Legislative Assembly

Thursday, 9 October 1986

THE SPEAKER (Mr Barnett) took the Chair at 10.45 a.m., and read prayers.

TOURISM: CARAVAN PARK

Monkey Mia: Petition

MR LAURANCE (Gascoyne) [10.48 a.m.]: I have to present a petition couched in the following terms—

> To: The Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned, being regular users of, National and International visitors to, Patrons, or otherwise concerned with the Monkey Mia Caravan Park situated on Peron Peninsular, Shark Bay, earnestly recommend that the said Caravan Park remain in its present situation and that any contemplated resumption of the two front rows adjacent to the waterfront be disallowed, thereby maintaining easy access to the beach of handicapped persons and young children, and ensuring constant vigilance of the Dolphin-Human interaction.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 1 158 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

(*See petition No. 39.*)

POULTRY: CAGE LAYER SYSTEM

Abolition: Petition

MRS WATKINS (Joondalup) [10.52 a.m.]: I have to present a petition couched in the following terms—

> 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 the cage layer system of egg production be phased out and replaced by a humane method, in which the hens would be free to walk, stretch their wings, dust bathe, nest build and fulfil their natural instincts.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 54 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

(*See petition No. 40.*)

OLD COAST ROAD

Renaming: Petition

MR P. J. SMITH (Bunbury) [10.53 a.m.]: I have a petition which is couched in the following terms—

> To the Hon. the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> WE, the undersigned humble petitioners, strongly oppose the changing of the name "Old Coast Road" to "Bunbury Highway".
>
> The "Old Coast Road" name has rich historical, social, economic and tourist significance dating back to 1858.
>
> We believe that to change the name would destroy part of the South West's heritage.
>
> 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 926 signatures, and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

(*See petition No. 41.*)

CONSUMER AFFAIRS

Confectionery Packaging: Petition

DR LAWRENCE (Subiaco) [10.55 a.m.]: I have a petition in the following terms—

> To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We citizens of Western Australia express that there is a need to end the current discrepancy in trading conditions between

Australian manufacturers of confectionery and importers, caused by inadequate packaging laws in this State. This discrepency should be rectified by the introduction of the recommended national packaging standards, based on a 40 per cent maximum free-space in the packaged product, which will enable equal trading opportunities for local and overseas confectionery manufacturers alike and protection for consumers against dishonest packaging practices.

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

The petition bears 188 signatures, and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

(*See petition No. 42.*)

MEMBER FOR MURCHISON-EYRE

Letter: Amendment to Censure Motion

Debate resumed from 8 October.

MR PEARCE (Armadale—Leader of the House) [10.58 a.m.]: I indicate to the House briefly, as I said yesterday by way of interjection, that the Government will not accept the amendment moved by the National Party to the motion moved by the Minister for Agriculture to censure the member for Murchison-Eyre.

In doing so let me say there was a beguiling aspect to the amendment proposed by the National Party, and to some extent we were tempted by it, because the presentation to the Parliament of the National Party's attitude in the first two parts of the amendment was a sound and sensible one, and one the Government could have supported, and would have been prepared to do so, to ensure there was the greatest possible support in the House for condemnation of the action of the member for Murchison-Eyre.

However, the National Party in doing that sensible and responsible thing also sought of course to push one of its own barrows, namely the proposition that it wishes a joint group to go to Canberra comprising the National Party, the Government, and the Liberal Party, to put a certain case to the Prime Minister with regard to rural costs.

Mr Laurance: That is not pushing a barrow; it is a proper thing for them to do.

Mr PEARCE: It is politics; that is right. The member for Gascoyne knows all about politics; he has been a bit of a casualty in the political arena on the last couple of occasions on which he has ventured into the front line.

The Government has made representations to the Federal Government about the pressure of rural costs and the like.

The Government does not have the luxury that the Opposition parties have of not having, in their presentation, to understand the realities of certain situations. So while we have made representations to the Federal Government with regard to rural costs, we have also done a lot as a State Government with regard to a whole range of taxation measures which would have an adverse effect on Western Australia. That does not mean that the sorts of things which the Leader of the National Party spoke about in the Parliament last night could necessarily be a part of some kind of joint delegation.

In any event, we are prepared to consider the proposition for a joint approach to Canberra. The Government does not rule that out and we are happy to talk with the Leader of the National Party and with the Leader of the Opposition about that. However, we believe it is inappropriate to include it in an amendment to a motion dealing with the conduct of the member for Murchison-Eyre even though it is related to the motion.

I understand the National Party's point of view. Government members, by themselves, are not prepared to take that action. However, a request of the Government made by Government members would be acted upon and there would have to be discussions between the three parties before any kind of joint delegation could be taken forward. That is not to say that the Government is not appreciative of the motives of the National Party in moving its amendment. If it had moved the first two paragraphs only, the Government would have been prepared to support the amendment in preference to its own motion. That is the Government's view on the National Party's amendment. If we can now dispose of that we can return to the discussion on the motion.

I hope that, during the debate on the motion, we will hear from the member for Murchison-Eyre and that he will explain his actions to the Parliament, the sovereign body in the State of Western Australia. He should be allowed to explain himself and not have his mouthpiece ex-

plain his actions for him. I hope that he will attempt to justify his actions and apologise.

MR HASSELL (Cottesloe—Leader of the Opposition) [11.04 a.m.]: It is my role, as Leader of the Opposition, because the Government has attacked one of my colleagues, to indicate that the Opposition strongly supports the proposals contained in paragraphs (2) and (3) of the amendment moved by the Leader of the National Party. I have a strong desire to see those proposals properly debated, supported, and adopted by the Parliament. However, we do not support paragraph (1) for reasons that will become obvious as I speak.

I do not believe that the Leader of the National Party moved his amendment with the same motives as the Minister moved his motion. The fact is—I repeat what I said yesterday because I do not intend to enter into the issues in the way the Government is trying to goad me into entering them—that we regard the Government's motion with complete and utter contempt. It is a disgraceful and unprecedented motion and an attempt to score cheap political points at the expense of a man who made an error and, after making that error—unlike many others in the community and in this Parliament—had the courage, fortitude, and strength to stand up and acknowledge the error, retract it, and apologise for making it. As I told the House yesterday, he was so distressed by the consequences of his actions that on two occasions he offered to resign, and those offers were rejected.

We do not accept what we see as an unnecessary and unfair call for the member for Murchison-Eyre to do more than he has done. When the Leader of the National Party spoke yesterday he said that the matter was dead and buried months ago. However, it has been resurrected by the Government in a discriminatory and malicious way, and we will have no truck with this action.

On behalf of the member for Murchison-Eyre I repeat the facts. The letter which should never have been written was written in error. It was written by a new member of this House who had been here for only one sitting. He has acknowledged his error, apologised for it, and has offered to resign. No more need be said or done about it. However, we are happy to place on record our support for the recent all-party delegation which travelled to the United States and argued against subsidised wheat sales by that country. We also support the suggestion that an all-party delegation from this State should travel to Canberra to discuss a whole range of issues on behalf of Western Australia.

I do not intend to debate that now in detail except to say that while Australia has little control over the actions of the European Economic Community, it has no control over the enormous stockpiles of grain and other products which would be capable of feeding the world for years, and it has little influence or control over the actions of the United States. However, we do have control over a number of internal issues some of which are mentioned in the amendment—the Commonwealth Government's contribution to artificially high production costs, the Federal Government's discriminatory taxation and tariff policies, and of course its industrial policies and the industrial relations system. Australia can do something about those matters, but they are being overlooked in Canberra because the Commonwealth Government does not understand the particular nature of Western Australia's economy.

I have indicated to the Leader of the National Party that we would like to see paragraphs (2) and (3) of the amendment introduced as a substantive motion. We would support it and may seek to add to it. If the Leader of the National Party is not prepared to introduce it, then we will do it ourselves. It is those issues that the Parliament should be debating and not the malicious, unfair, and discriminatory motion against one member of this House. The Minister pontificated while moving the motion and expressed his regret in having to move it. However, he did not show one shred of sincerity; he only indicated the depth of his hypocrisy.

Mr Cowan: He is now trying to denigrate a member of the other place.

Mr HASSELL: Not only is he doing that, but he is not here to listen to the debate on the motion that he said he had to move against all of his principles. He has left the Leader of the House to deal with it. Having given his pile of—

Mr Thompson: Bile.

Mr HASSELL: Yes, bile, yesterday, he left the Chamber. He did not have the courtesy to hear any of the debate. He went off to a Press conference, I understand, to attack a member of the other House. That indicates the depth of his sincerity. It is a damned disgrace that he has treated the member and this House in this way.

He should be ashamed of himself. He has shown up his lack of sincerity.

I make the point again to the members of the Government, because not all of them are necessarily to be lumped in, in a general sense, with the blatant unfairness of this whole move. I know they will be forced to vote for it because the iron-fisted glove of the Caucus has ruled that way.

Mr Pearce: Who stopped the member for Murchison-Eyre going on the Howard Sattler show this morning and who stopped him from speaking in this Parliament? The Leader of the Opposition said yesterday that the Opposition made the decision that he would speak and not the member for Murchison-Eyre.

Several members interjected.

Mr HASSELL: The Liberal Party has never operated on that basis and it never will. Let me explain briefly, for the sake of the Leader of the House, that the course of action adopted in this matter is one that is based on the complete consensus of the people involved.

Mr Pearce: That means you all agree to do the one thing.

Mr HASSELL: If, at any stage the member for Murchison-Eyre had wished to speak, or in the future should he wish to do so, I have no doubt he will do what he is free to do.

As I said at the outset yesterday, I do not want to give this motion credence by treating it in any special way or joining in in any banter with the Government. The whole motion is founded in unfairness and inconsistencies, and that has been demonstrated during the debate. One can be thankful that the media observed that in the way it reported, because in this morning's *The West Australian* one can read—

The SPEAKER: Order! I think members will understand that during this and other debates I have been tolerant in respect of members straying from the matter before the Chair. If I continue to do that members will take advantage of me. Members know that I am tolerant and I hope that the Leader of the Opposition will get back to the matter before the Chair, which is not the motion moved yesterday, but the amendment moved by the Leader of the National Party.

Mr HASSELL: I accept what you say, Mr Speaker, and I do not want to take a procedural point of order, but the House does require your assistance in getting some consistency between your rulings and those of your deputy. Yesterday, when this amendment was moved, the Deputy Speaker was in the Chair and the member for Mitchell spoke on subjects which did not concern the amendment; and on two occasions your deputy said he would not restrict him in what he was saying.

Mr Pearce: That is not true, and it is a reflection on the Deputy Speaker.

Mr HASSELL: I am not trying to misrepresent him in any way. I am saying to the Speaker, who was not in the House at the time, that the member for Mitchell was permitted, when speaking to this amendment, to quote Jeane J. Kirkpatrick, who is from the United States, in relation to the philosophies of the New Right. I am not relating these remarks to your point, Mr Speaker. The point I am making is that this side of the House does need consistency in rulings. I will go back to the amendment as has been requested.

The SPEAKER: Order! I think the Leader of the Opposition's problem is probably related to a game of football. It is fairly obvious that he has never been a rover because of his size. However, if he had been a rover he would have had to face the consequences of having to play with two umpires and not one. He would have needed the flexibility to deal with two umpires, which he now has. In any event, I hope he addresses himself to the amendment before the Chair.

Mr HASSELL: This is a very serious amendment and I cannot bring myself to treat it in a light vein. The Opposition will oppose the amendment moved because of paragraph (1). We strongly support paragraphs (2) and (3). I foreshadow that I will move a further amendment to delete paragraph (1) if the amendment moved by the Leader of the National Party is passed.

Amendment put and a division taken with the following result—

Ayes 5

Mr Cowan	Mr Schell	
Mr House	Mr Stephens	
Mr Nalder		*(Teller)*

Noes 41

Mrs Beggs	Mr Lightfoot	
Mr Bertram	Mr MacKinnon	
Mr Bradshaw	Mr Marlborough	
Mr Bridge	Mr Mensaros	
Mr Bryce	Mr Parker	
Mr Terry Burke	Mr Pearce	
Mr Carr	Mr Read	
Mr Cash	Mr P. J. Smith	
Mr Clarko	Mr Spriggs	
Mr Court	Mr Taylor	
Mr Crane	Mr Thomas	
Mr Peter Dowding	Mr Thompson	
Dr Gallop	Mr Troy	
Mr Hassell	Mr Tubby	
Mrs Henderson	Mrs Watkins	
Mr Gordon Hill	Dr Watson	
Mr Hodge	Mr Watt	
Mr Tom Jones	Mr Wilson	
Mr Laurance	Mrs Buchanan	
Dr Lawrence		*(Teller)*
Mr Lewis	Mr Williams	*(Teller)*

Amendment thus negatived.

Debate (on motion) Resumed

DR GALLOP (Victoria Park) [11.22 a.m.]: I return to the original motion on the question of the letter sent by the member for Murchison-Eyre to the United States Secretary of State. I refer to the comments made by the Leader of the Opposition.

Mr Pearce: Did you notice that the Leader of the Opposition voted the wrong way and all his colleagues followed him to vote the wrong way? He needed to delete those words in order for his amendment to be voted on.

Dr GALLOP: Of course, they do not have a Caucus system on that side of the House.

I refer to the comments of the Leader of the Opposition in this debate yesterday. He begins to sound more and more like a Leader of the Opposition as time goes on, but he has yet to realise fully his capacity in that position. He needs another nine to 12 years working at being the Leader of the Opposition before he fully realises his potential in that role. We will be perfectly happy if he continues in that role in future.

The tactics that the Leader of the Opposition—it is not a question of high principle—adopted in this debate and in the debate on the matter of privilege relating to the member for Gascoyne, and the techniques he adopts when some of his troops deviate from the straight and narrow, lead me to think that we should perhaps refer to him as the "Red Adair" of the Opposition. Unfortunately for the Leader of the Opposition, many of his troops are thus deviating these days. The Leader of the Opposition must solve the crises that those on his side of Parliament create. The Leader of the Opposition tries to go to the high moral ground. This is purely a tactic. He attempts to avoid the substantive issues that are placed before us by talking about the non-party nature of Parliament. He talks about the importance of Parliament as a tactic to defend those on his side of the House for actions that they have taken which are indefensible. That is the only way that he can defend some of his members. He cannot defend them in relation to the issues that are brought up by members on this side of the House. He cannot defend them because they are indefensible. Thus, the only way he can defend them is by going to the high moral ground of politics, talking about Parliament and accusing our side of bad faith. The strain of having to do this occasionally shows, but most of the time the Leader of the Opposition performs his task well and with more skill and dignity than the Basich second XI behind him. Nevertheless, there are very important flaws in his argument.

Let us consider the argument he presented against the motion that was moved on this side of the House. He argued that we should forget about this affair. That was also the argument, incidentally, of the Leader of the National Party. He argued that we should forget that the member for Murchison-Eyre wrote that letter—remember it was written secretly and in confidence, as he said in the paper a few days later—because the member for Murchison-Eyre apologised to the Leader of the Opposition for the consequences of that letter for that side of the House. He did not apologise for the substantive questions related to the issue of writing the letter in the first place; rather, he apologised because of the surrounding furore and the consequences that surrounded the release of the letter.

Apparently the member for Murchison-Eyre even offered to resign his seat, but for some reason not explained to us in this Parliament the Leader of the Opposition did not accept that resignation. The Leader of the Opposition also argued that we should forget about this affair because the Press was told about the apology and that was enough: Equilibrium had been restored in the State of Denmark and we should forget about the matter.

There are two very important problems with the argument produced by the Leader of the Opposition. The first was pointed out by the Premier; namely, there is a very important discrepancy between that argument and the evidence that has been produced. The member for

Murchison-Eyre did not really apologise. He treated his own apology with contempt when he told Radio Kalgoorlie that his only crime was to break the eleventh commandment by being caught out. That is an important flaw in the argument.

There is another important flaw in his argument. It is absolutely clear to everyone in this Parliament and to the general public that we need the member for Murchison-Eyre to stand up and outline his case. Those of us on this side of the House will listen and hear what he has to say about what he did and why he believes it was an error. It is a perfectly easy and simple thing to do. Why does he not do it? It is absolutely clear that the Liberal Party does not trust the member for Murchison-Eyre. Members of the Liberal Party are stopping him from speaking in this debate because they do not quite know what he will say. They do not quite know which new areas he will go into in terms of a debate on this general issue. They will not let him face up to the question in this Parliament and debate the issue with his fellow parliamentarians.

The contempt for Parliament is being shown by the Leader of the Opposition, not by this side of the House which has given the opportunity to the member for Murchison-Eyre to explain to the Parliament, which is an extremely important forum, why it is that—

Mr Clarko: He is not required to explain his actions here.

Dr GALLOP: He should explain his actions because he is a fellow parliamentarian.

The contempt that the member for Murchison-Eyre shows for this Parliament is demonstrated by his actions. He does not regard himself as being a fellow member of this Parliament. He does not believe he should explain his actions in this Parliament.

By implication the Leader of the Opposition also has shown contempt because he has not allowed the member for Murchison-Eyre to explain to his fellow parliamentarians the action which brought this Parliament into disrepute. That issue has been avoided by the Opposition.

The Leader of the Opposition says that he is satisfied; the member for Merredin, the Leader of the National Party, has said that he is satisfied because of what the member for Murchison-Eyre said to him. He is also satisfied because of what the member for Murchison-Eyre said to the Press. What about the Parliament? What has happened to the Leader of the Opposition's argument about the importance of Parliament? It has deserted him on this occasion because it is not convenient for him to allow it to be raised.

We need to know from the member for Murchison-Eyre the precise nature of his apology.

Mr Clarko: You do not at all.

Dr GALLOP: Of course we do because the nature of his action was highly treasonable, using the word in its general sense.

Mr Clarko: Rubbish! You do not know the meaning of the word "treason". What about the Australian Labor Party in World War I and its policy over conscription? That was treason.

Dr GALLOP: World War I was more than 60 years ago. Are we or are we not all members of Parliament responsible for our actions and in some sense accountable to each other for our actions? If the member for Murchison-Eyre apologises, the Opposition parties can be assured that those of us on this side of the House will treat the apology with the dignity it deserves and will say to the member for Murchison-Eyre, "Well done, you have faced up to the responsibilities of being a member of Parliament and being an Australian citizen." We will give him every credit for doing that, but the Opposition is not letting him do so because of the iron fist of the Liberal Party caucusing.

We have given him an opportunity to apologise to the people of Australia and to the people of this State within the most important forum of this State; that is, the Parliament. That is the forum in which he should be given the opportunity to apologise, not to the Press and not to the Leader of the Opposition acting in his capacity as a party leader. The member for Murchison-Eyre should issue his apology to the Parliament of this State, but he is not being allowed to do so.

I conclude by saying that the Leader of the Opposition has been forced on a number of occasions to go to the high moral ground to try to defend one of his members who cannot be defended on the substantive issues that face us today. On this occasion he has been caught out because the real issue is that the Parliament, the most important forum of all, should be given an opportunity to hear the apology of the member for Murchison-Eyre. He is a fellow member of this Parliament; I believe the motion we have moved gives him an opportunity to do that and he should stand up today and speak, but I see that he has left the Parliament.

Withdrawal of Remark

The SPEAKER: Before putting this motion, it is my intention to address some remarks to the member for Murchison-Eyre. In view of that, I ask the member for Murchison-Eyre to resume his seat in the Parliament.

During the speech just made by the member for Victoria Park I observed the member for Murchison-Eyre cross the Chamber, stand next to the member for Victoria Park and address certain remarks to the member while he was making his speech. I have subsequently made inquiries and I find that those remarks were, "Sit down, you cretin".

I regard that as entirely unsatisfactory parliamentary behaviour and I will not tolerate that sort of behaviour in this place from any member. I demand an apology now.

Mr LIGHTFOOT: I retract and apologise.

Motion Resumed

Question put and a divison taken with the following result—

Ayes 25

Mrs Beggs	Mr Marlborough
Mr Bertram	Mr Parker
Mr Bridge	Mr Pearce
Mr Bryce	Mr Read
Mr Terry Burke	Mr P. J. Smith
Mr Carr	Mr Taylor
Mr Peter Dowding	Mr Thomas
Dr Gallop	Mr Troy
Mrs Henderson	Mrs Watkins
Mr Gordon Hill	Dr Watson
Mr Hodge	Mr Wilson
Mr Tom Jones	Mrs Buchanan
Dr Lawrence	*(Teller)*

Noes 15

Mr Cash	Mr MacKinnon
Mr Clarko	Mr Mensaros
Mr Court	Mr Spriggs
Mr Crane	Mr Thompson
Mr Hassell	Mr Tubby
Mr Laurance	Mr Watt
Mr Lewis	Mr Williams
Mr Lightfoot	*(Teller)*

Pairs

Ayes	Noes
Mr Brian Burke	Mr Blaikie
Mr Tonkin	Mr Trenorden
Mr Evans	Mr Rushton
Mr Grill	Mr Grayden

Question thus passed.

Decorum of the Chamber

THE SPEAKER (Mr Barnett): Before going to the next Order of the Day I want to point out that although I did not see the incident yesterday, an incident similar to that which occurred today was reported in *The West Australian* this morning.

I regard both actions, one of which I saw and one on which I shall not take any action because I did not notice it, as intimidatory in the extreme or at least an attempt to be so. I shall not tolerate such behaviour from any member. It is quite probably the last time I will ask for an apology for such an event. If I notice it occurring again in this place, I will take far more serious action without requiring an apology.

ACTS AMENDMENT (ELECTORAL REFORM) BILL

In Committee

Resumed from 7 October. The Deputy Chairman of Committees (Mrs Henderson) in the Chair; Mr Bryce (Minister for Parliamentary and Electoral Reform) in charge of the Bill.

Progress was reported after clause 8 had been agreed to.

Clause 9: Section 8 repealed and a section substituted—

Mr MENSAROS: This clause provides for the Legislative Council to have fixed terms of four years so that all its members' terms terminate at the same time. This is contrary not only to the present status quo but also to the provisions of virtually any of the second chambers of any bicameral system that we know of, whether within the Westminster system or under the United States presidential system.

In the Commonwealth of Australia the Senate is elected in such a way that half its members are elected at one time and they serve twice the term of the House of Representatives. The same applies to all five States which have bicameral systems in Australia. It applies in the US, both on a federal level, and, also, with one or two exceptions, to those States which have a bicameral system.

The system is slightly different in the UK, where the House of Lords is a permanent body. There is no joint cessation of terms in toto, only by the members whose terms expire individually. In 99 per cent of the cases that is by death only.

It is strange that this provision should be brought in here, because I remember the Minister saying during the earlier Committee stage of this debate, in connection with another question which we discussed, that if the Legislative Council were to be identical in many respects to the Legislative Assembly, why have it at all? This is precisely my main argument in connection with this provision.

Whether one looks at it practically or theoretically, one of the main requirements for the bicameral system—indeed the main justification for it—is that there should be a marked difference between the organisation, the procedure, the election, and to some extent even the responsibilities of the two Chambers.

One of the most important differences is that the upper House has a fixed term, and that fixed term is different from the term of the Legislative Assembly. In most cases the members serve twice the maximum term of the Legislative Assembly. According to our Constitution, and according to most Constitutions, minimum terms can be either unlimited or subject to some limitations. The lower House can be dissolved earlier than the maximum term, but in Western Australia we are lucky that this has happened on only one occasion in the past, and the three-year term has been served regularly. In other States, particularly in the Commonwealth of Australia, so-called early elections are fairly frequently held.

It is quite clear that the second Chamber is one of the checks and balances which the Westminster system has. It has a smaller number of these checks and balances than the presidential system, because the Administration and the Legislature are combined. We would like to retain this check as it is, and that is why we are opposed to the "all out" situation in the Legislative Council. At any time when there is an election in the Legislative Assembly, the result could very well be to a certain extent decided on a single issue, or on reasonably short-lived issues which, after a while, fade into insignificance.

If one has the provision defined in this clause, that all the councillors are elected at the same time, one might have the Legislative Council as well as the Legislative Assembly elected on this one, single, short-lived issue. This does not then give the opportunity for the councillors to be slightly different from the Assembly so that they may consider things in a different light.

The different role of the Legislative Council may be expressed in various other ways. Whether we succeed in parliamentary changes and reform on this occasion as a result of this Bill, or as a result of further possible negotiations between the parties, I am quite sure that if the bicameral system is maintained, in due course other recommendations will make the upper House even more different in its role.

There may be times when no Administration members would sit in the Legislative Council. The time may come when there should not be any administrators there. Perhaps the Leader of the House could participate in Cabinet meetings so that there would be a flow of information in both directions, but there would not be Ministers of the Crown in the upper House because that would result in the Legislative Council not being bound by Cabinet decisions in any way. If any Minister wants to introduce a motion, or anything which expresses different views from those of the Government, he would be unable to do it unless he chose to resign.

It would enhance the independence of the Legislative Council if members of that House were not under such obligation. I am not talking in a political sense. It often happens that a decision is made, not a majority decision, but a consensus decision, which all the members of Cabinet are bound by.

Although it would be cumbersome for the Government of the day, with such a measure, we would be in the situation that prevails in the United States—and in many of their States as well, not only on the Federal level—where the Government would have to lobby the second Chamber, the Senate, to pass certain legislation which the administration has decided to introduce.

Mr Bryce: I think there is an excellent case for removing Ministers from the Parliament altogether, as the Americans do. That is going a bit far, you might think.

Mr MENSAROS: That suggestion would change the entire Westminster system.

Mr Bryce: I know.

Mr MENSAROS: But that is an argument as to which is the better system. In my early years in this Parliament, I travelled around the world and visited other Parliaments to see how they worked. I always add here, not from pride but from factuality: I never received a penny from CPA or anyone. I saw many Parliament Houses and both systems in operation and personally came to the conclusion that the Westminster system, with all its faults, is superior to the presidential system.

I based that conviction on some information which very few people know; for instance, the collusion between members in the Senate of the United States for certain votes, when there is bargaining and cashing in of IOUs, and so on. That is inferior to the party system; and although we might criticise a party being caucused, or a certain discipline on this side of

the House, that sort of thing is at least the result of internal discussions and the exchanging of views, with a majority view being reached.

However, perhaps we could play with the idea that the upper House will not have Ministers. I definitely believe that the members of the upper House should have more facilities, and I was very sad to read an article in the newspaper this morning which condemned out of hand any suggestion that the buildings and facilities of Parliament should be improved. I only hope that the Government will not be intimidated by the fact that the media has a different view from, apparently, both the Government and the Opposition. I do not think the views held by both the Government and the Opposition regarding improvements to Parliament House are selfish. I think our concerns are more for the proper serving of the public and the importance and seriousness of Parliament House.

I believe the members of the Legislative Council should have more facilities from the point of view of research and information so that they can take the role of members of a House of Review more seriously and effectively. Indeed, the thrust of this legislation—and the suggestions from both the National Party and the Liberal Party—implies that by accepting proportional representation there might be a lesser emphasis on representation in the Legislative Council than there is in the Legislative Assembly, which retains the single member electorates. I emphasise that the role of the Legislative Council as a House of Review, based on my experience and particularly some events related to me before I became a member, was much broader in previous times. Members sat in a more staggered manner and less on party lines than they do today, and much more independence was exercised by members. This applied especially to members such as Hon. H. K. Watson, Hon. Gordon Hislop; and I believe Hon. Frank Wise was very much in this category as well, both before he became leader, and when he was the Leader of the upper House. Of course, he had additional respect for having been a Premier of the State.

The reason for the staggered terms in the Legislative Council is to assure the continuity and stability of the upper House and to prevent sudden changes that would occur if all members of both Houses were elected at one time. If that were the case the continuity would no longer exist.

The staggered election system is essential from all these points of view and that is why it is included in our policy, which is virtually not negotiable.

Mr STEPHENS: The National Party supports clause 9. It is now generally accepted by everybody that four-year terms for the Legislative Assembly are most desirable, and I think they are now generally in force in State Parliaments thoughout the Commonwealth.

This clause does raise the question that, if we have four-year terms for the Legislative Assembly—which are acceptable and desirable—and if we continue with the current procedure of split elections in the Legislative Council, it would give Legislative Council members eight-year terms. We feel that eight years is far too long a term for a member of Parliament. That is one of the reasons we are prepared to accept the concept of four-year terms in the Legislative Council.

[Quorum formed.]

Mr STEPHENS: The other reason is that it has always been held that the upper House needed continuity. Under the present election system, there may be a very strong emotive issue which causes a massive swing on that point alone and which could then possibly indicate that the membership of the House is out of balance over most issues. Splitting the elections meant that if that situation did develop, only half the members would be affected.

Under proportional representation that situation cannot exist. With the very nature of proportional representation, the Parliament will always have a reasonable balance of members in the Council. Without having done any direct research on it I would be amazed if, on a two-party preferred basis, the voting has ever been more than a 45 to 55 per cent return. On that basis, with proportional representation, it is absolutely certain that there will be continuity of party representation in the upper House. The balance of representation is kept up there.

For that reason, it is now unnecessary to have staggered elections to protect the balance in the Council. They are the principal reasons why the National Party will support this clause.

Mr MacKINNON: I listened very carefully to the comments of the member for Stirling. I do not agree with him with respect of the question of the split terms in the Legislative Council. I think we should look very carefully at that proposal and at what history teaches us in that regard.

The member for Floreat indicated that if one looks at the legislatures in the United States, Canada, Great Britain, and Australia where we have a bicameral system, in almost all cases the Legislative Council or the upper House has a different tenure for very good reasons. It is also interesting to look at the four-year term implemented throughout Australia in many of the States. I know that New South Wales, Victoria, and South Australia have an eight-year term in the upper House. I have spoken to members in each of those States on either side of the House and they have expressed support for that system. They have had no problems or public backlash. I have no concern.

Mr Bryce: I bet those upper House members often feel very comfortable indeed.

Mr MacKINNON: I spoke to Assembly members as well as Council members to see if they had had any backlash to them personally on the basis of the eight-year term, and there was none.

Our policy indicates that we support a three-year term in the Assembly and a six-year term in the Council. I personally support a four-year term. I would like to see us move to that end but it has been resolved by a majority vote in our party to move to three and six-year terms so I go along with that. I see no argument against the proposal for an eight-year term and for that to be used as an argument to do away with the split term.

The other point I make—and I think the National Party should listen to this because it is a very important one—is that if we do move away from split terms in the Legislative Council, the differences between the two Houses becomes even less. The member for Stirling has heard my argument before on this point but I think it is valid. There will be a tendency for both Houses to become more and more alike. We should look 16 years ahead when things will be changing between the two Houses. If elections are held concurrently, inevitably the result will be to have one House as a mirror of the other. In 20 years' time there will be an argument raised through the public medium or the Parliament; maybe from the Labor Party which has been traditionally supportive of the move to abolish the upper House.

The strength of the argument will be quite enormous when both Houses mirror one another. If we are to have a House of Review it is an essential principle that we must abide by the principle that there be as much difference as possible retained between the two Houses in terms of the election of members. That is why we have come to the view of supporting proportional representation in the other House despite the fact that it was not initially part of our policy. Secondly, while we have always supported the split elections, we would like to see a further strengthening of the upper House as a House of Review.

During this debate I have heard the Minister for Parliamentary and Electoral Reform pooh-pooh the concept of the Council being a House of Review. Perhaps it has drifted away from that concept a little but I think it still does play an important role as a House of Review and I think it has the potential to play an even greater role. If one looks at the Senate, which is a House structured on pretty tight political lines, one only has to look at the number of Senate Select Committees compared with the House of Representatives to see exactly the role that the Senate does play in that regard.

I think we should look carefully at this clause to ensure that the difference is retained between the two Houses if one subscribes to the concept of a House of Review which we have traditionally always done. If one does subscribe to that point of view, split elections are an essential part of that argument. I therefore join with my colleague, the member for Floreat, in saying that we would not want, through this clause, the terms of elections of both Houses to be concurrent. We see that as a retrograde step and the first step along the path of eventual abolition of the Legislative Council, which we would have no part in either now or in the future.

Mr STEPHENS: I listened quite intently to the Deputy Leader of the Opposition, but I am afraid he has not persuaded me to change the point of view of the National Party in any way.

When we look at Canada and the United States we find a different situation. I do not think one can make comparisons about the way they are elected. My good friend, the member for Floreat, indicated that the Canadian House is an appointed House. There is a difference in the way the Houses are elected. We have the Assembly on single-member constituencies, and under this Bill the proposal is that there will be proportional representation on a broad regional basis. If the National Party point of view were accepted, it would be the broadest regional basis of all the suggestions which have currently been put forward as amendments.

We want only three areas in the State. This gives a different composition to the upper House. We can accept, with Assembly elections, single members and very small electoral boundaries. There might be a very intense local issue where the strong feelings of the people cause them to vote on that particular issue. That would not have the same impact in a broad region. There is a difference. With proportional representation, we have a percentage of all members of the major parties being elected. On occasions there might be the odd single-issue party being elected. The differences are there and we accept they are sufficient to prevent that mirroring that the Deputy Leader of the Opposition mentioned.

When I spoke earlier I kept strictly to the actual amendment before the Chair; but other speakers have talked about developing the role of the upper House. I could not agree more with that. It is part of National Party policy to improve the performance of Parliament and in order to do that, we have to make changes in the upper House.

Although it may not be party policy at this stage, I subscribe to the view that there should not be Ministers in the upper Chamber. I think the role of the upper Chamber should be developed on the committee system so that it is sitting consistently with Standing Committees, operating along the lines of the Senate. Certainly the transformation in the effectiveness of the Senate has been accepted by all political parties since it was changed to proportional representation, and by developing the committee system. I believe that if we follow that line in this State, we will get better value out of the Legislative Council.

One other benefit would be that the councillors would not be running around Legislative Assembly electorates, trying to be glorified Assembly members. That is wasteful and I believe that anything which would abolish that should be supported. Proportional representation, on a broad regional basis, will reduce that tendency because it will be impossible for Council members to establish the close relationship with the electorate which the Legislative Assembly members establish. Legislative Councillors, to a large extent, have been able to establish that relationship because of the nature of representation at the moment.

Mr BRYCE: I would like to make a few general comments about the amendments on the Notice Paper which the Committee will be considering during the course of today's proceedings.

From the Government's point of view, I indicate to the members for Stirling and Floreat that I now have an opportunity, as Minister, to examine the thrust of the amendments. The Committee would appreciate the difficulty in which the Government has been placed, having only received the amendments just before the Chamber commenced business on Tuesday. I will not dwell on that issue, but I indicate to those two members that I have a responsibility to seek Cabinet consensus on some of the fairly important questions we are dealing with. Therefore, I will, rather than make unilateral decisions on the floor of the Chamber during this Committee process in respect of rejecting or accepting particular amendments, indicate which amendments I am prepared to recommend to the Cabinet for review.

I hope that we can do that next Monday, but I believe the actual process of exchange between ourselves in considering these amendments, in this sort of detail, is a very valuable part of the process. I indicate very clearly that while some of the amendments will be rejected by the Government, I would be happy to refer others to Cabinet for its approval in respect of amending our approach. I might say that the first amendment, in clause 9, is not one of those which I will be suggesting to my Cabinet colleagues that we vary. The particular part of the State's Constitution upon which we are focusing provides the mechanism for a six-year term for the upper Chamber and a three-year term for the lower, popular, Chamber. The Government is suggesting that there ought to be a four-year term for both Chambers. This particular part of the Constitution has existed since 1963. Prior to that, we had the rather extraordinary situation in which there were six-year terms, with three members to each province; there were biennial Council elections, and there were three stages during an election.

I do not suggest that no other place in the world has this practice. In the 100 years which preceded World War II, when democracies were emerging, there was one heck of a preoccupation in the minds of many people: It was essential for a second Chamber to provide the brake on the democratic process—because something might happen when the people expressed their will at an election in any given year which might carry through to both Chambers and bring trauma upon the population. I assume that was the reason that a certain school of thought prevailed and provided for that type of constitutional structure to be put in place for more than 100 years in respect

of these institutions with which we are making comparisons.

This part of the Constitution was put there in the first place to retard the ability of Parliament to reflect the will of the people. There are many parts of this particular Bill which were designed, quite consciously, to enable the structure of the Parliament to respond more effectively to the will of the people when it was expressed. The people have a right to make a mistake and if they make a mistake, under our system—

Mr Stephens: What about members of Parliament who make mistakes?

Mr BRYCE: As one of those members of Parliament who, it may be said, has been known to make a mistake, I think there is plenty of scope for members to make mistakes; but if they do, they ought to be prepared to acknowledge and apologise for them.

This section of the Constitution, as I have previously said, provides for that fixed six-year term for the second Chamber, and the Government is suggesting that there ought to be a four-year term for both Chambers of Parliament. I find it hard to justify an argument that members in that other Chamber should be able to avoid the necessity of facing the people every election. I find it quite fascinating that we should say to some members of the Parliament, "New look, you are a bit special and we will treat you differently. You can skip every second election. There is no need for you to submit yourself to the will of the people as expressed through the ballot boxes every election." All members of this Chamber face the people every three years.

Both the Deputy Leader of the Opposition and the member for Floreat have outlined their concern about the importance of the two Chambers of Parliament being somewhat different. I think the member for Stirling touched on the basic argument, and I would like to round it off in conclusion. This particular Bill provides for significant differences. For the first time in this State's history, the Government is seriously addressing the question of a fundamentally different method of electing members to the second Chamber.

There were all shades of grey in terms of the property franchise which applied to both Chambers; and this becomes obvious if one goes back far enough. However, to try to allay some of the fears of the member for Floreat about the question of differences, the Government will have, under the proposal before the Committee, proposals for the second Chamber to be elected on the basis of totally different regions. The member for Stirling has suggested that he would advocate vastly different regions from anything which applies in the Legislative Assembly.

On top of that, there is the question of a very different method of counting with the introduction of proportional representation in those regions. There are other factors which demonstrate the differences between the two. As far as the legislation is concerned, the upper Chamber will have a fixed term and the Legislative Assembly will not.

The difference in respect of the powers of the two Chambers is mild. I think there are some fairly valid differences in terms of the way members will be elected to that place and the way it will therefore be subsequently constituted as a result of these differences. The member may place a great deal of store in the question of differences, but I am not sure I share his enthusiasm for the need for those differences.

If the member is looking for the differences to sustain his position, I would suggest they are very valid facets. It is very valid to say that those differences are real.

We could not seriously consider an eight-year term for members in a second Chamber. Our party has discussed this point at length and we are well aware of what has happened in other parts of Australia. But it is a value judgment and values are sprinkled right the way through the Electoral Act and the Constitution in this State. So there are very few absolutes in terms of rights or wrongs. From the point of view of serious consideration, our members can find no justification for an eight-year term. We therefore propose to the Chamber that we have both Houses with four-year terms.

Mr MENSAROS: I am very sorry that the Government is rigid on this, particularly as the Government is going against the general trend existing in Australia, something the Minister acknowledged, and also in view of the fact that we on this side are only rigid in our stance from the point of view of having a staggered term because of the arguments I have already mentioned. We are not rigid on the point of view of terms of three years and six years. If consensus were to come about that it should be four years, we would be quite happy with eight years for Legislative Councillors.

Basically our policy is that the term of the Legislative Councillors should be a fixed term being twice that of the maximum term of Legislative Assembly members. Our philosophy is not based on party-political considerations. I do not think any party would have an advantage whether the term was staggered or not.

There might be a party-political consideration combined with proportional representation because quite obviously no matter what regions we decide on, if we agree we should have regional proportional representation, and if half the members are elected, one's quota is twice as high as it would have been if all the members were elected.

That might be a serious consideration for the National Party because it is presently the smallest party, hence the party-political argument that the bigger the regions the better it is for small parties. If it is an all-out situation in the Legislative Council, the small party has more chance to have more members elected because the quota automatically becomes smaller—half of what it would be if there were half-Council elections at one time.

Turning to the provisions of the clause, it would possibly be to the Opposition's advantage to have an all-out situation if we looked only at the short-term advantage, because historically there is more chance for an Opposition to be elected after a Government has had two terms in office, taking also into consideration national issues and so on, than after one term in office. Therefore, with an all-out situation the Opposition might gamble if it were to look at the short-term party-political advantage and say it would rather go into an all-out situation because it would get a larger majority in the safer situation in the upper House. But that is not the situation with us.

The other point is that we accept also in this and in the amendments I will move that we are not extending our arguments to the rejection of the idea that the lower House term should also be restricted from the point of view of early elections. We accept that. We think it is unhealthy if the Government of the day can merely wait for a time when it is gaining maximum support to decide to hold elections immediately. This has occurred on both sides of Federal politics. The Labor Government under Gough Whitlam called an election after it had been in office for less than half its term. The Hawke Government has done the same, basing its decisions on publicity. I realise that this would be made more difficult in WA with the provisions of the fixed terms in the Legislative Council, but we accept the restrictions providing for a minimum term to be introduced for the Legislative Assembly. Other than this we would definitely support a staggered term irrespective of the maximum term of the Legislative Assembly.

I might not be able to move all my amendments on the Notice Paper affecting clause 9 because some provide for the deletion of words and therefore the subsequent positive amendments might not be able to be moved. The amendments amount to an endeavour by us to have the Legislative Council maintain a six-year fixed term for each councillor with half of the members being elected every three years. I emphasise that our policy is that Legislative Councillors should have a fixed term which is twice the maximum term of the Legislative Assembly. I move an amendment—

> Page 4, line 6—To delete the words "a general election for" .

Mr BRYCE: I indicated earlier that the Government was not in favour of this amendment and would be opposing it.

Mr STEPHENS: The National Party does not support this amendment, as I indicated earlier.

I reiterate that it has always been my understanding that the split election in the upper House was to overcome a situation where, if a very emotive issue caused a violent swing in the community, we could have an election where virtually the whole of one party was wiped out. By splitting the election of councillors it would be very difficult to have that strong emotion causing a party to be wiped out in two successive elections. By splitting the election of councillors we ensure there is always party representation of the different political persuasions. By abandoning the present method of electing the councillors and turning to a proportional representation system, quite obviously there will always be representation from all the larger parties. Therefore there is no longer any need for split elections. That is basically the reason the National Party is in favour of councillors' retiring at the same time as members of the Legislative Assembly.

The member for Floreat said that the greater the numbers the lower the quota, and he said this would help the smaller parties. No-one could argue with that. However, if we work out the figures on the 1986 elections—whether for half terms or full terms—I think we would find that the National Party would have been returned with approximately the same number

of seats, so there is no particular advantage to us.

Mr BRYCE: The point that has just been raised is one that all members should take on board. There is a lot of validity in the concern held by people—I do not necessarily share the sense of concern, but I accept it is a plausible position for people to take—in consideration of an electoral system to retain a form of continuity in the representation of the second Chamber. The point made by the member for Stirling is very valid; that is, when we change the system of electing members to the second Chamber and introduce proportional representation it guarantees we will not have the effect of the violent swings in single-member constituencies which we were talking about yesterday where a vote of 55 per cent to 60 per cent on a popular basis can produce a ratio of 90 per cent to 10 per cent of members.

Proportional representation will ensure that as near as practicable the percentage vote polled at the election will be reflected in the number of members representing those parties in the upper House, so I think that argument is fairly well catered for.

Amendment put and a division taken with the following result—

Ayes 12

Mr Cash	Mr Lightfoot
Mr Court	Mr MacKinnon
Mr Crane	Mr Mensaros
Mr Hassell	Mr Tubby
Mr Laurance	Mr Watt
Mr Lewis	Mr Williams

(Teller)

Noes 28

Mrs Beggs	Mr Marlborough
Mr Bertram	Mr Nalder
Mr Bryce	Mr Pearce
Mr Terry Burke	Mr Read
Mr Burkett	Mr Schell
Mr Carr	Mr D. L. Smith
Mr Cowan	Mr P. J. Smith
Mr Peter Dowding	Mr Stephens
Dr Gallop	Mr Taylor
Mrs Henderson	Mr Troy
Mr Hodge	Mrs Watkins
Mr House	Dr Watson
Mr Tom Jones	Mr Wilson
Dr Lawrence	Mrs Buchanan

(Teller)

Pairs

Ayes	Noes
Mr Blaikie	Mr Brian Burke
Mr Rushton	Mr Evans
Mr Grayden	Mr Grill
Mr Spriggs	Mr Gordon Hill
Mr Bradshaw	Mr Parker
Mr Thompson	Mr Bridge

Amendment thus negatived.

Mr MENSAROS: I move the remaining amendments standing in my name relating to clause 9, as follows—

Page 4, line 10—To delete the expression "4 years" and substitute: " 6 years ".

Page 4, line 18—To delete the expression "4 years" and substitute: " 6 years ".

Amendments put and a division taken with the following result—

Ayes 13

Mr Cash	Mr Lightfoot
Mr Clarko	Mr MacKinnon
Mr Court	Mr Mensaros
Mr Crane	Mr Tubby
Mr Hassell	Mr Watt
Mr Laurance	Mr Williams
Mr Lewis	

(Teller)

Noes 28

Mrs Beggs	Mr Marlborough
Mr Bertram	Mr Nalder
Mr Bryce	Mr Pearce
Mr Terry Burke	Mr Read
Mr Burkett	Mr Schell
Mr Carr	Mr D. L. Smith
Mr Cowan	Mr P. J. Smith
Mr Peter Dowding	Mr Stephens
Dr Gallop	Mr Taylor
Mrs Henderson	Mr Troy
Mr Hodge	Mrs Watkins
Mr House	Dr Watson
Mr Tom Jones	Mr Wilson
Dr Lawrence	Mrs Buchanan

(Teller)

Pairs

Ayes	Noes
Mr Blaikie	Mr Brian Burke
Mr Rushton	Mr Evans
Mr Grayden	Mr Grill
Mr Spriggs	Mr Gordon Hill
Mr Bradshaw	Mr Parker
Mr Thompson	Mr Bridge

Amendments thus negatived.

Clause put and passed.

Clause 10: Section 8A repealed and a section substituted—

Mr MENSAROS: In line with the Government's policy, this clause spells out that all members of the Legislative Council, even those who were elected for six years in 1986, are to retire on 21 May 1989. That provision ties in with the aim of the Government, but one could argue that it is retrospective legislation, a concept which has been condemned by both sides of the Chamber occasionally, particularly when the measure does not suit one side or the other. However, I think most members condemn it. It is retrospective not only against a member or a political party but also against the electorate.

The Minister expressed concern in the debate on the previous clause about certain members having different positions. This clause, however, does not affect only members but, as I said, it affects the electorate. The electorate has been told that, in February 1986, it elected X, Y and Z for a six-year term. This provision, if passed, will disfranchise those members and allow them a term of three years only. I suppose the party that will suffer most from this provision will be the National Party because it achieved an excellent electoral result in both Houses at the last election. The members elected to the Council for six-year terms will represent their electorates for only three years and the National Party could not hope for similar representation after elections on a regional basis in 1989.

Of course, I realise that the Minister might respond to my comments by saying that his predecessor legislated for some compensation for members who were due to retire earlier because of the introduction of "all out" rule and were accused by some members of exercising a certain amount of bribery. I think that was said during the debate on the Bill introduced by the member for Morley-Swan when he spoke about safeguarding the seats of already elected Legislative Councillors. That legislation provided for those members some sort of superannuation payment and other schemes which are absent here. Again, the wishes of the people were not provided for but the legislation provided for individual members. I did not handle the Bill but there were accusations from this side in both Houses about some sort of bribery taking place. Perhaps because of this, such compensation has now been omitted, yet this sort of retrospective provision defies the will of the people.

We accept the repeal of redundant and spent conditions in the 1981 Act. This is a machinery provision and quite normal because those provisions were enacted to provide for one occasion only. That time has passed and we now have no objection to its repeal.

In any event we advocate staggered terms. If they were accepted, long-term members could be accommodated without any thought of bribery. I am proposing in my amendments that members will be deemed to have been elected for a retrospective period for respective regions for the 1989 to 1992 term. The amendment provides that long-term Legislative Councillors represent the province until 1989 and from 1989 to 1992 they would serve as the members of a region.

Accordingly, after some machinery amendments are accepted I shall attempt to have inserted a new subclause (6).

I seek leave to move jointly all amendments to clause 9 appearing in my name on the Notice Paper.

Leave granted.

Mr MENSAROS: I move the following amendments—

Page 5, line 12—To insert after the line the following:

"Commissioner" has the same meaning as it has in the Electoral Distribution Act;

"Electoral Distribution Act" means the *Electoral Distribution Act 1947*;

Page 6, lines 1 to 3—To delete the lines.

Page 6, lines 8 to 11—To delete the lines and substitute the following:

(6) It shall be the duty of the Commissioners, prior to the 1 January 1989, to declare, by Order published in the *Government Gazette*—

(a) the names and boundaries of the regions into which the State has first been divided pursuant to section 9 of the Electoral Distribution Act; and

(b) that from 22 May 1989—

(i) each of 17 seats, being specified number of seats in each of the regions into which the State has been divided, are open for election; and

(ii) each of 17 electoral provinces, each being an electoral province for which, as at the 22 May 1989, the seat would not be vacant due to the effluxion of time, shall henceforth correspond with a seat in a specified region and that henceforth and until the 21 May 1992 the member sitting for that electoral province shall sit and vote for that region.

(7) An Order made under subsection (6) shall have effect according to its tenor.

Mr BRYCE: I indicate the Government's position on the proposal. It is an extension of the argument we resolved when we voted on clause 8. The member for Floreat has raised a number of relevant arguments in defence of his amendments and, from the Government's point of view, I should explain the reason we are not happy to proceed down that track.

This clause of the Bill provides for a clean break in the system to commence the new system. I understand exactly what the member for Floreat is proposing in his amendment regarding the allocation of provinces. If the system which he seeks were preserved, it would be similar to what happened to the Legislative Council provinces when they were substantially changed in 1981. There was a form of balloting or allocation for members who had a six-year term. It may have been 1975 or 1981. However, they were the two occasions on which major changes were made.

Mr Mensaros: There were two more provinces.

Mr BRYCE: That meant that members who had a six-year term had to be allocated on the basis of constitutional fairness to a province which did not exist previously. It was a bit of a mess.

I make the point to the member for Floreat that in 1963 a substantial change was made from biennial to triennial elections and what we are about to do now in respect of those members' terms happened on that occasion also.

Mr Stephens: Some of them got a lesser term and some a longer term.

Mr BRYCE: The point we are arguing is that the terms were changed. I guess we have to be a little careful about how much candour we display in this debate, but with the greatest respect to the people whom we represent in this place, I do not think many of them would know, when they put their marks on the ballot papers, that some of the members they are electing will be elected for a six year term.

Mr Stephens: The member elected knows the length of the term.

Mr BRYCE: Exactly. The member for Floreat has drawn the distinction about the people's expressing their will—and they have done so theoretically. I guess I have the temerity to suggest to the Committee that when the bulk of the population goes to the polling booth on polling day and receives two ballot papers, the majority would not know the period for which the successful candidate will be elected. Unless there is an extraordinary vacancy for the Legislative Council, the ballot paper will not refer to a three or six year term.

Mr Mensaros: I accept that but the majority of the population would not know what the different parties' policies were.

Mr BRYCE: I suggest that one of the most obscure issues in the minds of the people is the issue we are talking about now. Therefore, I do not really think there is a great deal of validity in the argument that the people express their will to have members elected for a six year term and that we, acting as the legislators, are in fact, doing a really unfair and unkind thing by the people by reducing the term from six to four years. I am sure the people I represent would not give a tinker's cuss about whether members of Parliament have a six, four, or three year term, but I think they would be disgusted about an eight or a 10 year term.

I do not believe this clause will give a political party any sort of advantage whatsoever. One would have to be stretching one's imagination to suggest it would. The member for Floreat has suggested it, and it is a valid comment to make. As far as the Government is concerned, it has looked at every step involved in this programme and I have no hesitation in advising the Committee that the Labor Party won nine out of 17 seats in the Legislative Council at the last election and I do not believe this move will assist any political party.

Mr STEPHENS: The National Party does not support the amendments, but I concede that the member for Floreat has a point in respect of the members who have been elected for a term of six years and who, if this legislation is passed, will have their term reduced to three years.

In effect that would be a breach of the contract. They were elected for six years and they will serve a three year term only. It is an area that did concern the National Party, but we chose not to do anything about it. Perhaps the Government may give consideration to some compensation for those members. In many instances it may not make any difference, but one could bring up the point about a man who has worked out that the six year term for which he was elected would expire at a time which would allow him to retire at the normal retirement age. By cutting three years from that term he

would be in limbo towards the end of his working life.

While the National Party opposes the amendments, I would like to support the point made by the member for Floreat about the members who will be disadvantaged—I am not concerned about the people voting for them. It is a breach of a contract and some consideration should be given to them.

Mr BRYCE: This point has occurred to the Government. When we are in a position to stand back and look at the final product of the debates in both Houses of Parliament and see what shape the Bill will take, and if we feel that members have been disadvantaged as a result of this move, particularly in relation to superannuation, consideration will be given to amending the system accordingly.

After consultation with all parties represented in the Parliament, I would be happy to take a suggestion to Cabinet. I indicate to the Committee that I think Cabinet would be fairly receptive to suggestions, based on fairness, in respect of members' entitlements of which they may be deprived as a result of changes to this part of the Act.

Sitting suspended from 1.00 to 2.15 p.m.

Amendments put and a division taken with the following result—

	Ayes 13	
Mr Bradshaw	Mr MacKinnon	
Mr Cash	Mr Mensaros	
Mr Court	Mr Thompson	
Mr Crane	Mr Tubby	
Mr Hassell	Mr Watt	
Mr Lewis	Mr Williams	
Mr Lightfoot		*(Teller)*

	Noes 27	
Mrs Beggs	Mr Parker	
Mr Bertram	Mr Pearce	
Mr Bryce	Mr Read	
Mr Terry Burke	Mr Schell	
Mr Burkett	Mr D. L. Smith	
Mr Carr	Mr P. J. Smith	
Mr Cowan	Mr Stephens	
Dr Gallop	Mr Taylor	
Mr Grill	Mr Troy	
Mrs Henderson	Mrs Watkins	
Mr Hodge	Dr Watson	
Mr House	Mr Wilson	
Dr Lawrence	Mrs Buchanan	
Mr Nalder		*(Teller)*

Pairs	
Ayes	Noes
Mr Blaikie	Mr Brian Burke
Mr Rushton	Mr Evans
Mr Grayden	Mr Tom Jones
Mr Spriggs	Mr Bridge
Mr Clarko	Mr Peter Dowding

Amendments thus negatived.

Clause put and passed.

Clauses 11 and 12 put and passed.

Clause 13: Section 21 amended—

Mr MENSAROS: This clause sets the maximum term of the Legislative Assembly presently in existence till 31 January 1989, and sets the maximum term for the Legislative Assembly thereafter at four years. As I said, our policy is very firm only in connection with the staggered terms for the Legislative Councillors. We are not tremendously concerned about whether the period for the Legislative Assembly is a three-year maximum term or a four-year maximum term, provided that the fixed term set for the Legislative Council is twice the maximum term set for the Legislative Assembly. However, since all our amendments were worked out on the basis of three-year and six-year terms respectively, it would consequently be more logical for us simply to vote against the clause to avoid having to prepare an amended Bill to express our policy were any of our amendments accepted.

I very briefly mention again that based on experience I cannot personally see anything wrong with an eight-year term if it is the only objection to the Councillors having a double term. Of course, if the other arguments are presented, that is a different matter and they stand on their own. If the electors in the vast majority of Australia have agreed to that system, I cannot see that there would be any political risk in Western Australia particularly, as some people have suggested.

We oppose the clause.

Mr STEPHENS: This is consistent with the National Party policy so we shall support the amendment.

The National Party chose not to put forward an amendment at this stage but its policy is to have a set term Assembly election that is not less than three years and nine months and not more than four years after the previous election. This clause only provides for Assembly terms to four years and it does not overcome the problem of seeking the approval of the Governor to prorogue Parliament at an earlier time. In the Federal sphere early elections have been called for short-term political advantage and have not been in the interests of the people. The National Party feels that a fixed term is desirable.

We appreciate that if there were a set term, provision must be made for those occasions when for some reason or another the Government of the day in the Assembly loses control

of the House or its majority so that it is essential to resort to an expression of opinion by the people—in other words, an election. In that situation we believe that election should then be held for the duration of the four-year term. That would ensure the continuity of the four-year fixed term for the Council.

We bring this matter to the attention of the Government for its consideration.

Mr BRYCE: Cabinet considered this question and on balance it was thought that the actual flexibility for a Government to be able to call an election and sound out the expressions of opinion from the people on very particular and important issues is a fairly important part of the Westminster political process. In reality, as far as this particular situation is concerned, because we have fixed Legislative Council terms and, because I really cannot imagine a Premier wanting to separate those elections again, as they were in the past, the implementation of this clause will mean we shall virtually have fixed four-year terms.

We have said many times in this Chamber that there has never been an early election for the Legislative Assembly.

Mr Mensaros: According to the provisions of the Bill there is not only a fixed term for the Council but also the elections cannot be brought forward more than one year. In other words, you compel the Government of the day to have two elections if they want an election prior to that one-year period.

Mr BRYCE: When this issue was debated in the South Australian Parliament they finished up with the compromise that the Legislative Assembly should have a four-year term but the Government was required to serve at least three years of a four-year term. It is a value judgment.

In practice this clause will mean that the Legislative Assembly in Western Australia will serve for virtually four years alongside the Legislative Council because of the desire in practical terms of Governments of the day to hold those elections conjointly when they go to the people. While the Legislative Council retains a four-year fixed term, effectively the Legislative Assembly will also.

Mr STEPHENS: If these provisions are passed, what will the situation be if the Government of the day is returned after a general election with a majority of one, and following the decease of a Government member and a by-election, the Government loses its majority? How will the Government handle that situation with the existing legislation? We shall be locked into four-year terms in the upper House and an election cannot be called any earlier than a year prior to the end of the term.

Mr BRYCE: Under the Westminster system the Government would change. In those circumstances the Government would be robbed of its majority on the floor of the Chamber and it would change sides in the Chamber at that stage. The last time it happened nationally was prior to the early years of the war, and it was a case of a change of Government without an election.

Clause put and passed.

Clause 14: Section 39 amended—

Mr MENSAROS: In itself this clause does not contain any material provision but simply paves the way by amending a section of the Constitution Acts Amendment Act to provide for filling casual vacancies under the Electoral Act. As such, it enables the other Statute to be suitably amended so that the electoral regions pertaining to the Legislative Council can be taken as a reality.

We indicated in the second reading debate that the recount situation as a method of filling the casual vacancy is not quite equitable. Of course, this matter is not of prime importance taking into account the provisions dealing with the way in which the regions shall be constituted. I suspect that the Government came to this conclusion, possibly reluctantly, because it could see that in certain circumstances the system is inequitable particularly with regard to a by-election in the case of a region.

Even without that it is not a perfect system. We have amendments later which we do not consider as our most important amendments. One of the difficulties the Minister indicated would be that apparently it needs a referendum, but I have not had time to check that.

Apart from that, there are other difficulties. One is that one either acknowledges the prime importance of parties or one does not. We suggest that a party should appoint a successor to fill a vacancy. It could be argued that the individuals are elected, not parties.

This question of filling casual vacancies is an enabling provision but a secondary one. If the main parties are able to agree on the number of regions and the way regions should be set out, and the number of members for the Council and the Assembly which should be elected within these regions, there would be no difficulty in agreeing to a system of filling casual

vacancies. It would be a better and more equitable way than what has been suggested so far.

The National Party has suggested virtually what we did, and that is that the parties which participated in the previous election should elect the member for the casual vacancy. For the time being we do not oppose the clause as it is a preparation for an amendment which could accommodate our amendment if it were to be passed.

Clause put and passed.

Clause 15: Sections 47 and 47A repealed—

Mr MENSAROS: This clause partly repeals the spent transitional provisions, like one of the previous ones, but for the casual vacancy provided for in clause 11. Again the provisions of the clause would suit our amendment and therefore we do not disagree.

Clause put and passed.

Clause 16: Schedule V amended—

Mr MENSAROS: This is a rather more important clause. It adds the holder of a new office of Electoral Commissioner to the list of offices the holders of which are disqualified as members of Parliament. We accept that. His exclusion from being eligible as a member of Parliament is logical, hence we have a simple amendment, nevertheless an important one, which would extend disqualification to the deputy commissioner.

To this end I move an amendment—

> Page 7, line 20—To insert after the words "Electoral Commissioner" the following:
>
> and Deputy Electoral Commissioner

Mr BRYCE: This is the first of the amendments I referred to at the opening of our discussions today about which I indicated I think there is good value to be seen. It is the sort of thing which is not really a bad idea and I would be prepared to take it to the Cabinet.

I indicated to the Committee previously, in view of the nature of this Bill which has produced differences of opinion among all the parties represented in the Chamber, it has been very difficult for us to achieve unanimity about precisely how we should proceed and at what pace we should proceed.

I do not want to disrupt the proceedings of the Committee. This is the first example of an idea which we would be prepared to take on board and look at closely. I want to reserve my right to suggest to the Committee that at the end of the Committee stage, before we report progress, for the sake of this amendment and one or two others, we may recommit the Bill to take them into consideration. But in deference to the Cabinet, I want to be able to refer this amendment and several others to Cabinet on Monday.

Mr STEPHENS: I am pleased to hear those words from the Minister and I hope we will be able to insist on this amendment. I think the point made by the member for Floreat is a very relevant one. The National Party supports this amendment.

Amendment put and negatived.

Clause put and passed.

Clause 17 put and passed.

Clause 18: Section 4 amended—

Mr MENSAROS: This clause provides a new definition and relates those superfluous definitions according to the Bill's later provisions. All provisions are applicable in view of the insertion of subclause (4) of section 4 of the Electoral Act. This talks of the Government's proposed three and seven-member regions. The proposition is that there should be three regions with seven members, and others with three members. Our proposed amendments would allow for the staggered terms of the Legislative Councillors. The general election would affect only one half of the seats in the regions which have become vacant over six years.

The amendment, therefore, is a technicality. Instead of talking about the general election which would apply to all members, only half would come up for election. This half would be the councillors who have already served six years.

Secondly, the proposed amendment allows for the type of regions we have in our policy. We propose that 18 members would be elected in the metropolitan region.

I might say here that that region would have 33 members of the Assembly. Then we have the southwest region with six members, three of whom would be elected at each election, and that region would have nine Legislative Assembly members. The central agricultural region would have six Legislative Councillors, three of whom would be elected at one time, and that region would have 10 Assembly members. Finally, the northern mining and pastoral region would have four Legislative Councillors elected at each election, and five Legislative Assembly members. That number of Legislat-

ive Assembly members—five—is designed to overcome the undoubted anomaly which exists in the Pilbara and Kimberley seats.

In order to implement this, I move the following amendments—

Page 8, line 25—To insert after the word "elections" the following:

for the seats which have become vacant by effluxion of time.

Page 8, lines 25 and 26—To delete the words "in the regions".

Page 9, lines 21 to 24—To delete the lines and substitute:

(a) 9 members of the Council in the case of the Metropolitan Region; or

(b) 2 members of the Council in the case of the Northern Region; or

(c) 3 members of the Council in any other case.

I seek leave to move these amendments en bloc, as they appear on the Notice Paper.

The DEPUTY CHAIRMAN (Mr Thomas): I propose we take each of the amendments separately because, when we get to the amendment on page 9, other amendments are also proposed to those lines on that page.

Point of Order

Mr STEPHENS: Mr Deputy Chairman, it may facilitate matters if I indicate that, if you are referring to the amendments to clause 18 standing in my name on the Notice Paper, while I will speak to them I do not think it would be appropriate to move them in view of the fact that, earlier in this debate, amendments to page 3 relating to the number of regions were lost. We cannot now put three regions into the six regions that the Bill presently contains. I would be quite happy for the member for Floreat's amendments to be moved en bloc, and I will merely speak to the clause itself.

The DEPUTY SPEAKER (Mr Thomas): Is leave of the Committee granted for the member for Floreat to move his amendments en bloc?

Leave granted.

Committee Resumed

Mr STEPHENS: The National Party does not support the amendments moved by the member for Floreat. We have our own point of view on that, and this is one of the areas in which the National party differs from the Liberal Party.

As I mentioned previously, our point of view is that the State should be divided into three regions: a metropolitan region with 17 members, an agricultural region with 12 members, and a pastoral and mining region with five members. I also indicated previously that our general guidelines for that pastoral and mining region were that it should include all that area north of the southern boundary of the Gascoyne and Murchison-Eyre electorates, coming down to and including the seat of Kalgoorlie.

For the reasons I have just enumerated, the National Party opposes the amendments moved by the member for Floreat; but at the same time we recognise we will be unable to move our own amendment because of positions that were taken earlier in this debate.

Mr BRYCE: I indicated yesterday when debate started on this issue—the number of regions and the number of members in each region—that the Government basically considered three options before bringing the Bill to the Chamber. Some members opposite took exception to my talking about the interests of political parties; however, I want to restate the position because I think it is fair and dinkum.

There are two levels of discussion on this sort of issue. One concerns the lofty questions of principle with regard to the structures of Parliaments, and the other concerns the interests of political parties in the Parliament, and presumably outside the Parliament as well.

I indicated to the Committee yesterday that when this Bill was structured nobody climbed the Mount and received tablets to say that there was a set of commandments drawing attention to a perfect system. We were keen to draft a system that was fair to all of the political parties represented in the Parliament and, for that matter, all of the political parties in Western Australia; because the actual proposal contained in this Bill is one that was supported by the Australian Democrats when they agreed to give their preferences to the Government at the time of the last election, when this issue was incorporated in the Government's policy. I therefore mentioned that all political parties' interests have been taken into consideration.

As I said yesterday, there were basically three positions that could have been put to the Chamber: One which would heavily advantage the Labor Party, one which would heavily advantage the coalition parties, and one which constitutes a middle course and makes it possible for the party which forms Government,

whichever side of the House it happens to be from, to actually win a majority in the Legislative Council.

I stake my reputation on the structure of the concept that has been put to the Committee in terms of its fairness to the interests of all political parties.

Mr Cowan: What is the difference between a "judgment" and a "value judgment"?

Mr BRYCE: Okay. The Leader of the National Party is very devastating in the degree of the nastiness of his interjection, but when he says it so quietly it is almost inoffensive.

I do not think either of the members handling this Bill for the Opposition have suggested to the Committee at any stage that the way the Bill is structured in respect of this clause constitutes a wild or unreasonable structure that is designed to distort the shape of the Parliament in favour of any particular political party. I have offered those members, if they want the chance, the services and resources of Government to enable them to put in different statistical alternatives to measure what I am saying. The truth is that this is the straightest possible bat that can be played with this number of regions.

Mr MacKinnon: Can you explain again—I must be a slow learner, and you probably agree with that—how you can justify splitting the metropolitan area into three? I cannot understand the logic of that.

Mr BRYCE: The Deputy Leader of the Opposition was not listening yesterday.

Mr MacKinnon: I listened hard.

Mr BRYCE: The Deputy Leader of the Opposition reminds me of the horse that could be led to water but could not be made to drink. If he has his ears open, I cannot make him hear—I cannot make it register.

There were two reasons I put to the Committee yesterday. One was based on the discussion that was held in the Committee of the Parliament in 1984-85 that it was not acceptable to have a region with 600 000 or 800 000 electors in the one region for the purpose of representation.

Mr MacKinnon: Why not?

Mr BRYCE: That was the debate that took place in the Committee a year or two ago when the proposal before the Committee then was that we have a State-wide single list that would involve a representation of 800 000 electors of each individual member. That was part of the argument from which we have retreated and I think it is a very valid argument to say that the area of about 600 000 electors could or should be broken up into slightly smaller regions for the sake of what is manageable.

Mr MacKinnon: To compare Western Australia to the metropolitan area has no validity whatsoever.

Mr BRYCE: The Deputy Leader of the Opposition was not part of the discussions when we looked at the metropolitan area and the rest of the State or different sized regions in 1984. There was a heck of a discussion about the acceptability or otherwise of a member's being expected to represent hundreds of thousands of electors in a particular region. By breaking the metropolitan area into three parts, one breaks it down to about 200 000. I quite unashamedly say to the Deputy Leader of the Opposition again that when one is structuring a system of proportional representation in order to take into account his party's vested interests and other political parties vested interests the proportional representation regional system is to ensure that the metropolitan area and the country part of Western Australia actually contain an equal number of regions. If one departs from that one will most assuredly slant or distort the system in favour of one side of politics or the other.

I believe the future of the Bill in its entirety will very much hinge around this particular question. This could become the nub of the whole of our discussion.

Mr MacKinnon: If that is the case, you will have to explain far better the reason for splitting the metropolitan area. Would you give some statistical examples?

Mr BRYCE: If the Deputy Leader of the Opposition wants to avail himself of the opportunity to follow the exercise through, I will make it possible for him to do so. The truth, based on all the work that has been done by the Government on this question, is that if one has the metropolitan area treated as one region and the rest of the State broken up into two or three regions, by virtue of the way the proportional representation system works we will have a single, hairline decision result in the city, and multiple results in the country regions, giving the advantage to the majority parties who represent the country regions. If it is done in precisely the opposite way and the metropolitan area is treated as three or four regions the party with an advantage in the metropolitan area will

have three or four sets of results narrowly in each of those regions and the parties in the country regions with a single area will have only one result.

The only way to be fair and dinkum to all the political parties—to preserve that balance under the proportional representation system if we are to depart from a single list—is to enshrine in the legislation equal numbers of regions where those different areas of political strength lie. Otherwise, we have to concede up front that what we are trying to do with this part of the Bill is to give a particular section of the political system in Western Australia a deliberate advantage, and to take something from another part of that political system as a penalty for some unknown reason.

Mr MENSAROS: The arguments of the Minister for Parliamentary and Electoral Reform invite some counter-argument that might be used objectively to point to the query of the Deputy Leader of the Opposition.

I think the Minister for Parliamentary and Electoral Reform has chosen his words very carefully. He said that he did not think that any of the members participating in the debate would suggest that by having three regions in the metropolitan area he could very drastically change the political situation in the upper House. That is correct, but I did accuse him not of trying to change the whole political character of the House but of seeking to give an advantage to the Labor Party by dividing the metropolitan area into three regions. It cannot be based on any other argument. If we accept the community interest and how people live in remote or urban situations and the difference in communication and transport, there is no logic in dividing the metropolitan area. I accept what the Minister for Parliamentary and Electoral Reform has said. He said there might be some theoretical arguments if we talk about how to set up the regions, but there also has to be a political argument to try to create a situation where the parties have an equal chance of maintaining their numerical strength in Parliament.

As the feeling in the electorate changes, the parties should have an equal chance to be elected under the new system as they had under the old system. Even if one accepts this argument, under all the provisions of the Bill and the aggregate amendments of the Opposition, one would have to mentally add that we are talking about a transitional period in order to accept regional proportional representation. I was reminded by some of my colleagues who were the minority when the party decided about the policy that they would never accept proportional representation. I quite agree with this view, with a few provisos. If one presumes that the character of the Legislative Council will never change, councillors will always be representatives of the people to the same extent as are the Legislative Assembly member; the view of no proportional representation could be justified. Indeed, they have been representatives, particularly in places where there was a Legislative Assembly members of a different party persuasion. There are plenty of examples where a lot of representative work has been done. We agree with the Government on this point—that if we maintain the bicameral system, the Legislative Council should change its character, should become more a House of Review and should be more involved in legislation. We can then have an easier conscience when moving to proportional representation.

Regional proportional representation was something that all three sides thought up as a necessity because we rejected in total the suggestion of the State being one region from which, through proportional representation, the members would be elected. I do not want to go through the arguments but there are plenty of arguments against this. The main argument I suppose is the example of South Australia where it appears they have a perennially-hung House, which is not an advantage from the point of view of stable government, whichever party is in power.

I suppose we could have, had we thought of it, found a better use for the regions themselves, rather than enacting a limping piece of legislation. I believe that instead of this we should have found a way of accommodating that desire, with which I do not disagree.

As a result of those negotiations, this new Statute should not finish up with the potential that any particular party is denied the same opportunity which it has under the present rules—at least from the point of view of its members being elected. I think that was the Minister for Parliamentary and Electoral Reform's point, because this will almost bring the whole matter to pass. I should, but I am not able, to suggest something which would suit the principle as well as satisfying the pragmatic consideration of the equal chance. Therefore I simply have to adhere to our policy.

The Government would do well to adhere to the amendment and to the policy which we currently have, particularly—and this is the great difference—with staggered elections. The Minister for Parliamentary and Electoral Reform has never applied himself to considering that point, because it is not in his policy. The pragmatic arguments which were brought up by him are not fitting—or at least they are fitting to only a very small extent—because whatever numbers there are in the metropolitan area, only half will be elected at one time. Therefore, this will not necessarily provide for a small quota which will produce a hairline decision. If, as in our case, only nine members are elected, and they have a 10 per cent quota, the traditional majority of the Labor Party within the metropolitan area would be likely to remain, particularly when we, as a consequence of the decision of the Distribution Commissioner add to the fringe areas which are genuinely urban. Even based on guidelines related to the metropolitan area, all the support which traditionally the Labor Party has within this area—on the 10 per cent quota—will undoubtedly result in a perennial majority in the metropolitan area.

I do not agree that with a quota of below five per cent, which I think would result from all Legislative Councillors being elected at the same time if one region in the metropolitan area only is created. If they would all need to be elected at one time, the quota would be below five per cent. The Government's proposition will result in 21 councillors, so there would be a 100 divided by 2 plus one quota, which is less than five per cent. Under staggered elections, of course what the NP and we have proposed would be fitting. It would be a more equitable situation; although even then there would be an undoubted Labor majority. I do not know the figures offhand but I do know that in aggregate the Labor Party usually has a majority in the metropolitan area.

To my mind that is another argument: If one combines the staggered election for the Legislation Council, one would have a lesser argument on this basis against the concept of a full entity of the metropolitan area. However, our bargaining situation would be rather that than in the country. I do not suppose it is indiscreet of me to say that when we negotiated with the National Party, there was a slight change from that party's point of view in respect of the number of regions in the country, based on the same line of thought.

Amendments put and a division taken with the following result—

Ayes 12

Mr Bradshaw	Mr MacKinnon
Mr Cash	Mr Mensaros
Mr Court	Mr Thompson
Mr Crane	Mr Tubby
Mr Laurance	Mr Watt
Mr Lewis	Mr Williams *(Teller)*

Noes 28

Mrs Beggs	Mr Marlborough
Mr Bertram	Mr Nalder
Mr Bryce	Mr Parker
Mr Terry Burke	Mr Pearce
Mr Carr	Mr Read
Mr Cowan	Mr Schell
Mr Peter Dowding	Mr D. L. Smith
Dr Gallop	Mr P. J. Smith
Mr Grill	Mr Stephens
Mrs Henderson	Mr Troy
Mr Gordon Hill	Mrs Watkins
Mr Hodge	Dr Watson
Mr House	Mr Wilson
Dr Lawrence	Mrs Buchanan *(Teller)*

Pairs

Ayes	Noes
Mr Blaikie	Mr Brian Burke
Mr Trenorden	Mr Tonkin
Mr Rushton	Mr Evans
Mr Grayden	Mr Tom Jones
Mr Spriggs	Mr Bridge
Mr Clarko	Mr Burkett
Mr Hassell	Mr Taylor

Amendments thus negatived.

Clause put and passed.

Clause 19: Section 4A inserted—

Mr MENSAROS: This clause provides for the setting up of an Electoral Commission in place of the present Electoral Department. That, of course, implies that the position of the Chief Electoral Officer as provided for presently will become the Electoral Commissioner.

This in itself is only a name change, from Electoral Department to Electoral Commission. To some extent the proposed name is misleading because it will not be completely independent of the Government and for all practical purposes will still be a department whose employees will be public servants.

It could be argued whether this is the proper way of constituting this proposed Electoral Commission. The Minister's second reading explanation indicates that the Government wants to make the commission entirely independent. This independence relates to the Electoral Commissioner and we would like it extended to cover his deputy as well and that is why we would not like members or ex-members of Parliament to be eligible for appointment.

There is a valid argument that the Commission should be an entity like the State Energy Commission, the employees of which are not public servants. I fought very hard for that same situation to apply with the Metropolitan Water Authority but I did not succeed, because employees of what is now called the Western Australian Water Authority are public servants. I do not believe the employees of Westrail are public servants.

The other day when the Premier was speaking to the no-confidence motion he explained that Government instrumentalities made their own decisions which were not subject to Cabinet approval. This may be so despite the fact that with all the major utilities, such as the SEC and the Water Authority the Statutes provide the Ministers with overriding responsibility, not only are their activities subject to the final approval of their Ministers, but also in the process of updating their Statutes, mainly under our Government but also under this Government, we have provided that Ministers have virtually full directive power over these various authorities. Irrespective of the decisions these authorities make, the Ministers can override them all the time. But that is not to be the case with this proposed Electoral Commission.

Mr Bryce: In fact there are quite a few clauses in this Bill which consciously transfer powers from the Minister and the Government to the commission.

Mr MENSAROS: That is right, because the Bill provides for the Electoral Commissioner to be quite an independent authority himself. But he would still be working with public servants in his commission. I do not have amendments to move but I put it forward for serious consideration by the Minister that perhaps the commission's employees should not be public servants and that the commission's funding should be taken from the Minister's portfolio. If this came to be so, in time we would not need a Minister for Parliamentary and Electoral Reform and the commission would come under the budget of Parliament.

That might appear to be a revolutionary thought, but during one of my visits to Manitoba I found that its chief electoral officer was ex officio the Clerk of the Parliament. Mr Prudhom was virtually the only Frenchman in a province where half the people spoke English and the other half spoke Ukranian. Being a wheat growing area there were many Ukranian migrants.

So it is not entirely unimaginable that the employees of the Electoral Commission, like the commissioner himself, could be independent of the Government and not be public servants but be funded and ultimately responsible to Parliament.

Because the clause is not in contradiction with the totality of our amendments, we will not oppose it.

Mr BRYCE: In practical terms the most important thing about the proposed Electoral Commission is that the person who occupies the position of Electoral Commissioner and possibly the person who occupies the position of Deputy Electoral Commissioner will be key people charged with serious responsibilities in important positions requiring independence and thereby will be the people's guarantee of independence. I can accept that but in practical terms, as with the Ombudsman, the people who run the office and do the work are normal public servants. I certainly have confidence in the ability of public servants to work for the Ombudsman and to keep that agency of the Parliament functioning objectively and efficiently. I would have no qualms about the officers of the Public Service being able to fulfil an equally independent and efficient role for the Electoral Commission.

While I can see some good logic in perhaps extending this question of the isolation and independence of the Electoral Commissioner to his deputy, in practical terms it would work effectively and well for us to establish the commission on this basis with employees of the commission being normal public servants.

Clause put and passed.

Clause 20 put and passed.

Clause 21: Sections 5B to 5H inserted—

Mr MENSAROS: This is a rather involved clause providing for the conditions of the office of Electoral Commissioner. Its terms are quite acceptable except that I believe no ex-member of Parliament should be eligible for the position, not even when he has been out of Parliament for three years. The clause provides that an ex-member of Parliament can be appointed as commissioner after three years. As I said, we accept the principle but extend it. Here we have what might be called a minor difference of view.

The clause further describes conditions and methods of suspending the Electoral Commissioner, which we accept as they seem to be quite reasonable and not unusual when compared with similar conditions governing

the appointment of other officers. The clause defines the appointment and the powers of the Acting Electoral Commissioner also.

Because the Deputy Electoral Commissioner not only can be, but will be acting as Electoral Commissioner, we think his appointment should also be by way of agreement between the Premier and the Opposition parties. I know that during the second reading debate the Minister for Parliamentary and Electoral Reform argued fiercely against this and accused the Opposition of having proposed it and not having faith in the appointment. Unfortunately, because of the recent incident to which I do not want to refer by name, the Opposition lost some confidence in this administrative appointment. In any event, if the Government is genuine in wanting an independent person appointed, I cannot see why an agreement between the parties could not eventuate. Argument would arise only if, for some reason, the Premier was very strongly in favour of appointing someone and the Opposition would not accept him. Then the Opposition would have to publicly state the grounds for its objection. If the Opposition could show that this person had published something which obviously connected him with one or other political party, any objective citizen would accept that it was not a desirable appointment to such a position which was meant to be independent.

That is the reason we have drafted an amendment so that the appointment of the commissioner and deputy commissioner should be by recommendation of the Premier and the Leader of the Opposition. We would extend that gladly—as discussions with the National Party have indicated—so that not only the Premier and the Leader of the Opposition, but also the leader of any acknowledged party should be involved.

The clause further specifies the functions of the Electoral Commissioner, among which is that he is to give information to Parliament. He has to give information to many authorities, to the Minister—which is significant because he is not directly responsible to the Minister in the way that the Chief Electoral Officer is—and to the Parliament. We thought that in order to dispel any possible misunderstanding, information should not only be given to Parliament, which is a slightly misleading term, but to members of Parliament.

In other words, if a member wants some legitimate information the Commissioner should exercise his judgment and give that statistical or other information to him. If the word "Parliament" is left in the clause the question arises as to what is meant by that. Is it all the members in aggregate but if so, who represents them? Will the information only go to the Speaker? Will it go to the President, to both the Speaker and the President, or to the Clerk? The clause is not specific, and it would be just as well to extend it to members of Parliament, if that was the intention behind the clause. It would definitely be the Opposition's intention.

The clause further creates the position of Deputy Electoral Commissioner. That is reasonable, but he would remain a public servant under the direction of the Minister or the Public Service Board when he is acting as commissioner. That definitely is a shortcoming in the intention of the Bill. I do not think the deputy comissioner should be subject to ministerial direction because the next day he could be Acting Electoral Commissioner, and it is difficult in a practical sense to sever such connection. It is fairly difficult to switch such positions from one day to the next.

Accordingly, the proposed amendments in the sequence they are on the Notice Paper provide firstly that in relation to the removal and suspension of the Electoral Commissioner, his deputy shall have the same consideration. That appears in proposed sections 5C and 5E. Secondly, there is a machinery amendment; thirdly, there is an amendment which expresses our policy that the Electoral Commissioner should be appointed with the agreement of the Premier and the Opposition, and we would be happy to include the National Party. Furthermore, we thought that an ex-parliamentarian should never be able to hold this office, not just after three years as presently appears in the Bill.

Our next amendment would ensure that the Acting Electoral Commissioner was appointed by agreement of the Premier and the Opposition parties. The commissioner, or whoever acts on his behalf, should be able to give information to members of Parliament. The provison for giving information is a very laudable one. It would be more concisely defined if members of Parliament were specifically mentioned, and not just Parliament which could be the Speaker, President, Joint House Committee, the Clerks, etc.

Mr Bryce: Can you indicate why you feel strongly enough about clause 5F(d) to delete it? It requires the Electoral Commissioner to promote public awareness of electoral and Parliamentary matters.

Mr MENSAROS: I will come to that.

Our next amendment would ensure that the Deputy Electoral Commissioner was an independent member and not a public servant.

Proposed section 5F(d) proposes to compel the Electoral Commissioner to "promote public awareness of electoral and Parliamentary matters by means of the conduct of education and information programmes and by other means". We felt that the role of the Electoral Commissioner was to keep the rolls, to see that people are enrolled, and that elections are properly carried out. It is not his role to promote Parliament. The Government embarked on the promotion of Parliament on two occasions during the last parliament by holding Parliament Week.

The Opposition opposes this. The Minister could argue that, because he has agreed to an independent Electoral Commissioner, this would not be so. My argument is twofold. Firstly, he rejected the suggestion, which was not even an amendment, that the commission should be quite independent, and should not be subject to Public Service regulations. Indirectly, therefore, the Public Service Board would carry out a propaganda exercise and we feel that should be on a much broader basis so that people accept the importance of Parliament.

I come back again to the very sad leader in this morning's newspaper which rejected out of hand any talk of extending Parliament House, even though the extension has the agreement of all political parties. That indicates that it is really up to the media whether this institution is held in high esteem and with the respect it is held in most other countries. I do not think it should be up to either a Parliamentary Commissioner or any other body to carry out this propaganda exercise. It is up to the members of Parliament and it is up to the media to prevent the innuendo which arises from negative propaganda. Sometimes the Government introduces measures, such as the financial disclosure provisions, which achieve precisely the opposite effect to that which was intended because of the reaction by the media. Elsewhere that measure was introduced to ensure the integrity of members of Parliament, but immediately the media began chewing around on negative aspects of it. Members of Parliament are ordinary people and are entitled to hold assets.

Mr Bryce: I think it will facilitate this clause if we deal with this matter seriatim rather than in one piece. There are four or five issues in this clause which should be discussed.

Mr Stephens: If we are going to deal with it that way, I will resume my seat so that the member for Floreat can move his amendments.

Mr MENSAROS: In conclusion, if this provision becomes part of the Statute, of necessity money will have to be allocated to the commission because the commissioner, in religiously reading the Statute, will say that Parliament charged him with the responsibility of issuing propaganda and will therefore have to engage managers and registrars, and make films and things of that sort. That sort of reaction could be interpreted from a reading of the provision. It is a bottomless pit. He should not be able to demand as much money as he wants from Parliament because of his interpretation of the legislation.

Those are the reasons for our thinking there should not be a statutory command to the commissioner in relation to parliamentary propaganda. I agree that the Parliament should appear in a much different light and I instance this debate which is very crucial from the point of view of political parties. The media should make the public aware that we were able to conduct this debate without shouting or any unpleasantness and indicate that we have left the way open for further negotiations and agreement on other matters.

Mr BRYCE: Basically there are four or five issues in this matter. The first matter deals with whether or not a former member of Parliament who retired three years previously could be judged suitable for appointment to the position of Electoral Commissioner, as it is provided in the Bill. It is amazing the lengths we felt we had to go to to spell out many of the issues contained in the legislation. I am happy to take to Cabinet the suggestion made by the member for Floreat on this matter.

The second matter relates to consultation between the Premier and the Leader of the Opposition in respect of the appointment of the Electoral Commissioner. The member for Floreat has correctly assessed my opinion on this matter. I guess many arguments can be mounted, but I draw attention to one or two of the principle ones. Members of Parliament are prone to be very touchy about issues relating to electoral laws and particularly to the mechanics of electing members of Parliament, the districting of them throughout the State, and the structure

of the Parliament. It is amazing that we would be more sensitive about the question of the apparent independence of the Electoral Commissioner than the Chief Justice, for example. No-one is suggesting that there should be agreement between the Leader of the Opposition and the Premier about the appointment of the Chief Justice.

Mr MacKinnon: You can't go into the community and take someone and appoint him as Chief Justice. That person has to come from the legal profession. There is a significant difference between that case and this.

Mr BRYCE: That is not valid because the qualifications of the person to be the Electoral Commissioner will be specified. The Public Service Board has to accept or reject them on professional grounds.

I know that the canvas is not as broad, perhaps in terms of opportunities, for different candidates for the position of Chief Justice. I will take on board the other person who is close to the Chief Justice in a professional capacity, the Ombudsman. According to the logic put forward by the member for Floreat, there would be a sound case to say that the appointment of the Ombudsman, who could be anybody, can be made only after agreement is reached between the leader of the parliamentary Opposition and the Premier.

Mr MacKinnon: How can the Ombudsman, even with political bias, use his position to disadvantage electorally the other party, which is a significant question as you would understand?

Mr BRYCE: That is the point I made to the Committee. Members of Parliament are vulnerable when they start to reveal the unhealthy preoccupation they attach to electoral matters.

Mr Cowan: You interjected when the member for Floreat was speaking and said that you would deal with these issues one by one. However, you are using a broad brush. Are you going to deal with the issues one by one or will the member for Floreat be allowed to move the amendments separately?

Mr BRYCE: He will move them one at a time.

Mr Stephens: I have already spoken and I said that I would leave my further remarks until the amendments are dealt with one at a time, but you have dealt with them broadly.

Mr BRYCE: If that is the case, I will deal with them separately.

Mr Mensaros: If we cover the whole lot it will be superfluous to vote on the amendments individually.

Mr BRYCE: On the issue of consultation it is difficult, in practical terms, to deal with the Electoral Act. Frankly, I think it is inappropriate to write into the legislation the words, "Leader of the Opposition", because we are talking about different party partisan interests and when we walk down this track and identify that person as the Leader of the Liberal Party—

Mr Cowan: It could be the Leader of the Labor Party.

Mr BRYCE: It could be. That is my next point. It depends on what is written into the Act. In the 1930s it would have been the Leader of the National Party and, at some time in the future, it could be the Leader of the Australian Democrats.

I am trying to focus attention on the question of practicality. The member for Floreat is seeking to write in reference to the Leader of the Opposition only; he is not including the interest of the minor parties. The member for Floreat seeks to go down that track and suggests that this clause should operate on the basis of party partisan interests, and we have never done that before. I understand that no other Parliament which operates under the Westminster system would function on this basis. In practical terms Governments which operate under the Westminster system accept responsibility for the appointment of officers to all offices where those officers are appointed by the Governor. The Governor is the Government, and the Government accepts the ultimate responsibility for those appointments.

There is a vast difference between the meanings of the words, "in consultation between the Premier and the Leader of the Opposition", and the words, "consultation between the leaders of all political parties". I indicate to the Committee that when this issue was discussed by Cabinet it was firmly resolved that the question of ultimate responsibility rested with the Government of the day.

I have indicated publicly that if this law existed the incumbent, the Chief Electoral Officer, would become the Electoral Commissioner. I give an undertaking to the Chamber that the question of ultimate responsibility rests with the Government.

I stress to members of the Committee that that particular function is already being fulfilled by the Electoral Department and has

been for a long time. There is no hidden agenda—it is simply putting something into words—it happens in the Electoral Department now.

There is an amazing demand from schools, in particular, for education material from the Electoral Department which explains and promotes the basis of our electoral system. Sample ballot papers are available and almost every school in the State is provided with material which explains our electoral system to school children. The department receives frequent requests for that material.

It is a valid part of the activities of the commission to be up-front with all the printed materials necessary to explain how the electoral system works. I find it strange that the Opposition wants to delete those words.

I am ambivalent about the next point raised by the member for Floreat; that is, Parliament as opposed to members of Parliament. When I read his amendment I found it difficult to distinguish between information being conveyed to Parliament in practice and not being available, under some mysterious circumstance, to members of Parliament. Where I read the word "Parliament", I tended to read the words "members of Parliament". I know there is a theoretical distinction, but I cannot see how it will prevent information being passed on to the Parliament and not to members of Parliament.

Mr Stephens: I can see that the Electoral Commissioner will be completely independent. A member could ring the commissioner and ask for information and he will be told that it is not available to him, but it is available to the Parliament.

Mr BRYCE: I can see what the member for Stirling is getting at and I will take it on board. I do not intend to restrict the flow of information to anybody. In fact, it is to the contrary. I would not like to write words into the Act which would potentially seek to restrict the flow of information to people.

Mr MENSAROS: In response to the Minister for Parliamentary and Electoral Reform I advise the Chamber that I have enjoyed this debate because it is one of few debates where it is not a deductive argument. In other words, in most debates in Parliament the end result is already known and one is compelled to frame his arguments accordingly. This debate seems to be more of an inductive argument. Members put forward their arguments and eventually we will come up with a result. I can fully understand the Minister's opposition to moving the amendments en bloc.

I fully appreciate that somebody must be responsible for the recommendation. Undoubtedly, members of the Government of the day are responsible to Parliament, although other members of Parliament could be made responsible. I understand the Minister's analogy to the Chief Justice's position, but the Chief Justice has traditionally been appointed by the Government of the day and there has never been any abuse. It was known that some Chief Justices perhaps had political views or affiliations prior to their appointment. However, I do not know of any complaint that they did not exercise the duties of their office with the required objectivity. However, even with respect to the highest court of the land, the role of judicial authorities has changed over time from that which was originally intended. In the United States, for instance, the highest judicial authority acquired a legislative role which it had not been intended that it exercise. It exercises that role on a political basis to quite an extent.

In the United States there is no constitutional restraint on the age at which judges must retire, as there is in Australia. Thus in the United States justices hang on to their jobs until someone of their political persuasion occupies the office of President. The President can then appoint a person of the same political persuasion to the position of the justice who retires. There are many concrete examples of that. It applies in Australia to a lesser extent, perhaps, but no doubt the judiciary here has also taken on a legislative role particularly in interpreting the Constitution.

It would not be entirely out of order to suggest that the officer who would be apointed under this clause could affect the political parties—particularly the Opposition in this Parliament—much more closely than the Chief Justice ever could. The Chief Justice might rule about the constitutional validity of certain legislation which comes before him. The Electoral Commissioner makes decisions in connection with matters which affect members of this Parliament. I do not think his role is similar to that of the Ombudsman. The Ombudsman can hurt only the Government. The Ombudsman examines administrative actions. He does not examine parliamentary actions, so he is a little more remote.

I am almost convinced that a better drafting for this part of the clause would be that the Electoral Commissioner be appointed by the

Governor on the recommendation of the Premier after consultation with the leaders of all parties. That would not give a 100 per cent foolproof guarantee, but presumably the person holding the office of Premier would be an honourable person. There would probably be some public rebound if the Premier entirely ignored the consultative process and appointed someone to whom the Opposition parties very much objected.

I move an amendment—

Page 10, line 15—To insert immediately after the line the following:

(1) In this section and in sections 5C and 5E—

"Electoral Commissioner" includes Deputy Electoral Commissioner.

Mr STEPHENS: On behalf of the National Party, I indicate our support for this amendment. We can see no reason why the Deputy Electoral Commissioner in addition to the Electoral Commissioner should not be included. Therefore we support the amendment.

Amendment put and negatived.

Mr MENSAROS: I move an amendment—

Page 10, line 17—To insert after the word "Governor," the following:

on the joint recommendation of the Premier and the Leader of the Opposition,

Mr STEPHENS: The National Party concurs with the intent of the amendment moved by the member for Floreat in respect of the appointment of the Electoral Commissioner, but as might be expected we believe that the Leader of the National Party should also be consulted. We should make provision for any other recognised party that takes a place in this Chamber. The member for Floreat mentioned earlier that the Liberal Party accepts that concept.

Generally speaking, I would go along with the comments made by the Minister for Parliamentary and Electoral Reform with regard to the appointment of all other officers. However, this appointment is one of the most sensitive there is.

Mr Bryce: But it is only sensitive to MPs. It is not important to the community as such.

Mr STEPHENS: Those MPs are more informed about and better versed in electoral matters. Many people elect a member in whom they have confidence. They expect that member to look after their interests.

Mr Bryce: I think their sensitivity directly relates to their self-interest.

Mr STEPHENS: I do not think that the Minister is correct. Electoral matters and electoral legislation are sensitive issues. Things should not only be aboveboard; they should be seen to be aboveboard. In respect of the appointments of the Electoral Commissioner and the Deputy Electoral Commissioner it would make good sense for the Premier to consult the leaders of any parties that are recognised in the Parliament. For that reason, I move—

To delete the word "and" in line 2 of the amendment.

For the time being that would cover the National Party but it makes provision for the future if other recognised parties come to the Chamber.

Mr BRYCE: The suggestion made by the member for Stirling will lead us into a spot of bother. We are talking about joint recommendations of four or five people. What happens if agreement cannot be reached between them? Does it have to be like a committee of managers between the two Houses, does there have to be unanimity before the matter can proceed?

I would be concerned about agreeing to this without its being checked by the draftsmen. I would be prepared to take to the Cabinet a suggestion arising from the discussion in Committee that the Statute should require the Premier of the day to consult with the leaders of all recognised parties in the Parliament. There is a big difference between that and joint appointments.

The member for Floreat has indicated that he thinks there is some value in that. I cannot guarantee that the Cabinet will accept it and I am putting my neck on the block every time I say this. I can only go as far as saying that I will ask Cabinet to look at this in an attempt to resolve the matter.

Mr STEPHENS: I thank the Minister for his comments. Other than the Government's consulting with the leaders of the other recognised parties, there would be another way around it; that is, any appointment must have the approval of Parliament. In that way the matter could be debated. However, I question whether that is desirable. I think the consultation process would be more desirable than having the whole matter aired in Parliament. It may be that one or two people would be deterred from putting their names forward if they

knew they had to go through that type of procedure.

We accept the point made by the Minister for Parliamentary and Electoral Reform.

Amendment on the amendment put and negatived.

Amendment put and negatived.

Mr MENSAROS: I move an amendment—

Page 11, line 13—To delete the words "within the preceding 3 years".

I make it clear that this refers to ex-members of Parliament being eligible for appointment as electoral commissioner.

Mr BRYCE: I hope that it will not be necessary for us to divide on this amendment. I will take this amendment to Cabinet for further consideration.

Mr STEPHENS: I support the amendment moved by the member for Floreat and I trust the Cabinet will agree to it. I believe the deletion of those words will strengthen public confidence in the legislation.

Amendment put and negatived.

Mr MENSAROS: I move an amendment—

Page 12, line 17—To insert after the word "Governor" the following:

, on the joint recommendation of the Premier and the Leader of the Opposition,

This amendment is similar to the amendment which I lost but I move it in view of the Minister's comments.

Mr STEPHENS: The National Party's point of view is the same. As the Minister for Parliamentary and Electoral Reform has indicated that the Government is prepared to consider this, we support the concept in the amendment moved by the member for Floreat, but it should include the leader of any other recognised party.

Amendment put and negatived.

Mr MENSAROS: I move an amendment—

Page 14, lines 10 to 13—To delete all these lines.

The Liberal Opposition parties, as I argued before, decided that it should not be specified in a Statute that the Electoral Commissioner, a Government agency, or a Government department should get involved in propaganda. I agree with the Minister for Parliamentary and Electoral Reform that this is being done to some extent at present but it is being done by other departments, and rightly so, without any statutory provisions.

I can remember all sorts of propaganda being churned out in respect of the Department of Industrial Development and the Tourism Commission. Journalists were employed and they printed various placards and placed advertisements in overseas newspapers to promote Western Australia. There was no Statute at all which would have compelled them to do so but, of course, good government required that they should do it. The more inventive the respective Ministers or departments, the more efficient the campaigns.

I refer for example to the Western Australian birthmark campaign, and I am pretty sure that if it were to be continued it would serve Australia well. These things were done in the past by various other departments, but perhaps not to the extent that it goes on today. In my time as a Minister, when people were going overseas, even in a semi-official capacity, they went to the department and asked if they could take some small tokens as souvenirs to certain people to remind them of Western Australia.

We feel it is superfluous to specify this in a Statute because it may be misunderstood by an anxious commissioner.

That was the reason we were against the Government's arrangements for Parliament Week. It is the duty of members of Parliament, and most of them do it, to bring people from their constituencies to this institution. I again emphasise that it is the duty of the media, if they believe in the system of Parliament and democracy—and they all profess that they do—to act accordingly. People should accept that.

How often does one read arguments where a serious debate merits no more than two lines, or it is ignored, but anything ridiculous or degrading merits columns and pages. I do not think the media can remind anyone but themselves to bear some responsibility for the institution of Parliament. Unfortunately, this is what appears to happen today. I am quite convinced that this provision is superfluous, but with the joint agreement of everyone I credit the Government with good intentions.

Mr STEPHENS: We are inclined to agree with the member for Floreat on this point, but we do not feel quite as strongly as he does about it. I note that this provision is imperative, using the word "shall" rather than "may". It is a direction in the Act that it must do this.

It might be more acceptable from our point of view if the word "shall" were taken out and the word "may" substituted—the commission may receive inquiries from different interested organisations. If the commissioners were entirely precluded from responding, that would not be in the best interests of electoral education. That they are directed by this legislation is quite wrong.

We did not object to Parliament Week, but we felt that the Opposition parties should have been more involved. Initially the trouble arose when the Government called it Parliament Week when Parliament had not debated it. It was not really Parliament Week but Government Week. Perhaps the Minister can indicate by way of interjection why the work being done by parliamentary officers is to be discontinued.

Mr Bryce: Which work?

Mr STEPHENS: Parliamentary officers from this place have been going to schools around the country with educational programmes as time permitted. That has been done in my electorate. Because of financial restraints, that will be discontinued and these officers, even if they take time outside parliamentary sitting hours, will not have the opportunity of getting out into the country. If that is correct, if there is not sufficient money for the greater utilisation of parliamentary officers, will the department be directed to do this education? It seems strange.

However, we will stay with the Liberal Party in opposing this one.

Mr BRYCE: In reply to the member for Stirling, that is a question which needs to be put to Mr Speaker. It falls within his purview, not that of the Minister for Parliamentary and Electoral Reform. At the present time the thing may be wound back, but as I understand it there is no intention to wind it up. It is a question of how much will be allocated to that sort of programme.

Mr Stephens: May I make a suggestion, that the money saved could be added to the vote?

Mr BRYCE: Deleting this clause will not save any money at all. I would like members of the Committee to appreciate that the State Electoral Department already has an education officer, and his direct responsibility is to conduct the education and information programmes referred to in this clause. That education officer has been on the establishment of the Electoral Department for some time, as a direct response to requests to the department for information basically for educational purposes.

Some of the members opposite are looking in this clause for something sinister which is just not there. It is a proud part of our open, democratic society that we can have a system for electing members to the Legislature that we can be proud of. Because of the honesty and the integrity of the mechanics of elections traditionally conducted in our State, I have no hesitation or qualms in saying that I think the commission itself should undertake, as a basic responsibility, the spreading of information and understanding which would generate confidence in our electoral system. I have no qualms about writing a list of functions for the Electoral Commissioner. I could understand the difficulty if we were about to do something which we are not doing, but the educational officer's production of information for schools in particular is already well and truly under way. It is just confirming something we already do.

Amendment put and negatived.

Mr MENSAROS: I move an amendment—

Page 14, line 15—To insert after the words "the Parliament," the following:

Members of Parliament, .

I have already spent enough time explaining the reasons for the amendment.

Mr STEPHENS: I support this amendment. I indicated by way of interjection my reason for that, that if the commissioner took a strict interpretation of this legislation and a member of Parliament rang up for information, he could say, "We are not allowed to give it." That is not covered in the legislation; therefore it is desirable for this to be included to avoid there being any misunderstanding whatsoever.

Mr BRYCE: May I indicate that I am happy to accept this amendment. We will run a flag up. That is only because we are a really tight, closed shop, we members of Parliament.

Amendment put and passed.

Mr BRYCE: I move an amendment—

Page 14, line 31—To delete "a person" and substitute the following—

the Deputy Electoral Commissioner .

Amendment put and passed.

Mr MENSAROS: I move an amendment—

Page 15, lines 3 to 5—To delete the lines.

Section 5H starts by saying that the Deputy Electoral Commissioner shall be appointed and hold office under and subject to the Public Service Act of 1978.

My argument in connection with this is that he is the person who is going to act as commissioner if the commissioner cannot act, and therefore he should not be a public servant, as indeed the commissioner is not. That is the reason for my formally moving this amendment.

Mr BRYCE: I would confirm with the Committee that this is a consequential amendment, and something which I would be happy to refer back to Cabinet. I will oppose it at this stage but will refer it to Cabinet for further discussion.

Amendment put and passed.

Mr BRYCE: I move an amendment—

Page 15, line 7—To delete "him" and substitute the following—

the Electoral Commissioner and shall perform any function delegated to him under section 5G .

Amendment put and passed.

Clause, as amended, put and passed.

Clause 22: Section 6 amended—

Mr MENSAROS: If I may take a little liberty, I wish to talk to clauses 22 to 30, although the Opposition does not oppose them.

Mr Bryce: Would the member make those references in very general terms so that I, too, may take a little liberty and come back in one minute?

Mr MENSAROS: I will. Although we do not oppose these provisions, I want to place on record the way in which we interpret them. The Electoral Commissioner is to be given the power to appoint registrars and returning officers, instead of those officers being appointed by the Government. That was supported by the Opposition following a joint endeavour to make the Electoral Commissioner—and indeed, as far as possible, the Electoral Commission—independent. Therefore it is a fair provision that this independent body or its head shall take over the role of the Governor in appointing the officers mentioned.

We also agree with the provisions for the appointment and substitution of registrars and returning officers, which are reasonable provisions; the transfer of power from the Governor to the commissioner regarding accepting resignations; and the transfer of powers from the Minister to the commissioner on this and other smaller points. They are consequential amendments which, having accepted the regions for the Legislative Council instead of the individual provinces, had to be inserted to make the provisions consequential. There is a transfer from the Minister to the commissioner of the responsibility for printing and maintaining the rolls, which fits into the same category.

Mr Bryce: Are you referring in a general way to the transfer of powers?

Mr MENSAROS: Yes. I am taking the liberty of talking about clauses 22 to 30. Those clauses contain provisions which really would be applicable if all of our amendments were accepted. That is, all the provisions in those clauses would suit the package we proposed, and represent our policy. We therefore accept those clauses.

Clause put and passed.

Clauses 23 to 30 put and passed.

Clause 31: Section 40 amended—

Mr MENSAROS: This clause provides for the registrar to take responsibility for certain aspects of preparing the rolls, and for the Electoral Commissioner to hear the appeals which are presently heard by a magistrate. This is a sensible provision which will speed up administration procedures generally.

However, what could and should be maintained is the publicity of the hearings presently conducted in the Magistrate's Court. I do not know how many of these matters are heard, but I suspect there are not many. If they are sufficiently important, cannot be adminstratively settled, and must go before a magistrate, then the magistrate's hearings are public. That is, of course, an enshrined democratic provision for all judicial authorities, with very few exceptions.

Therefore, while the Opposition agrees with the transfer of responsibility, it would want the hearings by the Electoral Commissioner to be public.

To this end, I move an amendment—

Page 18, line 3—To insert after the word "Commissioner" the following:

who shall hear the appeal in open session .

Mr STEPHENS: The National Party agrees with the view expressed by the member for Floreat, and supports the amendment.

Mr BRYCE: This is another of those amendments that fall into the category of something I am prepared to refer to Cabinet for consideration. For the sake of expediting the Committee's work, that also applies to the next two or three amendments. I therefore formally oppose the amendment by the member for Floreat, with a view to considering it further.

Amendment put and negatived.

Clause put and passed.

Clause 32: Section 47 amended—

Mr MENSAROS: This provision is similar to the previous one except in slightly different administrative matters. This clause has a provision regarding appeals against non-enrolment in respect of objections. Accordingly, this procedure dealing with objections, should also be conducted in a public hearing and should apply when hearing evidence and deciding about objections.

I move an amendment—

Page 18, line 11—To insert after the line the following:

(c) in subsection (3)(e), by inserting after the word "objection" where it first occurs the following:

in open session .

Mr BRYCE: This clause is the same as the previous one. Because the Electoral Commissioner is being substituted for the magistrate, this clause may not be necessary because as we substitute the Electoral Commissioner for the magistrate it may naturally follow that it is in open session. That is another specific reason why I would like to have it checked before we proceed with it as part of an amended Bill so I will disagree with it.

Amendment put and negatived.

Clause put and passed.

Clause 33: Section 48 amended—

Mr MENSAROS: In respect of this clause I might make the same procedural suggestion. It is a superfluous amendment; nevertheless I will proceed with the amendment because it is similar to the two previous clauses. The previous clauses amended sections 40 and 47 of the Electoral Act dealing with the appeals and objections against refusing to enrol a person. This clause does the same with objections against the enrolment of anyone.

Any person or the registrar himself can object. In both cases the matter is being dealt with by the magistrate who now is supposed to be substituted by the Electoral Commissioner.

I move an amendment—

Page 18, line 19— to insert after the line the following:

(c) in subsections (2)(f) and (3)(e), by inserting in each case after the word "objection" where it first occurs the following—

in open session .

Mr STEPHENS: The National Party supports the amendment.

Amendment put and negatived.

Clause put and passed.

Clause 34: Heading to Part III Division (4)(iii) amended—

Mr MENSAROS: Clause 34 has consequential amendments to clauses 29 to 33. Considering our proposed amendments to clauses 31, 32, and 33 have been lost, I cannot see anything in these clauses which would not align with our concept of electoral changes including the open hearing which was not passed by the Committee but which might be considered by the Minister at a later date.

Clause put and passed.

Clauses 35 to 38 put and passed.

Clause 39: Section 64 repealed and a section substituted—

Mr MENSAROS: Clause 39 amends the machinery of issuing writs for general elections in line with the proposed system of regions in the Legislative Council. That provision suits our policy package. It does not affect the timing of calling an election like the Bill introduced in 1985. We also accept the provision contained in the next two clauses as they are consequential except on the principle of regions.

Clause put and passed.

Clauses 40 and 41 put and passed.

Clause 42: Sections 73, 74, 75 and 76 repealed and sections substituted—

Mr MENSAROS: The existing sections are redrafted via clause 42, as are some of the subsequent clauses, to suit the regional system to accommodate groups or political parties to nominate for the regions, and to prevent dual or multiple nominations by one person. This incidentally, is a quite fitting solution which we have not had so far because it theoretically was possible for someone to nominate for two seats and then perhaps win one of the elections.

The provision also deals with conditions under which nominations can be withdrawn in a party or group situation in the Legislative Council region. All these provisions are reasonable and suit our policy package. Therefore, we will not object.

Clause put and passed.

Clause 43 put and passed.

New Clause 43A—

Mr MENSAROS: This is fairly complicated drafting but basically the clause deals with the different concept which the Opposition has to the Government's proposal for filling casual vacancies. I will not go into all the details of it but the basic principle is that the Government advocates a recount system. This is a very complicated system even to describe and I must admit that having read it through two or three times it is still difficult for me to completely comprehend. The only way to comprehend it would be for someone to go through the practical steps to be taken for a recount. Nevertheless we feel that the Government's system is not equitable even if there are enough remaining candidates from the election at the time when a casual vacancy falls for filling that casual vacancy within the region.

Even less equitable is the provision the Government itself said is equitable but hopes will not come about or, if it does, only very seldom, a provision which falls back to a by-election in case of the regions. That is very easy to understand because with a region, no matter how many Legislative Councillors are elected in this region, if there are three or more, one has a by-election almost as if it were for a single electorate.

We usually elect only one person at a by-election; the only time we might elect more would be when there were multiple deaths. Therefore with regional representation the majority party would undoubtedly win that by-election. So even though the casual vacancy was caused by the death of a minority party member, or for some other reason, and that person was the only representative amongst perhaps 18 or more in a particular region, he would be replaced by someone from the strongest majority party in the region.

We thought that even the first steps, instead of the recount situation, should be solved differently. We had some philosophical difficulty there because it is easy enough in the Senate, which is a States' House, to fill a casual vacancy because such a vacancy is filled by the State concerned. Whatever happens after that is tradition and practice and is not covered by the Constitution. With one notable exception, the States have appointed people who could reasonably have been expected to follow the same lines as the senator who has had to be replaced.

In this case the same principle would prevail if the party or group responsible for filling the casual vacancy provided the new member. It appears to be as simple as this but the parliamentary draftswoman has come up with a chain of drafting to this string of amendments. I must confess that I have not had time to check whether the amendments are necessary, but I will move them in sequence anyway.

I only mean to achieve the situation whereby if a casual vacancy occurs, the party or group to which the member who vacated the seat belonged will decide his successor. In the case of a party, as long as that party still exists there seems to be no difficulty. In the case of a group which is not an incorporated body, the group should be compelled, through this and successive amendments pertaining to this point, to nominate at the time of the original election some "proxy" who would automatically fill the vacancy. Only with an individual or independent would the requirement to fill the vacancy fallback on a by-election. A by-election would be inequitable, but we cannot find another way to cover this point. With an individual, he would be compelled to nominate a proxy; but if for some reason his proxy cannot be declared elected to fill the casual vacancy, the fall-back is nothing else but a by-election. I do not think it would be proper to provide in legislation that we should leave a seat vacancy particularly if the vacancy occurred towards the beginning of a fixed term.

I move—

Page 24, after line 14—To insert the following clause:

43A. Section 78 of the principal Act is repealed and the following section is substituted—

78. Nominations shall be in the prescribed form, and shall—

(a) state the surname and each christian name, the place of residence and the occupation of the candidate;

(b) in the case of a candidate who is not endorsed for election by any particular political party, state the surname and each christian name, the

place of residence and the occupation of the person nominated to succeed him in the event of a vacancy under Part IVA.

(c) be signed by the candidate and, if applicable, the person referred to in paragraph (b); and

(d) be addressed to the Returning Officer.

Mr STEPHENS: The National Party has a differing viewpoint from both the Government and the Liberal Party on the question of filling casual vacancies. We accept that if there is no alternative and a by-election takes place, obviously a by-election will favour the two major parties, notwithstanding the fact that the seat being filled previously belonged to a small party.

We have opted for the view that vacancies should be filled on the recommendation of the leader of the party to which the member belonged before he vacated the seat for whatever reason. Accordingly at the appropriate time we will move amendments to accommodate our point of view.

In general debate the Minister indicated that an amendment along the lines I suggest would necessitate a referendum being held. I accept his word on that because he has access to greater legal advice than we have. He even challenged whether we would like to put the State to the cost of a referendum. Were we to hold a referendum now we could obviate the need for an election to be held in the future. The choice is a referendum now or an election later and we are prepared to accept the need for a referendum if that is necessary under the Constitution.

We oppose this new clause because it is not consistent with our policy.

Mr BRYCE: On this clause there is some basic difference between the Government and Opposition parties. The Constitution requires members to be "chosen directly by the people" and that means that the method of nomination provided for here fails to satisfy that constitutional requirement. If the parties are asked, as in the Senate, to nominate someone to fill a casual vacancy, that literally means that person would not be chosen directly by the people.

Mr Stephens: What section of the Constitution is that?

Mr BRYCE: Section 73.

It is not just the section of the Constitution; the official advice I have had is that that particular section means that the practice of the party or the party leader nominating somebody to fill a vacancy is invalid.

Mr Stephens: We have no objection to altering the Constitution.

Mr BRYCE: There might be one or two other changes to the Constitution the member would like to make.

Having done the work on the documents which are the background to this debate, it strikes me that in the next year or so it would not be a bad idea if the consolidation of the Constitution and the Constitution Acts Amendment Act was addressed and put in place. It might be a wonderful present for the State for the bicentennial year.

Mr Stephens: Would you include the provision that any amendment to the Constitution should require a referendum as is the case with the Federal Constitution?

Mr BRYCE: I know that is not the subject before the Chair. It would cost somewhere between $2 million and $3 million for a referendum, and with our Budget to be introduced next week, knowing full well what the influence of that Budget is likely to be, I do not think the idea of spending $2 million or $3 million on what the people would see as an esoteric difference between the Opposition parties and the Government about the best and fairest method of replacing a casual vacancy for the Legislative Council could be justified.

In addition to that, I think members of the Committee should take on board a fairly valid objection some people would have about the method the member for Stirling is proposing. It is possible that under such a proposal, the people could have imposed upon them as their representative a person for whom they would never vote in a fit.

Mr Stephens: He would only be there for the rest of the term, and it would be under proportional representation as opposed to single-member constituencies.

Mr BRYCE: It is a very valid objection some people would have. Under those circumstances, a member of any party could be brought in and appointed to Parliament and that person might be well and truly rejected at an election, particularly in a multi-member constituency election. That is more particularly so in a State like ours which is small numerically, and in which we are talking about a re-

gion up north with a population of 50 000 or 60 000 electors. A situation like that could conceivably arise. I am also thinking of a place like Tasmania.

In 99 per cent of cases the system we are proposing—the count-back method—will provide that a person from the same party will fill the position. Members opposite are looking for security—so am I—and fairness, and preservation of party representation in the Parliament if a member of a particular party dies or leaves the State for any reason, and a vacancy arises. I think we all have an interest in seeing that a member of the same party goes into that position.

We believe that is the fair sense of purpose behind this clause. If the ballot papers are there which the people filled in at the general election a year or two before, as they are in Tasmania, and unless some sort of remarkable technical reason is advanced by the Electoral Commissioner to say that the count-back is impossible because he has lost some ballot papers—and I am advised on the best of authority that that happened in Tasmania in about 1922 when some got washed away in a flood—the people have expressed their opinion and made their assessment, and the data can be counted to find out who the next person will be.

Mr Thompson: The fellow could be living somewhere else.

Mr BRYCE: Of course, but the way the system will operate under the Act is that if a vacancy occurs the Electoral Commissioner will call nominations from the people involved in the previous election, and if they are still interested in participating they will be in the swim, as it were, and the count-back will then continue. One would not select somebody who was no longer interested. I believe that happened in Tasmania not so long ago. One bloke was living in Queensland, and someone else was no longer interested. That is their right under the system, and that is why parties would develop a vested interest in looking fairly closely at the slate of candidates put up in a particular region at any time.

If one ran out of candidates under the legislation we are suggesting, the leader of the party concerned could go to the Electoral Commissioner and recommend that in the absence of this requirement being fulfilled, a by-election was necessary. I do not think it would occur in practice; it is a last-gasp proposal.

The count-back system has worked very well in Tasmania and was recently amended by the Gray Government to take account of the situation I have referred to. It means that the people having expressed their opinion about a slate of candidates retain the right under the count-back system to select the people in the order of their priority when a vacancy occurs, and that is a pretty fair system.

Mr MENSAROS: I am indebted to the Minister for Parliamentary and Electoral Reform for his explanation. If I were to speak entirely for myself, on the basis of one of his arguments but not the other, I would seek leave to withdraw the amendment. However, I represent the Opposition and the decision cannot be changed at present. Like the Minister for Parliamentary and Electoral Reform, I will proceed.

I accept the argument he put, of which I was not aware—it may be my fault, but that is the difference between the facilities available to the Government and the Opposition. I take his word that he had this advice and that doing so would be in contradiction of the properly interpreted provisions of the Constitution. I do not think the Opposition parties would want to indulge in amending the Constitution for that reason only, although the member for Stirling said he would not mind. We were not very strong in deciding this; the decision was made more from a dislike of the proposed situation.

There are countries—and I know it well because I am old enough to have voted in those systems—where there is a list system for a multiple seat, and when a casual vacancy occurred the next person on the list would step up without any further ado. The difference there was that one did not have to vote for the person; one voted for the list, and the candidates were elected on a percentage of the vote. It was a true proportional representation situation. They said that one party had X percentage of the vote and another had Y percentage, and in the end they provided to the nearest full number the people who were elected. The next people on the list were proxy members throughout the parliamentary term. As soon as a vacancy occurred, the next candidate stepped forward.

I am not suggesting that this should be the case. However, I do not think that the Minister's argument was convincing when he said that someone whom the people might reject could be proposed by the party according to my amendments. I do not argue with that; of course there could be candidates whom a lot of electors reject. An example occurred not long

ago with a Senate ticket. It was not an absolute rejection but there was a considerable vote against a particular candidate. That argument, however, would not support the Minister's proposition because it might well be that the people voted for Nos. 1, 2, 3, and 4 but rejected No. 5.

I will not withdraw the amendment.

New clause put and negatived.

Clauses 44 and 45 put and passed.

Clause 46: Section 84 amended—

Mr MENSAROS: This is a new proposal for forfeiture of deposits. In Legislative Council regions, if a group vote is less than five per cent of all valid votes and in the Legislative Assembly if the candidate vote is less than 10 per cent of the total valid vote, the respective candidates would lose their deposits.

Of course, there is no provision presently for regional multi-member elections. There cannot be because they do not exist at present. The proposition for the Council is reasonable, although a view could be entertained that it should be higher than 10 per cent in the Assembly. The best example is the West German electoral system where it is not enough for a small or isolated party to win a seat; it is necessary that the party receives a certain percentage of the votes over the whole of West Germany, if it is a Federal election, and in the State, if it is a State election.

The Opposition is quite happy with this provision. In the Assembly presently the candidate's vote is tied to the vote of the winner. He has to poll 20 per cent of the winner's vote not to lose his deposit. The proposition is more equitable but again the proportion could be higher than 10 per cent.

It has been pointed out by the Government that results could vary depending on whether one stands in a safe seat or a marginal seat. In a marginal seat a small party could emerge with a fair proportion of the primary votes of the winner and would therefore retain his deposit. On the other hand a person who nominates in a seat like the Deputy Premier's or mine has to do very well in order to get his deposit back.

I am only expressing a slightly different view. It is an arbitrary question and I do not propose to either disagree with or seek to amend the clause.

Clause put and passed.

Clause 47: Section 85 amended—

Mr MENSAROS: The setting of the hour for closing nominations is defined here instead of in proposed section 82. Its transfer is quite acceptable as are the provisions in the subsequent clauses which collate provisions relating to after-closing of nominations and declarations for seats in the Legislative Assembly only. The clause transfers the chance provision regarding the place on the ballot paper to schedule 2 and reallocates to different clauses otherwise unchanged provisions.

This clause deals with the machinery reshuffling of existing provisions which are not changed. Rewriting section 85 provides for regional group nominations, draws for positions, and the advertising of Council nominations. It also reinserts the provisions of ascertaining time of nomination and receipt for other deleted sections.

I accept the clause.

Clause put and passed.

Clauses 48 to 50 put and passed.

Clause 51: Section 88 amended—

Mr MENSAROS: Apart from deleting the already specified hour of the close of nominations, the amendments in clause 51 deal with the death of a candidate on polling day or during the count for regions only. Existing rules will apply for Assembly districts. In the regions, if the death of a candidate reduces the remaining ones to the number to be elected, they will be declared elected without election and if death occurs during the poll or count, the dead candidate's votes are to be counted. Should he win, it is assumed that he resigned immediately after he was elected.

Because of the regional system, the Opposition considers the provisions to be quite reasonable and, therefore, accepts the proposed amendment.

Mr BRYCE: I give notice that I will move an amendment to clause 51 to delete paragraphs (a) and (b).

The position the Government has taken is the one which I drew to the attention of members yesterday, but there has been no unanimity. I would appreciate some expression of opinion from members opposite.

As we take steps towards regional electorates and multi-member constituencies the question that arises is: Should we be applying to the regional multi-member constituencies the same system which applies to the Legislative Assembly if a candidate dies between nomination

day and polling day which is a period of 21 days?

The position in the Legislative Assembly is that if a candidate on a list of candidates in a single member constituency dies, the situation is null and void and nominations must be called again and a subsequent election held for that seat.

The position which arises with multi-member constituencies is that between 30 and 40 candidates could be seeking election, for example, in slates of candidates for seven seats. If a region has more than 12 seats the list could conceivably involve between 50 and 70 candidates who would all be seeking election to those multi-member constituencies.

If one person died after nominations had been called or if there were multiple deaths of candidates after nomination, and before polling day—the member for Floreat has said that if a candidate dies on polling day his votes are counted—the casual vacancy filling mechanism would come into play. The position we must examine is how we would handle the multi-member constituencies if one or more candidates died between nomination day and polling day.

What the Government has proposed in the amendment I will move is that if one person dies the whole regional election must be held again, which is what occurs in Legislative Assembly seats. The original proposal was that this would be done if there were multiple deaths only. No-one has given the Government the tablet which states that this is the way it should be done, but that is what is proposed by the amendment.

Mr MENSAROS: I understand the Minister said that the proposal now is that when one or more candidates die in the regional election, irrespective of whether that candidate belongs to a group of six or is an individual candidate, the election will be repeated in that region. It appears to be a fairly simple solution and it probably excludes anomalies. What happens, however, is that candidates will be inconvenienced by going through the process again and perhaps it will cost a little more for the candidates and the parties concerned because they will have to prolong their respective campaigns.

The second election would seem to be somewhat superfluous if the death of a single candidate was to occur. I do not think there will be very many single candidates, but nevertheless if only a single candidate dies it is unlikely that any harm would be done to anyone if a re-election is not held. I am putting this point to the Government for its consideration.

Apart from that point I cannot see any objection to the proposition. In fact, it is somewhat akin to the Opposition's policy which is not on the Notice Paper as an amendment. However, when I spoke to clause 1 of this Bill I stressed what the Opposition advocated. Perhaps the Government when reconsidering the Bill will give consideration to including a provision which will cater for redistribution in regions only.

It is likely that the population movement in the country areas will remain fairly static, while in the metropolitan area there will be a great change. Why subject the entire State, particularly the regions, to redistribution if it is really only caused by one or two regions?

Although the Opposition has not put forward an amendment to this clause for various reasons, what I propose is that there could be a redistribution triggered by seats being out of kilter in any one region and that redistribution could apply even though there is no reason to redefine the boundaries.

As I have said, this amendment is akin to the Opposition's policy and we do not have a great deal of objection to it.

Mr BRYCE: I move an amendment—

Page 30, lines 15 to 24—To delete paragraphs (a) and (b).

Amendment put and passed.

Clause, as amended, put and passed.

Clause 52: Section 89 amended—

Mr MENSAROS: An added subsection (2) proposes that if insufficient candidates are nominated or returned—someone dies before polling day—the election has partially failed and a supplementary election must be called to fill the remaining vacancy or vacancies.

This provision does not seem to be equitable as if a small party or independent candidate dies, the strongest party will win the vacancy. It is unlikely to happen as the major parties presumably will nominate more candidates than the reasonable chance of seats to be won.

During the Senate elections the parties shall nominate only as many candidates as can reasonably and pragmatically expect to be elected, but if the provisions of this Bill were to be accepted I suppose the interested parties would quite deliberately nominate an excessive number of candidates.

Mr Bryce: Any political party would get caught only once.

Mr MENSAROS: That is what I am saying. If the provisions of this Bill are enacted, the parties would undoubtedly nominate such numbers of candidates as would cater for all sorts of possibilities. Therefore, they would not be caught out.

Clause put and passed.

Clauses 53 and 54 put and passed.

Clause 55: Section 93 amended—

Mr MENSAROS: This clause and the clauses before and after it deal with the postal ballot. This clause provides that the presently statutorily defined remote areas where a general postal vote may be registered will be defined by the Electoral Commissioner. He will define the regions or perhaps the electoral districts within the region in which people will be eligible to register a postal vote. This principle is in line with the independence of the Electoral Commissioner. It also makes administration more efficient as changes in transport and means of communication may occur which would necessitate the removal of some areas from any definition of "remote areas", thus changing the provision in respect of eligibility for postal voting.

We accept also the provisions for polling places and ballot papers contained in the following clauses. Therefore, I will not hold up the Committee by talking about them.

Clause put and passed.

Clauses 56 to 60 put and passed.

Clause 61: Sections 113A and 113B inserted—

Mr STEPHENS: The National Party objects to and opposes optional preferential voting, but we support an alternative similar to that provided in Federal legislation in respect of registration of parties and registration of the how-to-vote cards of those parties. In such circumstances, the ballot paper has two parts. In the first part, the elector may choose to follow the official how-to-vote card of the registered party and if he does so he need mark only one box. However, if the voter wishes to make his own choices in respect of preferences he can follow that option. We accept that with proportional representation the ballot papers will be bigger than they have been in the past. Therefore, it is reasonable to make provision for registration of parties and the registration of official how-to-vote cards of those parties so that the voter may have the alternative. Our proposed amendment is very clear and follows the wording in the Commonwealth Act. Its drafting is neither wordy nor lengthy. I move an amendment—

> Page 34, line 5 to page 35, line 10—To delete the proposed section 113A.

Mr BRYCE: The Government does not agree with the move by the National Party to delete proposed section 113A. I understand why the member moved the amendment, but I am mindful of the time and the fact that consideration of optional preferential voting is just beginning. Although we have basically completed the Committee stage for today, we have yet to begin the rather lengthy and convoluted discussion we will have on optional preferential voting as it applies to both Houses of the Parliament.

Progress

Progress reported and leave given to sit again, on motion by Mr Bryce (Minister for Parliamentary and Electoral Reform).

[Questions taken.]

House adjourned at 6.00 p.m.

QUESTIONS ON NOTICE

ROTTNEST ISLAND YACHT CLUB

Registration

1103. Mr BRADSHAW, to the Minister representing the Attorney General:

(1) Has the Corporate Affairs Department received an application to register an organisation to be known as the Rottnest Island Yacht Club?

(2) Has Corporate Affairs supported the application?

(3) Does the Attorney General support the application mentioned in (1)?

(4) If the Attorney General does not intend to allow the registration of the organisation to be known as the Rottnest Island Yacht Club, why not?

Mr PETER DOWDING replied:

(1) to (3) Yes.

(4) Not applicable.

COMMUNITY SERVICES: ADOPTIONS

Applications: Processing

1112. Mr BRADSHAW, to the Minister representing the Minister for Community Services:

(1) Is the Minister aware that the adoption section of the Department of Community Services has virtually stopped processing applications to adopt children?

(2) Is the Minister aware the processing of applications has stopped until the "devolvement" of people working in the adoption section to regional centres?

(3) Has any date been set for "devolvement" of people working in the adoption department?

(4) If so, when?

(5) When can people wanting to adopt children expect applications to adopt to start being processed?

Mr WILSON replied:

(1) Applications for persons who applied before April 1981 are still being processed. In addition, the centre is processing private adoption assessments; applicants for the adoption of related children; assessments for the placement of "special" children; and the reports necessary in some cases of previous marriage and ex-nuptial adoption. The adoption of unrelated overseas children has been temporarily halted to allow preparation for devolvement and for incorporation of new adoption regulations into practice.

(2) As for (1).

(3) The transfer of adoption officers to the field will be complete one month after the proclamation of the amendments to the Adoption Act No. 108 of 1985 and regulations.

(4) As for (3).

(5) The processing of unrelated overseas applicants will restart following devolvement of the adoption centre.

COMMUNITY SERVICES

De facto Relationships: Legislation

1117. Mr MENSAROS, to the Minister representing the Attorney General:

(1) Is it the Government's policy to bring down legislation about de facto relationships?

(2) If so, is the Attorney General planning to introduce a comprehensive Bill in this respect, like the De Facto Relationship Act in New South Wales?

Mr GRILL replied:

(1) and (2) There are no proposals before the Government in respect of comprehensive legislation covering de facto relationships generally.

FREEDOM OF INFORMATION

Western Australian Legislation

1127. Mr MacKINNON, to the Minister representing the Attorney General:

(1) Has the Government received any approaches from organisations within the community to legislate to provide a "Freedom of Information Act" for Western Australia?

(2) If so, is the Government giving consideration to legislating along these lines?

Mr PETER DOWDING replied:

(1) Yes.

(2) The Government is monitoring the operation of the Commonwealth Freedom of Information Act, together with the various States' legislation.

No legislative proposals are currently before the Government.

PRISONS: WORK RELEASE CENTRE

St Brigid's: Demolition

1147. Mr MacKINNON, to the Minister representing the Minister for Prisons:

(1) Is the Government still planning to proceed with the demolition of the St Brigid's Convent in West Perth which is currently used by the Prisons Department as a work release centre?

(2) If so, when will that work commence?

(3) If not, what alternative uses are being considered for the centre?

(4) Has the request from the Italo-Australian Welfare Committee with respect to this centre been considered?

(5) If so, what has been the outcome of that consideration?

Mr PETER DOWDING replied:

(1) to (3) The future of the West Perth Work Release Centre is under review. It is not anticipated that the Prisons Department will be in a position to relinquish the site, but earlier redevelopment plans have been indefinitely deferred.

(4) Yes.

(5) See (1) to (3).

PASTORAL LEASES

Emmanuel Family: Boundary Redrawing

1153. Mr COURT, to the Minister for Lands:

(1) What Government body is responsible for the re-drawing of the boundaries of the Emmanuel properties in the Kimberley?

(2) How many committees are working on the re-drawing of these boundaries?

Mr TAYLOR replied:

This question has wrongly been addressed to the Minister for Lands. It has been referred to the Premier and he will answer the question in writing.

REGIONAL DEVELOPMENT: SOUTH WEST DEVELOPMENT AUTHORITY

Members: Terms of Appointment

1156. Mr WATT, to the Minister for Regional Development:

(1) What are the terms of appointment for the chairman and members of the South West Development Authority?

(2) What remuneration is received by the chairman?

(3) What remuneration is received by the deputy chairman?

(4) What remuneration is received by other members of the South West Development Authority?

Mr CARR replied:

This question has wrongly been addressed to the Minister for Regional Development. It has been referred to the Minister for The South West and he will answer the question in writing.

ENERGY: ELECTRICITY

Powerlines: Private Contractors

1157. Mr HOUSE, to the Minister for Minerals and Energy:

(1) Does the State Energy Commission allow private contractors to quote on line building and extensions?

(2) If "Yes", does he know to what extent private enterprise is involved in Western Australia as a percentage of last financial year's total line work?

(3) Is it a policy of the State Energy Commission to have line extension jobs of say $5 000 and under tendered by the State Electricity Commission?

(4) If no, will he consider such a scheme?

Mr PARKER replied:

(1) Yes.

(a) Major transmission lines;

(b) new power lines in country areas;

(c) underground residential distribution cable installations.

(2) Over 60 per cent including major transmission.

(3) No.

(4) Contractors working with live mains create safety, insurance, and legal problems. Contractors are used for new power lines which are not energised.

APIARY SITES

Availability

1160. Mr BLAIKIE, to the Minister for Conservation and Land Management:

(1) What was the number of apiary sites available to beekeepers in each year since 1980?

(2) Can he advise whether his department intends to reduce the number of apiary sites "on environmental grounds" and would he give details?

Mr HODGE replied:

(1) As at 30 June, the number of registered sites was:

1981—2 320
1982—2 275
1983—2 176
1984—2 220
1985—2 174
1986—2 214

(2) There is no general intention to reduce the number of apiary sites "on environmental grounds" but there is a proposal, made available for public comment in the Shannon-D'Entrecasteaux draft management plan, for some rationalisation of sites in the Shannon Forest. The proposal includes relocation or cancellation of a small number of sites. This would be in consultation with the industry, and already there has been a constructive discussion with one apiarist in this regard.

WILDLIFE: KANGAROO

Rescue: Cost

1164. Mr BLAIKIE, to the Minister for Conservation and Land Management:

(1) Has he seen the report in *Calm News* August 1986, page 4, showing persons involved in the rescue of a six-month old kangaroo?

(2) Would he detail the total costs involved in travel, etc?

Mr HODGE replied:

(1) Yes.

(2) No costs were involved.

HEALTH

Wittenoom: Air Monitoring

1166. Mr BRADSHAW, to the Minister for Environment:

(1) With regard to air monitoring at Wittenoom, is it true that the Government had to abandon readings taken over a period of three months during 1985?

(2) If so,

(a) why;

(b) what was the cost in terms of lost dollars to the taxpayer?

(3) During the prescribed measuring period was any allowance made for the possibility of power failures affecting the accuracy of readings?

(4) Were the filters allowed to remain in the monitoring machine past the prescribed measuring period?

(5) If so, could this lead to higher readings?

(6) Is the monitoring equipment used in the Government's study able to selectively identify asbestos fibres as distinct from other airborne fibres?

(7) If not, could this lead to a higher fibre count?

(8) How does the Minister account for Government studies showing significantly higher measurements of airborne asbestos fibres than the Geraldton Building Company report of 1985, excluding seasonal factors?

(9) Bearing in mind that a report in *The West Australian* dated 31 August 1985 stated that the Government rejected a three-month study made by the Geraldton Building Company in 1986 because "the initial study period had been far too short", how does he justify the three-month Government study currently being written up?

(10) Will the current Government study report be made public? If so, when?

(11) Bearing in mind that Dr Neil Bartholomaeus, lecturer for 10 years at the University of Western Australia on the occupational causes of cancer, has recently been appointed as consultant to the Minister for Industrial Relations for a 12-month period, will Dr Bartholomaeus be directing his

knowledge towards problems of asbestos-related cancer at Wittenoom?

Mr HODGE replied:

(1) to (10) All these matters will be addressed in the report of the monitoring. The report is currently being printed and will be made public by the end of this month.

(11) Yes, both in relation to Wittenoom and elsewhere in Western Australia where workers were exposed to asbestos.

HEALTH

Magnetic Resonance Scanner

1168. Mr BRADSHAW, to the Minister for Health:

(1) Can Western Australia still expect to receive a magnetic resonance scanner as promised?

(2) If so, when?

(3) If not, why not?

Mr TAYLOR replied:

(1) Yes. Tenders have been called to purchase a magnetic resonance scanner.

(2) When tenders have been evaluated and the order placed.

(3) Not applicable.

HEALTH

Mental Health Act: Amendment

1169. Mr BRADSHAW, to the Minister for Health:

(1) Is the Mental Health Act to be rewritten or amended?

(2) If so, is the draft available?

(3) If "Yes" to (1), when does he intend to introduce the amendments?

Mr TAYLOR replied:

(1) Yes.

(2) No.

(3) As soon as is practicable.

MINISTER FOR POLICE AND EMERGENCY SERVICES

Letter: Police Officers

1171. Mr CASH, to the Minister for Police and Emergency Services:

(1) Did he write and distribute a letter dated 30 September 1986 to police officers throughout the State?

(2) If "Yes", will he explain the meaning and intent of item 6 on page 2 of the letter which states "Increase in salaries at the end of the wage freeze"?

Mr GORDON HILL replied:

(1) Yes.

(2) The meaning and intent of item 6 on page 2 is self-evident.

POLICE FORCE

Assistant Commissioner for Training

1172. Mr CASH, to the Minister for Police and Emergency Services:

(1) Is it intended to create a new position within the Police Force known as Assistant Commissioner for Training?

(2) If "Yes", will he provide the reasons for the need to create such a position?

Mr GORDON HILL replied:

(1) No.

(2) Answered by (1).

PRISON: CASUARINA

Siting: Prison Officers Union Request

1173. Mr CASH, to the Minister representing the Minister for Prisons:

(1) Is the Minister aware of comments which suggest that one of the reasons for siting the proposed maximum security prison at Casuarina was at the request of members of the Prison Officers Industrial Union?

(2) Is there any substance in these allegations?

(3) Was the threat of industrial disputation with prison officers a consideration in determining the location of the new maximum security prison?

Mr PETER DOWDING replied:

(1) and (2) I am not aware of any request by members of the Prison Officers Industrial Union in respect of the choice of the new prison site.

(3) Not applicable.

ROAD

Kwinana Freeway: Extension

1174. Mr CASH, to the Minister for Transport:

(1) When is the Kwinana Freeway intended to be constructed from South Street to Thomas Street?

(2) What is the estimated cost of this section of the freeway?

Mr TROY replied:

(1) No timing for construction has been decided.

(2) A very preliminary estimate is of the order of $34 million in today's prices.

HEALTH

Home and Community Care Programme: Funding Application

1177. Mr BRADSHAW, to the Minister for Health:

(1) How many applications to the home and community care programme for funds have been processed this calendar year?

(2) What is the length of time to process an application for home and community care funds?

(3) How many applications are currently before the home and community care committee from organisations such as Silver Chain that will directly help elderly people in their homes?

(4) Are funds allocated to organisations other than those which provide home services; if so, what other criteria can funds be allocated for?

Mr TAYLOR replied:

(1) 79.

(2) The length of time can vary greatly from application to application and it is therefore not possible to give a concise answer.

(3) 66.

(4) Yes. The home and community care agreement between the State and Commonwealth enables the following services to be funded—

(a) home help or personal care or both;

(b) home maintenance or modification or both;

(c) delivered meals and provision of other food services;

(d) community respite care;

(e) transport;

(f) community paramedical services;

(g) community nursing;

(h) assessment or referral or both;

(i) education or training for service providers and users or both;

(j) information;

(k) coordination; or

(l) such other service as is agreed upon by the Commonwealth Minister and State Minister.

HEALTH

Home and Community Care Programme: Budget Allocation

1178. Mr BRADSHAW, to the Minister for Health:

(1) How much money was budgeted for the home and community care programme in 1984-85?

(2) How much money was actually allocated?

Mr TAYLOR replied:

(1) $18 758 million.

(2) $17 871 million was allocated and the unspent portion was rolled over in 1985-86.

HEALTH

Home and Community Care Programme: Administration Committee

1179. Mr BRADSHAW, to the Minister for Health:

(1) When was the original committee formed to administer the funds of the home and community care programme?

(2) Was this committee abandoned or dismissed?

(3) If so, when, and for what reason or reasons?

(4) When was the new committee constituted?

Mr TAYLOR replied:

(1) The interim HACC advisory committee met for the first time on 13 February 1985. Its role was not to administer the funds but to provide advice on policy, priorities, and other matters to the Minister for Health.

(2) and (3) No. Its policy advisory role concluded in May 1986.

(4) The HACC committee met for the first time on 23 July 1986.

CRIME: SEXUAL ASSAULT

Minors: Step-parents

1180. Mr NALDER, to the Minister representing the Minister for Community Services:

(1) What is the most recent information available on the incidence of sexual assault on minors by step-parents or de facto parents in Western Australia?

(2) Is there a reliable assessment of what proportion of such offences goes unreported?

Mr WILSON replied:

(1) During the 1985-86 statistical year, there were 984 reports of child abuse and neglect received by the Advisory and Coordinating Committee on Child Abuse (ACCCA) statistical collection, 500 of which were complaints of sexual abuse. During 1985-86 17 per cent of reports of sexual assault on minors was attributed to a step-parent or a de facto parent as the perpetrator. Not all agencies in Western Australia contribute to the ACCCA statistical collection.

(2) There has been no significant research in this area in Australia to date, although it is generally accepted that a far greater incidence of child sexual abuse occurs than the number of notifications to authorities.

CRIME

Domestic Violence: Victims

1182. Mr NALDER, to the Minister representing the Minister for Community Services:

With reference to the report of the task force on domestic violence, what action, if any, has been taken on—

(a) Recommendation 65, relating to a proposal for rural women's multipurpose centres;

(b) recommendation 66, relating to support for children in situations of domestic violence?

Mr WILSON replied:

The report of the domestic violence task force which contained 103 recommendations, was released in March 1986 for public discussion and comment for a period of three months.

At the same time, Cabinet established a coordinating and collating committee to collate public and departmental responses to the report. That committee completed its task at the end of September and its deliberations will be discussed by Cabinet in due course. Therefore—

(a) No action has yet been taken on recommendation 65;

(b) no action has yet been taken on recommendation 66.

WA DEVELOPMENT CORPORATION

Tailing Dumps: Reprocessing

1183. Mr MacKINNON, to the Minister for Minerals and Energy:

(1) To what tailings dumps has the Western Australian Development Corporation been given exclusive rights?

(2) Which of those tailings dumps are currently being operated by the Western Australian Development Corporation or some other party?

Mr PARKER replied:

(1) and (2) Assuming the member is referring to State Battery tailings dumps—

Paynes Find.

Operations are still proceeding.

ENERGY: GAS

Dongara: Future

1184. Mr TUBBY, to the Minister for Minerals and Energy:

With the purchase by the State Energy Commission of the Fremantle Gas and Coke Co Ltd, would he please detail the future of the Dongara gas field?

Mr PARKER replied:

Confidential commercial discussions are currently underway between the State Energy Commission and the CTAS joint venturers.

HEALTH EDUCATION

K-10 Syllabus

1185. Mr HOUSE, to the Minister for Education:

(1) With reference to the K-10 health education syllabus, what guidance is given to teachers in—

(a) the teaching of male and female roles in year 8;

(b) the teaching of family roles in year 9;

(c) the teaching of "myths and misconceptions about sexuality" in year 10?

(2) In practice, how closely are the guidelines followed in relation to the subjects mentioned above?

Mr PEARCE replied:

(1) (a) The year 8 teacher's guide expands the objective related to male and female roles on pages 7.1 to 7.16;

(b) the year 9 teacher's guide expands the objective related to family roles on pages 9.1 to 9.19;

(c) the objective related to the appraisal of common myths and misconceptions is to be written for the year 10 teacher's guide in late 1986.

Guidance is available from head office staff for teachers teaching all objectives contained in the health education K-10 syllabus.

(2) It is highly recommended that teachers follow the guidelines contained in the health education teachers' guides for all health issues.

HOUSING: LAND

Kelmscott: Sale

1189. Mr. RUSHTON, to the Minister for Housing:

(1) What is the present position regarding Homeswest making its land on Connell Avenue, Kelmscott available to the City of Armadale?

(2) Does Homeswest still intend to sell the land to the city?

(3) Does Homeswest intend to have the land rezoned for residential use?

Mr WILSON replied:

(1) Negotiations are continuing between the City of Armadale and Homeswest.

(2) Yes, subject to an appropriate consideration being offered.

(3) No.

QUESTIONS WITHOUT NOTICE

FREMANTLE GAS AND COKE CO LTD

Western Continental Corporation: Discussions

245. Mr COURT, to the Minister for Minerals and Energy:

(1) Did the Minister have any discussions or meetings with any director of Western Continental Corporation between the date on which the increased share capital was requested for the Fremantle Gas and Coke Co, being 8 April this year, and the date on which he first approved the increase, being 20 May this year?

(2) If "Yes," what was the nature of those discussions or meetings?

Mr PARKER replied:

(1) and (2) I previously advised the House that my discussions in relation to that application for a share capital increase were with Mr Jon Pope, a senior tax partner—I am not certain but he may be the senior tax partner—with Price Waterhouse. Those were the discussions I had, and I have previously related to the House the way in which those discussions were held.

I do not believe I have had any other discussions with directors of Western Continental about that matter. I may have done about other issues but all of the discussions concerning a share capital increase were held with Mr Pope.

EMPLOYMENT

Western Australia

246. Mr MARLBOROUGH, to the Minister for Employment and Training:

Would the Minister please outline the current employment situation in Western Australia?

Mr PETER DOWDING replied:

It is very pleasing to note that the policies of the Burke Labor Government are continuing to create an atmosphere in which positive economic growth can take place in Western Australia.

Figures released today indicate that 22 000 additional jobs have been created in Western Australia in the 12 months to September this year. Although it is true that there has been an increase in the unemployment rate in September, Western Australia is still considerably below the national rate and, I am also very pleased to say, very considerably below the rate of unemployment existing in Queensland, to which State our economy has been compared. Total employment in Western Australia grew by 10 500, of which 6 800 were in full-time positions. The labour force grew by 14 300, reflecting the increased employment expectations associated with the America's Cup. Those expectations are well founded.

We have made some inquiries which have revealed that a very significant number of people are coming to Western Australia looking for and registering for employment. Based on a comparison with the position 12 months ago, we have seen a 50 per cent increase in the number of people from the Eastern States who have come to Western Australia and registered for employment. I do not see this as a cause for alarm because many of the people who come will have experience which is attractive to employers and, no doubt, will be particularly attractive during the peak time of the America's Cup.

With regard to this overall unemployment figure, it is also worth noting that the Commonwealth Employment Service has been conducting a drive to encourage more women, particularly married women with a low registration rate, to register for employment. Hence they will have swelled the numbers reflecting in the slight increase in unemployment to 8.1 per cent.

We have also seen a number of campaigns associated with students registering for work during the America's Cup. The State Government will continue its efforts to create an economic climate in which rational decisions can be made to ensure that the State's work force can achieve its potential and can continue to grow. We are committed to exploring all avenues of job creation initiatives involving the community as a whole.

FREMANTLE GAS AND COKE CO LTD

Purchase: ALP Concern

247. Mr LAURANCE, to the Minister for Minerals and Energy:

(1) Is the Minister aware of an article which appeared in this week's edition of the *Southern Gazette*, dated 7 October 1986 headed "Lessiter says Government is giving away assets", in which a former ALP branch executive outlines grave concern at the Government's recent actions, in particular the purchase of Fremantle Gas and Coke Co Ltd?

(2) Is he also aware that the article states—

> He claimed the last deal was particularly odd when Minerals and Energy Minister David Parker stated only three months ago that he wanted the SEC to sell its city property to reduce its $2.74 billion capital debt.

And also—

> "I have had newspapers detailing the land deals left in my mail box by people who are concerned and several ALP members have contacted me because they are very worried by the party's actions"?

(3) How can the Minister reconcile his actions over the purchase to the general public when even ALP members are so worried?

Mr PARKER replied:

(1) to (3) I am very interested to hear Lessiter's last beef because his earlier ones have been notably unsuccessful and, indeed, as my colleagues have pointed out to the member for Gascoyne, Mr Lessiter is not a member of the ALP. He has demonstrated for some very considerable time that he is not a member and that he is not interested in the Labor Party.

Mr Laurance: The article refers to members of the ALP who have contacted him.

Mr PARKER: He also said the same sorts of things about the issues involving planning considerations, the member for Victoria Park, and a whole range of other things. I am not interested in what people who have some form of chagrin with the Labor Party or the Government have to say about these matters. I do not care one whit what Lessiter feels about these matters and what he puts in the *Southern Gazette*, *Fremantle Gazette*, or any other gazette. I treat his comments in the same way as I treat those made by the Opposition.

PORTS AND HARBOURS

Mandurah: Channel Opening

248. Mr READ, to the Minister for Transport:

Will the Minister advise the measures being taken to ensure that the navigation channel at the Mandurah ocean entrance is open in time for the rock lobster fishing season commencing mid-November?

Mr MacKinnon: It should be open permanently.

Mr TROY replied:

I am interested in that comment from the Opposition and it will be interesting to see where the New Right with its economic justification will deploy its money in future.

The Government will be continuing its policy of ensuring that boats, fishing boats in particular, have access through that area at the appropriate time of the season. We have been pursuing negotiations with the local authorities in an attempt to make some arrangement for all-season access, and I hope that those negotiations will continue to a favourable conclusion.

The specific question has been raised by the member for Mandurah and quite clearly I must acknowlege his persistence in this matter. I acknowledge the work he has done in that area.

Initially arrangements are being made to employ a dragline to dredge sand from the Mandurah ocean entrance. The dragline is programmed to start before the end of October. From previous experience this will create an adequate channel in time for the start of the rock lobster fishing season.

It is expected that some further widening and deepening of the navigation channel will be carried out by a small cutter-suction dredger which should be available in Mandurah by late November.

FREMANTLE GAS AND COKE CO LTD

Staff: Employment

249. Mr THOMPSON, to the Minister for Employment and Training:

Following the Minister's answer to an earlier dorothy dix question, I have no doubt he will be able to give a very satisfactory answer to my question.

(1) Is the Minister aware that only half the 105 employees of the Fremantle Gas and Coke Co Ltd have been offered employment by the SEC, following the sale of the gas reticulation system to the commission?

(2) Has he made any efforts to assist these people gain other employment, and if so, with what result? I have no doubt that the answer will be favourable bearing in mind his earlier answer.

(3) Is the Minister satisfied that redundancy provisions and payments are adequate to compensate these employees for the loss of their livelihoods, given that many have been with the company for many years and may find it impossible to gain alternative employment because of their age?

Mr PETER DOWDING replied:

(1) to (3) I have no direct responsibility in relation to the company's redundancy scheme because it is the company's

scheme and not a matter for the Government. However, I have been informed that the scheme is dramatically better than the standard set by the ACAC, in the case of metalworkers, and dramatically better than the standards which apply in many areas of the private sector. In fact, the scheme is not dissimilar to schemes which have been used within the Government service.

As far as I am concerned the offer that I was informed was made to the men for whom no work was available within the SEC reflects the long service they have given to that company, and it is entirely appropriate.

Mr Thompson: They would rather be working.

Mr PETER DOWDING: I do not want to be thought of as a latter day Luddite. I know that some members on the opposite side wish to associate themselves with the new extreme Right and the H. R. Nicholls Society, such as the member for Gascoyne who has been waxing eloquent to the embarrassment of some of his colleagues—certainly his Federal colleagues. I do not want to be thought of as moving back into some mid-19th century political philosophy where there would be an automatic guarantee of permanent employment for those workers involved.

The responsibility of an employer and the responsibility of a Government is to act in a compassionate way and to ensure that where it is not possible to place a worker in work appropriate to his or her qualifications, experience, and ability, that worker is offered a satisfactory and fair redundancy scheme. That is the situation which has occurred on this occasion.

WILDLIFE

Kangaroos: Woodvale

250. Mrs WATKINS, to the Minister for Conservation and Land Management:

Is the Minister aware that there is a small population of grey kangaroos which are being disturbed by encroaching urban development at Woodvale and, if so, what action does the Government intend to take in regard to the difficult circumstances facing these kangaroos?

Mr HODGE replied:

As the member may be aware, there are a number of diverse interested parties involved in this matter. There is the local community; the developers of the land: Town and Country Building Society; Australians for Animals; the Fauna Rehabilitation Foundation; and others.

Naturally, the Department of Conservation and Land Management has an interest because the animals involved fall within the jurisdiction of that department's charter under the Wildlife Conservation Act. It is the Government's intention to render all possible assistance to the above-mentioned groups with a view to finding and implementing the most favourable solution as far as the kangaroos are concerned.

With this in mind, the Chairman of the EPA has appointed an officer to coordinate the activities of the different bodies involved to ensure that a common direction is taken in overcoming the difficulties. I understand that it is intended to hold a meeting, hopefully by the end of this week, to bring together all interested parties to discuss the options that are available and determine the best course of action.

Naturally the wishes of the local community, the developers, and others will be taken into consideration in any decision that is made; and indeed it is hoped that these people will play an instrumental role in carrying out any rescue operation. Officers of the Departments of Conservation and Environment, and Conservation and Land Management will be readily available to provide expertise and assistance where required; but it is hoped that this project will remain largely a community-initiated one through to its ultimate solution.

INDUSTRIAL RELATIONS

Inefficient Work Practices

251. Mr COWAN, to the Minister for Industrial Relations:

The Minister would be aware that the Commonwealth Government has just begun proceedings to investigate the work practices and identify where possible those which are creating inefficiences and should perhaps be removed. What is his Government doing to examine those work practices under State awards which are similarly creating inefficiences and should be abolished?

Mr PETER DOWDING replied:

Some months ago I had presented to the Iron Ore Industry Consultative Council, designed to improve industrial relations in the iron ore industry, a paper which suggested that both sides needed to address work practices and management practices with a view to increasing efficiency. More recently, after a council meeting organised by the Prime Minister in relation to those issues, I have been in touch with employers and unions in Western Australia and suggested a similar conference at which we discussed the nuts and bolts of dealing with restrictive management and work practices.

I might say that that contrasts very markedly with the Opposition's attitude on this issue. On 15 September the Deputy Leader of the Opposition jumped on the work practices band wagon and said he intended to set up a work practices conference. He acted in a typical right-wing Liberal Party way. He did not invite the unions.

Mr MacKinnon: That is where you are totally wrong. I have written to about 40 of them.

Mr PETER DOWDING: It took two days for someone to correct him and point out that the unions were part of it.

Point of Order

Mr COWAN: May I remind the Minister that I asked him what he was doing, not what the Deputy Leader of the Opposition was doing.

The SPEAKER: My guess is that you have just done that.

Questions without Notice Resumed

Mr PETER DOWDING: As I have indicated, the Government is taking a very real and sensible initiative in this area, one which involves the union movement and the employer organisations. I invite the Opposition, if it has anything constructive to say on this matter, to communicate with me and we will certainly consider it in the context of the conference I have called.

There is one caveat which I ought to add to that invitation, and that is that the Opposition seems to be getting it wrong so often. We have had the member for Gascoyne, who was not even aware—

Several members interjected.

Mr PETER DOWDING: I know he is a bit of an embarrassment, but he keeps getting it wrong. He did not know Mr Lessiter was not a member of the ALP.

In relation to these work practices, there were calls from members of the H.R. Nicholls Society who might be better off learning the history about what an incompetent fellow H.R. Nicholls actually was. Far from being a defender of the free Press and a libertarian, he was an obscure editor of an obscure newspaper who got his facts wrong.

Mr Hassell: He has got you tremendously stirred up.

Mr PETER DOWDING: I know that some members opposite do not know this, otherwise they would not be adding their names to the list of members of the H.R. Nicholls Society.

Point of Order

Mr MacKINNON: Mr Speaker, as I pointed out, I think yesterday or it could have been Tuesday, your directions, not in this session of Parliament but the previous one, were that Ministers as far as possible should keep their answers direct and to the point. The Minister has now been replying for five minutes. He has not

responded to the question and I think he should be brought to order.

Mr SPEAKER: There have now been seven questions and six-and-a-half answers in 17 minutes. That makes a total of something like two-and-a-half minutes for each question and answer. That is not a bad tally.

Questions without Notice Resumed

Mr PETER DOWDING: Those members opposite who filed off to add their names to the H.R. Nicholls Society supporters' club, much to the embarrassment of some of their colleagues and Federal members, should know that H.R. Nicholls had actually got into trouble for criticising Mr Justice Higgins for remonstrating with a barrister speaking disrespectfully of the Government. He alleged in a editorial that Mr Justice Higgins had been appointed because he had been a friend of the Labor Government. He had actually been appointed by the Deakin Liberal Government. When this error was pointed out to Nicholls, he immediately retracted and apologised, and was never convicted of contempt. So, like the rest of the Opposition who subscribe to these errors and obviously get things wrong so often, H.R. Nicholls did likewise.

TRADE: EXPORTS

Live Sheep: Relocation

252. Mr D. L. SMITH, to the Minister for Environment:

On the ABC news yesterday morning the Minister was quoted as favouring shifting the live sheep shipping industry from Fremantle to Bunbury. Can he confirm or deny that report?

Mr HODGE replied:

I thank the member for his question and the opportunity to put the record straight. Somehow or other I have been misquoted several times on the ABC news recently, I suspect probably because of an inaccurate Press release issued by the member for Murray-Wellington.

Some weeks ago the member for Murray-Wellington wrote to me and said he had noted in the newspaper that I had been taking action to try to overcome some of the environmental problems associated with the live sheep export industry through the Port of Fremantle. He asked whether I had thought about shifting it to the Port of Bunbury. I wrote a long letter back to the member explaining the environmental problems and what we were doing about them. I said to him that I supposed that if we shifted the live sheep export trade from Fremantle to Bunbury or anywhere else, it would solve the problem for Fremantle; but that the main thing I was interested in doing was solving the environmental problems.

Somehow or other it ended up in the media that I favoured shifting the live sheep export trade from Fremantle to Bunbury. Whether this was a deliberate or an inadvertent action on the part of the member for Murray-Wellington, I do not know, but I do want to take this opportunity to put the record straight.

I have never advocated shifting the industry from Fremantle to Bunbury nor, for that matter, to Albany or anywhere else. What I do wish to do is address the environmental problems associated with the industry, and try to overcome the difficulties.

As Minister for Environment it is not my responsibility to shift the live sheep trade anywhere. It is my responsibility to try to assist in resolving those environmental problems, and I have set up the appropriate committees with representatives from the industry and Government departments to try to address the problem.

I hope this has clarified the issue for the member for Murray-Wellington and for the media. I have no intention of instigating a change. What I am doing is actively addressing the environmental problems.

MINERAL: COAL

Exports: India

253. Mr HASSELL, to the Minister for Minerals and Energy:

(1) Does he recall a report on 1 February 1986, a few days before the State election, in which it was said that Western

Australia will export all the coal from its stockpile at Collie to India under a huge, complex barter deal being put together by the State Government and the Madras Chamber of Commerce?

(2) Does he further recall the report saying that under the complex arrangement Western Australia will export to India all coal from the State Energy Commission's controversial five to six million tonne stockpile?

Mr Parker: Where was this report?

Mr HASSELL: There were two reports, one in *The Western Mail* and one in *The West Australian* on the same day, 1 February 1986, which I believe was the Saturday before the State election. It was after there had been a long series of articles pointing out the enormous stockpile. Suddenly, on the eve of the State election, the problem was solved because it was all going to be exported to India.

Mr Parker: Do the reports say I said this?

Mr HASSELL: Yes.

Mr Parker: I do not think they do.

Mr HASSELL: I will give the Minister the precise words because I do not want to misrepresent him in any way. Here is *The West Australian* of 1 February 1986. The article is headed "Government aims for India trade deal" and reads—

> Negotiations between WA and India for the exchange of coal and sand could result in two-way trade worth up to $80 million annually, according to the Minister for Minerals and Energy, Mr Parker.

It goes on at some length about the big deal. In *The Western Mail* of the same date is an article headed "WA plans massive export barter" which reads—

> WA will export all the coal from its planned stockpile to India under a huge, complex barter deal being put together by the State Government, four local companies and the Madras Chamber of Commerce.

It then gives quotations and so on further down the article. None of the details was ever contradicted by the Minister, and the articles were written just before the State election, when the stockpile was becoming an embarrassment to the State Government.

(3) What is the size of the stockpile relative to what it was then?

(4) When will the first shipment be sent to India?

Mr PARKER replied:

(1) to (4) The Opposition, and especially the Leader of the Opposition, seem to have a monumental inability to understand what it is that they read. Even as he read it out, it became very clear; and without having referred to the whole article, which was written a long time ago, and without remembering exactly what was in the article, even listening to the comments read out by the Leader of the Opposition it was plain to me that his initial statement when asking the question was contradicted by his own reading. He said all these things were in place, when the articles do not say that at all. They say nothing of the sort.

Several Opposition members interjected.

Mr PARKER: It is not a question of misinformation. Members opposite should read the articles again and read the transcript of what the Leader of the Opposition said.

Mr Hassell: Those articles were written a week before the election and were not contradicted by you.

Mr PARKER: I am not contradicting them now. What I am contradicting is the Leader of the Opposition's interpretation of them, because apparently he can read but not understand. The articles do not say at all that the Government had those things in place. I cannot recall them exactly because I have not seen them for some time, but my recollection is that they said what was the case; that is, that a major deal was being put together by a variety of people which was designed to reduce the SEC's stockpile of coal—which, of course, is a direct result of the North-West Shelf gas contracts—and to enhance Western Collieries Ltd's ability to expand its own coal production in order to assist with its own activities and employment opportunities in the Collie area. Both of those things were part of a very complex arrangement

which was being put together by a variety of people—

Mr Hassell: Including the SEC.

Mr PARKER: Including the SEC, with the aim of attempting to have that supplied to a private sector power station development being planned by the Southern Energy Development Corporation in Madras, in the State of Tamil Nadu in India. That is still the case. Indeed, there has been some considerable progress with that. Although I do not have the articles with me, I recall that in the statements I made I was very careful to indicate that it was at a very preliminary stage and that there was no guarantee of success.

As it happens, I am pleased to advise the Leader of the Opposition that there has been very considerable progress, with the SEC having now put together a comprehensive plan as to how the private sector power station would be developed, with various financial and other supply packages in place. It has been put before the Tamil Nadu Government by the Chairman of the Tamil Nadu Chamber of Commerce, Mr Kumar, who has since become the President or the Chairman of the All-India Chamber of Commerce as well. He has now gained the approval of the Tamil Nadu State Government for the arrangement, and the Tamil Nadu State Government is now supporting to the Central Government of India, a very considerable authority in these matters, the fact that such a power station should be developed.

Of course, that is based on the work that we, and Western Collieries Ltd, and Kailis, and the other companies involved, have done. I might also say that there are a whole range of other things going on in relation to the reduction in the problems of energy over-supply. Many of those matters are going to have the effect we hope they will have. That is, even without the solution of India, there will be a substantial reduction in the coal inventory.

Thus, if the sales to India take place—and we are quite hopeful that that will be the case—then the coal will be supplied, not only from the stockpile, but also from new production, creating new jobs within the Collie area. That is what the current plan is, and it is proceeding apace.