

JOINT SITTING  
**Legislative Council**  
 and  
**Legislative Assembly**

Wednesday, 16 May 1990

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**SENATE VACANCY**

In accordance with the Standing Orders passed by both Houses of Parliament and approved by Executive Council, the members of the Legislative Council and the Legislative Assembly met in joint sitting in the Legislative Council Chamber to fill the vacancy in the representation of Western Australia in the Senate of the Federal Parliament caused by the resignation of Senator the Hon Frederick Michael Chaney.

The President of the Legislative Council (Hon Clive Griffiths), in accordance with the Standing Orders, took the Chair at 3.00 pm. He was accompanied by the Speaker of the Legislative Assembly (Mr Barnett).

**ELECTION OF SENATOR**

**THE PRESIDENT** (Hon Clive Griffiths): Honourable members, this joint sitting has been called to choose a person to hold a place in the Senate of the Commonwealth of Australia rendered vacant by the resignation of Senator Frederick Michael Chaney, notification of which has been reported to each House by His Excellency the Governor (Sir Francis Theodore Page Burt, AC, KCMG, QC).

I now call for nominations to fill the vacancy.

**DR LAWRENCE** (Glendalough - Premier) [3.01 pm]: Honourable members, I move -

That Ian Gordon Campbell of Jindeabyne Farm, Lot 64, Baskerville, be chosen to fill the vacancy in the Senate of the Commonwealth Parliament created by the resignation of Senator Frederick Michael Chaney.

I have Mr Campbell's assurance that if elected he is prepared to act.

I rise on the occasion of this special joint sitting to ratify the appointment of Mr Ian Campbell to the Senate, to make the observation that the Parliament of Western Australia is today pursuing an important convention of ensuring that the will of the people at Senate elections is maintained through the replacement of a senator from a political party with a representative from the same party.

Honourable members will be aware that the form and structure of our parliamentary system is based on a written Constitution at State and Federal level and a rich mosaic of unwritten convention, much of which is imported from the Parliament of Westminster. It should be noted within our constitutional framework that the written Constitution alone does not provide an adequate framework for the economic, social and political development of our nation or this State.

As we approach the centenary of self government in this State, at a time when there are strong moves throughout Eastern Europe and other parts of the world to establish democratic rights and parliamentary elections, it is important that we be reminded of, and acknowledge the significance of, the individual democratic rights arising from convention under the Westminster system.

Mr President, you will be aware that the convention provides that members elected from a political party who are retiring should be replaced with members from the same party. This fundamental basis of our democracy was not observed by conservative State Governments during events which led to one of the principal conventions of Westminster government being breached. It is not my intention to canvass those events today other than to note that many observers now believe that those events represent the darkest days for democratic government in this nation's history.

Mr President, I am pleased to be able to advise all members of this Parliament that the Government will shortly be introducing legislation to maintain the composition of the Legislative Council in accordance with the original choice by voters when a member vacates a seat. Vacating members who were elected to represent a political party will be replaced by an appointment made by that party. This is in line with a practice approved by the Australian people at a referendum in 1977.

In addition, legislation has already been introduced to ensure that if the Legislative Assembly passes a Bill for the ordinary annual services of the Government and the Legislative Council fails to pass the Bill within one month from the day on which it was transmitted to the Council, the Bill may be referred to the Governor for assent. In relation to legislation other than for the ordinary annual services of Government, both Houses may be dissolved and a joint sitting held if the Legislative Council fails to pass legislation.

At this time when members of both Houses are assembled together it is appropriate to reflect on the fragile nature of parliamentary democracy and the ease with which democratic rights are lost. I urge all members, when they ponder the prospects of breaking with convention and disrupting the orderly process of government, to consider the consequences of their actions. Whatever the short-term political gain they believe may be over the horizon, they should also take into account the irreparable long-term damage they do to our system of parliamentary democracy and the disrespect they cause to our system of government, threatening the very fabric of democracy itself.

**MR MacKINNON** (Jandakot - Leader of the Opposition) [3.05 pm]: I second the motion.

Mr President and Mr Speaker, this joint sitting today is not merely some novel but bothersome ritual to fill a casual vacancy in the Senate. What is happening here, in several of its elements, gets to the very heart of the Federal system; that is, the system which from 1901 has ensured that political power is distributed between the State and the central Parliaments and Governments.

There are those who say that the notion of the Senate as the States' House is outmoded; that the party political system, in all its regimented form, has effectively replaced the original and stated role of the Senate. To that I say simply that there is still a strong belief on the part of many Liberals and senators that they are sent to the Senate to vote with the State's interests in mind, not the party's.

This, then, is the time and place to restate the fact that the smaller colonies would never have joined the Federation without the guarantees that the Senate brought with it.

That is a message that all of us, regardless of our politics, should send with Mr Ian Campbell who, within a few minutes, will become Senator Campbell. But the occasion allows us to do more than restate the view that the Senate was intended to be, and must get back to being, the States' House. Indeed the occasion demands that we reflect on the role and importance of upper Houses themselves. I remind the Premier that the instance of which she spoke where the convention was breached occurred in the only State Parliament in this nation which has no upper House.

Members will be aware that the upper House of the Western Australian Parliament is frequently the target of those who would prefer to wield unlimited political power - political power that is without restraint of any kind. I say to this joint sitting that any move to reduce the powers of an elected upper House, be it the Senate or the Legislative Council, takes us a

step closer to gutting those second Chambers and removing from them the very powers that are the restraining hand on Government.

All around the world today we see, as the Premier herself said, the evidence of unlimited power and its abuse. We see corruption; we see a lowering of standards; we see ordinary people dispossessed by rich and powerful interests. That should flag to us the need to add to the political constraints, not subtract from them.

The lack of respect in the electorate for politicians and the political process is not because Governments cannot govern but because they govern badly. There is nothing wrong with eclipsing the power of politicians by the use of a second Chamber. The problem arises when those politicians do not have anyone or anything to restrain them.

It is quite possible to make out an argument - a superficial argument - that says upper Houses are obstructive, but we should all understand that upper Houses were not put in place to submit meekly to everything that Governments in lower Houses serve up. To remove the power to effectively review a Government's performance and legislative program is to remove the rights of voters themselves.

Nothing would suit the Government more than to see an upper House of Review impotent, subservient to power-hungry politicians and subordinate to the lower House; in other words, gutted. Let this be an occasion today to ask ourselves about the motives of people who would gut an upper House. Let it be an occasion whereby people with those motives are identified for what they are. Let us all, Liberal, Labor, National, and Independent members alike, join forces to protect the parliamentary process which is in place not for the politicians but for the people.

We on this side of the House wish Ian Campbell, as a senator for Western Australia, the Senate and, indeed, all upper Houses well.

Question put and passed.

The PRESIDENT: That concludes the joint sitting, and I thank honourable members for their attendance.

*The joint sitting concluded at 3.11 pm*

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