

Legislative Assembly

Tuesday, 27 September 1983

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

RACING AND TROTTING: TOODYAY RACE-COURSE

Closure: Petition

MR HASSELL (Cottesloe—Deputy Leader of the Opposition) [2.17 p.m.]: I present a petition from five residents of Cottesloe and Nedlands praying that this House opposes any move by the Western Australian Turf Club and/or the Government which may be detrimental to racing on the Toodyay racecourse. The petition conforms to the Standing Orders of the Legislative Assembly, and I have certified accordingly.

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

(See petition No. 30.)

RACING AND TROTTING: TOODYAY RACE-COURSE

Closure: Petition

MR CRANE (Moore) [2.18]: I have a petition couched in terms similar to those of the previous petition, and it reads as follows—

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

We, the undersigned oppose any move by the Western Australian Turf Club, and/or the Government of Western Australia which may be detrimental to racing on the Toodyay Racecourse or closure of the Toodyay Race Club Incorporated.

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

The petition bears 2 765 signatures, and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

(See petition No. 31.)

RECREATION: YACHTING

America's Cup: Motion

MR BRIAN BURKE (Balgas—Premier) [2.21 p.m.]: I move, without notice—

That this House expresses its congratulations to the crew and all others associated with winning the America's Cup for Australia.

Members: Hear, hear!

Mr Clarko: Dennis Conner is one of those.

Mr BRIAN BURKE: I think members on both sides of the Chamber would accept that this motion is an appropriate one to be introduced and passed by the Chamber today.

With regard to the success that has been achieved by the *Australia II* syndicate, we should all be very grateful, not only because of the way in which it has made each of us feel a little prouder of ourselves, and the way in which we have been able to identify as a community with the spirit so well captured by the success of the *Australia II* syndicate in wresting the cup from the United States of America, specifically the New York Yacht Club, but also because we recognise that most directly this achievement will mean a great deal of expansion of our tourism industry, and less directly, but importantly, that the 1986 challenge for the America's Cup will provide stimulus to the Western Australian economy.

It has been estimated that the challenge for the cup has brought to Rhode Island spending of about \$500 million during the period immediately prior to the challenge, and it is reported also that the influx of tourists to that part of the US during the currency of the challenge is between 400 000 and 500 000 people.

The Government would not suggest we should expect to achieve the same sorts of results as have been achieved in those areas of the economy of Rhode Island. However, there is no doubt that the success Alan Bond and the *Australia II* syndicate have achieved in winning the America's Cup will provide a substantial boost at a time when it is needed to the economy of this State, and to the economy of the nation. The Government is conscious of its obligations, not only in respect of the appropriate reception that should be afforded to the winning syndicate, but also in respect of the necessity to begin now the planning for the additional infrastructure that will be required to accommodate and encourage the tourism likely to flow from this successful challenge.

On all scores no-one can turn away the benefit this successful challenge will bring to the State, and I do not think anyone can turn away the dog-

ged and tenacious manner in which Mr Bond in the yachting scene has pursued this single objective. It was not so long ago that Mr Bond's challenges were greeted sceptically in this State and nation, and certainly in the United States, where people believed it was impossible for Australia to mount a successful challenge for the America's Cup.

Everyone knows of the suspicion cast about the way in which the New York Yacht Club has treated the rules of the America's Cup challenge, and everyone knows about the way in which the innovative keel that *Australia II* boasted was greeted by the US sailing and yachting authority. Despite those things, the cup has been won, and it will be contested in 1986 in Western Australia.

It is appropriate that this Parliament place on record its appreciation of the efforts expended by the syndicate, not only on its own behalf, but also on our behalf. We publicly acknowledge our responsibilities as a Parliament and as a Government to ensure that this major stimulation to our economy is properly acknowledged, and is capable of being turned to the maximum possible advantage of the citizens of this State.

MR HASSELL (Cottesloe—Deputy Leader of the Opposition) [2.26 p.m.]: On behalf of the Opposition I have pleasure in seconding the motion moved by the Premier and giving it our full support. We are delighted the opportunity is presented by a sitting of the Parliament today for us on the very day of the win to be able to extend congratulations to the crew and all others associated with the winning of that magnificent race as they did this morning to bring the America's Cup home—to make it the "Australia's Cup", although it will not be called that. Whether or not the best expectations of the Premier are achieved, in terms of the economic benefits to flow to Western Australia from the win and the future challenge, it will not take away from the magnificence of the win today.

The long-term determination of Mr Alan Bond and his team, their commitment of finance and of their own time and effort are examples of the entrepreneurial spirit at its very best. They are people who set out deliberately to do something which in 132 years had not been achieved by anyone else; people who were prepared to take the risks involved in terms of a very substantial and significant capital investment; people who were prepared to go back again and again to do it; and people who were prepared to gather together the best of Australian ideas, and those from other places, to produce in this State a boat which performed so well under all conditions at Newport, in

those varying, unpredictable, and changeable weather conditions.

With the Premier and, no doubt, all other members of this House and the other House of this Parliament, there was this morning a tremendous feeling as it was felt by all those in our community. In some way we felt we were part of it, even though we did not contribute directly—a feeling that the people in our State had been able to pull off this truly magnificent achievement against the odds and against a nation many times the size and wealth of ours.

It is indeed something appropriate for the House to note and to record and for which to extend its congratulations. It is with great pleasure I note that when the challenge does take place here on the next occasion it will be close to the electorate of Cottesloe. In fact, it may take place in the waters of that electorate.

Mr Crane: It will be in Yanchep.

Mr Brian Burke: Hang on, I am the Chairman of the Rottnest Island Board.

Mr HASSELL: The important thing is that it takes place here—in Western Australia.

Mr Tonkin: Hear, hear!

Mr HASSELL: If there is any question of that occurring, the Premier and his Government can be assured of the complete support of the Opposition to ensure that it does take place here as it should.

MR OLD (Katanning-Roe) [2.30 p.m.]: I rise to very briefly support the comments of the Deputy Leader of the Opposition and the motion moved by the Premier. It is indeed fitting that the Premier has moved this motion today, a day which is momentous in yachting history in this State. Western Australia has certainly put its name in the record books of yachting with our twice-around-the-world solo yachtsman, Jon Sanders, and now the winning of the America's Cup.

As the Premier mentioned, it has certainly been a very keen ambition of Alan Bond's to raise the America's Cup from its stand in the New York Yacht Club. I know the whole of Western Australia would be behind the Premier's congratulations to the syndicate, and certainly to the crew. A great carnival atmosphere exists in the west today, especially in the metropolitan area; I suppose it spills out into country areas as well. However, this will be nothing compared with what we can expect when the next 12-metre competition is held here in Western Australia. I have heard all sorts of predictions about how many hotels are to be built, etc., and I guess a lot of it is conjecture,

but obviously there will be an upsurge in activity in Western Australia due to this very major event being held here. Whatever it is, it certainly behoves us all both in the Government and Opposition to pull together to ensure that the efforts of the crew and the syndicate are well rewarded by assistance from the people of Western Australia.

MR COURT (Nedlands) [2.32 p.m.]: I also want to briefly support this motion. The reality of our winning the America's Cup has not really sunk home to me. In the past 21 years I have keenly supported the Australian challenges. I am sure last night was an emotional evening for all those listening and watching this event. It was quite refreshing to see someone such as Alan Bond and his team go out there and give it a go against great odds, showing great initiative with his challenges, and now he has reaped his just reward for the effort he has put into it. That it has been a very emotional experience has been shown by all the members of this House when during the last two weeks we have all been rushing in and out to the bar listening to the radio as the race progressed. It would not have been possible to have a more emotional finish than that which we saw this morning. During the last leg up to the finishing line, they had over 40 tacks and I think we should all be aware that the people working down below in those tacks would have worked the equivalent of eight hours on heavy weight at a gym. It is quite remarkable that these people have been doing that for two years in preparation for the race. They have been working off the waters at Cottesloe for months with the two boats *Australia II* and *Challenger*. Not many people realise that they were going out to sea at six o'clock every morning and coming back late in the afternoon, and that they went to Melbourne for further training before going to the United States. They certainly have put a lot of effort into it. It really is heavy labour on those boats. In many cases, these men have given up their professions for a couple of years to participate in this sport which culminated in what was a great evening for Australia.

The fact that the boat and a lot of the gear was built in Perth is also to our credit. It goes to show that we tend to underestimate ourselves. I agree with the Premier that the effects of our win on tourism in this State will be quite substantial, not just for the month or so around the challenge, but as from today because people will start coming to Western Australia to learn about our sailing conditions and when they get here I am sure they will love the place.

Yachting in Australia is very much a people's sport, much more so than it is in the United

States where it tends to be still the sport of the wealthy. In Australia it is different because everyone can participate in the sport. The Americans have been very gracious in the way they accepted defeat today.

I support the motion and congratulate Alan Bond and his team on their remarkable achievement.

MR STEPHENS (Stirling) [2.35 p.m.]: On behalf of the National Party, I indicate support for the motion so appropriately moved by the Premier and seconded by the Leader of the Opposition. I also endorse the remarks of all speakers before me. There is little more that I can add other than to say that the winning of the America's Cup has rekindled the national spirit in our nation. It has shown that we have people who, once they have set their minds to the task, can achieve their objective. I only hope, of course, that this spirit will flow over into other situations in our country and that we can achieve success also by a determined attack on our problems.

I am very happy to support the motion.

Question put and passed.

[Applause.]

ACTS AMENDMENT (CONSTITUTION AND ELECTORAL) BILL

In Committee

Resumed from 22 September. The Chairman of Committees (Mr Barnett) in the Chair; Mr Tonkin (Minister for Parliamentary and Electoral Reform) in charge of the Bill.

Clause 4: Section 47 substituted.

The **CHAIRMAN**: Progress was reported on the clause, to which Mr Tonkin had moved the following amendment—

Page 2, line 14—Delete the words "as a result of".

Mr HASSELL: When we left the debate last week, the Minister had explained to the Chamber that the reason he needed to delete the requirement that there be no more than two vacancies to enable the reconstituted Legislative Council to proceed to business was that on occasions it will have to fill vacancies in its own numbers and to do so it must be able to proceed to business regardless of the number of vacancies involved. In our view, that is a very unsatisfactory situation.

I draw attention to the very real possibility that on some occasions it may be that a very small Chamber indeed is involved in the process of making up its own numbers. We are opposed to the system under which the Legislative Council will

be filling the vacancies. Under a parliamentary system, we believe that vacancies should be filled by election of the people. Given that, this Bill includes proposals to provide for vacancies to be filled by the Council. A Council of quite minute size could be responsible for filling the numbers and in our view that is unsatisfactory.

We are opposed to the amendment and we believe that if it is necessary to have some procedure to fill vacancies by the Council itself, the Bill should contain some protection from a situation in which a very small number of members will be filling the vacancies with its appointees.

This type of situation adds to the suspicion that in reality the Government's objective is to turn the Legislative Council into a debating Chamber, the size and the competence of which does not matter because it will not have any real power. The Government has said this quite openly and we have yet to see the result. We have no doubt that at the end of the day, if the Government has its way, the Legislative Council will be left without any real power or significance. We are therefore opposed to this amendment.

Mr TONKIN: In answer to what I would call paranoia on the part of the Deputy Leader of the Opposition, I must say that he spoke last week about the abolition of the Legislative Council. It does not matter what "evil" intentions the Opposition or the Government has in respect of the Legislative Council, the fact of the matter is that nothing can happen to that "august" body unless the people agree at a referendum. It is nonsense for the Deputy Leader of the Opposition to run around trying to scare the population to death as he did when talking about Ministers of the Crown travelling to Russia at Russian expense. It might have been all right in Bob Menzies' day!

Mr Hassell: The question has not yet been answered.

Mr TONKIN: The Premier answered it.

Mr Hassell: He denied it and you say that none of the Ministers has been to Russia at its expense.

Mr TONKIN: I do not know whether the Deputy Leader of the Opposition has been to Russia or to fascist South America. It is not a matter for a Minister of the Crown to answer questions of that sort and because he cannot read into it something sinister it is not my responsibility to answer it. The Premier did say that this sort of thing has not happened. I believe that the Deputy Leader of the Opposition's paranoia is 20 years out of date.

If anything dreadful is to happen to the Legislative Council, it will be done only by the will of the people—let us get that clear. It is rather re-

grettable that the Deputy Leader of the Opposition appears to be unprepared for this Bill in that he has apparently not read section 47 of the Constitution Act which clause 4 intends to amend. He said that under this Bill we could have a situation where, at a periodic Council election, the whole 11 vacancies to be filled may not be filled and yet the Council could proceed with its business. What is new? That is the present constitutional position.

Mr Hassell: Yes, but there cannot be any more than two vacancies.

Mr TONKIN: Yes there can be. I am amused that the Deputy Leader of the Opposition, who has over me the advantage of legal training, can make that statement.

Mr Clarko: That is not his only advantage.

Mr TONKIN: Perhaps he has youth on his side, but I am bearing up manfully.

Section 47 of the Constitution Act reads as follows—

Upon the general or any subsequent election, the Legislative Council shall be competent to proceed to the despatch of business, at the time appointed by the Governor for that purpose, notwithstanding that any of the writs of election not exceeding two shall have not been returned, or that in any of the electoral divisions the electors shall have failed to elect a member to serve in the said Council.

In other words, under the present Constitution, that hallowed document given to us by our forefathers, to use the terminology of the Deputy Leader of the Opposition—

Mr Hassell: Which I have never used.

Mr TONKIN: I think the Deputy Leader of the Opposition will find that he used terminology similar to that in relation to this Bill. I know that the Opposition would like me to get off the point, but the Constitution provides that when there is an election for 17 councillors at a general election, if one is not elected or if the 17 vacancies are left unfilled, the Council can proceed to dispatch business.

It is a pity that the Deputy Leader of the Opposition had not prepared himself better for the Bill by reading the Constitution Act. This clause seeks to amend two conditions under which the Legislative Council may proceed to dispatch business. One provides for two writs not being returned and the other provides for any of the vacancies not being filled. I will read the last part of section 47 of the Constitution Act again—

...or that in any of the electoral divisions the electors shall have failed to elect a member to serve in the said Council.

The present situation is that, after a general election for 17 vacancies, and when not one of those vacancies is filled, the Council, which we might call a rump, consisting only of 17 people, would still be able to proceed to dispatch business. We are not altering that. The amendment I have moved has resulted from an error made in the Bill which equated vacancies with writs.

Mr Hassell: You really have an awful cheek to talk about my preparation when you have to amend your own Bill.

Mr TONKIN: If the Deputy Leader of the Opposition would suggest that he is not perfect, I will admit that I am not perfect.

Mr Hassell: I admit you are not.

Mr TONKIN: That is very magnanimous of the Deputy Leader of the Opposition. Certainly we did have to amend the Bill and certainly in Opposition we kicked the tripe out of the Government when it amended its Bill. One could use a yachting term and say that we were hoist with our own petard. The fact is we are amending the Bill because of a drafting error.

It was hoped that we could stick to the Constitution in this respect. It was not a matter of principle and we are not changing the principle. We slightly misinterpreted the principle because the Act makes reference to two writs. Under this Bill we can have only one writ. That is why I have moved the amendment. I want to allay the fears of the Deputy Leader of the Opposition and of any other members who may feel the same way. It is true that in the future under our proposals the Council can proceed to the dispatch of business even if no member is elected to fill any of the 11 vacancies. That is no different from the present situation whereby, under section 47 of the Constitution Act, if no-one is elected in any province—that is, all 17 have not been elected, and we must concede that would be an extraordinary event—the Council can proceed to the dispatch of business.

An even more important reason exists for this being essential now; that is, the Council in joint session with the Assembly will be required to fill casual vacancies. So, if one, two, or three casual vacancies arise, in order for the system to operate we will need that part of the Council to meet in joint session with the Legislative Assembly to fill those vacancies.

Amendment put and passed.

Mr TONKIN: I move an amendment—

Page 2, line 15—Delete the word “being” and substitute the word “are”.

Mr HASSELL: Our attitude towards this clause has been expressed and I will not delay the Committee unnecessarily by repeating those arguments on each part of it, although we are not happy with what is being done. Equally, I say to the Minister that I do not propose to divide on all clauses with which we disagree, because I do not think that would achieve a lot. Frankly, I could never understand why the Government when in Opposition used to do that. I do not want to divide the Committee unnecessarily, but I do not want that to be interpreted by anyone as indicating any lack of opposition by us to the provisions of this Bill.

As we made clear in the second reading debate, we are firmly opposed to this Bill and all it stands for. I make it clear that in our taking a practical line in dealing with the particular clauses, and in our not dragging various members of the Committee in for divisions does not in any way indicate we have softened our opposition to the Bill.

Mr TONKIN: I accept the Deputy Leader of the Opposition's comments that because he is not calling for the Committee to divide does not mean members opposite do not oppose this Bill. I accept that as a responsible argument which has integrity. The Deputy Leader of the Opposition raised the question of why we in Opposition used to divide the Chamber so often. The answer is, I believe, historical, and it may be considered to be not a very solid reason. I remember on one occasion we did not divide the Chamber and a jibe was made, perhaps by the former Premier (Sir Charles Court) or one of his Ministers, that the Opposition was not dinkum about it because it did not divide the Chamber. Thereafter, we thought we would divide on everything to show we meant what we said.

Mr Clarko: Your attitude changed during the last nine years; sometimes you came on strongly, and sometimes you didn't.

Mr TONKIN: Sure. I make it clear on behalf of the Government that I accept the comments of the Deputy Leader of the Opposition that, although he is not dividing the Committee, the Opposition is opposed to the Bill and is making its points in debate, and that to divide would be a waste of time of the Parliament.

Mr STEPHENS: The National Party is not going to try to amend this Bill in any way. I am pleased to hear the Deputy Leader of the Opposition say he is not going to continually divide the Committee. I support those comments.

The Bill is totally unacceptable, and would remain so even if we tried to amend it. For that reason we reject it, but will not unnecessarily divide the Committee to indicate we oppose the Bill.

Amendment put and passed.

Mr TONKIN: I move an amendment—

Page 2, lines 17 and 18—Delete the passage “, any of those vacancies not exceeding 2 remains unfilled”.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 5 put and passed.

Clause 6: Membership of Legislative Council—

Mr HASSELL: This is a very important clause which effects amendments to the Constitution Act relating to the entrenching of certain provisions in our Constitution. By that I mean it affects the provisions which cannot be altered without a referendum of the people. This system of entrenching was introduced by the former Government in 1978, and is now a very important part of our constitutional structure. Entrenching provisions have been held to be valid in the courts over the years going back, I think, to 1932 in a New South Wales case. The effect of the courts' decisions is that where an Act says it cannot be altered without a referendum, the provision requiring a referendum cannot be repealed without a referendum.

The points I want to make on clause 6 relate first to paragraph (a) in which the Government is seeking to entrench a provision that elections for the Legislative Council from time to time—that is, elections as part of general elections—must be held in accordance with a quota preferential system of proportional representation. The system of proportional representation to be used under this Bill, if it becomes an Act, is set out in schedule 1 on page 67 of the Bill. As I understand that provision, it is exactly in line with the provisions which apply in the case of election to the Senate of the Commonwealth Parliament, but I would ask the Minister when he responds to confirm that or correct it if it is wrong.

It is also important to note that a number of systems of proportional voting can be applied to elections. The system proposed is the fairest and most reasonable system of proportional representation, if such a system is to be chosen. It is by no means the only system of proportional representation.

While the Bill entrenches the requirement that a quota preferential system of proportional representation should be used, it does not entrench, or seek to entrench, the system of proportional

representation contained in the schedule. As I understand the Bill, that system could be changed without a referendum. That is a matter of concern to me and to the Opposition, because it means that, without any reference to the people, the quota preferential system of proportional representation which the Minister seeks to establish, could be changed by an Act of Parliament. If the Minister wants to be consistent, this provision should provide, not in terms that vacancies must be filled by a quota preferential system of proportional representation, but, instead, that vacancies must be filled by the quota preferential system of proportional representation set forth in the schedule. If that were done, and if the Bill were adopted by the Parliament and accepted at referendum, it would guarantee that the particular system presented would continue to apply unless altered by referendum. In the absence of that being done, other systems could be substituted, and those systems may produce quite different results.

I am speaking a little from memory but, in my understanding, there are proportional representation systems which result in the party obtaining the majority vote obtaining a very substantial proportion of the seats, and not simply a number of seats related in some way to the percentage of the vote the party receives.

I think there is a significant deficiency in what is clearly an important proposal in the Bill.

Mr CLARKO: It is my view that this system will ensure that most, if not all, of the members of the Legislative Council will tend to come from the metropolitan area. More than two-thirds of the people in this vast State reside in the metropolitan area of Perth, and with the selection system used by the two major parties I would expect a similar proportion of the selectors also to come from the city. If we are to have this 22-seat Chamber, I can see it being divided in the following way: the Labor Party holding seats within a range of eight to 12, eight when they have done badly and 12 when they have done well; and the Liberal-National Country Parties conversely having something like 12 to eight. Between the two parties, they will take about 20 seats—it might drop to 18 to 19 in rare cases. Minor parties or independents will win two seats, probably one at each election when the system is going properly. A metropolitan party would be needed to do that, although country parties in various forms may be able to achieve that, particularly at certain phases of the State's history. With that division of seats, there will be few of what I call “real country persons” in our Parliament. I believe that is a pity.

Under the proposed system, the Government intends to move away from single or multiple member electorates which are of a regional character such as we suggest, which give the people the opportunity of more direct representation.

I believe it is desirable for persons living in the Kimberley to be represented by a member associated with the Kimberley. Similarly, those living in the far south-east should be represented by a member from Esperance or Boulder. A pretty wide gap exists between those places, and we in Western Australia have become used to living in areas of tremendous size. That is one of the points made by members on this side of the Chamber. It would be undesirable for Western Australia to finish with a system which permits a couple of independents who come from the city to control the Parliament. These days they would probably be Australian Democrats, and the remaining seats would be divided between the two or three major parties I have mentioned. I think it would be a great pity; it would handicap the development of the non-metropolitan areas of Western Australia, because local members have the capacity to pick up and articulate the core issues of their regions or districts. I have never used the term "parochial" in the negative sense as it is frequently used. I think there are many occasions on which one can be proud of being parochial, and I refer particularly to the America's Cup, or perhaps I should call it the "Australia's Cup".

Local members are able to get behind local issues and press them, which is vital in a State like Western Australia, which is so large geographically and which is one of the biggest political units in the world. Two-thirds of Western Australia's population is located in a small area of 150 square miles, and the remaining area, with the exception of 30 to 40 towns, is virtually uninhabited. The members who come from, say, a farming area are able to articulate the feelings of the people. The member for Collie, who is not here at present, is able to represent and defend the people of Collie, and push their wishes.

I have been here for nearly 10 years, and I have always been impressed to hear Tom Jones put forward in a very sincere and accurate way the views of the people of Collie. A similar situation prevails in Kalgoorlie where the people have a particular characteristic.

As a person interested in history, I have recognised this. People have a very deep feeling about their areas, irrespective of the political parties from which they come. We recognise it in our party, just as much as do members opposite recognise it in theirs. We recognise the degree of

strength and independence which goes with living in an area where conditions are very harsh. A place 300 miles away can still be regarded as having some degree of remoteness even based on Western Australian standards.

A proportional system would greatly dilute that situation. It might remove it altogether and we might finish up with the 22 members of the Legislative Council all living in Perth. Many people who have commenced their political careers as residents of non-metropolitan areas will find it is necessary to move to Perth not only because of the distances involved and the problems associated with travelling—

Mr Gordon Hill: I think most of the Opposition members in the Legislative Council live in Perth anyway.

Mr CLARKO: If the member for Helena talks to some of his colleagues who represent country areas, he will find some of them have already taken up residency in Perth.

Mr Gordon Hill: While Parliament is sitting.

Mr CLARKO: Without doubt some of those members could travel backwards and forwards between their electorates and the city every weekend, if they wanted to do so, but they find, for a whole host of good reasons—the member for Helena would find the same situation—that it is more suitable to live in Perth.

If a member who represents a country area has young children who attend school, it might be much better for the family to reside in Perth so that the children can attend a school in the city. That may be better than living a half-life where the member's wife and children are resident hundreds of miles away from where the member works. Such a situation causes a great deal of stress and strain.

Anybody who studies the lives of Federal members of Parliament will find out the sorts of strains that occupation exerts on family life.

Mr Pearce: Your people tend to pretend they still live in the country.

Mr CLARKO: I could name some Government members who have moved to the city already, but I will not do so, because it would not be appropriate. Those members are entitled to do that.

I believe the Minister for Education has a small child. Were he the member for Pilbara, I would see nothing wrong with his living in a house in Perth after he was elected, rather than dragging backwards and forwards to the Pilbara where his wife and child lived.

If members study the history of members of Parliament in Western Australia, they will find

many members have done that. A cheap jibe was made a moment ago to the effect that members of the Opposition moved to Perth to live. However, members, particularly Ministers, have always done this and the tendency will increase as workloads become heavier. Such members should not be criticised for doing that.

Mr I. F. Taylor: Don't you find that, come election time, the member who has moved to the city is faced with comments from his opponent to the effect that, "You don't even live in your electorate"?

Mr CLARKO: That is correct, but it is a cheap jibe. It is done by all parties. Members opposite might even do that! Perhaps such a comment was made about the member for Kalgoorlie before he moved from Wembley Downs to Kalgoorlie.

Mr I. F. Taylor: You will not see me back in Perth!

Mr CLARKO: Perhaps Kalgoorlie is close enough to Perth to enable the member to live there. He is one of the unlucky Government members who is not on the front bench, although he should be there instead of some of his colleagues.

Mr I. F. Taylor: That is absolute nonsense!

Mr CLARKO: However, were the member for Kalgoorlie a Minister, he might rethink his position. I shall be here for a long time and the member for Kalgoorlie may or may not be. However, if he is, I shall ask him his position on that issue in a few years' time.

I have outlined the likely scenario for Western Australia. Under this system we will end up with almost all the 22 Legislative Councillors living in Perth. They will live in Perth even if they represent country areas, because, after a while, they will need to convince their selectors that they should stay in office.

If a man from the mining industry who lived in Laverton or Leonora were elected as a Labor member of the Legislative Council, after a while when somebody said to him, "Let us go to the Laverton race day", and someone else said, "Just a minute; three or four of your friends who are selectors are about to select the ticket for the Legislative Council and would like you to have lunch with them", he would get the message that it was better to go to lunch with the selectors than to go to the races at Laverton.

That is what will happen. The selection power base will be in the city and it will be in the interests of the Legislative Councillor to keep as close as possible to the selectors in order to ensure he continues to be selected. That is natural—it is not unnatural—but it will mean representation of

the remote parts of the State will gradually weaken and eventually perhaps nobody will reside in remote areas to speak for the people there.

Mr Gordon Hill: Are you saying your party would make no change to the electoral system to accommodate country interests?

Mr CLARKO: The member for Helena is now putting forward an argument which is juxtaposed to a system of one-vote-one-value. The day one says, even for the theoretical purposes of discussion—I am not saying members opposite admit this—that, for example, "In our grand party we will take steps to ensure that, of the 11 councillors elected at any one time, one, two, or three will come from country electorates", one moves away from a system of one-vote-one-value. It cannot be any other way. If one is going to move to a system which ensures members come from the less populous areas—

Mr Tonkin: Only by endorsement.

Mr CLARKO: I am sure the Minister understands the argument I am putting forward. If members opposite say, "When we run our ticket for the Labor Party—" they would probably run 11—

Mr Tonkin: I think you would put in fewer than 11.

Mr CLARKO: Whatever the number may be—

Mr Tonkin: It would be seven or eight.

Mr Pearce: If there are six vacancies for the Senate, you do not normally run more than three.

Mr CLARKO: I was thinking in terms of 11 seats which are up for election. Members opposite would anticipate picking up approximately four to six of them.

Mr Tonkin: That is right.

Mr CLARKO: If that were the case, they would put up at least six or seven candidates.

Mr Tonkin: We might put up seven.

Mr CLARKO: Therefore, if the Labor Party devises a system under which, of those seven, one will come from the north, one from the east, and the balance from Perth, it has moved away from a system of pure egalitarianism. It has moved away from a system under which everybody has an equal chance to get onto the ticket.

Mr Tonkin: You could say once you have endorsed people for a party, you have moved away from an egalitarian system, because one has to join the party to get a guernsey.

Mr CLARKO: However, if one moves towards a technique in which people outside the metropolitan area are given a place on the ticket,

irrespective of electoral strength, one does not have a system of one-vote-one-value. Therefore, the proportional system proposed will result in most, if not all, members residing in the city. The parties will control the system. The chances of people who have some outstanding capacity in a non-metropolitan part of the State becoming members of Parliament will diminish. As a result, the remote areas will suffer because they will not have in Perth their own local representatives to whom they can take their problems.

I cannot accept the argument put forward by the Minister to the effect that more officers and the like will be provided. People want to speak to their members of Parliament. I am sure if someone phoned the office of a member of Parliament and said, "I want to speak to my member", and the secretary said, "I shall speak to you", he would be disappointed. That would be an inevitable consequence of the proposed system.

It is a great pity the Government is seeking to introduce a proportional system in this State. Although this is probably an argument for another time, in particular, the number of 22 Legislative Councillors—an even number—will cause problems when it comes to selecting the President of the House. In addition, taking into account the numbers situation, under this system a strong likelihood exists that Independents or small parties would rule. Were the system to be introduced, the Government would regret it one day.

Mr JAMIESON: The member for Karrinyup has a quaint idea about party politics. One can only believe that it arises from his association with the Liberal Party, although I doubt that, because I would not imagine several elections occurring under this proposed system in which a person from Kalgoorlie was not endorsed by the Liberal Party. If that occurred, it would be very stupid because the very basis of a group system is to attract the maximum vote.

This will not happen if a party gets people from the one area. We have some rather wonderful people in the Labor movement who are from country areas, just as there are some rather wonderful people, from a Liberal point of view, living in Kalgoorlie. Those Liberal people have no earthly chance of ever representing a point of view of mining in this Parliament because of the pro-Labor nature of the region; but with this system, the Liberal Party could get those people in. This system would allow the Opposition to bring in people who live in the Pilbara, an area where it is not represented at the moment. Under the normal scheme of things, members opposite would not normally have people here representing

the Pilbara; but under this system, members opposite could bring in someone from that area, just as they could do with someone from a farming area who would predominantly represent rural interests. The Opposition has some country representation in this Chamber and it would be able to incorporate a similar representation in the Legislative Council. The same would apply to someone representing the great southern area. If the Liberal Party did not do that, it would not maximise its vote, and that would be stupidity on its part.

Mr Clarko: That doesn't happen in the Senate.

Mr JAMIESON: Of course it does.

Mr Clarko: Andrew Thomas is from the Northampton area, but when he went on the Senate ticket he did not get a disproportionate vote when he was down the list.

Mr JAMIESON: That is because people are apt to vote according to the way the parties put out their tickets. The argument is being made on the basis of the influence of these people in the group. Last time, Walsh happened to be on top of our list, but if he had been further down, he probably would not have got as many votes. The point is that he was there helping to draw votes because, from a Labor Party point of view, he is known to understand rural interests. The member for Karrinyup does not seem to understand that, but this is how it would operate with a Liberal person from Kalgoorlie who would be there representing the Liberal point of view on that region. The Opposition has no chance of that happening under the present system, whether for the Legislative Council or the Legislative Assembly, so it should rethink its horrid fear of the metropolitan area taking over under a list system; in fact, it is more likely to go the other way.

Mr Clarko: The Senate doesn't prove that.

Mr JAMIESON: The Senate proves all sorts of things, such as that women have more chance of being elected as Labor members in the Senate than in the House of Representatives; but I do not know what that really means. However, having them in the team does induce women to vote in an election; there is no doubt about that, and no-one is hiding one's light under a bushel on this. A mixed team at least gives the impression that a party is more widely based and so enables it to attract support. That is the point being missed. This does occur and will continue to occur; it happens wherever there is a system such as this in operation.

Take the Tasmanian system as an example: The members there do not come from just one area. Even within the party groups they do not

have people all from one town in Braddon; the people do not come from just the main town, but from towns all about. There is not a concentration of votes from the main area.

Mr Clarko: Tasmania has a poor system.

Mr JAMIESON: Consider Israel and other places.

Mr Clarko: That is proportional voting. It is about the only country with one-vote-one-value that you could readily find.

Mr JAMIESON: They do not simply appoint people from the major cities; they have candidates representing various groups. They do not, as the member suggested, get away from one-vote-one-value for the purpose of getting the various people elected. They obviously attract votes by putting forward the best team, a team which will attract the maximum number of votes in an electorate where there are a multiplicity of people being elected on a one-list system. This is fairly obvious to most people although it is not obvious to the member for Karrinyup—he does not want to understand. The Liberal Party, however, will understand it and it will get some good representation in these various areas which it was not able to get previously.

Mr MENSAROS: I will briefly expand on the thoughts put to the Chair by the member for Karrinyup. Firstly, I do not believe that because of proportional representation, every person elected would necessarily be a city dweller. There is a lot of merit in what the member for Welshpool said, in that, in order to attract more votes, the party selectors would look for representatives from country areas as well as from city areas. But it stops there.

What I think would happen is exactly contrary to what the Minister said in his second reading speech. My own second reading comments were based on critical comments on the Minister's speech, but he did not comment on them in his reply. At one stage he said that proportional representation would bring to Parliament a broader cross-section of the community. In response I said that exactly the opposite would happen. It is not necessary that city dwellers will be elected, but what will happen is that the mood, the policies, the views of the selection committees of the day will be reflected in the people selected; in other words, we will get a homogeneous pool representing the committees' views.

It cannot be denied that the Labor Party has a left wing and a right wing and that at various times either group predominates, and the same happens within the Liberal Party where there are what is termed small "I" liberals and those who

are considered to be more conservative. The selection bodies of the day would represent the majority of these various groupings, quite obviously because of their sheer numbers on the selection body. So the people elected would represent the particular trends in the various parties. Therefore, contrary to what the Minister has said, there will be only a very narrow cross-section of views of the various parties. There is no doubt that this will happen. No matter that a person was elected to represent the mining, the pastoral, or the south-west areas, he will be of the same ilk as the selectors. Therefore, it will be a very narrow sort of representation.

Mr Jamieson: I hope that if it is the Liberal Party, it will select Liberals, and if it is the Labor Party, it will select Labor people. Let's get that clear.

Mr MENSAROS: That is not my point.

Mr Jamieson: Well, it is half your point.

Mr MENSAROS: My point is that this system will not bring about a cross representation. One consequence of this is that we will not have the interests of certain areas represented; that point relates to the proposition of the member for Karrinyup. Those interests will not be properly represented because the people chosen will represent the view of the selection body, whatever the respective parties choose to call that body. They need to represent the interests of that selection body in order to be reselected. Their luck would probably finish if the nature of the selection body changed as it would change to represent one side or the other of any party.

The Opposition very strongly puts forward the proposition that proportional representation is not representative. Ultimately, and very unfortunately, we would finish up with a party hierarchy. That is the reason I very advisedly used the words "Tammany Hall". A party machine would be involved, if the legislation were adopted.

If we extend these thoughts to the extreme—which I think is one of the best ways to argue—it will not matter whether we have 22 members, 222 members, or two members of Parliament. Under the proposed system it is probable that the first time, one side and then the other side might have the advantage. Consequently, almost a tie is ensured all the time. With a bit of luck there might be a majority of two. Normally, there will not be even that majority. People with exactly the same thought processes and the same views will be on one side and then on the other. As I said, the numbers really do not matter with respect to legislation and the debate in this Parliament. Representation will be virtually nil. I em-

phasise that it will be nil not only in the country, but also in the metropolitan area.

A member could be very cynical or lazy, and cater to the needs of his own re-election first. A longstanding friend of mine, albeit one who represented the opposite side in the Senate, was a little cynical, but very clever. He often said to me, "Look, if I get an invitation from Kalgoorlie, most of the time I say that I have to go to the wheat-belt or the Pilbara". It is easy to say that and I am not blaming him for it, because it is human nature. That invitation would not have gathered a large number of votes for his party anyhow.

Mr Jamieson: Do you realise that the Labor Party could even have a representative from Nedlands under this system? That would be pretty good.

Mr MENSAROS: I realise that. In fact, I was amused when the Labor Party's candidate for Nedlands at the last election, when participating at a conference in Canberra, attended by the then Minister for Police and Prisons and me, was very much in agreement with the representative of the Queensland Government on one question. That was interesting.

It is my fear and my very reasoned thought that from a practical point of view there will be not only no cross representation, but also no representation whatsoever. There will be neither representation of the interests of various sections of the community nor representation of the State with respect to legislation or any other motion debated in the Parliament. There will be no proper representation of individual constituents because nobody will be very much interested. I am not suggesting that a member receiving a letter from a constituent, whoever and wherever that constituent may be, will not respond. Some members do not respond even with a single geographical electoral system. Obviously, however, a member will not put his heart into representing the interests of a section of his constituents because he will not be responsible to them; he will be elected if he has a high enough rating. If he is high enough on the list of candidates, he will be elected no matter what happens.

As the major parties stand at present, if 11 members were to be elected at one election, it is inconceivable that the major parties each would not elect four or more likely five members. Therefore, if somebody is endorsed in first, second, third or fourth place he will be elected whether or not he is polite to his constituents, responds to their queries, does the work for them and really

represents them. Under the proposed new system he need not represent them.

This is not a theory; I can vouch for it from practical experience in Austria. The Austrian-German language is one of my mother tongues. I visit Austria fairly often and speak to relatives and friends of mine there. They do not have members of Parliament representing them in single electorates in the sense that we do. If something comes up in conversation with them relating to water supplies, roads or whatever with which they are displeased, I ask them why they do not approach their members of Parliament. They say, "Who?" They do not have any. They have a list of people selected for election, the same as is proposed under this legislation. If somebody dies or retires for whatever reason, the next one on the list takes his position. No by-election is held. It is purely a party system. Even during debates in Austria nothing very interesting comes up because, as I have said, people with homogeneous views will be selected and consequently elected.

The most grievous part of this Bill is that it takes away the duty of representation—in both the legislative and proper context of the word—of individuals by members of the Parliament. It has often been said, and is very true, that the reason for the existence of members of Parliament is not only that they legislate—that is often done in a corporate way; the majority prevails—but also and mainly that they represent their constituents. Additionally, those who sit on the Treasury benches have the duty of administration. That most important dual role of members will be taken away by this legislation.

Mr OLD: I believe this clause is the nub of the Bill; this is where the great disadvantage to electors comes in. Several points of view have been put and most of the pertinent arguments have been advanced. However, there is no doubt in my mind that the election of members of the Legislative Council by proportional representation will be unduly harsh on country people. The previous speaker said that it would be equally disadvantageous to city folk. I am prepared to accept that; but to my mind it is fairly certain that the majority of people elected by proportional representation will come from the metropolitan area.

That is not really the central point of the argument, because it does not much matter where they come from. If we were fortunate enough, for instance, to have a member elected from Geraldton, he would probably devote a fair bit of his time to the Geraldton region. But he is elected by the State and has a responsibility to the State if he cared to assume that responsibility. Of course, that is the next question.

The previous speaker mentioned members of the Senate. Frankly, I do not know how long ago it is that a member of the Senate visited Katanning, but I assure the Chamber it was some time ago—probably nine to 12 months ago. Even if a member of the Senate visited the town of Katanning every three months, it would not be of great advantage to the electors of that area because there would be no continuity of action. In other words, an elector or a group of electors with a problem may, for instance, arrange a deputation to a Minister of the Crown after discussing the matter on several occasions with the member or members of Parliament representing the area. That would not be possible if the member were not based in any particular area. This is the argument I endeavoured to put during the general debate on this Bill.

Currently, people in an electorate have an opportunity to discuss matters with one of three representatives of the State Parliament. In my case, the Legislative Council representatives are in the area fairly regularly, as I am. We each probably have our pet projects, which we like to jolly along, but I can say without fear of contradiction that, in the event of this legislation becoming law, it would be incumbent upon me alone to represent the area of Katanning-Roe, which in terms of a Legislative Assembly electorate is rather large. I cannot say I would look forward to that task, as it would be quite disproportionate to the task of a concentration of politicians in the metropolitan area.

I do not know that people elected on a basis of proportional representation will represent country areas as they may the city. However, the point, as raised by the member for Karrinyup, is that if a member of the Legislative Council, especially near election time, had to make a decision about taking his mentors to lunch or going to the Festival of Balingup, there would not be much choice.

Mr Blaikie: I don't even know where Balingup is.

Mr OLD: Yes, where is it?

Mr Blaikie: Up near Booragoon, isn't it?

Mr OLD: Seriously, it is an important part of the south-west. I do not know how the machinery of the Parliament will work efficiently if we have representatives based mainly in the metropolitan area. I will concede there will be a few representatives of the country, but they will be very few. A conscientious member of the Council may say upon his election that he will serve his electorate faithfully. His electorate may range from Wyndham to Esperance, and if he continually travelled this State he would not be able to give

any service to his electors. If he picked out a favourite patch for the concentration of his efforts he would serve those electors well, but he would not serve his hope to be re-elected. Human nature being what it is, those factors must have equal importance. Very few politicians do not look forward to the next election in any decisions or actions they take.

It is grossly misleading for the ALP in its advertising campaign to endeavour to convince country people there will be no diminution of representation. I have stated before in this House that it is the duty of every country representative to go into his electorate to tell the truth about what will prevail if this legislation becomes law. The only advertising of this measure—very expensive advertising—is to try to convince the people of Western Australia that proportional representation is good medicine for them. I assure you, Mr Chairman, I am doing my best to inform the electors in my electorate that they will be seriously disadvantaged if or when this Bill becomes law.

I reiterate that it is the duty of every country member to go into his electorate to tell this truth; it is also the duty of the Government of the day to be truthful in its advertising so that the people of this State know exactly what will happen; but that, Mr Chairman, is not happening.

When the moment of truth arrives, I hope it will not be too late for the electorate to take the necessary action. There may be a violent reaction to the misleading statements made. I oppose the clause.

Mr LAURANCE: I wish to record my objection to this clause, which incorporates the provision which will emasculate the representation of people in the remote country areas of this State. I outlined my objection in my second reading speech, and I will take this opportunity to record my objection once again to the breaking of the bond between elected representatives and their electors.

A number of speakers have raised this point. I represent a remote area of the State, and I see the situation in exactly the same way as it has been outlined by others on this side. The people who will be elected will only be party hacks. That is putting the situation in its roughest terms, but that is exactly what they will be.

The representatives will be selected by the party machine, and will have to serve the party machine. They will not have the same sorts of ties to the people of remote and country areas as existing members have, and in turn, the people will not have the same sorts of ties to their rep-

representatives. We cannot have this sort of representation, and still have personal contact between members of Parliament and their electors. It is an academic exercise by the ALP to launch this measure on the State. It does not take into account that we live in a large State, and that people in our remote areas want to be able to contact the people they elect to represent them in this Parliament.

As I have pointed out previously, it is not as though there are already very many members who represent remote areas in either House of Parliament. It is not impossible for the Labor Party to win remote area seats, as has been demonstrated. I have had this argument with the Minister handling the Bill. It is not necessary for the Labor Party to change the system in order to win seats in any part of the State.

People in remote areas would prefer to have a system whereby they knew who their candidates were. They elect people to represent their own interests, and when those people are elected, the electors have the opportunity to approach them.

Mr Tonkin: You have never asked their opinions on this. You are saying that is what they want. They have never had the chance to vote at a referendum on the subject.

Mr LAURANCE: The Minister has made a good point in support of my speaking on this clause. I represent those people.

Mr Tonkin: You represent them, but you are not saying they don't want this. We are saying that at a referendum people will have a chance to put their opinion.

Mr LAURANCE: That is only in regard to this system which the Government wants.

Mr Tonkin: They can say, "No".

Mr LAURANCE: As a representative of a remote area, I inform the Committee that my constituents want to have, and really cherish, the opportunity to get to members of Parliament and they do not even seek the same opportunity as do people in the metropolitan area. I have also pointed out previously that it is still much more difficult for electors in the very far-flung expanses of the State to contact their members of Parliament, but at least they know they have members who have very strong biases with their own area, and I believe that is the way they want the situation to remain.

We have heard a number of references to the Senate when this method of electing a House has been discussed, and I think it is appropriate to make the point again that the Senate does not really have a one-vote-one-value system anyway;

nor will this, but it is part of the package of measures that the ALP is bringing forward to get closer, as it says, to a one-vote-one-value system and so, as a part of that process, it intends to rearrange and reorganise the Legislative Council.

Mr Blaikie: On that very point, if country people have their way, one senator would never win a seat in Western Australia—Senator Walsh.

Mr Old: That is right.

Mr Blaikie: Senator Walsh is a disaster for the country people of Western Australia.

Mr Pearce: Why did you bring Senator Thomas to an elevated position?

Mr LAURANCE: I thank the member for Vasse for his contribution because he highlights the point I am making. Senator Walsh is high on the list of his party's—

Mr Burkett: Country people will get 21 per cent better selection in the Budget.

Mr Old: You are throwing dust up if you believe that.

The CHAIRMAN: Order!

Mr LAURANCE: That crossfire really just highlights the point I was making, which is that a certain senator, regardless of where he comes from—

Mr Old: He hates Western Australia.

Mr Blaikie: He hates the country areas.

Mr LAURANCE: —because he comes high on the list of his party, is bound to be elected. That breaks the area of contact between country and remote areas of the State and the people of those electorates.

Mr Pearce: He is from a country area.

Mr LAURANCE: I said it would not matter where he came from.

Mr Pearce: You come from the country. Why don't you pick country senators like we do?

Mr LAURANCE: The member is on losing ground there because he has very few country representatives. He has one he does not need to name.

Mr Blaikie: Senator Withers!

Mr Pearce: Senator Withers lived in Perth for 20 years.

Mr LAURANCE: Let us look at the Senate. Remember when Senator Bonner was put high on the list of senators for Queensland and what that did for all Aborigines? It amazed me that anyone in the ALP dared to stoop to say such things, because how many Aboriginal senators are in this House?

Mr Pearce: There is an Aboriginal in this House.

Mr LAURANCE: I am talking about the Senate.

Mr Tonkin: Picked selectively!

Mr LAURANCE: I am very proud—

Mr Tonkin: You are very proud? What did you do in 1977 to the Aboriginal voters who wanted to vote? Come on, you know what you did in 1977. It was so disgusting that the Supreme Court ordered a re-election.

Mr LAURANCE: We have just had another one of those, by the way.

Mr Tonkin: I know the judge went out of his way to say no blame attached to either party. No blame attached to the ALP.

Mr LAURANCE: I have spoken to people who have had children—

Mr Tonkin: I am talking about a judge of the Supreme Court.

Mr LAURANCE: I have spoken to people from the Herne Hill school and they have very strong things to say about the ALP.

Mr Tonkin: The judge of the Supreme Court said no blame attached to either party.

Mr Pearce: One thing we didn't say was that we didn't agree with what the judge said.

Mr Tonkin: Your Premier said at the time, "I don't like what the judge said". That is what Sir Charles Court said.

Mr LAURANCE: Mr Chairman, I am sure you will allow me to get back to the subject matter before the Chair.

Mr Pearce: Scuttle back to safety!

Mr LAURANCE: Not at all. As the member would know, in the Committee stage we have very limited time in which to speak. I could debate that question with the member all day because I think he is on very weak ground.

Another point I wanted to make in respect of this representation is that country people will indicate very strongly that they oppose what the ALP is trying to do.

Mr Tonkin: Give them a chance to vote at a referendum! Oh, no, you wouldn't trust them to vote.

Mr LAURANCE: In fact, what is being said by the ALP now to try to win over the country people is very misleading indeed, because they do not lose representation. It is as plain as the nose on anybody's face that is exactly what will happen to them. They will not have personal contact with members representing them, and this is really the

nub of what we are discussing. It will tremendously reduce the representation that country people presently have. As I pointed out earlier, they do not have much representation anyway and I think it is wrong for the Minister handling the Bill to indicate that we could in some way compensate people for this. Really he has indicated that he believes country people will be disenfranchised by the system he is putting forward.

Mr Tonkin: They will have a vote equal to everyone else's.

Mr LAURANCE: No, it will not be equal to everyone else's.

Mr Tonkin: They each will have a vote equal to everyone else's.

Mr LAURANCE: People want equal access to members of Parliament. The ALP is trying to take that equality of access from them. The Minister handling the Bill has indicated that in some way country people could be compensated for the lack of representation that they will experience under his proposal and that compensation would be by way of additional facilities for members to travel. I assume members elected under this system, if ever it were to come into effect, would have considerable travel rights around the State. I assume they would have much the same rights as, say, senators, so they could cover all their electorate, which would be all of the south. It has been pointed out by speakers from the other side of the Chamber that other pressures could be put on these members which would tie them to the city; for example, pressures of selection, pressures of time, and pressures of commitments would prevent their getting to the remote areas of the State. We cannot compensate those people by saying that their members of Parliament will have additional travel or air charter rights, additional telephone allowances, and so on because it will not and does not take the place of individual representation of people living in country areas. In no way could we provide additional benefits to members and expect them in some way to compensate country people. We should elect people who live and work and have had very strong ties with each of these individual areas around the State.

Under such a system we may get these people to travel to remote areas of the State, but they would be only tourists anyway. They would not really have the same sort of contact with those areas, so it would be very academic in respect of how good it would be on country people if they were able to get these Legislative Councillors elected under this system to visit country areas.

Mr Blaikie: The Government said it is going to provide country people with an office for the new member. Would that not be wonderful—an empty shell of an office and no member?

Mr LAURANCE: What good would that do? I take the point the member for Vasse makes. It would not in any way replace their having a member living in the electorate.

Mr Jamieson: Have you seen how the Kalgoorlie members have had to work in their country areas—the Liberal member for Kalgoorlie as well? They do have a lot of work to do and a lot of area to cover.

Mr LAURANCE: But you are arguing my case.

Mr Blaikie: That is right, yes, you are.

Mr Jamieson: I am not.

Mr Tonkin: He was elected on one-vote-one-value.

Mr LAURANCE: He was elected by the people whom he serves—

Mr Tonkin: On one-vote-one-value.

Mr LAURANCE: —in a particular area, and it is very difficult to be able to represent their interests across such a vast area; I acknowledge that, but when he goes so far as to say to some amorphous group, "It is very nice to come to Halls Creek or Gascoyne Junction, but you people don't really count because my votes come from the metropolitan area, and, as long as I can convince my party that I can get votes, I will be elected, come what may". That system will not suit this State well. It does not go towards giving the people equality. This was opposed in the Senate. In the Federal sphere, it will result in the ridiculous situation of people in Tasmania having the same number of members as have people in New South Wales.

Mr Jamieson: You must be queer if you compare one with the other. You must be queer.

Mr LAURANCE: I did not know about whom the member was talking when he used that expression.

Mr Jamieson: I am suggesting queer in the mind, not down below.

Several members interjected.

Mr LAURANCE: It has been mentioned many times that we are debating a form of proportional representation as is used in the Senate. That cuts across the one-vote-one-value system instead of moving towards it, as the ALP professes it is doing. The ALP says it wants to give greater equality, but the Senate does not do that; it was set up to do the reverse.

This system will take away representation from the country people and it should be rejected by this Chamber, the other Chamber, and the people of Western Australia.

Mr STEPHENS: The National Party is opposed to this clause, as it is to most other clauses in the Bill. Listening to the debate from the previous three speakers—the member for Karrinyup, the member for Katanning-Roe, and the member for Gascoyne—I have come to the conclusion that they do not fully appreciate the role of the Legislative Council. All three members made reference to the relationship between the constituent and the elected member.

We follow the Westminster system, and I do not think that the House of Lords has a direct relationship between its members and their constituents. I know it is not an elected body.

Mr Clarko: There is no comparison.

Mr STEPHENS: It is a House of Review.

Mr Clarko: You get appointed to the body.

Mr STEPHENS: I suggest that, if the member for Karrinyup wishes to speak to the Committee again, he do so when I have finished. I listened to him without interjecting.

Several members interjected.

The CHAIRMAN: Order!

Mr Clarko: You referred to me; you named me.

Mr STEPHENS: I know I named the member for Karrinyup.

The House of Lords is a House of Review and its members do not have direct contact with their constituents.

Nearly all members on both sides of this Chamber will say that we follow the Westminster system and the bicameral system under which it operates.

Several members interjected.

Mr STEPHENS: If we accept the arguments advanced by the three previous speakers, I would suggest they made a solemn case for abolishing the Council and increasing the number of Assembly seats. What they are talking about is electing Legislative Councillors in the same way as Assembly members are elected. I believe the Assembly members have a direct link with the constituents in their electorates. The Legislative Council members, if the Legislative Council is to be a House of Review, should be elected on a different basis and have an overview, and those members should not spend their time running around doing the work that Assembly members are elected to do, and are doing most successfully.

I will give members an example of the waste of time under the present system. Years ago there was a problem in the southern area of the State. A constituent got in touch with me and, on making inquiries about the problem, I discovered that he had written to the member for Albany, the upper House members for the South Province, the regional administrator, and me. I am not criticising the constituent for doing that, because that is his right under the system which exists at the moment. There is a tremendous amount of overlap and wasted effort; and, of course, it costs money.

Mr Blaikie: That would be the expectation of the constituent.

Mr STEPHENS: It is at the moment, and constituents have been led into that system by the major political parties and, because of that—

Several members interjected.

Mr STEPHENS: —members are forced to continue on that basis in order to obtain support at elections.

We really should have elections of upper House members on a different basis from that of Assembly members, so that we can break the direct link between the elected member of the Council and constituents. This would allow the elected member of the Council to devote his time to ensuring that the Legislative Council becomes a general House of Review.

Mr Jamieson: Instead of carrying the Council on his back.

Mr STEPHENS: I feel that the three previous speakers are looking at the Legislative Council as a replica of the Legislative Assembly, and that is wrong.

In its policy, the National Party supports the idea of proportional representation, but in order to maintain the weighted vote for country people, we have divided the State into three regions, which have existed for many years under the Electoral Act. The State would be divided into three different communities of interest, and the councillors elected to represent the metropolitan area, the agricultural and mining areas, and the north-west would not have that same direct link, but would come from areas of a community of interest and would be in a better position to represent the point of view of those regions within the State. On that basis, our suggestion more closely approximates that of the Senate situation, where each State has the same number of representatives irrespective of the number of voters within that State.

Mr Tonkin: How many regions are you suggesting?

Mr STEPHENS: We are suggesting three—the metropolitan area, the agricultural and mining areas, and the north-west.

Mr Tonkin: How many members would each region have?

Mr STEPHENS: We are proposing 16 members for the metropolitan area, 12 members for the agricultural and mining areas, and four members for the north-west.

Mr Tonkin: Elected on PR?

Mr STEPHENS: Yes, elected on proportional representation. I accept that reduces the grotesque malapportionment that exists at the moment, but it still maintains a weighted vote of 3:1 for country people. I accept that, but that is closer than the vote in the Senate.

Mr Tonkin: They are sovereign States. They drove a bargain, and it is not analogous.

Mr STEPHENS: It is historical—that is how it came about—but the States have maintained the right to have their interests protected in certain situations. The National Party argues that we have three interests within this State, and it is reasonable to put forward a proposition on the same basis as the Senate, which came about historically.

We want a system whereby the interests of the respective regions in the State have a direct tie with members in the Council, who would protect the interests of those regions. It is a reasonable and workable proposition. During the second reading speech we were subjected to a degree of criticism by the Liberal Party on this matter, but on not one occasion did it indicate to us why it is prepared to accept a 2:1 weighting in the Legislative Assembly, but will not accept a 3:1 weighting in the Legislative Council, which is a better proposition than that which it has accepted for years in the Legislative Assembly.

I want to correct one or two points made by the member for Katanning-Roe. He completely opposed the diminution of country representation. That being so, I am surprised he supported the last two amendments to the Electoral Districts Act, because they reduced the effective representation from the country inasmuch as it increased the representation from the metropolitan area by a total of 10 seats.

No corresponding increase occurred in country representation. One does not have to be very bright to work out that effectively the ratio has been reduced, and therefore the effectiveness of country representation has been reduced.

Mr Old: It can't be very difficult if you worked it out.

Mr STEPHENS: The member should speak up if he wishes to interject.

Mr Old: I said that if you worked it out one would not need to be very bright.

Mr STEPHENS: Obviously I am brighter than the member because he still has not worked it out.

The member for Gascoyne talked about party hacks being appointed and said the system would develop in that direction. I do not know whether that would be a change because I ask: What do we have under the present system?

Mr Tonkin: If anyone thinks he can get there without his party, let him stand as an Independent and see how he goes.

Several members interjected.

Mr STEPHENS: The situation will arise whereby those appointed will be people who do as the party machine says.

Several members interjected.

The CHAIRMAN: Order! I would have thought that at this stage the Parliament has been going long enough for members to know the sorts of interjections I, as Chairman, am prepared to accept. Members know all interjections are disorderly. I have been here long enough to know interjections play an important part in the debate. I am prepared to allow interjections of a singular nature, but I am not prepared to allow cross-Chamber interjections between members who are not on their feet making a speech. I am not prepared to accept a multitude of interjections at the same time.

Members would make my job and their task a lot easier if they abided by those guidelines.

Mr STEPHENS: Thank you, Mr Chairman. I was surprised that the interjections were necessary because I was not being provocative in what I was saying.

Mr Tonkin: I got into trouble for agreeing with you.

Mr STEPHENS: The member for Gascoyne said the situation would arise of party hacks being appointed who would have to do the bidding of the party machine. That unfortunately is the system which exists at the moment. I give an example which occurred in a previous session of the Parliament when a National Party member introduced a Bill in the upper House relating to consumer affairs. I will not go into details, but he introduced the Bill and the then Leader of the Government—a Liberal Party Minister—said in effect that the measures proposed in the Bill were very good and would be an improvement on the current situation, but that the Government would vote against the Bill as it intended to introduce

similar legislation in the following session. Liberal Party members say that members in the other place judge everything on its merits, but in this instance they voted against that piece of legislation despite their leader's saying it was a good piece of legislation.

Mr Tonkin: You do not understand; it was a conscience vote. It happened that their consciences were unanimous.

Mr STEPHENS: I am raising the example in response to a comment by the member for Gascoyne that the proposed new system—which I oppose although not for the reasons he outlined—will lead to party hacks being appointed. The example I gave indicated clearly that party hacks are appointed now because every one of the members in the upper House voted against the legislation to which I have referred. The Leader of the House had described it as a good piece of legislation, but said it would be opposed because the Government would introduce similar legislation in the following session. The Government did that and the same members voted for that Bill which is now part of our law.

We need an effective upper House, but the proposition put forward by the Government will not achieve that. It will bring about a change but it will lead to representation by proxy. There must be equality of representation as well as equality of vote. I say without fear of contradiction that as I move around my electorate I see constituents are pleased to see their local member, whoever he may be. I am certain they do not want to see some secretary or office staff member representing the elected member.

Mr Blaikie: The Government would not understand that.

Mr STEPHENS: The proposed new system would lead to increased costs, but it would not increase or improve the quality of representation. It is important we bear that in mind.

The proposed referendum allows only for a "Yes" or "No" response. If the Government is really genuine in wanting to ascertain the wishes of the people, it should have a referendum with a series of questions. I accept that too many questions cannot be put on the paper as it would tend to confuse people, but there could be four options.

Mr Tonkin: That is not what the Constitution provides.

Mr STEPHENS: We can make it provide for that. That is why I was disappointed the other day when the Government and Opposition refused to support the reference of this Bill to a Select Committee.

Mr Tonkin: You conservatives have had 90 years.

Mr STEPHENS: I am not that old. As the member for Merredin said the other day, two wrongs do not make a right.

I would have thought the Labor Party, in bringing forward its idea of representation, would carry it further and ascertain the views of the people. It is not doing that in giving the people a "Yes" or "No" proposition.

Mr Tonkin: The people have rejected the conservatives.

Mr STEPHENS: Yes, but the Minister does not know on what basis. I do not accept the term "mandate".

Mr Tonkin: Neither do I, but we were elected to Government.

Mr STEPHENS: Most people may be opposed to the Government's electoral reform propositions; they may have been supporting the Government's economic proposals. The Government will get a fairer assessment of what the people want if it holds a referendum in which voters are given a variety of questions to answer.

I oppose the clause.

Mr RUSHTON: I want to deal with a couple of points which have not been discussed.

Mr Tonkin: What, no repetition?

Mr RUSHTON: I hope not, except to say that I oppose this clause and one or two others. This is one of the dominating clauses; it does not provide a fair representation of people throughout the State, and I will give a couple of examples to prove that statement.

I support the comment made by other speakers; that is, that we would get a system of people by appointment and popular-boy contests, and that is not desirable in so far as representation in the Parliament is concerned.

I want to raise three issues, the first being the question of proportional representation. It can be related to the situation in a shire council where members are elected from their whole district, not by the ward system. Different points of view exist on those systems, but it is interesting to note that those people connected with local government react very strongly against the system of members being elected from the whole district, because one section of the district which has a dominant vote can control the vote throughout the electorate. It does not always happen, but it can happen and it can be misused. That situation is a parallel to what is proposed in this legislation. The Government should dwell on that point and realise that people want to be represented. They do not want

members appointed by the executive of various parties.

I confirm the point that members elected under a proportional system obviously will be seeking to win the vote in the city. That is natural; if they are country people they cannot be elected by the country vote. The 22 members would tend to be fighting for city votes and that would lead them not to respond positively to the needs of people throughout the whole State.

Another point I wish to make relates to our State-Federal relationships and the funding of our main roads programme. This is an interesting and easy case to demonstrate that as a State we have argued with the Commonwealth Government and with other States that we do not want proportional allocation of funds. We want the funds allocated on a number of criteria. This was changed during the Whitlam era. The proportion was whittled down and in the Fraser era it moved a little more. The present position has been held for a considerable time. That is a good indication of what would happen in a State that had members elected on a proportional basis. We would have argument from other States and the Commonwealth that our case was not a true one. We would be seen to be hypocritical, and tremendous funds would be lost from the State. Nobody can justly argue that we are not entitled to a proportion above our population ratio, based on our roads, distances, and the needs of the roads programme. We receive a percentage much higher than the population numbers relating to other States and therefore we need more funds.

Mr Jamieson: That ties up with many things like the defence requirements.

Mr RUSHTON: I think defence money proportionally would go to the Eastern States, if we were to analyse it.

Mr Jamieson: I am talking about the money that goes into roads and would be part of the defence system. That has always had to be where you have big areas of land and long lines of communication.

Mr RUSHTON: We have not been able to win the argument on defence. It is based on things other than defence, but, as the member for Welshpool so rightly says, railway expenditure or road expenditure does apply, in some measure, to the defence of this nation. That is not the basis on which it is argued.

The economic review committee set up to look into the question of allocation of funds became involved in an academic exercise and before long it was recommending an allocation based on population. That situation must be stymied.

Proportional representation in the State could be seen to be unfair to the people who live here. I believe the city people who have a close affinity with the country people would support the view that one cannot have the predominance of representatives coming from the city. We have listened to the argument of what happens in the country, but I am thinking of how it relates to people—the country people with whom I have spent much time and whose feelings on the subject of representation are known to me.

On the subject of a referendum, it is a wonder that the Burke Government does not move towards this very quickly because it is basically doing that by all its reviews and inquiries. It is creating a form of referendum by putting off today's decisions until tomorrow. Any Government should be judged on its ability to make decisions and in the majority of cases to effect the right decisions.

Mr Pearce: You should have an inquiry into who compiled the list in *The Sunday Times*, because it was wrong.

Mr RUSHTON: I cannot even receive answers to my questions in Parliament. I have asked the Premier three times, but he will not answer the question so that a correct list can be compiled. A list has been compiled by us from what has been said, and that list is extensive and more or less right.

Mr Pearce: There was no committee of inquiry into the reopening of the Tuart Hill High School, for example.

Mr RUSHTON: I am suggesting to the Minister that if the Premier would front up to his responsibilities and answer the question instead of putting it off and answering the member from another constituency in regard to questions relating to what took place in the previous Government's time, we would have something to work with.

Surely the Premier has an obligation to do this. He is holding the Chamber in contempt when he will not answer a simple question relating to an area for which he is responsible.

I now refer to the question of a referendum. It is a matter of the Government's making a decision, basing it on fairness and the best advice that can be obtained. The information is available to the Government, which has been working on this issue for a long time.

I oppose the proposal of proportional representation because it is not just. It is biased in favour of the Government's own party political machine, and the people of this State will judge it so.

Mr BLAIKIE: I oppose the clause, again on the basis of the representation principle contained within this Bill. The proposal by the Government for proportional representation will be disastrous and unfair to country people and will be distorted in a gross manner by the ALP. Under the present system, although the Government may well argue against it—and we have listened to the histrionics of the Leader of the House time and time again—the elected members have always had a traditionally strong link with the activities of their respective regions. What the Government is attempting to do is a little like the America's Cup situation where, if one cannot win by fair means, one attempts to write a new set of rules and win by that method.

Mr Pearce: We are taking out the handicap arrangement.

Mr BLAIKIE: If the Government had candidates who were good enough, it would win seats in country areas, and if it had the links with the regions that members need to have I do not doubt the Government would win seats.

Mr Pearce: We represent more country people than you do.

Mr BLAIKIE: Referring to the south-west or northern areas of the State, the Government has won northern seats in the Legislative Council in recent elections.

Mr Pearce: We hold the Bunbury seats in the south-west. We hold pretty well more than you do.

Mr BLAIKIE: I am suggesting that if the Government puts up its candidates, the electors will make the decision. The Government is attempting to change the rules, to take away the country influence and to replace it with a loaded metropolitan influence. The clause does that, and it will be grossly unfair to all country people.

Mr Jamieson: You say you are opposed to the Senate system in this State. As it applies at present in this State, it is one-vote-one-value.

Mr BLAIKIE: If the member for Welshpool wants to compare it to the Senate system—

Mr Jamieson: Are you going to propose—

Mr BLAIKIE: I want to answer the member's question, if he will allow it. The Senate system cannot be compared with the proposed system because the Senate was set up for a special reason, which was the protection of the States. What I am saying is based on the fact that the Legislative Council has been very important to the country people of Western Australia, a fact which the member and his colleagues may choose to ignore.

Woe betide the Government for ignoring the country people.

Mr Jamieson: It would unload a couple of heavies off your shoulders if you got rid of them.

Mr BLAIKIE: I do not agree.

Mr Jamieson: You have expressed it very often when you are in the mood.

Mr BLAIKIE: What the Government is proposing is grossly unfair to country people in Western Australia. If the Government is successful in having this preposterous proposition passed, we will have a total loading of metropolitan-based people representing this State.

Mr Jamieson: Rubbish and nonsense!

Mr BLAIKIE: I know my argument is correct, and woe betide us the day when this system is law.

Especially in the Legislative Council, elected members have very strong links with the industries of the regions they represent, and this link is of great importance. Depending on the work done by these members, people of various persuasions will have voted for them; whether Labor or Liberal supporters, they will have voted for a member if he has been of good value. That is the very important difference between a country member and a city member. If we were to go out into the streets of Perth and conduct a survey—I would be delighted if the Press would undertake such a survey—we would find that many people would not know whom their member of Parliament was in the Legislative Council let alone in the Legislative Assembly. This is certainly not the case in country areas. If a country member of Parliament is not known in his electorate, he is history. If he does not perform, he is voted out. However, a metropolitan member can be carried as dead wood. That is the difference between country and city politics. A totally different set of circumstances exists in the role of a country member when compared with the role of a city member.

The Government is proposing to have people elected purely on a political base and not representative of sectional interests. This is quite dangerous. Imagine the situation with the member for Bunbury now that the Government is proposing to take over his water board. One would expect him to be shouting from the rooftops and telling the Government to stop. Imagine the situation in the electorate of Warren, where the Government is now devastating the State's forests by locking them up.

Mr Jamieson: I do not think that is devastating them.

Mr BLAIKIE: It is devastating to the people who work there.

Mr Evans: You don't know what you are talking about.

Mr BLAIKIE: Under the Government's proposed system, having people elected from a political base will mean they will have no affinity with their electors or the electorate interests. The people in the electorates will be the ones to miss out. Even now it is difficult for country people to have a voice, and that voice will be completely denied them under the Government's proposal.

Finally, city people do have access to departments by way of a local telephone call. If they have a problem, they can ring Howard Sattler; if the problem is really traumatic, they can ring Bob Maumill. Many city people would not know who their member of Parliament was.

The Government is proposing to perpetuate a system that is completely wrong. The Government is proposing that country people should lose their Legislative Councillors and have them replaced by electorate offices. I place it on record that, as it is, it is quite impossible for a member to service widespread country areas. The member for Welshpool has spoken about the difficulties experienced by the member for Kalgoorlie. I note and recognise those difficulties. I note also that the Government will allow the same situation to apply to all country areas.

Mr Jamieson: I said the system worked.

Mr BLAIKIE: It is extremely difficult for that member to represent the area effectively.

There is an obligation on the Government to make members of Parliament accessible to the community, but its proposal before us will not allow that. I oppose the clause.

Mr CRANE: I oppose the clause for the very same reasons already expressed on many occasions by members on this side of the Committee. It is obvious the Government intends to emasculate the upper House and gain control of all the Parliament.

Mr Tonkin: What do you mean "emasculate"? It does not touch its powers.

Mr CRANE: The Government will do this without any regard for country people. One of the important features of a democracy is that the voice of the minority is able to be heard.

Mr Bertram: That doesn't occur here.

Mr CRANE: This facet of democracy is protected by the Legislative Council. Our forefathers were not idiots; they realised this. People of a country such as ours, where the population is so sparse in some areas, need to be protected

against those who would show no consideration for them. This legislation, which provides for a reduction of 34 members to 22 members in the Legislative Council, shows that the Government is prepared to ride roughshod over people living in sparsely populated areas. It therefore behoves us to protect those people, and we were elected to do just that. I am speaking tonight in defence of their right to be heard in this place and their right to be represented as people who make a contribution to the welfare of our State.

We have no trouble in winning the argument, because we are basing our argument on common logic. Unfortunately, because Parliament is a numbers game, we may not win the fight. For once in my life, I say that I wish I were a member of another place, because I know precisely how I would vote if I were in another place. I know what I will do here, but it will probably not do me much good. I do not expect to convince the Government that our argument is the right one, because it is a very true saying that, "They do not wish to be confused by the facts; their minds are already made up". We are virtually wasting our time speaking in defence of the democracy given to us and entrusted to our protection by our forefathers.

Mr Bertram: Ninety-one years of non-democracy.

Mr CRANE: They were not years of non-democracy at all. In those 91 years our country, and this very fine State, have developed to a high standard. This was so only because of the concern of people in outlying areas who, fortunately, up to this time were able to be represented in this place and in another place, so that what they stand for and what we have always stood for was able to be protected.

Mr Blaikie: On that very point, if Alan Bond knew what this Government was doing, he would be bitterly disappointed with it.

Mr CRANE: I am sure he would. I would not go so far as to say he would have pulled the bridle on the horse, but I agree with the member for Vasse that he would have been disappointed.

Mr Blaikie: He might even have put in a word about how callous this Government is towards country people.

Mr CRANE: He probably would have done that. I realise the futility of trying to convince members of the Government. As the adage goes, a man convinced against his will is of the same opinion still. We know that certain Government members have not the slightest intention of changing their minds. I sincerely wish that the other backbenchers and other members of the

Government in this place would get up and clearly state their views on these issues. It is all very well to sit back with a smug smile on one's face and allow the work to be done by the lead speakers. Possibly Government members are regimented in such a way that they are not even game to get up and speak. They have not yet received permission to stand up and defend our democracy in this place. I think they have made a pretty poor showing.

As I said the other night, people should hear members of the Labor Party at election time on the hustings. They really roar like lions there, but when they are elected we do not hear a peep out of them. I would very much like to see them get up and defend the action of this Government, which is prepared to run roughshod over everything that we have done in the past and everything that our parliamentary system stands for. I most sincerely and very strongly oppose this clause.

Mr SPRIGGS: I record my opposition to this legislation. The legislation is being introduced to preserve the Government in government. All Governments have a tendency to introduce such legislation, but this Government is more blatant than most. This Bill proposes to give voters living in two per cent of the land mass of Western Australia a say over voters in the other 98 per cent. In fact, the Bill proposes to have 80 per cent of members elected to the upper House elected by voters in two per cent of the land mass, and the balance elected by voters in provincial towns and country centres. This would give practically no representation whatever to the people who live and work in this vast country.

Such a course by this Government is not unusual. Practically everything the Labor Party advances is opposed to country people. It is because of its very base—

Mr Blaikie: It is debased.

Mr SPRIGGS: The base of the Labor Party is the unions and the industrial areas. With this Bill the Government sees an opportunity to give the industrial areas a greater percentage of votes based on population than those areas that produce 60 per cent and 70 per cent of our gross national income. If this Bill were to pass—heaven forbid—

Mr Hodge: Do you think votes should be tied to wealth?

Mr SPRIGGS: I think that votes should be tied to people. I accept that every person in this State is entitled to representation in this House.

Mr Hodge: Equal representation.

Mr SPRIGGS: The Government's line of one-vote-one-value is a lot of rot. In this State we have one-vote-one-value.

Mr Bertram: Where's that?

Mr SPRIGGS: Every electorate has the opportunity to elect members for both sides of the House. That represents the one-vote-one-value system for each electorate. If Government members wish to turn around and say that two per cent of the land mass of this vast State should, on a population basis, elect the Government of this House, and that the other 98 per cent of the State should have no representation, let them stick to their theory. If they wish to be honest about it, they would also be honest about the national system. On the same basis, if they were to carry it to the logical conclusion we would have three senators representing Western Australia and not 10. That is an example of how ridiculous their policy and their blatant beliefs are. A blatantly dishonest campaign is being run.

Mr Crane: It is a blatantly dishonest Government.

Mr SPRIGGS: It is a blatantly dishonest Government, but it is also blatantly dishonest in its advertisements. It is basing its campaign along the lines of one-vote-one-value. However, a survey of people in the metropolitan area indicated that 80 per cent of those surveyed agreed that there should be a weighted vote in country areas. The Government, notwithstanding the fact that it took that survey and discovered that the people who support it were prepared to give representation to country people, has still gone ahead with this blatant Bill by which it hopes to entrench itself in office forever. This Government cannot continue to govern by these gimmicks. It cannot continue to spend 90 per cent of its time on things in which the electors are not remotely interested. Talking to people in the electorate, I have yet to find somebody who is interested in this Bill. People could not care two hoots in hell about it. Only members of the Labor Party and violent union bosses, who happen to represent the Labor Party, care about it.

It is time the Government got to and did something about the tragedy in our State at present. There has been a dispute in the Pilbara for 10 weeks. What have we seen this Government do? It has not even gone to the Pilbara to find out what is going on there, let alone tried to solve the problem and get this country back to a position from which it can at least supply the iron ore it has committed itself to supplying. The Government is more concerned with spending its time introducing gimmicky legislation such as the

prices control Bill, which was a sample of such useless pieces of legislation.

Mr Crane: And put the price of fuel up.

Mr SPRIGGS: That is right. Last week we sat in this Chamber and listened to this Government reintroduce a Bill that it failed to pass because its Whip did not have his beads to count with. It failed to have that Bill passed, yet it blatantly spent a week of this Parliament's time reintroducing legislation that traditionally—

Mr Tonkin: Get your facts right; it was only one day. The other two days were for the Address-in-Reply debate. Don't you care about the truth?

Mr SPRIGGS: I acknowledge that it may have been one day.

Mr Tonkin: You said it took a week.

Mr SPRIGGS: It was almost a week, but if the Government spent one-tenth of that time doing something to get this State moving and to keep it moving, it would be more profitable. Twenty years ago this State was the cinderella State of the Commonwealth. Today, because of the development that was encouraged by previous Governments, including a Labor Government, it is no longer the cinderella State, but the greatest State in the Commonwealth. However after a 10-week strike in the north, it is a disaster. People are leaving the north in droves.

This Government is interested only in blatantly trying to entrench itself in power, because it knows that in 98 or 100 years or whatever, it has never produced policies which are acceptable to the people of this State as a whole. Government members have been employed in trying to entrench themselves in Government by using the industrial areas as a numbers game. That is what it is all about. If we have proportional representation in the upper House it will become a sheer numbers game. In no way will there be any representation whatsoever in the House of Review or the upper House if proportional representation goes through. One does not have to be a slow-learner like members on the other side of the Committee to realise that.

Mr Tonkin: Don't be rude.

Mr SPRIGGS: It is very evident that every member of this Committee learns to count and, what is more to represent and to go where the numbers are the greatest. That is exactly what would happen with that type of representation. Members would shamefully not be too interested in those areas that do not have a lot of electors.

Mr Bertram: The people of South Australia would not be too happy about that.

Mr SPRIGGS: I am glad the member mentioned South Australia because it has a gerrymandered system; however, its system is totally different from this State's system. The area is about a third the size of this State and it does give some opportunity for contact to be made with members of Parliament, but this State certainly cannot be compared with any other State in the Commonwealth. This State represents one-third of Australia and the Government is asking that two per cent of the State should elect the members for a State one-third of the size of Australia.

Mr Bertram: It doesn't interest me.

Mr SPRIGGS: It may not interest the member, but it interests me. As far as one-vote-one-value is concerned, everyone in this State has a one-vote-one-value situation in regard to elections—

Mr Crane: That is correct.

Mr SPRIGGS:—whether a member has 2 000, 20 000, or 60 000 voters. If the present Government is proposing a policy that will attract those people on that one-vote-one-value system in the electorate, it would be elected; however, history does not prove that the Labor Party has been able to attract a vote in the country areas for the upper House. The other side of the Committee talks about its achieving control of the upper House, but throughout the years it has achieved plenty of country membership in the upper House. In three or six-year cycles, even during a change from a Labor to a Liberal or a Country Party representative, the Government has achieved the same thing in the metropolitan area where the late Hon. Arthur Griffith held a seat; likewise in the same province the seat was held by a Labor member. That was also the case with the Hon. Clive Griffiths who held a seat for 18 years in this Chamber and his opponent, or perhaps colleague, in that province was a Labor Party member. All that it requires from that side of the Chamber is a little bit of understanding and credit to be given to the people who live in the country. We should create policies that will assist them.

Mr Jamieson: You lost your country seat.

Mr SPRIGGS: Believe me, it would be a sad thing in this State today if this Government had control of both Houses of Parliament. This State would be down the tube so quickly, it would not be funny. The present Government is completely controlled by its union bosses who dominate them. The situation in the Pilbara is a disgrace.

Mr Clarko: It is about time you mentioned that.

Mr SPRIGGS: It is very doubtful that the record wheat crop of this State will be harvested this year because there will be nowhere to put it

unless this Government gets off its tail and does some governing instead of playing around with its numbers.

Opposition members: Hear, hear!

Mr TRETHOWAN: The inconsistencies in the Government's arguments in relation to this clause concern me. As far as I am aware, no-one has denied that if as has been said by members of this House, we had a whole-of-the-State electorate—with our form of party system—the decisions as to effectively who shall represent the electorate in the House will rest with the endorsement procedures of those parties.

Mr Tonkin: Same as now. You try standing as an Independent and see how you get on!

Mr TRETHOWAN: It is very different, certainly from the Liberal Party's point of view, because the selection committees for those upper House candidates principally live within the areas that those candidates are to represent. I understand that it is probably not the situation in the Labor Party that the decisions are made—centrally in Perth, not—

Mr Tonkin: Once they are elected.

Mr TRETHOWAN:—in the electorates where the candidates are hopefully to be members elected by the people who live in those areas.

Mr Tonkin: Do you live in your electorate?

Mr TRETHOWAN: That is a very different system—

Mr Tonkin: I asked if you live in your electorate.

Mr TRETHOWAN:—from a system of endorsement of a candidate living in Perth. It resides with the respective councils of the major political parties because they will determine in what order the names of their candidates will appear on the ballot paper. In a whole-of-the-State election it is almost certain that, apart from the last one or perhaps two candidates of each major party, the candidates nominated by the major parties will be elected because they will get the respective quotas. I certainly have not heard any strenuous or meaningful argument that would disagree with that proposition of going to a whole-of-the-State electorate. I found inconsistent and very interesting the replies given by the Premier on a "Nationwide" interview on the evening after some people on the Government side forgot to count.

It was that evening when the lack of attendance of requisite members in this Chamber to pass this piece of legislation through its second reading stage brought about some very interesting questions and answers. However, at the same time, towards the end of that progressive argu-

ment concerning representation on the Labor Party's preselection for the whole-of-the-State electorate, the Premier said that preference would be given to endorsement of candidates from outlying areas of the State.

Mr Court: That is interesting.

Mr TRETHOWAN: It is very interesting. He said that the Labor Party's preselection procedures were presently being overhauled to ensure that there would be adequate representation during—I think he even mentioned Kalgoorlie and other outlying areas of the State—elections.

Mr Tonkin: Who said this?

Mr TRETHOWAN: The Premier.

Mr Court: On "Nationwide".

Mr TRETHOWAN: On the "Nationwide" interview he made those statements. The interesting thing is that the interviewer came straight back and said, "If you are planning to institute preference for preselection, what is the difference between doing that inside the political party and enshrining it in legislation so that those areas, by right, have a proper representative in the Parliament of this State because of their distance and isolation?"

Mr Court: Did he admit it?

Mr TRETHOWAN: He did not answer it. He circumvented it.

Mr Clarko: A very good point.

Mr Hodge: The Premier did not use the word "preference", did he? He did not say he wanted to bring in a system of preference, did he?

Mr TRETHOWAN: I suggest that the member look at the transcript of the "Nationwide" interview.

Mr Hodge: He said, "preference"?

Mr TRETHOWAN: I believe he said "preference". He said that the procedures in the Labor Party were presently being overhauled to ensure that there was representation from these outlying areas. If that is not preference, I do not know what is, designed to ensure that someone from those areas is preselected from the Labor Party, guaranteeing their election. I do not know how that differs from the present situation. It should be a requirement under the law that those areas are represented in Parliament by people from those areas.

Mr Clarko: That is a weighting or loading.

Mr TRETHOWAN: Yes it is. I find that enormously inconsistent, and I understand why the Labor Party would want to adopt it. It recognises that it is right and proper for outlying, sparsely populated areas of the State to have difficulties in

getting the message across in the capital city of the State that they should have direct representation in this Parliament. I cannot understand why anyone, if agreeing with the proposition, should seek to change so dramatically the existing situation where the form of representation is assured under the Act. I am sure that the people of Western Australia, metropolitan and country alike, believe that those areas which are sparsely populated, such as agricultural or mining oriented areas, and which produce the majority of wealth in this State, should have proper representation. That representation should relate to their particular needs in the House of Review, just as this State has its proper representation in the Senate.

I remind members of the Government that, had Western Australia not been granted equality of representation in the Senate, it is highly likely that this State would never have joined the Commonwealth. We can see the disadvantages should we not have equality of representation in the Federal House of Review. In the same way, if the people of sparsely settled areas—that is, the mining, pastoral, and agricultural areas of this State—are not ensured adequate representation in the upper House, it is not proper that their contribution to this community should not be recognised.

They should be granted the representation they deserve and I am sure the majority of people within Western Australia would agree with that. I do not understand why the Labor Party, if it agrees with that, would alter the endorsement procedure to give preference to non-metropolitan endorsements in a whole-of-the-State election. If, in fact, the ALP agrees with that premise, it is seeking to dramatically change the existing Act which provides for the appropriate representation of outlying areas.

I oppose this clause.

Mr TONKIN: I will comment on some of the remarks made, not necessarily in order of merit or chronology. The member for Darling Range said that, if we had our way, two per cent of the land mass would be given control. I find that an extraordinary comment. Apparently the member thinks that Parliament has to represent acres, rocks, or trees; he does not realise Parliament should represent people. People are what matter. A large number of people happen to live in certain areas.

Mr Spriggs: How hypocritical you are in saying that people matter when you are trying to take away their right to be represented in this Parliament.

Mr McNee: Hear, hear!

Mr TONKIN: We say that every person in the State should have equal representation; that every person's vote should be of equal value.

Mr Crane: It is.

Mr Spriggs: You would have three States within Western Australia within three years.

Mr TONKIN: If the member cannot understand, I will go over it very carefully. I doubt the sincerity of the member for Moore. I think poseurs are rarely sincere; people who posture and prance about are rarely sincere. The member says their votes are equal. If one takes 1 000 people and gives them one representative in a council or Parliament and then takes another 1 000 people and gives them five representatives, the situation is reached within the council that one group of 1 000 people has one person to speak for it and the other group has five people to speak for it. If a question of fundamental difference arose on their philosophies, whatever is being decided, the voting will be 5:1. One group of 1 000 people will have five times more voting power than the other. If the member cannot understand that, I can conceive of only two alternatives—either he is a fool or he just cannot understand simple arithmetic.

Mr Spriggs: We would be fools if we let you have your way; but we are not fooled by you.

Mr TONKIN: I realise why the Opposition will not let the Government have its way. It has had undisputed control of the Legislative Council for 90 years and it wants that situation to continue. It is worse than the New York Yacht Club when it tries to bend the rules.

Several members interjected.

Mr Spriggs: You are talking rubbish.

Mr TONKIN: The Opposition wants to ensure that, no matter what happens, it will retain control of the Legislative Council.

Mr Spriggs: That is garbage. The history of elections will prove it is garbage. There are areas that swap in the country; North Province, for example. That swapped every election on the whim of the people in that area. All the Government needs to do is produce policies to attract people in the country and it will have an equal opportunity of gaining control of both Houses of this Parliament.

Mr TONKIN: It is true that, if the Government can obtain the votes of the majority of people in the country, it will have control of the Legislative Council. I accept what the member for Darling Range has said. He knows very well, and those who have framed our law know, that the majority of people in the country will vote for the politics of the Opposition.

Mr Crane: Because they are intelligent.

Mr TONKIN: I doubt the sincerity of the member for Moore, because of that kind of comment.

Mr Crane: They must be; they vote for us.

Mr TONKIN: It is true that the Labor Party sometimes wins a seat in the country. I think the member for Gascoyne referred to the Lower North Province, and there are others. Nevertheless the fact is—

Mr Spriggs: Lower North and North Provinces, and other seats besides.

Mr TONKIN: It is true. For 90 years it has not been possible for the Australian Labor Party to win a majority in the Legislative Council.

An Opposition member: Why?

Mr Spriggs: Would you accept that at this election, where the party had a magnificent vote, there were seats where electors voted one way in the Assembly and the other way in the upper House? Surely that is the people's right. Will you accept that, because it is a fact?

Mr TONKIN: Which seats?

Mr Spriggs: We lost Mandurah in the Assembly and won by 300 votes in the Council.

Mr TONKIN: In Mandurah only, I accept that.

Mr Spriggs: If you accept that, you basically accept that the people in the country can vote either way.

Mr TONKIN: There are not enough of them at a given time.

Mr Spriggs: Only because your party does not appeal to them.

Mr TONKIN: If the Australian Labor Party changed its policy and became conservative, it would get support. The Government wants seats in the country, but for 90 years it has not had sufficient to give it a majority in the Legislative Council.

Mr Spriggs: Does that give you the right to change the democratic system that has worked for 90 years and has not worked in your favour? Does it give you the right to take from the country people the right of representation?

Mr TONKIN: It gives the Government the right to go to the people by way of a referendum to put forward this legislation.

Mr Spriggs: If you put these questions, you will find that you are wrong. In the metropolitan area—and your party did the survey—you found people were happy to have country-wide electorates, because people are basically decent.

Mr TONKIN: Let the Government go to the people and let them decide.

An Opposition member interjected.

The CHAIRMAN: Order!

Mr Spriggs: It greatly depends on how you word it.

The CHAIRMAN: Order! The member for Darling Range! When I call order, I expect you to cease interjecting.

Mr TONKIN: There is only one way to find out whether the people will reject this proposal and that is by our holding a referendum.

I do not accept, as the member for Darling Range said, that 80 per cent of the people in the metropolitan area believe votes can be unequal. My reading of the survey was that the vast majority of people throughout the State believe each person's vote should be equal.

The member for East Melville said, "We should ensure that there is representation of country areas under the Act instead of altering our preselection procedures to ensure that country people are given proper weighting".

Mr Court: You would not want to rely on pre-selection procedures to give the preferences the Premier was talking about.

Mr TONKIN: Why not?

Mr Court: That could be overridden by the Federal party.

Mr TONKIN: If people are elected on a State-wide basis, which is an essential feature of this system, the drawbacks are obvious. I admit to those drawbacks. It becomes very fair and sensible for the House of Review. If a party has a majority of votes, it gets a majority of seats. I think that is what the Opposition is afraid of. If it is not, the question should go to a referendum.

Mr Spriggs: Do you believe that the Senate today is represented equally by country and city members?

Mr TONKIN: I cannot really say.

Mr Spriggs: It has one country member out of 10.

Mr TONKIN: That may be so, but clearly that is up to the political party. The fact is that the Government believes—

Mr Spriggs: You don't want any representation by the Labor Party for country people in the Senate; so it is solely our problem.

Mr TONKIN: Senator Peter Walsh is a country representative; he is a farmer. The present system does not ensure country representation except under the garbled definition of "country"

in the previous Government's legislation which stated, for example, that Darling Range, Kalamunda, Mundaring, and Dale were country seats.

Mr Spriggs: That is still no reason to take away total representation from the country, because you believe you can't win those seats.

Mr TONKIN: We won Mundaring and we came within a whisker of winning Dale.

Mr Crane: You did not. You lost Mundaring by three votes. The Court of Disputed Returns proved that.

Mr TONKIN: It did not. It said there had to be a re-election.

Mr Crane: How many times does he have to win it?

Mr Jamieson: You have been listening to the radio interviews when going along in the car instead of reading the court's judgment.

The CHAIRMAN: Order! I am beginning to wonder which member is making this speech.

Mr TONKIN: Under the present Act, the representation of country members, which has been talked about by the Opposition today, is merely a device to hang onto power, and that was shown by the fact that, when the seat of Rockingham was won by the Australian Labor Party, it was immediately brought into the metropolitan area. That shows that members opposite are insincere, because the seat of Rockingham is more remote from Perth than are the other four seats I mentioned, but it was won by the Labor Party, so it had to be devalued by being brought into the metropolitan area, while the other conservative-held seats were left as so-called country seats.

That shows the Liberal Party's position has nothing to do with representation of country people; it has to do only with its holding onto power in an immoral manner. Therefore, it is nonsense to talk about representation of country people.

Several members interjected.

The CHAIRMAN: Order!

Mr TONKIN: That indicates that the conservative parties are not about representation of country people. If they had found that country people voted for the ALP and the city people voted for them, and if they had control of the Parliament, their laws would then have ensured that the metropolitan area had an over-representation far beyond its worth so far as population is concerned.

Mr Spriggs: That is absolute rubbish! We are fair-minded people.

Mr TONKIN: The proof as to whether one is fair can be found in the fact that the seat of Rockingham, the most remote of the five seats to which I referred, was made a metropolitan seat as soon as the electors there voted for the ALP. If all votes are equal, as the member for Moore pretends to believe—

Mr Crane: I don't pretend to believe that; I believe it.

Mr TONKIN: —why do we have a metropolitan boundary? If all votes are equal, why do we have a situation where the people of Rockingham, once that seat was won by the ALP, had the values of their votes cut in half? I know the member for Moore is just playing games, but if he were right we would not need a metropolitan boundary; we would not need that device which is meant to enhance the worth of rural votes.

To indicate the care of the conservative parties for country people I point out that as soon as the seats of Bunbury and Mitchell were won by the ALP, the Liberal Party produced a new scheme which would reduce them to one; that was the regional centre scheme.

We saw the same thing occur in respect of the seat of Rockingham. Once the ALP won those two seats, the Liberal Party made them one. That shows this has nothing to do with the representation of country people, but is merely an insistence upon maintaining power.

Mr Tubby: What areas, either country or city, are being neglected under the present system?

Mr TONKIN: The member for Moore said, "The way the numbers are we may never win the fight". It is incredible to hear such a comment uttered by a conservative member of this Chamber who has belonged to parties which have ensured the principles they support have stayed the same in the Legislative Council for 90 years, not because the majority of people in Western Australia want the conservatives in power, but because of a deliberate manipulation of the electoral laws.

That manipulation is in the form now of malapportionment, which devalues the city vote. However, that malapportionment has been in existence for only 20 years. In the previous 70 years we had a property franchise. Therefore, it is not a fact that the people have refused consistently to elect the ALP to the Legislative Council. Most of the people did not have a vote for the Legislative Council, going back 50 or 60 years; therefore, the conservative parties have manipulated the electoral laws to ensure they have remained in power in the Legislative Council for 90 years.

Mr Spriggs: You have had a Labor Government in 47 of those 90 years, and some of those reforms came through as a result of the Labor Government and they were agreed to by the upper House. If I recall correctly, the electoral reform of 1963 was a Labor Government initiative.

Mr TONKIN: That is the problem of the member for Darling Range. He says, "If I recall correctly". He does not have any knowledge at all of history.

Mr Spriggs: I may have had the wrong year.

Mr TONKIN: It would be great for debate in this Chamber if a member would shut his mouth until he knew something!

Mr Hassell: You would never speak.

Several members interjected.

Mr Spriggs: I may have given you the wrong year, but what I said was true: The Labor Government initiated a degree of legislative change.

Mr TONKIN: The member for Darling Range is wrong. He was not far out, in that it occurred around about that year when the Brand Government was in power. However, the member is quite wrong. When he was on his feet, he said it took us all last week to bring the Bill back into this Chamber. When I said it took one day, he said, "Well, one day then". Who cares about the truth? Not the member for Darling Range. Now he says, "If I recall correctly, it was 1963". I pointed out that was wrong. The member cannot expect to earn the respect of members of this Chamber if he does not care about facts and the truth.

Mr Court: Can you name a country which has a more democratic electoral system than has Western Australia?

Mr TONKIN: I do not know whether you, Sir, will allow me to answer that interjection, but I shall do so, and if you pull me up, I shall respect your right. We are talking about proportional representation and the question asked is a little wider than that.

There are several aspects of democracy and one is freedom of speech. We certainly have that. Another is freedom of assembly and we certainly have that, although members opposite tried to curtail that under the Police Act. Prosecution of minorities is another aspect of democracy. We must not allow the majority to trample roughshod over the minority.

Mr Court: That is what we have under our present system.

Mr TONKIN: To some degree we have that, although people would argue that the situation is not very good. Aborigines would argue that the

situation is not perfect, and certain women in our community would argue that limitations have been imposed.

Therefore, minorities have not been particularly well protected although, if the member likes to name 100 countries, whether they be in the Soviet Union, South America, or elsewhere, he would convince me and I would agree that the protection of minorities in this country is a lot better than it is in those countries.

Mr Spriggs: It is the best in the world.

Mr TONKIN: However, that is only one aspect.

Another aspect of democracy is that people should be able to choose the Government they want and they should be able to have an equal say. That is where the Opposition and I part company, because a majority of people do not elect a majority of members to this Chamber. Not only must a Government be able to be elected, but also it must be able to govern. The fact is that, although we have been elected to Government, the Legislative Council could destroy the Government at any time. It could stop supply and bring the whole Government to a standstill. The Legislative Council is a threat.

I do not know how many members opposite play chess, but there is a saying that, "The threat is greater than the execution". Members would know a move is frequently made on a chess board, not necessarily to make an opening in the opponents defence, but to make one's opponent worry about the threat implicit in it. The threat may lie four or five moves ahead and, therefore, the threat causes one's opponent to take certain evasive action to one's own advantage and one does not even have to go ahead with the threatened move. The same situation applies here.

This Government always sits under the shadow of an upper House which can reject any piece of legislation it wants. However, that is not all; the Legislative Council is not accountable to the people. That is another way in which our system is not democratic, because an essential part of democracy is that the Government or the representatives of the people must be accountable to the people.

If the Legislative Council stopped supply, and if this Government and this Chamber had to go to the people, the Legislative Council would not be accountable.

Mr Hassell: That has nothing to do with this Bill.

Mr TONKIN: I am answering the interjection of the member for Nedlands who asked whether I

would agree this is a very democratic place. My answer is, "Yes, we are very democratic in various ways". I applaud our system in that respect and I applaud previous Governments which have seen to it that that has happened, but I have pointed out that our position is seriously deficient in other ways.

Mr Court: But you can't name another country with a fairer electoral system.

Mr TONKIN: I can. In some countries, if a party gets the majority of the votes, it is impossible for it not to have the majority of the seats.

Mr Clarko: That is if you have a strict proportional system, and that does not necessarily mean complete democracy, because if it did, you would adopt proportional representation for the lower House, but you haven't.

Mr TONKIN: We are not doing that, because we could have a hung House.

Mr Hassell: What about a hung upper House?

Mr TONKIN: If it is a House of Review—

Mr Hassell: With no power and significance.

Mr TONKIN: This Bill does not address the powers of the Council.

Mr Hassell: That is the next instalment.

Mr TONKIN: We shall deal with that when it comes forward, and it can be rejected then. The point is, if we have an evenly divided Council in the proposed form, that is surely a more democratic situation than the present position where the conservative parties have had unbroken control of the upper House for 90 years.

Mr Clarko: But it is not for good government if you have a hung upper House all the time.

Mr TONKIN: I suppose it is for good government if we have a party in control of the upper House for 90 years!

Mr Hassell: You keep repeating that we have had control of the upper House for 90 years, but it is not accurate.

Mr TONKIN: Is it not? When did we have control?

Mr Hassell: I do not know when you had control, but it does not mean we have had control because you have not.

Mr Davies: He is a ripper!

Mr Jamieson: Conservatives by any other name!

Mr TONKIN: The member for Dale referred to fair representation; he should be the last member of this Chamber to speak of that considering that the metropolitan boundary was drawn for his benefit by the Liberal Party. That was done to

save the seat of the member for Dale, which he retained by a scant 16 votes, or whatever the figure was.

Mr Spriggs: It was four votes.

Mr TONKIN: He retained his seat by four votes. How can we take seriously a member who benefited from that crooked line drawn on a map by a political party making up the rules to suit itself?

If a contest is taking place, whether it be a yachting race, a cricket match, or an election, and one side of the contest makes up the rules, as is the case in this State, where the Electoral Act and the various mechanisms which go with it are drawn up by one side of politics, one cannot expect to gain the respect of the people. If one makes up the rules in that way, especially when a political party draws such a crooked line as the metropolitan boundary line, one cannot expect the people to respect it. Therefore, I am amazed the member for Dale should talk about fair representation.

Leave to Continue Speech

I seek leave of the House to continue my speech at a later stage.

Leave granted.

Progress

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

QUESTIONS

Questions were taken at this stage.

ACTS AMENDMENT (CONSTITUTION AND ELECTORAL) BILL

In Committee

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

Clause 6: Membership of Legislative Council—

Progress was reported after the clause had been partly considered.

Mr TONKIN: I do not want to delay the Committee although I found I was delayed earlier by a barrage of interjections which were not of the helpful variety. I want to answer some comments made on the clause.

The member for Karrinyup said he did not think "parochial" was necessarily a bad word. I

think there is a place for people who can rise above parochial considerations. In my second reading speech, I made a play on the word "statesmen". I said that those elected would be statesmen in the double sense of representing the whole State and also rising above the parochial interest. The member for Stirling may have made the comment that one way in which a House can be a House of Review is by its being removed from the hurly-burly or agitations and representations of constituents. The comment was made that the country in particular would be neglected. I suggest any party which neglects the country will be in trouble in this State.

Most of us would agree, even if we do not often say it publicly, that in the past the Australian Labor Party has been perceived as a city-based party, that at times we have neglected the country, and that our policies have not been very helpful for country people.

Mr Clarko: It is very frank of you to say that.

Mr TONKIN: I think it is usually accepted that that is correct. One reason we won this most recent election was that we paid attention to the country.

I want to return to the question of country versus city because members opposite have not emphasised that city people really are concerned about country people. Many city people have ties with the country and sympathy with country people. A party which is brutally neglectful of the country will suffer not only in respect of country voters, but also in respect of city voters.

If a party wants to get six out of the 11 seats—a party that wants to be in Government and to do well will need to get the sixth seat—it will not be able to neglect the country because it will get five seats perhaps from its natural constituency, whatever it may be and it varies for different parties, but capturing the sixth seat will be a difficult task. If a party neglects the country, it will not get those extra few thousand votes to take the sixth quota. I think that has been shown in Senate elections where five vacancies occur and it is most difficult for the Australian Labor Party or the Liberal Party to get a third seat; it is rarely accomplished.

Parties realise that the votes in Katanning-Roe, for example, do count. The Australian Labor Party has no chance of winning Katanning-Roe where our vote is about 20 per cent or 30 per cent, but every one of those votes counts in a Senate election and will count under our proposals. A party which neglects the country because most votes are in the city would not be very successful.

I am not greatly in favour of the divisive debates that set city people against country people. We are all Western Australians and we should end these divisions. The member for Katanning-Roe referred to minorities that would be neglected, particularly country minorities. I remind members that various minorities exist—dozens of them. There are minorities in the city; and they are often neglected. Members may say the unemployed do not have a great deal of political clout, or that Aborigines have little influence over the voting patterns of this State. One might say a migrant who does not speak English is a member of a minority group.

All kinds of minorities exist and it is no good our thinking country people are one kind of minority, because there are many. We should not take a narrow view and pit people against people for geographical reasons—country versus city. We should broaden our minds in that respect. This is another interesting factor in respect of minority groups. I hope the member for Katanning-Roe is paying close attention.

Mr Old: I am indeed.

Mr Watt: You realise country people are sensitive about that.

Mr TONKIN: I think it has been fomented by the Opposition.

Mr Watt: I don't think so.

Mr TONKIN: I am not saying it would not exist otherwise, but I think the Opposition uses it as a legitimate political weapon.

Mr Watt: We are portraying feelings rather than fomenting them.

Mr TONKIN: I think it is the Government's job to show it is an unreal fear. If one wants to talk about minority groups—take, for example, those living in the wheat-belt in Katanning-Roe—one realises they are separated from other people and they do not receive any assistance in an electoral sense from the people who are sympathetic to their views in Narrogin. They do not receive assistance from people in Mundaring, Mandurah, Albany, or Perth because those minority groups are locked away in discrete parcels and there is no flow from one to the other. With a State-wide electoral system, all those minority groups can coalesce; and this is shown in the Senate elections. In Morley-Swan, which is hardly the heart of the wheat-belt or the heartland of the National Country Party, I have seen NCP people handing out how-to-vote cards. The NCP does get votes from the city; the voters may be retired farmers or the sons and daughters of farmers who have lived in country districts for much of their lives. There could be all kinds of reasons. That as-

pect has been neglected by the Opposition; minority parties may do better on a State-wide basis. At the moment it is necessary to obtain 50 per cent of the vote in a particular province, and that is not easy for a minority group.

Mr Mensaros: As I understand the ramifications over a long time, I am not in favour of minority parties. I think they are destructive to the system, with that type of Government. It is all very noble to say you are supporting it, but I don't think in a practical sense it is very good.

Mr TONKIN: The member for Welshpool and the member for Floreat are entitled to their views. It is not the job of an electoral system to dictate whether there will be one, two, three, four, or five parties.

Mr Mensaros: It is not possible to have a party which is 100 per cent to your liking.

Mr TONKIN: That is so. I believe minority parties have an important part to play in this Chamber. I believe a one-party system, of which there are many examples throughout the world, is abhorrent. Individuals or large groups have no chance under that type of system; and under a two-party system in which minority parties are not permitted to operate, that, too, can be crushing in that people have only two choices. People often say to me, "I don't like the Liberals and I don't like your party, who can I vote for?" It is a restrictive choice, which leads to rigidity. The proportional representation system enables minorities, whether in the wheat-belt or wherever, to be represented. It does not act against the country people, but in fact it can be shown that it will help country people. It will not help the member for Katanning-Roe. I think in these arguments there is a lot of self-interest. I believe minorities can be of assistance to the member for Katanning-Roe. The people in Nedlands and Claremont, and right throughout the State, will be able to vote for that candidate who now has to receive only 8 1/3 per cent—58 000 votes—which on a State-wide basis is not a great deal.

Mr Mensaros: But the seriousness of the minority parties is proved by the fact that they do not last long. The DLP was the one that lasted the longest. All the others disappeared within a couple of elections. They come and go.

Mr TONKIN: What does that prove?

Mr Mensaros: It proves they are not stable from the point of view of stable government.

Mr TONKIN: I think the member for Floreat has an authoritarian streak that frightens me.

Mr Clarko: We think you have, too. Just by the way you run the House, we think you are being authoritarian.

Mr Davies: You must have a boss.

Mr TONKIN: Referring to the comments of the member for Gascoyne, it is very frustrating to answer a member who is not in the Chamber; but I have no doubt the member will read my remarks in *Hansard* with avid interest.

Mr Davies: I doubt it.

Mr TONKIN: I doubt it, too. It is not my favourite reading, I must admit. The member for Gascoyne purported to speak for country people and what they want. Has he been to everyone and asked what they want? If the member gets 1 000 answers which are contradictory, what is the result? It is obvious he cannot speak for them; and although the member does his best to represent his interests, he has a much better opportunity through the referendum of making sure that country people have a say.

I see that the member for Gascoyne has returned. For his information I am referring to his comments about representing country interests. I purport to represent the interests of the electors of Morley-Swan, but I cannot have 20 different votes on the same Bill or clause. I have not spoken to all my electors in the past year and I doubt whether the member for Gascoyne has either.

Mr Laurance: Most of them.

Mr TONKIN: The best way to ensure that people have their say on this matter is to allow the Bill to go to a referendum.

Mr Laurance: I was at the Gascoyne Junction races and everyone to whom I spoke said he did not want a bar of your proportional representation or State-wide electorate.

Mr Jamieson: Every one of them?

Mr McIver: The whole six?

The CHAIRMAN: Order!

Mr TONKIN: I will not speak too long on this clause because we want to finish the Committee stage tonight. I refer to a comment of the Deputy Leader of the Opposition when he said that what was being put under referendum wraps was a system of proportional representation and not the system of proportional representation mentioned in the Bill. I am amazed at the Deputy Leader of the Opposition's new-found love for government by plebiscite. How often did members opposite go to the people when in Government? How often did they go to the people at a referendum in the last 90 years?

Mr Clarko: There would be some psephologists who would advise not to use the referendum at all.

Mr TONKIN: The point is that the Deputy Leader of the Opposition was saying that we should go to the people not only on whether there should be proportional representation, but also on the exact form of proportional representation. He, as a member of a Government that never once was game to go to the people, is saying that we should do more.

Mr Clarko: We went to them every three years.

Mr TONKIN: But not at a referendum.

Mr Clarko: It is a similar thing. When people vote at an election it is a question of whether you follow Edmund Burke's belief that you get that right from the people.

Mr TONKIN: The member keeps diverting us. The Deputy Leader of the Opposition said that our proposal was not precise enough, but I make the point that never once did his Government go to a referendum. He even claims that our referendum proposal is not precise enough. Supposing we were to say that the system of proportional representation as specified in the schedule shall not be changed except by the people at a referendum. Every time we find a minor flaw in this complex schedule—and we all know that we bring back Acts of Parliament year after year as we discover minor flaws in them—even if the flaw is just a comma or a word, we would have to go to a referendum and ask the people whether they agree with the deletion of the comma or the word. The problem would be of unmanageable proportions.

The argument is that the principle should be enshrined and not be changed except by referendum, but that the details may well have to be changed. We hope they will not have to be changed. The system is based on the Senate system, which has been working for a long time. It has one major difference, which is that some ballot papers will become exhausted because of the optional proportional system. There may be minor differences, but we have tried to allow for them. If we stipulate that these minor flaws have to be changed by referendum, we will be back to the people all the time with minor changes that they may not really understand. I am not being patronising now, because I do not understand the technical nature of this sort of counting, and I bet most members of the House could not count a Senate ballot. Members might do all right with ballots for the House of Representatives and this place, but the Senate ballot is exceedingly complex.

It is not appropriate that we should go to the people and ask whether they agree that a certain word should be changed, because the people would not know what the word was all about, and it would take weeks to explain the technicalities. Although we want the principle in the Constitution and to have the principle changed only by referendum, we certainly would not want to go to a referendum to cross every "t" and dot every "i".

My original point was that I do not think the Opposition has a right to say to us that we should require more of this system to be changed by referendum, considering that not once did it go to the people at a referendum. All members opposite did was to change an Act of Parliament to make it mandatory for someone who disagreed with them to go to a referendum. Never once did they go to a referendum.

Mr HASSELL: I did ask the Minister to confirm that the system of quota preferential proportional representation embodied in the Bill is exactly the same as the Senate system.

Mr TONKIN: It is similar to the Senate system except that there are special provisions for exhausted ballot papers. Ballot papers in an optional preferential system—and I have counted these in party ballots—might have 12 or 13 preferences provided, but the person has only numbered down to a certain point, and so his ballot paper is exhausted at that point. If we were to stick to the original quota, we would not get the full quota, and we would have to move to the total number of valid votes left in the count. That is the only difference as far as I can tell.

Mr HASSELL: I refer the Minister to clause 6 (b) where it is proposed to entrench in the Constitution a requirement that there should be a referendum for any legislation which expressly or impliedly provides for a reduction or increase in the number of members of the Legislative Council or for a reduction in the number of members of the Legislative Assembly. In our view this clause indicates the cynical approach of the Government to the Legislative Council and confirms our belief that the Government's real purpose is to denude the Legislative Council of its real and substantial role in the law-making process and to leave it not as an effective House of Review, but as a debating Chamber which can be bypassed.

Why it should be proposed that the number of members of the Assembly can be increased without a referendum, but that the number of members of the Legislative Council cannot be increased without a referendum is beyond me. It would seem that if the Government were genuinely concerned about the representation of

people, it would not for a start be seeking to reduce drastically the size of the Legislative Council, because in taking 12 members away from it, it is reducing it by approximately one-third and it would not seek to put a constitutional obstacle in the way of increasing the membership of that Council in the future should it be deemed desirable to do so.

I do not understand why the Government is so determined to reduce the size of the Council and to maintain that reduction. If the Government had any desire to be consistent or logical, it would have proposed a reduction in the size of this House commensurate with the reduction proposed in the Legislative Council. However, the political reality is, as we all know, that the Government can see that by reducing the size of the Legislative Council, it will be taking away Liberal and National Country Party seats and that if it reduces the size of this House, it will be taking away Labor Party seats. Therefore, no such proposal has been made.

That is indeed consistent with our assessment of the general approach of the Government to this legislation. What the Government is about is a shift in political power to electors who are more favourably inclined to the Labor Party. The overall scheme of what the Government is doing is directed to taking a significant step along the way to the eventual elimination of the Council and the domination of this Assembly by city-based interests.

This clause is representative of the real intention of the Government and it is quite a cynical exercise on the part of the Government to treat the two Houses of Parliament in such a clearly different way without any explanation other than the obvious one, which is purely political.

Mr TONKIN: I reject the charge of being cynical on this matter, because the fact is that this Bill deals with the Legislative Council, and all we have done with the Assembly is to leave things exactly as they stand; that is, we cannot reduce the number of members of the Assembly without a referendum. This Bill deals with the Legislative Council. The Constitution Act presently deals with both in the same subsection. If we are to amend the subsection, it has to deal with the Assembly because it is in there. What we have done is to leave the Assembly alone.

As for the Council, we believe that if we can increase the number without going to the people, we should be able to decrease the number without going to the people. Conversely, if we cannot decrease the number without going to the people, we

should not be able to increase the number without going to the people.

Talk about cynicism! In order to keep the gerrymander going, members opposite twice increased the number of members of Parliament because they had a majority in both Houses. Not once did they ask the people about it or go to a referendum, yet they now say that if there is to be a reduction in the number of Legislative Councilors, we should go to a referendum. Why should not that also be the case if there is to be an increase?

Mr Clarko: Can you give one example where your party has gone to a referendum in the last 20 years, except for daylight saving?

Mr TONKIN: Going to the people has not been the policy of Governments. The Deputy Leader of the Opposition has charged us with not being prepared to go to a referendum and, on a previous part of the clause, has asked why we have not been even more stringent. I think that is hollow. Members opposite said that anyone who disagreed with them had to go to a referendum, because they had no intention of increasing the numbers.

Mr Mensaros interjected.

Mr TONKIN: The point is that the member's Government put in a requirement for referendums that was not in before. His Government said that if we wanted to reduce the number of members, we would have to go to a referendum, but if we wanted to increase the number, there need be no referendum.

Mr Clarko: It was in the Constitution.

Mr TONKIN: But only if we wanted to reduce the number, not increase the number. Can the member not understand that?

Mr Clarko: Your colleague, the Federal Minister for Aviation, has just been putting the very opposite argument.

Mr TONKIN: I do not know whether the member is incapable of keeping to the point. I am saying that members opposite allowed for a referendum to increase the number, but did not allow for a referendum to decrease the number.

Mr Hassell: Why is it that you have proposed to allow increases in this House without a referendum, but not increases in the Council?

Mr TONKIN: I have explained that this Bill deals with the Legislative Council and that we are not dealing with the Assembly.

Mr Hassell: This section deals with the Assembly.

Mr TONKIN: Because it is already part of that particular section in the Constitution Act, and we cannot deal with one without the other. We are leaving the Assembly as provided for by members opposite. When we come to the Bill for the Assembly, we may well provide that the referendum will be required both ways. I do not know, because we have not made a policy decision yet.

Mr Hassell: There are literally dozens of provisions in the Bill which affect the Assembly.

Mr TONKIN: I do not know about dozens; there may be one or two. If we have to deal with them, we must deal with both of them. It would be ridiculous to require a voter to vote on one day for the Council on the basis of an optional preferential vote, and not do the same for the Assembly.

Mr Hassell: It would be equally ridiculous to delete a paragraph dealing with the changes in the number of members in this Chamber and that Chamber, and substitute a new paragraph. It would not be consistent between the two Chambers.

Mr TONKIN: We are now dealing with the Council. I have no objection to the Assembly, in wanting to increase its numbers, calling a referendum. When we bring forward the Bill dealing with the Assembly, a policy decision will have been made on that point. Now we are dealing with the Council.

Clause put and passed.

Clauses 7 to 9 put and passed.

Clause 10: Sections 5 and 6 repealed and sections 4A, 5 and 6 substituted—

Mr CLARKO: I refer to proposed new section 5 at page five. I ask the Minister to give me some argument as to why 22 members has been chosen as a number, and why the Government has decided to move from the number 34. Does he believe this will save money or that the Council with fewer than the present 34 will be adequate to serve the needs of the State? Does he consider the present 34 are far too many? I want to know why he has chosen the number 22.

Further, why has he chosen an equal number? When we had 50 members in this Chamber, there was a tendency for the Chamber to be difficult to operate. I would not say it was impossible to govern with that number, but there was a tendency for the Government not to have a clear-cut majority. The number of members in this Chamber was increased from 50 to 51 to give the Government an opportunity to operate with a disparate number once the Speaker had been elevated to his position.

Mr Bertram: Why did you increase the upper House to 34?

Mr CLARKO: I believe it was increased because the number in this Chamber was increased to 57, which was for a deliberate reason. When the presiding officer—in this case, the Speaker—is taken out of the number, there would be a tendency to have a majority of one side over the other. Many organisations deliberately adopt an odd number of members in order to achieve that purpose. I have said today and during the second reading debate that it seems to me the number of 22 in the Council will produce a situation similar to that in South Australia. Great difficulties have been experienced in that State in obtaining a clear-cut majority for one side or the other.

Mr Bertram: The number of 34 would not have been necessary if it were not for that linking up between the two Chambers.

Mr CLARKO: I do not assert that the precise number for the Council should be 34. I cannot say that 34 members would not do the job as perfectly as would 32, 36, or some other number. I do not want the Minister merely to say that the number 22 is the perfect number. He might agree that 32 or 34 is a good number.

One of the problems with the Federal recommendation to step up the number of senators in each State from 10 to 12 is that it will produce a certain final result in the Senate similar to that which has occurred in the past. If the Minister wants to adopt a proportional representation system—I have expressed my objection to that system—he would not choose the number 22 for the Council, but an odd number.

Mr Tonkin: Should we have 12½ members who go out each time?

Mr CLARKO: We would want a number which, when halved, gave us a number to cover all situations, but it does not need to be as small as 22.

I would not accept the argument that the number in the Council is being decreased for financial reasons. In that case, why should it not be decreased to 20 or 10?

Mr Stephens: Wouldn't it get rid of the minor parties?

Mr CLARKO: No, the opposite would occur.

Mr Stephens: Won't you find that it would get rid of the minor parties?

Mr Tonkin: You are talking rubbish. If you had been in the Chamber the other evening when I spoke about this, you would have heard me talk about the smaller parties.

Mr Stephens: I heard you, and you can say it as many times as you like, but you were wrong.

The CHAIRMAN: Order!

Mr CLARKO: It is interesting the member for Stirling would engage in such interjections, yet earlier when I interjected on him he rose to his full height to express his indignation.

It is incumbent upon the Minister to give us precise reasons for the Government's decision. The point the member for Stirling made is wrong. Without doubt an Independent or a member of a small party will be elected each time out of the 11 positions up for election. I expect that 10 positions will go to the Labor Party, 10 to the Liberal and Country Parties combined, and one seat to an Independent or a member of a smaller party.

Mr Stephens: With proportional representation, what do you work out to be the quota for a party to get one candidate?

Mr CLARKO: I think the Minister has said 58 000 votes.

Mr Tonkin: It would be 8 1/3 per cent.

Mr CLARKO: It would be 58 000 votes or 8 1/3 per cent of the whole State.

Mr Stephens: I hope you are sure about that.

Mr CLARKO: I have never been in doubt when talking to the member. The Minister has been tied up with the proportional system, which has tied him into the need to have a list of people to be elected, which would represent half the number of the Council each election. That is why he cannot adopt the number 23, but he could, for example, adopt—

Mr Bertram: Fifteen altogether.

Mr CLARKO: The Minister has said, I think, there would be some difficulties in providing an election for eight members in one year, and seven in another. With a system like that, a majority would tend to be drawn in each case, and that is what the Minister needs to be about. Clearly the Government is not concerned about the cost—

Mr Bertram: We certainly are.

Mr CLARKO: The Government cannot argue that this move will save money. The Minister and others have said consistently that the Government will provide a multiplicity of electoral offices throughout the State; civil servants of various types to staff those offices; and funds for reverse charge phone calls. It has said that many things of this nature will be provided, the cost of which will no doubt quickly total more than the saving of the parliamentary salaries. Certainly it will cost more to provide a whole series of offices in each electorate than to maintain the present

number of members. The people who would work in these electorate offices would be excellent people, as has been my experience with others, but I doubt they would be prepared to work the hours that a member of Parliament does. He is expected to be on the job for 365 days of the year. I am sure the total cost would be more than the salaries saved by decreasing the number of members.

Electors would not want to raise parliamentary matters with civil servants, but rather would prefer to discuss these matters with their members of Parliament. The public will be short-changed if they have to speak to a member of the staff.

I am intrigued by the fact that the Government wants a proportional system for the upper House, but it plans to have a single-member constituency for the lower House. I find it quite unacceptable that people who argue for one-vote-one-value can say that there should be a proportional system in the upper House because that is a pure system. A party that gains 60 per cent of the votes gains 60 per cent of the seats, whilst the lower House could be divided up to have exactly the same number of people in each electorate. A party could receive 49 per cent of the vote for every seat, but have no parliamentarians.

The CHAIRMAN: Order! We have already covered this subject.

Mr CLARKO: This is indicative of the inconsistencies within the proposition of the Government. I feel it has opted for 22 because for the future it proposes legislation for a joint sitting of the Parliament when there is a tied vote. The same applies under the Federal Constitution; the upper House and the lower House sit conjointly. The Labor Party is keen to see the Legislative Council, as is its national policy, to be done away with completely, and in the meanwhile the Labor Party would like to make the Council's members political eunuchs.

In the interim, the Government wants to ensure that if it brings the upper House into a meeting in this Chamber—it has 57 members, and the upper House will have 22 members—the number can be divided down the middle if one Independent is taken out. This Chamber will prevail, and I assume that is what the Government is trying to do. It is fraught with tremendous difficulties. I have said many times before that if, by some freak circumstance, the Labor Party were to govern in Western Australia for a considerable period of time—it would not happen, of course, because the people of Western Australia have shown time and time again that they do not want Labor Govern-

ments—we would find that the upper House on many occasions would deny the will of this House.

Mr Jamieson: It hasn't done it so far!

Mr CLARKO: Actually, it is interesting to look at the history of Labor Governments from 1971 to 1974 and from 1953 to 1959 to see how many pieces of legislation were rejected by the Legislative Council which actually made a major difference to the policies of the Government.

Mr Jamieson: In five years, only one.

The CHAIRMAN: Order!

Mr CLARKO: Perhaps the Minister could tell me how many Bills went through. I know the number rejected was very small. If the Legislative Council did not reject some Bills, certain people would ask what the point is in having it.

Mr Bertram: Hear, hear!

Mr CLARKO: The member for Mt. Hawthorn said, "Hear, hear!" because, he, like most of his colleagues, wants to see the complete abolition of our Legislative Council and other Councils in Australia.

Mr TONKIN: I do not think we should be wasting the time of the Committee by having second reading debates over again. We should be dealing with the clauses before us. The member for Karrinyup asked a question, and when I was ready to answer it, said he would rather assume what I was going to say, and he then proceeded to tell me what my answer was.

Mr Clarko: I didn't do that at all. I said you could give your answer and you are giving it now.

Mr TONKIN: Rather than allow me to answer the question, the member spent most of his time telling me what I was going to say. He mentioned all kinds of things we supposedly wanted such as the abolition of the Legislative Council, and so on. This is tedious repetition. I would not be surprised if the Chairman sat me down because I have already explained this.

Mr Hassell: That is too much to hope for.

Mr TONKIN: I would welcome it. I have already explained this. The member asked, "Why 22?" I went through this before.

Mr Clarko: You did not answer it in a way to satisfy anybody.

Mr TONKIN: The member will never be satisfied, let's face it.

Mr Blaikie: What about doing it in respect of that figure?

Mr TONKIN: It looks like it will be a long night if we are to have a second reading debate on every clause. The Bill contains 99 clauses. I had

an early night last night, but perhaps most other members did not.

Mr Clarko: From our point of view, you should deal with the questions of preferential voting and fundamental issues. A lot of our concerns are over consequential matters in which I will not involve myself.

Mr TONKIN: It does not matter how fundamental they are. The Standing Orders say there should not be tedious repetition.

The CHAIRMAN: The member for Karrinyup was heard in relative silence by the Minister, and I would appreciate a reciprocal arrangement.

Mr TONKIN: The answer is simple. Twice the conservatives in this State without reference to the people increased the number of members of Parliament in WA and on those two occasions the total number of members added was 10. I hope the member for Karrinyup is listening. I know he will ask me when we deal with the next clause why we are reducing the number to 22.

Mr Clarko: Please don't get testy. It does not suit you. It does not become you. This is not your normal style.

Mr Blaikie: You are almost back in the classroom again.

Mr TONKIN: It feels like it—a rather slow-learning class.

Mr Clarko: That is the teacher.

Mr TONKIN: The idea was that we had 10 more members than we should have had. The number has been added to in the last few years.

Mr Bertram: Hear, hear!

Mr TONKIN: To reduce the number by 10, would make it 24. I am amazed that the member for Karrinyup wants a House elected by proportional representation and that he wants an odd number.

Mr Clarko: I don't. I wanted proportional representation.

Mr TONKIN: The member wanted to know why we were not having an odd number and yet he knows the situation in respect of proportional representation. I do not know whether he wants half to go one year and the other half to go the following time.

Mr Clarko: You could have it broken up. We could have a different number standing each alternate three years.

Mr TONKIN: We decided to reduce the number because we felt there were too many members. Our ratios are way out of proportion to those in other parts of Australia and we needed to reduce the number by 10 to get back to the

system we had before the conservatives increased it, and to reduce it by 10 would take it down to 24 which would mean that 12 would retire at a time; that is undesirable because we would tend to have six ALP members and six Liberal-National Country Party members. For all intents and purposes, we could say the National Country Party is the same as the Liberal Party.

Mr Clarko: You would get an Independent, surely.

Mr TONKIN: Out of six? We could do, but the point is that if 11 retired at the same time, we would normally get five, five, and one.

Mr Clarko: It would be easier to get a higher number because the higher the number, the more chance there would be to get an Independent in, obviously.

Mr Blaikie: With the percentages.

Mr Clarko: Yes, because the percentage would be less.

Mr TONKIN: All other things being equal, if the two major parties are evenly poised, we could in fact have it split down the middle. Whether we are right or wrong, we felt that we needed an odd number each election and decided upon 22, 18, or a similar figure. We would have liked to reduce it by 10, but because of that consideration we reduced it by 12. That is the reason. The member asked why we want to reduce it at all. Time and time again the comment has been made that the Legislative Council would be emasculated, destroyed, or abolished by such a measure. Mr Chairman, I know this is tedious repetition—

The CHAIRMAN: The member is getting awfully close to it.

Mr Clarko: Which you were just getting to five minutes ago.

Mr TONKIN: That is right, but if the member keeps bringing up the same points, I have to keep answering them.

The CHAIRMAN: The Minister does have to reply to the questions asked.

Mr TONKIN: If members want to spend our time in this most unproductive way, so be it. The fact is that there are too many members of Parliament in Western Australia. Members can talk about Kim Beazley as much as they like. I do not care whether he wants to increase the number of members of Parliament by 1 000; I say he is wrong. It is as simple as that. Australia does not need more members of Parliament; we need fewer members of Parliament.

Mr Bertram: Hear, hear!

Mr Hassell: We need fewer Federal members, do we?

Mr TONKIN: Of course. Listen to the self-interest there!

Mr Hassell: Is that what you are saying—fewer Federal members and fewer State members?

Mr TONKIN: We certainly do not need more members of Parliament in Australia, federally or State.

I now quote figures for upper Houses in Australia. New South Wales has 120 000 people per upper House MP, Victoria has 90 000 people, South Australia has 60 000 people, and Western Australia has 39 000 people. Under our proposal, this would rise to 60 000 people. We have far more members in the upper House per head of population than do South Australia, Victoria, New South Wales, and, of course, Queensland, which has no upper House.

I repeat that we have too many members of Parliament. Consequently we believe in the reduction of members of Parliament, but this is not an essential part of the Bill. It is part of it, but it is not the principle that we believe should be supported. As the member says, there was nothing magical about 22. If the Opposition came up with a democratic system—I emphasise that word—and it was proposed that there should be 34 members of Parliament, I for one would be prepared to listen to such a proposal. There are too many members of Parliament. Once again the member for Karrinyup has gone over the same ground when he asked why we have single-member constituencies in the lower House and PR in the upper House. I have already explained it at least once and probably more than once, during the currency of this Bill. I apologise for wearying members, but if the member keeps asking the same questions, I have to keep giving the same answers. PR has a problem in a House which forms the Government because it is likely to be very evenly divided and could result in instability. However, that does not trouble the Legislative Council and it is so undemocratic in the sense that a party with a certain percentage of votes gets a smaller percentage of seats. It is all right for the Deputy Leader of the Opposition to say that, if we get 50 per cent of the vote, we could get 55 per cent of the seats, but of course that is not so.

Mr Hassell: I didn't say that; you said that. It is in your policy document.

Mr TONKIN: It is all very well for the Deputy Leader of the Opposition to say that. Of course he wants mathematical quotients, but it is not easy. If we have 53.6 per cent of the vote, the only way

we would have 53.6 per cent of the seats is if we had 1 000 members of Parliament.

Mr Hassell: Why have you got thousands of stickers around the State saying that everyone's vote should be equal, when you know your system will not produce equality?

Mr TONKIN: That is a stupid comment. That is like a person's saying, "It is a bit chilly. I would like to be warmer", and a person throwing a flame over him and asking, "Are you warmer now?" Of course we cannot achieve mathematical accuracy. All we are saying is that, if we get 50 per cent of the votes, we should get more than 50 per cent of the seats. If we get 50 per cent of the votes and 55 per cent of the seats, it is not mathematically accurate. No-one said it would be.

Mr Hassell: That is what you claimed by proportional representation.

Mr TONKIN: The Deputy Leader of the Opposition is so feeble-minded to think we could have that.

Mr Hassell: You are failing in your argument and are just getting abusive.

Mr TONKIN: The real criterion is that if we have a majority of the votes, we must have a majority of the seats.

Mr Clarko: In the lower House system you could get 39 per cent of the vote in either seat, and get no seats.

Mr TONKIN: That is correct.

Mr Clarko: So that does not achieve what you say. That is the point of my argument. That is why I have brought it up a couple of times.

Mr TONKIN: There are disadvantages with every system.

Mr Clarko: Yes, I agree with that.

Mr STEPHENS: I will not take very long to make a few comments. The Leader of the House just said twice that the Liberal Party had increased the number of parliamentarians by 10 and this was one of the reasons for the ALP's reducing the Legislative Council from 34 to 24. He is completely ignoring—possibly conveniently—that the increase in the Legislative Council was only four members. An increase in the Legislative Assembly was only six. Why then is the ALP wanting to take 10 from the Council? The Minister did not indicate that in his explanation. By way of interjection earlier, I was accused of not understanding or listening to his comments with regard to the magical number of 22. It appears that each side of the Committee is having difficulty understanding the other; no side is taking any notice of the other. With 22 members, and 11 standing at each election, the quota

will be eight to 8.5 per cent in that year. Several years ago we had the situation in the Senate with the double dissolution in Western Australia which meant that 11 members sought re-election.

Mr Tonkin: Ten.

Mr STEPHENS: Ten in the double dissolution. The quota was around about eight or nine per cent.

Mr Tonkin: Nine per cent.

Mr STEPHENS: The Country Party, a single party, in those days had an excellent candidate by the name of Don Eckersley, now Sir Donald Eckersley, and he failed to win a seat. We are talking about a practical situation and something that occurred in the past.

Mr Hassell: What did he get?

Mr STEPHENS: I can't recall the actual number. The important thing in that situation is that he did not win a seat.

Mr Hassell: Do you know what you are talking about?

Mr Tonkin: He did not take much in there, did he?

Mr Hassell: In the Senate?

Mr STEPHENS: Yes, and a double dissolution in a situation approximating that would occur if we were to agree to the provisions of this clause. We do not want it. That is why I am repeating, for the benefit of the Leader of the House, that I believe the number 22, bringing it back to 11 at each election, was designed so that it would be exceedingly difficult, if not impossible, for the minor parties to win a seat. The situation of a hung Parliament would be avoided.

If the Legislative Council is to operate in its role as a House of Review and not as a rubber stamp of either the Government of the day or the Legislative Assembly, it is essential to have a variation in that House. In this way legislation can be given reasoned consideration and decided on its merits rather than on party lines. The Legislative Council will thus increase its effectiveness as a House of Review. I do not think it is an accident that 22 is the number arrived at; it is an endeavour to overcome the situation where the minority parties would have a legitimate say in the decision-making role of Parliament. I believe I am correct and am at liberty to restate that position. I have heard the views of the Leader of the House and he has not convinced me. I doubt if he has convinced anyone on this matter.

Clause put and passed.

Clause 11: Sections 8, 8A and 8B repealed and sections 8 to 8E substituted—

Mr HASSELL: This is a very long and complex clause which deals with important aspects of the legislative scheme which the Government is putting forward through the Minister's Bill. Dealing with the marginal notes, I indicate that clause 11 proposes to introduce sections which do the following—

provide the terms of service of members of the Legislative Council;

provide for periodic Council elections;

enact provisions as to existing members and their seats;

provide for the filling of casual vacancies in seats of members of the Legislative Council from the same group—that is, political party—which is identified as such on ballot papers;

provide for the filling of casual vacancies of seats of members of the Legislative Council by joint sittings of both Houses; and

provide for the swearing-in of members elected at joint sittings of both Houses of Parliament.

In doing those various things, the clause covers some eight pages of print. Essentially the clause seeks to deal with the situation which arises where a vacancy occurs in a House of 22 members elected by one electorate on a system of State-wide proportional representation. Much of the material in the clause relates to the phasing-in period during which the House is reduced from 34 members elected on the basis of provinces to 22 members elected under proportional representation using the whole State as the electorate.

The scheme of the proposed law as to the filling of casual vacancies is that reference will first be made to the members of groups listed on the ballot paper for the preceding election, who were not elected. From those unsuccessful candidates, casual vacancies may be filled. Where that fails, casual vacancies may be filled from the nominees of political parties. In all cases, it is the intention of the legislative scheme that a casual vacancy should be filled from the same party as the person who has ceased to be a member. It is indeed a complex business because it seeks to cover in legislative provisions the multiplicity of events which may occur.

I am not sure by any means that it does so fully and effectively. A situation may arise in which a member of Parliament, elected on a Labor ticket, ceases to be a member of the Labor Party; for example, if he voted against a Caucus decision and was expelled. When he ceases to be a member and a casual vacancy occurs, a serious question

arises as to who should fill that vacancy. I ask the Minister to explain to the Committee what would happen to a casual vacancy in such circumstances.

Mr Tonkin: It would be filled by a person from the party.

Mr HASSELL: Even if the person he was replacing had ceased to be a member of the party?

Mr Tonkin: Yes.

Mr HASSELL: What if he had changed his allegiance quite deliberately over a major issue?

Mr Jamieson: Then he has to face the electors.

Mr HASSELL: What if the member has changed his allegiance over an issue?

Mr Tonkin: He was elected because he was a member of that party.

Mr HASSELL: What about the situation where the National Party had split from the National Country Party in the Legislative Council and, there being several members, there was a casual vacancy amongst their ranks? Can the Minister tell me that the vacancy would be filled by a member of the National Country Party? What kind of political bitterness and disruption would that cause? The Minister called in aid of these sorts of provisions the conventions which have now been written into the Constitution of the Commonwealth as to the replacement of members of the Senate. However, the situation is quite different.

Mr Tonkin: Why is it? It would be the same as in the Senate.

Mr HASSELL: We are dealing with the State Parliament. We were not in favour of writing those conventions into the Constitution for the reason I now identify in relation to the Government's legislation: that the legislation simply cannot cover all the circumstances.

Mr Tonkin: The member was elected by those people because they believed he belonged to the National Country Party. The wishes of the people should be respected, not the person who decides to change his mind. If a member resigns from a political party, he should have to stand again. He did not tell the people he would change after the election; and members are elected because they belong to a political party.

Mr HASSELL: What if the reasons for his resignation were issues of principle directly associated with the member's perception of the interests of his own electorate?

Mr Jamieson: He would not have an electorate if he were in the Legislative Council, only the State as a whole. Think about the Steele Hall case and it will put you correct on this. That is

exactly what happened; Hall went back to the Liberal Party, resigned from the Senate, and Dunstan replaced him with a Liberal Movement person because he was in the Liberal Movement when elected to the Senate. That clarifies the situation.

Mr Tonkin: It is the party a member belongs to when elected that is important.

Mr Clarko: Steele Hall could get elected under almost any title he carried.

Mr HASSELL: The member is identifying a basic weakness embodied in the Bill; that is, membership of Parliament is obtained through appointment and not election. That is the Opposition's objection to this clause.

Mr Jamieson: Don't tell me that is not how you are elected.

Mr HASSELL: Perhaps I need to go no further because the point has been clearly made. The basic weakness of this clause is that it introduces a system by which people become members of Parliament through appointment, not election.

Mr Tonkin: It's the same as for the Senate.

Mr HASSELL: Where a vacancy arises, it should be determined by the people and filled. Where a system of electorates exists, that can take place. All sorts of technical difficulties arise in relation to interpretation of this clause. I draw attention to a couple of them for the sake of putting them on the record. I do not ask the Minister to respond because they hardly scratch the surface of the difficulties in the interpretation of this clause.

For example in lines 6 and 7, page 13, there is disqualification for someone who is no longer a member of a particular political party. What about the circumstances in which there is intermediate cessation of that membership because he had not paid his subscription and technically he was not considered to be a member? Subsequently, when he sees the chance of being elected, he dashes in and pays his membership fee. To what extent is Parliament to be put in the position of inquiring into political party membership, its validity, and its continuity? Will we have rulings from the Speaker that the Parliament cannot go into that and the bona fides of the people applying must be taken from the face of the application without further inquiry?

Mr Jamieson: No difference at all.

Mr HASSELL: I think there are difficulties in that.

Mr Jamieson: There has never appeared to be any since federation.

Mr HASSELL: In proposed subsection (3) on page 13, reference is made to a time period of two days, which is extraordinarily short. Referring to page 14, reference is made to a person's being nominated, but I have not been able to find a provision for nomination and I do not know how that will be covered. On page 15, line 10, reference is made to a person who is a member of that party, but it does not state what time is relevant for determining whether he is a member; and that can become a significant point in the case of changing membership or renewing membership.

Mr Jamieson: The party would soon scream if he was not a member.

Mr HASSELL: That does not necessarily determine the issue. On the same page, in proposed section 8E(2) there is really a transfer of power, as this whole section is about, to the political parties. One way and another we see this as a very undesirable system and one which shows the weakness of the structure of what the Government is seeking to do in this legislation. We are opposed to this system as a matter of principle and we are, therefore, opposed to the clause.

Clause put and passed.

Clauses 12 and 13 put and passed.

Clause 14: Section 14A inserted—

Mr TONKIN: I move an amendment—

Page 16, line 14—Add after the word "Bill" the passage "and, if he indicates such concurrence or non-concurrence, he may not thereafter exercise his casting vote on the question".

This matter was raised during the second reading. It was asserted by the Deputy Leader of the Opposition and other Opposition members that this provision gives the President casting and deliberative votes. I said that was not so, but I was concerned about the matter so I had discussions with Parliamentary Counsel and they interpreted the provision in such a way that only once something was passed could the President concur. In other words, in a House made up of 22 members, if 11 members were in favour of a provision and 10 were against, the President could then say, "I concur", giving it a constitutional majority.

However, I did not read the provision exactly like that. I could see the argument, but it seemed to be a rather grey area. We do not want the Bill to be subject to litigation so I thought, to put the issue absolutely beyond doubt—to indicate the President or Speaker are not to have two votes—we would move the amendment.

Mr HASSELL: The Minister is right in moving to amend the provision to clear up the drafting

point, because in the second reading debate I said I believed—I still believe correctly—that the effect of the proposed sections 14A and 24A would be to allow the President and Speaker to exercise two votes. I did not agree with that, but I assumed it was deliberate. I assumed that the Government wanted to allow the President, in particular, to have two votes so that in the relatively small House created by reducing the numbers to 22—and taking out the President, we would have 21 effective members—the policy of having the President with two votes would allow issues to be resolved so there would not be deadlocks.

However, on the passing of the amendment, it will really become quite a mysterious situation. It seems that the Government is seeking deliberately to allow both the President and the Speaker to become active participants in the business operations of the House. I wonder why that is so and what benefits there are for the Parliament in doing so.

We have difficulty enough within our strict party system with relatively small Houses of Parliament in having Speakers and Presidents who are able to rise above the commitments of party affiliation and act with that independence and impartiality which is so very desirable in a Speaker and a President.

Attempts were made in the Commonwealth Parliament by the former Speaker (Sir Billy Snedden) to introduce the concept of a politically uncommitted Speaker in the tradition of the Westminster Parliament. Sir Billy Snedden failed in that ambition, as he was bound to do within our political system. Nevertheless, we are much further from it because our Parliament is so much smaller and because it just is not possible within our political party system to separate one man and put him above the allegiance of party. I do not think it is practical to hope it will ever happen.

Despite those difficulties, we have been well served by Speakers and Presidents who have even, within the context of the system and with the pressures upon them, managed in most cases to steer a pretty even course and to provide the independence and impartiality—or the appearance of it—which is necessary for the smooth operations of the House and for the feeling of fair play which is required to enable the House to operate.

However, we now find that the Government proposes quite deliberately to make that role more difficult by inviting the President of the Legislative Council and the Speaker of the Legislative As-

semply to exercise a vote other than a casting vote.

Mr Tonkin: They have a casting vote now.

Mr HASSELL: As I see it, the effect of this provision is very directly to invite both the President and the Speaker to become daily participants in the contested business of the House.

Mr Tonkin: How often do you need a constitutional majority?

Mr HASSELL: I do not know what the purpose of it is, but it is a very undesirable approach.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 15 put and passed.

Clause 16: Section 24A inserted—

Mr TONKIN: I move an amendment—

Page 16, line 28—Add after the word "Bill" the passage "and, if he indicates such concurrence or non-concurrence, he may not thereafter exercise his casting vote on the question".

The reason for this amendment is similar to the reason for the previous one. However, in this case it relates to the Legislative Assembly.

It is all very well to talk about a President and a Speaker being above the hurly-burly of politics. I agree with the Deputy Leader of the Opposition that, to some extent, that has been possible, but really if one wants a political eunuch in the position—someone who is not to take part at all—one should have a professional chairman who is not a member of Parliament at all, but is appointed because he is a good chairman. Examinations could be conducted and a profession of chairmen could be established. They could hire themselves out to Parliaments around the country.

However, while we have a member of Parliament and a member of a party, doing the job, what right do we have to say that his constituents will be disfranchised because they are unlucky enough to elect someone who is Speaker or President, as a result of which they lose all their representation? A Speaker or President is not allowed to vote other than on the rare occasions where the votes are equal. If a Speaker has a casting vote, when could there be a more partisan time than when the House is divided evenly and he gives his casting vote? We remember an occasion on which a former Speaker of this House gave a casting vote in the electrically charged atmosphere of debate on an electoral Bill. That put the Speaker in a political position. All we are saying is, in addition, if he needs to he may have a deliberative vote. That will be needed only when a

constitutional majority is required, and how often do we need that? Not very often.

Mr Hassell: You are obviously expecting to lose a few by-elections.

Mr TONKIN: Why?

Mr Hassell: So you lose your majority.

Mr TONKIN: I do not expect to lose the by-election. Indeed, I anticipate we shall win by 200 or 300 votes. However, I am notorious for being a bad predictor of election results.

Mr Court: Which by-election is this?

Mr TONKIN: The Mundaring by-election.

The fact is we seek only to give the Speaker or President a vote on very rare occasions. If he has a casting vote, why should he not have a deliberative vote? The other aspect is that the provision prevents Oppositions from playing funny games. At the moment, in order to prevent a Speaker from having a casting vote, and the Government of either political colour getting a constitutional majority, an Opposition member may just walk out of the Chamber and the Government wins by one, the Speaker does not have a casting vote, and there is no constitutional majority. Surely members opposite will not defend the system whereby an Opposition member, by not voting, actually defeats the Government; that is what can happen and has happened in this House.

I do not see this as being revolutionary. The Speaker and the President are elected and they represent people. Those people have a right to have the President or Speaker cast a vote when it is needed. After all, if the President and Speaker are Liberal members of Parliament or ALP members of Parliament why should that Government not get a constitutional majority because one of its members has been elected to the office of President or Speaker? However, if members do not like the idea of the Speaker or President being a politician, they should not have a politician in the position. They should not have a member of Parliament sitting up there. They should appoint someone like a clerk who is a good chairman or a public servant who is a good administrator. We would not then have to worry about that kind of thing.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 17 to 61 put and passed.

Clause 62: Section 98 repealed—

Mr TONKIN: I ask the Committee to vote against this clause.

Mr Hassell: We shall oblige.

Mr Old: It would give us great pleasure.

Mr TONKIN: At the time of drafting, it was considered this matter was covered by proposed section 140A. However, it has been decided that section 98 should be retained in the Electoral Act.

I refer members to the wording of section 98 of the Act. It was intended to repeal that section, because it was considered to be superfluous under proposed new section 140A. Further advice from Parliamentary Counsel indicates that the section should stay. Obviously it is a very useful section. It provides that the electoral officer shall decide whether postal ballot papers should be allowed or disallowed; the only exception to that decision being final is the Court of Disputed Returns. We have no quarrel with the section. It was only felt that the matter was dealt with in another section. That was a drafting error, and so I ask the Committee to vote against the clause.

Clause put and negatived.

Clauses 63 to 71 put and passed.

Clause 72: Section 128 substituted—

Mr HASSELL: I simply place on record that many of the clauses which the Committee has debated, all of which we have voted against, contain quite substantial provisions, the broad plan of which when put together has been indentified in the remarks I made in the second reading debate. The fact of the matter is that many of the provisions are extraordinarily complex and present quite serious difficulties of application. Were they all to become law, we could see this State in for a very long period of constitutional tussles in the courts over the various provisions. It simply is not possible for a draftsman, however competent, to cover so many provisions in such complex legislation without opening up questions which can be debated for many years in the courts. If the Bill became an Act and came to be applied, there would be hardly an electoral process which did not result in some challenge or difficulty.

Turning to clause 72 and the proposed section 128, I suppose that I am really referring to that clause and subsequent clauses relating to the validity of votes. As I understand the situation, the Bill allows an elector to express an intention in a way which would not normally be regarded as an expression of intention. The elector will no longer be required to express his votes by way of numerical sequence. In the case of elections to the Legislative Council, where 11 members are to be elected, the voter will be able to leave gaps in the sequence of filling in the 11 votes.

Mr Jamieson: How will he?

Mr HASSELL: That is my understanding of the effect of the provisions contained in the Bill. If that is wrong, I would be happy if the Minister

explains that it is wrong. Certainly in the case of an election for the Assembly, it will be possible for an elector to cast a valid vote, even though he votes with a series of nonsense numbers. Provided he puts the number "1" in one of the sections, or in some other way he manages to indicate a first preference, that will be counted as a valid vote. The same will apply in respect of the Council. It is really opening up the way for a great deal of uncertainty and dispute.

The type of issues which were identified in the Mundaring election and which were resolved in the Court of Disputed Returns and the declaration of the election there as absolutely void, will be made more likely to occur again by the combined effect of these various provisions.

In addition, the deletion of the present requirement of the Electoral Act that an elector's vote should not be able to be identified, in our view is quite wrong. We are of the opinion that to break down the essential secrecy of the ballot in this way is a serious and retrograde step in dealing with the electoral system. We are opposed to that deletion.

The existing provisions of the Electoral Act relating to the validity of votes have themselves been the subject of a great deal of examination and dispute over the years. From time to time, the Chief Electoral Officer has issued directives and notations for the guidance of his officers involved in the count of elections, and he has included in those notes and guidance samples of ballot papers which might be regarded as valid or invalid.

It is proposed now to turn all that collective and long experience overboard and to replace it with completely new provisions which put the elector's intention as the paramount test, regardless of his total inexpertise in expressing that intention by a series of numbers.

We believe that these issues should not be regarded as necessarily the subject of contest between members on this side of the Chamber and members of the Government. They should be looked at objectively, and they should be looked at in the interests of our having an electoral system which works effectively and fairly and which is capable of being administered in the conduct of an election. After all, it is to be remembered that there are very significant questions of practicality when it comes to running an election. An election is held on a Saturday; it lasts the whole day—12 hours—and counting takes place afterwards using the same staff who have already put in a 12-hour stint. There is a lot of tension, a lot of pressure; there are anxious candidates, anxious parties, and an anxious public waiting for

a result. Speed is regarded as of the essence. It seems to us to be very foolish to break down the rules which have been established by long experience and to open up a whole new set of possible arguments and potential complications as to what is valid and what is not. The experience of the years in this area of practical administration should not be thrown overboard lightly and should not be disregarded, yet that is what the Bill seeks to do.

Mr Chairman, you have allowed me some latitude in speaking to clause 72. I will not repeat those comments on all the other clauses. I think that the Minister, in the interests of good government and good administration, should himself be prepared to rethink these clauses and to say that he will start again before he presents the Bill in the other place.

Clause put and passed.

Clauses 73 to 75 put and passed.

Clause 76: Section 139 amended—

Mr HASSELL: I wish to draw attention to the fact that clause 76, in its amendment to section 139 of the principal Act by way of paragraph (b), has the effect of removing the requirement that the ballot be completely secret. There is the real possibility that someone who is prepared to act dishonestly can break down the secrecy of the ballot under this amendment. We are very strongly opposed to this.

Clause put and passed.

Clauses 77 to 79 and passed.

Clause 80: Section 144 amended—

Mr HASSELL: I refer the Minister to the provisions of clause 80, subparagraph (ii). I think there may be a drafting error because that subparagraph assumes there are only two candidates. There may be more than two candidates. I may be wrong, but my understanding is that there is something wrong with the drafting.

Mr TONKIN: This assumes there are two candidates with an equality of votes.

Mr Hassell: That is right.

Mr TONKIN: I would have thought that with the numbers we are dealing with here, to have three candidates with the same number of votes would be absolutely unbelievable.

Mr Hassell: It would be very unusual, but in a constitutional Bill, you should cover it. These things do happen. If you had an election in which it happened, you would not have covered it.

Mr TONKIN: I will have a look at that later on when this gets passed.

Mr CLARKO: I would like to ask the Minister for his opinion. I take it that the proposition is that where two candidates have tied in a number of votes, the returning officer shall put their names on a piece of paper and presumably put them in an envelope as he does now. I suggest to the Minister that he look carefully at the system we have.

Mr Tonkin: You have not read the Bill.

Mr CLARKO: I have read it carefully and have marked it out accordingly. We have spent some time on this Bill as the grey hairs on the Minister's head are indicating.

If that is the case, are we going to use slips in this instance?

Mr TONKIN: The Deputy Leader of the Opposition referred to section 144(1) of the principal Act, which applies when there are more than two candidates. Section 144(2) deals with more than two candidates. Therefore, we have covered all eventualities.

Mr Hassell: I genuinely hope you are right because my advice is to the contrary. It is a technical point and you could look at it in more detail later if you feel you need to.

Mr TONKIN: I refer members to page 53, proposed paragraph (h) of section 144(2).

Mr Clarko: Are you going to use the envelope system?

Mr TONKIN: In accordance with the schedule.

Mr Clarko: You will use the balls too.

Mr TONKIN: Yes, in fact that was an interesting point that came out of the first seminar held in this State in June this year for electoral officers. The only reason there has been a second chance in Mundaring is the disgraceful way in which the rolls were allowed to get out of order. We are upgrading the system by conducting seminars. The returning officers showed how the envelopes did not move around as the balls moved around and agreed it would be a much better system.

Clause put and passed.

Clauses 81 to 85 put and passed.

Clause 86: Part IV Divisions (6a), (6b), and (6c) inserted—

Mr HASSELL: I refer briefly to proposed new section 151G(1) on page 60 of the Bill which says—

The Chief Electoral Officer shall permit each candidate to be represented at the scrutiny and count of votes by scrutineers not ex-

ceeding in number such number as the Chief Electoral Officer determines.

Candidates should have the statutory right to appoint scrutineers and should not be in a position to seek out the Chief Electoral Officer to get his permission for the number they require. This is a matter about which we must be careful because some of these issues become very critical in the practicalities of running elections, counting votes, and recounting votes.

Personally, I am of the view that the provisions in both the State and Commonwealth Acts relating to recounts need investigation. We should have some basic right in determining the number of scrutineers we require.

Mr JAMIESON: The number of scrutineers undoubtedly has a bearing on the number of counting places. If there is only one counting place, the electoral officer does not want to give the right to candidates to clutter the building with a bundle of scrutineers. It is only fair and proper that the Chief Electoral Officer should determine the number of scrutineers for each member. There have been occasions at large counting centres, where a number of counts are taking place, when it is not possible for one scrutineer to maintain a sufficient survey of all the tables. In those circumstances there needs to be a bit of latitude given to the electoral officer for the purpose of allowing the candidate a fair and proper number of scrutineers at the counting of votes.

Mr Hassell: I do not mind his having the latitude as long as he has a basic right.

Mr Tonkin: He has.

Mr JAMIESON: In joint elections, the presiding officer is counting Legislative Council votes as well as Legislative Assembly votes and the counting place is cluttered with scrutineers because one person is not allowed to scrutinise both Legislative Council and Legislative Assembly votes. A scrutineer can act on behalf of only one person.

The latitude granted to the Chief Electoral Officer under this Bill is necessary as long as he makes sure each candidate is entitled to one scrutineer for each place of counting.

Mr TONKIN: I thank the member for Welshpool for his comments. Candidates are guaranteed scrutineers. The reason the number of scrutineers has not been stipulated is that we will have, under proportional representation, the situation where counts will be done at the one place. Under these circumstances it is impossible to say how many scrutineers a candidate may need. He

may need 20 or 15. It depends on the stage of the count.

Under the existing Act members are allowed one scrutineer for each table and, therefore, it is easy to stipulate the number allowed. Under proportional representation, where counting is carried out at the one place, the number of scrutineers cannot be stipulated. However, there is a guarantee that scrutineers will be allowed.

Clause put and passed.

Clauses 87 to 99 put and passed.

Title—

Mr HASSELL: I again put on record the fact that the Opposition is opposed to the plan of this legislation, to the substance of it, to the intention of it, and to the drafting of it.

Mr Hodge: Apart from that, you think it is all right!

Mr HASSELL: We believe this Bill is undesirable in every respect, and we are opposed to it.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

ADJOURNMENT OF THE HOUSE

Sittings of the House: Thursdays

MR TONKIN (Morley-Swan—Leader of the House) [9.12 p.m.]: I move—

That the House do now adjourn.

I did indicate to the Deputy Leader of the Opposition that, when we had finished with the Acts Amendment (Constitution and Electoral) Bill in Committee, we would go home. I am honouring that promise even though my parsimonious nature would like to screw another few hours out of members.

I have told members of the Government and the Opposition that the Government does intend that we sit after dinner on Thursdays from this coming Thursday. I have told the Opposition Whip, the Leader of the Opposition, and the Deputy Leader of the Opposition many times and I hope the message has been passed on to all members.

Mr Blaikie: I hope you get the appropriate response. It is a disadvantage to country members.

Question put and passed.

House adjourned at 9.13 p.m.

QUESTIONS ON NOTICE

1148 and 1187. *These questions were further postponed.*

HEALTH

Herbs: Side Effects

1205. Mr GRAYDEN, to the Minister for Health:

- (1) Is it a fact that some herbal remedies can cause serious side effects and even death?
- (2) Is the Public Health Department concerned about the way herbal remedies are freely available in health shops when they are not subject to the same legal safeguards as orthodox medicines?
- (3) Is any legislative action intended in regard to those herbal remedies which do cause concern?

Mr HODGE replied:

- (1) All therapeutic substances, whether herbal or chemical, can be harmful if not used judiciously.
- (2) Yes. Remedies in established use are not subject to the same requirements as new drugs being launched on the market, and in general do not have to have their active ingredients declared on the label. However, when problems with particular products come to the department's notice, action can be taken to control their labelling or sale or even to ban them outright. In previous instances, where the safety of a product has been questioned, the distributor has voluntarily withdrawn the product from the market pending evaluation by the department.
- (3) Legislation for the control of therapeutic goods, which would include these products, is being considered along the lines of similar legislation operating in New South Wales.

HEALTH

Abortions: Number

1206. Mr GRAYDEN, to the Minister for Health:

- (1) How many abortions were performed in Government hospitals in Western Australia during each of the last five years for which statistics are available?

- (2) How does this figure compare with the number of live births?

Mr HODGE replied:

- (1) Figures from the WA hospital morbidity system for all Government hospitals over the years 1978-1982 where a legally induced abortion or unspecified abortion was performed are—

1978—1 247

1979—2 047

1980—1 818

1981—1 307

*1982—1 138

*1982 figures are provisional.

- (2) The number of live births in all WA Government hospitals for the years 1978-1982 are—

1978—15 084

1979—15 184

1980—16 093

1981—17 341

1982—16 681

HEALTH: TOBACCO

Advertising: Campaign

1210. Mr WILLIAMS, to the Premier:

- (1) Has he or any of his Ministers or any Government employee acting in their name, warned any sporting body which considered endorsing the tobacco industry's current advertising campaign?
- (2) Has the Government ordered any sporting body under its authority not to support the advertising campaign?

Mr BRIAN BURKE replied:

- (1) No, except as outlined in (2) below.
- (2) The Minister for Employment and Administrative Services requested a Government officer, who is a member of the WA Greyhound Racing Association, to express the Government's concern that the association was a party to the campaign against the proposed Government legislation, Tobacco (Promotion and Sale) Bill 1983, and requested that the association reconsider its decision.

When advised that the association declined to do so the Minister, in accordance with section II of the Western Australian Greyhound Racing Association Act, instructed that association, a statutory body that relies heavily on an agency of the Government for the major

source of its revenue, and which has been generously treated by Governments in terms of its financial position, to withdraw its support from any organisation or group of persons opposed to the provisions of the Tobacco (Promotion and Sale) Bill 1983.

TRANSPORT: AIR

Intrastate

1223. Mr LAURANCE, to the Minister for Transport:

- (1) How many operators are currently licensed to provide passenger air services between Perth and Geraldton and between Perth and Kalgoorlie?
- (2) How will this position change when additional competition is allowed on these routes, as he has foreshadowed?

Mr GRILL replied:

- (1) There are currently two operators licensed to carry passengers to each centre—
 - (a) Airlines of WA provides a jet service;
 - (b) Avior Pty. Ltd., provides third level services and is currently restricted to seven-seater Navajo aircraft.
- (2) As no decision has been made with respect to competitive services on these routes, it is not possible to be definitive in my reply to this question. However, I would expect that initially there would be three operators serving each centre.

BOATS: PASSENGER FERRIES

Rottnest Island: Safety

1234. Mr COURT, to the Minister for Tourism:

- (1) Does the quality and safety of the ferries used on the Rottnest Island ferry service meet with his approval?
- (2) How do they compare with those ferries operating to the northern Queensland island tourist resorts?
- (3) How do the fares charged by the Rottnest Island ferries compare with those charged by the northern Queensland island ferry operators on similar routes?

Mr BRIAN BURKE replied:

- (1) The ferry services to Rottnest Island have a very good safety record. How-

ever, when it comes to the question of safety there should never be complacency and I believe on-going improvements can always be made in this area.

The ferries are surveyed—construction, stability, hull and machinery maintenance, and safety equipment—and manned in accordance with the requirements of the Western Australian Marine Act.

- (2) Ferries in Queensland are subject to survey and safety requirements prescribed by legislation similar to that which applies in Western Australia.
- (3) Perth—Rottnest route—36 km.

	Return Fare
<i>Seaflyte</i>	\$21.00
<i>Temeraire II</i>	\$17.50

Cairns — Green Island Route — 27 km.

<i>Green Island Express</i>	\$19.50
<i>Marena</i>	\$11.50

I understand that since September 1980 Rottnest Island ferries have increased their fares in the order of 55 per cent and that the prices commissioner is currently looking at the fares situation.

CONSUMER AFFAIRS: HIRE PURCHASE

Agreements: Taken Over

1238. Mr COWAN, to the Minister representing the Attorney General:

- (1) Is it possible for a finance company to pay out a hire-purchase agreement with another finance company without the knowledge or consent of the original lessee?
- (2) If not, how was Wesdelf Discount Co. Ltd., able to take over the hire-purchase agreement between J. and V. Sharp of 28 Ward Avenue, Greenmount and another finance company, Kimberley Finance Company?
- (3) When were Messrs. J. and V. Sharp of the abovementioned address declared bankrupt?
- (4) Under what authority was that declaration made?

Mr GRILL replied:

- (1) and (2) These questions are inadmissible in that they seek an opinion on a question of law.

- (3) and (4) Bankruptcy proceedings are subject to the Bankruptcy Act, 1966 (Commonwealth), and are not within my area of responsibility. The date of any declaration of bankruptcy is available by inspection of the bankruptcy register which is kept at the Bankruptcy Office at 251 Adelaide Terrace, Perth. This register may be inspected for a fee of \$1.50.

EDUCATION

Primary School: Busselton

1241. Mr BLAIKIE, to the Minister for Education:

- (1) Would he say whether a survey has been made of the need for improved facilities at the Busselton Primary School?
- (2) If "Yes", would he please provide details?
- (3) What is the estimated cost of the project?
- (4) When is it expected the project will—
 - (a) commence;
 - (b) be completed?

Mr PEARCE replied:

- (1) Yes.
- (2) The principal facilities being considered for upgrading and improvement are the school toilets and the administrative area. The latter requires improved storage, interview, and reception spaces, a sick room, and a more convenient office layout.
- (3) and (4) Budget priorities and subsequent actions are under consideration.

TOURISM

Funding

1242. Mr BLAIKIE, to the Minister for Tourism:

- (1) What is the amount of money that has been—
 - (a) allocated;
 - (b) guaranteed,
 to tourist development projects in the financial year ended
 - (i) 1980-81;
 - (ii) 1981-82;
 - (iii) 1982-83?

- (2) Would he provide details of each—
 - (a) project;
 - (b) area;
 - (c) individual amount involved?

Mr BRIAN BURKE replied:

- (1) (a) (i) \$154 794;
- (ii) \$189 200;
- (iii) \$124 118;
- (b) (i) \$427 500;
- (ii) nil;
- (iii) \$2 430 730.

- (2) See the papers tabled.

The papers were tabled (see Paper No. 292).

AGED PERSONS

Home Support Schemes

1243. Mr COURT, to the Minister for Health:

- (1) Does the Federal Government offer financial assistance to the State Government for the operating of home support schemes for the elderly on a 2:1 ratio?
- (2) If "Yes", does the State Government participate in any such schemes?

Mr HODGE replied:

- (1) The States Grants (Home Care) Act provides that the Commonwealth will reimburse the State for one half of the amount expended on an approved home care service.
- (2) The State participates in this scheme.

BOOK EXCHANGES

Restricted List

1244. Mr COURT, to the Minister for Employment and Administrative Services:

Will the Department of Administrative Services make available to people running book exchanges a list of restricted books without having to become a licensed dealer?

Mr PARKER replied:

No. Upon registration, a copy of all determinations made under the current legislation since 1974 is made available and subsequent determinations are distributed to registered persons.

I consider it would be in the interests of any persons carrying on the business of

distributing or retailing publications to become registered so they may receive regular advice regarding classified material.

HEALTH

Expenditure

1245. Mr GRAYDEN, to the Minister for Health:

- (1) Why, in reply to question 993 of 1983 relating to the \$700 million figure which he stated was spent on health last year, did he add General Loan Fund expenditure to Consolidated Revenue Fund expenditure?
- (2) Why did he further confuse the position by listing these amalgamated loan and revenue expenditure figures under Consolidated Revenue Fund headings such as "Hospital and Allied Services", "Mental Health Services", etc.?
- (3) Are the two items added in any other instance of Government accounting?
- (4) If so, in what instance or instances?
- (5) Were the two items added with his knowledge?
- (6) Who was responsible for adding the two items?

Mr HODGE replied:

- (1) Total health expenditure consists of Consolidated Revenue Fund expenditure and General Loan Fund expenditure.
- (2) I refer the member to his own question 993 where he specifically asked for expenditure on each item.
- (3) Where it is necessary to indicate the total Government outlays on health service, it is appropriate to combine both Consolidated Revenue Fund payments and General Loan Fund Expenditure.
- (4) As above.
- (5) and (6) No specific instruction was given to the department to do other than provide the correct answer to the member's question.

HEALTH

Expenditure

1246. Mr GRAYDEN, to the Minister for Health:

In reply to question 993 of 1983 he indicated that approximately \$187.2 million had been spent in addition to Consoli-

dated Revenue Fund Estimates of Revenue and Expenditure for the year ended 30 June 1983 on specific items, and yet in reply to question 1128 he indicated that expenditure additional to CRF Estimates on these items only amounted to \$34 350 540, will he please give the reason for the discrepancy between the two sets of figures?

Mr HODGE replied:

I do not know of any discrepancy.

In answer to question 993 of 1983, I gave details of the departmental components of the \$700 million spent on health in Western Australia in 1982-83.

In answer to question 1128 of 1983, I advised that, in addition to expenditure incurred in the Consolidated Revenue Fund, a further \$34 350 540 was incurred on health on various capital works from funds provided from the General Loan Fund and other sources.

HEALTH: INSURANCE

Medicare: Remote Areas

1247. Mr GRAYDEN, to the Minister for Health:

- (1) Has he given consideration to possible adverse effects which Medicare may have on the viability of private medical and pharmaceutical facilities in remote areas in Western Australia?
- (2) If so—
 - (a) what adverse effects are anticipated;
 - (b) what action, if any, is proposed to offset such adverse effects?
- (3) If not, will he investigate the situation in such area with a view to ascertaining what possible effects may arise?

Mr HODGE replied:

- (1) It is not anticipated that there will be any adverse effects.
- (2) (a) and (b) See (1) above.
- (3) Private pharmacies and private medical practices in country areas of Western Australia are most unlikely to be adversely affected with the introduction of Medicare on 1 February 1984. The situation will be kept under review.

HEALTH: MENTAL*Hospital: Swanbourne*

1248. Mr GRAYDEN, to the Minister for Health:

- (1) What is the approximate weekly cost of maintaining the Swanbourne Mental Hospital pending the completion of psychogeriatric extended care and day care facilities at Armadale Hospital and at Shenton Park?
- (2) When is it anticipated tenders will be called for the Shenton Park units?
- (3) What is the current position in respect of the Armadale facilities?
- (4) Is it still expected to close Swanbourne Mental Hospital in December next year?

Mr HODGE replied:

- (1) The cost of maintaining Swanbourne Hospital in 1982-83 was \$9 264 296, equivalent to \$178 159 per week.

The hospital will be wound down on a staged basis, as new units become operational; and it is not possible to calculate the resulting gradual reductions in the cost of operating the hospital.

- (2) Tenders for the Shenton Park psychogeriatric extended care unit closed on 10 May 1983.

The contract has been let to Jobec Pty. Ltd., and work has commenced.

- (3) It is anticipated that tenders will be called for the Armadale psychogeriatric extended care unit on 8 October, closing on 1 November.

- (4) Yes.

HEALTH*Mental: Beacham Report*

1249. Mr GRAYDEN, to the Minister for Health:

- (1) Has a decision been made as yet in respect of releasing the Beacham report on care of the intellectually handicapped?
- (2) If so, what decision was arrived at?
- (3) If not, when can a decision be expected?

Mr HODGE replied:

- (1) and (2) The report will be considered by the mental health review committee working party established to examine the separation of the Division of

Intellectually Handicapped from Mental Health Services.

- (3) It is anticipated that the working party's recommendations will be made in early 1984.

HEALTH*Crib: Evaluation*

1250. Mr GRAYDEN, to the Minister for Health:

- (1) As a baby's crib, which is designed to create the impression that the child is in close proximity to its mother, has been developed by an Adelaide based company, Safe-n-Sound, and as studies have apparently shown that the design of the crib reduces the shock of birth by providing the baby with a feeling of security, is it intended to evaluate the crib for use in Western Australian Government hospitals?

- (2) If so, what form will such evaluation take?

- (3) If not, why not?

Mr HODGE replied:

- (1) Yes.

- (2) Flinders Medical Centre has agreed to make a cot available for evaluation by King Edward Memorial Hospital.

- (3) Not applicable.

HEALTH*Vaccinations: Infants and Unborn Children*

1251. Mr GRAYDEN, to the Minister for Health:

- (1) What vaccinations are normally given to infants in Western Australia during the first year of life?

- (2) Has any research been carried out in Western Australia in respect of immunising unborn children against disease such as tetanus by vaccinating their mothers during pregnancy?

Mr HODGE replied:

- (1) Western Australia adheres to the immunisation schedule recommended by the NH & MRC which is as follows—

2 months of age—Triple Antigen & Sabin Vaccine;

4 months of age—Triple Antigen & Sabin Vaccine;

6 months of age—Triple Antigen & Sabin Vaccine;
12 months of age—Measles-Mumps Vaccine.

- (2) I am not aware of any such research.

HEALTH

Asbestos: Number Affected

1252. Mr GRAYDEN, to the Minister for Health:

- (1) How many cases of asbestos-related diseases have been accepted by the pneumoconiosis medical board?
- (2) Of such cases, how many have not been related to Wittenoom exposure?
- (3) Is it known how those who had no association with Wittenoom contracted an asbestos-related disease?

Mr HODGE replied:

- (1) Accurate records are available from 1977 and indicate 107 from 1977 until the end of 1982. One hundred and ninety five are recorded from 1965 to 1976, but it is possible that some of these have been recorded twice.
- (2) Not accurately known, but estimated less than 15 per cent.
- (3) In various activities involving asbestos in a number of industries—e.g. lagging, boiler-making, insulation, spraying, cutting and mixing, stitching or sewing, mill operating, stevedoring, making fire doors, cleaning bags, fitting and turning.

HEALTH

Renal Dialysis

1253. Mr GRAYDEN, to the Minister for Health:

- (1) What is the approximate annual cost of dialysis?
- (2) What is the approximate cost of a kidney transplant?

Mr HODGE replied:

- (1) \$1 234 000 total annual cost. The cost per patient varies considerably.
- (2) \$6 000 in the first year; \$300 to \$1 000 for the second and subsequent years.

HEALTH

Vaccinations: Poliomyelitis

1254. Mr GRAYDEN, to the Minister for Health:

- (1) Is any form of compensation available for Ross Davis, the 12 year old boy crippled with polio which was induced by a polio vaccination, and other victims of vaccination-induced polio?
- (2) Does a similar risk exist with vaccinations for other diseases, such as tetanus?
- (3) If so, are parents now warned of the risks involved with vaccinations, especially those carried out in schools?
- (4) Does any fund now exist which would provide compensation for vaccination induced diseases?

Mr HODGE replied:

- (1) Compensation in such unfortunate cases as these is usually considered to be a matter for civil action. It would not be appropriate, therefore, to comment on an individual patient.
- (2) While it is a truism that no medical procedure, including immunisation, is totally devoid of all risks, the procedures currently offered by the department have been thoroughly examined by the National Health and Medical Research Council and overseas health authorities and are considered to be safe and effective for their intended purpose.
- (3) Parents of children immunised at the Public Health Department's clinic are given an information slip, including details of possible adverse reactions, prior to vaccination. Vaccinations against rubella and tuberculosis are offered to school children and explanatory leaflets, which include reference to possible reactions, are sent home with request forms for parental approval.
- (4) No. However, there was a fund which provided assistance to persons disabled by polio which has now been replaced by the provision of aids for the disabled scheme and other assistance through public hospitals.

FUEL AND ENERGY: PETROL

Additives: Environmental Effect

1255. Mr GRAYDEN, to the Minister for Transport:

- (1) What additives, other than lead, are present in petrol?
- (2) How do these additives affect the environment?

Mr GRILL replied:

- (1) I am advised that such additives are hydrocarbon compounds, compatible with the blend of hydrocarbons which constitute the petrol itself. Their use varies between oil companies. Typical additives are dye, antioxidants, corrosion inhibitors, and lubricants. Should the member require technical details of the chemical compounds used I would suggest he make inquiries of the individual oil companies.
- (2) Vehicle emission control regulations set limits on the amounts of hydrocarbons as a whole, both from evaporation and as unburnt products in exhaust gases, to ensure that they do not exceed levels of environmental concern.

HEALTH

Diet Products: Investigations

1256. Mr GRAYDEN, to the Minister for Consumer Affairs:

- (1) Have investigations been made into diet food meal replacements which are on sale in Western Australia?
- (2) Has consideration been given to the banning of these diet foods?
- (3) Has the Government's price-watch bureau investigated the pricing of these diet foods?

Mr TONKIN replied:

- (1) and (2) These are clearly questions which should be addressed to the Minister for Health.
- (3) No complaints on the price of the diet foods referred to have been received by the prices monitoring unit.

HEALTH

"Health 83" Magazine: Claims

1257. Mr GRAYDEN, to the Minister for Health:

- (1) What evidence, if any, supports the claim made in *Health 83* magazine that—
 - (a) feeding cow's milk to babies could cause a fatal brain disease;
 - (b) coffee was a major form of cancer;
 - (c) light from fluorescent tubes caused one of the deadliest diseases known to man?
- (2) What are the diseases referred to in (a) and (c)?
- (3) Have there been any instances of such diseases in Western Australia and, if so, was their occurrence attributed to the causes listed by the *Health 83* magazine?

Mr HODGE replied:

The magazine to which the member refers lacks all credibility with the scientific community and with health authorities throughout Australia. Its irresponsible claims should be given neither currency nor credence by the member.

HOSPITAL: ROYAL PERTH

Procedures: Restriction on Development

1258. Mr GRAYDEN, to the Minister for Health:

- (1) Is it a fact that the current financial squeeze on Royal Perth Hospital is restricting development of new procedures in areas such as marrow transplants?
- (2) Which are the specific areas which are being disadvantaged in this way?
- (3) Have discussions been held with a view to determining priorities in respect of this matter?
- (4) If so, what form did the discussions take?

Mr HODGE replied:

- (1) Hospitals themselves have always been responsible for establishing priorities for existing service and new initiatives within the overall Budget allocation.
- (2) See above.
- (3) and (4) Hospitals would have given consideration to priorities in the framing of their budget submissions and in pre-Budget discussions.

DAIRYING

Goat's Milk

1259. Mr GRAYDEN, to the Minister for Health:

- (1) Is goat's milk recognised as a suitable alternative for those allergic to cow's milk?
- (2) Is it a common allergy that brings on asthma attacks from drinking cow's milk?
- (3) Is goat's milk readily available for such allergy sufferers?

Mr HODGE replied:

- (1) This question relates to clinical medicine and an answer should be obtained from an appropriate specialist; however I believe it is.
- (2) I believe not.
- (3) Yes.

1260. *This question was postponed.*

EDUCATION

Non-Government Schools: Funding

1261. Mr PETER JONES, to the Minister for Education:

With reference to his answer to question 1185 of 1983 respecting Government funding for independent schools, and being well aware of the status of the Schools Commission, would he please detail the formula or criteria used to determine grants made on a "needs" basis?

Mr PEARCE replied:

The needs basis used by the Commonwealth Schools Commission is determined by that body on its own formula calculations details of which are not known by the State. In reply to question 1142, I advised that when the Government's needs policy of funding is introduced it will be on the basis of a *per capita* grant to all schools with a "topping up" component calculated on a needs basis. The method of determining the needs basis will be decided after discussions with non-Government schools.

1262. *This question was postponed.*

EDUCATION

Non-Government Schools: Funding

1263. Mr PETER JONES, to the Minister for Education:

Adverting to question 1185 of 1983 respecting funding for independent schools, and his subsequent answer, will he please say whether he and/or the State Government support the Federal Government funding directive that—

State Planning and Finance Committees will not recommend funding for a new school in an established area unless it can be shown that there will not be a significant negative impact on the enrolments in nearby Government and non-Government schools and it can be shown that there is a legitimate demand for educational services that cannot be satisfied in existing schools?

Mr PEARCE replied:

It is noted that the member has quoted a Commonwealth statement without its first sentence and without the three footnotes qualifying its meaning.

The intended outcome, that of reducing the tax burden on our citizens, has my support and is consistent with Government policies.

In its "Funding Guidelines to the Commonwealth Education Commission for 1984, Attachment B, Section 3.3" of 28 July 1983, the funding procedures for new schools are further amplified. These propose a level of co-operation and consultation with State education authorities at a level of planning notably absent in the years prior to 1983.

EDUCATION: TECHNICAL AND FURTHER EDUCATION

Fees: Increase

1264. Mr MENSAROS, to the Minister for Education:

- (1) Further to his reply to question without notice 207 by the member for Karrinyup concerning tertiary and further education fees, does the aggregate amount expected to be collected from TAFE fees in what he terms "the leisure further education area" cover the costs under this definition?

- (2) Whether it does or does not, what items are being taken into consideration to determine the cost?

Mr PEARCE replied:

- (1) No.
(2) Teachers' salaries and the proportion of consumable and clerical expenditure related directly to these classes.

EDUCATION: TECHNICAL AND FURTHER EDUCATION

Fees: Increase

1265. Mr MENSAROS, to the Minister for Education:

In order to respond to queries by constituents, could he please give reasons why pamphlets have been left for perusal only three weeks before commencement of courses in, for instance, the Karrinyup Shopping Centre, regarding technical and further education new courses for the third term in the Scarborough technical school, advertising fees, which were nearly doubled when people wanted to enrol?

Mr PEARCE replied:

It is the practice for information regarding class programmes to be prepared and circulated locally by technical colleges, schools, and centres well in advance of the enrolment period. Some of the information pamphlets for third term classes did of course include reference to the fees previously payable.

However, advice of the increased fees payable for the third term classes was circulated widely after the decision was made on 19 August and was given prominence in a 4-page lift-out advertisement in *The West Australian* on Wednesday, 9 September prior to the enrolment period.

COMMISSIONERS FOR DECLARATIONS

Course of Instruction

1266. Mr MENSAROS, to the Minister representing the Attorney General:

As all the applications for appointment to the commission of the peace by my constituents since he took office have been rejected, and as these applicants generally were and are eager to give up-to-date advice to people as com-

missioners for declarations, would the Attorney General consider introducing courses in relevant legal subjects for commissioners for declarations?

Mr GRILL replied:

No. Commissioners for declarations are appointed to aid in the execution of statutory declarations and documents by witnessing signatures. It would be impractical to alter their powers beyond those provided for in the Declarations and Attestations Act.

WATER RESOURCES

Rates: Pensioner Concessions

1267. Mr MENSAROS, to the Minister for Water Resources:

- (1) Further to his reply to my question 1169 of 1983 respecting Metropolitan Water Authority pensioner concessions, could he please state what is the total value of revenue lost on account of pensioners concessions by the Metropolitan Water Authority in 1982-83?
(2) How much of this has been refunded by the Treasury to the Metropolitan Water Authority?

Mr TONKIN replied:

- (1) Rates concessions granted to eligible pensioners in 1982-83 totalled \$3 638 067.
(2) \$1 819 034.

SUPERANNUATION

State Energy Commission

1268. Mr MENSAROS, to the Minister representing the Minister for Fuel and Energy:

Could the Minister please give the estimated—or if actuary figures are available, the exact—accrued liability for the State Energy Commission's contribution to superannuation of eligible employees?

Mr BRYCE replied:

See the financial and statutory reports of the State Energy Commission for year ended 30 June 1982.

Further information will be available when the 1983 report is tabled.

1269. *This question was postponed.*

SLIPWAYS

Fremantle

1270. Mr MENSAROS, to the Minister for Works:

- (1) What were the occupancy rates of the Fremantle slipways from 1 January 1983 to 30 June 1983—that is, how many days were each of the slipways vacant?
- (2) What is the estimated financial result for the slipways during this period?

Mr McIVER replied:

- (1) Slipway 1 was vacant for 149.5 days; slipway 2 was vacant for 171 days.
- (2) The estimated financial result for the six month period to 30 June 83 is a loss of \$101 614.

SLIPWAYS

Fremantle

1271. Mr MENSAROS, to the Minister for Works:

- (1) What is the number of Public Works Department permanent workforce at the Fremantle slipways?
- (2) How many, if any, part-time workers are employed?
- (3) Does the Public Works Department offer to look after internal fittings and repairs of vessels, or does it only slip them?

Mr McIVER replied:

- (1) Currently two.
- (2) This varies dependent on the requirements of the vessels slipped and can be up to 10.
- (3) The Public Works Department arranges the slipping of all vessels. Cleaning of the hull and basic servicing of bilges and freshwater tanks is arranged and undertaken by the Public Works Department if requested.

GOVERNMENT DEPARTMENTS AND
INSTRUMENTALITIES*Administration*

1272. Mr MENSAROS, to the Premier:

As the Government's policy appears to be to instruct instrumentalities which have their own board of management regarding business policy decisions, as was

the case with the Western Australian Greyhound Racing Association, is he considering to reorganise these statutory authorities into Government departments for easier administration?

Mr BRIAN BURKE replied:

No.

1273. *This question was postponed.*

HEALTH

Abortions: Prosecutions

1274. Mr CRANE, to the Minister for Police and Emergency Services:

- (1) Under the present law on termination of pregnancy, how many offences have taken place in each of the last five years?

- (2) How many prosecutions have resulted from this?

- (3) How many of these prosecutions were successful?

Mr CARR replied:

- (1) No breaches of the present law relating to unlawful termination of pregnancy were reported or inquired into by police in this State during the last five years.

- (2) and (3) Answered by (1).

TELEVISION

Public Television (WA) Inc.: Grant

1275. Mr HASSELL, to the Minister for the Arts:

Will he please table a copy of the advice he has received in relation to his proposed grant to Public Television (WA) Incorporated?

Mr DAVIES replied:

The substance of the advice I have received is that the Instant Lottery grant to Public Television (WA) was properly made. The officer who tendered this advice is presently out of the State; but on his return I will discuss with him the tabling of a suitable document.

POLICE

Recording System

1276. Mr HASSELL, to the Minister for Police and Emergency Services:

- (1) Is the Police Department considering the use of the TPR recording system being promoted by 3M Australia Pty. Ltd.?
- (2) If so, what is the progress with the review and when is it likely to be completed.

Mr CARR replied:

- (1) and (2) The TPR recording system is currently in the prototype stage; and units are not available for testing by police at this time.

The Police Department is aware of the use and function of the system, and the 3M TPR equipment will be considered along with other similar types of equipment when future departmental requirements are under consideration.

RAILWAYS

Accident: Recommendations

1277. Mr LAURANCE, to the Minister for Transport:

- (1) Further to his answer to question 1220 of 1983, will he provide me with the recommendations of the board of inquiry into the train smash of 29 June 1983?
- (2) To what did the board of inquiry attribute the cause of the accident?
- (3) What corrective measures have been adopted by Westrail in order to ensure that the circumstances which caused the accident should not recur?

Mr GRILL replied:

- (1) For the reasons already given to the member, all particulars of the board of inquiry report cannot be released and this situation will remain until the matter has been properly examined by the Attorney General and myself.
- (2) Although I am reluctant to provide any details, because certain information has been acquired by the media I confirm that human error in the observation of railway signals caused the accident.
- (3) Appropriate disciplinary action has been taken against the person concerned.

CONSERVATION AND THE ENVIRONMENT

Dampier Archipelago: Shacks

1278. Mr LAURANCE, to the Minister for the Environment:

- (1) How many shacks are currently known by the Department of Conservation and Environment to exist on the islands of the Dampier Archipelago?
- (2) Will he detail the number of shacks on each of the islands?
- (3) Is it intended to offer leases to the squatters currently occupying shacks on these islands?
- (4) If "Yes" to (3), on which islands will these leases be offered?
- (5) What is the intended term of these leases?
- (6) What will be the annual cost of such a lease?
- (7) Will the lease be between the occupier and the Minister for Environment, the Minister for Lands, or another Minister?
- (8) Are all the existing shacks on land controlled by the Minister for the Environment?
- (9) What is intended for the shacks which are located on islands where leases will not be offered?
- (10) Will the shack owners who have shacks on islands where it is not intended to offer leases be offered alternative, acceptable sites?
- (11) Will there be any sites available for additional shacks to those already existing?

Mr DAVIES replied:

- (1) 29.
- (2) Enderby Island—2
Goodwyn Island—1
Rosemary Island—1
Malus Island—7
West Lewis Island—13
East Lewis Island—3
Delambre Island—2
- (3) Yes, on permitted islands.
- (4) East and West Lewis and Malus Islands.
- (5) Annual.
- (6) \$200.
- (7) The lease will be between the occupier and the Minister for the Environment.

- (8) No.
- (9) The owners of such shacks will be offered suitable alternative sites on permitted islands.
- (10) Answered by (9).
- (11) Yes.

QUESTIONS WITHOUT NOTICE

WATER RESOURCES

Sawyers Valley

306. Mr HASSELL, to the Minister for Water Resources:

What are the reasons for the refusal of the Metropolitan Water Authority and the country areas water supply to provide a water connection to Lot 76, Mitton Place, Sawyers Valley?

Mr TONKIN replied:

This lot is in the area serviced by the Metropolitan Water Authority. It is zoned rural and supply therefore depends upon availability.

It is adjacent to two systems, one gravity and one a pumped high level system.

The lot in question is too high to be served by the gravity system and the high-level system has insufficient capacity to serve any further lots.

LAND: NATIONAL PARK

Hamersley Range: Townsite Proposal

307. Mr BLAICKIE, to the Minister for Regional Development and the North West:

- (1) Has the Government given any undertaking through the Government or private enterprise to proceed with the development of a new Wittenoom townsite?
- (2) Is the proposal located in the Hamersley Range National Park, and what steps has the Government taken to meet the requests of environmental and conservation groups who are opposed to the national park development?
- (3) Does the proposal, or any proposed road system, impinge on any Aboriginal reserves in the area, and if so, what is Government's policy in this regard?

Mr GRILL replied:

- (1) No.

- (2) White Industries Ltd. have come up with a proposal that was part of a report initially commissioned by the previous Government and carried on by myself as Minister for Regional Development and the North West.

Mr Blaickie: Would it be possible to table a copy of that report?

Mr GRILL: Copies of the report are freely available, and if the member telephones my office he will be provided with one. That report recommends a certain site, and, as I said, it was the subject of an agreement with the previous Government that if we selected that site, the fee of \$175 000 for the compilation of the report would not need to be paid. The company imposed a time limit on that of six months, and it was also on the basis that White Industries Ltd. would then be commissioned to proceed with the construction of the proposed township.

Mr Blaickie: Does that mean that you are going to have the development within the national park?

Mr GRILL: No decision has been made on that at the present time. In respect of the national park, we have indicated to environmental groups every care will be taken to ensure that the park is not damaged in any way. If the proposal goes ahead—and I remind the House that at this stage it is just a proposal—we have also indicated to environmental groups that we would ensure an environmental research and management programme is prepared in respect of the proposed location and its possible impact on the national park.

- (3) No, it does not impinge on any roads. However, it is close to the new national highway. In fact it runs within about a kilometre of the new national highway going through the national park. The proposed townsite is, as I have already implied, within the national park, but it does not impinge on any Aboriginal sites as far as we know at this stage. The final details in that respect will not be known until the environmental research and management programme is finalised.

Mr Blaickie: And will it be brought to Parliament in the end?

MEMBERS OF PARLIAMENT

Gold Passes

308. Mr READ, to the Minister for Transport:
- (1) How many ex-members who held seats in the thirtieth Parliament have returned their gold pass?
 - (2) How many ex-members of the same Parliament have not returned their gold pass?
 - (3) Have those delinquent in returning their gold pass been asked to return that pass?
 - (4) Could the Minister name those who fall into this category?
 - (5) On what grounds or under what privilege do these ex-members retain their gold pass?

Mr GRILL replied:

- (1) Eleven.
- (2) to (4) One, Mr R. S. Shalders, the former member for Murray, who on a number of occasions has been requested to return the gold pass.
- (5) Retired members of Parliament are entitled to various passes depending on length of parliamentary service and offices held while in Parliament. However, in all cases they are required to return the gold passes held during their terms of office.

TRANSPORT

Inter-State Commission Act

309. Mr LAURANCE, to the Minister for Transport:

- (1) Was he consulted by his Federal counterpart before the Federal Government decided to proclaim the Inter-State Commission Act?
- (2) What effect does he believe this move by the Federal Government will have on the transport industries in this State?

Mr GRILL replied:

- (1) No.
- (2) If the member puts the question on notice I will give him a considered reply.

TOBACCO (PROMOTION AND SALE) BILL

Misleading Claims

310. Mrs HENDERSON, to the Minister for Health:

- (1) Is the Minister aware of the various misleading claims being peddled about the Tobacco (Promotion and Sale) Bill?
- (2) In particular, is he aware of recent claims that there is no provision in the legislation for juveniles convicted under the Act to be required to undertake community service orders or to attend educational programmes on the ill-effects of smoking and that a fine will be the only provision for dealing with them?

Mr HODGE replied:

- (1) and (2) The Tobacco (Promotion and Sale) Bill is no different from other legislation as it relates to juveniles. Juveniles in breach of a particular law are subject to the Child Welfare Act and are dealt with in the Children's Court.

Under the Act, the court has the discretion, and experience indicates that the discretion is used, to treat first offenders in the following manner—

- (a) they can be discharged to the care of their parents and directed to attend appropriate educational programmes;
- (b) they can be placed on a good-behaviour bond;
- (c) they can be required to undertake a community service order;
- (d) the imposition of a fine up to the maximum; the rule of thumb appears to be one-fifth of the maximum for first offences.

Mr Blaikie: Would you do the same if they were smoking marihuana?

Mr HODGE: It should be remembered by members that it already is an offence under existing legislation for juveniles to purchase cigarettes or tobacco products.

In view of the serious misinformation being put about concerning this Bill I invite any member who has concern over any item of the legislation to submit it in writing and I will have it investigated.

MINERAL SANDS

Industry: Inquiry

311. Mr PETER JONES, to the Minister for Health:

In regard to the increasing concern felt in the mineral sands industry about the Government's inquiry which will report to him, and the way the inquiry is now being seen as a clear attempt to put the industry out of business—

The SPEAKER: Order! The member will ask his question.

Mr PETER JONES: I ask—

Would the Minister indicate what discussions he has had with the mineral sands industry in order to placate their fears regarding the activities of the inquiry and in particular about two members of the inquiry?

Mr HODGE replied:

I can assure the member it is not my intention or the Government's intention to try to jeopardise or put at risk in any way the future of the mineral sands industry. On the contrary, the Government is trying to ensure that the safety and welfare of the public and any employees of the mineral sands industry are not in any way put at risk. The Minister for Mines had talks with the Chamber of Mines, and the chamber designated Mr Tough, the Managing Director of Allied Eneabba Ltd. to be its representative on the committee of inquiry. As far as I understand it, the chamber is perfectly happy for Mr Tough to represent it, and for the inquiry to be held. It has been consulted by the Government through the Minister for Mines all the way through, and I understand that the inquiry is proceeding very satisfactorily. The reports which have come forward to me so far indicate there has been terrific co-operation from the companies; they have been prepared to co-operate in every way requested by the chairman of the inquiry, Professor Wynn. I believe the inquiry is proceeding satisfactorily and I am looking forward to receiving a report so that, for once and for all, we can put to rest any fear that the health and welfare of the work force is in any way jeopardised.

Mr Peter Jones: You are promoting the fear.

Mr HODGE: No fear is being promoted. The industry has been consulted. It has put forward its representative in Mr Tough, a very adequate representative. The employees are being represented through Dr Matthews, and the independent and highly qualified chairman is Professor Wynn. I do not know whether the member is casting aspersions on Professor Wynn; he is an internationally recognised scientist, and a perfectly independent person who I believe is conducting the inquiry with great propriety.

Mr Peter Jones: I am not casting aspersions on him, but do you think Dr Matthews is independent?

HEALTH: DENTAL

Fluoridation of Water Supplies: Towns

312. Mr TONKIN (Minister for Water Resources):

The member for Vasse asked me question 1044 on Wednesday 14 September. He then made a telephone call to Mr John Stanley, the Chief Engineer (Operations South) of the Public Works Department who, when he received the call, realised the information he provided to me was incomplete. The actual answers provided to the member for Vasse were correct as far as they went; nevertheless, some towns which are provided with fluoridated water were not included in the list. They are as follows—

Mandurah
Furnisdale
Yunderup
Jarrahdale
Pickering Brook
Coodanup
Ravenswood
Riverside Gardens
North Dandalup
Upper Swan

I apologise to the House for providing an only partially correct answer.

Mr Blaikie: I very much appreciate the Minister's reply.

NATURAL DISASTER

Drought: Loans

313. Mr STEPHENS, to the Minister for Agriculture:

With regard to drought assistance, I understand many farmers who have qualified for carry-on finance, particularly those within the electorate of Stirling, have been advised that funds are not available. I ask—

- (1) Could the Minister advise what action is being taken to ensure funds will be made available?
- (2) When will this action be likely to lead to a result?

Mr EVANS replied:

- (1) and (2) I am not able to give a definite date or a firm response to the member for Stirling. The matter is under consideration, and as soon as I am able to I will give him the reply.

RAILWAYS

Midland Workshops: Security of Employment

314. Mr GORDON HILL, to the Minister for Transport:

I refer to an article in *The Midland Reporter* of today in which a Tom Herzfeld claims that the Government intends to place workers at the Midland Workshops on a four-day week, and that there is no security of employment at the workshops. I ask—

- (1) Is it a fact that the Government intends to reduce the number of working days in a week for employees at the Midland Workshops?

Mr Rushton: You are claiming you have spent \$5 million, which you have not done. You are misleading the public.

Mr GORDON HILL: It is members opposite who are misleading the public; it is their candidate. My question continues—

- (2) Can employees at the Midland Workshops be guaranteed security of employment?

Mr GRILL replied:

I thank the member for some brief notice of the question, the answer to which is as follows—

- (1) and (2) I have not seen the article in question. However, if it makes

the assertions as set out in the member's question, I am astounded. There is no plan to reduce the number of working days for Westrail employees at the Midland Workshops. As part of the Government's policy of granting a 38-hour week for Westrail employees, most workers at Midland Workshops were granted a 19-day month some time ago. Any claim that the working week will be otherwise reduced is untrue and irresponsible.

Mr Burkett: Liberal lies!

Mr GRILL: All Westrail employees, including Midland Workshops workers, are guaranteed security of employment. Such false claims are scaremongering at their worst.

Mr Rushton: What about scaremongering? You said it was closing down and it was totally untrue.

Mr GRILL: It is clear that this Press statement is motivated by the basest of political motives.

Any person who willingly and apparently maliciously raises such fears for workers' jobs in the present economic recession does not deserve to represent any seat in this House.

MEAT: LAMB

Marketing Board: Producer Representatives

315. Mr McNEE, to the Minister for Agriculture:

- (1) Have some lamb producers been removed from the roll in the current election for the producer representative to the Lamb Marketing Board?
- (2) If "Yes" would the Minister advise the reasons they were removed?

Mr EVANS replied:

- (1) and (2) I would like to read the notice that will go into the Press which states the different eligibility criteria. It will clarify the position for the member for Mt. Marshall and other members. It reads as follows—

The Western Australian Government has directed that a Referendum be held to determine the attitude of lamb producers to the Western Australian Lamb Marketing Board.

1. Ballot papers will be mailed to those lamb producers who booked 100 or more lambs with the Board, or to the Board through an agent, in either 1981/82 or 1982/83. Such producers are readily identifiable from the records of the Board and no application for ballot papers is necessary in these cases.
2. Producers who did not consign 100 or more lambs through the Board but who sold 100 or more lambs in either 1981/82 or 1982/83 directly to an abattoir operator or wholesale butcher through an agent are eligible to vote. Such producers are required to apply in writing for ballot papers to the Hon. Minister for Agriculture and to provide documentary evidence by October 12 of such sales from the agent concerned.
3. Producers who did not consign 100 or more lambs through the Board or direct to abattoirs or butchers but who sold 100 or more lambs at auction for slaughter in WA in either 1981/82 or 1982/83 are eligible to vote.

Mr McNee: With respect, that is not the election to which I am referring. I am talking about an election for a producer member, and you are talking about a referendum. We are talking about different things.

Mr EVANS: I thought the member would be interested in the matter of the Lamb Marketing Board and the problem that exists at the present time. Perhaps if I continue with the statement members, and even the member for Vasse, might be interested.

Mr Hassell: You can hand around a copy of the statement later. Answer the question that the member for Mt. Marshall asked.

Several members interjected.

The SPEAKER: It is not the answer to the question asked of the Minister.

Several members interjected.

Mr Clarko: This is called answers without questions.

Mr EVANS: I misunderstood the question because I did not hear the question from the member for Mt. Marshall. Perhaps the member for Mt. Marshall would care to restate the question by way of an interjection.

Several members interjected.

Mr McNee: With your permission, Mr Speaker, I will restate the question as follows—

- (1) Have some lamb producers been removed from the roll in the current election for a producer representative to the Lamb Marketing Board?
- (2) If "Yes" I would like the Minister to advise the reasons those producers were removed from the roll?

Mr EVANS replied:

- (1) and (2) The question was very well restated, Mr Speaker. I am not aware of any producers being removed from the roll but I will make it my business to ascertain if they have been and, if so, the reason this has occurred.

DAIRYING

Dairy Industry Act: Amendment

316. Mr D. L. SMITH, to the Minister for Agriculture:

Is it the intention of the Government to amend the Dairy Industry Act this session?

Mr EVANS replied:

Yes, it is the intention of the Government to introduce amending legislation to the Dairy Industry Act during the course of this session. This intention followed the report of the Honorary Royal Commission of 1982 and wide discussions with people from different aspects of the industry.

I believe this was the subject of an announcement some time ago. Following notice of the question given by the member I checked at what stage the drafting of the Bill had reached in connection with the amendment; apparently it has reached a fairly advanced stage. I am hoping to have it ready for introduction to this House within several weeks.

COMMUNITY WELFARE

Institutions: Closure

317. Mr HASSELL, to the Minister for Youth and Community Services:

- (1) I ask the Minister whether he is concerned with the recent closure of one of the Department for Community Welfare institutions that deals with juvenile offenders and which lessens the capacity of that department to deal effectively with juvenile offenders?
- (2) Is he aware that the transfer of some juvenile offenders to what are described as community based or home institutions, or homes in the community is resulting in an increase in the level of escapes?
- (3) Is he aware of the considerable concern in some sectors of the community about the continuous return of juvenile offenders to the community, even though they have recorded multiple convictions, which has resulted from the closure of an institution which deals with offenders.
- (4) Does the Minister believe that it is wise for the department to close an institution before the results of the Edwards inquiry into the treatment of juvenile offenders has been put into operation and before the current inquiry which he has just commissioned in the department is reported.

Mr WILSON replied:

- (1) to (4) Firstly, I assume that the Deputy Leader of the Opposition is referring to the closure of Hillston—although he did not make it clear in the question.

Mr Hassell: There were two institutions closed; the other one did not refer to offenders.

Mr WILSON: The Deputy Leader of the Opposition was referring to offenders in his question.

The process of the institutionalisation to which his question refers is a process which receives high commendation in the Edwards report. The department is following very closely the recommendation of the Edwards report which that member as a former Minister for Community Welfare—

Mr Hassell: On a purely piecemeal basis.

Mr WILSON: If the Deputy Leader of the Opposition wants information I suggest that he listens.

The other points raised in the question are points of pure conjecture. The Deputy Leader of the Opposition raised a question about wide concern in the community which was not based on any facts. It is certainly not a view made known to the department or myself.

I will have the matters investigated, but I do not know how I can unless the member gives me more information.

Complaints have not been made to me or my department but they have obviously been made to the Deputy Leader of the Opposition. If he is prepared to reveal the source of his information and the scope of his anxiety in terms of facts, I will be pleased to have them followed up.

If the Deputy Leader of the Opposition would like to direct questions to me about this matter, I will be pleased to have them answered, but I do not intend to answer questions based on conjecture only.

RAILWAYS

Accident: Inquiry

318. Mrs WATKINS: to the Minister for Transport:

Is the Minister prepared to make public the findings of the board of inquiry into the recent head on, slow-speed collision of two passenger trains near the Perth Railway Station?

Mr GRILL replied:

I am simply not in a position to release the finding of the board, even if I wanted to. I must confirm my previous advice to other questions on this matter. The inquiry was and is purely an internal Westrail matter.

I cannot reveal all the details of the findings or the recommendations of the board of inquiry without placing at risk of a legal suit in court for defamation the members of Westrail and the member of the public who made up the board of inquiry or the witnesses who have evidence before the inquiry.

Before the report could be made public the present state of the law would have

to be substantially amended and it is a question as to whether it is in the best interests of the public to make these substantial amendments.

Although there are arguments either way, there is a strong case for the view that Westrail's internal inquiries into such accidents should be allowed to continue in their present flexible manner which goes to the root of the problem and the cause of the accident very quickly without burdening the inquiry with all the constraints of a very formal and legalistic public hearing which necessarily would involve the whole cumbersome process of the law and lawyers.

It is also doubtful whether Westrail should be singled out for such discriminatory action bearing in mind that it carries only a fraction of the passenger traffic in this State.

Nevertheless, I am referring the matter to the Attorney General (Mr Berinson) for his comment and further consideration.

I am aware that the previous Government also made a review of this matter some time ago. In fact I have a copy of an opinion of the Crown Solicitor directed to the Attorney General dated 13 November 1981 indicating that no privilege, qualified or otherwise, would attach to a report of this very nature if published generally or tabled in Parliament.

That opinion does indicate that it was however possible to amend the Criminal Code and other laws to grant some privilege to such publication. Such amendment, the Crown Solicitor warned, would be quite far reaching. No doubt, after considering this opinion, the then Government decided not to take the matter further.

Mr Rushton: That is not true.

Mr GRILL: Opposition members had from 1981 until last February to do something.

Mr Rushton: We were proceeding with it and you should be aware of it but there had to be protection for those people of whom you speak.

Mr GRILL: I repeat that Opposition members had from 1981 until February to do something. Forgive me for saying this, but advice from my office does not support the question that has been put forward.

It is consequently a matter of some considerable hypocrisy for the member for Gascoyne, who was a member of that former Government, to now call for the release of the present report.

I would further add, for the benefit of those members of the media who are pressing for release of this particular report, that they do not seem to have public opinion behind the move.

Despite the fact that this matter has received a very considerable airing by the media I have not received one letter on the subject or one telephone call. Nor have I seen one letter to the editor on the subject.

I would like to add that I am proud—I would have liked to include my predecessor in this remark, but I do not know whether I should—of the safety record of the railways.

Although there are some arguments in favour of amending the law to allow these reports to be made public there are also weighty arguments on the other side. Not the least of these arguments is the purely practical one mentioned above: the question of a quick, flexible and efficient inquiry for the purpose of safety. I would hate to see these inquiries bogged down and tied up with reams of legalistic red tape.

I remind members that members of the public aggrieved or injured in any such accident should have the matter aired in the courts of this land.