Legislative Council

Tuesday, 9 June 1987

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

BILLS (7): ASSENT

Messages from the Governor received and read notifying assent to the following Bills—

1. Boxing Control Bill.
2. Stock (Brands and Movement) Amendment Bill.
3. Totalisator Regulation Amendment Bill.
4. Human Tissue and Transplant Amendment Bill.
5. Betting Control Amendment Bill.
6. Door to Door Trading Bill.
7. Bush Fires Amendment Bill.

BIOTECHNOLOGY

Seminar

THE PRESIDENT: I remind honourable members of the parliamentary seminar on the future challenges of biotechnology to be held at 6.30 pm in the television room. I am sure it will prove to be most interesting and I urge all honourable members with an interest in this area to attend the seminar.

LEGISLATIVE COUNCIL CHAMBER

Television Cameras

THE PRESIDENT: As is my custom when permission is sought by the television media to take film in this Chamber, I annnounce it to honourable members at least one day before to allow any honourable member who feels we ought not to do so to advise me of his or her objection. The Australian Broadcasting Corporation has sought permission to update its background film of the Legislative Council in session. I have approved of the ABC's filming question time tomorrow, Wednesday, unless any honourable member has an objection to that procedure.

HOMOSEXUAL ACTIVITIES: LEGALISATION

Opposition: Petitions

The following petition bearing the signatures of 992 persons was presented by Hon. P. G. Pendal—

> To the Honourable the President and members of the Legislative Council of the Parliament of Western Australia in Parliament assembled:
>
> The humble petition of the undersigned citizens of Western Australia respectfully showeth that:
>
> 1. We oppose the legalisation of homosexual behaviour under any circumstance for any reason.
>
> 2. We regret that the Labor Party (albeit through a private member's Bill) is attempting to legalise homosexual behaviour for the fourth time in Western Australia since 1973.
>
> 3. We note with alarm reports by Professor David Pennington, head of the Federal Government's AIDS Task Force, that (a) AIDS is spread primarily through homosexual practices and (b) of 17 500 diagnosed cases of AIDS in Australia to date, only 20 persons have contracted the disease through heterosexual acts (*The Australian*, May 14, 1987, pp.3,13).
>
> 4. We reject the false argument that the way to combat AIDS is to legalise the unhygienic behaviour which is primarily responsible for the transmission of the disease.
>
> Your petitioners therefore humbly pray:
>
> That all members of the Legislative Council vote against the CRIMINAL CODE AMENDMENT BILL 1987.
>
> And your petitioners, as in duty bound, will every pray.

(See paper No. 212.)

Similar petitions were presented by Hon. Tom McNeil (85 persons), Hon. G. E. Masters (97 persons), Hon. A. A. Lewis (87 persons), Hon. Margaret McAleer (91 persons), and the President (Hon. Clive Griffiths) (54 persons).

(See papers Nos. 207-211.)

CANNING VALE SCHOOL

Closure: Petition

The following petition bearing the signatures of 370 persons was presented by Hon. Kay Hallahan (Minister for Community Services)—

> The Honourable the President and members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned citizens of Western Australia,
>
> 1. Call on the Minister for Education to immediately postpone his decision to close the Canning Vale School until the end of 1988.
>
> 2. During this time to locate a site within the Canning Vale area on which the present school is to be relocated.
>
> 3. To formulate plans to relocate pupils of the school to the replacement school.
>
> 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. 213.)

VALUATION OF LAND AMENDMENT BILL

In Committee

The Deputy Chairman of Committees (Hon. John Williams) in the Chair; Hon. J. M. Berinson (Minister for Budget Management) in charge of the Bill.

Clause 1: Short title—

Hon. J. M. BERINSON: During the second reading debate, Hon. Max Evans asked me for some elaboration of the purpose of the amendment. As I did not have the opportunity to provide that information in reply to the second reading debate, it is appropriate for me to do so now.

In 1979, the Valuation of Land Act was introduced with the objective of establishing a central valuation office and a common valuation base for use by rating and taxing authorities. For gross rental values, the legislation required that the value be the gross annual rental that a property would realise if it were let from year to year.

There are two provisos to this basic rule. Firstly, where a rental cannot be reasonably determined such as for a building designed for a highly specialised purpose, the gross rental value shall be the assessed value. The assessed value is currently prescribed as five per cent of the capital value. Secondly, it is provided that the gross rental value shall be not less than five per cent of the vacant land value.

The effect of the second proviso is that underdeveloped properties in areas of high land value, particularly residential, are valued on this basis rather than on rental. As a result, the value and rents paid can be substantially higher than similar properties of lesser land value. It is this inequity which the Bill seeks to address by amending the second proviso.

The amendment will therefore affect the valuations which must be adopted by all rating authorities and result in reduced liability for rates levied on affected properties. In future, the Valuer General will be required to value all improved properties, except those for which a rent cannot be determined, on actual rental, irrespective of land values. Underdeveloped, non-residential, and all vacant land will continue to be valued in accordance with the second proviso.

Hon. MAX EVANS: I accept the explanation. Will the Minister explain the wording of the amendment?

Hon. J. M. BERINSON: I believe that my explanation covers that matter. I understand that the member is referring to clause 3.

Clause put and passed.

Clauses 2 and 3 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon. J. M. Berinson (Minister for Budget Management), and transmitted to the Assembly.

EVIDENCE AMENDMENT BILL

Second Reading

Debate resumed from 21 May.

HON. JOHN WILLIAMS (Metropolitan) [3.48 pm]: The Opposition does not oppose this Bill. In this day and age we have to move with the times and be up to date with the electronic and computer world. While some people may regard that as a retrograde step, in some cases it is not, and especially when it is related to the Evidence Act.

Documents containing certain provisions of law are produced all over the world. However, in this case, the real concern is about documents on evidence which are produced by such a tortuous process. The Opposition agrees with the Government that we have reached a stage where possibly many millions of dollars in man-hours and time may be saved by producing documents by way of an electronic medium for storage in computers. This will allow the course of justice to flow more freely. When members realise that I am referring to a global situation, they will realise also the impact that this Bill will have on Australia and the many trials that have been aborted because of the finicky nature of the evidence produced.

I have persuaded my colleagues on this side, without exception, to assent to this legislation. It is a fact that the electronic media do not hold as many fascinations for people of my age as they do for people two or three decades younger. However, one must live with the times and realise that for the process of justice, which is so delicately balanced throughout every country today, as evidenced from time to time, we must now take due cognisance of the fact that transmission by means of electronic media—a field in which you, Mr Deputy President, are quite expert—and who knows what else is to come, is really necessary.

It is against my principles to commend the Government but, by the same token, the Government has grasped the nettle and realised, as a result of conferences with Attorneys General and many other people, that we have now reached the stage at which we must recognise that electronic media are here to stay. However, had not the wisdom of the Attorney General and his officers been evident, perhaps it would have been difficult to say that we accept this without let or hindrance. The safeguard is within our well-established judicial system. That safeguard is included in the Attorney General's speech where it states—

> The Supreme Court may make an order for the taking of such evidence in relation to proceedings before an inferior court upon the application of a party to those proceedings.

That means that we as legislators may make the law but in point of fact when it comes to the interpretation and definition of the levels, we have the safeguard of the Supreme Court of Western Australia which will decide whether or not any of the evidence using electronic media may be admitted.

On this occasion it gives me great pleasure to support the legislation.

HON. H. W. GAYFER (Central) [3.53 pm]: The National Party supports this legislation. Basically it will allow computer records to be admissible as evidence with certain restrictions, including the court's discretion. Secondly, it will provide for the taking of evidence outside Western Australia and its subsequent admissibility in court.

We thank the Attorney General for supplying detailed clause notes, which have been extremely helpful in this matter. Like Hon. John Williams, we welcome the Bill; we believe it is a necessary adjunct in the computer age. We recognise that it is part of an Australia-wide approach.

If my memory serves me correctly, this approach was attempted in 1974 and, regrettably, because all parties were not able to agree it was put to rest for the time being. At present evidence from abroad is being ruled out; and in many cases dealing with drugs and white-collar crimes it is absolutely essential to be able to use some of the authentic evidence known to exist overseas. There is no reason for such evidence not to be admissible in order to pursue a crime to its ultimate end, and rightly so.

We also commend the Government for having united all these disagreeing parties with regard to the legislation before us. The National Party considers that the Bill in its present form does not need amendment in the Committee stage. We support the legislation.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

MINING AMENDMENT BILL

Second Reading

Debate resumed from 28 May.

HON. N. F. MOORE (Lower North) [3.59 pm]: The Opposition supports the legislation. The parent Act, the Mining Act 1978, contains

a provision that, at the end of the third and fourth years of the term of an exploration licence, the holder of that licence is required to relinquish half the area covered by the licence. There is no other outcome in this situation; a person must abide by the terms of the Act. There is no discretion on anybody's part as to whether half the area is to be relinquished. The Act contains one variation of this in respect of temporary reserves for iron ore.

The Bill before the House seeks to give the Minister for Minerals and Energy discretion to exempt the holders of exploration licences from having to relinquish half the area covered by their exploration licences.

The Minister for Community Services in her second reading speech gave a list of the sorts of reasons which would be taken into account when the Minister for Minerals and Energy exercised his discretion on this particular matter. The sorts of things the Minister talked about were delays which are outside the control of the person who holds the licence; delays brought about by administrative decisions that are taking place; and Government action which may in fact prevent the holder of the tenement from carrying out the sort of exploration activity he would seek to do within the period of the licence. It is regrettable that these sorts of administrative delays actually occur and that as a result people and mining companies are unable to carry out the sorts of exploration activities on their licence that they would seek to do in a three-year period. One has to accept in this modern day and age that there are decisions being made by Governments from time to time which have an adverse effect on the speed with which mining companies can go about their activities. So the Opposition is prepared to accept the amendments to the Act proposed by this Bill, although it really is a pity that in fact it had to come to this at all.

It is interesting to think back to the debate on the 1978 Mining Bill, and members who were here then will remember it was a time of great political debate and that many members expressed very strong views about what was contained in the Bill. One of the interesting arguments put up by the then Opposition, the Labor Party, against the Mining Bill 1978 was the fact that it contained far too much ministerial discretion. It was argued by the then mining affairs spokesman for the Opposition, Mr Grill, that ministerial discretion was one of the major weaknesses of the legislation. I refer to his comments in *Hansard* at pages 4116 and 4117 of Tuesday, 24 October 1978, where he said—

> It would seem that the legislation is deficient in a number of instances.

He went on to say—

> The third reason is that the Bill gives an unfettered discretion to the Minister, to his department, and to almost anyone within his department.

So at the time Mr Grill was very critical of unfettered discretion being given to the Minister.

I accept that the current Bill provides some fettering, if I can use that word, with respect to the discretion. However, in the Committee stage I will argue that in fact the Minister is not as fettered as he might lead us to believe. Whenever I want to recall the Labor Party's pure views—and I use that word advisedly—on legislation, I often read the speeches of Hon. Robert Hetherington, because he clearly knows little about the mining industry and his speech on the Mining Bill was a description of the Labor Party's views about the mining industry in general. He did not worry about the political nuances of what he was saying; he really expressed a general philosophical view of the Labor Party.

I quote what Hon. Robert Hetherington said about ministerial discretion, which is on page 5189 of *Hansard* of Tuesday, 21 November 1978—

> However, if we look at the principle of the Bill, we can see the broad tenor of it gives the Minister undue, unlimited, and unfettered discretion. He can make decisions without giving reasons for them and he can delegate his powers to anyone. We do not know how the powers will be used or under what criteria they will be used. In other words, the Bill is asking members on this side of the House to sign a blank cheque for the Minister.
>
> I believe Parliament is here to apply some sort of brake to the Executive. I am not prepared to give a blank cheque to any Minister . . .

Those words are laudable, and members know that Hon. Robert Hetherington takes a view about things like this which do not just contain purely political considerations. That is why I want to see what the Labor Party is actually thinking when it puts aside the purely political considerations. Hon. Robert Hetherington

often gives members a clue to the thinking behind the scenes. When he was speaking in 1978 he was saying that ministerial discretion quite clearly is not something that members should be supporting. However, today we have a Bill to amend that 1978 Act, to give the Minister even more discretion than he was given in 1978.

I am sure now that the Labor Party is in Government, it will be able to say, "Well, because we are now the Executive, we find that what we were saying in 1978 was based upon our situation of being in Opposition. Now that we are the Executive, we find that what we thought then is not really what we think now." Therefore, I have always taken an interest in what people say when they are in Opposition and what they actually do when in Government, because quite often it is quite different.

This Bill does give an outline of the sorts of areas in which the Minister is entitled to have discretion. It is not an unfettered discretion, although when one looks at some of the words used in the Bill one will need to be persuaded by the Minister that in fact it is not unfettered. I am sure that the Minister handling the Bill will be able to clarify that for me.

So the Opposition supports the Bill reluctantly, because it is a pity that administrative delays in Government decision-making should be such that a company which has a three-year period to work on an exploration licence is in fact unable to do the work because of those delays. Members should be aware that the reason why the Act says half the land should be relinquished after three years is to enable other companies to get onto that land and do some work.

Exploration licences cover very large areas of land; they are about 200 square miles, or thereabouts, if my memory serves me rightly—the Deputy President might be able to help me. They are very large areas of land and they are given to companies on the basis that they do not hold them for ever and that they do not tie them up and prevent other companies from going onto that land to look for minerals. The three-year term is there to enable other companies to have a go at finding minerals on these areas of land.

So as a general principle, the Opposition would support a continuation of that view. I hope that the Minister's discretion will be used infrequently and that, when it is used, it is used for legitimate purposes.

I always wonder whether ministerial discretion is always used for totally legitimate purposes or whether it is occasionally used for political purposes. I therefore ask, with Hon. Robert Hetherington, that the Minister's discretion be kept to the absolute minimum.

I look forward with interest to the Minister's comments on words such as "political considerations" and "political problems" that are contained in the second reading speech on the Bill, and to the Minister's explanation why the Minister should be given discretion with respect to those sorts of matters.

The Opposition supports the Bill.

HON. J. N. CALDWELL (South) [4.09 pm]: The National Party supports this amendment with some reservations, and the first relates to the comment in the Minister's second reading speech—

> The proposed amendments have been discussed with the Chamber of Mines of Western Australia (Inc.), the Association of Mining and Exploration Companies (Inc.), the Amalgamated Prospectors and Leaseholders Association, and the Australian Mining and Petroleum Law Association Limited.

I happen to notice there is no thought of including private land-holders.

It is amazing that the Government should come forward with these proposals for formulating the Bill and not include private land-holders. I notice also that this Bill mainly relates to parks, nature reserves and other land yet it has not included reference to private land-holders, who are an important part of the Western Australian community and hold rights to land which covers a large amount of Western Australia.

Hon. Norman Moore raised the point that it is an inherent right of the Minister to have control in respect of extra time available to mining companies. It may be a condition of consent that goes on and on. I wonder how long this consent can be extended, especially when it comes to private land-holdings. I know of circumstances where land-holders were expected to put up with miners exploring on their land and causing them a great deal of concern.

The National Party supports the Bill.

HON. KAY HALLAHAN (South East Metropolitan—Minister for Community Services) [4.13 pm]: I take it from the comments made by Hon. J. N. Caldwell that, in spite of the fact he has some reservations and ques-

tions, he supports the amendments. I will endeavour to clarify those questions in the Committee stage of the Bill.

I am also pleased to have the support of Hon. N. F. Moore, and I guess it is predictable that he would ask for a definition of the word "political", and why it should be included in the Bill. I will endeavour to outline that for him in the Committee stage.

It seems to me that there is general consensus within the industry that these amendments are desirable for this Parliament to pass, including discretion placed with the Minister. The industry clearly prefers this to litigation and we all know that ministerial discretion, when it is exercised with responsibility and sensibility, is an expeditious way of settling matters when decisions are needed. It seems to me that the industry has indicated very clearly its agreement with this path of action. I think it is ironic that Hon. N. F. Moore should raise this question when in fact the Bill wa a product of his party when it was in Government and ministerial discretion played a great part then.

Hon. N. F. Moore: No, I drew attention to that. You people seem to have changed your mind about discretion.

Hon. KAY HALLAHAN: Okay, there is no disagreement about the Minister having discretion.

Hon. N. F. Moore: We support the Bill.

Hon. KAY HALLAHAN: One can support a Bill and also have objections to it.

The House supports the view that the Minister should have this discretion. There is not much more that can be said; there is consensus about this amendment.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Hon. John Williams) in the Chair; Hon. Kay Hallahan (Minister for Community Services) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Section 65 amended—

Hon. N. F. MOORE: This clause is the nub of the Bill. It outlines the basis on which the Minister has been given discretion to make the decisions we discussed during the second reading debate.

I wish to clarify something for the Minister in respect of her summing-up of the second reading. I support ministerial discretion where it is needed, but I do not believe in giving it in a totally unfettered way if it is at all possible to avoid that.

Hon. Garry Kelly interjected.

Hon. N. F. MOORE: I accept that. I am about to ask a question about the way the Government is seeking to control the areas in which the Minister can make decisions under this Bill. If one looks at the Bill carefully, one finds it says in effect that if a person who holds an exploration licence satisfies the Minister that by reason of difficulties or delays occasioned by law, arising from administrative, political, environmental or other requirements of governmental or other authorities in the State or elsewhere and in obtaining requisite consents or approvals for exploration or for the marking out of a mining lease or general purpose lease in relation to any part of the land, he may be able to apply to the Minister to use his discretion to delay the time in which that person must surrender half the land. That is essentially what the clause says.

Those are the parameters within which the Minister is required to work. I suggested in the second reading stage that those parameters were quite broad. I seize on the word "political" because it stands out, in my opinion, as being one which is hard to understand in the context in which it is used. Perhaps the Minister could explain to me what is intended by this word in this clause.

Once we have an explanation of that, we then might need to discuss it a bit more but I would like the Minister to explain why that word is needed.

Hon. KAY HALLAHAN: I think the honourable member is anticipating an adequate explanation.

Hon. N. F. Moore: I always do, with you.

Hon. KAY HALLAHAN: I thank Hon. Norman Moore very much.

I have been advised by the Minister responsible that it was necessary to include that word within the other reasons listed—"arising from administrative, political, environmental or other requirements of governmental or other authorities in the State or elsewhere"—to cover situations where decisions are made by a Government, a political party or any other body in the political process which prevents the lease-holder from being able to carry out exploration.

If that was considered to be the motive for the delay and that could be substantiated to the Minister, it would be recognised as giving the broadest possible substantiation for a delay incurred by the actions of somebody else.

Hon. N. F. MOORE: I thank the Minister for her explanation and raise a hypothetical case to see whether it would come under political consideration.

At present we have heard a lot of argument between the Minister for Labour, Productivity and Employment, and the Minister for Minerals and Energy, on the one hand; and the head of Peko-Wallsend, Mr Charles Copeman, on the other hand, in that the Government has issued a directive to suspend some of that company's mining tenements apparently at the behest of Hon. Tom Helm who believes the company had been operating in an unacceptable way on Aboriginal land. The argument between the Ministers and Mr Copeman concerned political matters. Is there any way in which this clause would allow the Minister for Minerals and Energy to exercise some discretion in a political way and act adversely against someone like Mr Copeman?

The problem is that the word "political" means different things to different people in different contexts, and legislation ought to be written as precisely as it is humanly possible to do so.

Hon. KAY HALLAHAN: It seems to me Hon. N. F. Moore is reading the clause inaccurately and in a negative sense, when it should really be read as an affirmative provision for people involved in the mining industry. If a person can justify to the Minister a request that he should not relinquish his licence, this clause provides the Minister with a broader range of reasons to agree that that person should not surrender the licence. The theoretical case the member gave concerned purely an administrative matter. If a mining company were carrying out some work which contravened some other recognised system of work, any hold-up would seem to be an administrative matter.

This provision allows a mining company to apply to the Minister and justify to him the need to exempt the company from relinquishing its exploration licence. The problem the member raised is simply not relevant.

Hon. N. F. MOORE: In retrospect, perhaps I did not explain myself clearly, bearing in mind the Minister's answer. Let us assume a hypothetical case where Western Mining Corporation has an exploration licence and it seeks to extend the time at which it must relinquish its claim to the land in question, perhaps because Mr Copeman and Peko-Wallsend are seeking to move onto that land as soon as Western Mining relinquishes it. In that case, would it be competent for the Minister to consider it a political requirement for the Government to extend Western Mining's tenancy over the lease because of the Government's political concerns about Mr Copeman and his company?

Hon. KAY HALLAHAN: Hon. N. F. Moore's comments indicate paranoia gone crazy.

Hon. N. F. Moore: I am not paranoid about Mr Copeman, but the Government is.

Hon. KAY HALLAHAN: The member thinks we are, but he is quite wrong.

If a company were able to show that a political party or someone in the political process had caused it to be unable to complete its work at the time of the expiry of the licence, it could go to the Minister and say that it was within a month of having to relinquish its exploration licence, but because of the political interference it was behind time. I do not think the honourable member's hypothetical case is worthy of him or the party he represents.

Hon. N. F. MOORE: I am having difficulty because the Minister's explanation was not a particularly brilliant one.

Hon. Kay Hallahan: So you would have understood it, had it been a brilliant explanation?

Hon. N. F. MOORE: Most of the time the Minister's explanations are brilliant, but not this time. When the Government includes the word "political" in legislation it must mean something. The word means hundreds of things to hundreds of different people.

Hon. Kay Hallahan: It means real obstruction to a company, making it unable to carry out its programme of work and stopping it from completing its work by the end of the exploration licence period.

Hon. N. F. MOORE: We will have to wait and see what happens, but I would be unhappy were this provision to be used for party-political reasons.

Hon. J. N. CALDWELL: I mentioned in my second reading speech that the Bill does not provide a definitive time of extension of a lease. The clause says that the Minister may exempt the holder of the licence on such terms

or conditions "as he thinks fit". I would like the Minister to explain the words "as he thinks fit".

Hon. KAY HALLAHAN: The Minister for Minerals and Energy would make a decision on the basis of the programmes still to be undertaken, or having looked at what had been undertaken and what still needed to be undertaken would make a decision in concert with the party concerned which still had work to be carried out. It would be inappropriate to say "within 30 days" when a longer time was needed, bearing in mind that we are dealing with projects of considerable size. The industry wants flexibility in being able to negotiate with the Minister and for the Minister to have the power to give those exemptions and extensions when warranted.

The other query Hon. John Caldwell raised in his second reading speech concerned private land-holders not having been consulted. An impressive list of people in the industry were consulted about this Bill, and the reason private land-holders were not included is that the legislation is not relevant to their situation. We are talking about companies involved in exploration and other mining activities, and this does not involve private land-holders.

Clause put and passed.

Clauses 6 and 7 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon. Kay Hallahan (Minister for Community Services), and passed.

CRIMINAL CODE AMENDMENT BILL

Second Reading

Debate resumed from 28 May.

HON. P. G. PENDAL (South Central Metropolitan) [4.31 pm]: The Bill before the House seeks to amend the Criminal Code by removing the sections which make homosexual activities in Western Australia illegal. I begin my remarks by making a number of general, but, I would suggest, pertinent observations.

The Bill has been introduced by Hon. Bob Hetherington. If the sincerity of purpose of the sponsor of any Bill was the only criteria of that Bill's success, then this piece of legislation would be entitled to succeed. Equally, however, people who oppose this Bill can make a similar claim. However, sincerity of purpose is not the only thing a legislator needs to take into account when determining his or her attitude to a Bill.

My second observation relates to the status of the Bill. It is said to be a private member's Bill. We are told that, by virtue of this fact, it is not a Government Bill. Mr Deputy President (Hon. D. J. Wordsworth), I put to you that in the main that is a spurious argument. The fact is that this is a Bill being introduced into the Parliament with the full support of the Burke Government and the Premier, Mr Burke. For all intents and purposes, therefore, it is quite unmistakeably a Government Bill. The evidence for that is out of the mouth of the Premier who was interviewed by the magazine *Western Gay* in 1983 in which he was asked if he would ensure that this Bill, when it eventually came to the Parliament, would be brought in as a Government Bill as distinct from a private member's Bill. The Premier's reply published in that magazine was as follows—

> Whether or not legislation comes forward as a Government Bill or a private member's Bill is really irrelevant, because all members of ALP are committed to support legislation for homosexual law reform.

I think that explodes, albeit perhaps unintentionally, one more myth associated with this legislation.

The third general observation I make is that whether Hon. Bob Hetherington likes it or not—I will paraphrase his words—this Bill is not essentially a narrow Bill which is limited in its effect. The legislative acceptance of homosexuality paves the way for the practice itself to be introduced into the school curriculum and taught as normal behaviour. The evidence of that is in the ALP's State platform in which it is stated that the Labor Party in Government would—

> ensure that in sex education programs homosexuality is presented as a capacity fundamental to some human beings, the expression of which is basic and natural.

No doubt there are members in this House who would argue that the practice is normal. All of the recent research points to it being comparable to heterosexual behaviour. All sorts of texts have been cited by all sorts of authorities as evidence on this point. Like other members, I read many

of them in 1984 in preparation for the debate on the Bill introduced by the Labor Party in that year. Still others have been quoted by the member introducing the Bill on this occasion.

I put it to members that those views are far from being universally accepted. Indeed, it is something of the case that he who shouts loudest will be heard the most.

I quote from just one authority—an individual by the name of Professor Frank Dumas, who is an American phychologist and the author of a book entitled *Gay is not good* which was published in 1979. I intend to quote at some length. Among other things he said—

> In the last twenty years homosexual activists have achieved amazing political success in obscuring the issues, derogating thousands of years of human experience and research on the subject, and changing attitudes in the general population.
>
> The last five years have seen a large number of books on homosexuality presented from the moral and religious point of view. During this time little or nothing has been published utilizing rational and scientific arguments regarding pathological aspects of homosexuality. This has amounted to an effective censorship within the scientific community, as well as among the general public.
>
> At the same time there has been a plethora of both popular, political, and "scientific"—

Members should note that he has used quotation marks in reference to the word "scientific." He continues—

> —publications presenting homosexuality in a positive light. The result is that millions of people are left without rational and empirical foundations for their belief that gay is not good.
>
> Professionals—and there are many—such as myself—

I ask members to particularly note those words. To continue—

> —led the fight to decriminalise homosexuality. We insisted that homosexuals be considered as legal patients, not illegal criminals. Homosexuals deserve our compassionate concern.

Further on he said—

> —but homosexual activists were not content with decriminalization. The momentum generated for an enlightened public by professional caregivers was used to subvert and redirect these high aims.
>
> Now homosexual militants insist that there is nothing wrong with their behaviour, that homosexuality and heterosexuality are equal and normal preferential lifestyles. This simply is not so.

I put it to you, Mr Deputy President, and to other members, that those are words of very considerable weight. They are not the words or expressions of an insensitive, intolerant, ill-educated wowser. More than that, they challenge the very basis of the argument which says that we should remove from the Statute book words which currently state, and always have stated, that homosexual acts are unnatural. Putting it another way, this authority says they are unnatural. Here we have a plea from an individual who once campaigned in favour of decriminalisation. He is now arguing that that advocacy was wrong.

Hon. T. G. Butler: And then homosexuality disappears!

Hon. P. G. PENDAL: Now, as in 1984, much of the argument revolves around the claim which is best summarised by a constituent who told me, and whose words would undoubtedly be familiar to many members of this House—

> Gay people can't help being gay. They have no say in the matter. All the latest research from the United States on homosexuality indicates that homosexuals are born, not made, and that a person's sexual orientation is determined before birth. It has nothing to do with one's upbringing or environment.

That view I acknowledge. It is held by many, and is put by a variety of people as though it is the only valid view. That, of course, is quite inaccurate.

In introducing the book *Gay is not good* by Professor Dumas in 1979, Dr Harold Voth, senior psychologist and psychoanalyst at Menninger Foundation, said—

> Revolutionary changes are taking place in America's values; one of the most ominous is the incredible and totally fraudulent view that homosexuality is a normal condition.

He goes on—

> Dr Frank Dumas challenges this gay propaganda with a thorough exposé and analysis of the facts from every angle. His result is to completely explode the "gay is normal" position.
>
> Dr Dumas presents relevant data having to do with the psychological, biological, and sociological aspects of the condition and in so doing clearly shows that homosexuality is not good, that homosexuality is an abnormal condition of man.

The words chosen by Dr Voth in this text are important. Members will note that he goes to some length to say that homosexuality is not normal, yet this is at the heart, I suggest, of Hon. Bob Hetherington's Bill, because he seeks to remove from the Criminal Code section 181, which currently describes homosexual acts as unnatural and against the order of nature. Expert opinion, like that of Dr Voth and Professor Dumas, continues to advise us that those definitions used in the Criminal Code of Western Australia, far from being outdated, are indeed scientifically accurate.

I want to deal with one of the public health arguments put forward by Hon. Bob Hetherington. One is that people at risk could be discouraged, or at least dissuaded, from seeking AIDS assessment. We are told that because homosexual behaviour is illegal in Western Australia, many homosexual men, when presenting themselves for that assessment, feel exposed in terms of their identity and their sexuality. This will not be answered or addressed by the Bill. Even were the Bill to pass, many people would still feel threatened, not because of the law but because of community attitudes.

Hon. Garry Kelly: At least they would not be liable to prosecution.

Hon. P. G. PENDAL: In any case, even Hon. Bob Hetherington admits that, under the assessment procedures, people attending are assured of confidentiality, or at least as much as one can be assured by anything in this day and age. Indeed, if we pass this Bill, members can be assured that there will be no such guarantee of confidentiality in anything any more. Confidentiality of national security documents, for example, was once sancrosanct. Today there is almost a challenge to see who can publish them first.

Even in those parts of the world where decriminalisation of homosexual behaviour has occurred, there has been no guarantee of a person's right to confidentiality. This is particularly so in the United Kingdom, where homosexual acts are no longer an offence, but where, as members will be aware, disclosure can still ruin a person's career or livelihood. Indeed, so too do acts of heterosexuality, as has been seen in the recent US presidential campaign.

Hon. Bob Hetherington also—and rightly—tries to come to terms with the situation where there is no guarantee of confidentiality on the part of a GP who is consulted by a patient fearful that he has AIDS. In this situation, does the GP have a duty to preserve confidentiality under his Hippocratic oath?

Hon. Robert Hetherington: Of course he does.

Hon. P. G. PENDAL: Or does the GP have some duty to that patient's wife? For example, should the wife be alerted to that person's condition?

As a result of my inquiries, the general practitioner is far more sensitive to this predicament than Hon. Bob Hetherington gives credit for. The President of the Western Australian branch of the Australian Medical Association, Dr Thompson, told me recently when I raised this dilemma with him—

> The problem is one which still taxes the minds of members of the association. At this point in time, there is no simple answer available. I do believe that where a patient refuses the attending doctor's reasoned request for a partner or family member to be made aware of an AIDS diagnosis, that doctor must make a careful assessment of the situation before determining his/her course of action.

That, I suggest, is in itself an indication of the agonising that any doctor feels. It implies a very high level of respect for and responsibility to a patient by a doctor.

But the other side of the coin is expressed in the same letter of Dr Thompson, and he has said that he acknowledges that other people have rights as well. He goes on to say—

> No doctor would wish to hide behind an ethical shield on such a difficult issue as AIDS and patient confidentiality. Equally, however, he/she must have proper regard for the duty owed to the patient. The concept of "greater interest" is one which allows for each case to be considered on its presenting merit. In currently existing circumstances, the association can offer no more appropriate guidance than that the doctor should decide.

The Bill is not only one which I oppose in the broad sense. It is also one which I think is deficient in its detail. Despite its claim to expunge discriminatory provisions from the Criminal Code, it actually entrenches them.

This can be seen by examining sections 184 and 203 of the Criminal Code and the amendments that the Labor Party is seeking to section 184 on its own. For example, this Bill will make it an offence to have heterosexual sex in a public place, and this offence will be known as "an indecent act".

Hon. T. G. Butler: You would not like it to happen during the lunchbreak.

Hon. P. G. PENDAL: I ask the member to address himself to this point: The Bill makes it an offence to have heterosexual sex in a public place. This offence will be known as "an indecent act" and it will attract a penalty of two years' imprisonment; but if two males have sex in a public place they will be charged not with "indecency" but with "gross indecency" under the Hetherington Bill.

Additionally, the males in the scenario I have just described will attract a three-year penalty as against the two-year penalty where a heterosexual couple is involved. That is a clear indication that this Bill is a fraud against the homosexual community.

Hon. Garry Kelly: Move an amendment, then.

Hon. P. G. PENDAL: The Bill says that male-female acts in public will be indecent, while male-male acts will be grossly indecent. If I were part of the homosexual lobby I would be disgusted at that position of the Government; and indeed, many of them have expressed that disgust in letters not only to members of the Opposition but to members of the Government.

Hon. Kay Hallahan: Come on!

Hon. Robert Hetherington interjected.

Hon. P. G. PENDAL: I am quite happy to quote them chapter and verse if the mover of the motion wishes, but he knows the person to whom I refer.

Several members interjected.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): Order!

Hon. P. G. PENDAL: The Bill seeks to do other things as well. I am puzzled as to why carnal knowledge of an animal needs to be addressed in this Bill. I note as well that people found guilty of such a crime would face, not the 14-year maximum of the present Act, but seven years' imprisonment. I repeat: What has this to do with a Bill purporting to reform the law relating to homosexual acts?

I also find it puzzling to see why the Bill would retain in the Criminal Code the age of consent for heterosexual females at 16 years, while the age of consent for homosexual males is proposed to be 18 years. That defies any logic in a Bill purporting to seek to end discrimination against the homosexual community.

For those and other reasons, many of which no doubt will be and indeed have been canvassed, I intend to vote against the Bill. I see no advantage to the well-being of the people of Western Australia in passing the Bill. I urge all members, especially those in the Liberal and National Party ranks who at least are permitted a vote according to their beliefs, to join me and seek the defeat of this legislation.

I strongly oppose the Bill.

HON. E. J. CHARLTON (Central) [4.55 pm]: I, too, oppose the legislation. I will not go into detail as Hon. Phillip Pendal did, but I will say that the reasons given by Hon. Robert Hetherington in his second reading speech in support of the need for this Bill to be passed were directly related to the present crisis facing the community; namely, AIDS. The current situation facing not only people in this State but also throughout Australia and the world is a tremendous problem, and we have difficulty in coming to terms with how the AIDS virus will be controlled. However, I am of the strong opinion that this legislation should not be seen as being necessary to assist the control of AIDS in this State. Rather, we should look at this legislation strictly in relation to what it intends to do; that is, to decriminalise homosexual acts.

On that basis, all of the members of the National Party agree totally that this legislation should not be passed. Anything that is done in this manner will not change the very fact of life that should be accepted—that it is not normal for this sort of thing to go on.

Hon. Robert Hetherington: How do you know what is normal?

Hon. E. J. CHARLTON: I describe "normal" as that which is accepted by the great majority of people in our society. Anything other than that is not the right way to live. As I said very briefly to a group of people outside the Parliament today, we should be more involved and more responsible in bringing in legislation and making decisions in this place that will give incentive and assistance, and help

the majority of people—men and women, boys and girls in this society—in their way of life, to uphold and develop their lifestyle in a manner that will make them happy and give them a great deal of satisfaction and a sense of involvement, and also rewards for their contribution not only to their family but to the nation.

I make no apologies for saying that the matter we are debating now is not one that can be addressed in this place or in any other place to overcome the problems that confront our society. The beliefs and private situations of people, and the commitments or decisions they make between themselves when it comes to their sexual acts, are private matters. However, when we talk about sexual acts which obviously are not going to be concealed or remain within a person's private lifestyle, they will extend throughout our society. That has been demonstrated by the comments that I and others received from the Health Department in relation to AIDS, to the effect that the increase in AIDS is very closely and directly related to the fact that homosexuality has become a much more accepted part of the lifestyle of this nation.

As a result of that, the spread of AIDS has reached its present stage. It is accepted by the Health Department that had homosexuality remained the activity of a closed group of people who did not mix with the general population sexually, the problem the world presently faces would not be in anywhere near its present proportion. I accept that comment as being an obvious conclusion to draw.

I certainly will not support the passage of this legislation. As I have said before, we in this place should do all in our power to develop the family structure and to give it an incentive to remain stable. That family structure is very important to our society.

HON. JOHN HALDEN (North Metropolitan) [5.02 pm]: I support this Bill, and I congratulate Hon. Robert Hetherington for again submitting it. I respect and admire his tenacity in this respect. This Bill is now before the House for the fourth time.

I refer firstly to the opening comments of Hon. Phillip Pendal in which he referred to homosexual activity as something the Government is about to take out of the Criminal Code. In fact, the Government will not take that out of the Criminal Code because there is no reference to homosexuality in the code. The reference is to anal intercourse. Hon. Phillip Pendal went through his one book which he has read on the issue—and I accept that one can read only one book on an issue and base one's subsequent opinions on that one book—but I would suggest to honourable members that that is a very dangerous precedent. If one is going to base everything on one person's opinion, one is really putting oneself in a position of jeopardy—

Hon. E. J. Charlton: You don't have to read any books.

Hon. JOHN HALDEN: One is entitled not to read any books. Hon. Phillip Pendal went through a few things and a few concepts which I think it is important likewise to go over. He talked about empirical research, which is based on the principle of getting to the absolute truth. Many empiricists do that by virtue of mathematical calculation and go through a whole series of complicated formulae to arrive at that point; but the last time I was at university my lecturers said that empiricism had not reached the stage it was hoped it would reach in the 1900s, of being able to establish absolute truth. There is no such thing as absolute truth in respect of many social and scientific issues or in respect of many moral issues. That is what we are faced with here; we are faced with a whole range of value judgments.

As Hon. E. J. Charlton said, one does not have to read a book; one can base one's opinions on whatever one chooses—on personal experiences, on beliefs given to one by others, or one can read or talk to others—but it is still a value judgment. One book does not hold absolute truth. Hon. Robert Hetherington referred to four books in his speech, which contradict one another. If one read those four books, one would probably be still more confused as to whether the issue was one of right or wrong. The issue is not right and wrong; the issue is that we have a problem facing us today in society which must be dealt with. This problem has been with mankind since the beginning and we cannot close our eyes to it. We cannot put these people in a selective group somewhere and say, "Let's forget about them because they will not go away."

Homosexual people exist in society and in our culture. They have been a part of our culture since time began. As I have said before, to quote Professor Dumas who wrote a book called *Gay is not good* really does not broaden one's horizons if one presumably comes to this place with the perception that homosexuality is not natural anyway. Whether it is unnatural or natural is not the issue. One can hold the opinion that homosexuality is unnatural but it

exists in our society and that is the reality. I do not particularly care whether other members hold opinions as to whether or not homosexuality is natural or unnatural; the reality is only that it exists.

Hon. E. J. Charlton: A lot of criminal things exist in our society—

Hon. JOHN HALDEN: Hon. E. J. Charlton says it is a criminal thing. As defined in the Criminal Code it is, but there is a value judgment involved in that. Many people would argue with Hon. E. J. Charlton in this respect, as perhaps I would, that it is not a criminal act but the whole matter is based on value judgments.

Hon. Phillip Pendal said that Professor Dumas said homosexuality was unnatural. How? Why? Prove it categorically.

Hon. P. G. Pendal: I invite you to read the book. I happen to have it here and will read it to the House if you will give me a five-hour extension.

Hon. JOHN HALDEN: I can find a book that says homosexuality is natural, so where are we left? One says it is; one says it is not. We are left nowhere.

One matter Hon. Robert Hetherington did not get to in his speech on the Bill is that one can argue that homosexuality is a result of psychological, biological, or sociological factors. It is probably one of those but so what? The problem exists today and is compounded by AIDS. The problem will not go away by virtue of esoteric argument as to whether or not homosexuality is caused by psychological, biological, or sociological reasons.

Hon. Phillip Pendal then went on to stretch the longest bow that I have seen stretched in this House by talking about things such as the carnal knowledge of animals, gross indecency, and the difference in penalties. I suggest that if Hon. Phillip Pendal has a problem he should move an amendment; I am sure that in some areas Hon. Robert Hetherington would like amendments moved, but they are not to do with the crucial components of this Bill—

Hon. P. G. Pendal: He put them in the Bill and therefore surely you are not suggesting I am not entitled to comment on them. Perhaps you have not read the Bill.

Hon. JOHN HALDEN: I would never suggest that members are not entitled to make comments. We have to listen to the comments of Hon. P. G. Pendal repeatedly. However, there is no doubt that if Hon. P. G. Pendal wants to move an amendment on this matter, it is not crucial to the Bill. I believe Hon. P. G. Pendal has drawn a very long bow which did not have to be drawn. It detracts from the essence of this debate, which is a very serious one as I see it and which deals with the welfare of thousands of Australian citizens. It is likely to affect thousands of people in the coming decade.

The issue of confidentiality and doctors was dealt with. There is no doubt that doctors are in a moral predicament when they find someone who is tested and confirmed as AIDS positive. Do they go to the family or do they not? That is a question that I guess the individual doctor will resolve. However, the issue is that that information is not just the sole property of the doctor; there are many others who will have access to it. I suggest to this House that the gay community, as its members have represented it to me, is concerned that that information could be used against them legally. That is what the law now says.

Hon. Phillip Pendal ended by saying that this Bill would be of no advantage to the people of Western Australia. That last statement has to be taken on and looked at. Do we really believe that by taking out a very archaic piece of legislation, as I see it—that is a value judgment and I will wear that value judgment—we are really disadvantaging people? Or are we advantaging those people and giving them some benefit?

Hon. W. N. Stretch: Tell us the advantages.

Hon. JOHN HALDEN: I will. Similar Bills have been before this House on three previous occasions and a Bill passed through this House on one of those occasions. Three other States have decriminalised the act of anal sex. If a law is not enforced and does not achieve its end it is not a good law. Laws which do not achieve the ends for which they are passed should be repealed. We have had a number of such laws in the history of this Parliament and they have been repealed. I suggest this is another of them. This is an ultimate penalty which is rarely used, but people fear it in these days when we have a crisis and an epidemic on our hands. It is a blunt stick which is hidden away and can be used, and those in the highest risk category fear the use of this weapon.

What we have attempted to do in this section of the Criminal Code is to legislate for personal behaviour. Surely in the 100 years that this House has been in existence it must have realised the difficulty of legislating for personal behaviour. It has not stopped a whole range of

severe crimes against individuals and property. It has never succeeded in doing that, and it has not succeeded in stopping homosexuality through Bills like this. It has not succeeded in keeping it hidden under the table or in pockets in society so we can say that it is not there. It is a far more open matter than that. People know homosexuality exists and that this part of the Act has not worked. It has probably not worked because of its age; it came into existence during the time of Queen Victoria.

Talking about quirks of the law, this law does not refer to homosexual females; it refers to anal intercourse. The story goes that Queen Victoria did not accept there was such a thing as homosexuality among females. The law is outdated; it does not match the situation which exists in 1987. It is outmoded and out of fashion, and does not achieve whatever purpose it was put there for.

It is estimated that in Western Australia and most societies the number of people who are practising homosexuals is something of the order of five per cent of the population. I suggest that figure will not be lowered by the existence of the Act. Whether they are homosexuals because of biological, sociological, or psychological reasons, does not matter. There will always be five per cent of people involved in homosexual activities, no matter what the Act says.

It seems to me that in view of the AIDS epidemic we need to encourage these people to have the appropriate medical and clinical assessments and counselling so that they get the right information and are at all times encouraged to use the medical, social, and psychological facilities which are available. The present Act does not do that. It warns people not to identify themselves as being homosexual and in the highest risk category, because if they do they run the risk of imprisonment.

I need make no further comment than to say that homosexual males are the largest at-risk group for AIDS in this country. At the moment 442 people are suffering category A AIDS and 385 of them are homosexuals or bisexuals; one is a drug user; 13 are homosexual/drug users; 32 have contracted AIDS by virtue of blood transfusions; five are haemophiliacs; and four have contracted AIDS by heterosexual transmission. An enormous percentage of those with category A AIDS are homosexual males.

Surely we have a responsibility to encourage those people to seek the most appropriate preventative mechanisms this society and this community can offer, not to create barriers or hurdles for them. That is what members will be doing if they vote against this Bill. Do they want that on their conscience, no matter what their moral beliefs? Forget them, and think about other people and the spread of an epidemic virus. Do members really want to discourage people from seeking support for themselves? I suggest the answer is no; of course members do not want that, and yet some will vote against this Bill. I ask why; I do not have the answer. Members must think it out for themselves.

Hon. P. G. Pendal: You did not because you have all had your minds made up for you.

Hon. JOHN HALDEN: That is not true at all.

Hon. P. G. Pendal: Your platform commits you.

Hon. JOHN HALDEN: The platform of the Labor Party may commit me, but my getting up and speaking on this issue in Parliament mean that not only do I believe what the platform says, but also I have a personal commitment, particularly with the situation in our society at present, to voice my views. If I did not agree with the platform I would sit down quietly and say nothing.

Hon. Kay Hallahan: Are you all free to vote individually?

Hon. P. G. Pendal: Yes.

Hon. Kay Hallahan: Rubbish!

Hon. Robert Hetherington: I am glad it is a free vote.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): Order!

Hon. JOHN HALDEN: I want to quote some figures, but I will not do so at length. The projection for category A AIDS in this country is that there will be 1 200 diagnosed cases by 1988 and 3 000 by December 1990. Let us look at the number of category A AIDS sufferers in other parts of the world. I do not have all the figures, but there were 32 825 cases in the United States in March 1987, and 19 021 have already died. That is over 50 000 people in the United States. In Europe, including the United Kingdom, there were 4 451 cases and 2 230 have died. I suggest to all members that if they have a free vote they should use it. This is an epidemic. We must encourage those people at greatest risk to use every resource this society has to offer. We must not place in their way obstacles which have not worked—obstacles such as legislating to prevent an activity from occurring by making it a criminal offence.

The figures clearly indicate that the homosexual community is at risk. However, people should not forget that the heterosexual community is also at risk. Bisexuals are a high risk group in that they are in the invidious position of being able to infect the whole community. Women and their unborn children are also at risk.

I ask members whether they want to place hurdles in the way of innocent people. I do not believe they do. We are not talking about a situation where a person at risk goes to a doctor once to have an AIDS test. The disease is such that it needs to be monitored year after year. When a law states that an act is illegal and that every time a person attends his doctor for a test he places himself in the position of being reported for breaking the law, he must have a greater moral conviction than normal to do what he thinks is right. Such people place themselves in jeopardy not only once, but also every year that they attend a doctor for a test.

The law does not work. I would like someone to tell me what it was designed to do. There can be no doubt that homosexual and bisexual men occupy high positions in our society and believe that they have much to lose by being labelled homosexual or bisexual. They fear persecution, prosecution, ridicule, discrimination, and banishment. When those sorts of fears threaten someone, this legislation does not do what it was supposed to do. Surely it is important that those at highest risk be encouraged to seek AIDS assessment, which includes pre-test counselling, antibody testing, clinical management and post-test counselling.

I would hate to have to draw the longbow drawn by Hon. Phillip Pendal. Recently we saw what can happen when a period of amnesty was granted to people who had breached the laws relating to social security payments and immigration. Thousands and thousands of people who were given a reason for not fearing the law came forward. That is the sort of thing that happens when certain acts are decriminalised for a period. An amnesty period works and it is public knowledge that it works. If the act of anal intercourse is decriminalised, I believe more people will come forward to receive the benefits that this society has to offer them.

There is no doubt that this Bill raises concerns in the minds of many people as the petitions presented to this place and the protest outside this Parliament this afternoon indicated. That will always happen in times of change. We cannot expect support from 100 per cent of the population. However, we seek legislation in this instance not to protect the majority but to protect a minority, implicitly hoping to protect the majority. These sorts of moral and value judgments are never made easily because there are so many people with different views. In fact, I suggest that most views on this subject would be minority views because I do not believe there would be a majority view on such a complex issue.

We have a very important decision to make.

Hon. P. G. Pendal: At least we agree on that one point.

Hon. JOHN HALDEN: At least Hon. Phillip Pendal agrees with something; that must be a first.

There is no doubt that the major moral and social institutions of our society, the churches, also have opinions on this issue. I have not had the opportunity to talk with people in the top positions of the different churches in our State. However, I have taken the opportunity to talk to ministers and priests in the communities I represent. It would be outrageous for me to suggest that they condone homosexual acts; they do not. However, they are tolerant people who believe that our society must be protected and that we must ensure that every hurdle and barrier to that protection of the wider society is removed. I think it is fair to say that the predominant opinion of church people to whom I have spoken is that they give some support to this Bill. They do not suggest that we should legalise and make compulsory homosexual acts, as Hon. Tom Butler suggested. They say that we should be serious about this very serious problem.

In the speeches I have made in this place, I have never spoken about my private life. However, for three years I worked in the child protection unit attached to the Department for Community Services. That unit dealt with child abuse. We attempted to adopt a philosophy of self-reporting for parents who could come to the unit if they felt they were going to hurt their children. We were advised also of cases by the police and other agencies, neighbours, and friends. I believe the principle of self-reporting did not work because, in the three years I was in the agency, I received one self-reported case in a total of about 120.

Hon. P. G. Pendal: That is different from this case because the doctor is required, by law, to notify the Health Department, not of the names, but that a person has contracted the disease.

Hon. JOHN HALDEN: Yes. Self-reporting carries the fear that the Department for Community Services can intervene and take a child off a parent. It involves, in essence, a judicial process which finds somebody guilty, although the Act does not state guilt. People fear that and do not self-report in the numbers we would like them to. Other States have made it mandatory for a doctor to report an abused child to the appropriate authorities. He can also report names and addresses. I suggest that neither of those systems works well. I suggest also that if we required the mandatory reporting of AIDS cases, the homosexual community would be driven further underground. That community will tell us that it has problems with self-reporting because of the potential for prosecution.

Therefore, we are left with the issue of homosexuality as defined in the Act. We should look very carefully at allowing these people to take advantage of every existing opportunity within the community; this disease is likely to reach epidemic proportions soon and every barrier should be removed with regard to their seeking assistance.

I go back to the point made by Hon. P. G. Pendal when he said that there is no advantage to the people of Western Australia if this Bill goes through. I suggest in all honesty to members opposite that there is enormous advantage. If we get to the same stage as the United States and Europe, we shall have an epidemic on our hands. We need to consider very carefully what we do, remembering that if we make the wrong decision the effect will be seen in four or five years' time.

It gives me great pleasure to support the Bill presented by Hon. Robert Hetherington.

HON. TOM HELM (North) [5.31 pm]: I support the Bill presented by Hon. Robert Hetherington. I make it clear from the start that I do not do so because it is part of the ALP platform, even though I am proud that it is part of that platform.

I shall not quote any learned scholars on how homosexuality came about, but I am aware of, and would like to express my views on, homosexuality in our society. I have not long left a country in which homosexuality was recently decriminalised although, in some respects, aspects of that society have gone down the drain. However, I do not believe there has been a massive increase in homosexuality in that society as a result of that decriminalisation.

The best contribution I can make to this debate is to refer to my experience and that of my friends. I was in the merchant naval service for 10 years and sailed on many ships for different companies. In those circumstances, I lived in close proximity with people of a homosexual nature in the close confines of a ship. Some of those ships had very small crews. I lived in Liverpool until I was 16 years old; and in the backstreets of Liverpool, if a person was a homosexual, he had to be either very quiet or a good fighter. With hindsight I realise that many of them were good fighters.

My whole learning process was shaped by the fact that I went to sea and it was also improved by knowledge of my brother's experiences in the RAF. He left the RAF recently, having served for 18 years. Homosexuality was accepted in the merchant naval service and, therefore, no bans were placed on who could join. However, homosexuals are precluded from joining the British armed forces. I have it on good authority, and perhaps members in this House who have been in the forces can confirm this, that although homosexuals are precluded from joining the forces, that does not stop homosexual activity in the forces.

One hears tales, particularly about people who refer to poofter bashing, and about sexual abuse by the homosexuals in our society yet I cannot recall ever reading about one incident of homosexual rape. One reads about rape of children and women from what we call the normal type of human behaviour—heterosexual activity—but never about homosexual rape. In my experience and in my brother's experience, there has been no suggestion of violence or coercion being used by homosexuals.

I listened to Hon. Phillip Pendal and Hon. Eric Charlton and tried to find some argument on their part as to why we should describe homosexuals as criminals. These people are described as criminals, or the act they perform is described as criminal, because they are not what is described as normal. I have been a member of this House for about a year and I have never in my life been in such an abnormal or unnatural situation; I am referring to the hours we sit and the things we do. If oddball politicians, living abnormal lives, are not described as criminals, I do not understand why we declare one section of society as criminals because their behaviour is abnormal. I have tried to draw some argument from the people who consider that homosexuality is illegal.

I am drawing on my own experience because, although it is part of the ALP platform, I do not suggest that all members of the ALP give 100 per cent support to this issue. In my constituency and in the areas in which I have been involved with the trade union movement, homosexuality is not an issue; usually those people are level-headed. Therefore, I wonder why we as the governing body of the community have decided to classify as a criminal act something which society knows is not illegal in the true sense of the word.

It has been my experience that homosexuals are capable of, and are involved in, honest and loving relationships which in some cases last longer than the so-called normal relationships. In this discussion on the criminal aspect I am looking for an argument that will not support the status quo, other than the inherent fears of people who do not understand and cannot appreciate the contribution made by homosexuals in our society. Certainly this is not an issue in the Pilbara and in the Kimberley. I doubt sometimes whether the police in those areas know that homosexuality is illegal and I also wonder about that in the city. We are in the silly situation in which the so-called not normal people are described as criminals because of their abnormality. I am waiting for other arguments to be put forward.

I noticed the demonstrators outside and I was not sure whether they were a religious group or a political group. It is true that this issue is in the political arena now, but I was taught and led to believe that politicians did not interfere in religion and by the same token religious people did not interfere in politics.

If that is to go by the board, let us know about that.

Hon. P. G. Pendal: Except when it is something like land rights.

Hon. TOM HELM: Was there something religious about that?

Hon. P. G. Pendal: No, there was not, but the churches did take a side on that.

Hon. TOM HELM: One of the placards that I saw being used in the demonstration today said something about love, and I thought, "Is that what we are on about, are we trying to decriminalise something to do with love, and if it is to do with love, are we trying to make criminals out of people who do not understand what the word 'love' is about?" I am also aware of the fact that there are homosexuals who practise religion, and some of them become ministers, so there is a contradiction in terms right away. So a political-religious group becomes involved in this debate, and I am not against that; but I would like to have more clearly defined which part of the problem they are addressing, whether it is the religious aspect or the political. But that is for them to decide.

The spread of AIDS is frightening the whole society, and it costs taxpayers a lot of money to make people aware—and particularly those groups that are at risk—of the dangers of the spread of the AIDS virus, and of the damage it can do to our society not just now but in the future. I do not understand bisexuality, but I am led to believe that people who commit homosexual acts can also commit sexual acts with women and they can have children, so AIDS can spread from those who can be described as in some way guilty, even if it is only the guilt of ignorance, and their offence, if one likes, can be spread to their children or to the children of others. I understand there is an incubation period of seven years for AIDS, so people may have committed a homosexual act or something that put them at risk seven years ago, and they are bound to be reluctant to admit that fact because of its criminal nature. If one looks at the Moomba Festival and the things they do in Sydney, one sees that many homosexuals are quite proud of their homosexuality and flaunt it, but there are obviously a lot of people in our society who are very reluctant to come forward and admit to the fact that they are either homosexual or have committed homosexual acts, because of the criminal nature of those acts.

As Hon. Phil Pendal tried to point out, and as some people who have written to me have said, the problem of AIDS is an argument for keeping criminality attached to homosexuality. I take the opposite view. To pass this Bill is the least expensive thing members can do, but it does not matter what is done so long as the aim that we are going for is in line with reducing the incidence of AIDS, and preventing our young people from catching it. Babies are even catching it by accident through blood transfusions.

In the society I come from, Liverpool, I cannot recall poofter bashing, but I also cannot recall there being too many homosexuals at the time. I can say the same thing now; I am not aware of homosexuals that go to trade union meetings or attend political meetings. So we are not talking about massive hordes of homosexuals, just waiting for someone to take the crimi-

nality out of it. As one of my colleagues mentioned, I cannot see that happening. One of the good things that came out of England—apart from me—was that homosexuality has been decriminalised, and the multi-million dollar campaign which is being conducted to try to prevent the spread of AIDS is being successful in that one does not have one hand doing one thing and the other hand doing another, as is happening now: We have criminality in the Act, and yet we have the State Government and taxpayers paying a lot of money to do what they can to prevent the spread of AIDS.

One does not see a large incidence of homosexual rape or assault in the papers, but we are not talking about removing criminality from this act so as to prevent it from happening because, as I said, in my childhood and up until recently in England it was a criminal act, and yet everyone was aware that was not stopping it, and it was actually making criminals out of people who were not criminals. I am not saying that because I believe the great majority of people in our society are concerned about homosexuality; I know they are not. The majority of society are more concerned about the handicapped, about people robbing banks, about bottom-of-the-harbour tax schemes, and are probably more concerned with the election than the incidence of homosexuality in our society. However, it is our responsibility to act responsibly.

We are not talking about criminalising something to make it illegal; we are talking about having something that is not illegal, recognised as not being a criminal offence. The fact that homosexuality is a criminal offence is not the answer. It has only had a negative effect, as Hon. Robert Hetherington pointed out, in discouraging people who either are homosexuals or engage in homosexual acts from coming forward for AIDS testing because right now they can be described as criminals. So that part of the situation must be removed. I hope that someone will enlighten me and give me some information to show that what I am saying is not correct.

I support this Bill.

HON. FRED McKENZIE (North East Metropolitan) [5.49 pm]: I rise to support the Bill. As Hon. Robert Hetherington has said, this is the fourth time since 1973 that a Bill of this sort has been before the House. I was not here in 1973 when the Bill was first debated, but of course that led to a Royal Commission, on which two of the current members of this Council served. The report brought down by the commission said that it was the opinion of the commission that—

> Acts of homosexuality between two consenting adults in private should not constitute an offence, an adult being of the legal age of majority, which in this State is 18.

Having brought down that decision in that Royal Commission, which followed the introduction of the Bill by the Tonkin Government in 1973, one would expect that the two members currently serving in this House who were on that Royal Commisison would vote for this Bill.

When Hon. Grace Vaughan introduced her Bill in 1977, those two members, who are still in this House, voted in support of that Bill, which was carried in this place by 18 votes to 10. Subsequently, of course, it was defeated in another place. Hon. Robert Hetherington brought in his Bill on 10 April 1984 and those two members had a change of heart. One member in particular placed some conditions on the passing of the legislation, and subsequently voted against it; the Bill was defeated again.

However, I think the matter is quite simple: It is not a question of putting any conditions on the legislation; the question is that we take homosexuality out of the Criminal Code. I believe it ought to be removed from the Criminal Code. That has happened in many other places and I have seen no deleterious effects as a result of that. Nobody has pointed out that aspect of the matter during this debate.

I do not believe homosexuality should be regarded as a criminal offence. One can quote books at length; I think Hon. Robert Hetherington mentioned four books members could read and Hon. Phillip Pendal mentioned two eminent people. It is all a question of which books one reads or to whom one listens. A Royal Commission was set up to investigate this matter during the period of the Tonkin Government; I know that commission arose from the earlier legislation. Much evidence was given to that commission and finally its members decided that they should recommend that the penalty for homosexuality be taken out of the Criminal Code.

Since that time the question of AIDS has arisen, and this worries many people. Irrespective of that problem, people will continue to practise homosexuality and it should not have much bearing on this matter. Hon. Robert Hetherington advanced that as a very import-

ant reason, and although I do not disagree with it, I do not think it is particularly pertinent. We also have the problem of drugs. That is a worry because in spite of the penalties, people are not deterred from engaging in the taking of drugs. Whatever we do on this occasion will have no marked difference in respect of the practice of homosexuality.

In removing homosexuality between consenting adults from the Criminal Code—I do not believe the police currently go around rounding up people who practise homosexuality in private—the protection for younger people will still remain. That will not be taken away. There is just a realisation that the community has advanced to the point where restrictions which prevent consenting adults from practising homosexuality in private should be removed from the Criminal Code. That time has been reached and members ought to support the legislation now before the House.

The House has been faced with this legislation before by way of a private member's Bill. That seems to be the path the House has chosen; it has waited until a private member has had enough courage to introduce such legislation. I suppose one could put it that way because it requires a great deal of courage to present a Bill to Parliament which deals with a moral issue. While this is not a Bill which I would introduce as a private member, I will on all occasions support this legislation whenever it is proposed. I think Hon. Robert Hetherington has demonstrated a great deal of courage in bringing this Bill before the House; he has also demonstrated his awareness that the community's attitude to change, particularly where it involves a moral issue, can cause suffering to members. It may be that this has had some bearing on the way members have voted for the legislation in the past but I think members should now look at the legislation fairly to determine whether or not the restriction in respect of homosexuality should be removed from the Criminal Code.

We are not proposing to legalise homosexuality; all we wish to do is to remove the penalty from the Criminal Code for consenting adults who wish to practise homosexuality. The age of consent is still 18 years. I have received a letter from David Myers, who was at one stage the President of the Campaign against Moral Persecution, in which he writes that the age of consent ought to be 16 years. On the last occasion that the House considered this matter it determined that the age of consent ought to be 18 years, and recognition of the AIDS factor in this respect is to be found in Hon. Robert Hetherington's Bill. I think that is proper and reasonable.

Another matter, which I cannot understand members voting against, is that the penalty should only apply to males. Lesbians are able to practise homosexuality. If they practise lesbianism, there is no penalty but if a male is practising homosexuality, there is a penalty. There is something wrong with the law when it discriminates against men. If women are able to practise lesbian acts in private without fear, why then cannot men do the same?

I support the Bill. I related that little piece of history because it is important that we remember that this legislation was passed through this House at one time but was knocked out in the Legislative Assembly. I hope that on this occasion the arguments that Government members have put forward in support of the Bill will sustain the legislation. I hope the Bill will be supported by the Council.

Sitting suspended from 5.58 to 7.30 pm

HON. D. K. DANS (South Metropolitan) [7.30 pm]: I have listened to the debate with interest tonight and it has been perfectly predictable. People take attitudes on this very thorny question, and they are entitled to do so. What we are really talking about is whether we take a principled stand on the question of decriminalising homosexuality or whether we remain in a state of limbo; we know it happens around us and we know from reading the papers that very little police action is taken. In other words, we bury our heads in the sand like ostriches and say it does not happen in our community.

Any sensible person who cares to examine history would know that some of our greatest men and women have been homosexuals—people in the armed services, the arts, and medicine; there is hardly a field one can name where people have not confessed to being, or have been known to be, homosexuals. They have been with us since the beginning of time, and there is nothing to suggest that the practice of homosexuality is any more widespread today, given the increase in world population, than it was 100 years ago. The only difference is that we know it is around us and we are prepared to talk about it. However, we are not prepared to decriminalise it. We are not talking about compulsory homosexual acts between consenting adults, but acts between consenting adults in private.

It is not an offence in the United Kingdom, New Zealand, or in New South Wales and South Australia; and in Victoria, if my memory serves me correctly, it was decriminalised by the Liberal Government. It is not an offence in many other parts of the world because people have been prepared to stand up and recognise that this group of people exist in the community and they should not be harassed or go about in fear of suffering the indignity of poofter bashing, to put it bluntly, or of being blackmailed in some cases. More specifically, with the onset of AIDS, they should not be terrified of notifying people or going to a medical practitioner and saying, "I think I may have that dreaded disease." That should not be; it is not only unprincipled, but also quite wrong in this day and age.

Just to digress, I refer members to the Commonwealth Navigation Act 1912 and to sections 128 to 132 which deal with a seaman who contracts venereal disease. The Act states—

> . . . except in the case of a venereal disease contracted after the seaman engaged to serve on the ship, is, so far as can be ascertained, an illness contracted on board the ship, or in the service of the ship or its owner, or a hurt or injury sustained in the service of the ship or its owner. (7) For the purposes of paragraph (6)(a), where a seaman suffers from a venereal disease, that disease shall not be deemed to be due to his wilful act or default or to his misbehaviour.

He is entitled to get full wages. One might have to prove how one hurt one's back or broke one's leg, but one does not have to prove how one contracted venereal disease. That provision was put there for a specific reason, and it is one of the reasons Hon. Robert Hetherington has brought this Bill here tonight. That provision was made to encourage the seafarer to report the fact that he had caught a dose of clap and to ensure he was in no fear of losing his job or of not being paid because he sought treatment.

Hon. John Williams: It is the same as the Army.

Hon. D. K. DANS: That is right.

There could well be homosexual people in this city working in various Government departments. I would be surprised if there were not. They should not have to live in fear of someone trying to expose them. In some areas homosexuals are sought after to do certain work. When I was a seaman it was always the practice on passenger ships for the chief steward to endeavour to engage homosexuals as bedroom stewards. One might ask why. Quite simply it was because molesting of children and attacks on women were unknown when these people served in that capacity.

I find a lot of venom and misunderstanding is generated in these debates because some members of Parliament, and some people, cannot distinguish between a sexual deviant, a child molester, or a straight-out pervert, and a genuine homosexual. I heard Hon. Phil Pendal and Hon. Eric Charlton speak, and they are entitled to their opinions; but many of us inherit our opinions, just as we inherit our politics. People have to open their minds a little and realise this is 1987. Most members no doubt have flown on Qantas planes. Who are the best stewards? Are they discriminated against? I will go so far as to say the same rule of thumb operates in the airline industry as operated in the shipping industry, and probably still does, and homosexuals are looked for because they do that job very efficiently.

I cannot see why we cannot take this very simple step of removing this offence from the Criminal Code. One of the previous speakers said it was amazing that male homosexuals were discriminated against but very little was heard about female homosexuals, or lesbians. I suppose I should put my tongue in my cheek. It is said Queen Victoria did not mind a bit on the side with one of the chamber maids. That is the way the story goes and it is no good looking horrified. Therefore, such acts never locked into the category of male homosexuality. Society tends to accept homosexual relationships between consenting females in private. It is not an offence. If a male commits the same act, he is subject to the provisions of the Criminal Code.

I ask members of this House to think a little and not be blinded by their prejudices. Britain has not fallen apart, nor has New Zealand or the Scandinavian countries; nor have enlightened Liberal Governments been brought down in flames because they enacted the legislation. I am not quite sure who brought in the legislation in South Australia. I do know that abortion law reform was brought into South Australia by an enlightened Liberal Government. It is not good enough to say the Labor Party is pushing for homosexual reform as a political issue and for the conservative party to

say it will stand flat-footed and conservative and not even accede to this small request. That kind of thinking has to go out the window.

I am very glad I am not a homosexual; nor are my kids, to the best of my knowledge, although these days one may not know. I do not know if there are any closet homosexuals among members of this House. They are probably fearful if they are, but I am not suggesting there are any. I am not trying to be smart. I could not for the life of me think that Hon. G. E. Masters is in that category. I know him well enough to not point the finger at him.

The PRESIDENT: Order!

Hon. D. K. DANS: I knew the question of homosexuality not being normal would come up. Someone gave a very good description of what he thought "normal" was. From time to time we hear on the radio or the television a doctor by the name of Murray Banks who tackles many thorny problems in a light-hearted manner but is also very serious. He has often raised the question of what is normal. Is it what society thinks is normal? It is a very difficult question to answer.

One of our most successful spies during the war was a homosexual. He wrote a book after the war confessing to his homosexuality. It did not stop him serving his country. Being a homosexual does not stop a person from being a very good scientist, a doctor, a soldier, a sailor, a businessman, or for that matter, a member of Parliament. Without wishing to point the finger of scorn at the Mother of Parliaments, it has had its fair share of people who have confessed to this dreadful abnormality.

Hon. Fred McKenzie: On the Tory side!

Hon. D. K. DANS: Always on the Tory side! To be serious, I think the late Tom Dryburg, who was a prominent Minister of the Labour Party, confessed to being a homosexual. The subject does not seem to stir up a hornet's nest in Britain like it does here. We have political attitudes like this because we are conditioned into having them and we inherit them. That is why Hon. Eric Charlton is a National Party member. He thinks he has to be a National Party member because he comes from the country. I am a Labor Party member because I come from Fremantle. We inherit our politics. I am glad I come from Fremantle and not from the country.

Hon. E. J. Charlton: So am I.

Hon. D. K. DANS: Hon. Robert Hetherington is to be commended for having the courage to bring this Bill once more into this House. Even within the Labor Party, the acceptance of this legislation in our platform has been very difficult. I can recall when the matter was first debated some years ago at a conference. I got up and said a few words about it, and up sprang the secretary of the Waterside Workers Federation. Without mentioning any names, this fellow was quite flamboyant. He had been a member of the Communist Party and was always spouting from Karl Marx. For some reason he became a member of the Mormon Church. I got the greatest welting of my life from that guy. From that day on, the secretary of the Seamen's union was a filthy so-and-so. He was referring to me. It is rather funny now. I was aghast and nearly went around Fremantle with my head in a paper bag. The matter was not to be discussed.

We did have a committee on homosexuality. Some members in this place served on that committee and brought down certain recommendations. Nothing was done. This is not a Bill that will make homosexuality mandatory; it is a Bill that permits homosexuality among consenting males in private. Surely, that is not a very difficult thing to agree to.

I am not going to argue about whether the age of consent should be 18 or whether it should be 16 as Mr Myers wants it. That is not the issue. Homosexuals are in all sections of the community, from the top to the bottom. I do not think there are any more now in relation to the population than there were 100 years ago or at the beginning of time. We just speak about these matters more freely. We have to grow up.

Not so long ago, in Massachusetts, the witches were burnt at the stake because the crops failed or something similar. People have different attitudes on this matter, and they are entitled to do so. The questions of abortion law reform and homosexuality are very dicey subjects. It is something we have to face up to without fear or favour. I do not think Western Australians are any worse or better than those people in New South Wales, Victoria, South Australia, the United Kingdom, New Zealand, the Scandinavian countries, and some places in the United States.

I think we are just as democratic. I know that some people may be afraid of their own sexuality. In taking a stand on this issue they do not know which way to go; they try to keep a foot in both camps. I can advise them that all they will get from keeping a foot in both camps is the splits. If members are afraid of their own sexuality, I ask them to be brave enough to let

us sneak one little step further and fall in line with the rest of the world. It is not an earth shattering event by any measure. When is the last time that any member was aware of a person being hauled before the courts for this offence? In other words, the police are acting now like Lord Nelson, who put his telescope to his blind eye and said, "I see no signal." The police take the long-range view but it does not alter the fact that homosexuality is against the law and some people are afraid of the law, as they should be.

Some people are prepared to blackmail others. The present situation allows some people to harass others with the fear of exposure and, above all, I have pointed out the provisions of the Commonwealth Navigation Act in respect of the reporting of venereal disease. I was reminded by Hon. John Williams of the same provisions in the Army.

How much easier would it be for a person who suspects he has AIDS to come forward and seek medical attention at an early stage? It is a commonsense move; there is nothing dramatic about it; it is operating in many parts of the world to the advantage of society. If we accept this Bill tonight we shall be doing something for the advantage of not only homosexuals but also the people of Western Australia.

HON. GARRY KELLY (South Metropolitan) [7.52 pm]: I would like to quote the words of Senator Puplick, whom Hon. Robert Hetherington quoted in his second reading speech. I hesitate to do so because judging from the preselection activities in the Liberal Party—I assume that his name is still on the NSW ticket—he could go the same way as Senator Jessop in South Australia.

The PRESIDENT: Order! There is far too much audible conversation in the Chamber. Hon. Garry Kelly has the floor and I suggest that members listen to him.

Hon. GARRY KELLY: In November 1986, Senator Puplick stated—

> We have situations in States like Western Australia where there is still a problem arising as far as AIDS victims are concerned, that homosexual acts continue to remain criminal offences. It is almost unbelievable that in 1986 that should continue to be the situation.

The situation facing society with the problem of AIDS—it is a subject I raised when moving the Address-in-Reply debate earlier this year—is quite profound. It is not, as most popular tabloids have it, the gay plague. This disease will affect all society, which, of course, includes heterosexuals, and if we are to control AIDS and encourage people to come forward for treatment they must feel comfortable about seeking treatment from the appropriate authorities.

At present if a homosexual wants treatment he is open to the risk of being prosecuted or discovered, or having his sexual preferences made known publicly at a time when it is an offence under the Criminal Code in this State. It may be that some individuals will have the courage to seek help notwithstanding that they lay themselves open to criminal charges. However, as with other infectious and contagious diseases, it is important in the control of those diseases for the contacts of that person to be known so that they can be counselled and helped. It is one thing for an individual to have the courage to seek treatment; it is quite another thing to expect that individual to name his contacts because in so doing he is laying those people open to the same liability of prosecution.

As the AIDS epidemic becomes more of a problem and more manifest in society, and despite the present policies of the AIDS taskforce and NACAIDS, AIDS will become a notifiable disease. When that happens we shall have the situation in which the medical profession will be required to notify the authorities of persons who have the disease and in terms of contact trading those persons will be required to give the names and addresses of their sexual contacts. These people will be in a double bind; they will be required by law to name their contacts and, at the same time, the law states that homosexual acts are illegal. They are in double jeopardy; damned if they do and damned if they do not.

I suggest that if the health authorities in this State and around Australia decide that AIDS is to be a notifiable disease a Bill would be introduced to remove homosexual acts as a criminal offence from the Criminal Code. We could not have amendments making AIDS notifiable and at the same time render those people who commit homosexual acts liable to criminal prosecution. It is important to bear in mind and it is inevitable that we either remove the offence—

The PRESIDENT: Order! When I ask honourable members to come to order I expect them to do just that. I have already said once that there is far too much audible conversation in the Chamber. I noticed that the second Hon.

Garry Kelly recommenced after I made the last appeal, the same people turned around and immediately started their audible conversations again. In the interests of ensuring that each member gets an opportunity to fairly say what he or she wishes to say, every member should take account of what I have said. If members wish to have an audible conversation there are places within this building, notwithstanding the overcrowdedness of it, where they can have conversations without interrupting the work in this Chamber.

Hon. GARRY KELLY: Either we amend the Criminal Code now as provided in this Bill or we shall amend it in future when, in an effort to control AIDS, it will be done as a consequence of making AIDS a notifiable disease. The amendment will be made sooner or later and it may as well be sooner.

It must be impressed on the minds of members opposite that this Bill, if it is passd, will not open the floodgates for rampant homosexuality in the streets. Homosexuality has been around since the beginning of time, it is estimated that five per cent of the population are homosexual and, whether or not the Bill is passed, that percentage will remain and homosexual practices will continue.

Whether this Bill is passed or not will not make any difference. It is simply a recognition of the fact that a percentage of the population is born this way. I suppose homosexuality, like most behaviours, can be learned, but I would suggest that most homosexuals are born that way. I do not think that any people in their right mind, given the discrimination that exists in society, even in those societies where homosexuality has been decriminalised or legalised, would choose to be homosexual, given the stigma and the contempt with which homosexuals are treated. I do not think society should increase the misery of those persons by subjecting them to the sanctions of the criminal law.

I want to raise a couple of points in relation to Hon. Phil Pendal's contribution. He said that the Bill brought forward to the House by Hon. Robert Hetherington is discriminatory in relation to the penalties that the Criminal Code will provide for homosexual acts committed by males and females, and that is a defect in the Bill.

Hon. P. G. Pendal: The offence as well—the two are discriminatory.

Hon. GARRY KELLY: Yes, and the offence; I agree with that. That is the case, I submit they are different, and to the extent that they are different, they are discriminatory. If Hon. Phil Pendal is serious in saying that is an impediment to voting for the Bill, as is the question regarding the age of consent, why does he not simply move an amendment? I am sure it would be favourably considered by the mover of the Bill.

Hon. P. G. Pendal: You missed the point.

Hon. GARRY KELLY: I did not. The member made a big point of that in his speech. If the honourable member is serious, he could simply move an amendment and the debate would proceed in a more reasonable fashion.

Much has been made of the fact that the decriminalisation of homosexual acts is part of the Labor Party platform. That is true; it is part of the platform. As Hon. Des Dans mentioned in his contribution, that plank was put in the platform over considerable opposition at the party conference. It was not as though it went through on the voices; there was a very considerable, heated debate. As Hon. Des Dans said, and I would agree, the traditional rank and file Labor members and Labor votors as a group would probably be more against legislation of this type than people from the blue rinse set or the better educated or more affluent members of society. In fact, they have a more relaxed view of this sort of thing than traditional Labor supporters. Nevertheless, the party put this plank into its platform, and I congratulate the party for doing that. It is a very difficult and contentious social issue, and the party had the courage to bite the bullet and make the decision it has in political terms.

I urge Opposition members to give the Bill serious consideration. Homosexuality is not going to go away, whether members opposite like to think so or not, and despite what Cedric Jacobs said outside this afternoon. It has been here for a long time.

I support the Bill.

Debate adjourned, on motion by Hon. Margaret McAleer.

DECLARATIONS AND ATTESTATIONS AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

GOVERNMENT RAILWAYS AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. Graham Edwards (Minister for Sport and Recreation), read a first time.

Second Reading

HON. GRAHAM EDWARDS (North Metropolitan—Minister for Sport and Recreation) [8.06 pm]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to amend the Government Railways Act to make it possible for a Government railway, or portion of a Government railway, no longer required for use by the Railways Commission, to be allocated to any person for the purposes of operating a tourist railway. The machinery by which this will be achieved is to provide powers in the Act for the Governor-in-Council, by order published in the *Government Gazette*, to declare that the railway or section covered by an order is—

> while the order remains in force not a Government railway for the purposes of the Government Railways Act; and granted to the person nominated in the order for purposes of managing, operating, and maintaining a tourist railway service thereon under such conditions as are specified in the order.

The legislation is modelled upon similar provisions of the State of Victoria's Transport Act under which the Bellarine Peninsula Railway and the Healesville Railway Cooperative operate in that state.

In bringing forward this legislation, the Government's objective is to ensure that the State's railway heritage and associated tourism development are enhanced. On the one hand the identity of redundant railways will, if the justification exists, no longer disappear and be merged in time with the surrounding countryside. They may be preserved and retain their own unique identity to the benefit of this State's heritage. On the other, private individuals or groups with entrepreneurial skill and enthusiasm will be allowed the opportunity of putting forward proposals of a tourist attraction kind. These proposals will be tested for viability and if approved allowed to operate as private commercial enterprises, thus expanding the tourist attractions in the relevant area.

The Railways Commission will ensure that regulations for the safe operation of such enterprises are formulated and complied with under the provisions of the Order-in-Council.

The initiative being taken was prompted by the existence of four former timber branch lines in the south west on which freight services have ceased. These lines are Nannup to Wonnerup which closed on 6 June 1984, Capel to Busselton which closed on 1 May 1985, Alumina Junction to Dwellingup which closed on 15 October 1984, and Pemberton to Northcliffe which closed on 30 December 1986.

The procedures under which railway lines considered to be no longer viable are required to be tested prior to the Government making a decision on their future have been completed for those railways—that is, the Commissioner of Railways has undertaken studies of their operations and recommended closure, as their results no longer contribute to the financial benefit of Westrail.

The Director General of Transport, acting under the provisions of section 18A of the Transport Co-ordination Act, has also undertaken a study of the social and economic consequences of closing the lines and recommended they be discontinued, as considerable financial savings would be achieved.

Following a further report "Report on the future of timber branch lines as tourist railways"—commissioned by the director general, the Government has made the decision which results in the legislation here today.

An example which crystallises the intent and purpose of the legislation is the operations of the Hotham Valley Tourist Railway (Inc.). This organisation of volunteers operates its own steam trains between Pinjarra and Dwellingup, using Westrail crews at the moment because, although disused by the railways, the line remains a Government railway. By any measure the Hotham Valley railway is successful. It is exceptionally well run, by people showing a high degree of professionalism and commercial acumen.

It is hoped that this enabling legislation will allow the Hotham Valley railway to assume completely the independent operation of the Dwellingup line, under appropriate controls and regulations, early in 1988.

The Government recognises that difficulties are present in sustaining a conventional railway passenger train operation on other lines in the lower south west. For such operations, track

maintenance costs to bring the tracks to standard and to keep a safe operation may be prohibitive. The Pemberton-Northcliffe section, due to its steep gradients and high bridges, is a particular example. However, the area is exceptionally beautiful and we do not doubt that a much lighter form of rail transport, of an amusement device nature as distinct from a train, offers opportunities.

The Bill is a simple and clear piece of legislation which reflects a simple and clear purpose—that is, to provide opportunities for increasing the quality of life in Western Australia at little, if any, cost.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. D. J. Wordsworth.

SALARIES AND ALLOWANCES AMENDMENT BILL

Receipt and First Reading

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

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Leader of the House) [8.12 pm]: I move—

That the Bill be now read a second time.

It was announced in a media statement at the end of last February that the Government would seek to amend the Salaries and Allowances Act in the autumn session to give the Salaries and Allowances Tribunal the jurisdiction to inquire into and determine the entitlements and benefits of retired Premiers. The announcement followed receipt of recommendations from the tribunal with respect to retired Premiers, and those recommendations have been accepted by the Government.

Consistent with the principle of obtaining advice from an independent, arbitral tribunal, the Salaries and Allowances Tribunal was asked to report on and recommend additional benefits for retired members of State Parliament. That report has been received and the Secretary of the Parliamentary Former Members' Association has been informed that the recommendations of the tribunal have been accepted, to be operative from 1 July 1987.

The amendment contained in the Bill will give the tribunal jurisdiction to inquire into and determine the entitlements and benefits to be paid or provided to former Premiers of the State, and former members of the Legislative Assembly or the Legislative Council of the State.

The changes have the advantage of achieving a degree of neutrality in the fixation of retired members' entitlements and benefits. This principle is consistent with the 1986 amendment to the Act which gave the tribunal the jurisdiction to inquire into and determine certain matters relating to parliamentary supeannuation.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. Max Evans.

LOCAL COURTS AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

DOG AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. Graham Edwards (Minister for Sport and Recreation), read a first time.

Second Reading

HON. GRAHAM EDWARDS (North Metropolitan—Minister for Sport and Recreation) [8.15 pm]: I move—

That the Bill be now read a second time.

Members will be aware that the current Dog Act was enacted in 1976 following a detailed review of the previous 1903 legislation. Despite the broadly-based consultative process used in the development of that legislation, administrative problems soon became evident which led the previous Government to initiate a further detailed review.

The Dog Act review committee established in 1981 included representatives of the Canine Association, Local Government Association, Country Shire Councils' Association, Royal Society for the Prevention of Cruelty to Animals, Australian Veterinary Association, Agriculture Protection Board, Institute of Municipal Management, Police Department, and Department of Local Government. The report of that review committee was released by the Government for public consideration and comment, and significant interest was generated through some 800 submissions.

It must be said that varying opinions were received on the degree to which dogs should be controlled. However, the Minister for Local Government believes there was considerable

value in having this divergence of views expressed as it assisted the Government in coming to a balance of community attitudes in determining the extent to which support should be given to the recommendations of the review committee.

The main thrust of the committee's report was that more stringent dog controls were necessary to alleviate present control problems and at the same time to improve the general well-being of dogs. In essence this was to be achieved through the principle of greater control of dogs when in public places.

An examination of the submissions received suggests that the general thrust of the committee's recommendations has community support; that is, dog control is a problem and there is a need for some increased powers and reinforcement to alleviate the present problems.

The Government feels, however, that every endeavour should be made to avoid over-regulation which could be seen to impose unnecessary additional burdens on either the public or local governments. For that reason it is prepared to support only those recommendations which will provide for more effective control and at the same time not introduce overly bureaucratic powers.

The more significant changes to the legislation proposed in this Bill include—

> Dogs must be kept on a leash and be effectively restrained in places to which the public has access within the metropolitan area and in other townsites. Exceptions to this requirement would include exercising a dog in areas which must be set aside for the purpose by the relevant local government and when dogs are exhibited at shows or obedience trials.

Point of Order

Hon. D. J. WORDSWORTH: It would seem that the Minister's speech notes do not agree with the notes that have been issued to members.

The PRESIDENT: Order! That is not a point of order because the supply of notes to members is a courtesy and not a requirement. While I agree it is quite strange for notes not to agree with the Minister's second reading speech, it is still not a point of order. The Minister might like to comment, although he does not have to.

Hon. GRAHAM EDWARDS: I will continue with my speech.

Debate Resumed

Hon. GRAHAM EDWARDS: To continue with some of the changes included in the Bill—

> The power of entry to premises under the Act is extended to allow an authorised person who is in pursuit of a dog found wandering at large for the purpose of seizing it to enter any premises except a dwelling, if he has grounds to believe that it is necessary to do so for that purpose.
>
> The owner of a dog will be required to render the premises, where the dog is registered to be kept, capable of adequately containing the dog. A registration officer wishing to inspect such premises will require the consent of the occupier to do so.
>
> Local governments are authorised to subsidise the cost of sterilisation by a veterinary surgeon of a dog owned by a resident who, in the opinion of the council, would suffer hardship in paying.
>
> The whole of penalty levels for offences are increased and wider powers to issue infringement notices are introduced.

A number of recommendations of the committee have not been accepted, with, perhaps, the principal one being the compulsory muzzling of German shepherd dogs or potentially dangerous breeds of dogs. This proposal attracted considerable public opposition and it is considered discriminatory to single out one breed of dog as many other large or small breeds may be equally dangerous. In view of the proposal for all dogs in public places to be restrained on a leash, the need for muzzling is not seen to be justified.

Other recommendations not supported include the doubling of penalties for dogs wandering at night; the authority to order the destruction of a dog being transferred to a justice of the peace; and the establishment of a centralised public education programme on dog control.

The last mentioned proposal was for a programme to be funded from an additional levy on registration fees. Some local governments indicated they were better placed to develop education programmes suitable to their own districts. The Government is of the view that a costly new centralised programme is not warranted at this time.

Having had the benefit of an extensive public consultative process, the Government believes it has developed a balanced approach to the need to provide better legislative backing for

local governments in their endeavours to exercise appropriate controls over the keeping of dogs.

I commend the Bill to the House.

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

ACTS AMENDMENT (ELECTORAL REFORM) BILL

In Committee

Resumed from 28 May. The Deputy Chairman of Committees (Hon. John Williams) in the Chair; Hon. J. M. Berinson (Attorney General) in charge of the Bill.

Progress was reported after clause 104 had been agreed to.

Postponed clause 8: Section 6 repealed and a section substituted—

Hon. G. E. MASTERS: I think the position we find ourselves in now is unbelievable. We earlier debated this clause, amended it, and then defeated it. What was left of the clause after it was amended was reinstated in the Bill. The decision to reinstate it was wrong. We should never have allowed the Bill to reach the stage that it has reached with all of the changes made to it. I do not think many people understand the full implications of what we have done. Some of the Bill has been agreed to by one party and not agreed to by other parties. The fate of the Bill now hangs on clause 8.

About 10 days ago I went through the arguments in support of the Liberal Party's position on clause 8. I will not go through those arguments again except to ensure that there is no misunderstanding of the Liberal Party's position on this clause. We stand by the amendments that appear on the Notice Paper. We consider that 18 metropolitan members and 16 country members is the correct number of members for this Chamber. I gave figures to back up the fairness of our proposal, although the Attorney General said they were misleading. Those figures were freely available to the Government and to anyone else, including the National Party.

During the debate, I understood that the Labor Party would reciprocate and make its calculations to back up its argument available to us. Our research officer who attempted to gain information on the Labor Party's calculations was told that the calculations were not available and, indeed, may not even have been carried out. However, we did not obtain them for one reason or another. That was disappointing.

In our amendments we put forward the proposition that there should be one metropolitan region represented by 18 members, and one country region represented by 16 members. We sought the setting of the boundaries by an independent commission. However, the Committee decided that the MRPA boundary was more favourable and carried that proposition.

Because of the proposed new structure of the Legislative Council, we suggested that all members should stand for election at the 1989 elections with half of the members being elected for a three-year term and half for a six-year term. From that time on, members would be elected alternatively when the Assembly went to the polls—in other words, members would have split terms.

We pointed out as clearly as we could that, when all members were up for election, the opportunity would exist for minor parties to obtain representation in this Chamber if they gained the necessary quota because the quota required in the metropolitan area at the first election would be 5.2 per cent or thereabouts. That would give parties such as the National Party, which has no representation in the metropolitan area at present, the distinct opportunity of gaining at least one, if not two, seats with its increased support. I am sure the National Party recognises that.

We propose that there be a 5.8 per cent quota in the country at the first election. After that the figures would be doubled. Under the proposals we put forward there would be a distinct opportunity for the Australian Democrats to gain at least one seat during the first election for the Legislative Council. Obviously the quotas would double and would be something like 10 per cent plus in the metropolitan area and 11.1 per cent in the country area. Our figures showed, and I emphasised when I presented them, that under our proposals in a split election based on the 1983 and 1986 figures, the Labor Party would have gained a majority in the Legislative Council over the two elections.

I agree that I based those calculations on figures in the Legislative Assembly voting. That was strongly criticised by the Attorney General who said the proper calculations should be based on the Legislative Council figures for 1986. I point out that the legislation before this Chamber proposes a Senate-type voting ticket in the Legislative Council. I believe that would have a marked effect on the way the public vote and they would almost certainly follow the party ticket which would mean that it was more

realistic to follow Legislative Assembly seats rather than Legislative Council seats. The Attorney General strongly criticised that argument but I stand by it.

I wish to refer to comments made by Hon. Joe Berinson during the previous debate when I mentioned that consideration should be given to minor parties which his own Labor Party had so strongly supported and sought preferences from at the last election. When I said that our proposal would give the Australian Democrats, as well as other minor parties, the opportunity of gaining a seat, Hon. Joe Berinson said that he did not see any virtue in the balance of power being held by single members. He said that it was taking things too far. If the Labor Party had made that statement prior to the last election, it would be minus one or two seats in this place and would not have gained the support of the Australian Democrats.

In the previous debate on this clause I said that the Liberal Party's proposition was simplicity itself and that no-one could misunderstand what it was trying to do. The Liberal Party is saying quite simply that there will be a metropolitan region with a boundary drawn around it by an independent commission, or the MRPA line will be used. There is no way the Government or the Opposition could engineer that boundary under the present arrangements.

We further said that there should be one total country area, represented by 16 members. We are not seeking to draw lines in that country area, dividing mining, pastoral, agricultural, and the south west areas. We said that the proposals on the Notice Paper put forward by the Government and the National Party developed into a jigsaw puzzle and, of course, no-one can be absolutely sure where the boundaries will be drawn because an independent commission will carry out that task.

Each party is tempted to use the words and figures in the Bill to suit its own purposes—we did it ourselves until we gave it up as a bad job. The National Party excludes Kalgoorlie from the agricultural area. I can understand that. The Labor Party would like to include Kalgoorlie in the agricultural area. There is a difference of opinion about how much of Geraldton or Greenough should be included in the northern pastoral area and how much should be included in the agricultural area. There is difficulty about how much of Katanning-Roe, if any, should be included in the mining area.

Hon. H. W. Gayfer: None.

Hon. G. E. MASTERS: There is disagreement already; the National Party is saying that Katanning-Roe will not be included in the mining area but according to our calculations it very likely will be. The argument goes on about where the lines should be drawn and how the words should be put into the legislation to make sure it is fair. Each party involved in this exercise will do the best it can to gain some advantage; that is commonsense and human nature.

In my involvement with this legislation and my dealings with the Labor Party and the National Party over a period of six to eight months, I have become sick to death of trying to work out where the boundaries should be drawn. I do not blame anyone or any party; we have come to the point of whether we want to make a decision. It has been recognised that the metropolitan area is different and should have a certain weighting over the country area. The simple arrangement we have proposed is that there be one metropolitan area and one country area; 18 metropolitan representatives and 16 country representatives; they should all be out on the first election with split terms after that first term. By that means the parties would all have a fair chance of gaining the seats they deserve from the votes they gain. More particularly, some minor parties totally excluded over the years will have an opportunity to be represented in this place.

Therefore, I move an amendment—

> Page 3, lines 18 and 19—To delete subsection (1) and substitute the following subsections—
>
> 6. (1) The state shall be divided into 2 electoral regions under the *Electoral Distribution Act 1947*.
>
> (2) The electoral region known as the Metropolitan Region shall return 18 members to serve in the Legislative Council.
>
> (3) The electoral region known as the Country Region shall return 16 members to serve in the Legislative Council.

Hon. J. M. BERINSON: The way in which this Bill has been processed so far is certainly unusual, as the Leader of the Opposition has said. On the other hand the reasons are well understood and they follow the wish of the majority at least of the members of this Chamber

to obtain a clear understanding of the maximum degree of agreement which can be secured.

Point of Order

Hon. H. W. GAYFER: When Hon. Gordon Masters rose to his feet I understood that he was speaking generally to clause 8. From that point, Hon. Gordon Masters has moved to delete certain words in lines 18 and 19. This has caught me unawares as I understood general talk on clause 8 was permitted at this stage without getting involved in moving deletion of any part of it. I wanted to move an amendment to line 17 of this clause.

The DEPUTY CHAIRMAN (Hon. John Williams): The member referred to line 17, which has the words "Electoral regions and representation". Is that the thrust of his amendment or does he mean to refer to lines 18 and 19, as the Leader of the Opposition has?

Hon. H. W. GAYFER: I wish to talk on line 18.

The DEPUTY CHAIRMAN: I will allow you to talk on that because we are dealing with the amendment which has been moved, and the question is that the words proposed to be deleted be deleted.

Committee Resumed

Hon. J. M. BERINSON: I was making the point that the importance of the unusual exercise in which we have been engaged is to seek an understanding of the maximum degree of agreement which can be secured in the direction of electoral reform. Substantial agreement has been reached in a number of areas, but unfortunately in most of those, if not all, the agreement derives from the willingness of the Government to make even greater concessions than were embodied in the original Bill. That Bill itself involves a whole range of important and, from the Government's point of view, painful compromises, and these are directed to getting the Parliament at least to move away from the position of utter paralysis which has previously been the result of all electoral reform attempts.

Without going into an exhaustive list, it can be said that a number of important and reforming resolutions have been agreed to. In the first place the Chamber has already agreed that the statutory seats should be abolished. The drawing of the lines of those seats by Statute has to be understood as the most corrupt aspect of previous electoral provisions.

The DEPUTY CHAIRMAN: Order! I want to make this point early in the proceedings, if honourable members will bear with me. Honourable members are aware that we could sit for a long time on this Bill. I am well aware of the diligence of the members on the floor of the Chamber. I request that the people who sit behind the Chair, where one important person is sitting who has some contribution to make if he is called upon by the Attorney General, keep down the level of their conversation. I am hearing the Attorney General, and also voices from behind the Chair. This is a little off-putting. When I have to make a decision I shall have to apologise unless I can receive the cooperation of the Chamber.

Hon. J. M. BERINSON: The statutory seats for years now have defied any rational explanation, let alone justification in democratic terms. The elimination of those statutory seats is an important element of reform. Another important issue has been resolved in previous discussion, though it goes nowhere near the Government's preferred position. I refer to the change of metropolitan boundaries to a pre-established line rather than one which has been manipulated or which is capable of being manipulated by the Government of the day. The Bill as already amended provides a greater role to independent Electoral Commissioners, and that is also desirable. It also amends the current division between metropolitan and non-metropolitan seats so that we will move from a position of 30 metropolitan and 27 non-metropolitan seats to a position of 34 and 23 respectively.

Unfortunately the improvements which might appear on the surface to result from those changed numbers are very much more apparent than real. Members will know that the additional seats within the new metropolitan boundary are accompanied by a substantially increased enrolment of electors, so that from the point of view of weight voting, the difference is almost negligible, even to such practised eyes as those of the Leader of the Opposition. Nonetheless, with a view to encouraging at least that movement from a manipulated metropolitan boundary to one which cannot be manipulated, the Government has taken on board that 34-23 division.

At the more technical level associated with the conduct of elections, we have agreed to ticket voting and to the naming of candidates' parties on the ballot form in respect of the Legislative Council. That falls far short of the minimum desirable level in that these pro-

visions have been rejected by the Council in respect of Legislative Assembly elections. If not at an early date, then at some date not too distant we will have to come back to this issue, because it does not make much sense and it threatens confusion in the ballot box which none of us should be prepared to perpetuate.

Without going into other individual measures, I may sum up by saying that with those reservations I have specified, and with others, the Council has agreed with the Legislative Assembly on a package of measures which do not amount to a full degree of electoral reform in the view of the Government, but at least it can be recognised as moving modestly in that direction.

Now we come to the crunch, and that is the provisions in relation to the Legislative Council. Like the Leader of the Opposition, I have been through my case at length previously several times. I do not propose to repeat the whole argument, and I do not propose to speak at length. Much of what I say now will cover what I would otherwise be putting when I move the Government's amendment in the hopeful expectation that Mr Masters' amendment will be defeated. One central principle is involved in the whole of the Government's proposal for electoral reform, and that is the principle that a majority of votes should lead to a majority of seats, and that that should be the result in respect of both Houses.

Whatever the difficulties are in making estimates in this area, all parties have now agreed on the likely results of the three competing systems which have been listed on the amendment paper. These indicate that there is only one possible arrangement for Council regions that would lead to the result that I have said should constitute our basic principle, namely a majority of seats for a majority of votes. That is the Government's proposal.

The likely majorities under this proposal are not only modest but absolutely minimal. For example, given a repetition of the record votes for the Labor Party in both 1983 and 1986, the Government under its current proposal can expect to receive 18 seats. That is only one seat above the bare half of the membership of this Council, and that is on the basis of outstanding figures and record majorities. That result is based on the system proposed in our amendment, which would provide 19 metropolitan and 15 non-metropolitan seats and an average weighting in favour of the non-metropolitan region of 2.2:1. I only need to mention those figures to emphasise how far the Government is already moving away from its preferred position.

The National Party's scheme looks to a division between metropolitan and non-metropolitan regions of 17 each. Again looking at the most favourable results achieved by the Government in 1983 and 1986, these figures would have led to the Government having 17 seats in this Chamber in each of those years, and on the basis of two successive record majorities in the polling, the Government would not have a majority in this Chamber.

On the face of it, the Liberal proposal seems to provide a better balance in that it does provide for a majority of members in the metropolitan area, namely 18 compared to 16. However, by a process which I need not deal with at length now, having done so in the second reading speech and in earlier parts of the Committee stage, and quite obviously by deliberate design of the Liberal Party, the result of its scheme would be that with its majority in 1983 the Government would look at winning 15 out of 34 seats in this House.

Hon. G. E. Masters: That is not true.

Hon. N. F. Moore: On the figures of the Assembly or Council? You do realise that the Council figures and the Assembly figures are different, and I am asking whether you are basing the result on the votes passed in the Council or in the Assembly.

Hon. J. M. BERINSON: They are based on Council results, as I understand the position.

Hon. N. F. Moore: That is an arguable proposition. Those results are arguable because that may not in fact happen under this proposal.

Hon. J. M. BERINSON: On the 1986 results we would look to 16 out of 34 seats in this Chamber. Although Hon. N. F. Moore's question is simple enough on the surface, members will have noticed my hesitation in answering it, and it is difficult to answer simply because the Liberal proposal does not send all members out to election at the one time, and one is really looking to a combination of circumstances.

Hon. P. G. Pendal: It does initially.

Hon. J. M. BERINSON: I will come to that separately. One has to look to a combination of circumstances and attempt to put together what would happen over two successive elections. Nonetheless, the point I am making is that while on the face of it the Liberal division seems fairer than that of the National Party,

the way that it is combined with the provisions for staggered elections and for a single region each in the metropolitan and non-metropolitan areas is bound to produce a more unfair result.

Hon. N. F. Moore: If you base your figures on the Legislative Assembly voting pattern.

Hon. J. M. BERINSON: There is very little to be gained by playing around with percentages, with calculations—

Hon. N. F. Moore: That is a most unfair comment.

Hon. J. M. BERINSON: —with more than a general approach to what the Leader of the Opposition has said cannot be precisely calculated. What I am saying is perfectly in keeping with what the Leader of the Opposition has previously indicated—mostly by his silence—that the Liberal Party understands quite well that under its proposals and even under those most favourable results achieved by the Government in 1983 and 1986, the Government could not achieve a majority in this Council and it could not achieve as much as it would under the provisions of the National Party amendment.

Hon. P. G. Pendal: That is absolute rubbish.

Hon. J. M. BERINSON: I have already said that the Government has had to move to very significant compromises already, and it becomes more and more difficult to cope with the additional provisions that other amendments seek to impose on it. I think I made it fairly clear earlier in the debate that we have reached a stage where it is the National Party's attitude which will largely determine how we can move forward. The Government has gone to the greatest extent possible to accommodate views which have been put forward by that party so far. The division of Assembly seats—34 to 23—between the metropolitan and non-metropolitan areas was a difficult proposal to swallow, but the Government accepted that for the reasons that I have indicated.

I refer to the acceptance of redistribution guidelines, the acceptance of the view that there should not be ticket voting or the naming of parties in the Legislative Assembly, and the question even of the new metropolitan boundary. I have said the last mentioned is certainly a reform but one which did not match the Government's original proposal for a State-wide electorate. That was again agreed to with a view to compromising, as far as could reasonably be done, and to inching this electoral reform process further.

From the Government's point of view this Liberal Party amendment is totally unacceptable not only for itself but for the package of which it is a part. That package is bound to produce impossibly unfair results from the Government's point of view. It is bound to produce a result at the furthest extreme from the basic principle that we advance; that is, that the proportion of votes, particularly a majority of votes, should be reflected in a majority of seats. The amendment moves away from the Government's view and, as I understand it from previous debate, from the view of the National Party that we should now leave staggered elections in favour of a system which will ensure that the count after each election should reflect the view of this State contemporaneously.

The amendment not only looks to maintain the staggered system of election to this Chamber but it goes to the ultimate degree of cynicism in saying that is what we should have in future but not at the forthcoming election. We do not have to go into the details on that either to remind ourselves that there is only one reason for that; that is, that it cannot cop the results of the last election which, for the first time in history, produced a Labor majority of the seats up for election.

All in all, the amendment by the Liberal Party on this clause is not only one which is impossible to support but is entirely impossible to respect. It is in fact a disreputable amendment and I urge the Chamber to reject it.

Hon. E. J. CHARLTON: The National Party will once again state its position on this matter, which it has maintained since last year.

I will not deal with all the ramifications and all the pros and cons. The National Party will not support the amendment moved by the Leader of the Opposition. Western Australia has vast electoral districts, particularly for this Chamber. Members know the reasons for this, and it has come about over a long period of time. We all agree that there needs to be change but it comes down to a question of degree—how far these changes should go and how they should be implemented.

In respect of the districts for the Legislative Assembly, the National Party supported the MRPA boundary plan because that is a defined line. Comments were made that some rural areas and holdings were included in the metropolitan boundary. I emphasise this point: The National Party, or indeed any other party, should not look at the fact that rural holdings are in a given area and will automatically at-

tract a weighted vote. The Bill refers to problems associated with travel, distance and other matters.

In respect of the size of Legislative Council provinces, members will realise that because this State is so large its districts are proportionately large. The National Party has taken the view that to divide the non-metropolitan areas of the State into one region is unacceptable because it will not allow any general area of community interest to be established. There are widespread, extreme locations wherein much travel is involved and amenities may not be the equal of those in metropolitan areas. People are elected from non-metropolitan areas to this Chamber for two reasons. They are here as part of a House of Review in order to review legislation that comes here from the other place, and secondly, as members of a House of Review, they represent the feelings and expectations of their electors.

That is the only reason the National Party supports the multiplicity of regions in both metropolitan and non-metropolitan areas; that is, to give continuity so that people are not tied to an Assembly seat and not elected on the same basis but rather are elected to represent the people of a particular district who have common beliefs and expectations. The National Party will not support this amendment. Obviously the population of the State, and therefore the great majority of voters, is mainly in the metropolitan region. That is how the boundaries are drawn for the Legislative Assembly.

However, the Legislative Council, as a House of Review, is here to protect the minority of people who make a contribution to the State which has already been well documented, and the only way to do that is to have equal numbers of members elected from both metropolitan and non-metropolitan areas. By doing that one does not advantage or disadvantage anyone; one simply lays down in the legislation that we will have an equal number of members from metropolitan and non-metropolitan areas. That is the way we are in this State; we are commonly regarded as metropolitan people and country people. That is why the National Party came to the conclusion that it was necessary to have 17 metropolitan seats and 17 non-metropolitan seats.

When it comes to the workings of this Council, members are not simply voted in here to enact the legislation introduced by the Government of the day in the Legislative Assembly; they are elected here to review the legislation and agree or disagree with it based upon the effect it will have on the people of the State. It is not simply because the electors at a previous election put a group of people into the Legislative Assembly. We all know how the system works across Australia and in the Senate. A number of parallels can be drawn, reasons given, and arguments put forward for that type of system. This is the way the National Party views the situation.

The other point is that the country areas of this State over a long period have been depleted of population and services for a whole host of reasons. If we are to put in place a mechanism which will determine that each time legislation comes into this Chamber we do not have as a basis for discussion a gazetted difference between the number of metropolitan and non-metropolitan members, I do not think it is a fair way to operate. It will not enable members to determine whether something is for the overall good of the State. That is why the National Party has reached the point of wanting the numbers to be 17-17.

Another valid and pertinent point is that we are now faced with a Federal election. We have heard the reasons for members being elected to this place on a staggered basis under the Liberal Party amendment. I fully support that with the system we have today, but under this Bill we are talking about proportional representation on a regional basis. That puts a completely different light on how members will be elected.

We see that in this Federal election because it is an almost identical set-up with the Senate and the States electing the same number of Senators. In this election the whole Senate is going out. Will there be a dramatic change in the membership of the various parties? No, of course not. The reason is that the choice of members is a matter for the parties to determine. It is not up to the people of the State or the nation to say, "We will clear one lot out and put in another lot, and put these people back, or a majority from this party." The simple fact is the party determines where people will be on the Senate ticket, and exactly the same thing will happen with proportional representation here. When we come to a State election the party will decide which candidate is going to be No. 1, 2, 3, or 4 in a particular region. If there is to be any movement away from continuity in this place it will be because the parties at the time decide they will not have so-and-so as No. 1, but he will go to No. 5, 6, or 7 on the ticket. We have seen that happen in this Federal election campaign.

The DEPUTY CHAIRMAN (Hon. John Williams): Order! I find it difficult to follow the member's line of reasoning when we are dealing with an amendment which divides the State into two regions of 18 and 16 members.

Hon. E. J. CHARLTON: I am enlarging on the reasons why I am opposing the amendment put forward by the Liberal Party. I am referring to the effect of that amendment on members elected to this place.

The National Party's position is that we have not been convinced by anything said; we respect the Liberal Party's position and accept the reasons it has given. They are quite valid and we will not be upset or argue the point that this is a set-up. I believe the National Party has equal if not greater grounds on which to base its decisions and policy and package in this legislation. We are simply saying that we are trying to give continuity to this place across the board and that would not happen with the Liberal Party's amendment.

Hon. G. E. MASTERS: The Attorney General seems to be making a great point of the fact that a majority of the Chamber supports the proposal for six electoral regions. I make it absolutely clear that the National Party would support six electoral regions on the basis of 17-17, but if there is any other arrangement it is not likely to support the six-region concept. The same argument can be applied to the Labor Party. It supports six regions—three metropolitan and three non-metropolitan—on the basis of 19-15. It is quite misleading for the Attorney General to say the Chamber supports six regions and places no tag on it because that is not the score at all.

The Attorney General spoke with some care and deliberation in his earlier remarks and gave away the strategy of the Labor Party. The idea of bringing this Bill forward in the way the Government did and reinstating clause 8 was to pick off the various aspects that were passed in this Chamber separately and individually. He has made it clear that certain things such as the metropolitan region and voting tickets have been decided by this Chamber. That is not true. They have been decided partly in the deliberations but only on the assumption that we are dealing with a package. The Liberal Party has put forward a package, and the most important part of it is the issue we are talking about now in clause 8. I am sure the Minister in his crafty and calculating way—he is a pretty crafty fellow, as we all know—is indicating that if the Bill fails the Government will introduce legislation which will pick bits and pieces out of it and it will argue that we supported those points and cannot now refuse them.

I emphasise that the Liberal Party has entered this debate and gone into lengthy argument and great care with its amendments on the understanding that it is putting forward a package, and will have no intention of being picked off by the Labor Party taking some of the things which suit it out of the debates and not others. I think I warned the Chamber when the reinstatement of clause 8 was debated that the Government intended to pick us off, and that is now perfectly clear.

The Attorney General pointed out that although the ALP gained a majority of votes in the Legislative Council in the 1983 election, it did not gain the equivalent number of seats. Surely everyone knows that the Labor Party never seriously campaigned in the Legislative Council election until 1986. In 1983 it suddenly realised it had a chance, and if the Labor Party had campaigned as hard as it did in 1986 for Legislative Council seats I think it would have a majority in this place now.

I will not go into a lengthy argument about the figures I put forward in comparison to the figures put forward by the Attorney General. Suffice it to say we have an argument about which figures would apply for a Senate system under a voting ticket. The Liberal Party's argument is that it would go along party lines more than it would under the present system. The Labor Party would hold 18 seats in the Legislative Council as against 16 held by other parties.

Members are forgetting that under the Liberal Party's arrangements it is quite likely that the minor parties would gain a seat or two. It is possible, in the early days of this legislation, for the Legislative Council to be a hung House. The National Party has the balance of power now, but the Australian Labor Party or one or two individuals could hold the balance of power. It would be uncomfortable for the Government of the day, but that is not the reason for members to shy away from proposals we put forward.

I suspect that the Labor Party would have more to fear in that area than it would be prepared to admit in this debate. It may be a greater argument for the Labor Party if the Liberal Party were to gain the balance of power.

It appears that the only proposition the Labor Party is prepared to accept is one that guarantees it a majority.

Hon. J. M. Berinson: Only when it has the majority of votes.

Hon. G. E. MASTERS: Has not the Attorney General's argument been that a party which has the majority of votes has the majroity of seats?

Hon. J. M. Berinson: It should have.

Hon. G. E. MASTERS: The figures that I have given the Chamber, based on the Legislative Assembly, would indicate that in a split election the Labor Party would gain 18 seats to the Liberal Party's 16 seats, or some of the smaller parties would obtain a seat. However, discounting that, the Labor Party would have 18 seats to the Liberal Party's 16 seats.

Hon. J. M. Berinson: I analysed those figures and they did not stand up.

Hon. G. E. MASTERS: The Attorney General did not analyse those figures. He pulled a figure out of a hat and he knows that only too well.

The Opposition is prepared to make those figures public. They are based on fact and not supposition.

It is clear that members opposite will not support the Liberal Party's proposition, even though it has moved much further than the Labor Party in trying to seek a resolution to this problem. Nevertheless, the Opposition urges members to support its proposition. It is a fair proposition and is the most easily understood proposition in this debate.

Hon. N. F. MOORE: I support the amendment. It is my view that the figures used in the Liberal Party's proposal could result in the Labor Party, if it won the majority of votes, winning the majority of seats.

I asked the Attorney General, by way of interjection, whether the figures he used to assess the Liberal Party's proposition were figures based on the Legislative Assembly or the Legislative Council vote for the last election. In the last election and in the previous elections the conservative parties have had a considerably higher vote in the Legislative Council than has the Labor Party. I think it is about five per cent. It is a significant difference.

If members assess future trends and results based on the Legislative Council results we could have a different result from the result obtained from using the Legislative Assembly vote. It is a reflection of the view of the community. Sometimes it votes for Labor in the Legislative Assembly and for the conservative parties in the Legislative Council. It has two bob each way, and that has been a feature of the voting pattern in Western Australian elections for years.

If we assess the Liberal Party's current proposition based upon the Legislative Council result, I do not believe we are getting the right result because the other changes—

Hon. J. M. Berinson: Why should that happen?

Hon. N. F. MOORE: I am coming to that. The other changes we have made in this Bill, presuming they were brought into practice, will change that voting pattern because of the voting ticket to which the Leader of the Opposition has referred. The tendency for a voting ticket will be for party lines to prevail more than they do now. The regions would be bigger than the current provinces and I believe that the personal vote which applies to some members on this side of the Legislative Council will no longer apply because under the Opposition's proposition the entire country area will represent one region.

As a result of the influence of the minor parties and the fact that the quota in the Opposition's proposition is quite low, I believe that the advantage the Opposition has will be eroded by the likelihood of the minor parties obtaining votes to the extent that they may win some seats.

Although we may not get a strictly accurate result by using the Legislative Assembly figures to determine what will happen in the future, I argue equally that we will not get the same result if we use the Legislative Council figures. The result will be somewhere in the middle. If members take that into account and use the proposition of 18-16 seats in two regions, the Labor Party will have the opportunity of winning control of this Chamber; and the assumption that it will not is not correct.

The Attorney General made great play in his rather broad discussion of this clause of the fact that the Government has moved a long way and that it has compromised. It has moved a long way and has compromised from its own stringent, strident position—it is an extreme idea. The fact that it is moving to the middle is no more than the Liberal Party has done. The Labor Party has not compromised any more than has the Liberal Party. The compromise of the Liberal Party is as significant as the Government's compromise. I am the member who has an 11:1 chance and perhaps I should ask to revert to the 17:1 chance I had when I

first came into this Parliament. I have come to accept two regions, and that is a fair compromise.

The Labor Party should not say that all the compromise in this legislation has been on its part. The Liberal Party has made considerable steps in the direction of compromise.

Hon. J. M. Berinson: One party is compromising from a principled position and the other from an unprincipled position.

Hon. N. F. MOORE: The Labor Party voted against its principle of one-vote-one-value.

Hon. J. M. Berinson: We compromised.

Hon. N. F. MOORE: What an extraordinary situation. The Labor Party need not have done that. It could have tested the Chamber. The result would have been exactly the same had the Labor Party not sought to delete the clause. We could have voted on it and the result would have been the same.

Several members interjected.

Hon. N. F. MOORE: The Attorney General said that the Government has compromised. I am saying that it is not the only one that has done that. The Liberal Party has also done that and so has the National Party. We are seeking to go somewhere in the middle and now we are going over the same old ground we covered the week before last. We argued about the Liberal Party's propositions, the National Party's propositions, and the Government's propositions. We divided on each proposition and decided that we did not want any of them.

At that time we should have dropped the whole thing and done something else, but here we are going through the whole process again.

Hon. J. M. Berinson: Are you embarrassed about the agreements which have been reached?

Hon. N. F. MOORE: As my leader said, it is a package deal. It is not something where we can accept a little here and a little there. We are prepared to accept reform in a package. The Attorney General is wasting the time of the Chamber going through these procedures again. What happens if we defeat every proposition? Will we have another attempt by the Attorney General to re-argue the position? I hope not. The Chamber should consider the Liberal Party proposition again in the light of the figures. Future election results could be calculated, and the Labor Party has a reasonable chance because of the serious commitment on the part of the Liberal Party to compromise on this issue.

Amendment 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 Ayes.

Division resulted as follows—

Ayes 13

Hon. C. J. Bell	Hon. Neil Oliver
Hon. Max Evans	Hon. P. G. Pendal
Hon. V. J. Ferry	Hon. W. N. Stretch
Hon. A. A. Lewis	Hon. John Williams
Hon. P. H. Lockyer	Hon. D. J. Wordsworth
Hon. G. E. Masters	Hon. Margaret McAleer
Hon. N. F. Moore	*(Teller)*

Noes 20

Hon. J. M. Berinson	Hon. Tom Helm
Hon. J. M. Brown	Hon. Robert Hetherington
Hon. T. G. Butler	Hon. B. L. Jones
Hon. J. N. Caldwell	Hon. Garry Kelly
Hon. E. J. Charlton	Hon. Tom McNeil
Hon. D. K. Dans	Hon. Mark Nevill
Hon. Graham Edwards	Hon. S. M. Piantadosi
Hon. H. W. Gayfer	Hon. Tom Stephens
Hon. John Halden	Hon. Doug Wenn
Hon. Kay Hallahan	Hon. F. E. McKenzie *(Teller)*

Amendment thus negatived.

Hon. H. W. GAYFER: I understand the Government's next amendment is to line 20, and I have one to line 18. We have heard a great deal of party philosophy from all sides of the Chamber. Indeed, one is moved by the philosophies expressed, but not by arguments, to provide the vehicle to get this Chamber back to what it should be, and that is a House of Review.

Not much has been said over the last week or two to make me believe that I am sitting in a House of Review. Instead I have been sitting in a party-political set-up, deciding the future of this great place by party politics engineered in the main from the Assembly. It is about time we took cognisance of the fact that we are members of the Legislative Council and we should be doing all we can to preserve the Council in the manner laid down by our forefathers, and that is distinctly as a House of Review.

I have not altered my attitude one iota. I have been independent in my attitude right throughout the debate on this Bill, and my party is not crucifying me for that. Indeed, it recognises my right as a National Party man to say what I feel, to adopt any attitude I want, and to move whatever I care to move—and that will probably be along the lines of this amendment to line 18.

We have listened at great length to all sorts of fine philosophies and utterances concerning what will be brought about by some alteration or other to clause 8. Clause 8 is the catalyst for the whole of this Bill. Clause 9 is the machinery part of it. At one stage we were going to look at clause 9 before looking at clause 8. That would have been disastrous as far as I am concerned as an independent.

I do not agree with the approach adopted by the Government, my own party or the Liberal Party. So what am I to do? Do I just sit down and say nothing, or should I take the opportunity to say what I think?

Clause 8 disappeared out of the window before anything material could be done to it. Now we have reinserted it. We left it in an emasculated form. All that is left of clause 8 is this—

> Section 6 of the principal Act is repealed and the following section is substituted—
>
> **Electoral regions and representation**
>
> 6.(1) The State shall be divided into 6 electoral regions under the *Electoral Distribution Act 1947*.

That is all that is left of clause 8 as we have it at the present moment.

Appearing on the Notice Paper are several amendments. One has been dispensed with—that moved by the Liberal Party for a certain course of action to be taken. The next is to be moved by the National Party for a further course of action. The Labor Party—or I should say the Government—has another amendment which it wants to move. I agree with Hon. Norman Moore; none of them, if they adhere to what they adhered to previously, will give us an acceptable solution.

We have been fiddling about with clauses 1 to 104 with the intention, as the Attorney General said, of going back to something we may or may not consider in clause 8. I refer to the reinsertion of clause 8, in respect of which the Attorney General said, on page 1338 of *Hansard*—

> In other circumstances, the importance of a provision like clause 8 could lead to the abandonment of the whole Bill. On this occasion the Government has come to the conclusion that the Bill ought to proceed so that the Chamber can be tested on other significant measures in it.

Later, on page 1472 he went on to say—

> I have previously made it clear this evening that the purpose of continuing debate on the Bill altogether relates to the desirability of getting some clear indication on a number of important issues which do not relate directly to the question of region.

On the same page he said—

> That is where we are at, and I think we ought to proceed on that basis, with an understanding that there is no commitment to any particular form of a six-region system, nor is there any final commitment to a six-region system at all.

He gave us his commitment as Attorney General that he would not commit us to a six-region principle. That gave me heart.

Hon. J. M. Berinson: Would you repeat what you understood that commitment to be? You seem to be taking it beyond anything you have quoted.

Hon. H. W. GAYFER: I am not doing that at all. I understand the Attorney General has no commitment at this stage to a six-region system. That is what he said.

Hon. J. M. Berinson: I said the Chamber is not committed. That does not mean I am not committed.

Hon. H. W. GAYFER: Therefore, it is a nebulous thing at the moment. That is why I am perfectly at liberty, with the Attorney General's complete understanding and tolerance, to argue the clause dealing with six regions. I want to make that perfectly plain to the Attorney General so he does not jump up on a point of order.

Hon. J. M. Berinson: Nothing was further from my mind.

Hon. H. W. GAYFER: I have listened and read what the Attorney General said. When he spoke on a previous amendment, his argument was on party lines alone. I quite agree. We are altering the history of the whole set-up of this place on the say-so of three parties getting together, not all party members, but people from each party trying to come to a compromise to tell all Western Australians that this is what we have in this Chamber. Other members in this Chamber are perfectly entitled to put forward their views, which may be entirely different. They should be considered. The Attorney General implied that if clause 8 was to be reinserted, we should proceed through the Bill as a whole and during the course of the

Committee stage the clause would be considered by the Government, and possibly another Bill would be forthcoming. He said that in not so many words, but that is what he implied when he was discussing the reinsertion of clause 8. The Attorney General can tell me whether I am right or wrong when he replies.

Hon. J. M. Brown: You are wrong.

Hon. H. W. GAYFER: I fervently believe there are two bottom lines. One of them is equal representation for the country and metropolitan areas. The other bottom line is split elections. I have sided with my party in divisions and crossed the floor on the 17-17 distribution because it provides equality for both metropolitan and country voters. I have not had the opportunity to speak about split elections but I certainly do consider that that is one of the important issues. Can the Attorney General tell me one Parliament, apart from Queensland, which does not have an upper House and which does not have a split election? Can he tell me of one person in this Chamber who would be willing to go back to his shire council and say, "We do not believe you should have split elections"? Can the Attorney General give me one club or association whose entire board goes out every so often and then comes back in? I will be very interested because I do not know of any golfing or bowling club that does that. I do not know of any company that does that. I do not know of any organisation set up to do that, yet we want to do it here. I do not know why. I cannot work out why everyone is falling for it.

Hon. N. F. Moore: We are not.

Hon. H. W. GAYFER: All right, the Liberal Party is not; but I do not understand what is behind it at all. I have argued this with members of my own party. I will continue to argue with them because it is a very important part of the structure of this State.

Even when South Australia changed to having the State as one electorate, it still provided for split elections; and the much celebrated Tasmanian set-up was extolled as an excellent set-up for 27 years by a Labor Government.

I believe that here we still have room for individuals to put up other ideas that should be taken away by the Government for consideration and perhaps incorporation into another Bill. We should not consider just what the three parties say. I believe all persons within this Chamber, as members of a House of Review, are entitled to speak and to put forward their points of view.

The public have been hoodwinked into believing that the three parties govern the destiny of this place. I believe it goes much deeper than that; I believe the Legislative Council is dependent on the individual view of each and every one of us here as members of this Committee and as members of the House of Review. It is not just a matter of groups of us being tied down by party discipline and being expected to vote along party lines for this, that, or the other. It is important to understand that we, as members of a House of Review, should not be expected always to vote according to the dictates of people who are not necessarily in this place, whether they be people in another place or people outside the Parliament altogether, such as members of the lay parties.

If members are not game to stand here and make their own points known as individuals, I do not believe they have the right to be here at all. They should not be here if they are just going to follow party lines, especially on an important issue like this which will rewrite the history of this State, certainly if one of these amendments gets through.

My proposal, purely and simply, is that it is about time we got back to treating this place as a House of Review; we need to get away from party politics. We often have rammed down our necks the view that we are not seen as members of a House of Review.

Hon. Garry Kelly: It never has been a House of Review.

Hon. H. W. GAYFER: It was, years back, but it gradually declined. Even the predecessors of Hon. Garry Kelly indicated by their antics—and I do not mean that unkindly—that they were prepared to cross the floor and vote which way they liked without fear of being disciplined. But gradually that they were hauled back into line. I can recall Hon. Ron Thompson and others who were members of this place and who were prepared, at times, to vote according to their conscience. And what about me now? I am willing to cross the floor against my own party and to talk against my own party. Why does Hon. Garry Kelly not get up some day and do something like that? He would never be game, especially on a Bill like this.

I have heard it said in this place before that the only House in the Commonwealth that is a true House of Review is the Tasmanian upper

House. I am told on good authority that the Tasmanian upper House is very proud of its record. I quote from a Tasmanian Government publication as follows—

> The Legislative Council has the tradition of being a non-party House.

This publication goes on to say that out of the 19 members of the Tasmanian upper House, only one happens to be a Labor member while all the rest are Independents.

Hon. Fred McKenzie: In name only. They resigned from political parties and contested as individuals.

Hon. H. W. GAYFER: Whether they changed their religion or whatever is no concern of mine. They are proud to be recognised as Independents. One of their members, a Labor man, obviously has not got around to being an Independent, but all the others openly admit to being Independents.

The other interesting thing about the Tasmanian set-up is that the State is divided into 19 regions. It is interesting to note that the vote weighting ranges from Gordon—we all have heard about Gordon—with 5 890 enrolled voters, to Penbrooke, in the heart of Hobart, with 18 847 enrolled voters. So clearly we have a precedent, and a good precedent, which was acceptable to a Labor Government for 27 years, for the weighting of votes.

I can tell members something else about Tasmania, and that is something which leads me to believe that the views of the Liberal Party, the Labor Party, and the National Party fail to hold water. Those parties say that if we have four-year terms for the Legislative Assembly, we cannot have split elections because, good Lord, it would mean some Legislative Councillors would sit for eight years. What a lot of rot! Tasmania has four-year terms for the lower House and six-year terms for the upper House. There is no reason at all to stop the Attorney looking at the whole Tasmanian set-up and finding whether it is possible to have a different term for the upper House.

The other day I said to a prominent person who has had quite a bit to do with this Bill that it is quite possible that we could have a system similar to the American system, which is a six-year term for members of the upper House with two members going out every two years. He had not even heard of that arrangement. So there are plenty of ways to get around the deadlock the parties have reached. In a moment I intend to move for the deletion of "6" with a view to substituting another figure.

My amendment would mean 17 members representing the metropolitan area and 17 members representing the country area, the boundaries of which would be drawn by the Electoral Commission, with or without a weighted majority as it sees fit. Surely, when this legislation is reviewed, guidelines will be laid down as to what the imbalance, if any, will be. I recommend that it should be the same as that which exists in Tasmania. It would also mean that we would have split voting for the 17 country and 17 metropolitan members on 22 May 1990. That is exactly what happens in Tasmania at present. An equal number of members do not come out every year in Tasmania. The number is equal for most years, but in one year it is not. We could operate along exactly the same lines.

I believe my amendment should be thrown into the melting pot with other views so that the Bill is reframed, now or in the future, as this Chamber requires.

Split elections are a necessity for the continuance of this Chamber. The upper House in Tasmania is elected on 1 March. Clause 13 of the South Australian Constitution Act, page 757, states that "Subject to the provisions contained in the Act as to the dissolution of the Legislative Council, every member of the Council, except a member chosen to fill a casual vacancy, shall occupy his seat for the term of six years at least, calculated from the first day of March of the year in which he was elected." Clause 19 of the Tasmanian Constitution Act provides that "in the event of a poll being required for any such election, the same shall be held on the fourth Saturday in the month of May". It is also interesting to note that election to Tasmania's upper House is decided by preferential voting, something that is not generally known by most members.

I believe that we should have no worries about conducting an election every year for a province in the Legislative Council. All shire councils and most companies and sporting bodies hold elections every year. An election every year would provide for everyone in a province being equal and being allowed to vote for the person they want to represent them regardless of his politics. That is important.

I believe that through my amendment we can preserve this place as the majority of members believe it should be preserved. I therefore move an amendment—

> Page 3, line 18—To delete "6" and substitute "34".

[Pursuant to Sessional Orders, progress reported and leave granted to sit after 11.00 pm.]

Committee Resumed

Hon. J. M. BERINSON: I oppose the amendment moved by Hon. H. W. Gayfer and indeed it is a shame, given the interesting nature of his proposals, that these did not emerge at some time during the last seven or eight months when there has been such active discussion outside the Chambers on electoral reform proposals.

Mr Gayfer's proposals seem to stand or fall on his own distinctive views as to the nature of this place as a House of Review. I do not deny for a moment Mr Gayfer's willingness and capacity to go his own way; he has been doing that constantly in this debate; he has done it on other occasions; and one accepts and respects his approach in that particular. But to describe his own approach as somehow meaning that this is not a party-based Chamber is to ignore the reality.

The reality is that, as we observe day after day, this Council on the whole and in the vast majority of cases acts as a party-based Chamber in precisely the same way as the Legislative Assembly does. I do not deny the frequent assertions of members of both the Liberal Party and the National Party that they are entitled by their rules to separate themselves from their party and that there is some theoretical independence attaching to their membership of this Council. I have not been here as long as Hon. Mick Gayfer but I have been here long enough to know that that theoretical right is the exception which proves the rule and, particularly when in Government, occasions on which members of the other side have split from their party have been exceptional. Even if one accepts the argument that in those days the arguments were all in the party room, I respond by saying that the occasions on which they have split from their party, even while in Opposition, have been truly exceptional.

Hon. A. A. Lewis: Are you trying to get me to stand up and talk about that?

Hon. J. M. BERINSON: I am happy for Hon. A. A. Lewis to decide for himself. I include Mr Lewis in this and, if it will encourage him not to stand and talk on it, I will say that I am perfectly prepared to accept that Mr Gayfer's and Mr Lewis' actions from time to time have indicated an independence, but one which is not typical of the members of the parties to which they belong. That is what it all stands and falls on. We are in a party-based Chamber and that has to be acknowledged.

Hon. N. F. Moore: Who is the non-typical member in the Labor Party who ever treated this place as a House of Review?

Hon. J. M. BERINSON: None has, and that supports my argument. We are a party-based Chamber and we shall not change that by adopting a Tasmanian system of election. I do not pretend to be an expert on the Tasmanian system but I am quite sure that it reflects an historical development quite different from our own and we are not suddenly going to reverse our own history by adopting the Tasmanian electoral system. We shall remain as we are and, no doubt, it will remain as it is; each of us needs an electoral system which is appropriate to our own circumstances.

An Opposition member: Which suits you. You can do it by the weight of numbers.

Hon. J. M. BERINSON: Not at all. This is not a sectional question. I want to know how many times since 1890 this Chamber has considered a proposition that we move to the Tasmanian system. It has emerged tonight, suddenly, and it is interesting in its own way, but I say to Hon. Mick Gayfer it is not one to be pursued. I say to other members that it is not something they should lightly absorb.

I do not want to anticipate the amendments which Mr Gayfer has listed as consequential to the adoption of his current amendment, if only because it is my most fervent hope that we will never need to apply ourselves to the consequences of adopting his present amendment. I must at least say that if members look at the circulated amendments and if they look at his proposed clause 9 and try to fit that into the system we have and the system on which we are all elected, they will realise at once that it simply will not work. Particularly in the effort to prescribe a way in which a new system of this sort involving as it does elections every year—God help us—might be phased in, we are being faced with a proposition that for the foreseeable future—at least until 1995—we should adopt a system which could only be described as Government by lucky dip. People would go into the 1989 election, and have a lucky dip to see who would be elected for one, two, three, four, five, or six years. That might be exciting and interesting in its own way but it could not fail to totally distort the representation which electors in 1989 would be seeking to achieve.

I mean no disrespect to Mr Gayfer if I do not pursue the argument against this amendment further. I can only summarise by suggesting that interesting though it may be, it bears no relevance to our own circumstances and we cannot seriously accept the view that we should now adopt it.

Hon. G. E. MASTERS: This is the first time I have seen the amendment and when I did, it caused me to raise my eyebrows a little. I am not fully conversant with the Tasmanian system and I do not fully understand the proposal that Hon. Mick Gayfer has introduced. Nevertheless, I do not push it aside as something to be ignored.

Hon. Joe Berinson said that the situation we are now considering does not dramatically change our structure in the Legislative Council; I maintain that it does. It is completely upending our past practices for methods of election of members of the Legislative Council, and the time they serve. The proposal is somewhat interesting and I ask the honourable member to explain how it works.

I understand that he has put forward a proposition that seems to be working in Tasmania, so we should not dismiss it. The member said that it involved 34 provinces or regions and 34 members, and that every year six come up for election. Is that correct?

Could the honourable member tell me who votes? Does the whole State vote or is it only the people in those six regions, whatever they might be? In other words, it would be worrying to me if the whole State was coming out each year to elect these five members. Is the member proposing that where there are five members coming up for election, only those regions or provinces that they represent will vote, and the rest of the State will not vote at that particular election? Perhaps the member could answer that for me.

Hon. H. W. GAYFER: I am putting the suggestion forward in the same way that it works in Tasmania, that only those areas that are affected will vote, the same as if a shire council puts out members, then it is only that ward that votes; it is not necessarily the whole shire that goes out. In a lot of companies there is a section that goes out and a section that stays in. I know in a lot of organisations defined areas come up and are voted on. There is nothing greatly different between this and local government elections.

Hon. Garry Kelly interjected.

Hon. H. W. GAYFER: What is wrong about that? The member should get up and be constructive, instead of being destructive.

Hon. Garry Kelly: You are being destructive.

Hon. H. W. GAYFER: I am not. I am saying we have a right to say what we want to in this place when we get to our feet to express our point of view, and not sit there and yelp all the time and do nothing. The whole system is based on freedom of speech, and this place should be based on the right of individual people to vote the way they want to and in the direction that they believe legislation should be taken.

The Attorney General said can one imagine—and he was quite theatrical about it—going out every year and having an election. If he disagrees with that, how about a blend of every year to every two years one goes out? It is not laughable, because Hon. Robert Hetherington just substantiated what I said. He said in America they go out every two years anyway and they still sit for six years; one-third goes out each time. So the Attorney General should lift his sights beyond what he sees in his narrow tunnel vision in here and come out with something that is acceptable to everybody and is worthy of some consideration. To chuck it out the window and say, "We will not look at it", is the same as throwing out the window every other part of the clause. This is another line for someone to pursue in the total rewrite of this Bill, if indeed that is the aim of this or some other subsequent Minister, out of the pile of dust that is before members at the moment.

I appeal to members to not be so hypocritical and say it just will not work. It is absolutely wrong to adopt that attitude, and members are not acting as responsible people within this Chamber.

Hon. A. A. LEWIS: The Attorney General can wipe this off fairly quickly without any thought. Some of his minions at the back have made half-hearted comments—

Hon. Garry Kelly: They have not been half-hearted at all.

Hon. A. A. LEWIS: Well, they have been full-blooded comments; I will dispose of Hon. Garry Kelly's comments like that. Hon. Mick Gayfer has said he wants to go back to 34 regions or provinces, or whatever one wants to call them. The words of the Attorney have been quoted and he did not answer in any shape or form. He said it was not on now, but he said it was on last week or the week before when he wanted to get these words reinstated, just to

debate the clause. It was open for the Attorney General, and we are leaving it as wide open as we can have it. The Attorney nods and agrees—

Hon. J. M. Berinson: The Chamber has allowed the member to move this amendment, but it surely has no obligation to accept it.

Hon. A. A. LEWIS: Nobody said that.

Hon. J. M. Berinson: I thought you did.

Hon. A. A. LEWIS: Nobody said that, so the Attorney should not get himself in a dither about that. The Attorney gets upset too easily. Later this evening when members are still debating this amendment, the Attorney might put on another turn like he did last week or the week before where he went white again. The Attorney did his lolly and he—

Several members interjected.

The DEPUTY CHAIRMAN (Hon. John Williams): Order Members are debating the deletion of the figure "6".

Hon. A. A. LEWIS: I agree, but I have to deal with the performances of certain characters, be it the move to delete six. I would like to delete 13—all the members of the Labor Party.

Here we stand—and some of us sit—in this Chamber, with a Labor Party that does not even believe in one-vote-one-value. We have seen the Labor Party, gutless as it is, not even voting for its own principles, which are disappearing down the drain.

Hon. T. G. Butler interjected.

Hon. A. A. LEWIS: Of course, Hon. Tom Butler would like to see me out of the place—he hates to be reminded that he is elected on the principle of one-vote-one-value, as do Hon. Tom Helm and Hon. Tom Stephens.

The Attorney has said he is prepared to look at any solution, yet when he heard Hon. Mick Gayfer's suggestion, which I heard for the first time tonight, as did the Attorney, he wiped it off without first going away and looking at it and telling members what the suggestion is going to do. Does the Attorney know what it is going to do? No, he does not. So how about reporting progress, and coming back to this place when he does know? It may be an hour or, three-quarters of an hour, but the Attorney should tell us what the suggestion is going to do. He cannot wipe it off.

Hon. J. M. Berinson: This further amendment to clause 9 makes it quite clear what it will do.

Hon. A. A. LEWIS: I have not even seen the first amendment yet so that gives me more reason to ask for an adjournment until all members have received it. It has now appeared. The Attorney is very smart. He wants to push this thing through by the weight of numbers, without coming back and giving us a reasoned answer. He wants to put on his theatrical performance, which I agree is magnificent. The Attorney should probably be in Stratford-on-Avon or somewhere, and not in this Chamber, because he would make more money that way. However, he has not given us an answer to the question Hon. Mick Gayfer asked. He has wiped it off, out of hand, without saying what would be its effect.

What would be the effect of having 30 members in this Chamber with one set of six being elected every five years? Has the Attorney considered that? He should not say that it has not been put to him.

Hon. J. M. Berinson: It hasn't.

Hon. A. A. LEWIS: It has been put to the Minister in another place, at least.

We have had no answer because the Attorney, in a political way, wants to push through everything that he and his adviser want. The Attorney is not prepared to look at any middle ground. He wants to bully-boy this place into doing what he wants.

I had not heard of Mr Gayfer's proposition before. The Attorney can sit there and shake his head, but he is not prepared to give any answers. I do not think we should go on discussing clause 8 because Mr Gayfer has asked questions that need to be answered and the Attorney has not answered them. When he answers them, we can continue with the debate.

I do not believe this Chamber should be prepared to accept the Attorney's bully-boy attitude. Until he gives those answers we should not continue with this clause. We should know the answers and we should know the figures. Mr Gayfer is being treated with scant regard because the Attorney does not know the answers. That is not good enough. The Attorney should report progress and ascertain the answers to Mr Gayfer's proposition.

Hon. J. M. BERINSON: Of course I have answered Mr Gayfer, but it is not an answer Mr Lewis likes. I therefore believe there is not much purpose in extending the discussion.

The basis of my answer is that Mr Gayfer's whole proposition, as set out in his current amendment and the further proposed amendments as circulated, depends on a view of this

place which does not match the reality. If that is the case, there is nothing further to be said about his scheme.

Hon. N. F. MOORE: I have some sympathy with the point of view Mr Gayfer is putting about the way in which members of this place ought to act in that they should be more independent and that the Legislative Council should, if possible, more truly reflect a House of Review. There is only one problem, as Mr Gayfer clearly pointed out, and that is that under his system something like half the members will be members of the Labor Party, and there is no way that they will adopt an independent approach and vote in any way other than as their Caucus determines. My quick calculations would indicate that, under Mr Gayfer's proposal, the Labor Party would have 17 or 18 members in this place. Perhaps I should not have said that because they might find the proposition favourable. Were the Labor Party to have 17 or 18 members here, giving them the majority, they would adopt an approach which was quite at odds with the way a true House of Review operates.

While Mr Gayfer's intentions are honourable and correct, I doubt that things would pan out that way. That is regrettable but a fact. On that count I would find it difficult to support the amendment, although I understand the sentiments behind it.

Hon. H. W. GAYFER: I have put forward a proposition which is not something that I believe cannot be done, because it is being done in Tasmania; it is being enjoyed there and is not likely to be altered. My purpose in putting forward this suggestion was to give members an alternative proposition to consider. I wish to goodness other members would put forward other ideas that could be looked at so that we had a number of propositions we could consider and ascertain which one might suit this place. I would like members to take another tack so that we might have a House of Review—that is what I am trying to do.

I fully expect my amendment to be defeated. It will be defeated if the parties stick to their stated positions. If they could change, then out of the dust something might grow. I believe my proposition is worth considering.

Hon. A. A. Lewis: Hear, hear!

Hon. H. W. GAYFER: If the parties do not want yearly elections, then make them two-yearly. Anything is possible if we really want it. Just to disregard my proposition as a heresy is not the way to go. I have moved the amendment as a constructive measure. I have heard of other systems which I believe could be quite workable, but this one should be enough to satisfy the appetite of the Chamber for now.

Research into different systems was not carried out professionally. The systems looked at were those that the individual parties wanted; they did not consider what could work but only what they wanted.

The Attorney should report progress and then introduce a motion for the establishment of a committee composed of members from each party and that committee should independently bash through the different political parties' points of view so that we find a system which will make this place not a political House but a House of Review. I fully realise, though, that the Attorney will not accept that. But in not accepting it he should remember that I have placed it in *Hansard*. If clause 8 eventually goes out the window, my proposition should be looked at together with the other propositions that might be suitable.

At present we are going down the road which is leading us to a truly political House of Review, with no hope of ever being able to get it back to being what it once was—a real House of Review. If we do not make the effort now, we never will. The Government has to bite the bullet and bring about something that will be acceptable to all members and the general public.

Hon. MAX EVANS: I came to this Chamber last year with the idea that it was a House of Review where one tried to review legislation and give a bit of stability to the State. I commend Hon. Mick Gayfer for introducing the matter of split elections because he could see the old method was going down the drain on party lines with the Labor Party and the National Party deciding it should be a four-year term. Everybody is frightened of having someone here for eight years; apparently it is abhorrent. Most people have been here for eight, 10, 12, or 20 years. It is a multiple factor. It is not as though one is here for six years and then one is out—it is a rollover situation. The stability of the system comes from that. Why have a split election every four years?

Hon. Mick Gayfer has been very strong in introducing this amendment to look at split elections and not on party lines. Will parties be able to hold up their heads in years to come if they say they changed the whole election system for the upper House contrary to the way the Senate and other countries have gone?

The whole of the debate is about self-interest. Everybody works out what he will get with his scheme or with another person's scheme. No-one is worrying about the State or whether things are done properly. They are worrying about whether they and their friends will be re-elected, and whether they will get a pay cheque after the next election. We must have some credibility in what we are here for.

The Council is a House of Review. I had this out with Jack Evans before I came here and I destroyed many of his views. I will not go into that now, but I believe in the system we have here and turning over the Chamber every three years. Why cannot we turn it over every four years? It is crazy! There is nothing wrong with that. In New South Wales members of the Legislative Council were elected for 12 years, although I am aware they were elected in a different way.

We must give serious consideration to this proposal. Mr Gayfer has asked us to rethink the matter of split elections. He has given us an alternative; it may not be perfect, but let us look at it and try to keep the structure of this Chamber as it has been. Then the National Party and the Labor Party will not be able to look back in the years to come and say they destroyed the whole system.

Amendment put and a division called for.

Bells rung and the Committee divided.

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

Division resulted as follows—

Ayes 13

Hon. C. J. Bell	Hon. Neil Oliver
Hon. Max Evans	Hon. P. G. Pendal
Hon. V. J. Ferry	Hon. W. N. Stretch
Hon. H. W. Gayfer	Hon. John Williams
Hon. A. A. Lewis	Hon. D. J. Wordsworth
Hon. G. E. Masters	Hon. Margaret McAleer
Hon. N. F. Moore	*(Teller)*

Noes 20

Hon. J. M. Berinson	Hon. Robert Hetherington
Hon. J. M. Brown	Hon. B. L. Jones
Hon. T. G. Butler	Hon. Garry Kelly
Hon. J. N. Caldwell	Hon. P. H. Lockyer
Hon. E. J. Charlton	Hon. Tom McNeil
Hon. D. K. Dans	Hon. Mark Nevill
Hon. Graham Edwards	Hon. S. M. Piantadosi
Hon. John Halden	Hon. Tom Stephens
Hon. Kay Hallahan	Hon. Doug Wenn
Hon. Tom Helm	Hon. Fred McKenzie *(Teller)*

Amendment thus negatived.

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

Page 3—After subsection (1) of the proposed section 6 to insert the following subsections—

(2) The electoral region known as the North and East Region shall return 3 members to serve in the Legislative Council.

(3) The electoral regions known, respectively, as the Agricultural, Mining and Pastoral Region and the East Metropolitan Region shall each return 5 members to serve in the Legislative Council.

(4) The electoral regions known, respectively, as the North Metropolitan Region, the South Metropolitan Region, and the South West Region shall each return 7 members to serve in the Legislative Council.

Points of Order

Hon. N. F. MOORE: Sir, the Notice Paper shows the amendment you have just read to be amendment (D). In view of the fact that Hon. Eric Charlton has not moved his amendment (C), presumably the Chamber is in order, but I wonder whether it is in order, if (D) is defeated, to proceed with (C).

The DEPUTY CHAIRMAN (Hon. John Williams): Amendment (C) has not been moved. I do not see that the Chamber will go back to (C).

Hon. J. M. BERINSON: This is an important question to resolve. On my understanding there is no Standing Order which requires an amendment to be moved in the order that notice has been given or in the order it was placed on the Notice Paper. My understanding is that there would be nothing to prevent Hon. E. J. Charlton moving his amendment if my own were defeated. If that were the position, I would not have sought to move my amendment at this stage. I make that very clear. This is an occasion where the position of all three parties in this Chamber has to be fully explored and tested.

The DEPUTY CHAIRMAN: Under normal circumstances my ruling would stand, but the Minister's amendment is not inconsistent with item (C) and therefore Hon. E. J. Charlton may move his amendment if he so desires and if the Minister's amendment does not succeed.

Hon. E. J. CHARLTON: I would like you to clarify this, Mr Deputy Chairman. You noted that I sought to move my amendment and the

reason I refrained from proceeding with it was that I believed the Minister took precedence over me. Was I incorrect?

The DEPUTY CHAIRMAN: Yes. The reason the Minister received the call was that he was first on his feet, at least from this Chair and this angle.

Hon. N. F. MOORE: We have a Notice Paper which shows amendments in a certain order. It is normal procedure to deal with each amendment in the order it appears on the Notice Paper. I wonder whether Hon. E. J. Charlton should have been given the call in view of the fact that his amendment comes first on the Notice Paper. Maybe he was a little tardy in getting to his feet so perhaps you, Mr Deputy Chairman, might reconsider your call to the Minister and give it to Hon. E. J. Charlton, if he seeks to proceed with his amendment first.

The DEPUTY CHAIRMAN: I am sorry that I cannot do that because as I said, I gave the call to the first person who rose to his feet, and that was the Minister.

Hon. A. A. LEWIS: I am becoming more confused as time goes on. I thought you said, Mr Deputy Chairman, that the Minister could move his amendment and if that was defeated, Hon. E. J. Charlton could move his.

The DEPUTY CHAIRMAN: That is correct.

Hon. A. A. LEWIS: Originally when Hon. N. F. Moore queried this, you said that was not the case. There has been a reconsideration and you are now prepared to allow the Minister his amendment and then Mr Charlton his amendment. Why, Sir, if that decision has been made, can we not go back to the Notice Paper and take the amendments as they are listed, with Hon. E. J. Charlton's amendment coming first? That seems to me to be the sensible way of dealing with it. Could you, Sir, give the Chamber an explanation?

The DEPUTY CHAIRMAN: Your question is actually in two parts. First of all, I was in error, which I corrected on advice. Secondly, the Minister rose to his feet first and I gave him the call. The only way out of this is that I will stick by what I have done and said because it is proper but should the Minister wish to defer to Hon. E. J. Charlton, that is up to the Minister. However, I have given the call to the Minister.

Committee Resumed

Hon. J. M. BERINSON: I think in any event little will hang on it and the position will become clear quite quickly.

I indicated in my comments on the Liberal Party's amendment that they would substantially cover arguments that would apply to the amendment that I am now moving. For that reason and in spite of the central importance of the clause we are now dealing with and the Government's amendment to it, I will say no more than three or four sentences.

The first is to remind the Chamber that the Government's amendment seeks to secure a division between metropolitan and non-metropolitan regions of 19-15. On our estimates that sort of division would meet the basic principle we have attempted to pursue throughout, that a majority of votes in the Council should lead to a majority of seats.

Taking up an earlier comment of Hon. E. J. Charlton's, I want to say that I respect his comment about the particular situation of non-metropolitan voters, but given that after all 73 per cent of electors are in the metropolitan area, it should be accepted that the Government's own view, providing a vote weighting of 2.2:1 goes very far indeed towards meeting any arguments of that sort.

I do not want to labour the point because all I could say now was said many times before when we last met and earlier tonight. We are not here as a Government looking for an advantage for the Government; we are not looking for an advantage for any party. We are looking for a system where the results actually reflect the view of the electors from time to time. It is on that basis and on that principle that I commend this amendment to the Chamber.

Amendment put and a division called for.

Bells rung and the Committee divided.

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

Division resulted as follows—

Ayes 16

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

Noes 17

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

Amendment thus negatived.

Hon. E. J. CHARLTON: I move an amendment—

> Page 3—After subsection (1) of the proposed section 6 to insert the following subsections—
>
> (2) The electoral regions known, respectively as the North Metropolitan Region and the South West Region shall each return 7 members to serve in the Legislative Council.
>
> (3) The electoral regions known, respectively as the South Metropolitan Region, the East Metropolitan Region, the Agricultural Region and the Mining and Pastoral Region shall each return 5 members to serve in the Legislative Council.

To a large extent I covered this issue earlier in the debate on this clause. I want to explain the terminology in this clause and also in the amendment and to spell out the intention of the respective parts of the amendment.

The first part of the amendment refers to regions known as the north metropolitan region and the south west region and it is proposed that each shall return seven members to serve in the Legislative Council. The next part of the amendment refers to the balance of the regions which it is proposed will be known as the south metropolitan region, the east metropolitan region and the agricultural region which is to the north and east of the south west region. It is obvious from the amendment that the National Party has put forward that the agricultural region means "agricultural". It does not mean anything else. It does not mean south west or mining and pastoral regions. I want that to be prefectly clear in order that all members will understand fully that the agricultural region means "the agricultural region".

With regard to the remaining region of mining and pastoral, I explained earlier in this debate that this area would embrace the balance of the non-metropolitan area of this State; that is, the area from the north of the State down to where it joins up with the agricultural region, and it would take in all of that area which is commonly known as the area around Kalgoorlie, including the Legislative Council seat of Kalgoorlie and also other seats which adjoin the seat of Kalgoorlie which are located in the mining and pastoral region.

The mining and pastoral region will be that area of the State which embraces mining and pastoral areas only. As I said earlier, Kalgoorlie is known for its pastoral and mining industries only. I make it perfectly clear to all members that the seat commonly known as the Legislative Assembly seat of Kalgoorlie—it will incorporate the area of Boulder which is also part of the mining and pastoral region—will be the region known as the mining and pastoral region.

By including the actual regions in the terminology of the amendment, when commissioners draw the boundaries they will have to follow the naming of the specific regions and draw the boundaries accordingly. The metropolitan region has been explained fully. The south west region will be that area in the south west of the State which is not known for its agriculture and the agricultural region is that area defined as "agriculture" and the remaining region will be that of mining and pastoral.

Under that premise, the mining and pastoral region will incorporate the area around Kalgoorlie. As I said earlier, the National Party's position is that the establishment of the regions in the country areas of the State in the Legislative Council is defined and based upon the fact that the elected members will come from an area which has a common interest. The interest will not overlap into another area. The areas have been defined as best they can considering the vastness of this State.

Some of the amendments put forward by the National Party have been agreed to as far as the Legislative Council districts are concerned, but the whole point is that we have a metropolitan area and a non-metropolitan area. In the non-metropolitan area we must bear in mind that a 15 per cent tolerance is involved in regard to the Assembly seats that will be part of the various regions and even with that tolerance there will be about the same number of electors. With regard to the election of Legislative Assembly or Legislative Council members it is up to the respective parties to receive individual votes to become elected.

I make that point crystal clear in the minds of members. Over the last few months a number of people have been saying who will be elected from this or that area. The simple fact

is that it will depend on the vote weighting that will be attributed to the country and city areas. Naturally, in the metropolitan area there will be three regions and the Assembly districts will be based on those regions and will include the same tolerance.

With the extra weighting in the country area similar numbers of electors will constitute the seats and regions. I challenge anyone to disagree with me and say that it is an unfair system of working out how members of Parliament will be elected to the Legislative Assembly or the Legislative Council. Basically, there will be the extra weighting—country versus city—in the Legislative Council and when it comes to the country regions there will be an increased weighting of about 2.5:1 in the south west and agricultural regions and 3:1 in the mining and pastoral region.

Obviously there is a valid reason for giving an increased weighting in those areas. In moving those amendments and clarifying where it is intended that the commissioners will draw those boundaries for areas to be included, it is clear precisely where the overall position will be for areas to be specified—the south west, agricultural, mining and pastoral.

Hon. J. M. BERINSON: I have indicated at length the Government's objection to this amendment. All members will realise, as we do, that the defeat of this amendment would abort the Bill altogether. Rather than allow that result, and with a degree of reluctance which it is difficult to express, I indicate that the Government has decided not to resist this proposal further.

Hon. N. F. MOORE: What an extraordinary situation we now have! The Government has now accepted the National Party's proposition. I wonder how reluctant it is, when we look at the way in which the figures might pan out. I want to suggest how I think the National Party's proposition will work out so that Mr Charlton can tell me whether I am right or wrong.

Under those proposals, there is the north metropolitan area, the south metropolitan area, and the east metropolitan area, with numbers of seven, five, and five in the Legislative Council. In the country areas there is the mining and pastoral area with five, the agricultural area with five, and the south west region with seven. On that proposal the Labor Party, when one looks at the Legislative Assembly and the Legislative Council figures, will get 17 members.

In fact I am more certain in that view when I remember the Attorney General saying the best the Labor Party can do is to break even. With 17 votes on the floor of the House, all the Labor Party has to do is to ensure that one person from the other side becomes the President, and it has control of this Chamber.

In my view the Labor Party would have 17 members, the Liberal Party 14, and the National Party three. Therein lies the conundrum. The National Party now has four members, and its own proposition, as I read it, will give it three. I have heard of harakiri and suicide, but I wonder which of the four will decide not to be here under this proposition.

Several members interjected.

Hon. N. F. MOORE: I have no problems at all. The member will find in a moment that some of his colleagues may.

The mining and pastoral area interests me. I do not have the figures in front of me, but the Liberal Party would probably get two and the Labor Party three. I do not have a great deal of concern for Mr Lockyer or myself, but it is incumbent on Mr Charlton to tell us where he thinks that area will go. My indication is that it would have to encompass an area with seven Assembly seats. Mr Charlton has not specified how many Assembly seats will be in each region, but we have done some calculations and he can tell me whether these figures are right or wrong.

It is our assumption that in the north metropolitan area there would be 14 Assembly seats; in the south metropolitan, 10; east metropolitan, 10; mining and pastoral, 7; agricultural, 7; and south west, 9. Having had a cursory glance at those figures, I would have thought, under normal circumstances, out of 57 seats the Labor Party would probably have 31. That is not bad from the Labor Party's point of view. It reinforces my view that while the Attorney General has been been bending over backwards to be all things to all people, in the spirit of compromise he may be supporting a system which gives him 31 seats out of 57. That is some compromise!

Hon. J. M. Berinson: On what percentage of the vote?

Hon. N. F. MOORE: Glancing down the list—I have not actually done the sums in detail—I have assumed the number in each electorate. I hope we have a chance to win Government at some time or other.

Hon. J. M. Berinson: How can you talk about how many seats anyone will win without calculating the percentage of the vote?

Hon. N. F. MOORE: Mr Charlton has not specified how many Assembly seats there will be in each Legislative Council region, so I can only make an assumption of how many seats we can win, how many seats the Labor Party can win, and how many seats the National Party can win. Taking all those assumptions I get 31 for the Labor Party. Perhaps the Attorney General can tell me I am wrong; I hope to goodness I am.

Several members interjected.

Hon. N. F. MOORE: By supporting this proposition, and with the support of the National Party, if by some dreadful turn of fate the Bill is passed, the new electoral system would result in the Labor Party gaining 17 seats in this Chamber at the next election. Those are my calculations.

Hon. J. M. Berinson: With over 50 per cent of the vote?

Hon. N. F. MOORE: Look at what is likely to happen.

Hon. J. M. Berinson: I cannot understand this discussion of the number of seats we will win without its being predicated on a proportion of the vote. We cannot have 17 seats with 45 per cent of the vote, or is that what you are saying?

Hon. N. F. MOORE: I cannot tell the Attorney General. But based on the Government's own admission, it will get 17 seats on this proposition. The point remains—

Hon. J. M. Berinson: There is no point.

Hon. N. F. MOORE: —under this proposition there is every chance that control of the floor of this Chamber will pass to the Government's side in I do not know how many years.

Hon. J. M. Berinson: If we get 52 or 53 per cent of the vote.

Hon. N. F. MOORE: That is the Attorney General's argument. I do not want to see that situation arise.

Several members interjected.

Hon. N. F. MOORE: I have been saying this ever since I have been in this Chamber. I do not want to see a situation where the Labor Party controls the House.

Hon. J. M. Berinson: That is a good one!

Hon. N. F. MOORE: The moment it does, the House of Review goes. Once the Labor Party gets control we will have all its legislation through. That is what happens.

Several members interjected.

Hon. J. M. Berinson: Have you ever read the Constitution Act?

Hon. N. F. MOORE: We will have land rights and those things in this State. If the Labor Party gains control of the Council, and it will under this proposition—

Several members interjected.

Hon. N. F. MOORE: I am arguing strongly that the Committee should resist this amendment, because if it is passed and becomes part of the Bill, and the Bill is then passed, this Chamber will be a totally different place in the future, and the decisions of this Parliament will be totally different from those it has made in the past, to the detriment of the people in this State, whether members like it or not.

Some members opposite may be sorry they have won control because they will have all that garbage from the left wing put through which members kept knocking back, saying, "The Legislative Council will not pass it." The Government members were saved from electoral odium. Members opposite could hardly contain themselves when we knocked out land rights. How delighted they were because they would not have won the last election had the House passed it.

That is the sort of thing I am talking about. I hope the people on this side of the Chamber who are voting on this amendment will understand the situation which arises in the event that this amendment is passed and becomes part of the Bill, and the Bill is then passed and becomes an Act.

Hon. E. J. CHARLTON: The points that have been raised by Hon. Norman Moore I will answer this way: We have specified in the setting out of these regions how many regions there would be and the areas they would cover.

Hon. D. J. Wordsworth: How have you done that?

Hon. E. J. CHARLTON: The simple answer to that, as the member and everyone else are well aware, is that the commissioners draft the actual boundaries taking into consideration the specifics that are laid down in the naming of the regions.

Hon. V. J. Ferry: You must have some idea.

Hon. E. J. CHARLTON: Of course we have an idea, and I will explain it.

As to the figures that have been put forward by Hon. Norman Moore, I want to inform him, if he does not already know, that Mr Peter Wells and the National Party's research man spent a couple of hours discussing this last week, as a result of the ongoing negotiations that have taken place between Hon. Gordon Masters, myself, and other members. That discussion took place in response to the query that Hon. Gordon Masters and Hon. Norman Moore raised when this was debated previously. So with the 15 per cent tolerance that is suggested in the Bill, which has already been agreed to and was not argued against by any party, the number of Legislative Assembly seats that will be involved in the regions means that there will be about 10 000 voters in each, give or take the 15 per cent.

I was a little surprised by some of the comments made by Hon. Norman Moore. The point is—and I want everyone to remember this because I know what will happen; I am not totally green—I know about some of the things that have been said in the past and will be said in the future about the National Party and what it does and does not do. I want all members to listen hard now and see if they can be honest from here on when they talk about how this legislation came into being and what it will do to this Chamber, and what it will not do.

To answer Hon. Norman Moore's comments about what will happen as a result of this amendment being incorporated in the Bill, and the Bill becoming law, I do not believe it will deliver this Chamber to the Labor Party. I remind each and every member in this place that two things will happen. One is based on the figures that have been provided to everyone who has taken part in these discussions—the Labor Party, the Liberal Party, and ourselves. Each time a question has arisen the respective figures have been available to everyone; there have been no secrets. Hon. Norman Moore is right—on past performance the National Party would lose a member in this place. However, when we agreed to put forward the policy on electoral reform, bearing in mind the disgraceful anomalies that have existed for a number of years for all sorts of reasons, we did not try to put forward a policy for today, or for the future, that was based simply on giving the National Party a certain number of members in this place or in another place. We based it on community of interest and on all of the other things I mentioned earlier.

One fact that was very conveniently forgotten by Hon. Norman Moore when he made his comments just now is that the only way the Labor Party or any other party will gain control of this place or another place is by our respective parties not getting enough votes to get members elected. I say that bearing in mind the set-up we have proposed where there is a metropolitan area with basic regions and districts and a non-metropolitan area with a vote-weighting ratio of a little under 2:1, with only a 15 per cent tolerance making any difference to the figures.

I say that with all due respect to Hon. Norman Moore. I do not want to see his party, or any other party that believes in the philosophies our respective parties espouse, crucified at the next Federal election on 11 July or at the next State election. I hope we will have increased numbers in this place and in another place, and I make no apology for saying that.

Again with respect to Hon. Norman Moore, to say that what has been proposed here is handing this Chamber to the Labor Party on a plate is wrong. If that happens it will be because we on this side of the Chamber are not good enough in the eyes of the public to be elected as their members. We had better get off our backsides and do something to generate some activity within the State that will enable us to be elected.

If this amendment is accepted all sorts of innuendoes and statements will probably be made. They have been made before. We in the National Party have been living with this sort of thing ever since I have been involved with the party. There is talk about the sort of individuals that comprise the National Party, and what they do or do not do. But we have stood in this place on this Bill. Hon. Mick Gayfer has made his point very clear. We respect him for that, and totally acknowledge and support his right to do that, but I am referring now to what happened in the by-election in Narrogin, and the talk about the National Party going to do a deal, with letters that were totally irrelevant and incorrect circulating in the State saying what we would and would not do.

The DEPUTY CHAIRMAN (Hon. John Williams): Order! Your remarks are irrelevant to the amendment.

Hon. E. J. CHARLTON: Thank you, Mr Deputy Chairman. I am making the point now because I want it to be clear so that everyone understands that I am answering the issues

raised by Hon. Norman Moore. Under our proposal, if with a 2:1 vote weighting in the country we did not get enough seats in the Legislative Assembly, and if with the other respective weightings in an equal number of those regions as they are set up we did not get enough members, then my answer is yes. Further, so far as the results on which the honourable member commented are concerned, the simple arithmetic of it is that, based on the best performance figures by the Government in 1983 and 1986, the Government would get 17 members; that is correct. That would happen if everyone voted according to the previous pattern, bearing in mind that it is now a new ball game because it is a different system; it is based on proportional representation rather than the provincial system.

So, for anyone who does figures, it is like framing a budget. One is working with a lot of suggested alternatives. When Hon. Norman Moore or anyone else puts figures forward, to say that by setting it up this way we are creating something in this State that in future everyone will be sorry or sad about, he may be correct; but it will only be because of the basis on which we put forward our regions and districts if our respective organisations—the Liberal Party and the National Party—do not win the support of the majority of people in this State.

Hon. G. E. MASTERS: I urge the Chamber to reject this amendment, and I even urge the mover of the amendment to seriously consider his position. He and his party obviously have not done sufficient work, particularly in respect of the northern region where the National Party proposed quite a massive area to be represented by five people.

In past debate I have already quoted the figures in the areas from whence those numbers must come; give or take a few thousand. In the Esperance-Dundas area representing the north, and it seems to me this is where the misunderstanding applies, there will need to be 11 694 people in that area. The Gascoyne area will need to take in 5 113. The Greenough area—and there must be some from there—will take in 2 558, and the Kalgoorlie area 11 182. I will pause here to say that if that number does not come out of the Kalgoorlie area, more will need to come from Greenough. It is a question of balance as to where these numbers will come from. It is likely that 3 822 will come from the Katanning-Roe area. The Kimberley area will provide 17 900, the Murchison 3 782, and the Pilbara 15 834.

When Hon. Eric Charlton and the Leader of the House say that they cannot tell where these numbers are coming from, in fact they can and must be able to, simply by calculation of the number of Legislative Assembly seats, which is the main factor. One can do a calculation. One knows how many people are needed, and can work around the map, look at the guidelines, and say, "This is where the line will go, more or less."

I suggest that Hon. Eric Charlton and his party have not done sufficient work on this, but obviously the Labor Party has. I believe that anyone who has given any thought at all to the debate on this Bill would have realised a week or 10 days ago that once the Government had persuaded the Chamber to reinstate clause 8 it was only a matter of time before it accepted a ratio of 17-17. If there are members in this Chamber who did not expect the result that was reached tonight, their heads should be knocked together because it was quite obvious that the Government, having gone down the road and having done the necessary research, thought this a better proposition, and certainly almost as good as its own.

So far as the Liberal Party is concerned, we would get 14 seats under the Labor Party proposal, and 14 under the National Party proposal, so I think Hon. Eric Charlton really is part of a gigantic con. We could see what was happening. Once clause 8 was reinstated the writing was on the wall. It is no good talking about plus or minus 15 per cent making a difference, because there is no direction to the commission as to where it will apply that 15 per cent.

Hon. Garry Kelly: Do you think there should be?

Hon. G. E. MASTERS: No, it is not our amendment. However, I am not in the least surprised at what has happened; all I am surprised about is that Hon. Joe Berinson was able to get the jump tonight, for obvious reasons. To his credit he kept the smile off his face while he did it, but everybody else knew what was happening. The Labor Party has done its work. It knows very well from its calculations—and I have calculations and figures too—that the National Party will get only three seats. It has one in the south west. To get another seat in the south west, by our calculations the National Party will require an extra 17 per cent in votes. The National Party has two seats in the agricultural area, and by our calculations it will need

an 18 per cent increase to pick up another one; so the National Party is locked into three seats in the Legislative Council.

Hon. J. M. Berinson: And we are locked out of 18.

Hon. G. E. MASTERS: Rhubarb! Let us look at the Labor Party proposition. The Labor Party has done its work. If we take the North Metropolitan seat, the Labor Party knows that to lose that seat it would only have to lose three per cent, so that is close. But in the South Metropolitan seat it will need to lose seven per cent to lose that seat. That is a lot of votes to lose in the metropolitan area, and I do not think they will be lost. In East Metropolitan the Labor Party will need to lose 10 per cent before it loses a seat.

Hon. A. A. Lewis: That is twice what the National Party got in the State election.

Hon. G. E. MASTERS: Let us get the figures on the board.

Hon. Garry Kelly: You want to control this place irrespective of how people vote; is that right?

The DEPUTY CHAIRMAN (Hon. D. J. Wordsworth): Order! Order!

Hon. G. E. MASTERS: In an earlier debate I pointed out that on our figures, on an all-out election that we proposed for 1989 it was almost certain that the Australian Democrats would hold the balance of power.

Hon. Garry Kelly: You were just being cute then.

Hon. G. E. MASTERS: Not at all; we had the figures available. I am going through them as the Liberal Party sees them. In the agricultural area where the National Party will have two seats, it will need to pick up 18 per cent to take a third seat.

Everyone knows that, with figures based on the 1986 election, the Government will pick up 17 seats. They also know that it will have to lose a fair percentage of its voters to lose one of those seats. The Government has done its sums and it is obvious to us why.

The Government has received a substantial benefit with an inbuilt protection against its losing one of its 17 seats. With those figures, the Government will certainly not seek to appoint one of its members to the presidency of the Legislative Council. It will persuade a member of another party to accept that position so that it will hold the power in this place.

I pay Hon. Joe Berinson credit for his being able to con the Committee to reinstate clause 8. That was not done with the help of my party because we would never have supported that proposition. The Government has done what is best in its own interests.

I ask the mover of the amendment to consider what he has done to his own party. He may have lost it a seat. Certainly he will make it almost impossible for it to pick up an extra seat. He has also made the Labor Party's position in this place extremely comfortable.

Hon. A. A. LEWIS: I have been told by members of the Labor Party that I should congratulate the Attorney General on his achievement. It is interesting for some of us who have been here for a number of years to see the actions and hear the comments by more junior members. The Government has won a significant victory.

The Government will not have more than 17 members in this place and in fact it will have only 16 after the next election. The Government has fallen for the National Party's con, but the National Party will not have any more members in this place either because its supporters have now seen the sort of people it allies itself with.

Hon. E. J. Charlton: Our alliance does not lie with one-vote-one-value as yours does, Mr Lewis.

Hon. A. A. LEWIS: That is right. The Government and Hon. Eric Charlton do not believe in one-vote-one-value. I thank Hon. E. J. Charlton for his interjection because it was about one-vote-one-value that I was going to talk tonight. This Government is gutless in not being prepared to pursue that matter.

The Attorney General backed off. The votes are on record. We all know who voted for one-vote-one-value. The Labor Party, of course, did not vote for one-vote-one-value. Those members backed down so quickly to do a deal with the National Party that it did not matter.

Hon. Mark Nevill interjected.

Hon. A. A. LEWIS: Did I not? Hon. Mark Nevill does not know about the letter I wrote to the Minister for Parliamentary and Electoral Reform, who has now lost it.

Hon. Kay Hallahan: Would you like to table it?

Hon. A. A. LEWIS: No. If the Minister is not efficient enough to keep the letters I send to him, I will not table them. Hon. Tom Helm has seen the letter and he will verify what it said.

Hon. Kay Hallahan: I would need to see it.

Hon. A. A. LEWIS: Now, there is a split in the Labor Party. That is very fascinating. We realise that the Government is running up to an election with the far left, the far right, the centre right and all the people who are fighting Bob Hawke because he is not a good Prime Minister. There has been a quisling action here. Some of us who are old enough understand what "quisling" means.

A deal has been made by the Labor Party; it has ceased to vote for one-vote-one-value because Hon. Eric Charlton did not like it.

Hon. E. J. Charlton: I am very influential.

Hon. A. A. LEWIS: Hon. Eric Charlton is very influential. He will go down in history as the bloke who sold out this place as a House of Review. How would either of the junior members know what I have done in this place? They do not have any idea of the work we have to do if one is a real member of this place.

Hon. Doug Wenn: The dying throes.

Hon. A. A. LEWIS: The dying throes of Mr Wenn are coming after the South West Province by-election because we will see what his chances are.

Hon. Doug Wenn interjected.

Hon. A. A. LEWIS: Is that not interesting? It is facinating that this gutless Government will not vote for one-vote-one-value. Let us look at the speeches of Hon. Kay Hallahan, Hon. Garry Kelly, Hon. Doug Wenn and even my old minder, Hon. Tom Helm, about one-vote-one-value.

Hon. Tom Helm: I have not made one yet.

Hon. A. A. LEWIS: Ha, ha, ha! I say that for *Hansard*. Hon. Tom Helm was instructed that he was not allowed to divide on one-vote-one-value.

Hon. E. J. Charlton, Hon. Tom McNeil, and Hon. J. N. Caldwell have let down the bush by pushing forward with this amendment. It is a wonderful marriage of one group who allegedly want a loading and another who want one-vote-one-value. I hope they all know what they are doing and can go back to their parties and say they have done the right thing for Western Australia. There is not one member of the Labor Party—from my good friend Hon. Fred McKenzie to my good friend Hon. Tom Helm to the Attorney General—who has ever had the guts to vote against his party. The only member I can remember who did so was castigated and thrown into an Independent situation. The only member from the National Party cast aside because a young man wanted to take his position was Hon. Mick Gayfer. I will join Hon. Mick Gayfer if and where I want. It will probably be in a situation which is far more congenial than this.

Let us all remember Hon. J. N. Caldwell, Hon. Tom McNeil and Hon. Eric Charlton and what they have done to this State and this House of Review.

Hon. E. J. CHARLTON: The comments made by Hon. Sandy Lewis are in line with the comments he continually makes when debating issues either in or outside this place. He seems to find it easy to move away from the facts that have been agreed to, voted on or debated. He tries to twist things around to suit himself for his own good reasons.

I refer to one-vote-one-value and his comments in the last few minutes. If that is not a sell-out of the country people of Western Australia, I do not know what is. The proposition he agreed to as far as the reform of the upper House is concerned was to have 18-16. There is a difference between 18 and 16. The National Party's amendment of 17-17 is demonstrated by an erosion of the protection given to country people in the National Party of having equal representation in the city versus the country.

The comments made by Hon. Sandy Lewis can only be judged to be an outburst to satisfy his own ego or to have them in *Hansard* so he can quote them around the countryside at a convenient time. Those comments will be proven incorrect, along with many other things he has said.

The other comments made will be judged by the people who will be fully involved, partly involved, or not involved at all. It is up to them. We stand by the amendments to this clause and all other clauses in the Bill. They are based upon facts that we have publicly presented in this place over many months. They can all be justified; and we arrived at our decisions a long time ago. They are based on reasons I have repeatedly given in this place.

Hon. N. F. MOORE: In the last couple of weeks I have tried to work out which direction the Government will take. I made the assumption that it would support the National Party's amendment, and I arrived at that conclusion after having looked at the options available to the Government. Those options are to support the National Party proposition or to vote

against it and find that the Bill has no substance. We would then go to the existing system and a continuation of the status quo.

It is interesting to recall that Arthur Tonkin was of the view that the Cabinet would support the line that any electoral reform Bill should be defeated and the status quo maintained, and he resigned for that reason. That is a fair indication to me that in some way the Government saw some virtue in the continuation of the status quo.

The Government has to win one more seat under the status quo to give it 17 seats in the House, which would mean 17 on the floor. That is not a bad situation and it was one of the options I thought the Government would take. I thought the Government would be happy if the Bill were defeated. It has now decided to support the National Party's proposition which means by simple deduction that it is better for the Labor Party than the current system. I said earlier that the Government had worked out that it would be assured of 17 seats under this proposal whereas under the status quo it would have to win one more seat.

Hon. J. M. Berinson: You are declining to match the number of seats with the percentage of votes.

Hon. N. F. MOORE: I want to raise another matter.

Hon. J. M. Berinson: Before you raise the other matter, why not deal with that question?

Hon. N. F. MOORE: The last time I spoke I told the Attorney General why the Labor Party should not have control of this Chamber.

The clause put up by the National Party proposes that we have six different regions with odd numbers of members from each region. Four of the six with odd numbers are regions in which one would normally expect the Labor Party to win a majority of votes, and in the other two regions the conservative parties might be expected to win a majority of votes. This has the effect of distorting the system, in some cases quite severely. For example, in the northern, mining and pastoral region five members are to be elected. If we look at the last Legislative Council figures in that region, the Labor Party got 51.2 per cent of the vote. It could get three out of the five seats in that region, that is, 60 per cent. That is one of the reasons for the Labor Party's support of the proposition.

Hon. Joe Berinson has been saying that any party which gets the majority of votes should get the majority of seats. However, under this system of regions the result can and will be distorted because of the way in which the seats have been delineated. The proposal means that the Government will probably get a greater percentage of the seats than the percentage of votes it gets. That is another reason why these distortions can quite easily occur with an odd number of members to be elected.

Hon. Garry Kelly: Should it be an even number?

Hon. N. F. MOORE: It would be a fairer situation with our proposition of 18-16, but the Labor Party's proposition of 19-15 and six regions contained the odd numbers for each of the regions. That is built in and it is why this system can be rigged to favour one particular party. That is another reason for voting against it.

Hon. E. J. CHARLTON: The debate on the amendment has centred around how it will finish up party-wise.

Hon. N. F. Moore: You do not think it is important? It is the bottom line.

Hon. E. J. CHARLTON: I will comment further on it and make my observations. It has been said that the National Party has moved in different directions and that by doing so it has denied itself a seat it currently holds in this place. We have agreed on the estimates put forward that that is probably right. However, I note all this eagerness to point out these facts to the National Party. I wonder whether anyone in this place, including Hon. Norman Moore and many others, gave any thought before the last election to whether the National Party would have any seats in this place. We were told that we would never be in coalition or part of a Government and that we were finished. That is the sort of assistance the National Party got in the lead-up to the last election under the present boundaries. If ever an incentive was needed to make people stand up and be counted and to perform in their own right, that was it.

Hon. A. A. Lewis: You are here because of the Labor Party.

Hon. E. J. CHARLTON: I should ignore that interjection but it seems pretty enticing for some members in this place to try to seek Labor Party preferences. The members of the National Party have stood up and been counted especially in the way they have voted. One does not need a long memory to recall how members of the Liberal Party have performed.

Before arriving at our decision on these issues we held discussions with other parties on the proposals put forward. We did not approach those proposals in a rigid fashion, and I ask Hon. Norman Moore or anyone else in this Chamber where was the National Party to end up with 20-14, 18-16, and split elections?

All of a sudden everyone starts to wonder why the National Party is doing this.

Hon. N. F. Moore: You would have done very well in—

Hon. E. J. CHARLTON: Yes, in the first election.

Hon. N. F. Moore: If you could perform, you would do very well.

Hon. E. J. CHARLTON: We could perform. I am suggesting to the member and to every other member in this place, and to all our counterparts across the nation, that if we perform well enough on 11 July we will be in Government federally.

Hon. N. F. Moore: That is what you said to us a minute ago in your proposals.

Hon. E. J. CHARLTON: I remind the member and everyone else who put forward various proposals along the way that they did not dress up too well for the National Party. I say this for the last time: The National Party did not make its position based on getting preferences from this one; getting preferences from there; keeping the old system; doing this; doing that. The whole basis of proportional representation in this place was to endeavour to give it a greater opportunity to be a House of Review, because it would not be tied directly under the provincial system to Assembly seats and to party lines such as constitute the Government in the Assembly.

Hon. G. E. Masters: You have turned it into a political House because—

Hon. E. J. CHARLTON: It has not been that sort of thing under the present arrangement when we have 20 000 in one seat, and 3 000 or 4 000 in another one. Let us be honest about the whole thing.

I say for the last time that the National Party made its decision to agree with proportional representation, as all parties agreed to it, provided it got the package it wanted. The National Party was not prepared to move one iota away from its position. If other parties wanted to, that was up to them.

Hon. A. A. LEWIS: It is interesting to hear from the National Party. If we look at its numbers in this Parliament we see it is here because of the Labor Party, is it not? Let us be rational and reasonable about this. Hon. Eric Charlton is here because of the Labor Party.

Hon. E. J. Charlton: Am I? How do you work that out?

Hon. A. A. LEWIS: Because the member gets its preferences.

Hon. E. J. Charlton: I did not get any preferences.

Hon. A. A. LEWIS: Hon. J. N. Caldwell is certainly here because of preferences.

Hon. E. J. Charlton: How did Mr Knight get here?

Hon. A. A. LEWIS: I am not talking about him. Hon. Tom McNeil is here because of the Labor Party. At least Hon. Mick Gayfer had Labor Party preferences running against him and still won. That is where the schism in the National Party arises, because Hon. Mick Gayfer is good enough to win those votes on his own.

Several members interjected.

Hon. A. A. LEWIS: We have heard about these people on the outside yelling and screaming about what we have got to do to be fair. Let us have a look at what is fair in politics and what is not fair. If it were really fair in politics, the Labor Party could win my seat, could it not? It has got two lower House seats: Collie and Warren. Collie is not known as being a very conservative seat. I guess those seats are two of the four most marginal seats, because of the way the Labor Party double-crossed them over the years, and probably because of things it is doing here—giving away one-vote-one value; giving away its principles, those of the Attorney General and those of the Minister for Community Services; and giving all these lectures, all the bulldust that has been spread about this Chamber. Hon. T. G. Butler would know. He is an ex-President of the Labor Party, and of all people I would have expected him to stand up and support one-vote-one-value.

Hon. P. G. Pendal: He is like the rest of them.

Hon. Doug Wenn interjected.

Hon. A. A. LEWIS: The member is assuming I have got a heart. Here the Labor members are squirming in their seats.

Hon. T. G. Butler: Who is?

Hon. A. A. LEWIS: The member is, and he has only got a little seat to squirm on, but he squirms because he does not have the guts to stand up for one-vote-one-value, and nor does

Hon. Mark Nevill. Day after day I will go out into my Labor-held areas and say, "These are your Labor Party members who did not have the guts to talk and work for one-vote-one-value." Let Mr Wenn never come back into this place, and talk about one-vote-one-value. He has voted against it. He has put his ideals straight down the drain.

Hon. Mark Nevill: I have never seen a sticker on your car for one-vote-one-value.

Hon. A. A. LEWIS: No, but one does not have to have a sticker on his car to believe in something. I believe in sex but I do not have a sticker on the back of my car saying, "I love sex". I like a drink, but I do not have a sticker saying, "I believe in drinking". I believe in free speech, but I do not have that across the back of my car. That sort of nonsensical comment, from an allegedly educated gentleman, just shows the depth of the Labor Party, it shows how cheap its members can be, just because I have not got a sticker on my car.

The Deputy Premier has a letter I sent to him 12 months ago. He has lost the letter, and poor old Noddy is losing his head looking for it. The Deputy Premier has a letter saying I believe in one-vote-one-value. I told him to his face I believed in one-vote-one-value.

Hon. Graham Edwards: The Chamber never had a piece of paper that said "Peace in our time".

Hon. A. A. LEWIS: Here we have one of the elderly members talking about peace in our time when it would be better if he went back to sleep because he really does not know what he is talking about. He will not talk about facts. He voted against one-vote-one-value. How would the Minister for Sport and Recreation be, voting against one-vote-one-value? The only excuse he can bring up is Neville Chamberlain's *Peace in our time*. Even the Deputy Chairman and I in our advanced age—and I apologise to you, Mr Deputy Chairman—can get a little more modern than 1949 and *Peace in our time*.

Hon. Mark Nevill interjected.

Hon. A. A. LEWIS: The member is one of the people who spoke about electoral reform and about wanting one-vote-one-value, but he did not have the guts to vote for that, so he should not interject any more. Mr Nevill has now disappeared.

The Labor Party is in disarray; it does not know where it is going or what it is about. It has done a deal with the National Party. The National Party had to do a deal with the Government in order to keep its seats. The public need to know that.

Amendment put and a division called for.

Bells rung and the Committee divided.

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

Division resulted as follows—

Ayes 19

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

Noes 13

Hon. C. J. Bell	Hon. Neil Oliver
Hon. Max Evans	Hon. P. G. Pendal
Hon. V. J. Ferry	Hon. W. N. Stretch
Hon. A. A. Lewis	Hon. John Williams
Hon. P. H. Lockyer	Hon. D. J. Wordsworth
Hon. G. E. Masters	Hon. Margaret McAleer
Hon. N. F. Moore	*(Teller)*

Amendment thus passed.

Clause, as amended, put and a division called for.

Bells rung and the Committee divided.

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

Division resulted as follows—

Ayes 19

Hon. J. M. Berinson	Hon. Robert Hetherington
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Hon. A. A. Lewis	Hon. John Williams
Hon. P. H. Lockyer	Hon. D. J. Wordsworth
Hon. G. E. Masters	Hon. Margaret McAleer
Hon. N. F. Moore	*(Teller)*

Clause, as amended, thus passed.

Postponed clause 9: Section 8 repealed and a section substituted—

Hon. G. E. MASTERS: This clause is very dear to the hearts of members of the Liberal Party and should be to all members here, although it appears from previous debate that a large number of members will support it.

I will propose that the Legislative Council continue to serve under a split-term arrangement, with members serving six-year periods and with half the members coming out every three years. In previous debate it was decided, without the support of the Liberal Party, that there should be a four-year term for the Legislative Council. It can therefore be assumed—although it need not be necessarily so—that Legislative Councillors would serve either four-year or eight-year terms.

To be consistent the Liberal Party will stick with three-year and six-year terms because we believe that is the proper way to go. We most definitely believe that the Legislative Council should have split terms.

Point of Order

Hon. J. M. BERINSON: I am sorry to interrupt the Leader of the Opposition but I think that a quite basic question arises at this point with the amendments which are listed under Mr Masters' name, because he seems to be interested in pursuing them. They cannot stand with the decision that has been taken on clause 8, because clause 8 provides that each region shall have an odd number of members. That makes it impossible to divide into halves the number of members going to election.

The DEPUTY CHAIRMAN (Hon. John Williams): In order to make a ruling I will leave the Chair until the ringing of the bells.

Sitting suspended from 12.20 to 12.40 am (Wednesday)

Deputy Chairman's Ruling

The DEPUTY CHAIRMAN: The amendment moved by the Leader of the Opposition is out of order.

Committee Resumed

Hon. G. E. MASTERS: Far be it from me to argue against your ruling, Sir. I support the proposition that there be half of the House out at one time—in other words, they have split terms. I am proposing that all the members go out for election in the first election and that half be elected for a short term and half for a longer term. I have not nominated how that should occur.

I could move at a later stage for a consequential amendment for half the Legislative Council to come out at one time and half at another time. The argument has been put forward that there should be even numbers. That does not have to be the case. My consequential amendment could say that in the first election there should be nine city members coming out and in the next election there should be eight city members and nine country members. The numbers do not have to be even.

Hon. Mick Gayfer, when he was talking about methods of overcoming odd numbers, put forward a proposition which I think could stand up.

Hon. Garry Kelly: You have three regions in the city.

Hon. G. E. MASTERS: Is that possible?

The DEPUTY CHAIRMAN: As clause 8 now stands, you have seven members in two provinces and five members in four provinces. That is where the difficulty lies in what you suggest.

Hon. G. E. MASTERS: I would be right if it were two regions?

The DEPUTY CHAIRMAN: Your amendment is consequential to your own amendment.

Hon. G. E. MASTERS: The intention of the amendment is clear. The Chamber ought to consider rejecting this clause even though there have been other decisions made. There ought to be sufficient argument on this clause to ask the Committee to review the situation and reconsider its decision. If all the Legislative Council were to be called out at each four-year period—and that is the Government's proposal—then I put it to members that overcoming or avoiding split terms is contrary to the accepted practice for all Westminster bicameral systems. We are breaking down the independence and undermining the stability of the Legislative Council.

Hon. Mick Gayfer made an excellent speech tonight, emphasising the role of the Legislative Council, the performance of the Government, the reason that most of us are here, and the job we have to do. The split term applies not just to other States in Australia where they have bicameral systems, it applies to the Commonwealth Senate. Hon. Eric Charlton talked about the Senate and said its members would be all out. He has to remember that when the Senate goes, half the Senators will be elected for one term and the other half for a longer term.

Hon. Garry Kelly: Double dissolutions will become the rule rather than the exception.

Hon. G. E. MASTERS: I would hope not. In the event that that were to happen, I maintain it would be better for the stability of the Legislative Council that there be a split term. The United States, at the Federal level, has split terms.

Seriously, we will have two Houses that are the same. There would be really little purpose in having a Legislative Council. We might as well have all the members in one House. Perhaps that is the intention of the Labor Party, and the National Party might consider that not to be a bad idea. If both Houses are identical, what is the purpose of having two Houses at all?

If there is an election in 1989, we all go out, and that continues every four years. Sooner or later there will be a party that will stand on a single and very important issue and that party will be elected in both Houses on that single issue. That single issue will allow that party to pursue quite radical policies whether they be extreme left or right. I do not think this Committee or the public would want that situation. In Australia, and in Western Australia particularly, people are very conservative. They do not like rapid changes. They like time to consider and they like a waiting period. That is what this Chamber is about and will always be about.

There needs to be a safety valve in the checks and balances which this Chamber ought to be pursuing. We have discussed committee systems in the Legislative Council over a period of time, although I agree that while we were in Government perhaps our leaders in another place were not too happy with the committee system. Indeed the present Government is not too happy with the committee system, because it slows down Government business. Committees say, "Hold it, we want to look at the legislation, consider it, take it apart and see whether it is good or bad."

I for one think that is a good idea, and did when we were in Government, except when I was a Minister. When I was a backbencher I thought it was a good idea. There is still a very important role for the Legislative Council to pursue. The Labor Party considers there is some political benefit. Perhaps it will gain one or two more seats. The National party, when it first took this course, would have anticipated some political gain—in other words, that it might pick up a seat or two. I ask the National Party to consider the matter very carefully. For a short-term gain it is putting at risk this Chamber and all it stands for.

There are members on all sides of the Chamber who would prefer a split term, half the members coming out at one time and half at a later stage. Labor members have said overall that they would prefer that sort of system. I do not know where we are going if we continue along the path we have been pursuing with some of the changes we have already made. I have supported some of them, but others I have strong reservations about.

If all members go out together, on election day, in most cases the same party will win in both Houses. The safety valve which the Legislative Council provides will be put at risk. Whether we change the regions and the voting system, those checks and balances will still be needed. We should look at the experience in other bicameral systems. I do not know whether there is another with a fixed term.

Hon. Robert Hetherington interjected.

Hon. G. E. MASTERS: They have a better arrangement. If Mr Hetherington proposes that I will support him on that basis. I am sure Mr Hetherington understands the point I am trying to make, whether he supports it or not. He recognises the importance of maintaining the integrity of this Chamber. If he is disappointed with the seats his party has won in the past, he will have an even chance and the voting will be even in the Legislative Council. That is all the more reason why we should consider a split term so that there is a carry-over.

I have not heard any good arguments in favour of maintaining a fixed term for all members. We should look at the report of the Constitutional Commission in bulletin No. 2, September 1986. No-one would say that this is necessarily biased in favour of the conservatives. The Constitutional Commission makes this point—

> The recommendations which the commission is considering for adoption are—
>
> (1) That the term of the House of Representatives be extended from three years to four. The terms of the senators would be made equal to two House of Representatives terms.
>
> Recommended by Adelaide Convention, 1983.

I am sure members will agree that if that applies in the Senate, a similar argument can be put foward for proposing a split term for this

Legislative Council. The very learned gentlemen who comprise the Constitutional Commission have considered all the facts and arguments.

I recall reading recently that Mr Whitlam said that he would have no objection to an upper House—Senate or whatever—having an eight-year term. He is not necessarily to our political way of thinking. Nevertheless he recognises the importance of upper Houses and the roles they serve.

I guess that the National Party would be in a very difficult position, bearing in mind the fact that 17 Legislative Councillors are proposed in the metropolitan area and 17 in the country area. This makes it difficult to work out some sort of system for split terms. I urge members to consider very seriously supporting this legislation, because I am convinced that once this clause goes through—and I consider it more important than any other in the Bill—the integrity of the Legislative Council will be endangered. Certainly the stability which we need under our parliamentary system today will be in great danger. We are going down the path towards the situation where the Legislative Council might just as well fold up and become embraced in the Legislative Assembly. That may be what the Government is proposing, but I hope it is not the National Party's proposition.

Hon. E. J. CHARLTON: The reason the National Party decided to support the proviso involved in this total package, including a fixed term for the upper House and four years, involved a number of steps. Its policies have evolved over a long period. One of the reasons why it came to that conclusion was the way that the Legislative Council would be structured.

The Leader of the Opposition and many other members will not agree with my comments in support of the fixed four-year term. We did not base our decision on being different from everywhere else in Australia, or tie it to some other system. We based our conclusion on the structure of the regions which allowed us to come up with a fixed term for the Legislative Council. Under the provincial system the National Party would not give ground to allow that split term to be eroded.

Under this proposal, with the regional system structured the way it is to incorporate the metropolitan and non-metropolitan areas, Hon. Gordon Masters said that the role of this Chamber would be taken away. Members would be elected as a result of a single issue. If that single issue involved all six regions of the State, then he is right. Because the State has six regions, and they are structured the way they are—that is how we arrived at 17-17—if the issue were to affect equally the majority of the people across the State, people in all those regions, it is drawing a long bow to say we will move out of this place. This continuity of members is basic to this Legislative Council as a House of Review.

Hon. Mick Gayfer mentioned other ways of doing it. I do not disagree with that at all.

This has been put forward as part and parcel of the total package of the National Party, and it provides the reasons for the way this is structured. The parties endorse candidates for a particular election; they have control, and they will decide whether there will be continuity.

There is no way in the world that a party could disappear in the space of two elections or get rid of all of its members unless it acted in a peculiar way during the time of the preceding Government. I cannot see that as valid or as substantiating this matter at the one time. Continuity will be lost. I would agree with that if this Chamber were structured in a different way, but it is not. Time will tell what will happen now. I find it very difficult to accept that anyone could substantiate how those changes will take place or whether they will take away the opportunity for continuity to remain in respect of this Chamber.

Hon. N. F. MOORE: I think we are witnessing tonight the first large nails in the coffin of this Chamber. We have already passed a clause which allows for six regions and 17 members from the city and 17 from non-metropolitan areas, which will have the effect—and members will probably agree—of precluding the possibility of split terms. I do not think it has to do that; a system could be worked out whereby half went out and half stayed in.

Several members interjected.

Hon. N. F. MOORE: It does not necessarily follow that if there are five members in a region, two-and-a-half must go out. There is no reason why three could not go out and two remain.

Hon. J. M. Berinson: Proportional representation could not function with only two going out.

Hon. N. F. MOORE: It is mathematically possible to organise a system whereby half could go out. I will not argue about that; we now have the position where there are fixed

terms of four years for members of the Legislative Council. Members remain members until 22 May four years after they were first elected, unlike members of the Legislative Assembly whose terms date from the time they were elected until the next election.

That fortunately is not a step which has gone as far as it could have. Once the Labor Party gets control of this Chamber, its next step will be to change the terms of the Legislative Council members so that they will be from one election to the next. The Legislative Council will then become a pale imitation of the Legislative Assembly.

Hon. Robert Hetherington: It may require a referendum.

Hon. N. F. MOORE: It might, but the Government can spend money on promoting its points of view, and I believe that winning a referendum might not be as hard as Hon. Robert Hetherington pretends it might be. The bottom line is this that if one reads the Labor Party's Federal platform, it calls for the abolition of State upper Houses. That is the Labor Party's bible. From time to time the Labor Party ignores its platform for pragmatic reasons, but that is what it is all about. If one wants to know what the Labor Party plans to do to Australia, one should read its Federal platform. That has always been there, although I have not read the platform as often as I should.

Several members interjected.

Hon. N. F. MOORE: The platform says that it is the intention of the Labor Party to reform and ultimately to abolish State upper Houses. If it is the Government's intention to retain the Legislative Council, it should do what it did about the other issue the Minister mentioned, and change it. While the platform still exists, it is my view that that is what the Labor Party intends to achieve. This Bill and its clauses have a logical sequence which takes us down that path; and after this Chamber becomes a pale imitation of the Assembly, the Government will have very good and solid reasons to argue before the public of Western Australia by referendum that the Council should either be amalgamated with the Legislative Assembly into one big House or that the upper House should be abolished.

I believe that is the ultimate scenario and I regret that I am sitting here tonight witnessing the first big nails in the coffin. It will be to the ultimate detriment of Western Australia.

The Legislative Council has performed a magnificent function over its period of existence. It has prevented the extremes of parties such as the Labor Party and it has provided a second opinion—a review system—which has prevented the extremes of Government being implemented in this State. That will go when this Chamber goes, and Western Australia will be the sorrier for it. I am afraid that although we are sitting here watching this happen, we are actually part of it. Somebody said tonight that history was being made, and it is. That is regrettable because the history which is being made today is the wrong sort of history.

Hon. ROBERT HETHERINGTON: I only intend to intervene in this debate once but I feel drawn to my feet by the remarks of the Leader of the Opposition.

When the Liberal Party was in Government and the Leader of the Opposition was the Government Whip sitting behind Hon. Graham MacKinnon, I moved a number of Bills in this Chamber which would have given him a Legislative Council elected on a State-wide franchise by proportional representation, a staggered Chamber, and a whole range of reforms which he might now find desirable in retrospect.

I remember the time when he moved that one of my Bills be read a second time on December 24. If the Leader of the Opposition could have looked forward, he might have been surprised at what his actions might bring forth one day. Of course the Government is going to change the nature of this Chamber because all second Houses set up by the British in their ex-colonies were set up to make sure the conservatives retained control. That is what they were put there for. They were put in every colony that the British left to make sure that the conservatives, the owners of property, retained control. How successful they were for years and years and how we rose in this Chamber and preached reform and were laughed and sneered at.

I remember the former Leader of the Chamber, Hon. Graham MacKinnon, saying, "All you want is to give power to the Labor Party." Hon. N. F. Moore rose tonight and said what a terrible thing we are doing in trying to change the nature of this Chamber. The Labor Party with 53 per cent of the vote could now receive 17 of the 34 seats. That is all it can do.

Just think back to what brought all this on. Think back to how we changed our policies; think back to how we had to fight to get where

we are now, and if the Leader of the Opposition regrets it, he should think back to his own hypocrisy in the past because that is what he has to think about. The Leader of the Opposition should not complain and whine now because he thinks that the Government will get an advantage, because the Labor Party with 53 per cent of the vote can get 17 out of 34 seats in this place.

It gave me no joy to vote for many of the clauses in this Bill, but that has been forced upon us by circumstances. I point out to members opposite that they should do a little study of voting patterns, behaviours, and electoral systems. As a matter of fact even Hon. E. J. Charlton could probably read a book or two; he might learn something. Members opposite might then realise that when a voting system is changed, the voting patterns of the past do not necessarily follow in the future. One of the things which will happen if this Bill becomes law is that under proportional representation there is a possibility that minor parties will get seats here and there and hold the balance of power.

Hon. G. E. Masters: Under this system.

Hon. ROBERT HETHERINGTON: Under the system that we have accepted tonight and not under the system the Leader of the Opposition is talking about, because I will vote against that.

A lot of crocodile tears are being shed and a lot of nonsense is being spoken. I have made lots of speeches about electoral reform in this Chamber and I know something about the subject.

Hon. N. F. Moore: Don't accuse people of crying crocodile tears when you know it is not true.

Hon. ROBERT HETHERINGTON: It sounded like crocodile tears to me, but I get no joy out of what is happening today because I believe that had we had an honest party opposite when we were in Opposition, we might have had a reformed Chamber that might have suited us all. As it is, we are going to get a partly reformed Chamber that is better than what we have got now, but there is no certainty that any Government which wins the other place is going to win this Chamber. There is a certainty, of course, if this amendment were passed that the quota would be such in each election that no minor party would have any chance of getting in, except that the National Party would get some seats in the country. So there is a whole host of contradictions in what the honourable gentlemen opposite say, but I do not want to argue particularly against them. I am just interested to note how upset members will be that the Labor Party might actually—if somebody accepted its principles one day—get 53 per cent of the vote and equating in this Chamber. Apparently it is all right to have a system that for many years made sure the conservatives controlled the Legislative Council with a split system, because one can trust the conservative parties—

Opposition members: Hear, hear!

Hon. N. F. Moore: That is the only right thing you have said so far.

Hon. ROBERT HETHERINGTON: —to make sure the conservatives, even if they lose the lower House, keep the upper House. But this Bill might mean members opposite cannot run it any more because we might approach something like a democratic system. It is not one-vote-one-value, but the party that gets the majority of the votes may actually get almost the majority of seats. I would not dream of voting for this amendment. If these sorts of things are brought in, then the honourable gentlemen opposite need to look at packages that look at the right to reject supply, and a whole range of other things that might make the upper House a real House of Review over all Governments, instead of what it has been in the past: A House of Review to reject Labor legislation, and a House to accept the majority of conservative legislation.

Hon. N. F. Moore: Do not forget that old saying: Thank God for the upper House.

Hon. ROBERT HETHERINGTON: I remember I used to lean across from where Hon. N. F. Moore is sitting and say to Hon. Graham MacKinnon, "Keep your rubber stamp in firm hands." Well, things have changed, and I am not happy with this clause, or with the Bill for that matter, but I just hope it is going to prove better than what we have had in the past. I am not going to be impressed by the Leader of the Opposition's sudden conversion to principles he rejected with such contempt when we were in Oppostion.

Hon. D. J. WORDSWORTH: I am amazed by the vitriolic words that the honourable member has just used in referring to dishonesty on this side of the Chamber. The member himself is being completely dishonest and he is misleading this Committee and the general public. I will give him the figures now and he can criticise them as he may, but let us see him prove them wrong. I believe with these figures I

can demonstrate that with 45.9 per cent of the vote, the Labor Party will win half the seats in this Chamber.

Point of Order

Hon. J. M. BERINSON: I have really been reluctant throughout the debate to draw attention to the question of relevance.

Hon. D. J. Wordsworth: It was all right when Hon. Robert Hetherington did it.

Hon. J. M. BERINSON: If anyone felt that another member had gone beyond the point of relevance, it was open to him to raise it. We are dealing here with the question of four-year terms, fixed versus staggered terms. That really does not relate to the question of how various percentages might produce various results. That is a debate that has already been completed.

The DEPUTY CHAIRMAN (Hon. John Williams): There is no point of order.

Committee Resumed

Hon. D. J. WORDSWORTH: It was very convenient for the Attorney to suddenly try to have these figures ruled out of order. The argument that I was giving was about the difficulty one has when a House is coming out all at once instead of split terms, so I will repeat it.

Consider the North Metropolitan Province, if the word "province" is still the correct subdivision for the future. If the Labor Party is to win four out of seven seats, it has to get 50 per cent of the vote. This is simple to calculate as a quota is the number of seats plus one. Similary, in South Metropolitan, it can get three out of five seats with 50 per cent of the vote. In East Metropolitan, it can get three out of five seats, with 50 per cent of the vote. Therefore, it is not hard to work out that Labor can get 10 seats with 50 per cent of the metropolitan vote, and the metropolitan vote happens to be 324 786.

Let us look at this great idea that the National Party has that if we have as many seats in the country, the country people will be saved. It is not going to go that way at all. In the South West Province, where there are seven seats, it is expected that the Labor Party will win three seats, and to win three, it needs 37.5 per cent of the votes in that province, which is 34 276. In the agricultural areas, one expects it to get only one out of five.

Hon. Garry Kelly: Is that unreasonable?

Hon. D. J. WORDSWORTH: One out of five, and it can do that with 16.6 per cent of the vote, which is 11 872 votes. In the north, one expects it to get three out of five seats, which will require 50 per cent of the vote, and it will do that with 35 500 votes.

Hon. J. M. Berinson: What will be the difference if the retirements are staggered?

Hon. D. J. WORDSWORTH: Let me finish. The Attorney is trying to distract me.

Hon. J. M. Berinson: I am trying to get you back to the clause.

Hon. D. J. WORDSWORTH: That is right, because the Attorney does not like the figures. I am going to finish them. As I said, with 80 648 votes, which is 34.5 per cent, it can gain seven country seats, and that gives Labor with 10 metropolitan seats half the total members in the Council. To win control it will need to win one extra seat, and the easiest place will be in the south west, where it could expect to get three quotas with 34 276 votes. But if it is going to win an extra seat, it will need an extra 11 428 votes, and that means that with 416 859 votes State-wide—and that is 47.2 per cent of the total votes in the State—it will win control of the Council with one extra above the half, or to be more correct, 18 out of 34. If anyone can prove that figure wrong, I would like to know.

Point of Order

Hon. J. M. BERINSON: Mr Deputy Chairman, I previously put the question of relevance to you and you ruled that the honourable member at that stage was in order in terms of his comments being relevant to the debate. But his comments now having proceeded to this stage, I really do have to put to you that clause 9, which deals with the retirement of members periodically, has not even been mentioned, nor has the honourable member attempted to relate his analysis to the question of staggered or fixed terms.

I am therefore obliged again to raise this point of order with you on the basis of the further comments leading us no closer to the clause under consideration.

The DEPUTY CHAIRMAN (Hon. John Williams): I would ask the honourable member to stay as close to clause 9 as he possibly can.

Committee Resumed

Hon. D. J. WORDSWORTH: Thank you, Mr Deputy Chairman. I do realise that the clause is about whether we should have split elections or one election. I have to point out

the difficulties of having all members go out at once. I had to give that figure so that I could point out how important it is that there be a split election. I say again for the benefit of the National Party that 47.2 per cent of the total State vote will give the Labor Party a ratio of 18-16. So the National Party might have thought it was being very bright in giving as many votes to the country as to the city, but that gets the National Party nowhere and it will bring about the destruction of the Legislative Council.

Hon. E. J. CHARLTON: It seems unusual to me that members continually put forward the proposition that if something happens in one area, and something else happens in a certain seat, and if a certain percentage is given, then something will happen. I do not disagree with any of the propositions put forward by Hon. David Wordsworth concerning the number of votes achieved by a particular party in those regions, and the end result; but does it occur to him also that we, the conservative people on this side of the Chamber, can do exactly the same thing? What is the problem? Why do we have to keep coming back to saying that if something happens the Labor Party will get control?

Hon. N. F Moore: There is a built-in factor in their favour.

Hon. E. J. CHARLTON: It is certainly less built-in in its favour. At least Hon. Norman Moore, and Hon. David Wordsworth, and I, and every member in this place with a non-metropolitan seat can go out now, not relying on any arrangement regarding preferences, knowing we will not be hooted down by people saying, "You are representing so many people with an 11:1 vote weighting." If a member is in a northern area he will have a 3.1:1 ratio, if he is a little further south he will have a ratio of 2.5:1; but a country member can put forward his policy, and that is pretty relevant to why we are suggesting that we could have fixed terms in this situation.

I repeat that I do not disagree with the figures put forward by Hon. David Wordsworth. We could construct the figures and say, "We will need 45 per cent of the vote right across the board, and we must get another 1 000 votes in another region in order to gain another seat." That is correct, but why will it happen? I am not saying it cannot happen, but why do we keep promoting the idea that this could happen? The fact is that had something happened when I first came up for election, and had I received x-number of votes, the vote would not have gone to preferences, but it did, because of the votes I got. That was the situation. While it is valid, accurate, and relevant that what Hon. David Wordsworth suggested could be the end result, I earlier gave the reasons why the National Party supports the proposition.

Hon. G. E. MASTERS: I want to respond to Hon. Robert Hetherington's remarks. I am sorry he has left his seat for a moment and I hope he will return.

The honourable member, admittedly, came into this Chamber with all the bitterness one would expect from a new Labor man or woman; but eventually he settled down, I thought, to respect what this Chamber was about, to have an understanding of what we were trying to do, and to take an active part in those programmes. I was very sorry to see all of that bitterness and spite come out of him again tonight. It is fair to say that a leopard does not change his spots, so maybe he has simply changed for the sake of convenience in recent times. I can understand his bad humour, not necessarily because of what I said, but because he is branded, as are many of his fellow members, as a humbug for opposing the one-vote-one-value option that he had earlier in the debate on this Bill.

Hon. Robert Hetherington did say in a sanctimonious way that in the Government's new proposals and the proposals adopted today smaller parties would have an opportunity to be represented in this Chamber. That is a completely incorrect statement. He knows it and I know it, and if he does not know it he certainly has not done any homework at all. Hon. David Wordsworth pointed out some of the figures, and it is not hard to put some sort of construction on them when we see in the metropolitan area that the Australian Democrats or any other party would need 12.5 per cent of the vote, and in the country areas 16.6 per cent. So the rubbish about giving smaller parties the opportunity to be represented is so much humbug. If Hon. Robert Hetherington does not know that, I suggest he does a little more homework because sooner or later he will have to explain it to people who will ask him, "Why did you let us down during that debate?"

We heard Hon. Robert Hetherington say that he moved at one stage for certain changes to be made. I opposed his proposition at that time, but he mentioned during his speech that he was proposing a split term. Again, he is frustrated and resents being branded as a sheer hypocrite by having to backtrack on that proposition. I

assume that in his heart he still believes in a split term for this place, and in one-vote-one-value; yet he has had to sit in this place and vote against all of the things he supposedly believes in. I wonder whether he does or does not believe in them. With the spite with which he spoke tonight, I suggest that unfortunately he has reverted to his old form that we saw in his early days in this place.

I listened to Hon. Eric Charlton, and would point out that he has had three years in the Legislative Council. It is fair to say that he has been well and truly out-manoeuvred on many of the matters during debate on this Bill. Perhaps that is because he has had responsibility thrust on him, and lacks experience; but he has done the best he can. However, the fact remains that he and the decisions he has made are putting nails into the coffin of the Legislative Council. I assure him that the next thing we shall have, and it will be in October, is a Bill proposing double dissolutions whenever this Chamber refuses Government legislation. That will follow close on the heels of this legislation and Hon. Eric Charlton will understand then—if he does not understand now—just what path we are going down and the great dangers in which he and some of his colleagues have placed this Chamber during this debate.

I suggest to the honourable member that this clause, which proposes a fixed term for the Legislative Council and no split term, would be one of the principal areas in which he will help in the demise of this Legislative Council and destroy the very purpose for which it was formed; that is, as a House of Review, a House that maintains stability, and a place where members are able to speak their minds and vote the way they think without any worries at all. It will be more of a political House than ever it has been before and we will see the Labor Party caucusing every single vote and manipulating the Chamber to suit its own purposes.

Hon. E. J. Charlton: You are joking!

Hon. G. E. MASTERS: I am not. Is the honourable member saying the Labor Party does not caucus its members and that they do not do exactly as they are told?

Hon. E. J. Charlton: I am not referring to caucusing at all but to your comments about turning this Chamber into a party place.

Hon. G. E. MASTERS: I am saying it is going much further down the road.

Hon. T. G. Butler: He doesn't believe it!

Hon. G. E. MASTERS: I do. I guess Mr Butler is used to shouting at his own members and at meetings, but he is an ordinary backbencher here, and a very ordinary one at that. He is a pathetic member who has made no contribution to this debate except from his seat; and when he does comment he makes inane remarks which have no bearing on the debate. I doubt that he has read the Bill or that he has any idea of the facts and figures.

I say to Hon. Eric Charlton that this is a crucial clause in the legislation. Perhaps through a lack of experience or understanding of what the Chamber stands for and can and should do, he has been led down the path to supporting the destruction of this Chamber.

Hon. J. M. Berinson: How patronising can you get?

Hon. G. E. MASTERS: I can understand Hon. J. M. Berinson making some comments, but he has done quite well tonight and I recognise that. He knows the way he is going and in October, or whenever, when he introduces further legislation to reduce the powers of the Legislative Council, I will simply say, "I told you so." He knows that, I know it, and every member of the Labor Party knows it.

I appeal to members to reject this clause and get back to commonsense if they want to preserve this Chamber. If they do not and they vote for the clause, they will destroy the Legislative Council.

Hon. J. M. BERINSON: Clause 9 deals with the retirement of members periodically. Some time ago in this debate, Hon. Eric Charlton put the matter succinctly when he said that what we are dealing with is a group of alternative packages. It is clear that the two competing packages for the purpose of this clause are those which say on the one hand that all members of the Council should go out at one time under certain conditions, and the other package, which Hon. Gordon Masters advocates, says we should continue to go out on a staggered basis.

One of the things we cannot do is take the National Party package in general and link it with Mr Masters' view of staggered elections in particular. They will not mesh, and it is significant in spite of the length of this debate that Mr Masters has not moved any of his listed amendments which are directed at staggered elections because he knows as well as we do that they will not work. The decision has to be made whether we proceed with the National Party package or whether somehow we resuscitate the Liberal

Party package. That cannot be done; we have gone too far along the road to a system of regional representation based on six regions. Once one does that everything else falls into place.

There is nonetheless an important distinction in the provisions of clause 9 as opposed to those which we have previously agreed on for the Legislative Assembly. The Legislative Assembly is to have four-year terms and the Council, under clause 9, is to have four-year fixed terms, and that is a very significant difference.

Other than that I must confess to being somewhat surprised at the length of this debate because the issue is quite short and simple. Either we proceed to complete the package which was foreshadowed by our position on clause 8, or somehow we have to stop in our tracks and say our decision on that clause was wrong. It was not wrong, and it was not ill-considered. It was considered at great length. We have made our decision and we should acknowledge that, both in our dealing with clause 9 and others still to be considered which are consequential only.

Hon. N. F. MOORE: Having listened to Mr Charlton explaining why the National Party was prepared to support changes to the structure of the Legislative Council and its functions by getting rid of the split term, it dawned on me that for all the reasons he gave he tended to ignore the most important. When everybody goes out at the same time on a four-year basis, the quota for the election of each member is reduced. For a small party, the lower the quota the more chance it has of getting members elected. If half of the members went out each time the quotas would be considerably higher and the chances of small parties getting members elected would be diminished.

Let us forget the claptrap; the real reason the National Party is supporting a four-year fixed term for all members to go out is to improve its chances of getting members elected.

Hon. D. K. Dans: For a political party, that is as good a reason as any.

Hon. N. F. MOORE: It is, but all the reasons Mr Charlton gave about continuity of opinion and so on are superfluous to the real reason, which is to ensure there are lower quotas and that the National Party gets more members.

Hon. E. J. CHARLTON: To answer that directly, I made the comment in previous debates about that very fact. Tonight when all the other reasons were brought up I answered those questions by spelling out how we came to that position. Yes, the point Mr Moore has made is quite correct. We conceived the whole plan and package being incorporated in the way I explained so that the National Party could play a part in it.

Hon. N. F. MOORE: Hon. Eric Charlton is saying the National Party is prepared to jettison a traditional feature of the bicameral Westminster system, whereby upper Houses traditionally have a split term, for the reasons he has said—party-political pragmatic reasons. So long as it is on the record as the basic reason the National Party has gone down that path and is prepared to jettison a long-standing tradition, the public will know about it.

Does Mr Charlton believe the Senate should have a fixed term which is the same as the House of Representatives and that there should not be a split term for the Senate? If he wants to be consistent in his argument about the package for this Chamber—

Hon. J. M. Berinson: That is about as relevant as the position in the Tasmanian upper House.

Hon. N. F. MOORE: I do not think so. We in Western Australia have members in the Senate but not in the Tasmanian upper House, so the Senate is relevant whereas the Tasmanian upper House is not relevant in a direct sense.

If Hon. Eric Charlton wants to be consistent about the roles of upper Houses, bearing in mind that we argued that this Chamber should perhaps be more like the Senate—

Hon. E. J. Charlton: Why didn't you support a proposal for one region in the upper House?

Hon. N. F. MOORE: We preferred to have a system where country people were given adequate representation. That was the whole basis of our proposition. I would like to know whether Mr Charlton thinks the Senate should be changed to a fixed term of the same length as the House of Representatives. If he does not he is being hypocritical.

Clause put and a division called for.

Bells rung and the Committee divided.

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

Division resulted as follows—

Ayes 19

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

Noes 14

Hon. C. J. Bell	Hon. N. F. Moore
Hon. Max Evans	Hon. Neil Oliver
Hon. V. J. Ferry	Hon. P. G. Pendal
Hon. H. W. Gayfer	Hon. W. N. Stretch
Hon. A. A. Lewis	Hon. John Williams
Hon. P. H. Lockyer	Hon. D. J. Wordsworth
Hon. G. E. Masters	Hon. Margaret McAleer *(Teller)*

Clause thus passed.

Postponed clause 18: Section 4 amended—

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

Page 9, after line 4—To insert the following—

"voting ticket" means a written statement of a particular order in which an elector might allocate preferences in an election, being a statement for use under this Act in interpreting the votes of electors who choose to vote in accordance with the voting ticket;

"voting ticket square" means a square printed on a ballot paper to indicate in relation to the name of a candidate, or the names of candidates included in a group, that a voting ticket is registered in relation to that candidate or group;

At a previous stage of the discussion, the Committee has agreed to new section 113A of the Act which introduces the notion of ticket voting. My present amendment is consequential to that decision and provides definitions of the two terms "voting ticket" and "voting ticket square" as referred to in new section 113A.

Hon. G. E. MASTERS: I recognise that the amendment is consequential. My understanding of the amendment is that the voting ticket applies only to a region.

Hon. J. M. BERINSON: This amendment relates to elections in the Legislative Council. Section 113A is restricted to elections in a region. There is no facility for a ticket vote in the Legislative Assembly and, therefore, nothing for the new definitions to apply to.

Amendment put and passed.

Hon. E. J. CHARLTON: I move an amendment—

Page 9, lines 21 to 24—To delete the lines and substitute—

(a) 7 members of the Council in the case of the North Metropolitan Region or the South West Region; or

(b) 5 members in any other case.

The amendment is consequential on the passing of clause 8. It names the regions that will have seven members, all other regions having only five members.

Hon. G. E. MASTERS: The Liberal Party opposes this amendment because we need to be consistent. We strongly opposed the National Party's proposition in clause 8. I urge members to oppose this amendment.

Amendment 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.

Ayes 20

Hon. J. M. Berinson	Hon. Tom Helm
Hon. J. M. Brown	Hon. Robert Hetherington
Hon. T. G. Butler	Hon. B. L. Jones
Hon. J. N. Caldwell	Hon. Garry Kelly
Hon. E. J. Charlton	Hon. Tom McNeil
Hon. D. K. Dans	Hon. Mark Nevill
Hon. Graham Edwards	Hon. S. M. Piantadosi
	Hon. Tom Stephens
Hon. H. W. Gayfer	Hon. Doug Wenn
Hon. John Halden	Hon. Fred McKenzie
Hon. Kay Hallahan	*(Teller)*

Noes 13

Hon. C. J. Bell	Hon. Neil Oliver
Hon. Max Evans	Hon. P. G. Pendal
Hon. V. J. Ferry	Hon. W. N. Stretch
Hon. A. A. Lewis	Hon. John Williams
Hon. P. H. Lockyer	Hon. D. J. Wordsworth
Hon. G. E. Masters	Hon. Margaret McAleer
Hon. N. F. Moore	*(Teller)*

Amendment thus passed.

Clause, as amended, put and passed.

Postponed clause 72: Section 144 amended—

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

Page 40, lines 5 to 14—To delete the proposed paragraph (d) of section 144(1) and substitute the following—

(d) If the candidates have an equal number of votes section 145 applies.

With a view to trying to avoid confusion on discussion of this and later amendments to clause 72, I indicate that the amendments listed in my name deal with two different subject matters. One relates to the question of tied elections and the second involves consequential amendments arising from our agreed deletion of optional preferential voting.

The amendment currently under consideration—that is, amendment (BD)—is the first of a group of amendments which relate to the new proposed provisions for the resolution of tied votes. Members will recall that the Bill in its original form proposed to resolve the question of tied votes by effectively drawing it out of a hat. It would not have been an ordinary hat, but a very sophisticated Lotto-like device. The long and short of it is that the result would be decided by a draw.

Hon. A. A. Lewis: Is that a tied vote, or a draw?

Hon. J. M. BERINSON: I use those terms interchangeably.

Looking ahead to my list of amendments to clause 73, members will note that it is now proposed to abandon the proposal for resolving ties by this method of drawing and, instead, to revert for resolution in such cases to the Court of Disputed Returns. Members will have noted under my listed amendment, which is amendment (BR) in clause 73, that there is a lengthy and careful process leading to the situation where, in the last resort, the court may order that a new election be held. The present amendment under the letters (BD) is to introduce the notion of the system that I have anticipated and simply provides, where there is an equal number of votes, that the provision of proposed section 145 applies.

Hon. G. E. MASTERS: I cannot find anything with which to quarrel in this amendment. It is fairly complicated but we have had a good look at it. The Attorney General will note my amendments on the Notice Paper dealing with equality of votes. Although they are not exactly the same as the Attorney's, they go in roughly the same direction and cover some difficulties the Government foresees which we did not anticipate.

With regard to tied results, I will not move the amendments standing in my name on the Notice Paper but will accept the Government's proposal.

Amendment put and passed.

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

Page 40, lines 15 to 18—To delete paragraph (b).

Page 40, lines 22 and 23—To delete paragraph (d).

Page 40, line 28—To delete "the votes remaining in the count" and substitute the following—

votes

Page 40, lines 30 to 35—To delete paragraph (f).

All these amendments are simply consequential on our previous decision to delete the provision for optional preferential voting.

Amendments put and passed.

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

Page 41, line 2—To delete "paragraphs" and substitute the following—

paragraph

Page 41, lines 3 to 8—To delete the proposed paragraph (g).

The first amendment is in anticipation of the second amendment being carried. Both are consequential on the deletion of optional preferential voting and the only purpose of the first amendment is to remove the reference to paragraphs because there will be only one paragraph rather than a number to be referred to.

Amendments put and passed.

Hon. J. M. BERINSON: I move the following amendments which are related to the new provisions for tied votes—

Page 41, lines 14 and 15—To delete "or the tied candidates being the only non-defeated candidates".

Page 41, after line 23—To insert the following paragraph to be inserted as paragraph (i) of section 144 (2)—

(i) If after any count 2 or more candidates have an equal number of votes and they are the only candidates, or the only non-defeated candidates, section 145 applies.

Page 41, lines 26 to 28—To delete the proposed subsection (3) and insert the following—

(3) In this section "absolute majority of votes" means a greater number than one-half of the whole number of ballot papers other than informal ballot papers.

Amendments put and passed.

Clause, as amended, put and passed.

Postponed clause 73: Section 145 repealed—

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

To delete the clause and insert the following clause—

Section 145 repealed and a section substituted.

73. Section 145 of the principal Act is repealed and the following section is substituted—

Tied elections

145. (1) If after any count 2 or more candidates have an equal number of votes and they are the only candidates, or the only non-defeated candidates, the Returning Officer shall re-count the votes on the ballot papers and, where appropriate, declare one of the candidates duly elected under section 144 (1) (c), (2) (ca) or (2) (f).

(2) The Returning Officer conducting the re-count shall have the same powers as if the re-count were the scrutiny, and may reverse any decision in relation to the scrutiny as to the allowance or admission or disallowance or rejection of any ballot paper.

(3) If after the re-count 2 or more candidates (in this section called "the tied candidates") have an equal number of votes and they are the only candidates, or the only non-defeated candidates, the Returning Officer shall notify the Electoral Commissioner of the result of the re-count.

(4) On receipt of notification under subsection (3) the Electoral Commissoner shall file a petition addressed to the Court of Disputed Returns constituted under Part V—

(a) setting out the results of the scrutiny and count and the re-count;

and

(b) requesting the Court to determine whether any of the candidates was duly elected and, if so, to declare that candidate duly elected.

(5) Part V applies in respect of the petition as if it were a petition duly filed under sections 158 to 160 and, for the purposes of that application, the tied candidates shall be regarded as parties to the petition.

(6) The Court shall endeavour to make its determination as soon as practicable after the petition is filed.

(7) The Court may order that a new election be held in place of the election to which the petition relates if—

(a) the tied candidates both or all jointly request the Court to do so;

(b) the Court is unable to declare any of the candidates duly elected,

and, notwithstanding anything in this Act, except where the Court otherwise orders, the same roll as was used for that election shall be used for the new election.

It might be helpful to summarise the position briefly. The amendments to clause 73 may be summarised as follows—

When in an election for one member the procedures described in the Bill have resulted in a situation where the two or more candidates remaining in the count are tied—

(i) there should be an immediate re-count of votes and a fresh preliminary scrutiny, and as appropriate, the further scrutiny of all rejected declaration votes;

(ii) where, on the re-count, one of the candidates emerges as the winner, the result be declared;

(iii) where the re-count confirms the deadlock, that the returning officer is to advise the Electoral Commissioner who will immediately file a petition disputing the election;

(iv) the Court of Disputed Returns determines the case as soon as practicable and returns a verdict of a declared winner or order the election to be held again;

(v) if the tied candidates jointly request the court to order that a fresh election be held forthwith, the court may order to that effect;

(vi) existing provisions should remain in the Bill to defeat a candidate in a tied situation where one must be excluded to allow the distribution of preferences.

Amendment put and passed.

Clause, as amended, put and passed.

Postponed clause 83: Schedules 1 and 2 inserted—

The CHAIRMAN: The next clause we have not dealt with is clause 83.

Point of Order

Hon. E. J. CHARLTON: I think we have dealt with this clause. It relates to the ticket. The Liberal and National Parties agreed to this on a previous occasion.

The CHAIRMAN: I understand we have agreed to an amendment to it. Nevertheless, there is another amendment proposed by the Attorney General. That is why it has come up again.

Hon. G. E. MASTERS: If we have dealt with clause 83 and have continued to clause 104, we cannot start talking about clause 83 again without referring it back to the House.

The CHAIRMAN: Originally, we agreed to recommit certain clauses. I understand that while the amendment was moved to clause 83, it was before consideration of the final clause as amended. Another amendment was proposed and the Attorney General moved that it be postponed until after consideration of clause 72. That was agreed to.

Hon. G. E. MASTERS: Are you saying we dealt with some matters in clause 83 but then we ran into difficulties so the Attorney General had the authority of the Committee to deal further with clause 83 at the end of the Committee stage, and that is what we are doing now?

The CHAIRMAN: Standing Order No. 264 says—

> Any Clause may be postponed prior to the question "That the clause stand as amended" has been put.

Hon. G. E. MASTERS: Does that mean we have partly dealt with clause 83? I am surprised we can interrupt a debate.

The CHAIRMAN: The Standing Order says that if we have not put the final question, the clause stands as amended or printed. It then can be postponed.

Hon. G. E. MASTERS: Even though we have partly dealt with it, is it possible to postpone it?

The CHAIRMAN: Yes. It was recorded in the minutes.

Committee Resumed

Hon. J. M. BERINSON: My understanding is that amendment (BZ) was carried before the deferral, and that all members had been circulated with a new amendment to clause 83. This is moved in lieu of the amendment listed in my name as (CB). The reason for the altered amendment is the decision which we have taken on clause 72 of the Bill relating to tied votes. Hon. G. E. Masters did not proceed with his tied vote proposal.

Hon. G. E. Masters: That is right.

Hon. J. M. BERINSON: The amendment I moved previously is consequential to clause 72 and reads as follows—

> Page 60, line 17—To delete "(h)" and substitute the following—
>
> (g)

Hon. G. E. MASTERS: I wish to clarify my position. The amendment I have on the Notice Paper referring to "page 60, line 16—To delete (1)(d) or" will not be proceeded with.

The CHAIRMAN: The difficulty is that the Attorney General has actually moved the amendment (CB) on the Notice Paper and not his new amendment. I suggest the Attorney General withdraws that amendment.

Hon. J. M. BERINSON: I withdraw my amendment and move the circulated amendment in lieu.

The CHAIRMAN: The Attorney General seeks leave of the Chamber to withdraw his amendment.

Hon. G. E. MASTERS: Is that at the point where we decided to defer further discussion?

The CHAIRMAN: Yes, that is why it is being withdrawn.

Amendment, by leave, withdrawn.

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

> Page 60, lines 16 and 17—To delete "144(1)(d) or (2)(h)" and substitute the following—
>
> 144(2)(g)

Amendment put and passed.

Point of Order

Hon. G. E. MASTERS: Have my references to schedule 3 been dealt with? At page 60 the schedule refers to voting tickets, and members will recall that there was an agreement made where by certain forms set out the voting tickets, and at that point reference was made to

schedule 3, forms A and B. My understanding is that this has been dealt with by the Chamber. Hon. E. J. Charlton raised that question but we seem to have gone backwards.

The CHAIRMAN: The clause was postponed until after consideration of clause 72. In other words, we were not limiting it to any portion and the only part changed in clause 83 was that the Minister moved an amendment on page 60, lines 6 and 7 to delete clause 19 of schedule 1. That was agreed to and was the only amendment passed by the Chamber. We then started on the next listed amendment, which is where the debate broke down and there was a move to postpone consideration until after clause 72 had been debated. That amendment has since been withdrawn and another put in its place. It would appear that Hon. E. J. Charlton's amendment has not been dealt with.

Hon. G. E. MASTERS: I think it is my amendment and I would at this point challenge the record. I have a distinct recollection that the Chamber dealt with this matter. The question raised by Hon. Eric Charlton was whether in fact this clause had not been agreed to earlier — that is, whether there should be forms A and B. Hon. E. J. Charlton said there should be only one form, form A, which is very similar to the Commonwealth ballot form. I advised him that the Chamber had already dealt with this matter and I referred back to the voting ticket where we had made reference to two forms, A and B. I told him that the Chamber had dealt with it and he nodded and said, "Okay, if that is the case, so be it." I am quite certain that the record is wrong.

Hon. E. J. Charlton: I believe that to be correct.

The CHAIRMAN: We are looking at *Hansard* to try to ascertain the correctness of Hon. G. E. Masters' comments. I understand from the Clerk that while it was debated, the actual motion was not put.

Hon. J. M. BERINSON: My recollection of the situation is that forms A and B were discussed in the context of clause 61, but that contemplated the third schedule, which would consist of the two forms. I do not believe that was ever moved but on my understanding it would be in order for Hon. G. E. Masters to move for the third schedule to incorporate his forms A and B now.

The CHAIRMAN: *Hansard* shows that the amendment was debated but did not come to a conclusion. I recommend that either Hon. E. J. Charlton or Hon. G. E. Masters move the amendment and incorporate the material.

Committee Resumed

Hon. G. E. MASTERS: When one considers the length of this debate on previous nights and the present debate, we must be getting a little tired and slow in the head because I have the distinct impression that we passed schedule 3 and forms A and B. I had that distinct impression because I circulated examples of forms A and B. I point out again that Hon. E. J. Charlton challenged forms A and B and in fact I explained to him why they were there.

Hon. J. M. BERINSON: I think the position is that we agreed that it would be moved and incorporated but we did not reach that point because the deferral interrupted the process.

Hon. E. J. CHARLTON: The lead-up to this clause came during a period when progress had been reported and discussion took place over the forms in schedule 3. After that I agreed not to proceed with my amendments and Hon. G. E. Masters proceeded with his, in order to have the two forms incorporated. If it is not on the record, Hon. G. E. Masters should now formalise that proposal.

The CHAIRMAN: I cannot see any amendments standing in the name of Hon. G. E. Masters. There is one in Hon. E. J. Charlton's name, and he claims that Hon. G. E. Masters talked him out of that one.

Hon. G. E. MASTERS: It may not be in the amendments presently listed, but it was certainly in those which were previously listed because I had them cut up and pasted.

However, I move an amendment—

SCHEDULE 3

(Section 113B(3A))

FORM A.

For use where candidates not grouped as authorized by Section 113B(1)(b).

SCHEDULE 3

(Section 113B(3A))

FORM B.

For use where candidates are grouped as required by Section 113B(1)(b).

I would have the two forms of the ballot papers incorporated in schedule 3.

Hon. J. M. BERINSON: The amendment which Mr Masters has moved is in line with my understanding of the agreement reached two weeks ago when we were at the same point. The Committee will remember that there were additional components to that agreement which were directed to introducing some flexibility into the possible future amendment of these forms. I have reflected those other elements of the agreement in a proposed new clause which has been circulated and which I need not detail for the moment. Suffice it to say that the amendment as now moved is in accordance with our earlier discussions.

Amendment put and passed.

Clause, as amended, put and passed.

Postponed clause 94: Section 9 repealed and a section substituted—

Hon. J. M. BERINSON: Any decision on clause 94 must follow from our earlier decision on clause 8, and for that reason I shall not pursue any of the amendments to this clause listed under my name.

Hon. G. E. MASTERS: For the convenience of Hon. Eric Charlton, I point out that the Opposition has an amendment on the Notice Paper which refers to each defeated proposition dealing with clause 8 and the prospect of two regions, one metropolitan and one country. Obviously, I am not able to proceed with this amendment.

Hon. E. J. CHARLTON: The amendment on the Notice Paper in my name is incorrectly worded. A subsequent amendment has been circulated to cover that correction.

I move an amendment—

Page 66, line 22 to page 67, line 14—To delete the lines and substitute—

9. The Commissioners shall divide the State into 6 regions so that—

(a) 3 regions, to be known, respectively, as the North Metropolitan Region, the South Metropolitan Region and the East Metropolitan Region, each consist of complete and contiguous districts that together form the Metropolitan Area;

(b) one region, to be known as the Mining and Pastoral Region, consists of complete and contiguous districts that are remote from the capital and where the land use is primarily for mining and pastoral purposes;

(c) one region, known as the Agricultural Region, consists of complete and contiguous districts that together form an area that is generally south, or south and west, of and adjacent to the Mining and Pastoral Region; and

(d) the remaining region, to be known as the South West Region, consists of complete and contiguous districts.

I might elaborate a little. Obviously clause 94 is consequential to clause 8, amended to cover the three areas to be known respectively as the north metropolitan, the south metropolitan, and the east metropolitan regions. The amendment before the Committee simply is consequential in defining the names of the regions in paragraph (a) so far as the metropolitan area is concerned. In paragraph (b) it deals with the mining and pastoral region, where the land is used primarily for mining and pastoral purposes. In paragraph (c), the one region known as the agricultural region, it defines that particular region, and paragraph (d) refers to the south west region.

Hon. J. M. BERINSON: This amendment is acceptable.

Hon. G. E. MASTERS: This amendment is not acceptable, and for obvious reasons. I guess at this stage the Opposition again has to make its position clear.

We do oppose the six-region proposition that was put forward by the National Party and supported by the Labor Party. We oppose the three metropolitan and three country regions. We oppose the structure of the representation of those areas; we will continue to vigorously oppose those proportions; and we will vote accordingly when the time comes.

Amendment (deletion of words) put and a division called for.

Bells rung and the Committee divided.

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

Division resulted as follows—

Ayes 19

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

Noes 13

Hon. C. J. Bell	Hon. Neil Oliver
Hon. Max Evans	Hon. P. G. Pendal
Hon. V. J. Ferry	Hon. W. N. Stretch
Hon. A. A. Lewis	Hon. John Williams
Hon. P. H. Lockyer	Hon. D. J. Wordsworth
Hon. G. E. Masters	Hon. Margaret McAleer
Hon. N. F. Moore	*(Teller)*

Amendment thus passed.

Amendment (substitution of words) put and a division called for.

Bells rung and the Committee divided.

The DEPUTY CHAIRMAN: Before the tellers tell I cast my vote with the Noes.

Ayes 19

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

Noes 13

Hon. C. J. Bell	Hon. Neil Oliver
Hon. Max Evans	Hon. P. G. Pendal
Hon. V. J. Ferry	Hon. W. N. Stretch
Hon. A. A. Lewis	Hon. John Williams
Hon. P. H. Lockyer	Hon. D. J. Wordsworth
Hon. G. E. Masters	Hon. Margaret McAleer
Hon. N. F. Moore	*(Teller)*

Amendment thus passed.

Clause, as amended, put and passed.

New clause 82A—

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

To insert the following new clause to stand as clause 82A—

Section 213 amended.

82A. Section 213 of the principal Act is amended by inserting after subsection (1) the following subsections—

"(2) Notwithstanding Section 113B (3A) the form of ballot papers for elections may be prescribed by regulation.

(3) In subsections (4) to (8) "Council ballot paper regulations" means regulations referred to in subsection (2) prescribing the form of ballot papers for elections in regions where the relevant number is more than one.

(4) Either House of the Parliament, within 14 sitting days of that House after Council ballot paper regulations have been laid before that House under section 42(1) of the Interpretation Act 1984, may, in pursuance of a motion upon notice, pass a resolution disallowing the regulations.

(5) Where—

(a) a notice referred to in subsection (4) is given with respect to Council ballot paper regulations; and

(b) at the expiration of the period during which a resolution disallowing the regulations could have been passed—

(i) the notice has not been withdrawn and the relevant motion has not been called on; or

(ii) the relevant motion has been called on, moved and seconded and has not been withdrawn or otherwise disposed of,

the regulations shall be deemed to have been disallowed.

(6) If—

(a) neither House of the Parliament passes a resolution in accordance with subsection (4) disallowing Council ballot paper regulations; and

(b) the regulations have not been deemed to have been disallowed under subsection (5),

the regulations take effect on the day immediately following the last day upon which a resolution disallowing them could have been passed or on such later day as is specified or provided for in the regulations.

(7) If, before the expiration of 14 sitting days of a House of the Parliament after Council ballot paper regulations have been laid before that House—

(a) that House, being the Legislative Assembly, is dissolved or expires, or the Parliament is prorogued; and

(b) a resolution for the disallowance of the regulations has not been passed by that House,

the regulations shall, for the purposes of this section, be deemed to have been laid before that House on the first sitting day of that House after the dissolution, expiry or prorogation, as the case may be.

(8) Sections 41(1)(b) and 42(2) to (8) of the Interpretation Act 1984 do not apply to Council ballot paper regulations.

Hon. G. E. MASTERS: I was hoping the Attorney General would comment briefly on this amendment, and I have no doubt he will do so in a moment. My understanding of it is that an arrangement was made with Hon. Mick Gayfer because we were all concerned, and the Attorney General was concerned, that the ballot papers as prescribed in schedule 3 might need some alterations through not meeting the requirements, or through some other difficulties.

It was proposed by the Attorney General that if there were to be a change in the form of the ballot papers it would be achieved by regulations and those regulations would therefore come before the Parliament, be placed on the Table of the House, and be subject to disallowance. If any party or any member felt that the changes should be objected to, that would give the Parliament the opportunity to reject the new form of ballot paper.

Another provision was placed in the amendment that the Attorney General has brought forward which takes account of the possibility of the Parliament being prorogued. In that case, as I understand it, the Attorney General's amendment will mean that after the new Parliament is brought into being those regulations will be placed on the Table of the House and dealt with in the normal way of regulations. I understand that would overcome the risk of the ballot papers being redrafted while the Parliament was prorogued and before another election took place.

I understand that that would be the process, but perhaps the Attorney General would confirm my comments.

Hon. J. M. BERINSON: I can confirm most of them, but in one respect I must say that perhaps the new clause goes further than Mr Masters has indicated.

Mr Gayfer's concern about prorogation was that a regulation promulgated after prorogation or between prorogation and an election could take effect if normal processes were to apply. This new clause in effect reverses the normal process. Instead of the usual situation where a regulation takes effect from its gazettal but can be disallowed within a certain period of tabling in either House, this provision has the effect that the regulation cannot take effect until after it has been tabled for 14 days.

It follows, therefore, that if we do have this prorogation situation a regulation could not be brought in to take effect at an election between that prorogation and the formation of the new Parliament. I believe that now meets in all respects the various points of concern which were raised on the last occasion.

New clause put and passed.

New clause 105—

Hon. N. F. MOORE: I move—

Add a new clause 105 as follows—

Referendum required

105. Notwithstanding the provisions of any written law, this Act shall be deemed to be an Act that is subject to section 73(2) of the Constitution Act 1889.

Section 73(2) of the Constitution Act requires that in certain circumstances legislation needs to be the subject of a referendum before it is finally assented to. That section says—and I will paraphrase it—that if a Bill (a) expressly provides for the abolition of or alteration in the office of Governor, or (b) provides for the abolition of the Legislative Council or the Legislative Assembly, or (c) relates to the change of the composition of both Houses of Parliament, or (d) applies to the reduction in the numbers of either House, or (e) applies to various other aspects of the Act, that Bill shall not be presented for assent by or in the name of the Queen unless the second and third readings have been passed with the concurrence of an absolute majority of both Houses, and unless the Bill has the prior approval of the electors of the State in accordance with that section; in other words, it must go to a referendum.

I am seeking to have new clause 105 inserted into the Bill which would require that this Bill be sent to a referendum before it is sent for assent in the name of the Queen.

I said earlier that I thought this legislation was of some historic significance, and it is an absolute fact in my mind that we have made very significant changes to the way in which the State of Western Australia is to be governed in the future. The changes are of such significance that the people of Western Australia themselves ought to have some say in it by way of referendum.

We have in the Constitution Act the requirement that the people of Western Australia by referendum make comment on major changes to our Constitution and the way in which the Legislature operates, and this Bill is of such significance that it comes within that category.

It is the view of the Opposition that new clause 105 should be inserted so that before this Bill is sent to the Governor it must be presented by the Government to the people of Western Australia by way of referendum to see if they want to change the Legislative Council and the Legislative Assembly in the way that this Bill seeks to change them. The major issues would be whether there should be regions in the Legislative Council; whether the metropolitan area should be the MRPA boundary; whether there should be 17 country and 17 city members; and whether there should be four-year terms for both Houses and no split election system for the upper House.

Those are the sort of major changes which have been made and which the people of Western Australia should be given the opportunity to comment on by the vehicle of a referendum. I ask the Chamber to support new clause 105 which would allow that course of action to take place.

Hon. D. J. WORDSWORTH: I believe the amendment is a worthy one. This Bill is a far more significant change to our electoral system than would be the addition or removal of a seat from either House which would require a referendum. The major change in this legislation is having all members of the Legislative Council go out at once and not in two periods because without doubt that will have major repercussions. Previously a Government had to win two consecutive elections to be able to have the Legislative Council reflect that vote. This gave certain safeguards to the community, and the public had a chance to think twice about the reforms and principles which the Government wished to bring in. It is fair enough if a party wins Government twice and can win control of the upper House, for it to make those changes. That goes out the door with this legislation, and it would be a sound principle to have a referendum on the subject.

Hon. H. W. GAYFER: Clause 73 of the Constitution Act says—

> Subject to the succeeding provisions of this section, the Legislature of the Colony shall have full power and authority, from time to time, by any Act, to repeal or alter any of the provisions of this Act. Provided always, that it shall not be lawful to present to the Governor for Her Majesty's assent any Bill by which any change in the Constitution of the Legislative Council . . .

Can I have a definition of the word "Constitution" as it appears in this section?

The DEPUTY CHAIRMAN (Hon. John Williams): It is not for me to interpret the Constitution. I would refer the honourable member to the High Court judgment in the case of Wilsmore and the State of Western Australia which I am told gives the interpretation the member wants.

Hon. J. M. BERINSON: This new clause is obviously unacceptable, and it has to be doubted whether Hon. Norman Moore is advancing it seriously.

Hon. N. F. Moore: I certainly am.

Hon. J. M. BERINSON: Certainly it is inconsistent with any notion of responsible action by the Parliament as a whole or this Chamber in particular. To raise it at the death-knock on a Bill that has been subject to such exhaustive examination is to treat the whole process as a joke.

Let us be dinkum about this and decide whether we are to proceed with this Chamber as a decision-making forum or whether we are going to put everything to referendum. Mr Moore says the aim of this amendment is to ensure that this Bill itself should be subject to referendum before it takes effect. I ask honourable members to consider the practicality of attempting a process of that kind.

The Constitution Act does entrench certain features of our parliamentary process, but they are very few and very specific. The first is that we cannot provide for the abolition or alteration of the office of Governor without the

whole process going to referendum. That is clear enough and everyone could understand it, and one could conduct a public debate on that which has half a chance of being understood. The same applies to the second provision which refers to an attempt, expressly or impliedly, to move for the abolition of the Legislative Council or the Legislative Assembly. I mention in passing that that means Mr Moore's paranoia about the Government's intention to move in the direction of abolition of the Legislative Council is unwarranted because that could not be done, even if we wanted to, without a referendum. That is a proposition which can be easily understood.

So is the third, which requires that the Legislative Council or Legislative Assembly should not be composed of members other than those chosen directly by the people. So is the fourth provision, which provides that one cannot reduce the numbers in the Assembly or the Council without this lengthy process involving a referendum at its end point. We can have our respective views on whether it is a good idea to have entrenched provisions of that kind. There is room for argument about the desirability of each of these, but at least one can say if one has a proposition going to any of those four points that one could sensibly go to the public and say, "Here is a referendum; let us have a discussion on it."

Members should think for a moment about how we could go to the public and say, "Here is this Act with 105 different sections which the Legislative Council has taken something like 16 hours of debate in Committee to process. Now please apply yourself to these 105 provisions and decide whether you are prepared to support them by referendum." It is not even a bad joke; it is a joke in very poor taste. This is not a matter that can stand any serious examination. It is saying to the public of Western Australia, "Everyone understands the difficulties of the referendum process, but we will make it not simply difficult in the traditional way; we will make it impossible. We will give you 105 separate propositions and we require your agreement on all of those before we proceed with as modest a measure of electoral reform as is now embodied in this Bill."

This Bill, as I said before, not only has the Government leaning backwards, but it has it practically doing somersaults. We have done our utmost and, in the end, we have not pursued our opposition to matters to which we have very strong basic objections. We have said, "Better this than no movement at all."

At the end of the day, to come up with a proposition like this is to make a mockery of this Chamber and of the Parliament. Members of the Opposition should remember that this Bill has been presented in a situation where the Government does not have a majority. It is not as though we are steamrolling things through. The Opposition has spoken about the tyranny of numbers and that sort of thing and asked, in the end, for a referendum. This is a situation of the Government's supporting legislation from a minority position and having reached the end of the day on it, Hon. Norman Moore still wants to turn the clock back. He cannot, and he should not.

Again, not for the first time in this debate, I say to the members of the Liberal Party that what they propose is not only wrong, but it is also improper. They should be ashamed of themselves.

Hon. G. E. MASTERS: It is interesting to see the Attorney General suddenly drop his guard and lose his cool a little, and so he should. He is the person who said in this Chamber, "Just a few modest changes". Just a few modest changes be damned! He knows that there are four or five major issues involved in this legislation.

I guess all members should think very carefully about the proposition of one-vote-one-value. The Government said, "Let the people decide." The Attorney General has now said that the Government does not want to let the people decide.

We have produced in this legislation the most massive changes to our electoral system in the history of this State. We have done many things that the Government has no mandate to do.

Some members in this place who have been elected for six-year terms will have their terms cut to three years. They were elected by their constituents in good faith for six years. We are now saying that, no matter what the public want, those members will serve for only three years. That is a fairly important step. Mr Berinson and many of his colleagues do not believe that there is a close working relationship, certainly between country members and their constituents. Those people have a clear understanding of what they want. This Government has now said that they cannot have their representatives any more.

There have been other major changes. We are getting rid of the provinces and creating six regions, in a Senate-type system. We are

establishing new boundaries with a voting ticket and, more importantly, we are destroying our accepted system for elections for the Legislative Council by creating fixed terms.

I put to the Attorney General that the changes are massive. The Labor Party will call this Bill an historical Bill and so it should. If it is so important, why should we not ask the public for a final decision? The 16 or 18 hours of Committee debate in this place indicates the importance of the Bill. If it were passed in 15 or 20 minutes, there would be no need for this amendment. It was the Labor Party that said, "Let the people decide." Hon. Kay Hallahan trotted around the countryside advocating the philosophy of one-vote-one-value. The Labor Party is now issuing razor blades to people to scrape the slogan off their cars.

I urge members of the National Party who have made their decisions according to their consciences to support the amendment. I do not like what the National Party has done but it has done what it believes is right.

The whole parliamentary system in Western Australia is about to change. With that in mind, members have to consider seriously the amendment moved by Hon. Norman Moore.

Hon. A. A. LEWIS: Members of the Labor Party are hypocrites. They advocated the philosophy of one-vote-one-value, but did not have the guts to support it.

Not one member of the Labor Party had the guts to vote for it. It was put to the vote and all members opposite, except the Attorney General, sat in their seats absolutely silent.

Hon. Robert Hetherington: I did not sit here silent.

Hon. A. A. LEWIS: If Hon. Robert Hetherington did not sit in this Chamber silently, where did he sit? In his room! He did not vote for it. Is it not marvellous that a lecturer in politics who has told this Chamber for years about one-vote-one-value admits he voted against it. Is there any other member from the Labor Party, apart from the Attorney, who voted against it? There is a deadly silence.

When the Government gets the chance to let the people decide, will it let them decide? Will Mr Piantadosi, Mr Butler, Mrs Hallahan—

A Government member: Mr McKenzie.

Hon. A. A. LEWIS: No, not Mr McKenzie. He has some intelligence.

Several members interjected.

The DEPUTY CHAIRMAN (Hon. John Williams): Order! If there are any more interruptions I will merely stop the clock and allow the member on his feet extra time.

Hon. A. A. LEWIS: I quite agree, Mr Deputy Chairman.

Hon. Garry Kelly wants to join the group of people who are not prepared to let the people have their say. If the Minister for Community Services kept quiet occasionally, instead of being so smart, we might get on with this Bill. I am not speaking about the Attorney General I am speaking about his second rower. She has to hold up the hooker—that is what a second rower does.

Several members interjected.

Hon. A. A. LEWIS: Mr Deputy Chairman, you are a Welshman of note and you know what we have done to the Poms in the last couple of days.

Several members interjected.

The DEPUTY CHAIRMAN: Order! I do not know about other members, but I can think of better places to be than in this Chamber. Members are prolonging the agony with their interjections and we are not getting down to the Bill. I will take further action if interjections and the provocation that causes interjections do not cease.

Hon. A. A. LEWIS: I could not agree with you more, Mr Deputy Chairman.

The members of the Labor Party have proved that they do not believe in one-vote-one-value. It has also been proved that they do not believe in letting the people decide. Those are the only two things that matter in relation to this debate.

Some members present tonight will not be in this Chamber after 1989. Perhaps Mr Hetherington and Mr Gayfer will not be here. Some of us might be, but Mr Dans will not be here.

Hon. D. K. Dans: He has a Malvern Star waiting—that is how quickly he will get away from it.

Hon. A. A. LEWIS: It is a pity that Hon. D. K. Dans did not get on it an hour ago.

The people should not forget that the Labor Party does not believe in one-vote-one-value.

Point of Order

Hon. B. L. JONES: The member has not addressed the question before the Chair—that is, a referendum.

The DEPUTY CHAIRMAN: That is for me to decide. There is no point of order.

Committee Resumed

Hon. A. A. LEWIS: It is interesting that I am getting under the skin of ALP members.

Hon. B. L. Jones: Boring is the word.

Hon. A. A. LEWIS: That is for Hon. Beryl Jones to decide.

Hon. Robert Hetherington: She has.

Hon. A. A. LEWIS: I ask the Attorney General not to frown at his members because of their interjections.

Hon. Robert Hetherington: He is probably tired.

Hon. A. A. LEWIS: I do not care if he is tired. His job is to be in this Chamber and to answer questions.

I have spoken about one-vote-one-value and a referendum—that is, letting the people decide. I thought it was clear that that was what I was speaking about, but Hon. Beryl Jones does not understand that letting the people decide is a referendum. The Labor Party will not wear one-vote-one-value and will not vote for a referendum to let the people decide. Its members have been proved hypocrites in every dealing they have had with this Bill.

Let the people outside this place understand that Labor Party members are hypocrites. They do not have the guts to stand up for their ideals and they do not have the guts to stand up for the people. Certainly they do not believe in one-vote-one-value.

Hon. N. F. MOORE: I have listened with interest to the comments of members on this proposal. I take on board the criticism of the amendment that was levelled by the Attorney General when he said that the Bill contains 104 clauses and that it would be a practical problem putting the 104 clauses to a referendum. I can accept the practical problems attached to it.

Because clauses 8 and 9 are the two most significant clauses in the Bill and are the clauses on which the people should vote, I foreshadow an amendment to reword proposed clause 105 to read as follows—

Referendum required

105. Notwithstanding the provisions of any written law, sections 8 and 9 of this Act shall be deemed to be an Act which is subject to Section 73(2) of the Constitution Act, 1889.

Amendment, by leave, withdrawn.

Hon. N. F. MOORE: I move an amendment—

Referendum required

Insert a new clause 105—

105. Notwithstanding the provisions of any written law, sections 8 and 9 of this Act shall be deemed to be an Act that is subject to Section 73(2) of the Constitution Act, 1889.

I will not prolong the debate, but my amendment will overcome the problem raised by the Attorney General which, in a practical sense, is a real problem. At the same time, it does not detract from the intention of the Opposition to seek the view of the voting community on the very significant changes that are to take place as a result of this legislation.

Clauses 8 and 9 cover the most important changes; clause 8 deals with the regions in the Legislative Council and clause 9 deals with the four-year term. I thought that would certainly cover the major objections I have to the way in which this legislation has been finalised. I ask the Chamber to support new clause 105.

Hon. E. J. CHARLTON: I oppose the amendment. The negotiations that have been going on for many months have been based upon dealing with proposals put forward by each party. From the National Party's point of view, our recommendations for changes to the electoral position were knowingly and willingly put forward on the basis that if they were accepted in this place those proposals would be implemented. I could understand it if the member wanted a further safeguard with regard to a departure from the weighted voting system, or if something of that nature had been put forward previously. However, I do not believe that Hon. N. F. Moore's proposal is directly related to our position, which has been stated during the debate on various amendments and clauses of this Bill.

I hope this is the last time I shall comment that the job in front of members of this Chamber, whichever party they represent, is to set about winning seats, whether in the Legislative Assembly or the Legislative Council, on the basis that if they appeal to the public they will get support.

It is stated in today's issue of *The West Australian* that the National Party will contest all the seats across the State in the coming Federal election. An indication is given of the National Party's preferences and that will enhance the party's position one way or another, depending on the individual's political beliefs.

On the one hand the National Party is making its position clear and that is welcomed by a number of people; but on the other hand, members of the National Party are being criticised for the stand they are taking in trying to introduce a proposal that will enable the people in this State to elect their members of Parliament.

Hon. N. F. MOORE: I wonder whether the Attorney General intends to let us know whether the Government is prepared to consider the compromise position I put forward in my second amendment.

Hon. J. M. Berinson: Of course we are not.

Hon. N. F. MOORE: We have taken on board one of the major criticisms the Attorney General put forward against the proposition and at this stage he is seemingly not prepared to comment on the way we have sought to compromise on this matter.

New 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 Ayes.

Division resulted as follows—

Ayes 14

Hon. C. J. Bell	Hon. N. F. Moore
Hon. Max Evans	Hon. Neil Oliver
Hon. V. J. Ferry	Hon. P. G. Pendal
Hon. H. W. Gayfer	Hon. W. N. Stretch
Hon. A. A. Lewis	Hon. John Williams
Hon. P. H. Lockyer	Hon. D. J. Wordsworth
Hon. G. E. Masters	Hon. Margaret McAleer *(Teller)*

Noes 19

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

New clause thus negatived.

Title put and passed.

The DEPUTY CHAIRMAN: Before leaving the Chair I want to thank members of the Committee for the tolerance and patience they have shown to the Chair over one of the longest and most arduous Committee debates in my experience.

Bill reported, with amendments.

House adjourned at 3.40 am (Wednesday)

QUESTIONS ON NOTICE

HORTICULTURE

Potato Marketing Authority: Minister's Instructions

134. Hon. W. N. STRETCH, to the Minister for Sport and Recreation representing the Minister for Agriculture:

(1) Has the Minister instructed the WA Potato Marketing Authority to facilitate the growing of sufficient areas of potatoes to ensure adequate suppliers to the Edgell operation in Manjimup and Southern Processors in Albany?

(2) What other steps has the Minister taken to ensure this base resource to these fledgling industries?

Hon. GRAHAM EDWARDS replied:

(1) No, the growing of potatoes for processing will be outside the control of the new authority. The authority will register contracts for the processing of potatoes.

(2) The Minister for Agriculture has maintained a close contact with the management of Edgell Birdseye and potato grower groups. The Department of Agriculture, the Potato Marketing Board, and the Minister for Agriculture have offered every assistance to Edgell Birdseye. I have been advised that Southern Processors has not contacted the Minister to discuss any difficulty in obtaining processing potatoes.

AGRICULTURE

Fertilisers: Collection Points

186. Hon. D. J. WORDSWORTH, to the Minister for Sport and Recreation representing the Minister for Agriculture:

(1) What is the manner, if any, in which either Westrail or CSBP encourages farmers to collect their fertiliser requirements from a distribution point in a centre?

(2) If there is a financial benefit, is it available to any farmer wishing to collect from that point, or does it apply to a select group only?

(3) If so, which types of fertiliser are involved and what is the price charged at—

(a) Bassendean;

(b) Wagin?

Hon. GRAHAM EDWARDS replied:

(1) to (3) Westrail provides a freight concession on bulk superphosphate to Wagin, which is the only CSBP depot with facilities for bottom discharge wagons. The rebate is reflected in the bulk superphosphate price at Wagin.

For farms located more than 30 kilometres from Wagin, a rebate is available from Westrail of 10 cents per kilometre per tonne, up to a maximum of $5.

RURAL ADJUSTMENT AND FINANCE CORPORATION

Assessments

188. Hon. W. N. STRETCH, to the Minister for Sport and Recreation representing the Minster for Agriculture:

(1) Under what circumstances does the Rural Adjustment and Finance Corporation—RAFCOR—have an assessor make an on-farm assessment of a client's financial situation and viability?

(2) How many such visits and assessments were made in—

(a) 1987;

(b) 1986;

(c) 1985?

(3) How many applicants were refused on-going assistance by RAFCOR in—

(a) 1987;

(b) 1986;

and how many of them were assessed on-site?

Hon. GRAHAM EDWARDS replied:

(1) When requested by the members of the corporation. RAFCOR has moved to obtain more information from applicants by requiring an applicant to provide production figures for the preceding five years and full financial statements for the preceding three years.

(2) and (3) These statistics are not currently maintained in a way which is easily accessible. The information could only be provided by examining

the file for each application, and resources are not available in RAFCOR for such a task to be undertaken at the present time.

RURAL ADJUSTMENT AND FINANCE CORPORATION

Interest Rate Subsidy Scheme

189. Hon. W. N. STRETCH, to the Minister for Sport and Recreation representing the Minister for Agriculture:

(1) Has the Government finalised simple guidelines for RAFCOR in relation to the latest rural interest rate subsidy scheme launched with the trading banks' cooperation?

(2) If yes, will the Minister table those guidelines?

(3) If no to (1), will the Minister expedite the publication of the new guidelines as a matter of urgency in view of the current confusion amongst clients, applicants, and many rural bankers?

Hon. GRAHAM EDWARDS replied:

(1) Yes.

(2) RAFCOR has arranged to provide these to all rural-based members of Parliament.

(3) Not applicable.

SUPERANNUATION BOARD

Investments: Global Approvals

199. Hon. G. E. MASTERS, to the Minister for Budget Management representing the Treasurer:

(1) When was the system of global approvals by him for Superannuation Board investments first introduced?

(2) How many such global approvals were given during the years ended—

(a) 30 June 1982;

(b) 30 June 1983;

(c) 30 June 1984;

(d) 30 June 1985;

(e) 30 June 1986; and

(f) in the current year to date?

(3) When was the global approval given that encompassed the Anchorage development investment by the State Superannuation Board?

Hon. J. M. BERINSON replied:

(1) and (2) As these matters would appear to be subjudice, it is improper to reply.

(3) Separate approval was given for the Anchorage development investment.

SUPERANNUATION BOARD

Investments: The Anchorage

200. Hon. G. E. MASTERS, to the Minister for Budget Management representing the Treasurer:

Why was it necessary for him to approve the Anchorage development twice?

Hon. J. M. BERINSON replied:

See reply to question 199.

SUPERANNUATION BOARD

Payments: Mr Garry Jones

201. Hon. G. E. MASTERS, to the Minister for Budget Management representing the Treasurer:

(1) What amounts, if any, has the Superannuation Board paid to Mr Garry Jones, Mr Rob Martin, or their respective companies for their involvement in the Anchorage development at North Fremantle?

(2) When was this money paid?

Hon. J. M. BERINSON replied:

See reply to question 199.

SUPERANNUATION BOARD

Investments: The Anchorage

202. Hon. G. E. MASTERS, to the Minister for Budget Management representing the Treasurer:

(1) Which land has been acquired in the North Fremantle area by the State Superannuation Board for the proposed Anchorage development, which he has advised he has approved?

(2) What was the individual cost for the respective portions of land?

Hon. J. M. BERINSON replied:

See reply to question 199.

SUPERANNUATION BOARD

Investments: The Anchorage

203. Hon. G. E. MASTERS, to the Minister for Budget Management representing the Treasurer:

(1) When did the State Superannuation Board first become involved in discussions, negotiations, or considerations of the bridge-to-bridge Anchorage development in North Fremantle?

(2) Who introduced the proposal to the State Superannuation Board, and through what officer at the State Superannuation Board?

(3) When was the proposal first considered by the board at a meeting of which records have been kept, and what are those records?

(4) On what date was agreement reached for the board to participate in the proposal?

(5) What was the agreed nature of that participation?

(6) What contractual documents were prepared and/or executed?

(7) (a) On what date was the arrangement approved at a formal meeting of the Superannuation Board of which records have been kept;

(b) what are those records?

(8) What fee, price, or other consideration was paid or agreed to be paid by the State Superannuation Board for its participation in the acquisition of the land for the Anchorage development?

(9) (a) When was any payment made;

(b) to whom was it made;

(c) on whose account?

Hon. J. M. BERINSON replied:

See reply to question 199.

SUPERANNUATION BOARD

Investments: The Anchorage

204. Hon. G. E. MASTERS, to the Minister for Budget Management representing the Treasurer:

(1) What land has been acquired by the State Superannuation Board in respect of the Anchorage development proposal?

(2) When was that land acquired in each case?

(3) What consideration was paid for each piece of land?

(4) In respect of each piece of land acquired or agreed to be acquired was it purchased by—

(a) the acquisition of an existing option over the land;

(b) the taking of an option over the land by the Superannuation Board;

(c) the exercise of an option over the land by the Superannuation Board;

(d) direct negotiation by the State Superannuation Board;

(e) the completion of a contract in respect of the purchase of that land previously entered into by the State Superannuation Board?

(5) Was any of the land in respect of the Anchorage development or any option over such land purchased by the Superannuation Board from—

(a) a subsidiary trust or other body owned or controlled by the State Superannuation Board;

(b) a company or other body owned or controlled by Mr Robert Martin, or in which he had an interest;

(c) a company or other body owned or controlled by Mr Garry Jones, or in which he had an interest?

Hon. J. M. BERINSON replied:

See reply to question 199.

SUPERANNUATION BOARD

Investments: The Anchorage

205. Hon. G. E. MASTERS, to the Minister for Budget Management representing the Treasurer:

(1) Has all land for the Anchorage development proposals to proceed been acquired by the State Superannuation Board?

(2) If not, what pieces of land are not owned or controlled by the State Superannuation Board?

(3) (a) What fees, costs, or charges have been paid in respect of the acquisition of the Anchorage development land;

(b) to whom and when?

(4) In respect of any land acquired by the State Superannuation Board from any subsidiary trust or company controlled by the State Superannuation Board, what is the difference between the total consideration paid by the subsidiary trust or company controlled by the Superannuation Board and that paid by the Superannuation Board?

Hon. J. M. BERINSON replied:

See reply to question 199.

SUPERANNUATION BOARD

Investments: The Anchorage

206. Hon. G. E. MASTERS, to the Minister for Budget Management representing the Treasurer:

Has the Superannution Board entered into any arrangement or made any payment in respect of—

(a) fees;

(b) joint venture or partnership participation;

(c) profit-sharing;

(d) profit-taking;

(e) the exercise of options,

with Mr Robert Martin, Mr Garry Jones, or both, or companies controlled by them or in which they have an interest, and if so—

(i) what has been paid; and

(ii) when or what obligation is there, or will arise, in respect of any such payment?

Hon. J. M. BERINSON replied:

See reply to question 199.

SUPERANNUATION BOARD

Issues: Examination

207. Hon. G. E. MASTERS, to the Minister for Budget Management representing the Treasurer:

(1) Has he examined the issues raised by these questions either before or since the departure of Mr Brush from the chairmanship of the State Superannuation Board?

(2) Has he been advised in relation to the issues raised by these questions?

(3) (a) Has the State Superannuation Board entered into a deal which can be justified on the basis of sound valuation and business principles appropriate to the conduct of a trust fund;

(b) has the State Superannuation Board not been used as a vehicle for the improper enrichment of developers?

Hon. J. M. BERINSON replied:

See reply to question 199.

SUPERANNUATION BOARD

Investments: The Anchorage

208. Hon. G. E. MASTERS, to the Minister for Budget Management representing the Treasurer:

(1) Since the departure of Mr Brush from the chairmanship of the State Superannuation Board, what examination of the total transactions relating to the Anchorage development has been carried out—

(a) on behalf of the State Superannuation Board;

(b) on behalf of the Government,

and in each case—

(i) by whom;

(ii) with what result?

(2) Will any such report or examination be made public?

(3) If not, why not?

(4) If not, can he assure the House and the public, and particularly the contributors to the State Superannuation Fund, that nothing in relation to the transaction could be regarded as questionable or out of order?

Hon. J. M. BERINSON replied:

See reply to question 199.

SUPERANNUATION BOARD

Investments: Treasurer's Approval

209. Hon. G. E. MASTERS, to the Minister for Budget Management representing the Treasurer:

In respect of the requirement of the Superannuation and Family Benefits Act that the Treasurer approve investments by the State Superannuation Board—

(a) are investment proposals, which he has said are approved in globo in accordance with long established practice, approved in advance or retrospectively;

(b) how often are proposals presented for approval and in what form;

(c) when did he last approve investments;

(d) what sum of money was involved, and what investments were covered;

(e) when did he—

(i) first have the Anchorage development proposal put to him;

(ii) give his approval, in whatever form, to investments covering that proposal?

Hon. J. M. BERINSON replied:

See reply to question 199.

PASTORAL LEASES

Resumptions

210. Hon. D. J. WORDSWORTH, to the Minister for Community Services representing the Minister for Lands:

(1) What pastoral leases have been resumed by the Crown in the last 20 years?

(2) In what years were they resumed?

(3) For what purpose or reason were these leases resumed?

(4) Under which Act were these properties resumed?

(5) What, if any, compensation was paid in each case?

(6) Under which Act was such compensation paid?

Hon. KAY HALLAHAN replied:

A register of pastoral lease resumptions is not kept and the detailed information sought by the member will need to be collated from a variety of sources. However, I will have the matter researched and will advise the member in writing.

MOTOR VEHICLES

Government: Disposal

211. Hon. D. J. WORDSWORTH, to the Minister for Budget Management representing the Treasurer:

(1) How does the State Government dispose of vehicles in its fleet?

(2) What number are sold annually?

(3) By what method of sale are they made—auction, tender, etc?

(4) Is the public able to buy these vehicles through this method of sale?

(5) What percentage of these vehicles is it estimated go to single buyers as against licensed retailers?

Hon. J. M. BERINSON replied:

This question has been addressed incorrectly to the Treasurer. It has been directed to the Minister for Works and Services, and he will answer the question in writing.