

Legislative Assembly

Tuesday, 23 October 1984

THE SPEAKER (Mr Harman) took the Chair at 2.15 p.m., and read prayers.

Sitting suspended from 2.17 to 3.15 p.m.

INDUSTRIAL RELATIONS

Building Industry: Petition

MR HASSELL (Cottesloe—Leader of the Opposition) [3.16 p.m.]: I present a petition in the following terms—

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

WE, THE UNDERSIGNED, request the Parliament and Government of Western Australia to hear our plea as citizens and workers in the building industry who wish to uphold the law regarding—

The freedom of individuals to freely work in the trade of their choice, and to choose for whom they will work, and to which organisations they will belong; and

The right to go about our lawful affairs unobstructed for any reason whatsoever.

It is our plea that the Parliament and Government of Western Australia will, by law and by upholding law, firmly uphold the freedoms and rights which are ours by law, so that we may be able to work in our trades and go about our affairs without obstruction, without fear of attack, confident that we can expect the protection to which we are entitled as law-abiding citizens under the law.

YOUR PETITIONERS therefore humbly pray that you will give this matter your earnest consideration and your Petitioners in duty bound will ever pray.

The petition bears 36 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. 60.)

PORNOGRAPHY: VIDEO FILMS

Banning: Petition

MR GRILL (Esperance-Dundas—Minister for Transport) [3.18 p.m.]: I have a petition which is couched in the following terms—

The Speaker and members of Legislative Assembly:—

We, the undersigned citizens of Western Australia urge this House to strongly support the State Government's decision to ban the sale, hire or supply of X-rated video tapes in Western Australia.

We, your petitioners, as in duty bound forever pray.

The petition bears 14 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. 61.)

TRANSPORT: SCHOOL BUSES

Contracts: Petition

MR TUBBY (Greenough) [3.19 p.m.]: I have a petition from the residents of Morawa and Mingenew Shires which reads as follows—

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

We the undersigned:

- (1) Strongly support the School Bus Contractors in their objections to the changes to the contract remuneration system.
- (2) WE agree with their argument that this system will cause undue hardship and financial ruin to a large number of contractors resulting in a deterioration in the standard of School Bus Service.

The petition bears 426 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. 62.)

COMPLAINTS AGAINST POLICE BILL

Second Reading

MR CARR (Geraldton—Minister for Police and Emergency Services) [3.20 p.m.]: I move—

That the Bill be now read a second time.

At present complaints made against police officers are investigated internally by the Police Force, often by members of the police internal investigations section, in a purely internal exercise. Action may be, and often is, taken against police officers on the basis of those investigations.

It has been apparent for some time that this system has a basic weakness in that allegations can be, and are, made to the effect that such inquiries can be a "cover up". On the other hand, police officers the subject of complaint and their colleagues may take the view that they are being zealously pursued, and that they no civil rights. I would hope that neither of these perceptions is, in fact, correct.

It is clearly desirable that the faith of the public in the integrity of their Police Force generally be upheld. It is equally desirable that the vast majority of our police officers who do a difficult job very well, often under trying conditions, have rights consistent with their being members of a disciplined force and respect consistent with the office of public trust which they hold.

In the Government's view the multiple objectives of protecting the public interest in seeing that such investigations are thorough and the interests of police officers in ensuring that investigation of complaints against them is impartial, can be achieved by introducing effective independent scrutiny of police internal investigations.

It is the Government's view that the impartiality and prestige of the Parliamentary Commissioner for Administrative Investigations, the Ombudsman, can provide such scrutiny.

Let me state that the purpose of this Bill, having evolved by a process of consultation with the Commissioner of Police, Police Union representatives and the Ombudsman, within policy guidelines approved by Cabinet, and now presented to the Parliament, is the protection of police officers as well as the advancement of the public interest.

This Bill is concerned with establishing a system whereby complaints made against police officers are, and are seen by the public to be, investigated thoroughly and fairly.

It enables a feedback of opinion and comment by the Ombudsman on investigative procedures, to the Commissioner of Police, the Minister for Police and the Parliament. Thus not only will the investigation of individual complaints be monitored but so too will the development of investigative procedures.

Complaints will have to be in writing by the aggrieved person or in some circumstances by a personal representative and will be lodged either with any police officer or with the Ombudsman.

Provision has been made to facilitate the making of a complaint by persons in custody. A system of cross-notification ensures that both the Commissioner of Police and the Ombudsman will be aware of complaints which have been lodged.

In cases where either the Commissioner of Police or the Ombudsman is satisfied that a complaint concerns either a police officer whose rank equals or exceeds that of the head of the police internal investigation section or relates to the actions of a member of that section, or for some other good reason is not appropriately investigated by the internal investigators, the investigation will be by a special investigator. Otherwise the investigation must be undertaken initially by the internal investigators or an appropriate police officer on the direction of the head of the internal investigation section, such as a regional superintendent. The Ombudsman has the power to call for interim reports, interview the complainant and, with the consent of the Commissioner of Police, interview other witnesses and have access to documents.

A member of the internal investigation section can require, in writing, that a police officer under investigation answer questions, furnish information or produce a document. After being so required, an answer must be given, except when the answer may be self-incriminating. Answers given under this direction cannot be used in proceedings against the police officer except for proceedings in relation to the giving of false information.

These provisions are seen as providing a reasonable balance between the need for members of a disciplined body to furnish information for the general benefit of that body and the civil liberties of individual police officers. At the same time they should provide the means whereby any serious wrongdoing can be discovered.

To avoid allegations of harassment, overbearing tactics or misunderstanding, either the police officer under investigation or the complainant can request the presence of the Ombudsman when he or she is being interviewed and the Ombudsman or a member of his staff may, depending on the seriousness of the complaint, be present. The Bill spells out a right for all parties to an investigation to be represented by a lawyer or any other person.

Following completion of the investigation, a report must be supplied to the Ombudsman. In most cases it is expected that the Commissioner of Police will delegate this task to the officer in charge of the police internal investigation section for initial liaison direct with the Ombudsman.

If the Ombudsman is not satisfied with the report he may require a re-investigation by the

police internal investigation section or he may conduct his own re-investigation, in which case he must report the result of his re-investigation to the Minister and he may advise the results to the police officer concerned and the complainant.

When the Ombudsman is satisfied with the result of an investigation or re-investigation, as the case may be, he and the Commissioner of Police or the commissioner's delegate will confer with a view to reaching agreement on whether action should be taken against the police officer the subject of the complaint and, if so, on the nature of the action which should be taken. Matters of internal discipline, notwithstanding the need to confer, remain the sole province of the Commissioner of Police.

In cases where the Commissioner of Police and the Ombudsman disagree over whether a criminal charge should be laid against a police officer as a result of a complaint, the relevant papers are to be referred to the Attorney General. He must decide whether a criminal charge should be laid, and if a charge is to be laid an officer of the Crown Law Department will be the complainant. The Commissioner of Police and the Ombudsman must be notified of the Attorney General's decision.

In cases where the Commissioner of Police and the Ombudsman agree that there should be a criminal charge the Commissioner of Police will arrange for the complaint to be taken out and prosecuted.

This Bill recognises that there will be complaints which are trivial or vexatious. If it becomes apparent that investigation or further investigation is unnecessary or unjustifiable, the Ombudsman after consultation with the Commissioner of Police may determine that the complaint shall not be further investigated.

The Bill also provides a mechanism for conciliation between a complainant and a police officer the subject of complaint, in appropriate circumstances. This may be initiated by either the Commissioner of Police or the Ombudsman at any stage of the investigation and is an attempt to resolve complaints based on misunderstanding, to the satisfaction of the parties.

When the Commissioner of Police attempts to conciliate he must notify the Ombudsman and may suspend the investigation. If the Ombudsman attempts to conciliate he must notify the Commissioner of Police who shall suspend the investigation.

If conciliation is successful the investigation will cease. The Ombudsman is to scrutinise police decisions in this regard. No information supplied by a police officer under investigation during or for

purposes of attempted conciliation will be able to be used in proceedings against him.

Previously I referred to specified classes of cases which will be the subject of special investigation. These classes are:

- (a) where the complaint concerns a police officer whose rank equals or exceeds that of the officer in charge of the internal investigations section;
- (b) where the complaint is against a member of the internal investigations section; and,
- (c) where for some good reason it is not appropriate that the internal investigations section conduct the investigation.

An example of (c) would be where the complaint concerned a person recently transferred from the internal investigation section.

The special investigator is to be selected by the Ombudsman and the Commissioner of Police in consultation and could be a senior police officer, a police officer from another State, the Ombudsman or a member of his staff, or any other appropriate person.

If the Ombudsman and the Commissioner of Police cannot agree on a person as a special investigator the Minister will make the decision as a tie breaker.

A special investigator other than the Ombudsman may be given directions regarding the conduct of the special investigation by the Ombudsman with the consent of the Commissioner of Police and must furnish interim reports to either upon request.

Upon completion of a special investigation, a report must be submitted to the Minister and the Commissioner of Police who, after considering the report, will forward a copy with comments to the Ombudsman who will deal with the report as if the complaint had been investigated by the police internal investigations section.

In conducting an investigation a special investigator will have the same powers as an internal investigator. In addition, he may administer an oath or affirmation to a police officer required to attend before him and examine that officer on oath or affirmation.

Police officers will retain the same right to avoid providing self-incriminating materials as they would have in respect of ordinary investigations under the Bill, and, in regard to material furnished under compulsion, the same immunities from prosecution based upon material supplied.

Where the Ombudsman conducts an investigation or a further investigation he has, by section 20(1) of the Parliamentary Commissioner Act 1971-1982, the powers of a Chairman of a Royal Commission and his investigation is to be conducted in private. The same privilege against self-incrimination, as applied throughout the Bill, is available to police officers the subject of an investigation or further investigation by the Ombudsman.

The Bill requires that confidentiality of matters relating to an investigation be preserved by members of the Police Force, the Police Department, special investigators and the Ombudsman's staff, upon penalty of a maximum fine of \$1 000. Other offences such as obstruction or providing misleading answers, attract a maximum penalty of \$200 specified in the Bill.

An exception to this is that the Commissioner of Police or the Ombudsman can in appropriate circumstances make comment, publicly if necessary, if in their opinion it is in the public interest to do so.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Rushton.

ACTS AMENDMENT (COMPLAINTS AGAINST POLICE) BILL

Second Reading

MR CARR (Geraldton—Minister for Police and Emergency Services) [3.32 p.m.]: I move—

That the Bill be now read a second time.

Amendments to the Parliamentary Commissioner Act 1971 and the Prisons Act 1981 are necessary by reason of the introduction of the Complaints Against Police Bill.

The proposed amendments to the Parliamentary Commissioner Act will enable the Ombudsman to delegate certain of his powers in line with the power of the Commonwealth Ombudsman. They will also allow the Ombudsman to enter premises occupied or used by departments without the need for prior written notice to the head of that department. This is the position in most States and would apply generally to all departments under the jurisdiction of the Ombudsman.

The Bill will also allow the Ombudsman to make public statements to set the record straight.

The Ombudsman will be protected against actions other than those done in bad faith. This brings his protection into line with other States.

The Ombudsman and his staff are at present expressly precluded from giving evidence in legal proceedings. However, this Bill provides for an exception in the case of proceedings for an offence

under the Royal Commissions Act or the Parliamentary Commissioner Act. The provision will then apply to the Complaints Against Police Bill.

The Bill also seeks to amend the Ombudsman's jurisdiction to extend it to matters of administration within the Police Force as well as the Police Department.

The Bill seeks to amend the Prisons Act 1981 to ensure that the provisions of the Complaints Against Police Bill concerning complaints by persons in custody, apply when a person in prison wishes to complain against police.

I commend this Bill to the Parliament.

Debate adjourned, on motion by Mr Rushton.

ACTS AMENDMENT (FAIR REPRESENTATION) BILL

Second Reading

Debate resumed from 17 October.

MR TONKIN (Morley-Swan—Minister for Parliamentary and Electoral Reform) [3.35 p.m.]: In replying to the second reading debate I might say that unfortunately we have a very sad feeling of *deja vu* with respect to it. The Bill last year which contained the Government's policy in a very straight way was rejected by the Legislative Council and was also opposed by the Opposition in this House. As a result, the Government decided to take note of what was said in the Parliament at that time and change some of the provisions of that Bill; and it also dealt with the Assembly, for which omission in 1983 the Government had been criticised. Yet, we find that when the member for Floreat, who was the main speaker for the Opposition, referred to the Bill one would have thought that the importance of it, dealing as it does with the very basis of our representational system, and the complexity of the Bill, was inversely related to the amount of effort and seriousness that was put into it in his speech.

Although the Government has tried to compromise, only one concept in the Bill was praised, and that related to ballot paper positions.

I would have expected that some credit could have been given by the Opposition, considering that an attempt had been made to compromise on this matter. The things that I do find very hard to take are the outrageous accusations that have no basis at all. I have said many times in this House that I have seen members get up and say things that are quite untrue and give quite inaccurate figures, as the member for Floreat did during the second reading debate. It seems that in political life in Western Australia one can get away with that and cannot be accused successfully even

though one has made statements that are quite clearly untrue.

The 1983 Bill was defeated on 10 November last year, and although the Opposition said that it believed in compromise and consultation on this matter—something it never did when it was in Government—

Mr Hassell: You talk about true statements and then you come out with that.

Mr TONKIN: When did the Opposition, when in Government, consult with the then Opposition on electoral matters?

Mr Rushton: You have destroyed your argument by the appointment of the Chief Electoral Officer.

Mr TONKIN: When did the previous Government ever consult with the then Opposition on electoral matters?

Mr Hassell: You are changing your tune. You said that the Opposition never believed in compromise.

Mr TONKIN: I was referring to electoral matters.

Mr Hassell: Changes to this Act were undertaken by agreement from both sides. It was initiated by the Liberal-Country Parties.

Mr TONKIN: All right; I stand accused of having referred to the nine years that I have been in this Parliament. I am saying in those nine years two major amendments to the Electoral Districts Act were made and not once did the then Government, now the Opposition, try to consult with the then Opposition.

From the defeat of the Bill on 10 November last year until the blueprint for this Bill was announced on 10 April this year—something like five months—not one approach was made by the Opposition to the Government to discuss the matter so that consensus might be reached.

When the blueprint was released on 10 April an invitation was extended to all political parties, including the Opposition, to discuss it with the Government. The Government heard nothing from the Opposition.

I thought perhaps the Opposition members did not contact us because the invitation had been made publicly and not directly to them. Therefore, two weeks later I wrote to the Opposition asking for consultations. Many weeks later on 6 June, the Leader of the Opposition replied saying that he had delegated responsibility for the task to the member for Floreat. A meeting did not take place with the member for Floreat until 18 July. That meeting was unproductive because the member for

Floreat stated that he had no authority to make any arrangements; there was no Opposition proposal to put forward; and, there was no response to our blueprint which had been in the public domain for more than three months. Therefore, the talks that took place—as a result of my chasing the Opposition—were quite fruitless. I still did not desist from attempting to consult. I wrote to the Opposition setting out the compromises the Government had made. This letter was sent on 26 July and was tabled in the House in August. On 29 August I wrote a follow-up letter to the Opposition. Later, explanatory material was sent, and once again a letter was sent asking for comments.

At no time throughout this entire period did the Opposition take any initiative to establish consultation. No attempts were made over many many months. Therefore, its claims of no consultation can hardly be regarded as sincere when my requests for consultation were ignored to a very large extent.

The member for Katanning-Roe epitomises this kind of attitude. Last year he said that he believed there should be consultation in the framing stages of the Bill; that is, before the Bill is framed. However, this year when asked for comment on 10 April he said he would not comment until the Bill was before the House. This demonstrates that when people are not prepared to be reasonable they will change their position from year to year and from month to month, depending on their particular stance at the time.

We were damned last year for not consulting in the framing stages of the Bill and when we offered to consult at that stage this year the comment was made that the people concerned preferred to wait until the Bill was before the House. It is very hard to respect members who play that kind of game.

An extraordinary concept was floated by the member for Floreat during the debate. He said it was the duty of the Opposition to be negatively critical, but a positive response by the Government to such criticism could not be seen as a compromise. In effect the member for Floreat attacked the Government for taking what was said last year and making changes according to those criticisms. He said that we were using the place like a court of law and that debates were not to be taken all that seriously. The member for Floreat was attacking the Government for taking seriously the comments made last year and addressing itself to those comments. What kind of credibility does an Opposition have when its spokesperson speaks in those terms?

It was also said that there was no input because the Opposition is not in Government and does not

have the resources necessary. That has been said on other matters also. I wonder how lazy the Opposition members are that they will not develop policies when in Opposition because they do not have the resources. In other words, the Opposition depends on the Civil Service to produce policies for it when in Government. When the Australian Labor Party was in Opposition for nine years it showed that it could produce detailed policies on a whole range of subjects without the resources of Government and it produced such policies for public comment. If one looks at the type of documents produced by the Premier when in Opposition before the last election and the election before that, it can be seen that whether or not one agrees with those policies, a very long and democratic process was undertaken which developed policies, even though the resources of Government were not available. What are the people of Western Australia left with now? This Opposition when in Government used its resources to gerrymander electoral boundaries: it left Kalamunda in the country area and it gerrymandered the Kimberley boundary.

It used its resources in a dishonest way. In Opposition it will not consult with the Government, it says that it does not have the resources to put forward its own policy, and it can only vote "No".

Mr Old: You are trying to Arthur-mander it now.

Mr TONKIN: That comment is quite untrue. We have said that all boundaries will be drawn by the electoral commissioners.

Mr Clarko: But you will tell them where to draw the lines.

Mr TONKIN: There will be equal numbers in each district.

Mr Old: There will be 20 councillors in the metropolitan area. Is that equal numbers? Twenty out of 32?

Mr TONKIN: There happen to be more people in the metropolitan area. This Bill is supposed to be about the representation of people.

Mr Clarko: Would you tell me why you have divided the metropolitan area into two parts?

Mr TONKIN: I am answering the other interjection first. The reason there are more members in the metropolitan area is that there are more people. That is not a gerrymander. It means that the party that gets the most votes gets the most seats. That sticks in the member's craw. He cannot believe that his party will be the most popular and he does not want the most popular party to win the election.

Several members interjected.

Mr Clarko: Would you tell me why you divided the metropolitan area into two false halves which have no regional, economic or geographical base of any sort?

Mr TONKIN: If the member believes that the division of the metropolitan area is not satisfactory or acceptable—

Mr Clarko: It is artificial.

Mr TONKIN: If it is not acceptable, it is the member's duty as part of a constructive Opposition to put forward amendments and to speak to me on the subject. I have written to the Opposition time and time again. I wanted to speak with the Opposition before the Bill was in the House and I have been asking for talks since 10 April. I had some talks with the Opposition spokesman but he said he could not speak on behalf of the group and that the Opposition had no policy. I would have been happy to speak with members of the Opposition. If the member believes that any part is not appropriate, we are prepared to listen and we have said so many times. However, we get only negative comment. When we tried to answer that comment and to compromise, the member for Floreat said we had no right to do so and that Parliament was not a court of law.

Mr Clarko: It will be interesting if you carry these arguments onto all legislation and take the Opposition's view on legislation.

Mr TONKIN: We accept amendments on most Bills. We have accepted more amendments in the first three months of being in Government than the Opposition did during its nine years in office.

Several members interjected.

Mr TONKIN: It could also be said that we are prepared to accept that not all wisdom resides on this side of the House and we are prepared to listen to the Opposition.

When we do that, the Opposition turns it against us, saying that the reason is poor legislation. It is very difficult to show any respect for people who have that kind of dishonesty. If we do not listen to Opposition members' arguments, we are told we are pushing things through with jack boots. If we accept amendments, we are told that proves how shoddy the legislation is.

Mr Clarko: I did not say that. It points out a weakness if you bring in amendments to your own legislation.

Several members interjected.

Mr TONKIN: How childish this is. This is why people find it very hard to have any respect for politicians.

Several members interjected.

The SPEAKER: Order!

Mr TONKIN: On one side of the House some members say it is poor from the Opposition's side, and on the other side members say it is poor from our side. That is a kindergarten attitude. I am ashamed to be professionally associated with it.

Mr Rushton: Stir up the works.

Mr Clarko: You can bring in a Bill to nationalise everything in Western Australia. The Opposition could move amendments and both sides would have indefensible positions.

Mr TONKIN: The provision for simultaneous elections which provides that half the Council will be elected, but the whole Assembly will go to the people, was criticised as being intimidation against the Council, which would be asked to meet its electors. It is said to be intimidation for half the Council to go to the people when the whole of the Assembly is going to the people. That shows how far out of touch this Opposition is, that it should criticise a Government which says that half of the Council should go to the people when the whole of the Assembly goes to the people.

Mr Mensaros: Do you not think the people of Australia rejected that concept?

Mr TONKIN: I am very happy that this Bill should go to a referendum so that the people can reject that concept again. It is the Opposition which is not prepared to let the people speak on this Bill. If the people want to reject this concept in the Bill at the referendum, let them; that is their right.

Several members interjected.

Mr TONKIN: I am simply challenging the Opposition to come out of its cave of fear and agree that the people should have the final judgment on this Bill. Members opposite are not brave enough to allow the people to have their say on this Bill.

Several members interjected.

Mr TONKIN: The reason that we need a referendum on this Bill is because of a provision put in the Constitution by the Opposition when it was in Government.

Mr Clarko: That is a different point.

Mr TONKIN: The point I am making is that we are prepared to go to the people and the Opposition is not.

Mr Clarko: You are twisting the argument.

Mr TONKIN: The Opposition is not prepared to go to the people on this Bill. It is not prepared to accept equality in voting because it thinks it will not win with equality of voting.

Several members interjected.

Mr TONKIN: The Opposition spoke about the party political effect of this. The Government is confident that if the people are fairly represented, the political parties will also be fairly treated. That is all we ask. The political party which has the greatest support amongst the people should gain the benefit of winning control of a House of Parliament. To do otherwise will lead to corruption, because if a political party can win an election without a majority of votes, why does it have to try very hard? It may develop a lazy, sloppy way, and not even bother to develop proper policies. If one has a head start in the race one has an advantage.

The Opposition fears it is not good enough. It fears that if the electoral system were fair, it would never win an election, and it would lose control of the upper House. It is afraid to engage in a fair, person-to-person contest. The Opposition hangs on to the power given to it in the last century because it is afraid to engage in an equal and fair fight in 1984.

The member for Floreat no doubt has not the resources to do research. He said that the 13 Labor MLCs in the division on 10 November 1983 received 47.8 per cent of the votes. The true figure is actually 52.6 per cent. He said the 19 Opposition MLCs had received 51.2 per cent, but the true figure is 47.4 per cent; so the figures the member for Floreat gave to the Parliament were wrong.

I urge anyone who wants to know whether myself or the member for Floreat is correct to spend some time with me and the member for Floreat and anyone he likes to nominate, and we will go through the figures to see what is correct. I invite anyone to ask a parliamentary question on the figures which will be prepared by the Electoral Office to see what the results are. These figures that he gave were quite wrong.

The member for Floreat said that every party which had won a majority of votes since the war had formed the Government, and that is true; but to a large extent it is fortuitous. I will give members the figures to show that. The figures from the last two elections clearly illustrate that there is a bias in favour of the non-Labor parties. In 1980 the present Opposition won a nine-seat majority in a House of 55. Three years later the Labor Party won a seven-seat majority in a House of 57, yet the vote for the Labor Party in 1983 was two per cent higher than in the non-Labor vote in 1980. Therefore, to get a smaller majority than its opponents enjoyed in 1980, the Labor Party throughout the State had to get two per cent more of the vote.

Mr Mensaros: That was in the statistics.

Several members interjected.

Mr TONKIN: If the member says that about this year, what about the other House?

Several members interjected.

Mr TONKIN: The Liberal Party won nine seats with 45.7 per cent, and the Australian Labor Party, with over 50 per cent of the vote, won only seven seats. Does the member want the election to go backwards?

Mr Mensaros: That is the only example. You have half the House. The whole House counts.

Mr TONKIN: I will give the member some figures for the whole House.

Mr Brian Burke: Fifty-six and 59 prove you are wrong.

Several members interjected.

Mr Brian Burke: Even your heart is not in it.

Mr TONKIN: The member for Floreat, or one of the Opposition speakers said that the only explicable reason for the regional proportional representation system proposed by the Government, appeared to be blatant advantage to the ALP.

I make it quite clear that the regional proportional system will guarantee that the party which wins a majority of votes in three of the four regions will definitely win a Legislative Council election. That is the reason that the Liberal Party will not agree—it does not think it is good enough to win under a fair system. I state quite categorically it is the goal of the Australian Labor Party to win a majority of the votes. We do not make any apology for that. If my party can achieve that in three regions the reward should be to win the election. If the Liberal Party can achieve a majority in three of the regions, it too is guaranteed to win that election. We do not quarrel with that. We are quite prepared for the Opposition to win control of the Council if it wins a majority of votes in three out of the four regions. The editorial in *The West Australian* had the measure of the reform proposals and Opposition attitudes when it said, "Mr Mensaros says the ALP only wants reform because it sees an advantage for itself. What he does not say is that the Opposition objects to reform because it would lose a huge advantage".

I seek leave of the House to incorporate in *Hansard* a table which shows quite clearly what would have happened had our Bill been in force over the past few years. I want to make it clear that this is a guesstimate because boundaries will be drawn by commissioners. Nevertheless, the table does state the number of electorates in the

various areas and it does have a broad geographical description, therefore although it is a "guesstimate" it is quite reasonable. For example, in 1977 when the Australian Labor Party did not do so very well the present Opposition parties would have won 10 seats and the ALP six. How can that be called a blatant ALP gerrymander? The Opposition would have won control of that part of the Legislative Council coming up for election in that year. That is what we want to happen: The party with the greatest number of votes should win the seats.

Mr Clarko: This system cannot ensure it can do it. It will not happen in the lower House.

Mr TONKIN: I am talking about the upper House at the moment. The member for Karrinyup is really a great man. As soon as I talk about the upper House he wants to talk about the lower House. The fact is that in 1977 the Liberal Party would have won control of the upper House—

Several members interjected.

The SPEAKER: Order!

Mr TONKIN: Last year because we were so widely accepted throughout Western Australia we would have won control of that House. But the Opposition wants to make sure that no matter how badly it does it will always have control of the Legislative Council—unless, of course, it gets to an absurd situation of acquiring only 30 per cent of the vote. They then would not have control any more. The Opposition members are cheats. They are not prepared to have a fair race and a fair fight and the only people who are prepared to cheat are those who realise or fear that they are inferior.

Government members: Hear, hear!

Mr TONKIN: I was disgusted with the clownish contribution by the member for Karrinyup who described the member for Gosnells—and I would like all members to note these words and no doubt in posterity they will be noted—as "huge, powerful and aggressive".

Mr Clarko: She talked about rebellion.

Mr TONKIN: I question the decency and the standards of a member like that. No doubt our people on this side of the House could speak about his appearance.

Mr Clarko: She talked about rebellion. Did you not hear that?

Mr TONKIN: However, I would not think very much of a member on this side of the House who did.

Mr Clarko: She talked about rebellion. It is in *Hansard*. Have a look.

The SPEAKER: Order!

Mr TONKIN: I would not worry about the member for Karrinyup because he tells lies and he is shameless in that respect. The fact of the matter is that the member for Karrinyup, when he was criticising us for going away from the one-vote-one-value principle and talking about compromise, said, "That is like having half a virgin". He then said, "So you don't believe in compromise, you believe in revolution". He twisted that around to make it sound as though the member was advocating revolution instead of saying, "Is that what you are in favour of?" That is the depth to which that member stoops time and time again.

Mr Clarko: How many times have you been thrown out of this House?

Several members interjected.

The SPEAKER: Order.

Mr TONKIN: If my memory serves me correctly it is three times. I am very proud of that—and I might be thrown out again in a moment—because on those three occasions I said that the electoral laws were corrupt. If the Opposition thinks that I am ashamed of that record—

Mr Clarko: You are shameless.

Mr TONKIN: —of being suspended from this House on a matter of principle then let me say it was probably the best thing that I have done here.

Mr Clarko: It probably is. You have done nothing else.

Mr Pearce: No wonder the member for Karrinyup is obsessed with green lip abalones.

Mr TONKIN: When all of this debate is boiled down, we have a situation in this House where a compromise Bill, which was devised to meet the criticisms by the Opposition last year which the member for Floreat said we should not have taken seriously—has met once again with a negative response. If there is no agreement between the Opposition and the Government on what is a fair thing, we should go to an outside arbitrator. The outside arbitrator is the people. We should let the people decide whether this Bill is fit to be on the Statute books. We cannot compromise, although we have done our best to compromise, by listening to the Opposition's criticisms.

I am coming to the view that it would not matter what we did, the Opposition would not agree because Opposition members do not really think that they are as good as we are. They do not believe they could win a fair election. They do not believe that if voting for the upper House were fair

they could get a majority there. As a consequence, what is needed, where there is an impasse between two major political groups as there is in Western Australia, is that the people should be given the opportunity to make their decision. The people were never consulted when they had these electoral systems foisted upon them. There has never been a referendum in this State on this subject and it is about time the people were given a chance to decide whether they want a fair electoral system—not fair to electoral parties but fair to the people themselves—because every time the Opposition decides the results ahead of the election by dishonest and fraudulent electoral arithmetic it is not really attacking the Australian Labor Party, it is attacking the people's sovereign right to choose the Government and the Parliament that they desire.

Government members: Hear, hear!

By leave of the House, the following table was incorporated—

ESTIMATE OF POSSIBLE OUTCOME OF PAST FOUR ELECTIONS IF THE PROPOSED REGIONAL SYSTEM HAD APPLIED

Year/Party	Nth Metro	Sth Metro	Agric.	North	Total
1983					
Lib	2	2	3		7
Country					
ALP	3	3	2	1	9
1980					
Lib	3*	2	3		8
Country			1		1
ALP	2	3	1	1*	7
1977					
Lib	3	2	3	1	9
Country			1		1
ALP	2	3*	1		6
1974					
Lib	3	2	2	1*	8
Country			1		1
ALP	2	3	2		7

(* Very close contest).

SUMMARY OF ABOVE TABLE
POSSIBLE PARTY COMPOSITION OF THE
LEGISLATIVE COUNCIL 1974-86

	1974-7	1977-80	1980-3	1983-6
Lib	16	17	17	15
Country	2	2	2	1
ALP	14	13	13	16

Debate Resumed

The SPEAKER: I remind the House that, to be successful, this Bill requires an absolute majority. If, when I put the question, I hear a dissentient voice, there will be a division and the House will be counted.

Question put and a division taken with the following result—

Ayes 29	
Mr Barnett	Mr Jamieson
Mr Bateman	Mr Tom Jones
Mrs Beggs	Mr McIver
Mr Bridge	Mr Parker
Mr Bryce	Mr Pearce
Mrs Buchanan	Mr Read
Mr Brian Burke	Mr D. L. Smith
Mr Terry Burke	Mr P. J. Smith
Mr Burkett	Mr I. F. Taylor
Mr Carr	Mr Tonkin
Mr Davies	Mr Troy
Mr Evans	Mrs Watkins
Mr Grill	Mr Wilson
Mrs Henderson	Mr Gordon Hill
Mr Hodge	(Teller)
Noes 19	
Mr Blaikie	Mr Mensaros
Mr Bradshaw	Mr Old
Mr Clarko	Mr Rushton
Mr Cowan	Mr Spriggs
Mr Coyne	Mr Stephens
Mr Crane	Mr Trethowan
Mr Hassell	Mr Tubby
Mr Peter Jones	Mr Watt
Mr Laurance	Mr Williams
Mr MacKinnon	(Teller)
Pair	
Aye	No
Mr Bertram	Mr Thompson

The SPEAKER: I declare that the Bill has been passed at the second reading stage with an absolute majority.

Government members: Hear, hear!

Question thus passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Barnett) in the Chair; Mr Tonkin (Minister for Parliamentary and Electoral Reform) in charge of the Bill.

Clause 1: Short title—

Mr MENSAROS: I move an amendment—

Page 1, line 10—Delete the word "Fair" and substitute the word "Unfair".

I do this simply because, as I tried to explain during the second reading debate, the Opposition feels—and it is right in its belief—that the short title given to the Bill is absolutely unfair, for many and varied reasons.

The first reason, of course, which again I pointed out at the second reading stage—I did not receive a response from the Minister, although I did not expect one—was that if the Bill were to be passed by the Parliament, the inclusion of this passage as the short title of the Bill could serve as the question for the referendum. In other words, the Minister intends to go to the people, whom he described gloriously as being the outside arbiters, and give them an entirely unfair description of the

Bill. In a sense, what he wants to ask them is, "Do you want fair representation?" I do not think anyone, be that person an outside observer, an arbiter, or even anyone within this Chamber, would try to stop and disengage himself or herself from party discipline and objectively describe this endeavour as in any way fair. Verbatim, the Minister says that the proposed question would be, "Do you approve of a Bill entitled 'Fair Representation'?" That is the first and perhaps the foremost reason that the short title is absolutely unfair.

The second reason, as I have already pointed out—the Minister responded very briefly and denied my allegation—is that the provisions of the Bill fairly blatantly favour the Labor Party. The Minister emphasises that the Bill does nothing other than ensure that the votes of the majority of the people will elect the majority of members in the Government; but that has been contradicted, and even the Minister admitted to that contradiction simply by stating what the present system had done in the past. The Minister argued that on some occasions the percentage of members elected was not exactly the percentage of the popular vote and that is absolutely true; but nobody expects it to be exactly the same percentage. Even with proportional representation, fractions cannot be used as one cannot have half a member elected, and nobody expects that to be so. What we are suggesting, and have proved, is that the one-vote-one-value system can and does create much larger anomalies and much larger differentiations between the percentage of the popular vote received and the percentage of members elected. I gave the example, which is not based on a guessimate, as the Minister suggested, of the New South Wales election in which 56 per cent of the popular vote elected 69 per cent of the members.

Mr Tonkin: That is not proportional representation.

Mr MENSAROS: That was one-vote-one-value.

Mr Tonkin: That is not proportional representation.

Mr MENSAROS: I did not say it was. It is the same argument as that used by the member for Karrinyup as to whether we are talking about the upper Chamber or the lower Chamber. I am talking about the lower Chamber.

One does not have to go very far to understand the situation in the Federal sphere. There the system worked at one stage to the advantage of the non-Labor parties. I am happy to admit that, and it shows the unfairness of the one-vote-one-value system. We had 10 and later 11 Federal members who were elected under a one-vote-one-

value system and at times we had nine out of 10 or eight out of 11. Yet we never had anything near to 80 or 90 per cent of the popular vote.

Mr Tonkin: But over 50 per cent got the majority of seats. Under this system, less than 50 per cent gets the majority of seats.

Mr MENSAROS: That has never occurred.

Mr Tonkin: It has occurred in the Council.

Mr MENSAROS: Not if we take two elections together which elect the full Council. The Bill does not make for fair representation. Clearly it is a very important aspect.

The next aspect is that country representation has been reduced drastically. Under the Bill, in both Chambers the aggregate country representation, including members of the Legislative Assembly and of the Legislative Council, would be reduced by one-third from 47 to 31 members.

Not only does such a system detract from the service given by parliamentarians to country people, particularly those in remote country areas, but also it gives undue advantage to the Labor Party whose undoubted power base lies in the city area.

Mr Bryce: Look at the country representation today when you say that. We represent more country people than does the Liberal Party.

Mr MENSAROS: We must consider the well-known fact that we virtually have a two-party system, bearing in mind that on one side we have the coalition parties and, on the other side, we have the Labor Party—that is the title it prefers, rather than the title of socialistic party, which suddenly it does not like. However, I am not ashamed to call the other side of the political spectrum “conservative”. If members lump together the socialist vote and the conservative vote they will see that at no time have country people voted more heavily in favour of the socialists than the conservatives.

Mr Bryce: I would be prepared to take you to task on that, if you go back to the 1930s and 1940s.

Mr MENSAROS: I have said that my research has been based mainly on the period since the last war. I should imagine one might find a period in the history of Western Australia where the bulk of the population resided in Kalgoorlie and, if we called that a country electorate, the Deputy Premier would probably be right. However, one can twist statistics and arrive at any conclusions.

As long as it comes only from the Minister—as it did—that I am intellectually inferior, I am quite happy; but I am simply talking about the facts and

I am reasonably satisfied with my intellectual superiority or inferiority, whatever it may be.

Mr Tonkin: I was talking about intellectual honesty.

Mr MENSAROS: Another matter which, in the view of the Opposition, is unfair is the altering of the provision for the fixed term of members of the Legislative Council. I am not ashamed to say that the Government's proposal represents intimidation against the Council, because initially a fixed term was established in order that the Council should, without fear and prejudice, exercise its task as a House of Review. If the Council had to consider that every time it exercised that right in a negative way, it would be thrown out as a result of an early election, of course that would remove that strength of the Council which was intended originally in its establishment.

It is also very unfair to give general voting rights to the Chair—that is, to the Speaker or the President—because, once again, that removes their dignified, impartial role in this Parliament. All the Speakers I have known from either side of the Chamber during the time I have been here have not only upheld, but have also reaffirmed that impartiality.

Furthermore, the legislation seeks to throw away the most equitable and just method which exists anywhere in the world of electing members of Parliament. I refer here to the preferential system. By adopting an optional preferential system, in essence, we will have a first-past-the-post system. That is not necessarily something which must be condemned totally, but I point out that our system is more equitable not only mathematically but also in every other way.

During the second reading debate I explained what had happened in South Australia where the parties nominated only as many candidates as there were seats to be filled. They then ceased to suggest giving preferences to more candidates. The parties' supporters are directed on the how-to-vote cards to vote for only the five names which they want elected. Thus voters are directed to ignore anything other than the five candidates which the party wishes to be elected. So the bulk of the voters will follow the how-to-vote cards and will vote for the five candidates as directed. All preferences are ignored. That is why I have said that the optional preferential system becomes a *de facto* first-past-the-post system.

Furthermore, the Government seeks to have electoral boundaries redistributed every three years and that is equally unfair. Not only is that costly to the taxpayer, but also it removes the stability of representation and the personal re-

lationship which should and does exist between members of Parliament and their constituents. It makes a member of Parliament a cog in the wheel rather than an individual who gets to know his constituents.

Finally I refer to the Minister's claim in respect of compromise. I did not use the statement lightly when I said I could not detect any compromise in a procedure which simply looks at various statements made by members of Parliament, plays around with them, and subsequently produces a Bill. If one criticises something, by the very nature of that criticism, one is being negative. If one does not like something, one criticises it; that is a negative statement.

To turn a negative statement around so that it becomes a positive statement, as implied in respect of this legislation, is a very far cry from what might be called a compromise in respect of this Bill.

Reference was made to a discussion I had with the Minister and I do not think it is worth while mentioning it in great detail. I simply told the Minister that we had not yet worked out our policy. I did not say that we were not working on a policy, nor did I say in the second reading debate that, because we opposed the Bill, we had not examined the matter. We have dealt with the matter and I do not think anyone could accuse me or any of my colleagues of failing to do adequate research into this matter. However, I simply said that it was beyond our resources to move amendments and go into great detail.

Those are the reasons I have moved my amendment. It is not a frivolous amendment; it is very serious, because the use of the words "Fair Representation" is one of the unfairest things I have seen in this Parliament.

Mr BRIAN BURKE: Whether or not the member for Floreat believes that his amendment is frivolous does not change the nature of the amendment. It is a frivolous amendment that is supported by the member in a disgraceful fashion by the strength he attempts to draw from pallid and insubstantial argument. If we listened to, and if we now look at, the contribution made by the member for Floreat, we see it simply does not support the amendment that he seeks to make to the short title of the Bill. The description of the words being reflected in the referendum question that is to be asked, it is true, is frivolous; but the description as it will be dictated by the wording of the short title is a commonsense approach to what is often at referendum time a technical matter that defies the understanding of many people who are called upon to cast their votes one way or the other

about a particular question. That is, it is perfectly simple to confuse the electorate by talking about Acts amendment Bills and by using other technical terms which are not generally the jargon of the people who comprise the majority of voters. It may be that members of Parliament will understand those terms, but it is much more likely that the public generally will understand the sort of referendum question based on the title that the member for Floreat now attempts to amend. So on that basis there is ample justification for the title to remain as it stands.

The second argument used by the member for Floreat was the most absurd argument that I have ever heard because he began by saying, with reference to other systems of election, that this proposal before the Parliament was not fair. He did not attempt at all to justify his position, to put forward an alternative, or to be constructive about his approach to the Bill. He simply sought to denigrate the terms of this proposal by referring it to other systems of election, notably the Federal system, and by saying that the percentage that parties polled very rarely equalled the number of members of Parliament that were elected as representatives by the public. The Minister handling the legislation admitted the truth of that point. No-one has ever maintained that there is an exact correlation between those two things, but under what other system of election will 91 years pass before the public's view without the authority or power changing in one Chamber from one party to the other? Is the member for Floreat seriously suggesting to the Chamber that the system we are proposing in this Bill is less fair than a system that will see embedded for 91 years, in an unfair and undemocratic way in terms of authority, to the party in which he belongs?

Mr Mensaros: I have done so.

Mr BRIAN BURKE: If that is what the member for Floreat has to maintain, then it is a fairly weak sort of argument that says the system that we are proposing is less fair than that which is used federally, because the Federal situation shows quite clearly that parties and Governments experience changes in the authority that they can command in terms of members elected. There is no parallel that I know of to the one which we are forced to suffer in this State. Perhaps the member for Floreat knows of another system that has for 91 years seen a single party control the authority of a two-Chamber system of Government while the authority of the other Chamber changes as regularly and historically as the authority of this Chamber has changed? There is simply no substance to the member for Floreat's argument that the proposals before Parliament are any less

fair than the proposals under which we presently operate what we call a democratic system of Government.

It is patently absurd for anyone to stand up and say that there can be changes in the political balance in the Legislative Assembly with monotonous regularity while there can be for 91 years no change whatsoever in the Legislative Council. The proof of the pudding is in the eating, and for 91 years, despite the wishes of the voting public in this State, conservative parties have commanded a majority in the Legislative Council simply because the system of election is perverted and unfair. As far as the Government is concerned, the sands of time are running out for the Opposition.

Generally abroad it is realised and acknowledged that one cannot have an electoral system that pretends to fairness while at the same time having 91 years of election with no change in the majority enjoyed by one party in one Chamber. Even the most disinterested member of the public realises that we cannot have a series of test matches, for example, between England and Australia stretching over 91 years that sees the English side inevitably victorious; even the least interested member of the public knows that premierships are won by different football teams from time to time; and even the least interested member of the public is starting to realise that politicians who draw power from perverted systems of election, by definition, are politicians who comprise very poor Governments.

As far as the Government of this State is concerned, we have been ringing the bell loudly and clearly on this matter. I do not believe that the member for Floreat is under any illusions personally; it is well known that the Leader of the Opposition refused to be interviewed on this matter and the member for Floreat obviously has not got his heart in the sorts of arguments he is advancing because he is more intelligent than that. I do not believe there is one member, even the least of members on the Opposition side of the Chamber, who could honestly and squarely say that an electoral system that embeds in power the same party for 91 years is a fair system. That is a nonsense, on the face of it, and it is a nonsense on the detailed study of the system that allows a party to resist any change in the Legislative Council.

We move from that absurdity put forward by the member for Floreat to consider his next absurdity, which was that services to country electorates would somehow or other diminish as a result of the terms of this proposal. Who was responsible for creating the absurdity of the Kimberley as an electoral district compared to Kalamunda, and who maintains that the services provided to the

people in the Kimberley with 50 per cent more voters at a minimum than exist in the seat of Kalamunda, were somehow enhanced by what the Opposition did when it was in Government? Why does not the member for Floreat address that fact? How can the member for Floreat honestly maintain that belief in regard to services to people who live in country areas, when he was part of a Government which consigned to the electorate of Kimberley a minimum of 50 per cent more voters than it saw fit to put in the seat of Kalamunda?

Mr Bryce: He worked with the backroom boys to draw it up.

Mr BRIAN BURKE: Not only is it true that what we are proposing is much fairer than that which presently exists, it is also true that what we are proposing in concert with those other concessions—if one wants to put it that way; or changes, if that is one's want—will provide a much better service for the people who live in the country than is presently provided; and the service that is presently provided, as distorted as it is, between those areas that are perceived to be supporters of the Labor Party, as compared with those that the Liberals perceive to hold their supporters, is distorted by what the Opposition did when it was in Government. When it was in Government it sought to maintain its party in this Chamber. The election told the story; the Opposition will not win by cheating.

What happened to the Opposition at the last election will be compounded and amplified by the public's reaction to the sort of position the Opposition takes on measures like this. Even *The West Australian* newspaper is not permitting the member for Floreat to write letters that distort the truth. Even the editor of that newspaper has managed to insert a paragraph beneath the letter written by the member for Floreat to point out the truth of the situation.

Mr Mensaros interjected.

Mr BRIAN BURKE: Whether the Opposition realises it or not, time has run out for people who would seek to maintain themselves in power in an unfair and dishonest way. After 91 years of elections which saw the conservative parties successful, no-one is going to believe Opposition members when they say the system is fair—no-one.

The absurd argument used by the member for Floreat demeaned his own reputation in this place, did little justice to the academic pretensions of the Opposition, and did not convince anyone. The system is a rort because the Opposition decided it was necessary to maintain itself in power by distorting the laws under which Governments and members are elected to this place. All we are

seeking to do through the passage of this Bill is not to bring about changes which will operate from the time the vote is taken but to put a question before the public. The question seeks to determine the public's opinion about the laws behind which the Opposition stands so proudly.

Why are members opposite afraid to ask the public what system they would prefer? If the Opposition is so confident about the fairness of the present system compared with the fairness of that which is proposed, why does it shy away from the task of convincing the public about the rightness of its position?

We cannot change the present system without the referendum that this Bill would seek. If members opposite are convinced that 91 years of one-party Government in the Legislative Council is supported by a fair electoral system, why will they not allow the public to express an opinion about that system? There is only one reason—members opposite know what the public will say; they know the public are not prepared to see politicians of, if you like, socialist or conservative ilk, distort their own ability to change Governments whenever they decide they should.

The other arguments used by the member for Floreat were not very substantial. They related, firstly, to the fixed term proposed for the Legislative Council. On the face of it, that is simply another distortion. That argument says the Opposition is prepared to allow the Legislative Council to dismiss the Legislative Assembly and not face the electorate itself to answer for its actions. It is an insult to the Opposition that it is seeking to perpetuate this system. If members opposite do not have the dignity or self-respect to demand for themselves the fair and proper treatment we believe is their right, they certainly should not seek to impose upon us that second-class citizenship which they are perfectly prepared to accept.

The next argument raised by the member for Floreat related to optional preferential voting and as far as we are concerned there is simply no argument to be answered.

On the question of compromise, the Leader of the House and Minister for Parliamentary and Electoral Reform has bent over backwards to try to accommodate the conservative parties according not only to the things they had to say in debate on previous legislation—their comments and contributions—but also in the instances he quoted and read from in the letters he sent to the Opposition.

The Opposition is not dinkum. If it were, it would have answered the letters without expecting that of their own volition Opposition members

would stop fighting amongst themselves and put their hands in the air before they got a letter and said, "We want to be involved, there is an important matter in which we want to take part". We did not leave it at that. The Minister has told me he wrote repeatedly telling the Opposition what was being done, asking what it thought, and seeking to discuss matters. What was the reaction? It was a deliberate policy and strategy by the Opposition to distance itself from any negotiation or discussion which might cause it to be committed in any way, shape or form to any change in the electoral laws. That is why the Opposition did it. Let us be under no illusion that in this matter the Opposition is acting in a thoroughly dishonest manner.

Mr CLARKO: I support the amendment moved by the member for Floreat to change the words in the title from "Fair Representation" to "Unfair Representation".

The proposition put by the Minister for Parliamentary and Electoral Reform is that the only fair system is one in which a party receiving the majority of the people's votes will have a majority of the seats. He goes further by implication also to say one should have the same proportion of seats as the proportion of votes received. The only way one could have that would be through a system which is based entirely on proportional voting and on one electorate. If Western Australia were one electorate and a party got 60 per cent of the votes it would get 60 per cent of the seats. That cannot really be done because it is distorted by the number of seats, so one would have to go to the nearest number. That is the only way one could approach that political ideal and the argument put by the Leader of the House.

That is his argument, but his Bill does something quite different. In terms of the Legislative Council, he proposes a proportional voting system based on four separate regions or parts. That would lead to a situation in which it was highly likely one would not match the number of votes and seats because there are four parts, even if the four parts were fairly close to equal. If one has a system in which the two parts other than the metropolitan area are based on a weighting of votes it would be a sheer accident if the number of seats and votes matched. That is why this legislation is unfair; it does not do that which the Minister purports it will do. It would be an accident if the number of seats and votes matched. So his argument falls flat in terms of the upper House.

A system of proportional voting in the upper House with one electorate could produce a match of votes and seats, but this Bill proposes a system for the lower House which is based on equal num-

bers of people in each regional district. As I said previously, a party could miss out in every one of the 57 Assembly seats by one vote in each case. It could get 49.9 per cent of the vote and still win none of those seats. The Minister for Parliamentary and Electoral Reform says, "We want a system where you match with certainty and exactitude and it is impossible to get anything other than a majority of votes giving one a majority of seats", but his own system falls down in both Chambers.

We see people driving around in cars on the back of which is a sticker saying, "Everyone's vote should be equal". I have asked and requested the Government to find countries which have such a system. I have said before that if one takes a country such as Israel, which has a completely proportional system, one realises that it does not have one-vote-one-value through its membership of the United Nations. Israel is able to send a representative to the UN just as is China, or India, or any of the populous countries of the world.

Mr Bryce: What does that have to do with the Israeli system?

Mr CLARKO: I have invited the Government to produce a country or countries where a universal system of one-vote-one-value exists. I have not yet been able to get the Government to put one country forward. I have named Israel myself and pointed out that if it belongs to the UN, it does not have one-vote-one-value. Therefore, none of the members of the UN—the overwhelming majority of the peoples of the world belong to it—has one-vote-one-value. They do not have what many Government members have on the rear of their cars, quite dishonestly, that everyone's vote should be equal. This Bill does not espouse one-vote-one-value.

This Bill does not have one-vote-one-value. In some cases it is 2:1 and in other cases it is 1.2:1. I deliberately used the term "half virgin" because we cannot have half one-vote-one-value. We cannot espouse a system of one-vote-one-value and then have a figure where 1.2 votes equals one vote. That is why this Bill should never be titled "Fair Representation"; it must be titled "Unfair Representation".

Mr Bryce: Why?

Mr CLARKO: Because the system is not fair, it is actually found unfair on the Government's argument. The Government's speakers to this Bill argued the case for one-vote-one-value. If the Government argues the case of one-vote-one-value and at the same time introduces a Bill that is not one-vote-one-value, it is unfair. It is certainly untrue.

Mr Bryce: Do you concede that it is fairer than the existing system?

Mr CLARKO: That is why I use the term "half virgin". I would prefer to use another term. If the Government's basic principle is that it believes in one-vote-one-value and it puts up something else, how can it argue against the Opposition when the Opposition says it does not believe in one-vote-one-value? It is a matter of degrees. Who is to say who is right in terms of a question of degree? It is like the half virgin—one either believes in one-vote-one-value or one does not. The Government does believe in one-vote-one-value because it believes it will be advantaged electorally.

Until a few years ago the Government ran the ALP on a system which certainly was not one-vote-one-value. I invite the Government to go around the world and produce for me in the great continent of Africa, where there are millions of people, one country which has a one-vote-one-value system. Go to Latin America, which is much despised for its system of politics and produce one country there that has a system of one-vote-one-value. Go to Europe and produce for me a country that has a system of one-vote-one-value. I have already mentioned Israel, which is a sub-Asian region. I ask the Government to tell me which countries in Asia have one-vote-one-value.

That is the heart of the problem. This Bill should not be titled "Fair" it must be titled "Unfair". What the Government sets out to do, it does not do. It is setting out to support what I have supported in this Parliament, and that is a system which is not one-vote-one-value. That is what the Government is supporting in this legislation. I challenged a couple of Government members when they were speaking during the second reading debate and asked if they believed in one-vote-one-value, and they said they did. However, this Bill is not for the principle of one-vote-one-value. Perhaps I should use a different word such as, "universality" of the principle of one-vote-one-value. That is what we should be talking about.

The Minister for Parliamentary and Electoral Reform tries to match wits with the member for Floreat. He will never do that while he still draws air.

The specious argument used by the Minister for Parliamentary and Electoral Reform—I notice the Premier did not use the same argument—was that we should go to the people and let the people decide. When should we go to the people—sometimes, often, or all the time? Generally in Australia we have rejected the principle of the Government going regularly to the people by way of referendum. It has not been acceptable by

any of the major political parties in Australian politics. Should we have a system where we regularly go to the people on issues which are important or otherwise?

The CHAIRMAN: Order! The member should continue to direct his remarks to whether the word "Fair" should be deleted.

Mr CLARKO: I am trying to say that what has been done is unfair because what has been said by the members of the Government in this debate does not line up with the legislation. I have said it is unfair because Government members have tried to advocate that the only fair system is one which has one-vote-one-value, and then they put up a system which is not one-vote-one-value. I know you, Mr Chairman, would grasp that quickly.

Government members think they can say in this Chamber, "We only believe in one-vote-one-value, but here is a Bill that is not one-vote-one-value and the Government insists that the Opposition takes it up". It is a specious argument to say that because the Minister for Parliamentary and Electoral Reform writes letters to the Opposition it has an overwhelming obligation to write back to him. It is absolute nonsense.

In any legislative Chamber Oppositions can react in any way they like. One way of reacting is to completely ignore the legislation and vote against it; and in due course when the Opposition is re-elected to Government it can legislate the opposite.

I am amazed that the Minister for Parliamentary and Electoral Reform should try to bring in this argument and pretend that he is embarrassing the Opposition because it does not answer his letters. I would challenge him to produce for us instances of where he has written similar letters to the Opposition on other legislation that he has introduced. If he were an honest person he would have written to the Opposition on every piece of legislation with which he was involved. Perhaps, because he is the Leader of the House, he should have written to the Opposition about every piece of legislation that has been presented to this House since 1983. He should have said "Dear Jim, what do you think about this particular Bill". He should then have invited "Dear Jim" to sit around the table with him and his officers and allowed "Dear Jim" to have an input into the legislation and to have equal opportunity to amend the legislation as his colleagues and supporters did. If he wants anyone to swallow the argument that the Opposition should in some way feel guilty because it has not replied to his "Dear Jim" letters, that is only a farce. It is part of the many tricks and gimmicks that he puts forward. In many ways I

admire him for his Parliament Week gimmick and so on, because he was trying to advance his objective, which he is entitled to do. However, he is not doing it in a fair way. He is doing it in an unfair way.

Anyone in this building who knows anything about politics would not believe for one minute the argument of the Minister that the Opposition should feel guilty because it did not reply to his letter. If he is dinkum I look forward to his writing to the Opposition on every Bill he introduces to this Chamber in the short period that he will be a Minister, and giving it a chance to amend the Bills. He wants the Opposition to put in submissions and he picks the ones he wants, and that is how he framed this unfair Bill. He framed it by getting somebody—it is the first time that such a Minister has ever had somebody who has nothing to do but be paid a handsome sum from the State purse—to sit down and summarise the words that were uttered by every member who spoke in the debate in both Chambers. He chose the words that suited him and then he apparently becomes offended that the Opposition does not swallow this little cake he has remade from what he has extracted from the speeches made in the Chambers.

We heard the Premier comment about 91 years. He said, "Where else has there been a body that could not win in 91 years?" The America's Cup is one. We could not win that in 91 years.

Mr Bryce: Do not forget the role of the New York Yacht Club. You set yourself up alongside it.

Mr CLARKO: The Deputy Premier has been unwell and away from this Chamber for a couple of weeks. I hope he has recovered.

Mr Bryce: I have indeed and you are about to find out.

Mr CLARKO: The system that we are voting on today could still produce a result, as I said a moment ago, because it has weighting where the majority of the votes does not produce the majority of members.

The Deputy Premier appeared to be saying a few moments ago that he believed there was a case 30 or 40 years ago where a political party over two consecutive elections gained a majority of votes which did not produce a majority in the upper House. Is that what the Deputy Premier was saying?

Mr Bryce: I was talking about the Assembly.

Mr CLARKO: If over 91 years the ALP has never received the majority of votes over two con-

secutive elections, then it should not have been in power in the upper House over that 91 years.

The Premier tries to make out it is sad because 91 years have elapsed. It is not sad. If the ALP did not get a majority of votes it was not entitled to be in control of that House.

David Black says that in the last 25 or 30 years there has never been a Government in Western Australia which did not receive a majority of votes. I think it is only 25 or 30 years because he has not gone further back than that. I do not think he can produce an example of a party receiving a majority of votes which did not become the Government of this State.

Mr BRYCE: The member for Karrinyup is not dinkum, and upon reflection, on the first opportunity that he has to read his speech he will concede that himself.

About this time last year the Government presented to the Chamber a Bill in the form which he has just described as a fair Bill. He has just rebuked members on this side of the Chamber for bringing to this place a Bill which he says is unfair, because there are four regions in respect of the Legislative Council. A fair Bill which sought to treat this State as a single region was brought to this place last year, and he and his colleagues voted against it. I have no qualms whatsoever. What we are doing is turning this Chamber and this system into a relative democracy over a long period of time.

The forebears of the member for Karrinyup fought tooth and nail to prevent women from voting.

Mr Clarko: Who said that?

Mr BRYCE: They fought tooth and nail to restrict the number of people who could vote for this Legislative Assembly. They fought tooth and nail to prevent ordinary wage and salary earning people from voting for the Legislative Council.

Several members interjected.

Mr BRYCE: Predecessors of the member acted before their more conservative counterparts in many other parts of the world. Let me remind the member that often his predecessors were determined that the hobnailed boots of Labor would never tread in the Legislative Council.

Several members interjected.

Mr BRYCE: What they did for many decades was to sit in their back rooms and devise perverted plans one after the other. One can trace the evolution of this system over seven or eight decades. They devised perverted systems to change the electoral system to prevent the Labor Party from gaining that majority in the Legislative Council.

Mrs Henderson: That's right.

Mr BRYCE: The member for Karrinyup likened the role of the Liberal and Country Parties to the role of the New York Yacht Club in setting the rules.

Mr Clarko: I did not; you did that.

Mr BRYCE: I have to remind the member—

Several members interjected.

Mr BRYCE: I met some of the members of the New York Yacht Club in New York recently, and I was happy to remind them that while Britannia no longer ruled the waves, since *Australia II* won the America's Cup, the New York Yacht Club no longer has an opportunity to waive the rules. As far as the members sitting opposite are concerned, they do not have the opportunity to waive the rules in this place.

I would like to make a simple, fairly candid prediction to the members opposite today: This is only the beginning; a substantial beginning to a process of reform and change. Members opposite will not regain the Treasury benches in this State as long as they have hovering over them the odium of being the parties which have sustained their influence in this State by corrupting the electoral laws of Western Australia. The stage will be reached where they cannot hold up their heads. We know that time is now on our side. Slowly but certainly, the truth is beginning to come out. People are beginning to discover that something smells about a party and a system created by that party which enables that party to dominate for nearly a century.

Several members interjected.

Mr BRYCE: Members opposite know that time is running out for them. I congratulate the Minister for Parliamentary and Electoral Reform and the people who worked with him on the production of this legislation. Our Government takes this question very seriously indeed; that is the reason we appointed a Minister with special responsibility for parliamentary and electoral reform. We are delighted with the work that he has done; we recognise it as the beginning of one of the most important chapters in parliamentary and democratic reform in this State.

How long it takes will depend on a number of things, but of one thing members opposite can be certain: From now on they will not be able to raise their heads in public at election time sufficiently to gain a majority of seats in this place and form the Government again.

Mr Clarko: You will find out.

Mr BRYCE: Before they realise the error of their ways—

Mr Stephens: You have not taken the National Party into account.

Mr BRYCE: I have no doubt that the Liberal Party, as the principal Opposition party, must attract a new generation of leadership in the general sense of the word to lead it down the path of decency and electoral morality to the point where it will accept that members have never been approached by people in the country towns with a request for a voting right which is 10 times, seven times or even 17 times the voting power of their metropolitan cousins, or brothers and sisters.

Several members interjected.

Mr BRYCE: I bet London to a brick on the member for Katanning-Roe has never been asked by one of his constituents to ensure he has 17 times the voting strength of somebody living in the city.

Mr Old: You do not know what you are talking about.

Several members interjected.

Mr BRYCE: There is a double handful of crooked politicians sitting opposite who realise that when they are in Government they have to rig the system and pervert the laws in order to preserve their seats.

Several members interjected.

Mr BRYCE: People do not walk up to a member in the country towns and say, "Please make sure, when you go back to the Parliament, you give us a vote which is 17 times more powerful than that of our relatives in the city".

Several members interjected.

Mr BRYCE: These people sitting opposite know that when they come to this place they make these changes purely and simply to preserve their own bacon. The time is running out.

Mr Old: You are a mealy-mouthed little man.

Mr BRYCE: They can trot out all the nonsense they like to justify—

Mr Clarko: You are trotting it out.

Mr BRYCE: They can trot out all the nonsense put forward by the members for Floreat and Karrinyup to justify the insertion of this utterly frivolous amendment to the Bill at this stage.

Mr Hassell: Is this one of your 20 minutes of spray?

Mr BRYCE: As a matter of fact, the Leader of the Opposition might feel the impact, because while I was overseas I had the opportunity to kiss the Blarney Stone and this is only the beginning.

Mr Hassell: You are trying to outshout the Premier again.

Mr BRYCE: The only aspect which disturbs me about that is, if members opposite want to receive the gift of eloquence, they can do so by kissing someone who has kissed the Blarney Stone, but they should not seek to do that in a hurry, because I would not fancy the thought.

Mr MacKinnon: How has the Premier been going? Has he taken objection?

Mr Hassell: What a tasteless comment.

Mr Clarko: What you have said is that we advocate the weighting of votes and you think that is wrong, yet you have a Bill in front of you which advocates the weighting of votes.

Mr BRYCE: The member for Karrinyup made great play of his concern for the lack of democracy in South Africa and in other parts of the world.

Mr Clarko: I didn't use the word "democracy". I do not use the word "democracy" very often. I referred to one-vote-one-value.

Mr BRYCE: The member for Karrinyup finds it very difficult to use the word "democracy", because it sticks in his craw.

Mr Clarko: What does it mean?

Mr BRYCE: The member for Karrinyup and his predecessors have sought to destroy the effects of democracy for almost a century in this State. They have fought a rearguard action, firstly, with the right of women to vote and, secondly, with the franchise to this place and to the other place. At every turn the member for Karrinyup and his predecessors have reluctantly conceded inch by inch the right of ordinary people to participate in the process of democratically electing Governments.

Mr Clarko: You don't know what "democracy" means.

Mr BRYCE: I have a great sense of comfort and confidence in the knowledge that we have a first-class Minister responsible for this programme of reform. He has embarked upon the most effective programme of reform in this State's history. Within a decade this piece of legislation will be behind us and the successors of members who sit opposite will feel a sense of shame for conservative members who sat in this place at this stage.

Progress

Progress reported and leave given to sit again at a later stage of the sitting, on motion by Mr Tonkin (Minister for Parliamentary and Electoral Reform).

(Continued on page 2771.)

QUESTIONS

Questions were taken at this stage.

Sitting suspended from 6.02 to 7.15 p.m.

CREDIT UNIONS AMENDMENT BILL*Returned*

Bill returned from the Council with amendments.

BREAD AMENDMENT BILL.*Receipt and First Reading*

Bill received from the Council; and, on motion by Mr Parker (Minister for Minerals and Energy), read a first time.

Second Reading

MR PARKER (Fremantle—Minister for Minerals and Energy) [7.17 p.m.]: I move—

That the Bill be now read a second time.

This Bill is introduced to amend the metropolitan and country baking hours prescribed in the Bread Act 1982, and to provide extended baking hours immediately prior to public holidays.

The hours prescribed in the current Act permit baking within a 45-kilometre radius of the Perth General Post Office, between one minute past midnight on a Monday morning and 6.00 p.m. on that day; between 2.00 a.m. and 6.00 p.m. on any Tuesday or Wednesday, and from one minute past midnight on a Thursday morning until 12 noon on the succeeding Saturday. Metropolitan baking is prohibited after noon on Saturdays and on Sundays.

Beyond the 45-kilometre radius, country baking is unrestricted between one minute past midnight on a Monday morning and 12 noon on the succeeding Saturday. Country baking is also prohibited after noon on Saturdays, but permitted between 5.00 a.m. and 12 noon on Sundays.

The bread industry's experience of the baking hours prescribed in the Act led to representations from metropolitan bakers, who maintained that the starts at 2.00 a.m. on Tuesdays and Wednesdays, and one minute past midnight on Thursday mornings, were too restrictive.

After consultation with employer and employee representatives, metropolitan hours were extended to permit baking from one minute past midnight on Tuesday and Wednesday mornings, in lieu of 2.00 a.m. on those days, and from 10.00 p.m. on Wednesdays in lieu of one minute past midnight on Thursday mornings.

Although there was not complete unanimity on the extended hours, they have been in force under a ministerial order since January 1984, without causing any major conflict in the industry. The metropolitan hours prescribed in the Act, as

varied by that order, are the metropolitan hours proposed by this Bill.

Earlier this year, the Country Bakers' Association made representations to the Government regarding country baking hours. After consultation with that association it was agreed to include in this Bill an amendment to align country baking hours from Monday to Saturday with those operative in the metropolitan area since 1 January 1984.

The provision allowing Sunday baking between 5.00 a.m. and 12.00 noon will be retained.

The alignment of baking hours in this manner should serve to reduce conflict between metropolitan and country bakers.

For many years ministerial orders have issued on request and as a matter of course to extend baking hours on the day immediately preceding a public holiday. These extensions permit bakers to meet the additional demand for fresh bread on that day.

The Bill amends the Act to allow baking to commence two hours earlier on the day preceding a public holiday, where that public holiday falls on Tuesday, Wednesday or Thursday. For example, where a public holiday falls on a Tuesday, baking will be permitted from 10.00 p.m. on the preceding Sunday, in lieu of one minute past midnight on the preceding Monday morning, without the necessity for a ministerial order.

Baking hours on the baking days preceding Mondays and Fridays do not require any change, as they are already extended.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Williams.

ACTS AMENDMENT (CONSUMER AFFAIRS) BILL*Receipt and First Reading*

Bill received from the Council; and, on motion by Mr Tonkin (Leader of the House), read a first time.

ACTS AMENDMENT (FAIR REPRESENTATION) BILL*In Committee*

Resumed from an earlier stage of the sitting. The Chairman of Committees (Mr Barnett) in the Chair: Mr Tonkin (Minister for Parliamentary and Electoral Reform) in charge of the Bill.

Clause 1: Short title—

Progress was reported on the clause after Mr Mensaros had moved the following amendment—

Page 1, line 10—Delete the word "Fair" and substitute the word "Unfair".

Mr MENSAROS: I appreciate the fact that the Premier entered the debate, and as a mark of respect to him, I ought to answer his main argument, which appears to have been repeated time and time again. I do not know whether that indicates a lack of other substantive arguments, or whether it is because he believes that by repeating an argument often enough it will stick somewhere along the line. The Premier's argument is that the Bill presented by the Government is fairer than the status quo—than the provisions of the Constitution Act, the Constitution Acts Amendment Act, the Electoral Act, the Electoral Districts Act, and so forth; because, as the Premier put it, one party has had the majority in the Legislative Council for 91 years.

First of all, that statement in itself does not prove that the provisions of the Bill would be fairer than the existing legislation; but before I touch on that matter I remind the Premier that it would appear on the surface that one party prevailed, but that is not the situation when one goes into it in depth. It is true that the non-socialist parties prevailed; but the various parties on the non-socialist or conservative side of this Parliament could not be called one party. There have been various changes at one stage or another in the parties which have been in coalition.

I have pointed out quite clearly that the Bill will not provide a fairer system. It is not the case for the Legislative Assembly because it was not proved, or even alleged, that the majority of the popular vote would not have resulted in the election of the majority of the members, and consequently that a minority popular vote would have resulted in the election of a Government of that minority. Furthermore, it has been pointed out that the relationship between the percentage of the popular vote and the percentage of members elected as a result of that vote is much closer under the existing system than it ever could be with the one-vote-one-value system. I am still talking about the lower House.

That has been shown partly by an estimate which I incorporated in *Hansard*, with the permission of the Speaker. That shows clearly that there is a greater divergence between the popular vote achieved and the consequently-elected number of members under the proposed system.

I proved that in relation to two existing systems. One was the New South Wales system, and there cannot be any argument that the estimate is wrong, because it was based on the fact that under the one-vote-one-value provision, 69 per cent of

the members were elected with 56 per cent of the popular vote. That was achieved by the Labor Party. I also said that in Western Australia, from the party affiliation point of view, the opposite happened in the Federal field when one-vote-one-value prevailed—

The CHAIRMAN: Order! I do not want this to develop into a second reading debate. Members speaking to this amendment must relate their remarks to it. The question is that the word "Fair" be deleted.

Mr MENSAROS: My argument is based on the same principle as the Premier's argument, which is simply an argument whether the deletion of the word "Fair" in order to substitute another word is right or wrong from the point of view that the provisions of this Bill are more fair or less fair than the existing ones. It is in relation to that that I respond to the Premier's argument.

From the point of view of the lower House, it has been proved that the one-vote-one-value system produced an unfair result in Western Australia in the Federal sphere because the non-Labor parties at one stage had 90 per cent of the members elected, but they did not receive 90 per cent of the vote. I do not know what percentage of the vote they received, but I would not be surprised if it was barely over 50 per cent.

From the point of view of the upper House, the same principle prevails. No case was even alleged that in two consecutive elections constituting the whole of the upper House would the majority of the members not be elected by the majority of the popular vote.

Out of respect for the Premier I ought to answer the other point he made when he said that I had been contradicted by the editorial in *The West Australian*. I was not contradicted. I said that the Minister's assertion that the metropolitan vote versus the non-metropolitan vote is weighted 2:1 was incorrect. The editorial stated that I did not say everything that was relevant because the northern seat, that one single region, is weighted 1:2. I did not argue about that, but that refers to one seat compared with the metropolitan area, whereas I compared the country—that is, the whole non-metropolitan area—with the metropolitan area. I do not think the Premier, upon reflection, will agree that his statement was right.

Mr STEPHENS: I think the word "Fair" is rather unfortunate, because what is fair is a subjective argument for each member. We are dealing with a Bill concerned with representation, but whether that representation is fair is wide open to interpretation.

I ask members to decide—with the representation that exists at present in this Chamber—whether a Bill debated last week got a fair hearing. I am referring to the Road Traffic Amendment Bill. The representation of country people in that case was not fair to them. The member for Albany was the lead speaker for the Opposition, and by his comments he clearly showed he did not understand the Bill, because he talked about the use of farm tractors when in fact we were talking about farm trailers.

The Minister did not look after the interests of the farming community, because by his actions, by his convincing his colleagues that they should support the amendment, a further impost was placed on the farming community. I argue that the representation of the farming community is not fair, yet we have this Minister producing a Bill supposedly dealing with fair representation.

Fair representation involves an absolutely subjective assessment. The Minister would be better advised to call this a "representation" Bill and leave it to the general public to make a judgment. This Bill seems to be a boast on his part that he has introduced a Bill to bring about fair representation. I have given an example of a Bill debated here last Thursday where the representation of the farming community was anything but fair. The Minister should agree to the deletion of the word "Fair".

Mr HASSELL: I join this debate to respond to a couple of points made by the Premier, points which have already been answered by the shadow Minister, the member for Floreat, but I want to home in particularly on a couple of them. The first point concerns the very fact that this Bill is called the "Fair Representation" Bill.

I know it is 1984, but this is the very type of Goebbelian tactic that we spoke about when we saw legislation go through earlier dealing with referendums. The very sorts of things we foreshadowed then—that the Government would try to manipulate the question being asked—we tried to guard against during debate on that referendum legislation.

What the Government is doing here is trying to have passed a Bill with a title to which, if the Bill is passed, the electors will be asked to give approval, when that title itself contains the commitment. It is a ridiculous approach and one that cannot be allowed to pass unremarked on.

The Premier's blustering speech, getting back to his often repeated blustering style, was the master-piece of his habit of repeating untruths in the hope that, by repeating them often enough, he might get the media to repeat them also and to create

them as truths, when they are not. He has said it over and over again, as he said it over and over again today, that the upper House has been controlled by one party for 95 years.

Mr Tonkin: He said 91 years.

Mr HASSELL: I thought he said 95, but I am open to correction; but he said it many times. The Minister himself has often referred to it as 90 years or more than 90 years of control by one party, but it is an absolute nonsense and humbug for that to be said.

Neither the Liberal Party nor the Labor Party has existed for that length of time, and neither has the National Country Party.

Mr Tonkin: If you change your name, are you a different animal?

Mr HASSELL: Not only has the character of that House changed but also the character of politics and of political parties has absolutely changed in that time. It is simply an untruth for the Premier to keep saying that the upper House has been controlled by one party for 91 years; that is an absolute nonsense, the repetition of which does not make it the truth.

Mr Tonkin: Your dishonesty appals me.

Mr HASSELL: The second thing the Premier threw in was that it was well known, in his words—I heard him say this when I was sitting in my office temporarily—that the Leader of the Opposition would not be interviewed on this matter. The Premier was again being dishonest; he was taking a comment and using it deliberately dishonestly.

It is true that I told one person from the media that I did not want to do an interview on this legislation because the extensive work on it on behalf of the Opposition had been done by the shadow Minister, the member for Floreat, and that it would be more appropriate for that member of the media to approach the member for Floreat on the issue. That is the extent of the "well known" information to the effect that the Leader of the Opposition would not be interviewed.

I was very amused only at question time today when the Premier said, as an excuse for not answering a question, that he could not answer it because it was not within his responsibility and that in his Government Ministers took responsibility for their own departments. That is how he operates and that is how we operate. Precisely.

The Premier's trying to make out that in some way I am not prepared to discuss the issue is an absolute nonsense, and what hypocrisy that is when it comes from this Premier.

That is especially so when he refuses to debate in public with me the most fundamental issue relative to Western Australia's future; namely, land rights. This is the man who has repeatedly refused to debate in public, on television or radio, that very issue; yet this is the man who says I will not be interviewed on this subject. What a nonsense.

The CHAIRMAN: Order! The question before the Chair is that the word "Fair" be deleted. It may well be that the Leader of the Opposition can relate his remarks on land rights to the question, but I am waiting for that to happen.

Mr HASSELL: What I am doing precisely is answering precisely what the Premier said earlier during the course of the debate at a time when he made these assertions uninterrupted by the Chair or anyone else.

Withdrawal of Remark

The CHAIRMAN: Order! I take that as a reflection on the Chair and I ask you to withdraw it.

Mr HASSELL: I am happy to withdraw because I have no intention of reflecting on the Chair. I simply remarked on what had happened.

Committee Resumed

I am simply relating my remarks to what the Premier said in this debate when he suggested that I would not be interviewed on the subject. I point out to members that when I was the responsible shadow Minister last year I handled similar Bills at enormous lengths in the Chamber and I went before the public and debated the issue with the Minister repeatedly on radio and on television. The Premier's snide attempt to suggest that in some way I am not prepared to deal with this issue is just a furtherance of his dishonest approach to this matter and to so many other matters.

He said that the Minister was trying to compromise. The only time this Minister and this Government are interested in compromise is when it will be of some political advantage to them. When it came to Parliament Week there was no compromise attempted.

The CHAIRMAN: Order! Once more I draw the member's attention to the fact that the question before the Chair is that the word "Fair" be deleted. I request he once again relate his remarks specifically to that. The matter he is debating at the moment should more correctly take place during the second or third reading.

Mr HASSELL: I respectfully ask on what occasion do I have the opportunity to reply to remarks that have been made in this very debate? They are all that my remarks are directed at.

The CHAIRMAN: I am quite happy to be sufficiently lenient for you to answer the remarks made by the Premier, but I am not happy for you to utilise the sum total of your speech to do that. If you want to make your comments fairly brief, I will be lenient enough to allow that, but I will not allow you to go on and on.

Mr HASSELL: Thank you for that advice, Mr Chairman.

The title of this Bill is part of the sum total of the Government's dishonesty on this issue. The Opposition stands as one on this matter behind the shadow Minister who is so ably handling the debate. The way in which the matter has been presented by the Minister and the Premier is a deliberate distortion and misrepresentation, and I simply want to put on record the real position in relation to the Premier's comments about me and his repeated untruths that the upper House has been controlled by one party for 91 years.

Mr LAURANCE: I was amazed to hear some of the humbug and hogwash introduced earlier during debate on this clause by members opposite, and particularly the Premier and the Deputy Premier. It was just too much for people on this side to have to sit and listen to the rubbish members opposite presented, with our having to put up with being called crooked and dishonest, and with members opposite being able to get away with it.

The Deputy Premier said that the whole system was dishonest and that people on this side had arranged the seats in this way, but I represent a seat the boundaries of which have not changed since 1890, and it is a seat which has been held for more than half the time by members of the Labor Party.

Mr Tonkin: That is one seat; what about Kimberley?

Mr LAURANCE: Mine is a small seat in terms of electors. When members opposite were talking about members on this side being crooked and dishonest, I took it personally.

Answer me! Tell me! If it is crooked, members opposite rigged it; that is right, the Australian Labor Party! The ALP has had more benefit out of those boundaries than has the Liberal Party.

Several members interjected.

Mr Gordon Hill: That is nonsense, and you know it.

Mr LAURANCE: That is not nonsense at all. It is commonsense in response to the rubbish that has come from that side of the Chamber tonight.

Several members interjected.

The CHAIRMAN: Order! The member for Gascoyne will resume his seat.

A member: He does not know where it is!

The CHAIRMAN: This has the potential to develop into a fairly hectic debate. I am not going to sit here and accept the sort of interjections to which the member for Gascoyne has just been subjected. If members want to interject they may do so, even though technically it is disorderly, so long as they speak one at a time and the member for Gascoyne has an opportunity to either reply to them or reject them at his will. I will not accept the situation where there are three, four or more interjections at a time.

Mr LAURANCE: I think I have every right to be upset about the way that the people of my electorate and their representatives were maligned by, in particular, the Deputy Premier. I was called crooked and dishonest because I stood for an electorate which has a small number of people yet is a vast area of this State; it is as large as the State of Victoria.

The Gascoyne sends one representative out of 57 to this Legislative Assembly and it has been doing so since 1890. I am proud to represent those people. I have had to put up against opponents from the other side, from the Australian Labor Party. They could have won that seat and they could have represented those people in this Parliament, but they did not do so. I happened to win and I have won at subsequent elections. It is the right of those people to seek a representative in this Parliament. That is not dishonest or crooked. It was never dishonest or crooked when the ALP won that seat. The ALP has been trying hard enough to win the seat ever since.

Mr Tonkin: We weren't referring to Gascoyne.

Mr LAURANCE: The Government was particularly referring to Gascoyne because it talked about people sending representatives to Parliament who have 17 times the vote of somebody else. That is absolute nonsense, and the Government knows it is, because either party could have a member here; and that is the democratic choice of the people of the Gascoyne. They have had the same choice in my electorate since 1890. The boundaries have never been changed. They should not be changed now. They have been good enough for the last 90 years and they will be good enough for the next 90 years. My ambition is to hold that seat for 40 years to balance out the 40 years that the ALP held it. That will be fair. We might change the boundaries when we have the same number of members on the Opposition side. The boundaries were virtually unchanged from 1933 to 1974. That seat was held by the ALP and no-one suggested it should change then. The ALP was quite happy to have it that way then.

Mr Bryce: What about the crooked exercise in the Pilbara that you people designed? You brought it here.

Mr LAURANCE: Why did not the Deputy Premier get up then and attack those principles?

Mr Bryce: May they rest on your conscience, you sanctimonious crook!

Mr LAURANCE: What about Hon. Dan Norton or Hon. F. J. S. Wise, one of the leading lights in the Curtin Foundation? Why does not the member say the latter is crooked and dishonest because he held that seat for 20 years?

Mr Tonkin: He didn't design the boundary.

Mr Bryce: It was a change of crooks in relation to the Pilbara!

Mr LAURANCE: I accepted the boundaries that went before and the people were elected on those boundaries. Let us talk about a small electorate.

Mr Bryce: Let us talk about crookedness. You brought the Pilbara boundaries to this place, and the Kimberley!

Several members interjected.

Mr Bryce: Sanctimonious crooks! They don't look after crooks, do they?

Mr Old: Come on!

Mr Clarko: Control yourself a bit.

Mr LAURANCE: Bald eagle can jump up and down as much as he likes. The sort of comments he made today should not have been made in this Parliament. He did a disservice to everybody in the remote areas of this State. I represent one of those small electorates in terms of numbers and I am proud of it. Remote electorates have a number of disadvantages, and I have spoken on this subject many times.

We have been talking about whether we should have fair representation. It is quite unfair for people like the Deputy Premier to come up with a whole load of rubbish such as he did earlier tonight. If members look at the geography and the size of this State, they would realise that all these people want is a fair go. Those four pastoral seats represent 85 per cent of the land area of Western Australia. Is that fair representation out of 57 members? I previously pointed out many times in this Chamber that they deserve the right to send about 10 per cent of members here. They have done so in the past. Traditionally over the years they have sent about 10 per cent of the members of the Assembly. Surely to goodness, members cannot say that it is unfair to have 10 per cent of the representation for 85 per cent of the area, the wealth and the export earnings of this State. These

people deserve more. They deserve better representation than the bellicose bellowings by the Deputy Premier over representation here. I will tell him this about the fairness of the Pilbara line.

Mr Bryce: The Kimberley.

Mr LAURANCE: The Kimberley and the Pilbara line. It happens to be a conjoint boundary. If the Deputy Premier can assure me that he would have supported an increase in the number of northern members in this Parliament, I am sure the line would not have been drawn in the way that it was. Is he going to say that he supports an increase in the number of members in the north? Of course he does not. He wants to cut the Legislative Assembly and the Legislative Council representation in half. That is his proposal. Let him go back into his foxhole. He does not know what he is talking about.

Mr Rushton: He will go overseas again if you are not careful.

Mr LAURANCE: When there were something like 48 members in the Legislative Assembly, five members from the northern and pastoral areas were in this Chamber. That represents just over 10 per cent. Now as the members in the metropolitan area have increased, that representation, that proportion, has been whittled down and it is not fair—I will argue that point in any forum—to have only four representatives out of 57 in this Parliament for 85 per cent of the land area of Western Australia. Those people deserve that it be kept at about 10 per cent. That means 5.7 members of Parliament. I think we should round it off to be fair.

Mr Blaikie: Make it six.

Mr LAURANCE: I do not want to be the 0.7 of a member who comes here. They should have six members. We have compromised on that and our proposal is that at least five members should represent the northern and remote pastoral areas of this State. Let me ask any member opposite to stand up and say that that is not fair. The people in the metropolitan area also deserve to have a fair go. Quite frankly, getting a fair go means carving up the cake and most of the cake is carved up in the metropolitan area; make no mistake about that. The great wealth of this State really is shown in the lifestyles of the people who live in the city. The people who sweat and earn that money so the people in the metropolitan area can have a lifestyle that they have become used to, are those people living in these vast outback areas who have an enormous lot to put up with. We have heard talk about a vote being worth 14 times its value. It is not. No matter where one lives in this State he gets one vote for one member of Parliament. If a

person seeks a representative from his area he has a choice to say what sort of party he represents. One has the same choice, no matter which area one is in and no member on that side of the Chamber can deny that point.

If we are going to be fair we should try to balance the situation. Never mind about the "14-times" vote weighting that we hear about from members on the other side of the Chamber. I have said many times it costs 29 times the cost of a Perth local telephone call to ring my office from some parts of my electorate. I have heard members opposite say, "Why didn't you ring them back?" I suppose they thought I should anticipate a problem and ring up a person who lives in the far reaches of my electorate and say to him, "I thought you had a problem. I am ringing you before you have a chance to ring me". Seriously, the cost of a telephone call from some parts of my electorate to my electorate office bears no comparison with a metropolitan call. The member for Kimberley would know this. He would experience exactly the same problems. If the Government wants to make comparisons between this and that, it can easily do it.

Mr Tonkin: This deal goes through the "008" number in your office.

Mr LAURANCE: If members are fair they will take into account all of those things. They cannot tell me, no matter how the boundaries are drawn in those remote areas of the State, that those areas which in total represent an enormous part of this State, do not deserve to have four members out of 57 elected to this Parliament. Any person who wanted to make the system fairer than that would be looking to give increased representation to remote areas of the State. What do we see the Labor Party trying to do? It wants to halve it.

Quite frankly, Western Australia above the 26th parallel would be better off joining in with the Northern Territory than it would be in any sort of situation that lessened the representation which currently exists. If the Government said to the people, "We will give you two members in the Legislative Assembly and one in the Legislative Council", we should put a line across the 26th parallel and cut off that area from Western Australia. The Government is saying to those people, "We do not recognise you. We do not want you. We are not going to give you any representation in this Parliament". Would that be fair? That is the end result of the Government's moves. That is what will happen.

The Government has a representative—I am disappointed it is not the Premier—attending the Northern Australia Development Conference in

Mackay starting tomorrow night. I will represent the Opposition and I think Hon. Peter Dowding will represent the Government. It will be interesting to see what attitude he takes, representing a party at that conference which wants to cut down northern representation drastically in the Parliament. No matter what sort of northern development he wants to talk about, there is no way that he can be fair if he tells those people that he will cut up their representation in the Parliament. It is a basic and fundamental principle, to give those people a fair say in this State.

We have bigger problems than the other States because our State is bigger than Queensland and the Northern Territory. The geography of our State is such that the capital city happens to be located in the bottom corner. Murchison-Eyre is as big as New South Wales, and Gascoyne is as big as Victoria, and if we put them together for a Legislative Council seat, the Province would be as big as New South Wales and Victoria put together. Members opposite may say, "Okay, there are not enough people there," but I tell them to look at the total of those areas. Those boundaries generally have been drawn for a long time and when we add them up now we get four seats out of a total of 57. We have done that, I guess, in answer to the pressure that people from the other side of the Chamber have put on us. I have never really been happy with it. When we moved from 53 or 55 members, perhaps we should have gone from four to five in the north. I have said in this Parliament before that there used to be a member for Roebourne as well as for the Pilbara.

Mrs Buchanan: The area has changed now.

Mr LAURANCE: Yes, it has, but the need for representation has not changed.

A member: Can't we push Kalamunda and Mundaring together?

Mrs Buchanan: Talking about the Pilbara and the Kimberley, the Pilbara-Kimberley boundary has been drawn for ages. Why?

Mr LAURANCE: Can the member tell me she would have supported an increase in the number of seats there?

Mr Bryce: We didn't bring the Bill to the Chamber. It was your crookedness that did.

Mr LAURANCE: Sure.

Mr Bryce: We don't want that bit of shonky business here.

Mrs Buchanan: We believe it is fair representation in those four seats. Why was that done?

Mr LAURANCE: I will ask the member to tell me that in response.

Mr Bryce: You haven't got an answer.

Several members interjected.

Mr LAURANCE: Do members want me to seek an extension of time?

The CHAIRMAN: Order, members!

Mr LAURANCE: If the Government brings forward a Bill that provides two or three representatives, I will support it, let me tell the member for Pilbara that.

Mrs Buchanan: We suggested splitting the Pilbara into two.

Mr LAURANCE: I am telling the member for Pilbara now, if she supports fair representation in the Pilbara—

Mrs Buchanan: I am not saying that—

Mr LAURANCE: —she really should not be in this Parliament if she believes in cutting down representation any further than it has already been cut down.

Mr BRYCE: The member for Gascoyne has a faulty memory or a convenient one.

Mr Laurance: You are crooked and dishonest.

Mr BRYCE: He knows that Labor Governments which have governed this State for about half its history have never drawn the boundaries, yet he stood here a few moments ago and asserted we were responsible for them. Let us establish the fact that any argument presented to this Chamber which asserts that Governments over the years which have established the boundaries have done so in a perverted way, does not include previous ALP Governments in this place.

The boundaries in this State have been imposed upon successive Labor Governments decade after decade by their predecessors. The statutory boundaries and the other boundaries—

Mr Clarko: You have put up Bills to give some idea of what you think.

Mr BRYCE: Bills have been introduced to modify them.

Mr Clarko: By Bert Hawke.

Mr BRYCE: We introduced a Bill to provide for one-vote-one-value, I am proud to say, almost

a decade ago. I am not sure whether the member for Gascoyne was a frontbench member or a backbench member but he shares the guilt of having brought to this Chamber the last series of amendments to electoral boundaries in this State which created the rotr which is the current seat of Kimberley. How absurd and extraordinary it is for him to weep crocodile tears for the people in remote parts of the State tonight when he and his colleagues in this place, sitting on this side of the Chamber only a few years ago, changed the electoral districts to give the member for Kimberley a greater number of electors than the member for Nedlands at that time. The number of electors he represents still exceeds the numbers in the electorate of Nedlands. Where is the argument, consistency, decency, and logic for somebody who professes to be concerned about people in the rural parts of the State? He and his friends and colleagues brought a Bill to this place which deliberately drew a set of lines on a map to make it almost impossible—

Mr Blaikie: Are you talking to this clause?

Mr BRYCE: I sure am. I am responding to the member. My remarks are every bit as relevant to this debate as those of the member for Gascoyne as I seek to establish a modicum of truth for the record.

Mr Clarko: That is the best you ever did, to establish a modicum of truth in this place.

Mr BRYCE: I have seen some people sitting opposite and their predecessors sustain the position over years. Racists do not like to be called racists and sanctimonious crooks do not like to be called crooks, but anybody who was responsible for bringing to this Chamber a piece of legislation which said that the seats of Kalamunda and Darling Range should be entitled to country quotas because of the heartfelt concern of the Government of the day for people in the far-flung parts of the State, and does not accept that was a form of political crookedness, defies logic. That is exactly what it was. At precisely the same time, Mr Chairman, your seat was designated a metropolitan seat. It was significantly further away from the GPO than the seats of Kalamunda and Darling Range, but because of the established voting tradition, it was decided that a shonky line drawn by shonky people would exclude the people of Rockingham from the country district, although people there have to make STD calls to communicate with the metropolitan area.

There is absolutely no doubt in the mind of anybody who has lived with this question for a period of years that members opposite when in Government, and their predecessors over a period

of generations, have played a shonky role and manipulated and changed the electoral boundaries to suit them politically. That is the only way they could explain to anybody in this society which prides itself on respecting a sense of fair play that one political coalition of interests, and one only, has been able to sustain an unbroken record of so-called victories in the Legislative Council for nearly a century.

I remind the member for Gascoyne it is not likely that this decade will pass before the shonkiness associated with that particular manipulation of people and boundaries catches up with the Liberal Party like a bad smell. Members opposite will not be able to go anywhere in this State and get away from the canker associated with decades of shonky electoral boundary drawing. Before this decade is out this particular problem will have been well and truly set straight.

Amendment put and a division taken with the following result—

Ayes 20

Mr Blaikie	Mr McNee
Mr Bradshaw	Mr Mensaros
Mr Clarko	Mr Old
Mr Court	Mr Rushton
Mr Cowan	Mr Spriggs
Mr Coyne	Mr Stephens
Mr Crane	Mr Trethowan
Mr Hassell	Mr Tubby
Mr Peter Jones	Mr Watt
Mr Laurance	Mr Williams

(Teller)

Noes 28

Mr Bateman	Mr Jamieson
Mrs Beggs	Mr Tom Jones
Mr Bridge	Mr McIver
Mr Bryce	Mr Parker
Mrs Buchanan	Mr Pearce
Mr Brian Burke	Mr Read
Mr Terry Burke	Mr D. L. Smith
Mr Burkett	Mr P. J. Smith
Mr Carr	Mr I. F. Taylor
Mr Davies	Mr Tonkin
Mr Evans	Mr Troy
Mr Grill	Mrs Watkins
Mrs Henderson	Mr Wilson
Mr Hodge	Mr Gordon Hill

(Teller)

Pair

Aye	Noc
Mr Thompson	Mr Bertram

Amendment thus negated.

Mr STEPHENS: The National Party has indicated it is opposed to this Bill and although we involved ourselves in that amendment there is no way we will seek to amend the Bill. We are totally and utterly opposed to it and amendments cannot improve it to the satisfaction of our members or the people we represent.

As I said during the debate on the proposal to delete the word "Fair", that is a very subjective assessment and we could quite easily prove that the rural community's representation under the present system is anything but fair. Despite that, the Labor Party wants to alter that representation to give the farming community even less voice. It talks about fair representation, but fair for whom? Perhaps it means fair for the vested interests in the metropolitan area.

We oppose the contents of the Bill, we will not seek to amend it in any shape or form, and we will vote against the third reading.

Clause put and passed.

Clauses 2 to 86 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

MR TONKIN (Morley-Swan—Minister for Parliamentary and Electoral Reform) [8.15 p.m.]: I move—

That the Bill be now read a third time.

I thank the Opposition for granting leave to proceed forthwith to the third reading.

It is, I believe, of the utmost importance that we do not lose sight of the essential thrust of this Bill. It is really irrelevant as to where—

Mr Blaikie: It almost looks as though you are stalling for time.

Several members interjected.

Mr TONKIN: It has been suggested that the Government should perhaps, I think the member for Karrinyup mentioned this, put this Bill to a referendum.

Mr Clarko: I did not say that you should, I questioned it.

Mr TONKIN: The member for Karrinyup asked whether we should put this Bill to the people. I guess there are two replies to this question, both of which are valid and neither contradicts the other. One of them is that the Constitution was changed by the Parliament.

Mr Blaikie: You are adopting a very moderate stand because you have not got the numbers in the other House.

Mr TONKIN: The matter was brought to the Parliament by the—

Mr Blaikie: You are right now.

Mr TONKIN: —Court Government. It changed the Constitution and required that there should be a referendum. That is the first thing.

We cannot change the Act without a referendum. The second point I would like to make is that because the Government says it believes in a referendum on a particular issue, it does not mean that the people should be consulted on every issue.

There are some things so fundamental to the nature of society and to the Constitution that members may argue that there should be a referendum on this issue. In fact, it has been said that it is not in the mainstream of Australian political experience, but ever since there has been a Constitution of Australia the main way of changing the Constitution has been a referendum. We are not saying that people should be consulted on every matter. After all, they elected representatives to legislate for them. What the Government is saying is that there is a dispute between the major parties in this State on this issue and that, therefore, there should be a referendum so that the people can decide who is right in this dispute. The Government is saying that there must be an appeal to the people when two major political parties disagree. That is the main thrust of our argument at the present time.

The Government believes it is a fair Bill because it will mean that whoever wins the majority of votes in both Houses will have a majority of seats. The situation is that the people have had imposed upon them an electoral system. The member for Gascoyne waxed eloquent and said he thought it was a slur on the people of Gascoyne when the Deputy Premier talked about crooked boundaries. Of course, he should have known that the boundaries were not changed in respect of the Gascoyne, but that is not the point we were making. The most important point he missed was this: How can one ever blame the people of Gascoyne? The member for Gascoyne seemed to be suggesting that it was the people of Gascoyne who altered and changed the boundaries of Gascoyne. The fact is that the people of the State, of no electorate, have never been approached. They never said they wanted a 10:1 weighting in the country, or any other weighting.

The system in place at the present time has been installed by politicians to save their own necks. We referred to what happened to the boundary of Dale, the boundary of Pilbara, and the boundary of the metropolitan area with respect to Rockingham and to Kalamunda. All those changes were made by politicians without consulting the people.

Do not try to pretend that, in fact, the people who are in those electorates are somehow responsible for, or guilty as a result of, the electoral system we have. I ask Opposition members to remember that. Conservative politicians have imposed this upon the people. For the Leader of the Opposition to say that it is an untruth that the same political party has had control of the Council for 91 years tempts the Government to take nothing that the Leader of the Opposition says seriously.

The fact is that it does not matter about what the Opposition calls itself. If one calls a tiger a mouse, it would still eat him. The Opposition has changed its name so often because its name did stink—it was variously the Nationalist Party, the Australian United Party, the Liberal Party and the Free Traders Party. For the Leader of the Opposition to say that the same party has not been in control is nonsense. Of course, the Opposition has changed its name, and that was its decision. If all Liberal Party members called themselves something else and said they were no longer conservative politicians, that would be nonsense. They may fool some people, but they would not fool all the people and they certainly would not fool this Government.

I say once again that what we need in this State is an appeal to the people so that the people can decide who is right in this dispute. The fact that the Opposition is afraid to go to the people indicates that it really has no confidence in its ability to persuade the people that the Bill is wrong and it has no confidence to win an election on fair boundaries.

Question put.

The SPEAKER: To be carried, this motion requires an absolute majority. I need a division to ensure that there is an absolute majority.

Division taken with the following result—

Ayes 29

Mr Barnett	Mr Jamieson
Mr Bateman	Mr Tom Jones
Mrs Beggs	Mr McIver
Mr Bridge	Mr Parker
Mr Bryce	Mr Pearce
Mrs Buchanan	Mr Read
Mr Brian Burke	Mr D. L. Smith
Mr Terry Burke	Mr P. J. Smith
Mr Burkett	Mr I. F. Taylor
Mr Carr	Mr Tonkin
Mr Davies	Mr Troy
Mr Evans	Mrs Watkins
Mr Grill	Mr Wilson
Mrs Henderson	Mr Gordon Hill
Mr Hodge	

(Teller)

Noes 19

Mr Blaikie	Mr Mensaros
Mr Bradshaw	Mr Old
Mr Clarko	Mr Rushton
Mr Court	Mr Spriggs
Mr Coyne	Mr Stephens
Mr Crane	Mr Trethowan
Mr Hassell	Mr Tubby
Mr Peter Jones	Mr Watt
Mr Laurence	Mr Williams
Mr McNee	

(Teller)

Pair

Aye	No
Mr Bertram	Mr Thompson

Question thus passed.

Bill read a third time and transmitted to the Council.

ACTS AMENDMENT (COURT FEES) BILL

Second Reading

Debate resumed from 27 September.

MR MENSAROS (Floreat) [8.28 p.m.]: This short Bill apparently does nothing but extend the power of either waiving, reducing refunding, or deferring the prescribed fees for procedures before both a justice of the peace and a Local Court of Petty Sessions, by amending the Justices Act on the one hand and the Local Courts Act on the other hand.

Some flexibility already exists with the Supreme Court and with the District Court so the introduction of the same conditions to lower courts is quite acceptable and justified. Therefore, the Opposition supports the Bill.

MR GRILL (Esperance-Dundas—Minister for Transport) [8.29 p.m.]: I could not hear what the member for Floreat said.

Mr Mensaros: I could not hear my own voice either.

Mr GRILL: I take it by the look on the member for Floreat's face that the Opposition supports the Bill and I thank it for its support.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Grill (Minister for Transport), and passed.

ADOPTION OF CHILDREN AMENDMENT BILL

Second Reading

Debate resumed from 27 September.

MR MENSAROS (Floreat) [8.32 p.m.]: As certain judgments have been brought under the jurisdiction of the Family Court since that court's inception, this Bill now seeks to have certain records transferred from the Supreme Court to the Family Court. There is no opposition to the Bill from this side of the House.

MR WILSON (Nollamara—Minister for Youth and Community Services) [8.33 p.m.]: I thank the Opposition for its support of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Wilson (Minister for Youth and Community Services), and passed.

INDUSTRIAL ARBITRATION AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from 23 August.

MR HASSELL (Cottesloe—Leader of the Opposition) [8.36 p.m.]: This Bill relates in a particular sense to the administration arrangements in the Industrial Commission, to the remuneration of commissioners and their superannuation and allowances, and to certain changes recommended by what the Minister refers to as the interim tripartite committee.

The Opposition does not in any particular sense oppose the Bill, but there are significant questions which will arise in relation to the Bill in Committee, and I will raise them then.

I am not saying we will necessarily support the third reading, but we want to hear the answers to the questions raised during the Committee stage. Subject to that, we support the second reading.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Barnett) in the Chair; Mr Parker (Minister for Minerals and Energy) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Commencement—

Mr HASSELL: I ask the Minister if he would please explain to the Committee why clause 2, which is the usual commencement clause, is so complex. It is not really the usual commencement clause, which is why I ask the question. I am asking the reason for the existence of subclauses (2) and (3).

Mr PARKER: This Bill is related to the industrial relations Bill which is now before the House and which was substantially amended by the Legislative Council.

Mr Hassell: It was not substantially amended.

Mr PARKER: It was substantially amended. As I pointed out in my second reading speech it was amended to the extent where it virtually abolished the entire process. The Government will be moving, when that Bill comes before this Chamber, to remove all those amendments introduced by the Legislative Council. It was very substantially amended.

Mr Hassell: Would you like me to interject some more so that you can find your notes?

Mr Old: He has the wrong Bill.

Mr PARKER: Clauses 4 and 5 relate to officers who have been officers of other authorities who have become officers of the Western Australian Industrial Commission by virtue of an industrial relations Bill. The Public Service Arbitrator and the Chairman of the School Teachers' Tribunal do not become members of the Industrial Commission unless and until the other Bill is passed and proclaimed.

Mr HASSELL: I seek your indulgence, Sir. I did not go into detail on the second reading. I want to ask the Minister a question which does not strictly relate to clause 2, but which might otherwise be raised in the third reading, if necessary.

The Minister was at pains, when introducing this Bill, to say that this Bill was introduced on the recommendations of the interim tripartite committee. I am trying to find out whether that committee is still interim, and who its members are.

Mr PARKER: The committee is no longer interim. The Act establishing the council, as it is now called, was passed by the Parliament early this year or late last year. The council has certainly been operating under the Act for some time now. The members at the moment are the Director

of the Office of Industrial Relations; I think the Chairman of the Public Service Board; a representative of the Confederation of Western Australian Industry; someone from the Chamber of Commerce; a person from the Australian Mines and Metals Association, which represents iron ore and most other minerals in the industrial relations sense; and, people from the Trades and Labor Council. Industrial commissioners are certainly not represented, if that is the question.

Mr Hassell: This Bill arises out of the recommendations of that group?

Mr PARKER: That is right.

Clause put and passed.

Clause 3: Section 20 amended—

Mr HASSELL: We have some concern about the whole status of the Industrial Commission. The various levels of salaries and allowances for commission members have been set relative to those of a District Court judge. I ask the Minister whether this is consistent with the level of duty of each commission member, or were any other considerations—those of maintaining current relativities and ensuring the independence of commission members from salary manipulation by the Government—taken into consideration? The question specifically relates to paragraph (c) at the foot of page two. It appears in other places also.

If, as stated by the Minister in his second reading speech, the Government acknowledges the need for the commission to have and to be seen to have secure independence, why are entitlements to allowances and reimbursements by the Senior Commissioner and all ordinary commissioners to be approved by the Governor rather than set by Statute as in the case of the Chief Industrial Commissioner and District Court judges?

A real, substantive issue is involved on page 2, and also paragraph (c) on line 14 on page 3. It reads—

Other allowances or reimbursements as the Governor may from time to time approve.

I do not know whether that is a regulation-making power, or what is intended. Is there to be a scale of allowances? It opens the commission to the most blatant manipulation by the Government. It is unheard of to have such a significant matter determined by the Governor rather than the Government from time to time. I believe the Government itself will want to question whether that is the right way to approach an officer who is said to have the independence of a judicial officer.

Of course, these people are not judicial officers, because they are not acting in a judicial capacity;

they are acting in a completely different sort of capacity. They are law-makers, but they are said to have and to acquire the independence of judicial officers. In those circumstances, it is questionable why their allowances are being determined in this way.

Mr PARKER: Firstly, perhaps I should indicate to the Committee that notes have been provided to me by the Minister on this matter. They do not deal specifically with the matters raised by the Leader of the Opposition, but the relevant portion reads as follows—

The salaries, allowances and reimbursements are now to be set down in the Act, rather than be determined by the Salaries and Allowances Tribunal. The Chief Commissioners' salaries and allowances are currently set at the special 3 level scale for senior public servants.

The commission is a court record having both judicial and arbitral functions. It is as important in this jurisdiction as in others that the appearance as well as the reality of the tribunal's independence be secured. It has been decided that this can appropriately be done by linking the salaries allowances and reimbursements of members of the commission with those applicable to members of the judiciary. This is already the case with the president of the commission whose emoluments are related to those of a judge of the Supreme Court. The Chief Commissioner's present salary and allowances are almost the same as those of a District Court judge and it is convenient to link his emoluments with those of a judge at that level.

The present relationship of salaries allowances and reimbursements between the Chief Commissioner, Senior Commissioner and other commissioners has been retained.

The implementation of the foregoing changes would bring about a small reduction in the salary component of the emoluments of the commissioners and to avoid this result temporary provision has been made to maintain the existing level of salary.

The linking of salaries of members of the commission with those of the judiciary is supported by the fact that—

- (1) It is the basis followed in the case of members of the Australian Conciliation and Arbitration Commission and also in the case of members of the Queensland commission;

(II) Many of the functions of the members of the commission are judicial in nature.

The president's salary, allowances and reimbursements remains tied to that of a Supreme Court judge. However all other conditions of employment will be as for all other members of the commission. Previously the president's conditions (leave of absence and superannuation) were related to judges conditions. The interim tripartite committee recommended that conditions of employment be the same for all members of the commission. This is also in line with the proposed removal of the legalistic status and style accorded to the position of president. This is in accord with the interim tripartite committee recommendation to reduce the legalism surrounding the commission.

The interim tripartite committee in 1983 recommended that the basis for setting salaries and allowances be left for Government consideration.

Present salary of the Chief Industrial Commissioner is \$66 971 and that of a District Court judge is \$66 340, being a drop of \$631 per annum. Superannuation entitlements would also be affected by the possible salary drop.

So we have been assured that there is no drop in salary.

There are issues in relation to superannuation in the Industrial Commission which are different from issues which relate to judges, because, as the Leader of the Opposition would be aware, judges have a specifically separate superannuation scheme from that which is applicable to all other public servants.

Mr Hassell: I have not got to superannuation yet. My questions relate to proposed new subsection (3).

Mr PARKER: This relates to proposed new subsection (3)(c).

Mr Hassell: I referred to proposed new subsection 3(a) and (c) at the bottom of page 2 which relates to allowances and reimbursements.

Mr PARKER: I understand the point raised by the Leader of the Opposition as to why one type of reimbursement and allowance—given that we have set the salaries and expenses allowances in relation to a judge—should not also be set in relation to a judge but rather is set as the Governor approves.

There is certainly nothing sinister about this. I understand it is precisely the way in which the situation operates at the moment. Effectively what it means is that, for example, in respect of a living-

away-from-home allowance, these people shall receive exactly the same amount as do other public servants and it is intended that that situation continue.

I cannot answer the Leader of the Opposition's question as to precisely why it has been suggested that the position should differ as between members of the commission. I cannot see any great logic in it.

The Leader of the Opposition will appreciate this is not my Bill, but rather it is the Bill of my colleague in the Legislative Council. I shall draw to his attention proposed new subsections (3)(c) and (4)(c) to see whether those matters can be equated with the allowances of judges in the District Court.

Mr Hassell: Is this intended to be a regulation-making power? Are these approvals to be subject to presentation to Parliament, for example?

Mr PARKER: No, they will be dealt with in exactly the same way as they are currently in respect of members of the commission and all public servants. They will come under an administrative structure, as I understand it, which sets out the position from year to year. For example, as I understand it, the reimbursement for living away from home is \$100 a night. That figure is reviewed regularly and the amount is paid to all employees of the Public Service whether or not they are actually public servants. That is my understanding of it as it happens at the moment. However, I shall ask the Minister for Industrial Relations to review that matter before the Bill is debated in the Council.

Mr Hassell: We are looking at quite a peculiar legal beast and it may need to be examined.

Mr PARKER: The point made by the Leader of the Opposition strikes me as reasonable. Were it my Bill, I would probably take it on board. As it is not, I shall ask the Minister for Industrial Relations to look at it and equate those allowances and reimbursements with those of judges.

Clause put and passed.

Clause 4: Section 20 further amended—

Mr HASSELL: I ask for the Minister's explanation as to what is intended by this clause. I have heard what he has said already about the relationship with other legislation. I have a note of advice that proposed new paragraph (b) does not make sense, because it refers to the deletion of the words "that office", whereas the words "that office" do not appear in the Act. Rather the words "an office" appear in the Act. It may be that the Minister's explanation will be that the related legislation—in other words, the other amendments

now before the Chamber—substitute the words “an office”, but I do not think so. It is possible a drafting matter needs to be looked at here and I ask the Minister to check the position.

Mr PARKER: I am afraid that I cannot answer the question in relation to that matter. I do not have the Act or the Bill passed by the Council before me. If it is true that a drafting error has occurred, I shall draw it to the attention of the Minister and ask him to review the matter in the Legislative Council. If the words are wrong they will need to be changed. I thank the Leader of the Opposition for drawing the matter to our attention.

Clause put and passed.

Clause 5: Section 113 amended—

Mr HASSELL: The question here is why is it proposed to amend section 113 by the addition of paragraph (db) when section 113(c)(3) already partly deals with the relevant matters and more appropriately should be amended to achieve the desired aim.

I suppose it is a drafting error. However, I ask also why it is proposed to go about it in this way. Is there a meaning that we cannot see immediately from simply reading the words?

Mr PARKER: Paragraphs (da) and (db) relate to the fact that, under the new structure, a range of bodies which existed previously will be abolished and absorbed into the commission. I refer here to the Railways Classification Board, the Promotions Appeal Board, the Government School Teachers' Tribunal, and the promotional board for the Public Service. All of those boards will be brought under this body.

What we were talking about previously related to the people who were the chairmen of those bodies—magistrates or people appointed specifically as, say, the Public Service Arbitrator, or the Chairman of the Government School Teachers' Tribunal. They were covered by the earlier debate.

This clause specifically allows the Government to reimburse, as it is currently allowed to do under the Acts which are being repealed or the operative sections of those Acts which are being deleted, those people who are being brought under the Industrial Commission. They will not be commissioners; they will be people added to boards for particular purposes and they will be able to be paid sitting fees, travelling allowances, etc. It is appropriate that it be done by this method, rather than by the method provided for members of the commission.

Therefore, in the case of the Railways Classification Board, I understand that, as well as the

commissioner who will be the chairman, from time to time there will be a representative of the railways union concerned and of Westrail. As they are currently able to be paid under their various Acts—the Act which currently governs the relevant board—they will now be able to be paid under this Act and that is the other reason clause 5 cannot be proclaimed in this Chamber until the industrial relations Bill is passed.

As far as the Promotions Appeal Board is concerned, we have a promotions appeal within the SEC at the moment. The Chairman of the Promotions Appeal Board will be a commissioner and he will be covered by other clauses, but we shall also have a representative of the SEC and of the union of which the person concerned is a member. They will need to be paid allowances, sitting fees, and so on as they are currently under the Promotions Appeal Board legislation.

That is all these clauses propose to do. They do not come under the same category as the legitimate concern the Leader of the Opposition raised with respect to people who are commissioners. They are different from people who become members of the Promotions Appeal Board, the Railways Classification Board, etc.

Clause put and passed.

Title—

Mr HASSELL: I want to raise a more general question which is related to one of the clauses in the Bill. What is the substantive financial effect of allowing members to maximise their superannuation benefits after 15 years instead of the existing 30 years? What does that mean in money terms? It is a rather substantial change. I notice the tripartite council recommended 10 years. Can we have an idea of how much money is involved as far as the taxpayer is concerned in terms which are relevant? It seems to be extraordinarily generous.

Mr PARKER: The problem here is that we have industrial commissioners coming from different areas. We have a number of industrial commissioners who come from the Public Service. There are two or perhaps three current industrial commissioners who, over the years, have come out of the Public Service. One is the Chief Commissioner and another is Mr Johnson who came out of the Public Service. We have other people who have come in from the private sector, for example, Mr Martin, and others who have come in from unions, for example, Commissioners Salmon and Collier.

The people who come from the Public Service do not experience any problems, because they are part of the career structure. They belong to the

Public Service superannuation fund and are entitled to those years of accumulated payments as a result of being members of that fund. Therefore, they can just conform to the normal Public Service entitlements if they have been in the Public Service and joined it when they were 20 years of age. They have no problems in this regard.

The people from the private sector, whether they come from an industry or union background, are in a different position. The vast bulk of people who join the commission do so at a rather advanced stage of their careers. It is not the sort of job one gives to very young people. These positions are given to people of certain stature within the trade union movement or industry.

Those people can be very substantially disadvantaged by the State scheme which really is a scheme based on a career in the Public Service. In other words, we are trying to equate a scheme which is designed for career public servants who come to the Public Service from school or university, and remain there until they retire, with people who did not do that at all but who came in after a career which they had made outside the Public Service and who remain until they retire after a much shorter period of service. People will still need to buy their units and that sort of thing. They cannot simply get away without needing their units; certainly we believe this is the way to ensure those people are not disadvantaged.

I understand that when prospective commissioners have been approached in the private sector this fact has been mentioned as a substantial disincentive for those people, in considering whether or not they would accept employment with the Industrial Commission. The interim tripartite committee recommended that members of the commission be able to obtain maximum superannuation entitlements after 10 years' service. The Government regarded that as somewhat generous and has opted for maximum entitlements to be available after 15 years' service. We believe this will facilitate a greater and more regular interchange of personnel on the commission. The South Australian Government legislated in 1974 in its Superannuation Act to allow the Minister responsible to attribute one or more contribution months to a contributor. A late entrant to Government employment with only 10 years' service remaining could be credited with a notional 20 to 30 years' service for superannuation purposes. I am advised that that applies in the South Australian case. Only a few people have received the benefit of those provisions, which is probably just as well for the South Australian taxpayer.

I am advised the cost of the provisions in this Bill is negligible, as they will apply only to mem-

bers of the commission. Certainly with a number of commissioners this is not a problem, anyway.

Mr Hassell: The problem is, being so generous, makes them a bit less careful than they ought to be when it comes to the millions of people for whom they adjudicate.

Mr PARKER: My experience has been the reverse of that belief. People who are well looked after themselves do not necessarily have the same attitude to people they are adjudicating over. My experience is that if people have an empathy with people for whom they are adjudicating, they are much more likely to grant them something.

Mr Pearce: You only have to look at the Liberal Party to see the truth of that.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

BAIL AMENDMENT BILL

Second Reading

Debate resumed from 19 September.

MR MENSAROS (Floreat) [9.05 p.m.]: The Minister in his second reading speech gave the perfect argument and justification in support of my recent request, which he rejected, in regard to the legal aid amendment Bill: that is, in some cases where the regulations contain the important provisions—and not the Bill, because the Bill is mainly an enabling Bill—it is quite justified to delay the passing of the Bill until the regulations have been drafted in order that Parliament should be able to see whether indeed it should or should not agree to the enabling legislation; that is, the Statute itself.

The Minister said in regard to this Bill that the amendment is necessary because during the drafting of the regulations it turned out that the original Bill became unworkable. It turns out that this reason was given by the departmental officers. Their view, of course, is accepted, as it almost always is without any question, whereas the view of members of Parliament in most cases is rejected without even examination. The only exceptions occur because of the existence of the Legislative Council.

The result of this exercise, of course, is this new Bill and the amendment to the Act which was passed but did not come into force, and the paraphernalia which came with it. The possible judgment of the public or anyone who reads *Hansard* could be that the Minister is only a handpiece of the departmental officers and cannot

follow a logical thinking process in the House itself. One automatically asks "What is the solution?" I think that the only solution is for members to be less self-sure and arrogant when they are in Government and for members to be more truthful and more understanding when in Opposition. I think that goes for both sides of the House.

This Bill amends the Bail Act 1982 before it has even operated. The provisions are manifold and it is claimed that this legislation will reduce the administrative burden without detracting from the Act's philosophy. It turned out, however, that many of the intended rejections of the administrative burden were only in the interests of the officers and it was really an alteration of the philosophy of the original Act and was against the interests of citizens who are being charged and need to be bailed out.

We have a commendable exercise in the Legislative Council: one only has to look at *Hansard* to see the type and the amount of research which has been carried out by some members of that House. The Bill was thoroughly pruned of its undesirable original provisions in the Legislative Council. I must emphasise that these amendments were not passed by using the numbers, nor with conflict, heated arguments, or even divisions: it was simply the result of research done by the Opposition and not done deliberately or by omission by the Government members or officers of the Attorney General. Apparently the Opposition was persuasive enough in its arguments during the second reading debate in another place to prompt the Attorney General to make amendments himself.

For the information of the House these amendments were to enable the accused to appear in person before the Supreme Court in case of his bail application instead of, as in the original provision, that at times the Supreme Court should be able to make a decision from the papers only. Secondly, the present provision of the Act which obliges an officer to provide a defendant with information as to his bail rights on every occasion when the defendant's position regarding the payment of bail is concerned, will remain instead of the proposal in the Bill as it was introduced in the Council, that such requirements of informing the defendant should apply only on the first occasion and that thereafter the officers should not need to duplicate this information. This attempt at curtailment of the individual's rights has been defeated. Thirdly, the cases in which only the Supreme Court can grant bail were better described by the amendments, referring to the most serious offences such as treason, piracy, wilful murder, and murder.

The remaining changes which are now in the Bill before this Chamber include that where the officer granting the bail and keeping the prisoner is one and the same officer, he does not have to furnish a bail certificate from his one hand to the other. That, I suppose, is perfectly all right and saves about three quarters of the red tape involved. Secondly, instead of the judges filing a bail record form all the time, a cumulative record of the applications and the reasons for the decisions, whether they are positive or negative, will be sufficient.

At present a \$100 surety payment frees the accused if the offence is punishable by a fine of up to \$100 or one month's imprisonment. This has now been raised to \$300 which is quite equitable and acceptable. A bail request, according to the amendment, can now be made also during the trial. Finally, the forfeiture of moneys provision will take into consideration excessive hardship occurring after the surety has been undertaken.

The Opposition has no objection to the Bill as amended in the Legislative Council.

MR GRILL (Esperance-Dundas—Minister for Transport) [9.13 p.m.]: I thank the member for Floreat for his support of the Bill. I can only say that I concur with the comments he has made. I think it is now a much better Bill than the one passed by the previous Government. It is a better Bill than the one brought forward by the Attorney General in another place more recently. The rigorous attention the Bill was given in the upper House has been all for the better.

I wish to move one small amendment later. It is an obvious amendment. Other than that, I thank the Opposition for its support of this Bill.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Barnett) in the Chair; Mr Grill (Minister for Transport) in charge of the Bill.

Clauses 1 to 8 put and passed.

Clause 9: Section 15 amended—

Mr GRILL: I move an amendment—

Page 5, line 24—Delete the words "death or".

This amendment is obvious. The words should be removed, because the death penalty has been abolished in this State and it is not appropriate for those words to be used in a consequential Bill.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 10 to 19 put and passed.

Title put and passed.

Bill reported with an amendment.

ACTS AMENDMENT (INSOLVENT ESTATES) BILL

Second Reading

Debate resumed from 19 September.

MR MENSAROS (Floreat) [9.19 p.m.]: This Bill is really the implementation of the last of three recommendations made by the Law Reform Commission on trusts, and on the administration of deceased persons' estates, and concerns the procedure to be observed in administering an insolvent estate. The Bill sets aside the present existing choice which was available to the administrator on any such insolvent estate; namely, informal administration out of court, administration under the provisions of the Commonwealth Bankruptcy Act 1966, and as a further alternative, administration pursuant to an order of the Supreme Court.

Instead the provisions of the Bill described in the proposed fifth schedule of the Act make it compulsory for the administrator of such an insolvent estate to proceed according to the Commonwealth Bankruptcy Act. However, there are a couple of differences; that is, that claims for unliquidated sums are allowed, and the Crown loses its Crown Law priority.

In addition, the administrator will not be at liberty to decide higher priorities and the personal representative enjoys protection if he made payments in good faith.

I cannot see anything objectionable with this provision, but I would like to ask the Minister about one provision which was questioned in the Council, but did not receive an answer. Could he explain through which means of codification the Crown loses its priority?

My understanding is that the very fact that the Commonwealth Bankruptcy Act will apply via clause 5 of the proposed Bill and the fifth schedule of the Act in itself means the Crown's priority is lost, because the Commonwealth Bankruptcy Act has no such provisions.

I would appreciate it if the Minister would affirm, or otherwise my belief. Otherwise, I support the Bill.

MR GRILL (Esperance-Dundas: Minister for Transport) [9.22 p.m.]: I thank the member for Floreat for his support of the Bill. There is no doubt that this branch of the law has been obscure for a very long time. When I say "a very long

time" I am not going back decades, but centuries. This amendment to the law is long overdue.

The Government, and more particularly the Attorney General, need to be congratulated for taking this initiative. It is a matter of record that this Attorney General has behind him a very fine record of judicial reform.

I did appreciate the question the member for Floreat has put to me and which was asked in another place, but not answered. I do not have the answer at my fingertips, but if the member gives me a few moments I may be able to answer him. I believe if the bankruptcy provisions were adopted there would be a Crown preference within this Act.

Mr Mensaros: The Commonwealth Bankruptcy Act provisions are applicable and I would have thought that this would exclude the priorities. I am not sure about that, because I have not the underlying experience.

Mr GRILL: Do we agree between us that the Commonwealth Bankruptcy Act would have included a priority?

Mr Mensaros: It does not to my mind.

Mr GRILL: It does give a priority.

Mr Mensaros: Why then does the Crown lose its priority?

Mr GRILL: I will answer this in the Committee stage.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr I. F. Taylor) in the Chair; Mr Grill (Minister for Transport) in charge of the Bill.

Clause 1: Short title—

Progress

Progress reported and leave given to sit again, on motion by Mr Barnett.

Sitting suspended from 9.32 to 9.39 p.m.

CONSTITUTION AMENDMENT BILL

Second Reading

Debate resumed from 20 September.

MR HASSELL (Cottesloe—Leader of the Opposition) [9.39 p.m.]: This amendment to the Constitution Act relates to the remuneration of the Governor. Basically, it proposes to increase the Governor's salary and to fix it at 70 per cent of the salary of the Chief Justice of Western Australia.

The Premier, in presenting the proposal, outlined the investigations undertaken by the Government prior to his introducing the proposal and set out a very proper basis upon which this matter was being approached.

The Opposition does not oppose the Bill. In fact, I make it clear that we will support it. I raise only one question in relation to it and that is whether linking the Governor's salary to a scale in this way and relating it to the salary of the Chief Justice does not put the Governor, as the representative of Her Majesty, in a position which is inconsistent with the office of Governor.

On reflection, I considered the matter. I discussed it briefly with the member for Floreat who is the shadow Attorney General. I suppose it can be said that, although we have this lingering question, there is perhaps, a fundamental difference between the office of Governor and the office of Chief Justice. To the extent, that puts us in the position of supporting the Bill.

We have made clear that we regard the office of Governor as an integral part of the Constitution of the State and an important office. We have been concerned by what we have seen as the Government's diminution of that office in some respects.

However, I have to say, in what is clearly a delicate matter, that the Opposition was pleased that the Government made the appointment of Governor that it did make. It was a fitting appointment and one which, in itself, was in no way inconsistent with the status of the office. It has received widespread community acceptance on that basis.

I do not wish to prolong the matter. I did raise that issue because it has been a matter of some review by us. However, having raised it, really to place it in the record, we propose supporting the Bill and I now do so.

MR PEARCE (Armadale—Minister for Education) [9.43 p.m.]: The Government is grateful to the Opposition for its support of this Bill. It is our view that matters dealing with the Governor are most desirably dealt with on a bipartisan basis.

I appreciate the comments of the Leader of the Opposition with regard both to his support for the Bill and to his comments about the person who now occupies the position of Governor with great credit and distinction. I am sure that the Leader of the Opposition is quite accurate when he says that that appointment has been widely accepted by members of the community.

I appreciate also the reservations raised by the Leader of the Opposition with regard to the manner in which the Governor's salary is to be determined in concert with other officials in the Public

Service and in judicial positions. However, I feel that the Government has come to the same conclusion that that determination will not be a disparagement to the position of Governor. The determination has the benefit of ensuring a continuing review of the Governor's salary. That is important for Governments of both political colours which continue to appoint to that position Western Australians rather than retired British servicemen. It will ensure that the Governor's salary is a real one and that he is not reliant on the payment of a small salary as was paid in the past on the assumption that the person appointed to that position had independent means or was in receipt of some sort of British services pension.

With those brief comments I reiterate that the Government is grateful for the Opposition's support for this legislation and I commend it to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Pearce, (Minister for Education), and passed.

As to Absolute Majority: Point of Order

Mr HASSELL: Did the Bill require a special majority as a constitutional Bill for both the second and third reading?

Mr Pearce: There was no dissentient voice.

The SPEAKER: I refer the Leader of the Opposition to a document I gave him last year regarding this question of majorities of the House. I am sure that if he reads that he will understand the reason that I now say the Bill did not require an absolute majority of the House.

PAWNBROKERS AMENDMENT BILL

Second Reading

Debate resumed from 25 September.

MR TRETOWAN (East Melville) [9.49 p.m.]: Pawnbroking is the high risk end of the finance industry. In real terms pawnbrokers represent for many people the lender of last resort. Because of that the industry must be considered with seriousness in relation to both the consumer, who finds himself in the position of wanting to use

those high risk financial services, and the person running a business providing those services. One of the problems with which the industry is faced is that it is operating under an Act dating back to 1860. During that period of more than 120 years there have been times when pawnbrokers have been widely used and other times when they have not been widely used. There was a time when pawnbrokers' establishments represented the principal part of the financial industry available to many people: they were the only places where people could get ready cash.

At present the pawnbroking industry is relatively limited in Western Australia but it provides a very important service. Money is lent by pawnbrokers against security of goods given to the pawnbroker to hold. The person operating the business runs a double risk: he runs a high risk in terms of determining the interest rate charged. His risk is high, and therefore, his interest rate must be high because in many cases the money is loaned for a short period. It may be loaned for six or eight weeks but should the borrower default on repayment the goods may remain in his stock for periods of more than six months. Therefore, effectively the money could be loaned out for a considerable period before he can reclaim it if repayment is not made at the due time.

As a result, some people get the impression that pawnbrokers make a lot of money because their interest rates are high. Those rates are high because the cost of operation is high and the risk is high.

The other area where pawnbrokers run a high risk is in terms of personal assessment of the value of goods given as security. If they lend more than the value of the goods and default occurs, as is often the case, their only recourse is to reclaim funds from sale of the goods.

The goods may be disposed of by two methods: By sale from the pawnbroker's shop, and by sale at auction. One of the problems faced by pawnbrokers is that if the value of the goods held exceeds 50c or five shillings, as it was in the Act, the goods must be sold at auction. I understand from members of the industry that the biggest problem is that goods sold at auction fetch a far lower price than do goods sold from the shelves of their shops. This maximum value of five shillings was originally decided upon in 1860 and it creates a major problem for the pawnbroking businesses. In 1860 five shillings represented the average weekly wage of an employed person. I think that nowadays the realistic equivalent is \$250 or \$300. The industry would have no argument if goods up to the value of \$250 or \$300 were allowed to be sold within their shops. Many of the goods pawned are

cassette radios, watches, and other such goods. The value of most of these is less than \$250 and if they were able to sell these goods over the counters of their shops, should default occur, their actual return from the sale would be much higher. At present they must auction these goods and this results in their receiving lower prices.

This Bill seeks to outlaw a practice which a number of pawnbrokers entered into to avoid the 50c limit on the goods in terms of resale from the counters of their shops. The practice avoided the provisions of the Act because the pawnbrokers purchased the goods from the person requiring the money but gave an undertaking that those goods could be repurchased at a future time at a future designated price by the same person. Unfortunately, as indicated by the Minister's second reading speech, one business in Perth in the pawnbroking industry took undue advantage of this operation which lay outside the scope of the Act.

In order to control that situation the Bill before us seeks to refuse pawnbrokers the opportunity of purchasing goods and offering to resell them at a future time at a future designated price to the person originally selling the goods to the pawnbroker. It would certainly stop the operation of the pawnbroker whose activities gave concern to the community and to the Government. However, it will also restrict those pawnbrokers who were, in fact, operating reasonably in their businesses at their normal rates, but who were using the provision to avoid the requirement of putting the goods up for auction and thereby receiving lower prices should a default occur. Under the purchase and resale system the goods could be sold from the shelves of the shop should default occur, because the pawnbrokers owned the goods at the point they purchased them when advancing the original cash.

Mr Burkett: Those goods when sold at auction probably attract the largest number of people in the market place. The goods are sold under a reserve price system. Don't you think that by selling the goods at the shop at whatever the pawnbroker thinks is a fair price they will have unfair advantage over most other retailers, particularly in the city area? It should be remembered that most pawnbrokers are in the city area. I beg to differ with your statement that they get a lower price when the goods are sold by auction.

Mr TRETHOWAN: I do not know whether the member for Scarborough has talked widely with members of the industry, but I am informed by experienced people that there is a distinct difference and they get a lower price from auction than from selling from their shops.

Mr Burkett: How much do they want?

Mr TRETHOWAN: That sale at auction does not benefit in any way the person who has defaulted on the goods. It is purely to the detriment of the pawnbroker who must sell the security to recover his investment.

It seems to me that if a higher price can be gained, it is reasonable that it should be gained. After all, if the pawnbrokers are reselling the goods they are in competition with other people and that competition is pretty fierce. I would have thought that would have ensured reasonable prices, because if the pawnbroker's prices were too high, no-one would buy the goods.

Mr Davies: Are you implying that they overlend on the articles in the first place?

Mr TRETHOWAN: I am implying that their recovery on the sale of goods is lower when they are forced to auction the goods as a result of a provision placed in the 1860 Act. It is quite reasonable to allow pawnbrokers to have the value placed in the original Act revised so that goods under the value of \$200 or \$250 could be sold from the shelves of their shops, if the goods were not reclaimed. That provision and restriction on the value of goods that could be sold from the shop gave rise to the practice which this Bill seeks to outlaw. That practice was taken advantage of by only one member of the industry even though it was widely used by other members of the industry.

Mr I. F. Taylor: The practice was widespread but, with the exception of one company—City Loan Office—they agreed they would go along with the Minister. They agreed to co-operate with the Minister for Consumer Affairs.

Mr TRETHOWAN: They agreed to co-operate because they saw how such a provision was being used.

I was talking about the way in which many members of the industry used to use the five shillings or 50c requirement to deal with the resale of goods that had been forfeited. I have no doubt that many people in the industry using this practice had no desire to overcharge the consumer. They were merely seeking to gain a higher price for themselves on the resale of the goods because they took the risk on their assessment of the value of the goods. In some cases, they made mistakes and they did not receive the value of the goods.

It seems to me the restriction introduced in this Bill is related purely to the basic problem of whether the value of the goods to go to auction upon default is reasonable in the circumstances. I hope that matter will be redressed in the review of the Act.

I am glad that a sunset clause has been included in this Bill, providing that the section being introduced will cease after 12 months. That is being done because of the Government's undertaking to review the Act. That will be adequate time for the Act to be reviewed. It is not good enough to outlaw this practice, although we have no argument against that. We recognise that the practice was not approved of by the industry in terms of the way it was being used by one firm. However, the problem relates to the provisions of the Act which go back for 120 years. When the Act is overhauled and the problem of the 50c is addressed, I am sure that the requirements that led to firms entering into purchase and repurchase contracts will be overcome, and the need for this clause will be removed.

With that hope, and with the concern about the effect of the prohibition of this process of sale-resale being extended for a period of time, we on the Opposition side support this Bill. However, that is on the understanding that the Act will be reviewed within the next 12 months.

MR PEARCE (Armadale—Minister for Education) [10.03 p.m.]: The Government is thankful to the Opposition for its support of this legislation. I am sure there is a great deal of sense in what the member for East Melville says, firstly about the reasons that the Act was circumvented in the way it was, and secondly in pointing to the need for that section to be addressed in the review. I will ensure that his remarks are passed to the Minister for Consumer Affairs so they can be considered in the course of the review. It is obviously the Government's intention that the review will be completed within the 12 months allowed by the sunset clause. We will ensure that the new Act is in place by then.

In fact, the new Act will be long overdue. I was glancing at the original Act during the debate, and it is headed "An Ordinance for regulating the Trade or Business of Pawnbrokers in Western Australia", and in the preamble the following appears—

Whereas it is necessary and expedient to regulate the trade of Pawnbrokers in the Colony of Western Australia . . .

Obviously the Act is long overdue for review.

I reiterate that the Government was moved to introduce this interim measure, not because of any desire to overlegislate—we would have preferred a review to take place in the normal way. The Minister for Consumer Affairs appealed to the pawnbroking industry to co-operate in this matter. That appeal was adhered to by all pawnbrokers but one; so the Government was of the view that if it al-

lowed one to carry on what can only be described as an unsavoury practice, the others could do so also. As the member for Kalgoorlie pointed out by way of interjection, the other firms agreed to stop the practice, so this legislation will have effect on one firm only.

The Government is grateful for the Opposition's support for this legislation, and I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr I. F. Taylor) in the Chair; Mr Pearce (Minister for Education) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 27A inserted—

Mr TRETHOWAN: I reiterate that the practice this clause seeks to outlaw—that is, the practice of purchasing and then agreeing to resell at a future time back to the person from whom the goods were purchased—is not in itself obnoxious. In fact, it is quite a reasonable business arrangement. The problem occurred with the effective rate of interest for such transactions, and it related to one particular firm.

My concern is that outlawing this practice inhibits the right of people to come to reasonable arrangements in terms of selling and repurchasing goods. Certainly the people involved are pawnbrokers who are governed by an Act of this Parliament; but the Opposition is concerned about this restriction on what is essentially, in itself, a legitimate business practice.

Therefore, we are pleased that new section 27A will be restricted to 12 months of operation. I hope that the review of the Act will render this unnecessary in the future.

As I said before, I do not believe that the process of purchase and agreement to resell at a future time is necessarily obnoxious, and in fact it may well be a legitimate business practice.

Mr PEARCE: Of course, there is much sense in what the member is saying; but the provision applies only to a pawnbroker licensed under this ordinance. It will not interfere with normal business. It is a cumbersome mechanism—the Government accepts that—but it is seen as a temporary measure to prevent the exploitation of people.

As the member said, pawnbrokers are usually the lenders of last resort, and the corollary of that is that the people dealing with them do not have a high understanding of credit. The difficulty encountered is that the people do not understand

the extent of the interest they are paying and that is why the practice is being outlawed.

I will make sure that the member's remarks are passed to the Minister for Consumer Affairs for consideration when the review is undertaken.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Pearce (Minister for Education), and passed.

MINES REGULATION AMENDMENT BILL

Second Reading

Debate resumed from 11 October.

MR PETER JONES (Narrogin) [10.11 p.m.]: The Opposition supports this Bill.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr I. F. Taylor) in the Chair; Mr Parker (Minister for Minerals and Energy) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 23C amended—

Mr PETER JONES: The proposed new subparagraph (v) refers to a person experienced in ventilation technology who is nominated by the mining division of the body known as the Australian Workers' Union. If there should be the advent of an industry union, or a change in union coverage, will that be the most appropriate wording? I support this move by the Government; but perhaps the time could come when it would be more appropriate to have a nominee from another union. I know that would not be so now, because the AWU, with Mr Barwick and his people, have coverage in the goldfields. I am just trying to look down the track a little.

Mr Jamieson: The Minister will bring another Bill to the House.

Mr PETER JONES: I appreciate that.

Mr PARKER: If there was a move towards an industry union, it would probably be towards the Australian Workers' Union. Of course, it is the union which represents the vast majority of people

in the industry. Currently it is the most appropriate union.

If there were to be a substantial change—I am pretty sure it would not happen without much aggravation and attention being drawn to it—there would be plenty of opportunity for the Government to amend the Act.

The idea is to have the union which is most directly involved making the nomination. If a body such as the Trades and Labor Council, which is based in Perth, were to be involved, it might nominate somebody without any knowledge of the industry.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

MR PARKER (Fremantle—Minister for Minerals and Energy) [10.14 p.m.]: I move—

That the Bill be now read a third time.

I take the opportunity to thank the Opposition for its support of the Bill.

Question put and passed.

Bill read a third time and transmitted to the Council.

APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

Second Reading: Budget Debate

Debate resumed from 9 October.

MR LAURANCE (Gascoyne) [10.15 p.m.]: I appreciate this opportunity to make some remarks on the 1984-85 Budget. I will start by talking about the overall strategy of the Budget and refer firstly to the revenue side. It is all very nice for the Government to be able to look at the expenditure side and to spend the taxpayers' money, and there are many programmes which have the support of members generally and of the taxpayers. What the taxpayers do not like so much is the revenue raising side of the Budget, the area where the money is raised from them. The Budget has much that can be criticised when we look at its revenue side.

There has been a big increase in the take from the taxpayers by this Burke Government and this was brilliantly portrayed by the Leader of the Opposition when he pointed out the *per capita* level of State taxation levied on taxpayers in this

State by this Government compared with former Governments.

The problem is that once a Government gets to a particular level of taxation, it takes an enormous effort by another Government to return to a lower level of taxation. If members remember the chart presented by the Leader of the Opposition they will recall that it showed an enormous increase in the *per capita* level of taxation in the three years of the Tonkin Government, then it showed a very stable period during the reign of the Court and O'Connor Governments over a period of nine years. The *per capita* level of taxation plateaued for a while then came back slightly and between 1975 and 1979 it went down, which was a great credit to the Governments of that time. Then we came to the Burke Government and we saw that the level escalated again quite massively. Let us hope that the Burke Government has only one more Budget, if that, to present, because in its first two years we have seen a very substantial increase in the *per capita* level of taxation.

The Burke Government will leave a legacy to the taxpayers of this State because no matter which Government follows this Government, it will have the impossible job of trying to bring back expenditure to the former level. The *per capita* level of taxation shot up during the time of the Tonkin Government, it stabilised during the time of the Court and O'Connor Governments, and it shot up again under this Government, so much so that future Governments will have great difficulty in bringing back that level. Governments which are good managers might be able to bring the taxation back to a reasonable plateau, but it will still be a higher plateau than should be faced by taxpayers of the State. The Burke Government should rightly come in for a good deal of criticism for the additional taxes it has raised.

Mr Davies: You are talking nonsense when you say that the O'Connor and Court Governments held it to a level plateau.

Mr Carr: Sir "Charges" Court.

Mr LAURANCE: The Minister can deny that if he likes.

Mr Davies: We will at the appropriate time.

Mr LAURANCE: I defy the Minister to show that the graph produced by the Leader of the Opposition is incorrect. What I am saying about the *per capita* levels of taxation is not nonsense, although the taxpayers would like it to be so; for them it is a hard cold fact. The taxpayers of this State are saddled with these high levels of taxation.

Mr Troy interjected.

Mr LAURANCE: I do not know that the benefits could offset the disadvantages. The people do not want Governments to take more tax to pay for the things they want.

I am critical of the Government for what is contained in the revenue raising side of the Budget, the side which will hit the taxpayers very hard, as it did in the first year of this Government—which I suppose is a clever tactic for all Governments to adopt. Nevertheless we have seen substantially increased taxes; we have seen new taxes. A number of Government charges were not raised very much, but the overall tax take *per capita* has again increased significantly this year. The people out there are hurting. For the Government to have money to spend it must somehow raise money, and the only way for it to do that is to obtain it from the taxpayers.

I reject the notion the Treasurer has advanced in this Budget about profitable trading concerns. The history of Government trading concerns is pretty disastrous.

Mr Read: Does that increased take take into account increased earnings?

Mr LAURANCE: I did not know that the member was an economist.

Mr Read: I am not.

Mr Burkett: He is just a schoolteacher who beat a Liberal.

Mr LAURANCE: I am talking about the levels of taxation and the fact that no-one likes them going up. The Government has had its wonderful accord in which wages have not risen, but had there not been previously a wages pause things might not have worked out so well.

Mr Read: So incomes are the same as they were two years ago?

Mr LAURANCE: I am talking about what happened in this State over the last year. The people are footing the bill by paying such things as the financial institutions duty. Although the amount of that duty has come down it should not have been imposed in the first place. The people who smoke have been subjected to substantial increases and they should not have been faced with those increases under this Government.

Let me move now to the expenditure side of the Budget because there are various initiatives that I find commendable. The housing initiative is commendable. The Government will be facing difficulties in this area though, because although the pump priming that has gone on in the housing industry has been spectacularly successful, trouble will be coming. The Federal and State Governments face tremendous difficulty in maintaining

momentum in the housing industry. Something like \$65 million to \$75 million a month was being loaned by lending institutions in WA for housing, but at the moment that figure is back to about \$35 million, a very significant drop. I do not know whether that is only because of the tightening-up of the first home owner scheme conditions, but that will have an effect. Certainly the lending for housing has dropped dramatically over the last couple of months. Nevertheless the State Government is doing what it can to maintain momentum in this area and I appreciate the amount of capital allocated for the housing industry.

Technology has been given a boost by the Government by way of some heavy expenditure. This is bound to bring benefits to the State by way of increased employment opportunities. I commend the Government's initiatives in this area.

The Government has provided a considerable increase in the allocation for tourism, a good deal more than last year; tourism has had two good years now with substantial increases. Previously I was fortunate to have held the Tourism portfolio and I and other former Ministers always found it difficult to obtain more funds, and we were criticised for not putting more money into tourism. But one cannot put more funds into an area without first raising the *per capita* level of taxation on taxpayers. Even if the areas of expenditure are desirable and worthy, we cannot spend the money if it is not first raised from the taxpayers. So, while I commend the Government for putting money into these areas, I criticise it for the way it has raised these amounts. Nevertheless, tourism will pay handsome dividends to this State because of this increased expenditure.

While talking about the overall strategy of the Budget I should refer to the idea the Treasurer floated that by running profitable trading concerns, giving the Government a window into private enterprise, somehow magnificent gains would accrue to the Government and that when those magnificent profits rolled in, the Government would be able to let the taxpayers off the hook somewhat by giving them some tax relief. He said that funds would be injected into the Government's coffers from these trading concerns.

That is an attempt to rub Aladdin's lamp, and he will not be able to produce a genie. No Government in history has been able to run a profitable trading concern for any length of time; these concerns do not succeed; they become a liability. That is why I am philosophically opposed to the Treasurer's idea and to his thoughts regarding the Western Australian Development Corporation.

The Treasurer said that the Government would use instrumentalities such as the WADC to produce financial benefits for the people of this State, even to the extent of being able to reduce their levels of taxation. As I said, I am philosophically opposed to this idea mainly because I believe it will not work. I do not believe that members opposite can point to any successful example of a profitable Government trading concern.

Further, these trading concerns cannot distinguish between being a player and being an umpire. As an example I cite the British National Oil Corporation (BNOC). That was established to give the British Government a slice of the profits from the British oil and gas industry, particularly in the North Sea. It seemed a wonderful idea to share in some of the magnificent profits being made by private enterprise, and the British Labour Government wanted a slice of the cake, just as our Treasurer wants the WADC to enter into business as a trading concern.

The problem was that BNOC acquired a charter which included the awarding of exploration permits, so it became the umpire. It was trading as a joint venture partner with a lot of oil and gas exploration companies and it acted as the umpire. Companies wanting an exploration permit to explore areas of the North Sea had to apply to BNOC, which made a decision between the competing players in the game. It was remarkable that it was not very long before private enterprise companies found that if they had said to BNOC that they would like to go into a 50:50 arrangement with it, they seemed to get a preference over other applicants.

There was an amazing coincidence. Those companies which were actually in a joint venture arrangement with BNOC suddenly seemed to get the exploration permits and those companies applying as private operators did not get them. It is impossible for people in that position as umpire and chief player not to start favouring themselves; they bend the rules. Eventually BNOC became the chief operator. It was to be a window into private enterprise like our own WADC, but over a period of time different people became chairman and they were aggressive people who wanted to do the best for the State concern, and they started to change the rules in their favour.

That is a good example, because BNOC became sluggish and it put a damper on exploration and had all the undesirable effects of a State trading concern. Along came the Thatcher Government and dismantled BNOC, and sold it successfully to private enterprise. We have brought forward policies about selling off State trading concerns and the Government put forward a spurious argument

about how it would increase charges in the country. That is rubbish! It has happened in other areas. Bodies like the WADC sound a magnificent idea. Then they turn turtle and eat up private enterprise and put a damper on economic activity. Eventually a conservative Government sold BNOC off.

The same thing might happen here. A Labor Government puts it forward and says it will hold hands with private enterprise and have a honeymoon by setting up a State trading concern. It will be fabulously wealthy and return profits. Profit is a dirty word for Labor Governments until they own part of the company which makes the profits. Then it is a wonderful thing which will boost the revenue of the State Government and allow future Governments to be small taxing Governments. However, it will not work out that way; it is doomed to failure. The whole system will be saved by a future conservative Government in this State. That is history and fate, I suppose.

I would like to turn to another area and be more specific. I would like to talk about the development of our north-west. In the next few days a northern Australia development conference will be held in Mackay in Queensland. This is about the sixth or seventh such conference in the north of Australia. They are not always held in Queensland; they have been held in the Northern Territory and the north-west of Western Australia on a rotational basis. They have achieved a great deal by focusing attention on the development of the north. Western Australia has gained, but not as spectacularly as Queensland.

I can recall going to the second of these conferences some years ago. I have attended most since then in various capacities. All the people in the north were talking about how that area should be the first point of entry for people coming from countries to our north. They said it was crazy to think of Japanese tourists visiting the north of Queensland having to fly across the north to Sydney and then get a small plane to Cairns for a holiday after which they flew to Sydney and caught a plane to Japan. Northern Australia has always been seen as remote, more so than the south. But if one looks at the atlas, one sees that is not the case; it has been engineered by history.

The northern Australia development seminars have tried to change that and to show that that is not the last area in Australia but the first. If people come into Australia they should go to the north first. We should be closer to our northern markets and not further away. That is the general philosophy, and it is a good one.

Since those early days when these matters were mentioned at the conferences much has happened. I did not think that in a period of five years international passengers would be arriving in this country at Cairns Airport. Two or three years ago they were at last able to fly in and out of Townsville. Those are major advances. In addition to Townsville's being an international airport, there is a flight from Townsville via Alice Springs to Perth. That has brought additional traffic to our State and opened up air routes which are taking people away from the traditional centres of Sydney, Melbourne and Canberra in the south-east corner of the nation. A lot has happened in northern Australia although there is still much to be done.

Each of the three States has contributed substantially to the Northern Australia Development Council. I am disappointed the Premier will not attend this next conference. Former Premiers have supported the conference strongly. Our record is not as good as that of leaders from the other States. The Premier of Queensland has been to every conference, as has the Chief Minister of the Northern Territory. I make that point to the Premier although he is not in the House at the moment; he should take a close interest in northern development.

I would like to compliment the person in charge of that area, Dr Wally Cox, who has taken over from another long serving public servant, Roy Hamilton, who did an excellent job. Dr Cox has taken his place exceptionally well. He is a competent and well-qualified man with the ability to put forward programmes and assist the Government in relation to northern development.

It is an area in which more can be done. In Government we were always keen to give incentives to people in the north to foster development. I would like to put on record my support for having the north-west of Western Australia declared a special development zone with particular incentives to encourage development in that area so that people will go there and build and establish branches if they are already established in the south of the State.

It can be done and it can succeed, and it would be in the State's long-term interest to force-feed development in the north of the State. We have seen the Government's "Bunbury 2000" policy. I believe the north-west of the State should be a special development zone for a period of 15 years commencing in 1985 and going to the year 2000. That could be done by a package of special incentives for a period of 10 years to 1995 with a phasing-out period of five years so that by the year 2000 the north of the State would be on a par with

the rest. We would be directing people into that area and force-feeding development. It would pay handsome dividends and bring benefits to all the people of the State.

The "Bunbury 2000" plan is based on putting a whole lot of Government activity in that area. I am not suggesting the same for the north, rather special incentives to the private sector to take up the challenge in the north of the State. Governments do not need to do it; in the north where there are particular difficulties, all that Governments need do is offer incentives. In many cases it is only to compensate the companies for the additional costs and difficulties they experience.

Mr Coyne: Tax holiday.

Mr LAURANCE: Exactly, that is the sort of thing that is required. My proposal is quite separate from that which the Government is doing in "Bunbury 2000" where it is picking specific Government projects and bringing them forward. I am asking that private enterprise be given special incentives to go to the north and that it be rewarded. It will repay those incentives manyfold to the benefit of the State. It is not a matter of making the few people in the north a privileged group. I am not looking for handouts or subsidies for those people. It would be an investment in the area for the future which will reap benefits for the people of the State.

The mining developments in the Pilbara brought tremendous developments for all people in Western Australia. The rest of the State probably benefited more than the Pilbara, but we were able to see the benefits; they were there on the ground. The flow-on benefits can be gauged only by our improving lifestyle in the south of the State. We would get a marvellous return from development of the north-west.

How can we make this a special development zone? I would propose that it be done in a number of ways. Firstly, it should be for a period of 15 years. Secondly, on a personal basis, significant zone allowances should be given to all permanent residents. As a former Minister Assisting the Minister for the North West I did a study with a committee of various interests to look at the question of zone allowances. We put our recommendations to the Fraser Government and they were accepted in part. Substantial benefits were given to some taxpayers in the north—the very isolated people on pastoral properties and small mining communities at least 250 kilometres from a town of not more than 2 500 people got a very substantial tax zone allowance. Had it been more general I would have been more appreciative of the move.

To be fair, the Hawke Government has moved in that area in its latest Budget, so there have been improvements on a Federal basis from the Fraser and Hawke Governments in recent years. However, they have not gone far enough and the application has not been sufficiently widespread. The Hawke Government did not go far enough with its increases, and the Fraser Government made them too specific. Substantial benefits were given but to too few people. Zone allowances play an important part in my plan.

Payroll tax concessions should be given to people creating jobs in the north not by way of subsidy, but to compensate for higher wages and district allowances. People in the south of the State do not realize that residents in the north face many burdens. If one starts a business in the south one pays payroll tax on only one level. In the north, there is a considerably greater payroll and one pays tax on the higher figure. That is quite unfair and it places a burden on northern development. Relief should also be given from sales tax, but that is a perennial problem. Because sales tax is levied at the point of sale people who have to get the goods to the north pay tax on the freight. It is a difficult problem but I am sure some relief could be found in this area.

Governments can give these incentives. To take an example from this year's Budget, I ask members to look at the Premier's comments on workers' compensation payments in respect of apprentices. They will not be levied in this Budget.

Mr Read: An excellent proposal.

Mr LAURANCE: Yes, and I commend the Government for it. There are ways in which specific incentives can be given, and they do not have to be across the board. One does not have to do away with workers' compensation in order to give encouragement to an area. The Government has done a commendable thing to encourage the employment of more apprentices this year by saying it will waive workers' compensation payments.

I have already referred to the incentives. Some people ask why incentives should be given to the people in the north and then say that it should not be done. I reject those comments. I believe it can and should be done.

The finance by way of Government guarantee is already made available to businesses across the State. Of course, if Government funds are made available to businesses in the north the costs faced by the borrower are substantially higher than similar costs incurred by his southern counterparts. Building costs in the north would be anything from 50 to 80 per cent higher than in the rest of the State. The cost of employment is higher

and the cost of materials, etc., is much higher. If a person wants to build he has to make allowances for a cyclone loading and the cost of that is high. The Government says that it will provide Government guarantees and that the person in the north can borrow at the same rate as the person borrowing in the south of the State. That places a burden on the person in the north and he should be compensated for those difficulties.

It is all very well for the Government to bring forward legislation enabling the R & I Bank to compete on a more equal footing with other banks, but it was set up for certain circumstances. I believe funds from the R & I Bank should be made available to northern developers because that would create employment in the north of the State. It should not be an additional subsidy, but it should be on an equal basis with people in the south of the State.

If a person has to borrow \$1 million to establish a business in the south of the State, it is likely that to establish the same business in the north of the State a person would have to borrow \$1.5 million. The Government could compensate the person in the north by providing funds at a sectional rate of interest that would equate with the person borrowing money in the south of the State.

When the Opposition was in Government it gave guarantees to businesses in the north and the present Government is doing the same, but that is not good enough. An extra element should be incorporated in the Government's assistance programme in order to make up for the higher costs in the north.

Many other measures could be mentioned and the member for Murchison-Eyre referred to tax holidays. I believe that a package could be developed including tax holidays and cheaper power. I know that power is subsidised in remote areas of the State, but I am sure it would be worthwhile to provide power at a cheaper rate to northern developers.

Land is something that we have plenty of and the cost of developing land in the north is greater than it is in the city. Governments around the world have been able to offer incentives in respect of the provision of land. The Government could give relief from Government charges such as stamp duty, etc.

Measures of this kind would help to overcome the problems of isolation, additional expenses, labour costs, cyclone costs, etc. If the Government did that the outcome would flow on to the rest of the State.

I would like to make some remarks concerning the electorate of Gascoyne. The region faced a

tremendous amount of difficulty in 1983 because of the drought and as a result businesses were faced with closure. The Government said it would have a close look at the local economy and would produce an economic profile, and this was done through the agency of the Department of Industrial Development. I commend the Government and the officers who produced that profile because it is a commendable document. However, it did not go far enough and the region is looking for further assistance to implement the recommendations of that economic profile.

The Gascoyne River has started to run and Dampier Salt, with Government assistance, is continuing to operate. I was able to influence the good Lord to bring rain. The region has had different economic circumstances this year. I would want the Government to treat that as a more short-term palliative in order to get people to remain in the area.

I ask the Government to investigate the water supplies in the region. The Gascoyne River is a difficult river to harness. The cost of water to the area is expensive. The Minister for Water Resources is not in the House at present, but I want to make the point to him—I have asked a number of questions during this session and I will continue to ask them—that the Government has said it is not possible to develop further water supplies from the Gascoyne River. I never expected that to be the case when the Opposition was in Government. I did not believe that that should be the case for all time, but that we should keep looking for other alternatives.

The Government, through the Public Works Department, has produced two documents in recent times. There was a review of alternative services to augment water supplies to Carnarvon, which outlined all the difficulties involved. Since then a recent study was undertaken on the evaluation of the Yandoo Creek system which could be used for water storage. The water could be stored in that system and used to recharge the high bed of the Gascoyne River. The member for Kalgoorlie has supported this strongly as have other members who represent the area. A bipartisan approach is required to solve this problem. The Federal member for Kalgoorlie has indicated that his Government would supply funds for further evaluation of this particular proposal. Nothing has been forthcoming yet and I make the point to the State Minister for Water Resources that his department has undertaken an evaluation of the Yandoo Creek area, and this could be a way to go. If that should not be the case the Government should spend money and find out what other alternatives are available.

The people of Carnarvon are now looking to the Minister to gain an indication as to what his Government will do about research for further water supplies. Will he further evaluate the Yandoo Creek system or will he look further afield for other possibilities? The search must continue.

I refer to another development in Carnarvon. The Dampier-Perth gas pipeline runs through the middle of the Gascoyne electorate and the State Energy Commission is considering a lateral pipeline junction at the closest point to Carnarvon. I do not know whether it is economically feasible. I understand that the SEC is also considering transporting gas by road and I do not know whether that is feasible, either. However, I am pleased that studies are being undertaken because they could have significant prospects for Carnarvon's future development. I commend the work of the SEC and I trust it will bring forward some positive results which will be of benefit to my community.

Mr Peter Jones: It is currently costing 17c per kilowatt hour.

Mr LAURANCE: The member would know that only too well. Of course, one of the problems is that the agreement that the Government had with Dampier Salt to enable it to continue was that the company would be supplied with power at the mine site at Lake MacLeod because it would significantly increase the demand from the Carnarvon power station and would make it worthwhile. That is the reason the SEC is looking at this matter. The project would provide a significant amount of employment because a transmission line would need to be installed from Carnarvon to Lake MacLeod. The transmission line could be used to power the pumps that would be required along the bed of the Gascoyne River. However, whatever development transpires, it promises significant benefit to the community in the future.

Finally, I refer to the requirement for fishing facilities at Exmouth. A real problem exists in regard to the provision of facilities for commercial fishing fleets in the Exmouth Gulf. This matter has been talked about for many years. The previous Government undertook a lot of work in association with the oil industry in order to get a supply base to service the Exmouth Plateau. Unfortunately, the Exmouth Plateau has not produced the oil and gas levels that were anticipated and the proposal has been knocked on the head. However, the requirement for fishing facilities is real. Exmouth has a major fishing fleet for the State and at the moment the people in the industry have to put up with a very difficult situation because of lack of facilities.

The fishing facilities committee has visited the area and met with officers from the local shire. The Government has listed a fishing facility to be built in the Exmouth Gulf within the next three or four years, after the Jurien Bay facility has been completed. I commend the Government for including \$45 000 in its Budget in order that studies can continue for a fishing facility in the Exmouth Gulf. The need is great and the people of Exmouth have waited their turn for a long time. Facilities have been built at Esperance and were opened by the Premier, who acknowledged the work of the

former Government in providing the facility. This Government is going ahead with a facility at Jurien Bay and a facility at Exmouth will follow.

I trust that the Government will continue with the provision of the facility at Exmouth over the next two or three years because it is required by the industry.

With those remarks I conclude my contribution to this year's Budget debate.

Debate adjourned, on motion by Mr Old.

House adjourned at 10.59 p.m.

QUESTIONS ON NOTICE

TRANSPORT: WESTRAIL

Deficit

1244. Mr PETER JONES, to the Minister for Transport:

With regard to the 1984-85 Estimates of Revenue and Expenditure, what is the estimated deficit (surplus) budgeted for in the—

- (a) Western Australian Government Railways Commission;
- (b) Metropolitan (Perth) Passenger Transport Trust;
- (c) Western Australian Coastal Shipping Commission?

Mr GRILL replied:

- (a) The estimated 1984-85 cash deficit for the Western Australian Government Railways may be obtained by subtracting the estimate of revenue from the estimate of total net expenditure shown on pages 19 and 161 of the printed "Consolidated Revenue Fund: Estimates of Revenue and Expenditure for the Year Ending 30 June 1985" which was presented to the Legislative Assembly on 9 October. The result of \$21.437 million so obtained does not include an expenditure of \$34.400 million for superannuation and General Loan Fund interest which is included in the "Special Acts" listing on pages 25 and 26 of the printed "Estimates".
- (b) and (c) I would refer the member to the following pages of the printed "Estimates"—

Metropolitan (Perth) Passenger Transport Trust—page 158, where it is indicated that the amount required for services for 1984-85 is estimated to be \$36.086 million.

Western Australian Coastal Shipping Commission—page 159, where it is indicated that the amount required for services for 1984-85 is estimated to be \$15.637 million.

ABORIGINAL AFFAIRS: LAND RIGHTS

Government Advertising

1281. Mr HASSELL, to the Premier:

- (1) What is the total budgeted or planned expenditure proposed by the Government to advertise its position on the land rights controversy?
- (2) How much will be spent on—
 - (a) pamphlet;
 - (b) radio;
 - (c) Press;
 - (d) television;
 - (e) other, advertising?
- (3) Who is producing the advertising material?
- (4) What is the value of the contract to the advertising agency?
- (5) What period, date to date, will the advertising cover?

Mr BRIAN BURKE replied:

- (1) No expenditure was budgeted or is planned to advertise the Government's position. However, a brochure and television and Press advertisements have been produced to urge people to consider the Seaman report and the Government's statement of principles, and to encourage public comment.
- (2) (a) to (e) The approximate cost to date totals \$23 500. Advertising cost will be dependent on the length of the advertising period but is not expected to exceed \$50 000.
- (3) The agency.
- (4) Normal rates would apply.
- (5) As yet to be determined.

TRANSPORT: BUSES

Drivers: 38 hour Week

1283. Mr RUSHTON, to the Minister for Transport:

- (1) When negotiations have been completed between the Metropolitan Transport Trust and the unions, will he table the package offered by the Metropolitan Transport Trust for the granting of a 38-hour week to drivers?
- (2) What is the estimated cost to the Metropolitan Transport Trust of granting drivers a 38-hour week?

Mr GRILL replied:

- (1) Certainly.
- (2) This depends on the package negotiated.

GOVERNMENT VEHICLES

New Management System

1290. Mr MacKINNON, to the Premier:

- (1) When was the new management system for Government motor vehicles, announced in his Press statement of 22 June 1983, introduced?
- (2) What were the basic changes involved in the new system?
- (3) How much did the Government save during 1983-84 by the introduction of this system?
- (4) Would he provide me with a detailed breakdown of these savings?

Mr BRIAN BURKE replied:

- (1) As the initial step in the new management system a pilot scheme was introduced at the Metropolitan Water Authority in July 1983. Problems encountered in the development of appropriate computer software have delayed the expansion of the system to other areas of Government.

Concurrent with development of the new management system, some other general measures were introduced aimed at achieving economies in the use of vehicles.

- (2) The new system involves the introduction of an economical means of collecting and collating all motor vehicle data including operational costs to assist Government in controlling its fleet and achieve maximum economy of operations.

The other measures introduced relate to the containment of vehicle replacement and pooling of vehicles in respect of departments and agencies funded from the Consolidated Revenue Fund.

- (3) and (4) Savings in the operation of the pilot scheme were estimated at \$160 000, by way of reduction in fuel costs. The containment and pooling measures resulted in an estimated savings in 1983-84 of \$2.1 million.

TOURISM

Wanneroo Tourist Council

1291. Mr MacKINNON, to the Minister for Tourism:

- (1) What is the current level of assistance provided by the Tourist Commission to—
 - (a) country tourist bureaux;
 - (b) information centres;
 - (c) regional travel associations?
- (2) Are outer metropolitan tourism committees, such as the Wanneroo Tourist Council, eligible for any of these grants?
- (3) (a) Are these outer metropolitan tourist committees eligible for income grants;
 - (b) if so, what are those grants?
- (4) If they are not eligible for any grant, why not?

Mr BRIAN BURKE replied:

- (1) (a) Maximum annual grant of \$10 000 calculated on following formula—

	\$
Base grant	5 000
\$ for \$ grant based on local authority contribution	5 000
	<hr/> 10 000

- (b) maximum annual grant of \$1 000 calculated on following formula—

	\$
Base grant	500
\$ for \$ grant based on local authority contribution	500
	<hr/> 1 000

- (c) Annual grant of \$5 000.
- (2) No.
- (3) and (4) Funding applications from metropolitan tourist committees are considered on their individual merits.

LAND: NATIONAL PARKS

Fitzgerald River: Land Release

1292. Mr STEPHENS, to the Minister for the Environment:

- (1) When the Environmental Protection Authority was considering the North Fitzgerald agricultural land release proposals, was it aware of the occurrence of *Phytophthora cinnamomi* in the general area or in the Fitzgerald River National Park?
- (2) (a) In approving of the subdivisions, did the Environmental Protection Auth-

ority make reference to the existence of dieback:

- (b) if so, what was the nature of its comment?
- (3) Did the Environmental Protection Authority consider that its approval of the North Fitzgerald land release subdivision designs also extended to the detail of road construction?
- (4) Did the Environmental Protection Authority envisage that the road construction authority would also need to carry out specific environmental assessments of its planned works, including gravel extraction?
- (5) (a) Who consulted with the National Parks Authority regarding the North Fitzgerald land release proposals and design concepts;
- (b) did the National Parks Authority make aware the fact that *phytophthora cinnamomi* occurred in the general area;
- (c) who in the National Parks Authority agreed to the extension of West River Road through to the existing tourist road known as "Hammersley Drive", and what was considered to be the function of this link as a bladed track;
- (d) has there been any discussion between the National Parks Authority and the Main Roads Department about potential dieback problems in national parks and road construction?
- (6) With regard to main roads passing through the national parks, such as those listed below—
 - (a) Chester Pass Road, Stirling Range National Park;
 - (b) William Bay Road, William Bay National Park;
 - (c) South Coast Highway, Hassell National Park;
 - (d) Cape Le Grande Road, Cape Le Grande National Park;
 - (e) Fisherman's Road/Twilight Cove Road, Cape Arid National Park.

does the National Parks Authority expect the Main Roads Department to consult with it regarding dieback hygiene needs, and what precautions should the department take when carrying out

roadwork within the road reserve passing through the national park?

Mr DAVIES replied:

- (1) No, however since then a dieback specialist has visited the area and has submitted a report. The extent of dieback is not considered great.
- (2) No.
- (3) No.
- (4) No.
- (5) (a) The working group on land releases;
- (b) No;
- (c) the link made between West River Road and Hammersley Drive was provided as a temporary access without approval of the National Parks Authority; however, the link lies outside the National Park;
- (d) yes.
- (6) Yes.

WILDLIFE: RARE NOISY SCRUB BIRD

Habitat

1293. Mr STEPHENS, to the Minister for Fisheries and Wildlife:

- (1) (a) How extensive is the occurrence of *Phytophthora cinnamomi* in the Two Peoples Bay nature reserve, which protects the habitat of a colony of the rare noisy scrub bird;
- (b) to what extent is the dieback related to roads in the nature reserve?
- (2) (a) What progress has been made in establishing a second colony of the noisy scrub bird in the nearby Mount Many Peaks nature reserve;
- (b) what consideration has been given to ensuring that dieback is not introduced into this nature reserve?
- (3) Was the risk of dieback introduction an important reason for recommending against proceeding with a road proposal through the Ravenshorpe Range area?
- (4) What consideration has been given to the possible introduction and spread of dieback through road construction in coastal area east of Hopetoun?

Mr EVANS replied:

- (1) (a) The department commissioned a report by consultants during 1983. This report revealed that the fungus

was widely distributed in Two Peoples Bay nature reserve.

- (b) Infection is believed to have occurred at several sites on or before the early 1950s. Thus dieback was introduced before there were formed roads in the area now occupied by the nature reserve. The most likely source of infection was private vehicles.

- (2) (a) During 1983, 10 male and six female noisy scrub birds were released in gullies adjacent to Mount Many Peaks. Four males quickly established territories and are still present in the area.

A draft management plan for the noisy scrub bird is in preparation and should be released for public comment before the end of 1984;

- (b) no management plan has been prepared for Mount Many Peaks nature reserve.

There is no vehicle access to the area and risk of infection is low.

- (3) Yes.
- (4) Dieback hygiene conditions to be applied during construction have been agreed between the Shire of Ravensthorpe and the Departments of Fisheries and Wildlife and Conservation and Environment.

The road has been located to minimise the spread of dieback should it be introduced.

ENVIRONMENT: EPA

Non-State Forest Areas

1294. Mr STEPHENS, to the Minister for Forests:

- (1) Further to question 938 of 13 September 1983, and in particular, parts (7) and (8), what recommendations has the Environmental Protection Authority recently made to the State Government concerning the occurrence of *Phytophthora cinnamomi* outside of State forest areas?
- (2) Does the State Government consider the threat of dieback to the State's floral heritage in our national parks and road verges a serious matter?
- (3) What action has been taken with regard to providing resources to tackle

Phytophthora cinnamomi problems outside State forest areas?

- (4) Is it the State Government's intention to inform the Main Roads Department and local government authorities of—
- (a) the areas of the State where dieback occurrence is known or could be a problem;
- (b) the need to consider dieback problems when environmental assessments of planned roadworks are carried out?

Mr BRIAN BURKE replied:

- (1) It is the Environmental Protection Authority's view that the responsibility for *Phytophthora cinnamomi* outside of State forest areas should be passed to the proposed Department of Conservation and Land Management.
- (2) Yes, in some national parks and road verges.
- (3) Close liaison is maintained between the National Parks Authority, relevant local authorities and the Forests Department, where possible. Assistance is provided when requested.
- (4) (a) and (b) Yes, this is standard practice for areas within the main forest zone, and it is being applied in dieback-sensitive localities elsewhere.

1297. *Postponed.*

ABORIGINAL AFFAIRS: LAND RIGHTS

Land Claims

1300. Mr HASSELL, to the Minister for Lands and Surveys:

- (1) What area of land is included in the categories of land which may be claimed by Aboriginal people under the Government's recent statement of principles?
- (2) What area of land could have been claimed if the recommendations of the Seaman inquiry had been adopted in full?
- (3) What percentage of the total area of the State is represented by the answers to (1) and (2)?

Mr McIVER replied:

- (1) The relevant statement of principles provides for the following areas of land—

D, the tribunal will only be able to assess claims lodged in respect of certain categories of Crown Land.

J, early and special attention will be directed to Reserves and other lands held for Aboriginal purposes by State instrumentalities.

Subsequently the Government has announced that unused and unoccupied Crown land are categories of Crown land which will be available for claim and that titles will be issued covering Aboriginal reserves, and mission land will be claimable.

As the principles "F" provide in evaluating of claims to Crown land "the tribunal . . . will be required to have regard to questions of existing or future public use."

- (2) Mr Seaman recommended the following areas be available for claim
 - (a) all Aboriginal reserves;
 - (b) unoccupied Crown land;
 - (c) unused public land;
 - (d) national parks, forests and conservation reserves; and
 - (e) mission land.
- (3) It is impossible to give a precise percentage figure.

1301. *Postponed.*

STATE FINANCE: CRF

Overseas Office Expenses

1307. Mr MacKINNON, to the Premier:

To what overseas office does the \$88 000 listed as "Overseas Office Expenses" in answer to question 1187 (2) refer?

Mr BRIAN BURKE replied:

Offices in London, Singapore, Auckland and Los Angeles.

TOURISM: COMMISSION

Administration Costs

1308. Mr MacKINNON, to the Premier:

Would he list the major expenses which total \$1 460 370 under the heading of "Administration Costs" for the Tourism Commission in 1983-84?

Mr BRIAN BURKE replied:

	\$
Agents' commission	297 686
Communications	320 203
Computer expenses	32 815
Insurance	19 350
Overseas office expenses	58 693
Printing and stationery	93 183
Purchase of plant equipment	23 171
Travelling allowances	238 942
Vehicle running expenses	31 591
Payroll tax	142 044
Miscellaneous	203 054
	\$1 460 730

USA

WA Government Agent

1309. Mr MacKINNON, to the Premier:

- (1) What services are required to effectively monitor the activities in the United States of America of matters in which the State has an interest?
- (2) Who is providing this service?

Mr BRIAN BURKE replied:

- (1) and (2) Funds have been set aside with the intention of engaging an agent in the United States to provide the services referred to.

STATE FINANCE: CRF

Services and Contracts

1311. Mr MacKINNON, to the Premier:

- (1) What is the break-up between the various expense items of the \$597 000 listed in his answer to question 1162(1) of 16 October?
- (2) What is a comparative break-up of these items for the \$263 838 which was allocated to this item in 1983-84?
- (3) Why was this latter amount so far in excess of the original amount allocated; i.e. \$142 000?

Mr BRIAN BURKE replied:

- (1) and (2) I am not prepared to direct resources to provide a more complete breakdown of the individual costs for the components referred to in my answer to question 1162(1) or for allocation in 1983-84. However, if the member is concerned about any specific matter, I would be pleased to make inquiries.
- (3) Additional expenditure was necessary to bring forward Government initiatives relating to policy development and to cover extra costs associated with increased ac-

tivities in the Department of the Premier and Cabinet.

WOMEN'S INTERESTS: WOMEN'S INFORMATION REFERRAL EXCHANGE

Trade Unions

1312. Mr MENSAROS, to the Premier:

- (1) Is one of the duties and responsibilities of the recently formed Women's Information and Referral Centre to organise and/or participate directly or indirectly in the organisation of the formation of unions of industrial workers or any association under the Trade Unions Act 1902?
- (2) If so, are the expenses directly or indirectly occurring with such activity being reimbursed by the respective trade unions, or are they borne by the taxpayers from the general revenue fund?

Mr BRIAN BURKE replied:

- (1) and (2) The duties and responsibilities of the Women's Information and Referral Exchange are—
 - (a) to provide information in response to inquiries from the public on matters pertinent to women;
 - (b) to maintain an accurate and up-to-date information bank on any topic relevant to women's needs, with particular emphasis on pensions, health benefits, accommodation, child care, counselling and family services, education, recreation and legal matters;
 - (c) to administer the facilities provided for public use at the WIRE premises;
 - (d) to inform Government and other community services of women's information needs;
 - (e) to provide information and support for community groups working on women's issues;
 - (f) to refer women to appropriate agencies or services; and
 - (g) to liaise and maintain exchange of information with other information and community services.

WIRE has no duties or responsibilities in relation to the organisation or the formation of unions of industrial workers or trade union associations.

Conference and seminar rooms in WIRE premises are available for use by community groups. WIRE staff administer reservations.

HEALTH: HOSPITALS

Royal Perth: North Block Completion

1322. Mr JAMIESON, to the Minister for Health:

- (1) What structural changes are proposed for the completion of the north block of Royal Perth Hospital?
- (2) What is the estimated additional costs of these structural changes?
- (3) What was the original estimate of the cost of the north block?
- (4) What is the now estimated total cost of this project?

Mr HODGE replied:

- (1) Two floors of wards have been added in the existing structure. The addition of a central lift shaft is the only other significant structural alteration.
- (2) The cost of the replan of the north block building will be less than the original design cost as expressed in 1984 dollar terms.
- (3) The cost to construct—excluding escalation—as at beginning 1975 was estimated at \$25.5 million.
- (4) The estimated total cost to complete the project as at 1 July 1984 is \$81.8 million including escalation during period of construction until late 1988, together with an additional \$6 million for the associated car park.

1324. *Postponed.*

HOUSING: SHC

North-West Housing Construction

1325. Mr LAURANCE, to the Minister for Housing:

- (1) Does the figure of 740 houses to be built in the country and north-west by the State Housing Commission during 1984-85 include the number of houses to be built with funds specially designated for Aboriginal housing?
- (2) If so, will he provide the number of houses that will be built in the country and north-west with—

- (a) Commonwealth/State funds;
- (b) Aboriginal housing funds?
- (3) How many of these houses will be built, under each scheme, in the Gascoyne electorate?
- (4) Will he provide me with a detailed breakdown of the housing programme projected for 1984-85 for—
 - (a) Exmouth;
 - (b) Carnarvon, and
 - (c) Denham?

Mr WILSON replied:

- (1) Yes.
- (2) The proposed number of houses to be provided and constructed in the country and in the north-west in 1984-85 is—
 - (a) Commonwealth/State funds—601 units;
 - (b) Aboriginal funds—148 units.
- (3) The proposal for the Gascoyne electorate is—
 - (a) Commonwealth/State funds—29 units;
 - (b) Aboriginal funds—4 units.
- (4) The breakdown for the housing programme projected for 1984-85 is—
 - (a) Exmouth—Nil
 - (b) Carnarvon—
 - 3 x 3 B/R single detached housing units—Aboriginal
 - 4 x aged persons' units (Commonwealth/State)
 - 8 x 2 B/R duplex units—Commonwealth/State
 - 5 x 2 B/R town house units—Commonwealth/State
 - 9 x 3 B/R single detached house units—Commonwealth/State
 - 1 x 4 B/R single detached house units—Commonwealth State.
 - (c) Denham—
 - 1 x 3 B/R single detached houses—Aboriginal
 - 2 x 3 B/R single detached houses—Commonwealth/State.

ROAD: RIVERSIDE DRIVE

Upgrading

1326. Mr RUSHTON, to the Minister for Transport:

Has a grant been given to the City of Perth to upgrade Riverside Drive?

Mr GRILL replied:

No.

GOVERNMENT INSTRUMENTALITIES: ACCOMMODATION

Merlin Complex

1327. Mr HASSELL, to the Premier:

- (1) To how much office space is the Government committed in the Merlin complex?
- (2) On what date, or when, will the term of the lease commence and the payment of rent become a liability?
- (3) What Government department(s) is/are to occupy the space?
- (4) When will that (those) department(s) move in?

Mr BRIAN BURKE replied:

- (1) Four thousand (4 000) square metres, as a result of a commitment by the former Government.
- (2) Lease commenced 1/7/84. Payment of rental commences 1/4/85.
- (3) Under investigation.
- (4) Depends on (3).

ABORIGINAL AFFAIRS: HEIRISSON ISLAND

Squatters

1328. Mr HASSELL, to the Minister with special responsibility for Aboriginal Affairs:

- (1) What is the basis of the occupation of Heirisson Island by certain Aboriginal people?
- (2) Has he received advice as to whether the occupation is—
 - (a) lawful;
 - (b) in accordance with satisfactory health requirements?
- (3) Would the Government be prepared to allow a group of camping enthusiasts to use the island as a camping site—
 - (a) generally;
 - (b) on weekends;
 - (c) on week days?

Mr WILSON replied:

- (1) Mr Bropho has written to me, and in that letter he has made a number of assertions which are briefly—

- (a) That the Government's statement of principles, produced in response to the Aboriginal land inquiry does not

- fully represent the aspirations of Aboriginal people:
- (b) that the proposed extension of Morley Drive would threaten sites at Lockridge;
 - (c) That the proposal to route the natural gas pipe-line under Bennett Brook would threaten an Aboriginal site.
- (2) (a) Although I have not received any direct advice, I can only assume that this encampment is in direct contravention of Perth City by-laws;
- (b) As above.
- (3) (a) to (c) I am informed that Heirisson Island is a class "A" public parks reserve. The member should therefore direct his inquiries to the responsible authority.

ELECTORAL: DISTRICTS

Maps

1329. Mrs HENDERSON, to the Minister for Parliamentary and Electoral Reform:

- (1) (a) Will he table maps suitable for incorporation in *Hansard* showing the boundary of the metropolitan area as defined by the Electoral Districts Act before and after changes made to the boundary in 1975 and 1981;

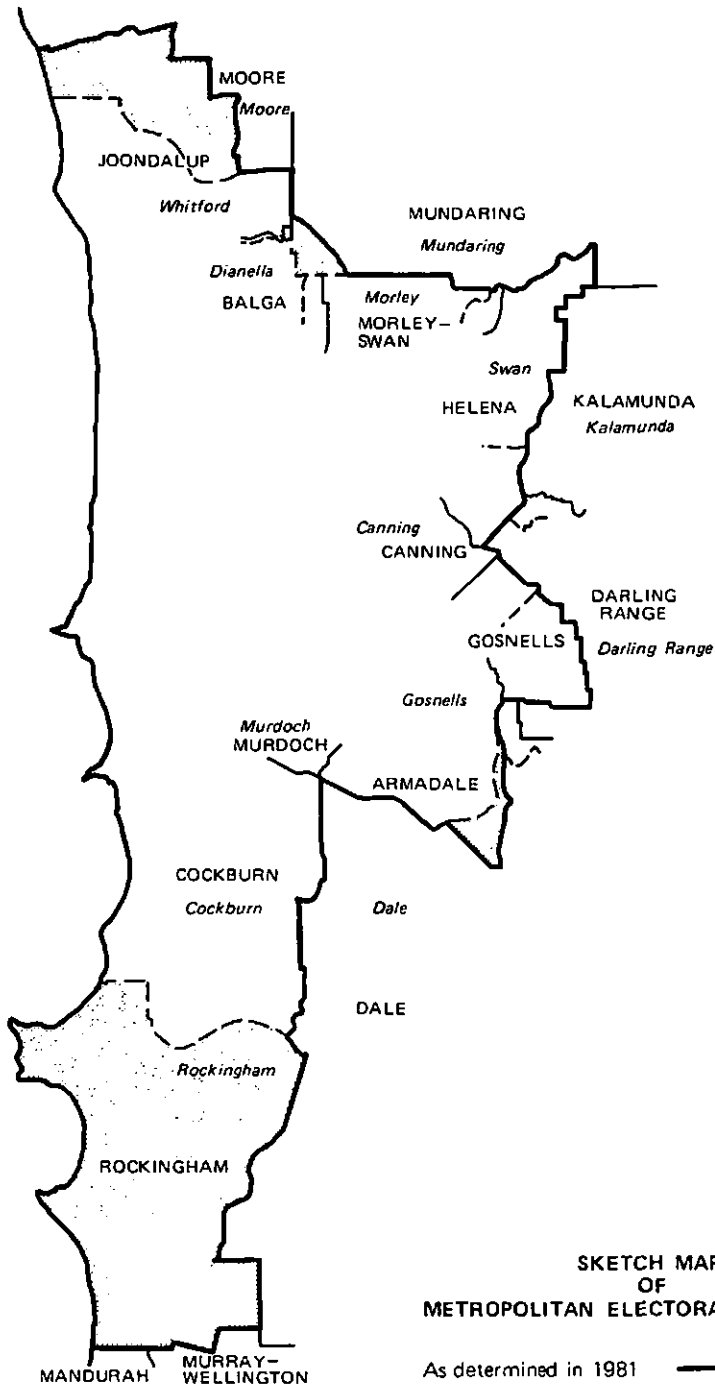
- (b) will he also cause to have marked on the map the boundaries and names of districts on either side of the metropolitan boundary in each case?
- (2) Will he table two charts of the following information relating to the two electoral redistributions of 1975 and 1981—
- (a) the voting figures at the election immediately before the redistribution for Labor, Liberal and other parties at those polling places which were in agricultural, mining and pastoral area electorates for the previous election but whose catchment area was transferred to the metropolitan area by the subsequent redistribution;
 - (b) the voting figures at the election immediately before the redistribution for Labor, Liberal and other parties at those polling places which were in the agricultural, mining and pastoral area within five kilometres of the existing metropolitan boundary but which were not transferred into the metropolitan area?

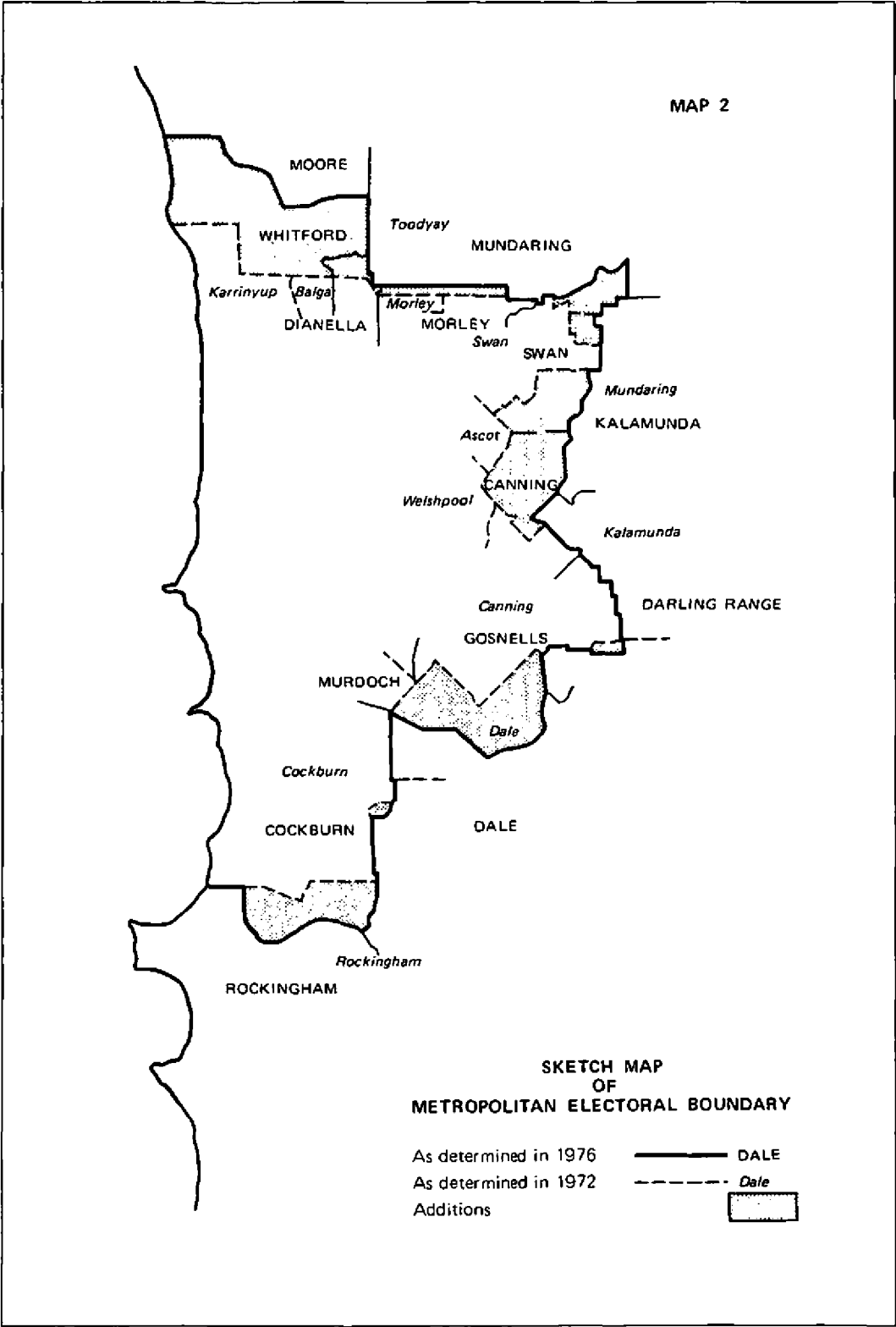
Mr TONKIN replied:

- (1) and (2) I herewith table the answer.

The answer was tabled (see paper no. 226).

MAP 1





HOUSING: SHC*Land: Kenwick*

1330. Mr BATEMAN, to the Minister for Housing:

- (1) As there is a large parcel of land owned by the State Housing Commission in Alton Street, Kenwick will he state if it is the intention of the commission to develop this land for housing?
- (2) (a) If "Yes", will the commission be able to develop the property without installing deep sewerage;
- (b) if "No", will he advise what the commission intends to do with the property?

Mr WILSON replied:

- (1) It is the commission's intention to develop this 14-hectare (approximately) parcel of land within the next two to three years. Currently negotiations are proceeding with the Department of Fisheries and Wildlife regarding protection of certain rare flora on the land which may result in excision of an identified area.
- (2) It is expected that sewerage will be a requirement of development.

PLANNING: MRPA*Land: Fire Breaks*

1331. Mr BATEMAN, to the Minister representing the Minister for Planning:

Due to the concern being expressed by residents along the Canning River from Cannington to Gosnells that an outbreak of fire could occur in the heavily grassed Metropolitan Regional Planning Authority land which flanks the river—

- (a) will the Minister instruct his department to have fire breaks put into a width which will ensure the safety of homes along this river; and
- (b) if "Yes", will he have these fire breaks put in immediately;
- (c) if not, why not?

Mr PEARCE replied:

- (a) The Metropolitan Region Planning Authority has bush fire prevention measures undertaken on its land along the river each year using the following techniques—
 - (i) fire breaks

- (ii) control burning
- (iii) mowing
- (iv) grazing;

- (b) the work will be undertaken and completed by 30 November as required by the local authorities;
- (c) see above.

TRANSPORT: WESTRAIL*Quarry Joint Venture*

1332. Mr PETER JONES, to the Minister for Transport:

- (1) Adverting to the reply given to question 1253 on Wednesday, 17 October, who are the directors of Western Quarries Pty. Ltd.?
- (2) What costing has been allowed for converting surplus iron ore wagons at Midland workshops to bottom discharge?
- (3) What costing has been allowed for fabricating other steelwork required for the joint venture at Midland workshops?
- (4) Will other fabricating workshops in Western Australia have the opportunity of tendering for fabricating work and converting rolling stock?
- (5) What is the sale price of the 20 surplus Westrail wagons?
- (6) From part (5) of the reply is it fact that funds accruing to Westrail after operating expenditure will total \$2.750 million in constant dollars for the first five years?
- (7) If (6) is not factual, would he please advise the correct situation?

Mr GRILL replied:

- (1) Legally appointed directors under the Companies Act are—
 W. I. McCullough—Commissioner of Railways
 A. E. Williams—Assistant Commissioner of Railways
 D. A. Laidlaw—Chairman of Quarry Industries Ltd.
 J. B. Levrington—Managing Director, Quarry Industries Ltd.
- (2) and (3) This information involves commercial transactions and is confidential to the parties concerned.
- (4) No.

- (5) This information involves commercial transactions and is confidential to the parties concerned.
- (6) Yes. Based on anticipated levels of activity.
- (7) Not applicable.

1333. *Postponed.*

TRANSPORT: RAILWAYS

Wagin-Bowelling Line

1334. Mr RUSHTON, to the Minister for Transport:

- (1) What was the loss incurred in reopening the Wagin-Bowelling line in—
 - (a) the 1983-84 financial year; and
 - (b) what is the estimated loss for 1984-85?
- (2) Is it fact that the previous review by the Transport Commission and also Westrail found against reopening the line?
- (3) Is he aware local farmers in the Bowelling area were against reopening the line because it would cost them more for freight?
- (4) Is it fact the Wagin-Bowelling line was reopened because it was a Labor Party commitment before the last State election?
- (5) Why is Westrail reviewing the future of the line in December 1985, when it is fact that the Government has a commitment to keep the line open irrespective of economic factors?

Mr GRILL replied:

- (1) (a) \$26 500;
- (b) \$21 900.
- (2) Westrail found that on the basis of its economic appraisal the organisation would be financially better off by not reopening the line.

The report by the Commissioner of Transport stressed that little economic difference existed between several alternative transport options, including reopening, either in terms of user cost, financial impact on Westrail, or annual resource cost.

- (3) In December 1982, a public meeting was held at Duranillin to discuss the future of the Bowelling-Wagin line. At this meet-

ing, a strong body of opinion favoured repair and retention of the branchline.

In addition, the Transport Commission conducted a sample telephone survey of farmers in the region, the results of which again favoured repair and retention of the line.

In any case, the Transport Commission's report indicated that the user cost associated with the operation of seasonal branchline services exceeded only marginally the user costs associated with either partial or complete branchline closure.

- (4) The Bowelling-Wagin line was re-opened because—

no significant economic argument could be developed to support branchline closure at that time;

the aspirations and opinions of local residents, farmers and Shire Councils favoured retention of the entire line from Bowelling to Wagin; and

closure of the Bowelling-Bokal rail section would have limited the State's future transport options in this region without achieving any significant economic advantage in return.

- (5) This is at the Government's direction. It is normal practice to post audit any investment.

1335. *Postponed.*

PLANNING: COOGEE

Anchorage Industries

1336. Mr MENSAROS, to the Minister representing the Minister for Planning:

- (1) Have preliminary inquiries been made on behalf of Anchorage Industries Pty. Ltd. in view of establishing a hotel, residential apartments and a 100 boat marina development at Coogee near the company's site?
- (2) If so, what are the conditions particularly from the point of view of the environmental clearance and sewage disposal?

Mr PEARCE replied:

- (1) No, however, The Metropolitan Region Planning Authority has received an application to develop a marina with backup facilities and residential apartments near James Rocks, Coogee. The

project has been submitted by Madeira Fisheries Pty. Ltd. for a consortium including Consolidated Marine Developments (Australia) Pty. Ltd. and Taylor Woodrow International Ltd.

- (2) The Metropolitan Region Planning Authority has referred the proposal to various bodies for advice and when all comments have been received, will determine the application.

LANDS: LANDS AND SURVEYS DEPARTMENT

Surveyor General: Vacancy

1337. Mr MENSAROS, to the Minister for Lands and Surveys:

Generally would he please describe the state of progress towards filling the vacant position of Surveyor General. In particular, could he say who are going to be the members of the interviewing panel for recommending the candidate to be appointed?

Mr McIVER replied:

At this stage a decision has not been taken to fill the vacant position of Surveyor General and accordingly the composition of any interviewing panel has not been determined.

1338 to 1346. *Postponed.*

EDUCATION: HIGH SCHOOLS

Australind: Proposal

1347. Mr BRADSHAW, to the Minister for Education:

- (a) Has consideration been given to the building of a high school at Australind;
- (b) if so, when;
- (c) if so, what type?

Mr PEARCE replied:

- (a) to (c) Yes. However, the primary school at Australind had 274 primary pupils in July 1984. These numbers are too few to provide sufficient enrolments at present to justify a separate high school.

Planning for a new high school at Australind is inextricably linked with growth in high school student numbers in the Bunbury region. There will be close consultation with the communities at Australind, Bunbury, and related areas about the placement of a third high

school in this area before a decision is made.

1348. *Postponed.*

EDUCATION: HARVEY

Ministerial Visit

1349. Mr BRADSHAW, to the Minister for Education:

- (a) Does he intend to visit the schools at Pinjarra, Waroona or Harvey this year;
- (b) if so, which school or schools;
- (c) if so, when?

Mr PEARCE replied:

- (a) to (c) I will be visiting Harvey on 16 November 1984. The member will be supplied with an advance copy of my itinerary as is my usual practice.

It has not been possible to include Waroona or Pinjarra in my visiting schedule this year. I would expect to visit them in 1985.

1350 and 1351. *Postponed.*

DAIRYING

Proposed Levy

1352. Mr BRADSHAW, to the Minister for Agriculture:

- (1) Does he support the proposed levy on dairy farmers throughout Australia, particularly, dairy farmers in Western Australia?
- (2) At what stage is the proposed levy—as far as becoming a reality?
- (3) What is the average anticipated cost to dairy farmers in Western Australia?
- (4) (a) Does his department consider the levy to be of benefit to Western Australian dairy farmers;
- (b) if so, why?

Mr EVANS replied:

- (1) The Australian Dairy Industry Conference has proposed a restructuring of national dairy marketing arrangements which include a levy on all milk produced in Australia subject to certain conditions. The Primary Industry Association of Western Australia have agreed to this proposal. I accept that

Western Australian dairy farmers believe there is nothing to gain by unilaterally opposing the 1.4c per litre levy.

- (2) Commonwealth legislation is required to implement a levy scheme. It is unlikely that such legislation could be in place prior to 1 July, 1985.
- (3) The average cost to each dairy farmer will depend on the size of the levy, e.g.—
 - at 2c per litre it would cost \$6 700 per annum; at 1.4c per litre it would cost \$5 300 per annum.

This is an initial cost which will be slightly reduced as the levy disbursement results in higher manufacturing milk returns.

- (4) (a) and (b) Whilst costs such as those listed cannot be described as a benefit, the department sees the arrangement as preferable to the complete breakdown of orderly milk production and marketing in Australia.

PASTORAL INDUSTRY: LEASES

Mt Anderson: Settlement

1353. Mr RUSHTON, to the Minister for Lands and Surveys:

What is the present position over settling the Mt Anderson Station lease arrangements?

Mr McIVER replied:

The transfer to the Looma Pastoral Company Pty. Ltd. has been endorsed with my approval and registration can now proceed.

1354. *Postponed.*

STATE FINANCE: CRF

Western Australian Meat Commission

1355. Mr OLD, to the Minister for Agriculture:

Adverting to question 1222 of 17 October, for what purpose was provision made in the Budget under subheading "Western Australian Meat Commission" for development of bonestock building—\$169 000?

Mr EVANS replied:

In the 1984-85 Budget the sum of \$169 000 was allocated to enable alterations to be made to the bonestock room to provide a processing facility for the marketing division.

However, all major capital expenditure at Robb Jetty has been deferred pending Government consideration of the final report of the committee of inquiry into the meat industry.

QUESTIONS WITHOUT NOTICE

LEGISLATION

Human Rights Legislation

380. Mr HASSELL, to the Premier:

- (1) Is it correct that he or the Government has received from the Commonwealth a copy of its proposed human rights legislation?
- (2) Is the Premier or the Government concerned about the enormous transfers of legislative, executive, and judicial power involved in that legislation—a transfer of power from the State to the Commonwealth relying on the external affairs power, as defined in the Tasmanian dam case by the High Court of Australia?
- (3) If he is concerned, or if the Government is concerned, have representations been made to the Commonwealth Government to express that concern?
- (4) If so, what is the form of those representations and will the Premier table them in the House?

Mr BRIAN BURKE replied:

- (1) I am not aware of our receipt of any proposed human rights legislation.
- (2) Not being aware of the receipt of any proposed legislation, it is difficult for me to be concerned about the transfer of powers that the Leader of the Opposition says the proposed legislation contains; perhaps the Leader of the Opposition has been sent a copy of the legislation.
- (3) Not being concerned about the transfer of powers that I am not sure is in the legislation that I have not received, it would be foolhardy of me to make representations about them.
- (4) Not having made representations about the transfer that I am not sure is the case in legislation that I have not seen, obviously I cannot table any of those rep-

resentations, but I can say this for the edification of the Leader of the Opposition: I have found the present Federal Government to be amiable and convivial in its dealings with our State as reflected—

Mr Hassell: They got 17 per cent more for themselves and gave 3.2 per cent to the State. Perhaps they were too amiable and convivial!

Mr BRIAN BURKE: I am not sure what the Leader of the Opposition wants, but if he wants to hammer that point, how much better is this State Government than our predecessors, because, deprived as the Leader of the Opposition says we were of adequate financial resources by the Commonwealth, we were still able to reduce payroll tax for the first time in the history of the State's authority over it?

Government members: Hear, hear!

Mr BRIAN BURKE: God help us! When we get a fair deal in the eyes of the Leader of the Opposition, there will be no taxes or charges, because we are working Mandrakian wonders on the basis of the deal which the Leader of the Opposition has said is poor. However, let me continue: For the edification of the Leader of the Opposition I must say that we have found our dealings with the Prime Minister and his Government to be amiable and convivial. Witness the readiness with which the Prime Minister accommodated to the letter, without exception or variation, not in a niggardly fashion but in a happy and joyful way, the State's position on land rights.

Opposition members interjected.

Mr MacKinnon: He supports them, just as you do.

Mr BRIAN BURKE: No wonder the Leader of the Opposition gets a bit snarly when we mention that subject, because, of course, he is sending out pamphlets saying, "Even your home is not safe".

Mr Tonkin: What a lie!

Mr BRIAN BURKE: What he is saying here is that the State Government supports an Aboriginal land rights policy based on the Northern Territory model. The Northern Territory is helping us to draft the legislation we are proposing. No wonder the Leader of the Opposition gets a bit snarly when we remind him of

how well we cohabit this continent with the Federal Government. The Northern Territory of course has a Liberal-National Party Government.

Mr Clarko: You are wrong.

Mr BRIAN BURKE: However I am wrong—that collection of conservatives. On the matter of land rights, I think we have demonstrated and as I said to the Leader of the Opposition when he was hell-bent on painting himself into a corner, that by the time we had finished talking to the Prime Minister there would not be room to stand on one leg in the corner; but the Leader of the Opposition would not listen and wanted to send out pamphlets that said that people's homes would not be safe, pamphlets which did not present the truth. We were not wont to stop him; but I am sure that, as was illustrated in the question of land rights, if the Leader of the Opposition has any concern about human rights legislation, that will simply mean there will be friendly, understanding and accommodating dialogue between this State Government and its Federal counterpart. The proof of the pudding is in the eating.

Mr Hassell: You would have to laugh at yourself.

Mr BRIAN BURKE: I would permit myself a wry smile because I am not sure how many of the fellow colleagues of the Leader of the Opposition are standing in the corner with him. I understand that there is a certain amount of discord in the camp on the question of excisions of pastoral leases, and I wonder just where is the Opposition policy on Aboriginal land legislation. We have been promised it for I do not know how long, but where is it? All we get is this criticism from the murky darkness of ignorance of the Leader of the Opposition, the veil of which will not be lifted by his own action. We have our Rottneest Island policy criticised in the vacuum caused by the absence of any position taken by the Opposition. Now we have the same with land rights, while the Leader of the Opposition dances on to talk about human rights. His position on human rights is clear: He does not believe in them.

CULTURAL AFFAIRS: ETHNIC COMMUNITIES COUNCIL

Government Spending

381. Mrs WATKINS, to the Minister for Multicultural and Ethnic Affairs:

Is it true, as claimed by the Ethnic Communities Council, that the State Government has halved its promised level of spending on non-English speaking minorities?

Mr DAVIES replied:

No, the reverse is the case. Firstly, however, let me say that there is no discrimination between English speaking and non-English speaking migrants. The objectives of the Multicultural and Ethnic Affairs Commission apply equally to all.

In the year ended 30 June 1983—which reflected the Budget brought down by the previous Government—a sum of \$323 135 was expended on the migration office.

The current Budget proposes an expenditure of \$685 000, more than double the amount being spent when the Burke Government took office.

The Ethnic Communities Council, in order to inflate the figure it talks of, has included the cost of operating the Noalimba Reception Centre. This is still being operated and can provide accommodation for migrants, but has a much wider use and no longer comes under the control of the Multicultural and Ethnic Affairs Department.

The operation of the Multicultural and Ethnic Affairs Commission will be closely monitored to ensure it has adequate funds to fulfil its role of developing a multicultural Australia with cultural, social and economic justice for all. A single dollar spent in this direction would be worth 100 per cent more than that spent by the previous Government.

ADMINISTRATIVE SERVICES: DEPARTMENT

Disbandment

382. Mr HASSELL, to the Premier:

- (1) Is it correct that the Department of Administrative Services is to be disbanded or that the Government is considering disbanding it and that its staff have been

put on the unattached list, or will be, or may be?

- (2) Is it true that, in consideration of this matter, the proposal includes the TAB and the Lotteries Commission coming under the control of the Treasurer; censorship coming until the control of the Minister for Multicultural and Ethnic Affairs; the Registrar General's Office being attached to the Crown Law Department; the Licensing Court being controlled by the Minister for Tourism; and the Observatory coming under the responsibility of the Minister for Technology?
- (3) If these changes are proposed, when are they to take place?
- (4) Can he say that the proposals are not proposed or under consideration?

Mr BRIAN BURKE replied:

- (1) to (4) If the Leader of the Opposition wants to be taken seriously he should not ask without any notice questions like that which do not relate to my portfolio.

Mr Hassell: You are in charge of the Public Service Act.

Mr BRIAN BURKE: But I am not in charge of the Department of Administrative Services. It may surprise the Opposition to learn that in the Burke Government, Ministers generally run their own affairs. Having said that, and not wanting to deal too harshly with the Leader of the Opposition, I indicate that I wish that if he were sincere and serious about seeking answers to detailed questions, he would put those questions on the Notice Paper. His question was as long as his arm and I cannot even remember the first part of it. He did not even extend the courtesy of passing the question to me after he had asked it. Even the member for Greenough will invariably send over a copy of his questions some time prior to asking them.

Mr Hassell: Can you say that it is not happening?

Mr BRIAN BURKE: The point I am trying to express briefly to the Leader of the Opposition is that if he puts his question on the Notice Paper he will receive a considered and detailed response. If he asks questions that are a yard and a half long, without giving any notice whatever,

he cannot expect us to take him or his questions seriously.

LOCAL GOVERNMENT: COMPUTERS

Compatibility

383. Mr TROY, to the Minister for Local Government:

I understand that recently the Minister wrote to all local authorities regarding an initiative proposed by the Minister for Technology and himself for a computer compatibility study for local government in Western Australia. Can he advise—

- (1) What the local government authorities' response has been?
- (2) If the study is to proceed, on what basis will it be conducted?

Mr CARR replied:

- (1) The response from local government was prompt and solidly in support of the proposal for a local government computer compatibility study. In general local authorities saw the potential benefits of the study which relate to greater access to information and possible cost savings in computer equipment and systems for both rural and urban local authorities.
- (2) The study commenced on Monday, 22 October 1984.

The study will have two components—

- (1) The preparation of a corporate plan for local government based on the use of information technology which interfaces with State and Federal systems; and
- (2) the assessment of various programmes available to local government throughout Australia and their relevance to the needs of local councils in this State.

The first phase of the work is expected to take eight weeks to complete, with the full study being completed in less than six months.

The second phase will involve extensive consultation with councillors, municipal staff, and the associations of local government.

The Commonwealth Government, through the Federal Local Government Minister (Hon. Tom Uren, MHR) has agreed to contribute \$40 000 towards the cost of the project.

The study, which will be undertaken by a small project team including two officers from local authorities, will promote the utilisation of compatible computer technology and a closer working relationship between the three spheres of government.

Importantly, the study will provide the 139 local authorities in Western Australia with a blueprint upon which they can assess their computer needs.

Computer compatibility offers the potential of making a wide range of State and Federal Government information more readily available to local councils, as well as the opportunity for keeping computer costs to a minimum.

The study is the first of its kind in Australia and is creating considerable interest throughout Australia.

TAXES AND CHARGES

Capital Gains Tax

384. Mr MacKINNON, to the Premier:

My question follows on from one I asked him last Thursday on the subject of a capital gains tax. The Premier indicated last week that he had made representation indicating his Government's objection to the tax. I ask—

- (1) When did he make representation to the Prime Minister on the question of a capital gains tax?
- (2) What was the general thrust of that representation?
- (3) What response, if any, has he received to that approach?
- (4) Does the State Government support the introduction of such a tax?

Mr BRIAN BURKE replied:

- (1) to (4) my position in respect of any proposed capital gains tax can be traced back to the 1982 National Conference of the Labor Party, when I was one of the lead speakers in opposing an amendment that would have sought to cause an incoming Federal Labor Government to impose a capital gains tax.

On numerous occasions since then, in speaking with the Prime Minister, I have indicated that in the present circumstances, without substantial reform of taxation law, a capital gains tax would be insupportable. To the Prime Minis-

ter's credit, in 1982, together with the now Federal Treasurer, he was one of those who strongly supported the position that I put to the national conference. I have no reason to believe that the Prime Minister's attitude has changed.

Mr MacKinnon: You have not made any written objections to the Prime Minister?

Mr BRIAN BURKE: Immediately, I cannot say whether I have made any written representations.

Mr MacKinnon: In other words, you have not.

Mr BRIAN BURKE: "In other words, you have not" are the member's other words, not mine.

Mr MacKinnon: Surely on a major issue like this your memory would not be that bad.

Mr BRIAN BURKE: I do not suppose it is a matter even of my memory. I cannot recollect any written representations, but there may well be some. I do not know, and I have had no notice of the question.

I have made it perfectly clear, and remember, if the member will, that the subject is essentially one for the Federal Government in its determination. As far as the capital gains tax is concerned, my understanding of the Federal position is that there is to be a comprehensive review of the taxation structure in this country and that all forms of taxation will be considered during that review.

Mr MacKinnon interjected.

Mr BRIAN BURKE: I do not understand it to be the case that a capital gains tax will be introduced. I understand it to be true that there will be a review of the taxation structure in this country. If the Opposition says that any comprehensive review of taxation laws should not encompass consideration of the effects, benefits and disadvantages of a capital gains tax, then I think it is applying a worthless cause, because not even the member for Nedlands says if we are to review all of the country's taxation laws we should exclude a capital gains tax from the review.

Mr MacKinnon: You can review it and reject it.

Mr BRIAN BURKE: It may be reviewed and rejected, but it cannot be rejected until it has been reviewed.

Mr MacKinnon interjected.

Mr BRIAN BURKE: If the member wants to review it and then reject it I suppose that is something the Prime Minister has indicated is possible; however, the member wants a review that is prefixed by the rejection of things that do not suit him.

Mr MacKinnon interjected.

Mr BRIAN BURKE: The Deputy Leader of the Opposition wants it every which way. He wants a complete review—with a rejection before it starts—of any capital gains tax; but what he does not want is a rejection of a regressive, unfair and discriminatory value-added tax.

That is what the national Opposition wants to do; it wants a value-added tax.

Several members interjected.

Mr BRIAN BURKE: All the member reads is the football budget. Look, in headlines one can jump over, the Federal Opposition—in the taxation policy that it drew together at 10 minutes' notice—was talking about a broadly-based consumption tax. What is that?

Mr Parker: A value-added tax.

Mr BRIAN BURKE: That is why the member is a Minister, and they are in Opposition!

Several members interjected.

Mr BRIAN BURKE: The Liberal Party is in Opposition in almost every State and nationally, and the reason that party is in Opposition is that essentially it is negative; essentially it is destructive, not constructive. The position put by the national Government, supported by the State Government in Western Australia, which calls for a review and a rationalisation of the taxation laws that we are all shouldering, is the sort of policy that the Liberal Party should be putting its shoulder behind, not decrying.

Government members: Hear, hear.

LOCAL GOVERNMENT: NEDLANDS CITY COUNCIL

QEII Medical Centre

385. Mr MENSAROS to the Minister for Local Government:

(1) Is the Minister aware of the differences of view which have developed between

the City of Nedlands—acting on behalf of its ratepayers—and the Queen Elizabeth II Medical Centre regarding the use by heavy trucks of council public roads for internal hospital purposes?

- (2) If so, will he give sympathetic assistance—if necessary—to council by not hindering it in solving this problem?
- (3) If he is not aware of this matter, will he familiarise himself with it?

Mr CARR replied:

- (1) to (3) I am not aware of the problem, beyond a very brief discussion which the member had with me a few moments ago, when he gave me notice of his intention to ask the question. The member can be assured that I will certainly not be wishing to hinder the council in any action it might take to solve any particular problem.

I will have inquiries made to make myself more familiar with the situation, and presumably, arising out of that advice to me, correspond with the member.

ARTS: ARTS COUNCIL

Grants

386. Mr CRANE to the Minister for the Arts:

- (1) Was it a requirement for the Authors' Advisory Service together with other recipients of grants from the Arts Council to submit properly audited accounts regarding expenditure of the grant?
- (2) Would the same be required of *Artlook* magazine concerning the grant of \$90 000 which it received from the Arts Council?
- (3) Is it a requirement of the Arts Council grants that any part of the grant used should be accounted for at the end of the financial year of its issue?
- (4) Has the Authors' Advisory Service conformed to this requirement and submitted properly audited accounts?
- (5) (a) Is there any truth in the claim that one issue of the *Artlook* magazine has been deliberately held back to evade the requirement of providing properly audited accounts;
(b) if "Yes", on what grounds is this permitted;
(c) if "No", has *Artlook* in fact submitted properly audited accounts?

- (6) Is the Minister aware that it is claimed that the Nine Club has not in fact sold the publishing assets to the Book Trust as stated in its application?

- (7) Has the Minister been able to satisfactorily prove that the grant referred to by the member for Gascoyne in his grievance was in fact made to the Authors' Advisory Service and not to Mrs Howard-Wright and used for her personal legal fees?

- (8) Is the Minister satisfied that the Authors' Advisory Service is properly run by a committee of six people?

Mr DAVIES replied:

- (1) to (3) All grants, whether they are from the Arts Council or from Instant Lottery funds have to be properly accounted for. They are generally accounted for when they have been used for the purpose for which they are granted, although, at times, they can ask for an accounting, before that period has expired.

The position in regard to *Artlook* is exactly the same as applies to all other grantees from the Arts Council or from Instant Lottery funds.

- (4) There is a statement on file from the accountants showing that they still have, from memory, \$309 out of their original funding which was: \$1 000 from Instant Lottery funds, and \$250 from some other source. I do not know from where. In that accounting, there is no provision for, and no money has been spent on, legal fees.
- (5) I am unable to say whether a copy of *Artlook* has been deliberately held back. I doubt that, because the Nine Club has supplied a set of figures which are currently being assessed in regard to the grant of \$90 000. I doubt whether that assumption is correct.
- (6) I have no knowledge whatsoever of the Nine Club and its business operations. I do not know whether it has sold any of its publishing assets, or otherwise. It is a matter which I could have checked out, but I do not think it is of importance.
- (7) I am quite happy that the grant was properly made. Indeed, it was made on the recommendation of the Instant Lotteries advisory committee. That recommendation was made with one dissenting voice which belonged to a person who, I understand, has some associ-

ation with *Artlook* and the Nine Club. The file indicates that that person has expressed opinions which have been quoted in this House. There would appear to be something of a vendetta by that person in regard to the Authors' Advisory Service.

- (8) I am satisfied that the Authors' Advisory Service is run by a committee of six people. I also note, with some pleasure, that its patron is the member for Moore, the same member who has just asked the question.

TRANSPORT: RAILWAYS

Westrail: Quarry Joint Venture

387. Mr PETER JONES, to the Minister for Transport:

Further to the reply given to question 1332 on today's Notice Paper, which refers to Westrail's quarry joint venture, in which the Minister advised that Westrail will invest some \$3.6 million and will recoup only \$2.7 million over the next five years. I ask—

- (1) Does the amount invested by Westrail include the costs for the fabricating work to be undertaken by the Midland Workshops.
- (2) Will the Minister review the Government's decision not to allow the private fabricating industry to tender for the works which will be undertaken by this joint venture?

Mr GRILL replied:

- (1) My understanding is, yes.
- (2) I regret to advise that I would not allow that to happen. We are already under a fair deal of criticism from the Midland workshop employees in respect to the amount of work that they are doing. I do not want to inflame that work force any further by actually putting out to private tender work which is legitimately their business and which has been their business for a long time. It was not done by the previous Government and it will not be done by this Government.

Mr Peter Jones: This is not just a joint venture.

Mr Rushton: Other work was put out to open tender.

Mr GRILL: As I understand it, that occurred only when the Midland Workshops could

not cope with it. They can certainly cope with that work at the present time. I have no intention of putting that work out to private tender. I have certainly not received a request for that to happen from any partner within that joint venture.

PASTORAL INDUSTRY: LEASE

Mt Anderson Station: ADC

388. Mr RUSHTON, to the Minister for Lands and Surveys:

- (1) Is the Minister aware that the Aboriginal Development Commission is refusing to sign a letter accepting the decision of the independent arbitrator, relating to the compensation to the Blair family for the transfer of the Mt. Anderson lease, as final?
- (2) Why did the Minister sign the transfer of lease before a satisfactory agreement over compensation to Mr Blair was reached?
- (3) Is the Minister in a position to tear up the lease agreement if the ADC does not accept the arbitrator's signed decision based on normal commercial factors?
- (4) What is the present position regarding the disgraceful leasing arrangement of the Mt. Anderson Station?

The DEPUTY SPEAKER: Order! The last part of the member's question is inadmissible. The Minister can answer the first three parts of the question but not the fourth part.

Mr McIVER replied:

- (1) and (2) I am aware that the ADC is disputing one point put forward in the conditions of the lease. I intend to have both parties attend my office at 8 o'clock on Friday to settle the situation and to get them before an arbitrator to finally resolve this matter. The lease was signed because of the time factor and could not be held up any further. That lease agrees to the transfer of the Mt. Anderson Station to the Looma community.
- (3) That will be controlled by the inspectors of the department who, from time to time, check all leases. This lease will be checked in the same manner.

Mr Rushton: Have you the power to take it back?

Mr McIVER: Not at this stage.

HOUSING: SHC

BWIU: Dispute

389. Mr MacKINNON, to the Minister for Housing:

- (1) Is the Minister aware of the report appearing in Monday's *The West Australian* which referred to the dispute involving the Builders Workers' Industrial Union which threatens to close down all new State Housing Commission works?
- (2) If so, has that dispute yet been resolved?
- (3) If not, what action, if any, has the Minister taken to resolve the dispute to ensure the protection of the subcontract system in the building of State Housing Commission homes?

Mr WILSON replied:

- (1) to (3) I am aware of the report in the newspaper. I do not know whether the report was all that accurate. However, some statements have been made by an organiser of that union to that effect. I do not know what authority that organiser has. However, the State Housing Commission, through its general manager, has been in touch with the union. I understand that the dispute related to one particular site and one particular builder and that the matters have been resolved without that sort of nonsense being taken any further.

LOCAL GOVERNMENT: RATES

Differential Rating Working Party

390. Mr TROY, to the Minister for Local Government:

- (1) What has been the local authorities' response to a request from the Minister for councils to declare their interest in being part of an expanded differential rating working party?
- (2) Has the Minister yet determined any possible restructuring of the working party to accommodate the interested councils into regional or specific problem groups?

Mr CARR replied:

- (1) and (2) There has been a quite significant response to a circular which I sent out to all local authorities some two or three weeks ago inviting councils to express an interest in the extent of a differential rating pilot study group. As those

replies are still coming in, it is difficult to give the number of councils that wish to be involved. At this stage it appears that at least 20 councils—there may be 30 councils—will want to be involved in that differential rating pilot study.

As yet no decision has been made on any possible restructuring of that pilot study. It is clear already, from the response, that there will be too many councils to allow them to operate as one unit as the pilot study operated in the past year. It is likely that it will be considered appropriate to have some form of subcommittee grouping of that pilot study. That could take the form either of a geographical regional grouping within the pilot study or of linking together councils which are of a similar size and background, and which have similar difficulties to confront.

A decision has not been made as to that restructuring of the pilot study. I think it is necessary for the Government to await the reply from councils in relation to that circular.

INDUSTRIAL DEVELOPMENT: TERTIARY STUDENTS

Work Experience

391. Mr COURT, to the Minister for Industrial Development:

- (1) Will the private sector be able to absorb the tertiary students that the PWD and SEC would normally employ for work experience during the Christmas holidays?
- (2) Has he ascertained whether the public sector could make arrangements to ensure that other Government departments employ more students to assist in taking up the slack created by the student cutbacks in the PWD and SEC?

Mr BRYCE replied:

- (1) and (2) I can hardly believe it. That question should have been directed to the Minister representing the Minister for Employment, or to the Minister for Works.

Mr Brian Burke: He never directs questions to the right person.

Mr Court: The Deputy Premier is responsible for industrial development.

Mr BRYCE: In order to respond to the question I need to consult with at least two other Ministers and their departments.

I would be very happy to give a detailed answer to the question and I ask the member for Nedlands to put it on the Notice Paper.

OVERSEAS PROJECTS AUTHORITY

China

392. Mr HASSELL, to the Deputy Premier:

- (1) What progress is being made by the Overseas Projects Authority and others under his jurisdiction in proposals for Western Australian involvement in developmental projects in China?
- (2) What has been the involvement of the Commonwealth Government in that matter?
- (3) Has the Commonwealth made any proposals for Commonwealth involvement in the development of Western Australia's relationship with the relevant region of China?

Mr BRYCE replied:

- (1) to (3) The Commonwealth Government clearly was involved in this matter at the outset. It was a suggestion from the Commonwealth Trade Commissioner in Beijing upon hearing of our invitation from the Minister of Metallurgical Industry to visit China with a delegation earlier this year. The Trade Commissioner extended an invitation with a basic suggestion that we visit Qinghai Province and pursue an expression of interest that had been put to him by the Governor of Qinghai Province about potential co-operation between an Australian State and the Province in respect of development of a number of projects. Those projects were well and truly under consideration by the provincial Government and are about to receive the support of the Chinese Federal Government because the Province of Qinghai had been designated as a province for accelerated growth.

The Commonwealth Government was involved at the outset and we accepted its invitation since we were going to visit China. We were the first State Government to visit China after the invitation was received from the Governor of Qinghai Province. We accepted the request from the Australian Trade Commissioner in Beijing to visit the province to ascertain whether there was some op-

portunity for Western Australian industry to be derived from potential project development in Qinghai.

I am pleased to say that since that time several teams of experts have been into the Qinghai Province looking at the development of the model farm project. It also looks as though there is also potential for assistance in the development of an airport, a model city and other building projects.

It appears that we are at the beginning of a fairly long-term series of economically valuable projects for Western Australian industry.

Mr Hassell: Even though it started with the Commonwealth Government, what is the continuing Commonwealth involvement?

Mr BRYCE: The latest is that the Commonwealth Government has made arrangements—and this happened while I was overseas—to lend us an expert in the Mandarin language. There is continuing communication between the State and Federal Governments. Now that we have the assistance of the Mandarin linguist we can be assured that the communications will be first-class.

TRADE: EXPORT MARKET DEVELOPMENT

Grant Scheme

393. Mr MacKINNON, to the Deputy Premier:

- (1) Is the Deputy Premier aware that many companies in Western Australia have outstanding claims in relation to the export market development grant scheme amounting to many thousands of dollars for the last financial year? I am aware of one company the claims of which amount to \$65 000.
- (2) Is he also aware that the Commonwealth Government has substantially reduced the staff in the export market development grant department which processes these claims, which is now adding further to the delays?
- (3) Has he taken any action to make representations to the Commonwealth Government to ask it to endeavor to overcome the delays?
- (4) If so, what has been the response?
- (5) If not, why not?

Mr BRYCE replied:

- (1) to (5) I have not had representations made to me by any individual or group of individuals expressing the concern referred to by the Deputy Leader of the Opposition.

Since he has now raised the matter I am perfectly happy to inquire into it. If there are delays in that situation I shall make representations to the Commonwealth Government. However, I find it hard to believe that those companies involved in the export loan scheme would be financially disadvantaged if they are, in fact, able to apply for the export loan under the auspices of the State Government.

Mr MacKinnon: Because there is a \$10 000 limit on the State scheme.

Mr BRYCE: I would be very surprised if many companies had an outstanding amount above \$10 000. However, I will look into this matter.

SPORT AND RECREATION: YACHTING

America's Cup: Captain Beresford Noble

394. Mr RUSHTON, to the Premier:

What are the reasons for the Government's replacing Mr Noel Semmens as Chairman of the America's Cup Committee with Captain Beresford Noble?

Mr BRIAN BURKE replied:

This matter falls within the responsibility of the Minister with special responsibility for the America's Cup. The member will pardon me if I am not able to be absolutely precise in my answer. I understand that Mr Semmens has not been removed as the person co-ordinating preparations but that Mr Noble has been appointed as a chief executive officer.

Mr Rushton: I think he is Chairman.

Mr BRIAN BURKE: I am not sure of the exact title granted to him. I understand Mr Noble has been placed in a position of overall authority reporting to the Minister in respect of preparations for the America's Cup. Mr Semmens will maintain his present role certainly, but Mr Noble will not report to him. I am unsure whether that means Mr Semmens

is no longer co-ordinator. I think he still holds that position.

With regard to the newly created position, the appointment of Mr Noble is evidence of the Government's belief in his ability and his capacity by virtue of his qualifications and experience to add substantially to the work that needs to be done.

INDUSTRIAL RELATIONS: DISPUTES

BWIU

395. Mr HASSELL, to the Premier:

(1) Is the Premier aware of the building picket line dispute reported in the *Daily News*. Under the heading "Picket halts work at site" it is reported that a joint-union picket line of members of the Building Workers' Industrial Union and the Builders Labourers' Federation has halted work on a building site at Noranda.

(2) Has his industrial relations adviser taken any action in relation to this dispute in an attempt to resolve it or to allow work to continue?

(3) If not, will he be doing so?

Mr BRIAN BURKE replied:

(1) to (3) This question continues the practice of asking about a whole range of matters without giving notice. I cannot recall seeing the article in the *Daily News*. It could be the same matter as the one in which Tom Butler was involved a few days ago and which may be reported in the *Daily News*. I understood from Tom Butler that he had been involved in attempting to settle a dispute concerning a builder at Noranda. My impression from him was that the matter had been tidied up and I am not sure of any report in the newspaper that contradicts that position. However, if the situation is not as Mr Butler indicated, I cannot illuminate the darkness for the Leader of the Opposition any further. It is a bit rich being asked about these sorts of things without notice and being expected to give precise answers.

Mr Rushton: That is what urgent questions are about.

Mr BRIAN BURKE: I am being a little apologetic about the answer in a goodhearted and expansive way. Far be it from me to complain about the Opposition's questions. Members opposite may have noticed that there has been none from the Government's side be-

cause we have decided that we cannot ask questions as well as Opposition members can. However, it presents difficulties to be asked questions without some notice about human rights legislation and all sorts of subjects which cannot be answered with precision.

