

## Legislative Council

Wednesday, 20 May 1987

**THE DEPUTY PRESIDENT** (Hon. D. J. Wordsworth) took the Chair at 2.30 pm, and read prayers.

### MICKELBERG BROTHERS

#### *Pardon Refusal: Ministerial Statement*

**HON. J. M. BERINSON** (North Central Metropolitan—Attorney General) [2.32 pm]: by leave—On 4 July 1985 I made a ministerial statement in this House in respect of an allegation of fingerprint forgery in the Perth Mint swindle trial. As members will be aware, that was one of the trials which led to the conviction and imprisonment of Raymond and Peter Mickelberg.

As I announced at the time, the Government, on the basis of extensive inquiries and a comprehensive report by the Solicitor General, had determined that there was no justification for Executive interference with the normal legal processes which were available to the Mickelbergs. I also made it clear that it was for Raymond and Peter Mickelberg to decide whether to seek to take their allegations to the Court of Criminal Appeal. That was the normal and proper course and the Government's decision did not preclude them from doing so.

Since the date of my ministerial statement, I have consistently indicated to the Mickelbergs and others that, if the unavailability of legal aid was the only factor preventing the Mickelbergs from pursuing those remedies, then that matter should be raised with me. That did not occur.

In December 1986, proceedings were instituted in the Court of Criminal Appeal by both brothers. That action had been open to Raymond Mickelberg from the time of my ministerial statement in July 1985 and, indeed, at any time from the date of his conviction. Commencement of the new proceedings may well have been prompted by a letter from the Solicitor General to the Mickelbergs' solicitors which pointed out the serious implications of continued delay. Procedural difficulties affecting Peter Mickelberg have delayed the progress of the cases since December.

Peter Mickelberg chose to seek leave of the court to appeal rather than to petition under section 21 of the Criminal Code, which was the appropriate course. To further complicate matters, he made a second application for leave to

appeal in February 1987. This has given rise to procedural argument which is part heard by the Court of Criminal Appeal, and which need not have arisen had he petitioned in the first place. Following an initial hearing of his application for leave to appeal in January this year, Peter Mickelberg also lodged a petition with His Excellency the Governor under section 21 of the code. This petition raised identical issues to the application for leave to appeal lodged in December 1986.

The petition procedure enables the whole case to be referred by me to the Court of Criminal Appeal where there has been a previous unsuccessful appeal against conviction—which is the situation in the case of Peter Mickelberg. Raymond Mickelberg has not previously appealed against his conviction.

Because of deficiencies in the petition materials, I had to request further information from the solicitors acting for Peter Mickelberg. When that arrived it raised some entirely new allegations which again required further information. That was eventually received on 31 March 1987. With it was a further submission that it would be appropriate for the Governor to immediately pardon both Raymond and Peter Mickelberg.

The allegations to which I have referred were examined by the Solicitor General, who advised that, on what is known of the matters now raised by Peter Mickelberg, there is no justification for Executive action to grant a pardon. I have so advised the Governor.

The Solicitor General, however, has advised in favour of Peter Mickelberg's case being referred by me to the Court of Criminal Appeal under section 21 of the Criminal Code.

In part his reasons are that this will enable both Peter and Raymond Mickelberg's appeals to be heard in the same proceedings and it will enable their allegations to be fully and judicially considered. I accept the appropriateness of the Solicitor General's advice that the whole case should be referred to the Court of Criminal Appeal.

Solicitors acting for Peter Mickelberg have accordingly been advised that His Excellency the Governor has taken advice in respect of the matter and has decided not to grant a pardon to Raymond or Peter Mickelberg, but that His Excellency has referred Peter Mickelberg's petition to me to enable me to refer his whole case to the Court of Criminal Appeal under section

21 of the Criminal Code. Action to that effect is now in progress and will enable both cases to be considered together.

### **BILLS (3): INTRODUCTION AND FIRST READING**

1. Evidence Amendment Bill.
2. Wills Amendment Bill.  
Bills introduced, on motions by Hon. J. M. Berinson (Attorney General), and read a first time.
3. Valuation of Land Amendment Bill.  
Bill introduced, on motion by Hon. J. M. Berinson (Minister for Budget Management), and read a first time.

### **ADDRESS-IN-REPLY: TENTH DAY**

#### *Motion*

Resumed from 19 May.

**HON. J. M. BERINSON** (North Central Metropolitan—Leader of the House) [2.41 pm]: I thank all members who have contributed to the Address-in-Reply debate. The unrestricted nature of this debate makes it impractical to reply in detail, but in conformity with what is now standard practice, I assure all members that their comments have been referred to the relevant Ministers.

I commend the motion to the House.

Question put and passed; the Address-in-Reply thus adopted.

#### *Presentation to Governor*

On motion by Hon. J. M. Berinson (Leader of the House), resolved—

That the Address-in-Reply be presented to His Excellency the Governor by the President and such members as may desire to accompany him.

### **BILLS (2): THIRD READING**

1. Main Roads Amendment Bill.  
Bill read a third time, on motion by Hon. Graham Edwards (Minister for Sport and Recreation); and returned to the Assembly with amendments.
2. Business Franchise (Tobacco) Amendment Bill.  
Bill read a third time, on motion by Hon. J. M. Berinson (Minister for Budget Management), and returned to the Assembly with amendments.

### **ACTS AMENDMENT (ELECTORAL REFORM) BILL**

#### *Standing Orders Suspension*

**HON. J. M. BERINSON** (North Central Metropolitan—Leader of the House) [2.46 pm]: I move—

That so much of Standing Order No. 74 be suspended as would prevent the Leader of the Opposition and the Leader of the National Party or his representative addressing the House a second time on the second reading debate of the Acts Amendment (Electoral Reform) Bill 1987.

This procedure is most unusual. Indeed, it may well be unique. It arises from a combination of circumstances. The importance of the Bill which we are about to debate coupled with the length of time since the leaders of the Liberal Party and National Party in this House have had the opportunity to address the House on this question has made this action necessary. To accommodate the suggestion that the leaders should be given this opportunity, the Government is prepared to initiate the motion for the suspension of the relevant Standing Order.

**HON. H. W. GAYFER** (Central) [2.47 pm]: This is a most unusual step. As the Leader of the House said, it is unique. For that reason I am a little concerned. I question what there is about this Bill that demands such a step be taken. Indeed, it appears to me that other Bills of far greater consequence should have had this action taken on them, but they did not. I believe that many members would have liked to have a second go on those Bills and to have Standing Orders suspended to allow them to do that.

This motion seeks to allow the leaders of the Opposition parties or their representatives to have more to say on this matter. To my mind, the Bill is not of such great consequence that we should immediately go into our corners and come up with new ideas in support of a change to the Standing Orders of this House.

I do not have any great support for my views from either side of the House. The Government desires that this procedure be adopted, and I understand that the Leader of the Opposition is willing for it to be adopted. The National Party will not oppose the motion, but I am disappointed that we are suspending Standing Orders to do something that we have never done before—that is, to allow certain people to make a further contribution to a Bill which we are now told has been changed over

the last few months through conferences between the parties. That has also been the case with other Bills. I have never known this procedure to be adopted in my time in this House.

I oppose this motion. However, neither I nor other members of the National Party will call for a division.

**HON. N. F. MOORE** (Lower North) [2.50 pm]: I have some sympathy for the comments of Hon. H. W. Gayfer, but we would not be in this position if the House had not decided to reinstate the Bill. We know how that happened. The argument we had at that time about the reinstatement of the legislation was based on the argument that Hon. J. M. Berinson used to promote what he is suggesting we should now do—that is, that the Bill has changed so substantially and there are so many amendments that we should now allow two members to make additional speeches on the matter.

It was my view at the time we decided to reinstate the legislation that all members should have a second chance to speak on the Bill because it had changed so dramatically since it was previously debated. It is difficult to come to terms with what the House is being asked to decide upon. My view has not changed since the Bill was reinstated; that is, we should all have a second go and not just two people who have been chosen under the terms of this motion moved by the Leader of the House.

I am in a bit of a quandary because we are seeking to do something unique in circumstances which should never have arisen in the first place. We should go back to what we argued about before and start the whole thing again.

**HON. V. J. FERRY** (South West) [2.52 pm]: I am a little at a loss regarding this motion; I do not have a copy of it and I ask the Leader of the House to provide me with one so that I will be better informed.

Unfortunately it is not unusual in this Chamber for members on this side to find it difficult to follow what is being said by the member on his feet. I am not being critical of people who might be impaired in any way, but the amplifying equipment is not as efficient as it should be and some attention should be given to it. I asked a moment ago for the context of the motion to be supplied to me, and I do not believe other members have received a copy of this motion. For that reason I will read the motion for those honourable members who might not have heard it.

The Leader of the House moved that so much of Standing Order No. 74 be suspended as would prevent the Leader of the Opposition and the Leader of the National Party or his representative addressing the House a second time on the second reading debate of the Acts Amendment (Electoral Reform) Bill 1987.

I would have thought, and I am sure a number of other members would concur, that it would have been a cleaner operation for the Government not to have reinstated the Bill to the Notice Paper. It should have reprinted the Bill with the changes desired, and the Parliament would have been better able to follow these amendments in some order.

Not only are members of Parliament a little confused as to the total ramifications of all the changes, but also the public at large has absolutely no idea what the Parliament is about to do. I find that rather distressing in this democratic country in which we live. I will not oppose this motion, but I voice my concern. First of all, it is setting a precedent but, more importantly, it is a sloppy way for any Government to conduct its legislative programme.

**HON. J. M. BERINSON** (North Central Metropolitan—Leader of the House) [2.55 pm]: I will take the opportunity to reply but only briefly. In the first place, there is no suggestion that by this motion we should oblige the Leaders of the Opposition and the National Party to speak again. It is merely facilitating their ability to do so if they wish.

I join with the expressions of all the speakers in this debate in agreeing that what is now proposed should not be taken as a precedent. Nor do I think that the position arises. This is a most unusual Bill, and also the procedures in relation to the Bill, some of which have come to light only in the last couple of hours, make some clarification to the House desirable.

I am not moving this motion because of the package of amendments listed by the Government. I assume that Hon. V. J. Ferry was referring to those amendments with his suggestion that the Bill be withdrawn and presented in an amended form. The reason for the current motion is that as recently as a couple of hours ago the Leader of the Opposition listed very substantial amendments which virtually amount to the presentation of an alternative package of changes to the current electoral system.

It appears to the Government that before the House moves to its vote on the second reading it would be desirable for the Leader of the Op-

position to be able to clearly define to the House the total effect of his new package. I suggest that members would otherwise find it very difficult to extract from the very large number of amendments precisely what the Liberal Party is now proposing. Having arrived at the view that that facility should be made available to the Leader of the Opposition, the Government has gone one step further to make the same facility available to the Leader of the National Party.

We do not strictly need this motion in order to ensure that the House is fully acquainted with the nature of the far-reaching proposals included in the amendments listed by the Opposition. Some members of the Opposition have still not spoken in the debate, and they could be relied upon to present their party's current view. All this motion is seeking to do is to provide that greater opportunity to the leaders of the respective parties if they wish to take advantage of it.

Question put.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): To be carried, this motion requires an absolute majority. I have counted the House; and, there being no dissentient voice, I declare the question carried.

Question thus passed.

#### *As to Second Reading*

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): Before the Leader of the Opposition rises, the Leader of the House may wish to indicate the time limits that are going to be placed on debate on this Bill. I can only assume from where I am that members have unlimited time. Members normally do when they speak once, but the rules seem to have been changed.

Hon. J. M. BERINSON: I have not discussed this with the Leader of the Opposition. My understanding was that the time allowed for this debate would be as for a normal speech rather than the unrestricted period, but since Hon. G. E. Masters indicates there is no problem about that, I think it is not necessary to have a formal motion to that effect.

#### *Second Reading*

Debate resumed from 12 November 1986.

HON. G. E. MASTERS (West—Leader of the Opposition) [3.02 pm]: I listened carefully to the comments on the move by the Leader of the House to allow me and the spokesman for the National Party to speak again on this legislation. I share that concern, and when I was

first approached with regard to speaking again I said no, because the precedent would be set and procedures were quite wrong. Then I thought if I do not speak, I will give away the opportunity to explain what is a very important Opposition initiative—Liberal Party initiative. Therefore, on the weight of things and because of its unusual nature, I agreed that, given the opportunity, I would speak.

Firstly, the whole procedure and progress of this legislation is quite wrong, improper, and in fact makes an ass of the parliamentary system. As members would recall, the Liberal Party resisted the reinstatement of this legislation, fully understanding that we would have substantial amendments to the Bill, and anticipating the National Party would also have some substantial amendments. It was far from my mind at that time that the Government intended to introduce more than 50 amendments to its own legislation. Had members on this side known that was going to be the situation, I suggest the National Party would most likely have supported the Liberal Party in opposing the reinstatement of the legislation, because what members now have is the most complex piece of legislation that I have ever had to deal with in my time in the Legislative Council of this Parliament. I doubt whether any member on either side of the House would ever have seen such a complexity of amendments, such a weft and warp of overlapping and changing numbers and changing references.

The end result of a debate continued under these circumstances, with some 100 to 120 amendments, will undoubtedly result in the legislation failing. Whether the Government wants it to succeed or whether this side wants it to succeed, under the present circumstances, with all the amendments and complexities, the legislation must fail. Members who have taken the opportunity to look at this legislation would understand why.

The Government has substantial amendments on the Notice Paper. I apologise to the Leader of the Government for the lateness of the Opposition's amendments. There were good reasons for that, as I will explain as I go along. The immediate reason is that the Opposition, and I guess the National Party as well, have to use the facilities of one young lady as a Parliamentary Draftswoman. She works for half a day on this, and for the other half a day she is with the Equal Opportunity Commission. So in deciding, for good reason, to change tack, the Opposition had the greatest

difficulty in getting the amendments drafted in sufficient time to present them to the Government. It is quite possible that more amendments will come forward as a result of studying the amendments which have been put forward to the Legislative Council.

The Liberal Party has put an enormous amount of research into this legislation. This Bill has been before the Parliament for a long time. It was debated in the Legislative Assembly; it came to the Legislative Council six months ago, and I made my first speech on the legislation—a lengthy speech, but one in which I laid out in detail the amendments put forward by the Liberal Party at that time. The Government then proceeded to leave the Bill in abeyance, with the intention of reinstating it when the new Parliament was formed and the new session commenced. During that time, there were substantial changes.

The Government suggested that the changes should take place as a matter of consultation between the parties. The Opposition did consult with the Labor Party, and on a number of occasions with the National Party. Unfortunately, it was only a few weeks ago that the Opposition was able to give papers to the National Party, setting out its position, and then at the request of the Labor Party supplied a similar document to it some two weeks later.

These discussions and consultations were regarded as confidential, at least from the Press and the media, and the Opposition carried out these negotiations in good faith and maintained its integrity, as did the National Party. The Labor Party, seeing an opportunity to drive a wedge between the parties at a time when we were contesting quite vigorously the by-elections, released a paper in the most malicious way. This demonstrated to my party that there was no point at all in attempting to continue to negotiate with the Labor Party, because nothing was confidential, and it seemed no progress would be made. The Opposition attempted to contact the National Party further, but its leader was overseas and under those circumstances that was not possible.

I now come to the situation today. If one looks at the Notice Paper, one can see the number of amendments put forward by the Government. I am not sure whether the National Party amendments are on the Notice Paper, but they are certainly available to members. If members will take the opportunity to consider the Labor Party amendments, they will see it is going through all the same processes once again. There are options and complications, and there

seems to be difficulty in deciding who is going to draw the line where, and how many lines there will be. It is a massive juggling around and drawing of lines. There is talk about whether Kalgoorlie should be in the agricultural area or not; whether Geraldton should be in the north; whether Katanning should be in the south west; whether the boundary between the north and south metropolitan areas should be the river or a road; whether the eastern metropolitan area should be to the east of one particular main road or another. So the proposals go around and around.

It is obvious to me looking at the Notice Paper that this legislation is going to get absolutely nowhere unless someone takes the opportunity to simplify the whole thing and come to grips with it in a straightforward way. I am sick and tired of the six months of discussions—everyone has been trying to work around the problem; there were compromises; members embraced certain areas; the Government's proposals were considered; and there were National Party proposals. What one has to look for is a simple answer to the whole situation. For that reason, three weeks ago I said let us start again and let us not lose track of the fact that all these complications, this jigsaw, will not work. The only way to do it is to put it in the simplest possible form, not only for this House to consider it, but also for the media to understand it. I do not think they have understood to date what the difficulties are.

The question that members must put to themselves is very simple: What are we really looking for? The answer is that there are obviously two regions in Western Australia, two sets of people whom members are trying to argue for and support over a period of time. There is the metropolitan area; and every member knows where that is and where the metropolitan boundary runs, give or take a mile or two.

We understand the country people regard themselves as different from the metropolitan people. We have two types of people to consider and two different issues. We have the city and the country people. The National Party, the Liberal Party, and the Labor Party have recognised there must be some weighting. We can argue about the level of weighting and how many seats are on one side or the other. Everyone recognises there should be some form of weighting.

Hon. J. M. Berinson: Our recognition of that is by way of an attempted compromise with your party's position. We believe in one-vote-one-value.

Hon. G. E. MASTERS: It is quite obvious to everyone that there needed to be a simple answer. There is recognition from all parties that there should be weighting in the Legislative Council. It appeared to us that the Government had gone back on its one-vote-one-value position. There is an amendment before the House to delete clause 5—one-vote-one-value. The Government did not have to put that amendment forward. It was simply a matter of when that clause came forward, the Committee would vote for or against it.

Hon. J. M. Berinson: You know that is not true.

Hon. G. E. MASTERS: It is perfectly true. Our position is straightforward. I made it perfectly clear that I opposed the clause relating to one-vote-one-value, and I still do. The National Party also strongly opposes it. It is simply a matter of the Government bringing forward its Bill, debating the one-vote-one-value issue, and the Committee deciding what way it will go. The Labor Party will vote for one-vote-one-value; it will vote against its amendment. The Government has realised it does not have the value that it thought it had. Some of its own members are under threat with one-vote-one-value. That is why Arthur Tonkin resigned, because his party did not allow the Bill to go through in its present form.

There is a simple way of testing this issue. When the clause comes up and the Chairman says, "All in favour of the clause" we will hear the Government, with Hon. Kay Hallahan leading the call, saying "Aye". We know the Labor Party has gone back on its proposal. The test will be when this clause comes forward. We will be watching with interest. The media will be watching to see whether the Government calls or not.

We will simplify the matter. There will be a Legislative Council which will be composed of two regions, the metropolitan area and the country area. There will be 18 members in the Legislative Council representing the metropolitan area and 16 members representing the country area. I am sorry if the Labor Party cannot understand that. The Labor Party proposed 19:15, the National Party proposed 17:17, and we proposed 18:16.

Because it is a completely new set of arrangements, all members should go out together at the next election in May 1989. Half of those members should be elected as they are in the Senate—for a period of six to eight years—and the rest have a three or four-year term.

Hon. J. M. Berinson: I think you are blushing when you say that because you are really embarrassed by the implications of it. If you are not blushing, you ought to be.

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

Hon. G. E. MASTERS: I understand it is a severe embarrassment for the Government because of its sheer simplicity. It will have difficulties when arguing against this proposition. There is no doubt there should be a split term for the Legislative Council to keep stability.

Hon. J. M. Berinson: But not while we have a majority.

Hon. G. E. MASTERS: If Hon. Joe Berinson and his party—and I have no doubt they will, with their experts—work out our proposition of 18:16, they will find they will have as much chance of gaining control in the Legislative Council as we have. I challenge the Minister to do his sums and find out whether that is true. We believe our position will improve at the next elections. We are counting on that, and we would be mad if we did not.

We should have a split term. It could well be that a split term would satisfy the Government and be of benefit to it. It could well be that events will lead to the Labor Party gaining control of this House at the next election.

Hon. Kay Hallahan: There is no doubt about that.

Hon. G. E. MASTERS: It could well be that we in the Liberal Party will gain control in the Legislative Assembly. The Labor Party would then be very pleased that they are able to carry half their members over to make sure there is no party—extreme left or extreme right—which is able to win on a single issue, without the support of the public and then introduce extreme measures. This is the only safeguard to that type of activity. It may never happen, but there is always a possibility. What is wrong in safeguarding against that possibility? It is quite possible that it will be to the Labor Party's benefit as well as ours. After looking at Queensland and the way they suffered, I am quite sure that it would be a very good idea to have a Legislative Council in that State. The Labor Party would love that. Members opposite should not be hypocrites.

If we all go out at the next election and are elected for long and short periods after that time, half of the House should come up at the time of each Legislative Assembly election.

Hon. Kay Hallahan: Where would your seat be?

Hon. G. E. MASTERS: The honourable member should look at the sincerity of my remarks. I am spelling out the end of my safe seat in the hills. The West Province will disappear.

Hon. J. M. Berinson: That is because there will be no provinces. That is not a great sacrifice on your part, Mr Masters. There will be no provinces as we know them now.

Hon. G. E. MASTERS: The Minister has said it will make no difference. Let me explain the difference between the way Hon. Joe Berinson and I run our electorates. He has a large number of people in his electorate, but he would spend little time in it. I suggest he would hardly be known in his electorate. I have lived in my electorate for 25 years, and I know most of the people. I have a strong personal relationship with people in my area. That is the difference. It suits me to live in Kalamunda and be able to walk through the town and know most of the people. It suits me that people can come to my home and that I am able to know the names of my constituents and those of most of their children. I understand Hon. J. M. Berinson's embarrassment. I am saying the boundaries should be drawn up by an independent commission. There cannot be any argument about that. Is anyone arguing?

It will not be appointed by us; it will almost certainly be appointed by the Labor Party in consultation, hopefully, with the other parties. There will be an independent commission to draw the line around the metropolitan boundary, and there will be an urban and a city area. If people go to the northern and eastern suburbs, they will know where the line is drawn. That is the best way of doing it. The Government and the National Party say they will follow the MRPA boundary. If this sort of argument means the Bill will fail—we say it would be better to have an independent commission—and we are going to make no progress, we will follow the MRPA boundary. It is the wrong boundary, and I will explain why later, but we will not allow that to be an excuse for the Government to dump the Bill. Either boundary will suit us, but obviously one is preferred.

We agree on an important area where the Government and the National Party would support us—that is, that there be a voting ticket. If we are to have two regions—metropolitan and country—it is obvious that, certainly in the first election, there will be a large number of candidates. It will be like a Senate field. My party has always been opposed to a voting ticket, but it was obvious we had to reconsider our position if we took this new line of approach. If there are 10, 20, 30, or 40 candidates in the first election for a metropolitan or country regional seat, we have to have a voting ticket for the Legislative Council. It is obvious the ticket has to be in a simplified form.

We understand and know why the Labor Party wants a voting ticket for the Legislative Assembly and the Council; it is because of the foul-up at the last Federal election. The card was not explicit or easy to follow, and has to be simplified. The Commonwealth has stuck to that arrangement.

Hon. D. K. Dans: The Labor Party wanted designations on the voting cards for years.

Hon. G. E. MASTERS: It wanted one-vote-one-value for years, too. Whether the Labor Party has wanted it for a long time does not matter. I am saying we will agree to a voting ticket in the circumstances as we see them, and we have gone to the trouble, as members will see from the amendments, of drafting a ballot paper which is simple and will overcome the difficulties the Labor Party has with its crosses, squares, and ticks all over the place. This is a simple form with two different colours, and it can also take into account Independents and give them an opportunity to register a voting card. One cannot be fairer than that. That form of ballot paper should be written into the legislation, as it is under the Commonwealth arrangement. It is no good having something airy-fairy which can be changed every month or at every election. If there is a Commonwealth arrangement we will go along with it, but it needs to be across the board. I know the National Party has a similar proposition, but I ask it to consider our proposal which means that Independents will get a go. That is the only difference between the two.

As far as the Legislative Assembly is concerned, we are opposed to a voting ticket for obvious reasons. There are often only two or three candidates for a seat in the Assembly. Members there are a lot closer to the people than are Legislative Council members because of the difference in size of electorates and the

number of people. Those members often have a personal following and are able to win a seat against the trend of voting at the time. Country members would understand that many of their representatives have that strong personal vote. It is not necessarily restricted to the country; many Legislative Assembly members from other areas command a strong personal vote. That is obvious from the different voting patterns that occur. For example, in Mundaring where Gavan Troy won by about 1 100 votes, my Legislative Council vote would have won that seat under the same circumstances by about 67 votes. I do not say I would have beaten Gavan Troy, but that is the different voting pattern—1 100 votes difference between the Assembly and Council candidates on the same day in an area with 9 000 voters.

That is why members should consider there is no need for, and perhaps there is a great lack of understanding in, suggesting a voting ticket in the Legislative Assembly. If people cannot decide when there are only three candidates, and often fewer than that, nothing will help them. They should be able to write down 1, 2, and 3 in the Legislative Assembly situation.

I am putting our position as simply as I can and making it clear that we are not being devious or trying to cover up anything. We are following the Commonwealth pattern and adopting some Labor Party and National Party propositions. It is obvious and clear to everyone that this legislation could easily accommodate many of our proposals in solid form, rather than our going through the charade of a Committee stage with the resultant failure of the Bill altogether.

In the Legislative Assembly we are proposing that there continue to be 57 members elected from districts, and that the numbers in the metropolitan area, with the boundary drawn by an independent commission or using the MRPA boundary, should be 33; there should be 24 members from 24 country districts with a plus or minus variation throughout the rest of Western Australia. What could be simpler than that—two regions, one of 33 members and the other with 24 members?

Hon. J. M. Berinson: You keep referring to the simplicity of the system; we also want a fair system.

Hon. G. E. MASTERS: Let me finish my remarks.

We have before us about 120 amendments. If members look at the legislation and the amendments they will find it totally impossible to work their way through the legislation, bearing in mind that all these amendments have to be

referred back to the Bill. The National Party will put forward amendments, and we will probably oppose some of them. The Liberal Party will put forward amendments, and the National Party and the Labor Party will oppose them. The Government will put forward amendments and the Liberal and National Parties will probably combine to defeat the Labor Party's amendments.

Then we come to the Bill. The Government has amended its own Bill; will it vote against its own clauses in the Bill? We will certainly do so because we do not agree with them. What is the Government's position there? Members can see the whole complicated mess. There are moves and amendments from our side that almost mirror the Labor Party's amendments, with some significant but small changes. The same applies in relation to the National Party; we almost mirror its amendments dealing with ballot papers and the like. There are some close relationships, but some words need to be changed. I cannot see how on earth we are going to deal with this in the way suggested by the Attorney General. The only way to handle it is for the Government to reprint the Bill putting in its amendments, so that we know it as a single Bill. In the meantime there may be an accommodation in some critical areas where there is no real argument, and I have demonstrated those areas. Then there would be a distinct likelihood of a result.

I urge members of the Liberal Party to oppose the second reading because the Bill is unmanageable in its present form, with all the amendments to which I have referred. If the Government were prepared to reprint the Bill I would support the second reading when the Bill came back. We would then know where the Government stood, and an accommodation could be reached in some areas where we have a common interest.

We are putting forward very honestly and sincerely a reasonable proposal that can be understood by the whole community. In the Legislative Council there would be one metropolitan region and one country region with 18 members and 16 members respectively. The boundaries could be drawn up by an independent commission; there would be a voting ticket for the Council similar to, if not exactly the same as—we can be accommodating—the Commonwealth legislation, so that there is no misunderstanding. All members of the Legislative Council would retire from their seats at the first election because it would be a new order. That is the issue about which we feel very



strongly, and that is what the Liberal Party is proposing. It is not devious; it is a straightforward proposition which members in this House, members of the media, and the community can understand. We will all have a fair go.

Hon. Kay Hallahan: That is good—if you get a fair go!

Hon. G. E. MASTERS: I will not spoil my closing remarks by replying to the comments made by Hon. Kay Hallahan.

The Liberal Party has in its pocket, as do all members in this House, a copy of a letter written by Arthur Tonkin about the total insincerity of this Government regarding this matter.

For the reasons I have given I ask members of the Opposition to oppose the second reading to allow the rewrite of the Bill, otherwise the Bill will have no hope at all of succeeding at the third reading stage.

HON. TOM McNEIL (Upper West) [3.32 pm]: I do not intend to speak on the amendments that are on the Notice Paper or to comment on the Liberal Party's amendments, but I wish to comment on what the Leader of the Opposition just said about the attitude the Liberal Party is attempting to adopt and has adopted through negotiations with the three parties.

A couple of weeks ago in this House Hon. Sandy Lewis challenged the National Party to either put up or shut up. His challenge came about as a result of an interjection when he spoke to defend you, Mr Deputy President (Hon. D. J. Wordsworth) regarding a paper that you had sent to country areas, and which had something to do with your position as Chairman of Committees. I do not want to get involved in that issue, but I did want to refer to the fact that a challenge has been made. I did not think it was a bright challenge—perhaps it was bluff, but only Hon. Sandy Lewis knows that.

The backbenchers of the National Party have always been made aware of the negotiations that were taking place between the National Party and the Liberal Party, and the National Party and the Labor Party. The member for Stirling, Mr Matt Stephens, represented the National Party at the negotiations, and he has been forthright about the position the party had adopted in all discussions. The documentation had been made available to members of the National Party.

It is not up to me to suggest what members of the Liberal Party should do. Perhaps they do not know what the Liberal Party hierarchy is doing. I question Hon. Sandy Lewis' right to stand in this place and suggest that Hendy Cowan has been reported in the media as saying that the Liberal Party had adopted one position as far as the public were concerned and another position privately. I am accepting Hon. Sandy Lewis' challenge. Perhaps it was a sad day that the coalition Opposition could not get its act together.

Hon. A. A. Lewis: I did not think there was a coalition.

Hon. TOM McNEIL: I welcome the member's interjection, and if I were to take him on, now would be the time.

On 9 April, in a news release about electoral reform, Mr MacKinnon said that the reason for vehemently opposing the Government's legislation was the value of the country vote. He was quoted as follows—

"Never in the history of Australia has there been a greater need for country people to have a strong voice in Parliament and yet this Government is planning to reduce the representation of our farmers and country communities," said Mr MacKinnon.

He concluded the article—

They are left with no credibility.

In another article in *The West Australian* on 10 April 1987, written by Diana Callander, Mr MacKinnon was quoted as follows—

The Liberal Party opposed the devaluing of the country vote—

Further on it states—

"It is deeply disappointing to the Opposition that after months of consultation with the Government and the National Party, the Government has suddenly dumped on the table legislation which bore no resemblance to those discussions."

As far as I am aware, Mr MacKinnon wrote to all shire clerks throughout Western Australia on 13 April, and on page two of his letter he said—

I feel this matter is so important that I am writing to draw your urgent attention to it and to advise that the Liberal Party Members intend to vigorously oppose this endeavour by the Labor Government to reduce the country voice of our State Parliament.

In an article in *The West Australian* on Thursday, 30 April, the night following Hon. Sandy Lewis' threat to attack the National Party with an axe, the Premier decided, for whatever reason, to disclose that there was a document in circulation. That document purported to abrogate the position the Liberal Party occupied publicly, and proposed that in the Legislative Council there would be 20 metropolitan seats and only 14 country seats. It was substantiated in an article titled, "Shires misled by Libs—Burke". The article also appeared in *The West Australian* on 30 April. For whatever reasons Mr MacKinnon chose to defend himself—

Hon. G. E. Masters: Mr Stephens had that document as well. I am sure that he consulted you when he spoke about our options. In fact, I think Hon. Eric Charlton was with us when we received the paper.

Hon. TOM McNEIL: I was not aware of the contents of the document—

Hon. G. E. Masters: It was an option we looked at.

Hon. TOM McNEIL: Perhaps it was kept confidential.

Hon. G. E. Masters: I can show you a copy of the document that Mr Stephens had.

Several members interjected.

Hon. TOM McNEIL: I ask members to let me finish describing what I consider to be an injustice.

Hon. Sandy Lewis decided, for whatever reason, to be most caustic of the Leader of the National Party and, in fact, he called him "crying Cowan". I did not take a point of order at the time, and the Chair certainly did not see any reason to take objection to the comment. I have sat in this House on another occasion when Hon. Robert Hetherington was expelled from the Chamber for suggesting that something was not true. If Hon. Sandy Lewis can suggest that Mr Cowan be called "crying Cowan", I could say what about "mealy-mouthed MacKinnon", or Andrew Mensaros who has his name on the document which found its way to Channel 9?

Hon. G. E. Masters: I keep telling you that a copy was available. Hon. Sandy Lewis has a copy of it. He had it a couple of weeks ago.

Hon. TOM McNEIL: It is not the document which Hon. Sandy Lewis denies ever existed?

Hon. G. E. Masters: I gave it to him a week or two ago.

Hon. TOM McNEIL: The following is a record of what was said on the Pat Harding show on Thursday, 30 April—

Harding: Hendy Cowan has been critical of Liberals re electoral reform.

MacKinnon: I was very disappointed with those comments because the statements made by Mr Cowan are just not true. We have been open and frank with both he and the Government...

Further on it continues—

... we will oppose any moves to devalue the Council—neither do we want to see the value of country people devalued.

Further on it states—

We hope sincerely that the NPA will join with us rather than, it seems now, take another point of view and attacking us.

Further in the interview it was recorded—

I state to you and all West Australia that we are not discussing anything with the Labor Party—we will not be doing deals in any way or form for preferences in Narrogin or anywhere else.

It continues, but I do not intend to read it to the House because it has no real meaning as far as the matter before the House is concerned.

Mr Lewis attacked Mr Cowan, and I interjected under threat of the challenge, and for no other reason.

Hon. A. A. Lewis: You enjoyed yourself?

Hon. TOM McNEIL: "Crying Cowan" was mentioned. Who said in the Press the other day that the Liberal Party had done a deal with the Labor Party? What grounds has he for that comment? None whatsoever.

I am interested in Mr Masters' remark that that document has supposedly been available. The point that interests me is, did Sandy Lewis have this document when he was on his feet saying there was no document?

Hon. A. A. Lewis: I said there was no deal.

Hon. TOM McNEIL: Hon. Colin Bell, who is a friend of mine, claims this is not the time to justify remarks made by our leader. Mr Lewis made a remark about our crying leader of the National Party, and so on. It is most derogatory. I do not think that sort of thing is needed in debate.

Hon. A. A. Lewis: I do not agree with you. I said there was no deal.

Hon. TOM McNEIL: I quote from *Hansard* page 651—

If the National Party members in this place have one shred of evidence, let them stand up now and say where that shred of evidence is, because I do not know about it.

Hon. Tom McNeil: Never mind the evidence. Do you deny it has been said the deal is going to be made and it is 20-14? That is all Mr Cowan said.

Hon. A. A. LEWIS: Mr Cowan knows far more about it than I do, and he has made it up.

Hon. A. A. Lewis: Every word of it.

Hon. TOM McNEIL: He has a very vivid imagination. Twenty-four hours later the Premier stood in the Assembly and said, "Here is the document."

Hon. A. A. Lewis: He showed the Press half of the document. You will find that very shortly. I will show it to you. You were consulted by Mr Stephens in the negotiations.

Hon. TOM McNEIL: I can assure Mr Lewis that the only information made available to me was that there was a proposition from the Liberal Party to the Labor Party on a 20-14 package.

Hon. A. A. Lewis: I will go through it all.

Hon. N. F. Moore: It was not agreed to by all Liberal Party members, if there was such a thing.

Hon. P. G. Pandal: That was not a Liberal Party proposal.

Hon. TOM McNEIL: What I am indicating to members on this side of the House is that I am sure they were not all privy to what was going on in the negotiations.

Hon. G. E. Masters: No more than you were.

Hon. TOM McNEIL: Exactly. I quoted this 20-14 proportion, and I was howled down by Mr Lewis.

Hon. P. G. Pandal: It was held up as a deal which had been made, and a deal had not been made.

Hon. TOM McNEIL: To continue—

Hon. A. A. LEWIS: Mr Cowan knows far more about it than I do, and he has made it up.

Hon. Tom McNeil: Then how can you deny that what he is saying is true?

Hon. A. A. LEWIS: How does he know? At least I am in a party room which has to trust its leader.

Mr Lewis was not satisfied with letting the issue drop at that stage; he decided to twist the knife a bit more. On page 652 he went on to say—

The National Party is making accusations all around the place—in *The West Australian*—with not a shred of evidence to back it up. Let it put up or shut up.

Mr Lewis said later—

The denial has been made by the leader of the party. Mr MacKinnon said that no deal had been done.

Obviously, from what he is saying now, that is quite true; no deal had been done. But the guidelines were there for making a deal.

Hon. N. F. Moore: It was openly put forward. It was never accepted by the party.

Hon. TOM McNEIL: The member means never accepted by the Labor Party.

*Sitting suspended from 3.45 to 4.00 pm*

Hon. TOM McNEIL: Prior to the tea suspension I was defending the comments that had been made by the Leader of the National Party regarding the fact that the Liberal Party had made its position public to the people of this State, and obviously there was a document in circulation which belied that position.

During the break I had an interesting conversation with Hon. Sandy Lewis, and heard his side of the matter. The point I make is that the National Party was challenged to produce evidence—evidence which I did not know was available until the very next day, when it was made available in another place. I have a copy of that here and I think it should be explained to members, otherwise Mr Hendy Cowan's comments do not have any substance. Obviously, when he spoke he was referring to this document. I am sure Mr Masters would agree that this was the document in question.

Hon. G. E. Masters: It appears to be. I have only just received it.

Hon. TOM McNEIL: The one I am holding in my hand has been forwarded to the Labor Party with the compliments of Andrew Mensaros, MLA. It is headed "Liberal—

'Compromise' Policy on Electoral Bill 1986 which can be presented to the Party Room", and reads—

Metropolitan area boundaries drawn by independent Commissioners on the statutory guidelines allocating urban areas within the metropolitan boundaries.

33 electoral districts in the Metropolitan area 24 electoral districts in the country aiming for a ratio of approximately 1.9:1

Term of Legislative Assembly to be 3 years, but 4 year term is acceptable as long as the fixed term of the Legislative Council is twice that of the maximum term of the Legislative Assembly.

Initial tolerance. There shall be a plus/minus 20 per cent initial tolerance for country districts to be used in favour of representation so that remote, isolated areas should be allowed a maximum of -20 per cent of the mean quota.

Plus/minus 10 per cent tolerance with the metropolitan districts to be used according to anticipated population movements.

He goes on to speak of the Legislative Council, and says—

Staggered elections. Half of the Members in each region to be elected at the half time of the Council's fixed term, that is every 3 or 4 years.

At the first election after the new provision came into operation, all the Members of the Council to be elected in every Region.

Regional Proportional Representation. There shall be two regions in the metropolitan area: North Metropolitan Region—10 members, Metropolitan Region—10 members. There shall be two regions in the country, North/North Eastern Mining & Pastoral—4 members, remaining Agricultural Region—10 members, aiming for a ratio of approximately 1.9:1

Preferential Voting. In the Legislative Council Senate type of preferential voting to be introduced. In the Legislative Assembly the status quo to remain.

Powers and Privileges of Parliament. No change in this legislation.

I have no idea what action Mr Lewis may take by way of apology, but I feel some action is appropriate. I have been in this House when other people have made a mistake in what they have said, and they have not hesitated to apolo-

gise. I can recall Mr Withers, representing a province in the north of the State, rising on one occasion and saying, "I misled the House and I apologise."

Hon. Doug Wenn: I would not hold my breath.

Hon. TOM McNEIL: Maybe Mr Wenn has a different impression of Hon. Sandy Lewis than I have. I think he was wrong to make that allegation against the Leader of the National Party, and that an apology should be forthcoming. I do not think it should be necessary for me to stand up and defend my leader's comments, but I felt it was appropriate in the light of this document.

Hon. G. E. Masters: Is that the one with the National Party on one side and the Liberal Party on the other?

Hon. TOM McNEIL: It is only the Liberal Party compromise document.

Hon. G. E. Masters: There were two, you see. The one with the National Party on one side was chopped out by Andrew Mensaros.

Hon. TOM McNEIL: Hon. Sandy Lewis has made me aware that there is another part to this.

Hon. G. E. Masters: You should read Matt Stephens' comments on the Legislative Council and the power of the Council. It is a confidential document and I will not read it here, but you would be shocked.

Hon. TOM McNEIL: The National Party did not spread it around.

Hon. G. E. Masters: Nor am I going to.

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

Hon. TOM McNEIL: As the debate proceeds, we will have other remarks to make regarding our amendments to the proposed legislation. I rose only to defend the Leader of the National Party against what I thought was a scurrilous attack.

#### *Personal Explanation*

HON. A. A. LEWIS (Lower Central) [4.03 pm]—by leave: I am very sorry if I have upset Mr McNeil because he is a friend of mine, but the person who made the attack was the Leader of the Country Party.

Hon. Tom McNeil: Get the terminology right.

Hon. A. A. LEWIS: I am sorry, the National Party. The thing that took my eye, especially in the by-election climate, was that the Leader of

the National Party had no hesitation in blaming the Liberal Party for having done a deal. That was what I was attacking. If I have upset either Mr McNeil or his leader I apologise for that, but I just wanted to straighten the record. The record consequently has been straightened because we know that the Government cannot be trusted with confidential discussions, that it leaks party documents. That has been proved by Mr McNeil's speech tonight. The Government leaked it, and the Government leaked only part of the document.

So, to my National Party colleagues, if I have caused them some trouble I was attacking their leader only because he happened to say that the Liberal Party had done something which in reality it had not done. When confidential information is being discussed between parties, if any party or person leaks that information I believe that breaks down the fabric of this place. Those members of the Government who leaked it should know that one of these days they will get a straight deal, because if I wanted to I could put on the Table handwritten messages from the Government.

Hon. G. E. Masters: In Mr Bryce's handwriting.

Hon. A. A. LEWIS: In Mr Bryce's handwriting, suggesting various things. But with confidential information one does not do that.

Hon. G. E. Masters: On the day the amendments were introduced.

Hon. A. A. LEWIS: I am not entering into that. I am making a personal explanation, apologising if the National Party is upset about what I said but setting out the facts, which are that the Government was trying to drive a wedge between the parties. That is obviously what it did, because Mr Cowan rose to the bait. But he must have been a party to the documents when they were in their original form.

Hon. Fred McKenzie: How do you know it was not a member of your own party?

The DEPUTY PRESIDENT: Order! We shall not have a debate.

Hon. A. A. LEWIS: If I could show him the documents, which I cannot, Mr McKenzie would see it was obvious from where the leak came and how it came about. I believe that this House ought to deplore—and I deplore—the fact that the leak came about at all.

### *Debate Resumed*

HON. E. J. CHARLTON (Central) [4.10 pm]: I wish to briefly outline the content of the National Party's amendments. In doing so, I

wish to explain to the Legislative Council that during the period since the Bill was last debated in this place a great deal of discussion and research has been carried out in an attempt to amend this Bill in a manner satisfactory to all concerned.

I wish to refer to the period between the last sitting of Parliament and this sitting. It is of extreme disappointment to me that a number of members have not specifically been informed of what has taken place during negotiations. What Hon. Tom McNeil said highlights the fact that there is nothing worse than ignorance or a lack of understanding. I say that in all sincerity about what has taken place. This is a volatile and comprehensive piece of legislation. A by-election was called in the middle of the debate on this Bill and I do not think that has been to the advantage of anyone. It is a lesson that will never be learnt by members of Parliament.

I was involved in all the discussions that took place with the various parties. I know the facts and where each party stands with its proposals. Some mistakes were made and some people were so far off the mark that it would have been quite laughable had it not been so serious.

I refer to the content of the National Party's amendments, which are very straightforward. Our position has not changed a great deal since we were last in this place debating this Bill. We believe this House should comprise 17 members from the metropolitan area and 17 members from the non-metropolitan area. The reason is this: We suggest there should be 34 members in this Legislative Assembly from the metropolitan area and 23 members from the country area, which differs slightly from the Liberal Party's and the Government's amendments. The reason we have taken that view is that the majority of the voting population is in the metropolitan area. There will be more amendments relating to the metropolitan area than to the non-metropolitan area.

The non-metropolitan area has suffered decentralisation, regionalisation, and in the last couple of years, victimisation. There is a concrete solution. If there is to be stability in this State in electoral representation, surely we have to recognise the fact that the metropolitan area will elect 17 members to the Legislative Council stretching a few kilometres north and south and a few kilometres east and west. Outside those areas there is a vast area from the south coast to the north coast and the eastern border. There are sparsely populated areas and other areas that have significant populations.

The proposal we are putting forward is a real one with regard to 17 members from the densely populated area and 17 members from the non-metropolitan region. The metropolitan region is many times larger in voting population.

Hon. J. M. Berinson: If you accept that the difference in population justifies some greater number of members in the Legislative Assembly from the metropolitan area how do you move from that principle when you come to the upper House?

Hon. E. J. CHARLTON: As I stated, we have that already in the Assembly districts, even with the vote weighting, because of actual numbers. The Legislative Assembly is the people's House and is more closely related to that point of view which forms the Government of the State. We accept that because that is the way it is. A House of Review has to have a role to play. Surely that is the reason for having it. If it is to be seen as a rubber stamp there is no point in having it at all. I would support the abolition of the upper House if that were the case.

In Australia the States are part of the Federal system and we have a situation where each State, regardless of its population, elects equal numbers of senators. We have taken that situation and related it to the Legislative Council in this State. We have country members and city members from all walks of life. I hope we can bring country and city people closer together and not further apart, as that situation has occurred with so many pieces of legislation. The National Party has arrived at that conclusion. Certainly, there are many other things to be considered but that is the final, overriding aspect. That is the reason we wish to have the 17-17 weighting.

We have agreed with the Government for different reasons. There will be three regions in the metropolitan area and three regions in the country area. I can fully accept what the Liberal Party has put forward. It is a valid argument, except when we look at country areas where there are vast areas with fewer members. For that reason we accept three regions in the country and three regions in the metropolitan area so we can retain some sense of relativity between members who are elected to the Legislative Council from metropolitan and non-metropolitan areas. The three large areas in the country will be the South West—which has the greater number of people—the Agricultural area, and the Pastoral and Mining area which

all have something in common. To maintain continuity in the metropolitan area we have accepted there should be three regions there.

The third point is that the numbers in the Assembly will remain 34-23; I will not go into that now. The final point, which is not as important, has already been explained by the Liberal Party and relates to the ticket to elect members of the Legislative Council. Obviously with proportional representation there will be a greater number of candidates on the tickets, and this proposal will simplify the operation, and we support it.

For the remainder of this debate a great deal of commonsense and realism needs to be applied to this complex piece of legislation. It has a great effect on people although it is quite obvious they are not particularly interested in it and for obvious reasons do not understand the pros and cons of the Bill. However, they will be interested in the outcome if it does not satisfy the expectations of people in a particular area. There has been very little input or comment from the mass of people in the State, but there will be if we put into place in this Parliament something which does not stand the test of time and does not give the people an opportunity to elect members to this House to carry out the role which is laid down for them.

Sad to say, a lot of the debate so far has been of no benefit to anyone. We have played around for short-term gain for individuals. It is time we got down to some concrete argument on the amendments before us.

**HON. JOHN WILLIAMS** (Metropolitan) [4.22 pm]: Who would envy any speaker entering the debate at this stage? One can look at this matter in two ways: Firstly, it is like a carcass which has been picked clean and some of the bones masticated; secondly, having come in today and found over 100 amendments to this Bill on the Notice Paper—and that is a colossal number—I am reminded of a bowl of spaghetti which has been cut up with a knife and fork and we are now asked to re-unite it in one long piece.

I say in all generosity to the Leader of the House that this is a colossal piece of work for members to undertake. To go into Committee with uncoordinated amendments, which are not the fault of the Leader of the House—I am not pointing the finger at anyone—leaves us with several ways of dealing with this matter. The first has been suggested, and that is that the Government should take time out and re-issue the Bill with the Government's amend-

ments included. Then the amendments as they stand at the moment can be considered in the light of the Bill.

A second solution would be, if the Leader of the House and his supporters felt it was right and proper, to adjourn and hand the task of coordinating all these amendments to the Chairman and Deputy Chairman of Committees so they can come back to the House as a working party and say there will be no misdirection from the Chair in the Committee stage because it will be crystal clear and each member will have a copy of the amendments.

The third option is one which I would not countenance, but I draw it to the attention of the Leader of the House. Someone could move under Standing Order No. 205 that the previous question be not now put, and that would expunge the Bill from the Notice Paper, and we would start from scratch. Those are the alternatives as I see them.

My predecessor in this place, the late Hon. Gordon Hislop, was instrumental in reforming this House when the property vote disappeared. It now appears further reforms are wanted. It can be said that the State since 1965 has grown in population and there are different needs. Indeed, when one listens to the debate does it not come down to the question of what role this House should play? I refer to the permutations and combinations given by the various parties—and I am not being cynical—of 17-17, 18-16, and 19-15. Do not let us delude ourselves. Let us be honest: which parties and research units in those parties have not put those figures through the computers and come up with various models with various advantages at different times? That is the truth of the matter. If as my leader pointed out this afternoon there should be one metropolitan area and one country area, what does that satisfy? It is another theme on the 2-3 or 3-3 which the National Party wants.

If we are going to subject this House to reform, why not take a big step and make it the State senate of Western Australia with one area? That would satisfy the National Party in so far as its members have said they want to draw the country and metropolitan people closer together. That is another option.

Hon. N. F. Moore: Not really.

Hon. JOHN WILLIAMS: It is something to look at.

Hon. J. M. Berinson: Would you care to put an amendment to that effect on the Notice Paper?

Hon. JOHN WILLIAMS: I am looking at this Bill and expressing a personal opinion. I am not echoing what my party feels or says; I am stating my own opinion.

Members can imagine my surprise when the Leader of the House explained this afternoon that the first clause proposed to be amended, clause 5, contains the provisions for one-vote-one-value. Mr Deputy President, you and I have sat in this House long enough to remember that when some members of the present Government were sitting on this side they almost went to the barricades for one-vote-one-value. Flags were flown, and one or two members got a few nicknames. One lady, who shall remain nameless, was called Madame Defarge, so militant was the fight for one-vote-one-value.

Hon. Kay Hallahan: We still prefer one-vote-one-value, for goodness' sake.

Hon. JOHN WILLIAMS: I am not disagreeing. I have already said the Leader of the House gave an explanation this afternoon which satisfied me—that it was not a reversal of policy, but an attempt at compromise.

Hon. Kay Hallahan: Absolutely!

Hon. JOHN WILLIAMS: Will the Minister not let me say it? I appreciate her help from time to time, but at this juncture she would be better advised to leave it at that.

Hon. Kay Hallahan: I take what advice I like to take.

Hon. JOHN WILLIAMS: That is not strictly true in all circumstances. We all have our masters wherever they may be and in whatever guise they come. Let us have no delusions about that.

The Bill is a complex one and it has been argued six months ago, two years ago and seven years ago. One could be extremely boring to the House and turn up thousands of quotes from *Hansard*. Members could look, as I did, under the names of members of the Government in the *Hansard* index to find out when members spoke on this issue. It was a good exercise, but it is futile to present information about what Hon. so-and-so said about the subject in 1982, 1984 or 1986. That sort of debate could be turned against a member because members have the right to change their minds depending on circumstances and cases.

If my remarks deviate from what members of the Government would expect to hear from members on this side of the House it is only because I have a deep concern for what is right

and proper. During the Committee stage of this Bill each member will be called upon to make decisions. Each member demands that in making those decisions there should be absolutely no hint whatsoever of confusion. I am being serious: There must be no confusion when a question is put and about who votes which way and why. If members vote in a certain way they should know what are the consequences. What will happen to the Bill when we reach the Committee stage?

I would like to see greater order in the Bill. I am not going to retread the ground every member before me has covered because, quite rightly, it could be deemed as tedious repetition and one could not deny that.

I implore members, particularly the Leader of the House, to rethink the next step of this Bill. There is no member in this House who will not be glad when this Bill is resolved. I am sure that both the Leader of the House and the Leader of the Opposition and, indeed, the spokesman for the National Party, will be really glad when the final fate of the Bill is decided. Perhaps it may be appropriate for a working committee to be formed to consider the next step the Bill should take before the Committee stage. If it be that the Government decides it will reprint the Bill with its amendments included, it would be to the advantage not of any party, but to the advantage of each individual to enable him to understand what is happening. The reprinting of the Bill would be helpful to members when speaking to their constituents who will demand a clear explanation about what is happening.

The amendments tabled by the Opposition today appear to me to have a sort of simplistic quality. As we have been told, the Opposition is suggesting two areas, a metropolitan area and a country area, and a certain weighting—18 members in the metropolitan area and 16 in the country area—and all the necessary paraphernalia such as voting tickets to make the system work.

We must approach the Bill honestly and without bias. Do not let anyone tell me that in a debate of this nature it is incumbent on members not to have second thoughts about it. It is human nature to change one's mind. Members will think how it will affect them and others.

People are already calculating how they will get on the top of the ticket, if there is to be a ticket. People are working out whether they should remain in the country or transfer to the

city. It is only human nature and, in that respect, that is exactly what is happening to this Bill.

The Bill has been in this House for six months and it has been hanging around the Parliament for nearly a year. It is high time we disposed of it one way or the other—I would like it not the other. I would like it to be a piece of legislation that this Parliament, not just the Government, will be proud of.

I wonder whether members read the article in the *Sunday Times* last Sunday which was a tribute to the President. I am still bemused about why voting in Australia is compulsory.

Hon. J. M. Brown: Or preferential.

Hon. JOHN WILLIAMS: I do not consider, with my background, that compulsory voting is democratic. Nobody has the choice whether he votes—he has to vote.

Hon. Robert Hetherington: You have to take a ballot paper.

Hon. JOHN WILLIAMS: People have to take a ballot paper, but surely those people who are interested in the progress of their State and nation want the right to exercise their vote. They should also have the right to not exercise that vote if they wish. There seems to be a slight paradox because local government elections are not compulsory.

Hon. Garry Kelly: They should be.

Hon. JOHN WILLIAMS: They should be. Voting in America is not compulsory.

Several members interjected.

Hon. JOHN WILLIAMS: I am worried about the people who are concerned enough to vote. People who do not turn out to vote for one election might do so at the next election. I can understand compulsory voting in the early days of colonisation. As far as I am concerned, it has been an anomaly to me that we make compulsory voting the very cornerstone of a supposedly free and democratic society.

There are some countries in the world where it is compulsory to vote when there is only one candidate.

If I continued I would be guilty of tedious repetition. I hope some notice is taken of the remarks I have made, particularly regarding a solution to deal with this plethora of amendments.

HON. J. M. BERINSON (North Central Metropolitan—Attorney General [4.39 pm]): The Leader of the Opposition spoke today quite briefly and I suppose it is a tribute



to his capacity that within such a short time he should have been able to be so wrong, so provocative and so misleading. I refer, in particular, to his repeated jibes about the Government reneging on its commitment to the principle of one-vote-one-value.

The Government does not resile from its support of the principle of one-vote-one-value to any degree at all—that remains its first commitment.

As Hon. John Williams was fair enough to concede, we are not dealing in an environment where the Government's own view can prevail. There are certain realities which we have to face. That is the reason why this Bill has been under inter-party discussion for six months, and if the Government—

Several members interjected.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): Order! I will not have members shouting across the Chamber.

Several members interjected.

The DEPUTY PRESIDENT: I will not have members interjecting on me; if they do they will find themselves out of the Chamber very smartly.

Hon. J. M. BERINSON: If the Government amendments move from our basic commitment to one-vote-one-value, that is an attempt to accommodate the views of the Opposition parties—their views, not ours. That is what compromise is. It is a compromise to which we do not go willingly or readily, but one which we offer on the basis we all understand, and that is the numbers in this House.

For reasons which I will shortly explain—

Several members interjected.

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

Hon. J. M. BERINSON: Mr Deputy President, for reasons which I will explain shortly, the details of the alternative proposals which have now been listed by the Liberal and National Parties are best left to the Committee stage, and therefore I do not intend to respond to them in detail now.

That, of course, assumes that we will reach the Committee stage. Given the background on this Bill, that is the least we should be able to rely on. I am frankly appalled by the call of the Leader of the Opposition to his own members to oppose the second reading. This Bill involves questions of the highest principle.

Hon. P. G. Pental: That is what Mr Tonkin said.

Hon. J. M. BERINSON: The Leader of the Opposition based his call for the rejection of this Bill at the second reading merely on technical considerations. He said that the second reading ought to be opposed on the basis that there are too many amendments on the Notice Paper. I hardly need to tell members, because all of us will well understand it, that that sort of argument is not a reason; it is an excuse. It is an attempt to put off the evil day of decision at all costs and by whatever means.

Hon. G. E. Masters: Rubbish!

Hon. J. M. BERINSON: There may well be 100 amendments on the Notice Paper, but all members will understand as well as I do that only a handful go to the vital issues of this legislation. After that, the rest will fall into place. This will not be the first occasion on which the Leader of the Opposition has approached a Bill with as many as 100 amendments. He will know quite well that that is perfectly feasible on a technical basis.

Let us put that aside. I invite the House to concentrate on the principle of this legislation, because a high principle is involved; one which we have already delayed for too long.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon. J. M. BERINSON: Unlike the Leader of the Opposition, it is not in my nature to be provocative or argumentative.

Several members interjected.

Hon. J. M. BERINSON: As I have explained, detailed argument on the alternative proposals can best be left to Committee discussions. I propose to limit my own comments at this point to two main purposes. In the first place, and in view of the time which has passed since most members spoke on the Bill, I propose briefly to review its original provisions. Secondly, since the Government has placed important amendments on the Notice Paper, I propose to provide some explanation at this stage which may help to put the amendments into perspective before we proceed to the relevant debate.

This Bill is the Government's third proposal for changes to the system of parliamentary representation in Western Australia. In its second and third proposals, the Government has made significant compromises to its own basic position with a view to meeting the differing viewpoints expressed by Opposition parties.

Hon. G. E. Masters: I think we all have, haven't we?

Hon. J. M. BERINSON: Debate in both Houses seems to have acknowledged at least that the case for reform is sound in principle.

Hon. N. F. Moore: It is a major change.

Hon. J. M. BERINSON: Major differences remain in respect of detail, but there has been a reasonably constructive and open-minded approach by a number of members on all sides, in marked and welcome contrast to earlier experience. The challenge remains, however, to carry forward that constructive approach to the preliminaries to the point of effective action. That is the challenge which we must face up to today.

The Bill as introduced into this House provides as follows: In the Legislative Council it is proposed that members be elected from six regions, each made up of groups of Legislative Assembly districts. Guided by the broadest of geographical descriptions, three electoral distribution commissioners would decide which districts are to be placed in each region. Two regions, the agricultural, and the north and east, each proposed to be made up of four districts, are to elect three MLCs each. Four regions—the north, south, and east metropolitan, and the south west—are each proposed to elect seven MLCs, with the metropolitan regions comprising 13 districts each and the south west 10.

These proposals for the Legislative Council fall well short of the Government's policy in support of one-vote-one-value and indicate the Government's response to the Opposition's insistence that there should be continued vote weighting.

The system proposed by the Bill continues to favour voters in the country with a vote weighting of 1.4:1, and the same number of regions as the city. In each region, for the election of either three or seven MLCs, votes would be counted by a system of proportional representation similar to the Senate's. This guarantees an accurate match between votes and seats won.

Instead of the present position, where there are 30 Assembly districts in the metropolitan area, 23 in the agricultural, mining and pastoral areas, and four districts defined by Statute in the north west and Murchison-Eyre area, the Bill proposes a different approach to the creation of Legislative Assembly districts. All the statutory electoral boundaries and areas would be abolished and the commissioners would be

required at a distribution to set the enrolment of each district within a range from 15 per cent above to 15 per cent below the average district enrolment. At the moment the average district enrolment is 15 200 electors.

All boundaries for electorates in both Houses would be drawn by the independent electoral distribution commissioners. Redistributions are to commence automatically one year after every second general election.

Commencing with the 1989 election, it is proposed that all members of both Houses will be elected for four-year terms. The terms of MLCs would continue to be fixed and continue to run from the existing May date.

To permit easier voting, the Bill proposes that the marking of preferences on ballot papers be on the number to be elected and should be optional.

In addition, the Bill proposes the creation of a Western Australian electoral commission. This will be a statutory authority with guaranteed independence of operation and staffing. It will be fully responsible for the impartial administration of the electoral law.

Since the Bill was last debated, negotiations have taken place between the Government and Opposition parties on a number of occasions. These talks thoroughly canvassed all aspects of the Bill and, I understand, were cordial and frank. In the course of these discussions it became clear to the Government that the 1986 Bill included proposals which the Opposition parties would not accept. Given the numbers in this House, it follows that the Bill in its original form, despite its substantial concessions to the Opposition, would not be enacted.

Although the Government would have preferred the talks to result in some agreement on a compromise package, the opening of this parliamentary session arrived without an agreement in place. After carefully reviewing the positions of the various parties as expressed in the course of negotiations, the Government therefore prepared and has placed on the Notice Paper a number of amendments. These amendments constitute a further compromise package which moves quite dramatically from the Government's basic position and the reform proposals on which, need I remind members, the Government was elected both in 1983 and 1986.

The key elements of the new package proposal are as follows—

1. A proposal for optional preferential voting has been dropped and full preferential voting is retained.
2. Ballot papers for both Houses will offer voters a choice of two different ways to cast a full preferential vote.

The present method of numbering the squares opposite the name of each candidate will continue to be available. In addition, candidates or groups may lodge a voting ticket with the returning officer, and the names of these candidates or groups on the ballot paper will be printed with a voting ticket square. Voters may choose to place preferences marked in one of these squares, and in such cases that vote will be deemed to be a full preferential vote marked in accordance with the registered voting ticket. Eighty-five per cent of voters chose to use a similar simplified method of voting in the 1984 Senate election. The Government believes that this proposal will be both popular and of assistance in reducing the incidence of informal voting.

Further amendments are designed to make voting easier in another way. It is now proposed that candidates or groups may have the name "Independent", or the name of their political party, printed next to their names on the ballot papers. Where a candidate or group has also lodged a voting ticket, the same wording will be printed near the voting ticket square. Registered ticket voting and the printing of party names on ballot papers are complementary steps towards easier and more informed voting.

Certain names may not be printed on ballot papers. For example, parliamentary parties with a member in the Commonwealth or State Parliament will be protected against the use of names that might be confused with their own.

At the very core of the electoral reform Bill is the idea of votes of equal value. Debate has indicated that there is cross-party support for ending the gross imbalances which are the most objectionable feature of the present system. However, negotiations indicated that the Government could not hope for agreement to its proposal for approximately equal enrolments in all Legislative Assembly districts. The Opposition parties have continued to press for a vote-weighting ratio of approximately 2:1 between metropolitan and country district enrolments. In an endeavour to make at least some progress towards equally valued votes, the

Government is now proposing a ratio of approximately 1.7:1 between metropolitan and country enrolments, instead of the 1:1 proposed in 1984 and 1986.

A ratio of 1.7:1 in enrolments in electorates on either side of the metropolitan area boundary is, of course, a political decision. The line discriminates between groups of electors as to the weight of their representation in Parliament. The Government therefore believes that it would be quite improper to ask the Electoral Distribution Commissioners to take responsibility for such a line. Accordingly, the amendments specify that "metropolitan area" means the area described as at 1 January 1987 in the third schedule to the Metropolitan Region Town Planning Scheme Act 1959.

Hon. G. E. Masters: For 10 years you have been saying there should be an independent commissioner setting the boundaries. You have been saying that ever since I have been in this place.

Hon. J. M. BERINSON: For as long I can remember we have been saying there should be no artificial dividing line between the metropolitan and non-metropolitan areas. That is what our Bill still says, and that is the point from which we are moving in an attempt to meet the pressures exerted by the Opposition.

Hon. G. E. Masters: Absolute humbug!

Hon. P. G. Pendal: Another backdown! They say one thing, and do another.

Hon. J. M. BERINSON: The proposed definition becomes a part of the proposed Electoral Distribution Act and may not be altered for electoral purposes except with the concurrence of an absolute majority in both Houses.

The proposed definition of the metropolitan area, together with the proposed allocation of 35 districts as metropolitan and 22 districts as country, results in the 1.7:1 ratio between district enrolments inside and outside the metropolitan boundary. The much-expanded metropolitan area will encompass all of the existing districts of West Province, the southernmost portion of Moore, and the north eastern portion of Dale. In all, approximately 45 000 electors in these districts will in future be included in the metropolitan area for electoral purposes. Anticipated district enrolments will be approximately 18 140 inside the metropolitan area and 10 500 in the country. The Act will require the commissioners to calculate a separate average district enrolment in the two areas.

Although it involves a substantial move from the Government's policy, even greater vote weighting is now proposed for the Legislative Council. From an original position of one-vote-one-value in 1983 to 1.4:1 in 1986, the Government has now moved even further to accommodate the views of the Opposition. The decision by the Government to accept vote weighting has not been taken lightly. However, with the average metropolitan to country ratio at present just over 3:1, and the worst case near to 11:1, some progress is essential.

In the amendments, the allocation of MLCs to regions is changed in favour of electors in the country. The reallocation of two MLCs from the city to the country and the inclusion of the 45 000 electors into the newly-proposed metropolitan area mean that the average ratio of enrolments per MLC between metropolitan and country regions will be approximately 2.17:1.

Proposed alterations to the system of representation are as follows: Two additional MLCs will be allocated to the renamed agricultural, mining and pastoral region. This region will now have five MLCs and be composed of seven districts. Anticipated enrolments in the proposed agricultural, mining and pastoral region will be in the vicinity of 73 500 electors. Retention of the same name from the present Act is to indicate that the proposed region will extend over much of the same area, except to the south west.

In the south west region of seven MLCs, there will be 11 instead of 12 districts. No change is proposed to the number of MLCs and districts in the north and east region, but members should recall that, under the amendments, a country district enrolment will be approximately 10 500 electors. Anticipated enrolments in the north and east region will therefore be in the vicinity of 42 000 electors. This enrolment and the area defined are now analogous to the present north west and Murchison-Eyre area.

The two additional MLCs allocated to the agricultural, mining and pastoral region are proposed to be subtracted from the seven the Bill allocates to the east metropolitan region. To balance the enrolments per MLC within the metropolitan area, the east metropolitan region of five MLCs will be made up of nine districts. The east side of the proposed metropolitan area has the lowest population density, and the proposed allocation of nine districts to the east region will help keep the area of that region within reason.

I remind members that the original 1986 Bill already includes many compromises which were explained last year. The timing of an electoral redistribution was changed to be more predictable and less frequent. Proposals to reduce the numbers of MLCs were dropped, as was the idea of simultaneous elections where the Legislative Council would always be dissolved at the same time as the Legislative Assembly. Instead, fixed terms for MLCs are now proposed.

Six regions are proposed now instead of the one in 1983, and the greater flexibility of plus or minus 15 per cent instead of plus or minus 10 per cent margin or allowance either side of the district quota will be available to the Electoral Distribution Commissioners. On top of these compromises, which were incorporated in the Bill from the outset, the Government also accepted a series of amendments proposed by the Opposition in the Legislative Assembly. Opposition amendments already a part of the Bill include—

Granting the Deputy Electoral Commissioner the same privileges and protections as the Electoral Commissioner.

Precluding appointments to the following offices without consultation between the Premier and the leaders of parliamentary parties—

Electoral Commissioner;

Deputy Electoral Commissioner;

Acting Electoral Commissioner;

Government Statistician.

Barring members of Parliament from ever becoming either the Electoral Commissioner or the Deputy Electoral Commissioner.

#### [Questions taken.]

Hon. J. M. BERINSON: Any reasonable evaluation of the Bill and the amendments now before us must acknowledge that the Government has made major compromises. Indeed, on the central question of direct proportional voting and the degree of vote weighting proposed, the Government has clearly moved much more than halfway.

Frankly, we have now reached a position where the categorisation of the proposed amendments as reforms can now be made with a good deal less enthusiasm than in the 1986 Bill. Certainly, anything less could not seriously be advanced as a reform at all. The Government's compromise package which is

now before us does not enable reform to the extent desired by the Government. However, it does seek to provide a set of proposals on which all parties should be able to find sufficient common ground to lend their support to the Bill.

I am well aware of the complexity of some of the detail I have previously outlined to the House. It may help members to consider a table setting out the structure of representation as proposed in Government amendments.

### ELECTORAL REFORM BILL 1987

#### Structure of Representation (As Proposed in Government Amendments) Summary Table

		Estimated District Enrolments		Estimated Enrolments	
Region	MLAs		MLCs	Region	Per MLC
North and East	4	22 of 10 500	3	42 000	14 000
Agricultural, Mining and Pastoral	7		5	73 500	14 700
South West	11		7	115 500	16 500
Metropolitan Region Scheme Boundary					
North Metro	13	35 of 18 143	7	235 859	33 694
South Metro	13		7	235 859	33 694
East Metro	9		5	163 287	32 657
	57		34		
LA Ratio=1.72:1			LC City: All Country=2.17:1		

#### Debate Resumed

Hon. J. M. BERINSON: This Bill has been under active inter-party discussion for almost six months. The Government's compromise amendments were listed six weeks ago, and it has been known for three weeks at least that it was intended that debate should proceed this week. It has therefore been both surprising and disappointing that the Opposition's amendments were not lodged until midday today, and then in such volume as to make prompt discussion of them quite impractical.

Hon. P. G. Pental: You were told why that was the case. You were the architect of your own doom there.

Hon. J. M. BERINSON: That is simply incorrect. A case has been put to me that the Opposition experienced some difficulty with sufficient availability of a draftsman. That does not explain three weeks' delay, Mr Pental; it might explain the odd day's delay. I have no doubt that the real problem arises from a delay in drafting a brief to the Parliamentary Draftsman rather than the limited availability of that officer.

Hon. P. G. Pental: Believe what you want to.

Hon. J. M. BERINSON: In any event, and on the assumption that the second reading will be supported, I indicate now that I will thereafter propose that the Committee stage of the Bill be held over until tomorrow's sitting. I am also bound to say that on the brief and inadequate consideration which has been possible so far, the Opposition's amendments indicate that the crucial question of excessive vote weighting has not been faced up to, especially in relation to the position of this Council. That is a matter to be pursued in greater detail at a more appropriate time. As I have already indicated, such a time would be during the Committee stage. I commend the Bill to the House.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): Before I put the question I draw to the attention of the House the constitutional requirement that the second and third readings of this Bill must be passed by an absolute majority of the whole number of members of the Council.

Question put and a division taken with the following result—

**Ayes 19**

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. Tom McNeil
Hon. E. J. Charlton	Hon. Mark Nevill
Hon. D. K. Dans	Hon. S. M. Piantadosi
Hon. Graham Edwards	Hon. Tom Stephens
Hon. John Halden	Hon. Doug Wenn
Hon. Kay Hallahan	Hon. Fred McKenzie
Hon. Tom Helm	(Teller)

**Noes 13**

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

The DEPUTY PRESIDENT: I declare the motion carried with an absolute majority.

Question thus passed.

Bill read a second time.

**LOCAL COURTS AMENDMENT BILL**

*Second Reading*

Debate resumed from 30 April.

HON. JOHN WILLIAMS (Metropolitan) [5.12 pm]: The Opposition will support this Bill. It is an interesting Bill which follows tried procedures in the District and Supreme Courts. Certain measures will now be taken in Local Courts.

It is a welcome piece of legislation because it will increase the availability of court procedures to the country areas where, at times, the people are at a disadvantage. Perhaps the most pleasing aspect of the Bill is that a trial will no longer need to be referred to its place of origin. That is extremely important in view of the vast size of the State. The magistrates who are on circuit will then be able to deal with a local matter, which may originally have been raised in Perth, at less cost to litigants and defendants.

The other aspect of the Bill which is quite pleasing is the fact that pre-trial conferences will now be available to local courts, and trial dates will be more easily and quickly fixed. Pre-trial conferences get rid of an enormous amount of dead wood, toing and froing, and a consequent backlog of listings and hearings.

The only other matter for reflection relates to the increase in the amount of moneys because of inflation. When one looks at the Small Claims Tribunal increase from \$2 000 to

\$3 000, we see that it was only 18 months ago that it was increased from \$1 000 to \$2 000. It does illustrate the fact that inflation has many ramifications.

The Opposition welcomes and supports the Bill.

Question put and passed.

Bill read a second time.

*In Committee*

The Chairman of Committees (Hon. Mark Nevill) in the Chair; Hon. J. M. Berinson (Attorney General) in charge of the Bill.

**Clause 1: Short title—**

Hon. H. W. GAYFER: Evidently the Bill allows for a trial to be moved to the country. Under the Small Claims Tribunal, are split hearings allowed? Is it possible for the referee to hear one side of the case in one town and the other side in another? Can a metropolitan hearing also be held in the country?

At the moment, any case against a country person has to be heard in the city. Sometimes the cases can be minor matters.

Hon. J. M. BERINSON: I am unable to answer that question confidently, but my understanding is that the place at which the trial is set is intended to be the place at which the whole proceedings are concluded. Even with split hearings it is desirable for both parties to be represented, or at least to be able to appear.

Hon. H. W. Gayfer: Sometimes it is very inconvenient.

Hon. J. M. BERINSON: It therefore becomes a balance of convenience as to how both parties can be best accommodated. Nonetheless, I am quite prepared to take that question on notice for further consideration.

Clause put and passed.

Clauses 2 to 21 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 (Attorney General), and transmitted to the Assembly.

**BOXING CONTROL BILL***Second Reading*

Debate resumed from 19 May.

**HON. P. H. LOCKYER** (Lower North) [5.19 pm]: The Opposition does not oppose this Bill. I think my leader displayed a particularly good sense of humour when he made me handle this Bill. It is merely a tidying up exercise to bring it into line with other States. The legislation is an attempt to tidy up the industry, which was getting a little grubby.

It is interesting to note that since the Government has tried to get rid of strippers in the pubs, the hotel down the road, which is still going strong, has introduced boxing. I noticed today that on Friday nights boxing events of four or five rounds take place.

The legislation will make no difference to the scraps which take place in the bush. Hon. Ernie Bridge wrote about a well-known pub, I think it is in Halls Creek—"In outback fights there are no rules, no limits to the weights". The legislation will make no difference to that situation.

Some roughness was evident in the industry, and some unfit fighters were being promoted. The licensing and other provisions in this legislation are good measures. The Opposition supports the Bill.

**HON. TOM McNEIL** (Upper West) [5.21 pm]: The National Party supports this legislation. I commend the Minister for the amount of work that has gone into this Bill; I know that he worked for a long time on this legislation, and I believe the committee as a whole had great input.

As Hon. Phil Lockyer has said, the sport needed cleaning up, and an important aspect of this legislation is the necessary permits that must be held by the promoters before contests can proceed. I know that the Minister shared my concern about some of the people in this industry; and certainly the licensing provisions of this Bill will help to put the sport in a more favourable light. I hope the Minister will allude to one aspect of the Bill which was referred to in his second reading speech—

Under these requirements, certain venues may be excluded from boxing contests and persons registered in other States or overseas may be exempted from the Bill.

I would like the Minister's clarification of exactly what he proposes to do with regard to this aspect. We have seen boxers in this State from overseas who are supposedly here for

world title contests and, in fact, I doubt whether some of them could beat Hon. Eric Charlton around the corner. On one occasion a Thai or Canadian boxer who was ranked 40th in the world came to Western Australia, but on his performance in this State his ranking would have been about 500th. The public are duped into paying money to see so-called world title contests. However, the fights have often not gone the distance and the event has not been worthwhile. I would like the Minister's indication of what provisions will be made with regard to people registered in other States and overseas, and how they will be exempted from the provisions of the Bill.

**HON. GRAHAM EDWARDS** (North Metropolitan—Minister for Sport and Recreation) [5.24 pm]: I thank both members for their contributions; they have assessed the Bill correctly. We are attempting to provide the safest possible environment in which boxing will take place.

In relation to the places where contests are held, it is not proposed to automatically declare any place as a venue at which boxing cannot be conducted. Rather, the intention is to assess individual places at the time an application for a permit is lodged. If it is felt that it is not appropriate to hold a boxing contest at that venue, a permit will not be issued.

With regard to boxers from overseas, we shall not attempt to stop any boxer with reasonable credentials from taking part in a boxing event in this State. The problem touched upon by Hon. Tom McNeil has occurred from time to time in the past, and we shall look at the ranking of overseas contenders so that when they are in this State they are not put in the ring with a boxer who has markedly better skills and has the potential to damage the overseas or interstate boxer.

I thank members again for their support.

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. Graham Edwards (Minister for Sport and Recreation), and passed.

## STOCK (BRANDS AND MOVEMENT) AMENDMENT BILL

### *Second Reading*

Debate resumed from 19 May.

**HON. C. J. BELL** (Lower West) [5.28 pm]: The Opposition supports this Bill. It is a simple, straightforward amendment to the Act to allow for the movement of pigs directly from the property of the owner to the abattoirs. As was mentioned in the second reading speech, the vast majority of pigs today are shifted in that manner—a figure of 70 per cent was indicated.

For members who are not aware of what is happening in the pig industry, it has become very intensive. The vast majority of pigs are raised all their lives inside sheds, very scientifically, and under the care of herdsmen who control the total environment and the feeding of these animals.

The previous practice was to use a tattoo brand at the time of movement, and this requirement is contained in the Act. I always found that that was a pain in that one had to physically put this tattoo brand on the animal. The branding instrument had half-inch needles which were put into dye, and the animal was then struck with the needle points. If the pigs were in a group it was always a problem to identify which animal had been struck and which had not. When the pigs arrived at the works, they were identified so that in the event of disease becoming apparent, the abattoirs could trace the owners.

As far as theft is concerned, pigs were not branded while in the sheds but were branded at the time of movement, so one would assume that if the purpose of the Bill is to inhibit theft of livestock, it makes no difference at all because the pigs were unbranded previously and it will make no difference to that situation. In the past, anyone could get access to a piggery, could back up a truck, and cart the pigs away.

There is no opposition from this side of the House to the Bill. It is a good and sensible amendment to the Act. At some future time it may be necessary to look at other aspects of the Act, but this is not the appropriate time.

The Opposition supports the Bill.

**HON. H. W. GAYFER** (Central) [5.32 pm]: The National Party supports this amendment and has to admit it has examined the intent of the amendment very closely to see whether there is any loophole by which the original purpose of branding may be circumvented. The

Bill, as Hon. Colin Bell has stated, obviates the need to brand pigs at the property of origin when they are going direct to slaughter. If that is the only place to which those pigs may go, and there is no other devious thing that may happen, then all would be well and good. However, the pig industry protects itself with a huge pig levy, and it very zealously guards against disease.

The original purpose of branding was mainly as a trace-back system if anything went wrong by way of a transmissible disease or some other disease that was not readily detectable unless the stock brand was there. The National Party cannot see why pigs being moved from their place of origin to the slaughterhouse need to be branded.

The Minister said, and I hope it is correct, that all sectors of the pig industry, as well as the police and the Department of Agriculture, agree with the principles of the Bill. The National Party agrees at first blush also, but there is the nagging thought at the back of one's mind as to whether or not its provisions may be circumvented or abused. The National Party has no reason to query the Bill; it is just that it has a slight apprehension about it because its members have seen so many amendments to the Bill over the years to tighten it up, all in the interests of security against the threat of disease. When one sees some relief from that, one wonders if in fact it may be in some way circumvented.

**HON. D. J. WORDSWORTH** (South) [5.36 pm]: Although Hon. Colin Bell suggested this was not the time to debate stock brands and the necessity for them, I am tempted to rise when I hear Hon. Mick Gayfer suggest that the branding of stock is for disease trace-back. I cannot help thinking that perhaps in the early days of Western Australia it was to stop people arguing over stock that had gone through the fence onto a neighbouring property. I agree that since then it has been used as a trace-back for disease. With sheep and particularly with cattle, it has become necessary before sale or transport to put another identification on them, the tail tag.

The branding of stock serves the purpose of sorting stock out once it gets mixed with that of a neighbour, and hopefully when one has stock stolen, it can be traced. When livestock becomes valuable, one sees quite a lot of stealing. The present branding methods do not seem to overcome the problem. One very seldom hears of a person being charged with stealing stock. It



seems to be reasonably easy to take stock from one property to another; whether the brand is changed or whatever, I do not know.

One goes to the difficulty and expense of branding stock, and when it is sent to market, it has to be accompanied by a form stating the owner, the method of transport, by whom it is transported, the numbers, and the brands, so that the police can trace whether that stock has come from the rightful property. There are, I think, only two policemen in the stolen stock section. I am not sure whether they are overtaxed or not. I think perhaps they are. They spend a lot of their time going onto properties which are run by managers, who complain to the owners that they have had stock stolen, when very often the stock have died of natural causes of just sheer bad management. The stock inspectors or the police inspectors seem to spend their time counting dead carcasses on the properties and trying to identify whether they relate to the numbers reported as stolen.

I would like to see the Department of Agriculture, if that is the correct body, look further at the matter of identification of live-stock and branding of livestock, with a view particularly to overcoming the problem of tracing stolen stock.

**HON. GRAHAM EDWARDS** (North Metropolitan—Minister for Sport and Recreation) [5.39 pm]: I thank members opposite for their support of this Bill, and in doing so I assure Hon. Mick Gayfer that there is nothing hidden in the Bill. I reaffirm that proposed subsection 32 (2) removes the requirement to brand pigs when they are removed from the property and consigned for slaughter. "Consigned for slaughter" means that the pigs are transported directly from the property to the abattoirs where they are slaughtered.

Hon. H. W. Gayfer: I hope when they get there, they are slaughtered.

Hon. GRAHAM EDWARDS: I understand that is the case. I can also reaffirm that all sectors of the pig industry, as well as the police and Department of Agriculture, have supported the amendment.

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. Graham Edwards (Minister for Sport and Recreation), and passed.

## **TOTALISATOR REGULATION AMENDMENT BILL**

### *Second Reading*

Debate resumed from 19 May.

**HON. P. H. LOCKYER** (Lower North) [5.42 pm]: The Opposition agrees to this amending Bill. It seems that some juveniles—I take it this refers to people under the age of 18 years—have been taking the opportunity while at a racecourse to place a wager on the on-course tote—the little devils. It seems that this amendment will stop that.

Of course the real responsibility for stopping these juveniles placing these bets rests with their parents. Once again we see parents exhibiting a lack of authority over their children. It is sad to think that parents cannot watch their children at a racecourse to prevent their doing this.

Hon. D. J. Wordsworth: Where do they get the money?

Hon. P. H. LOCKYER: They do not seem to have any trouble obtaining money, and a lot of youths under the age of 18 years do work these days. It is up to them to decide whether they want to waste their money making a wager in this way. Such activities should be left to adults, the people who know how to squander money properly!

**HON. TOM McNEIL** (Upper West) [5.43 pm]: The National Party supports the Bill. I have always considered it to be part and parcel of country race meetings to see young children there, and I have always thought it was just as illegal for juveniles to gamble on the tote machine as it was to gamble with the bookies. The kids have always shied away from the bookies and have asked their parents to place money with them. I have often seen that happen. In the few visits I have made to racecourses I have never seen children queuing up to bet on the tote machine, but obviously it has been happening. I might add that I hope juveniles, in seeking information in order to back a winner, do not approach Hon. P. H. Lockyer. Were they to do that they would be bound to lose their lolly money.

**HON. D. J. WORDSWORTH** (South) [5.44 pm]: The Minister should fill us in on how this provision is going to operate. When an under-age juvenile wants to drink in a hotel,

the Government seems to think it is the responsibility of the hotelier to judge the age of that person. It seems the hotelier is a good private enterprise person at whom to have a go. The Government runs the TAB, so I am presuming it will accept responsibility for not taking bets from juveniles under 18 years.

**HON. GRAHAM EDWARDS** (North Metropolitan—Minister for Sport and Recreation) [5.45 pm]: I thank members for their support of what is a very sensible technical amendment which will give authority under the Act to prevent juveniles from betting on on-course totalisators.

It is a matter of control, and it is obviously one where the Government needs to act to give teeth to the authorities so that they might stop this sort of activity. Quite simply, if it is legal we cannot stop it. We need to make it illegal before we can attempt to control it, and that is simply what this Bill attempts to do.

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. Graham Edwards (Minister for Sport and Recreation), and passed.

## BETTING CONTROL AMENDMENT BILL

*Second Reading*

Debate resumed from 19 May.

**HON. P. H. LOCKYER** (Lower North) [5.47 pm]: This Bill has two parts, the first of which is to allow bookmakers to appoint an agent to act in their place in certain circumstances. We on this side have carefully considered this and have consulted with the bookmakers' association and with the provincial and city race clubs, and it seems that an agreement has been reached between all of them that this amendment is acceptable. The Minister in his second reading speech said—

prior approval to be obtained from the principal club for each and every occasion on which the bookmaker wishes to use an agent.

I am interested to know whether a time limit will apply, perhaps 24 hours, or is it to be just a reasonable time on those occasions when a bookmaker is ill. It could be on the morning of a race. It is a sensible arrangement.

Bookmaking is a business and in the past bookmakers have been disadvantaged by not being able to appoint an agent to take their place in special circumstances. Rod Evans is a prominent bookmaker in this town and if on Perth Cup day he fell ill and was unable to appoint someone to take his place on the stand, his income would be restricted. That is the sort of circumstance that should be looked at so that he would be allowed to appoint an agent to act on his behalf.

It is a moot point that some bookmakers in this State have been complaining that times are hard. Two weekends ago I attended the Belmont racecourse and at the end of the day, after I had partaken of some little libation with the bookmakers, I noticed their vehicles around the betting ring. They all seemed to be Mercedes or Jaguars, and there was even the odd Rolls-Royce.

The second element of this Bill is the restructuring and relocation of the Betting Control Board. It places it under the control of the Office of Racing and Gaming. This is sensible because all other facets of this sport are under that umbrella. It will deal with all matters relating to racing and gaming.

It is important that the Bill lay down exactly who will make up the board. Our investigations have revealed that the board will be well represented by organisations involved in racing.

I am pleased also that a feature of the Bill is a review clause which requires that on 1 January 1991 and every five years thereafter a review be conducted with regard to the attainment of the purposes of the Act, its administration, the effectiveness of the operation of the board and the department administering the Act, and the need for continuation of the board. That is an excellent provision.

With those few words the Opposition supports the Bill.

**HON. TOM McNEIL** (Upper West) [5.51 pm]: I have difficulty with the provision requiring a bookmaker to be present at a meeting except on account of sickness, leave or special circumstances approved by the principal club. In one of those circumstances his agent may be used. Leave for one person may be just a day off from work. A bookmaker could have a dual

licence for the dogs, the horses and the trots. He may be in a different part of the State attending a meeting but also want to carry on his activities at a metropolitan meeting. Does the Minister envisage that he will be granted leave under special circumstances to use an agent in his place? A bookmaker may have to field at an afternoon meeting at Ascot or Belmont and have to get to another meeting at, say, Cunderdin for the first race. Because he has fielded at one meeting on that day, would he not be entitled to have an agent take his place at the other meeting?

I know Hon. Phil Lockyer, Hon. John Williams, and other members attend the races. One thing that has always annoyed me about bookmakers is that, if a run on a horse comes at one side of the betting ring, the bookmakers, at the other side of the ring, without laying a bet, immediately knock the price down one or two points. One often sees this in the interstate ring where they have opened the course betting on a horse at nines and the next call of the card comes through at sevens. Although one may be standing there wishing to make a bet and cogitating about whether one will accept nines, one suddenly finds that, without taking a bet, and because of Melbourne and Sydney pressures, the bookmaker decides to drop the price two points although no bet of any consequence had been laid with that bookmaker. I believe the bookie should have a good look at himself. We hear much about their hard times, but they also have extremely good times.

I believe all sections of the industry should be involved on the board. If one bets with a machine, the only way there will be a reduction in the price is by the amount of money laid on the horse. The opposite happens with a bookmaker. One can be standing waiting to grab a price and although the bookmaker may not have received any substantial bet on a horse, or even any money at all, he decides to knock the price down. No amount of arguing will get one the price one wanted.

With those points the National Party is happy to accept the spread of influence on the Betting Control Board. We have no reservations about the time residual placed on it. However, I want the Minister to examine the leave and special circumstances provisions so that a bookie who has a couple of meetings to attend in a day may apply for an agent at one of those meetings.

**HON. D. J. WORDSWORTH (South)** [5.55 pm]: I am concerned also with the provisions relating to the use of an agent. I am not a racing

man, but I always thought there was a fine art to the keeping of books and ensuring the books were balanced. It always appears to me that no-one is keeping book anywhere, other than when bets are made. If books were kept and balanced the bookmakers would probably have completely different odds.

Apparently I am asking the same question as Hon. Tom McNeil: How does a bookmaker keep his books when he goes off on a month's holiday to the Continent? Does he trust his man who takes the money to look after the show for a month? I wonder about the practicalities of this amendment Bill. How will it really work? Before a bookie goes away, does he tell his agent to watch other bookmakers' odds and use those same odds?

Hon. P. H. Lockyer: Anyone can look at the books any time.

Hon. D. J. WORDSWORTH: But does the book include the total bet placed on each horse?

Hon. P. H. Lockyer: Yes, it does.

Hon. D. J. WORDSWORTH: I wonder whether in the future bookmaking businesses in this State will form companies so that they can have a representative at each meeting. That would be the only way this amendment would succeed.

**HON. JOHN WILLIAMS (Metropolitan)** [5.57 pm]: I welcome this legislation. In 1983, Hon. Vic Ferry and I carried out an investigation into gambling in this State. Our recommendations are now contained in this Bill. We wanted to divorce the Totalisator Agency Board from the Betting Control Board because we saw it as quite immoral that the TAB was able to do pretty much as it liked, yet it controlled the bookmakers.

Bookmakers are not known by that name in the United Kingdom. They are euphemistically called "turf accountants" and are usually large firms such as Ladbrokes. I do not see that happening in Western Australia because Western Australia is not large enough to support those firms. In the United Kingdom there could be anything up to 15 race meetings a day and firms send their agents or bookmakers to each of those meetings.

I think I mentioned in our report that the TAB was attempting to reduce the operations of bookmakers. One bookmaker was called before the TAB for transgressing the rules relating to advertising. According to the TAB he was advertising because he had printed on the back of his tickets the words "Thank you". He was

duly hauled before the board and received a severe reprimand. Bearing in mind the extent of TAB advertising in the newspapers today, it will not be long before bookmakers will be allowed to advertise, as they do in the Eastern States. One can get a card on any big race.

I have no quarrels with the Bill generally but I ask the Minister to look at one section carefully and to refer it to his colleague in another place: If the Government wishes to keep this at arm's length it is not perhaps too bright to appoint a permanent head as chairman of that board. Clause 5 (b) states that—

The Minister may appoint the Permanent Head or the member appointed under subsection (2) (b) to be chairman of the Board.

The person appointed under proposed subsection (2) (b) is one who is not concerned either with bookmaking or racing, and does not belong to the turf club, trotting club or greyhound club. In other words, the Minister is being perfectly fair in providing a neutral person. I thought the Government would want to stay at arm's length and not appoint a permanent head of the Government as chairman of that board; that is, select not only a neutral person but a person who is seen to be neutral.

The Minister may perhaps look at that question bearing in mind that the Government is appointing a person to chair a panel, each member of which has a duty and allegiance as does the permanent head to his Minister.

I support the Bill.

Debate adjourned, on motion by Hon. Fred McKenzie.

## HUMAN TISSUE AND TRANSPLANT AMENDMENT BILL

### *Second Reading*

Debate resumed from 19 May.

**HON. JOHN WILLIAMS** (Metropolitan) [6.04 pm]: The Opposition supports this Bill and in doing so pays tribute not just to the ophthalmic surgeons who have done so much good research in this field, but also to the group of people known as the Lions. They have done a tremendous job examining people, and looking at and progressing corneal grafts. They deserve to be mentioned in *Hansard* as some form of appreciation for their tremendous work in the community for those afflicted with eye complaints.

The purpose of the Bill is very simple and sound. The ophthalmic surgeon is always the most skilful person in removing tissue but after some practice one would expect a technician trained specifically for that purpose to become expert. Furthermore the availability of these additional technicians would achieve a better spread of skilled people in the community.

The second reading notes tell us that the corneal tissue has to be removed within 10 hours of death. In some circumstances an ophthalmic surgeon may not be available although a technician who has been working under his direction is available. Under the provisions of this Bill such a technician may remove the tissue. Therefore, we shall have the benefit of someone being immediately available and the tissue will not go to waste.

I commend the Bill to the House.

**HON. E. J. CHARLTON** (Central) [6.05 pm]: The National Party supports the Bill. I make one brief comment because I have been approached by someone who is greatly concerned about an incident which took place as a result of the removal of such tissue. The operation was totally agreed to by the relatives concerned but I want this person's concern placed on record and I want to relate this incident to the Minister, the department and the people involved. It is very important indeed that the people involved in removing such tissue leave the body in such a way that it is not disfigured in any way. Obviously an extremely difficult situation arises if the relatives are confronted with any disfigurement after the operation has taken place.

It is of utmost importance that such human tissue be made available for the various uses so essential in the community and that the community as a whole supports these measures. If such situations as I have related are allowed to develop through the neglect of an individual, the community as a whole will not support this tissue removal practice. I place on record that it is absolutely imperative for the individuals carrying out these operations to be very careful indeed to leave the body in an acceptable condition.

The National Party supports the Bill.

**HON. KAY HALLAHAN** (South East Metropolitan—Minister for Community Services) [6.07 pm]: I thank members for their support for this Bill and, with Hon. John Williams, I think special mention should be made of the Lions Eye Institute of WA and the Lions Save-Sight Foundation (WA) Inc. which

have established the Lions Eye Bank of Western Australia, which is of such benefit to members of our community.

I will also pass on to the Minister for Health, Hon. Ian Taylor, the comments and concern expressed by Hon. Eric Charlton. I am sure we all endorse his comments about the need to consider the sensitivity of family members in such circumstances.

I commend the Bill to the House.

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. Kay Hallahan (Minister for Community Services), and passed.

**ADJOURNMENT OF THE HOUSE**

**HON. J. M. BERINSON** (North Central Metropolitan—Leader of the House) [6.10 pm]: I move—

That the House do now adjourn.

*Acts Amendment (Electoral Reform) Bill:  
Amendments Distribution*

**THE DEPUTY PRESIDENT** (Hon. Robert Hetherington): Honourable members, before I put the question, I announce that the Clerks have been very busy checking and collating the amendments to the Acts Amendment (Electoral Reform) Bill. Twenty eight pages of amendments have already been circulated and 14 pages are to come. For those members who want the remaining pages, they will be available from the Clerk's office within an hour.

*Mickleberg Brothers: Retrial*

**HON. H. W. GAYFER** (Central) [6.11 pm]: I will refer briefly to the ministerial statement made earlier today in which the Attorney General announced his decision that a retrial would be afforded the Mickleberg brothers.

In the case of Raymond and Peter Mickleberg members of the National Party have said repeatedly that we have not been questioning the result of the trial or what took place. All we have said is that we believe that another trial should be afforded the brothers. A retrial will now take place and we are satisfied. We thank the Attorney for his intervention in this matter.

Question put and passed.

*House adjourned at 6.12 pm*

## QUESTION ON NOTICE

### CONSERVATION AND LAND MANAGEMENT DEPARTMENT

#### *Staff Exchange*

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

Further to question 107 of 8 April 1987 where the estimated cost of an exchange of one CALM staff with one from the Ministry of Natural Resources in Ontario is stated as \$100 000, how is that amount calculated?

Hon. KAY HALLAHAN replied:

	\$
Senior officer's salary	55 000
Air fares, Australia-Canada	5 000
Housing allowance	20 000
Special allowance	10 000
Internal travel	5 000
Motor vehicle allowance	5 000

## QUESTIONS WITHOUT NOTICE

### HEALTH

#### *Psychiatric Patients: Homelessness*

48. Hon. N. F. MOORE, to the Minister for Community Services:

I refer the Minister to an article in yesterday's *Daily News* headed "Mentally ill live in hell", which talks about Perth refuges for homeless people being flooded by psychiatric patients and says it is not known what to do with them.

- (1) Is she aware of the report, and is it correct?
- (2) If it is correct, what is being done to overcome the problem?

Hon. KAY HALLAHAN replied:

- (1) and (2) I have had no reports to my office supporting that particular article.

### MICKELBERG BROTHERS

#### *Legal Aid*

49. Hon. P. H. LOCKYER, to the Attorney General:

Has any approach been made to him by either Peter or Raymond Mickelberg to assist in their obtaining legal aid?

Hon. J. M. BERINSON replied:

Frankly I cannot recall whether that has ever been the case. I can recall, however, that I have regularly indicated in correspondence with various parties over many months that if the question of legal aid were the only barrier to action by the Mickelbergs, it should be taken up with me separately.

### HEALTH

#### *Psychiatric Patients: Homelessness*

50. Hon. N. F. MOORE, to the Minister for Community Services:

I refer to the same matter raised in my previous question. Now that the matter has been brought to her attention, will she have her department investigate the article in yesterday's *Daily News* and advise the House whether the report is correct, and if it is what action she can take to alleviate the situation?

Hon. KAY HALLAHAN replied:

I am happy to give that undertaking.

### WA EXIM CORPORATION

#### *Government Investment*

51. Hon. MAX EVANS, to the Minister for Budget Management:

Has the Government invested \$7 million in the new Exim Corporation as provided under the Act?

Hon. J. M. BERINSON replied:

I ask that the question be put on notice as I do not have that detail available to me.