

Such contributions for water services have been derived from a planning condition for subdivisional approval under the Town Planning and Development Act. These have been applied by the board as a water servicing authority, yet the board has been working under legislation with a differing philosophy. Inevitably, inequities have developed, particularly in the area of the so-called pioneer developer, and finally to the purchaser of the home building lot.

The proposed amending legislation is designed to match the respective town planning and water servicing legislation comprehensively in respect of planning conditions applied by the Town Planning Board for water servicing and met by the subdivider by arrangement with the board.

The proposed mode of operation is to require a subdivider, who has to meet a planning condition for water services, to enter into an agreement with the board regarding development costs. An appeal is open to the subdivider under the Town Planning and Development Act in respect of planning matters, and in respect of the quantum of contributions required under an agreement with the board, to the Minister.

It is envisaged that the terms of agreements will vary considerably, particularly as it is proposed that they may be made to apply to land outside of the board's area as development extends progressively in the four planning corridors. By providing flexibility in the manner proposed, it can be expected that agreements can be negotiated to reflect equity between the purchaser of a housing lot, the pioneer, and later developers, and the ratepayers of the board generally.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. S. J. Dellar.

*House adjourned at 5.28 p.m.*

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## Legislative Assembly

Wednesday, the 6th October, 1976

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

### NORTHCLIFFE-PEMBERTON ROAD *Upgrading: Petition*

MR H. D. EVANS (Warren—Deputy Leader of the Opposition) [4.31 p.m.]: I present a petition from 639 residents of the Northcliffe-Pemberton area, reading as follows—

To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned, request that highest priority be given to the upgrading of the Northcliffe-Pemberton Road because of its dangerous condition.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

This petition bears 639 signatures and I certify that it conforms with the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

*The petition was tabled (see paper No. 466.)*

### QUESTIONS (19): ON NOTICE

#### 1. JUSTICES ACT

##### *Appeals System: Review*

Mr HARTREY, to the Minister representing the Attorney-General:

(1) Was the Attorney-General correctly reported in *The West Australian* of 30th September, 1976 as having—

(a) asked the Crown Law Department to make an urgent report on alleged flaws in the appeal procedure prescribed under the Justices Act and regulations;

(b) stated an intention to ask the Law Reform Commission to review the system of appeals under the Justices Act as a matter of high priority?

(2) If the answer to (1) (a) is affirmative, will he ask the Crown Prosecutor's branch of the department why did it not in the instances complained of by the judges—

(a) ascertain from the complainant in each case whether the order *nisi* to review had been timeously served on such complainant according to the exigencies thereof; and

(b) inquire from the Registrar of the Supreme Court whether the appellant had taken any steps to "prosecute his appeal without delay", as required by the terms of his recognisance and the provisions of section 200 of the Justices Act?

(3) If the answer to (1) (b) above is affirmative, will he ask the Law Reform Commission to give special attention to recommending a much simpler method of appealing from the judgments, decrees, orders and sentences of courts of petty sessions, so as to eliminate the tedium and expense involved

in the present procedure, and to assimilate it to the much simpler and more expeditious procedure available to a prisoner under sentence for an indictable offence tried in the criminal jurisdiction of a District Court or of the Supreme Court itself?

Sir CHARLES COURT replied:

- (1) (a) and (b) Yes.
- (2) No, because in only one matter is that information material to the deficiencies in the present procedures and I already have the information.

In that case the order nisi to review had not been served on the respondent (complainant) at all and the appellant had taken no steps to prosecute his appeal after his release from custody.

For that to be able to occur without the complainant having any means of knowledge and the court having no ability to act in the matter on its own initiative, revealed a serious and basic deficiency.

- (3) The essential object of reviewing the present method is to produce the simplest and most convenient system. All reasonable alternatives will be considered including that mentioned in the question.

## 2. WORKERS' COMPENSATION AND MINE WORKERS' RELIEF

*Mr L. Herl: Medical Examination*

Mr HARTREY, to the Minister for Mines:

- (1) Was an ex-goldminer named Lothar Herl of 263 Burt Street, Boulder, examined on 19th September, 1975 by the then mines medical officer, Dr P. McGuire?
- (2) Did the said mines medical officer advise the said ex-miner in writing dated 29th September, 1975, that as a result of such medical examination he had been found to be suffering from silicosis?
- (3) Did he, on being advised of the result of such medical examination sign and cause to be served on the said ex-miner a statutory notice under the Mine Workers' Relief Act, in the following terms:  
"Take notice that you are reported as having developed silicosis in the early stage and that further employment underground at a mine may be detrimental to your future health"?
- (4) Was the said ex-miner examined on 13th April, 1976 by the Pneumoconiosis Medical Board

appointed pursuant to the provisions of section 8 subsection (1d) of the Workers' Compensation Act, 1912-1975?

- (5) Did the said medical board declare the said ex-miner to be not suffering from any form of pneumoconiosis?
- (6) Is this discrepancy to be explained by—
  - (a) assuming the mines medical officer's diagnosis to be incorrect; or
  - (b) assuming the medical board's diagnosis to be incorrect; or
  - (c) by assuming that there are different standards of diagnoses for the purposes of the Mine Workers' Relief Act and the Workers' Compensation Act; or
  - (d) by assuming that between 19th September, 1975 and 13th April, 1976 the said mine worker made a complete recovery from the disease of silicosis?
- (7) Is it his intention to withdraw the said ex-miner's notification made pursuant to the Mine Workers' Relief Act?

Mr MENSAROS replied:

- (1) to (5) Yes.
- (6) The mines medical officer's diagnosis was not confirmed by the Pneumoconiosis Medical Board.
- (7) The matter will be referred back to the mines medical officer.

## 3. GOVERNMENT DEPARTMENTS

### *Eastern Goldfields: Local Purchases*

Mr T. D. EVANS, to the Minister Coordinating Economic and Regional Development:

Will he as a matter of urgency institute an inquiry throughout the several Government departments with branches throughout the Eastern Goldfields as to added financial impetus that would reasonably be expected to be experienced by business houses in the Eastern Goldfields if these departments and agencies of Government were required where practicable to purchase all supplies needed locally?

Sir CHARLES COURT replied:

The member would know that the State Government has taken extraordinary and quick action to assist the transition period in Kalgoorlie following the Mt. Charlotte Mine phasing out announcement.

What he requests is not necessary, as it is automatically achieved in a practical way by the Government's genuine desire to find ways of having work undertaken and services rendered by local people, where practicable.

If he has specific cases where he feels this is not being done, I suggest he let me know of them.

#### 4. TECHNICAL SCHOOL AT KALGOORLIE

##### *Delay in Establishment*

Mr T. D. EVANS, to the Minister representing the Minister for Education:

- (1) Will the Minister confirm that the Western Australian Post-Secondary Education Commission Act is not expected to be proclaimed before 1st December next?
- (2) In any event, on what date is it expected the said Act will be proclaimed?
- (3) When is it expected that the said commission will be fully operative?
- (4) Is the Minister aware of the criticism reported to have been made by the Town of Kalgoorlie (*Kalgoorlie Miner*, 30th September, 1976) concerning the long delay in bringing the said commission into operation insofar as this delay has put the question of the construction of a new technical school at Kalgoorlie into a "stalemate" position?
- (5) If the answer to (4) is "Yes" would the Minister make a statement on such criticism?

Mr GRAYDEN replied:

- (1) Yes.
- (2) On or about the 15th December, 1976.
- (3) It is anticipated that the chairman and members of the new commission will be appointed as from the date of proclamation of the Act.
- (4) Yes.
- (5) The situation is not one of stalemate as the commission will address itself to the School of Mines and related issues as early as possible.

#### 5. RABBITS

##### *Poison Baits: Forrestfield*

Mr BATEMAN, to the Minister for Agriculture:

- (1) Has the Agriculture Protection Board laid poison baits for the control of rabbits in Strelitzia Avenue, Forrestfield?

- (2) If so, will he advise the exact area and amount of poisoning done?

Mr P. V. Jones (for Mr OLD) replied:

- (1) and (2) No poison baits were laid in this area.

I am informed however that some unpoisoned oats were laid in the area earlier this year as part of a trainee exercise.

6.

#### ROADS

##### *Grants to Shire of Williams*

Mr McIVER, to the Minister for Transport:

- (1) (a) What was the total main roads allocation (road grants) for the years 1971-72 to 1975-76 inclusive to the Shire of Williams; and  
(b) the estimated allocation for 1976-77?
- (2) Has there been an increase/decrease in the estimated allocation to the Shire of Williams for 1976-77?
- (3) If a decrease, why?

Mr O'CONNOR replied:

- (1) (a) The total Main Roads Department allocations, including statutory and specific grants and work carried out on behalf of the department, were:—

	\$
1971-72—	68 199
1972-73—	74 803
1973-74—	72 556
1974-75—	79 063
1975-76—	91 366.

(b) \$85 017.

- (2) Decrease of \$6 349 between the estimated allocation for 1976-77 and the allocation for 1975-76.
- (3) The allocation for 1975-76 included \$8 000 for maintenance work on a main road which is normally carried out by the Main Roads Department. In addition the supplementary statutory grant of \$6 460 in 1975-76 was reduced to \$3 311 in 1976-77 because of a reduction of \$4.2 million in the supplementary road funds to be made available to the State by the Federal Government.

7.

#### HEALTH

##### *Medical Practitioners: Directions on Treatment*

Mr J. T. TONKIN, to the Minister representing the Minister for Health:

- (1) Is there a record of any instance where a Government in this State has directed a registered medical practitioner of any category to use a particular method of treatment with a patient or patients?

(2) If "Yes" will he give particulars?

Mr RIDGE replied:

(1) and (2) No, and I am not aware of any instance.

### 8. CITY OF PERTH TOWN PLANNING SCHEME

#### *Assurances on Riverside Drive*

Mr DAVIES, to the Minister for Urban Development and Town Planning:

- (1) When is it likely the City of Perth town plan will be completed?
- (2) What firm assurances have been given to the Perth City Council regarding the future of Riverside Drive?
- (3) Have such assurances been given in writing?

Mr RUSHTON replied:

- (1) I am discussing certain aspects of the City Planning Scheme with Perth City Council which I hope will lead to an early implementation of the scheme.
- (2) The Government has assured that Riverside Drive, with its present road reservation, is to be limited to four lanes and minor improvements until central area road and transport requirements have been thoroughly studied and any alternative development proposals for Riverside Drive have been reported upon by the Environmental Protection Authority and approved by the State Government and Perth City Council.
- (3) Yes.

### 9. FORREST PLACE

#### *Future Use*

Mr DAVIES, to the Premier:

What progress has been made with the Australian Government regarding the future of Forrest Place?

Sir CHARLES COURT replied:

Discussions between Commonwealth Government, Perth City Council, and State Government, are at an advanced stage, but I cannot be precise as to when finality will be reached.

### 10. HOSPITALS

#### *Funding: Agreement with Commonwealth*

Mr DAVIES, to the Minister representing the Minister for Health:

- (1) Has agreement now been reached with the Australian Government regarding funding of State hospitals?

(2) If so, can the Minister table a copy?

(3) If not—

- (a) when is agreement expected; and
- (b) on what basis is the Australian Government supporting hospitals at present?

Mr RIDGE replied:

- (1) The agreement for signature is expected from the Commonwealth within a few days. Meanwhile, general agreement has been reached upon the content of that document.
- (2) Not until it has been signed by both parties.
- (3) (a) Answered by (1).  
(b) The agreement will apply from the 1st October, 1976, on the basis of the Commonwealth meeting 50% of net operating costs.

### 11. GOVERNMENT DEPARTMENTS AND INSTRUMENTALITIES

#### *Invoices: Payment before Delivery of Goods*

Mr B. T. BURKE, to the Treasurer:

- (1) Did any Government department or statutory authority draw cheques with respect to invoices received prior to 30th June for goods delivered after that date or goods as yet undelivered?
- (2) If "Yes" what is the value of the cheques drawn and the value of the goods as yet undelivered?

Sir CHARLES COURT replied:

- (1) and (2) Not to my knowledge. Departments were advised by the Treasury that pre-payment was not to be made as a charge against the 1975-76 accounts for goods ordered but not delivered before the 30th June, 1976.

### 12. TRAFFIC ACCIDENTS

#### *Suggestions from Public*

Mr B. T. BURKE, to the Minister for Traffic:

- (1) Did he seek ideas from the public to help combat the road toll?
- (2) Was a suggestion relevant to (1) received from Mr Ray Slater of Balcatta?
- (3) If "Yes" to (2)—  
(a) what was the suggestion;  
(b) how was the suggestion processed; and  
(c) what was its fate?

Mr O'CONNOR replied:

- (1) Yes.

- (2) and (3) I have no recollection of having received a suggestion from Mr Slater but if the member has any further information on this matter I will be pleased to consider it.

### 13. COLLIE MINING UNIONS

#### *Deputation to Minister*

Mr T. H. JONES, to the Minister for Fuel and Energy:

- (1) Did he receive my letters dated 11th August and 23rd September, 1976 requesting him to meet a deputation from the Collie mining unions?
- (2) When is it anticipated my correspondence will be acknowledged and the deputation will be held?

Mr MENSAROS replied:

- (1) Yes.
- (2) I deliberately delayed giving an answer until all relevant submissions reached me and were considered. Hence this was a special case and that is the only reason why the member's correspondence has not been dealt with in the same expediency as he no doubt experienced with all his previous approaches to me.

### 14. SCHOOL AT BALCATTÀ

#### *Establishment*

Mr B. T. BURKE, to the Minister representing the Minister for Education:

- (1) When is it expected that the primary school for Spoonbill Road in Balcatta will be commenced?
- (2) Will the department make allowances for any parents who may be forced by existing and planned schools to send members of their family to (as many as four) different schools?

Mr GRAYDEN replied:

- (1) It is not possible to provide a commencement date for a primary school on the site in Spoonbill Road, Balcatta, at this time. Provision of a school on this site will be dependent on the rate of residential development in the vicinity.
- (2) When the time comes the matter of school zoning will be sympathetically considered.

### 15. STATE ENERGY COMMISSION

#### *Accounts; Errors*

Mr JAMIESON, to the Minister for Fuel and Energy:

- (1) Has the State Energy Commission had many cases of incorrect billing of accounts due to computer errors?

- (2) Is he aware of an elderly couple in Doubleview being incorrectly billed \$413.73 for an account of approximately \$30?
- (3) Has he taken any action to apologise to the elderly couple concerned for the department's harassing in regard to the recovery of the overcharged account?
- (4) Does the commission intend to take action to ensure no further instances of this kind occur, especially to elderly pensioners?

Mr MENSAROS replied:

- (1) There have been a number of incorrect bills raised due to clerical errors involved in the system's mechanisation.
- (2) The Commission is aware of the incident.
- (3) When the correct account has been prepared it will be delivered by an officer of the Commission who will explain the position to the customer, and apologise for the error.
- (4) Every effort is being made to restrict the number of error bills forwarded to any of the commission's customers.

Considering the enormous amount of clerical effort involved in mechanising such a large system the number of errors that have occurred has been comparatively small.

16. *This question was postponed.*

### 17. SHIPPING

#### *Tanker Service, and "Barron Portland" Cargo*

Mr McIVER, to the Minister for Transport:

- (1) Would he advise what tankers are serving Kimberley ports, Darwin and Groote Island?
- (2) (a) Is it a fact that the ship Barron Portland lost 10% of its phosphate cargo when unloading in Cockburn Sound recently;
- (b) if "Yes" was an inquiry held, and if so, what were the findings of the inquiry?
- (3) What action, if any, will be taken to prevent a further occurrence?

Mr O'CONNOR replied:

- (1) Wyndham—overseas vessels chartered by Shell, Mobil and BP combined; mainly Dutch and Greek owned.

Derby—overseas small tankers chartered by Shell and Mobil combined; Japanese and Panamanian owned.

Broome—overseas vessels chartered by BP; British owned, plus one bulk bitumen carrier chartered by Shell; owned by British Indo China Steam Navigation Company. The ports of Darwin and Groote Island come under the jurisdiction of the Darwin Port Authority.

- (2) (a) No. I assume that the member in fact refers to the "Barron Tentland" which had a special shipment of East African fine phosphate. The percentage loss of cargo during unloading was less than 0.5%.
- (b) No specific inquiry was necessary.
- (3) A rigid equipment maintenance programme is continually applied and modified as necessary to ensure minimal loss of product.

## 18. SCHOOL AT WATTLEUP Site

Mr TAYLOR, to the Minister representing the Minister for Education:

With respect to a site proposed for a new Wattleup Primary School:

- (1) What areas, approximately are—
  - (a) part of a quarry;
  - (b) stony;
  - (c) may require filling;
  - (d) may require levelling?
- (2) What is the estimated cost for such work?
- (3) Has the department any plans for carrying out any such work during the 1976-77 financial year?

Mr GRAYDEN replied:

- (1) to (3) In selecting the proposed site for a new Wattleup Primary School account was taken of the presence of a quarry in the south-west corner by delineating a site which is larger than normal. It is proposed to batter the walls of the quarry in order to provide an area which is safe for the school and which could be developed as an adventure playground. The remainder of the site is suitable for the normal development of a primary school and is the most suitable in an area where there are a large number of quarries.
- The costs involved in modifying the quarry have not been finally assessed, and no work will be undertaken during the 1976-77 financial year.

## 19. TOWN PLANNING

### Cockburn: Zoning of Henderson Area

Mr TAYLOR, to the Minister for Urban Development and Town Planning:

With respect to that area of land at the southern boundary of the Town of Cockburn generally described as Henderson:

- (1) What is the present zoning of that land owned by governmental agencies?
- (2) Are there any applications before his department for a change of planning zoning for any section of this area?
- (3) If "Yes" to (2) will he give details?

Mr RUSHTON replied:

- (1) The land owned by The Industrial Lands Development Authority in the locality generally described as Henderson is zoned "Industry" under the Metropolitan Region Scheme.
- (2) and (3) The MRPA in July, 1972 resolved to amend the Metropolitan Region Scheme by zoning this land "Urban". However, following the publication of the Cockburn Air Pollution Study and its consideration by Cabinet, the MRPA has not proceeded with this amendment.

## QUESTIONS (2): WITHOUT NOTICE

### 1. LIVE SHEEP EXPORTS

#### Ratio to Carcasses

Mr GREWAR, to the Minister for Agriculture:

- (1) What organisations were responsible for the decision that for each live sheep exported two sheep carcasses had to be exported?
- (2) When was this agreement drafted and accepted?
- (3) When is this agreement to be reviewed?
- (4) In view of new markets in Libya opening up for live sheep, could the Minister place before unions, exporters and other parties, the importance of relaxation of this agreement?
- (5) What are the projected numbers of sheep and lambs from Western Australia that will be available for export either as carcasses or live sheep in the short-term future?
- (6) What is the expected abattoir capacity during this period?

- (7) How many of the projected sheep and lambs for export could be suitable for live trade after taking into account the embargo on Merino ewes?

Mr P. V. Jones (for Mr OLD) replied:

- (1) The decision was reached at a meeting of a special Commonwealth convened committee with representation from the Australian Meat Board, Australasian Meat Industry Employees' Union, Australian Meat Exporters Federal Council, Australian Wool and Meat Producers Federation, the Commonwealth Government, shipping interests and the Governments of South Australia and Western Australia.
- (2) The 15th November, 1974.
- (3) At a subsequent meeting on the 24th November, 1975, it was indicated that the AMIEU Federal Executive had authorised State branches of the union to participate in regional discussions with industry on the basis of the guidelines laid down by the executive.
- (4) The State Live Sheep Exports Committee with representation from industry and the union reviews guidelines on the ratio issue each year when calendar year statistics become available. The next review will be in March, 1977.
- (5) Approximately 5.3 million during 1977.
- (6) In the order of—  
7.3 million (export abattoirs) and  
1.5 million (non-export abattoirs).
- (7) Approximately 2.5 million.

## 2. ALLENDALE SCHOOL

### Library

Mr CARR, to the Minister representing the Minister for Education:

- (1) Does the Education Department have any plans to provide improved library facilities for the Allendale School at Geraldton?
- (2) If "Yes", will the Minister please provide details?

Mr GRAYDEN replied:

- (1) Yes.
- (2) A new library building approximately 200 square metres is proposed.

## BILLS (4): INTRODUCTION AND FIRST READING

1. Industrial Arbitration Act Amendment Bill (No. 2).
2. Teacher Education Act Amendment Bill.
3. Royal Visit Holiday Bill.  
Bills introduced, on motions by Mr Grayden (Minister for Labour and Industry), and read a first time.
4. Skeleton Weed (Eradication Fund) Act Amendment Bill.  
Bill introduced, on motion by Sir Charles Court (Premier), and read a first time.

## EDUCATION ACT AMENDMENT BILL (No. 2)

### Report

Report of Committee adopted.

### TRESILLIAN HOSTEL

#### Retention of Use: Motion

Debate resumed, from the 4th August, on the following motion by Mr Davies—

That as the moves made to provide permanent accommodation for profoundly retarded children since August, 1975, have had no significant effect in reducing the waiting lists of those requiring accommodation on an urgent or otherwise basis, in the opinion of this House the Government should make every effort to ensure that Tresillian Hospital remains available to house these children until all requests for accommodation are satisfied.

To which Sir Charles Court (Premier) had moved the following amendment—

Delete all words after the word "That" in line one with a view to substituting the following words—

in the opinion of this House, the programme announced by the Government to provide residential type accommodation for all known profoundly retarded children is to be commended, especially as it is the first time a Government has committed itself to an overall specific programme to provide such accommodation where needed and requested.

MR YOUNG (Scarborough) [4.55 p.m.]: I do not think it would come as a great surprise to anyone in this House if I were to say that the sentiments expressed in the original motion of the member for Victoria Park had my sympathy, and if I had been in different circumstances at the time, with due notice I would probably have supported the motion moved by the honourable member. But I recognise quite readily that the Premier has moved an amendment to that motion and at the moment we are debating that amendment.

I hope members will bear with me for a little while if I use the same degree of licence that has been used by other speakers before me on this matter in respect of both the original motion and the amendment, because the whole issue is so bound up with the Tresillian affair that one cannot help but digress to some degree from the pure pedantry of the amendment before the Chair.

The member for Victoria Park proceeded with the motion after the events of July which brought about, to a great extent, the sort of programme that I think he had in mind. The motion was proceeded with after the Government had decided that upon the completion of the new Sussex hospital in Innaloo, and not before, the children would be removed from the Tresillian Hostel in any event. It seems that to have pursued the motion after the decision was made was obviously a simple resurrection of the matter so that it could be once again aired in this Parliament. I think the member for Victoria Park and other members of the Opposition will forgive me for saying that as the problem had already been solved to a great extent, obviously the motion was moved with a fair degree of political tongue in cheek.

As no doubt I will not have the opportunity to vote on the original motion, after the division on this amendment is taken, I would have to say that because in the final analysis—I might add after an awful lot of heart-rending and heart-burning—the Government decided to agree to the proposal to leave the children in Tresillian until all others had been catered for, I cannot support the motion moved by the member for Victoria Park.

However, as my side of the issue which precipitated my resignation from the position of Parliamentary Secretary of the Cabinet has not been aired publicly, I think it is proper that I say a few words on that matter without going into a great deal of private detail. In my opinion the whole matter boiled down to this: Mistakes were made on both sides in the Tresillian issue. The Government and the parents and friends of Tresillian reached a stage where neither could see the other's point of view. I do not think anyone would disagree with me if I said that there were no blacks or whites about the issue and there were no goodies or baddies. It just happened that on one side of the fence there was a group of parents and friends of Tresillian, some of whom were perhaps acting not in the most coherent manner, and on the other side there was the Government which, in my opinion, was acting no better. What happened? There was inevitable conflict which, in my still unshakeable opinion, would have worsened the next morning.

The reason I chose to criticise the Government's actions and to resign before I could do so was simply that in law and in

society's philosophy generally there runs a thread of "fair go". In law it is well recognised that if a heavyweight boxing champion, for example, finds himself in conflict with somebody else, he cannot use the skill, the force, and the power he possesses relentlessly to put the other man down without taking due care that he uses that skill, force, and power to do no more than defend himself. If he were to put down another man by using his professional skills and the force at his disposal he would be dealt with much more forcefully and firmly under the law than a person who does not possess those skills.

Likewise, when we refer to a big fellow pushing around a little guy or a person beating a woman we simply ask that the same premise of justice should apply and we ask for a fair go.

Mr Bertram: Who is the big guy you are referring to?

Mr YOUNG: If the member for Mt. Hawthorn would restrain himself for a moment, what I am going to say will be obvious even to him. It seemed to me that confronted with a group of people who had suffered for many years the trauma of bringing up profoundly mentally and physically handicapped children, with all that that connotes in respect of the way of life that such people must have led with the strain on their whole being and on the welfare of their families, and possessing all the might, skill, force, and expertise, the Government of the day ought to have been the party to back down.

The Government, with all the strength, power, and what-have-you, and the parents are both in conflict, both refusing to see the other's point of view or, perhaps, more accurately, not being prepared to see enough of the other's point of view to come to a compromise. It seems that under those circumstances the fair-go principle ought to have been applied as it finally was by the Government which was to its credit, but far too late.

Several members interjected.

Mr YOUNG: Finally, I reached the situation where I had no alternative but to take the action I did. Although I said that I will not have the opportunity to support the motion, I cannot bring myself to vote for the amendment which the Premier has moved because to do so would be to record permanently in *Hansard* my vote as being an approbation in toto of the attitude and the administration of the Government in respect of the profoundly mentally handicapped. I made it very clear when this decision was finally made by the Government that I would not support any amendment or motion against the Government because it was not in any way, shape, or form my intention either to bring the Government down or vote with the Opposition on the matter.



By the same token I find myself in a position which would be obvious to everyone; that is, I cannot support the amendment moved by the Premier. Therefore, I intend to abstain from voting on the amendment.

Mr Bertram: What about the member for Karrinyup?

MR B. T. BURKE (Balga) [5.03 p.m.]: I, too, find myself unable to support the amendment of the Premier, and although I am sorry to have missed much of the contribution of the member for Scarborough, I will have a word to say about his position in a moment.

It will be recalled that some months ago in this place I moved a motion which would have had the effect of this House expressing an opinion that the move of children from Tresillian as then planned was unjustified and that that move should be forestalled at least until a proper inquiry had been undertaken into all aspects involved.

It is passing strange that at that time the member for Scarborough saw fit to oppose my motion. He saw fit then to express himself quite clearly as being one holding the attitude that the Premier's plans as they then existed should proceed. It is passing strange that he should express that opinion then and a different opinion now. The only thing which has changed in the meantime has been the size to which public resentment of this Government's position over Tresillian has grown. At that time the member for Scarborough quite clearly indicated he was in opposition to my motion which was to condemn the move of the children from Tresillian, and to forestall that move until the situation had been properly inquired into.

If that is passing strange, then consider this aspect: not only did the member for Scarborough do that, but since resigning his position as Parliamentary Secretary of the Cabinet, he has advertised in the paper, using the words that because of recent developments he now has extra time to devote to his electorate. Not only did he change his position quite markedly in the manner I have illustrated, but he has quite clearly attempted to capitalise electorally on that change.

What sort of honesty of argument is that? When it suits the member he adopts one decision, and when it does not suit him he adopts another, and then attempts to gain political capital from his change in position. It is not acceptable to this side of the House and I suggest that, upon reflection, the member himself would not find it acceptable.

No matter how the member for Scarborough tries to wriggle and evade the issue the situation as I have stated it is the true one, and it will be the onus of the Opposition to point out clearly to the people of this State that that was his

position, that was the position he reversed, and that was the attitude he took towards the political reality of the situation.

Mr Bertram: What about the member for Karrinyup?

Mr B. T. BURKE: The fact remains that the Premier has illustrated quite clearly in this Chamber his inability to compromise unless confronted with the absolute reality of his downfall caused by exterior factors. It was only the fact that the members of the Government decided that they would no longer support the Premier's action that made him change his mind. Then the Premier rationalised his change of mind, ignoring the fact that it was due entirely to the pressure placed upon him by his own back-benchers.

I would suggest that that pressure was a direct result of the awareness of those members who changed their minds of the political realities of the situation into which the Premier had led his Government. He led it right to the precipice and I would venture to say that it is a precipice from which the Government cannot retreat in time for the next election. The damage has been done and we will relive that trauma as will Government members when the Premier again attempts to impose his will upon the children of Tresillian and the people who support them when the time he guaranteed to allow them to remain expires.

It was a very sad and sorry episode and it is passing strange, to say the least, that Government members who did not see fit to support an Opposition motion—couched in quite mild terms, aimed at delaying the move of the children from Tresillian until an investigation had been carried out—could, within a few months, see themselves taking much more drastic action.

Mr Young: Do you think every action of a member of Parliament takes place on the floor of this Chamber?

Mr B. T. BURKE: What had changed in the meantime? I will tell members. Public resentment had built up to an intolerable level against members of the Government and that is the only change which had occurred. The factors affecting the move of the children remained constant. No more information was uncovered; no more advice was received from the experts. It was as palpably clear then as it is now that the Nedlands City Council had attempted to arrange the transfer even before one child had been shifted into the hostel.

It was palpably clear then as it is now, that there was only a small group of residents concerned about the value of their properties who were interested in ensuring that the children from Tresillian were moved from the area.

Mr Young: Do you mean councillor Rose, the ALP candidate for Karrinyup?

**Mr B. T. BURKE:** It was palpably clear then as it is now that Tresillian was as suitable as it ever will be for profoundly retarded children. It was as suitable then as it is now for the education and the care of these children.

**Mr Young:** You are a hypocrite.

**Mr B. T. BURKE:** Those facts have not changed. What has changed is the political pressure upon members of the Government; and it is all very well for the member for Scarborough to call other people hypocrites when he has been the main actor in the situation I have outlined; when he has, within a few months, changed his position not a few degrees but 180 degrees, and then has advertised the fact in an attempt to gain political capital. It is probably one of the most disgraceful exhibitions by any member in the House in a long time.

Now let us consider the Minister who in this House represents the Minister for Health, and who on behalf of the Government replied to the motion I moved. He told me I had an unhealthy hatred of the Premier. What does he now say about his colleagues, because it was they who brought the Premier down on Tresillian, not me. Do they have an unhealthy hatred of their leader because they took action which forced him to retreat on the Tresillian issue? Does the Minister accuse them of having an unhealthy hatred of the Premier? Of course not. He says what suits him at the time.

**Sir Charles Court:** It is amazing how you use disabled children for any political purpose which suits you.

**Mr Bertram:** You put yourself in that position; no-one else did.

**Mr B. T. BURKE:** The Premier talks about the plight of disabled children and about using them for gaining political capital when he has the example of the actions of the member for Scarborough and when he has aroused and provoked the opposition of every group in the community intent upon the care of these children. He has the gall to accuse others of using the children for political purposes—

**Sir Charles Court:** Aren't you?

**Mr B. T. BURKE:** —when he has run the gauntlet of every organisation—

**Sir Charles Court:** Don't talk rot!

**Mr B. T. BURKE:** —charged with the obligation of caring for those children; when he has provoked their opposition and provoked the anger of traditional Liberal supporters and of large sections of the community. Then he accuses others of not genuinely caring for these unfortunate children.

**Sir Charles Court:** Neither you do. It is purely a political stunt. We have done more for these children than any other Government has done.

**Mr B. T. BURKE:** If the Premier had genuinely cared, how could he throw back in the face of every organisation supporting these children the ideas and actions they suggested should be taken? He has the gall to accuse others of not caring for the children. Does he know better than those organisations which have been doing so for years? Does he know better than those medical specialists who accused him of doing the wrong thing? Does he know better than the Anglican Archbishop who said that on social grounds the change could not be justified? What does he mean by saying that others do not care?

**Mr Grayden:** He has the gratitude of every parent of every handicapped child in the State.

**Sir Charles Court:** No Government has done more for disabled children than this Government. Have you not read the Budget? Have you not seen the arrangements made?

**The SPEAKER:** Order!

**Sir Charles Court:** You aren't interested.

**Mr Grayden:** Every parent of every handicapped child will be eternally grateful to the Premier for what he has done for handicapped children.

**Mr Bertram:** You talk to the member for Scarborough. He will fill you in.

**The SPEAKER:** Order!

**Mr B. T. BURKE:** Precisely, the situation is that the Government was provoked into a hasty and ill-timed action, one from which the Premier, by virtue of his personality and style of leadership, could not retreat. Despite the attempts of the Opposition and a multitude of organisations, the Government and the Premier were unbending. We saw the attempt a few months ago by the Opposition to persuade the Government to delay the transfer of these children pending an investigation of all aspects, but that motion was opposed by every Government member. Then within a few short months the action of some supporters of the Government brought the Premier back to reality.

**Sir Charles Court:** Don't talk rot!

**Mr B. T. BURKE:** They drew him back from the precipice. That is what occurred because the members of the Government had a much more acute realisation of the political suicide involved in the Premier's leadership on this matter.

Given that situation we saw, in parallel with it, the disgraceful explanation by a Government member who lays claim to the patronage of Watchdog—the organisation which led the fight against the Government's action against Tresillian.

**Mr Young:** You know that is untrue.

**Mr B. T. BURKE:** Firstly, that Government member opposed the motion moved by the Opposition and, secondly, he completely reversed the stand he took on

that occasion and, most deplorably, thirdly he placed a paid advertisement in the Press alluding to the action taken and saying that the action he took now allowed him to spend much more time with his constituents. If that was not a disgraceful performance, Mr Speaker, I will leave it to you to tell me what is.

I will add one final point: In a few months this fight will be on again and I hope on that occasion we will not have to go through the same trauma to produce the same sort of reaction from Government members because if this situation is repeated, mark my words, members from this side of the house, and groups in the community, will adopt the same attitude towards the Premier and the same attitude towards the Government's action. We will have the fight again, and on that occasion once again the Premier and his Government will be defeated.

**MR RIDGE** (Kimberley—Minister for Lands) [5.16 p.m.]: The member for Balga obviously did not take any notice of the Premier when he replied to the motion moved by the member for Victoria Park. He obviously has not read the Premier's speech since then. It appears quite obvious that the member for Balga has not read the papers which were tabled by the Premier at the completion of his speech.

I certainly support the amendment moved by the Premier because I believe he very clearly demonstrated, on the 4th August, that the motion moved by the Opposition had no substance at the time it was moved, and it certainly has no substance today.

The member for Victoria Park said that the situation was exactly the same now, or worse than it was when he moved a similar motion some 12 months previously. I believe that is an extremely inappropriate comment because, in my view, the Premier made that perfectly obvious when, on the 4th August, he outlined the Government's plan to accommodate severely mentally retarded children. The scheme which the Government has in mind is the best that any State Government in Australia has ever produced. The Government's plans provide for the accommodation of severely mentally retarded children in the comparatively near future; not on the never-never plan which appears to be favoured by the Opposition.

The Premier exploded the myth that the Government had been inactive, uncaring, and was without compassion. He unfolded a plan which demonstrated that the Government had a total grasp of the situation. He illustrated that Western Australia was the nation's undoubted leader in the field of caring for severely mentally retarded people.

I believe the Premier destroyed the arguments of the critics who claimed he and the Government were at odds with

the Mental Health Services, and with Dr Ellis in particular. In fact, Dr Ellis, of his own volition, went to the Press and claimed that the Premier had shown a great amount of compassion in connection with this matter. He claimed the Premier was a person who had clearly grasped the situation, and was a person who had been misrepresented by people right throughout the whole Tresillian affair—as it came to be known.

I believe Dr Ellis demonstrated that despite a massive campaign, which was so obviously politically motivated, the Government's intentions were never anything else but honourable and in the best interests of the afflicted children. So, as I have said, the amendment moved by the Premier most certainly has my support.

**Mr Harman:** Why did you change?

**Mr RIDGE:** Change what?

**Mr Harman:** Change your attitude. If everything was so good why did you change?

**Mr RIDGE:** Our attitude has not changed.

It was all very well for the member for Victoria Park to make reference to "the unfortunate confrontation" which occurred over Tresillian. He made that comment at page 1509 of *Hansard* on the 4th August. The so-called "confrontation" centred around a desire on the part of the Government to transfer the children from Tresillian Hostel to immeasurably better accommodation at the Ross Memorial Hospital.

I would like members to bear in mind that the previous efforts by the Government to transfer the children from Tresillian Hostel to the Kareeba Nursing Home had been frustrated. That effort was frustrated by a town planning technicality—if one can refer to it in that manner. However, the same technicality could have been applied by the Nedlands City Council had it so desired, but the Nedlands City Council did not take that action.

I would also like members to bear in mind that on the admission of the former Minister for Health, who is the present member for Victoria Park, Tresillian Hostel was not considered to be ideally situated or located for the care of severely mentally retarded children. The member for Balga said that Tresillian Hostel was as suitable now as it ever had been. However, I would like to point out that on the 26th March, 1974, the present member for Victoria Park—in his capacity as Minister for Health—wrote to the present Premier. His letter, in part, read as follows—

The Mental Health Services is aware that the place is not ideal. However, Tresillian belonged to the Health Department, and was available at no

cost to the taxpayer. The need for accommodation for severely mentally and physically handicapped was urgent.

For the Department to have refused even this accommodation when it was freely available would have been accounted most irresponsible.

We will withdraw those patients as soon as alternative accommodation is available, but I cannot see this happening in the immediate future.

That letter was written in 1974. The member for Victoria Park said he could not see the patients being withdrawn in the immediate future. It is not the immediate future now, when compared with 1974, and the Government of today is attempting to do exactly what it believed the former Government would have done in the same situation; that is, transfer the children to better accommodation.

If the Government had had its way many of those children would have been accommodated in the Kareeba Nursing Home months ago, but that did not transpire. Until recently there was a plan to accommodate these children at the Ross Memorial Hospital, but that also was frustrated to some extent. The Government has alternative plans which are in the best interests of the children concerned.

So, in point of fact, the primary reason for the so-called "confrontation" was unjustified and unwarranted interference by various pressure groups who were obviously seeking some political gain. That cannot be denied in any way. The member for Victoria Park reinforced that contention when, on the 4th August, he said—

The fact remains that as far as I am concerned, and as far as the Australian Labor Party is concerned, the children will remain in the Tresillian Hostel until all the demands for accommodation to house profoundly mentally retarded children are satisfied.

Those comments appear at page 1509 of *Hansard*, for 1976.

One might ask, "Whose demands? The demands of the ALP or the demands of the parents? Whose demands?"

Mr Davies: If you used your head and looked at the figures you could work it out for yourself.

Mr RIDGE: The Premier very adequately answered the queries which were raised.

Mr Davies: I will answer the Premier in a moment. You asked a question, and I have answered it. You are too dense to work it out for yourself.

Mr RIDGE: The member for Balga made a not-too-veiled threat, which appears at page 1516 of *Hansard*. The Premier had said—

As much as some people have tried to make capital out of it, I hope that those days are over and that we can consider this matter in its proper perspective.

Mr B. T. Burke interjected and said, "Wait until you try to shift them again." The Premier then asked, "Is that a threat?" Mr Skidmore interjected and said, "Of course it's a threat. It's a threat to do everything possible to prevent your doing so."

That was despite the fact that the parents of the children in the Tresillian Hostel are in favour of moving the children to alternative accommodation at the appropriate time.

I believe actions, statements, and threats of this nature will do nothing to help the accommodation problem which is facing the severely mentally retarded children. It seems quite obvious that the motives of the ALP seem to be nothing more than to frustrate the efforts of the Government. It is a very blunt and brutal approach which quite obviously ignores the feelings of the parents and the children concerned.

As the Premier pointed out, the issue of accommodating profoundly retarded children has been resolved by the Government in the most acceptable and satisfactory manner. The parents of Tresillian patients have made their decision, and in the light of that decision the Government has launched an alternative plan which is designed to accommodate up to 96 urgent cases in three separate premises within 12 months.

The first of those premises, which already may have been completed, is the Ross Memorial Hospital. I know that some children have shifted into that hospital. If it has not been completed, it will certainly be completed by the end of this month and it will accommodate 32 children. The Yokine hospital will open in December, and will accommodate another 32 children. The Sussex hospital, at Innaloo, will be completed within 12 months and will accommodate another 32 children.

In addition, the Government has undertaken to acquire one more similar hospital during the current financial year. I understand it will be purchased from the proceeds of the sale of the Kareeba Nursing Home which was previously purchased by the Government.

I believe the present programme is the most positive ever put forward by any State Government in Australia on behalf of the profoundly mentally retarded children. It is a total programme which will provide permanent accommodation for those children. It will dispense with the piecemeal approach which apparently is favoured by the Opposition.

I believe the Government's programme will keep Western Australia—already regarded as a leader in the field of mental health treatment compared with most other

States in Australia—in a pre-eminent position. I have not the slightest hesitation in supporting the amendment moved by the Premier.

**MR BERTRAM** (Mt. Hawthorn) [5.27 p.m.]: I am indebted to the member for Balga for rising to speak in respect of this debate because, like him, I was staggered to observe an advertisement in the local newspaper, inserted by the member for Scarborough, seeking to clear up the stand he took in relation to the Tresillian Hostel.

The member for Scarborough said he was freely available to the people of the area, or words to that effect. I have the advertisement in my office and he can correct me if I am wrong, but it seemed to me that the advertisement carried the inference that for a period of six years the member for Scarborough was not available.

The member for Scarborough has at least risen to his feet and made some sort of explanation—and I think those words are fairly eloquent—of his position. However, as I recall the story of Tresillian, at least two other members were aiding and abetting the member for Scarborough in the stand he was taking. He was prepared to forfeit his Cabinet position, but what about the member for Karrinyup? Was he not in close collaboration with the member for Scarborough in respect of Tresillian? Was not the member for Kalamunda also one of those working closely with and encouraging the member for Scarborough? What is their position?

The member for Scarborough has sought to clarify his position but the member for Karrinyup has not said anything, and the member for Kalamunda also has not joined in the debate. I should have thought that at the first opportunity, they would have sprung to their feet to explain their position. Thus far, they have remained completely silent, and that is extremely disappointing.

When one goes into print and makes an attack on one's own Government, one would believe that the next thing to do would be to voice one's attitude and place it on record permanently in Parliament. One member was prepared to do this, but the other two members to whom I have referred have said nothing. I was a little interested the last time this matter was debated here to observe the member for Karrinyup, in his capacity as Whip, circulate for the information of members of the Government, what appeared to be an amendment. It seems members of the Government had not seen this before, and apparently it had been written out by the Premier. I assume that this is the amendment now before the Parliament, and it appeared to cause Government members great jubilation and there was considerable mirth. It was a masterstroke—a political gem.

**Mr Clarko:** You are certainly not giving us one now.

**Mr BERTRAM:** Here we have the situation where one of these Government members, to wit the member for Scarborough, was prepared to attack the Government because he saw the absolute need to do so; not only was it politically expedient, but it was also absolutely essential that the Government should be put back on the right track. The Premier was careering willy-nilly up to a precipice and he had to be stopped before he dived off. That is the sort of situation Country Party members are familiar with in relation to the electoral laws. The member for Scarborough saw a need to do something about it and today he stood up to explain his position. However, the member for Karrinyup has remained completely mute.

**Mr Clarko:** Didn't you hear me a few moments ago? Were you asleep on your feet at that time?

**Mr BERTRAM:** No, I have not been able to accomplish the feat of sleeping on my feet. Let us hear what the member for Karrinyup had to say.

**Mr Clarko:** You talked about political gems, and I just suggested you were not giving us one.

**Mr BERTRAM:** The member for Karrinyup has encouraged me to press on for a little while.

**Mr Clarko:** Take as long as you like.

**Mr BERTRAM:** The honourable member's leader will be only too thrilled to have him interjecting for the purpose of prolonging the debate, because he well knows the great "capital" he has scored out of the Tresillian issue. So when the honourable member leaves the Chamber, if I know his leader very well, the Premier will whisper one or two words of wisdom in his ear.

**Mr Clarko:** It shows you do not know him very well.

**Mr BERTRAM:** Perhaps the honourable member will tell us the actual words the Premier uses.

**Mr Watt:** Why don't you talk about something you know something about?

**Mr BERTRAM:** The honourable member need not worry about whether or not I know something about this matter. I have been around this place long enough to know the sort of medicine that will be prescribed for the member for Karrinyup.

**Mr Sodeman:** Your score is 10 out of 10 for consistency.

**Mr BERTRAM:** The honourable member could not tell us very much about the Premier.

**Mr Clarko:** Let us hear some pearls of wisdom.

Mr BERTRAM: I am indebted to the honourable member for kicking the debate along because it is important that this debate does not dry up. It is far too serious a subject for that to happen.

Mr Laurance interjected

Mr BERTRAM: I got the impression that the member for Gascoyne was rather hot under the collar about the Premier also. He is now beginning to emerge. I hope he will stand up to say a few words about what he thought the Premier and the Government would do with the children at Tresillian. The parents of those children and hundreds of thousands of other Western Australians were very concerned about the way strength, muscle, and power—the sort of thing the member for Scarborough was talking about—were being used on innocent and helpless people. The member for Gascoyne may also be very concerned about that, and I certainly hope he is because there is little place in this Parliament for members who are not concerned about others, or for members who do not understand the people.

There are dangers when members do not have a concern and compassion for people and a degree of humanity. That is the first thing one needs in this place.

Mr Sibson: Are you suggesting certain members do not have that?

Mr BERTRAM: The member for Bunbury may get up if he likes. I gathered unmistakably from the speech made by the member for Scarborough that he thought the Premier was lacking in these qualities. Perhaps the honourable member did not hear him. I thought he spelt it out very clearly.

Mr Laurance: That is your interpretation.

Mr BERTRAM: Is the member for Gascoyne saying that the member for Scarborough did not say that? He spelt it out, and the honourable member should look at *Hansard*. I hope I did not misunderstand what the member for Scarborough said; it is certainly not my objective to misinterpret him at all. I would very much like to be commenting on the factual basis of his speech.

When one thinks of Tresillian, one's mind quickly turns to the Barracks Arch situation. The Barracks Arch stands today as a monument to the paramountcy of the people over the Executive. We may not be very impressed with the structure, and we may not like its geographical position. However, these things are relatively unimportant. Each time we look at the Barracks Arch we get a very clear message; namely, there comes a time when even the people will revolt against the Executive. The people revolted against the Executive on the Barracks Arch issue, and they were in the process of mounting a king-sized

revolt—if they had not already done so—about the use of the power of the Executive in regard to Tresillian. The main performer in the Tresillian affair was the Premier. It was not until members from his side of the House eventually got the message through to him at the very last moment that he backed down. That is a most unusual situation.

I am concerned particularly about what the member for Balga said, and there is some corroboration of his statement by the Minister—perhaps Government members will correct me if I am wrong—who intimated that the Government has some plans which it will bring into play in respect of Tresillian in the fulness of time. It is of paramount importance that during the course of this debate the Government should come clean. It should not cover up its intentions in respect of Tresillian.

Sir Charles Court: It has already been stated a dozen times.

Mr BERTRAM: I do not recall the Minister stating it.

Sir Charles Court: Of course he has.

Mr BERTRAM: I should have thought that the place to spell these things out is in the Parliament.

Sir Charles Court: It is in *Hansard*.

Mr BERTRAM: I have some recent knowledge of the people being told one thing through the Press and being told something else in the Parliament. It is in the Parliament that the Government's intentions should be spelt out. That is the main, if not the prime purpose of the Parliament. The Opposition should have some idea of what is going on, and more importantly, the people should know what the Government intends to do from time to time on various questions. So I certainly hope that while it may be in *Hansard*—and I am not aware precisely where it is or how it is stated—also during the course of this debate some Government member will give a clear intimation that if the forthcoming election is won by the conservatives—that is to say, the party of people who call themselves Liberals when they are not and who for the time being happen to be the Government—the Tresillian matter will not be raised again. If the present status quo is to be disturbed in a manner detrimental to the children and their parents and against the will of the people vitally interested and involved in Tresillian, we are entitled to know about it.

We do know that this Government has a reputation for acting in a high-handed manner and it would act in this way immediately after the election, although certainly not on the eve of it. If I were the parent of a child in Tresillian or a person concerned directly with Tresillian, I would be very anxious to obtain a firm

undertaking from the present Government. The Government showed it was prepared to go to tremendous lengths before it climbed down on this question. The debate here suggests to me that there is very real room for fear about this Government's attitude to Tresillian.

At the very least I hope someone on the Government side will rise and tidy up that matter for me at this stage; that is, that the children at Tresillian will not be moved until there is an excellent reason for doing so and a real degree of mutual agreement on the part of the parents and interested people that the new place in which these children are to be placed is acceptable.

I repeat that this issue is very similar to that in relation to the Barracks Arch. It is one to which the Government should give more thought and which it should take more seriously. Members of the Government should not be using the debate on this motion as an opportunity to waste the time of the Parliament by moving amendments in a situation where two or three members on the Government side have been prepared to come out publicly and oppose the Government's stand.

MR SKIDMORE (Swan) [5.41 p.m.]: I hope to be brief because the problem is well known to all. The many factors which have been presented not only in this place but also in the news media are probably well understood by everybody in Western Australia, with one exception; that is, the Premier. He seemed to be unable to understand the ramifications and the true position of many of the children and parents involved with Tresillian, almost to the point of bloody-mindedness.

When the Minister for Lands speaks of the great step forward which was envisaged for the care of profoundly retarded or mentally ill children—the like of those in Tresillian and Pyrtton, some of the parents of whom have approached me to try to find accommodation for them, and I have failed miserably—he seems to forget that they alone should be the first consideration of the Government.

It has been suggested many pressure groups caused all the rumpus about Tresillian. It is remarkably clear that the great body of protest came from the parents of the children at Tresillian who, in their wisdom and according to their sincere belief, wanted to do the best thing in the interests of the children and got up on the public stump, one might say, outside Tresillian and other places to make it plain they did not want their children moved when the Government said, "Move your children or we will move them." Surely that attitude on the part of the Government is not based upon compassion and does not accord with the tremendous strides we have made in

Western Australia in the care of mentally ill and profoundly retarded children and others who are in a similar situation.

Looking at the matter in that light, one is tempted to find out what bloody-mindedness the Premier indulged in on the fateful day in question—I think it was a Friday. It is within my knowledge that on that day the Premier communicated directions to a senior officer of the Mental Health Services on three occasions. As I understand it the first direction was, "You will tell the parents of the Tresillian children that if they do not take their children away they will be moved", to which I believe the responsible and very senior official replied, "You tell them; I will not", or words to that effect.

The next approach made to a senior officer of the Mental Health Services by the Premier was watered down somewhat. It was to the effect that perhaps it would be better if the children were moved on a later occasion and he would seek the parents' agreement to something along those lines. I understand the senior officer again said to the Premier, "You tell them."

On the third occasion the senior officer was approached by the Premier I understand the Premier said, "Forget all about it. We have decided to leave the children at Tresillian and there is no need for you to move them", to which the senior officer replied, "I will have great pleasure in going to the parents and passing on that information."

We can claim immunity when we speak on these matters. I was challenged on a previous occasion when I raised an issue concerning a person at Busselton and it was subsequently found my allegations were true in substance. If I were to divulge how I obtained my information on that occasion the person concerned would no longer be working in the Education Department. If I were to divulge how I obtained the information I have just related, the person who passed it on to me would no longer be employed in the Mental Health Services.

Mr Sibson: You are skating on thin ice again—remember last time!

MR SKIDMORE: I can assure the member for Bunbury that I am a reasonably good swimmer and if I disappeared in the water I would probably climb out on the other side.

The Premier in his bloody-mindedness could not convince the senior officers in the department about the changes which should be made as he saw the situation. He wanted to convince the medical people who have dealt with these children for many years that it was in the children's best interests to be moved. They had found a kind of home where they were able to mix with the community at large.

It is well known that when they first moved into Tresillian there was a great degree of antagonism towards the children, and then it was realised they were human beings and able to feel as we do, which was demonstrated perhaps by the flicker of an eyelid or the touch of a hand on an arm. So the people out there adopted these children to ensure they had more than an institutionalised existence. We must bear that in mind.

Not even that would convince the Premier in his bloody-mindedness. The children had to go because the Premier said so. As the member for Balga said, the Premier walked right to the edge of the precipice. One might say that unfortunately he was not pushed off. He did a sidestep and walked back again, on the ground that he did not wish to pursue the matter. Then he came out and said that on due reflection the Government, in a sudden fleeting moment, had arrived at a good solution; all of a sudden it had a programme of development. Within 24 hours the Government was coming out with a programme which would overcome the problem. Why was it not put to the parents? Why was it not mentioned in this House in answer to questions? All of a sudden something appeared out of mid-air—a hope for parents of mentally retarded children that at last there would be something for them.

Two parents came to see me a few months ago. They have a profoundly mentally retarded child whose make-up causes some dramatic problems in the way of temper and destruction. Those who saw the television programme on this subject will know how these children behave. The parents appealed to me to try to get their child in somewhere just for a fortnight so that they could have a break, otherwise they would finish up in an institution for adults while the child was in an institution for children.

I appealed to the Mental Health Services, and I received a humane approach from its officers. They told me she was but one case out of 15 children whose parents were trying to get relief on weekends from a situation that could make them as mentally disturbed as their children, and probably unable to look after them. I did not let up, but persisted with my endeavours. But what did I achieve? All I achieved was a change in the priority of the 15 others who were waiting; and that is all that will be achieved under this grandiose plan that has been put forward.

Can the Premier show me where some of these children have gone? Can he tell me how the children who are not in Tresillian or the other places are being looked after? Of course, nothing is being done for them, and yet we were told this is a great step forward which will make all the difference. As I said, all I achieved

with my endeavours was that I denied parents of other retarded children the right to be relieved.

In the first place the period was for a fortnight, and then it ran into a month; and the woman concerned came back to me with tears in her eyes because she was so pleased to be relieved of the responsibility of looking after her child. It was after that I learnt the true situation from the doctors.

Now the Government comes along and says it has a plan to relieve the situation, but it knows as well as we do that it is bound by the same problem that has beset it for so long; that is, the matter of finance to provide facilities. The problem also revolves around the training of people. I understand from the last report available to me that the Mental Health Services is worried about the shortage of social welfare workers. Apparently they cannot be persuaded to remain in the job. That is no wonder when we have a debacle such as that which was foisted on the staff of Tresillian by the Premier. How can we engender confidence in staff when the Premier says to them, "You will shift these children, and if you do not do it you will be sacked"?

The staff of Tresillian, being aware of their rights, and having been told by the parents that they did not want their children shifted, stood steadfast and indicated to the Premier in no uncertain fashion that he could sack them if he liked, but they would stay and look after the children.

I would like the Premier and other members opposite to come with me to visit Pyrton. I hope they have been out there to observe what takes place; it would break one's heart. However, there are some dedicated staff at that institution; dedicated because they are left alone and they can care for the children without any quarrelling. The reason is that it is a proper institution and, according to the Premier, it is the sort of institution the Government wants for all these children.

Quite frankly, it breaks my heart because the only reason a parent would put a child in Pyrton is that there are no other places like Tresillian, where the children can be approached by members of the public. Pyrton has a great fence around it; we may as well have a 30-foot wall around it because the children cannot communicate with the general population. When they go into the exercise yard—and I use that term deliberately—they are surrounded by brick and tin, and are completely hidden from the community as if there were something drastically wrong with their making. Yet the humane people of Lockridge and Eden Hill are no different from the humane people in Nedlands, and if they were able to approach these children I am sure they would.



I wish to protest most strongly against the actions taken by the Government in respect of Tresillian. The Premier showed a complete lack of understanding and ignored the fact that the parents wanted their children to remain there. We had another responsible Minister of the Government saying there is a pressure group. I challenge him to name the pressure group. What pressure group is there? There were many individuals; people who were not concerned with profoundly mentally retarded children, but became involved because they felt they had to stand up and be counted on behalf of those who could not speak for themselves, and because the very frustration of the parents was evident to everyone.

I would say one of the great dark shadows of the term of office of this Government was formed on that day when the unholy edict was issued: "If you don't take out your children, I will shift them"—as if they were chattels! This God-given Premier, this man of great knowledge, this man of bloody-mindedness wanted to shift the children.

Of course, we are aware of the political ploy of the Government of deleting words so that something else can be inserted in their place which does not mean a thing, and which will not give any hope to people whom we should be supporting and whom the Government is not prepared to support. The Government is not even prepared to support one of its senior officers. It has been prepared to ignore all those people who obviously must know far better than we do what should be done with these children.

Would I, having visited Pyrton on two or three occasions, try to suggest that I could look after a profoundly retarded child in a better manner than the staff of that institution? Of course I would not. All I know is that every time I go there I come away with a broken heart, because these children and people have to suffer in a situation where there is no community touch. We had that community touch at Tresillian; we still have it, and I hope it remains there for ever and a day as a monument to people who fought so valiantly for the right of their children to lead the sort of life they wanted them to lead. Those people had sufficient courage to say to the Premier, with all his bloody-mindedness, "You can go to hell. We want our children to stay at Tresillian. Leave us alone."

**MR DAVIES** (Victoria Park) (5.58 p.m.): I was flattered indeed to have the Premier lead the debate on behalf of the Government in respect of this minor motion. That clearly demonstrates—as have other speakers since from the Government side—that this matter is the Achilles' heel of the Government.

The Government has not really looked at the motion. Had it looked at the motion it would have found that the major content is exactly the same style of thing as the Government is trying to put through in a much more blatant fashion. The motion simply says that until all needs have been satisfied Tresillian should remain in operation for the receipt and accommodation of profoundly mentally retarded children. What the Premier is saying is that the Government has done this and, therefore, the motion is unnecessary. However, at the same time he is saying, "Tresillian will remain open at least until December, 1977, because at that time we will be able to accommodate all of the profoundly mentally retarded children who at present have no accommodation."

So my motion and the Premier's proposed amendment are virtually one and the same thing. But, Sir, I will not incite your wrath by debating the words proposed to be inserted, because at the moment we are simply debating the amendment to delete all words after the word "That".

**The SPEAKER:** I think in order to debate the matter properly you must be able to refer to the rest of the amendment.

**Mr DAVIES:** Thank you, Sir; as a result of your kindly assistance I may at this stage talk about most of the things I would otherwise have left until the Premier moved the second part of his amendment.

**The SPEAKER:** There is one problem: you cannot repeat your argument afterwards.

**Mr DAVIES:** I will try to think of something else to say if necessary.

I was delighted to have the Premier lead the debate because he took it over as a matter of his sole concern. One thing that increasingly worried me was the number of times members of the Press would telephone me and say they could not get the Minister for Health or the Premier to talk on the subject and would I make a comment, which I did from time to time.

**Mr Sibson:** That is an old trick.

**Mr DAVIES:** However, I did not comment with any great joy because I did not feel this should have been made a political matter. On only one occasion did I go to Tresillian; I never attended any meetings that were called; in fact, I rarely spoke to anyone even remotely associated with it. Despite the fact that the Premier sits in his place saying, "Ho, ho", I do not think he can point to any of my colleagues who has actively concerned himself with the campaign which, when much to the Premier's glee it was nearly dying, was so capably led by Dr. Harry

Cohen. He came forward—I was tempted to say like Joan of Arc, but that is an inappropriate simile—and led the fight, and turned it right back on the Government.

Just before that time I was a bit distressed at the attitude of the Government, which was becoming increasingly clear. The Government did not need to camouflage its remarks in any way. It just said, "They will be out by the 21st July." There were no "ifs" or "buts", no pulling back, no excuses and no alternative arrangements. With a complete lack of compassion the parents were told, "If you do not move them as we are telling you, then you will take them home." That was the alternative and that was the attitude which was increasingly distressing me.

The motion which I moved was deliberately put on the notice paper on the last day of the first part of the session this year so that it would lie on the notice paper and the Premier would be reminded that the matter was going to be raised in Parliament if there was not a satisfactory solution. All I was trying to point out when I moved my motion on the 4th August—as the Minister for Lands pointed out, my remarks appear at page 1509 of *Hansard*—was that, on the figures the Government supplied in answer to questions, no additional beds had been provided and we did not know just where these children were going to be placed. It is true that the Government said it would provide beds but there were no additional beds available at that time. The Ross Memorial Hospital was not completed and was not ready to accept patients, and the Government wanted to move children out of Princess Margaret Hospital. Other children urgently needed accommodation but just could not be accommodated.

It is quite true that when I moved the motion, the Premier had announced a plan to accommodate those children the Government anticipated would require accommodation by the end of 1977, but we can deal shortly with the way that was done. However, my motion was true in every word and completely true in substance. There was no reduction of the waiting lists, no additional beds available and there were people urgently wanting accommodation. Because of that—this is all based on the Government's own figures and statements—I said that all we wanted from the Government was an assurance that Tresillian would remain open for its present purpose until all urgent needs were met.

The Minister for Lands asked me what I meant by that. While I will not go into detail again I will refer him to the questions I asked in April of this year and April and August of the previous year

referring to the number of people requiring accommodation; he can see from the figures given by the department that there was no improvement.

Even when all these additional beds are made available at the various places listed by the Premier, we do not know whether the demand will be met. We do not know whether at that time we are not going to be confronted with another 12, 15, or 20 profoundly mentally retarded children who will require accommodation. If at that time there is still a shortfall in the number of beds, we must keep Tresillian open; that is all I am asking. What I said in 1974, and in writing to the Premier and to the Nedlands Council, I say now: Once we no longer need the beds Tresillian will no longer be used for that purpose.

Sir Charles Court: You do not agree with the member for Balga. I am pleased to hear your attitude because it is different from what he said and what the member for Swan said.

Mr DAVIES: I do not think so. The member for Balga said exactly the same as I have.

Sir Charles Court: No fear!

Mr DAVIES: He said that until the need is catered for, it would be quite ridiculous to close Tresillian.

Sir Charles Court: Tresillian remains, full stop—that is what they said.

Mr DAVIES: If the Premier says that is so, I do not agree with the member for Balga. I agree with what I have said all along—when there is no need for the beds the hostel can be used for some other purpose. A number of options were available to me when I put the children there initially, but this was the most pressing need, as I have said time and time again. That is why I used it for that purpose.

I can only say that the Government should merely agree with the motion as it stands at present. There is no need to alter it in any way because, according to what the Premier, the member for Scarborough and the Minister for Lands have said, they are going to leave the hospital there for that purpose until such time as they are able satisfactorily to accommodate all the patients.

I believe the Premier, despite the manner in which he thought he was successfully handling this matter, had the wool completely pulled over his eyes by the Mental Deficiency Division. I have said several times previously in this House that there was constant pressure on me to provide additional beds. I have also said that we looked at various "C"-class hospitals—that is not their correct term now but everybody knows what I mean—and other buildings that could successfully be adapted.

We were able to get some money from the Australian Government and we were meeting with some success in that direction. By his statement and actions the

Premier showed a lack of concern for the plight of these people, but when he was forced into a position where he had to take some action he went completely overboard. He said, "You can have the lot." Of course, to do that means that another section of the Mental Health Services has to suffer because there is only so much in the pot. Despite the fact that the figures brought down yesterday show there is a rise of about \$7 million in the amount of money that is to be spent on Mental Health Services this year, about \$6.8 million of that is related to salaries. This means that some additional staff will be provided, but I have not had time to dissect the numbers of staff last year and this year.

The Mental Deficiency Division must be clapping its hands with joy. It has exactly what it wanted. It has the promise of enough beds to take up the shortfall within roughly 18 months. But the other sections of Mental Health Services which still require special help and for which there is still a special need will be just the opposite; they will be unhappy indeed.

I think it is typical of the Premier that to make such a good fellow of himself when he is forced into a corner and wants to take the pressure off he should go overboard and give everything that is asked for without any real regard to the overall picture. That is exactly what he has done.

Mr Thompson: He had given that undertaking long before the crunch came in the Tresillian issue.

Mr DAVIES: This is a matter of opinion. The member for Kalamunda was very worried about the whole matter. If he had this assurance from the Premier I do not know why he had to interest himself in the proceedings at the time because no-one else was of the opinion that the Premier had the position completely in hand. If the position was as he said it was, why was there a need for rebels?

If I may just digress for a moment or two, I note that the Ross Memorial Hospital is to be called the Boston Hospital. In this American bicentennial year I could not think of a better name for it. Of course, Boston in America was the seat of the American revolution and the Ross Memorial Hospital on this occasion seems to be the seat or the cause of the revolution in the Liberal Party. I think it is a stroke of genius by the Government to give the hospital that name, and I congratulate the Government for so doing. No-one will ever forget the year that it came into being and why that name was given to it. When we think of Boston Hospital we will forever think about the

revolution in the Liberal Party. In 200 years' time we might have bicentennial celebrations regarding Boston Hospital.

Mr Nanovich: What about the Boston two-step?

Mr DAVIES: I will do the barn dance with the member, if he wishes. The Mental Deficiency Division has completely put it over the Government. I congratulate it on so doing. I might have to say a few words about sections of Mental Health Services which will be short of beds this year, but I know the tragedy of the people who need accommodation for their children and I am delighted that they will get it.

Irrespective of the motives of the people who rebelled against the Government, I congratulate them on what they did. How they use the rebellion is entirely up to them and their consciences, but the fact remains that without their support and their rebellion there would have been no move to do what the Government has done.

We have to take a close look at that matter. I believe the Government has taken the dearest possible way out instead of planning sensibly in co-ordination with the rest of Mental Health Services. It has been forced to say what accommodation is available and it has been forced to have crash training programmes for staff. Instead of integrating the whole matter the Government has been conned and has taken the dearest way out; and of course the taxpayer has to pay for it. I believe it should have been a gradual integration process rather than the way it has been done.

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

Mr DAVIES: Before the tea suspension I was trying to keep the debate on a high plane, because I felt if I did not antagonise members opposite I could judge from the action of the Government how it felt about this problem. We can all remember the reaction of the Premier. He started off by saying I was so full of virtue that my halo was scalping me. We are used to that sort of comment from him.

The Premier went on to say what a wonderful job his Government had done; and he told us how the people and the head of the department had applauded him for his action. He said much had been done and the people of Western Australia applauded him for that.

That was far from the truth. What I did say was reasonable. I merely stated the circumstances if they were factual, as I know they were. The content of my motion merely asked that we acknowledge the beds at Tresillian were needed and should continue to be used until such time as all the slack had been taken up.

That is not an unreasonable request, because when we examine the Premier's plan, which he had been talking about for some weeks, we find that is exactly what he was aiming for. He wanted to move the children out of Tresillian as the first measure instead of the last measure. In the ultimate that is the only difference between the plan now in operation, and the plan which has been allegedly proposed for goodness knows how long. I cannot say how long it has been proposed, because I do not know; so far as I am concerned I can only say there was no plan in existence.

For some years we have been trying to find suitable alternative accommodation. Rather than trying to find the accommodation as expeditiously as possible—and possibly by now it has been found—the Premier took on the community at large, with his head down, and without regard for all the circumstances of the case.

The Premier said he had a plan in operation which he considered should have been accepted. If that was the case why was it necessary on the 20th July to have a series of conferences with apparently everybody concerned, except the Minister for Health? Obviously the Minister for Health did not know what the plan was, because according to newspaper reports—I am subject to correction here because you, Mr Speaker, have often told us that newspaper reports are not always right—just before the ultimatum was delivered by the recalcitrant members of the Liberal Party to the Premier, they checked with the Minister for Health but he knew nothing about the plan. That was reported in the newspapers.

Yet, we are told by the Premier and the Minister for Health that for some weeks a plan had been in operation. If that is so, why did they keep it to themselves and not make it known to the world at large? That is the reason I doubt their motives.

Rather than delay this matter for any length of time and to avoid repeating all the circumstances, I want to refer to some of the matters raised by the Premier when he spoke to the motion. I will leave aside a couple of the items until he moves his amendment to insert the words he proposes to insert. No doubt he will move for the insertion of words, because we on this side do not have the numbers to prevent him from doing that. I am sure that in the end we will find the motion as moved by me and the motion as amended by the Premier will be practically the same in effect. It is merely a matter of emphasis and application.

On the 20th July last the stage had been reached where it was announced in the Press that the children at Tresillian were to be moved the next day, or their parents were to take them home. Instructions had been issued by the Mental Deficiency Division to the staff of Tresillian as to

what would happen. The newspaper reports indicated that the whole move had been planned, and the situation was perched on a precipice.

On that day there was a Cabinet luncheon. I asked my leader whether the Premier was at the luncheon. The Deputy Premier told him that the Premier could be taking a couple of days off in the country. I said that was the best thing the Premier could do, because he was not too popular in the metropolitan area on that day nor would he be on the following day.

Mr O'Connor: Arrangements had been made for the Premier to be away.

Mr DAVIES: As it turned out the Premier was not away in the country, but was in his office all that day. The Minister for Transport has come in too quickly.

Mr O'Connor: I did not come in too quickly. I repeat that arrangements had been made for the Premier to be away.

Mr DAVIES: This worsened the issue for the Government, because it realised a crisis had been reached on that occasion. If the Government meant what it had said and intended to call the bluff, the Premier would have gone to the country if in fact he had been booked to go some days before. He knew he could not go, and he had to be around. However, he was not at the Cabinet luncheon. According to what the Premier has said he was in his office all that day.

It was late in the afternoon of that day that he conferred with the Director of Mental Health Services (Dr Ellis), who is a very good officer and a person for whom I have the highest regard. I do not know how the Minister for Transport came into the picture, or whether he was to be associated with the shifting of the patients at Tresillian, but it was rather odd that the Premier should confer with the Minister for Transport rather than the Minister for Health, as this question came under the portfolio of Health only. The Minister for Health does not seem to have cracked it.

Sir Charles Court: He was there.

Mr DAVIES: The truth is coming out.

Sir Charles Court: This is no different from what you have been told.

Mr DAVIES: This has not been mentioned before. Now we find that Dr Ellis, the Minister for Transport, and the Minister for Health were present with the Premier, wondering how they could overcome this crisis.

Mr Harman: Anyone else present?

Mr DAVIES: I do not know. I ask the Premier whether there was anyone else present.

Sir Charles Court: We are getting sick of this ranting from you.

Mr DAVIES: I am certain the Premier is sick of it, because he came out of this matter in a poor light.

Sir Charles Court: This is private member's day. You can go on like this as long as you like. You are not taking up the Government's time.

Mr DAVIES: The Premier thought he had complete control of all the members of his party, but some of them stood him up. The Premier knew he had to do something about the matter, because rumours were rife in Parliament House that at least the Parliamentary Secretary of the Cabinet would revolt. We waited to see what would happen. This must have got back to the ears of the Premier.

The Premier had a plan about which no-one knew anything; but it had not been advanced to anybody. If there was no crisis, and the Premier had not reached a precipice, why did he cancel his trip to the country? Why was he conferring with two Ministers and the head of the department?

Sir Charles Court: What was wrong with that?

Mr DAVIES: I shall not recite all that the Premier said, because his contribution to the debate on the motion is recorded from page 1515 onwards of the current *Hansard*. Anyone who desires to read what the Premier said can turn to those pages. The Premier gave us to believe he was a very moderate, fair, and understanding man, and that he had a plan about which we were supposed to know.

Arising from the conference held on the 20th July with Dr Ellis, the Premier said the programme which he had proposed was the one about which everyone knew; that was the use of Boston Hospital, previously known as Ross Memorial Hospital, and the shifting of the children around a little. He was aware that if this was the plan to solve the problems, it was totally unacceptable to the people concerned. It was necessary only to read the newspaper to know that. I was not in contact with any of them. I noted from the newspaper what was developing.

So the Premier then said that he was assured by Dr Hamilton that what they proposed would take care of all the known profoundly retarded persons, but that on second thoughts he considered there could be some alternatives. The alternatives were, of course, in regard to shifting the Swanbourne patients to the Ross Memorial Hospital and the transfer of Princess Margaret patients to Yokine, while the Tresillian and Scarborough patients would be transferred to Sussex no later than December, 1977. So, instead of shifting the Tresillian patients on the 21st July the Premier said he would shift them no later than December, 1977, and by that time we

would hope there are no more urgent demands for accommodation. In those circumstances we would be quite happy about Tresillian being used for some other purpose, because that is all the motion says.

Mr Thompson: Perhaps you had better tell the member for Balga and the member for Swan that.

Mr DAVIES: That was settled before the tea suspension. If the member for Kalamunda desires he can tell them himself. If the honourable member cares to read the remarks in that way, he is entitled to do so, but I do not read them in that way, and I am now speaking officially on behalf of the ALP. I can understand the feelings of the member for Balga because of the reaction he received to his earlier remarks on the motion he moved in an attempt to protect the interests of Tresillian, when no-one on that side gave him one iota of support. Now some are running for cover and want to support him so they can get on the bandwagon.

Getting back to the Premier's letter of the 20th July, listen to this for gall—

... unless there is an unqualified assurance that it will be accepted and the Mental Health Services will be able to implement it without opposition from parents and any organisations acting on their behalf.

He may as well have said, "and without interference from God" because how in the name of all that is holy can anyone give such an assurance?

What will the Premier say eventually if, in December, 1977, the beds are still needed? He will say that every parent and organisation gave him an unqualified assurance that there would be no opposition to the move in any way. I say here and now that they did not give such an assurance. It was a totally unreasonable request; one that any fair-minded person would never have put in writing. It was one which might have been understood by a gentleman's agreement, but it was a completely unfair and untenable request. I refute it now and invite any organisation to refute it at any future time.

Sir Charles Court: Are you speaking for the parents, or don't they have a right of choice?

Mr DAVIES: It was totally unreasonable.

Sir Charles Court: It was nothing of the sort. You were not there.

Mr DAVIES: I am quoting from letters the Premier tabled.

Sir Charles Court: You were not there.

Mr DAVIES: I will read it again—

... unless there is an unqualified assurance ...

Sir Charles Court: That is fair enough.

Mr DAVIES: It was totally unreasonable and totally unfair—

Sir Charles Court: It was not considered so by the parents.

Mr DAVIES: —to close Tresillian down if anyone was not happy about it. I will not have them hampered by this assurance demanded in the letter when the Premier found himself cornered. I will fight to the last for them.

Mr Laurance: You are going back on your own word.

Mr DAVIES: If the Premier is able to provide beds for all the requests made, there will be no argument.

Sir Charles Court: Two of your colleagues do not agree with you.

Mr DAVIES: I am speaking officially on behalf of the Labor Party which has discussed the matter. If there is a demand for beds and all the children cannot be accommodated, our attitude will remain the same. Can members understand that? If not I will repeat it. The official attitude of the Opposition is that unless all requests for beds for profoundly retarded children are satisfied Tresillian will remain open.

Mr Nanovich: You did not say that originally, did you?

Mr DAVIES: I have said that all along. I have said it consistently in writing, in *Hansard*, inside the House, outside the House, on TV, and on radio. Nowhere will anyone find that I have deviated at any time from that statement.

Mr Nanovich: Much!

Mr DAVIES: I say it now and I have said it all along, as has my party. I am proud of the fact that our party has remained constant on this issue. We have not had any sharp footwork, backing and filling, pretending, and crying that the Press was unfair and that we have not had a fair go. We have not said that we are the kindest Government that has ever looked after mentally retarded children. We have not carried on in this way.

Mr Laurance: What about when you were the Minister?

Mr Bertram: Get up and make your own speech.

Several members interjected.

The SPEAKER: Order!

Mr DAVIES: Are members too stupid to understand what I have told them? It has been recorded in *Hansard* on several occasions; it has been read out; the Premier has it in a letter, as has the Mayor of Nedlands; it is in letters on the file in the department; I have said it on radio, on TV, inside the House, and outside the House, that as soon as the demand is not there we will not use Tresillian for that purpose.

Mr Laurance: That is not what the letter says and you know it. Who is doing the sharp footwork now?

Several members interjected.

The SPEAKER: Order!

Mr DAVIES: I cannot understand why members opposite cannot get it through their thick skulls. We have never deviated in any way and that is what annoys them. We have been solid on the issue all the way and we are unlikely to change on it.

Let us get back to this completely unreasonable assurance the Premier wants—

... unless there is an unqualified assurance that it will be accepted and the Mental Health Services will be able to implement it without opposition from parents and any organisations acting on their behalf.

That was dated the 20th July, 1976, and was addressed to, "My dear Doctor Ellis".

On the same day there was a letter from Dr Ellis to, "My dear Premier" and a copy was sent to the Minister for Health. He did not get a copy of the Premier's letter because there is nothing on the carbon copy.

Sir Charles Court: Of course he did.

Mr DAVIES: Apparently he did not get one. At least a copy of the letter from Dr Ellis went to the Minister for Health. It is nice to know the Minister has been kept in touch. The letter is dated the 20th July and has, "Mental Health Services" typed on the top of a plain sheet of paper. It is not even written on paper with a letterhead. The same typewriter must have been used and the same typist. It must have been a case of, "I will write this to you" and, "You will write this to me" and, "We will get that assurance from each other."

Mr Bertram: Sounds like a company swindle in New South Wales.

Mr Sodeman: Are you familiar with that sort of thing?

Mr DAVIES: Not at all. If the member for Pilbara wants to use such an inane interjection, let him use it when someone else is talking, not when I am talking.

Mr Sodeman: Then don't make the implication.

Mr DAVIES: This is what they are doing. This is what they did. They cooked it up in the Premier's office. The letter was written on plain paper headed with the typed words, "Mental Health Services", and the Premier said, "I will write you this and you write me that."

Sir Charles Court: I suppose you know the parents or their representatives were present?

Mr DAVIES: It all seems to have been typed on the same machine. We will get to the parents in a moment because I am going to deal with a letter they wrote to

the Premier on the same day, about the same time, on the same notepaper, and probably on the same typewriter.

Sir Charles Court: On the advice of their mentor.

Mr DAVIES: It was all done in an effort by the Premier to try to get him out of the muck he was in, because he was really in it. The whole of Western Australia was waiting with bated breath to see whether he was game enough to move the children.

Sir Charles Court: The ALP was waiting!

Mr DAVIES: Of course, he was not game enough because his own party members had stood him up. The letter reads—

I have received your letter of even date and confirm that the change in priority of movement to the different residential Hostels, as outlined, is acceptable to the Mental Health Services.

I interpolate to say that no doubt it was acceptable because it had been accepted and decided on before the Premier's letter had been written. So, it was not a surprise to learn that it was acceptable. To continue the letter—

It is also understood that when the present accommodation requirements have been fulfilled by this revised programme the Mental Health Services, after consultation with the respective parents, may re-locate residents in more convenient areas.

That is all we want; we want them in the most convenient areas when there are enough beds of sufficient standard to meet all commitments. The letter continues—

The proposed scheme is quite acceptable to the Mental Health Services, and can be implemented as indicated in your time-table.

That was not a surprise either, because the Mental Deficiency Division had gained everything it wanted. It gained enough beds, and it gained an assurance from the Premier that it would receive enough money to run the service.

I had another look at the figures in the Budget, and the amount for Mental Health Services is well up. The allocation for salaries is up by about \$7 million, and the total expenditure is up by about \$7.2 million.

Mr Bertram: How much is to allow for inflation?

Mr DAVIES: The amount allocated will more or less keep pace with inflation, with some additional staff. Nevertheless, I am quite happy to congratulate the Government on providing those funds but I want to observe what the people think about the situation.

The next letter I intend to quote is undated, but I presume it was signed on the same day. It is addressed to the Premier, and reads as follows—

With reference to your letter dated 20th July, 1976, addressed to Dr. A. S. Ellis, Director of Mental Health Services, copy of which is attached,—

I thought that was nice of them; to send back to the Premier a copy of the letter he sent to Dr Ellis. That is how it reads. To continue the letter—

—we confirm that we accept the proposal set out in your letter and, so far as we are able, we also accept it on behalf of the other parents of children resident at Tresillian Hostel.

The SPEAKER: The member has five minutes.

Mr DAVIES: Thank you, Sir. The letter continues—

We shall now take the earliest opportunity to present the details to all the parents, and will use our best endeavours to obtain their individual concurrence which we believe can be anticipated, but you will appreciate we cannot sign individually for them.

I think that is the most reasonable letter of the lot. Those people had been forced into a corner, and they had to do something about it. It was an eleventh-hour decision, and they undertook, as far as they were able, to get the other people to agree because no doubt they were spokesmen for the group. They were the people who had been summoned to talk to the Premier when he saw that the position was rapidly going bad.

The letter carries the typed names of Peter and Valerie Harrington, Margaret Croucher, Shelly Leuba and Cyril Coombe. I have no doubt those people signed the letter individually.

I repeat what they said: As far as they were able to they gave an undertaking to try to convince the rest of the parents that they too should agree to the proposal. However, they could not speak on behalf of those other people.

As I have said, if the beds are still required in December, 1977, I do not think anybody can be held to the unreasonable undertakings given to the Premier.

The letters apparently were all written within a short time of each other. There is no surprise expressed in any of them. I want to say I was surprised on the following morning to hear on "A.M." an interview with, I believe, Mr Peter Harrington. He said he wanted to thank the Premier, and that caused me to stop to listen. He said he wanted to thank the Premier for the heartaches, for the tears, for the sleepless nights, the worry, and the grey hairs. The whole of Western Australia said, "Hear, hear!" because that is all they have to thank the Premier for.

Amendment put and a division taken with the following result—

Ayes—22	
Mr Blaikie	Mr O'Connor
Sir Charles Court	Mr Ridge
Mr Cowan	Mr Rushton
Mr Coyne	Mr Shalders
Dr Dadour	Mr Silson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Stephens
Mr P. V. Jones	Mr Thompson
Mr Laurence	Mr Tubby
Mr McPharlin	Mr Watt
Mr Nanovich	Mr Clarko

(Teller)

Noes—16	
Mr Barnett	Mr T. D. Evans
Mr Bertram	Mr Fletcher
Mr Bryce	Mr Harman
Mr B. T. Burke	Mr T. H. Jones
Mr T. J. Burke	Mr Mav
Mr Carr	Mr Skidmore
Mr Davies	Mr J. T. Tonkin
Mr H. D. Evans	Mr Bateman

(Teller)

Pairs	
Ayes	Noes
Mr O'Neill	Mr Moller
Mr Mensaros	Mr A. R. Tonkin
Mr Crane	Mr McIver
Mrs Craig	Mr Jamieson

Amendment thus passed.

#### Amendment to Motion

**SIR CHARLES COURT** (Nedlands—Premier) [7.58 p.m.]: I move an amendment—

That the following words be substituted for the words deleted—

in the opinion of this House, the programme announced by the Government to provide residential type accommodation for all known profoundly retarded children is to be commended, especially as it is the first time a Government has committed itself to an overall specific programme to provide such accommodation where needed and requested.

I gave the reasons for this amendment when speaking to the motion.

**MR DAVIES** (Victoria Park) [7.59 p.m.]: Very briefly, I will oppose the amendment on two grounds. Firstly, I can hardly believe, after the dismal showing by the Government, it could be modest enough to pat itself on the back.

Mr Bertram: That is not altogether unusual.

Mr DAVIES: I oppose the amendment, but I will not vote on it and I will not call for a division on it because I think this kind of self-praise should be dealt with by a show of contempt.

The Government is still trying to retrieve an irretrievable position. It does not matter what accolades the Government gives itself in this House; it will still not convince the public at large it gave the Tresillian patients all the consideration they should have had from any responsible Government. That is the first reason I will not vote for this amendment.

Secondly, I will not vote for the amendment because it contains an inaccuracy. It says "it is the first time a Government has committed itself to an overall specific programme". It is not the first time a Government has committed itself to an overall specific programme. The Government prior to the Tonkin Government had an overall plan which was contained in the red book to which I referred earlier. When the Premier spoke, Mr Speaker, he gave you a great deal of credit for the work you had done in regard to mental health. The only thing wrong was he was about three years too late because when that report was issued in 1968 you had already been the Minister for Works for several years and the Hon. Graham MacKinnon was the Minister for Health at that time.

Sir Charles Court: It was the present Speaker who achieved the breakthrough in mental health.

Mr DAVIES: I am telling the Premier how lax he is in his research. He said no Government had previously had an overall plan. He now says some research was done on it when you, Mr Speaker, were Minister for Health; but he is three years too late. There was an overall plan. Here it is in this booklet entitled *Western Australia—Five-year Plan for Mental Deficiency*. This was presented to me when I became Minister for Health and it even has my name in it. It was printed for the department by psychiatric patients as "an aid to useful living". It was compiled at the request of the then Minister for Health in Western Australia (the Hon. G. C. MacKinnon).

We can consider it a breakthrough; I am not denying that. I believe it set a new standard in attitudes to mental health. I do not say it set the ultimate standard; I believe new ground has yet to be broken and we must constantly revise our attitude towards mental health. I am pleased to say that as a rub-off from the Tresillian issue the public at large are much more conscious and understanding of persons who are mentally deficient. That is one side effect for which we can be thankful. But for the Government to be immodest enough to pat itself on the back after what it has done, and then to say we have never had a plan previously, is completely wrong. I have the plan here in my hand.

I will not delay the House any longer. I remind Government members that they are vulnerable on this matter. I think the less said by members of the Government the better.

One fellow was even arrested and taken to the local police station—I think it was at Claremont. The policeman was trying to type out the charge sheet as unskilled typists usually do—with one or two fingers and a thumb. He was not making much progress and he said to the fellow, "Go on,



nick off." The man insisted on being arrested. He said, "You brought me here; now arrest me." So the policeman had to put in another charge sheet and arrest him. He had been arrested outside Tresillian on the night of the famous or infamous agreement. The policeman had to arrest him and I understand the man appeared before the courts twice. He was remanded on both occasions and no charge against him was ever proceeded with. Do members know why? Because the Government was shrewd enough on that occasion to judge public reaction and what would have been a second outcry if this man had been proceeded against, found guilty, and fined or intimidated in any way. That man did not finally come to what we might term "justice". The correct result was probably obtained but he insisted on being charged. He came before the courts twice but that was the last we heard of it.

That episode reflects the Government's attitude to the whole Tresillian issue and indicates that the Government knows how the people feel about Tresillian. I will vote against the amendment.

Amendment put and a division called for.

Bells rung and the House divided.

#### *Remarks during Division*

Mr Sodeman: You have a short memory.

Mr Davies: One of your members indicated he wanted to show how he would vote, and I want to accommodate him. That is the only reason—to accommodate one of your members.

Sir Charles Court: Ten out of 10 for quick thinking.

Mr Davies: I nearly forgot it. Now we will see how they all stand up and how their words match their actions.

#### *Result of Division*

Division resulted as follows—

##### *Ayes—23*

Mr Blaikie	Mr Old
Sir Charles Court	Mr Ridge
Mr Cowan	Mr Rushton
Mr Coyne	Mr Sibson
Dr Dadour	Mr Shalders
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Stephens
Mr F. V. Jones	Mr Thompson
Mr Laurance	Mr Tubby
Mr McPharlin	Mr Watt
Mr Nanovich	Mr Clarko
Mr O'Connor	

(Teller)

##### *Noes—15*

Mr Barnett	Mr Fletcher
Mr Bertram	Mr Harman
Mr Bryce	Mr T. H. Jones
Mr B. T. Burke	Mr May
Mr Carr	Mr Skidmore
Mr Davies	Mr J. T. Tonkin
Mr H. D. Evans	Mr Bateman
Mr T. D. Evans	

(Teller)

#### *Pairs*

Ayes	Noes
Mr O'Neill	Mr Moller
Mr Mensaros	Mr A. R. Tonkin
Mr Crane	Mr McIver
Mrs Craig	Mr Jamieson

Amendment thus passed.

#### *Motion, as Amended*

Question put and passed.

#### **BILLS (4): RETURNED**

1. Betting Control Act Amendment Bill.
2. Painters' Registration Act Amendment Bill.
3. Transport Commission Act Amendment Bill (No. 2).
4. Irrigation (Dunham River) Agreement Act Amendment Bill.

Bills returned from the Council without amendment.

#### **EDUCATION**

##### *Appointment of Standing Committee: Motion*

Debate resumed, from the 11th August, on the following motion by Mr A. R. Tonkin—

In the opinion of this House, a Legislative Assembly standing committee on education should be established forthwith.

MR CARR (Geraldton) [8.11 p.m.]: I am very pleased to support the motion moved by the member for Morley. During the course of my remarks I intend to speak along two lines. Firstly, I want to argue support for a committee system in general; and secondly, I wish to argue more specifically for a standing committee on the subject of education.

I have spoken previously in this House in support of a committee system when the member for Morley moved a motion to establish a standing committee on conservation and the environment during my first year in this Parliament. So I have of course supported the idea of a committee system on the two occasions that the subject has been debated here. I am, of course, supporting a committee system from a very safe position; namely, the position of being in Opposition. I know it is accepted fairly widely that members in Opposition want committee systems to enable them to participate more fully in the business of the House and members in Government tend to oppose such committee systems. I have every intention of being consistent in this matter and when we are in Government—whether next year or in the future—I will continue to support the introduction of a committee system into this Parliament in the hope that Parliament can be made more effective and more efficient.

Reform is surely needed in this Parliament to make it work, and I believe a committee system is one possibility which

can be tried and it may help to make this Parliament an effective place and an effective part of the decision-making processes of this State. The reality is that the Parliament is just not working as such at present.

I have found it a very frustrating and disillusioning experience to be a new member of this House. I came here fully expecting that Parliament would have very little power to make decisions. I had studied enough politics to know that the real power lies with the Executive and that the Parliament would be largely supporting and implementing policies decided elsewhere. However, I found that the Parliament had much less power even than I had expected. The main activity carried on here is one of posturing without a great deal of rational discussion.

One of the main activities of Parliament is opposition to anything which comes from the other side of the House. In particular we have a situation where the Government opposes, and uses its numbers to oppose, anything that comes from the Opposition side of the House, whether it be in the form of an amendment to legislation, private motions such as the one we are debating now, or private Bills brought here by Opposition members.

Mr O'Connor: That is not necessarily so.

Mr CARR: It has been my experience in this place that in the vast majority of cases the Government opposes anything coming from this side of the House and numbers have been used in a most brutal way. Of course I expected the Government to use its numbers in the House to support its general philosophy and ideology, and that, of course, is a quite legitimate role for a Government to play, but in fact, the Government has used its force of numbers brutally to reject almost everything that has come from this side of the House, and that includes minor amendments, mechanical amendments, and almost inconsequential amendments.

In effect the House is nothing more than a rubber stamp for decisions that are made elsewhere in Government offices. In fact, when this Government is in operation the whole Parliament is a rubber stamp for decisions made elsewhere.

Mr Watt: Was it different in the last Parliament?

Mr CARR: In the last Parliament a very different situation existed because the Government did not have the numbers in both Houses, and it could not use its numbers simply to rubber stamp its legislation.

At that time Government members were in a minority in the Legislative Council and the Legislative Council was used as a barrier or an obstacle to block legislation.

Mr O'Connor: You sound as though you are supporting the Legislative Council now.

Mr Bertram: That would certainly be the day.

Mr CARR: The Minister for Transport suggested I might be supporting the Legislative Council. He can be assured that there is no substance whatever in that suggestion.

I believe many members of this Parliament are more concerned with the appearance of Parliament than they are with ensuring that Parliament really works. Many members pay great attention to the trappings of Parliament and they stress the importance of wearing coats in the dining room, and so on. In my opinion such members pay much less attention to the real workings of Parliament—the decision-making processes. This place on the hill is really a facade which is nice to look at but it is not a place where decisions are made. I believe this attitude stems from a contempt of Parliament which I am sure the Premier feels. He has ensured that this House plays an almost irrelevant part in the decision-making process of the State. In my opinion he has made Parliament a complete and utter farce.

Mr O'Connor: You do not have to stay here.

Mr CARR: I believe the people who come here to see Parliament working are dissatisfied with it. It is interesting to watch the faces of the people who enter the gallery. When they first come in they are impressed with the appearance of the place, with its impressive trappings and comfortable furniture.

Mr Bertram: And its regalia.

Mr CARR: Yes, as the member for Mt. Hawthorn says, people are impressed with the regalia of this place. It is interesting to watch the faces of these people as they sit and listen to the debates in the House. They come to realise the limited extent of the decision making that resides with the Parliament.

Mr Shalders: They would be fairly impressed with your front bench at the moment.

Mr CARR: The member for Murray can join the debate in a moment.

It seems that back-benchers in Parliament have very little involvement in the decision-making processes. In fact, it is true to say that the back-benchers have very light parliamentary duties. Although I realise back-benchers are heavily committed in their electorates, their parliamentary work load is minimal. This statement is even more applicable to back-bench members of the Legislative Council who do not do the same amount of electoral work as do members of the Legislative Assembly.

I want to make it clear that I am not laying all the blame for this on the Government. Obviously the Opposition must take some of the blame because at times we also engage in the practice of opposing because it is expected of us. From my experience in this House it appears to me that the present Government, and in particular the present Premier, is most regressive and opposition-minded. The Premier is not prepared to accept any suggestion from this side of the House.

The present Government has a very bad record in this regard, and I hope that a future Labor Government will be much more constructive. While we would still have arguments on philosophical questions, I hope a Labor Government would not be so inclined to block amendments and motions which, although put up by the Opposition, have some merit.

I would like to give an example of the Government's attitude. Recently in this House we debated the Education Act Amendment Bill (No. 2), and the member for Ascot moved an amendment which would have provided that parents of mentally and physically disabled children who wished to move their children to a school for special education would not have to pay the cost of that education.

I am sure that is the sort of thing which any committee made up of reasonable people from both sides of the House probably would have viewed in a much different light, as distinct from the straightout two diametrically opposed points of view when the Government rejected that amendment out of hand.

It is my opinion that it is not just the present Government which is at fault in this regard; it is the system which is at fault. The system causes this more than the actual people who make up the Government. I am very concerned for the parliamentary system in Western Australia and throughout Australia. We have a situation in which democracy as such is failing in many parts of the world. It is failing because it is not working, and that is the problem we face here in Western Australia where democracy is not working.

It is not working firstly because we have an electoral system which provides us with a Parliament which is not representative of the people—but that, of course, is the subject of a different debate with which other members will deal later tonight.

Mr Clarko: You wouldn't be here if it were not democratic.

Mr CARR: Secondly, the Parliament of Western Australia is not working because it lacks power to make decisions. I say to all members, and I say it sincerely: Let us try to make this place work in practice; let us concentrate less on the appearance and facade of Parliament, and let us make it really a place where decisions can be made.

I would like now to make a few comments on how I see the role of the committee system working in the Parliament. I see a committee comprising two or three members from each side of the House, presumably three from the Government and two from the Opposition. The committee would meet away from the Press so that there would not be that invitation to posture, and there would be far greater opportunity for rational debate between members of different political persuasions discussing matters before the committee. I see the committee dealing with Bills, motions before the House, and other matters which would be referred to it.

It would bring back recommendations to the House, and I am sure we would see a much better situation were the chairman of the committee to come to the House and say, "The committee has met and considered this Bill and has recommended the following amendments." I suggest the likelihood of those amendments being accepted by the House with brief debate would be very great. Certainly there would still be issues in respect of which differences of opinion would be too great, and there would be philosophical differences. Obviously, those issues would have to be debated in depth before the Parliament.

I believe such a committee system would greatly reduce the time spent in this place posturing on minor and mechanical matters. A committee would also have the opportunity to hear submissions from members of the public on matters referred to it. This would have the advantage of making the Parliament much more accessible to the people, and it would give the public more chances to participate in the decision-making process. If a person is able to appear before a parliamentary committee and can sit down in a small room in front of five people and say, "These are the points I believe should be considered in regard to this matter", that individual, and through him the community, feel they have much more access to the decision-making process, as distinct from having something handed down through a Minister's office.

Mr Clarko: Would Labor members of a committee be able to vote contrary to a decision of Caucus?

Mr CARR: The committee probably would deal with a Bill before the Caucus had made any decision. I would imagine that the Labor members of the committee would then go back to the Caucus and say, "The committee has come up with the following recommendations", and the Caucus would then be able to determine its attitude in respect of the matter.

Mr Clarko: I challenge you to say your members would be able to vote opposite to a Caucus decision.

Mr CARR: In most cases the Caucus would be pleased to accept the recommendations of the committee. However, if the Labor members of the committee came back to the Caucus and reported that the different points of view were just too far removed and that the committee could not come to any agreement, then in respect of that matter we would have to come to Parliament and debate the philosophical issues.

Mr Clarko: You have to do what Caucus decides. You deny it!

Mr CARR: Well, if the member for Kar-rinyup knows all about Caucus—

Mr Clarko: You deny it!

Mr CARR: —he may stand up later and tell us all about it, and we will see how little he knows.

Mr Clarko: You deny it!

The SPEAKER: Order! Repetitive interjections are highly disorderly.

Mr CARR: Having dealt with the committee system in a general way, I would like now to turn my remarks to a more specific argument in respect of a committee on education. This is probably the second most urgently needed committee in the Parliament. I would argue the most urgently needed committee is one from within members of Parliament to deal with subordinate legislation.

I was very pleased a week or two ago when I saw on the notice paper the short title of a Bill which suggested we could be getting a standing committee on subordinate legislation. However, I was disappointed to find that no standing committee at all is proposed, but rather it is to be an outside body. In fact, it appears likely that body will erode even further, rather than strengthen, the powers of Parliament. However, again this is the subject matter of a Bill which soon will be debated by the House.

With regard to the specific matter of education, I would say it is a very complex subject and one in respect of which a great amount of access to information is required by parliamentarians. However, it is a subject in respect of which information is extremely hard for parliamentarians to obtain. I know the Minister representing the Minister for Education in this Chamber said earlier in this debate when the motion was introduced that it is very easy to obtain information on education matters; he said one has simply to ask the Minister for Education. I would contradict the Minister and say that is far from the truth and that it is an extremely secretive department and the Minister is extremely secretive. It is very difficult to get information on education matters.

In fact one needs to know answers in detail before one asks questions. I will quote an example of this in respect of

guidance officers. I had brought to my notice the fact that last year a number of people completed studies which made them sufficiently qualified to go into the schools this year to assist with the guidance of students. I was led to understand that some of these persons were not appointed; so in order to check whether this information was correct I asked the Minister whether there were any people who were qualified guidance officers but were not appointed. He replied, "No."

That gave me the impression there was nobody qualified to go into the schools as a guidance officer who was not appointed as such. Subsequently I found out there is a category in guidance called "counselling assistant" and the only difference between a guidance officer and a counselling assistant is that the counselling assistant, having obtained all his qualifications, must spend two years in the field under a guidance officer before he is able to be referred to as a guidance officer.

I had to re-ask the question, asking whether there were any counselling assistants who were qualified for appointment but had not been appointed. The answer was, "Yes."

While both answers were technically correct in respect of the questions asked, there is no doubt in my mind that the first answer was deliberately meant to deceive me and to avoid my receiving the information I desired: that there were people qualified to assist in guidance who had not been appointed. To my mind that is an indication of the Minister attempting to withhold information from the Parliament.

Mr Laurance: How would a committee avoid that?

Mr CARR: A committee would have power to call before it members of the Public Service to provide answers to questions it may wish to ask.

I believe an education committee would have a couple of responsibilities. One would be to examine all legislation on the subject of education which is before the House, and that would include private members' motions and Bills. I believe the committee should also have power to look at matters referred to it. In the first place, these could be matters of dispute, matters of problem, and matters of criticism which have arisen in the department.

Again, I use the example of guidance officers. We have a situation where many country high schools do not have guidance officers, or where guidance officers are not provided to the extent they should be in country schools. The problem is that there are not enough guidance officers. In addition, guidance officers cannot simply be appointed to any country high school; they must apply and be appointed to fill a particular vacancy.

We cannot obtain more guidance officers, because those people who leave university, qualified as counselling assistants, must spend two years in the field under guidance officers. We do not have enough guidance officers, therefore we cannot appoint all those people who are qualified as counselling assistants. Because too few people commence work as counselling assistants, too few people graduate to become guidance officers. So, we have a "Catch 22" situation about which the Minister has done nothing. It is something of which most members are aware, but still the Minister will not act. Perhaps this is a political matter, and the Minister is frightened that if he takes a strong line he may antagonise certain groups in the community.

I would suggest that members from both sides of the Parliament, looking objectively at this matter, could avoid the political flak which could occur and arrive at an equitable system so that guidance officers are appointed in sufficient numbers to the country high schools of this State.

The committee also would have referred to it totally new areas of educational need. I quote the example of schools in the Abrolhos Islands. At the moment, there is no "official" school on the Abrolhos Islands, because the Education Department will provide a school only if there are 10 students present throughout the entire school year; as people go to the Abrolhos Islands for only six months of each year, they are not entitled to a school in the normal sense.

However, the parents have grouped together to build school buildings of their own, and have employed people to supervise students as they do their correspondence lessons. This has worked to some effect for many years, and the Education Department has done nothing to assist the parents in this situation. The parents have had to pay the entire education expenses themselves.

I suggest this is the type of issue—a completely new issue which has cropped up—which is worthy of examination by such a committee. Half a dozen members of this Parliament could visit the Abrolhos Islands, look at the school and see what the position is, as well as having a very enjoyable time up there and would better be able to evaluate the educational circumstances on the islands. I am sure they would be able to come up with a very worth-while policy as to just how the Government should assist these people. There is no doubt in my mind that the Government should assist them; the question is to what extent and in what form assistance should be provided.

In conclusion, I believe education should be the subject of rational discussion in this place, but that is very rarely the case

at present. A committee of five members of this Parliament who are interested in education would go a long way towards promoting such a rational discussion.

Finally, it is not only the Opposition, or the Australian Labor Party which wants to see established a standing committee on education; support also has been expressed from the State School Teachers' Union and the Western Australian Council of State School Organisations, both of which support this motion. I support the motion.

Debate adjourned, on motion by Mr Bateman.

## LONG SERVICE LEAVE ACT AMENDMENT BILL

### *Second Reading: Defeated*

Debate resumed from the 18th August.

**MR GRAYDEN** (South Perth—Minister for Labour and Industry) (8.34 p.m.): This is a Bill which we could discuss at very great length. However, I shall try to state the Government's attitude to the Bill as concisely as possible. It is a Bill which has been introduced by the member for Maylands, but it is extraordinarily similar to one introduced in another place and defeated in 1975.

**Mr Bertram:** That is what one would expect in a place like this.

**MR GRAYDEN:** Obviously, the honourable member has patterned his Bill on the previous measure. The principle of long service leave as a reward for sustained continuous service is being slowly eroded by these attempts to reduce the qualifying period of service, and particularly the period for qualification for pro rata entitlements when termination of employment occurs other than through serious misconduct.

If the intention to reduce the qualifying period is persevered with, the purpose of the Act to encourage loyalty and incentive of course will be destroyed.

The Long Service Leave Act was first implemented in 1958. Western Australia granted long service leave to certain employees whose employment was not regulated under the Industrial Arbitration Act. The wording of that Act followed closely the general provisions for long service leave which were included in the majority of industrial awards and agreements registered at the then Arbitration Court, which later became the Western Australian Industrial Commission.

However, it is of particular import to mention that the arbitration authority then, as it is now—or as it should be now—was the pace setter with respect to determining long service leave conditions for workers, and this could then flow by Act amendment to workers in the non-award areas.

This procedure was maintained in 1964 when the unions and employers by agreement before the Industrial Commission

obtained a reduction in the qualifying period for long service leave. The Government of the day then successfully introduced an amending Bill to insert the new conditions into the Long Service Leave Act.

It was in accordance with this principle, too, that the members of this Government when in Opposition in 1973 moved an amendment to the 1973 Long Service Leave Act Amendment Bill which caused section 8 (a) to be inserted into the Act. That amendment automatically gives workers in nonaward areas the benefits of any change without the Act having to be amended whenever the general long service leave conditions specified in the *Western Australian Industrial Gazette* as applying to a majority of awards are altered by agreement between the WA Employers Federation and the Trades and Labor Council of Western Australia or by a determination of the Commission in Court Session. So, as a consequence of an amendment inserted by this Government when in Opposition, there is an automatic flow-on to nonaward areas.

A reduction in the qualifying term of continuous employment from 15 years to 10 years for a full entitlement, and for pro rata entitlement in case of termination of service once five years has been completed since commencement of work, as is proposed in the Bill introduced by the member for Maylands, if granted by this Parliament, would reverse the principles adhered to in the past, and nonaward workers would be placed ahead of award workers.

It is not this Government's intention to set up a statutory body which has within its jurisdiction the power to fix matters in the nature of leave by award, and then direct it in its decisions. At the moment, we have an industrial court which is considering matters of this kind and inserting them in awards; but the member for Maylands is suggesting that we in this Parliament, notwithstanding the fact that we have the Industrial Commission which was established in Western Australia for this and other purposes, should instruct the commission to do certain things. That is quite untenable.

Mr Bertram: You do in respect of other courts.

Mr GRAYDEN: Why have the Industrial Commission in Western Australia set up for this purpose?

Mr Skidmore: It is not set up for that purpose.

Mr GRAYDEN: That is one of its purposes.

Mr Skidmore: It is set up for industrial purposes.

Mr GRAYDEN: That is included in that purpose. Members opposite are suggesting that after setting it up we legislate in this

House in a way that would amount to an instruction to that commission as to what it will insert into awards.

Mr Harman: Who is running this country—the Industrial Commission or Parliament?

Mr GRAYDEN: Is the honourable member suggesting we take this matter out of the hands of the Industrial Commission? About two years ago a survey taken by the Australian Bureau of Statistics over a wide range of employees showed that 10 per cent to 15 per cent of workers were in a class whose conditions of employment were not affected by awards; and they would be the ones who would come under the legislation which has been proposed by the member for Maylands. Since then some of those workers would have been covered by awards.

Mr Skidmore: How many?

Mr GRAYDEN: I do not know, but I am saying that some would. It is safe to say that to extend long service leave benefits to the nonaward area would be a costly process which would further add to employers' costs in this inflationary era and tend to have an adverse effect on the economy. Contrary to what a lot of people believe, uniformity in long service leave does not exist in most of the other States.

Mr Skidmore: Should it?

Mr GRAYDEN: I am simply saying that it does not exist, contrary to what a lot of people are saying at present. The very nature and structure of areas such as the Public Service are such that officers are enticed to spend their lifetime in that vocation. Traditionally the Public Service has offered certain privileges. It attracts employees for a longer period than private enterprise generally attracts them. Certain sections of the private sector, such as banks, do likewise and undoubtedly offer better conditions than most other private enterprises.

Mr Harman: You know why they remain with the Government? Because they have better conditions and greater security and long service leave every 10 years. What would you do? I know where I would go if I wanted to take the best working conditions.

Mr GRAYDEN: I do not know whether the member for Maylands is aware that recently the Trades and Labor Council in Western Australia lodged an application with the Western Australian Industrial Commission for a general inquiry into long service leave conditions. That inquiry has still to take place. It is many years since the last general inquiry was held.

The determination of the commission was taken into awards and most agreements as a standard award clause. Therefore, it follows, in accordance with section 8A, which was inserted by this

Government when it was in Opposition, that any determination by the Industrial Commission varying long service leave entitlements will automatically vary the qualifications and entitlements under this Act to award-free workers—the very people of whom the member for Maylands has been speaking. If the commission—

Mr Harman: "If the commission"!

Mr GRAYDEN: —with the consent of the Trades and Labor Council and the Confederation of Western Australian Industry varies the long service leave entitlements, the amendment put into the Act by this Government when it was in Opposition will ensure that those benefits will automatically flow on to those workers in the nonaward areas. That is the point I am trying to make to the honourable member.

Mr Harman: Who is running this country—the Industrial Commission or Parliament?

Mr GRAYDEN: The purpose of the 1973 amendment was to create the same position for nonaward workers as for award workers, and this was achieved.

Mr T. H. Jones: Why should there be a difference? Can you answer that?

Mr GRAYDEN: I shall tell the honourable member shortly.

Mr T. H. Jones: Why should there be a difference? Of course there should not be; they are all workers.

Mr GRAYDEN: I shall tell the member why shortly.

Mr T. H. Jones: I would be interested to hear.

Mr GRAYDEN: The member for Maylands put forward three arguments and one of them deals with the very question about which the member for Collie is talking. For the benefit of the member for Maylands I am trying to deal with this matter as concisely as possible so that he will not be able to talk in terms of anyone misleading the House. The purpose of the 1973 amendment was to create exactly the same position for nonaward workers as for award workers. This safeguards the rights of award-free workers who naturally are not able to argue a leave case before the commission.

I am going to be concise. I shall tell the member for Maylands that the Government cannot support the purpose of the Bill, particularly as a general inquiry is about to commence before the Western Australian Industrial Commission which is the proper authority to determine the matter.

Mr Harman: Nonsense!

Mr GRAYDEN: That states the case very concisely. A moment ago the member for Collie raised a matter on which

I was going to touch in any event. In his introductory speech the member for Maylands raised three arguments. With regard to the first one he said something to this effect: firstly, we have a history in Western Australia of Parliament amending long service leave provisions in respect of nonaward employees. My comment would simply be that this is quite correct—as far as it goes. In his speech the member for Maylands devoted pages to telling us the history of long service leave in Western Australia. He told us that it was introduced virtually when Western Australia was first settled so that people in the Public Service could take their furlough every few years and go back to Great Britain.

Of course, long service leave is unknown in many parts of the world. The point is that although the member for Maylands stated that we have a history in Western Australia of Parliament amending long service leave provisions in respect of nonaward employees, he omitted to mention that such action was invariably taken only following the majority of awards in the State being amended by the Industrial Commission. That has always been the pattern. The most significant point is that the member for Maylands omitted to say that by the amendment inserted into the Act by this Government when it was in Opposition in 1973 the nonaward workers in Western Australia automatically get this flow-on in certain circumstances.

Mr Harman: You know why—because the Legislative Council rejected all the attempts to do it.

Mr GRAYDEN: That does not take away from what I am saying in respect of nonaward workers. The second argument put forward by the member for Maylands was in respect of discrimination in terms of the articles of the International Labour Organisation. The member for Collie alluded to this a few moments ago.

Mr T. H. Jones: It is a very sound argument.

Mr GRAYDEN: Is it a sound argument?

Mr T. H. Jones: Would you not agree?

Mr GRAYDEN: No, I would not agree.

Mr T. H. Jones: Would you agree that it is discrimination for a white collar worker to get long service leave earlier?

Mr GRAYDEN: Does the member call that discrimination?

Mr T. H. Jones: Of course it is discrimination.

Mr GRAYDEN: Would the member discriminate between people who are receiving different rates of pay?

Mr T. H. Jones: You are.

Mr GRAYDEN: Let us pursue the member's argument to its logical conclusion. He is saying there should not be discrimination with respect to long service leave but there should be in respect of rates of pay.

Mr T. H. Jones: You are saying that.

Mr GRAYDEN: I am simply trying to point out to the member for Collie that his argument is absolutely spurious and illogical.

Mr T. H. Jones: You get one mark out of 10 for this.

Mr GRAYDEN: The member for Collie suggests that if there is a difference in long service leave between various classes of employees it is discrimination, and should be abolished.

Mr T. H. Jones: I rephrase my question. If one white collar worker receives long service leave why should not another white collar worker receive it?

Mr GRAYDEN: The honourable member says there should be no difference between the various classes of workers in respect of long service leave, and that if there is a difference it is discrimination. To him that is highly undesirable. If one follows that argument to its logical conclusion one must agree that there should be no difference in rates of pay between workers in comparable types of industry. Of course, the honourable member would have no bar of that. I might add the member for Maylands also implied that.

The member for Maylands said in his contribution that, thirdly, in view of the 1971 decision of the Industrial Commission there should be no discrimination between Government and non-Government workers. If the honourable member means this it follows he should have no objection to allowing the Industrial Commission to make the initial decision because it affects the majority of awards, and because such decision would automatically flow to the nonaward workers. The section to which I have been referring was inserted in the Act to do precisely that.

For the information of members opposite may I say that in October, 1973, the Ministers for Labour of the various States met in conference, and they accepted the proposition that existing differences in Australian and State Government schemes, and between different groups of workers, should not be widened. Here we have the various Ministers for Labour meeting and passing a resolution of that kind, which is quite contrary to the intent of the Bill before us.

For the information of the member for Maylands I should point out that the Ministers for Labour of the various States met again in 1974 and confirmed this and they included Ministers from States with Labor and non-Labor Governments. In

August, 1975, the various Ministers for Labour met again, and they reaffirmed the view that there should be no alteration.

The view was this: they accepted that differences existing in 1973 in Australian and State Government schemes relating to long service leave, and between different groups of workers, should not be widened. That resolution was accepted; later it was reaffirmed; and in 1975 it was again reaffirmed. In those circumstances it is idle for the member for Maylands to argue along the lines he has pursued.

I oppose the Bill.

MR T. H. JONES (Collie) [8.53 p.m.]: On this occasion the Minister for Labour and Industry, in his usual way, is unable to answer the proposition put forward by the shadow Minister for Labour and Industry. He has talked about principles. In this respect I draw his attention to the title of the long service leave legislation. It deals with long service leave; it is not related to wages, because wages are bound up with the rate which the worker receives when he goes on leave. It is not a question of what wage the worker shall receive; it is a question of a reward being conferred for service rendered.

In considering the question of long service leave, we should ask why one set of workers should receive such leave after eight years' service, and another set of workers have to serve 15 years before they receive it. This leave is based on service in a calling or industry; so, it disproves the theory on which the Minister has been relying to oppose the case put forward very effectively by the member for Maylands.

The Minister has referred to decisions taken by the Ministers for Labour of the various States. I shall remind the Minister about the number of Ministers for Labour in non-Labor States as compared with those in Labor States. He would know that at the time there were two—I think there are now three—States with Labor Governments. For that reason I say there is no logic in the argument the Minister has put forward.

The Ministers for Labour from the non-Labor States had the numbers, and they played the numbers game, just as it is played in this House. Irrespective of the merit of any argument put forward by a member on this side of the House, it is a numbers game when a decision is made on a question. Of course, the numbers game is practised at the ministerial conferences.

Mr Grayden: Your party was in Government in Western Australia at the time.

Mr T. H. JONES: It was still a numbers game, because the majority of the Ministers for Labour were from non-Labor States. The Minister cannot deny that.

Mr O'Connor: What about South Australia and Tasmania?



Mr T. H. JONES: I want to deal with a proposition put forward by the member for Maylands. I put this to the Minister for Labour and Industry: If the Parliament of Western Australia has no jurisdiction to deal with the question of long service leave, why was the long service leave legislation introduced in this House? The Minister has argued very strongly against the right of Parliament to interfere with the functions of the Industrial Commission. That being the case why was the Bill introduced in this Parliament, if it was considered to be interference with the functions of the Industrial Commission?

Mr Grayden: It dealt with long service leave.

Mr T. H. JONES: That is what the amending Bill before us refers to; it deals with workers not covered by awards.

Mr Grayden: Why put them into a different category?

Mr T. H. JONES: It does not. We want to put them into one category. The Minister firstly said that Parliament should not interfere in the workings of the Industrial Commission—

Mr Grayden: Not in respect of those covered by awards.

Mr T. H. JONES: The Bill before us seeks to cover all workers not covered by awards. They are now not covered to the same extent as workers who are covered by awards. On the one hand the Minister says Parliament should not have a say in determining long service leave entitlements in the public sector; and on the other hand he says we should not interfere in the workings of the Industrial Commission.

All that the amending Bill seeks to do is to bring workers, not covered by award conditions, into line with those who are covered by awards. The Bill has merit, and it contains a correct principle. Having represented the workers for some 17 years in the industrial sector I argued in favour of this principle in all that time.

Why should one set of workers qualify for long service leave based on service, not wages, after eight years' continuous employment with a company, while another set of workers has to wait 15 years to receive the same benefit? It is wrong in principle. The Minister spoke of principles and if he has any principle—and I suggest he has—he should agree with the amendment proposed by the member for Maylands. All we are seeking under the Bill is to give the workers not covered by awards—workers in hotels, the management sector, workers in garages, on the managerial side and those in some other areas—some entitlement. This is the only place where it can be given to them.

I ask the Minister for Labour and Industry: if we cannot do it here and look after the interests of these workers, where can they go? There is nowhere else for

them to go. They have no right to the provisions of the Industrial Arbitration Act—he would well know that—because they are not registered as a union or an association.

Mr Grayden: You will leave some under the commission and for others you want us to legislate.

Mr T. H. JONES: I have covered that point by saying Parliament introduced the legislation initially and the reason was to protect the interests of those workers not covered by awards. That is the reason for the Bill first being introduced into Parliament as I am sure the Minister cannot deny. All we are asking under the Bill introduced by the member for Maylands is for protection in the interests of those workers not covered by awards.

These people are in a very bad situation at the moment. I am certain the Minister cannot deny there are white collar workers in some sections of the work force in Western Australia who receive long service leave after eight years' continuous service while, on the other hand, people doing similar work in another industry must wait 15 years to receive the same benefit. I ask members whether that is correct in our democratic way of life. I am sure that you, Mr Deputy Speaker, would agree that the principle is wrong. The Bill seeks to rectify this wrong and the member for Maylands is to be commended for his move.

Mr Grayden: Do you object to the Industrial Commission having jurisdiction in respect of long service leave?

Mr T. H. JONES: I am not saying that, and I did not say it. All I said was that the Bill covers only those workers who are not covered by an award. If Parliament cannot bring in some justice where do these people go? This is what the Bill is all about.

What would the Minister feel like if he were a white collar worker in one sector of the work force and obtained long service leave after 15 years' continuous service while another worker, doing precisely the same job, waited only eight years to gain the same benefit? What would he say about that? Would he then argue that the move initiated by the member for Maylands should not be accepted? The Minister should note that the workers for whom we are seeking some justice are not covered by the provisions of the Industrial Commission.

Mr Grayden: You are talking in terms of those who have the provision already.

Mr T. H. JONES: I am making a comparison between workers covered by industrial agreements and workers in the private sector. The Minister cannot get off the hook. The situation is that men using pens and pencils in one industry in Western Australia are receiving long service leave after 10, eight, and even seven years' continuous service.

Mr Grayden: Covered by awards, and the provisions were inserted by the Industrial Commission.

Mr T. H. JONES: By this Parliament, and the Minister well knows it; they cannot be interfered with by the Industrial Commission as the commission has no jurisdiction in that regard.

Mr Grayden: You are talking about a different group now.

Mr T. H. JONES: The Minister is merely trying to talk his way out of the argument, but he is on very shaky ground. All we seek is to look after the workers not covered by industrial awards or agreements. Would the Minister deny that? Of course he cannot deny it. He is very silent now.

The Minister well knows that the case we are submitting is very strong. All the member for Maylands is seeking is to protect the interests of workers not covered by industrial awards or agreements. I do not want to say any more because the member for Maylands canvassed the situation very clearly and strongly in his submission.

Mr Davies: Hear, hear!

Mr T. H. JONES: The measure has my full support.

MR HARMAN (Maylands) [9.05 p.m.]: This is a very sorry day for the workers in Western Australia—

Mr Davies: Hear, hear! Nearly as bad as yesterday.

Mr HARMAN: —because they will read in the Press tomorrow morning that this Liberal Government which talks about a fair go and which wants to put things right—

Mr Davies: Up!

Mr HARMAN: —has now denied the workers in Western Australia the opportunity of equality in connection with long service leave. They merely wish to enjoy the same privilege—that is, three months' long service leave after 10 years' continuous employment—enjoyed by those workers employed by Governments and some private enterprises.

The workers in this State will be denied the same opportunity, advantages, and conditions which apply to their counterparts in South Australia, our neighbouring State, and it will be the Liberal-National Country Party Government which will be responsible for ensuring that the workers in Western Australia are disadvantaged and downgraded when compared with their counterparts in the neighbouring State of South Australia.

In 1972 the South Australian Government—not the Industrial Commission, but the Government in the Parliament—passed legislation which gave to every worker in South Australia who did not have it already, three months' long service

leave after 10 years' continuous employment. This Government in Western Australia has denied that opportunity to the workers in Western Australia.

Let us get the situation in its right perspective. There are groups of workers in Western Australia who enjoy long service leave after seven years' continuous employment, and they have enjoyed that privilege since 1900. For 76 years civil servants in Western Australia have enjoyed that privilege.

There are workers in another major group in Western Australia—the blue collar workers for the State Government—who enjoy three months' long service leave after 10 years' continuous employment, and for how long have they enjoyed that privilege? Since 1927—for 49 years.

There are workers in another group in Western Australia, employed by the Commonwealth Government, who enjoy three months' long service leave after 10 years' continuous employment, while workers in the iron ore field enjoy the same privilege.

The member for Collie reminded me that the coalmine workers in Western Australia enjoy three months' long service leave after eight years' continuous employment, and that privilege has been enjoyed by them since 1949.

The remaining workers in Western Australia, employed by private enterprise, must work for 15 years before they obtain long service leave, and they are covered by awards. There are workers in another group not covered by awards in Western Australia who are unprotected and who have no industrial code. They work under a contract of service between themselves and their employers.

Those people do not enjoy the long service provisions which apply to all the other groups I have mentioned. They receive long service leave after 15 years' service, the same as the award workers in private enterprise.

Parliaments are supposed to provide a lead; Governments are supposed to give a lead. We now have an opportunity to give that lead, and that is why I want members to get this argument clearly in their minds. We have an opportunity tonight to give a lead to the Industrial Commission because if Parliament agrees to my Bill that will be an indication to the Industrial Commission of the thinking of members of Parliament who are elected by their constituents.

Mr Grayden: That is an instruction.

Mr HARMAN: It is not an instruction, but a reflection of how members of Parliament feel about this inequality and discrimination which exists in Western Australia. The Industrial Commission, when considering an application made in respect of award workers, would be able to take cognisance of what has happened in this Parliament. Members of Parliament are supposed to represent the people

of Western Australia. I would be surprised to learn that members of the Liberal Party and members of the National Country Party have even discussed this matter with their constituents. I imagine the Bill went to the party room, and the Minister said that he did not want to give the workers in Western Australia a fair go. He probably said that the Government did not want to put things right for the workers in Western Australia, and that the Government would fight against the Opposition in its effort to remove the inequality and the discrimination which exists in Western Australia. Those members who were present in the party room probably said, "Hear, hear!"

This inequality and discrimination is causing distrust amongst the workers, in the Parliament, and obviously within the Government. It is one of the reasons for so many disputes and so many strikes in Western Australia. From what the Premier said the other day, all the strikes are masterminded in the USSR. It seems the Premier considers that somewhere in Russia members of the party sit down and decide that on Monday there will be a strike in Western Australia, and that in the following week members of the Transport Workers' Union will stop work, and that in the following week aircraft pilots will go on strike. According to our Premier all our strikes are masterminded in the USSR.

There would have to be something wrong with the mentality of any person who could believe that sort of claptrap, and believe that the strikes which occur in Western Australia are masterminded in the USSR. What really happened was that the Premier was conned, and caught off guard. He was being interviewed by a brilliant interviewer—

Mr Davies: And he did not have Whitlam to blame.

Mr HARMAN: —who was interviewing people all over Australia. Because our Premier wanted to distract attention from his own bad performance, and his own inactivity, he blamed the USSR. I will tell the Minister some of the reasons for strikes in Western Australia.

Several members interjected.

The DEPUTY SPEAKER: Order!

Mr HARMAN: The point I was trying to make is that there is a variety of reasons for the strikes and disputes we have in Western Australia. One reason can be linked to the refusal of the Government to do something about removing the discrimination in relation to long service leave. We have strikes which are caused by safety issues, and I will give an example.

I am sorry the Minister for Works is not present tonight, but information supplied to me is that an undertaking was given to provide a safety officer on the spot at the construction site of the Perth

Medical Centre. The construction is being supervised by the Public Works Department. That undertaking was given before any construction was started. The construction is in week 11, and the arrangement now is that the on-the-spot safety officer will be provided in week 30 of construction. There has already been a strike lasting a week because of a dispute over a safety issue. That strike was not the result of a decision in the USSR that there would be a strike at the Perth Medical Centre; it was the result of a breakdown and the failure of the Government to keep a promise which it made.

The Minister claims that what I am saying is nonsense, but I would like him to refute my statement. That information was supplied to me.

Mr Grayden: Did you receive any information about industrial sabotage in the last few days?

Mr HARMAN: No, but I would like to give the Minister an opportunity to expound on industrial sabotage. The strike to which I have referred most certainly was not organised or masterminded in the USSR.

Mr Grayden: Why did Halfpenny go to Russia for a period of 18 months?

Mr HARMAN: Another reason for strikes is demarcation disputes. We are all aware that a demarcation dispute occurs when one union claims that members of another union are doing a job which is rightly the responsibility of its members. Quite a number of disputes are caused by demarcation issues.

When we were in Government, Federally, we tried to do something about resolving demarcation disputes by allowing unions to amalgamate. We believe there are far too many unions in Australia, and in Western Australia. We believe the only way to solve the problem of demarcation is to get unions to amalgamate, but Liberal Party members and National Country Party members decided they did not want the unions to amalgamate, and that they wanted the demarcation issues to continue. There is no use the Government claiming that demarcation disputes are organised in the USSR.

When we tried to do something, Federally, the members of the Liberal Party in the Senate prevented the Australian Government of the day from attempting to solve demarcation disputes. However, the Premier of this State came out the other day and said these demarcation disputes were masterminded by the USSR.

Sir Charles Court: I never mentioned demarcation disputes.

Mr HARMAN: How can we expect people to believe it is for another reason altogether?

Mr O'Connor: What has this to do with long service leave?

Mr HARMAN: It has to do with long service leave because of the failure of this Government to remove the discrimination which exists and to give equality to employees. That is one of the reasons for industrial disputes in Western Australia. I was pointing out some of the other reasons for industrial disputes, and I was attempting to show members just how stupid were the remarks of the Premier the other day when he was caught by David Frost.

Mr Laurance: How about getting on with your summing up?

Mr HARMAN: I will refer members to an article which appeared in *The Australian* of Saturday, the 2nd October, 1976. The article was written by Richard Farmer, and it is headed, "The best Bolshie-spotter of them all". I am sure members know to whom that is referring. I intend to quote a couple of lines from the article as follows—

Those communist masterminds disrupt our lives according to their totalitarian whims—crippling our industry and nobbling our exports.

That's the gist of this week's birth-day message from the West Australian Premier Sir Charles Court. Industrial unrest is being masterminded by the Soviet Union—

I now quote what the Premier said—

—and "anybody who ignores it must be foolish or irresponsible."

Ah, the simplicity of it all. How attractive it is to have a good old conspiracy theory. How astute the politician who disarms his critics even before they respond by dismissing the fools as irresponsible.

Sir Charles Court might now be 65 but he hasn't got any older. He's still a child of 1911 who knows a Bolshevik when he sees one.

The final paragraph is a real "clinker". I do not know whether the conservative Press in Western Australia would ever allow anything like this to be printed but it does one's heart good to see some reaction from quite a discerning paper like *The Australian*.

Sir Charles Court: You were trying to stop them printing their paper a few months ago.

Mr HARMAN: The last two paragraphs of the article read—

The Soviet masterminds will be delighted. With the likes of Sir Charles running Australia they won't have to disrupt anything.

His refusal to cure what are the real causes of industrial unrest in Australia does the job better than they could ever do.

I think that displays the attitude of this Government to the whole question of industrial relations in Western Australia.

For 2½ years the Government has taken no initiatives at all. It has responded with union bashing, threats, and personal smearing. That is all it has done—absolutely no initiatives at all. The Government even went to the extent of bringing in the infamous Fuel, Energy and Power Resources Act Amendment Bill which is now on the Statute book. It has not been used. The Government is not game to use it. It has been told by all employers around Australia that if it did use it the whole of the country would be out of work.

Sir Charles Court: Who told you that?

Mr HARMAN: The Premier has been told that by the President of the ACTU.

Sir Charles Court: You said "the employers".

Mr HARMAN: I am sorry; I meant the employees and their representatives.

Sir Charles Court: Who is running the country then?

Mr Bertram: That is a good question.

Mr HARMAN: Until the 11th November last year I knew who was running the country but now I am very doubtful and very suspicious.

Sir Charles Court: The President of the ACTU said he would stop trade to some of our friendly trading countries if they did not do what the ACTU told them to do.

Mr HARMAN: And he has very good reasons for it.

Sir Charles Court: And New Zealand? I am glad to hear that. Just keep your speech going.

Mr HARMAN: In 2½ years this Government has taken no initiatives at all. It took the Premier two years even to get down to speaking to the Trades and Labor Council about productivity—

Sir Charles Court: We have a good Minister to do it.

Mr HARMAN: —and about investment in Western Australia, new capital inflow, and getting this country going again. The Minister for Labour and Industry has never once spoken to the unions about productivity and investment. He has spoken to the unions only about industrial matters—not about getting the unions involved when it comes to new investment, new works, opportunities for young people leaving school, and opportunities for the people who are migrating to Western Australia. None of these matters has been covered by the Minister for Labour and Industry and it was only after some prodding by me and others in this Chamber that the Premier decided—

Sir Charles Court: Fair go!

Mr HARMAN: —he wanted to have a talk to the Trades and Labor Council.

Sir Charles Court: You are getting worse.

Mr HARMAN: After two years and some prodding he decided to have a talk with the Trades and Labor Council. He has had one talk with the council and he said he would have another discussion with the council but so far that has not taken place. If the Premier really cared about the future of Western Australia one would think he would arrange regular talks with the Trades and Labor Council and the Confederation of Western Australian Industry—not only at the Minister for Labour and Industry level but also at the Premier level. They are the two major institutions in Western Australia but for two years the Premier ignored the Trades and Labor Council. After some prodding by us he decided to have a talk to the council so that if ever criticism was levelled he could say, "Yes, I did have a talk to the Trades and Labor Council."

Mr Grayden: I have had over 50 talks and they invariably came through the Trades and Labor Council.

Mr HARMAN: And the Minister should be talking with the Trades and Labor Council, but he should be talking about productivity, new capital coming into this State, and opportunities for the people who live in the State. And that is also the responsibility of the Premier.

Sir Charles Court: You get worse.

Mr HARMAN: But the Premier neglects it. He has taken no initiatives and has neglected his responsibility to involve himself with these two major institutions in Western Australia.

Sir Charles Court: One thing you have told us tonight is that you favour the Hawke attitude of stopping trade with other countries. It is very interesting to hear that.

Mr Bertram: Back to Rhodesia. You always were a supporter of Rhodesia and—

Sir Charles Court: Do you not believe in trade with New Zealand?

The DEPUTY SPEAKER: Order!

Mr Bertram: —a man who is a treasonist.

The DEPUTY SPEAKER: Order! There are far too many interjections. I ask members to give the member for Maylands the opportunity to reply to the debate. I also ask the member for Maylands to confine his remarks particularly to the question before the Chair.

Sir Charles Court: That would help a bit.

Mr HARMAN: I would like to co-operate with you, Mr Deputy Speaker. As I said in my opening remarks, this is a sorry night for the workers in Western Australia—

Mr Blaikie: It is a sorry night, all right.

Mr HARMAN: —because they were looking to their parliamentary representatives to make a decision to remove the discrimination which many workers in Western Australia now suffer wherever they work, and particularly if they work in the private enterprise section where they have long service leave after 15 years.

Mr Grayden: Do you want to see long service leave taken away from the jurisdiction of the Industrial Commission?

Mr HARMAN: Yes, I think members of Parliament should be deciding an issue like long service leave. This is the highest court in the land.

Sir Charles Court: You would have to come here every time you changed an award.

Mr HARMAN: Why cannot the Parliament make a decision about long service leave?

Mr Skidmore: It has already made one.

Mr HARMAN: It has made decisions previously. I have pointed out tonight that Western Australian workers are disadvantaged in comparison with their counterparts in South Australia. The Parliament of South Australia passed legislation giving three months' long service leave after 10 years to workers in private industry. That was done by a Parliament. All I am asking is that this Parliament agree to this Bill, which provides long service leave for only a small section of nonaward workers, but it will give a lead to the Industrial Commission when it comes to consider the question of long service leave for workers covered by awards.

Mr Grayden: Nonaward workers would have an advantage over award workers.

Mr HARMAN: The opposite will occur if members of the Government vote against this Bill and the Industrial Commission will interpret it to mean that Parliament does not want to see this discrimination removed. We have to take it both ways.

Mr Grayden: We are happy to see it left with the Industrial Commission. Both parties can work it out.

Mr HARMAN: I am saying that we should not allow our workers in Western Australia to be disadvantaged as against their counterparts in the neighbouring State of South Australia which has an enlightened Government.

The Western Australian Government has had an opportunity to put things right. It talked about giving everyone a fair go, and yet some workers in Western Australia have, for 49 years, qualified for long service leave after 10 years' service. Many tradesmen such as carpenters working for the Public Works Department, plumbers working for the Metropolitan Water Supply Board, electricians working

for the State Energy Commission, and fitters working at the Midland workshops have had the advantage of three months' long service leave after 10 years' continuous employment. They have had this privilege for the past 49 years. Members on the Government side of the House say that we should not extend this privilege to workers in private industry.

We listened to the arguments put forward by the Minister for Labour and Industry. On one occasion he said the purpose of long service leave would be destroyed if we reduced the qualifying period. I do not know that the reduction in the period has made any difference to civil servants who since 1900, have had three months' leave after seven years' service.

Mr Clarko: Look what it did to you!

Mr HARMAN: Is the Civil Service running down? Is it difficult to find people to join the Public Service? What is wrong with the blue collar workers? Is it difficult to attract tradesmen to the Public Works Department, the State Energy Commission, the Metropolitan Water Supply Board, or the State Engineering Works, because the purpose of long service leave has been destroyed? That is not the case.

Quite obviously we would have a better industrial climate in Western Australia if workers in private industry were allowed to receive the same benefits as their counterparts in South Australia; namely, three months' long service leave after 10 years' continuous employment.

I ask members to reconsider their attitude to this Bill, and I hope they will support it.

Question put and a division taken with the following result—

#### Ayes—15

Mr Barnett	Mr Fletcher
Mr Bertram	Mr Harman
Mr Bryce	Mr T. H. Jones
Mr B. T. Burke	Mr McIver
Mr Carr	Mr Skidmore
Mr Davies	Mr J. T. Tonkin
Mr H. D. Evans	Mr Bateman
Mr T. D. Evans	

(Teller)

#### Noes—23

Mr Blakie	Mr Old
Sir Charles Court	Mr Ridge
Mr Cowan	Mr Rushton
Mr Coyne	Mr Sibson
Dr Dadour	Mr Sodeman
Mr Grayden	Mr Stephens
Mr Grewar	Mr Thompson
Mr P. V. Jones	Mr Tubby
Mr Laurence	Mr Watt
Mr McPharlin	Mr Young
Mr Nanovich	Mr Clarko
Mr O'Connor	

(Teller)

#### Pairs

Ayes	Noes
Mr Moller	Mr O'Neill
Mr Jamieson	Mr Mensaroe
Mr A. R. Tonkin	Mr Crane
Mr T. J. Burke	Mrs Craig
Mr Taylor	Mr Shalders

Question thus negatived.

Bill defeated.

## ELECTORAL ACT AMENDMENT BILL

*Second Reading: Defeated*

Debate resumed from the 8th September.

MR MCPHARLIN (Mt. Marshall) [9.36 p.m.] : In speaking to this Bill I would like to refer to comments made by the member for Mt. Hawthorn when he introduced it. On page 1132 of *Hansard* No. 7 we see the following comments—

As I have said, this is an historical occasion for a number of reasons. It is the first time ever, or in recent years, that an attempt has been made to give the people—that is, all of the people of Western Australia—a one-vote-one-value situation; that is to say, it is the first time that all Western Australian voters will have an equal say in deciding who shall govern the State and in the election of their parliamentary representatives.

It is this aspect of the Bill about which I want to speak. Of course, the member for Mt. Hawthorn was referring to the principle of weighted voting, and this is a principle to which I have subscribed and to which the party that I represent has subscribed. I do not want to convey the impression that I approve of every detail of the present electoral system, or that every detail of it meets with the approval of other members of my own party. For some time we have had a controversy over the weighting of votes and we have heard many discussions on the principle of one-vote-one-value. It is not a concept of recent origin.

When an Opposition introduces legislation of this nature it leaves itself open to a charge of political hypocrisy, and I will endeavour to illustrate this point as I proceed. This principle has been promoted and emphasised by the Opposition in recent times, only because the Australian Labor Party knows it lost many seats in the last State election. At the present time the Australian Labor Party holds 14 of the 23 metropolitan seats in the Legislative Assembly. It holds eight of the 24 agricultural and mining seats, and it does not hold any north-west seat. So the question is: Why does the ALP want now to press for the principle of one-vote-one-value?

It is evident that this is because the power base of the party is in the metropolitan area. It is logical to follow that argument and say that the more seats the ALP can obtain in the metropolitan area, the greater the opportunity for it to become the Government.

I now endeavour to support the comments I have just made by pointing out what was said in 1963 when members of the ALP were making very different comments. The ALP had members representing the North and Lower North Provinces in the Legislative Council at that time, and it also held the Assembly seats

of Kimberley, Pilbara, and Gascoyne, as well as the agricultural seats of Albany and Merredin-Yilgarn.

In that year legislation was introduced by the coalition Government of the day to change the structure of the Legislative Council. At the time the State was divided into 15 provinces, instead of the previous 10 provinces, and adult franchise and compulsory enrolment and voting was introduced. When the matter came before the Parliament, some very prominent members of the Labor Party made speeches in this Parliament, and I wish to quote extracts from some of them. The Hon. F. J. S. Wise, then the Leader of the Opposition in the Legislative Council, said—

I think if this Bill becomes law, it will be regarded in the years to come as a milestone in our legislative history.

... we can see principles contained in the measure which we, as a party, support very strongly.

The Hon. R. F. Hutchison said—

... I think the time is overdue for democracy to become properly established in Western Australia, and it is time that this House became called no longer a House of review but a House of the people, in the same way as the Legislative Assembly is a House of the people.

The Hon. E. M. Heenan said—

... this Chamber has been elected on a property franchise. It is now proposed to alter that and to extend the adult franchise. It is also proposed to apply compulsory voting.

... this is a good thing, and it is a goal for which we have striven.

After the vote was taken, the Hon. G. Bennetts said—

That should go down as a record. We all supported it.

In the Legislative Assembly the Bill was also passed without opposition after the then Leader of the Opposition (the Hon. A. R. G. Hawke) had this to say—

I think, too, the aggregation of 15 provinces, as against the existing 10, will give the members for the provinces a better opportunity of representing their people. They will have fewer people in number to represent, and, in the country districts, I presume they will have a lesser area; and that appears to me to be quite a good development.

Then Mr Arthur Moir detailed at some length the difficulties confronted by members with large electorates, and whose constituents, because of their remoteness, were not in a position to attend to their affairs themselves and called more on their members to do this.

So we see at that time members of the Labor Party supported the measure very strongly; yet today we see before us a Bill which endeavours to change the situation. In my opinion the reason for this change is the change of the power base of the party. So members of the Labor Party are now showing exceptional concern for the one-vote-one-value syndrome.

When Labor was in power in Canberra under Prime Minister Whitlam, that Government also moved to make changes in the electoral system. Members will recall that one of those changes was that the size of an electorate should be related to population and not to voters. So the cherished one-vote-one-value principle was abandoned at that time in favour of greater numbers.

Again, the Whitlam Government amended section 19 of the Electoral Act in 1974. It deleted a provision referring to the density or sparsity of population as being a factor to be taken into consideration by the distribution commissioners. However, the Whitlam Government did not delete other factors in the Act such as community of interest, the means of communication and travel, the trend of population changes, the physical features, and the existing boundaries.

A case involving McKinley and others was heard in the High Court last year; members may or may not have read of it. The ruling given in that case was that the court was against the principle of one-vote-one-value in Federal electorates whether it was based on an equal number of electors or an equal number of residents.

I have here some details of what happens in other countries. Canada, New Zealand, and Great Britain use the weighted voting system. In Great Britain, I understand the Acts of 1944 and 1958 state that while electorates are to be as near as possible in size to the electorate quota, the rules can be modified where special geographical or other considerations, such as local ties, make it desirable. The law in that country goes further by making provision for the deliberate over-representation of Scotland and the under-representation of Northern Ireland. In fact, in a recent British general election, the electorate of Western Isles had an enrolment of only 22 040, and the largest district—Antrim South—had an enrolment of 113 645.

Looking now at the situation in Canada, a comparison between the largest and smallest electoral district in 1973 showed the district of York-Scarborough represented 139 000 voters, while Malpeque electoral district represented only 22 331.

That clearly illustrates there is nothing new or unique about the principle involved in varying the size of electorates. It is not a conservative conspiracy to deprive the people of their rights. I believe it is

a common-sense policy that has been adopted by democracies around the world, and has particular application in a State as large as Western Australia.

The term "electoral weightage" should be clearly understood. It refers to the legislative provision for electorates or categories of electorates with different numbers of voters, and is done on the basis of ensuring that all voters have the right to an equal standard of representation. It must be said also that it is based on the need to have a physical link between the voters and the members they elect to represent them. We should not merely regard voters as statistics to be distributed and separated into numerical units of no appreciable substance. This physical link aspect is indeed most important.

The true meaning of the term "one-vote-one-value" must be appraised in relation to the word "value". Surely, then, the value of a vote must relate to the value of the representation it gives to the voter. The whole reason for a vote is to give an elector representation in Parliament. So, following upon that, if a vote is to have equal value for all, it must give an equal standard of representation, irrespective of geographical disadvantage.

Mr B. T. Burke: What about controls over Government?

Mr McPHARLIN: I believe the one-vote-one-value principle regards the individual as nothing more than a voting statistic. It regards the value of a vote as a numerical value, and takes the vote away from its real significance.

To illustrate this point, I should like to compare two adjoining city electorates with two adjoining country or agricultural electorates and in this way demonstrate the difference in representing the respective areas. I believe the respective electorates I have selected are a fair example; I do not believe they are extreme in any way. The two agricultural electorates are the seat of Moore and my own area of Mt. Marshall, while the metropolitan electorates are Mt. Hawthorn and Scarborough.

Let me take the most significant factors involved in representing an electorate. The first, of course, is the area, which affects the distance one must travel. Then, we have the number of local government authorities and schools. For the purpose of this illustration I intend to refer only to Government schools.

The Moore electorate covers over 32 000 square kilometres, contains eight shire council areas and 30 schools. The electorate of Mt. Marshall covers an area of over 29 000 square kilometres, contains 11 shire councils and 23 schools.

The electorate of Scarborough is quite a small one; it covers an area of only 6.6 square kilometres. In addition, it occupies only part of one city council—in fact, the

Stirling City Council embraces about seven Assembly electorates—and has four schools.

Mr Young: I have been trying to shift the electorate into another council area for years.

Mr McPHARLIN: The electorate of Mt. Hawthorn comprises 9.17 square kilometres, is part of one city council and has eight schools. In all seriousness, how can one compare the responsibilities connected with representing an agricultural electorate with those of a metropolitan electorate?

Mr Bertram: How would the various populations compare?

Mr McPHARLIN: To get this into the right perspective, as viewed by members opposite, one must join the electorates of Moore and Mt. Marshall so that one may compare the same number of electors as are contained in the electorate of, say, Scarborough. After they are joined together to give the same number of voters, we would have an area which is 9 400 times the area covered by the Scarborough electorate, and which would contain 19 times the number of local government authorities and 13 times the number of schools.

Mr Bertram: I am a little disappointed that you are comparing Assembly seats instead of provinces.

Mr McPHARLIN: I have used only area, local government authorities, and schools as a basis for comparison, but this can be extended to its logical conclusion to include sporting bodies, service clubs, industrial organisations, church groups, and the like. There can be no comparison.

As one who represents a country electorate, I strongly support the principle of weighting of rural electorates. However, I do not support every aspect of the present electoral system; there are points about which one should be concerned. I refer to electorates such as Kalamunda, Mundaring, Dale, Geraldton, Albany, and Bunbury. I do not believe they warrant the same consideration as electorates such as Moore and Mt. Marshall; they are more closely aligned to the metropolitan electorates than the country electorates to which I have referred.

If members opposite want to talk about unfairness in voting, they should examine the matter of rating. When one draws a line, there always appears to be some unfairness, but in some shire areas people on one side of the street are rated differently from their neighbours across the road.

Mr Carr: Surely Parliament is about people and not provinces.

Mr McPHARLIN: For instance, in 1974-75 in Mosman the rate in cents in the dollar based on annual rental values was 13c. Across the other side of the street in



Peppermint Grove it was 9.6c. Similarly in Nedlands it was 11.5c, while across the road in Claremont it was 16c.

Whether such a practice is fair or unfair, I suppose depends upon on which side of the street one lives! Lines of demarcation must be drawn, and although inequalities may arise on a local basis, this does not invalidate the principle to which I have referred.

The Opposition continually talks about the present system being undemocratic. Let us consider what happened in the 1971 election. In North Province, the same electors on the same day elected one Liberal and one ALP member. South-East Metropolitan Province for several years has had one Liberal and one ALP representative. What could be more democratic than that?

Mr Ridge: The ALP member will not last for long.

Mr McPHARLIN: I should like to quote the following extract from the pledge which is taken by members of the ALP. No doubt, members opposite will tell me if I am incorrect. It states—

I accept without reservation to be bound by the Constitution, Rules, Platform and Policies of the A.L.P. and will take no action to repudiate them.

If elected I will vote on any question before the House as decided by a majority of the Parliamentary Labor Party in a properly constituted Caucus meeting.

If that is wrong, no doubt I shall be told, but it does not appear to be wrong.

Mr Bertram: This applies to all parties.

Mr McPHARLIN: If that is so, may I ask a question of the member for Mt. Hawthorn who has moved the second reading of this Bill? I ask: Which is more democratic? Is it a member of Parliament elected by, say, 8 000 electors who votes in Parliament in a way which he honestly believes the majority of his electors would wish him to vote? Or is it a member of Parliament elected by, say, 16 000 voters who votes as he is told to vote by Caucus without regard for what he honestly believes?

Mr Bertram: I wonder whether you would define whether you are referring to the Liberal Party Caucus or another Caucus?

Mr McPHARLIN: The ALP Caucus.

Mr Bertram: I shall deal with the Liberal Party Caucus and the Labor Party Caucus and I would say the circumstances are the same in each case.

Mr McPHARLIN: I believe it is true to say that democracy is a great deal more than numbers of people.

Mr Bertram: Hear, hear!

Mr McPHARLIN: I think it can be fairly said that the principle of electoral weightage has been adopted and approved constitutionally, traditionally, universally and

politically. I think it is fair to say that it is plain common sense. Therefore, I oppose the Bill.

MR TAYLOR (Cockburn) [10.02 p.m.]: I think the member for Mt. Marshall has missed the point completely in presenting his argument. The debate that has taken place on this measure has been geared solely to the political advantage of those who have opposed it. I do not believe they have really thought out just what the British parliamentary system of democracy is all about.

The SPEAKER: Order! Will the member resume his seat? It is in my mind that the member for Cockburn has already spoken to this Bill. Does he remember? I am having a check made now.

Mr TAYLOR: I do not recall, Mr Speaker.

The SPEAKER: I shall permit the member to continue his speech while the necessary research is undertaken. I think the member has spoken but he may carry on for the moment.

Mr TAYLOR: One becomes a little disappointed about the type of logic which is used to try to justify our present system of electoral boundaries. Mention has been made of the need to serve the people, of distances, of the types of occupation in which people indulge, and of other matters which need to be represented in the Parliament. It has been suggested that everybody needs to have that voice. I suggest, and take as my theme, that this is not necessarily the case.

I put my case this way: Many years ago the Senate was established as a States' House. The logic used then was the type of logic put forward by members of the Government, but the Senate has never worked as a States' House.

Mr Clarko: Yes, it has.

Mr Bryce: Nonsense!

Mr TAYLOR: Would the member for Karrinyup like to indicate by interjection when the States have voted as States?

Mr Clarko: It has always been to the advantage of the less populous States. In that sense it has been a States' House.

Mr TAYLOR: The member has not been able to give me an example. What is the current situation? During the last three years, when there were innumerable matters which were the subject of States' rights, we have not seen one instance of senators representing a State using the logic of those on the Government side and voting in the interests of their particular State. When Western Australia needed an extra member and a Bill was before the Federal Parliament which would have given Western Australia that extra member, the senators representing Western Australia did not vote as a body. South Australian senators did not vote as a body when that

State's boundaries were to be changed. Senators of each State involved did not vote as a body with regard to offshore oil legislation when, for example, Victoria and Western Australia were involved. It was a party vote and it has always been a party vote.

Mr Clarko: The less populous States have had a greater share of membership in that House.

Mr TAYLOR: I cannot recall when the smaller States have voted against the larger States and I cannot recall an instance of the larger States voting together against the smaller States.

The SPEAKER: Will the member resume his seat? I must apologise to the member. I find that he has not made a speech on this Bill and I should like to apologise to him and ask him to continue.

Mr TAYLOR: Thank you, Mr Speaker. I repeat that I cannot recall an instance when, for any reason at all, groups of senators from any single State have voted together in the interests of those people who elect them.

Mr Clarko: Senator Vincent always voted a particular way with regard to gold.

Mr TAYLOR: Gold would be a prime example. Recently the two major parties in the Federal Parliament were opposed in their attitudes to the goldmining industry. I cannot recall that the senators of Western Australia voted collectively either for or against the goldmining industry of this State, yet the goldmining areas collectively voted for the 10 senators.

Let us take the matter a little further. The comment was made that groups such as the agricultural areas and the mining areas should have a representative voice within the Parliament. This is the basis of the logic that is being used. Can members here tell me when members representing agricultural areas have voted together for or against a Government? Certainly I cannot think of one instance.

Have members representing mining electorates in this House voted collectively for or against a Government? I cannot think of one instance. It has been put forward in this House that we need representation from special areas because those special areas need to have a voice.

Mr Clarko: That is what the Senate is.

Mr TAYLOR: What happens to that voice? Not once in this Parliament—

Mr Clarko: The essence of the Senate is one-vote-one-value.

Mr Bryce: Rubbish!

Mr Clarko: That is why there are 10 senators from Tasmania and 10 from New South Wales.

Mr Bryce: It is not one-vote-one-value, and you know it.

The SPEAKER: Order! I call the member for Cockburn.

Mr TAYLOR: Thank you, Mr Speaker. The point I am making is that the arguments put forward by Government members against one-vote-one-value and for malapportionment of electorates for special interests do not apply. I think my argument is irrefutable and that to put oneself forward as a representative of a particular group or class of people does not apply in our parliamentary system.

It has been said by those opposite from time to time that the Labor Party is the representative of the city and that if one lives outside the metropolitan area one should vote for the Liberal Party or the National Country Party because this side of the House represents the big city. I cannot recall a single instance in all the years of this Parliament when city members collectively have voted in any way against country members or country members have collectively voted against city members. The majority of the members of the last Labor Cabinet were actually born or raised outside the metropolitan area. Five of the 12 came from the gold-fields area. The then Deputy Premier (Mr H. E. Graham) came from Narrogin, the Minister for Mines came from Collie, and the Minister for Agriculture came from the south-west. The argument that has been put in this Parliament and on the hustings that we are a city-based party could not be further from the truth.

I suggest that that argument does not necessarily apply in this Chamber at the moment. I am trying to check very quickly just where some of the country members now sitting opposite were born and raised.

The member for Wellington, for one, is not a member born, raised, and with her interests in the country.

Mr Sibson: I was born in Subiaco. I was there for 14 days!

Mr TAYLOR: The point is taken. It is claimed that it is necessary to have numerically large electorates in the metropolitan area, and numerically small ones outside the metropolitan area, because the country areas need to be represented equally; that is, those in the country should have a chance to have their voices expressed in Parliament. Surely I have refuted that argument.

I have never seen the people in the country voting solely along one line, or the city people voting solely along another line. Looking around the Chamber it is difficult to determine which members represent the country and which represent the city. I suggest that some members who represent the country have greater interests in the city than in the country. I submit there is no such thing as a vote based on area representation of population within the State.

I would now like to take up the point put forward by the member for Mt. Marshall and others opposite about representing people within the electorate. That is an important issue. Members should be allowed to reach the people and to serve the people, and that is a worth-while objective. The need to serve the people can be overcome without providing some sections with a greater vote. If it is necessary to have members to represent the small numbers of people in the mining and agricultural electorates, why should those people have a larger number of votes than the people in the city?

Regarding the work load of members, I suggest the work load of the member for Cockburn or the member for Balga is three or four times that of the member for Nedlands or the member for Floreat, yet they represent the same number of people and have the same vote. I go so far as to say that the difference is even greater than that.

When it comes to determining the access by people to their members and the amount of work those members are able to do, if that is the criterion for the representation of votes then the members representing areas which have a large number of electors should have a greater vote. It has certainly been put forward as a reason that it is necessary for people in certain remote areas to have a greater vote. I suggest that argument does not hold water.

Members should be looking at the democratic process and determining what Parliament is all about. They should consider the reasons that we under the British tradition have not experienced revolutions over the years, while other types of communities have experienced revolutions. Part of the answer is to be found in the fallacy of one argument that has been thrown against the Opposition from time to time. It is this: when you in the Opposition held the north-west seats which were gerrymandered you did not complain about that. Why should you complain now? I am sure members opposite recognise that argument.

Let me suggest to members why those on this side of the House did not complain very much when perhaps they should have done so, and why those on the opposite side do not complain so much now. I have to be very careful in saying this, because I do not want the words to be thrown back at me later. It does really matter. I believe that within the context of the Government of the State, the disproportion is not so important as the fact that from time to time Governments can be changed. That is the criterion.

The point I make is that perhaps it was not so important when members on this side of the House held the electorates in the north of the State, while members on the opposite side of the House held the

small electorates in the south-west: that is, provided there was a chance at each election to change the Government. That was almost certainly the key.

What has to be borne in mind is that the people in the south-west or the central wheatbelt always voted the same way; and those in the north and the goldmining areas also voted the same way. As long as the numbers on both sides were somewhat equal, the two major groups of policies had a chance of winning office, and there was opportunity for a change of Government within the State.

That was the reason members on this side of the House were not so emphatic in the past on the question of one-vote-one-value. I suggest that is the reason the Government should now look carefully at the measure before us, and give some real thought to introducing the system of one-vote-one-value, because that is the criterion for which we are looking. There has to be within the democratic system the possibility of a change of Government.

Mr P. V. Jones: You are suggesting that possibility is minimal now.

Mr TAYLOR: I am suggesting it has become minimal. Within the State over a span of years there has to be a consistent swing of the pendulum. If one turns to the newspapers of the day, I suspect one will find it was claimed that every Labor Premier elected was going to destroy the State. I suggest the same allegations would have to be made from this side of the House when a conservative Premier was elected. However, the State continued to prosper over all that period. Irrespective of the party in office the State continued to progress.

I am sure that no-one in this House can point to a major downturn in the economy or to disruption to the community which resulted from a change of Government or from the attitude adopted by a Government. We have made progress, because of the very point that Governments have been changed from time to time. This has kept Governments and Oppositions on their mettle.

If we go back into history we will find that in the last 150 years only one country continued to have changes of Government and experienced no revolution; it is the United Kingdom. That country went through a series of Governments.

Mr Laurance: It has a disparity in its electorate.

Mr TAYLOR: It did; even at the time of the rotten boroughs. Power was divided, so that the Whigs and then the Tories held office. Each time there was a change of Government there was a change in social attitudes. The Government changed from Whigs to Tories,

from Tories to Liberals, and from Conservatives to Labour. That is the direction in which the Government varied. Countries with Governments which have not been changed continually have faced revolutions. That happened even in the United States of America where the Republicans held office for 40 years or so, until the Democrats of the south revolted against them.

If this House is at all honest about preserving the democratic system and making the State a good place in which to live, it has to play a game in which there is a chance for each of the two major teams to win occasionally. If it does not provide that within the rules of the game, it is defeating itself. That is what the Government has to consider in this issue, if not now then certainly in the next year or two.

Mr Sibson: We have been thinking about it.

Mr TAYLOR: But members opposite have been doing absolutely nothing about the matter.

Mr Bertram: What decision has the member for Bunbury come to, or has the Premier told him to join in?

Sir Charles Court: We have come to a decision on this Bill!

Mr TAYLOR: I would like to develop this theme a little further on a future occasion. In the meantime in saying the following I make no disparaging remarks about the electoral commissioners who adjust the boundaries. Over the last few years certain boundaries, apart from the major boundary changes fixed by Parliament, have been adjusted. I am referring to the boundaries surrounding the metropolitan area and to those of the four seats created in the north. We have discussed what the Government of the day did to them.

Within those areas the trend has been for almost all the seats to become much safer than they were. I do not say that the commissioners have done this deliberately, but that has been the trend. A few years ago there was the opportunity for a change in a number of seats. For instance, Canning, Perth, Maylands, Subiaco, and any number of seats changed hands regularly and could change hands at each election. Those seats have slowly slipped one way or the other and now a substantial change is required in order to affect the membership of this place. We are almost ossified. The same faces will be here over and over again because of the way the boundaries have been drawn in the last two redistributions. The opportunity for large changes in membership has been diminished, and that is a bad thing.

The best chance we have of democracy, good government, and inhibiting excess in government is to have a situation under which there can be wide changes in the membership in the Parliament. Here I think the one-vote-one-value system—or near enough to it—as applies in the Federal field is excellent as exemplified when there was a swing recently of something like 8 per cent.

Mr Laurance: That could be a bit short-sighted. Look at the situation in Queensland and at the last Federal election.

Mr TAYLOR: I think that has a lot of merit. With a swing of 8 per cent the Government of the day can be completely decimated, but a swing back of 8 per cent will put out 30 or 40 of those members who have just entered Parliament. That is a very salutary situation in the Parliament. We read in the newspapers that certain back-benchers are now telling the Federal Government that something must be done—

Mr Bertram: In a hurry.

Mr TAYLOR: —because a small vote percentage will make a big difference in that Parliament. On the other side it appears to me that a substantial change in the voting pattern in this State will be required to change the numbers significantly, and that is a bad thing.

Mr Clarko: Big swings like that tend to lower the quality of members of Parliament.

Mr TAYLOR: The honourable member is quite right, but I did refer to an 8 per cent swing and members opposite know as well as I do that normally the swing is never more than 2 to 3 per cent, and if we can pick up six or seven seats because of that swing or lose six or seven seats because of it, we have a good chance of democratic government in this State. That is why I consider the one-vote-one-value system should be adhered to.

The question can be asked whether one-vote-one-value is possible. I believe it is. Again, I leave myself open to criticism by those who wish to misinterpret my words for their own political advantage in other parts of the State.

As I understand it, the Kimberley has a growing Aboriginal population. If the figure I heard is correct, the Kimberley will have 10 000 to 13 000 electors on the roll. The Pilbara already has that number.

In the south-west of the State there appears to be no valid reason that such electorates as those of Bunbury and Wellington should not be amalgamated. Certainly they are as close together in bulk of population as is Cockburn which covers something like 20 miles, with two groups of population at either end and agriculture in the middle.

Mrs Craig: You are talking about 60 miles with Bunbury and Wellington.

Mr TAYLOR: That is so, but I am talking about the vote in the House, with the same number of people involved.

Mrs Craig: But you related it to area and referred to Bunbury and Wellington.

Mr TAYLOR: Yes. I accept the point the honourable member makes. There is a difference between 20 miles and 60 miles.

Mrs Craig: And that is only the length.

Mr TAYLOR: I still make the point that there could be electorates of equal size. Maybe two members would be necessary in the larger electorates to service the needs of the residents. I do not question that, but when it comes to a vote within this place, there is a place for the one-vote-one-value system.

Mr McPharlin: Explain a little more clearly about the members in the bigger electorates—more members in the bigger ones.

Mr TAYLOR: I am saying that as far as this place is concerned it is more than feasible that we could have equal representation; that is, with each member here representing the same number of people. I am saying that we are not too far from that possibility.

I instance one other electorate—the Murchison—which was established because at that time it could be serviced best by what I believe was then called Airlines of Western Australia which ran a charter service to cover the area and therefore a member could travel around that way by air. That applies no longer. I believe that that particular electorate would be better served by several existing members. For example, the member for Boulder-Dundas could travel along the trans-line and the member for Kalgoorlie could travel up to Leonora, and so on. Does a member, who can be on one side of the House or the other, represent mining, agriculture, or people?

The Murchison has been in the hands of both sides. I am suggesting there are other ways to assist the people in that particular area, and still give them an equal vote in this place.

I would like to sum up my remarks in this way: I believe that we must operate under a system which allows for the possibility of a change of Government at each election. If any Government stays in power again for 12 years, as was the case recently—and, by the way, a Labor Government stayed in for 15 years, including the war years, but exceptional circumstances prevailed then—our regulatory systems will change, and change dramatically.

For instance, if I am unable to say to the electors of Cockburn and the work force there that they should be patient because in three or six years' time we shall be able to move in the Parliament to grant them transportability of long service

leave or cumulative sick leave, they will take the opportunity themselves to acquire this in their own way.

Mr Bertram: That is right.

Mr TAYLOR: I will not be the member to stop them.

Mr Bertram: Kim Beazley made that point.

Mr TAYLOR: Up to this time under the democratic system it has been my responsibility as a member of Parliament—as it is the responsibility of all members on both sides—to say to those who push too hard for the things they believe are necessary, that that is not the way; that there is a proper way which they should adopt.

One can do that only if one knows there is a possibility—it does not have to be highly probable, but must be possible—of a swing at election time. If this is not possible there is no point in anyone playing the game, and one may as well allow whoever wants to to play the power game in his own way. I am quite aware of the fact that these words are perhaps not revolutionary, but frank.

Mr Bertram: Realistic.

Mr TAYLOR: I intend to elaborate on the following point during the Budget debate, so for the moment will merely say that certain action is being taken by groups of people within this State who are able to hold up the State and, collectively, cost the State large sums of money for reasons they believe are important to themselves. It is not my place at this stage to argue the rights or wrongs of the situation. I am making the point that we know it is happening. Members on both sides know this.

I will quote a little anecdote which one learns when one has anything to do with boats and sailing, and it deals with the rules applicable on the water. It goes something like this—

This is the story of the *Nancy Jane*,

Which sailed along as plain as plain;  
She was right, dead right, as she sailed along,

But she is just as sunk as if she were wrong!

That is the analogy I would submit to members with respect to the points I am making. It is too late to worry who is right or wrong when industrial action is taken, when the lights go out, or when sheep are held up. Certainly it is important, but it is happening, and if there are ways to reduce the possibility of this type of action happening the House has a responsibility to adopt it. One way the State can keep the large bulk of the population on side is to ensure that all members of all parties in the political game act responsibly.

In conclusion, and in supporting this Bill for the introduction of one-vote-one-value, I suggest that in order to take a

responsible attitude in this place one has to believe there is a chance to get one's policy across for at least a few years. That is all that is asked for. With one-vote-one-value, there would be a chance of achieving that.

I have observed what has happened over the last few years—what happened during the three years of the Tonkin Government, and what has happened during the three years of the last Federal Labor Government, and also what has happened in this Parliament during the last three years leading up to the forthcoming election. My observations have led me to believe that a situation is developing where one Government will remain in office for a considerable length of time, and that worries me greatly. I suggest that would not do the State, nor the people of the State, any good at all. I support the move for the introduction of one-vote-one-value.

**MR BRYCE (Ascot) [10.31 p.m.]**: I do not intend to recanvas the many arguments I have advanced in this Chamber on this particular issue during the last five years. However, I feel obliged to indicate quite clearly that any Bill brought to this Parliament designed to provide democracy in at least one of our Houses of Parliament—by introducing a system of proportional representation—certainly has my support.

This Parliament is an institution which in so many different ways needs to be dragged screaming into the 20th century because in so many ways it is firmly lodged in the traditions of the 19th century. The particular aspect which concerns me greatly is the structure of the Parliament, in electoral terms. No member of this Parliament can honestly look himself in the face and argue that the system of election to the Legislative Council, in this State, constitutes democracy in any shape or form.

Frequently we hear members opposite talk about representation, but very rarely do we hear them talk about democracy. The word democracy—or its definition—would have to stick hard and fast in the craw of members opposite. They talk about representation, not democracy.

**Mr Blaikie**: That is wrong.

**Mr BRYCE**: Members opposite stress and emphasise on so many occasions that this institution is based on a system of representation. We argue that a system of representation should be a democratic system. I have said on previous occasions in the context of this debate—and it well and truly warrants repeating—that those members who sit opposite fear the day when one-vote-one-value is introduced into this Parliament because in their minds they believe that such a system would lead to a period of Labor dominance in the Western Australian parliamentary system. I urge those members to do their political homework.

Many members within my own political party have told me that the arguments I advance could, in fact, cut our own throats politically. If members opposite do their homework they will realise that in applying the system of proportional representation which applies to the Senate—and that is the only place where it has ever applied—in Western Australia since 1948 the Labor Party has never won three out of the five seats in this State.

When I do that sort of homework I cannot be convinced in the slightest that we would be doing the right thing by our own political party in advancing the cause of one-vote-one-value. So, I suggest to those narrow-minded nonthinking people who regard such a system with horror because they might lose their seats, or who think this measure will lead to the beginning of an era of dominance by the Labor Party, that they ought to rethink the whole system.

The point made by the member for Cockburn in respect of how patiently the people of this State are expected to wait with regard to their desires to see their aspirations fulfilled, is very valid. We should offer a political system which will enable a change of Government from time to time. I will apply that comment to the Legislative Council because had that particular voting system applied to the Legislative Assembly there never would have been a Labor Government in Western Australia.

I no longer get annoyed or excited about this particular prospect. I am dismayed that members opposite can sit in this place and take themselves seriously because this institution has become a joke. It will not be until the people outside the institution, or until pressure is applied from other parts of the democratic world, that many members in this Parliament will learn just how much of a joke it has become: If the system of incredible weighting of votes, which applies to the Legislative Council, had applied to this Chamber not only would there never have been a Labor Government, but there would never have been any change of Government. We would have had a conservative Government continuously since 1890.

How in the 20th century can members opposite claim that this is an acceptable situation politically? I suggest they will wait until a Steele Hall is born in the ranks of the Liberal Party, or in the conservative parties in this State. Alternatively, being the pragmatists they are, they will wait until the pressure of public opinion forces them into accepting the honest and decent thing to do as far as the interests of the people of this State are concerned. The definition of democracy refers to people—not things—being represented in this Parliament.

The member for Cockburn touched on representation with regard to the recording of votes in this Chamber, although

he did not elaborate on the point. If I remember correctly, the point raised by the member for Cockburn was that we should have a system of voting in this Chamber where the value of our vote depended upon the number of people we represented. If members continue to shy clear of drawing up equal electorates, then that would be a much fairer system indeed. In that case the member for Gascoyne, who represents 4 000 people, would perhaps get 4 000 votes. The member for Cockburn, representing 23 000 people, would be entitled to a vote five times the value of the vote of the member for Gascoyne.

As far as the member for Pilbara is concerned, he would be entitled to a voting power in this Chamber three times that of his colleague representing the electorate of Gascoyne because democracy, and the parliamentary system, would be based on the representation of people.

If we are to continue to participate and play along with the joke which this institution has become, and we continue to cop the system as suggested by the member for Cockburn, it is only a matter of time before it will no longer be tolerated by the public outside this Chamber. It will be only a matter of time before those people who expect their views to be represented fairly and squarely in a democratic Parliament wake up. We kid ourselves and talk about democratic elections. We argue and, in fact, expect that Governments will change from election to election. If we expect the people we continuously represent in this Parliament to sit back and wait interminably to see their aspirations fulfilled, the system will grind to a halt.

Mr Blaikie: There is one point I would like to make to you. You are indulging in tedious repetition. I would just like to warn you.

Mr Bertram: I do not think he needs your warning.

Mr Blaikie: He is sending us all to sleep.

The SPEAKER: The member for Ascot.

Mr BRYCE: It is quite amusing that someone who represents a territory which was once represented by a man no less significant than Lord Forrest takes himself just as seriously as Lord Forrest did. He rigged this Parliament. He set the lousy—

Mr Blaikie: Just watch yourself.

Mr BRYCE: —the hopelessly imbalanced and politically amoral ground rules upon which this Parliament is based, and those ground rules have continued to operate and be translated into reality in the Legislative Council more so than in this Chamber. No member can argue that it is democracy in any form to have in the year 1976 somebody representing 86 000 people sitting alongside or opposite somebody representing 6 000 people.

Mr Laurance: One member from each party. That is democracy.

Mr BRYCE: Democracy! The honourable member's mind does not even begin to comprehend the very point I am making. In the most miserable terms possible he clings to petty, party-political labels and calls it democracy when there happens to be a Labor member and a non-Labor member representing the Lower North Province. It is not democracy. It could well be a political accident.

Mr Sodeman: Like Ascot.

Mr BRYCE: If the member for Pilbara is a betting man, I will be happy to take a little wager with him at any time in respect of whether he or I might be a political accident and in respect of the chances of the next election validating who is or is not a political accident.

As far as the Legislative Council is concerned, the reality is there has never been a change of power in that Chamber, so that when the conservatives get the numbers in the Legislative Assembly in this State the Legislative Council acts as an orchestrated rubber stamp. A stack of evidence has been produced to this Chamber many times previously and I do not intend to reiterate the proof of what I have just said.

When a Labor Government is in office the Legislative Council behaves as the Senate behaved during the period of the Whitlam Government, and in itself it constitutes the greatest threat to a political democracy that we could ever have. When members opposite adopt the narrowest possible view that when a Labor Government is in office it does wrong things, bad things, and inappropriate things, they know in their own minds that what they are doing is exercising their right to disagree; and that is what democracy is all about. It is a question of a value judgment.

In this last quarter of the century we in Western Australia can confidently expect a series of crises in the Government of this State if the system of electing people to the Legislative Council is not changed; because when a Labor Government is re-elected in this State at the next election and we win control of the Legislative Assembly we can anticipate that the outlandish behaviour and the outlaw attitude of bringing the system to the brink of anarchy, which dominated the thinking of senators between 1972 and 1975, will once again prevail. If the Premier of this State continues in his role as Leader of the Opposition after the next election we can confidently anticipate that he will be so angry at being removed from the Treasury benches that he will do as he did during the last Parliament and seek to use his influence to have the Legislative Council refuse supply to a State Labor Government.

Mr Taylor: He threatened it once before.

Mr BRYCE: That was the action of a man who has established a record in this State as being the finest apostle of law and order.

The SPEAKER: I urge the honourable member to speak to the Bill.

Mr BRYCE: I believe what I am saying is germane and relevant to the basic argument that if the Legislative Council in this State continues to be elected in the way it has been elected since 1965, and in a similar fashion prior to that, it is only a matter of time before Western Australia once again finds itself amid a political crisis because the present Premier, as the Leader of the Opposition—and he is not alone in his political party—could use the Legislative Council, which is elected on a totally undemocratic basis, to bring effective democratic government in this State to a standstill. We saw him urge senators to do just that prior to the last Federal election. He was prepared to use that power—

Mr Clarko: Gough Whitlam did the same thing.

Mr BRYCE: The member for Karrinyup should stand on his feet and make a speech, if he is allowed to do so, refuting the belief that the Premier has such a tight rein over his boys that they are not allowed to speak. The essence of the argument is that the Premier's exercise of the option to urge his colleagues in the Senate to refuse supply was based on the political realities of this State.

Mr Clarko: And Gough Whitlam did the same thing in 1970.

Mr BRYCE: What concerns so many of us on this side of the House is—

Mr Sibson: The fact that you are destined to stay there.

Mr BRYCE: We have seen the performance and record in this Chamber of the member for Bunbury who so frequently falls asleep in this place when he is supposed to be representing the 8 000 people in his electorate. None of us can remember when he last made a speech.

Mr Clarko: Because you are never here.

Mr Sodeman: Because you are never in the House.

Mr BRYCE: Very few of us can remember when he ever asked an intelligent question in the House. This man, who goes to sleep so frequently and ignores his responsibility to represent the people of Bunbury in this Parliament, has the hide to make such an inane interjection.

Mr Bertram: They call him "Miss Dix".

Mr O'Connor: They call you "mistakes".

Mr BRYCE: The system we have inherited is a hangover from the colonial past and members opposite have not yet been big enough to admit that is precisely the edifice they are supporting. There is

a very serious question I think we should all face as legislators. Perhaps the question has not been posed to the Chamber in quite this way before. Is it our fundamental responsibility, as elected members of Parliament, to come to this place to consider legislation seriously in the interests of the people we represent; or is it our fundamental purpose, as elected representatives, to push the parish pump in order to ingratiate ourselves with people purely to ensure we will be re-elected at the time of the next election?

If we were to take our responsibilities seriously, if we were to acknowledge that the bureaucracy runs this State and that this place should not be full of puppets, and if we were to take time out to acknowledge that the real purpose of parliamentary representation in a democracy is to come here and seriously consider legislation, all of the arguments about representation posed by members opposite would be found to be quite invalid.

If their principal interest was to represent in this Parliament the people of their constituencies rather than just simply to place the onus on being present at school fetes and the like to ingratiate themselves with the people they represent, or simply to push the parish pump, I suggest to the Parliament they have their priorities quite wrong. And this of course is the real reason that the bureaucracy governs this State. The great bulk of members are abrogating their responsibilities. These members are concentrating on the whole aspect of parish pumping, and I might add that I am culpable in this respect, because nobody pushes the parish pump harder than I do.

I am suggesting it is time the whole Parliament sat up and looked at this question. It is time all of us seriously questioned whether that is the real reason for our actions. I take this course because I am forced to it—the people who went before me in this place acted in that way. I do not mind admitting that is precisely how I spend about 50 or 60 hours a week.

The whole point about the parliamentary system is that many of us are not dinkum. Many members sit here and vote on Bills they have never read. We know that frequently we do not consider legislation in detail. We often sit here and act as puppets or rubber stamps.

Mr Sibson: You are talking of your own side, of course.

Mr BRYCE: I am talking particularly of the member for Bunbury because he sleeps in this Chamber more than anybody else and he could not possibly read—

Mr Sibson: At least I am here.

Mr BRYCE:—all the legislation that we all realise he has a responsibility to read.

#### *Withdrawal of Remark*

Mr SIBSON: I ask that that comment be withdrawn.



Mr H. D. Evans: Which comment?

The SPEAKER: Order! The member for Ascot has been requested by the member for Bunbury to withdraw the remark that he sleeps in this Chamber.

Mr Sibson: Continuously.

The SPEAKER: I ask the member for Ascot to withdraw the remark.

Mr BRYCE: Mr Speaker, may I ask *Hansard* precisely what I am alleged to have said?

The SPEAKER: Will the member sit down? I heard the member talk about the member for Bunbury sleeping so much in this House. A member is entitled to ask for the withdrawal of such a remark because of the effect politically on his electorate. I ask the member to withdraw that implication if it offends the member for Bunbury.

Mr BRYCE: I am happy to withdraw it if it offends the member for Bunbury.

Mr Clarko: It is untrue, too.

The SPEAKER: Order!

### *Debate Resumed*

Mr BRYCE: For the information of the member for Karrinyup he is not kidding anybody. Only those of us who are members of this Chamber can testify to the truth of it. *Hansard*, of course, does not record sleeping noises.

Several members interjected.

The SPEAKER: Order!

Mr BRYCE: I am very pleased to have this opportunity to indicate my support for a Bill which is designed, as late as 1976, to introduce democracy into the Legislative Council of Western Australia. I suggest to all members who take themselves seriously and who regard themselves as elected representatives, that they should be prepared now to actually examine the structure of the Parliament to see whether they should be taking themselves quite so seriously, particularly if the thoughts that are exercising their minds at this moment are leading them to the decision to oppose the Bill. I have a great deal of pleasure in supporting it.

MR B. T. BURKE (Balga) [10.55 p.m.]: I, too, am very proud to add my name to those members on this side of the House who support this Bill. Firstly, I congratulate the member for Mt. Hawthorn who has consistently shown a marked degree of perspicacity in matters electoral and has paved the way that the future will certainly follow as far as electoral laws and electoral reform are concerned.

I would congratulate also the member for Cockburn on what I found to be a remarkably interesting contribution to this debate. I think several of the points

he raised could well be considered seriously by all members of this Chamber and the hope must be that, in the serious consideration of the matters raised by the member for Cockburn, each of us may learn something about the way in which we should go in the future.

The fundamental problem with which we must grapple when we talk about matters concerning electoral laws is the problem of deciding the role which each of us should play in this Chamber. Are we here as representatives of the people solely to satisfy the wishes and aims that they would have us satisfy with respect to their needs and wants, or are we here as legislators charged with the responsibility of considering, in a responsible fashion, the laws that will be imposed on people throughout the State?

It seems quite clear to me that many more specialised people are better equipped than we are to carry out the "parish pump aspects" of a member of Parliament's job. I know very well that social workers could more competently carry out some of the functions that I perform on behalf of constituents, and that lawyers could more competently carry out some of the functions I perform for other constituents. So it would seem to me, Mr Speaker, to be an elementary and fundamental error to come down in your judgment or mine on the side of the argument that says we are here to prime and push the parish pump. Quite clearly we are here as legislators to reflect the views of those people we represent and the party to which we belong on matters brought before this Chamber for debate.

Given that situation it is an elementary blunder in my opinion and in the opinion of other people on this side of the House, to say that members should represent electorates containing different numbers of people. It seems very clear that one of the keystones of democracy is the concept that those people who elect Governments should have an equal say in the re-election or the defeat of those Governments and in the control of those Governments while they persist as Governments. That is not the case now and it will not be the case while the electoral laws under which members are elected to this House continue to be so blatantly unfair.

If any further illustration is needed of the inconsistency, the disparity, and the unfairness I am talking about, let us cast our minds to the contrast between the electorate of Pilbara and the electorate of Toodyay. Both electorates are severely restricted in terms of numbers, but one is a statutory seat and the other is an electorate which has half of the quota for the seats in the metropolitan area. But what is more remote about Toodyay than about the Pilbara? Quite clearly the Pilbara is more remote than Toodyay.

On that basis, according to this Government's philosophy, it should have fewer electors.

What is more scattered: The centres of population in the Toodyay electorate or the centres of population in the Pilbara electorate? Quite clearly the centres of population are more scattered in the Pilbara electorate than are the centres of population in the Toodyay electorate.

On that basis, which this Government so often advances, the comparison again fails the test; because on that basis the Pilbara electorate should be smaller in numbers than should the electorate of Toodyay, but of course it is not.

Mr Taylor: There are fewer in Kalamunda, 10 miles from Perth, than there are in the Pilbara.

Mr B. T. BURKE: That is the next point to which I want to refer: the distance of these seats from the capital city of our State. If we want to use that as one of the criteria to decide which seat shall have more members than another, then quite clearly the contrast again fails the test; because clearly the Pilbara electorate is much further removed from the capital city of this State than is the Toodyay electorate. Yet the Pilbara electorate has more electors than has the electorate of Toodyay. When we talk about expense in maintaining an adequate level of representation, quite clearly the electorate of Pilbara is a much more expensive proposition, and that is why the electorate allowance permitted for the Pilbara electorate exists.

Mr Nanovich: You said Pilbara has more electors than Toodyay. That is not right. Toodyay has nearly double the number that the Pilbara has.

Mr B. T. BURKE: I will come back to that in a moment. Obviously the electorate allowance for the Pilbara electorate exceeds that which is allowed for the Toodyay electorate, and so it is a more expensive proposition.

To get back to the interjection of the member for Toodyay, of course he is right; I did not mean to talk about the seat of Toodyay as it now exists, and because of that existence, as it now has been changed so that its urban areas have been taken into the metropolitan circle. What I was pointing out is that under his Government's philosophy the quota for the seat of Toodyay is half that for the seats within the metropolitan area as defined; and because of the reasons I have outlined it should clearly have more electors than should the seat of Pilbara—and, just as clearly, it has not.

Mr Nanovich: You still said Pilbara had twice the number of electors.

Mr B. T. BURKE: If that is the major problem around which the member for Toodyay is unable to wrap his mind, then

let him grapple with it. The point I am making is quite clear: on all the criteria which his Government uses to decide which seats shall exceed other seats in numbers of electors, and which seats shall be classified as country, statutory, or metropolitan, the comparison fails the test. If the member for Toodyay can explain, using the same argument he uses so often to support his position, how that situation should be allowed to persist, I would welcome the opportunity to hear him on his feet.

Mr Bertram: He is not permitted.

Mr Nanovich: I might even do that.

Mr Bertram: Yes, and pigs might fly.

Mr B. T. BURKE: One of the other points on which I want to touch briefly is the repeated interjection about some Legislative Council areas which return to this Parliament a member from each of the major parties. If we want to follow consistently the argument that is advanced by those people who so often interject to that effect, then I suppose it should be said that those people would be much happier to see every province of the Legislative Council return one member from the Opposition party and one member from the Government parties. But, of course, that is not a situation the member for Gascoyne wants to bring about, and that is not a situation about which he would say democracy prevails. However, he would use the opportunity to say what suits him when confronted with an example in which one province returns a member representing the Opposition party, and one representing the Government parties.

Mr Laurance: You are assuming a lot from my interjection.

Mr B. T. BURKE: Quite obviously, the fact that some provinces return one member from one party and one member from the other party has nothing to do with democracy, has nothing to do with the size of the electorate, and has very little to do with the Bill we are now discussing. If the member for Gascoyne believes it has a relevance to those things, then let him persist with his argument to the point where every province returns an Opposition and a Government member.

We also heard the member for Mt. Marshall use the fabulously absurd analogy of rating systems for local government as opposed to electoral laws for the election of members of Parliament. By God, Mr Speaker, if we are sending \$10 bills to this Parliament, something needs to be said about it because that is the basis of any rating system: property values. We are not talking about property values when we are talking about electoral laws. When we are talking about electoral laws we are talking about the fundamental right that people have to an equal say

in the election of a Government, and the control of that elected Government. To use examples of property values and to propel to such magnitude the importance of demarcation lines between different property values and rating systems is in no way to comment seriously on the advisability or democracy of demarcation lines in the area of electoral laws. In my opinion the analogy is not a worth-while one.

In summary, let me say this: If any more vivid example of the palpably unfair electoral laws under which we operate is needed, we have only to turn to the Legislative Council, because that Chamber as all members know has never seen a Labor majority. Do not members believe it is strange that while the Labor Party has governed in this Chamber for approximately half the time that we have been a State, it has never had a majority in the Legislative Council?

The same people have voted at the same time to elect members to both Houses of Parliament, and yet because of the blatantly unfair system under which they have had to vote, we have never seen a majority of Labor members in the Legislative Council.

Mr Blaikie: Wearing a coat seems to have improved your speech.

Mr B. T. BURKE: When I first came to this House I heard someone refer to the member for Vasse as the "cocaine kid", and I thought he was referring to that member's pugilistic prowess, until someone expanded on it and told me that it meant he was the fighting dope.

Quite clearly the member for Vasse has not contributed anything to the debate, and is unlikely to do so. He is not only incompetent, but also is cowed by the Premier.

Let me continue my summation. What I was in the process of saying was that any situation in which a number of elections at the same time can return such marked contrasts in terms of majorities in this House and in another place must tell us something about the equality of the distribution of electors.

Mr Laurance: No.

Mr B. T. BURKE: The final point is this: The member for Cockburn raised a very interesting aspect when he said quite rightly that while there is a probability or a possibility of representatives of a certain political philosophy being able to reward those who adhere to that philosophy, then a manageable, orderly system in which the rule of law prevails can probably persist; but when all hope is gone of parliamentary representation bringing about the sorts of policies that a large section of the community wishes to see implemented, and when all hope is gone of a large section of the community being relieved of its frustrations in an orderly

and manageable manner through a parliamentary system, the whole of this Parliament and the whole of this State should be warned.

When that hope is gone those people who are frustrated and whose needs go unnoted and unfulfilled will turn to other methods of expression.

Mr Laurance: Here it comes—the big threat! Such as what?

Mr B. T. BURKE: It has been exemplified throughout history. What do members opposite think gave rise to the Russian revolution, if it was not repression by the Czars? What gave rise to the right-wing revolt in Chile, if it was not the imposition of the left-wing philosophies of Allende?

Mr Laurance: They do not have a Westminster system.

Mr B. T. BURKE: No, of course they do not. But repression gave rise to revolt, because in Chile those of the right-wing philosophy believed they had no future, and the opposite has been the case in other countries around the world. It is all very well to say that they do not have a Westminster system. As the member for Cockburn so competently pointed out, the Westminster system is the one we have now. However, when the frustrations and pent-up repressions of so many people go unrelieved, who knows what might happen? This is a very serious question and problem with which we should try to grapple.

Mr Bryce: There is no Westminster system as crooked as this one.

Mr Laurance: You always make great play about the Lower North Province, and how it has five times the voting value. You never mention that the Labor Party held that seat for 32 years. Why can you not win a majority there again?

Mr B. T. BURKE: Let me put that statement to rest. I have been a member of this place for three years.

Mr Blaikie: We know.

Mr B. T. BURKE: Continually, we have people who have been members for less time than that telling me that Bill Bloggs said in 1806 that black was white, and the sky was green, and that because he was a member of my party, I must support what he said. But I do not. The honourable member's repeated assertion of that untruth tonight, once and for all, is thrown straight back at him. I would appreciate it if he would remember that irrespective of what was said by the Leader of the Opposition in 1959, the former Premier in 1961, or what will be said by the Speaker the year after next, my position is the position I occupy now.

I disagree entirely with that policy and philosophy advanced by my party, if it was advanced at that time, and if it is to be advanced in the future. Therefore,

my position quite clearly is the one I adopt now and the honourable member's repeated use of that interjection is an illustration of the weakness of his argument.

Mr Blaikie: Remember the pledge!

Mr B. T. BURKE: Remember the pledge! That comes from the man who represents an area where the League of Rights runs rife.

Mr Bryce: All the member for Vasse remembers is that he must clap loudly whenever his Premier presents his Budget Speech.

Mr B. T. BURKE: Members opposite talk about pledges and caucus, yet have members ever seen a more iron hand clutching the throats of cowardly people than the iron hand of the Premier we see clutching the throats of members opposite? Never!

Members opposite talk about the Opposition being bound to support certain positions, but how often has the Legislative Council rejected legislation proposed by the Liberal Government when it is in power? It occurs so much less frequently than in the case of legislation transmitted to the Council by Australian Labor Party Governments that there must be a much more restrictive control over Liberal Party members than over members of the ALP, because suddenly they do not even act as a House of Review, but do exactly as they are told. This is quite evident from the performance of the Government in regard to Tresillian and the very demeanour of members in this Chamber. It is idle for Government supporters to say that a Caucus can bind members more thoroughly and rigidly than can the Premier of this State. My God, it is a one-man Caucus with the promise to decapitate!

Mr Bertram: Well put! Not a denial from the Government!

The SPEAKER: Order! Will the member for Balga resume his debate on the Bill.

Sir Charles Court: He has got nothing to debate on.

Mr B. T. BURKE: The Premier's interjection is like a beacon in the night—"He has got nothing to debate on"! It is absolutely unbelievable! I would be ashamed to maintain my position with the same devices as this Premier maintains his position. If he is proud and pleased to be the Premier of a State by virtue of the most grossly unfair electoral laws anywhere in the world, let him have his pride.

The final point is this: As far as the electoral laws of this State are concerned, it is five minutes to midnight.

Sir Charles Court: You cannot even tell the time!

Mr B. T. BURKE: I will let that pass, Mr Speaker. Let me say this: It is, as far as the electoral laws of this State are concerned, five minutes to midnight; time is running out rapidly. Surely members opposite can understand that the repeated and increased frequency with which this matter is being discussed, not only in this forum but also in other places in the community, the repeated occasions upon which it has seen the public light of day, and the position being adopted by major newspapers in this State indicate that something is starting to stir and itch in the minds of the people who, at the next election, are going to return members opposite to this side of the House. Surely members opposite are prepared to concede at least that point.

Mr Bryce: Read your editor's remarks—the editor of your own newspaper.

Mr B. T. BURKE: As the member for Ascot so ably interjected, Government supporters should take note of the official organ of the Liberal Party in this State, *The West Australian* newspaper, which now is adopting policies contrary to that of the official party line. I would suggest that the Premier be despatched forthwith to lean on the editor and warn him that the next time he is seen at the Weld Club he will not be spoken to if things continue in this way.

Mr Bertarm: It might be better to work through one of the major shareholders here.

Mr B. T. BURKE: No doubt the Premier will talk to his wife about the matter later. However, let us not detract from the seriousness of the situation. The electoral laws under which members are sent to this place are unfair; the inequalities of the present system are being much more widely canvassed now than previously, and the Opposition at this time has shown it is prepared to lead the way, in the face of a recalcitrant Government which refuses to implement urgently-needed reforms. I have a great deal of pleasure and pride in offering my full support to this Bill.

Mr Bryce: It should be noted that the member for Vasse nearly got to his feet.

MR BERTRAM (Mt. Hawthorn) [11.09 p.m.]: Mr Speaker—

Government supporters: Oh no!

Mr BERTRAM: Members opposite are groaning. They do not seem to comprehend that when a Bill is introduced, the last speaker usually is the member who introduced it; he has the right of reply.

Mr Sibson: It was so long ago that we had forgotten.

Mr Watt: We thought you were not going to wake up in time.

Mr BERTRAM: The member for Bunbury has been here long enough to know it is customary for the mover of the second reading to speak in reply.

Mr Sibson: I just apologised; I said it was so long ago that we had forgotten.

Mr BERTRAM: The member for Bunbury does know that; I am not prepared to accept the proposition that he does not know. I do not mind some of the criticisms made of him but I am not prepared to accept that he is not aware that I have the right of reply on this Bill which I introduced many weeks ago.

I particularly want to record my appreciation of the contributions made on the Bill by a number of speakers from the Opposition. I shall refer to them not necessarily in the order of magnificence or chronology. I refer to the member for Swan and the member for Morley who, in the process of making his contribution, was suspended from the service of this House. The member for Cockburn's contribution was real and worth while. I refer also to the member for Ascot and the member for Balga.

Those speakers operated from a tremendous advantage. This is a debate which we cannot lose on its merits. When the numbers are counted, of course, I have a fairly rough idea what will happen. But everybody knows that if one has a good case it is a tremendous advantage when it comes to speaking in debate. The Minister for Labour and Industry would realise that more than anybody else, judging by the number of difficulties with which he is confronted from time to time in putting a case before this Parliament.

Let us consider the Government members. Let us take, for example, the member for Scarborough. He did not speak at all in this debate. I expected him to contribute because we remember that only a few hours ago he was talking about fair dealing and the use of excessive muscle. It is the use of excessive muscle in the very worst degree when one person in Western Australia who may not be able to read or write and has never voted previously in his life has a vote which is 14 times the value of the vote of a literate doctor in the electorate of Scarborough. The member for Scarborough was as silent as the grave and did not attempt to do anything about these things. The member for Scarborough, concerned as he purported to be earlier this afternoon with fairness and evenhandedness, made no comment. We heard not one word from the member for Scarborough on this issue concerning, I suppose, about 17 000 people in his electorate. If we multiply that 17 000 by 14 we see the immensity

of the problem that one is trying to demonstrate. How much notice do we take of the member for Scarborough on the Tresillian issue on the face of that?

Let us consider the member for Toodyay who hopes to become the member for Whitfords. He is going to have an interesting time out there shortly. He was a little distressed when one of the Opposition speakers allegedly misquoted a comparison between the seat of Toodyay and the seat of Pilbara. I wonder how he thinks about this proposition. When the people in the electorate of Whitfords, the individual electors—

Mr Nanovich: Why do you not talk some sense instead of muckraking all the time?

Mr BERTRAM: Let us not worry about muckraking. The member can cope with this problem. I shall spell it out for him. The seat of Whitfords is part of the North Metropolitan Province. Does he comprehend that?

Mr Nanovich: Yes.

Mr BERTRAM: There are about 80 000 people in the North Metropolitan Province. Does the member understand that?

Mr Nanovich: Yes.

Mr BERTRAM: That is two questions answered in the affirmative. That is excellent. Is the member aware that certain other provinces contain about 6 000 people?

Mr Laurance: Are you doing your articles?

Mr BERTRAM: Which articles is the member talking about? I did my articles about 30 years ago. I suppose that gives me a 30-year start on the member.

Mr O'Connor: He is reckoning you have not looked at them since.

Mr BERTRAM: One does not look at them when one has finished. They become history. The conservatives keep going back to the past. I see that the prospective member for Whitfords is back on the ball again. If he can divide 6 000 into 80 000 he will get the 14 to one vote we have been talking about. He was shocked and concerned about the slight slip of arithmetic previously. I wonder how he feels about that proposition. He discounts and tolerates and remains mute in this place while the people he has the audacity to seek to represent shortly are each discounted by 14 votes to one.

Recently I was interested to see an article in the newspaper which will no doubt also interest the member for Toodyay, who hopes to become the member for Whitfords. I hope he gets the opportunity to debate this question of one-vote-one-value. It would be a wonderful thing if the people of Whitfords could hear the member for Toodyay and the proposed Labor candidate for Whitfords

debate this matter. I propose to read only one or two lines of the article I read in the newspaper. It said—

Responsible governments safeguard the interests of all citizens: they exist for that purpose. The "special loading of votes" you so happily assent to amounts to nothing less than minority rule—and some of the people with those loaded votes live in such "remote" areas as Kalamunda, Lesmurdie and Rockingham.

Mr O'Connor: Who wrote that?

Mr BERTRAM: I shall accommodate the Minister in a moment. This letter appeared in *The West Australian* of the 8th March and was in reply to something which appeared in that newspaper. To continue—

In WA democracy has been compromised to the extent that 33 per cent of the electors are represented by 28 members in the Legislative Assembly, and 67 per cent represented by 27 members.

That letter appears to be signed by a person named Marilyn Anthony. She has some very real ideas about what happens to be fair, reasonable, decent and conscionable in the matter of voting.

One should not have to debate one-vote-one-value in this place in 1976. If it were not for the fact that we are here one would be staggered to know that we are in the Parliament today and not a century ago. I urge the member for Toodyay to take the opportunity in the course of the campaign at Whitfords to go to the people and debate this issue with Marilyn Anthony.

Mr O'Connor: Is she the Labor Party candidate?

Mr BERTRAM: I believe she is. She is an excellent candidate. The Minister for Police seems to know her very well. She is the Labor candidate and a very talented one, as the member for Toodyay will find out if he dares to go on the public platform with her on this issue. I am sure I can promise him that he will be accommodated if he would like to let the people of Whitfords know that he condones the present system.

Mr Nanovich: They tell me she is more attractive than you are.

Mr BERTRAM: I should like the member to repeat the interjection. I did not quite catch it. The member for Bunbury has awakened! At any rate the member for Scarborough is back in the Chamber, so I shall repeat my earlier comments. I do not think it is fair to discuss matters concerning the Scarborough electorate in his absence.

I have put the query to the House about the genuineness of the honourable member when he spoke about fair dealing and even handedness, while on this question of fair dealing he remains silent by choice

or because of the dictatorial attitude adopted by the other side of the House where from time to time certain members are prevented from speaking.

Mr Young: Would you like to send Miss Anthony to debate the issue with me in Scarborough?

Mr BERTRAM: I think the honourable member has enough problems in Scarborough without Miss Anthony.

Mr Young: Would you be prepared to do that?

Mr BERTRAM: I think I can arrange that in respect of this issue. What the member for Scarborough is saying is that he is prepared to debate publicly this issue, that the people of Scarborough should tolerate a discounted vote of 14 to one.

Mr Young: I am prepared to debate the question anywhere at any time.

Mr BERTRAM: This question?

Mr Young: Not a loaded question.

Mr BERTRAM: I am not worried about debating loaded questions. The Bill has to do with the watering down of votes in the ratio of 14 to one. It is of little use to call it by some other name. Sometimes I get a little cross when members on this side of the Chamber talk about gerrymandering, malapportionment, and dilution of votes in the proportion of one to two or one to five, when in fact it is a dilution of one to 14. That is the position with which we are concerned, and that is what the member for Scarborough condones. He has not spoken to the Bill at all.

How does the member for Karrinyup fare in this situation? He has not spoken in the debate either.

Mr Clarko: I would love to debate this subject with you anywhere at all.

Mr BERTRAM: Why does the honourable member not choose this forum, because this is where the debate should take place.

Mr Clarko: It sounds as if you are refusing to debate this matter.

Mr BERTRAM: Why is it that the honourable member conceals his position from Parliament on this question?

Mr Clarko: I have already spoken on a similar measure last year, but you have not taken any notice of my comments.

Mr BERTRAM: Do I understand the position of the member for Karrinyup correctly? Is he condoning the position where the electors of Karrinyup are discounted by 14 to one in their votes as against other residents of the State in Legislative Council elections? Is that his position? He remains as silent as the grave. It is a well known fact in law that when certain questions are put, and no answers are forthcoming, that is as eloquent as the answers which one knows should be given.

Mr Clarko: You have not the courage to debate this subject with me anywhere in the State.

Mr BERTRAM: Would the honourable member like me to put it to him again?

Mr Clarko: Why not answer my question?

Mr BERTRAM: That is the position concerning the Liberal Party for the time being. I must place on record the fact that I was a little surprised and disappointed with the contribution made by the member for Mt. Marshall. I was very interested in the facts which he submitted. All that I can say about the member for Mt. Marshall is that he fell for something of a trap, and more particularly he addressed his mind to the Legislative Assembly when as a matter of fact the Bill has to do with the Legislative Council.

Mr McPharlin: It was the weighted vote I spoke on.

Mr BERTRAM: Many of the points made by the honourable member were excellent, more particularly so had he been debating this matter in the late 1950s. He made some reference to the 1960s. However, the laws and attitudes of comparable countries changed dramatically between the 1950s and the 1960s; therefore what I might have been content to argue in the 1930s or the 1950s on this issue, I might not be prepared to argue at the present time owing to the weight of judicial and world opinion, and the pronouncements made in the United Nations and by the Supreme Court of the USA. How can one ignore those factors and hope to do the right thing? I believe one cannot ignore them.

I have not heard any member in this Parliament in the many debates in the last year or two joining issue on the pronouncement of the Chief Justice of the Supreme Court of the USA. Incidentally, as an editorial in *The West Australian* recently made very clear, there will be much more debate on this issue; and that is inevitable. Furthermore, the Opposition will win. The only question at issue is when that will happen. Of course the way in which the cards are stacked in this set-up we in the Opposition know we will face a long battle. However, that is nothing new in a progressive party; that has always been our position, and I hope it will continue to be so. When our party gets so close to being similar to the parties opposite that we cannot discern ourselves from them the State will be in a very bad way.

Turning to the National Country Party, one wonders what goes on. The Premier and some members opposite will no doubt recall these words of President Roosevelt, "While London burns and bombs fall on Pearl Harbour, we in America . . ." and so on. That is what is happening to the National Country Party. Plenty of bombs are falling around it, but its members do

not seem to hear them. Everybody else hears the bombs and knows what is happening.

The assault on the National Party of Queensland—which is the counterpart of the National Country Party of this State—is taking place, and it is about to be exterminated from the political scene. By whom is this being done? It is being done by the Liberal Party, the very party with which the National Party of Queensland sits in Government.

I say the National Country Party in Australia is doomed. I have made this point many times and *The West Australian* has accepted this view, and that is not a bad sort of corroboration. The only thing at issue is when the demise of the National Country Party will occur finally. Its demise has been hastened; it has been worked for and is on the way. The so-called Liberal Party is the architect of the whole conspiracy. The Liberals might pause for a moment to lull the National Country Party into extraordinary complacency which has never won a fight.

The SPEAKER: Is the member for Mt. Hawthorn relating these remarks to the Bill?

Mr BERTRAM: I certainly am. As has been pointed out in the second reading this is a Bill which will protect minorities. If the National Country Party does not quickly wake up to the threat it will miss the boat. Inevitably very shortly its members will not be in the Cabinet at all, and when that day arrives their bargaining power will be lost irretrievably.

I sound this warning: If they do not stir themselves they will have only themselves to blame. There is a widely circulated and often repeated rumour in the Terrace that National Country Party Ministers in the Cabinet will, before they become very much older, be Ministers in a Liberal Government.

Members opposite may laugh. We will see what a few years will bring forth. The member for Scarborough need not be disturbed. He might be fitted into the Cabinet in some way. In the few minutes remaining to me—it is not yet five minutes to midnight—

Mr Rushton: It feels like it.

Mr BERTRAM: Let me say that the member for Bunbury shares that view.

Mr Clarko: You have put the member for Avon to sleep.

Mr BERTRAM: The member for Karrinyup came to when I put the question to him about the person who condones the dilution of the situation in Karrinyup from equal voting to one of a 14th of the value.

Mr Clarko: You must be cross-eyed as well as everything else. It was someone else.

Mr BERTRAM: Does the member for Karrinyup support it? That is the second time he has been speechless which is a somewhat unique situation for him.

I want to make reference not so much to those who have not spoken on the matter which concerns the people in the electorate, but to what was a speech purportedly in reply to the Bill and purporting to be in opposition to it. When we read the speech we find that probably more than half of it was supporting the measure. However, apparently the message has gone around that it will be opposed, so he will oppose it; but he did not make much of a job of doing so in his speech which was a clear reflection of the Government's power-but-no-glory approach.

At one stage he said we are concerned with maintaining government; in other words, maintaining power—a power-without-glory approach. There is certainly no glory in this deal from the Government side. The Government's poor showing on this Bill can be sustained only for a number of reasons: firstly, because of the position taken by the semi-official media in this State; secondly, because of the prodigious wealth of the conservatives and the positions they occupy within the community, coupled with the propaganda capacity which flows from the possession of wealth and influence; and, thirdly, because of the intransigence of the conservatives both here and in another place.

Never in the 147 years of the history of this State has the ALP ever been allowed power—not once for a moment.

Mr O'Connor: Shows how wise the people are.

Mr BERTRAM: Does it? I venture to say it is not that at all. It is because it is virtually impossible to achieve.

Mr Young: You know it is, because you know that in your electorate in 1971 Mr Arthur Griffith won a seat in the upper House.

Mr Bryce: Is the member for Scarborough still kidding himself?

Mr Young: It is true. The electors have too many brains to give power to your members in the upper House and you know that too.

Mr Bryce: That is called the tit-for-tat argument, which is about as logical as the argument advanced by the member for Gascoyne.

The SPEAKER: Order!

Mr BERTRAM: Never in the history of this State has the ALP had a majority in the Legislative Council and I would not complain particularly about that if it were reasonably possible of achievement, but it is not.

What a sorry state of affairs it is when the Opposition is left to introduce this Bill into this Parliament at this time—the

most important piece of legislation which has been before this, the twenty-eighth Parliament. That is a sorry commentary upon the Parliament and it is the kind of situation which gives justification to the comments made by the member for Cockburn and endorsed by the members for Balga and Ascot. Their comments are nothing new, revolutionary, or surprising. They are not left wing. I think the first time I heard them publicly stated was by a man not noted for being a left-winger; that is, Kim Beazley. He recognised that position as having a degree of possibility and he has been around the political scene for many years.

It reflects no credit on the Government for its members to smile, laugh, and ridicule those arguments, because they happen to be very important to us, and perhaps more important to our offspring. We should take very real heed of them.

I think it is worth quoting a few comments of an editorial, once again in *The West Australian*, this time of the 6th September. The editorial reads—

One way or another constitutional issues extending to electoral reform are going to be kept before West Australians.

I can give a guarantee, as I have already, that that will occur. Whether or not it will mean a loss of seats in certain circumstances, we are obliged to pursue this because it is a battle we will win. The editorial made reference to the Bill and stated—

Though that move is unlikely to succeed, Labor can be relied on to keep Council reform alive as an election issue.

It certainly can be relied upon. Further on the article states—

The coalition will be on weak ground if it tries to entrench an Upper House as badly in need of electoral reform as the present one. The argument that the Council's powers should remain untouched would be much more persuasive if the House was put on a more democratic basis—which means breaking down the present grotesque—

The members for Karrinyup, Scarborough, and Toodyay may have noticed that word. To continue—

—loading of non-metropolitan votes.

The Council would also lay moral claim to its power to send a government to the polls if it was made accountable for its actions—which means the provision of double dissolution machinery.

They are interesting quotes, but the paragraph which deals more with the point I was seeking to develop reads as follows—

What electors can be thankful for is that the constitutional debate in this State is moving to a higher plane



than in the Federal sphere, where it has been characterised by ugly demonstrations. It is a great pity that vital questions raised by the events of last November have been clouded by emotion and violence.

The debate is being carried on at a good level and we hope the situation will remain that way. However, we are also entitled to urge and hope—though not necessarily expect in view of what we see here from day to day—that the Government will eventually respond. However, certain events during this Parliament have not given me any great confidence.

Let us consider a few aspects of the Minister's speech which is to be found on page 1375 of *Hansard* of the 26th May this year. The introductory speech on the Bill is recorded at page 1131, having been delivered on the 19th May, and debate ensued also on the 8th September and is recorded at page 2337 of *Hansard*.

As I have said, a careful study of the Minister's remarks will show that he argued as much for the Bill as against it. He referred to what he called "the hairy goat system". I think that demonstrates just how serious was his intent upon arguing the Bill. It was a really "profound" contribution, at the outset of his remarks.

The Minister made the point to which I have already referred; namely, that the Bill would protect the minority. Surely that is a plus for the Bill. He made the point that it would produce a close balance between the two major parties, and I think that is desirable. He also made the point that the whole State would be one province, and there is nothing new about that. We are used to it, and accept it in the Senate sphere. It also has the other virtue of bringing a greater "togetherness" within the State. I realise this togetherness attitude is not one which the conservatives relish very much. As a matter of fact, they spend much of their time trying to develop divisiveness—divisions generally within the community.

The Minister also said the elector would not be allowed to vote for the person of his choice but then, of course, the elector does not have that right now. One has only to ask the member for Subiaco about that matter, and perhaps he could develop the argument as to how much choice the people of Subiaco really have. He nearly had no choice himself, so once again it will be seen how much force there is in that choice. The choice which the electors would have, under the provisions of this Bill, is just as good as and, perhaps, in some respects better than the choice they are allowed to have now.

The Minister also said the Bill would make the law more inclined to the ALP. Well, what is wrong with that, if it is to

make the situation fair? I will tell members now that I would not have been persuaded to introduce this Bill if I thought it would take matters in the other direction so that the situation was again grossly unfair. We would not agree with that.

Another matter mentioned by the Minister was the question of electoral expenses. He pointed out that if one team consisted of one member, and another team of 10 members, the 10-member team could spend 10 times as much as the single-member team. Personally, I see nothing unfair about that. However, one would not throw out the Bill because of that. If the Minister was serious he could have moved amendments in that regard.

As a matter of fact, if members have observed the notice paper they will know there are a number of amendments on it designed to cover all the points raised by the Minister. With those amendments incorporated, the Bill would accommodate all the aspects raised by the Minister.

The Minister complained that the system would not be any good because it would take some time to count the votes. Well, I am not aware that the counting of votes in an election should resolve into a speed trial. I think the essence of an election is to get a fair result—a democratic result. So, I do not see that anyone should have serious thoughts on that matter. As a matter of fact, I think members representing provinces take their seats months after the poll is declared anyhow, so I do not see that time is much of a factor.

The Minister also mentioned the high degree of informality and said that the degree of informality in the proportional representation system operating in the Senate is high. I believe that far exceeds what has so far been evidenced under the proportional representation scheme which has been given a trial and apparently has received general acceptance in the State of South Australia. The Minister referred to the Borden system of counting votes. He said that under that system every vote had a value, and I think he meant to say that every vote had an equal value. He then went on to say that in 99.8 cases out of 100 the Borden system would produce the same result as the system proposed in the Bill now before Parliament. Having made the point, he then cancelled it out.

The contribution by the Minister was very poor; so poor that it appears the rank and file of the National Country Party took the view that there is absolutely and clearly a need for reform.

**THE SPEAKER:** the member has five minutes.

**MR BERTRAM:** Those members thought that the contribution by the Minister was so poor that the obvious and sensible

thing to do was to refer this matter to a Select Committee. I give an undertaking to the members of the National Country Party that if this Bill receives a second reading I will move forthwith—if that is the procedure under Standing Orders—for the Bill to be referred to a Select Committee for the purpose of examining the total position and, if possible, report back before the end of this Parliament.

Mr Stephens: Did you read the article on page 16 of Saturday's issue of *The West Australian*?

Mr BERTRAM: No, I do not think I did. Was it a good article?

Mr Stephens: It referred to the matter you are talking about.

Mr BERTRAM: I want to make it abundantly clear that if this Bill receives a second reading the Opposition will immediately move, or support a move by the National Country Party, for the appointment of a Select Committee to deal with the Bill in order that what is a tragic state of affairs may be rectified. "Tragic" is the word which comes immediately to my mind at this hour of the night, but more fitting and damning words of the present situation, as far as the upper House in this State is concerned, also come to my mind.

It is most important that I underline, particularly to the members of the National Country Party, the point that if they consider this Bill should be referred to a Select Committee we will take that course of action. We will not put any obstacle in their path at all. If members of the National Country Party are concerned about their future beyond the next year or so they ought to give some thought to my proposal.

I got the impression that the rank and file members of the National Country Party were very concerned about our electoral laws.

Mr Sibson: What about the member for Collie; what does he think about it?

Mr BERTRAM: The member for Collie has studied this Bill. He is well versed in it, and he would support the appointment of a Select Committee.

If the National Country Party wants a Select Committee on this question the Opposition will support it and, if it gets the opportunity, will actually move for the appointment of a Select Committee. So the onus is right on the National Country Party to give us the opportunity to have a Select Committee. If it does not support us the responsibility will fall fairly and squarely on each and every member of the National Country Party in this place.

The SPEAKER: Before putting the question I advise that this Bill is one of a trio of interrelated Bills which require for their passage an absolute or constitutional majority. I advise further that if

there is a dissentient voice when I put the question I will immediately divide the House; if there is no dissentient voice I will satisfy myself that a constitutional majority is present.

Question put.

The SPEAKER: Ring the bells.

Bells rung and the House divided.

Division resulted as follows—

#### Ayes—16

Mr Barnett	Mr Fletcher
Mr Bertram	Mr Harman
Mr Bryce	Mr T. H. Jones
Mr B. T. Burke	Mr McIver
Mr Carr	Mr Skidmore
Mr Davies	Mr Taylor
Mr H. D. Evans	Mr J. T. Tonkin
Mr T. D. Evans	Mr Bateman

(Teller)

#### Noes—24

Mr Blaikie	Mr O'Connor
Mr Charles Court	Mr Old
Mr Cowan	Mr Ridge
Mr Coyne	Mr Rushton
Mr Craig	Mr Sibson
Mr Dadour	Mr Sodeman
Mr Grayden	Mr Stephens
Mr Grewar	Mr Thompson
Mr P. V. Jones	Mr Tubby
Mr Laurance	Mr Watt
Mr McPharlin	Mr Young
Mr Nanovich	Mr Clarko

(Teller)

#### Pairs

Ayes	Noes
Mr Moller	Mr O'Neill
Mr A. R. Tonkin	Mr Monsaros
Mr Jamieson	Mr Crane
Mr T. J. Burke	Mr Shalders

Question thus negatived.

Bill defeated.

House adjourned at 12.05 a.m. (Thursday)

## Legislative Council

Thursday, the 7th October, 1976

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 2.30 p.m., and read prayers.

### BILLS (6): ASSENT

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

1. Parliamentary Commissioner Act Amendment Bill.
2. Acts Amendment (Jurisdiction of Courts) Bill.
3. Medical Act Amendment Bill.
4. Hospitals Act Amendment Bill.
5. Racecourse Development Bill.
6. Child Welfare Act Amendment Bill (No. 2).