

Legislative Council

Thursday, 8 November 1984

THE PRESIDENT (Hon. Clive Griffiths) took the Chair at 2.30 p.m., and read prayers.

QUESTION WITHOUT NOTICE

Personal Explanation

HON. D. K. DANS (South Metropolitan—Leader of the House) [2.31 p.m.]: I seek leave of the House to make a personal explanation.

Leave granted.

Last evening I replied to a question without notice that I had not seen a telex which was referred to by the Leader of the Opposition. That was perfectly true, but I also said it had not been to my office. That was incorrect. The telex had been into my office, but as I was absent at the time I did not know that the telex had been received.

The telex was sent to the Director of Industrial Relations and the general industrial inspector was informed of the contents. The inspector, Mr Stratton, is now pursuing his inquiries.

ELECTORAL REFORM

Petition

The following petition bearing the signatures of 153 persons was presented by Hon. Fred McKenzie—

To: The Honourable the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

We, the undersigned citizens of Western Australia request the following electoral reforms:

1. The right of each elector to cast a vote equal in value to each other vote cast in elections of Members of State Parliament.

2. That Legislative Councillors be elected to represent regions using a system of proportional representation such is used in Senate elections.

3. The retirement of half of the Members of the Legislative Council from each region at every election. (ie: simultaneous elections).

And that the above reforms be decided by the people voting at a referendum.

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

(See paper No. 277.)

Similar petitions were presented as follows—

Hon. Robert Hetherington (180 persons).

(See paper No. 279.)

Hon. Graham Edwards (73 persons).

(See paper No. 278.)

CONSERVATION AND LAND MANAGEMENT BILL

Reference to Select Committee

HON. A. A. LEWIS (Lower Central) [2.38 p.m.]: I move—

That the Select Committee appointed to inquire into the Conservation and Land Management Bill comprise Hon. V. J. Ferry, Hon. Fred McKenzie, and the mover.

Question put and passed.

TOTALISATOR AGENCY BOARD BETTING AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Hon. H. W. Gayfer, and read a first time.

STOCK (BRANDS AND MOVEMENT) AMENDMENT BILL (No. 2)

Second Reading

HON. D. K. DANS (South Metropolitan—Leader of the House) [2.42 p.m.]: I move—

That the Bill be now read a second time.

The Stock (Brands and Movement) Act provides for the registration and use of brands and earmarks of stock, and regulates the movement of stock, and for incidental purposes.

This proposed amendment seeks to amend the Act—

- to enable a livestock carrier to complete a special carrier's waybill when the owner of stock fails to provide an owner's waybill; and

- to enable other approved documentation to be used by carriers in lieu of a special carrier waybill.

The Act requires that the proprietor, or other person having control of the stock, shall write out a waybill before movement of the stock.

By tradition livestock carriers have written out waybills themselves when an owner has not provided a waybill for them. This practice has now been ruled illegal.

The net result is that livestock carriers face an impossible situation. If they pick up the stock without an owner's waybill, they risk prosecution. If they do not pick up the stock after travelling long distances, they lose the job and run up high travelling expenses which may not be recoverable.

The amendments proposed in this Bill seek to remedy this problem by making provision for a livestock carrier to complete a special carrier waybill when the owner of the stock fails to provide a waybill.

This does not absolve the owner from his responsibility to provide an owner's waybill. He must continue to do so as he does at present irrespective of whether the carrier completes a special carrier waybill.

There would be substantial administrative savings to the livestock transport industry and to Government if the proposed special carrier waybills are incorporated in existing industry documents. The amendment seeks to enable suitable industry documents to be approved by Government as a legally acceptable alternative to the special carrier waybill.

These proposals have been discussed extensively with industry and relevant Government departments and have their support.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. C. J. Bell.

ACTS AMENDMENT (LOCAL GOVERNMENT ELECTORAL PROVISIONS) BILL

Second Reading

Debate resumed from 1 November.

HON. P. H. LOCKYER (Lower North) [2.43 p.m.]: The Opposition supports this Bill which is really consequential upon one introduced earlier this year after a meeting held at the Sheraton Hotel of people involved with the Country Shire Councils Association and other associations when agreement was reached for the Government to go ahead with the introduction of far-reaching legislation concerning local government matters in the State.

This Bill contains several small amendments, one providing for owners of rateable property to have their names transferred from existing rolls to the new municipal rolls. Another amendment provides that people who are not owners of property, but are occupiers only, will now find it necessary to physically place their names on the rolls.

Basically the Bill is consequential because of the agreement reached and the undertaking given by the Government at that meeting with the Country

Shire Councils Association and the Local Government Association combined, in regard to that earlier Bill. We have no reservations about this 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

Bill read a third time, on motion by Hon. J. M. Berinson (Attorney General), and passed.

ACTS AMENDMENT (FAIR REPRESENTATION) BILL

Second Reading: Defeated

Debate resumed from 23 October.

HON. I. G. MEDCALF (Metropolitan) [2.47 p.m.]: At the outset I would like to comment on the very significant changes which occurred in 1963 in the electoral system of this Parliament. I will comment on those changes very briefly because on other occasions I have discussed them more fully.

Those changes were brought about only as a result of a long process of negotiation resulting in compromise positions and a consensus between all the major parties in this Parliament between 1963 and 1965. The significant package of amendments of those years included the introduction of adult franchise for the Legislative Council, the extension of compulsory voting for the Legislative Council, the extension of the enrolment for the Legislative Council, a change in the pattern of membership of the Legislative Council, and a change in the pattern of elections, which saw a change from the system of biennial elections to one of triennial elections, so that instead of having elections every two years, they were to be held every three years and could be held conjointly with elections for the Legislative Assembly.

Finally, I imagine that the most significant change for average members was that, henceforth, instead of having 10 provinces each returning three members, there would be 15 provinces each returning two members, giving the same total number of 30 members, but having areas which were differently distributed. These were the major changes and they included a major redistribution.

These changes were brought about by mutual agreement between the parties. Some doubt has been cast upon whether there was an agreement,

and I say this having heard the odd comment made from time to time. A reference to the *Hansard* of those days will completely clear up that matter. I do not propose to refer to that *Hansard*, but I do suggest that any member who has any doubts should do so.

I might add that there are members of the Parliament—and still serving as members of Parliament—who participated in these agreed changes in 1963-1965. I was not one of them, but there are such members in the other House as well as some in this House. I repeat that those changes were agreed to by all parties in a true consensus, and that consensus should have set the pattern for any future success which might be achieved in changes to the electoral system.

I would like to record what I have said previously: The Opposition is again formulating a policy in relation to the electoral system as it did in 1963-65. That is in hand at present.

Last year the Government brought in a hopelessly partisan Bill which it must have known was doomed to rejection because of the extraordinary provisions it contained. I suppose in a sense it hoped the Bill would be rejected, because it was its belief at the time that this question of a change in the electoral system was a sure electoral winner.

However, better advice has been taken and the Government has realised that what it did last year was not a sure electoral winner. Indeed, the reverse is the case. I suppose only a few party faithfuls, and of course the TLC, would still be saying that the Bill of last year is the path to success. I am pleased the Government has changed its tune to the extent that it has with the Bill presently before us.

However, when the Government says it has analysed the comments that were made by the Opposition and that it has brought in a compromise Bill, that statement is less than true. The Government has analysed the comments of the Opposition and has changed the terms of the Bill so that the Bill we have this year is, in many respects, different from the one we had last year, but it is not a compromise in the sense that it is a compromise between parties to an agreement or arrangement.

The 1983 position has been changed, but there has been no real attempt at negotiation or any attempt at a real compromise between the parties in Parliament. One or two discussions have been held between Mr Mensaros and Mr Tonkin; Mr Mensaros as the Opposition representative, and Mr Tonkin as the Minister charged with the responsibility for electoral matters.

Mr Tonkin said in another place that he had made two appointments with me which I broke. I would like to correct that statement in case anyone thinks it is true. I would like to say exactly what the facts are in relation to those two appointments which I allegedly broke. On the first occasion I received a telephone message from Mr Tonkin's secretary. I was invited to attend a meeting between Mr Tonkin and Mr Mensaros. I was invited to be present at that meeting which was to be held in four or five days' time. I agreed to attend the meeting to be held in Mr Mensaros' office.

About 24 hours before the appointment was due to take place, I received a message that Mr Tonkin had doubled up on his appointments and regretted that the appointment had to be cancelled. That was the first appointment which I allegedly broke. The second occasion occurred when I was invited to a similar meeting, and this was at 24 hours' notice. I had appointments of my own and I was unable to break them, so I was unable to accept the invitation to be present with Mr Mensaros and Mr Tonkin on the second occasion. I broke neither of those appointments, and those are the facts. I am sorry that Mr Tonkin has seen fit to say I broke those appointments.

I did have a later appointment with Mr Tonkin. We did meet and had a brief discussion. Mr Tonkin asked me if I would see him without Mr Mensaros being present. I readily agreed and I met Mr Tonkin in Parliament House.

I said to him that he must be aware that the Opposition was considering questions of policy and had not finalised them yet. I asked whether he would delay the present Bill and he refused.

I do not know what conclusion is to be drawn from his refusal, but one could not describe those meetings as a situation of compromise. We really did not get around to discussing points in this Bill at all. They were not raised. And that was virtually the totality of the discussion we had on the subject of the Bill.

If the Bill is a consensus it is very one-sided. I do not know how one can have a consensus between one party. After the first meeting Mr Tonkin had with Mr Mensaros, without telling Mr Mensaros, Mr Tonkin announced a Royal Commission to inquire into deadlocks between the two Houses. Subsequently, without warning to Mr Mensaros, and without asking the Opposition for any co-operation, the Government announced that it was to hold Parliament Week.

I would have thought from the point of view of elementary practice, in a situation where one is attempting to negotiate or achieve a consensus, it would be desirable not to create or raise issues of

contention. That is not the path to successful negotiation.

I have had a lot of experience in negotiating and I know one has to be very careful not to allow other issues to come between the parties to the negotiations. One has to hold many discussions and there must be an exchange of views. One has to spend a lot of time and exercise a great deal of patience in order to be successful. There is no other way if one is negotiating to achieve a compromise of consensus.

I do not wish to make any gratuitously insulting remarks in regard to Mr Tonkin; however, I would say he would not qualify as a member of the diplomatic service. Success will again evade him through his own folly in negotiating in this way.

If I am doing him an injustice in referring to his folly, it may be that he is answerable to other people and it is their folly, not his because his comment to me when I asked whether he was prepared to delay this Bill was, "I will have to proceed with this Bill". I wrote that down.

In the meantime, the TLC has been advocating the abolition of the Legislative Council. I know that is not Mr Tonkin's responsibility and that he has denied that that is his view on this particular issue. However, the TLC has been advocating the abolition of the Legislative Council in line with the Federal Labor platform, a policy which has also been indicated as being that of the Victorian Premier (Mr Cain) who has said publicly that he proposes to abolish the Victorian Legislative Council.

Hon. Tom Stephens: That policy was changed.

Hon. J. M. Berinson: He is not proposing to abolish the Western Australian Legislative Council.

Hon. I. G. MEDCALF: One can only suspect that this question of abolition is still around.

Hon. Graham Edwards: Is he an authority?

Hon. I. G. MEDCALF: Has the Federal platform been changed without my knowledge? If that is so, I have not been told.

Hon. Tom Stephens: It was changed on the motion of the Western Australian Premier.

Hon. I. G. MEDCALF: I know there was a motion from Western Australia, but it does appear this is still an issue, and while it is an issue we are naturally suspicious of any moves in this direction.

The so-called compromise, if it was a compromise, was a false compromise. Really it was not a compromise at all. There was no real attempt at any consensus. However, I have said enough about that. I want to tell the House now why we find this Bill which is before the House objectionable.

The much hallowed one-vote-one-value system can produce a less fair result and can produce more inconsistencies than even the present system. By way of illustration, I will refer to the 1983 State election results. The Australian Labor Party gained 55.1 per cent of the votes for members to the Assembly and 54.3 per cent of the seats. That is pretty close. If the voting figures and seat numbers are within about two per cent of each other either way, I do not think anyone has any reasonable grounds to object to the result.

In New South Wales in 1967, before the one-vote-one-value system was introduced, the ALP gained 51 per cent of the votes and 51 per cent of the seats. In 1978, again before the one-vote-one-value system was introduced, the ALP gained 60 per cent of the votes and 62 per cent of the seats. As I said, I do not think anyone can object to a one per cent or two per cent difference either way. The fact that the party won two per cent more seats than votes is irrelevant.

In 1981, however, after the New South Wales Government introduced the one-vote-one-value system, it won 56 per cent of the vote and 69 per cent of the seats. That can hardly be described as a fair system. When I tell members that that is what happened in relation to the ALP vote, I remind them that it could also have happened in relation to the Liberal Party vote, or to a vote for some other party which may, under the same system, have gained 56 per cent of the votes and 69 per cent of the seats. No-one could consider that to be a fair system.

The optional preferential system will create much larger differences than the differences which occur even under the present system. Hence, if embarking on this wondrous one-vote-one-value system, one should look at it more closely. It sounds attractive, but upon examination, it does not really live up to its expected image.

Another reason that we cannot accept this Bill is that it provides for an overall reduction, in country representation in both Houses, from 47 seats to 31 seats. We do not find that acceptable. There are, basically, good reasons why there must be effective country representation. It is necessary to have greater representation and a weighted vote for people in the remote and isolated parts of the State.

We have a situation in Western Australia which is unprecedented and is not paralleled in any other part of Australia. There are many penalties for people living in isolation. There is a need for greater representation for the people in those isolated areas.

The system of preferential voting has been accepted in this country since time immemorial. We are asked, in this Bill, to reject the system of preferential voting in favour of an optional preferential voting system whereby the only candidate one need vote for is the first candidate one wants on the ballot paper or the first group one wants. One need not bother to vote for the others. In South Australia, where this system is in operation, that has resulted in effectively preventing any distribution of preferences because the parties have encouraged their supporters to vote for one candidate and one candidate only. It has, effectively, become a first past-the-post system as occurs in the United Kingdom, a system which no-one would claim as ideal.

The preferential system at least gives people the opportunity of having their next preferred candidate elected if they cannot have their number one preference elected. If that candidate is struck out because he does not get enough votes, the preferential system enables the voter to have his vote carried over to the next preferred candidate.

In the optional preferential voting system, a person may be denied the opportunity to have preferences transferred.

As I said, in South Australia and, no doubt, in other places—we will see it introduced soon for Commonwealth Parliament elections—it has become a first-past-the-post system. That system does not truly reflect the preferences of the community. It will not enable a vote to be transferred to other candidates as in a preferential system.

Other clauses in the Bill relate to the voter's intentions. These provisions are untested and were not even referred to in the second reading speech.

The system of filling casual vacancies is quite intriguing. I am now referring to the proportional representation proposal and the system of filling casual vacancies where a person has been elected under the proportional representation system.

The party system is to be enshrined because the next in line in a particular group which represents a party group will take the vacancy which means, in effect, that party men will get the vacancies in all cases except where an independent may have retired or died and there is a vacancy or where a nomination is not made within a specified time.

In those cases there will be a joint sitting of both Houses of Parliament. On extraordinary provision applies that a person who is selected by both Houses of Parliament cannot take the oath for two days. When he does take it he must still be a member of the particular party of which he was a member before he was elected. What could happen in that two days is that, if that person becomes

persona non grata with the powers that be in the party, he can be, presumably, excommunicated from the party. The party can effectively put him out of the party which means that the choice that has been solemnly made by the joint sitting is out of order because that person cannot take the oath or his seat in Parliament.

That is an extraordinary position. It appears in clause 11—proposed section 8D. The Government has given no explanation for that. It is the sort of thing that should be explained or discussed. It can lead to any number of interpretations. If there is a legitimate interpretation for it, I would like to know what it is.

Another unusual provision is that, in the future, you, Sir, as the Presiding Officer, will have your casting vote taken away from you. You will have a deliberative vote instead. That is because, under the proportional representation system, it is expected that there will be a much closer alignment of the parties, or it may well be—as occurs in South Australia where there are one or two Australian Democrats in the House—that one or two people from another party virtually hold the balance of power. In those situations it is necessary for the Presiding Officer to have a deliberative vote.

This has been described as a necessary evil consequence of proportional representation and it probably is. I would probably be prepared to concede that if we have such a system we must have the necessary evil consequence. Because of the provision which now appears in the Bill that there will be automatic redistributions by the Electoral Commissioners, it is very likely that there will be three-yearly redistributions which will destroy the stability of representation. If boundaries are changed every three years—this is perhaps more apparent in the Legislative Assembly than in the Legislative Council under the proposals—a representative of the particular district will find he is representing different people every three years. Certainly portions of his electorate will change at each election and this, of course, is a bad thing.

Another item which is very difficult to accept is the provision in the Bill that groups will precede individuals in the position on the ballot paper; that is, groups will automatically take precedence over individuals. No explanation is given as to why that should be. There is no provision for balloting in the usual way except between the individuals or the groups, but the groups take precedence. This naturally greatly favours the groups which means it greatly favours the parties. We are back to the situation of parties being put in a position of dominance in relation not only to this Chamber but also to getting into it.

The proposed reduction in the number of members of the Legislative Council from 34 to 32 is unacceptable to us. In the last year or two, when we have had a number of Select Committees, we have found that we have barely enough members to fill the committees and undertake the other commitments the Council has—for example the standing committee and the other activities in which we have to take part. It is unsatisfactory to reduce the number of members from 34 to 32. The present Bill last year purported to reduce the number from 34 to 22, and this present Bill purports to reduce the number from 34 to 32. Admittedly we have had an advance of 10, but why should the number be reduced to 32? What mathematical basis or formula was used to determine that figure? No explanation was given in the second reading speech. Miss Elliott may know the reason, but it has not been explained to the Opposition.

Hon. H. W. Gayfer: How many are being reduced in the Assembly?

Hon. I. G. MEDCALF: None. The number of members in the Assembly will stay at 57.

Hon. Kay Hallahan: What about putting up something?

Hon. I. G. MEDCALF: The only explanation that occurs to me in relation to the reduction in members from 34 to 32 is that by reducing the number it is necessary to hold a referendum. This will give an excuse for a referendum, so that if the Bill is rejected the Government can say that the Opposition has refused to let the people decide. I can see no other reason for it. If there is a reason, no doubt we shall hear it in due course.

Hon. J. M. Berinson: The reasons are self-evident in the mathematics of the region.

Hon. I. G. MEDCALF: Mathematics have never been self-evident to me, and I always want an explanation. Where people juggle numbers I want to know why. I have not been able to find a reason for this except it will apparently be considered an advantage to have two members for the north instead of four. At any rate there is no explanation.

Hon. Kay Hallahan: It is to do with population.

Hon. I. G. MEDCALF: A more serious objection than most of those I have mentioned is the removal of the fixed term for Legislative Councillors. That is a serious matter because it takes away the relative independence of members of the Legislative Council—an independence they must have if they are to carry out their duties conscientiously and without a feeling of looking over their shoulders to see which member of the Government is eyeing them off.

Taking away the fixed term provision would make the Legislative Council far more a tool of Government than it could ever have been. The fact that MLCs cannot be thrown out at the whim of the Government is clearly a safeguard to the public. If the term of members is reduced so that at the dissolution of the Legislative Assembly the Council is also dissolved, and the term of office of Legislative Councillors is suddenly ended, members lose that quality of independence which is so important for members of a second Chamber.

Hon. Tom Stephens interjected.

Hon. I. G. MEDCALF: Hon. Tom Stephens may not have independence, but most of us have.

The term of office of existing members of the Legislative Council may also be threatened under this Bill, and certainly the Bill provides for that because at a subsequent election, their terms of office would finish. Instead of having a fixed term which carries over to May 1986 or May 1989, depending on the year in which a member was elected, the terms will end when the next election comes along. We have recently been hearing a lot of talk of an early election. Certainly it has been mentioned by a few people and referred to in the Press.

Hon. Robert Hetherington: You have not heard it from our side.

Hon. I. G. MEDCALF: If there is not to be an early election, the member can get up and say so. However, I have not heard anyone on the Government side who has been prepared to deny it. The prospect is already looming up and later even more frequent elections can be expected. In that case, the term of office of members of this House will be reduced accordingly under the terms of this Bill. It is wrong to treat this Council as if it were the Assembly. It is wrong because it is a second Chamber, and it has different functions from those of the Legislative Assembly. It should have different functions. I admit that it does not always exercise those functions as perfectly as it should, but it is doing its best. It clearly has a different role to perform from that of the Assembly and if anyone does not realise that, he or she should not be in the Chamber, because members have been around long enough to learn that. Unfortunately, some people can never learn anything.

The situation is that it is wrong to simply put this Chamber on the same basis as the Assembly in relation to terms of office and many other electoral procedures. The Council must be different, and it must be seen to be different for the protection of the public against the excesses of Government.

On the question of proportional representation no explanation was given as to why the metropolitan area has been divided into two. The proposal of the Bill is that there should be four regions in relation to the Legislative Council. Two parts will be metropolitan area north and metropolitan area south. The third part will be agricultural, mining, and pastoral, and the fourth will be the northern and eastern region.

The three first-mentioned regions are to have 10 representatives each in this Council; so we would have 10 from half the metropolitan area, 10 from the other half, 10 from the agricultural, mining, and pastoral region, and two from the north. I gather from the comments I heard in respect of the proposed reduction of two in the number of members of the Council, the explanation is that the Government only wants two people to represent the north. Whatever the reason for that, there is no explanation for two matters. The first is why the metropolitan area has been divided into two. I would have thought that the metropolitan area was sufficiently homogeneous to enable it to be one region, but apparently somebody has made a calculation somewhere and decided it will work out better if it is in two regions—better for whom, I leave you, Sir, to speculate.

The second point is, how can we have proportional representation in the northern and eastern regions, when, at each triennial election, we have only one place to fill? Members should contemplate this: We have a system of proportional representation and the northern and eastern regions are to return two members between them. At each of the elections, of course, we take half of that number. So at each election, the northern and eastern regions will return one member by proportional representation. That is the theory as laid down in the Bill and in the second reading speech.

Hon. Robert Hetherington: What is wrong with that?

Hon. I. G. MEDCALF: How can we possibly provide proportional representation for the minority in an area where we have only one place to fill?

Hon. Tom Stephens: We will happily go back to a State-wide seat basis, if you like.

Hon. I. G. MEDCALF: I have not been able to find the answer to this question and I do not believe there is an answer to it. In fact it is not proportional representation; no doubt very careful calculations have been made and, if we reduce the number of members in the north from four to two, and we have one member only to vote for at each election, somebody has worked out which party will return the one who comes in each time.

Hon. J. M. Berinson: Do you know what the figures show?

Hon. I. G. MEDCALF: I am just suggesting that these mathematical calculations about which Mr Berinson knows so much have been worked out carefully in terms of electoral results, polling booths, etc.

Hon. J. M. Berinson: Yes, they have been, and the results reported to the Legislative Assembly. What they show is that the party with the majority of votes will get the majority of the seats.

Hon. I. G. MEDCALF: There has been no attempt to discuss this extraordinary provision. We are simply confronted with a *fait accompli* and that is that.

Several members interjected.

Hon. I. G. MEDCALF: In addition, there is a proposal that we should have a referendum on this Bill, and, of course, that is necessary if we are to reduce the number of members in the Council from 34 to 32. As I have suggested, that may be the prime reason for reducing the number of members in that way. I ask members, on grounds of fairness—and Australians are basically fair—whether they would consider it a fair referendum to ask people the question, “Do you agree to the fair representation Bill?” Of course they agree to a fair representation Bill, whether or not they know what is in it.

Hon. Peter Dowding: You don’t.

Hon. I. G. MEDCALF: All one has to do is say, “Yes”. Every voter would say, “Yes” to that. What an unfair question. Of course every elector would say, “Yes, I agree with fair representation”.

Hon. Peter Dowding: What do you think?

Hon. I. G. MEDCALF: But that does not mean, for the benefit of Hon. Mr Dowding who is a Minister and who should have learned that interjections are highly disorderly, that the Bill is fair, because we are asking people whether they agree with a fair representation Bill.

Hon. Tom Stephens: We will probably accept an amendment to the title of it.

Hon. P. G. Pandal: What about an unfair representation Bill?

Hon. I. G. MEDCALF: Hon. Tom Stephens might think there is room for amendment there, but I do not propose to bother about that, because it is such an obviously unfair question to ask. People would wake up to that instantly.

There are other matters to which one could well take objection in this Bill, matters to which I have not referred, but I have given enough reasons to indicate that this Bill raises most serious problems.

I now want to make a few more general observations. Firstly, the Government of the day in this State has always reflected the main body of electoral opinion.

Hon. J. M. Berinson: But this House has not.

Hon. I. G. MEDCALF: No party with a majority has ever been unable to form a Government; that is, the party which has won the majority of votes in this State has always been able to form a Government.

Hon. Peter Dowding: And have legislation frustrated in this House.

Several members interjected.

Hon. I. G. MEDCALF: Nor has the Legislative Council prevented the Government from governing, although from time to time it has amended or rejected Government legislation—and that is its role.

Hon. Peter Dowding: Rubbish! We have Norman Moore representing 6 000 electors. How ludicrous that he should have one vote.

Hon. I. G. MEDCALF: It is the role of the Legislative Council to act as a House of Review. This House has never rejected Supply. It represents an essential check and balance on the body politic.

Hon. Kay Hallahan: On a Labor Government, not a Liberal Government.

Hon. Peter Dowding: That is right. It has never frustrated your legislation.

Hon. I. G. MEDCALF: The ALP does not like it and, indeed, no Government likes checks and balances; not even judges like being overruled.

Hon. Garry Kelly: There are no checks when you are in power, Mr Medcalf.

Hon. I. G. MEDCALF: Judges in courts of law do not like checks and balances.

Several members interjected.

The PRESIDENT: Order! I ask members to come to order and I will not tolerate members conversing with each other across the Chamber. I suggest that members stop their interjections and enable Hon. Ian Medcalf to proceed.

Hon. I. G. MEDCALF: Not even a judge in a court of law likes to be overruled by a higher court, yet that is an integral part of our judicial system, and in the parliamentary system it is a good thing to have someone capable of looking over the Government's shoulder to prevent power going to the heads of Ministers as it inevitably does.

Hon. Peter Dowding: What do you do when you are in power? Do you change the system or just hang onto it?

Hon. I. G. MEDCALF: If members of the Government do not believe what I am saying, I suggest—

Hon. Robert Hetherington: It is not true.

Hon. I. G. MEDCALF: —they ask the man in the street instead of trying to howl me down.

Hon. Peter Dowding: You are high and mighty since February 1983 about this business.

Several members interjected.

The PRESIDENT: Order! I will not tell members again that I will not tolerate these constant interjections. Members must be heard in silence. Every member is entitled to be heard, and I am saying for the last time that there shall be no interjections.

Hon. I. G. MEDCALF: I believe the man in the street supports this Chamber and even some of the learned academics who comment on public affairs believe in a strong second Chamber with real powers, and so do we. So would the ALP if the present situation were reversed and the Liberals were in Government in the Assembly and the ALP had a majority here, because that is just what happened in New South Wales. The ALP finally obtained a majority in the Council as well as in the Assembly, and when the question came up to abolish the Legislative Council, the Government decided against it in case the Liberals were ever in Government in the Assembly.

Secondly, equality of representation is not guaranteed by one-vote-one-value. I have already given some illustrations of the distortions which can occur and which have occurred in New South Wales under a system of one-vote-one-value.

Equality of representation means all citizens, wherever they live, having equal access to a member of Parliament—not to a telephone, to a secretary, or to an adviser. That situation cannot apply under a one-vote-one-value system if the majority of members live in the city and are answerable to city voters.

Hon. Peter Dowding: Rubbish!

Hon. I. G. MEDCALF: People who apply the general rule of one-vote-one-value usually live in the city. Rarely are they found in the country. They are mainly city dwellers or commentators from other cities.

Hon. Peter Dowding: Have you ever heard such hypocritical nonsense?

Hon. I. G. MEDCALF: The physical circumstances of Western Australia do not exist anywhere else in Australia, and therefore are not comparable. As I mentioned on a previous occasion, Western Australia is slightly smaller than Europe and it is a bit smaller than India. The

electoral district of Gascoyne is comparable to the State of Victoria and the electoral district of Murchison-Eyre is comparable to New South Wales. I do not want to hear the comment from anyone that special geographical situations do not apply in WA.

Thirdly, the relative independence of members of the Legislative Council is assisted by having fixed terms. It is an independence which the Government opposes and which the public wants. Governments of any political colour tend to oppose that independence. Fixed terms are a characteristic of second Chambers everywhere. In Victoria and South Australia elections for the Legislative Council cannot be held before a certain date. So instead of encouraging more and earlier elections, we should be examining that kind of proposal here to consolidate and entrench the fixed term system so that elections might be held, say, within four months of the end of a term. The fixed term should be strengthened, not weakened, because it is the strength that members get from being relatively independent, if they are able to be independent but unfortunately, some members of the Labor Party are not capable of that.

Hon. C. J. Bell: That is a fact.

Several members interjected.

The PRESIDENT: Order!

Hon. I. G. MEDCALF: The Labor Government's proposals provide that the Legislative Council may be dissolved at the whim of the Executive simultaneously with the Legislative Assembly whenever it believes that some temporary political advantage is to be gained by that course. I shall quote from a statement made by Malcolm Mackerras.

Hon. Peter Dowding: You would not like the people to decide?

Hon. P. G. Pandal: Would you let the people decide?

Hon. Peter Dowding: You would not like the people to decide who will govern the country.

The PRESIDENT: Order! I am warning the Minister for Planning for the last time, and Hon. P. G. Pandal, that my comment that I will not tolerate any interjections was serious. The next time interjections occur I will take some action. These two members can take it that they have been warned and the length of their stay in the House this afternoon is entirely in their own hands.

Hon. I. G. MEDCALF: Mr Mackerras is reported in *The West Australian* of 6 November as follows—

Malcolm Mackerras, a traditionally independent commentator on Australian politics, has come off the fence.

He has done so to fight the referendum on simultaneous elections for the House of Representatives and the Senate.

"I am not an apologist for the Liberal Party," he said.

"My concern is for political stability.

"The referendum proposal offers no benefit whatever to the Australian people. The only beneficiaries are the politicians in power at the federal level.

"The main purpose of the proposal is to increase the Prime Minister's power over the Senate.

"Since I believe the Senate performs a useful function as part of the checks and balances of the Constitution, I see no good reason why its power should be reduced.

We have already, and very wisely, said no twice before—to Mr Whitlam in 1974 and to Mr Fraser in 1977. We were right both times so let us be right a third time by saying no to Mr Hawke in 1984 and, hopefully, Prime Ministers might learn to take no for an answer."

He said that it would make the calling of early elections easier, not more difficult.

The Government was also arguing that simultaneous elections would reduce the cost of elections.

"Governments don't give a damn about the cost of elections," he said.

Those comments are equally applicable to the situation of abolishing fixed terms for the Legislative Council. Exactly the same conditions apply. This proposal would put the second Chamber far more in the power of the Executive of the day. We will have an early election, if there is a favourable electorate climate.

Hon. Robert Hetherington interjected.

Hon. I. G. MEDCALF: The Government will hope to change the upper House membership at the same time.

Fourthly, I want to comment briefly on the provisions in the Bill which provide for entrenching certain electoral provisions in the legislation. An entrenchment clause is a clause which provides for constitutional changes to be passed by an absolute majority of both Houses of Parliament and subsequently by referendum.

Hon. Robert Hetherington: We know all about that.

Hon. I. G. MEDCALF: Section 73 of our Constitution does just that. We debated it on two occasions. Some members who are present in the House now were not present when we debated it on those two occasions, and on each occasion the Labor Party members bitterly and strongly opposed the entrenchment clause. Now in this Bill they are proposing to add to the entrenchment clause.

Hon. Robert Hetherington interjected.

Hon. I. G. MEDCALF: If Hon. Robert Hetherington does not believe me he should look at clause 6. It will amend section 73 which provides for the entrenching of equality of votes in electoral districts and also provides for entrenching the provision that electoral districts should each return one or more than one member of Parliament. I do not really know what that phrase means because no explanation has been provided, but it interests me that the attitude of ALP members has changed to the degree that they are now espousing using the entrenchment clause.

Hon. Garry Kelly: It depends what you are entrenching though, surely.

Hon. I. G. MEDCALF: I have said that the Opposition is reformulating its policy. I make that positive statement. Certain tentative conclusions have been reached, but the final decision must await further meetings and quite a number of details have still to be ironed out. Mr Tonkin is aware of this matter. He was informed of it by Mr Mensaros and me, and it has been referred to during debate in another place. He has, however, declined to hold up this legislation. I invited him to do so, and he said he would have to proceed with it.

What choice does the Opposition have? It can accept the Bill to which I have already raised a number of basic objections, it can amend the Bill, or it can reject it. How can we, in practice, and without any expert advice or assistance, amend this Bill which is a clause by clause exercise involving considerations of complex questions of constitutional law in many cases, and involving no fewer than six existing Acts? No-one but an ignoramus would suggest that we have in those circumstances the capacity to amend this complex piece of legislation.

Hon. Robert Hetherington interjected.

Hon. I. G. MEDCALF: I do not know what the member is saying. I cannot hear his interjections.

The PRESIDENT: Order!

Hon. I. G. MEDCALF: I do not know what Hon. Robert Hetherington is saying so it is useless my replying to him.

Several members interjected.

The PRESIDENT: Order!

Hon. I. G. MEDCALF: It would be an impossible task for an Opposition not provided with special resources to deal effectively with these complex constitutional matters with all the pitfalls that inevitably appear in constitutional Bills.

No Committee stage is possible unless the second reading is passed, and then the Bill would be dealt with clause by clause and that would face us with an impossible task. If the Bill is rejected at its second reading, the Minister and the Government, its advisers and supporters who prepare media statements, will make the usual unfair comments about the Opposition in the Legislative Council. They can be as unfair as they want and there is nothing we can do to stop them. So far as the media itself is concerned, I have no quarrel with the fact that it may disagree with my views or print its own views. That is a matter for the media. After all the media can have as many different views as it likes. On occasions I have different views from those expressed by the media. I have always defended the freedom of the Press, and I will continue to do so. However, I ask the media to be fair when it criticises and to appreciate that I have raised real and valid reasons in objecting to the provisions of this Bill.

Hon. Garry Kelly: Let us hear them.

Hon. I. G. MEDCALF: I ask the media to not simply take the line which appears in the Government public relations statement, but to read the Bill and the Opposition's arguments, to try to reach a fair conclusion. I would like the media to ask itself a question: Does it seriously believe that the ALP has not calculated that this Bill will be for its benefit?

Several members interjected.

Hon. I. G. MEDCALF: The more the Government and the TLC rail against us, the stronger will be our determination not to fall for any smart tricks.

Several members interjected.

Hon. I. G. MEDCALF: I have already given Mr Tonkin some advice as to how he should proceed in relation to his Royal Commission into deadlocks. We had a discussion on that matter at his request. That was the basic reason he wanted to see me. We had a frank, pleasant, straightforward, and I believe thoroughly honest discussion, and I respect him for having had that discussion with me. Mr President, I referred to your statement that, without parliamentary approval, the Royal Commission should not proceed. I suggested that the terms of reference should be

changed and that, in my view, this would be a statesmanlike way to proceed. Am I expected to tell Mr Tonkin now what he should do about this so-called "compromise" on this Bill? I would have thought the Government, with all its resources and advisers, would know what to do to succeed. Of course it could have done better.

This haste to proceed must cast doubt on the Government's real motive. If it believes it can bring Opposition members of the Council to their knees by public abuse, with some assistance from other quarters, it is mistaken. The opposition does not exist only in this Chamber. The opposition to such tactics will be consolidated in the public arena. There is only one way to succeed and that is to use the method used before—a tried and tested method of proper negotiation and discussion.

There is one basic principle which the Government must grasp, particularly those of its supporters who still cherish the notion of abolishing the Legislative Council, and we know there are some. We in the Opposition are not prepared to contribute to the abolition of the Council or to its weakening to such a degree that it becomes merely an emasculated version of the Legislative Assembly. Under no circumstances would we permit a situation whereby this Chamber is merely a rubber stamp for the Government.

Several members interjected.

Hon. I. G. MEDCALF: That may well be the role Mr Kelly sees for himself, but it is not the role which Opposition MLCs see for themselves.

Several members interjected.

The PRESIDENT: Order!

Hon. I. G. MEDCALF: That is a basic point of disagreement with the ALP. Members opposite have proved my point. If any progress is to be made towards consensus, that principle must be clearly understood. In the circumstances, and for the reasons given, I am unable to support the present Bill.

The PRESIDENT: I will leave the Chair until the ringing of the bells, but before I do I make this announcement: There will be no *Daily News* today due to an industrial dispute.

Sitting suspended from 3.45 to 4.00 p.m.

[Questions taken.]

HON. GARRY KELLY (South Metropolitan) [4.15 p.m.]: I rise to support the Bill. During my remarks I will point out ways in which this document represents a real compromise on the part of the Government.

Last year there was considerable debate on the Acts Amendment (Constitutional and Electoral)

Bill which this Chamber rejected in November last year. After that debate the Government considered the points raised by the Opposition. Criticisms of that Bill were weighed and those which were found not to sacrifice any great principle to which the Government was wedded were incorporated in the Bill now before the Chamber. The Government has accepted many of the suggestions raised in the last debate.

In accepting those points the Government does not retreat from the stand it took last year; it still stands by those principles. But the Government has given ground where those principles are not destroyed. It has done that in an attempt to achieve consensus. That word has been rather overworked in the last two years, but I think it has a real meaning in regard to this legislation before us.

I want to go through some sections of the Bill which have gone a long way towards meeting the objections raised by the Opposition last year.

The first point to which I refer was raised by Hon. Neil Oliver last year, and that is the fact that electoral reform should relate to both Houses. This criticism was made by several members, and not only in the Legislative Council. It was said the Bill should deal with the whole Parliament and not merely with the upper House. The Government took that criticism on board and this Bill deals with both Houses—the Assembly and the Council.

Hon. N. F. Moore: All you do is give us another reason to toss it out.

Hon. GARRY KELLY: Hon. Ian Medcalf said that this Bill is simply a Trojan Horse designed to abolish the Council. He suggests that once the reforms in this Bill are passed, this place will simply be abolished. I would like to point out that although the Federal Labor platform calls for the abolition of State upper Houses, an interpretation of the policy is that any step towards reform along these lines relates to that policy. At the last ALP National Conference the WA branch of the ALP moved to change that policy.

In any event, supposing abolition was the policy of the State party, it would have to go to a referendum before that could be done, so there is no way that the Legislative Council can be abolished by stealth. If people decide they do not want the Legislative Council, it would have to be done at a specific referendum. There is no way this can be seen as a stalking horse for an abolitionist position.

Another point raised in the last debate, and a point which has been raised in this one also, is that the Bill is a plot to gain absolute power. From those who have had a monopoly of absolute power,

it is rather strange that they should try to impute the same motives to us.

In the 90-odd years since the granting of responsible Government, the Labor Party in this State has not been in a position to have control of the Parliament. The Opposition is trying to impute its motives to the Government; but the Government's motives are not similarly tarnished.

The editorial in *The West Australian* of 18 October contained the following—

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.

That is the bottom line. The Opposition has a vested interest in the present system. It has an interest in maintaining the status quo because it benefits enormously from it. When the Liberal Party has a majority in the other place, this House simply goes to sleep. Bills come in here and pass out with little or no amendment.

Hon. G. E. Masters: That is absolute rot, and no-one would know that better than I.

Hon. GARRY KELLY: In the nine years of the previous Liberal Government, no Bills were rejected by this Chamber. In the three years when John Tonkin was the Premier of this State, 21 Bills were rejected.

Hon. Lyla Elliott: Many others were amended.

Hon. GARRY KELLY: The suggestion that this legislation represents a power grab by the Australian Labor Party just does not hold water. Legislation similar to this has been instituted in South Australia, and since that time the South Australian Government has changed twice. It is a fallacy—I must say it is a belief held by some members of the extra-Parliamentary Labor Party—that one-vote-one-value will guarantee a perpetual Labor Government. That is not true, and the South Australian election result was a savage reminder that that is not the case. In 1979, the Corcoran Government called an early election, and swings recorded in that election were up to 15 per cent. The people of South Australia rejected the Corcoran Labor Government and elected the Tonkin Liberal Government. In 1982, South Australia turfed out the Tonkin Government and elected the Bannon Government; so one-vote-one-value does not entrench parties of either persuasion.

A comment was made that some of the rhetoric regarding the introduction of the last Bill was unhelpful in trying to obtain consensus during the debate. Members opposite should agree that the

approach by the Government in this legislation is much more conciliatory; and the Minister has made every reasonable attempt to get the Opposition to contribute to this legislation—without much success, I might add.

Another of the criticisms last year related to the reduction in the number of members of the House from 34 to 22. It was claimed that the House could not function with such a small number. The Government has accepted that criticism, and the reduction in this Bill is simply from 34 to 32 members.

During the last debate, some of the points made by the Opposition included the following: Additional office staff are not a substitute for a representative; the cost savings are illusory; there would be a reduction in representation, especially in the country; and the committee system would be made unworkable. The criticism that the committee system would be very hard to manage with such a small number is a valid criticism of the "22 member" proposal. The suggestion was made that the reduction in size would undermine the status of the Legislative Council; and it was alleged that the low number was designed simply to raise the quota to exclude the small parties.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): Order! I ask members on the Government side to stop interfering with the speech being made, by their background conversation.

Hon. GARRY KELLY: While some of those suggestions are debatable, perhaps the most valid was the one that the committee system would be hard to operate with a House composed of 22 members. The Government has taken that argument on board and has agreed that a larger House is required. The number proposed in this Bill is 32 members.

Hon. N. F. Moore: How did you get that figure?

Hon. GARRY KELLY: Mr Medcalf made the point that he could not see why the northern and eastern sections of the State should have two members only. However, one of the principles that the Labor Party is not prepared to jettison is that there should be a more reasonable relationship between the representation and what is represented. We are not here to represent square kilometres, grass, or trees. We are here to represent people. The population in the northern and eastern regions simply does not justify four representatives.

Hon. N. F. Moore: So you support taking away two members?

Hon. GARRY KELLY: Yes.

Hon. N. F. Moore: I will be interested to hear from Mr Stephens about that.

Hon. GARRY KELLY: Coupled with proportional representation, the actual numbers of the respective parties in the House will bear a true relationship to the level of the vote they received at the election.

One of the criticisms in the last debate was also raised by Hon. Ian Medcalf earlier today. It was to the effect that half the members of the Legislative Council would retire at each election, and that would affect the independence of members of the House. Election by proportional representation is a way of differentiating the Assembly from the Council; and the fact that only half the members retire at the time of each Assembly election gives this House a measure of continuity and, to that extent, some independence. However, I cannot see why we should have the ludicrous situation perpetuated in which after the election last year we had people sitting in the gallery because they could not take their places on the floor of the House, whereas members who had been defeated were sitting here and participating in the business of the House. It makes good sense to tie the terms of the Council to two terms of the Assembly, so that when an election is held, people take their seats as at the election date and not after some arbitrary period.

The retirement of half the members gives the House continuity, for a start. It differentiates the Council from the Assembly; and the fact that elections will be on the basis of proportional representation is another means of differentiating this Chamber from the Assembly.

Apart from making sure that Council members take their seats as at the election day, or are deemed to have done so, simultaneous elections make good, economic sense. This was recognised in 1963 when conjoint elections were introduced. Now elections for the Council are held on the same day as elections for the Assembly; and members of the Council serve for two terms of the Assembly. This provision in the Bill takes the conjoint election proposal a sensible step further.

Another point which was raised during the last debate, and which was also raised by Hon. Ian Medcalf this afternoon, was that the relaxation of the definition of a valid vote somehow demeans the democratic process.

If we have a proportional representation system—and the best example in this country is the Senate—we get large numbers of candidates and we elect only a certain number. If we have a ballot paper with 30 names on it and we want to elect just 10, I fail to see why it should be neces-

ary to complete the numbers one to 30 without missing or repeating any. If a person can get through to 10 without error, what is the point of declaring that vote to be informal if perhaps No. 29 is repeated or missed? It is ludicrous. After all, the voter's intention is clear. Only 10 positions are to be filled so it is ridiculous that someone should lose a vote simply because he lost concentration getting towards the No. 30 mark.

The principle of this Bill is that votes will be valid up to the point of error. The idea is that peoples' votes will be as formal as possible for as long as possible. Any change in legislation which can increase the formal vote should be applauded rather than decried.

Most things Governments do get down to is money matters; and one of the provisions of the amending Bill last year was to vary the superannuation proposals to satisfy those MLCs who would have lost their seats under the "22" proposal. Last year that proposal was described as a bribe. This proposal contains no special conditions or changes to the superannuation scheme, so we cannot be accused of trying to bribe someone.

Hon. G. C. MacKinnon: I was shocked by the alacrity you showed in accepting that because I consider it reasonable that if a man loses his job he should be recompensed. How you could shift your principles so quickly really shocked me.

Hon. GARRY KELLY: I am saying what the Opposition said to that proposal last time. I did not say that I agreed with it.

Another criticism of the last Bill was that no explanatory notes or explanations were provided, but I do not think anyone can complain on that score this time. We have explanatory notes going through each of the clauses with a fairly full explanation of all the provisions. Members do not need to read through all the appropriate Acts to glean information, so that criticism has been examined and answered.

The Bill of 1983 proposed the State as a single electorate, and I think Mr MacKinnon made a contribution suggesting that there should be some sort of regionalisation of the electorate for the Legislative Council. In this Bill the Government has gone along with that, because we have four regions.

The criticisms of the one-electorate proposition last year were fairly numerous. It was said that because we would have the one-State electorate with the political parties being basically city-based, there would be a domination of city members in the Legislative Council and there would be pre-selection battles for positions on the ballot

paper within the parties. This next one must have come from a country member, because it was said that the wealth-producing areas would be under-represented; that MLCs would focus on Perth where most electors lived and they would ignore country people; that MLCs would not be accountable to any particular group; that electors would not have an identifiable member to approach in the Legislative Council; and that accessibility would be a factor because it was argued that most MLCs would come from the metropolitan area and therefore would be inaccessible to country electors—and one of the catches last year was that, although people would have access to cheap communications with members, they wanted to see their member in person rather than to use a telephone.

The present Bill provides for proportional representation, but on a regional basis. This means that MLCs will represent identifiable areas. Hon. Ian Medcalf spoke about the north and south metropolitan areas. I do not know whether he realises that, although the metropolitan area might be homogeneous, one almost needs a visa to get across the Fremantle traffic bridge because the two areas are almost like two countries in some ways. Of course, people in the south live in the better part of the city! But, seriously, the river is a real division and it is logical that there should be two regions.

The country will have an agricultural, pastoral, and mining area with 10 MLCs, so they will be identifiable as country members. This obviates the criticism that the Legislative Council membership will be solely determined by city-based parties.

As I said before, the population simply does not justify having four members for the north, and this proposition provides for two members.

Hon. N. F. Moore: Have you seen how big it is.

Hon. GARRY KELLY: It has nothing to do with area.

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

Hon. Graham Edwards interjected.

The DEPUTY PRESIDENT: Order! Members will not interject, particularly across the Chamber to another member.

Hon. GARRY KELLY: I will quote further from the editorial of 18 October in *The West Australian*. That paper is a bit unsure of the case for the way the Government has handled the Legislative Assembly, but that is its right. Mr Medcalf said that he valued the freedom of the Press, and I hold similar views. I quote as follows—

Though question marks remain over the Assembly proposals, the concept for the Legislative Council seems more reasonable. A form of provincial representation would be preserved, though modified; country votes would be worth nearly twice as much as city votes—an important concession.

I said at the outset that this Bill represented a very real compromise and that the Government had given ground in putting this Bill before the Parliament.

The Legislative Council proposals include a weighting provision of 2:1, so that country votes will be worth twice as much as city votes. The effects of that weighting are mitigated by the fact that we would have proportional representation, which evens out the huge discrepancies which occur under the present single member system.

In considering this Bill we must understand that the Liberal Party will have to come to grips with the question of electoral reform sooner rather than later. I was very pleased to hear from Mr Medcalf that the Liberal Party is considering policy on this issue. Before this Government came to office, the Liberal Party had no policy on electoral reform and no intention of developing a policy. At least the Government has got the Liberal Party's attention, so I hope it now proceeds along that line and develops a policy which addresses the fact that we have a very grossly malapportioned electoral system in this State. It is a truism that without the Liberal Party's coming to that point of view, the chances of ever getting any form of electoral reform of any note will be severely limited. The Liberal Party will have to realise also that it must be prepared to give away its absolute dominance of this Chamber.

Any meaningful reform will require that the representation on the floor of this Chamber bears a close correlation to the number of votes received by the parties at the election. At present that is not the case.

Hon. W. N. Stretch interjected.

Hon. GARRY KELLY: It is a fact, and the figures are there. If we consider the figures for the last election, we received the minority of the votes for this Chamber and the majority of the seats up for election. That speaks for itself.

Hon. G. C. MacKinnon: Has the Labor Party ever held a majority in this House?

Hon. GARRY KELLY: I regard the coalition as the conservatives. The conservatives have had a majority in this House, but they have changed their names so often that it is rather irrelevant what they call themselves! I remember at one

stage we held 13 seats here. That was prior to the 1963 changes.

Hon. G. C. MacKinnon: You do not remember that; you read it.

Hon. GARRY KELLY: I ask the Opposition to look at this legislation. It is a real compromise; it represents a great concession by the Government. If Opposition members are serious about electoral reform, they will look at the Bill and give it a second reading.

If, as Mr Medcalf says, because of the complexity of the Bill and the number of Acts it amends, it will not be possible to deal with the Bill clause by clause in the Committee stage without some assistance, and if the Government wants to enter into negotiations with the Government regarding certain clauses, I am sure the Government will be only too pleased to facilitate that process. However, we have to get to the first base, and that means giving the Bill a second reading.

In concluding I would like to draw an analogy between this legislation and the land rights question. In the continuing land rights debate the Liberal Party—and Mr Hassell in particular—made great play of equal rights for all. Apropos of that view, I refer to a letter written to *The West Australian* on 25 October 1984 by Mr Alan W. Phillips of Riverton. The letter was published under the heading "Land-rights principle for elections". He said—

The Leader of the Opposition, Mr Hassell, anxious that no inequalities occur over the question of land rights, said: "All West Australians must be treated the same." What about applying the same principle to voting rights?

That is precisely what this Bill is about. What about applying the same principle to voting rights in this State? What about equal rights for all citizens so that the value of one's vote does not depend on where one lives.

I call on the Opposition to give the Bill a second reading so that the negotiations which Mr Medcalf referred to can take place prior to the Committee stage. I support the Bill.

HON. LYLA ELLIOTT (North-East Metropolitan) [4.45 p.m.]: Once again we have before the Parliament a Bill designed to achieve some measure of equity and fairness in our electoral system. I have lost count of the number of times I have stood in this Chamber and spoken on this issue—

Hon. G. C. MacKinnon: It gets boring, doesn't it?

Hon. LYLA ELLIOTT: —either to support Labor legislation to introduce a democratic system to oppose Liberal Government legislation to blatantly gerrymander electoral boundaries or to insert some unfair and harsh provisions in the Electoral Act.

From the beginning of responsible Government in this State there have always been arguments about injustice in terms of parliamentary representation. As I mentioned when we debated the Equal Opportunity Bill recently, the reason women got the vote in 1899 was because Sir John Forrest wanted to fend off the goldfields miners who claimed they were underrepresented in the Parliament.

We could go back even further than that. Quite an interesting debate appears in *Hansard* of 1892, which I was reading last night. The Speaker (Sir James Lee-Steere) sought to amend a Constitution Act Amendment Bill on electoral boundaries.

Hon. G. C. MacKinnon: Even I wasn't here then!

Hon. LYLA ELLIOTT: I will make a point which I hope the member will listen to. The Speaker tried to remove one of the Kimberley members, because there were only 45 electors in that area, and to give a member to the 200 miners in Greenbushes who were included in his electorate of Nelson, which had an enrolment of 400. Apparently Greenbushes had a potential enrolment of 200.

Of course there was shock and outrage at the time in the Chamber. Mr Alexander Forrest took up the cudgels on behalf of the member for East Kimberley (Mr Baker) who was absent and said he thought it was really absurd and the House must laugh at the proposal. He said what was Greenbushes anyway but a small patch of country with a brook running through it, with a few men working a little tin, people who had only trifling interests anyway. Whereas even if his friend, the member for East Kimberley, to quote his words, "did not represent a large number of people, he represented the most important industry of this colony—the pastoral industry—and a district where there were more cattle than in any other district of the colony, and where in a few years they would have more sheep"

That debate took place on 1 December 1892, almost a century ago. I find it incredible that the attitude of conservative members in this Parliament has apparently not changed in all that time. They still place more value on property, cattle, and sheep, than they do on people. If they did not then they would not continue to frustrate all the

attempts to introduce fairness and equity into our electoral laws.

I do not know how members opposite can continue to be so un-Australian because that is what it is. There is a strong belief in the Australian community that everyone is entitled to a fair go, whether it be at home, work, at sport, or in politics.

Recently we passed a Bill in this Chamber which contained the same principle—that is, a fair go—and that was the Equal Opportunity Bill which was designed to outlaw discrimination on certain grounds. Although it did not refer to discrimination in respect of the value of votes, we are talking about the same principle. This Bill which is entitled the Acts Amendment (Fair Representation) Bill, and anyone in this Chamber, if he or she were really honest, could not deny that its implementation would achieve just that.

Fair representation in the Parliament or fair access to legislative power is an essential element in a democratic society. The principle of one-vote-one-value has now been accepted by most other States, by the Territories, and for the House of Representatives elections.

Last year the Burke Government introduced a similar system to that which exists in New South Wales and South Australia, a system which has been shown to work well and fairly.

That was the Bill that Mr Medcalf seems to think was so unreasonable and so unworkable, yet it has been shown to work well in other States. Hon. Garry Kelly, or someone else, indicated by way of interjection that the system has worked fairly for all parties and that no-one has attempted to change it. However, members of the Opposition in this State are not prepared to follow the line of their colleagues in other States and support the Bill for Western Australia.

The Minister for Parliamentary and Electoral Reform went back to the drawing board in an attempt to come up with something which, although not achieving all the Government wanted, would go a long way towards the principle of one-vote-one-value and towards meeting some of the objections of the Opposition. This Bill does just that.

Mr Medcalf criticised the Government for not having greater consultation with the Opposition. I ask Mr Medcalf: When did any Liberal Government consult Labor Oppositions when it came to amending legislation on the electoral system?

Hon. P. G. Pendal: In 1964.

Hon. LYLA ELLIOTT: There have been many amendments since then.

If I remember correctly, not only was there no consultation, but also I remember sitting on the opposite side of this Chamber and being disgusted at the way important Bills were rushed in at the end of a session so proper time was not allowed for the consideration of such Bills. I do not think, therefore, that that was a very good or valid point made by Hon. Ian Medcalf.

I believe that the Government has bent over backwards to meet the objections put forward last year in debate by the Opposition. The Attorney General has listed some of these concessions in his second reading speech. It has even compromised the Labor Party's long-held convictions against an imbalance in voting values by allowing a certain weighting of votes for country areas in an attempt to gain the support of the Opposition.

Hon. Graham MacKinnon is one person who should support the Bill because, as Hon. Garry Kelly said, he suggested the very concept introduced in it of regions electing legislative councillors by proportional representation.

I believe that this Bill is a serious and responsible attempt by the Government to reform what is now the most discredited and unfair electoral system in Australia. It provides that the people of Western Australia will be given the right, by way of referendum, to make the decision whether that system should be replaced by a more just and democratic system. It will be an unforgivable insult to the people of this State if the Opposition denies them that right.

HON. GRAHAM EDWARDS (North Metropolitan) [4.55 p.m.]: I support this legislation and support what the Government seeks to achieve for the people of this State through it; that is, an electoral system that is fair, just and, above all, democratic. Furthermore, this fairness, justice and democracy will be equally distributed in proportion to numbers between those who dwell in the city and those who dwell in the country. That is a far cry from the current situation which is grossly distorted and supported by members who sit opposite.

In speaking of country people, I, too, wish to quote some people from the east, as was done by Mr Medcalf. I remind members sitting opposite of the words of a self-confessed anti-Labor politician, a former Liberal Premier of South Australia—Mr Steele Hall—who, during that historical debate which took place during the Joint Sitting of both Federal Houses in 1974 said—

I have a history of involvement in electoral reform in South Australia, as I have said. I could recite the long list of quotations which I have here and which would make honourable

senators and members of the House of Representatives think that they were listening to Mr Snedden or Mr Anthony. They are words spoken by legislative councillors in South Australia who went through the old theme. While they might believe in equality of representation they have a different view of what "equality" means. They perpetuate the myth, which in itself denigrates country people, that country people are beset with particular disadvantages and therefore should have electoral advantages. I have seen members of a party move through country areas telling country people for decades how disadvantaged they are and at the same time, in a parallel fashion and as a result, they have drawn that countryside down to a position where it has been ridiculed by democrats. It is the result of the Party that has so implanted that undemocratic viewpoint in the minds of country people.

I believe that there are many similarities that could be applied to the anti-Labor people who sit in this Chamber.

I remind members opposite also of some of the things I said in my maiden speech in this House. I refer to page 906 of *Hansard* of November 1983, in which I said—

Thanks to the knowledge of the Leader of the Opposition in this place, we have heard an interpretation of the word "mandate". I wonder whether he has ever researched, and shared with the same diligence in Parliament, the word "democracy". In case he has not, let me share the definition applied to that word by the *Australian Oxford Dictionary*—

Democracy—

Government by the people.

State in which this prevails.

The principle that all citizens have equal political rights.

Now that is democracy. While Mr Medcalf can challenge, and play word games with, the word "mandate", based on an American dictionary's interpretation, I challenge him to play word games with this definition of "democracy", based on an English-Australian dictionary, because after all, is not our system based on the English model?

Mr Medcalf has never replied to that challenge. Perhaps the current Leader, Mr Masters, might take the opportunity during this debate to take up that challenge and to tell us how the Opposition defines "democracy". It will be interesting to hear his comments on that, particularly during the Committee stage of this Bill.

In his speech during that historical sitting, Mr Steele Hall also said—

I have seen in my State a so-called non Labor party destroy itself because it claimed it was anti-Labor by saying that it had, in effect, the divine right to govern. If those members opposite who sit to your left, Mr Chairman, will some day understand that they do not have a divine right to govern but that they have to earn it they might return to this side of the House a lot more swiftly than they are likely to return at the moment because the speeches that have been given here today will not stand the analysis of any secondary school child in Australia.

Strong words; to which the conservative parties in this State might direct some attention.

Mr Medcalf claimed earlier that it would be an impossible task to tackle amendments related to this Bill. I reject that and I would remind him and those who sit on the Opposition benches that it was never too hard a task for those of Mr Medcalf's philosophy to tackle legislation that condemned young Australians to defend in foreign countries that which is being denied here—democracy.

A member interjected.

Hon. GRAHAM EDWARDS: I remind the House of the qualities this legislation seeks to introduce. In relation to that interruption I might say it may not have been a State matter, but it is certainly a philosophy that binds the people in Opposition. It is the same philosophy that binds them to the Liberal Party in the Federal scene. They can seek to deny their association with the Federal Liberal Party, but I say they are one and the same. I would not be surprised if they wanted to deny it seeing that the party's stocks are at rock bottom and that their leader in the Federal scene is at rock bottom and will lead them further into exile for many more years.

I intend to close by reminding the House of the qualities this legislation seeks to introduce—fairness, justice, and democracy. Those qualities will be welcomed by those of us who sit on this side and who suffer in this Chamber because of their lack. I support the Bill.

HON. G. C. MacKINNON (South-West) [5.03 p.m.]: Over the years I have become a bit like Hon. Miss Elliott, except I also get heartily sick of this holier than thou attitude. I have yet to see a political party, whether it be Liberal, Labor, Country, National, Democratic, or any other, which is prepared to amend an electoral law to its own disadvantage.

Funnily enough, I think the first time I heard anyone talk about Steele Hall in glowing terms and quoting him as though he were almost sacrosanct, was Hon. Graham Edwards. Only a few ALP members had any time at all for Steele Hall at that time in South Australia. Steele Hall did not represent a political party. He happened to be Premier and he pushed his way through. That is a different kettle of fish.

Hon. A. A. Lewis: To his own disadvantage.

Hon. G. C. MacKINNON: Let us say that there is only one. There has certainly never been a Labor Party that has done it; there has certainly never been a Liberal Party that has done it. It was not the Liberal Party in South Australia, I think it was the Liberal Movement.

It is not the habit of political parties to change electoral laws in favour of their Oppositions. To give an example, look at the current increase in the Federal Parliament! It was not done out of any grandiose idea of giving the people of Australia better representation. We have all the provisions already in effect in Canberra that this argument has been about today, except that the Senate is elected on a State basis, and it is very much out of balance on the one-vote-one value theory. We have talked about that before and I do not think it should be talked about again.

The Labor Party supported the increased membership in Canberra for one reason and for one reason only. It gave it a better chance of winning some more seats. The National Party supported it for one reason only, and that was because it thought it would have a better chance of getting some seats. The Liberal Party opposed it because it is quite certain that it is not going to win any more seats and indeed might lose a few. The same goes for the Australian Democrats. That party opposed it for the simple reason that it thinks it will make it more difficult to get a quota and some seats in the Senate. There are no grandiose ideas in any of their decisions about principles!

Hon. Tom Stephens: That is not true.

Hon. G. C. MacKINNON: It is true. The parties dress it up in language that makes them look holier than thou. It simply is not so. It is because there are more votes. Why do members think the Labor Party has gone along with the system it calls—

Hon. Tom Stephens: You have not got your heart in this speech.

Hon. G. C. MacKINNON: I will get a little more heart into it in a moment. It is called the optional system. Every newspaper has had articles on it. It will mean that the Labor Party will have a

fair chance of getting a better vote. There is no other reason. It is plainly said, and I could have brought here plenty of references from which I could have quoted to this effect. There are now more donkeys in the Labor Party because it gets a bigger percentage of informal votes. The ALP hopes, by simplifying the system, that fewer of its voters will cast informal votes. Every newspaper or magazine from *The Bulletin* to the *Tribune* has such articles in it.

Hon. Kay Hallahan: You believe in making it more difficult for people.

Hon. G. C. MacKINNON: I do not believe in making it more difficult for people. My runs are on the board. I was here in 1963-64, and in 1965 voting for this House was transferred to an adult franchise, and that made it very easy.

Two first-class speeches on the details of this matter are recorded in *Hansard* for all to read. One speech was made by Andrew Mensaros, and one was made by Mr Medcalf. I have no intention of repeating those.

Hon. Kay Hallahan interjected.

Hon. G. C. MacKINNON: I am delighted that the lady, having passed her 21st birthday, has finally attained sufficient wisdom to know that everything depends on a point of view. Mr Medcalf mentioned that he was quite sure that much of the legislation of 1963, 1964, and 1965—and it took a while for all to come into focus—was achieved by agreement. It was much easier then. I was talking to Mr Brown earlier this afternoon and we discussed this matter. During those days we were in the House very often for party meetings and the like from quite early in the morning and throughout the day. Our only common room was that currently occupied by Mr Hoft, and we met and talked together. Over a period of 18 months or so, this matter was discussed.

One of the drawbacks of our present system is that we do not do that anymore. One could talk in those days with total trust; there was a great deal of informal discussion. This discussion gradually became more and more informal, so much so as Mr Medcalf pointed out, and if one cares to look at *Hansard*, it is quite clear that the arrangements had been worked out in a considerable amount of detail. I think that is what we are referring to. In those days that arrangement was much better. I must admit I do get heartily sick of this holier than thou attitude with regard to electoral reform. One has to bear in mind that 35 alterations had to be made, and they were all agreed to by the conservative parties in this State. I hear so much misquoting of history.

Hon. Kay Hallahan interjected.

Hon. G. C. MacKINNON: I am not quite sure what that meant. I take back what I said about Hon. Mrs Hallahan having reached the age of 21 and having acquired some wisdom. I spoke too soon.

There was a time when the Australian Labor Party was the largest party in this House.

Several members interjected.

Hon. G. C. MacKINNON: It would be an excellent exercise to go through the records of this House and see the number of times the ALP had its way. The Country Party in those days was an independent party in Opposition. Not only was it an independent party, but it had some very independent people. There was Mr Pat Roche, Mr Diver, two Joneses, Mr Logan—anyhow, they were very independent people. You, Sir, would remember most of them. Two or three of them would vote for the Labor Party. They had a very good system. Those who voted with us would growl about those who voted with the Labor Party. It was not done with any planning; the members were looking after their electorates.

Hon. Tom Stephens: That has gone now.

Hon. H. W. Gayfer: Have a look at the book. If you want any assistance in the future, say it now, because you never assist us.

Several members interjected.

Hon. Tom Stephens: You are invited over.

Hon. G. C. MacKINNON: Five members of the Labor Party crossed the floor. Gerry Dolan crossed the floor about the police being subjected to the Ombudsman. At the time, Mr Dolan was perfectly right in his opinion.

Hon. Tom Knight: He is still right.

Several members interjected.

Hon. G. C. MacKINNON: The honourable member was perfectly able to look after himself. There was Mr Stubbs, Mr Heenan, and Mr Thompson. Mr Thompson was expelled from the Labor Party.

Hon. Kay Hallahan: Is this something to do with the Bill?

Hon. G. C. MacKINNON: Have I gone too far? I am being interrupted so frequently.

Several members interjected.

The PRESIDENT: Order!

Hon. G. C. MacKINNON: I think I have made it clear that most of the attitudes of political parties with regard to seats are realistically taken. They are not going to throw seats away to their

political enemies. Let us be honest at least to some extent about that attitude.

Over and above that, there are very real and cogent reasons for the difficulty of devising a system to satisfy everybody. During the course of studies of recent authorities, I had occasion to represent the Liberal Party at a seminar held at the university in company with Mr Hetherington, who I think represented the Australian Labor Party. I took the opportunity of finding all the text-books I could in the library. The staff found five for me. One matter which is quite uniform in all those textbooks is that all the writers were of the opinion that a fair and equitable system of voting is difficult to devise, given all the circumstances of moving populations, changing areas, and the like.

Hon. J. M. Berinson: Especially if you do not try.

Hon. G. C. MacKINNON: Especially if you do not try. That is fair enough. Bear in mind this Parliament has tried and has succeeded in altering the system 35 times. That is not a bad effort.

One of the problems constantly repeated is that of representation. Mr Kelly made great play, both by interjection and in his speech, of the fact that it is people, people, people all the time. It is strange, but none of the writers—or certainly a minority of them—accepted that doctrine. They all considered it was a matter of issues. They considered the difficulty of representation itself.

It is my belief that a number of matters ought to be considered. When one has two Houses—and the plain fact of the matter is that we have two Houses—the basic method, methodology if one likes—ought to be made to be different. One does that by an electoral process. As Legislative Councillors we ought to be removed from the sort of area which is the main preserve of Legislative Assembly members; that is, the day-to-day worrying about matters such as an office and a house. I know we all do it.

Hon. Garry Kelly: But PR would do that.

Hon. G. C. MacKINNON: No, proportional representation will not do it. It depends very much on the way in which one is elected. I believe—and I think many people agree with me—that the Legislative Council, while dealing with people, ought to give a great deal of concern to issues over and above those which affect just one person, and property as it affects people. Property is a basic and vital part of man's endeavour. That is what most of it is about.

Hon. Lyla Elliott interjected.

Hon. G. C. MacKINNON: I did not catch that.

Hon. Lyla Elliott: That was the point—

The DEPUTY PRESIDENT (Hon. P. H. Lockyer): Order! The honourable member will please address the Chair.

Hon. G. C. MacKINNON: I generally find Hon. Lyla Elliott's interjections are subject to a great deal of thought and I generally comment on them but, unfortunately, I did not catch what she said.

These are matters which I think the electoral system of this House ought to be devised to look after. Coupled with that is the vital need for representation. There is no point in saying one ought to have the same number of people in the city as in the country. It is no good saying one can telephone or write a letter. Any member of Parliament worth his salt knows that nine-tenths of his work—if he is active and gets around his electorate properly—is occasioned because people either cannot or will not write or phone.

We are a literate society. I do not think we are a tremendously articulate society in comparison with America, but that is the fault of the school-teachers. But we are a literate society; most of us can write but, Mr Deputy President, you know the number who, when asked to write a letter about a subject, are never heard from again. That is an old trick. New politicians are advised, if they are snowed under, to ask for a letter. Most of the people who need help genuinely want one to talk to them, to understand their difficulties, and go away to do something about them. It is easy for people in the city to do that.

Hon. Lyla Elliott: How do you do it with 95 000 constituents?

Hon. Kay Hallahan interjected.

Hon. G. C. MacKINNON: As Hon. Lyla Elliott is aware, and as Hon. Kay Hallahan is more aware because it is a field in which she was employed, there are a colossal number of agencies in the metropolitan area which are available to people. There are social workers with the Department for Community Welfare, there is a greater density of churches and church organisations, and there is a greater percentage of all sorts of people to whom metropolitan people can go, discuss various matters, and obtain assistance; but that does not apply in the country.

I will not accept the argument some members are wont to put up about members of Parliament being so busy that they rush around endlessly from one place to another. Members of Parliament are recompensed for that, and adequate facilities can be made available for them anyway. There are solutions to that problem. A member of Parlia-

ment can be given an extra office or extra staff on the American senatorial basis.

However, a member of Parliament must still get around his electorate and he must be in a position where people can come and talk to him. He can only have one office. Indeed, I am inclined to the opinion that the offices of Legislative Council members should be in Parliament House with 008 numbers so that they can at least be contacted. Legislative Council members would probably be better served without offices in their electorates, because, for example, it would be difficult to service Lower North from one office in that electorate. Anyone who looked after that electorate would probably be better served with an office either in Parliament House or adjacent to it.

All Legislative Council members would be better served by offices in Parliament House, but that is only a personal view. It does not matter where one puts one's office in some of these widespread electorates; it is difficult to service them.

Initially the South-West Province started at east Rockingham and finished at Walpole. It took in Boddington and Collie and came within 15 miles of Kojonup. The only way in which a member could get around and service that electorate was to move constantly. Mr Gayfer, who I understand from previous speeches he has made represents 28 shires, would find that if he visited one shire a week he would only see his shires twice a year. If most metropolitan members want to visit their shires twice a year, they would only need to visit them once every six months, because the bulk of metropolitan members represent one shire. At the most, they represent three, except for Mr Hetherington who represents four. If he visited one shire a week, he could see each shire 12 times a year.

That is a vastly different kettle of fish from the position in the country. I am not talking about the work of a member. I am not fundamentally interested in that. I must give Mr Kelly a mention. He has indicated he has five shires. He is a very hard working metropolitan member, but I am not interested in the work of a member. It is important that we consider the ability of the country person to obtain representation; and that is one of the matters we ought to consider seriously.

It is considered elsewhere. I understand the system of senators in America is that they have a secretary per X number of constituents in the various States. Therefore, a small State with a small population might have two or three secretaries, whereas Kennedy in New York, might have 100-odd. I do not know the figures, but he has a very big staff.

Hon. J. M. Brown: He has a staff of 26.

Hon. G. C. MacKINNON: I think he has more constituency secretaries. However, I shall take Mr Brown's word for it. The staff varies on the basis of population. Therefore, it can be seen that other countries give consideration to representation and one of the problems we face is that these days, as between the parties, all the conferring is done by formal meetings between, for example, Mr Tonkin and somebody else, and Mr Mensaros and Mr Medcalf. We do not have the interchange of ideas between one member and another as we used to, and that is a pity. It is sad that we have reached the stage of a "them and us" attitude, and that applies to both sides of the House. It is nobody's direct fault; it is the fault of the system.

Hon. Kay Hallahan: It is an unfair system.

Hon. G. C. MacKINNON: No; it is just a changing system. We now have electorate offices and members are out in them. It is a different ball game altogether. There is nothing unfair about it.

I do not want to labour the hardships of country members of Parliament. At the seminar I commented that, in my first six years in Parliament, I never slept in my own bed. I got quite a horse laugh after that; they must have thought I was a little stronger than I am in reality.

However, many country members have the experience of travelling and being away from home a great deal; but that is the choice they make when they take up the job, and I am not interested in that aspect.

I refer to the representation aspect, which is important. I will at least give the ALP credit for the fact that it has carried on this argument, despite the fact that it has now won back a few of the northern seats. When I first came into this place the ALP held all of the northern seats. When Mr Wise first talked to me about his electoral district, he said he had 1 200 people on the roll. He told me he knew them all and could address them personally. I thought with that number he ought to be able to address them all by their Christian names.

However, in those days there was not a great deal of talk about malapportionment. It was accepted that it was difficult to get around. Indeed, it was more difficult than it is now and, of course, communications were very bad. At the best we had the old pedal radio. It was not really until Kim Beazley Snr came on the scene that the word "malapportionment" was used. He argued the fact that there was no such thing as a gerrymander in this country, but simply malapportionment.

Hon. Mark Nevill: The Kimberley boundary is gerrymandered.

Hon. G. C. MacKINNON: Admittedly the Kimberley boundary represents a bad decision, but it is not a gerrymander if one understands the meaning of a gerrymander in the proper sense. Unfortunately lately we are bothered by members who have not done much study on the basics of politics; but I will not bother with that. It is not a gerrymander.

Hon. Tom Stephens: It is precisely a gerrymander.

Hon. G. C. MacKINNON: At least I will give credit to Mr Beazley. He said that there are no gerrymanders in this country; rather there are malapportionment moves, and that is one of them.

Several members interjected.

Hon. G. C. MacKINNON: I give credit to the ALP, because it has kept on despite the fact that it has won back some of the northern seats in this cycle of events.

In the early days in this House when a matter came up to do with the goldfields, six members used to speak. They were all ALP members except for John Cunningham. They all had to speak, because they knew they had to front up to their electors in the fullness of time. It was rather boring to listen to six speeches on one topic, five from the Labor Party and one from John Cunningham. However, there was no talk of malapportionment, because Kim Beazley Snr had not yet referred to it, nor had the party addressed it. I give credit to the ALP, because it has stuck to this matter despite the fact that it has won back some of the northern seats.

Hon. J. M. Berinson: And despite the fact that it is one other seat which may be adversely affected.

Hon. G. C. MacKINNON: Yes, those seats to which the Minister refers are the sorts of seats they win and lose. They have not got a long-term lease on them, and there are a number I can think of which have a very short-term lease under any circumstances. To give some indication of the number of changes that do take place, in the last 29 years such has been the movement of boundaries and the changes that have been made, that the area I represent has never been the same for two elections in a row. Every election I have fought I have had to fight on different boundaries. Such a situation tends to keep members on their toes a little, but again this is a matter where it is much more of a problem for country electors than it is for those in the city. City members tend to be something of a homogeneous mass, when they talk about a boundary changing down a street.

Hon. Kay Hallahan: Thanks very much.

Hon. G. C. MacKINNON: The electorate of Collie is currently represented by Mr Tom Jones. When Harry May was a member of this Parliament it was still called Collie. Tom Jones, although taking over from Harry May, has had to represent Donnybrook, Boyup Brook, Darkan, at one time, and the surrounding land. He successfully held the seat, but Wilson and May represented Collie only. There are constantly changing boundaries that makes things difficult in the country and Government members should accept that Parliament is not designed to make life easy for Governments.

Hon. Garry Kelly: That is not the purpose of this Bill.

Hon. G. C. MacKINNON: Cut it out. I ask the member to go over the speeches he heard today, including those speeches made by Mr Tonkin in the other place, and the members' comments along the line. One would have thought that the founding fathers, both of the Westminster system and this one, were supposed to have sat down together and made it easier for the ALP when it finally came to Government. That was not the purpose of the legislation. The real purpose of it was to make life, if anything, a bit difficult for any Government—

Hon. Kay Hallahan: What went wrong when there was a Liberal Party in power?

Hon. G. C. MacKINNON: Do not worry about that. Premiers have stopped me in the corridor, swearing like troopers, about our having stopped Bills of theirs.

Several members interjected.

Hon. Mark Nevill: Had you lost your sense of direction?

The DEPUTY PRESIDENT (Hon. P. H. Lockyer): Order, please!

Hon. G. C. MacKINNON: Look at the record. I remember when Bert Hawke brought in the unfair trade practices legislation; we fought tooth and nail, but the Labor Party got that Bill through. It was almost as bad as Hitler's plan that every Jew had to put the Star of David on his coat. Shopkeepers were expected to put a sign on their windows if they were ever caught. It was a terrible Bill. We amended that. Sir Les Diver voted for it; Hugh Roche voted for it.

Do members remember Mr Masters' record over the "two-bottle" Bill?

Hon. Kay Hallahan: That is a good example to remember. They had to change that one, didn't they? They soon pulled you into line.

Hon. G. C. MacKINNON: Governments have no right to expect life to be made easy by Parlia-

ment. They must expect it to be difficult. Her Majesty's Opposition is there to make life a little more tedious for Governments, and I can understand the Government being a bit upset about that. The previous Government was in power for a long time and the current Government came to power full of zeal, vim, and vigour, and members want to rush into everything that they propose they can do.

Hon. Mark Nevill: They are doing a terrific job.

Hon. G. C. MacKINNON: They rush into everything they are planning to do. The Ministers have calmed down a bit, because the Government realises that many things it promised to do should not be done anyway. It did not take it very long to find that out.

Hon. Garry Kelly: A tall story! What a condescending, sanctimonious speech.

Hon. G. C. MacKINNON: The fundamental idea of our parliamentary system is to make it difficult for Governments, to make them slow down and think again.

Hon. J. M. Berinson: Above all, though, to be representative of the electors.

Hon. G. C. MacKINNON: Without doubt, to represent every single person, and the electorate is the whole of Western Australia.

Hon. Garry Kelly: Here it comes!

Hon. G. C. MacKINNON: I am very glad the Minister has taken my point. Fortunately I have a good voice. It is no good Garry Kelly interjecting because I can be heard in every corner of this House over and above everyone together, and there is no doubt about that. One advantage in having a bit of army training for sergeant-major is that it gives one a good pair of lungs.

Hon. Fred McKenzie: He is on parade again!

Hon. G. C. MacKINNON: Is my speech heartfelt?

Hon. Fred McKenzie: Yes, it is heartfelt.

Hon. Mark Nevill: But not very convincing.

Hon. G. C. MacKINNON: I repeat that country people in this State suffer some very severe disabilities. I know life in the country—

Hon. Mark Nevill: Are you representing them?

Hon. G. C. MacKINNON: —has its pleasant aspects. I have lived in the country virtually all my life and I have enjoyed it but, nevertheless, there are a tremendous lot of advantages in living in the metropolitan area. One advantage is that one can obtain the sort of services that people require much more easily than they can be obtained in the country. This problem is being redressed. As a Government we started a great deal of decentralis-

ation of services and, to its credit, the Labor Government is certainly carrying it on in my area. "Bunbury 2000" is an example of this. The current Government picked up all the things that we had suggested, and tied them together into a package which it is presenting.

Hon. Garry Kelly: So are you saying we stole your ideas?

Hon. G. C. MacKINNON: I wish Hon. Garry Kelly would do some political research. Within a week of "Bunbury 2000" being announced I wrote a letter to the newspaper suggesting it was a good idea and suggesting that the man the Government had chosen to run it, Dr Manea, was probably the best fellow it could get in the south-west area. If the member had bothered to read any country newspapers, he would have seen that. The member is in the city and would not know what goes on in the country. This is the difficulty with the country and this is why it is so vitally important and urgent to have good representation. I am glad that the Minister appreciates, as indicated by his interjection, that there is a need for representation of the people in country areas. I am not referring specifically to Bunbury, but to people in Mogara in Mr Stretch's area.

Hon. J. M. Berinson: You are not talking about representation in its proportions of support, are you? You are talking about a different sort of representation.

Hon. Mark Nevill: How many members should we have?

The DEPUTY PRESIDENT (Hon. P. H. Lockyer): Order, please!

Hon. G. C. MacKINNON: That is why I support the fact that there are fewer people on the roll for North Province than there are for the South-West Province. I can accept that, because it is harder to get up there. I think that is reasonable because those people need representation and always have done. Hon. Lyla Elliott conveniently forgot that the Kimberley region always has had a very large population of Aborigines.

Hon. J. M. Berinson: Do you accept it is also reasonable that there are fewer people on the roll at Kalamunda than there are in the Pilbara?

Hon. Garry Kelly: That one is too hard!

Hon. G. C. MacKINNON: It is not too hard.

The DEPUTY PRESIDENT: The interjections and private conversations are unparliamentary. I am sure the Minister will have his opportunity to speak later. Hon. Graham MacKinnon will address his comments to the Chair and will not respond to these unparliamentary interjections.

Hon. G. C. MacKINNON: Thank you for reminding me of that, Mr Deputy President. The difficulty is that I was encouraged to put my heart into it a bit more by an earlier interjection and I got a little carried away with enthusiasm.

Hon. Mark Nevill interjected.

The DEPUTY PRESIDENT: Order, please!

Hon. G. C. MacKINNON: The problems that the Minister mentioned were discussed very carefully at the seminar and if he likes to ask Mr Tonkin—he would probably doubt my veracity in speaking here—he will give him chapter and verse about it.

There were some areas of disagreement at that seminar, but we have already announced that there are other areas in which we agree some changes should be made—for instance, in some key regional towns.

Hon. Garry Kelly: That is good news.

Hon. G. C. MacKINNON: It has been in the paper. There are other areas in which a weighting is almost an absolute essential, and Mr Hetherington will remember that matter being discussed at the seminar. The obvious seat which springs to mind is Murchison-Eyre. Wherever we put it, Murchison-Eyre would be swamped. Who would go to those little districts? That was discussed in great detail. There is a need for a weighting, and indeed country after country has a system of weighting. One of the countries the Government does not quote too often is Canada where the weighting, I understand, is infinitely greater than in Western Australia.

Hon. Garry Kelly: That does not make it right.

Hon. G. C. MacKINNON: Why not? For more years than I care to remember I have heard discussions about what is meant by democracy. It is not only Mr Kelly who claims the divine right of democracy, but also Gromyko and Chernenko, and so did Stalin. They have all claimed it.

Hon. Robert Hetherington: I told you that once.

Hon. G. C. MacKINNON: That is why I quoted it because I knew Mr Hetherington would not deny it. In this field he is without doubt the most knowledgeable man on that side of the House.

Every time we get bored with this matter we hear the topic of democracy come up. Let us talk about representation.

Hon. Robert Hetherington: You always do that. It gets away from democracy, doesn't it?

Hon. G. C. MacKINNON: It does not. Someone said earlier it was a matter of country voters versus city voters. Of course it is not.

One of the electoral lobby fellows asked me at the seminar how the Labor Party campaign went. I said it did not make a ripple on the surface. The ALP had spent about \$100 000—it is a rich party now—on hoardings and the like, and it did not amount to a row of beans. He asked me why I thought that. I said that when I walked down the streets of Bunbury, as one does in one's electorate, a fellow stopped me and asked me what was meant by his vote being worth twice the votes of a fellow in the city. I said there were only 7 000 voters in Bunbury and 14 000 in a city electorate. He said, "What is wrong with that?" I said people reckoned it was unfair. He pointed to a chap across the street and said "I get one vote, how many does he get?" I said he got one vote. He said, "So I can vote for or against you?" I said, "That is right." Everyone else in Bunbury gets one vote and they can vote for or against me. That is about as democratic as one can get.

Hon. Garry Kelly: That is beautiful.

Hon. J. M. Berinson: That is not even a good try.

The DEPUTY PRESIDENT (Hon. P. H. Lockyer): Order!

Hon. G. C. MacKINNON: I think members opposite practice that forced laughter in the Caucus room. I do not know what else they do there, because their Ministers tell them what is going to happen.

It is not a matter of those people competing with metropolitan voters; they compete with each other. Let me give an example. I have forgotten the year, and it does not matter, but it was about 12 or 13 years ago and a number of members here were in Parliament then. There was an election, and because of a by-election there were two nominees for North Province. One was Jack Hunt and the other was Bill Withers. A Labor fellow opposed Bill Withers and a Liberal opposed Jack Hunt on the same day on the same issues, with the same boundaries and the same voters. The election was held and Jack Hunt won one seat and Bill Withers the other. Within six months we were hearing the same rubbish all over again—that the Government had drawn the boundaries and cooked the books, and it was a crooked set-up.

Hon. Tom Stephens: Bill Withers said that to you.

Hon. G. C. MacKINNON: The by-election was held on the same day with the same voters, the same issues, and the same boundaries.

Hon. Garry Kelly: Not the same personalities.

Hon. G. C. MacKINNON: The Government really must do something about Mr Kelly.

On the same day with the same boundaries, voters, and issues the people elected one Labor and one Liberal candidate, and within six months we were listening to the same rubbish.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon. G. C. MacKINNON: No excuses can be offered. I have seen better candidates beaten by lesser candidates, and dumb candidates beat bright candidates. There are all sorts of reasons—it depends on the change of the tide and whether it is towards the Liberal Party or the Labor Party.

I had a great admiration for Whitlam. I thought he was a clever fellow, but he wrecked the Labor Party. After 1977 I did not expect to see a Labor Government in Australia until the year 2000 because he had wrecked the ALP to such an extent. It is marvellous that the ALP has come back. How it did so I do not know. It got an inflow of bright people who were able to override the big number of dummies in the Party.

I want to make sure this point is remembered: All this talk about boundaries was totally disproved by that election.

Several members interjected.

Hon. Tom Stephens: That is utter rubbish.

The DEPUTY PRESIDENT: Order!

Hon. G. C. MacKINNON: It is a matter of how the voters see it. I have determined that there were something like five seats in this House where the representation was one Labor and one Liberal member or one Country Party and one Labor member.

Hon. Robert Hetherington: Were they elected at the same time?

Hon. G. C. MacKINNON: No, they were three years apart. The Labor Party had 13 members, and we whittled them away on the basis of adult franchise when everybody had a vote and we got rid of the property franchise. We gradually knocked off Labor members one after another.

I would like to deal with one other issue because I was credited by Mr Tonkin with having put forward a proposal which he accepted as the basis for this Bill. I felt a bit upset about that because Mr Medcalf mentioned the reason and some people might imagine I had suggested one person should be returned for the north. If we are going to have a system which is different from the present one, no matter what it is, I suggest a uniform system is adopted, whether proportional representation based on the Tasmanian system, or whatever. At least let it be the same system. If it is proportional representation let us ensure it is

designed in such a way that it eliminates the very small minority groups so that we get some degree of stability. Above all, let us have a system which works equitably and properly for everybody. Mr Medcalf pointed out in his speech that the idea of a proportional representation system returning one member is ludicrous. Either one adopts a different system, or that one member must be put in another group.

Hon. J. M. Berinson: You could describe it as a regional representation system and overcome that little semantic problem.

Hon. G. C. MacKINNON: If a proposal is to be put forward, the best way of overcoming it is to go back to the proposal I suggested. We cannot have a proportional representation system of block voting. I think the population is there, and it can be used in some other way. It is one of those things which indicates that there are serious flaws in the proposition which has been put forward.

I want to make quite sure that the point Mr Medcalf made about one member making it ludicrous is appreciated. It would make the whole process unacceptable.

Hon. Kay Hallahan: On that one point?

Hon. G. C. MacKINNON: Yes, it is one of those things that would have to be rewritten. It is a pastoral and mining area, and I see nothing different about it; but it had separate representation. If one mentions the Aboriginal vote, I think the Aborigines are spread far more widely than that. There are probably more Aborigines in that area than anywhere else. The number of Aborigines who are there now is the same as in the early days and I always credited members who represented that area with taking a real interest in their problems. Even though they were not counted then, the Aborigines felt they were represented. I am sure that Mr Wise, Mr Willesee, and Mr Strickland took a keen interest in them. Those three Labor members represented them until 1965.

Hon. Kay Hallahan: They tried to disfranchise them too.

Hon. H. W. Gayfer: It was up until 1982.

Hon. G. C. MacKINNON: As Mr Gayfer said, the person who represented that area in 1982 would have taken that into account.

Unfortunately, there is nothing new in what I have said. It has been said over and over again and this is one of the Bills we seem to be getting into the habit of discussing with monotonous regularity.

Miss Lyla Elliott took the place of Hon. Ruby Hutchinson, who once a year used to bring in a Bill to get rid of the Legislative Council. We

always gave her credit for total and absolute honesty. She did not hide her desires under a bushel, and she did not use any devious methods of getting rid of the Legislative Council—she just brought in a Bill. I remember how immensely proud she was about the fact that she would be replaced by Miss Lyla Elliott whom she thought was one of the most beautiful women she knew. She was always full of praise for Miss Elliott in those days. At least Miss Lyla Elliott has not consistently brought in a Bill as Miss Hutchinson did. I am delighted that she agrees with me that this Bill is a matter of quite tedious repetition.

Hon. Kay Hallahan: Miss Elliott did not say it was tedious repetition.

Hon. Lyla Elliott: Is that what he said I said? I should have been listening. I did not say that at all.

Hon. G. C. MacKINNON: It must be clear to all concerned that I have no intention of supporting the legislation.

HON. TOM STEPHENS (North) [5.54 p.m.]: I have been straining my ears to hear if there would be any pearls of wisdom come from not only the previous speaker, but also Hon. Ian Medcalf.

As members would be aware, the Government members and the Minister with responsibility for this legislation took the opportunity of combing through the speeches of the former debate which was held on this subject almost 12 months ago to the date. In fact, tomorrow is the anniversary of the Opposition's rejection of that piece of legislation on 9 November 1983.

Hon. D. J. Wordsworth: We could not work out why the Bill was brought in.

Hon. TOM STEPHENS: Unfortunately, in the contribution of Hon. Graham MacKinnon, there were no pearls of wisdom at all. As a new member, I am impressed by the oratorical style of Hon. Graham MacKinnon. Nevertheless, I would have hoped that at some point during his contribution on this issue he would have made some valid or valuable points from which we could learn and which we could utilise for good legislation in this place.

Several members interjected.

Hon. TOM STEPHENS: I strained with every muscle in my ears.

Several members interjected.

Hon. G. C. MacKinnon: Solid muscle—nice juicy muscle!

Hon. TOM STEPHENS: I will go through some of the points raised by Hon. Graham MacKinnon, and I would like to correct some of them. Firstly, he talked about weighting, and

suggested that it is justified. He also suggested that the weighting which applies to North Province insofar as it has less voters than his province is a justifiable thing. Hon. G. C. MacKinnon cannot even get his numbers right. His province is smaller in number than mine. I have more voters than he does. I suggest that he try to state the facts. His party is skating over the facts of this debate as though it were thin ice. It is not interested in delving into the issues. I can understand that.

Hon. G. C. MacKinnon: You cannot say that about Mr Medcalf. He delved through every single issue that is written into the Bill.

Hon. TOM STEPHENS: Mr Medcalf skated over those very thin issues.

Several members interjected.

The PRESIDENT: Order!

Hon. TOM STEPHENS: There were a couple of other issues which were mentioned as interjections during Hon. Graham MacKinnon's contribution. One made reference to the fact that in 1892 the members of the North Province were interested in the Aboriginal vote. It was an uneven bag at that time. My wife's great-uncle, M. P. Durack, was the conservative member for Kimberley soon after that period. He was interested in the Aboriginal electorate in a very real and concerned way. However, his colleague on the other side of the Kimberley was Alexander Forrest, whose impassioned speeches against the interests of the Aboriginal people one would now find only being mouthed by the shadow spokesperson against Aboriginal people, Hon. Norman Moore.

Hon. N. F. Moore: Don't be so pathetic.

Hon. TOM STEPHENS: He was horrific in his contribution in the issue of Aboriginal people.

The proportional representation system that the members of the Opposition talk about is simply one of the systems we are trying to integrate into this reform of the Legislative Council. Principally, we are taking up the Opposition's suggestions from its former contribution on this issue that we should have a regional system. It is simply the name that the Opposition is quibbling over.

Hon. G. C. MacKinnon: You mucked it up.

Hon. TOM STEPHENS: If the Opposition wanted to come forward with an amendment to that legislation in the Committee stage—

Hon. G. C. MacKinnon: I put you on the right track, and I considered that enough from me.

Hon. TOM STEPHENS: We could argue about whether the Opposition wanted three members for the North Province elected at the one

election. Perhaps that is the way we would have legitimate proportional representation. The Government is taking up the Opposition's suggestion that we should have regions represented. My party is of the view that the best system in the Legislative Council in this State would be a State-wide electorate, but we have not been able to come forward with that legislation because the Opposition rejected it. We have come forward with compromises, and now it is up to the Opposition—

Hon. G. C. MacKinnon: No-one in his right mind could accept that proposition.

Hon. TOM STEPHENS: We believe it is the best system.

Hon. G. C. MacKinnon: That shows how misguided you are.

Hon. TOM STEPHENS: We have provided the opportunity of taking up the Opposition's suggestion, but it is not even dealing with them seriously.

Hon. G. C. MacKinnon: You manipulated them too much.

Hon. TOM STEPHENS: No manipulation is involved.

The PRESIDENT: Order! All the other speakers have been heard in relevant silence, and it was a state of affairs that pleased me. I am suggesting to Hon. G. C. MacKinnon, who has just finished his speech, not to interject, and I suggest to Hon. Tom Stephens that he does not direct his comments directly to Hon. G. C. MacKinnon but more properly to the Chair.

Hon. TOM STEPHENS: Thank you, Mr President.

One of the comments that was made during Hon. Graham MacKinnon's speech was a reference to the 1971 election for North Province.

That occasion, which was apparently celebrated by the other side of the House, was an occasion on which members from different parties were elected at the same election. Remember who was elected on that occasion—Hon. Bill Withers. He was a most extraordinary member for the area and was very popular.

Sitting suspended from 6.01 to 7.32 p.m.

Hon. TOM STEPHENS: Before the dinner suspension I referred briefly to the 1971 State election. For the North Province two members from different parties were returned at that one election. The only point that election result proves is that the profile of both those members returned was high in their electorate and that the people of the electorate made a choice of individuals, not parties. It proves nothing other than that the electors, particularly in my electorate, are discrimin-

ating and make sure they return members whom they want to represent their areas. It proves nothing other than that.

The whole thing about the Opposition's argument is that it is reduced to no principle at all; its argument has no principle. It is simply an argument that weaves obscure points around supporting the principle of weighting for country voters and it develops a mythology to support that argument.

Mr MacKinnon said that the Kimberley gerrymander was somehow not an instance of a gerrymander. But it is clear that the Kimberley seat is a clear instance of a gerrymander. It was my Liberal predecessor who made great play about what a gerrymander it was, and in his resignation speech he referred to it as the worst gerrymander in the western world. It typified the great lengths to which the Liberal Party was prepared to go in order to try to cement itself in office, by foul means or fair.

Hon. N. F. Moore: How will that boundary change under this legislation?

Hon. TOM STEPHENS: The electorate would have the opportunity to go back probably to a geographic region.

Hon. N. F. Moore: It could not possibly do that.

Hon. TOM STEPHENS: It could on full enrolment, which is gradually developing under the efficient Electoral Department organised under this Government. We have sufficient numbers now in the area, with a plus or minus 10 per cent, to create an electorate on the old geographic boundary of Kimberley.

Hon. N. F. Moore: I doubt that very much.

Hon. TOM STEPHENS: I am assuring the member that this would be the case, and I invite him to come across to this side of the House and to vote with us so that we can prove that this legislation will do that.

Hon. N. F. Moore: Your legislation would acknowledge what the last legislation did.

Hon. TOM STEPHENS: Our legislation would ensure that the boundary for the seat of Kimberley was based on the geographic region.

Hon. G. E. Masters: It could not be.

Hon. TOM STEPHENS: Members opposite should look at the figures and at the census results. They will find that my figures are right and theirs are wrong. They constantly trot out figures and arguments that are inaccurate, just as were the arguments of Hon. Ian Medcalf and Hon. Graham MacKinnon.

Several members interjected.

The PRESIDENT: Order!

Hon. TOM STEPHENS: Mr MacKinnon also referred to the Federal legislation and suggested that it was somehow introduced only in the interests of advancing the National and Labor Parties to the disadvantage of the Liberal Party. The point that was picked up in that legislation was the recommendation made to the Joint Select Committee by Malcolm Mackerras, whose comments have been quoted in other arguments. By extending the Federal Parliament in the way it was done, the Federal Government was faced with the possibility of ensuring, as near as practical, that Federal seats would be based on the principle of one-man-one-vote-one-value. That really is the crux of the reason that the Federal Parliament was expanded.

Mr Medcalf said that the Labor Government had made no attempt to compromise. We made every attempt to compromise; for us this legislation is full of compromises. What has become clear is that the Opposition was not prepared even to discuss this issue with us, apart from those points it threw across at us during the last debate and which we took up.

This Bill provides an opportunity to move from a compulsory preferential system to an optional preferential system. That step has been incorporated into this legislation in order to ensure that the high informal vote that is sometimes consequent upon a multi-member constituency can be reduced.

In this situation, where there would be only five members for the three regions of the south, it would be necessary for a person to mark his ballot paper only from one to five. But a person would still have the opportunity of completing the form and extending his preferences all the way through the ballot paper.

As part of our efforts to ensure that the high informal vote is reduced, two other errors on a ballot paper will be permitted when this legislation is finally proclaimed, if it is. In a region where five members are to be elected, a repeated number or a gap in the order of preferences will not invalidate a vote. A ballot paper will still be counted up to the point of the error.

Under the existing legislation, the conservatives of this Chamber, of this Parliament, of this State, have the opportunity of drawing the boundaries to their own predilections, to their own advantage, to their own preference—particularly the four northern seats—and in dividing off the agricultural and metropolitan areas. The independent Electoral Commissioners can draw boundaries only inside the agricultural and metropolitan areas.

Under this legislation all boundaries would be drawn by independent Electoral Commissioners. Surely this is a desirable goal, a desirable aim, in a situation where we have seen what happened under the Administration of the previous Government when crooked men could draw crooked lines to the advantage of the interests of the conservatives in this Parliament.

Under this legislation redistribution would be required when the enrolment of eight or more districts was more than 10 per cent above or below the quota for a period of two months. A redistribution would not be permitted in the last 12 months of the term of the Legislative Assembly.

People will be invited to make suggestions to the Electoral Commissioners and to make comments on the suggestions of others, and the commissioners will be ready to act when required by the situation. Indeed, the guidelines for the commissioners will be extended to include, in addition to the community of interests, means of communication, distance from the capital, physical features, the existing boundaries of districts, and the trend of demographic change. This sixth guideline is in most other electoral Acts in this nation, certainly the Commonwealth, and in New South Wales, the South Australian and Victorian Acts.

The proposed electoral areas of course will be the northern and eastern region of three districts and one region of two members. The agricultural region will be 16 districts and one region of 10 members. The metropolitan region will be 38 districts and regions of 10 members each, which makes a total of 57 districts, with 57 members, and four regions with 32 members.

The Bill outlines ways of ensuring a sensible filling of a casual vacancy. That is necessary in a situation of proportional representation. The proposed arrangements are such that a casual vacancy could not have the effect of distorting the wishes or will of the people as expressed at the previous election.

It was Mr Medcalf who outlined the argument as to why the Legislative Council should necessarily be different from the Legislative Assembly. He argued that this Bill would somehow reduce the Legislative Council to being the same as the Legislative Assembly. That is simply not the case, except to the extent that we are moving in the direction of ensuring that this House, like the other, would be based on the principle of one-person-one-vote-one-value. What we are doing at the same time, however, is ensuring that the Legislative Council would be different in so far as members here would represent regions, not districts.

Indeed, there is a different counting system which is applied to the count of the ballot. As well as that, MLCs will be elected for a double term rather than one term as in the Legislative Assembly.

Mr Medcalf put forward the most extraordinary argument that somehow the Legislative Council would be at the mercy of the Government, if it could be forced to face the electorate, even if only half the Chamber had to do so. Somehow he was arguing that we should be independent of the will of the people.

I think that is the crux of the matter as far as the Opposition is concerned. All the Opposition's arguments have been reduced to that fact. Opposition members want to ensure that their numbers reflect their advantage situation and have no bearing upon the wishes of the electorate.

During the short time I have been here, I have found myself in the process of having to put forward an argument, again and again on electoral matters, while members on the opposite side show no attention to the fact that the Government wishes to canvass these issues in and outside Parliament—

Hon. Peter Dowding: There are only six Opposition members in the House.

Hon. TOM STEPHENS: They are obviously determined to scoff at the wishes of the wider community for electoral reform in this State.

Under the provisions of the existing Bill, a candidate must receive 20 per cent of the votes in order to get a refund of his or her deposit. Under the proposed legislation a candidate must receive 10 per cent of the valid votes.

The PRESIDENT: Order! Members are embarking on far too much audible conversation and I am asking members again not to pursue that line of activity. The member on his feet is entitled to be heard in silence. I will not tolerate this constant babble of voices of people holding meetings inside the Chamber. If members wish to hold meetings, there are places outside the Chamber to have them. In the meantime, let us listen to Hon. Tom Stephens.

Hon. TOM STEPHENS: Ten per cent of the valid vote for the province that Hon. Miss Elliott represents would not even constitute the full constituency of Hon. Norman Moore. Indeed, if Hon. Norman Moore's electoral support were translated into a test for the seat of Miss Elliott, he would lose his deposit.

Hon. N. F. Moore: Having 60 per cent of those already voting for me?

Hon. TOM STEPHENS: Hon. Norman Moore's constituency is so ridiculously small that he would have to struggle to try to retain his deposit if he were to contest the huge constituency—

Hon. N. F. Moore: That is absurd. You could have the same argument against the fellow I defeated.

The PRESIDENT: Order!

Several members interjected.

The PRESIDENT: Order! Order! Order means do not interject, in case anybody wishes to know what it means!

Hon. TOM STEPHENS: The proposed vote counting system for the Legislative Council will ensure that the regions will use the Australian proportional representation system where each member must win the vote of 16.7 per cent of the constituency, where five members are to be elected for the region. In the region of the north-east, obviously we have balanced the principle of one-person-one-vote-one-value with the desirable goal of proportional representation, woven in with the argument introduced in the last debate that we should look at the regional representation. We have ended up with a double member constituency without the proportional counting system as exists in the Bill at present for the other regions.

If members take objection to that particular section, there are other ways of handling it. I invite members to address themselves to the possibilities that may attract them. We have never shown ourselves to be blind to the suggestions of the Opposition if they have been reasonable recommendations. The Burke Government has shown itself willing to accept sensible and reasonable suggestions from the Opposition.

The situation of Presiding Officers would change under the proposed Bill. For the main part at present the Presiding Officers of both Chambers are only dragged into the conflict of day-to-day politics in a situation where we come to the most crucial and critical issues and the vote hangs on them. That is when the Presiding Officers of both Chambers are dragged into the issues of politics. I remember well the time when Speaker Ian Thompson voted with the Labor Party, against his own Government, in a situation of an evenly divided House on the question of an amendment to the Electoral Act. The Liberal Party was trying to ensure that the Aborigines of the north-west would be deprived of the opportunity to vote.

It seems to me that at present the Presiding Officers are dragged into debate only in the most turbulent periods in Parliament. Under the

proposed legislation the President and Speaker would have a vote on all matters, and if a vote were tied, the question would be resolved in the negative.

There is a limited amount of vote weighting that will come under this proposed system: In the Assembly it will be plus or minus 10 per cent; in the Legislative Council, for the north-eastern province it would be as high as 17 per cent.

Of course, the crucial part of this legislation is the fact that we will call for a referendum on this Bill once it passes this place so that the people will have the opportunity of deciding upon it.

I am really disappointed with the contributions of members from the other side of the Chamber. It is really time that the Opposition addressed itself to this issue in a serious way.

This Bill provides the Opposition with an opportunity to do just that. It is no good trotting forth the fact that 12 months after the Opposition previously debated this issue, it has to debate it again. It is floundering and looking for a policy for its party on this issue.

When we were in Opposition we produced policy document after policy document with the limited resources available to us at that time. In the 12 months since this issue was last debated in this Chamber, the Opposition has not produced any new ideas. It cannot even produce any defence for its current position. There are no principles attached to its current position. The only issue, as far as it is concerned, is to hang on to its unfair electoral advantage.

So many times when in government, the Liberal Party distorted the electoral system, changed the Constitution, and changed every aspect of the democratic process in this State to try to cement itself into office.

Hon. Peter Dowding: It was so bad that Mr Withers resigned.

Hon. TOM STEPHENS: Yes, it was so bad that my predecessor resigned from this Parliament and provided the ground swell of public support, coupled with so many other issues, that ensured that we were put in office.

The time has really come for the Opposition to face this issue squarely. I am not pessimistic about the prospects of democratic reform in this place. Of course, there are other ways of achieving it.

In my previous address to this Chamber on this issue 12 months ago, almost to the day, I referred to the prospects that the Opposition forces us into having to face. That, of course, constitutes our looking at the powers that are available under the

Federal Constitution for looking after the interests of the Western Australian community.

There are ways of ensuring that the Opposition parties do not continue to attract the odium that they have currently attracted as parties that have wanted to cement themselves into office unfairly and then, when losing office, to retain the power without any glory associated with it.

Members of the Opposition are an ignominious bunch who are prepared to hang on to power against the interests of the wider community. I look forward to four members of the Opposition crossing the Chamber and becoming men and women of respect in the wider community and people who are held in the same high regard as Steele Hall is now held in South Australia after having assisted the birth of democracy in that State. I look forward to being joined by people from the other side of this House. While those members may meet some short-term opposition from their own benches, I believe that is the path they should follow in order to ensure that they have the respect of the Western Australian community.

I support the Bill.

HON. N. F. MOORE (Lower North) [7.55 p.m.]: I am afraid that I will have to disappoint Hon. Tom Stephens because I am not going to be one of the four to vote with him. I have, on odd occasions, supported legislation put forward by the Australian Labor Party and when the Labor Party, in Opposition, opposed the previous Government, I, unlike members on the other side of this Chamber, crossed the floor on two occasions. However, this is not to be an occasion when that will happen.

One of the sobering things about this legislation is that it makes one think about what one is doing here, who put one here, and what is one's job. I was elected in 1983 by 60 per cent of 8 000 people to represent a particular electorate. Whether members opposite think that is being elected to Parliament is beside the point. The fact is that I am here as a representative of the constituents of the Lower North Province. When one sits down to think about this it is my job to represent their interests. Because I happen to be a Liberal member of Parliament does not matter. Those constituents know what my political leanings are. That helps them to make their minds up in voting for me. They know my attitude towards this matter of electoral change and they know that I support the continuation of the boundaries that exist now.

What I have to do when looking at this Bill now before the Parliament is to see what effect it will have on my constituents; and the effect it would

have is quite disastrous. I propose to produce figures in relation to electorates and see what would happen to my constituents under this legislation.

Hon. Tom Stephens interjected.

Hon. N. F. MOORE: That is a dubious assumption to make, Mr Stephens.

Hon. Peter Dowding: You would not be game to test it.

Hon. N. F. MOORE: We might see. At the present time, in the existing seat of Kimberley—the seat that has been referred to today as a gerrymandered electorate—

Hon. Peter Dowding: That is Mr Withers' description.

Hon. N. F. MOORE: I agree that is what Mr Withers said.

Hon. Peter Dowding: Do you agree?

Hon. N. F. MOORE: I do not agree that it was gerrymandered. There are 17 000 electors in the present seat of Kimberley.

Hon. Peter Dowding: What are the figures for Kalamunda again?

Hon. N. F. MOORE: I am making this speech. In the present seat of Pilbara there are 14 000 electors, making a total, if the two are added together, of 31 000 electors in the Kimberley and Pilbara electorates.

Under this legislation, those two seats would presumably remain roughly the same because we are told that each Assembly electorate under this Bill will have 15 000 electors give or take 10 per cent. That allows for a range of 13 500 to 16 500 in each electorate.

I repeat; the Kimberley seat has 17 000 electors and the Pilbara has 14 000. Give or take a few hundred, the boundaries could remain the same. Those figures are based on the statistics as at 16 October this year.

I am suggesting to the House that, under the existing figures of the enrolments in those two seats of Kimberley and Pilbara, the boundaries will remain almost identical to the so-called gerrymandered boundary that the members on that side argued so vociferously against when we changed the boundaries before. What will happen is that the numbers in the electorates will remain almost identical to the figures the Government is using in the Bill. It is, therefore, putting forward a Bill in which the boundaries will be left as they are.

Government members interjected.

The PRESIDENT: Order! I am endeavouring to ensure that all members are heard in silence. Those members who have already spoken agree

that I have endeavoured to extend to them that privilege. Let us give that privilege to the member on his feet.

Hon. N. F. MOORE: The point I am making is that, with some minor variations—one town or another might have to be shifted—the boundary of the electorates of Kimberley and Pilbara, on today's figures, will remain the same as they are now.

Hon. Tom Stephens said in his speech that he expects the populations under the geographical regions of the two electorates to be about 15 000 or maybe about 13 500.

Hon. Tom Stephens: I was talking about electoral enrolments.

Hon. N. F. MOORE: That is right. That is not the case at the present time. In 1983, only 18 months ago, there were only 23 000 electors on the electoral roll for North Province. There are now 31 000—that is a significant increase of about 25 per cent.

I doubt very much that there are enough people who are not now enrolled to make up the figures to the number of people whom Tom Stephens suggests will be located in the Kimberley, to give it the quota required to have a seat of its own.

Hon. Peter Dowding interjected.

Hon. N. F. MOORE: The Minister should make his own speech. It is Thursday and I would like to get this finished and get into my electorate.

A Government member: And see all your electors in one day!

Hon. Peter Dowding: You could fit them all in a small office.

Several members interjected.

The PRESIDENT: Order! I have already told the Minister once today that his constant rude interjections and total disregard for the rules of this House are unacceptable to the Chair. I do not mind his making an occasional interjection that will contribute to the debate, but for goodness sake understand that I am driven mad—I do not know about other members—listening to the constant barrage of unruly interjections. I will not tolerate it on any occasion and I certainly will not tolerate it tonight. The honourable member will continue with his speech and will address his comments to the Chair. I assure him I will not interject.

Hon. N. F. MOORE: Thank you, Mr President. Based on the figures of the enrolments at 16 October this year it would seem, with minor variations, that the existing boundary between the Kimberley and the Pilbara will be the same under this legislation as it now is.

I now move to that area which is the Lower North Province, including Gascoyne with 4 500 electors and Murchison-Eyre with 3 500 electors, making a total of 8 000. Under this Bill, for there to be a third seat in the northern and eastern region, it would be necessary to have an additional 7 000 electors. Therefore, we would have to find another 7 000 or 8 500 voters, depending on whether one takes the plus or minus 10 per cent variation.

One needs to look at the adjacent electorates of Murchison-Eyre and Gascoyne to find out what sections must be put in the area—that is half of Western Australia—to get the required number of voters. If we move into Kalgoorlie there are 10 000 electors who could be included, but that would be a few too many so it would be necessary to shave some off. Esperance-Dundas is an enormous seat with 11 000 electors—a few would have to be shaved off. Greenough extends a considerable way south of Geraldton and it has 9 000 electors. Mt. Marshall, which extends down to the Great Northern Highway east of Northam, has 9 000 electors. That would provide enough electors for the third northern and eastern region seat. That third northern electorate would be bigger than half of Western Australia because it would be bigger than the existing seat of Lower North—my seat—which covers half of the area of Western Australia. Most of Kalgoorlie, or most of Esperance, or Greenough, or Mount Marshall would have to be added to that. It would provide an enormous seat and the people in the area would be considerably disadvantaged, particularly in comparison with the representation they now have.

The proposition that has been put forward in this Bill in respect of the Legislative Assembly provides that there shall be no change in the North Province. There will be significant changes in Gascoyne and Murchison, changes which will be to the detriment of the constituents in the region. The seat will be absolutely enormous and it will be totally impossible for one member to represent it in an efficient and proper way.

In addition, if we look at the proposal for the Legislative Council, we see a similar situation which also would be a great disadvantage to those constituents.

At present four members represent the North and Lower North Provinces. This Bill provides that that area shall have only two members, but it does not just provide that North and Lower North shall have two members; it provides that North, Lower North, and the extra Assembly area to make up the numbers for the Assembly seat, shall be added to it. It would involve 75 per cent of

Western Australia stretching from Eucla in the south to Kalgoorlie, to Kalbarri, and to the top of the Kimberley. It is an enormous area of Western Australia and almost the total area less the South-West Land Division.

At present the area returns four members, plus an additional member who represents a part of that area. The Government is proposing to significantly reduce the representation of my constituents. It will halve its representation by reducing the number of members from four to two. If we work out the number of members for each constituent and my constituents in Lower North total approximately 8 000 it can be seen that their representation would be reduced by approximately seven-eighths. That is a significant reduction of their representation.

Therefore, as I am here to represent the interests of my constituents, and they will be severely disadvantaged both in the Assembly and the Council under the proposition put forward by the Government, it would be totally wrong for me, as their member of Parliament, to support this legislation. If I did so they would lose in a dramatic way the representation they currently have in the House.

The ALP believes that my constituents are advantaged by virtue of the electoral representation they get. If they are advantaged by way of electoral representation—and I happen to believe they are because of the calibre of their members—they are certainly not advantaged in any other way. People living in Wiluna, Mt. Magnet, Carnegie, and Eucla are not advantaged in any other way. Therefore, it is appropriate that they should have an advantage by way of electoral representation. I believe this Bill will severely disadvantage them and take away what advantage they have and, therefore, there is no way I can support it.

I find it extraordinary that Hon. Tom Stephens and Hon. Peter Dowding, who represent the same type of constituents as I do, are prepared to vote for the legislation. Hon. Tom Stephens made a speech in a very vindictive way, criticising me and my colleagues for trying to protect the interests of my constituents, who also happen to be similar to his constituents. It is unbelievable that a member could be so fired up against the interests of his constituents. No doubt if Hon. Peter Dowding were making a speech he would say the same thing.

This Bill is against the interests of my electorate, Tom Stephens' electorate, and Peter Dowding's electorate; and for those reasons there

is no way in the world I can support the legislation.

HON. FRED MCKENZIE (North-East Metropolitan) [8.08 p.m.]: It seems that no matter how we try to accommodate the Opposition in respect of bringing about some democratic representation in this place, we will never do so.

The Bill which we introduced in 1983, and which provided for proportional representation, would have overcome all the problems the previous speaker mentioned. It would have evened out the malapportionment which now exists between his province and the one which I represent with Hon. Lyla Elliott. The member for Lower North has a little more than 8 000 constituents and Hon. Lyla Elliott and I represent almost 95 000. That is an enormous difference, and yet, when we vote in this Chamber, our votes count one for one. I do not get 11 votes or 12 votes to Mr Moore's one. I would be satisfied with 11 votes.

Hon. Robert Hetherington: You would be worth every one of them.

Hon. FRED MCKENZIE: The same applies to Hon. Norman Moore, Hon. Lyla Elliott, and Hon. Phil Lockyer. No matter how often we put Bills up here, some sort of argument will be advanced as to why the system should not be changed. I suppose it is understandable the Opposition does not want to change the system since it has enjoyed a majority in this House ever since it has been in existence. This is the oldest House of Parliament in Western Australia. It will be very difficult to have a change. It is not long since the principle of one-person-one-vote-one-value got under way in Australia. It was introduced in South Australia in 1973.

The problem is that those in power want to hang onto power. Those who control the rules of the game want to hang onto power. That is the position with this House. No matter what we put up to bring about some fair reforms—we are prepared to concede that this Bill is designed to reach some sort of consensus in respect of political representation in this Chamber—we have not been successful. The people who control the rules will attempt to continue to do so.

The people of Western Australia have become more active in trying to bring about some democracy in this Chamber. The only way to do that is by the Labor Party continually bringing this matter to the fore. It has happened in other States, and it is happening here. We now have a Government, since it was elected in 1983, which has indicated its determination to bring about change. Every member on this side of the House is sincerely committed to that.

I want to talk about the position in some of the other States. In most other Australian States and Territories the transition has already occurred. There are nine lower Houses in Australia amongst all the States and Territories. Under the electoral systems, the enrolments for the electorates in seven of those lower Houses must be approximately the same. There are some variations give or take a tolerance of 10 per cent either above or below the average.

In the Northern Territory enrolments must be within a range of plus or minus 20 per cent of the average. In the remaining States, the tolerance must be plus or minus 10 per cent of the average.

As I said earlier, one-vote-one-value was introduced in South Australia in 1973. Since that time it has been adopted in other territories: The House of Representatives, New South Wales, and more recently, in Victoria. Strangely enough, the adoption of this fundamental principle of the reform of lower Houses has been on a bipartisan basis in most cases, but here regrettably, this does not seem to apply.

Unfortunately two of the nine States that I mentioned have not adopted the system and do not satisfy the criterion of equality of votes. Those States are Queensland and Western Australia. One would think that the malapportionment in Queensland would be greatest, but that is not the case. The greatest degree of malapportionment is here in Western Australia, and it applies in respect of this particular House.

Several of the Australian lower Houses have single member electorates. The exception can be found in Tasmania. We could say that in the Australian context the single member electorate is not an enrolment within plus or minus 10 per cent of the average or popular model. That is the model adopted by lower Houses. It is easy to see why the Western Australian Government has proposed this Bill as a model for the Legislative Assembly. It can satisfy some of the criteria of a given electoral system.

Four criteria have been suggested for the electoral system. The first criterion is one-person-one-vote-one-value. The second criterion is that different views are held by the electorate they are reflected proportionately in the Parliament. The third is that elections should produce Governments which do not have a narrow, sectional base. The fourth is that elections should give voters the maximum possible choice.

It is on those criteria that we have endeavoured to develop this Bill. Whatever system one introduces, none will be perfect in many respects.

On the basis of assessment of systems, using other examples, this Bill is the one which should be adopted and brought into this Parliament.

Hon. G. C. MacKinnon: To satisfy those criteria you would not need to change.

Hon. FRED McKENZIE: We do need to change and that is the purpose of the Bill.

Several members interjected.

Hon. FRED McKENZIE: All those criteria are not being abided by.

Hon. G. C. MacKinnon: They are.

Hon. FRED McKENZIE: The popular model also discriminates against parties. Support is widely distributed. These are the reasons that the fair representation Bill proposed multi-member electorates in this place.

Several members interjected.

Hon. FRED McKENZIE: The Government accepts the generally-accepted view that an upper House should be elected under a different system from a lower House. This is indicated in this legislation which we support. That is why we have developed this model. Other States provide a variety of solutions as to how to elect the second Chamber of Parliament. If I am permitted to go through them one by one, looking at the Victorian model, that is the closest parallel we have. In Victoria there are 22 provinces, each made up of four equal enrolment Assembly electorates.

Here in Western Australia, I represent an area equal to five very large Assembly electorates. Hon. N. F. Moore represents two. There is no equity, even in the number of Assembly districts, let alone the composition of each of them. Mr Masters, for example, whose boundary adjoins mine, represents a province that covers three Assembly electorates and a total enrolment of 30 000, including the electorate of Kalamunda, which has been mentioned before, and which has about half the enrolment of Kimberley.

Nobody but this Parliament drew up the boundaries that allow Mr Masters to enjoy that sort of luxury. Let us look at the position in South Australia and New South Wales. It is very similar. A much greater choice is available to electors in South Australia and New South Wales. In each of these States, the Senate has formed a model and members are elected by proportional representation from the whole State as a single electorate. This approach is capable of delivering a satisfactory answer to the four separate tests mentioned earlier. Mr MacKinnon said that we did not need to have any change, because we already abide by those four tests, and I disagree strongly with him. This approach is capable of

delivering that criteria and that is what New South Wales and South Australia have. It is a system which treats electors equally, accurately reflects opinions, prevents reliance on a narrow sectional base, and also gives electors a wide choice.

The system of elections in Tasmania is different from that in any other State and is based on the single electorate system.

The Senate situation has been quoted extensively by the Opposition. That is the very worst example that can be used, because there is certainly very heavy malapportionment in the Senate but, of course, we must understand that was probably one of the prices we had to pay so that we could develop as a nation and bring the States together.

Hon. P. G. Penda: It is respectable in that case, is it?

Hon. FRED McKENZIE: I do not think it is respectable. I am not justifying it, but that is the sort of example the Opposition wants to use here. That is the worst possible example that can be used, but the reason we have such heavy weighting is obvious. In an attempt to develop Australia as a nation, that was the price we paid at that time and that system is long overdue for reform. However, it is still a far better system than the one we have in this State.

The variety of electoral systems which operate in Australia can generally be seen to be either of two types. They are the single member election or the multi-member election model. There are 10 of the former and five of the latter. These two approaches are different. The strength with the multi-member election is that it is fairer in terms of accuracy, while the single member model is somehow more personalised and accountable. The fair representation Bill seeks to create a balanced system which enables the Parliament as a whole to better represent the real opinions evident in the community.

Hon. H. W. Gayfer: What reference are you quoting from?

Hon. FRED McKENZIE: These are my own references. I am not quoting from anyone's references. They are telling arguments and that is why they are being used. I am not saying they are of my own origin, but they have been developed by other people and, of course, in the process of developing an argument on this Bill I have utilised them.

Hon. H. W. Gayfer: I just asked you what the reference was.

Hon. G. C. MacKinnon: I thought you might have been reading them out of a book.

Hon. FRED McKENZIE: I am not reading them out of a book. I have notes which indicate that these are the reasons that we should pass this Bill and they have been developed over time. They have not all originated from me.

The problem in respect of this debate in this Chamber is that we have had it many times over. Government members on this side of the House have entered into very sensible debate on this issue on many occasions, without success, and it amazes me that people like Mr MacKinnon, who has been around for a long time, can produce new examples, weak though they may be. In fact, Hon. Graham MacKinnon's examples had no substance at all; but he has an amazing ability to bring forward arguments that might convince primary school children, although beyond that there would be problems.

Hon. G. C. MacKinnon: My arguments have been notably successful for a number of years.

Hon. FRED McKENZIE: Of course, Hon. Graham MacKinnon has always had the numbers. If one has the numbers one's arguments are successful, but that does not mean that those arguments are valid or that they have any substance.

Hon. G. C. MacKinnon: You have hurt me.

Several members interjected.

Hon. FRED McKENZIE: The proposals of this State Government fit in with the pattern of reforms which has been evident in other States. We have had a look at those examples and, as a matter of consensus, have introduced this Bill. It is not as good as the legislation we introduced in 1983, when we all had the opportunity to share the State and to overcome the problems in these other areas. As a result of that legislation, we would have had equal representation over the whole of the State. It already operates in a number of other States, as I have outlined already, but in the interests of trying to get this Bill passed or of achieving some sort of reform, we have produced this package. I do not believe it is as good as the earlier legislation, but I thought it would be acceptable, because it means we are giving ground in the other place. We were prepared to do that, but it is fairly evident, unless some surprises take place, that this Bill will not be successful either.

I indicate my support for the Bill and I hope that, when future Bills come before this House, they will be supported. I do not know where we can go from here. I do not think we can water down the position any more. We will have to come back to this Chamber with the original proposal as many times as possible, so that the arguments, no

matter how tedious, can be repeated in order to convince the people of Western Australia, through the media and by other means, that there is a need for change. It is very frustrating to be in Government, and yet not really be in power. When we are in Government we cannot change the rules, but when the Liberals are in Government it is a very simple matter to do so. I trust members will note the sincerity of members on this side of the House and their desire for change so that we have democracy in respect of representation in this House.

On that note I indicate my support for the Bill.

HON. KAY HALLAHAN (South-East Metropolitan) [8.27 p.m.]: I support the Bill. This Bill has a philosophical underpinning which is not unlike that which has underpinned other Bills which have been passed by this House recently. I refer, of course, to the Equal Opportunity Bill, and also to the legislation which abolished the death penalty. Those two Bills, like the Bill we are debating tonight, were based on a belief in equality and human dignity. However, the debate we are witnessing tonight is very disappointing, because no reference has been made by the Opposition to anything to do with equality or human dignity. Given that we know Opposition members have a grasp of those concepts, it is wrong that they should ignore them in this debate.

Hon. H. W. Gayfer interjected.

Hon. KAY HALLAHAN: I am saying that in this debate Opposition members have ignored those principles.

•**Hon. H. W. Gayfer**: I have spoken on legislation of this nature many times and I am not going to waste the time of the House repeating what I have said.

Hon. KAY HALLAHAN: Mr Gayfer should not waste his time talking about a Bill which relates to equality. That was his statement, was it not?

Hon. H. W. Gayfer: We have just passed two Bills dealing with that subject.

Hon. KAY HALLAHAN: I appreciate that and I think the people of Western Australia appreciate it also. Debate in this House was improved by that action. However, it shows up in stark contrast to what is going on in this Chamber today, and it indicates the different situation which pertains when members opposite feel personally threatened. **Hon. Norman Moore** made a ridiculous speech about how his electors would not be well-served by the contents of this Bill.

Hon. N. F. Moore: There is nothing ridiculous about that. It is absolutely factual.

Hon. KAY HALLAHAN: It is not. The member is doing his constituents a great disservice by continuing to represent them in a State in which people do not have equal opportunities. I do not think any member does his constituents a favour by pursuing that line.

Hon. N. F. Moore: Don't talk to me about equal rights.

Hon. Graham Edwards: Here we go, standover tactics!

Hon. N. F. Moore: You support land rights, don't you?

The PRESIDENT: Order! I ask **Hon. Kay Hallahan** to address her comments to the Chair and things will go along nicely.

Hon. KAY HALLAHAN: Thank you, Mr President. I would like to point out to members opposite, although they apparently do not want to have certain things pointed out to them, that in the passing of the two Bills I have referred to there has been in the community an enormous acceptance of or acquiescence in the actions of this House in doing so; and should this Bill also be passed, I am sure that we will find that the community would accept the concept that everybody's vote should be equal and that people should not be discriminated against in respect of the value of their votes. Again this House will have an opportunity to fall in line with community attitudes. It really is a question of the numbers game, and I do not think that members opposite believe that they can continue for another decade to deny our community an equal electoral system.

Hon. Mark Nevill: It will cost Mr Pandal his seat.

Hon. KAY HALLAHAN: It will cost more than Mr Pandal's seat. Other people will be under quite a serious challenge at the 1986 elections if they pursue this line with this Bill. It is a Bill fundamental to democracy, but members should not think that they can just stonewall their way through this Bill and toss it out at the second reading stage. That is the indication we are getting; apart from making me very angry about it, I must say I am also quite depressed about it. Nevertheless, they will not mobilise the ALP from its determined course to get a fair electoral system in this State.

The effect of this Bill on the fabric of our society causes me grave concern. That is part of the responsibility of members of Parliament. We cannot expect to maintain social cohesion and respect for our laws when the laws are not respectable. We have been hearing very poor debate indeed for 1984, yet we expect our citizens to abide by the laws that are passed in this place when they do not

have equal or fair representation in respect of what takes place here. That is the serious consequence of what is going on here today. Members in this place must take responsibility if we have disaffection in the community and lack of respect for our social and legal institutions; we can have the responsibility right back here on the members in this Chamber.

I refer again to the figures which other members have mentioned. In the Legislative Assembly the figures range from 3 720—that is under 4 000—for the electorate with the smallest enrolment up to 24 958. This one happens to be the seat of Murdoch, which is contained within the province that Hon. Robert Hetherington and I share—South-East Metropolitan Province. That shows an enormous disparity and in no way can it be justified. Quite frankly, I must say that the contribution of Hon. Ian Medcalf really did him a very grave disservice.

The PRESIDENT: Order! I just remind honourable members that the practice of walking in front of another member when that member is addressing the Chair is not only rude, but is out of order. I ask honourable members to bear a few of the basic simple rules of this place in mind. I am not suggesting that honourable members are doing so deliberately; it is obviously accidental, but it is a state of affairs that is of increasing concern to me that members disregard a member who is addressing the Chair.

Hon. KAY HALLAHAN: I do not intend to quote a lot of figures although, quite frankly, the quoting of figures does justify everything that is contained in the Bill before the House. My second point is that the 17 provinces that are represented here range from enrolments of 8 217 to 95 339. Again I refer to Hon. Norman Moore. Quite frankly, if I were representing an electorate the size of his electorate in this place I would perhaps have chosen not to speak, but his speech will go down in the history books of this State—

Hon. N. F. Moore: I am here to support my constituents and that is what I did. That is what I was elected to do.

Hon. KAY HALLAHAN: I do not think they will thank the member.

Hon. N. F. Moore: They keep voting for me.

Hon. KAY HALLAHAN: They will not thank the member for maintaining a situation such as this. Hon. Norman Moore is taking a very simplistic and personalised view, that what is good for him is good for his constituents.

Hon. N. F. Moore: No, what is good for my constituents is good for me.

Hon. KAY HALLAHAN: We are witnessing a major wrangle between two political parties—I suppose we could even make it broader than that and say two political philosophies. We have, on the one hand, a commitment to fairness and equality and, on the other hand, a reluctance to relinquish any power, prestige, and privilege. That is what we say in relation to the argument put forward by members of the Opposition although they are not honest enough to put it in that terminology. I refer to the issue of putting this Bill before the Western Australian people. The only argument that has been put forward so far against that proposition is that the question that would be put to the people of Western Australia is not clear enough or is not spelt out enough. I personally challenge that matter but, of course, it would be a matter that could be discussed if people had a will to discuss it, but it would seem to be just an excuse to damn the Bill and to resist going to a referendum.

I remind members that the laws we have in this State were put in place by the British House of Commons and the House of Lords upon representation from the citizens of this State prior to 1890. Our constitutional base has never been put to the people of Western Australia. It seems to me to be an extraordinarily great and courageous thing to do, but it seems that this House is not inhabited by great or courageous people.

Hon. G. C. MacKinnon: Have you ever seen Mr Berinson's definition of a referendum? It is an appeal from those who ought to know to those who could never possibly know.

Hon. KAY HALLAHAN: I am sorry. I am very unamused by a lot of the arguments that have come from Mr MacKinnon's side of the House.

Hon. G. C. MacKinnon: That definition came from Mr Berinson. He wrote it.

Hon. KAY HALLAHAN: According to Mr MacKinnon, he wrote it.

Hon. G. C. MacKinnon: I used to have the report.

Hon. KAY HALLAHAN: It is quite clear that at this stage we could put a Bill before the people of Western Australia whereby they could endorse the electoral system by which they live. The Australian Labor Party had within its election promises a proposal to put a referendum to the people. There is no doubt, and nobody is contesting the fact, that it was part of the mandate of our election win. It was a significant win, one which, I guess, it is difficult for members opposite to accept, so we see them clinging onto power and onto their personal integrity at any cost. The ALP

won the election under malapportionment and it was turned into a minority in this House.

Hon. Garry Kelly: Disgraceful!

Hon. KAY HALLAHAN: It seems to me that it is not the role of people who win a minority of votes to decide what will and what will not go to the people in a referendum; and that is what the Government faces. It is a most unsatisfactory situation.

It is not the role of members opposite in this House to say what will be put in the question to the people. Nevertheless, this Government has made itself open to negotiations, and the point I would like to introduce here, although it interrupts my point about the referendum, is the lack of substantive comment or proposals from the Opposition. That is the aspect history will remember this current Opposition for—its utter lack of any contribution to this debate, although a small contribution was made by Hon. Graham MacKinnon, and that has been taken into account. I thought Hon. Fred McKenzie maybe did him a little disservice. At least Mr MacKinnon tried to make some sensible comment, and we cannot say that about Hon. Ian Medcalf or Hon. Norman Moore.

The whole question of minorities deciding what will happen is anathema to Australian society. People are really quite capable of making their own decisions. If they are not, something is very wrong with our social fabric. Personally, I do not subscribe to that idea; I think the social fabric of this community is healthy and people are able, given the attributes we have in this country, to weigh up political arguments and make their decisions accordingly. A referendum is a legitimate way of resolving the dispute. Two giants in our political scene cannot find any area for compromise in spite of the attempts by the Government to find common ground.

Members opposite such as Hon. Phillip Pental interrupted with monotonous regularity and tedium about a referendum on Aboriginal land rights and the casino, but he does not suggest we should have one on this Bill. This would seem to me to be the supreme Bill facing the House this session.

The shadow Minister for electoral matters (Mr Mensaros) was quoted in *The West Australian* on Tuesday, 6 November, I think in response to an article which appeared in relation to the Royal Commission into deadlocks. I will read what he said, and one can only suppose that it reveals the gross stupidity and ignorance of the Opposition.

He stated—

"To suggest that almost every piece of disputed legislation should be sent to refer-

endum is a further mockery of the Westminster system," Mr Mensaros said.

The claim that the Opposition controlled the Council and interfered with Labor legislation but not Liberal legislation was misleading, he said.

That has been put to the House today, and I am astonished at that point of view.

Hon. Garry Kelly interjected.

The DEPUTY PRESIDENT (Hon. John Williams) Order! Hon. Garry Kelly will allow Hon. Kay Hallahan to continue her speech without interruption.

Hon. KAY HALLAHAN: I found the member's interjection very constructive.

The DEPUTY PRESIDENT: Interjections are not constructive to the Chair.

Hon. KAY HALLAHAN: I think it shows the weakness of the argument against the proposal that we should have a referendum on this vital issue. The daylight saving referendum was useful, and referendums have a role in conflict resolution in a society like ours. This fundamental issue above all should be decided by the people.

Hon. P. G. Pental: Land rights.

Hon. KAY HALLAHAN: I have just been through that. Was the member not here?

Hon. P. G. Pental: Very unsatisfactorily.

Hon. KAY HALLAHAN: Referendums are not proposed by this Government on every issue in dispute. For Mr Mensaros to say that reveals the Opposition's need to cloud the issue and bring out the extreme situation. We would not want a referendum on everything. Nobody wants that, but it is a legitimate mechanism on important issues.

I challenge the Opposition to put its position to the people of Western Australia. If they are holding onto something which is a marvellous system I am sure the people of Western Australia will want to stay with that system. I wonder why the Opposition is not taking the bull by the horns and saying, "let us get this into the community and discuss it" so that their electors will support them, as Hon. Norman Moore does, because he believes he is doing the best by his electors. If that is so, he has nothing to fear. Let him put this Bill to the referendum.

Hon. N. F. Moore: They voted for me and obviously they expressed an opinion.

The DEPUTY PRESIDENT: Order!

Hon. KAY HALLAHAN: That may be because the member is such a terribly charismatic person. Let them vote on the issue.

I would like to refer briefly to the make-up of the Chamber had the system now proposed in this Bill been in operation. In 1974-77, the make-up of the Council would have been 16 Liberal, two Country Party and 14 ALP members. In the period 1977-80 it would have been 17 Liberal, two Country Party, and 13 ALP members. In 1980-83, the numbers would have been 17 Liberal, two Country Party, and 13 ALP members. Members will note we would only get the number of seats in relation to the vote we attracted. That does not seem to be a frightening thing to face.

Hon. Garry Kelly: They are frightened of that.

Hon. KAY HALLAHAN: I think they are.

In this current period of the 31st Parliament the make-up would have been 15 Liberal, one Country Party, and 16 ALP members. That would be a very different make-up to that which we face now with a split of 21-13. The numbers would have been 16-16. I take Hon. Ian Medcalf's point when he referred to that situation as an evil. I thought that was an extraordinary description of a balance of numbers in the House. It is a fair representation system. It may lead to some situations where we have to overcome problems we do not face now, but we would not have the present disgraceful system.

We must look ahead, and if the Labor Party continued to attract the vote as it did at the last election the make up of the House would be 14 coalition members to 18 Labor Party members.

Hon. I. G. Medcalf: I was quoting Mr Tonkin.

Hon. KAY HALLAHAN: I thought they were Hon. Ian Medcalf's words.

Hon. I. G. Medcalf: He said that in the other place.

Hon. KAY HALLAHAN: I thought that on the Equal Opportunity Bill, Hon. Ian Medcalf put forward a very good position, but I think his contribution on this Bill was abysmal.

Hon. I. G. Medcalf: No, you misunderstood me.

Hon. G. C. MacKinnon: It shows what a poor judge you are.

Hon. KAY HALLAHAN: It is also proposed to have a redistribution in another place, and that really is essential. It is a poor situation when a Government cannot govern because of the situation in this House, but in the Assembly there are seats which are quite unrepresentative. The point put forward about that, a point which is a bit of a red herring, is that in New South Wales the Labor Party won 69 per cent of the seats with 56 per cent of the vote. They won those single constituency seats and that was agreed to be a fair thing. However, we are living in a bicameral system and as

Hon. Fred McKenzie pointed out, the upper House would reflect a broad view of the electorate and the representation in this House would differ from that in the other place.

I see that quite clearly as a valuable system. I am not one of those who suggest that we should abolish this Chamber, but members can imagine the frustration of Government members when legislation, put forward on a majority vote from the electorate, gets confounded in this House. Then there is no doubt that people will be led to believe this place should be abolished.

On that score, Hon. Ian Medcalf put forward to this House that the stronger we are on wanting to abolish this House and threaten it, the stronger would be the members on his side against negotiation. I advise members that the converse works. The more the legislative proposals of this Government are confounded by this House, the stronger will be our determination to reform it, and indeed the abolitionists will have a stronger platform from which to work.

I challenge the Opposition to put forward its figures. Mr Mensaros, the shadow Minister for electoral matters, has been heard to say some revealing things. One of them was about votes being attracted to the ALP: The ALP stood to benefit even more greatly because of the increased popular vote for it. I would have thought that in a democracy, if one attracts a popular vote, one should attract the number of seats in proportion to that vote.

It was reported to me that at some discussion he referred to a synthesised seat model and came up with some extraordinary figures. I would like to challenge one of the members opposite who might choose to speak on this Bill—although the lack of members opposite wanting to speak on it is noted at this stage—to produce a copy of that synthesised model, showing the polling places and the voting figures that apply to each of those polling places. It would be very interesting material to add to this debate and I would like members opposite to consider tabling that information during this debate.

One more matter I would like to deal with for the elucidation of members opposite—a matter of which a really big issue was made—is the business of one member returned at each election in the northern zone.

The minimum number of votes needed to be elected to the North Metropolitan Province or South Metropolitan Province seats would be somewhere between 47 000 and 49 000 votes. In the agricultural area that quota would be between 37 000 and 39 000 votes, and in the north it would

be between 20 000 and 22 000 votes. With that sort of weighting there would be enormous advantages for the northern sector.

Hon. N. F. Moore: I will show you a map after you have finished speaking.

Hon. KAY HALLAHAN: Hon. Norman Moore can show me the map.

Several members interjected.

The DEPUTY PRESIDENT (Hon. John Williams): Order!

Hon. KAY HALLAHAN: Democracy has something to do with voting and people.

Several members interjected.

The DEPUTY PRESIDENT: Order! Hon. Norman Moore will come to order. Hon. Kay Hallahan.

Hon. KAY HALLAHAN: On the point of representation, a member who represents something like 84 000 electors—as Hon. Bob Hetherington and I do in our electorate—cannot provide the face-to-face interaction that I think Hon. Ian Medcalf mentioned. I have looked at the figures in reference to his seat. On 5 September this year there were 90 000 electors in the Metropolitan Province. If he was to see all those electors in one year it would be 7 500 a month. That is a ludicrous argument for him to put forward. There is no way that he can represent that electorate well. Hon. Norman Moore can service his 8 000-plus electors in his electorate much better.

Hon. N. F. Moore: That is a typical comment from someone who does not understand remote areas.

The DEPUTY PRESIDENT: Order!

Hon. KAY HALLAHAN: I would like to make the point that I do have some understanding of remote areas, and I do not think Hon. Norman Moore has any notion of what it is like to live in a large, populous metropolitan seat where people cannot even get through to their member by telephone.

Hon. Garry Kelly: That is where he lives.

Hon. KAY HALLAHAN: He does not try to represent people. He has a loaf when he is in the metropolitan area because he has to save his energy to visit the people in his electorate.

Hon. N. F. Moore: Absolute nonsense!

Hon. Garry Kelly: It is spot on.

Hon. KAY HALLAHAN: Another point which concerns me, but which is of great interest to me, was the reference made by Hon. Ian Medcalf to the long slow process of change that needed to be gone through in order to amend the electoral rules.

Hon. Garry Kelly: Glacial speed!

The DEPUTY PRESIDENT Order! Order! Hon. Kay Hallahan will resume her seat when I call order. I am going to warn Hon. Garry Kelly that one more interruption from anyone will cause me to take the appropriate action. Hon. Kay Hallahan has the floor and she will be heard in silence. If members wish to conduct conversations between themselves, I suggest they do it outside the Chamber. Hon. Kay Hallahan.

Hon. KAY HALLAHAN: I found the reference to which I just referred an interesting one. It was in relation to changes which took place in 1963. It really is astonishing that in this day and age we should need to go through long and laborious changes over an indeterminate period. No time limit was given and no quote was given, but it seemed to me to be a glimmer of hope coming from Hon. Ian Medcalf that the Liberal Party recognises there is a need for change. He said that his party is going to look at the whole question of electoral reform. That is an admission that something needs to be done. It was an idea put out by one member and not conceded by any other member of the Opposition, but nevertheless it was a reference to it and I regard it as promising, if not exciting.

Do we have to wait until the year 2000 for the Opposition to go through this process? That is the question that Western Australians will be asking and demanding to know well before the year 2000. I suggest to the Opposition, if it does not want to be run over in successive elections until that period, that it moves that process along a little faster.

In reference to the comment by Hon. Graham MacKinnon, he made a sad reference to the fact that members used to be able to talk to one another. I tell Hon. Graham MacKinnon, through you, Mr Deputy President (Hon. John Williams), that while this system continues it is very difficult to have an interchange of ideas which would facilitate legislation and which would benefit the people of this State when one is aware of hostile and resentful feelings and when we operate in the context of a system as we do with our electoral laws. It is a fact of life that we will not get a lot of useful interchange in this place. I regard that as a very serious detriment to the well-being of the people of Western Australia.

Reference to the homogeneous mass in the metropolitan area was a classic! The problem for the Opposition is that the homogeneous mass in the metropolitan area has developed a sense of its own rights before the law and it is moving in a way that will demand equality before the law and in

making the law. If the Opposition believes that its view will persist then I challenge it to let this Bill pass and let the people of Western Australia decide.

HON. MARK NEVILL (South-East) [9.00 p.m.]: Electoral reform of this House is essential if the Legislative Council is to fulfil its role as a genuine House of Review. As a House of Review, it has been selective over the years; and it has the worst record of any House in Australia. During the last 31 years, about 50 Labor Government Bills have been rejected by this House, while one conservative Government Bill was rejected during that period.

I was recently reading the history of the late Premier, Mr Jack Scadden, and one of the interesting things I noticed was that a Bill came before the Legislative Council in three or four years in succession for the establishment of the Esperance-Kalgoorlie railway, and it was knocked back each year. Eventually, after its fourth try, it was accepted. I am not sure of the reasons for the rejection of that Bill. However, that shows that this House has not been frustrating Labor Governments just for the last 30-odd years; it goes back to the turn of the century.

Since that time, this Chamber has evolved very little in its role. Its role is almost the same as that of the other House. The debates are very similar, and this House has not evolved, for reviewing legislation, its own forms which are any different from those of the other House. This House will continue to languish while there is gross malapportionment within the State. When it is removed, as Hon. Kay Hallahan said, there will be a chance of having mutual trust between the members, and removing much of the resentment on this side of the House.

In the last 90 years, not one member of the Labor Party has occupied any position in this House, with the exception of the Ministers. All of the other positions are controlled by the conservative parties. That is a source of resentment to many members on this side of the House.

Many reasons were given for the rejection by the Opposition of our 1983 Bill. The criticisms by the Opposition have been reviewed thoroughly. In response to them, the Government has made significant changes for the 1984 Bill. It has included the electoral reform of both Houses in this Bill, in response to a criticism.

The explanatory notes on this Bill were put forward in response to a criticism last year by Hon. Ian Medcalf. In this Bill, we have increased the number of members of the Legislative Council to 32 instead of 22 as proposed in the previous Bill.

That is a sound change which will be important if we are ever to have a committee system working in this House. The Bill proposes four separate regions, and that move was favoured by Hon. Graham MacKinnon as against a single-State electorate, so that members could be identified with particular areas and be accountable to those areas. Also, we have made the compromise of including weighting for country regions. We have given ground to the Opposition in that respect.

I thought Hon. Graham MacKinnon would make a more significant contribution than he did. He dismissed the Bill, despite its overcoming many of the criticisms that he outlined last year.

Hon. Graham MacKinnon stated that political parties do not support electoral reform Bills which do them harm. My assessment of this Bill is that, if it is passed, we would probably pick up two seats in this House, and we would lose four country seats in the other House. Of the eight new metropolitan seats, I would be very surprised if four of them did not go to the Labor Party and four to the Liberal Party. Therefore, this Bill does us significant harm. The reason we are putting it forward is that it is part of a principle that we should have more justice in our electoral system, and more equality.

Before the tea suspension, Hon. Tom Stephens started talking about the 1971 election in the North Province. He did not finish developing that point, so I will do so now. Hon. Graham MacKinnon made quite an issue of that. His argument was a little phoney. I lived in the Kimberley at the time, and the candidates were Bill Withers, Jack Hunt, and Ted Archer, a man from Perth. There was terrific resentment in the North Province because a Perth candidate had been put up. I put it to the honourable member that that is why Ted Archer was not elected. In the 1974 State election, we saw another candidate who was not local; and many people did not vote for him simply because he did not live in the area. I was told by one old pastoralist that the candidate did not know one end of a horse from another and, "How could any self-respecting person in the Kimberley vote for him?" I put to Hon. Graham MacKinnon that the reason Ted Archer was never elected, and the reason that a Labor Party member and a Liberal Party member were elected, was that Ted Archer came from Perth.

Hon. G. C. MacKinnon: That is rubbish. Bill Withers came from New South Wales.

Hon. MARK NEVILL: Bill Withers lived in the electorate.

Hon. G. C. MacKinnon: I was in Kununurra when he arrived. I saw his bus. You are talking utter rubbish.

Hon. P. H. Lockyer: I was there, too. You are incorrect.

The DEPUTY PRESIDENT (Hon. John Williams): Order!

Hon. MARK NEVILL: If I am incorrect, I would like to know the reason.

Hon. G. C. MacKinnon: The fact remains that a Liberal and a Labor—

The DEPUTY PRESIDENT: Hon. Graham MacKinnon will come to order.

Hon. MARK NEVILL: Either by interjection or by speeches, the Opposition has conspicuously avoided debate on this Bill. Likewise, it has avoided negotiations and discussions. It did not want to be committed to any concessions because it knew its position was absolutely immoral.

Hon. Garry Kelly: Untenable, it is.

Hon. MARK NEVILL: The Opposition did not want to be seen to be hollow. It would have had to make some concessions. The truth of the matter is that the Opposition wants to maintain the present grotesquely unfair and dishonest system because the Liberal Party is the beneficiary of that system.

The Legislative Assembly has had a Labor majority for 30 of the last 90 years. The Government in that House has changed hands quite regularly. Yet during that time the Legislative Council has had a system that allowed 91 years of continuous conservative control. That is the sort of electoral system that one would expect to find in countries like Russia and South Africa, not in Western Australia.

Hon. H. W. Gayfer: What is your philosophy in respect of the Senate?

Hon. MARK NEVILL: The Senate is a different situation. The States went into Federation on the agreement that each State would have 10 members of the Senate. Federation would never have taken place without that agreement. I do not think the analogy is a correct one.

Hon. H. W. Gayfer: It is still not proportional representation.

Hon. MARK NEVILL: It is not proportional representation. We would not have had a Federation without that so-called protection of the States.

Although the Senate is not elected on the basis of proportional representation, it is a very effective and useful Chamber. I would like to see this House evolving in the same way. Some concessions

on the part of the Opposition would go a long way—

Hon. H. W. Gayfer: How do you agree with that sort of representation when you are criticising it here?

The DEPUTY PRESIDENT (Hon. John Williams): I draw the attention of Hon. H. W. Gayfer to the fact that I have said there will be no interruptions when a member is on his feet.

Hon. MARK NEVILL: That was a pre-condition of entering Federation. There was no such pre-condition on the establishment of the Legislative Council. This is a different case, as can be seen by anyone with a knowledge of history.

Hon. Garry Kelly: That was the price of nationhood.

Hon. MARK NEVILL: Finally, I will dispose of the argument that the grotesque weighting we have now is still needed in country seats. I am a country member, and I have no complaints about the size of my electorate.

I would welcome taking Norman Moore's electorate east and north of my own. He complains about how hard he has to work to represent the Murchison-Eyre region. That seat is one of the easiest in the State to represent. As much as 80 per cent of the electorate is uninhabited and I have never heard any reports of that honourable members having travelled out along the Eyre Highway. He may have gone to the gymkhana on a couple of occasions. Most of the people in the area along the train line go to Kalgoorlie to see Ian Taylor MLA for their representation. I would regard it as a privilege to represent those two areas and the western desert area of the Warburtons. So, if Mr Moore is keen on relinquishing that area, I would be happy to take it up.

Hon. N. F. Moore: I am happy to continue representing that area and I do not think they would want you.

Hon. MARK NEVILL: The reason the grotesque weighting is not needed any more is that communications and access have improved vastly in country areas; we have far better services. We have bitumen roads through much of the country, better phone links, and good air services to many country areas. Many of the services will improve further when the satellite goes up; we will have a second ABC national country network and we will have extra commercial and ABC channels. We will have other facilities such as videotex; better equipment in our offices so that we can service our electorates more efficiently; photocopiers; and much improved telephones and dictaphones. In the

future many of us will have computers to assist in looking after our electorates.

On the remuneration side we have far better allowances now to look after our electorates. I get a very healthy electorate allowance which covers my expenses. We have facilities such as car hire, air charter, and motor vehicle allowances; we have postage allowances. Just recently country members were provided with typists at Parliament House, and I have found this a tremendous facility. I am sure that if country members can put forward other worthwhile suggestions to the Government, and particularly to the Minister for Budget Management, those suggestions will be favourably considered.

Times have changed. The Opposition should attempt to make some concessions because there is no justification for the present distortion in the Legislative Council representation. The present electoral system is an abomination which cannot be justified on any moral or ethical grounds. I strongly support the Bill.

HON. ROBERT HETHERINGTON (South-East Metropolitan) [9.13 p.m.]: I hope Hon. Graham MacKinnon will forgive me if I use a remark I have made before, but after listening to the arguments of the honourable gentlemen opposite tonight, I am reminded of the famous conservative Minister who said, "Our arguments are bad on this one; we will just have to use our majority". I suppose that after their pitiful arguments tonight, their majority will in due course roll over us, although that remains to be seen.

Perhaps I should tell Hon. Norman Moore—because I like to take note of his example—that I was elected by 58 per cent of 67 000 people. I do not know what that proves except that the interests of my electors would mean there would need to be more people like me to look after them, but I do fairly well.

I am in a difficult situation because under our peculiar system we are elected for six years and we can have a redistribution in the middle of that. I now represent an electorate where three-quarters of the electors did not vote for me. In due course they will, because they gave my colleague, Hon. Kay Hallahan, 59.5 per cent of the vote in the last election. Although I know I could not do as well as her, I expect to do reasonably well. But I am in the uncomfortable position of representing people who have not voted for me. If the system we are arguing for in this Bill were introduced, it would mean that I would still represent a proportion of the people in the seat because I would have been elected from the southern province as a whole, along with my friend Hon. Garry Kelly.

I did not find Mr Moore's arguments terribly interesting because he talked about what his electors would do and whether a line drawn for one reason would be the same line drawn for some different reason, and he threw numbers out the window, which is what I would more or less expect of him.

I also noticed that Hon. Graham MacKinnon did the kind of thing he so often does in this House: First he talked about representation and therefore got away from the principles of the Bill altogether; next he talked about representation in an old-fashioned reactionary way; and then he got on to a reminiscence about how good chaps they all were in the past. We heard both from him and Hon. Ian Medcalf that there had been all sorts of consensus in the past and that somehow that made what we have now all right.

I can look back to the time—and in case one of the pedantic people opposite wants to pick me up, let me explain that I do not actually remember it, but I have read the debates and I know about it—when, during the 1933 to 1938 Parliament in South Australia, a new electoral system was introduced by consensus. It did not occur to anyone, least of all the Liberal Government that was introducing the new system, that it would produce a massive malapportionment that would keep the Playford Government in office in South Australia from 1939 to 1965. But it did just that because quite often when people are coming to a consensus on a political change, an electoral change, it will have the same kind of effect as it has had in the past. They overlook that when we have three-member electorates or single-member electorates—electorates where people are elected one at a time—the results are quite different. So whether people disagree or agree, whether there is consensus or no consensus, it has nothing to do with the situation as it stands.

The other thing Hon. Graham MacKinnon said, adopting his man-of-the-world attitude, was, "Let's face it; no political party does anything that is going to be to its disadvantage". But sometimes, something that is going to get rid of a disadvantage that appertains to a political party is also something that is inherently just. Therefore, we are not being sanctimonious when we bring forward arguments about justice; we are just putting good arguments. Because the arguments are good we get all these funny references to consensus in the past and to the attitude that in the past political parties have done things to suit themselves.

So far that seems to be the Liberal Party philosophy. All we have heard from its labouring—and the mountain, I am told, is labouring—is that the little mouse of the three-zone trick was run up the

flagpole a few months back. The Liberal Party here seems to be quite good at doing this because Mr Jeremy Buxton is good at reading what goes on in South Australia. It has taken over the scheme that Sir Thomas Playford tried to introduce, but found he was too late. That is the scheme where they have a great big "daddy bear" quota for metropolitan seats, a middle size "mummy bear" quota for country industrial seats, and a teeny weeny "baby bear" quota for rural seats.

The end result is meant—to use the words of my Liberal co-writer in the *South Australian Election, 1959*—to crib and confine Labor votes and to make it harder for the Labor Party to win a majority.

I point out to the House that it is all very well to quote history selectively when it suits one and say that we have a representative system. Of course we have a representative system, we started off with a representative system in 1296 when Edward I called for two burghers from each borough, and two knights from each shire to represent their shires and boroughs to grant him moneys for his wars.

They represented the men of property, not the women of property, and gradually they evolved into a House of Commons, which was a property House. They had the House of Lords, the second Chamber above them, of great landed magnates who were there to make sure that the little property owners did not go too far. Wherever Great Britain has left colonies with free institutions she has always left behind an upper House which represents property, in the words of Governor Sir Richard Grave McDonald in South Australia in 1856, so that the dangers of democracy did not overtake the colony. That is what upper Houses were put there for; they were not just put there to make life difficult for Governments, they were put there to make sure that the people who controlled the colony kept controlling it and if any democracy was eventually introduced into the colony it could be contained, as it is contained today in this House, in this Chamber, where the representatives on the other side of a minority of the people of this State can frustrate the wishes of the elected Government of this State. That is the system that honourable gentlemen opposite are defending when they talk about representation and mince round with words.

Hon. A. A. Lewis: I thought Peter Wells was speaking.

Hon. ROBERT HETHERINGTON: There is a difference: I am talking sense. I wanted to make sure that all members could hear me and I just

wanted to make sure they understood what I was saying.

Hon. G. C. MacKinnon: I do not think the Assembly members are interested.

Hon. ROBERT HETHERINGTON: I notice that members do not want me to continue and Mr MacKinnon is once more trying to interrupt me and throw me off what I was saying. It is just one of his past tactics. However, I would be quite happy to leave that matter for the moment, because I want to go to something that Hon. Ian Medcalf said in his speech.

He talked about the way in which one-vote-one-value would help the Labor Party. He is relying on phoney and dishonest figures that were drawn up by the shadow Minister in another place to prove an argument that cannot be sustained. Anyone who has studied electoral systems at all will know that single-member constituencies distort the vote; and the greater the proportion of the vote, the greater the distortion will be.

It is true that if we had one-vote-one-value and the Labor party got 53 per cent of the vote it would have a certain proportion of the seats. If it got 55 per cent the proportion would be higher than 55. Sometimes there can be houses with 70 per cent of the seats held by a party with 55 per cent of the votes, but that would apply to a Liberal Party with the same percentage of the votes as well as the Labor Party. And if the Labor Party under the present system in the Legislative Assembly is not getting that kind of distorted vote, it is because the system is malapportioned against the party, because otherwise a system of single-member electorates would produce that kind of distortion, and it has been defended by—and I am glad some of the members opposite have read lots of books about this—almost anyone who defends the Westminster system as producing stability of government; that means there are not close contests and that the party which wins a great majority of the vote wins a majority of the seats gives them stability until the next election. This is an intellectually dishonest argument that I was surprised to hear from Mr Medcalf, because I know he has the intellectual understanding to follow it. I thought he would take enough time to look at it and not present it.

The other thing I would like to point out is that all sorts of interesting things can happen and have happened under the system that people seem to dislike so much. A system of equal-member electorates with optional preferential voting was first used in Australia in 1974 in the Northern Territory elections and that produced a grossly distorted vote. It was not that the elections were

unfair, they were quite fair, but the end result was that the Country-Liberal Party got all but one of the seats and that was won by an Independent. The Labor Party got none of the seats while getting more than 40 per cent of the vote. That was because a single-member electoral system was not likely to produce an adequate democratic result in the Northern Territory because there were no areas where the two parties could be sure of maintained and continuing support as we have in the industrial areas, and some of the better residential and rural areas here. We know that certain areas always return parties of one political complexion. This did not apply in the Northern Territory, therefore, if we wanted to get a better balanced but reasonably stable Legislative Council in the Northern Territory we could have had four or five multi-member constituencies using proportional representation with five members each. That would have produced under the 1974 result a clear majority for the Country-Liberal Party which had obtained a clear majority, but it would have made it possible in the following election, if the Labor Party got over 50 per cent of the vote, for it to get a majority.

It has been pointed out by members in the Legislative Assembly that in the elections so far we have had one of the criteria of democracy; that is, the party with the majority of votes has always got the majority of seats. However, the Tonkin Government got a very bare majority. The Liberal Party has more seats with a smaller majority than the Labor Party has because the electoral system is stacked at present against the Labor Party. When we say that we want it changed, people talk of our crying about it when all we have to do is get out and win the seats. We heard that specious kind of argument put forward by Mr MacKinnon today when he said that everyone in his electorate has an equal vote. He said they can vote for him or against him. In my electorate everyone has an equal vote too, for or against me, but if all the metropolitan area were put into one electorate that one member would still get in on a majority of the vote, but we could not call it a democracy.

Although more and more members sitting opposite do not claim this, we claim to be a democracy. What we have done is turn our representative system, in which property owners were represented, into a democracy or we have tried to so that whichever party gets the majority of the votes—it will only work on a party system in a modern independent state—forms the Government. That no longer happens in the United Kingdom. The party with the minority votes can form the Government. While the UK was our exemplar because it has followed the first-past-the-post

system and has not introduced any form of proportional representation or form of preferential voting, it cannot be said to be a democracy. We have never been a democracy because the Labor Party can get a majority of the votes in this House overall, but it will not get and has not got a majority of the seats.

So we pit our tiny 13 against the rest and, although Hon. Margaret McAleer is shaking her head, it is undemocratic and unfair, and it does not give the people the right to the legislation they want from the Government they have elected. It allows a minority of the electorate to control the elected Government as it sees fit.

This is one of the reasons we are introducing this Bill. We are trying to change that system. Of course, if members opposite do not like our Bill I would be glad to see what they can put up. However, they are still working on it. They have run the three-card trick up the flagpole, but it did not seem to flutter very well because it was obviously designed to be in the blatant political interests of the Liberal Party. It had no decency or fairness. So, the Liberal Party has to try some other way of fooling the public, but I do not know whether that will work.

The other thing I want to say to Hon. Ian Medcalf is that he talked about the use of optional preferential voting where a person votes as far as he likes. One votes for the candidate one wants to vote for and one expresses one's preferences if one desires to express them.

In 1974, one of the present members of the Tuxworth Government in the Northern Territory, Mr Marshal Perron, was elected on the preferences of the Labor Party candidate, Mr Geoffrey Loveday, defeating a sitting Independent. In other words, the preferential system can be used if members want to vote preferentially; it can affect the results. I know about that case because I was there. I know about it, particularly, because the Labor candidate was my brother-in-law. I was sad to see him so badly defeated because he was worth something better. However, that is politics.

Certainly, if a party wants, or if the electors want, they can vote preferentially and it can and has changed the vote. So let us face the fact that optional preferential voting can and does work.

As I suggested when Hon. Ian Medcalf was talking, we should make a few more strawmen for him to tilt at because that is all he seeks to do.

I have suggested that the Legislative Council was here to make sure that *demos*, the populace, the ordinary working-class people, could never elect a Government that could have full control.

That has worked very well. So far the Labor Party, although it has been the major party in this House, has never been the majority party in the House. It is not at present and, if we win the next election and if we get a majority of votes in the Legislative Council overall, we will still probably be a minority in the House and then, in their usual way, members opposite will talk about the importance of the Legislative Council as a House of Review and will want to set up a whole range of committees which they will have the manpower and woman power to man or staff.

While we have to throw our small numbers into the fray, I know that we have got the quality, but a bit of quantity is sometimes helpful.

It might mean that we could have a useful, and decently organised House which would do some good committee work instead of having the present Government relying on the dubious good graces of the overwhelming majority of the Opposition.

The other matter that was brought up was the fact that this is a responsible House and we do not want simultaneous elections because this enables the Government to control the House. It does not enable the Government to do anything to the House. It enables the electors to control the House if the Government cares to go to the electorate, but it does not enable the Government to do anything. What the present system does enable is for this House to be completely irresponsible if it wishes, without having to face the electors. That seems to me to be a bad system,

Hon. Neil Oliver: You have to face an election.

Hon. ROBERT HETHERINGTON: Wait a minute and I will try to explain to the honourable member. One of the things about responsible Government is that if a Government loses its majority in the lower House, if it loses the confidence of the lower House, it has to either give way to another Government or go to the electorate. However, this House, if it wishes, can reject Supply, prevent a Government from governing, and force it to an election. In other words, it can be quite irresponsible.

Hon. P. G. Pental: How many times has that happened.

Hon. ROBERT HETHERINGTON: How many times! Hon. Ian Medcalf said proudly, "but we have never rejected Supply". That seems to be a good thing. Why leave the power in this House because, if it is a good thing not to reject Supply, why retain the power? If I might point out to Mr Pental, it used to be said—

The DEPUTY PRESIDENT (Hon. John Williams): The member can point it out to me.

Hon. ROBERT HETHERINGTON: For the information of Mr Pental, through you Mr Deputy President, it used to be said in the nineteenth century that the House of Lords, which had the undoubted power to reject Supply, had never done it since the time of Queen Anne, and Queen Anne was dead. In 1910 the unbelievable happened and Supply was rejected.

Hon. P. G. Pental: The world did not come to an end.

Hon. ROBERT HETHERINGTON: No, it did not, but the House of Lords nearly did. It produced a grave constitutional crisis about which Dr Blewett has written a book, if the member cares to read it. It is a learned and able book which he wrote for his Ph.D thesis. Anyway, it meant that the Constitution of Great Britain was changed, the Parliament Act was passed, and there is no longer the power for the House of Lords to reject Supply. I think it would be a good idea if we followed that model here.

The argument, therefore, about simultaneous elections giving power to the Government means that simultaneous elections will allow a Government to bring out half of the Legislative Council and the whole of the Legislative Assembly at a time of political crisis. That might help to keep this House on its toes. The members of this House, or half of them, would have to face the electorate and they may not like that.

As an academic, I advocated, for many years, that we have simultaneous elections for upper and lower Houses. I am one of those people in the Labor Party who believes that we will benefit from a properly elected, properly structured upper House. I believe in a two House system if we have a non-hostile upper House. However, because of the way this House is behaving at present and the way this House refuses to look at any sort of decent reform except to just reject, reject, and reject, and to take over the legislation of the Government by its brute numbers, there will be a movement for reform.

I get a little tired of people opposite telling me that the TLC wants to abolish the upper House as if this means something to us. The TLC is not our master. Members opposite should learn something about the facts of the situation because all members of the TLC are not affiliated with the Labor Party. The policy of the Labor Party is the policy of that party, and it is not the policy of the TLC. The policy of the Labor Party is to maintain and reform this upper House. I hope we shall be able to do that and are not forced by obstruction from the other side and its refusal to face the fact that changes must come, to the situation where this

House is, in fact, abolished. That is not what I would like to see.

I would like to see a balanced House, a House elected on proportional representation, a House elected on a different basis from the lower House, and one elected on democratic franchise. It would not be a House that we would necessarily control, even if we won government, or a House that the Opposition would necessarily control if it won government. It may be a House where the balance is held by Democrats or Independents, but it would be a better House than we now have.

Therefore, I suggest—although I do not expect it to happen—that members think again and perhaps give this Bill a second reading. They should look at it in Committee and if they still do not like it they can knock it out in the third reading. At least we shall have had some discussion in this House in Committee towards that dialogue which Hon. Graham MacKinnon thinks would be a good idea.

I commend the Bill to the House.

HON. W. N. STRETCH (Lower Central) [9.42 p.m.]: I oppose this Bill. It is high time that this House heard the views of members from the south-west. It has been said that the point of view of country members is different from that of metropolitan members.

I think it is important that we look at the reasons for this and accept the contribution that country people make to the economy of the State. We must defend the position of country people at all costs and that is why this House of Review has made some meaningful decisions which have been in the best interests of the State.

Before proceeding along that line, I think we should define the word "democracy". I know that Mr MacKinnon said it had been debated *ad infinitum*, but it has been used with such abandon that I believe we should define our use of it. Simple democracy is the ancient Greek democracy where meetings were held in the marketplace and the people raised their hands in favour of what they thought was the best proposal.

As the populations increased we went on to a representative democracy where representative people made decisions. That later led to a constitutional democracy which took the process even further and finally, we reached the stage we now have of constitutional government. Around the time of the French revolution social democracy arose. The difficulty in that case is that the basic aim of social democracy is the distribution of wealth. That is a great idea in theory, but in practice it means cutting up the goose that lays the golden egg to give everyone a bit of it, but one

is left with no goose to lay more golden eggs. Two of the great exponents of the social democratic process are the USSR and the East German Republic. That system may suit those countries, but it does not suit me, and I do not believe it suits the Labor Party members either if they think it through.

I return now to the question of country representation and its importance. Any system of government must look at the basis of its wealth, how it is earned, and its part in the distribution process. It is absolutely vital, and the major role of government, to preserve the country's manufacturing and productive base. It is ignored at a Government's peril. It is no good distributing everything to the deserving poor if there is nothing left to distribute. That makes for a very lean meal.

The policy of the Labor Party seems to be that if one cannot win an argument by logic, one should resort to ridicule, coarse laughter, vituperation, derision, and above all, bumper stickers. That is all very well if one believes what one is putting on the bumper stickers. However, the stickers used by the Labor Party are totally inconsistent with the views of Government members in this House.

Hon. Kay Hallahan: That is rubbish. Give an example.

HON. W. N. STRETCH: I intend to. The Senate argument has been trotted out many times tonight. It obviously has not sunk into the vital receptive ears of Hon. Kay Hallahan so, I will repeat it. Senate representatives are equal among all States; Tasmania with approximately 400 000 people has 10 representatives and New South Wales with a population of more than 4.5 million has 10 representatives. The Labor Government says that it supports the system, but it is supporting an 11:1 bias.

Hon. Graham Edwards: You do not understand it.

HON. W. N. STRETCH: I understand it perfectly.

Hon. Kay Hallahan: Let us reform that too.

HON. W. N. STRETCH: Where shall we stop? Hon. Robert Hetherington says that he has no intention of abolishing the upper House and the crusading Hon. Kay Hallahan says we should abolish the Senate.

Hon. Kay Hallahan: I did not say that; that is misrepresentation. I said we should reform the Senate.

HON. W. N. STRETCH: I am sorry. I suggest we go further and look at what might happen further down the track. I refer to the areas pre-

viously mentioned when the Opposition members tried to deride Hon. Norman Moore in his attempts to point out the difficulties of representing his area. I have no doubt that they will do the same to me and to Hon. A. A. Lewis. The difficulty of representing country areas such as ours was well-demonstrated in a debate not long ago regarding the timber industry.

Hon. Tom Stephens: If that was the case, why did you do what you did to the Kimberley and leave it in contrast to Kalamunda?

Hon. W. N. STRETCH: Referring to some figures I have researched, I asked the Attorney General representing the Minister for Parliamentary and Electoral Reform if he would supply me with a list showing the area of electoral provinces in Western Australia in square kilometres.

Hon. Kay Hallahan: What has that to do with votes.

Hon. W. N. STRETCH: If the member will be patient and stop her interjections, I will explain. The Minister did not have these figures, but later gave me the answer to the question. I can recall the President giving directions that questions should be brief and so should answers. I received a very good list of the areas, on one side were the provinces and on the other areas. Also, in answer to that simple question, I received a dissertation on electoral reform. It covered almost a whole printed page. I am glad the Minister did not attempt to read that answer in the House because it would have been ruled out of order. That is the sort of fanaticism with which we are dealing in this debate. I do not believe the Government is serious about the legislation; it has been introduced to embarrass the Liberal Party and to weaken the resolve of the upper House. It has not succeeded. It is a propaganda exercise and I shall now prove that. In this connection I received a letter from a lady living in the metropolitan area, a lady whose name I shall not give unless requested to do so. She said—

I write to express my strong support for the current proposals of the State Government to reform the parliamentary and electoral system in Western Australia. I believe that it is necessary to ensure that the Parliament reflects the will of the people as expressed at State elections.

A system where any party which receives a majority of votes is able to hold a majority of seats in either or both Houses of our Parliament seems to me to be one that is fair and democratic.

It was a good hand-written letter. Seeing I did not have secretarial assistance at that time, I rang her

up. We had a long talk about it. The lady said she had been a Labor Party supporter for approximately 60 years. I said, "What made you do this?" She said, "I have been fed a lot of literature by Mr Tonkin. He has been a good supporter and a great leader of the State." I wondered which Mr Tonkin she was talking about! She turned out to be a very intelligent lady. She then repeated the point she made in the letter.

I said, "Do you accept that I, as a country member, have certain difficulties which are not encountered by city members?" She accepted that. She said, "I do not have relatives in the country, but I understand that you cannot get round as quickly or as often." I said, "Perhaps there should be a better telephone service so that we can ring up and our constituents can come back to us." She said, "That is not right, when you want to see your member, you want to see your member. I can see the difficulties you have."

More secretarial staff, more telephones, and more telex machines cannot replace personal contact.

I said, "What do you feel about country members? Do they have a role to look after the land?" She said, "Of course, that is the very important part of their job. I have been down your way, I have seen the forests and things you have to look after." She said, "I have no objection to weighting of votes, you need to consider the rights of country people". I said, "Would you accept such a system; that is even if it is not one-vote-one-value?" She said, "Thank you, young man, for the time you have spent, but I admit that you have disturbed me greatly."

Hon. Tom Stephens: You liked the "young man" remark.

Hon. W. N. STRETCH: She is now a friend for life!

Hon. J. M. Berinson: She probably could not believe that the taxpayer was paying you to say those sorts of things.

Hon. W. N. STRETCH: I spoke earlier about derision and scorn. I will ignore that interjection.

The point it makes is that the people of Western Australia are being subjected to a barrage of this sort of literature with general innuendos.

Hon. Tom Stephens: You have not seen anything yet.

Hon. W. N. STRETCH: Sadly I believe you! The member is quoting from a greater source than I. This sort of programme is falsely based. One should look at the performance of this upper House. I have the analysis of the figures here. Look at the Bills actually passed. The total num-

ber of Bills introduced in the Assembly, 100; in the Council, 94. This was for the last sitting. Bills facilitated by Opposition action in the Assembly, 71 Bills; in the Council, 78. I do not have to tell the few remaining members on the Government side who controls which House. This House, in which the Government asserts it has no control, passed more Bills than the Assembly which it controls.

Hon. Graham Edwards: Give us the figures for the previous nine years?

Hon W. N. STRETCH: I am sorry, I was not here then. In the Assembly, 10 Bills were strongly opposed; in the Council, four. The Bills in which amendments were sought by the Opposition—nine in each house. Bills diverted to Select Committees—in the Assembly, one; in the Council, none. Bills withdrawn by the Government or defeated by the Government itself, in the Assembly, nine; in the Council three.

One could put forward the argument on the figures that we have actually helped 300 per cent more than the colleagues of members opposite in the lower House.

Bills defeated by the Opposition in the Legislative Council were four, so we passed 96 or 97 per cent of the legislation which came before this House.

I do not believe it is responsible or truthful to say how obstructive this House is. Members have to take cognisance of the fact that we have facilitated the passing of many Bills because we recognise that the Government has the majority in the lower House.

Hon. Peter Dowding: What rights does that give the Government in this House?

Hon. W. N. STRETCH: I do not know what rights it gives.

Hon. Peter Dowding: What rights should it give us.

Hon. W. N. STRETCH: But it gave the Minister and his Government 96 per cent of his legislation. That is a pretty fair pass rate.

Hon. Tom Stephens: Just give us this Bill and we will not say anything nasty again.

Several members interjected.

Hon. W. N. STRETCH: I quote a letter which appeared in *The West Australian* of 19 March 1984. It is from a Mr Kevin Moore, not Mr Norman Moore.

Hon. Peter Dowding: He is Norman's mate!

Several members interjected.

The DEPUTY PRESIDENT (Hon. Robert Hetherington): Order! I would like to hear from the member on his feet.

Hon. W. N. STRETCH: I think members will enjoy this letter. It reads—

KEVIN MOORE, Francis Street, Marble Bar: So Australia's socialists are vying for the privilege of having a representative seated in the United Nations Security Council.

If successful, and their one-man-one-vote principle were to be applied in the council, Australia would rate as having only a fraction of one per cent of a vote when compared with other member nations such as the USSR or China.

When it suits the socialists' purpose, regional representation is quite all right.

The socialists in WA, however, have decided that representation is to be based on numbers, with the objective I suspect of centralising power in Perth.

This is a good example of marxist dialectics.

The final sentence might be a little extreme, but I do not think members can argue with his sentiments.

Hon. Peter Dowding: Is that what the League of Rights is preaching at the moment.

Hon. W. N. STRETCH: I do not know.

Hon. Peter Dowding: Ask Mr Moore, he is friendly with them.

Hon. W. N. STRETCH: I will ask Mr Deputy President, he might know.

The DEPUTY PRESIDENT: You should just speak to Mr Deputy President, not ask him questions.

Hon. W. N. STRETCH: I have difficulty ignoring this Minister.

I shall now give Government members another opportunity to heap derision and scorn on me, because I stand here to defend that which they would consider to be old-fashioned, but which I consider to be a very responsible concept, and which, in earlier times, would have been called the "Stewardship of the Estate". However, I believe it should be accepted generally that country members have a great responsibility which involves more than just those human beings out in the electorate.

I do not intend to tell stories about the sand dunes on the edge of the Gibson desert or anything like that, but there is a case, and it has been recognised since the early days of the settlement of Western Australia, that members of Parliament

have a responsibility, because there are very serious difficulties in country areas and they must be represented through Parliament.

The fact that Hon. A. A. Lewis and I have gleaned so much information on such industries as forestry, mining, and the like in our travels around our electorate is very important to that area and to the economy of Western Australia. The same goes for every member. Hon. Tom Stephens has some very important developments in the north. Incidentally I was very interested to hear the details of his wife's family, because my grandfather was living up there about the time of Michael Durack's family.

I accept that all members have particular problems in their electorates, but I believe that country members have special needs. I do not accept that these can necessarily be met by the electronic wizardry of the age. As the Government's very staunch lady supporter to whom I spoke agreed, there is a need to weight those country votes. Indeed, the Government has accepted this. It would not accept it last year, but it has accepted it this year. Government members say that perhaps we are moving towards their point of view. I say that perhaps Government members are coming somewhat towards our point of view and that we may ultimately meet on mutual ground which will be a lot closer to our way of thinking than it is to the Government's.

I shall indicate a further measure of the fanaticism with which this matter is being pursued. I say here that I believe the Government has its priorities very wrong when it puts such enormous resources, manpower, and money into pursuing this goal when there are so many other real needs waiting to be met. Certainly that is the case in my electorate, and I believe it applies also in other electorates. Far more deserving causes are being ignored in the obsessive chase after this wild dream of the Labor Party.

I have here a report on the "Seminar on Progress towards Parliamentary Democracy". Minister Tonkin very kindly circulated that report to all members of Parliament, I think to most schools, probably to all shires, and no doubt to Uncle Tom Cobbley and all. When he was speaking, the Deputy President (Hon. Robert Hetherington) referred to the three bears—not Goldilocks—and yes, perhaps they all received copies too! I gather this was all done at taxpayers' expense. However, much of it was not necessarily as much in favour of the goal Minister Tonkin pursued as he thought.

On page 26 of the report on the "Seminar on Progress towards Parliamentary Democracy" in

Western Australia, dated 22 September 1984, the keynote speaker, David Black, talks about the election in 1888. He says—

Similarly the *Bunbury Southern Advertiser* argued that 'increased country representation would have a check on the aggrandisement of those more populous parts where so much money has already been spent and prevent the evil of centralization which would seek to advance the Capital City... at the expense of the country districts, which latter are really the backbone and mainstay of the Colony'.

That remark was true then and I submit it is just as true now. I believe the next address at the seminar was composed for Hon. Arthur Tonkin, but delivered by Mr Dans. Halfway down page 51 we see the following comment—

I have digressed a little in relation to the special case of the Senate because it is the example most popular amongst those who seek to justify malapportionment in Australia. I think it is more accurate to say that vote weighting was the price we had to pay for nationhood.

That has been quoted in part previously tonight, but I draw members' attention to the parallel that, in the same way as it was the price we had to pay then for nationhood, now in 1984 substantial country weighting is the price we must pay for real prosperity and representation in our base industries in Western Australia.

On page 65 of that report we get down to a discussion of the word "gerrymander". The keynote speaker in this case is Dr Dean Jaensch a reader in politics at Flinders University in South Australia. It reads as follows—

Electoral rigging of this nature is clearly detected from an electoral map. In this strict sense, there are no gerrymanders in Australia. But there is overwhelming evidence of malapportionment.

It is most notable that in 1983 the word "gerrymander" rang out in unruly interjections all over this Chamber. In 1984 at least the Minister for Parliamentary and Electoral Reform has read his members a lecture recognising that there is no real gerrymander in Western Australia. The last technically accurate gerrymander was in the deep south and disappeared before the 1930s.

Hon. Tom Stephens: What do you reckon about the Kimberley?

Hon. N. F. Moore: One-vote-one-value.

Hon. W. N. STRETCH: It is not a gerrymander. One of the Government's own speakers brought over to the conference to discuss this mat-

ter went to some pains to indicate that there were no real gerrymanders in Western Australia. For the benefit of Hon. Tom Stephens, I was told by an old parliamentarian that the last example of a gerrymander that we had was two small towns, some distance apart, joined by a corridor less than a mile wide, but many miles long, which was there purely to join two centres of population to gain electoral advantage. That is an actual gerrymander.

Hon. Tom Stephens: I shall deal with that in the adjournment debate, if you like.

Hon. W. N. STRETCH: That is fine by me; that is the member's privilege.

Country weighting is a very real and necessary part of this legislation. It is accepted by anyone who understands the role of the country member. When the Government's supporters understand and have the whole story told to them, they will accept this position. I honestly believe that, if there were not this fomenting of public opinion in the community by certain dedicated members of the Labor Party, this matter would not be an issue.

Hon. Graham Edwards: Nonsense!

Hon. W. N. STRETCH: I do not believe it is an issue. Let us have a few more jobs created and not quite as many principles at stake.

Hon. Graham Edwards: You can't address the issue, can you? You can't understand it.

Hon. W. N. STRETCH: I understand the issue perfectly! The Labor Party has put this statement about and no doubt it will be greatly relieved to see in the latest issue of *The Western Teacher* where the president of the Teachers' Union, Mr John Negus, in supporting Mr Tonkin, admitted that electoral reform was a moral issue.

It is Labor members who have put this issue about. It is not an issue among people who care about their jobs, homes, future prospects, where Western Australia is going, and how we will pay off our international debt—

Hon. Graham Edwards: Fortunately we have a Labor Party to look after that. You people couldn't do it. That is why you are in Opposition

Hon. N. F. Moore: Temporarily.

The DEPUTY PRESIDENT (Hon. Robert Hetherington): I am interested in hearing from the honourable member.

Hon. W. N. STRETCH: We forever live in hope, Mr Deputy President. The only way the ALP can get any mileage out of this issue is to take it out of the commonsense category and put it up there in the so-called moral issue basket, where

by propaganda, television, by bringing schoolchildren on tours through this Parliament—

Hon. Kay Hallahan: Or by education.

Hon. W. N. STRETCH: —and through this sort of extravaganza, they can try to get their points of view across. I believe it is a false issue. Not one person has come to me in my electorate about this matter; indeed, the only person to whom I have spoken in Perth is a lady who contacted me. She wrote a letter and, after having discussed the matter with her, she became more receptive to my way of thinking. She admitted that because of her deep dogma she stuck to her guns and continued to vote Labor. That is her prerogative and I respect her for sticking to her guns, but she did accept my point of view. She said it was interesting to hear the other side of the argument because she said she had never been informed of it.

It is the case that people are not told our side of the argument. The public are affected by this propaganda and that is the only way an issue can be made out of this matter. The member interjecting does not care to believe it! When these matters are brought forward, if the Government cannot better the propositions it moves them into another area where it believes we have no control or else it derides scorn and tries to belittle the difficulties by saying they do not exist, whereas people in widespread areas of our electorates know that problems exist; they know what the real problems are.

For the sake of my electors whom I am standing here representing, I point out that no-one has approached me to say this is a burning issue. The Opposition can artificially pump it up as much as it likes, but I ask the House to bear in mind that the management and care of the natural environment is as much a part of looking after my electorate as is looking after the needs of the people who live in it.

The sad side of it is that we have so little time to devote to that side of our electorate care. It is a worry. It is all very well to play games with this issue, but I warn the House that if we ignore the basis of the wealth of this State—

Hon. J. M. Berinson: Who is ignoring it? Do you think it is not possible to tackle both economic and environmental issues at the same time?

Hon. W. N. STRETCH: I was coming to a conclusion and I am sure all members of the House would be glad of it.

Hon. G. C. MacKinnon: You are making a very good speech.

Hon. N. F. Moore: Excellent.

The DEPUTY PRESIDENT (Hon. Robert Hetherington): I would be glad if the honourable member was allowed to complete his speech without interjections.

Hon. W. N. STRETCH: So would the honourable member, Mr Deputy President. This aspect of the legislation has been conveniently overlooked. I am not sure whether the Attorney was in the House when I dealt with this aspect earlier or whether it was his turn to be elsewhere, but it is vitally important that he continues to show the commonsense he has shown in coming towards the point of view put by members on this side of the House. The Government has come a long way since 1983 and I congratulate it for doing so. The Government must firstly realise it still has a long way to go, and when it reaches the point of accepting the need for country vote weighting to make sure that what I regard as the economic basis of this State is preserved in a realistic way rather than clutching at imagined concessions, we will be on the way to agreement and will be making some headway, but I do not believe the people in the community want this underhand attack of the Constitution by way of bumper sticker, television screens, and the manipulation of schoolchildren.

I do not think people believe the Government's story.

Hon. Tom Stephens: Let us have a referendum.

Hon. Kay Hallahan: Let us have a referendum and let them tell us what they believe.

Hon. V. J. Ferry: There is nothing in the Bill about a referendum.

Hon. W. N. STRETCH: Every time I am about to resume my seat another giant red herring walks across in front of me.

The DEPUTY PRESIDENT: Order! I would be glad if the member would ignore the interjections and address the Chair.

Hon. G. C. MacKinnon: I am not red and I am not a herring.

Hon. Kay Hallahan: Neither is the referendum.

Hon. W. N. STRETCH: I have now been corrected. Red Herrings do not walk. Okay, they swim, or are dragged along on a string. Hon. Graham MacKinnon has already quoted the Attorney's definition of a referendum. I hope I paraphrase him correctly. It is an appeal from those who should know to those who cannot possibly know. If members want an example of that situation, I refer them to the lady whom the Government so successfully propagandised by telling her only half the story. Give the people the whole story. I wonder how she would now vote in the

referendum. The Government should tell the whole story. If we tell the whole story the matter will not receive the exciting sorts of responses in the future about which the Government becomes so excited.

This Bill is based on a false premise of fairy floss in fairyland. Take away the fanatical statements of a few Labor members, and the whole thing would collapse and perhaps we would get back to where the Government should be—running the country and dealing with the issues that really matter.

Hon. Garry Kelly: What has the Liberal Party done?

Hon. W. N. STRETCH: It has allowed the Government to pass 96 per cent of its legislation. Do I have to repeat that for the honourable member's benefit?

The DEPUTY PRESIDENT: The honourable member could probably read it in *Hansard*.

Hon. W. N. STRETCH: I hope the honourable member will read it in *Hansard* because it is important. I hope we hear nothing more about obstacles created by this House. This House has acted responsibly. A 96 per cent pass rate is pretty good. I would certainly settle for that rate of success, but unfortunately this Bill is not a case where I will improve that percentage.

I oppose the Bill.

Hon. Tom Stephens: Shame!

Hon. Kay Hallahan: Shame!

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [10.18 p.m.]: There is a sort of sad familiar feel about the stage of debate which has now been reached. Once again the Government has advanced a set of fair and reasonable proposals for electoral reform and once again the Opposition is set to reject them. Why? Certainly not for any reason which has been advanced in this debate. The Opposition has spoken about matters such as regional disadvantage, frequent redistributions, and lack of consultation, but not one of those purported reasons is worth a scrap. Every one of them is a sham, a piece of window dressing of the most shabby and transparent kind. There is only one reason for the Opposition's continued obstruction of electoral reform in this State, and we all know what that is. Even the Opposition does not have a hide thick enough to bring itself to express it.

The reason is this: the anti-Labor parties gain enormous advantage from the current electoral system and, as far as they are concerned, "If you're on a good thing, stick to it". The question is this: just how good is this good thing to which they

are so determined to stick? It is a system which leaves one man's vote worth less than one tenth of another's. It is a system which, in this House in particular, election results are distorted to a shameful and indeed grotesque extent.

In the most recent election for the Legislative Council the Labor Party with roundly 53 per cent of the vote won 42 per cent of the seats. The anti-Labor parties with 47 per cent of the vote won 58 per cent of the seats. That was in a vintage year for the Labor Party. Is it any wonder then that in over 90 years of this State's independence the Labor Party has not once had a majority in this House?

Some Opposition members at least have had the good grace to concede that the present electoral system might not be altogether perfect. They have even suggested in the most qualified and tentative way that some change might be on the way. Hon. Ian Medcalf says the Opposition is developing proposals of its own. Bravo! Very good! Excellent! The only problem is that is what they said last year as well.

A further problem is that when the Opposition was invited to put some sort of tentative timetable after which something might emerge from all its efforts there was not the slightest indication of a response. When can we expect some sort of result to emerge from its labouring? The time is unspecified, but I think I am on safe ground in suggesting it will not be very soon.

Hon. Garry Kelly: Not this side of Christmas.

Hon. J. M. BERINSON: Or soon—or if the Opposition has its preference, ever. That is the truth of it. That is the nature of this committee; it is the sort of committee which one shunts things to in the hope that nothing will ever emerge.

Hon. Ian Medcalf made another point several times over, relying on the 1963 experience in which the House agreed to amendments to the electoral system to extol the virtues of consultation. There are two things to be said about that. In the first place, it would be nice to have at least some faint, subtle hint as to the sort of direction the Opposition has in mind. So far we have not been given any indication whatever. The second thing to be said about the process of consultation is that before one can engage in it there must be someone to consult with. In this respect I refer to a report on the matter which has been provided to me by the Minister for Parliamentary and Electoral Reform, and I quote—

Last year on 10 November 1983 the Legislative Council defeated a Bill for a referendum on electoral reform.

All Opposition criticism of this Bill was carefully examined to identify all the areas which were of concern. Another proposal was prepared to incorporate constructive responses to the criticisms. This compromise was announced on 10 April 1984 as a blueprint for electoral reform. At no time in the period between the defeat of the Bill last year and the announcement of the blueprint was there any request from the Opposition for consultation and nor were any suggestions forwarded.

On 10 April an invitation was issued publicly to members of the public and to political parties for comment and suggestions. Two weeks later nothing had been received from the Opposition so a letter was sent to them in case they missed the public invitation.

On 6 June 1984, the Leader of the Opposition replied and referred the responsibility for the talks onto the member for Floreat.

At long last on 18 July a meeting took place between the Opposition's spokesperson on electoral reform and me—nine months after the defeat of the 1983 Bill. That meeting was unproductive because the position stated by the member for Floreat on behalf of the Opposition was that he had no authority to make any arrangement, there was no Opposition proposal, there was no response to the Government's proposals, there was even reluctance amongst some Opposition members to talk at all and there had not been enough time to respond.

Clearly something was needed to assist the process of consultation, so I wrote to the Opposition setting out the compromises that the Government had made and again inviting further discussion. This letter went on 26 July 1984 and was tabled in the House in August. On 29 August a follow up letter to all members restated the concessions made by the Government and again invited contributions.

Explanatory material relating to the fair representation Bill has been circulated and the covering letter contained the same invitation.

At no time throughout this entire period has the Opposition taken any initiative to establish consultations.

It is 20 months since this Government won the election on promises which included a package of electoral reforms. When loud and persistent protestations about lack of consultation are accompanied by a complete ab-

sence of initiative to seek consultation, the sincerity of those who protest can be called into question.

Mr Medcalf had some other interesting things to say. For example, he said "One-vote-one-value can produce a less than fair result". Compare that with what we have now. We now have a system absolutely guaranteed to produce a grossly unfair result. Hon. Ian Medcalf gave the example of the lower House of the New South Wales Parliament where 56 per cent of the vote for the Labor party was translated into 69 per cent of the seats. There are good reasons for that, and I need not go into detail, given the explanation of that matter by Hon. Bob Hetherington.

One thing which no-one can say about one-vote-one-value, whatever he may say about the distorting effect of a very favourable vote, is that it will give a majority of seats to a party with a minority of votes. That is precisely what happened in this House in 1983, as I demonstrated in the figures presented a few moments ago. Not only that, that is precisely the result which the system is designed to produce.

Mr Medcalf also said this when referring to the position in this State: "The party with the majority of votes has always formed the Government". I think I interjected to say "True", and of course that is true. I will not even go into detail on the difference in the size of the majority of seats which Liberal and Labor Parties have gained with a similar percentage of the popular vote. I put that also on one side. The point is that the formation of a Government depends on the balance of numbers in the Legislative Assembly, and there it is true that a majority of votes has historically produced a majority of seats. That is not so in this House, and that is a vital factor in reducing the respect in which decisions of this House are held or in which they are entitled to be held.

The accusation has been made that the system proposed by this Bill is designed to advantage the Labor Party unfairly. In its own way that accusation is very revealing. It reveals the fear of members opposite that we may copy from their example the opportunity to distort the system in our own favour—that we will copy the example they have given us through the history of this State. The fear is misplaced and the accusation is wrong. From a party point of view the proposed system is neutral. Its purpose and effect is straightforward—it is simply to ensure that a majority of votes will produce a majority of seats. Of course, that will advantage the Labor Party, but only in the limited sense that it will remove the gross adverse distortions which now favour the Opposition.

There is nothing more to it than that because the system itself is neutral. The Minister has made an analysis of the likely result of the voting pattern in the last four elections had the regional system proposed by the Bill been in place. The result of that analysis is summarised in this paper.

By leave of the House, the following document 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	2
ALP	14	13	13	16

Debate Resumed

Hon. J. M. BERINSON: I thank the House for granting me leave. This table indicates, that under the proposed system the Labor Party would have won only 7 seats out of 16 in 1974; 6 out of 16 in 1977; 7 out of 16 in 1980, and 9 out of 16 in 1983 when, as I have said, it polled 52 per cent of the votes.

Another interesting calculation on the table shows the likely composition of the Council had the provisions contained in the Bill been in place since 1974. Over the period 1974-77, Labor would have had only 14 seats out of 32—a clear minority. In 1977-80 it would have had 13 seats out of 32—even worse; in 1980-1983 it would have had 13 seats out of 32, which is just as bad; and in 1983-1986 it would have had 16 seats out of 32—that is, equal numbers in this House, but neither an ordinary nor a constitutional majority.

I hasten to add that the Minister has freely acknowledged the limitations of the calculations. It is impressive to note that this table was presented in the other House some weeks ago and

no attack or criticism of the figures has come from any source.

There is really no point in going further with a detailed response to other matters raised by Opposition speakers. Apart from any other consideration, it is clear that the Opposition is not open to persuasion, but is determined to stay with its negative and discredited position.

I have some news for the Opposition: One way or another its time is running out. There is an important difference between the efforts of this and earlier Labor Governments. Earlier Labor Governments attempted reform and when defeated accepted that philosophically. We do not, and will not accept the rejection of our reform programme philosophically, stoically, or in any other way.

Electoral reform is already 90 years late and it is time the Opposition realised that its obstructionism on this issue is not only against the programme of the Government, but contrary to the basic sentiment of our people. That sentiment need not be expressed in sophisticated or ideological terms.

Suffice it to say that Western Australians are interested in a fair thing. They are also interested in not being taken for simpletons, or worse, as an acceptance of the argument in this debate would require.

This is an unusual Bill in that it would not take effect even if we passed it. Over and above the agreement of this Parliament there is the need for the acceptance of this measure by the people of the State by way of referendum.

The Government is prepared to accept the people's judgment. The Opposition is not even prepared to let it be tested. The time is due, and overdue, for the reform which this Bill represents. That is demanded by democratic principle. I suggest to members of the Opposition that it is demanded as well by considerations of their own self-respect.

Question put.

The PRESIDENT: This Bill requires the concurrence of an absolute majority.

Division taken with the following result—

Ayes 13

Hon. J. M. Berinson	Hon. Robert Hetherington
Hon. J. M. Brown	Hon. Garry Kelly
Hon. D. K. Dans	Hon. Mark Nevill
Hon. Peter Dowding	Hon. S.M. Piantadosi
Hon. Graham Edwards	Hon. Tom Stephens
Hon. Lyla Elliott	Hon. Fred McKenzie
Hon. Kay Hallahan	(Teller)

Noes 18

Hon. C. J. Bell	Hon. N. F. Moore
Hon. V. J. Ferry	Hon. Neil Oliver
Hon. H. W. Gayfer	Hon. P. G. Pandal
Hon. Tom Knight	Hon. I. G. Pratt
Hon. A. A. Lewis	Hon. W. N. Stretch
Hon. P. H. Lockyer	Hon. P. H. Wells
Hon. G. C. MacKinnon	Hon. John Williams
Hon. G. E. Masters	Hon. D. J. Wordsworth
Hon. I. G. Medcalf	Hon. Margaret McAleer

(Teller)

Question thus negatived.

Bill defeated.

BEE INDUSTRY COMPENSATION AMENDMENT BILL

Second Reading

Debate resumed from 25 October.

HON. C. J. BELL (Lower West) [10.39 p.m.]: The Opposition supports this Bill and the Beekeepers Amendment Bill, which is like a sister Bill.

An unsatisfactory situation has developed in the beekeeping industry over the last few years. Some beekeepers have claimed funds from the compensation fund and have not been paying into it. Obviously, this has caused some concern within the beekeeping community.

A provision in this Bill allows for compensation to be paid on a sliding scale, and adjustments will be made.

During the second reading speeches on this Bill and on the Beekeepers Amendment Bill, I could find no mention of the number of people involved in the industry. The point is made that at present \$80 000 is owed to the Treasury because the claims have been greater than the compensation levy received in recent years. I am advised that something like 100 to 130 beekeepers are involved in the industry, but I can find no direct reference to that fact.

If \$80 000 is to be recovered from the beekeepers to repay the Treasury—that is fair and reasonable—my fear is that some beekeepers may evade the payment of the levy. The beekeepers with the greatest potential for that are the hobby farmers—people with three to six hives. Another group with a potential not to pay the levy is in the horticultural industry. A number of fruit growers and horticulturalists of various sorts keep bees on their properties for the purpose of direct pollination. If they see themselves as having to front up and pay compensation levies in the next couple of years, they may not pay the licence fees and, therefore, the compensation levy. I urge the Minister to keep this in mind when the legislation becomes law.

I will deal with the second Bill at the same time, because the Bill are so closely related that it is not possible to deal with them separately.

Hon. D. K. Dans: They are consequential.

Hon. C. J. BELL: The Beekeepers Amendment Bill refers to the branding of hives to identify which hives have been registered, and those for which the compensation levy has been paid. Those hives will be eligible for compensation in the event of an outbreak of disease. It is obvious that a method of identification should be used so that the people who pay their way are entitled to be protected by the compensation fund, as opposed to the people who seek to evade their responsibilities.

With those few comments, I indicate our support for 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

Bill read a third time, on motion by Hon. D. K. Dans (Leader of the House), and passed.

BEEKEEPERS AMENDMENT BILL

Second Reading

Debate resumed from 25 October.

HON. C. J. BELL (Lower West) [10.45 p.m.]: As I indicated earlier, we have nothing further to say other than that we support this Bill because it is consequential to the previous one.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Hon. D. K. Dans (Leader of the House), and passed.

ROAD TRAFFIC AMENDMENT BILL

Third Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [10.47 p.m.]: I move—

That the Bill be now read a third time.

HON. TOM KNIGHT (South) [10.48 p.m.]: Before the Bill is read a third time, some information that I have should be put before the House. Until I do that, we should not agree to the third reading.

Firstly, I congratulate the Minister and the Government on introducing this Bill. The House would be well aware of the time it has taken, with successive Governments, to do something like this. The problem dates back to 16 September 1981 when one of my shires approached me to have something done about firefighting vehicles.

I have here three pages which list the correspondence between shires, Ministers, and departments relating to this legislation. I am grateful that commonsense has prevailed, and now we have the licensing of trailers for firefighting.

However, I do not believe the legislation has gone far enough. We have gone halfway towards meeting the problem. The fact is that many farmers use motorised vehicles for firefighting on farms. It was indicated that there were discrepancies, but some problems have been overcome.

I ask the Attorney General to pass to the Minister the views of the people I represent. They ask the Minister to look further at the situation and deal with the problem of motorised vehicles that go on roads to attend fires.

We have agreed that the situation is such that we need to have people at the scene of the fire along with their equipment in order to save life, property, and money. If the Attorney can pass on to the appropriate Minister the thanks of my people, but more importantly the need to look further to allow, in special circumstances, the use of motorised firefighting vehicles, I would be most grateful.

Question put and passed.

Bill read a third time, and returned to the Assembly with amendments.

WESTERN AUSTRALIAN TRIPARTITE LABOUR CONSULTATIVE COUNCIL AMENDMENT BILL

Second Reading

HON. D. K. DANS (South Metropolitan—Minister for Industrial Relations) [10.51 p.m.]: I move—

That the Bill be now read a second time.

The Government, in November 1983, introduced the Western Australian Tripartite Labour Consultative Council Bill to fulfil its policy commitment to establish tripartite consultation in the area of industrial relations.

The council constituted pursuant to the Act has to date worked successfully at reaching a consensus on a great deal of the Government's industrial relations legislative programme.

The amendment contained in the Bill now before the Parliament, providing for a deputy chairman, is designed to provide for greater flexibility and to formalise a practice which has occurred on many occasions.

The amendment relating to the deletion of the Director of the Western Australian Government Industrial Relations Service from the membership of the council is considered necessary for the purpose of balancing employer-employee representation on the tripartite council.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. G. E. Masters (Leader of the Opposition).

MINES REGULATION AMENDMENT BILL

Second Reading

Debate resumed from 24 October.

HON. N. F. MOORE (Lower North) [10.52 p.m.]: This Bill seeks to increase the size of the ventilation board from five members to seven members by adding a member from the mining industry and a union representative. The Opposition supports 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

Bill read a third time, on motion by Hon. J. M. Berinson (Attorney General), and passed.

House adjourned at 10.56 p.m.

QUESTIONS ON NOTICE

394. *Postponed.*

WATER RESOURCES: DAM

Harris River

395. Hon. H. W. GAYFER, to the Leader of the House representing the Minister for Water Resources:

In connection with the \$100 000 mooted to be spent in July 1981 on a detailed investigation of a possible dam site on the Harris River—

- (1) What was the result of such detailed investigation?
- (2) When is it proposed the dam will be commenced?
- (3) What size will the dam be?
- (4) What were the feasibility findings in respect of the hydroelectric possibilities?

Hon. D. K. DANS replied:

- (1) Engineering and environmental studies for a dam on the Harris River have been completed and a detailed report is in the course of preparation. The report will be finished by the end of January 1985. The studies show that a dam on the Harris River is a viable solution to overcoming the salinity problem of Wellington Reservoir.
- (2) No decision has been made as to whether the dam will be built. The decision to proceed and the timing of the construction of the dam will be influenced by the review of the report by the Environmental Protection Authority and the extent of financial assistance provided by the Commonwealth under the Federal water resources assistance programme.
- (3) The final size of the dam has not been determined.
- (4) The hydroelectric power potential from a dam on the Harris River is minimal.

ZOOLOGICAL GARDENS

Great Cats Enclosure

396. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Lands and Surveys:

- (1) Is it correct that, on previous occasions, local members of Parliament representing the area in which the zoo is located have been invited to functions associated with the zoo?
- (2) Is it correct that the new complex accommodating the great cats is to be opened on 17 November 1984?
- (3) If so, why have not all local members been invited?

Hon. D. K. DANS replied:

- (1) to (3) It is correct that the new great cats enclosure will be officially opened by the Minister for Lands and Surveys on 17 November 1984. The Minister advises me that invitations to the official opening ceremony for all local members are being issued by the Zoological Gardens Board.

GOVERNMENT PUBLICATIONS:

GOVERNMENT GAZETTE

Restricted Publications

397. Hon. P. G. PENDAL, to the Minister for Administrative Services:

- (1) How many determinations have been made of—
 - (a) restricted publications; and
 - (b) publications subject to Section 2 of the Indecent Publications and Articles Act;

by him or the former Chief Secretaries in each of the past five years, and from 1 December 1983 to the most recent date of publication of the *Government Gazette*?
- (2) During the past year has he made the determinations on the basis of—
 - (a) his own judgment;
 - (b) his Publications Advisory Committee; or
 - (c) any Commonwealth Government body?
- (3) If the latter, what body or bodies?

Hon. D. K. DANS replied:

- (1) to (3) The information requested is not readily available and will take some time to compile.

The information will be supplied to the member as soon as possible.

ELECTORAL: ROLL

Register of Postal Voters

398. Hon. N. F. MOORE, to the Attorney General representing the Minister for Parliamentary and Electoral Reform:

- (1) Does the State Electoral Office still maintain a register of postal voters?
- (2) Is this register available to members of Parliament?
- (3) If not, why not?
- (4) Can the Minister advise whether or not the Commonwealth Electoral Office maintains a register of postal voters now that the rolls have been amalgamated?

Hon. J. M. BERINSON replied:

- (1) Yes.
- (2) It is available for inspection by members and candidates prior to an election.
- (3) Not applicable.
- (4) The Australian Electoral Commission maintains a register of postal voters under the Commonwealth Electoral Act. The register relates to Commonwealth rolls.

State and Commonwealth rolls are not amalgamated although a co-operative enrolment procedure has operated for the past 12 months, which has the effect of ensuring the rolls are substantially comparable.

QUESTIONS WITHOUT NOTICE

INDUSTRIAL RELATIONS: ETU

Standover Tactics: F. R. Tulk and Co. Pty. Ltd.

169. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

- (1) Is the Minister still responsible for industrial relations and more particularly, the operation of the Industrial Arbitration Act?
- (2) If that is the case, why is it that the Minister has not been advised of investigations that were undertaken?
- (3) After the receipt of the telex from F. R. Tulk and Co. Pty. Ltd., who authorised those investigations?

Hon. D. K. DANS replied:

- (1) to (3) I made my position perfectly clear this afternoon. A telex was sent, under my direction, to the Director for Industrial Relations, who referred the matter to the Chief Industrial Inspector (Mr Stratton), who, at this point in time—he may be finished—is making the necessary investigation. I can go no further than that.

INDUSTRIAL RELATIONS: DISPUTES

Industrial Inspectors

170. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

I acknowledge the Minister's previous answer and I advise that I am not arguing the truth of that statement. I ask—

Does the Minister recall repeated statements that he has made in this House on a number of occasions that under no circumstances would he permit industrial inspectors to become involved in industrial disputes?

Hon. D. K. DANS replied:

I do not think I have ever said that. I am trying to find out what the dispute is all about. That is the first step. I have used industrial inspectors in the past to find out similar information and I will use industrial inspectors in the future to do the same thing.

INDUSTRIAL RELATIONS: ETU

Standover Tactics: F. R. Tulk and Co. Pty. Ltd.

171. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

- (1) With regard to the telex that was sent by F. R. Tulk and Co. Pty. Ltd., to the Premier's office and to the Minister for Industrial Relations, was Mr Tom Butler involved in this matter?
- (2) Did he receive or consider the telex from F. R. Tulk and Co.?
- (3) What action did he take in advising the Premier or, more particularly, the Minister for Industrial Relations?

Hon. D. K. DANS replied:

- (1) to (3) I cannot answer that question because I do not think he is in this State.

INDUSTRIAL RELATIONS

Butler, Mr Tom

172. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

(1) If Mr Tom Butler is not in the State, is it correct that he received an official invitation from the Libyan Government at one time?

(2) Is he taking advantage of that?

Several members interjected.

Hon. G. E. MASTERS: It was not a facetious question. However, I will direct a further question to the Minister for Industrial Relations.

INDUSTRIAL RELATIONS: ETU

Standover Tactics: F. R. Tulk and Co. Pty. Ltd.

173. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

(1) Would the Minister agree that there is an apparent breakdown in communications between the Department of Premier and Cabinet and Mr Dan's office?

(2) Will the Minister take action so that in future when people complain to the Premier he receives that complaint directly?

Hon. D. K. DANS replied:

(1) and (2) I do not understand the question.

Hon. G. E. Masters: There is a breakdown in communications.

Hon. D. K. DANS: My office received a telex and, as Minister for Industrial Relations, that is the department for which I am responsible. I am not responsible for the Department of Premier and Cabinet, for Mr Tom Butler, or for anyone else who does not work in my department.

I have told the House and the Leader of the Opposition about the actions I have taken, and I am confident this dispute can be effectively resolved when all the information is to hand. I repeat: When all the information is to hand. I also repeat what I said yesterday. The Leader of the Opposition may ask as many questions as he likes, and I will endeavour to answer them, but everyone must understand that the questions are asked for political reasons and that I am interested in the solving of disputes.

I know the problems associated with this dispute because we were able to resolve a similar dispute last July. Whether there are other factors involved at the present time, I do not know, but when I have that information to hand I will be able to do something about it.

EMPLOYMENT AND TRAINING: COMPLAINTS

Members of Parliament

174. Hon. G. E. MASTERS, to the Minister for Employment and Training:

Would the Minister be prepared to consider complaints made in this House by members of Parliament on behalf of the public; and, where necessary, take the appropriate action?

Hon. PETER DOWDING replied:

I receive quite a lot of correspondence from members of Parliament and others, and like the Leader of the House, I am more than prepared to react to the questions that are raised by members of Parliament. Further, like the Leader of the House, I am disgusted at Mr Masters' efforts to use this House to try to inflame industrial situations for political purposes.

INDUSTRIAL RELATIONS: ETU

Standover Tactics: F. R. Tulk and Co. Pty. Ltd.

175. Hon. G. E. MASTERS, to the Minister for Employment and Training:

Does he support the action of the ETU, and particularly the actions of Mr Ken Robinson and Mr Gandini, who are operating in their electorate and preventing F. R. Tulk and Co. from carrying out work, and who will cause an industrial dispute if the matter is not solved?

Hon. PETER DOWDING replied:

It is a debasement of the role of the Opposition to try to stir up problems for business people, unionists, and the community at large, by trying to inflame the situation. Mr Masters did his best to do that when he was Minister for Industrial Relations, and the State had a very bad industrial record. However, since Hon. Des Dans has been Minister for Industrial Relations, there has been a marked change in the climate of industrial relations in this country.

EMPLOYMENT AND TRAINING*F. R. Tulk and Co. Pty. Ltd.: Job Security*

176. Hon. G. E. MASTERS, to the Minister for Employment and Training:

I ask the Minister whether he will make inquiries to see whether any moves were made in his electorate to bring about stoppages in the mining industry, stoppages which will in turn create unemployment? Will he make inquiries to see what he can do to overcome problems being fostered and developed in his electorate, problems which will greatly affect 106 employees of F. R. Tulk and Co.?

Hon. PETER DOWDING replied:

Industrial relations is the responsibility of the Minister for Industrial Relations. My responsibility as a member of my electorate is to try to stop people like Mr Masters from stirring up matters for political reasons.

If Mr. Masters wants to see us end up like the United Kingdom, where communities are at each other's throats, he is going the best possible way about it.

EMPLOYMENT AND TRAINING*F. R. Tulk and Co. Pty. Ltd.: Job Security*

177. Hon. G. E. MASTERS, to the Minister for Employment and Training:

I ask the Minister whether he would consider it part of his role as a Minister for Employment and Training to make sure that the jobs of the 106 employees of F. R. Tulk and Co. are secure?

Hon. PETER DOWDING replied:

The honourable member is really acting in the guise and role of an agent provocateur. He knows perfectly well that industrial issues are the responsibility of the Minister for Industrial Relations and not me. If he is driven to asking such poor, old questions to get his name in the paper, I suggest he gets someone else to help him write them.

**GOVERNMENT PUBLICATIONS:
GOVERNMENT GAZETTE***Restricted Publications*

178. Hon. P. G. PENDAL, to the Minister for Administrative Services:

- (1) Has he or the Government received any complaints or objections from the

Government Printer for the printing of certain matters in the *Government Gazette* and the use of certain words which the Government Printer's staff allegedly refused to print?

- (2) If so, what is the nature of those objections?
- (3) What action, if any, has he taken, or does he propose to take, regarding those complaints?

Hon. D. K. DANS replied:

- (1) to (3) I have had no complaints referred to me, but if I do I will certainly take some very quick action. Like my colleagues in other States, we are alarmed at what goes into the *Government Gazette*. To date I have received no complaints.

**GOVERNMENT PUBLICATIONS:
GOVERNMENT GAZETTE***Restricted Publications*

179. Hon. P. G. PENDAL, to the Leader of the House:

I thank the Minister for his frankness. I know that he is aware of the matter to which I refer.

Hon. D. K. Dans: That is one thing of which I am very much aware.

Hon. P. G. PENDAL: I ask—

Does the Minister or the Government have any solution to the problem that if the Government takes action and accedes to the wishes of the Government Printer not to be put in a position of having to print certain words and titles in the *Government Gazette*—something which the Minister now acknowledges is a problem—from then onwards, how does the public become aware of the offensive nature of those titles and, therefore, have grounds to object to them?

Hon. D. K. DANS replied:

At this stage I simply do not know. It is a problem bedevilling every Government in Australia. I have thought of a number of ideas but they have all been scuttled when I have discussed them with the people who are supposed to know the answers.