this Parliament to be able to work out the numbers, one, two, three or four in that order. People have become accustomed to that method of voting.

Because of the small population in Western Australia local members in the Legislative Assembly certainly become very well known to the community and most people would know their member by name. They would not necessarily be voting for the party ticket or the party of that candidate. They have a close association with the local member and they vote for him or her as a person. That will continue and it is perhaps a special aspect of the voting system in Western Australia. I agree that in some places in other States with large populations it may well be that the candidate is lost in the large community. However, certainly in the country areas of Western Australia there is a close working relationship between members and their electorate. There seems to be Government emphasis on the party rather than the

person. The most important items on a ballot paper of any form, whether Commonwealth or State, are the names of the candidates, not the parties they represent. That should be uppermost in our minds.

I accept that there have been some difficulties on the Federal scene and the Leader of the House has indicated the number of informal votes which occurred as a result of two different ballot papers. He made that point very clear but I do not necessarily think that that pattern will continue or that it would happen in Western Australia. Because of the close working relationship between Legislative Assembly representatives and the community, the informal vote would be nowhere near as high as six per cent.

I am not persuaded to change my view that the present ballot paper should be changed, nor am I persuaded that the system of voting in the Legislative Assembly should be changed. I do not believe there should be a registered voting ticket in the Legislative Assembly and I am convinced that when an election takes place the public will not make the mistakes that have been made in the Federal election or repeat the mistakes made in the past. I will oppose clause 39 for the reasons I have given and will urge my members to do the same.

Hon E.J. CHARLTON: Hon Gordon Masters has just said, and the Leader of the House referred to this a moment ago, that the problem relates to the Independents. Before we proceed any further we need to know whether that is the only problem; in other words, will there be difficulties related to their position on the ballot paper with regard to the draw?

Hon J.M. Berinson: Yes.

Hon E.J. CHARLTON: Does the vertical arrangement rather than the horizontal arrangement overcome that problem?

Hon J.M. BERINSON: Yes. I do not want to put off the evil day but the discussion as to the actual format would best be left until we reach schedule 3. Whatever we do, we have to decide there is to be a format in schedule 3 and this clause is stating that the ballot paper shall be in the proper form set out in schedule 3. At the moment we have the old one and I am happy to engage in further discussion about what is wrong with it. For the moment we need to concentrate on the issues of principle.

Hon E.J. CHARLTON: Referring to the voting ticket for the Legislative Assembly, everyone accepts the statistics and the facts given by the Leader of the House regarding Federal elections. When the new system of voting was introduced, including the voting ticket for the Senate, the problems started in the voting for the House of Representatives. Before that, there were problems in the Senate voting but not in the House of Representatives voting.

I said when the previous Bill was debated and again in the second reading debate on this Bill that I oppose the introduction of ticket voting in this State simply because it is fair to expect people to be able to carry out the responsibility of voting in a preferential system. I am the first to acknowledge that the informal vote will increase in the next State election for the Legislative Assembly. Without being disrespectful, I give no credence to the research of the Leader of the House because I do not think that comes into the matter. Many people do not understand preferential voting and, therefore, there will always be a problem. Immediately an election is foreshadowed people ask to whom the parties are giving their preferences; they do not understand that parties do not give preferences, people do. Under this ticket voting system, parties will give preferences.

Hon J.M. Berinson: A large proportion of people are guided by the party preferences.

Hon E.J. CHARLTON: We have plenty of examples which indicate that 20 per cent of people go against that system and they will still be able to do so. The terminology used in advertisements and on the ballot paper is in adequate. We simply do not provide clear and precise information on how people can exercise a valid vote. This says, "Place the number 1 in only one of these squares" and so on and so forth. I think this sort of terminology helps to confuse people.

Hon P.G. Pendal: So do I.

Several members interjected.

Hon E.J. CHARLTON: It is no good the honourable member interjecting and saying

something like that, because the situation has become dramatically worse in an election with only a minimal number of candidates. As the Leader of the House has just spelt out, $4 million was spent and people still did not understand, yet all they had to do was to write 1, 2, 3 and 4.

Hon T.G. Butler: I am surprised Hon Phil Pendal does not understand it.

Hon E.J. CHARLTON: Hon Phil Pendal does understand it and the member knows he does. We are talking about the six per cent who do not understand it. So let us be serious. Whichever way this decision goes, whether we have ticket voting or not, we have a very important responsibility here, either now or when the schedule is debated. The information on it should be of assistance to the voter and not something written by some academic who thinks about the electoral system in his sleep and writes it up in a way which makes it more difficult for people to understand.

It is not important to change the system to a voting ticket in the Assembly, but I acknowledge what my colleague Hon Tom McNeil has said. The statistics indicate that the obvious and logical thing is to go that way. We seem to be reacting to what has happened previously in other elections.

Hon NEIL OLIVER: I feel the same as the previous speaker, but more importantly, what concerns me is the preoccupation of the Government with the party vote rather than the individual. Particularly in Western Australia, it is the individual who counts. In fact he counts even here in the Legislative Council. Take, for example, Hon Tom McNeil and Hon Margaret McAleer.

Hon Garry Kelly interjected.

Hon NEIL OLIVER: Labor would have to be put down on the ballot paper to make certain that Hon Garry Kelly was elected. Only in recent years has the Liberal Party had one candidate. At some of our recent divisional meetings propositions have been put forward to have two candidates.

Hon Garry Kelly: Trying to confuse the electorate!

Hon NEIL OLIVER: No. We have found in the past that for an endorsement in the lower House there were sometimes two very well known people in the electorate and we left it to the people to decide. In fact there are still some members in the lower House who were elected on that basis. In the last 12 months this has been discussed in the Liberal Party. I do not know how this system would work with us. We would have to make certain that the people were given that choice.

I come back to the overall philosophy of the Government, which is always on a party line. Members opposite never seem to understand the effect that an individual may have; they deal only en masse.

Hon Garry Kelly: Oh, yes!

Hon ROBERT HETHERINGTON: I become a little distressed when I hear some of the arguments about what voters should or should not do, and some of the judgmental statements which are made. The Leader of the Opposition summed it up well when he said that people go along to vote wanting to vote for their Government. They want to vote for or against the Government. They want to vote for a Government of their party or against; for an Opposition of their party. All this talk about the individual is an anachronism. One is not facing what people are voting for.

Hon P.G. Pendal: That is what the Labor Party thinks.

Hon ROBERT HETHERINGTON: The honourable member can throw those remarks across the Chamber if he likes. I have heard more fatuous statements from him tonight than I have heard for a long time. I want to be allowed to develop what I want to say because I do not want to hold up the Committee for too long.

Hon P.G. Pendal: We agree on that.

Hon ROBERT HETHERINGTON: One of the things we must remember is that many migrants find English difficult; some of them find the instructions difficult, and some of them are not used to the preferential system. This applies also to English migrants. Anyone

who has stood outside a polling booth and given out how-to-vote cards knows that many people want to vote for a party. I have had the pleasure of standing outside a polling booth when somebody has come up to me and said, "Who is the Liberal candidate for such-and-such a seat?" I have gone to the trouble of looking it up and telling him.

Hon Garry Kelly: Why?

Hon ROBERT HETHERINGTON: Because I believe in democracy. If a person wants to vote for the Liberal candidate, whoever he may be, and I have that information I will give it to him. People have the right to vote the way they want to. I want to vote, as many other people do, for a political party. I do not go around saying, "It makes no difference if I stand because of my tremendous personal following." If I stood as an Independent, I might get 2 000, 200 or 20 votes; I do not know. I certainly would not be elected. The reason I am in this Chamber is the same reason that Mr Pendal is in this Chamber, and that is that I stood as a candidate for a political party. If Mr Pendal doubts that, let him put it to the test. I would rather see Hon Neil Oliver put it to the test and stand as an independent. It would help to change the nature of the Council.

Hon Neil Oliver: A member in the other House actually did what you are challenging me to do and he was elected.

Hon ROBERT HETHERINGTON: It was a long time ago. The member should try it and see what happens to him.

Hon Neil Oliver: He was elected twice as an Independent.

Hon ROBERT HETHERINGTON: I have studied a great deal of politics.

Hon Neil Oliver: Get your facts straight.

Hon ROBERT HETHERINGTON: The member makes more fatuous remarks than anybody I know. I have got the facts quite straight. We should allow people the right to make a choice to vote either for a party or for an individual candidate. They should be allowed to vote for a party, because this is what we do today, therefore the honourable gentleman from the National Party should consider this very carefully. He should consider the facts. They are all honourable gentlemen in the National Party over there; they should consider that this will help people. Many people want to vote for parties. People tend to vote for or against Governments, or for minority parties as a protest vote. People who want to do this should be allowed to, and they can be allowed to by accepting the proposition which the Government is putting up.

Hon NEIL OLIVER: Hon Robert Hetherington is supposed to have been a lecturer in politics.

Government members: He was a lecturer in politics.

Hon NEIL OLIVER: He has said that there is no such thing as a personal vote. When I was elected to this House, a sitting member in the electorate of Mundaring would in no way use the words "Labor Party". The member was Jim Moiler, and on every piece of material he put "Jim Moiler". If he ever used "Labor Party" it was to his disadvantage. If members like, they can ask him and he will tell them. My colleague, Hon Gordon Masters, will bear me out. That member was elected on his personal merits, and even today one can go into that electorate and find people -- Liberal people -- who will speak highly of him as Jim Moiler, not as a member of the Labor Party. In fact, his downfall was caused ultimately because he was challenged to put "Labor Party" on it, and when he did, he was defeated.

Hon T.G. Butler: What a load of nonsense.

Hon G.E. MASTERS: I just want to put a point of view to Hon Robert Hetherington and then ask a question of the Leader of the House, who is handling the Bill. I did not suggest that people should stand as Independents; what I said was that there are members who are, or were, very popular in their electorates, people such as Jim Moiler and a number of other members of Parliament on both sides, who gain a substantial benefit from being well known as serving their electorates particularly well, and in a tight election it is quite likely and more than probable that they will be able to win their seats because of the work they have done and because of the high regard there is for them in the community. For that reason, there are people standing for the Legislative Assembly who will get votes which are quite different

from the votes of people standing for the Legislative Council on the same day, to the stage where perhaps one party will win a Legislative Council seat and another a Legislative Assembly seat. That is what I am talking about in regard to a personal vote. Talking about Mundaring, I guess the last election with Gavan Troy being elected was a very good indication of how a local member can gain substantially over another would-be member because of his high standing within the community. So that is why I think the Legislative Assembly elections are different from the Senate or Legislative Council elections, and the results prove that point.

As I understand it, clause 39 is consequential to the proposed horizontal ballot papers, so I gave an indication that on that basis I would be opposing this clause. If the Leader of the House believes that the clause really has no relationship to the horizontal ballot paper, but that argument will come later, then I would be keen to listen to those comments and perhaps review my position, because as I read the clause here, it will relate to the Government's new proposals in schedule 3 and the horizontal ballot papers.

The Government has also substantially changed the wording of section 113 in new clause 39, and perhaps the Leader of the House could enlighten us as to why these changes have been made.

Hon J.M. BERINSON: I start with the most recent question asked by Hon Gordon Masters, and in this respect new clause 39 cannot determine the argument about the form of the ballot paper. That will have to come when we deal with schedule 3.

Hon G.E. Masters: So you are saying it is really not consequential on the horizontal ballot paper; it is just the changing of words?

Hon J.M. BERINSON: Whatever is in schedule 3, we still have to decide that the form of schedule 3 should apply, which is what new section 39 does; so the passage of this new clause will not determine the issue but in effect will leave the issue open for later argument.

The reason why I took the opportunity to canvas the whole area is that this is the first point in the Bill at which the question of format of ballot papers arises. It will arise now in clause after clause, and it is necessary to establish the principles on which we are going to proceed. For example, dealing with Hon Tom McNeil's question, it is necessary to pass new clause 39, but it will be necessary to pass that new clause whichever form of ballot paper one wants. However, immediately thereafter one comes to new clause 40, which raises in a very direct way the question of ticket voting in the Legislative Assembly. The second part of the matters that we have been discussing will then come up for consideration. There are a whole series of clauses, each touching on the same basic principle.

I will be brief, but I want to respond to a number of the comments made by speakers opposite. Hon Gordon Masters said earlier that people have become accustomed to preferential voting, and that is true. To the extent that it is thought desirable to preserve the ability to cast a full preferential vote in a way which differs from the party ticket, then that is preserved. In fact, at the last Federal election, even with all the complications of large groups of candidates in the Senate, 12 per cent of voters still opted to fill in their own papers on a full preferential basis.

The fact that people have become accustomed to preferential voting does not overcome the basic problem -- which I have now put in several ways -- of informal voting. The truth is that people were accustomed to preferential voting in Federal elections as well, yet faced with this difference in the systems of voting between the two Houses, the informal vote for the House of Representatives skyrocketed.

Hon Eric Charlton was good enough not only to accept the statistics which I offered to him but also to say that everyone accepts the statistics. However, the conclusion which he drew from them needs to be reconsidered. As I understand it, Hon Eric Charlton said that of course the statistics are right; there has been a very serious increase in the informal vote in the House of Representatives. However, he ascribed that to the change in the Senate vote. As he put it, it was the Senate which created the problem. I would put to Hon Eric Charlton that it was not the Senate system which created the problem; what created the problem was the lack of change to the House of Representatives' system so as to remain parallel with the system in the Senate. In other words, there was nothing wrong with the Senate system; what was wrong was that people who were used to voting in the same way in both Houses were

suddenly faced with a situation where they were called on to vote differently for the two Houses. That has been proved twice running now in the Federal system to be very detrimental to the prospects of a truly reflective vote. This is precisely what we want to avoid, and that is the whole point of the exercise.

There is one question arising from Hon Neil Oliver's earlier comments which I would like to respond to. He referred to the possibility under the present system of a party putting up more than one candidate in an electorate. There is nothing in the new system which would prevent that. Ticket voting under the Bill is not nominated by the party; it is nominated by each candidate who wishes to submit a ticket. Therefore it would be perfectly open to two Liberal candidates in one electorate each to submit a ticket and in the ordinary course of events each would naturally direct his preferences to the other Liberal candidate. Nonetheless, as I understood it the question was: Would this system preclude the possibility of more than one candidate from a single party standing in an electorate? The answer is no.

Clause put and passed.

Clause 40: Section 113A amended --

Hon P.G. PENDAL: Many of the things discussed by many members during debate on the last clause had to do with this clause and in many cases nothing whatsoever to do with clause 39; that applies also to clause 43.

I put it to the Chamber that clause 40 ought to be thrown out because it is, in effect, optional preferential voting. I would go even further and say that it is not just "in effect" optional preferential voting but that it is optional preferential voting. If I read it correctly, at a later stage when discussing the schedule we will determine what goes onto the ballot paper. One of the options open to the voter in the Assembly, which is what we are talking about, will be to fill in one box only.

Hon Garry Kelly: That is not optional preferential voting; that represents a full distribution of preferences from the registered ticket.

Hon P.G. PENDAL: The honourable member should let me follow it through, because I suggest that it is optional preferential voting. Allow me to refer to the diagram of the proposed ballot paper that appears later in the Bill. One of the things one will be able to do -- and I had not noticed this before -- is vote this way, with the arrow down, placing the number 1 in only one of these squares; one can put the number 1 in any of those four, or five squares, or whatever number of squares there are. Or one can vote on the other side and place the numbers 1 to (e) -- and members opposite should not tell me that is not going to confuse people. They talk about migrant voters! I can imagine some poor migrant standing there and saying, "I thought 1 was a numeral and (e) was in the alphabet."

Hon J.M. Berinson: But (e) will be a number.

Hon P.G. PENDAL: But the Leader of the House should get the migrant to try to work that out.

Hon J.M. Berinson: But he will not have to work it out.

Hon P.G. PENDAL: The Leader of the House thinks he will not but, as Hon Eric Charlton said tonight, the more simple this gets the more complicated it becomes. But that is not what I am arguing at the moment.

One either votes this way by placing the number 1 in only one of these squares or, it says, one places numbers 1 to (e) in the squares in the order of one's preference for the candidates. If that is not optional preferential voting, I do not know what is.

Hon J.M. Berinson: It is not.

Hon Garry Kelly: It is not.

Hon P.G. PENDAL: Just because the Leader of the House and Hon Garry Kelly say it is not does not make it true.

Hon J.M. Berinson: It is not because it is not.

Hon P.G. PENDAL: I had not woken up before, but this is achieving by stealth what the Government has not been able to achieve up front for the last couple of years.

Hon Robert Hetherington interjected.

Hon P.G. PENDAL: I do not know whether Hon Robert Hetherington has even read it, and I do not think he has. That is what we are confronted with. But quite apart from that, we are getting down to real bubs level stuff in inducing people to vote. Hon Joe Berinson was going on before about how these things will reduce the level of informal voting. I suggest it has nothing to do with increasing people's understanding of the voting method. That is quite different from saying it will reduce the level of informal voting, and it concerns me very much to see that what we are doing by this clause is, in effect, bringing about a situation where we have optional preferential voting for both Houses of Parliament.

The argument that used to be maintained in this House by Government members for a simplified form was based on having a long Senate ticket, and there was some validity in that because in some cases there were 40 or 50 squares to fill in; although it was still not too much to suggest to people who wanted to follow a how-to-vote card that they copy it. That does not take very many brains, either. Nonetheless, people expect the Government to go down the path of simplifying the voting system where there are dozens of candidates. That makes some sense to me, but now the Government wants to simplify it when there are only two or three candidates. How much simpler could it get unless the Government introduced optional preferential voting? That is exactly what I see this doing, and I see it because with my own eyes I can see those diagrams.

Hon Garry Kelly: There are two options there, but they are not optional preferential voting.

Hon P.G. PENDAL: I will be interested to hear Mr Kelly's explanation.

Hon E.J. Charlton interjected.

Hon P.G. PENDAL: I apologise to Hon Eric Charlton -- that was a silly thing for me to say but I need someone to persuade me that I am wrong in that belief. Quite apart from other things that I will raise under this clause, I believe it should be rejected by the Chamber on the grounds that it is de facto optional preferential voting.

Hon GARRY KELLY: I could not resist Hon Phillip Pendal's invitation to speak. What we have in front of us are two options, for sure, but both options involve different methods of recording a full preferential vote. There is a ticket vote, where if a person puts the number 1, a tick, or a cross in one of the boxes he records a full preferential vote on a ticket which has been approved by the candidate or the party. If he uses the other method he must fill in all the boxes and thereby record a full preferential vote in that way.

My definition of optional preferential voting is where one records only the number of preferences to equal the number of vacancies; so in the Assembly election the voter would have to record only one preference against one candidate. In a multiple vacancy such as the Senate one must record only 12 preferences out of 35 or however many candidates there are. That is the difference.

The procedures laid down in this Bill are two different methods of recording full preferential votes; it is not optional preferential voting. In both methods the voter has to record full preferences. In optional preferential voting he expresses only a vote equal to the number of vacancies, irrespective of the number of candidates. Does that convince Hon Phillip Pendal?

Hon P.G. Pendal: No.

Hon E.J. CHARLTON: I am pleased we do not have optional preferential voting because if we did I think we might have to make a few more amendments to overcome the increase in informal voting it caused. If we had to get people to fill in half a card instead of just one number or the lot, that would be even worse.

The point I want to make is that we have jumped the gun a little by talking bout the ballot paper diagrams. In discussing this clause we must determine whether we are to have ticket voting. I think the examples given are certainly good illustrations of how not to do it. Without any shadow of doubt I think the wording of the proposition put forward in these examples of a ballot paper is misleading. When it comes to debating the setting out of the ballot paper, we have to get it right so that we do not put in place something which is confusing. We need a ballot paper which can identify exactly to the voters their options -- whether they vote all the way through or whether they use the option of the ticket vote. There is no question that where people have an option of using either a ticket vote or

exercising their full preferential vote, the simpler the system the better. We need to get down to some examples of the actual ballot paper before we debate this matter.

Hon G.E. MASTERS: We are talking about the registered voting ticket and at the same time for obvious reasons we are discussing the resultant ballot paper as put forward by the Government, giving regard to a registered voting ticket. As I look at it, I can see that there will be more mistakes made this way rather than with the existing ballot paper as set out under the Act. The Leader of the House has obviously seen a copy of the ballot paper because this is in the Bill. This ballot paper would be for the Legislative Assembly. The public are used to going straight down the ballot paper -- "1", "2", "3" and so on -- because that is how they have been trained in their voting lives. There is a difference in the way people are able to vote. If they are seeking to vote according to a voting ticket, they can go across the board. I think it would be obvious to people voting that they need only to vote in one box. If they wish to exercise their vote by using numbers, they go down the ballot paper. The public, facing this new ballot paper, will where it says "either/or" go straight down the ballot paper, no matter whether it says at the top they need only put --

Hon J.M. Berinson: Are you saying everyone will cast a donkey vote?

Hon G.E. MASTERS: No, I am only saying the public are used to filling in all the squares. It is much more likely mistakes will be made with the proposed ballot paper than with the one in the Act at the moment. People walking into a polling booth and unused to this sort of voting will surely take note that they either put their mark in one side or in the other, but at the end of the day they are more likely to say -- and they will choose their party -- that they have put a tick in more than one square.

Hon J.M. Berinson: What is your understanding of the result of that if they do?

Hon G.E. MASTERS: If they fill in more than one square, the vote will be invalid.

Hon J.M. Berinson: I don't think that's right.

Hon G.E. MASTERS: My understanding is that if I were to go to a polling booth and there were a number of squares on the ballot paper -- and it says so in the Bill paper --

Hon J.M. Berinson: But you will put the number "1" in more than one square. You are saying that you put "1" in one square and then "2", "3", "4" and so on.

Hon G.E. MASTERS: I misunderstood that, as I think most members in this place would. If there were more than one square ticked in the registered voting ticket side of the ballot paper, the vote would be invalid. If I were to fill in that ballot paper by numbering it, only the number "1" would be taken into account.

Hon J.M. Berinson: That is my understanding of it.

Hon G.E. MASTERS: That was not my understanding of it in the original debate on the Bill. I would not think that it was so in the minds of most people in this Chamber -- that one, and one only, square had to be filled in. If that is the case, I can see that mistakes could be very easily made, because of the traditional way that people have been trained to vote. I think in that case it will be an absolute shambles. In many cases -- perhaps more than we could imagine -- more than one of the registered voting ticket squares will be filled in. We should clear this up properly: Only one square can be marked and the others are not marked. If more than one square is marked, the vote then becomes invalid. If someone, for example, puts a cross and a tick and a "1", is the Leader of the House saying that one of those counts and the others do not? I do not think that is the proper way to go about establishing a valid ballot paper. If that is the case, we ought to look at the whole matter once again.

Hon P.G. PENDAL: I want to change everything I have said before. I will now support this clause for the reasons partly stated by Hon G.E. Masters: This will cause such a shambles on polling day that it will result in the greatest number of informal votes that we have ever seen in a State election. I suspect -- I could be wrong -- it will be more to the detriment of the Labor Party. Therefore, I withdraw all the objections I had before; I will vote for the clause. The quicker we get it through, the better. Apart from anything else, it still represents optional preferential voting, in my opinion. I think that is a bad step to take. Having said that, I will now vote for the clause.

Clause put and passed.

Clause 41: Section 113B amended --

Hon J.M. BERINSON: Consequential on previous decisions I move an amendment --

Page 24, after line 7 -- To insert the following paragraph --

(c) by repealing subsection (4)

This relates to subsection (4) of section 113B which refers to specific forms in schedule 3 whereas we have already decided that the form of the ballot paper should be whatever is in schedule 3.

Hon E.J. CHARLTON: I think we have a problem with this clause because clause 41(3)(a) says a square shall be printed opposite the name of each candidate. That is taking for granted that in schedule 3 we will have a vertical ballot paper. I do not think we have come to that conclusion yet; it is something which has to be determined when we get to the schedule. If we proceed along those lines where does that leave us?

Hon J.M. BERINSON: Subclause 3(a) relates to the part of a ballot paper where full preferential voting is applied so it does no more than represent the layout of ballot papers as they now exist.

Hon E.J. Charlton: I know, but if we are going to have ticket voting we have to determine whether it is going to go down or across the paper.

Hon J.M. BERINSON: I am saying the ticket voting comes under (b).

Hon E.J. Charlton: But they are both on the same card.

Hon J.M. BERINSON: Yes, but even if we go to Mr Masters' apparent preference which is to have ticket voting sideways the preferential voting would still be downwards. Even Mr Masters is not suggesting we should have a ballot paper --

Hon G.E. Masters: Why do you say "even Mr Masters"?

Hon J.M. BERINSON: Because Mr Masters tends to take all these matters to their ultimate. I do not think anyone suggests seriously that if we maintain a form of full preferential voting it would be other than the form in which we now have it.

Hon E.J. Charlton: Part of the ballot paper could be vertical and the option horizontal.

Hon J.M. BERINSON: That is right. There would be nothing inconsistent in that.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 42 put and passed.

Clause 43: Section 113C amended --

Hon P.G. PENDAL: This is another of those provisions which were canvassed fairly extensively, albeit illegally, an hour or so ago in conjunction with an earlier clause. I do not want to extend the argument other than to say that I oppose the concept of introducing an optional component in the printing of party affiliations on the Assembly ballot papers. As well, the argument has already been advanced in the Committee stage that the printing per se of party designations, while it sounds good on the surface, takes away an emphasis on candidates as individuals. Notwithstanding anything Hon Bob Hetherington said to the contrary the fact is a great number of people -- how great I am not sure -- vote according to the person and at least aspire to place a greater degree of emphasis on the person and to de-emphasise the person's party political connections. That is one argument and I think the clause should be defeated on those grounds alone.

Secondly, having it as an option where one will have a ballot paper with "Smith, Liberal" and "Jones, ALP", if he remembers to do it in the first or second case, means there could be a variety of names not all accompanied by some sort of designation. That is absurd, and we are getting to the ludicrous situation that we have reached with the ballot papers that have been printed in the Bill. In all our efforts to make things simple we will make them more complicated, and I intend to vote against the clause.

Hon D.J. WORDSWORTH: It appears to me that when a person puts more than one number when voting for a party, and votes "1" Labor and "2" Liberal --

Hon J.M. Berinson: When he is voting preferential?

Hon D.J. WORDSWORTH: Yes. The Leader of the House says that means he has voted the Labor ticket and the second vote will be ignored.

Hon J.M. Berinson: Yes, if he votes on the ticket side.

Hon D.J. WORDSWORTH: But in fact he is trying to give his second vote to the Liberal Party.

Hon J.M. Berinson: He can only do that by voting on the preferential side of the ballot paper.

Hon D.J. WORDSWORTH: With this system there will be fewer invalid votes, which is the Government's objective, but there will be more votes where a person does not succeed in voting the way he wants. Where a person puts "1" Labor and "2" Liberal, or vice versa, it indicates which order he wants to vote. The Leader of the House is saying "No, we as a party want it the other way around and to give our preference to the National Party", and so the second vote will be ignored. It is a valid vote, but it has nothing to do with the way the elector wishes to vote.

Hon E.J. CHARLTON: Hon Phillip Pendal made the point about the option of designating parties on ballot papers. I did not think it was an option. If it was agreed, would not all parties be designated on the ballot paper?

Hon J.M. BERINSON: No. Section 113C of the parent Act gives the option to the candidates. It is not compulsory; it is a matter for their discretion.

Clause put and a division called for.

Bells rung and the Committee divided.

The DEPUTY CHAIRMAN (Hon John Williams): Before the tellers tell I give my vote with the Noes.

Division resulted as follows --

Ayes (16)			
Hon J.M. Berinson	Hon Graham Edwards	Hon B.L. Jones	Hon Fred McKenzie
Hon J.M. Brown	Hon John Halden	Hon Garry Kelly	*(Teller)*
Hon T.G. Butler	Hon Kay Hallahan	Hon Tom McNeil	
Hon J.N. Caldwell	Hon Tom Helm	Hon Mark Nevill	
Hon E.J. Charlton	Hon Robert Hetherington	Hon S.M. Piantadosi	

Noes (10)			
Hon C.J. Bell	Hon G.E. Masters	Hon P.G. Pendal	Hon Margaret McAleer
Hon Max Evans	Hon N.F. Moore	Hon John Williams	*(Teller)*
Hon A.A. Lewis	Hon Neil Oliver	Hon D.J. Wordsworth	

Pairs

Ayes	Noes
Hon Tom Stephens	Hon P.H. Lockyer
Hon Doug Wenn	Hon W.N. Stretch
Hon D.K. Dans	Hon H.W. Gayfer

Clause thus passed.

Clauses 44 to 46 put and passed.

Clause 47: Section 117 amended --

Hon P.G. PENDAL: The subject of this clause has been discussed previously by this Chamber on three or four occasions and the arguments for and against it are well known. I think it is a contradiction in terms for the Government to suggest that it introduced this Bill to improve the services available to voters and to include a clause that reduces the voting

time by two hours. The reason the Leader of the House gave for this provision is that, because officials had to spend that extra two hours on duty, the day was made terribly long for them. The other lame excuse for reducing the hours for voters was that we obtain an earlier result. Is it more important to get an early result or provide full service to voters? Not the slightest evidence has been put forward in any Parliament of Australia to suggest that it is not a bad thing for voters to be able to vote until 8.00 pm.

I have no doubt that this provision will be popular among how-to-vote officials. However, I oppose it.

Hon E.J. CHARLTON: When the National Party debated this provision we all had different opinions on it. We finally came to the conclusion that it could be likened to the trading hours legislation. As far as the public is concerned, they would accept 24-hour trading as a convenience. I believe that people would appreciate polling booths staying open until as late as 10.00 pm if the chance were given to them. The fact is that polling booths in every State for all sorts of elections, including local government elections, close at 6.00 pm. We have certain reservations about the inconvenience caused to country people who have to travel longer distances. However, I believe that most people accept that polling booths now close at 6.00 pm. I therefore support the 6.00 pm closing time for polling booths.

Clause put and passed.

Clause 48: Section 118 amended --

The clause was amended, on motion by Hon J.M. Berinson, as follows --

Page 25, lines 21 and 22 -- To delete the lines and substitute the following --

inserting after "christian" the following --

" or given ".

Clause, as amended, put and passed.

Clause 49: Section 119 amended --

Hon P.G. PENDAL: I want an explanation from the Leader of the House on the sort of scenario that the Government envisages taking place where a voter is queried by a polling official. My reading of this clause is that any additional questions posed to a voter claiming a vote will be questions that are asked at the discretion of the polling official. Are we departing from a situation where presumably there has been a set form of questions to determine a person's eligibility and why has it been found necessary to proceed down this path?

Secondly, as I understand it, a note does not have to be made of a person being questioned or of the questions posed at the discretion of the polling official. It creates the position where any allegation of impropriety would be very difficult to sustain if, in fact, the polling official were not permitted, as he will not be under this clause, to make any note about the questions. The Opposition is concerned about this clause. It is a potential form of abuse and I would like the Leader of the House to explain the situation.

Hon E.J. CHARLTON: I also query the points raised by Hon Phil Pendal. This clause ensures that an elector's right shall be established before being permitted to vote. What does the electoral officer have to consider before a voter is allowed to cast his vote?

Hon J.M. BERINSON: I move an amendment --

Page 26, lines 3 to 11 -- To delete all the words after "subsection (2)".

The reason for my amendment is that the proposed replacement subsection (2) now has nothing to operate on given that the Chamber previously rejected the proposal to approve proposed section 17A(1).

With regard to the other questions that have been put to me, subsections (2) and (3) are proposed to be repealed on the basis that subsections (4) and (7) will continue to ensure that an elector's right will be established before being permitted to vote.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 50 to 55 put and passed.

Clause 56: Section 129 amended --

Hon E.J. CHARLTON: Clause 56(b) indicates the manner in which the elector wishes the ballot paper to be marked by presenting to the person marking the ballot paper a statement in writing which may include a how-to-vote card. Does the electoral official have to determine whether it is an official how-to-vote card? The situation could arise where someone could fill in another official voting card and influence the vote in that way.

Hon J.M. BERINSON: There is no requirement for that to happen, nor would it be consistent with the general effect of this subclause. This does not depend on the elector having a how-to-vote card, whether official or not. He can produce anything in writing setting out the way he wants the numbers to go. It follows from that that it would not be appropriate to require the returning officer to check on the ticket that has been presented to him.

Clause put and passed.

Clause 57 put and passed.

Clause 58: Section 134 amended --

Hon E.J. CHARLTON: My query relates to proposed section 134(b). Why is it proposed to remove the requirement that informal ballot papers shall be marked "informal"?

Hon J.M. BERINSON: This is to bring the Act into conformity with the usual practice. I understand on the advice of the Electoral Office that most returning officers simply put informal ballot papers into a separate bundle but have not been following the practice of marking them "informal" as well.

Clause put and passed.

Clauses 59 to 62 put and passed.

Clause 63: Section 141 repealed and a section substituted --

Hon J.M. BERINSON: I move an amendment --

Page 32, line 13 -- To insert after "100" the following --

(1)

This amendment is proposed simply to correct an error in cross-referencing.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 64 put and passed.

Clause 65: Section 144 amended --

Hon E.J. CHARLTON: My query relates to the counting which is to take place even though a candidate may have 51 per cent of the vote. It must be proposed with statistical benefits in mind. After elections a fair amount of time is spent distributing preferences and I wonder what the value or the cost is of this procedure in every electorate, particularly from the point of view of the number of people available to do this work.

Hon J.M. BERINSON: I would have to agree with Hon Eric Charlton that this provision goes to matters of academic interest but they are not unimportant to the understanding of the real nature of the election result and I think they would be of interest to not only parties and candidates but also to other students of the electoral standing of prospective parties and of the electoral system itself. The problems of manpower would not be significant. The provision relates only to elections in Assembly districts and does not apply to what could be very substantial counting burdens in Council elections. The general position is that there are relatively few candidates in those electorates so the distribution of preferences where the decision is clear before the returning officer reaches the last two candidates would not constitute a significant burden.

Clause put and passed.

Clause 66: Section 146D repealed and a section substituted --

Hon G.E. MASTERS: Why has section 146D of the Act been changed? The Leader of the House will note that this section is little more than a six-line paragraph which is to be replaced by a smaller number of words that complicate the issue for anyone reading the legislation. The existing section 146D of the Act sets out in clear terms in a way everyone can understand what is involved. The new provision removes that simple explanation and inserts a lot of references. If ever there was more of an overcomplication of the situation, making it more difficult for the public to understand, I have not seen it. Why are we changing this section to the extent that the public will need to do a great deal of research to establish the simple meaning of the clause?

Hon J.M. BERINSON: As a general indication of the purpose of this clause, in applying the proposed section 138 relating to the scrutiny of Council ballot papers the option to conduct a fresh scrutiny is kept open. Given that we have already agreed to a new section 138 and to amendments to section 144, unless we agreed to this clause, we would end up with a strange set of duplications. The provisions would be duplicated but in slightly different words, for no good or apparent reason. I refer to existing section 146D and proposed section 138. We are dealing with the same thing. We would end up dealing with it in two places and in slightly different words, which would open the system to question and really serve no purpose.

Hon G.E. MASTERS: I am not going to argue the point. I do not see why we should not use almost the same words and make it quite simple. Members themselves have difficulty in working out all these cross references. It would be far better to avoid it where we can and spell it out in simple terms so that we can easily understand it. I will not go further than that. It is a draftsman's way of making life more complicated for the ordinary mortal who tries to struggle through some of this legislation. The average person has no hope of understanding it. One day we should get down to spelling things out in a simple way rather than using the complications to which I have drawn attention.

Hon E.J. CHARLTON: I would like to support Hon Gordon Masters' comments. The Government should take them on board and have that suggestion implemented throughout the Act. When someone tries to check the Act, he must start by going through a whole heap of things. This discourages people from proceeding through the whole Act.

Hon J.M. BERINSON: I shall be happy to take up that suggestion and put these proposals to the Minister. After a bedding-down period it may well be appropriate to review the terminology further. I am bound to say, though, in response to some of the comments about the drafting, that the draftsmen have had an enormous job with this Bill. As members know, we have here something like 80 pages of amendments to a huge Bill which was itself passed only recently. The pressures on the draftsmen as a result of this bulky and very varied set of provisions are very great, and they have done a remarkable job.

Hon G.E. Masters: You can see our point, though, can't you?

Hon J.M. BERINSON: Having said that, I agree that to the extent one can simplify the legislation, that ought to be pursued, and I shall take that up with the responsible Minister.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 67 to 71 put and passed.

Clause 72: Section 156 amended --

Hon J.M. BERINSON: I move an amendment --

Page 36, lines 18 and 19 -- To delete "of this section".

We face the rather remarkable situation that this amendment seeks to delete words from the Act which are not in fact there. It is just an error. The Act does not include the words "of this section" at this point, so it is fairly difficult to delete them.

Clause put and passed.

Clause 73 put and passed.

Clause 74: Section 191A inserted --

Hon P.G. PENDAL: I shall not spend a lot of time on this because clearly other members are

interested in it as well. I am surprised to find this sort of clause here. I would have thought there were sufficient safeguards to keep an election honest without extra things being added. Had this section been in operation prior to the south west by-election, the Labor candidate would immediately be up for $1 000.

Mr Chairman, you will be aware that in essence the clause is intended to prevent people from printing, publishing or distributing any matter or any thing which is likely to mislead an elector. There are 91 members of the Parliament, and we might find 91 members behind bars.

Hon J.M. Berinson: Speak for yourself!

Hon P.G. PENDAL: We might even check some of the Leader of the House's literature.

Several members interjected.

Hon P.G. PENDAL: The more restrictive one gets in things like this, the more difficult it is to maintain a seriously open election. Several avenues have been pursued before. The Criminal Code contains a number of safeguards, including criminal liability and other recourses for members who feel they have been unfairly treated. Beyond that I shall not press the point. I intended to make other comments, but we will be making a rod for our own backs where it may be difficult to draw the line between what is valid political comment and what comes into the realm of the new section 191A.

Courts of law in Australia have ruled in the past that there is less likelihood of a person succeeding with an action when it involves politician against politician, and in an election environment, because the courts have taken into account the high level of political or poetic licence in debates of that kind which are not often tolerated in other sections of the community. For that reason as well we are ill-advised to be proceeding down this path. However, I do not intend to oppose the amendment.

Hon E.J. CHARLTON: The National Party has discussed this point. Whatever is done there will be anomalies, even if something is put in place to try to curtail misleading actions by candidates or parties against other candidates or parties. It is doubtful that this penalty is sufficient. In some cases candidates or parties might consider $1 000 a small price to pay for success. If we have these penalties, how long will it take to work out whether someone is contravening the Act? If we are to put this in place, it is not much good having laws if they are not acted upon. So one could have a situation where a candidate finds out a couple of days before the election -- and this has happened -- that people have issued statements or used an advertisement on radio or television to give the connotation that a vote for a certain candidate is not going to have the effect of electing that individual to Parliament as a worthwhile representative of a particular area. This has been done on more than one occasion, yet what action can be taken other than to impose the maximum fine of $1 000, obviously after the election is over? I concede that this is probably a first step and if it is going to be made workable and effective, it will be necessary to make some changes as time goes by if people seriously want to have those penalties implemented.

One can go even further and say if the offender is a candidate or is up for re-election at some time in the future or at the next election, that candidate's nomination should be cancelled and the candidate should be stopped from being able to participate in the next election. One could go on to request that the funds that are being used by that candidate should be confiscated.

The reason the National Party would support the implementation of these provisions is simply to try to discourage candidates and parties from being involved in stooping to use unfair tactics. I think too many discriminatory remarks have been made by parties and candidates about their opponents, and this does nothing but degrade even further the already low esteem in which a lot of candidates are held at election times. More positive action needs to be taken in telling electors about the virtues of a particular party or candidate, and if everyone did that, people would be in a position to make their own judgments accordingly, instead of our having this retrograde activity of putting other people down and trying to have that as the basis of an election campaign.

While this clause is probably a long way from achieving the necessary effect, we would hope that it might be a step in the right direction towards making campaigns more honest and discreet.

Hon J.M. BERINSON: There are a couple of questions of terminology about which I would like to have further advice in respect of this clause.

Further consideration of the clause postponed, on motion by Hon J.M. Berinson.

Clauses 75 to 79 put and passed.

Clause 80: Schedule 3 substituted --

Hon J.M. BERINSON: I move an amendment --

> Page 40 -- To delete the form of ballot paper included in proposed Form A and substitute the following --

[See appendix A, p 4667.]

Hon E.J. CHARLTON: We have gone through this Bill to such an extent now that it has been established that there is going to be the option of a voting ticket, and we are now simply getting down to the form that the particular ballot paper is going to take. It is obviously quite valid that the Leader of the House might want to proceed to complete the whole Bill immediately, but we believed that we were opposing this clause and that in all probability the voting ticket option would not go through; so I would request the Leader of the House to report progress to enable us to have another look at some options. We heard the Leader of the House commenting earlier about the problems associated with the existing ballot papers, which were agreed to when the main Bill was debated previously, and during the second reading debate we did not really have any opportunity to discuss why the Government or the Electoral Commission believed it was an unsatisfactory or unworkable ballot paper; so it would be fair to give us the opportunity to now have another look at this particular ballot paper and the options that might be available to us.

Hon J.M. BERINSON: I accept that Hon Eric Charlton is putting a reasonable proposition, and I am happy to report progress. However, before I do so I indicate to members of both the National Party and the Liberal Party that I would be happy to make copies of the report to which I have referred available to them, which may assist them overnight, and I am sure the Deputy Premier, in his capacity as Minister for Parliamentary and Electoral Reform, would also be prepared to make officers available for any briefing on the details that members might wish to have. If members are interested in that possibility, could I ask them please to contact Mr Bryce's office as early as possible tomorrow and some arrangement will be made.

Progress

Progress reported and leave given to sit again, on motion by Hon J.M. Berinson (Leader of the House).

ADJOURNMENT OF THE HOUSE: ORDINARY

HON J.M. BERINSON (North Central Metropolitan -- Leader of the House) [2.00 am]: I move --

> That the House do now adjourn.

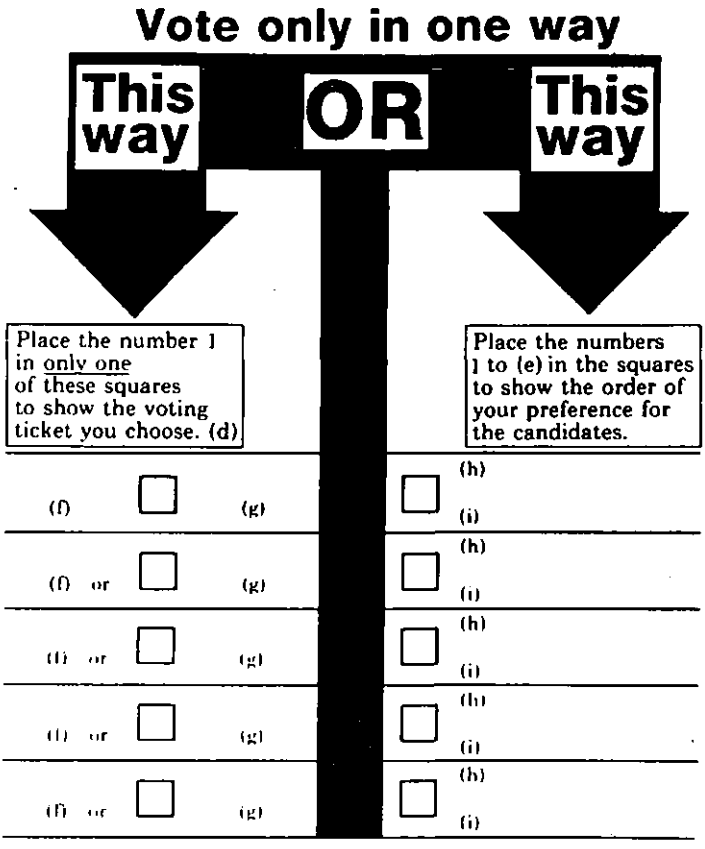
Student Guilds: Newspaper Article

HON N.F. MOORE (Lower North) [2.01 am]: In today's issue of *The West Australian* on page 35 there is a headline which reads "Ban student guilds, says MP". I want to say that I did not at any time in my speech yesterday suggest that student guilds be banned. The story is accurate but regrettably the headline is totally inaccurate and I raise this matter simply to place on the record that I do not support the headline in that newspaper article.

Question put and passed.

House adjourned at 2.02 am (Wednesday)

APPENDIX A


Vote only in one way
This way
OR
This way
Place the number 1 in only one of these squares to show the voting ticket you choose. (d)
Place the numbers 1 to (e) in the squares to show the order of your preference for the candidates.
(f)
(g)
(h)
(i)
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QUESTIONS ON NOTICE

TOURIST BUREAUS
Goods Sold

334. Hon N.F. MOORE, to the Minister for Sport and Recreation representing the Minister for Tourism:

(1) Are there any restrictions on the type of goods that may be retailed by Government funded tourist bureaus?

(2) If so, what are these restrictions?

(3) Do Government funded tourist bureaus pay income tax on profits derived from retail sales?

(4) If not, why not?

Hon GRAHAM EDWARDS replied:

(1)-(2)

No. The tourist bureaus are autonomous bodies responsible to locally elected boards of management. However, they are encouraged to retail local arts and crafts.

(3)-(4)

It is understood that normal taxation requirements prevail in relation to the commercial operations of tourist bureaus.

STOCK: COMPENSATION
Payments

335. Hon H.W. GAYFER, to the Minister for Sport and Recreation representing the Minister for Agriculture:

Further to my question 4 of 28 April 1987, seven farmers in the year 1985-86 were paid $14 700.70 compensation.

(1) (a)How many animals were involved in the compensation;

(b) what were the diseases?

(2) Is it possible for the Minister to annually advise the Australian Pig Breeders Society (WA Branch) of the revenue and expenditure of the compensation funds and the funding and results of the various trials?

Hon GRAHAM EDWARDS replied:

(1) (a)172;

(b) Erysipelas, 50; paratyphoid, 16; vibrionic -- now swine -- dysentery, 106.

A special payment of $2 135 for atrophic rhinitis was made.

(2) The Department of Agriculture reports on research in progress to the State Pig Liaison Committee on which the Australian Pig Breeders Society is represented. In future, reports will cover revenue and expenditure information on the pig industry compensation fund. Bulletin 4124 -- pig industry research progress report -- is currently available and features projects under the Pig Industry Compensation Act pig research fund.

MOTOR VEHICLE LICENCES
Australia Post: Collections

336. Hon H.W. GAYFER, to the Minister for Sport and Recreation representing the Minister for Police and Emergency Services:

As Australia Post is a Commonwealth institution, what does the State Government pay to the Federal Government in return for the services provided by Australia Post in renewing motor vehicle licences?

Hon GRAHAM EDWARDS replied:

Australia Post has agency arrangements with a number of organisations, and it would not be appropriate to disclose specific detail of the commercial arrangement made with the Police Department.

TRAFFIC: ALBANY HIGHWAY-McMILLAN STREET
Keep Left Sign

337. Hon P.G. PENDAL, to the Minister for Sport and Recreation representing the Minister for Transport:

Will the Minister investigate, and change if necessary, the placement of the "Keep Left" sign on the median strip at the McMillan Street-Albany Highway, Victoria Park, intersection to ensure that it does not block the view of motorists turning right from Albany Highway into McMillan Street?

Hon GRAHAM EDWARDS replied:

The Main Roads Department has already relocated the keep left sign so that the view of right turn drivers is not obscured by the sign.

TRAFFIC LIGHTS
Shepperton-Teddington Roads

338. Hon P.G. PENDAL, to the Minister for Sport and Recreation representing the Minister for Transport:

Will the Minister investigate modifying the traffic lights at the intersection of Shepperton and Teddington Roads, Victoria Park, so that a greater number of vehicles can move through the intersection in any one sequence of lights, and thus resolve the delays motorists are currently experiencing?

Hon GRAHAM EDWARDS replied:

No. The Main Roads Department has already optimised the signal sequence and timings to achieve the best balance between traffic flow and delays.

The capacity limitations at this intersection are directly related to the ability of the Causeway to handle the large volumes of traffic from Great Eastern Highway, Shepperton Road, Albany Highway, and Canning Highway.

FINANCIAL INSTITUTIONS: TEACHERS CREDIT SOCIETY
Travel Bookings

341. Hon P.G. PENDAL, to the Leader of the House representing the Treasurer:

(1) Is it correct that both, or either, the Teachers Credit Society and the Swan Building Society established sections handling travel bookings?

(2) If so, in either case, were their travel section activities in any way responsible for their recent financial difficulties?

Hon J.M. BERINSON replied:

(1) The Teachers Credit Society maintains a wholly-owned travel business. However, I am advised that the Swan Building Society does not have a section handling travel bookings.

(2) No.

COURTS: DAMAGES
Access to Awards

342. Hon P.G. PENDAL, to the Attorney General:

(1) Is it correct that some people who have received large awards for damages through the courts are unable to get access to that money?

(2) If so, is this because in some cases these people are not regarded as capable of handling their own affairs?

(3) Is he aware that in some cases these people live in unsatisfactory conditions because they do not have sufficient money to secure proper accommodation and services?

(4) What action can be taken to allow persons in this position to either appoint a power of attorney, or have a publicly-appointed person given the power to administer their affairs and thus make use of the damages award in that person's lifetime?

Hon J.M. BERINSON replied:

(1) The courts have always had the ability to order that damage awards be paid to the Public Trustee on behalf of the "persons under disability" -- that is, infants or incapable people under the Mental Health Act.

(2)-(4) These issues will be addressed in the guardianship Bill soon to be introduced by the Minister for Health.

TRANSPORT: TAXIS
Disabled Persons

343. Hon P.G. PENDAL, to the Minister for Sport and Recreation representing the Minister for Transport:

(1) How many taxis are there in --

(a) the metropolitan area;

(b) the non-metropolitan area,

which are for the use of disabled people?

(2) Are there any indications that this number is inadequate?

(3) Are any subsidies paid to the proprietors of existing taxis for disabled people?

(4) If so, in what form, and how much does this cost the State?

Hon GRAHAM EDWARDS replied:

(1) (a)There are three multipurpose taxis licensed in the metropolitan area;

(b) there are no multipurpose taxis licensed in the country area.

(2) While demand for these taxis fluctuates, there is no indication that the number is inadequate.

(3) No. However, the three taxis licensed in the metropolitan area were provided in 1983 by the Government at no cost to the taxi industry. The vehicles are leased at a peppercorn lease of $1 per vehicle per year. In 1986 this Government also provided financial assistance towards the refurbishment of these vehicles.

(4) Answered by (3).

OCCUPATIONAL HEALTH, SAFETY AND WELFARE
Voluntary Workers

345. Hon A.A. LEWIS, to the Leader of the House representing the Minister for Labour, Productivity and Employment:

With the advent of the new occupational health and safety laws, who covers volunteers in the following situations --

(a) a bush fire;

(b) a controlled burn;

(c) a working bee on shire land;

(d) a working bee on an approved project not on shire land?

Hon J.M. BERINSON replied:

The new occupational health and safety legislation, when proclaimed, will not cover volunteers. The legislation will relate only to persons who are employees. The legislation defines an employee as "a person by whom work is done under a contract of employment or apprenticeship". No such contract exists in the case of volunteers.

LANDS AND FOREST COMMISSION
Chairman: Replacement

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

(1) Has a replacement for Mr Bruce Beggs, as Chairman of the Lands and Forest Commission, been named?

(2) If so, who?

(3) If not, when will an announcement be made?

Hon KAY HALLAHAN replied:

(1)-(3)

An announcement regarding the appointment will be made in the near future.

ROAD: EYRE HIGHWAY
Upgrading

347. Hon A.A. LEWIS, to the Minister for Sport and Recreation representing the Minister for Transport:

(1) Is it the intention of the Government to upgrade the road from Norseman to the South Australian border this year?

(2) If so, how much of the road?

(3) If not, when is such an upgrading anticipated?

Hon GRAHAM EDWARDS replied:

(1)-(3)

An upgrading programme to widen the 724 km section of Eyre Highway within Western Australia commenced in 1985. To date, 87 km have been widened eastwards from Cocklebiddy. An additional 53 km will be widened in 1987-88.

MINERAL: COAL
Stockpile: Tonnage

348. Hon A.A. LEWIS, to the Leader of the House representing the Minister for Minerals and Energy:

(1) What is the estimated tonnage contained in the coal stockpile at Collie at the end of September?

(2) What is the estimated increase monthly over the next 12 months?

Hon J.M. BERINSON replied:

(1) The estimated tonnage contained in the reserve coal stockpile at Collie on 30 September 1987 was 1 736 000 tonnes. The commission's total coal stocks at all centres increased from a normal level of about 866 000 tonnes at 31 December 1985 to 2 365 000 tonnes at 30 September 1987. This increase represents a total coal surplus of about 1 500 000.

(2) The estimated rate of increase in total coal stocks for the remainder of the financial year is 80 000 tonnes per month.

TOURISM COMMISSION
Fremantle Office: Closure

349. Hon P.G. PENDAL, to the Minister for Sport and Recreation representing the Minister for Tourism:

(1) Are there any plans to close the Fremantle office of the Western Australian Tourism Commission?

(2) If so –

(a) what prompted this decision;

(b) how will tourism in Fremantle be promoted in the future?

Hon GRAHAM EDWARDS replied:

(1) Yes.

(2) (a) The Fremantle Holiday WA Centre was primarily opened to service visitor inquiries during the six months of the America's Cup. A significant reduction in the number of inquiries has been experienced during the period following the Cup, and it is therefore appropriate to rationalise the commission's presence in the area, to be more in line with the current day to day demands;

(b) planning is under way to offer the same services currently available through the Holiday WA Centre by assisting the Fremantle City Council to establish an information centre in its council buildings. The commission will offer the following assistance –

(i) Computer hardware and information-booking system used by the Holiday Centres;

(ii) training;

(iii) financial support for promoting and marketing the service;

(iv) financial support to assist in the promotion of Fremantle as a tourist destination;

(v) marketing support to assist in the development of marketing plans.

It is expected that these arrangements will satisfy all services currently offered by the Holiday WA Centre.

MINERAL: GOLD
Gavin Patrick Mason

350. Hon NEIL OLIVER, to the Minister for Sport and Recreation representing the Minister for Police and Emergency Services:

(1) Has any investigation been undertaken into the mining of gold by a Gavin Patrick Mason from late Prospecting License 38/53 held by Vaughan Travis Hunter by officers of the department located at Laverton on or about June 1984?

(2) If yes, what were the results of that investigation?

(3) Are further inquiries proceeding?

(4) If not, why not?

Hon GRAHAM EDWARDS replied:

(1) Yes.

(2) No charges were preferred by the police. Mason was instructed to vacate the mining lease.

(3) The police are not making any further inquiries into this matter.

(4) The Crown Law Department, acting for the Mines Department, preferred charges of unlawful mining and the removal of mining product without

authority from Lease 38/53 against Gavin Patrick Mason. These charges have been concluded, and Mason was convicted of these offences. Police inquiries have exhausted Mr Hunter's complaint.

BRICKWORK: PRESTIGE
Planning Commission Studies

351. Hon NEIL OLIVER, to the Minister for Community Services representing the Minister for Planning:

(1) What studies were undertaken by the State Planning Commission in relation to the proposed new brickworks on the Midland abattoirs and saleyard sites?

(2) Did those studies include --

(a) the impact of a brickworks on surrounding residential and rural land;

(b) the impact on the flood plains, land fill, and future use for recreation as regional open space;

(c) the impact of fluoride on natural vegetation, future residential gardens, and public open space?

(3) When was preliminary approval granted?

(4) Were similar issues considered prior to the granting of preliminary approval?

(5) Was the impact of noise, dust, traffic movement, and visual pollution considered in relation to the surrounding localities prior to the granting of preliminary approval?

Hon KAY HALLAHAN replied:

(1) Extensive consultation took place between the relevant Government agencies prior to the application for approval to commence development being approved. The Midland Abattoirs site has been zoned for industrial purposes since promulgation of the metropolitan region scheme in 1963. The use of the land for a brick manufacturing plant is a use that is consistent with that zoning.

(2) Refer to (1).

(3) Approval of an application for approval to commence development of a "brick works for Prestige Bricks" was issued by the State Planning Commission on 2 July 1986.

(4) Prior to disposal of the abattoirs site, a foreshore area along the Helena River was identified following an on-site inspection and discussion between officers of the State Planning Commission in terms of a future parks and recreation reserve; the Water Authority concerning flood plain management; and the Environmental Protection Authority in terms of the System 6 requirements.

(5) The matters raised fall within the portfolio of the Minister for Environment. Accordingly, prior to determining the application for approval to commence development of a "brick works for Prestige Brick" was made, the commission consulted the Environmental Protection Authority -- ex Department of Conservation and Environment -- on the matter.

EFFLUENT DISPOSAL
Envirocycle

353. Hon NEIL OLIVER, to the Minister for Community Services representing the Minister for Health:

(1) Is it anticipated the approval will be granted for the use of the Envirocycle on site effluent disposal system in the Swan Valley and in particular Middle Swan?

(2) If not, why not?

Hon KAY HALLAHAN replied:

(1) This system is being considered at a meeting of the working party examining on-site wastewater disposal systems on Thursday, 15 October 1987.

(2) Not applicable.

EFFLUENT DISPOSAL
Envirocycle

354. Hon NEIL OLIVER, to the Minister for Community Services representing the Minister for Planning:

(1) Has consideration been given for the use of the Envirocycle on site effluent disposal system in the Swan Valley in order to facilitate a more flexible approach to land use?

(2) If yes, when will this more flexible policy be implemented?

(3) If no, what alternative proposals are under consideration?

Hon KAY HALLAHAN replied:

(1) The commission has not given consideration for the use of the Envirocycle on-site effluent disposal system in its approach to land use planning in the Swan Valley. The assessment of different methods of effluent disposal falls within the portfolio of the Minister for Health, and has therefore been referred to my colleague, Hon Ian Taylor, MLA, for reply.

(2)-(3) Not applicable.

BUILDING UNIONS SUPERANNUATION SCHEME
Effect

356. Hon NEIL OLIVER, to the Leader of the House representing the Minister for Labour, Productivity and Employment:

Has the introduction of the building unions superannuation scheme had any discernible effect in terms of promoting industrial harmony within the building industry?

Hon J.M. BERINSON replied:

Yes. I believe, the BUS scheme has contributed to improved industrial relations in the building industry, but it is difficult to isolate its effect because it is only one of a range of measures initiated to improve industrial harmony.

BRICKWORKS: SWAN SHIRE
Fluoride Emissions

357. Hon NEIL OLIVER, to the Minister for Community Services representing the Minister for Environment:

With respect to the proposal to monitor fluoride emission from brickworks located in the Shire of Swan --

(1) When does the Government intend to commence the study?

(2) Which area will be designated for the study and will it include monitoring of Bristile and its effect on Guildford and Bennett Brook?

(3) What are the estimated costs of monitoring and how will the costs be recouped?

(4) Will the monitoring include the Midland business district, Guildford, Hazelmere, and the original old Midland abattoirs site?

(5) Will it include the effects on grasses and pastures, animals, grapes and market gardens, and residential properties?

(6) Over what period will the project be undertaken?

(7) Will the final results be made public?

(8) Will any permits be issued to allow the construction of further brickworks before the conclusion of the monitoring?

Hon KAY HALLAHAN replied:

(1) As soon as equipment can be deployed -- possibly three months.

(2) An area approximately bounded by Lord Street in the west, Talbot Road in the south, Farrall Road in the east, and Dale Road in the south; yes.

(3) $145 000 from the industry.

(4) Yes.

(5) Yes.

(6) Twelve to 18 months.

(7) Yes.

(8) Any such application will be considered on its merits.

BRICKWORK: PRESTIGE
Environmental Protection Authority Studies

358. Hon NEIL OLIVER, to the Minister for Community Services representing the Minister for Environment:

(1) Did the Environmental Protection Authority fully consider all the submissions in response to the public environment report prepared by BSD for the development of a brickworks on the Midland abattoirs and saleyard site?

(2) How many of the 26 submissions supported the proposed development?

(3) Did all officers assigned to the study fully support the Prestige Bricks proposal?

(4) What pollution controls were considered and, if so, what are the final recommendations?

(5) What independent research, if any, was undertaken by the authority?

(6) Is the minor foliar injury to vegetation acceptable to the authority?

(7) The report states that noise emissions from the proposed brickworks are inadequately dealt with in the BSD public environmental report. However, is it not the responsibility of the authority to prevent environmental pollution?

(8) Does the authority consider dust as environmental pollution, and is it a role of the authority to control such dust pollution?

(9) Will filling of the Helena River flood plain occur and, if so, how much land area is required and what will be the depth of fill?

(10) For what purpose is the extra 10 metres of land required and is it anticipated that this land may also require fill?

Hon KAY HALLAHAN replied:

(1) Yes.

(2) Three submissions provided technical advice and extended conditional support to the project.

(3) The advice of individual officers with the authority is taken into account when it reaches conclusions and makes recommendations to me. However, the final responsibility for the environmental evaluation of projects rests with the five-person Environmental Protection Authority.

(4) I refer the member to Environmental Protection Authority bulletin 289.

(5) The Environmental Protection Authority undertook a detailed analysis of the company's air modelling studies. In addition, the authority has a very detailed knowledge of the biological effects of fluoride. The member is referred to appendix 3, Environmental Protection Authority bulletin 289.

(6) The Environmental Protection Authority's views on the potential for minor injury to vegetation are outlined on page 11 of Environmental Protection Authority bulletin 289.

(7) One of the conditions I have set for the project requires the noise emissions from the plant to be at a level acceptable to the Environmental Protection Authority. This will be controlled by appropriate licensing conditions set under the Environmental Protection Authority Act.

(8) Yes.

(9)-(10)
Initially the company proposed utilising a 10-metre strip that intruded into the flood plain. The company has advised the EPA that it no longer requires this property, and the company has offered to make it available to the Crown at no cost to assist in the provision of the proposed Helena River linear park.

BRICKWORKS: SWAN SHIRE
Fluoride Emissions

359. Hon NEIL OLIVER, to the Minister for Community Services representing the Minister for Environment:

(1) Has any previous monitoring been undertaken in respect of fluoride emission in Midland and surrounding districts located in the Shire of Swan?

(2) If yes, in what localities, at what distances from the points of emissions, and at what levels of contamination?

(3) Has any contamination been detected?

(4) If yes to (3), at what levels of contamination and are they within acceptable levels not to constitute a hazard to humans, stock, or vegetation and in particular existing grapevines?

Hon KAY HALLAHAN replied:

(1) Yes.

(2) At one locality in a vineyard approximately 1 km west of the Midland Brick-Whiteman's kilns.

(3) Yes.

(4) Recent annual average levels between 0.2 and 0.3 microgrammes per cubic metre. Some leaf damage to grape vines has been recorded on occasions, but no effect on berries is apparent. This level of fluoride would not constitute a hazard to humans, stock, or other vegetation.

EDUCATION: SCHOOLS
Districts: Rearrangement

361. Hon NEIL OLIVER, to the Minister for Community Services representing the Minister for Education:

I refer to the Better Schools policy and in particular to the rearrangement of schools from previous districts including Swan View Senior High School. As this school from its establishment had a close association and interchange of students from the one family with Eastern Hills High School or Governor Stirling High School, will the decision to include it within the Darling Range District and administered from an office in Welshpool be rescinded?

Hon KAY HALLAHAN replied:

The districts established under Better Schools for educational administration are largely based on groupings of senior high schools and their contributory primary schools. Eastern Hills Senior High is in the Northam District; Governor Stirling is in the Bayswater District; and Swan View Senior High is in the Darling Range District. These administrative districts in no way preclude a group of schools having other links as in the past, such as sporting links.

The Darling Range office was located temporarily at Welshpool in 1987. In 1988 it will be located at Midland.

BRICKWORKS: PRESTIGE
Public Environmental Report

362. Hon NEIL OLIVER, to the Minister for Community Services representing the Minister for Environment:

I refer to the public environmental report for Prestige Brick prepared by BSD Consultants dated May 1987.

(1) Is the Minister aware that the initial application for development presented to the Government, prepared by BSD Consultants, contained statements which were subsequently found to be false?

(2) Did officers of the Environmental Protection Authority actually prepare the model contained in the PER which is the responsibility of an applicant?

(3) If the answer to (2) is no, what person or persons with the essential experience and qualifications were engaged by BSD Consultants to assist in the preparation of the Prestige Brick submission?

(4) To what extent if at all was temperature inversion considered prior to approval of the project by the authority?

Hon KAY HALLAHAN replied:

(1) No.

(2) No.

(3) Mr Coffey of Aust-Environ, environmental engineering and science consultants.

(4) The impacts of temperature inversion were thoroughly considered by the Environmental Protection Authority.

SPORT AND RECREATION: GREYHOUND RACING
Inquiry

363. Hon G.E. MASTERS, to the Minister for Sport and Recreation representing the Minister for Racing and Gaming:

(1) Did the State Government commission an inquiry into the greyhound racing industry by Mr Bill Mitchell?

(2) Has the inquiry been completed and a report made to the Minister?

(3) Will the Minister table the report?

(4) If not, why not?

Hon GRAHAM EDWARDS replied:

(1) Yes.

(2) Yes.

(3) No.

(4) It was agreed with the consultant preparing the report that it would be confidential to the Government. It is intended in the near future to amend

legislation governing greyhound racing in response to the report when a rationale for the changes will be provided.

TRAFFIC: PEDESTRIAN CROSSING
Great Eastern Highway

364. Hon NEIL OLIVER, to the Minister for Sport and Recreation representing the Minister for Transport:

I refer to the pedestrian crossing on Great Eastern Highway at "Centre Point" car park 150 metres west of the Midland Town Hall.

(1) Is it proposed to install pedestrian lights at this crossing?

(2) If yes, when can it be anticipated that the lights will be installed?

(3) If no, will consideration be given to the installation of lights in view of the width of the crossing and the speed of traffic on this one way section of Great Eastern Highway?

Hon GRAHAM EDWARDS replied:

(1) Yes.

(2) In the first quarter of 1988.

(3) Not applicable.

ASSOCIATION FOR THE BLIND INC
Funding

366. Hon NEIL OLIVER, to the Minister for Budget Management representing the Treasurer:

What were the total funds either in Treasury grants, loans, subsidies or other funds, excluding Totalisation Commission, disbursed to the Association for the Blind Inc -- Braille and Talking Book Libraries -- for the periods --

(a) year ended 30 June 1985;

(b) year ended 30 June 1986;

(c) budgeted for year ending 30 June 1987?

Hon J.M. BERINSON replied:

Excluding funds from Commonwealth sources --

(a) $42 000;

(b) $50 000;

(c) $100 000.

AUSTRALIAN COUNCIL ON SMOKING AND HEALTH
Funding

367. Hon NEIL OLIVER, to the Minister for Budget Management representing the Treasurer:

What were the total funds either in Treasury grants, loans, subsidies or other funds, excluding Totalisation Commission, disbursed to the Australian Council on Smoking and Health for the period --

(a) year ended 30 June 1985;

(b) year ended 30 June 1986;

(c) budgeted for year ending 30 June 1987?

Hon J.M. BERINSON replied:

(a) $35 000;

(b) $32 840;

(c) $64 553.

QUESTIONS WITHOUT NOTICE

YOUTH ORGANISATIONS
Wanneroo: Funding

199. Hon N.F. MOORE, to the Minister for Youth:

In a speech to the Legislative Council on Wednesday, 16 September 1987, the member for North Metropolitan Province, Hon John Halden, stated that the Government is contributing $250 000 per annum to youth affairs in the City of Wanneroo. In relation to the 1985-86 and 1986-87 financial years, will the Minister advise --

(a) the names of the organisations which received funding, the amount provided to each, and the purpose for which the funds were provided in each case;

(b) the amount paid to the City of Wanneroo by the State Government for youth affairs in each of the two financial years and the purpose for which the funds were made available;

(c) the total funds spent on youth affairs in the City of Wanneroo in each of the two financial years?

Hon KAY HALLAHAN replied:

(a)-(c)

The member did give notice of the question. However, the question was not as full as the one he has just asked. I apologise to the member because I do not have that information with me. There is no problem about supplying it and I will give an answer in writing.

EDUCATION: HIGH SCHOOL
Wagin District: Reticulation

200. Hon A.A. LEWIS, to the Minister for Sport and Recreation:

(1) Has the Minister received a request from the Wagin Shire Council for funds to reticulate the high school grounds?

(2) If so, what has happened to the request and what will be the decision?

Hon GRAHAM EDWARDS replied:

(1)-(2)

We received an application under the CSRFF grant scheme some time ago. Wagin Shire Council was not successful in that application. Following advice of that, it made a subsequent approach to me for reconsideration of the matter. I am pleased to advise that, following that reconsideration and taking into account the difficulties that the shire expressed, we are now in a position to fund the works.

For the member's information, the works will be funded on the basis of one-third from the Department for Sport and Recreation, one-third from the Minister for Education, and I understand that a request will be considered tonight by the Wagin Council to raise the additional one-third.

I recognise the importance of the situation. If the money had not been made available, the likelihood would probably have been that an oval upon which a fair amount of sport is played would not be available for that sport to be played.

I thank Hon A.A. Lewis and Hon Bill Stretch for their assistance in this matter.

ACTS AMENDMENT (BUILDING SOCIETIES AND CREDIT UNIONS) BILL

Working Party: Chairman

201. Hon NEIL OLIVER, to the Leader of the House:

Who is the chairman of the working party inquiring into the amendments to the Building Societies Act and the Credit Unions Act?

Hon J.M. BERINSON replied:

Building societies and credit unions are not part of my responsibilities. I ask the member to put the question on notice.

Points of Order

Hon NEIL OLIVER: I believe that, under Standing Orders Nos 153 and 154, members are entitled to ask questions of the Minister who introduced a Bill. The Leader of the House introduced into this House legislation that had not been introduced into another place. In order for me to deal with that Bill effectively, I seek information for the purposes of debating it. Time does not permit me to trust the question to be answered in a reasonable time by a Minister in another place. It normally takes seven or eight days to receive a reply.

The PRESIDENT: There is no point of order. Firstly, Ministers in this place, in the main, introduce legislation daily on behalf of Ministers in another place. They also introduce legislation which does not come within their responsibilities. It is therefore not unusual for a Minister to introduce legislation which deals with the business of a department over which he has no ministerial responsibilities.

Secondly, notwithstanding the origins of the Bill, the rule relating to questions being asked during question time is a separate matter and is specifically dealt with under the Standing Orders of this House and by a ruling given by me a long time ago. Questions without notice can be asked of Ministers of this place only if those questions without notice specifically deal with a matter that comes within the responsibilities of the Minister or if the member asking the question has given previous notice to the Minister and the Minister in this place accepts the responsibility for giving an answer on that day.

The two matters are quite separate. Because a Minister introduces a Bill does not mean that matters within that Bill come within his portfolio.

Hon A.A. LEWIS: Mr President, I agree with the second part of your ruling that Ministers do not have to answer any question they do not want to answer. However, the standard practice of this House is that, when a Minister introduces a Bill, he is responsible for its passage through both Houses.

The PRESIDENT: Is that a point of order?

Hon A.A. LEWIS: I am asking a question on which I hope you will give a ruling.

The PRESIDENT: I can understand the honourable member. Any honourable member can ask the President a question, and Standing Orders indicate the procedure. One of the procedures is not that the member asks me a question without notice. As a matter of fact it is suggested that the member drops me a line and I will answer it.

In the interests of everybody here -- I take it that every member is interested, so I will make the point again -- every Minister does accept responsibility for the legislation that he introduces in this place, but it does not automatically follow that the business the subject matter of the Bill is a matter which comes within the scope of questions without notice. The matter must come under his ministerial portfolio as distinct from his ministerial responsibility for the Bill in the House.

The honourable member can shake his head.

Hon A.A. Lewis: I can disagree, but I was trying to be pleasant.

The PRESIDENT: The honourable member can do that. It does not matter what he does, he cannot alter the facts. I am not here to make the rules, I am here to interpret them fairly. If I am not being clear -- and sometimes I guess that that may properly be said -- the point is that there is no point of order as far as Hon Neil Oliver is concerned.

Questions without Notice Resumed

ACTS AMENDMENT (BUILDING SOCIETIES AND CREDIT UNIONS) BILL
Working Party: Meetings

202. Hon NEIL OLIVER, to the Leader of the House:

Has the Leader of the House met with the working party which is responsible for placing the recommendations forward for the amendment to the Building Societies Act and the Credit Unions Act?

Hon J.M. BERINSON replied:

No.

ACTS AMENDMENT (BUILDING SOCIETIES AND CREDIT UNIONS) BILL
Working Party: Report

203. Hon NEIL OLIVER, to the Leader of the House:

Further to the previous two questions, and in deference to the President's ruling, will the Leader of the House make available the recommendations and the report of that working party, or will he approach the appropriate Minister in order to obtain them for the benefit of the House before this debate takes place?

Hon J.M. BERINSON replied:

I am not sure exactly what I am being asked. If I am being asked to present the report, it is not a report which comes within my control and I cannot answer that question, for the same reason that I could not answer the earlier question. On any related matter the honourable member will have to accept that any question should be put to the responsible Minister.

The PRESIDENT: I think the honourable member asked if you would ask the responsible Minister to do it. I think that was the final part of the question.

Hon J.M. BERINSON: If the honourable member is asking me to convey to the responsible Minister his request that this material be made available, I will relay that request.

ACTS AMENDMENT (BUILDING SOCIETIES AND CREDIT UNIONS) BILL
Questions: Responses

204. Hon NEIL OLIVER, to the Leader of the House:

In view of the unusual circumstances surrounding the introduction of this legislation, because it has not been debated in another place and I have not had the opportunity to examine its progress before coming to this House, where legislation would normally have been reviewed, could the Leader of the House give me an undertaking that if I were to put questions to him later today and/or tomorrow morning he will use his best endeavours to obtain answers from the Minister who is normally responsible for this legislation?

Hon J.M. BERINSON replied:

Mr President, we have a well-established procedure in this place. It allows any member to put any question on notice and thereby have the correct response from the responsible Minister. I see no reason to depart from that established practice.

ACTS AMENDMENT (BUILDING SOCIETIES AND CREDIT UNIONS) BILL
Second Reading: Continuation

205. Hon NEIL OLIVER, to the Leader of the House:

In view of his reply to the previous question, is it his intention to proceed with the second reading legislation prior to members having had an opportunity to obtain answers to questions on notice from the Minister responsible for this legislation?

Hon J.M. BERINSON replied:

By tomorrow this legislation will have been before the House for a week. That is the normal period allowed for consideration by members, and I anticipate the Bill will be brought on for debate tomorrow.

INDUSTRIAL RELATIONS AMENDMENT BILL (No 3)
Tripartite Council: Consultations

206. Hon G.E. MASTERS, to Hon T.G. BUTLER:

Under Standing Order No 153, I direct a question to Hon. T.G. Butler. In regard to his Bill, the Industrial Relations Amendment Bill (No 3), has the member consulted with the tripartite council?

Hon T.G. BUTLER replied:

What an extraordinary situation!

Hon G.E. Masters: Just say yes or no.

Hon T.G. BUTLER: The tripartite procedures were gone through in September and November 1986.

INDUSTRIAL RELATIONS AMENDMENT BILL (No 3)
Tripartite Council: Response

207. Hon G.E. MASTERS, to Hon T.G. BUTLER:

What was the response from the tripartite council? Did it approve or disapprove of the Bill?

Hon T.G. BUTLER replied:

My understanding was that there was no great dissension on the part of the tripartite council.

INDUSTRIAL RELATIONS AMENDMENT BILL (No 3)
Consultations

208. Hon G.E. MASTERS, to Hon T.G. BUTLER:

I hope that the member's recollection improves with this question. Has he consulted with any other groups with regard to this legislation? Perhaps I can specify the trade union movement and employer organisations such as the Confederation of Industry and chambers of commerce.

Hon T.G. BUTLER replied:

No.