illogical diatribe. One point to which I wish to refer is the constant use of the term "gerrymander". The honourable member read out a description of the word which I suppose everyone in politics has read for himself or herself.

Any area which has to be divided must have a boundary. The boundaries of Western Australia are set by the coast and the boundaries between Western Australia and South Australia, and Western Australian and the Northern Territory. For a number of years there has been a boundary around the metropolitan area. However, as the honourable member must surely know, a gerrymander is when a particular electorate is so organised that it takes in a majority of the voters for the party it is desired should be elected and absorbs a minority of the votes of the party it is desired to defeat. That has to be done with malice aforethought drawing every single line of every single electorate.

To say that this Bill constitutes a gerrymander is a complete, utter, and malicious fabrication. Under our system it is totally and absolutely impossible to get a gerrymander in the classic sense as described by Mrs Vaughan because the division of the area is handed over to a reputable group which has no relationship with politics or with political parties, anyway.

As several speeches have been based on that sort of assertion, they have no value. I think members ought to accept that.

As I read the introductory speech to this Bill, on behalf of my colleague, the Minister for Justice, I suppose it is left to me to commend the second reading.

Question put.

The PRESIDENT (the Hon. A. F. Griffith): This Bill requires the concurrence of an absolute majority of the Chamber. In accordance with Standing Order 308 a division must be taken.

Bells rung and House divided.

Ayes—17

Hon. C. R. Abbey	Hon. M. McAleer
Hon. N. E. Baxter	Hon. N. McNeill
Hon. G. W. Berry	Hon. T. O. Perry
Hon. Clive Griffiths	Hon. I. G. Pratt
Hon. J. Heitman	Hon. J. C. Tozer
Hon. T. Knight	Hon. W. R. Withers
Hon. A. A. Lewis	Hon. D. J. Wordsworth
Hon. G. C. MacKinnon	Hon. V. J. Ferry
Hon. G. E. Masters	*(Teller)*

Noes—9

Hon. R. F. Claughton	Hon. R. H. C. Stubbs
Hon. D. W. Cooley	Hon. R. Thompson
Hon. S. J. Dellar	Hon. Grace Vaughan
Hon. Lyla Elliott	Hon. D. K. Dans
Hon. R. T. Leeson	*(Teller)*

The PRESIDENT: I declare the question carried with the concurrence of an absolute majority.

Question thus passed.

Bill read a second time.

House adjourned at 12.04 a.m. (Wednesday).

Legislative Assembly

Tuesday, the 30th September, 1975

The SPEAKER (Mr Hutchinson) took the Chair at 4.30 p.m., and read prayers.

BILLS (9): ASSENT

Message from the Lieutenant-Governor and Administrator received and read notifying assent to the following Bills—

1. Chicken Meat Industry Committee Bill.
2. Radiation Safety Bill.
3. Acts Amendment (Judicial Salaries and Pensions) Bill.
4. Marketing of Barley Act Amendment Bill.
5. Railways Discontinuance and Land Revestment Bill.
6. Weights and Measures Act Amendment Bill.
7. Criminal Code Amendment Bill.
8. Taxi-cars (Co-ordination and Control) Act Amendment Bill.
9. Transport Commission Act Amendment Bill.

PARLIAMENTARY COMMISSIONER'S REPORT

Tabling

THE SPEAKER (Mr Hutchinson): I have for tabling the report of the Parliamentary Commissioner for Administrative Investigations for the year ended the 30th June, 1975.

The report was tabled (see paper No. 421).

QUESTIONS (29): ON NOTICE

1. CANNING VALE PRISON

Construction

Mr BATEMAN, to the Minister representing the Chief Secretary:

In view of the concern being shown by the Fremantle prison authorities regarding the overcrowding of the Fremantle Gaol, will the Minister advise what exactly is happening with regard to the construction of the gaol already commenced at Canning Vale?

Mr O'NEIL replied:

In am assured that the Department of Corrections is not concerned at the alleged overcrowding in Fremantle Prison. The muster at present fluctuates at between 375 and 400, as compared with 623 in 1971-72.

An amount of $293 242.95 has been expended on the erection

of the gatehouse at the Canning Vale complex and, apart from a few minor works, this building is now completed.

Whether or not a start will be made on the building of the long term maximum security unit will depend on priorities determined in the allocation of Loan Funds in the 1975-76 Budget.

2. WATER SUPPLIES

Pemberton

Mr H. D. EVANS, to the Minister for Water Supplies:

Adverting to the reply given to question 21 of 10th September, 1975, will he indicate when the review of the water supply at Pemberton to which he alluded will be commenced, and when the results are expected to be known?

Mr O'NEIL replied:

Preliminary work on the review of the Pemberton water supply has commenced. The quality of the water in the Pemberton Weir will be closely examined over this coming summer and a full report on future requirements will be completed late in the financial year.

3. JUMBO STEELWORKS

Environmental Investigation

Mr A. R. TONKIN, to the Minister for Conservation and the Environment:

(1) (a) Further to question on notice 28 asked on 3rd September, is a procedure or set of guidelines being formulated;

(b) if so, when is it anticipated that they will be finalised?

(2) (a) Is a study of the impact of providing for an "instant" construction workforce to be undertaken before the proposed jumbo steel plant becomes a *fait accompli*;

(b) is a study of the impact of providing for rapid metropolitan growth, anticipated to be stimulated by a jumbo steel plant located in the greater Perth area, to be undertaken?

Mr P. V. JONES replied:

(1) and (2) I refer the honourable member to the answer which will be given to question 4 on today's notice paper.

4. JUMBO STEELWORKS

Economic Impact Study

Mr A. R. TONKIN, to the Minister Co-ordinating Economic and Regional Development:

What study or evaluation, if any, has been undertaken, or is intended, of the economic impact on the district, Perth metropolitan region, and the State, in regard to the proposed establishment of a jumbo steel plant in—

(a) the Pilbara;

(b) a greater Perth location?

Sir CHARLES COURT replied:

The member should appreciate that the studies of the very important and complex jumbo steel project are at a stage when the partners of the consortium are making their assessments as to whether the project is one in which they can participate and, if so, what would be the preferred location, and on what conditions.

At the same time, the Government is doing its part to anticipate, as far as practicable, the various social, economic, and environmental considerations which are involved.

In a negotiation of this kind it is neither possible nor desirable to answer specific questions in view of the wide range of alternatives which exist as to location and the form of an industry.

From the nature of the member's questions, one would be entitled to assume that he is opposed to the establishment of a major steel mill in Western Australia but, be that as it may, the Government has a responsibility to pursue the negotiations to a logical conclusion.

When we are at a stage when the various factors are sufficiently clarified, all appropriate bodies, such as local government, will be consulted and, of course, Parliament will be advised because no project of this magnitude can be implemented without an agreement coming to the Parliament for ratification in one form or another.

As has been publicly stated, the Government and the members of the consortium are conscious of the environmental factors, and these will be made public as soon as it is practicable to do so in a realistic form.

In the meantime, the Government has no desire, or intention, of generating unnecessary controversy in any particular location prematurely.

When all of the facts are known, the alternative can then be stated with reasonable clarity and accuracy for public consideration.

In the meantime, with respect, the Member's questions give the distinct impression that, if he is speaking for his party, the establishment of a major steel industry in Western Australia would not be as welcome by the ALP as we would have thought it would have been—especially having regard for the fact that a major steel industry would not only be a big employer and a big export earner, but it would meet one of the requirements expected by the public of Australia; namely, that we process as much of our raw materials in Australia as practicable and, in our case, in Western Australia.

5. JUMBO STEELWORKS

Land: Costs

Mr A. R. TONKIN, to the Minister for Urban Development and Town Planning:

(1) Has the Town Planning Department, MRPA or Urban Land Council calculated a rough order of costs involved for land necessary to—

(a) enable the siting of a jumbo steel plant;

(b) cater for the estimated associated urban population of 75-100 000 persons?

(2) If so, what are the order of costs involved?

Mr RUSHTON replied:

(1) and (2) This question is answered by the Premier in his answer to question 4.

6. JUMBO STEELWORKS

Hospitals: Costs

Mr A. R. TONKIN, to the Minister representing the Minister for Health:

(1) Has the Health Department calculated a rough order of costs involved in providing hospitals and associated infrastructure to cater for the 75-100 000 urban population likely to be generated through the development of a jumbo steel plant in either the Kwinana-Mandurah or Yanchep-Guilderton areas?

(2) If so, what are the order of costs involved?

(3) If not, how many hospital beds are provided for 100 000 of population in the metropolitan area, and what is the cost involved in the provision of them?

Mr RIDGE replied:

(1) to (3) See answers to question 4.

7. JUMBO STEELWORKS

Educational Facilities: Costs

Mr A. R. TONKIN, to the Minister representing the Minister for Education:

(1) Has the Education Department or other agency under his responsibility calculated a rough order of costs involved in schools and other educational infrastructure to cater for the estimated 75-100 000 urban population likely to be generated through development of a jumbo steel plant in either the Kwinana-Mandurah or Yanchep-Guilderton areas?

(2) If so, what are the order of costs in each case?

(3) If not, what kind of costs are normally involved in the degree of educational capacity required for a population of 100 000?

Mr GRAYDEN replied:

(1) to (3). See Premier's answer to question 4 given today.

8. JUMBO STEELWORKS

Port Facilities: Costs

Mr A. R. TONKIN, to the Minister for Works:

(1) Has the Public Works Department calculated a rough order of costs involved in establishing port facilities associated with the possible siting of a jumbo steel plant in either the Kwinana-Mandurah or Yanchep-Guilderton areas?

(2) If so, what are the order of costs involved?

Mr O'NEIL replied:

(1) and (2) The Member is referred to the answer to question 4.

Mr May: A one-man band!

9. JUMBO STEELWORKS

Water Supplies and Sewerage: Costs

Mr A. R. TONKIN, to the Minister for Water Supplies:

(1) Has the Metropolitan Water Board or the Public Works Department calculated a rough order of costs involved in providing the necessary water supply and sewerage infrastructure associated with the establishment of a jumbo steel plant at either a Kwinana-Mandurah or Yanchep-Guilderton site?

(2) If so, what are the estimated costs for each; and do these figures include the cost of providing the mains distribution to the individual streets?

Mr O'NEIL replied:

(1) and (2) The Member is referred to the answer to question 4.

10. JUMBO STEELWORKS

Power Infrastructure: Costs

Mr A. R. TONKIN, to the Minister for Fuel and Energy:

(1) Has the State Energy Commission calculated a rough order of costs involved in providing the necessary electric power infrastructure to serve a jumbo steel plant located at a greater Perth site?

(2) If so, what is the order of cost involved?

Mr MENSAROS replied:

(1) and (2) See answer to question 4.

Mr Barnett: Who plays the trumpet?

11. JUMBO STEELWORKS

Electricity Supplies and Gas: Costs

Mr A. R. TONKIN, to the Minister for Fuel and Energy:

(1) Has the State Energy Commission calculated a rough order of costs involved in providing the necessary—

(a) electric power;

(b) gas,

infrastructure necessary to serve the estimated 75-100 000 urban population associated with the development of a jumbo steel plant at either a Kwinana-Mandurah or Yanchep-Guilderton site?

(2) If so, what are the order of costs in each case, and do these figures include distribution to the actual houses?

Mr MENSAROS replied:

(1) and (2) See answer to question 4.

12. NUCLEAR POWER STATION

Alkimos or Ledge Point Site

Mr A. R. TONKIN, to the Minister for Fuel and Energy:

(1) Further to question on notice 13 asked on 18th March, 1975, have investigations been carried out in regard to the establishment of a nuclear power station at the Alkimos power station site?

(2) Have any investigations ever been carried out in regard to the establishment of a nuclear enrichment plant at Ledge Point and/or the Alkimos site?

(3) Is the answer to 13 (5) still correct as at this date?

Mr MENSAROS replied:

(1) No. There are no plans for any power station development around this area.

(2) The Alkimos site was, at one time, considered as a possible location for a nuclear enrichment site, as part of a Commonwealth Government survey conducted by the Australian Atomic Energy Commission. Consideration did not proceed further and only preliminary studies were carried out. No investigations have been carried out regarding Ledge Point.

(3) Yes.

13. WATER SUPPLIES

Albany and Westonia Districts

Mr JAMIESON, to the Minister for Water Supplies:

(1) Have the proposed water extensions in the Albany region superseded the priority list as established by the Tonkin Government?

(2) If so, when will consideration be given to the recommendations following the joint consideration of the Department of Agriculture and the Public Works Department?

(3) Particularly, has any determination been made on the proposed extensions in the Westonia district?

Mr O'NEIL replied:

(1) No. The Albany regional scheme provides an overall concept to progressively augment, from water resources along the south coast, the existing supplies for towns in the lower great southern and, at the same time, provide drought relief standpipes to serve the water deficient areas in the south and north Stirlings. The regional scheme incorporates an augmentation for the water supply to Mount Barker for which the Tonkin Government recognised priority.

(2) and (3) The priority list established by the Tonkin Government for extensions to the Comprehensive Water Supply has not been superseded. These (including the farmlands east of Merredin) were included in the recent submission made to the Commonwealth Government.

14. PUBLIC WORKS DEPARTMENT

Day Labour Force

Mr JAMIESON, to the Minister for Works:

In view of the recent Press statement that $50 million in building contracts would be let to private contractors following calling and acceptance of tenders—

(a) what work is to be retained for PWD day labour force;

(b) is this work sufficient to retain the present day labour force and avoid retrenchments during this financial year?

Mr O'NEIL replied:

(a) and (b) The present architectural division day labour force is engaged on a construction programme involving the erection of new high schools at Craigie and Greenwood, additions to Kelmscott and North Lake High Schools, major foundation and preliminary work to the podium block and additions to the radio therapy block at the Perth Medical Centre, as well as several intermediate and minor works.

As these works draw to a close during the financial year, it is the intention to allocate further works to ensure that the day labour force as established at present is gainfully employed.

15. PROSTITUTION

Kalgoorlie: Files

Mr J. T. TONKIN, to the Minister for Police:

Further to my question 11 of Tuesday, 9th September, and the reply to part (1) of the question which read as follows—

(1) Is there a file kept in Perth Police Headquarters re Kalgoorlie brothels?

and the reply—

A file is kept at Police Headquarters re brothels at Perth and Kalgoorlie. ,

will he assure this House that the file referred to is still in the possession of the police and has not been unlawfully removed, lost, misplaced or replaced by a new file?

Mr O'Neil (for Mr O'CONNOR) replied:

Yes.

16. SWAN BREWERY

Canning Vale Site

Mr BATEMAN, to the Minister for Urban Development and Town Planning:

(1) Is it a fact the Swan Brewery have taken up land in the Canning Vale light industrial scheme?

(2) If "Yes"—

(a) will he advise when development of the brewery is to commence;

(b) will he give full details of what proposals are envisaged to dispose of the effluent and waste matter?

Mr RUSHTON replied:

(1) No, but a site has been agreed with the company and negotiation of the terms of its sale is proceeding.

(2) (a) No firm decision has been disclosed to the Government at this stage.

(b) The company is proceeding with the overall planning of the project. Details of its effluent disposal proposals are not yet available. They will conform to the requirements of appropriate authorities.

17. STATE FINANCE

Mining Revenue

Mr T. D. EVANS, to the Minister for Mines:

(1) Would he please furnish a breakdown of revenue to the State for the 12 months ended 30th June, 1975, that is under what headings was the sum of $42 805 989 earned from mining and also a comparative break-down of the 1974 income total $37 516 539?

(2) Would he also indicate the breakdown of expenditure by the State under the heading of Mines for the 12 months ended 30th June, 1975 together with comparative figures for 1974?

Mr MENSAROS replied:

The answers to part (1) and (2) of the question are contained in schedules C and B, which I seek permission to table.

The schedules were tabled (see paper No. 422).

18. PROSTITUTION

Dorothea Flatman, and Henley and Wilkinson: Reports

Mr J. T. TONKIN, to the Minister for Police:

(1) (a) With reference to the report of Mr P. F. Brinsden, Q.C. concerning prostitution allegations, will he table the Police Department report relating to reasons why no prosecutions were lodged against Mrs Dorothea Flatman, referred to on page 12 of the report;

(b) if not, why not?

(2) (a) Will he also table the police report referred to on page 13 of the Brinsden report which relates to the activities of Henley and Wilkinson;

(b) if not, why not?

Mr O'Neil (for Mr O'CONNOR) replied:

(1) (a) No.

(b) Police reports are considered confidential.

(2) (a) No.

(b) Police reports are considered confidential.

19. PROSTITUTION

Summonses

Mr J. T. TONKIN, to the Minister for Police:

(1) When was the general policy instituted under which Mr. Brennan informed Mr P. F. Brinsden he had made the decision to proceed against Mrs Flatman by way of summons?

(2) During the last 18 months how many persons have been proceeded against in connection with prostitution—

(a) by way of summons;

(b) by being arrested, charged and then released on bail?

(3) What were the names of the persons who in the last 18 months were proceeded against by way of summons?

(4) On what criteria is the decision made to proceed by way of summons rather than by having the person arrested?

(5) Why were Patricia Wilkinson and Lynette Shofer not proceeded against by way of summons?

Mr O'Neil (for Mr O'CONNOR) replied:

(1) The decision was made because of circumstances applying at the time and would be applicable to any person in this same set of conditions.

(2) (a) Two.

(b) 228.

(3) Joan Leslie Simpson and Dorothea Flatman.

(4) On the circumstances of the case.

(5) There were no circumstances to warrant departure from the usual procedure of arrest and release to bail.

20. PROSTITUTION

Henley and Wilkinson: Investigation

Mr J. T. TONKIN, to the Minister for Police:

(1) Why was an investigation carried out some years ago by the Police Department in connection with a matter (or matters) with which police officers Henley and Wilkinson were alleged to be involved?

(2) Who was in charge of the investigation?

(3) Did the complaint which resulted in the investigation being made come from inside or outside the Police Department?

(4) Did the investigation relate to any alleged association of either police officers Henley or Wilkinson with Maria Prados?

(5) Was the report which was shown by the police to Mr Brinsden prepared especially for him or was it the original report following the police investigation?

Mr O'Neil (for Mr O'CONNOR) replied:

(1) Because of an allegation that Wilkinson was on intimate terms with prostitute Maria Prados. There was no allegation involving Henley.

(2) Superintendent (then Inspector) Brennan.

(3) Inside the Police Department.

(4) Answered by (1).

(5) The report was specially prepared for Mr Brinsden.

21. INFLATION

Premier's Statement at Coolgardie

Mr JAMIESON, to the Premier:

In view of the recent statement allegedly made by the Premier at Coolgardie that—

> We have rising inflation hitting the mining industry, while our major customers have been able to arrest the problem, putting our market prospects at a disadvantage.

could he indicate—

(a) the countries to which he is referring that have been able to arrest the problem of inflation;

(b) from what source he has obtained such information?

Sir CHARLES COURT replied:

(a) Recent Organisation for Economic Co-operation and Development reports indicate that ten countries have brought down their inflation rates for the year ended 31st July. These included Japan, West Germany and France.

However, the most significant factor is the performance of their economies over the last several months. These indicate a slowing down in the rate of increase and that Japan, the U.S.A., West Germany and France will achieve significant reductions in their inflation rates compared with the previous two years—a factor which is having an impact on attitudes towards forward buying commitments in other countries.

(b) Economic studies and reports.

22. RAILWAY CROSSING

Hamilton Street

Mr JAMIESON, to the Minister for Transport:

(1) What has been the reason for the prolonged delay in the bringing into operation of the Hamilton Street crossing at Queens Park of the Westrail line to Armadale?

(2) As this crossing has been equipped with boom crossing facilities and the Treasure Road crossing some 300 metres east has not these facilities, will he endeavour to have the Hamilton Street crossing opened and the Treasure Road crossing closed at an early date?

Mr O'Neil (for Mr O'CONNOR) replied:

(1) The delay in bringing the Hamilton Street crossing at Queens Park into operation has been due to processing of land resumptions to cater for road works involving erection of road traffic signals.

(2) Yes. It is anticipated that this will be completed by the end of October, 1975.

23. INDUSTRIAL DEVELOPMENT

Aluminium Smelter

Mr MAY, to the Minister for Industrial Development:

(1) Have approaches been made to Alcoa regarding the possible establishment of an aluminium smelter in Western Australia?

(2) If so, will he advise the present position?

(3) Would a major consideration be a favourable State Energy Commission tariff?

Mr MENSAROS replied:

(1) Yes.

(2) The agreement between the State and the company provides for studies into the feasibility of establishing a smelter in Western Australia. Preliminary discussions have taken place.

(3) Yes.

24. MELVILLE CITY COUNCIL

Dismissal of Mr L. Pyke

Mr MAY, to the Minister for Local Government:

(1) Has he received representations from the Municipal Officers' Association for an inquiry into the dismissal of Mr L. Pyke, former Melville City Council's Chief Officer?

(2) If so, will he advise when an inquiry is to be held?

(3) Insofar as the Local Government Department was concerned what was the recognised designation of Mr Pyke during his term of employment with the Melville City Council?

Mr RUSHTON replied:

(1) A request has been made by the Municipal Officers' Association for an inquiry under Section 683 of the Local Government Act into an alleged omission or neglect by the Council of the City of Melville in regard to the provisions of the Act.

(2) The association has been advised that from the information available to me, such an inquiry is not, in my opinion, justified.

(3) The following is contained in departmental records—

(a) Council's request for approval of Mr Pyke's appointment as Town Clerk under section 160 of the Local Government Act, was refused in January, 1974.

(b) Mr Pyke's appointment as City Manager was announced in the Press in February, 1974.

(c) The appointment of Mr Pyke as Town Clerk on a probationary basis subject to his completing the examinations prescribed under the Local Government (Qualification of Municipal Officers) Regulations approved by the Minister in April, 1975.

25. ELECTRICITY SUPPLIES

Eneabba Power Line

Mr MAY, to the Minister for Fuel and Energy:

(1) Because of the increased mining activity in the Eneabba area has the Government brought forward the commencement date of the proposed 132 kV transmission line to Eneabba?

(2) If so, what are the anticipated commencement and completion dates?

(3) If not, when is it anticipated that the 132 kV transmission line will be provided?

Mr MENSAROS replied:

(1) No.

(2) Not applicable.

(3) Surveying has already begun. Completion is anticipated to be in June, 1978.

26. APPRENTICES

Employment under Government Contracts

Mr HARMAN, to the Minister for Works:

(1) Has he a policy by which contracts are let, having in mind the apprenticeship employment ability of the successful firms?

(2) What are the precise details of this policy?

Mr O'NEIL replied:

(1) Yes.

(2) A copy of a special notice to tenderers embracing the policy is tabled.

The paper was tabled (see paper No. 423).

27. NATIONAL PARKS AND RESERVES

Acquisition: Discussions with Commonwealth

Mr A. R. TONKIN, to the Minister for Conservation and the Environment:

(1) When were discussions first held between his predecessor and the Australian Minister for the Environment on the subject of land acquisition for national parks and nature reserves?

(2) When was his predecessor or he first requested to submit projects for approval under the State Grants (Nature Conservation) Act?

(3) When were proposals submitted by the Western Australian Government?

Mr P. V. JONES replied:

(1) Following a letter from Dr Cass dated 5th September, 1973, correspondence took place between the Minister for Lands and the Commonwealth Minister for the Environment.

(2) 18th September, 1974.

(3) 5th December, 1974.

28. CONSERVATION

Coastal Sand Dunes

Mr A. R. TONKIN, to the Minister for Conservation and the Environment:

(1) What plans are in hand for the preservation of a large area of coastal dune land in or near the north western corridor as a flora and fauna reserve?

(2) Is it a fact that the habitats of dune species are not protected to even the limited extent of the habitats of wetlands and forest species?

(3) Is he aware of the comments made as to the desirability of the reservation of heathland north of Mullaloo made by G. Sedden in "Sense of Place"?

(4) Does the Government agree with Dr Sedden's assessments?

(5) Is there adequate protection of the pinnacles at the "Little Desert" at Mullaloo?

Mr P. V. JONES replied:

(1) A survey of available Crown land covering soil and plant associations in the Gingin-Lancelin region of the coastal plain was completed by the Department of Fisheries and Wildlife in February, 1971. It revealed that there was little coastal dune land still vested in the Crown and available for reservation, but as a result of that survey—

(a) the area included in the Moore River National Park was considerably increased by nearly 7 000 ha;

(b) Reserve 31781 of 4 500 ha north of Lancelin, was established and vested in the Western Australian Wildlife Authority. This reserve includes coastal dunes;

(c) action is continuing to obtain an extensive area of Crown Land north-west of Muchea and another large area west of Wannamal.

(2) This is arguable but in addition to reserve 31781, the Nambung National Park includes coastal dune lands.

(3) Yes.

(4) In general, yes, although the practicability of acquiring land and managing it for such reserves is not clear.

(5) I am advised that there is presently adequate protection, although a mineral claim has yet to be heard by a mining warden.

29. LAPORTE TITANIUM

Industrial Effluent

Mr A. R. TONKIN, to the Minister for Works:

(1) Further to question on notice 38 asked on 7th May, in regard to the alternative methods of disposing with effluent from the Laporte titanium works and to barging in particular, what consideration has been given to concentrating the effluent and reducing its volume (e.g. by cooling)?

(2) What are the various chemical treatments which have been considered and what have been the environmental implications of each?

Mr O'NEIL replied:

(1) Concentration of the effluent has been considered under the various processes detailed in answer to question 2 and by deletion of cooling water. However, concentrations alone would not affect the total amount of iron sulphate for disposal. Iron sulphate is the factor that causes the main environmental effects of the effluent.

(2) As the second part of the answer is in tabular form I seek permission to table it.

The paper was tabled (see paper No. 424).

QUESTION WITHOUT NOTICE

QUEENSLAND MINE DISASTER

Offer of Assistance

Mr MAY, to the Premier:

Has the State Government made any approach to the Queensland Government with an offer to assist—either financially or otherwise—the relatives of the 13 men who died as a result of the Kianga Mine disaster?

Sir CHARLES COURT replied:

I have made no direct offer to the Premier of Queensland to assist financially, although of course I have expressed the Government's regret at this very unfortunate disaster. However, there has been no suggestion that the Queensland Government needs financial assistance from Western Australia, and I have assumed that the Queensland Government is quite capable of handling the disaster on its own; otherwise, it would have made an appeal to us.

INVENTIONS BILL

Report

Report of Committee adopted.

CONSTITUTION ACTS AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 14th August.

MR J. T. TONKIN (Melville—Leader of the Opposition) [4.54 p.m.]: This is a companion Bill to the one which was introduced for the purpose of amending the Electoral Districts Act; it is necessary that the Constitution be altered to give effect to the decisions made with regard to changes to boundaries.

The Government has endeavoured to justify this legislation by saying that it has the greatest concern for the proper representation of the people. If it has such concern it has been newly found, because it has not always shown such concern. I refer members back to the period of 1961, when the present Premier was Acting Premier because the then Premier (now Sir David Brand) was abroad.

The situation regarding the electoral boundaries was crying out for rectification, but the Government of the day resolutely refused to do anything about it. So, a number of us took a case to the court for a declaratory judgment. A leading article in *The West Australian* of May, 1961, was headed, "Full Court tells Cabinet its electoral duty".

The Cabinet, composed of members who are now so concerned for the proper representation of the people, was not so concerned then; although its duty was clear, it had no intention of carrying out its duty.

It is interesting to refer to some of the comments made at the time. The leading article of Friday, the 26th May, 1961, stated—

> Yesterday's Supreme Court judgment in the electoral case has laid on the State Government the legal as well as the moral duty to issue the proclamation required for a redistribution of Assembly seats. The last excuse for its evasions has been swept away.

One would have thought that a Government, composed of members who are now showing so much concern for the proper representation of the people of this State would not on that occasion have left itself open to such criticism from a newspaper which invariably supports it. However, it was more than *The West Australian* could stomach at the time, and it pointed out to the Government that not only had it a legal duty to do something about electoral boundaries but it had a moral duty as well.

At the time, 11 electorates were overquota and three electorates were underquota and, in accordance with the then existing law, 14 seats needed immediate adjustment. But it took a law case for which we had to pay the cost—the Government refused to meet our costs, subsequently—to make the Government face up to its responsibility relating to the proper representation of the people of Western Australia.

What did the Acting Premier at the time say? The following article appeared in *The West Australian* of the 26th May, 1961—

> Acting Premier Court said yesterday that the Government would examine the judgment and then decide its future course of action.

Its future course of action was to take steps to challenge the judgment in the High Court of Australia.

Sir Charles Court: What is wrong with that? Is that not the right of every citizen?

Mr J. T. TONKIN: One would have thought that *The West Australian*, which very rarely can see anything wrong with the Liberal Party, having pointed out to the Government its legal and moral duty, and that there was no justification whatever for further evasion on the part of the Government the Government would have been prompted to accept the judgment of the court—a unanimous judgment—and proceed with a redistribution of seats under the existing law for the proper representation of the people of this State. But that did not concern the Government.

Sir Charles Court: I repeat my earlier question: Do you not believe in appeals to the High Court?

Mr Jamieson: The High Court did not believe in your appeal.

Mr J. T. TONKIN: I certainly believe in the right of appeal, if grounds exist for believing an appeal should be taken; but there were no grounds in this case, as the court subsequently showed upon appeal, because quite properly, the appeal was thrown out.

But the matter did not rest there, because it required the then Leader of the Opposition and myself to wait upon the Lieutenant-Governor and draw his attention to the decisions of the court and the failure on the part of the Government to do anything about the matter before action was taken.

At the time we quoted what had taken place in New South Wales when the Governor dismissed Jack Lang, and the argument the Governor used was that the Premier of that State—in refusing to obey the law—put His Majesty in the position that he was in breach of his coronation oath; that was why action was taken to dismiss Mr Lang.

The then Leader of the Opposition (Mr Hawke) and I pointed out to the then Lieutenant-Governor that was precisely the position in Western Australia; that the court, in a declaratory judgment, had said there was an obligation on the Government to issue a proclamation and get on with the redistribution of seats.

We pointed out to His Excellency that in the Government's refusing to obey the law, which required a redistribution of seats, it was putting the Sovereign in the position of being in breach of her coronation oath. A few days later, although we were not advised what had transpired, the Government decided to issue a proclamation. So, the Government was forced to do that, but it was not because of its concern about the proper representation of the people, having regard to the fact there were 14 seats out of balance—that did not seem to matter. Because the existing law did not suit the Government it wanted an opportunity to alter the law to its advantage before it would bring about a redistribution.

That is precisely what is taking place in connection with the legislation now before us. It is designed deliberately to improve the chances of re-election of the Liberal-Country Party Government; and this is history repeating itself. As for saying that the legislation is introduced because of the concern of the Government for the proper representation of the people I say that is a laugh, having regard to its attitude previously.

Because of the creation of four additional seats in the metropolitan area for the Legislative Assembly, and an additional province for the Legislative Council, this Bill is necessary. So as to avoid difficulties—which will be transitional difficulties because five provinces will become six provinces as from the 21st May, 1977—some procedure has to be adopted to permit of this being done without undue dislocation and unfairness to the existing members.

I say quite clearly that although we are opposed to the legislation and we will continue to be opposed to it, having regard to the fact that the Electoral Districts Act Amendment Bill has been passed in this House and it is necessary to adopt certain procedures I can find no fault in the methods proposed to make these transitional changes.

There is only one aspect in respect of which I feel something different might have been done because I am not absolutely convinced it cannot be better, and

I shall come to that a little later on. We have to make provision for the election which will take place in 1977 when there will be five members of the upper House with only three years still to serve; but there will be six provinces.

Under the legislation we are considering there will be six provinces, and there will be five members with three years still to serve. We do not know where the boundaries will be drawn, and it is feasible that some of the new provinces will contain areas which are substantially the same as those contained in existing provinces. So it seems reasonable that where a new province contains at least 50 per cent of the area represented by an existing member of the Legislative Council, that member should receive preference in the allocation of the province. We do not object to that.

Should it happen that there are two members claiming the one province and each is entitled to priority, the only solution would be to conduct a ballot; and the Bill before us provides for such a ballot to take place. As there are only five sitting members but six seats to be filled, when the seats are ultimately allocated there will be one seat without an existing member.

The Chief Electoral Officer is required as soon as practicable after the commission has reported to publish in the *Government Gazette* a notice specifying the particular electorates where at least 50 per cent of the existing area is contained in a new province.

So, with the exception of that specification the balance of the legislation follows the 1965 pattern. In the case of there being only one nomination for the same province and no second preference the Chief Electoral Officer shall place slips in a box with the name of the member and the name of the province; and the two names will be married so that there is no doubt as to the allocation of the particular province to the member concerned.

By the end of July next year the province, without any member being allocated to it, will be identified. In the meantime the various processes will be followed. Those who are entitled to priority will be allocated the districts if they wish, but they will have to apply. They will have allocated to them the provinces in which 50 per cent of the area is at present represented by them.

After that—and this is the point where something different might have been done—in the 1977 election a separate election will be held for the vacant province to return a member for a period of three years only.

So at that election there will be an opportunity for the electors to return members to the Legislative Assembly for a period of three years. So far as the provinces are concerned an opportunity to return members of the Legislative Council for six years with regard to five provinces will be available; and there will have to be a separate election for the remaining province, the member for which will be returned for three years only.

It occurs to me it might have been preferable to put all the members of the Legislative Council up for election for six years. What will it matter if the member who is elected for the new province continues to serve for six years? Why should he have to stand for election again at the end of three years when every other member in the Council is elected for six years? To start with there is a disadvantage to such a member, to say nothing of the extra difficulty which confronts the Electoral Office.

I have not had time to go closely into this aspect, but I would prefer that in the 1977 election when the electors are called upon to return six Legislative Council members, one of them being the member for the newly created Legislative Council province, they should all be elected for six years. The elections will then follow on in sequence in the course of time, and on the next occasion when the election comes around the people will elect another member for the newly created province for six years. What difference will such a procedure make? The only difference is that it will be slightly out of line with the retirement period of the existing members of the province. It seems to me that would be preferable, but I have not had the opportunity to discuss this matter with anybody else or of going into it more carefully.

With that exception we on this side of the House agree that the proposals for the transition are reasonable and fair, and as these difficulties have to be overcome in some way this would appear to me to be the best and fairest way. I reiterate that so far as the legislation is concerned we do not like it. We say that it is designed deliberately as a gerrymander to give an advantage to the members of the existing Government, and that their past record with regard to being anxious to give proper representation to the people will not stand up to examination at all. This is only a matter of words to try to bolster up a weak case, but we are left with it.

The Government has the numbers in both Houses; it has always had the numbers in the upper House; and so the changes which have been made have been changes which suited the Liberal-Country Party Governments. I forecast it will not always be so, because invariably the people put up with some of these things for a certain time, but finally they rise up against the wrongs and then they bring about changes. I do not think the people of this State will continue to accept legislation, deliberately designed to alter the boundaries in such a way as to improve the chances of re-election of members of the Liberal Party and the Country Party.

This is the purpose of the legislation before us. We protest against its introduction. In a democratic country the representation of the people should be fair and equitable, with no advantages given to one side or the other. We say that the people should decide. However, the Bill before us is deliberately loaded in the interests of the parties in the Government, and as they have the majority in both Houses they are in a position to impose their will upon the people. So, we get all sorts of anomalies.

I would like to hear just one member opposite justifying the four seats in the north with the number of electors in the Pilbara compared with the number of electors in the other three seats.

Mr Bryce: Members opposite do not have the gall to get up.

Mr J. T. TONKIN: The situation will not stand examination from that aspect. We are supposed to be giving consideration to representation of the people on the basis of difficulties in communication, physical features, and distance from the capital. There are certain seats still classed as metropolitan seats which are further from the capital of Perth than seats which are declared rural seats under this legislation.

As for physical features, just imagine anyone going down to Armadale and saying to the people who will be placed in the metropolitan area, "You are included in the metropolitan area because the physical features of your part of the district are different from the physical features of the part of the district over the road."

Another argument is that people are being included in an area because of a difference in distance from the capital when compared with the distance of the people who live opposite them.

It is farcical to attempt to find valid arguments to justify what the Government is doing. We protest as loudly and as strongly as we can, and we will continue to do so until the people of Western Australia fully realise what is being done to them by the Government in its own particular interests.

To conclude, I wish to say that, with the exception I mentioned, we agree that the methods proposed for the transitional period are fair and reasonable, but I reiterate that we do not believe the legislation should be amended at all in accordance with the basic principles that are being laid down in the interests of the Government itself.

MR O'NEIL (East Melville—Minister for Works) [5.16 p.m.]: I thank the Leader of the Opposition for his consideration of the Bill which simply lays down the procedures to provide for the addition of one new province in the metropolitan area in accordance with a Bill previously passed through this place.

The Leader of the Opposition has raised the question about the filling of the vacancy by an election in the new province. The Government gave consideration to what would happen if, in fact, there was simply an election for one member of each of the six provinces, one of which is a new province. This would give us the situation where we would have one province in the metropolitan area with only one member for a period of three years; and it was determined that in order to maintain the principle that each province has two members, arrangements would be made to fill the two vacancies on the one day.

Under the present situation there are five metropolitan provinces and there would have been an election in 1977 to fill five vacancies. The proposal is to have an election to fill six vacancies so that the person who nominates for the new province will become the sixth legislative councillor elected. His period of office will be six years.

The proposal then is to have another election on the same day to fill the second vacancy in the sixth province and for that vacancy to be filled for a period of three years, and from then on the elections will fall back into step with half the Legislative Councillors coming up for election every three years.

I trust that explains the reason that instead of five members being elected for six years, there will be six. Then, the second member of the new province, whatever it might be, will serve a three-year term.

Mr Taylor: There will be a second ballot paper?

Mr O'NEIL: Yes. It is not unusual for this to be done in this way. In fact, quite recently there was an ordinary election and an extraordinary election on the same date due to the retirement of a member from the north. I think that was the situation, and in fact one member was elected under those circumstances to complete the remaining term. I think it was in respect of Mr Strickland's retirement.

Mr May: There will be some interesting election signs.

Mr O'NEIL: That may be so. The procedure has already been adopted in respect of a retirement. One member was elected for six years at a general election, and at the same election another member was elected for three years. I think I am right. It is not unusual, in that it has occurred before; and I trust my explanation satisfies the Leader of the Opposition.

MR JAMIESON (Welshpool—Deputy Leader of the Opposition) [5.19 p.m.]: I wish to say a few words on the Bill before us because I believe that many of the actions of the Government are unnecessary. If the Government desired to amend

the representation of the Legislative Council it should have adopted the system under which South Australia now operates. It should not increase the number, and then it could have 15 elected on each of the respective three-year periods and leave the one vacancy unfilled for the ensuing three years.

It is interesting to consider what would have occurred had this system been adopted and taking into consideration the results of the last election. The National Country Party would have gained two seats and undoubtedly it would have gained two seats again at the next election. However, on the performance at the last election, and taking into consideration the next election, the indications are that the Country Party section of the Government will win only two seats instead of three in the Legislative Council. That party has one strong province and one in which it ran third in the last contest. It looks as though the party will not be able to hold that seat and that either the Liberal Party or the Labor Party will win it.

I suggest that if the Government wants a second State House it should, in fairness, ensure that that House is elected by the State on a proportional representation basis. Then there would not be the great disparity in numbers which exists in connection with the Legislative Council at present; a situation which has always existed.

That would be a much more desirable system if we must have two Houses, and I have never been one to advocate two Houses of Parliament. Bjelke-Petersen in Queensland seems to be quite happy with only one House and he is liberal or conservative enough to put most people in this House to shame, although sometimes I doubt it.

The position is that Bjelke-Petersen has never attempted to change the system. However, if we must have two, then the second House, which is supposed to be a review Chamber—that is, representing the people as a whole—should be elected on a different basis. I would advocate such a change in my own party policy until it can attain what has always been its objective—a unicameral system.

I would advocate that we revert to the 30 members in the Legislative Council, 15 being elected at each election on a proportional representation basis. This would be a justifiable move. If we are to have two Houses of Parliament, which is the desire of the present Government, the methods adopted to fill the vacancies must be complex if we are to give a special dispensation for one particular period. This was done when we increased the number of provinces from 10 to 15, and on other occasions. However, as to whether it is actually necessary, I do not know. It is an interesting feature that possibly this will be the only time when a person who has not stood for a by-election or some similar type of election, but only for a general election for the Legislative Council, will not be elected for a period of six years. My leader mentioned this fact.

There is not much in the Bill other than those aspects which have been mentioned. I believe that with a Legislative Council elected on a proportional representation basis, we would at least have one Chamber on a one-vote-one-value basis. Although we would have only one of the two Houses on such a basis, it would be a move in the right direction.

I hope that until it is able to achieve its objective, my party will adopt the system of reducing the numbers in the Legislative Council along the lines I have already suggested.

I do not consider the Bill contains anything which would justify our supporting it. However, it is necessary because of the Electoral Districts Act Amendment Bill which has already passed through this Chamber. If the electoral commissioners and the Chief Electoral Officer are to make any sense of the law, this Bill must be passed. That is the only reason those on this side of the House can envisage to justify its being passed. If this were not the case, we would be very much opposed to it because of the principle tied up in it.

MR BERTRAM (Mt. Hawthorn) [5.25 p.m.]: It has been said that this Bill is a companion Bill to the Electoral Districts Act Amendment Bill which was before the Chamber a couple of weeks ago and this evening is being debated in another place. It is true that the Bill before us is coupled with the Electoral Districts Act Amendment Bill of 1975. I think really the best way to describe it is to indicate that it is a conspiratorial Bill because it is the product of a conspiracy between the Liberal Party, so called, and the National Country Party, as it is now called, to cook the books—on this occasion to cook the law—and to enter the State into an era where democracy once again will go into limbo. We are now committed to perhaps another decade of something far less than democracy.

The two Bills—the Electoral Districts Act Amendment Bill and the measure before us now—are required because it just so happens that legislatively there are existing two Acts which touch on the question of elections, electorates, and that type of thing. However, they work together for one common goal; that is, to gerrymander the electorates of Western Australia and effect the continuation of the malapportionment which currently exists in this State.

It is at least a relief to observe that the map which was on the wall of this Chamber a few weeks ago when the Electoral Districts Act Amendment Bill was being

debated, has been removed. We are therefore not confronted with the crooked line which is said to constitute the boundary of the metropolitan area, but which, in fact, does not. It is good to know that the map has gone.

It is worth while remembering that under the Bill more seats will be created which are not necessary, and continuing expense will be incurred which is similarly not necessary. These are one or two of the things which this Bill, together with its other conspiratorial Bill—the Electoral Districts Act Amendment Bill—are bringing into the law of this State.

As members are aware, the electoral districts Bill was carried not because of any merit it possessed—because it did not possess any—but because the Government stated this is what was to occur. The Government was not concerned with merit. It did not really seek to debate the Bill at all. It left all the running of the debate to the Opposition. It relied upon its numbers, and with the numbers prevailing in this place as they do, the Bill has found its way into another place, the "House of Review"—and I emphasise the quotation marks—which is, I believe, debating it today.

To summarise briefly, I wish to state that this Bill seeks to increase the membership of the other place which, to other people, is known as the Legislative Council, from 30 members to 32, and to do that it is proposed to increase the number of Legislative Council seats within the so-called—and I repeat the word "so-called"—metropolitan area.

The Bill also seeks to increase the number of provinces from 15 to 16. That is understandable; it is a matter of arithmetic, because there are two members to each province. It also seeks to provide machinery for the allocation of the newly-constituted province and the additional electorates to city members, and to increase the Legislative Assembly membership by an additional four seats, from the present 51 to 55, all of those additional four seats going into the so-called metropolitan area. The National Country Party has absolutely no hope of gaining any of those four additional seats in the so-called metropolitan area, and furthermore it has no hope at all of gaining either of the two provincial seats which are being created.

People listening to that statement and accepting it—because it happens to be a fact—will wonder what on earth is going on here, what has become of the National Country Party, why it fell for a bargain of that kind, and why in effect it is agreeing to assist in its own ultimate disintegration as a political party in Western Australia. It seems to me what has happened is that the Premier said to the National Country Party, "The time has come, by reason of world events and progress, when one-vote-one-value is the order of the day"; and, being well aware of the Australian Labor Party's platform on this question and knowing that the Australian Labor Party would vote solidly for one-vote-one-value, he said to the National Country Party, "If we go ahead with this—that is, one-vote-one-value—we will get a constitutional majority because we will not have to rely on you. We will get the numbers from our own members and from the Australian Labor Party if you are not careful."

The compromise appears to have been that the Country Party said, "Don't do that because it will consign us to oblivion at a very early stage. We will agree to let you get extra seats; we will agree to our getting none; but we will do that in the interests of stalling off the day when one-vote-one-value will come about." That seems to me to be a very real possibility or probability as to the way the conspiracy worked. The Country Party has said, "You preserve us and put democracy aside. Do not allow yourselves to come up to date. If you do that and preserve the National Country Party for a little longer in this State by continuing malapportionment and gerrymander, we will agree to your getting the additional seats in the so-called metropolitan area—the electoral districts which would be reflected in the seats in the Legislative Assembly and the provincial seats—which will concede additional seats to the Liberal Party or possibly the Labor Party, but certainly not to the National Country Party."

That appears to be what the conspiracy was. In any event, as we have not been told precisely what the arrangement was between the so-called coalition parties, we are entitled in debate to look at the probabilities and put to this House what the probabilities are. That appears to be one probability. If it happens we are wrong about the secret arrangement behind the scenes, the Government always has the right to come along and explain precisely what the arrangement was. Clearly there was an arrangement. What we want to know is precisely what the arrangement was. We have our own views and we believe we are very close to the mark; but in case we are in error, we look forward to the Government's explaining precisely what the arrangement was and how it differed from the arrangement—the conspiracy, in fact—which I have sought to outline to the House.

I do not think in a debate on a Bill of this kind we can point out too often the blameworthiness and turpitude of the so-called coalition opposite and the immensity of what it is doing here. I do not think the coalition parties should be allowed just to sweep this matter under the carpet and tomorrow forget all about the nature of the deed they are perpetrating on the State of Western Australia. I can

guarantee they will not be given that opportunity.

In matters of this kind, we in the Opposition no longer propose to react to the baton of the conductor—in this case the Government or the Premier—by getting our word over when a Bill is brought forward and then going to sleep on it. It is obligatory for the Opposition and it has no choice but to keep this matter before the people, and we propose to do that. This is one of the two Bills which the people will not be allowed readily to forget. We have learnt from what we have seen opposite in recent times—the ability to keep on repeating. In this case we propose to repeat it because we know it is right. Sometimes people repeat things well knowing they are wrong but also knowing that if one keeps repeating things often enough the public will accept them.

We propose to keep this matter before the people endlessly, until such time as we achieve the breakthrough which was achieved in the United States in the 1950s and 1960s. I think it is also absolutely incumbent upon us to remind this House that in the United States of America this Bill, with its gory partner the Electoral Districts Act Amendment Bill, would be decreed unlawful legislation and, as such, of absolutely no effect. Whether it went through a one-house Parliament or a bicameral Parliament in any of the States of the United States, or through the Congress of the United States, this Bill would be invalid and ineffective because it would be void, *ultra vires*, and unlawful from the start.

As I pointed out previously, the United States is a comparable country to our own, and it became possible for the courts there to rule along the lines I have indicated, in a sequence of cases in the Supreme Court of the United States, by virtue of what I believe was the fourteenth amendment to the Constitution of the United States. For the time being, we in Australia and Western Australia have no comparable vehicle by which the Opposition or any member of it, or the public or any member of the public, can go to a court in a matter of this kind, whether it be a Supreme Court, the High Court of Australia, or the Privy Council for that matter. So far as I am aware and so far as I have been advised, we have no legal avenue in which to attack this measure. In other words, we do not have in this State or in Australia for the time being legislation comparable to that in the United States which enabled judges of the Supreme Court of the United States to decree legislation similar to the Electoral Districts Act Amendment Bill and the Constitution Acts Amendment Bill now before us to be unlawful.

For the time being, our only hope in this State lies with this Parliament, through the Government—the Liberal-National Country Party coalition—in the first instance. The Australian Labor Party has fought something like 38 elections for representation in the other place and has lost all 38 because of malapportionment and gerrymander; and because the Australian Labor Party has never won any of those elections and, just as importantly, did not win the upper House contest in 1974 with sufficient numbers, the coalition parties have control there. So the matter is really left to the absolute and unfettered discretion of the Government to do the right thing. The Government can abuse that right and privilege, and put aside its responsibility and ordinary decency; it can have no regard for fairness if it so desires, and it appears the Government can do that for as long as it likes. The Government is the only hope of the State so far as one-vote-one-value is concerned.

From time to time we have been obliged to observe here how the Government has either no confidence or insufficient confidence in the Police Force, and we have produced evidence to demonstrate the manifestation of this lack of confidence. By reason of the way the electoral boundaries are being attacked, we now have a case where the Government is demonstrating insufficient confidence, if not a complete lack of confidence, in the electoral commissioners. We all know the electoral commissioners are required from time to time in certain circumstances to draw the electoral boundaries within this State. Following upon the passing of the Bill now before us and the Electoral Districts Act Amendment Bill, the electoral commissioners will be required to draw new boundaries for the agricultural area and the so-called metropolitan area.

Who are these electoral commissioners? They are headed by none other than the Chief Justice of the State, supported by the Chief Electoral Officer and the Surveyor-General. The Government does not say to those commissioners, "This is the population, this is the number of seats, and here are certain guidlines as to the way you should approach your task of drawing the boundaries." The Government does not do that for a number of reasons, and one not insignificant reason is that the Government does not have confidence in the electoral commissioers, headed by the Chief Justice of Western Australia (Sir Lawrence Jackson). The Government does not have confidence in him or in those who sit with him on the commission.

What is wrong? What is failing in that commission? What is lacking in skill and fairness in that commission that it cannot be told, "There are the guidlines, this is the number of seats we want", and be allowed to divide up the State accordingly?

How would those electoral commissioners attack that problem if they were given it? They would certainly attack it fairly. They would have regard for modern acceptance of the way one should draw electoral

boundaries. They would immediately look to comparable countries—for example, the United States of America. They would have regard for the judgments of the Supreme Court of the United States of America, to which I have referred. They would most certainly have regard for the judgment of the then Chief Justice of the Supreme Court of the United States (Earl Warren), and they would have regard for what he said in his judgment when he decreed that laws of this kind were unlawful so far as any part of the United States is concerned.

The Government has no confidence in the commission; it knows that is precisely what the commission would do. It would roll up its sleeves and look for the correct legislation for 1975 in respect of parliamentary representation, electoral districts, and democracy. Most assuredly that is what the commission would do. If any three members opposite were on that commission and were aware that politics are subsidiary to democracy on this question, what would they do? If they were worth their salt I suggest they would do exactly the same thing: they would look for leadership and precedent, and would have regard for world standards and progress. That is what the electoral commissioners would do; and the Government, knowing that, has said, "We will not allow that to happen; we will not have progress; we will not catch up with the other States at the moment although sooner or later we will; so long as we can stall the public and get away with it that is what we will do." That is the thinking of the Government.

So we have a combination of a lack of confidence in the commissioners on the one hand and an unpreparedness to allow those commissioners an unfettered opportunity within certain guidelines to do that which happens to be their real work on the other hand. Instead of that the Government has drawn a few crooked lines, to which we have already referred, which purport to constitute the metropolitan area; the lines may convey that message to the public if they are told about it often enough. and whether or not it is called the metropolitan area or some other name does not really make any difference. The lines have been drawn, and the electoral commissioners are to be told to plot so many seats in the so-called metropolitan area—the number used to be 23 but now it will be 27—and to plot the existing number of seats in the pastoral area.

But what sort of a sham is that? As well as showing the commissioners where they have to put the seats—that is, in the metropolitan area and the pastoral area—and how many seats there shall be, the commissioners are also given a formula regarding certain guidelines which they will abide by. One has no objection to the latter aspect on its own, because it is correct enough to give the commissioners some guidelines as to how they should attack the problem.

However, the electoral commissioners will be drawing electoral boundaries within the framework and the rules given to them and they will produce boundaries very similar to the boundaries which any one of the 51 members of this Chamber would draw, with minor variations probably, but certainly not with significant variations. So we are going through the pretence of setting up a top-level commission to do a job which anyone else conscientiously and objectively attacking the job on merit and not on politics could do and produce a similar result. Clearly the idea is to pretend to the public that this top-level, nonpolitical commission is drawing all the boundaries and doing the right thing without there being any contamination or anything wrong at all.

That is the image being depicted, but it is all a farce. It is not a true picture to depict. The only true picture is to give to the electoral commissioners—men of standing and integrity—the whole canvas with certain guidelines and to allow them to do the job properly, rather than forcing them into the situation in which they have to draw lines which any person would draw, whether he happened to be the Chief Justice, the Surveyor-General, the Chief Electoral Officer, or someone else.

I think it is most important that we expose that sham. I think it is most important every day I have in this place to expose shams and to get down to reality. We have a duty to the community to let people know the true situation rather than to give them a mere pretence of the truth. This is an attempt at window dressing to deceive the people into the belief of fairness when in fact it is not a fair arrangement at all.

So far as I am aware we have still not heard from the member for Pilbara. He finds himself in a most disadvantageous position so far as the electorates are concerned. I have heard it said there are electors within the Pilbara electorate totalling something like 11 000, and maybe more, whilst the three electorates surrounding and adjacent to it have ever so many fewer electors. Yet it appears the member for Pilbara has decided not to talk about this; or I would suggest it is more accurate to say he has been told, "We do not want you talking about this; we can see it is wrong and unfair, but it will be done this way and we do not want you to talk about it."

That is the way it has been worked out; so it is not just a case of saying that, for example, the people of Mt. Hawthorn must have 17 000 voters in their electorate in order to concede something to people in the country and to enable them to have 3 000 voters in an electorate and to have

a voting value five times greater than the voters of Mt. Hawthorn. I do not believe that is a case which has any substance to it. I believe other remedies are available to meet that situation, and I have mentioned them before.

Even if we listen to those people who argue that the Kimberley people should have five times the voting power of the people in Mt. Hawthorn—a proposition I utterly reject—the same argument, slightly diluted, could be used in respect of the electors of the Pilbara electorate as compared with the electors of the Kimberley, Gascoyne, and Murchison-Eyre electorates. Why should the people of that electorate be discounted? Why should the latter electorates have their votes diluted? Why should they have roughly three or four votes for every one vote the people in the electorate of Pilbara have? So much for the people in Pilbara.

What about the member for Scarborough: what is his attitude in respect of this Bill? I do not recall hearing him speak to the earlier Bill, and so far as I am aware he has not spoken to this measure. How will he explain to the people of Scarborough that they should have only one vote for every five votes given to the people in the Kimberley, as far as representation in the Legislative Assembly is concerned? How will he explain to them that they should have only one vote in Legislative Council elections for roughly every 15 votes given to the people in the Kimberley electorate? We are looking forward to an explanation of why in one case the ratio should be one to 15 and in another case one to five, one to four, or one to three. Why should it vary all over the State? If there is some logic behind this, why has not the House been told of the logic so that at least members might have an idea of what the legislation is all about?

What about the member for Karrinyup? His electorate—along with the electorate of Canning, I think—has the largest number of electors of any electorate in the metropolitan area. The member for Canning hotly opposes this legislation and says it is grossly unfair that people in the Kimberley should have a vote so heavily weighted as compared with the people he represents. But what is the member for Karrinyup saying to his electors? What has he said in this House to justfy his attitude on this question? What are his reasons for saying to the people in his electorate, "Well, there are about 25 000 of you, but you are entitled to elect only one candidate; but in the K'mberley electorate there are only 3 000 electors and they are also entitled to elect one candidate"?

Let us take the member for South Perth; he is a man of great experience and of considerable fairness. How is he explaining to his electors this warped balance, this disparity, this gulf of difference between the voting weight given to people in the Kimberley as compared with the weight of the votes of the electors of South Perth?

What has the member for East Melville said about this? Does he condone it also?

Mr Bryce: He says that the country people are more important than the city people.

Mr BERTRAM: Yes, he says country people are more important than city people, but we on this side of the House do not accept that view. The Labor Party, as is well known, is an egalitarian party and when it comes to votes it is certainly egalitarian because that is just another way of saying that every person is equal and that a person, as the Chief Justice of the Supreme Court of the United States of America said, must be equated with another person and not with a tree or a piece of land. That concept is unacceptable to us; and even if the member for East Melville accepts it, we do not.

What about the member for Subiaco? He obviously has a sense of reform and has a burning zeal in respect of certain issues, according to what I read in the paper this evening. What is his attitude in respect of this matter of fairness and democracy? In the dictionary "democracy" means a million things, but I would suggest it means something to do with equality; and in this case equality of voting or one-vote-one-value. That is exactly what the former Leader of the Federal Opposition espoused at a recent referendum. He had a look at the Liberal Party platform and apparently took the view that it meant one-vote-one-value. The Premier of this State had a look at the same platform and either tore it up or placed some other construction upon it.

It is understood that pragmatic parties are not worried very much about policies or platforms; I do not think this does them much credit, but it is the way they operate. However, members opposite are aware of what is our policy because they know the platform of our party and know that on certain issues we are firm and are prepared to vote even if it means that for the time being we may lose seats in the Parliament—which has happened before today—and that reflects real credit upon the Australian Labor Party in my opinion. It takes courage and character to do that and we do not often see exhibitions of those characteristics in this place.

Then there is the seat of Cottesloe and the seat of Albany. I understand that Albany is also disadvantaged as compared with the seats in the far north. What are the representatives of these seats saying to their constituents? Are they explaining this away, or are they just remaining silent? I suppose that is one way of avoiding the issue. I suggest to them that if they explain to their constituents the malapportionment, the unfairness, or the gerrymandering that is going on in this State the

constituents will realise the unfairness of this measure and will react against it.

That has been the experience in South Australia. Senator Steele Hall, who seems to have some justification for calling himself a Liberal, said that in the rural areas of South Australia the people now accept readily—and rejected out of hand only a few years ago—the fact that there must be equality in voting in the sense that it means one-person-one-vote and not one person to so many acres or so many miles.

Mr Bryce: He advocated true liberalism, but over there they would not know the meaning of it.

Mr BERTRAM: It is very important to remind people, particularly those in the so-called remote areas, that the Australian Labor Party does not believe they should not be given certain additional assistance in their electorates. If they assumed that or they were told that, they are assuming wrongly, or have been told lies, because that does not happen to be the case, and this was expressed quite clearly only a few weeks ago. It is the desire of the ALP to offset the degree of remoteness and certain other disabilities of distance which country people suffer—

The SPEAKER: The member has five minutes.

Mr BERTRAM: —and which are not suffered by people living in the metropolitan area who enjoy certain additional facilities, such as electorate offices, postage and telephone facilities, and advantages of that kind. What is the remedy? The remedy does not lie in granting them disproportionate voting capabilities.

We oppose this Bill because of what it seeks to do and the mischief it seeks to perpetuate. We remind members opposite of their individual culpability in this conspiracy. They will go down in history for what they are, make no mistake about that!

Mr Nanovich: What are we?

Mr BERTRAM: Members opposite are conspirators who are destroying the democratic system in this State.

Mr Nanovich: That is only your opinion.

Mr BERTRAM: That is not only my opinion; it is an opinion shared by the Chief Justice of the Supreme Court of the United States of America and by other jurists.

Mr Coyne: Can't you get any closer than that?

Mr BERTRAM: That is not so very far away. One can get them on the telephone in two or three minutes in 1975. We oppose the Bill and place unmistakably on the record this conspiracy, and we condemn the Government and each member of it for posterity.

MR BRYCE (Ascot) [6.04 p.m.]: In my maiden speech to this Chamber about four years ago I stressed in some detail that I believed the electoral laws of our State were amoral to say the least and, in modern times, extremely hard to defend.

The Bill before us now is one of two measures which, combined, unquestionably will go down in history as the greatest blot on the copy book of the Court Government. The other Bill to which I refer was, of course, the fuel and energy Bill. This measure is of equal importance to everyone who thinks seriously about democracy. It relates specifically to changes in the Legislative Council, and there is also one clause which relates to the increase in the size of this Assembly which is just as devious and just as blatantly dishonest in its intent as is the Electoral Districts Act Amendment Bill which passed through this House a couple of weeks ago.

I never cease to be amazed that members opposite remain seated and refuse every invitation to stand in their places in this House, or in public, to defend this move with which they are associated. That is an important point. It is a point which the member for Pilbara will have to face most significantly in his electorate. Make no mistake that we on this side of the House will not allow the people of the Pilbara electorate to forget that when this crucial issue was before the House the Liberal member, whom they elected by mistake in 1974, remained silent in this place when their interests were at stake. It is on the conscience of the member for Pilbara and on the conscience of every member of the Liberal Party to provide decent electoral equality to the people of the whole of the State and in particular to those who reside in the Pilbara electorate.

The member for Pilbara knows that he represents 11 800 people enrolled in the Pilbara electorate, and he also knows there are many more people in that electorate who are not on the roll. He knows that if the electorate were studied carefully it could be divided into two or three seats. For example, there could be a seat for the Port Hedland district, one for the Dampier-Wickham complex, and one embracing the inland mining towns that could be grouped together.

This could be done if the Government were to use its own standards to bring about electoral justice at this time, but the member for Pilbara remains silent on the matter. What I want to concentrate on are the effects which this Bill will have on the Legislative Council. I never cease to be amazed, once again, that in 1975 members opposite can sit in this place and agree to a measure that is designed to perpetuate and extend a system of voting malapportionment for an upper House, the equal of which I have not been able to find anywhere in the western democratic world. Just how long will members opposite remain silent and have this on their consciences?

Let us look at the position in the upper House by examining the figures. This Bill proposes to provide that 435 000 electors in the State will have 12 representatives "upstairs", and for the 212 000 electors in the rural parts of the State the Bill proposes to give them 20 representatives "upstairs". On considering these figures I ask again: When will members opposite begin to be stirred by their consciences? How can they face such a situation in 1975?

Mr Sibson: Your argument is not convincing enough to stir us.

Mr BRYCE: If the member for Bunbury remained awake long enough to listen to some of the arguments put forward by the Opposition and was able to find his conscience, it may well be affected by some of these figures; that is, if he can understand the true implications of them. I repeat again that 435 000 people in the metropolitan area are entitled to only 12 representatives in the Legislative Council, and less than half that number—212 000 people in the rural parts of the State—are entitled to 20 members in another place. There is not one iota of electoral justice in that proposition; it cannot be justified in 1975.

Mr Sibson: Why did you not fix it in 1973?

Mr BRYCE: For the information of the member for Bunbury I can recall the specific date in 1973; but if the honourable member was prepared to do his homework just a little he would remember that a Bill was introduced by the Tonkin Government which was designed to provide for one-vote-one-value and the abolition of the "Chamber of Horrors". The situation is quite clear. There have been arguments from members opposite that because in the past we held seats—

The SPEAKER: Order! I would not like the member to be drawn by interjections and depart from keeping to the tenor of the Bill before the House.

Mr BRYCE: Yes, Mr Speaker. I was making the point that members opposite have said that we on this side of the House usually shrank from the responsibility of doing something about the electoral malapportionment in this State when we held the seats in the northern parts of the State where enrolments were small. I courteously remind members opposite that during the life of the Tonkin Government the member for Gascoyne and the member for Pilbara were both members of the Australian Labor Party when that Bill was introduced and neither they, nor any other member who represented a rural seat with a small number of enrolments, failed to support it.

I want to concentrate on the extent of the malapportionment in the Legislative Council which is the principal area of concern in the Bill before us. At present there are 94 000-odd people in the largest province in the State—that is, the South-East Metropolitan Province. In the smallest province there are 6 200 people. How members opposite can sit in their seats and support a Bill introduced in modern times to say that that degree of electoral malapportionment is justified is beyond me. We have not heard from the temporary member for Roe anything to justify to us—

Mr Grewar: Rubbish!

Mr BRYCE: He just sits there and mumbles in his beard, "Rubbish". I challenge the member for Roe to stand up and make a speech to explain to the House how he would justify, in a philosophical, political, or any other sort of term, a situation which gives 94 000 people only one representative in another place to sit alongside or sit opposite a person who represents 6 000 people. If he can justify that by quoting a comparison found anywhere else in the world where reasonably decent people, concerned with the question of western democracy, are justifying a similar situation, I would like to hear it.

My colleague, the member for Mt. Hawthorn, has already stressed to the House that this Bill, together with the one put through this Chamber a fortnight ago, would have been outlawed in the United States of America. The member for Roe would be hard put to advocate to anybody in the United States of America that what we are arguing in regard to this particular aspect of the question is rubbish; because the people in the United States of America simply would not tolerate a situation such as that which we have in this State. They realise that, in fact, it is dishonest.

Mr Laurance: The member for Roe prefers Canada.

Mr BRYCE: If he prefers Canada I suggest that he should get up on his pins and make a contribution to the debate so that we may see where he stands. Let us see what line of political values can be argued in favour of this amoral political structure.

Sitting suspended from 6.15 to 7.30 p.m.

Mr BRYCE: Before the tea suspension I was drawing to the attention of the House some of the figures relating to the electoral injustices so far as the Legislative Council is concerned, and I was suggesting that members opposite had every reason for their consciences to be stirred in respect of this particular Bill which is complementary to the one passed in this Chamber a fortnight ago.

The SPEAKER: You cannot talk about the Electoral Districts Act Amendment Bill. This is a machinery Bill.

Mr BRYCE: It is a machinery Bill in the sense that it certainly details procedures which it is suggested should be adopted when we come to working out which members of the Legislative Council

will represent which seats. The system is detailed, and the clauses relate quite specifically to this aspect. In the past, Sir, you have asked me deliberately to refrain from referring to specific clauses in the second reading debate.

The SPEAKER: You must talk to the Bill before the House.

Mr Young: It is No. 53 on the file.

Mr BRYCE: I realise it is No. 53 on the file, and I am sure the member for Scarborough also realises that it is perfectly valid for any member in this Chamber to discuss the principles of the legislation involved during the second reading debate.

Mr Young: Provided it is this Bill.

Mr BRYCE: The Bill before us spells out in terms which are indisputable that the size of the Legislative Council shall be increased by two and that the size of the Legislative Assembly shall be increased from 51 to 55.

More importantly I think we should focus some attention on the Legislative Council and the malapportionment there which, as I have said, is unequalled anywhere in the democratic world; at least as far as I can find.

In order for me to pick up the threads of the points I was making before the tea suspension I would reiterate two statistics. The largest province in this State contains 94 000 people and the smallest contains 6 000 people, and the members of Parliament who represent those provinces sit in the same Chamber and exercise exactly the same voting power when a question is put to the vote.

I have challenged members opposite—but it seems the challenge has fallen on deaf ears, or on the ears of individual members who do not have the background or the courage—to stand up and justify the moves they are supporting. I say this because there is no argument that can be used to justify the principle behind this Bill and the Bill which it complements.

So far as the Legislative Council is concerned, I have said the position is hopeless. It is disgraceful, but there is a precedent for this style of thing; and I would like to draw to the attention of members of the House the extent to which that famous old fox who, prior to the term of Sir David Brand in this Parliament, was the longest-serving Premier: I refer, of course, to Sir John Forrest. Sir John Forrest was extremely honest when he introduced Bills to perpetuate electoral malapportionment. He was prepared to give the reason for not giving a vote to the people on the goldfields in 1894. He said in this Parliament the reason he would not grant equal suffrage and would not entertain the idea was that the goldfields in those days were plains fertile in radicalism. He was just plain scared of what would happen.

However, we find that this Government is now introducing legislation in the form of this specific Bill, plus the other one, which is designed to extend the principle of electoral malapportionment, but it is not prepared to come out in the open and say, "We are not prepared to grant votes of equal value to the people of the Legislative Council and the Legislative Assembly in this State, because it may place us in some position of political peril."

For the sake of history and because I feel that members ought to have their memories jogged about the most disgraceful precedent that I think was ever set in respect of electoral malapportionment, from which this Bill gains its philosphy and spirit, I would ask members opposite, before deciding whether or not they should support the legislation before us, whether they could justify what Sir John Forrest did in the very first decade of responsible Government.

For the sake of historic illustration I want particularly to illustrate the point that the electoral malapportionment, which we consider to be intolerable in this day and age in the western world, is nothing new in this State.

I have done a fair amount of work on this question and I would like members to appreciate just how bad was the electoral malapportionment at the turn of the century; and in doing so I would also like them to appreciate that the Bill before us is part of a pattern fostered by conservative Governments to deny certain groupings of people—certain sections of our community—their proper say in the affairs of this State.

I will quote these figures now and I would like members opposite to see whether they can stand in their places and justify what Sir John Forrest did.

The SPEAKER: You must relate this to the Bill before the House.

Mr BRYCE: It seems to be my lot to be called upon to justify these illustrations. But this particular one is terribly valid in terms of its relationship to the whole argument of the electoral malapportionment contained in Bill No. 53 on the file, which proposes to extend the system of electoral malapportionment by granting an extra two seats to the Legislative Council; and this is the carrot which has been placed before the people.

Mr O'Neil: The Bill does not do that at all.

Mr BRYCE: In the amendment to the Constitution it is proposed that the number of Legislative Councillors will be increased to 32.

Mr O'Neil: No it does not; that was in the previous Bill.

Mr Jamieson: That is where you are wrong. The previous Bill only gives permission to the electoral commissioners. I suggest you read the Bill.

Mr BRYCE: I suggest the Minister concentrate on the Bill before us. There are three basic features in the Bill. The legislation sets out according to the Constitution to change the number of Legislative Councillors from 30 to 32, and it specifically sets out according to our Constitution to increase the number of Legislative Assembly members from 51 to 55; and it also details the problems we run into when we change the structure of the upper House because of its staggered elections and six-year terms and it deals with the procedures of the provinces which may change in shape.

Mr Blaikie: That is not very clear.

Mr BRYCE: The Government has given some publicity to its decision to increase the size of the Legislative Council to the tune of two seats. May I refer back to the figure of 435 000 electors in the metropolitan area who will be entitled to 12 members in the Legislative Council under the provisions of this Bill, while the 212 000 electors in the rural parts of the State will be entitled to 20 representatives.

That style of boundary rigging was not invented by the Court Government. The tradition is one which has been inherited. I condemn the action of any Government, more so any Government in this particular day and age, which will do this sort of thing, and because of this I would like to draw an example from history to illustrate that there is a tradition in this State's history, so far as the conservative parties are concerned, to indulge in this sort of thing to a degree to which I believe they should all be ashamed.

We said in this place on another occasion that the Government members will be ashamed in years to come if they associate themselves with this Bill.

The information to which I wish to refer has been drawn from the *Year Book* of 1895 and relates to the general election of 1894. I once heard the statement that Sir John Forrest was Premier of this State for a record term prior to the term when Sir David Brand was Premier, but that Sir John relied on the support of a dozen or so members who represented less than 1 300 people in Western Australia.

When I heard that statement I thought surely there must be a nought missing somewhere. It sounded like a gross exaggeration; so I decided to check the figures, and these are the figures which indicate the extent to which Sir John Forrest was prepared to go to preserve himself in office. The figures I am about to quote relate to 1894 and they show the number of electors in the electorates mentioned below, which are as follows—

Electorates	Electors on Roll at date of Election
Gascoyne	24
Kimberley East	26
De Grey	37
Murchison	37
Ashburton	52

There is a quaint story about that electorate. I believe only 11 electors were resident; the other 41 voted by post.

Mr Blaikie: I hope you can tie this into the Bill.

Mr BRYCE: To continue—

Electorates	Electors on Roll at date of Election
Roebourne	91
Albany	617
Beverley	251
Bunbury	262
Fremantle	511
North Fremantle	799
South Fremantle	927

Mr Taylor: That is still the same today.

Mr BRYCE: To continue—

Electorates	Electors on Roll at date of Election
Geraldton	505
Greenough	180
Irwin	106
Kimberley West	98

This was represented by Sir John Forrest's brother, and one wonders whether the seat was created for him. To continue—

Electorates	Electors on Roll at date of Election
Moore	107
Murray	290
Nelson	227
Northam	341
Nannine	340
Perth	947
East Perth	1 196

I wonder how it voted in those days—

Electorates	Electors on Roll at date of Election
West Perth	1 859
Pilbara	129
Plantaganet	362
Sussex	292
Swan	324

I am near the end of the list—

Electorates	Electors on Roll at date of Election
Toodyay	249
Wellington	201
Williams	402
Yilgarn	693
York	402

Mr Bertram: What year was that?

Mr BRYCE: That is a list of the number of electors on the rolls for the Legislative Assembly election of 1894. Of course, the point is that seven of those electorates had fewer than 100 electors on the roll, and four of the electorates had fewer than 200 electors on the roll. It may have been noticed that I did not refer to Kalgoorlie, Coolgardie, or to the goldfields generally, because at that stage Sir John Forrest decided that that area was not entitled to a vote at all.

When I suggest there is a comparison between 1894 and 1975, in terms of a clear and conscious policy on the part of the Government to introduce legislation for the purpose of malapportionment, it is because I consider the present Premier would have been a very good companion to Sir John Forrest. It can no longer be sustained that the lack of mail services, rail services, road services, and radio communication—all the excuses used in the early days—justify the action now being taken by the Government. Those reasons no longer exist. I do not intend to repeat the points I made during another debate.

Mr Blaikie: You would not want to.

Mr Bertram: He does not need to because there are plenty of other cases.

Mr BRYCE: One could speak for much longer than 40 minutes on this subject.

Sir Charles Court: What was the population in 1894?

Mr Taylor: The percentage is still relevant; that is the point.

Mr BRYCE: As a matter of fact, the total number of electors was around 15 000.

Sir Charles Court: But what was the population?

Mr BRYCE: That is irrelevant.

Mr Jamieson: It was voluntary enrolment.

Mr BRYCE: If those enrolment figures are related to the total number of electors, and a comparison is made between the small electorates and the large electorates, the same disparity will be seen as that which the Premier is seeking to extend and perpetuate in 1975, nearly 100 years later. Such a comparison shows no sign of any improved thinking on the part of the progressive forces within the Liberal Party during that time. In fact, simple arithmetic will demonstrate what is happening to the relationship between the average-sized seats in the Legislative Assembly and the size of the provinces. It will be seen there is a deterioration in that relationship.

Built into the proposed legislation is a promise and a certainty that the malapportionment in this State will, in fact, get worse because the population in the metropolitan area will increase.

As I said, I do not wish to repeat the arguments I put forward previously. However, I would like to draw the attention of members to the fact that the Premier sits in his place, as head of the Government, and expects the people of this State to obey a law which his Government has brought here and which will pass through both Chambers. I suggest it is time for the Premier to realise that Western Australia, in 1975, is much different from the Western Australia which he became very much a part of in 1959. The people of Western Australia are much more critical today. We have done our utmost to provide educational facilities in order to encourage people to think and to be critical.

It is absolutely absurd for the Premier to introduce stone-age electoral legislation in 1975 and expect the people of Western Australia to sit back and accept it as being good enough for them. The proposal now before us has some terribly important implications.

Every person in this State is supposedly equal in the eyes of the law. We are equally protected or prosecuted by the law. We assume that whether we live in the electorate of Murchison-Eyre, or in the electorate of Ascot, we will be equally protected or prosecuted by the law. However, one wonders how long it will be before the electors in my electorate, or those in your electorate, Mr Speaker, question the validity of the laws passed by this Parliament.

The SPEAKER: Is the member talking about the Constitution Acts Amendment Bill (No. 2), or is he referring to the Electoral Districts Act Amendment Bill?

Mr BRYCE: Well, one assumes the Bill now before us will be passed by this Chamber and go to another place. It will be passed in that other place in exactly the same way. I believe the people living in your electorate, Mr Speaker, and those in my electorate—which electorates hold a similar number of people—have every reason to question the validity of such laws when they are supported and passed by members who represent such a small proportion of the people of Western Australia.

I wish to conclude by saying that if the Government insists on going to the people on the basis of what we on this side of the House wholeheartedly believe to be a rigged set of electoral boundaries, it is asking for trouble. We expect the people to obey the law whereas legislation of this type will encourage people to have contempt for Parliament. If Parliament is not structured honestly, and does not have respect for the people it represents, the people in the street will have every right to question our laws.

I, as an individual and as a member of the Australian Labor Party, wholeheartedly oppose this Bill as I opposed the complementary measure.

MR A. R. TONKIN (Morley) [7.52 p.m.]: The Bill deals with the electorates and provinces of existing members. Six new seats will be created as a result of the passing of this Bill, and those additional seats will cost Western Australia in the vicinity of $180 000 per year at a time when the State Government is talking about laying off water supply workers purely for the purpose of blaming the Whitlam Government for a lack of funds.

The expenditure involved in the election of an additional six members could be saved. The last thing Australia needs is additional members of Parliament; we have too many as it is. I am sure most people in Western Australia would agree with me.

This Bill has been introduced on the pretext that we require additional members of Parliament because the number of people in the metropolitan area has increased. It seems we cannot take people from the rural areas because they need special consideration.

I would have thought that one of the most difficult areas to represent would be the Pilbara, and yet the Pilbara region is not to be properly represented when compared with the electorate of Kalamunda. There is also the question of weak members of Parliament, and it seems that on some occasions in this House they are really weak. Obviously, the member for Pilbara is weak in the party room as well because he has not been able to speak on behalf of his electors who are living in a most remote part of the State; they are being treated much more harshly than are the electors of Armadale or Kalamunda.

We object to the Bill on the ground that there has been no attempt to draw up new boundaries for the professed purposes for which they were supposed to be drawn; namely, to help people in the remote areas. That does not mean we would in any way agree that the important principle of democracy could be interfered with merely because there are problems of geography. Just because a person might not have enough money with which to buy food, we do not say we will forget the laws and allow him to steal. Nor should we allow difficulty of representation to interfere with basic democracy simply because there are problems associated with that representation.

The Bill provides for the election of six additional members of Parliament; four members to this House, and two members to the other place. The extra members to be elected to this House will represent metropolitan seats. The purported reason is the concern for the electors in the metropolitan area, which has grown considerably. Of course, the metropolitan area has grown.

There should be some attempt to ensure that the people who are within a reasonable distance of the City of Perth, such as the people living in Kalamunda, Armadale, Mundaring, and Darlington are regarded as metropolitan electors. In actual fact, no attempt has been made to ensure that those people are included in the metropolitan area. The electors of Kalamunda and Dale, and so on, are being looked after because of the way they vote. That can be verified from an examination of the figures in past elections. However, the people of the Pilbara will be discriminated against in a harsh way.

We reject this Bill, as we rejected its companion Bill. We are aware it will be passed by this House which is under the heel of the Executive, and we know also it will be passed by the other House. The passing of this Bill will have nothing to do with justice; it will be a queston of bludgeoning it through. It appears that the electors of Kalamunda are supposed to be facing great problems because of their isolation, whereas the people in the Pilbara are apparently in a better position. That illustrates the farcical nature of this Bill.

I believe this legislation will stamp the Government for what it is—a Government which will not attempt to legislate honestly but will bring legislation of this nature to the Parliament. This legislation is quite clearly not based on equity. The people who drew the lines on the map do not have a clue as to where the metropolitan area begins and ends.

This type of legislation is farcical and we will endeavour to bring it to the notice of the people at every opportunity. It will be bludgeoned through this Parliament but that does not mean it will escape the notice of the people, or that we will cease to campaign against legislation of this nature. It is a blot on any country which pretends to be democratic.

Question put.

The SPEAKER: I advise that this Bill must be carried by an absolute majority of the whole of the House. There being a dissentient voice I will order the ringing of the bells for a division.

Division taken with the following result—

Ayes—26	
Mr Blaikie	Mr Nanovich
Sir Charles Court	Mr Old
Mr Cowan	Mr O'Neil
Mr Coyne	Mr Ridge
Mrs Craig	Mr Rushton
Mr Crane	Mr Shalders
Dr Dadour	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Stephens
Mr P. V. Jones	Mr Thompson
Mr Laurance	Mr Watt
Mr McPharlin	Mr Young
Mr Mensaros	Mr Clarko
	(Teller)

Noes—18	
Mr Bateman	Mr Fletcher
Mr Bertram	Mr Jamieson
Mr Bryce	Mr T. H. Jones
Mr B. T. Burke	Mr McIver
Mr T. J. Burke	Mr Skidmore
Mr Carr	Mr Taylor
Mr Davies	Mr A. R. Tonkin
Mr H. D. Evans	Mr J. T. Tonkin
Mr T. D. Evans	Mr Moiler
	(Teller)

The SPEAKER: The result of the division is Ayes 26 and Noes 18. I declare that the second reading of this Bill has been carried with the concurrence of an absolute majority of the House.

Question thus passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Thompson) in the Chair; Mr O'Neil (Minister for Works) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 5 repealed and re-enacted—

Mr BERTRAM: Just a moment ago we completed what purported to be a meaningful debate on the second reading of this measure, a debate in which the coalition Government virtually did not participate. To a large extent this was one further example and manifestation of the Parliament not functioning as it was designed to. It is another sham, another pretence. We have now reached the Committee stage of the Bill with no suggestion that the Government will retreat, recant, or repent in any way. Members sitting opposite would complain loudly at the mere thought of someone robbing a corpse. On this side we agree with such an attitude, but we can see the analogy between that situation and the intention to rob people of their fair and equal votes. That is what this measure will ensure.

We oppose this Bill, this clause, and where appropriate, every other clause. We will not follow the action taken by the Opposition during the Tonkin Government's term of office. At that time Opposition members stood up and opposed various Bills without any justification at all. We were simply told, "We do not like this legislation and we will scrub it."

We are not taking that action in regard to this measure. Although we are opposed to every clause which furthers the Government's objective in regard to electoral boundaries, and with which we so vehemently disagree, it is not our intention to be party to a further sham by debating every single clause. Such action would be a sheer waste of time. We know Government members will not join in the debate, and we do not propose to talk to ourselves. However, because we will not debate all the clauses, it must not be construed that we support them in any way. Anything in this Bill which furthers the procedure of gerrymandering and malapportionment is rejected by us. We oppose the clause.

Mr O'NEIL: I rise simply to tender to the Committee an apology for my interjection when I said that the Bill had nothing to do with the number of members in this place or in another place. I was incorrect and I hope the Committee accepts my apology.

Mr Jamieson: Back to the *Daily News*!

Mr BRYCE: During the debate on this clause I had hoped we would be told the reason for the perpetuation of the malapportionment. Apparently a decision was made to increase the Council membership by two representatives, and in reality this means that 12 members will represent the metropolitan area and 20 members will represent the rural parts of the State. Why was not a decision made to bring the membership of the Legislative Council into line with the membership of this place? I will give some figures in relation to this matter.

The Bill proposes that 27 members in this Chamber will represent the metropolitan areas, and 28 members will represent rural areas. However, in another place the disparity is much greater. Can Government members indicate why, when it was decided to change the membership of both Houses, nothing was done to bring the disproportionate weighting in favour of country people into line in both places?

Mr O'NEIL: The honourable member's question presupposes that I accept there is a malapportionment. Of course, we do not accept that at all. We have increased the number of members in this place by four, and it follows that there ought to be an equivalent increase in representation in another place.

Mr BRYCE: I really think the Minister is playing cute, and I am sure all Committee members are aware of this. The Minister cannot possibly tell us that the disproportionate weighting of votes given to people in rural areas is the same in another place as it is here. The Government decided to change the membership of this Chamber, but I would like to know why it gave no thought to reforming the representation in the Legislative Council to bring it into line with this Chamber.

Mr O'NEIL: I say again that the member's questions are related to a proposition which we do not accept.

Mr Bryce: You are blind and crazy if that is the case.

Mr H. D. Evans: What a debater!

Mr A. R. TONKIN: The member for Ascot has raised a very interesting point. If there is to be weighting of some votes against others, why should people living in the metropolitan area be dealt with so much more harshly when represented in the Legislative Council than when represented in this place? The Minister refused to accept that there is malapportionment.

Mr Bertram: He does not know what it means.

Mr A. R. TONKIN: Perhaps I should explain the word to him.

Mr Skidmore: I think you should.

Mr A. R. TONKIN: Of course, "mal" means that something has gone wrong.

Mr Coyne: We agree with you.

Mr O'Neil: We thoroughly agree with you.

Mr Blaikie: The slow learners took a long while to wake up.

Mr A. R. TONKIN: Let us say it means something that has failed to act properly. A small child watching his mother cut a

cake for four children believes that it should be cut equally. The child has faith that his parents will be fair. If the cake is not cut into four equal parts, there is malapportionment. The Minister can be as obdurate as he likes. He can say, "I do not recognise it, and therefore it is not so." He has earned the title of the ostrich in this Chamber. To say something does not exist does not alter reality. Whether or not we agree on the meaning of the word "malapportionment", it would be interesting to know why people living in the metropolitan area are dealt with so much more harshly in the Legislative Council than they are in this place.

The malapportionment in this Chamber can become as high as three to one, but it becomes 15 to one in another place. It seems to me that we are asking a logical and sensible question, and perhaps this is where we have the problem.

Mr BRYCE: I would like again to quote some statistics so that they will be on record in *Hansard*. The Minister is being quite stupid when he says he does not see what we mean, or he does not recognise that it exists. The 435 000 electors in the metropolitan area have 12 representatives in the Legislative Council, and the 212 000 electors in the rural parts of the State, have 20 representatives. The same 435 000 people are represented by 27 members in this Chamber, and the 212 000 people from the rural areas are represented by 28 members. The disparity between metropolitan and rural voters would be quite obvious to a child just commencing school. The weighting in favour of rural electors in this place is nowhere near as draconian as it is in the Legislative Council. I ask the Minister again: Why did not the Government tackle this most obvious and gross electoral distortion when it decided to introduce electoral reform? The Premier has taken credit for every other electoral reform that has been introduced in this State.

Clause put and a division taken with the following result—

Ayes—25	
Mr Blaikie	Mr Nanovich
Sir Charles Court	Mr Old
Mr Cowan	Mr O'Neil
Mr Coyne	Mr Ridge
Mrs Craig	Mr Rushton
Mr Crane	Mr Shalders
Dr Dadour	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Stephens
Mr P. V. Jones	Mr Watt
Mr Laurance	Mr Young
Mr McPharlin	Mr Clarko
Mr Mensaros	*(Teller)*

Noes—18	
Mr Bateman	Mr Fletcher
Mr Bertram	Mr Jamieson
Mr Bryce	Mr T. H. Jones
Mr B. T. Burke	Mr McIver
Mr T. J. Burke	Mr Skidmore
Mr Carr	Mr Taylor
Mr Davies	Mr A. R. Tonkin
Mr H. D. Evans	Mr J. T. Tonkin
Mr T. D. Evans	Mr Moller
	(Teller)

Clause thus passed.

Clause 3: Section 6 amended—

Mr BRYCE: We intend to oppose this clause in exactly the same spirit as we opposed the previous clause. The Minister may sit there in a completely arrogant frame of mind and refuse to answer questions. It is a great pity that, from his point of view, the questions have no answers. However, such arrogance is unbecoming to a Minister of the Government. He may well use his weight of numbers to get the clause through; in fact, we expect him to. But for the sake of the record he should be given the opportunity to prove how utterly distasteful is the Government's behaviour in respect of this legislation. No attempt has been made to explain or justify the Government's position.

This clause provides for an increase in electoral provinces from 15 to 16. Much of the argument used during the second reading debate and in relation to clause 2 is just as relevant to this clause and I do not intend to be tediously repetitive. We oppose the clause.

Mr A. R. TONKIN: There seems to be some confusion as to the clauses in the Bill. I believe we should be clear as to exactly what is contained in clause 3. It states—

> 3. Subsection (1) of section 6 of the principal Act is repealed and the following subsections substituted—
>
> (1) Until the twenty-first day of May, nineteen hundred and seventy-seven—

It specifies the 21st day of May, not the 22nd or the 23rd day. Clause 3 continues—

> —the State shall be divided into fifteen Electoral Provinces under the provisions of the Electoral Districts Act, 1947, and return in all thirty members to serve in the Legislative Council.
>
> (1a) On and after the twenty-first day of May, nineteen hundred and seventy-seven the State shall be divided into sixteen Electoral Provinces under the provisions of the Electoral Districts Act, 1947 and shall return in all thirty-two members to serve in the Legislative Council.

So, it can be seen that clause 3 deals with the additional members of Parliament to be elected to the Legislative Council. Because we believe there is no need for extra politicians and that in fact Australia needs more politicians like it needs a hole in the head, we oppose this clause. At a time when the Premier and the Government are crying poor mouth and saying they have not enough money to run the State and are thinking of cutting essential services and sacking men they are actually going to employ more politicians!

I wonder whether members of Parliament opposite, who are not permitted to rise in their places and who, understandably, hang their heads in shame whenever

this Bill is debated, would like to conduct a poll in their respective areas to ascertain how many people would agree that this State needs extra politicians. I guarantee not one member opposite would be game to raise the question outside the Chamber. Certainly, they are not game enough to raise it here tonight, when we have about two people in the public gallery; we can imagine how game they would be to raise the matter outside the Chamber.

We do not need more politicians. We are concerned with the proposed laying-off of workers who are doing a useful job of work. Undoubtedly some of the new politicians elected will be Government back-benchers, who will be in the same soporific state of mind displayed by members opposite. We do not need extra people to keep those seats warm, who will just sit there as numbers, putting up their hands whenever the Premier cracks his whip.

We are in a time of unprecedented financial crisis and in order to score political points against Whitlam—it does not matter whether men lose their jobs—the Premier is prepared to sack people and at the same time intends to see that more politicians are employed. We oppose the clause.

Mr BRYCE: The Minister indicated earlier that this clause is necessary because the Legislative Assembly representation is to be increased. There is no law of this State which requires the size of the Assembly to be tied to that of the Council, so that argument is poppycock, and the Minister knows it. If the Government wanted to be the slightest bit straight and honest in respect of this question, it would simply redistribute the number of Legislative Councillors so that an equal number represented the metropolitan area as represented rural areas. At present, 10 Legislative Councillors represent the metropolitan area, where the vast majority of the population resides, and 20 members represent the other part of the State.

All the Government had to do was simply to rearrange the present representation so that some of those 20 country members represented the metropolitan area; if in fact the Government had been consistent in its policy and had adopted the same attitude to the Legislative Council as it has to the Assembly, it would have taken this course of action, and we would have seen a situation where 15 Legislative Councillors represented the metropolitan area and 15 represented the rural parts of the State.

Of course, the Government was not prepared to tamper with the boundaries in a way which might imperil some of its own members. As a consequence, we have seen all this humbuggery which has gone on in the Chamber; it is absolutely distasteful to us. As for the arrogance of the Minister, I do not think I have seen anything that compares with it since I have been a member of Parliament.

Clause put and a division taken with the following result—

Ayes—25

Mr Blaikie	Mr Nanovich
Sir Charles Court	Mr Old
Mr Cowan	Mr O'Neil
Mr Coyne	Mr Ridge
Mrs Craig	Mr Rushton
Mr Crane	Mr Shalders
Dr Dadour	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Stephens
Mr P. V. Jones	Mr Watt
Mr Laurance	Mr Young
Mr McPharlin	Mr Clarko
Mr Mensaros	*(Teller)*

Noes—18

Mr Bateman	Mr Fletcher
Mr Bertram	Mr Jamieson
Mr Bryce	Mr T. H. Jones
Mr B. T. Burke	Mr McIver
Mr T. J. Burke	Mr Skidmore
Mr Carr	Mr Taylor
Mr Davies	Mr A. R. Tonkin
Mr H. D. Evans	Mr J. T. Tonkin
Mr T. D. Evans	Mr Moiler
	(Teller)

Clause thus passed.

Clause 4: Section 8B repealed and re-enacted—

Mr A. R. TONKIN: This is a horrible clause, and shows what respect the Government has for the democratic process. Under this clause, it will not be a question of the electors choosing the members of Parliament; the members of Parliament will be able to grab the electors. Subsection (2) states—

> (2) It shall be the duty of the Chief Electoral Officer as soon as practicable after the Electoral Commissioners have forwarded their final report and recommendations for the division of the State into Electoral Districts and Electoral Provinces pursuant to section ten of the Electoral Districts Act, 1947-1975, to ascertain each of the new Metropolitan Electoral Provinces which would, if it had existed on the thirtieth day of September, nineteen hundred and seventy-five, have contained more than fifty per-centum of the electors as were contained within any particular old Metropolitan Electoral Province which existed on that day, and . . .

It goes on to talk about publishing the matter in the *Government Gazette*. Subsection (3) states—

> (3) Subject to subsection (9) of this section, within fourteen days after the date of the publication in the *Government Gazette* of the notice under paragraph (a) or paragraph (b) of section (2) of this section, as the case requires, each of the five members of the Legislative Council who—
>
> (a) is not required to vacate his seat until the twenty-first day of May, nineteen hundred and eighty; and
>
> (b) was sitting and voting for an old Metropolitan Electoral Province,

shall make written application to the Governor specifying the new Metropolitan Electoral Province for which he desires to sit.

We have a situation where members of Parliament will be able to specify certain provinces merely because some hapless electors, through no fault of their own, have been put into certain electorates. Those members of Parliament can say, "I want to represent those people." Surely this is a return to the feudal days of government. The electors are not to be given a choice to decide which member of Parliament will represent them. However, a member of Parliament will be able to say, "I want to represent those thousands of electors." Henceforth he becomes the member of Parliament for those electors.

If that is not an inversion of democracy then I do not know what is. In an article in *The Sunday Times*, Leslie Anderson spoke about democracy, but she replaced the suffix "racy" with "kery". That is what the Bill before us is—a "mockery".

The absurd system under which members of Parliament are to choose their electors, rather than the other way around, has been occasioned only because the Government has decided that the people of Western Australia need more politicians. We cannot agree that this clause is in the best interests of anyone, except perhaps the Legislative Councillors who will be able to say, "I bag this lot of electors." These electors will not be asked their opinion. It is a shocking indictment of this Government which is prepared to treat people like cattle, to dragoon them into this or that electorate, and to allow members of Parliament to choose them. If this does not indicate the farcical nature of the Bill I wonder what else does!

Clause put and a division taken with the following result—

Ayes—25	
Mr Blaikie	Mr Nanovich
Sir Charles Court	Mr Old
Mr Cowan	Mr O'Neil
Mr Coyne	Mr Ridge
Mrs Craig	Mr Rushton
Mr Crane	Mr Shalders
Dr Dadour	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Stephens
Mr P. V. Jones	Mr Watt
Mr Laurance	Mr Young
Mr McPharlin	Mr Clarko
Mr Mensaros	*(Teller)*

Noes—18	
Mr Bateman	Mr Fletcher
Mr Bertram	Mr Jamieson
Mr Bryce	Mr T. H. Jones
Mr B. T. Burke	Mr McIver
Mr T. J. Burke	Mr Skidmore
Mr Carr	Mr Taylor
Mr Davies	Mr A. R. Tonkin
Mr H. D. Evans	Mr J. T. Tonkin
Mr T. D. Evans	Mr Moiler
	(Teller)

Clause thus passed.

Clause 5: Section 18 repealed and re-enacted—

Mr BRYCE: So far as the Constitution is concerned, clauses 5 and 6 spell out that the size of the Legislative Assembly shall be increased from 51 to 55 members. The essence of the provision in clause 5 was the basis of the Premier's news release to the public that the Parliament of Western Australia would undergo some type of electoral reform.

So, in the very early days of the debate on this Bill we saw headlines such as, "Metropolitan electors to get four extra members of Parliament". Of course, that was the proverbial carrot which was waved in front of people from the word "go".

In his second reading speech the Premier waxed eloquent about how the metropolitan area had expanded; and how suburbs like Kalamunda, Lesmurdie, Rockingham, and others had become metropolitan in character and dormitory type suburbs. Then on the same day in answer to questions in this Chamber he pointed out those areas were still country in nature. He said that when we asked why he had not included Kalamunda, Lesmurdie, and half of Armadale in the newly defined metropolitan area.

Hypocrisy and forked-tongue treatment started from the introduction of the Bill, and everything hinged on the Government's decision to redefine the metropolitan area and increase the number of members by four. One of the prime purposes was to save the fate of Government members who appeared to be at great peril at the next election. The Bill will always be remembered as one providing "a seat for Cyril" so far as Armadale is concerned, because Armadale has been shamefully cut into two parts. This is one of the extra seats which surely would have been won by Labor at the next election.

We have heard from members opposite about the needs of community of interest, but when it suits their purpose they draw a line through a suburb and say to the less affluent of the people on one side of the line, "You are second-class citizens and will be placed in the metropolitan area" and to other more affluent people who are inclined to favour the Government, "You are to be classified as rural, and your vote will have twice the value of the vote of people on the other side of the line."

There was absolutely no need for the Government to increase the number of Legislative Assembly members. When the Premier stood up in this Chamber and took the credit on behalf of his party for all the significant political reforms in history he thought he was being cute, to say the least.

He knows full well that if he were setting out to implement any degree of reform of this Parliament he could have done that simply by redistributing the number of seats held by members representing rural areas, and giving some of those seats to the metropolitan area. We now have a situation where approximately 70 per cent of the people are living in the metropolitan

area. The Premier was not prepared to take away some of the unjustified representation in the other part of the State and give more to the metropolitan area, so that he could say to the people that the Liberal Party considers those who live in the country towns and metropolitan suburbs are of equal importance and are equally wise. We in the Labor Party believe that to be so, and we believe that is precisely what the Premier should have done instead of indulging in additional expense associated with the election of six new members of Parliament. He should have proceeded to take away some of the seats held by members representing rural constituents, and included them in the metropolitan area.

For the reasons I have given we on this side oppose this clause and the following clause.

Clause put and a division taken with the following result—

Ayes—25

Mr Blaikie	Mr Nanovich
Sir Charles Court	Mr Old
Mr Cowan	Mr O'Neil
Mr Coyne	Mr Ridge
Mrs Craig	Mr Rushton
Mr Crane	Mr Shalders
Dr Dadour	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Stephens
Mr P. V. Jones	Mr Watt
Mr Laurance	Mr Young
Mr McPharlin	Mr Clarko
Mr Mensaros	*(Teller)*

Noes—18

Mr Bateman	Mr Fletcher
Mr Bertram	Mr Jamieson
Mr Bryce	Mr T. H. Jones
Mr B. T. Burke	Mr McIver
Mr T. J. Burke	Mr Skidmore
Mr Carr	Mr Taylor
Mr Davies	Mr A. R. Tonkin
Mr H. D. Evans	Mr J. T. Tonkin
Mr T. D. Evans	Mr Moiler
	(Teller)

Clause thus passed.

Clause 6: Section 19 repealed and re-enacted—

Mr BRYCE: As I have already indicated, the Opposition has no more intention of supporting this clause than clause 5. It is only because of the comparative gobbledygook we find in the weighted constitutional set-up that clause 6 has been included in the Bill. It is virtually a repetition of clause 5, and provides that section 19 be repealed and re-enacted. I indicate clearly that we on this side are opposed to it.

Clause put and a division taken with the following result—

Ayes—25

Mr Blaikie	Mr Nanovich
Sir Charles Court	Mr Old
Mr Cowan	Mr O'Neil
Mr Coyne	Mr Ridge
Mrs Craig	Mr Rushton
Mr Crane	Mr Shalders
Dr Dadour	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Stephens
Mr P. V. Jones	Mr Watt
Mr Laurance	Mr Young
Mr McPharlin	Mr Clarko
Mr Mensaros	*(Teller)*

Noes—18

Mr Bateman	Mr Fletcher
Mr Bertram	Mr Jamieson
Mr Bryce	Mr T. H. Jones
Mr B. T. Burke	Mr McIver
Mr T. J. Burke	Mr Skidmore
Mr Carr	Mr Taylor
Mr Davies	Mr A. R. Tonkin
Mr H. D. Evans	Mr J. T. Tonkin
Mr T. D. Evans	Mr Moiler
	(Teller)

Clause thus passed.

Clause 7: Section 47 repealed and re-enacted—

Mr A. R. TONKIN: We oppose this machinery clause which is necessary because the number of members of Parliament is being increased. We say once again that we do not need the increase and certainly not on quite improper and fraudulent boundaries.

Clause put and a division taken with the following result—

Ayes—25

Mr Blaikie	Mr Nanovich
Sir Charles Court	Mr Old
Mr Cowan	Mr O'Neil
Mr Coyne	Mr Ridge
Mrs Craig	Mr Rushton
Mr Crane	Mr Shalders
Dr Dadour	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Stephens
Mr P. V. Jones	Mr Watt
Mr Laurance	Mr Young
Mr McPharlin	Mr Clarko
Mr Mensaros	*(Teller)*

Noes—18

Mr Bateman	Mr Fletcher
Mr Bertram	Mr Jamieson
Mr Bryce	Mr T. H. Jones
Mr B. T. Burke	Mr McIver
Mr T. J. Burke	Mr Skidmore
Mr Carr	Mr Taylor
Mr Davies	Mr A. R. Tonkin
Mr H. D. Evans	Mr J. T. Tonkin
Mr T. D. Evans	Mr Moiler
	(Teller)

Clause thus passed.

Clause 8: Section 47A added—

Mr BRYCE: We on this side oppose clause 8 which sets out to do one specific mechanical thing. If this Bill becomes law an extra Legislative Council province will be created and in view of the fact that Legislative Council elections are held for terms of six years each and that elections in each of the provinces are staggered it will be necessary, as far as the metropolitan area is concerned where one additional province is created, to hold an election for a three-year term and a six-year term concurrently.

On the grounds that we opposed clauses 5 to 7 inclusive, we oppose this clause. We object to the Government's move to increase the size of the Legislative Council and, more particularly, to increase it, as my colleague, the member for Morley has said, in a fraudulent—and I will repeat —crooked and rigged way. Therefore we have no intention of supporting the clause.

Clause put and a division taken with the following result—

Ayes—25

Mr Blaikie	Mr Nanovich
Sir Charles Court	Mr Old
Mr Cowan	Mr O'Neil
Mr Coyne	Mr Ridge
Mrs Craig	Mr Rushton
Mr Crane	Mr Shalders
Dr Dadour	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Stephens
Mr P. V. Jones	Mr Watt
Mr Laurance	Mr Young
Mr McPharlin	Mr Clarko
Mr Mensaros	*(Teller)*

Noes—18

Mr Bateman	Mr Fletcher
Mr Bertram	Mr Jamieson
Mr Bryce	Mr T. H. Jones
Mr B. T. Burke	Mr McIver
Mr T. J. Burke	Mr Skidmore
Mr Carr	Mr Taylor
Mr Davies	Mr A. R. Tonkin
Mr H. D. Evans	Mr J. T. Tonkin
Mr T. D. Evans	Mr Moller
	(Teller)

Clause thus passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

BEEF INDUSTRY COMMITTEE ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 11th September.

MR H. D. EVANS (Warren) [8.54 p.m.]: This Bill is an amendment to legislation introduced in this House in an endeavour to stabilise the beef industry, and when introducing the amendment the Minister indicated some of the problems confronting the beef producers of Western Australia at the present time. He did not elaborate on them; he probably did not need to because every member in this Chamber is familiar with the problems confronting this segment of rural industry.

Firstly the provisions of the Bill seek to extend the life of the legislation to a date to be determined by the Governor, and it does this by an amendment to section 9 by simply removing the previously fixed date of the 31st December and leaving it open until such date as may be determined by regulation.

Adjudicators may be appointed under a further portion of the amendment and I feel some clarification and debate are necessary on the appointment and the provisions generally by which adjudicators will be appointed.

There is, too, a provision for the payment of sitting fees and other costs incurred by the committee. These are to be paid and I think this is fair enough. No-one would cavil at a provision of that kind because the work of a committee of this nature must necessarily be fairly lengthy and tiring if the committee is to do the job properly.

The setting of different prices in various parts of the State to offset freight differentials will be given legislative backing and this, too, is reasonable and it has, in effect, been the practice in the past in livestock selling. Even though it had not been explicitly stated in legislative terms, it has been the practice in the field of purchase and supply.

A secretary to the committee will also be appointed, and this suggests that there must be a degree of permanency to be extended to the committee and to the system we are discussing. That may be worth further reference, too, as the debate ensues.

Also a management control system is to be instituted, and this is to be done through a tagging system. The weekly number of tags which will be required is in the order of 5 000. This is a very difficult figure to determine I suppose, but that is the situation. We will have 5 000 tags issued and these will be available for stock which come within the minimum price scheme and are to be declared eligible under the scheme. So, in a glut situation, the tagging of a particular animal will be very important because upon that depends an extensive price difference, or it could do.

The tags will be issued by the members of the Western Australian Livestock Salesmen's Association. They are the people in the field, I suppose, but whether they are in the field on a compatible and similar basis to producers is another aspect and a question which could well be asked.

It is proposed that tagged cattle which have been nominated and sent forward for auction will be sold in the first of two sales in the day. They will be covered under the minimum price scheme and it would appear that export types, untagged cattle, and cattle not considered suitable for table purposes—that is, for the beef trade in Western Australia—will be sold at a subsequent sale.

It is further proposed that 20 per cent of the cattle to be tagged with the 5 000 tags expected to be disbursed each week will be available for private selling; that is, for abattoirs and to cover contractual arrangements which have been established over a period of time.

Provisions to assist the committee to determine the purchases of scheme cattle and the precise price to be paid for them have been included. These provide, firstly, that the records are to be kept by abattoirs, auctioneers, and purchasers of beef and are to be available to a person authorised by the Minister on behalf of the committee to examine them from time to time. There seems to be a singular lack of information on this subject and a great

deal has been left to regulations. It has not been indicated in the Bill at all and it has simply been left to future regulations to fill in the details which are essential to the operation of the scheme. In many instances it is detail of which we should be aware now if we are to make any meaningful determination as to whether or not this scheme is practicable.

Who, for example, will be authorised to examine the sales records to ensure they are kept in accordance with the committee's requirements? There is also provision for making returns available to the committee as prescribed, and this information can be required under the draft legislation within a specified time and on the basis of a statutory declaration. So there are powers in the Bill. There are also deficiencies when it comes to penalties and terms of operation.

I think it is probably fitting at this stage to look at some of the problems and weaknesses which this scheme poses. There are many unanswered questions and I think they should be raised in the second reading debate.

The scheme is dependent first and foremost on voluntary co-operation and goodwill within the industry. Bearing in mind that meat marketing is probably one of the most competitive, vigorous, and vicious commercial enterprises, it is stretching human nature and the milk of human kindness a little too far to expect to operate a scheme of this kind where a dollar can be made on goodwill and co-operation alone, as this type of scheme necessarily must do. This is its first weakness. It is a fundamental weakness. The scheme is open to the weakness of human nature and it gives an opportunity for the exploitation of commercial enterprise. In a commercial system of this nature, it is difficult to see how a voluntary scheme will survive.

This brings me to the lack of real powers reposed in the committee. The powers do not exist. Penalties are set at $200 and $50 respectively, and when one is dealing with a pen of cattle a penalty of $50 is laughable, particularly in view of the margins which are possible when dealing with numbers of stock. However, more of that anon.

The committee can make regulations and formulate a scheme of management through regulations. It can appoint inspectors and adjudicators. The only enforcement is a penalty of $200 which applies to infringement of the minimum price arrangement with the seller or the purchaser. It is interesting to note there has not been one prosecution in this connection, which I think indicates the extent to which this provision has been ignored. So the whole scheme falls back on human kindness. We have seen the extent to which the scheme has hitherto been a failure, and this is one of the reasons for it. The other penalty is a fine of $50 for infringement of the regulations covering supply. When we come down to present-day values, a fine of $50 is laughable.

The next point I raise is the requirement that the Western Australian Livestock Salesmen's Association will be required to distribute the 5 000 tags which will be available each week. These tags will indicate the cattle to be sold under the minimum price scheme, so they are rather important pieces of plastic, or whatever material it is they are made from. It can be assumed that the situations I will enumerate, which come fairly readily to mind, will be resolved by those who distribute the tags; that is, the members of the Western Australian Livestock Salesmen's Association.

Members of that association must cover a number of situations. Firstly, they have to decide which areas of the State will receive tags, and they have to decide what number of tags those areas will receive and when they will receive them. When we have disparity in production in terms of periods of supply which vary greatly, which parts of the State will receive tags in a particular week? What percentage will go to Midland Junction, Mt. Barker, or Esperance? It is the Livestock Salesmen's Association which will determine this matter. It would have the figures and I suppose it would determine which abattoirs, on a private buying basis, would receive tags, and how many tags they would receive. The question must arise whether there is to be any system of priority for any part of the State to receive tags, or whether it will be left to whim or the manner in which the Livestock Salesmen's Association assesses the position of the State at a given time. This is the kind of responsibility we are throwing onto the association. It is full control of the beef selling industry; nothing less.

We come back to the criteria for which we have to have regard when issuing to a particular district or abattoir the tags it is felt would be required. Will the criteria be based on the selling history of prime cattle in a particular area at a specific time of the year or the number of cattle which will be known to be in a district or which a district can turn off? What particular discretions will a firm have in furnishing tags for that area or abattoir in that week?

Assuming the district issue has been resolved to everybody's satisfaction and it can be clearly shown that each district will require and receive a particular number of tags, how will the individual farmers receive an entitlement? Will the local producers who have supported the country sale be the only people who receive tags? I will use the example of the major selling centres. In Vasse, for instance, will it be only the operators or producers in that

area who have an entitlement, or will producers from outside the area who normally do not contribute to a sale be in a position to apply for and receive tags which will render their stock eligible for minimum price? Or will producers outside a particular sale area be excluded? How will tags for the Midland Junction sale be determined? Midland Junction is, of course, the selling centre which controls the meat industry of the State; there is no doubt about that. It is difficult to see how the tags will be apportioned.

Will it be possible for firms to transfer tags between themselves so that they can meet a situation which arises in any particular week, not only at Midland Junction but also in other areas? This raises the interesting question whether a firm is responsible only for its clientele. Will a person who is not a client of a particular firm have no entitlement to go to a member of the Livestock Salesmen's Association and ask for tags? Will he be told, "Sorry, but you are not of ours and you have no entitlement"? This is indicative of the kind of problem involved. It comes back to the individual producer.

On what basis is entitlement founded? Is it the production record of the individual producer or his commitment to the industry in which he has invested heavily? The producer has put himself into tremendous financial difficulty and he must achieve liquidity to remain solvent and buoyant. His contribution to and dependence on the beef industry are separate and individual matters which are very serious and must give rise to a great number of anomalies. There should be some stated way whereby the individual entitlement of the producer —at least his moral entitlement—is established; and this Bill just does not do that in any way. It throws the whole onus back onto the Western Australian Livestock Salesmen's Association, and the interests of that body may not necessarily coincide with those of producers and areas.

It will be appreciated that members of the association will be under pressure. The clients who are held under a bill of sale must be a consideration of any firm, and in some cases the only way a firm can expect a client to reduce his stock account is by selling some stock. The member of the Livestock Salesmen's Association has a handful of tags; he has a client who is in a bad way, is going to the wall, and will cost the firm dearly if he does. With the greatest optimism about human nature, it is difficult to see how a country agent who receives a memo from head office saying, "Get this fellow's account down forthwith", will measure up with the moral considerations in distributing tags of this kind in the commercial world of today.

It is really unfair to put the Livestock Salesmen's Association in this position. The association has a vested interest and does declare it. It is only a question of degree of involvement depending upon the level of finance concerned. But these are the practical difficulties which will be experienced. I do not know the exact level of stock firm financing at the present time but it is very considerable. This is a traditional method of financing in our rural industries and it has always run into many millions of dollars in this State. Would not those handling the tags be tempted to favour certain areas where they have a high degree of involvement and a heavy commitment in stock loans? Individuals who have bills of sale to the particular stock firm in the area will also face the same kind of temptation.

It will be appreciated that the difficulty to which I allude is a real one and it is right at the crux of the operation of this scheme and the issuing of the tags.

One of the provisions of this Bill is to establish adjudicators, and these people will be confronted with a very heavy responsibility indeed because they must assess whether or not an animal is eligible within a particular grading range. This comes back to subjective considerations, and inevitably there will be the same problems and difficulties between the producer and the buyer. This has to happen. No indication is given of just who the adjudicators will be. Their problem will be compounded by the fact that there is a glut situation and an oversupply of baby beef. This was underlined fairly heavily in the figures provided by the Minister in his second reading speech which, in summation, showed there will be about three times as much beef available to the local market as is expected to be required for the period from October to January.

Bearing in mind that point and the oversupply situation, the adjudicators will have to recognise that some of this prime beef will be sold in the second sale of the day. The provision is that in sale No. 1 there will be the tagged animals—the animals eligible for the minimum price —put before the buyers, and in the second sale the rest of the animals will be put up, and they must include some animals that will come within the eligibility criteria for grading but will not receive a tag because there will not be sufficient tags available.

So what will the average butcher do? Will he buy at the first sale? No way; he will wait until the second sale to purchase his requirement. That is the natural thing for him to do. The question that arises here is: Must the tagged cattle of the first sale be quitted before the second sale starts? Bear in mind that the first sale will consist of tagged stock which are subject to minimum pricing. Just what is the position here? If some of the stock in the first sale are unsold, will they go into the second sale to take pot luck? If they do every butcher will be waiting until they go into the second sale, rather than take the risk of buying

at a minimum price at the first sale. Of course it will be that way; it cannot be any other way.

Let us deal with the clearance of the first sale. There is no indication of how these problems are to be resolved. There is no indication that a problem exists when one reads the second reading speech of the Minister and studies the Bill. This matter is not raised at all in the speech or the Bill, but when we consider the matter the problem is so obvious it is not funny. I will be interested to hear the Minister comment on just how the two sales will proceed in the course of a day and how the minimum price tagged cattle will be assured of clearance before the rest are sold.

This emphasises the point that the onus of declaring an animal as eligible and subject to the minimum price and giving it a tag to indicate this, is a very real problem; and this comes back to the adjudicators. Just who will be the adjudicators? From what section of the trade they will be drawn has not been indicated, and it should be. I do not think there are sufficient Solomons in the world to cover the selling situations that will arise in the course of the next few months.

Twenty per cent of the tags are to be reserved for private buying and selling. Traditionally there has been direct buying between certain butchers and certain abattoir owners, and this is excluded from the stockyard situation. The animals are not purchased in the saleyards but are purchased by private treaty. One out of five—or 20 per cent—of the tags will be available for this purpose. Once again, the private abattoirs and the private buyers who are involved in this are not shown in any way to be operators in the trade and having access to tags other than through the Livestock Salesmen's Association. Does this mean that they must automatically apply to members of the association for tags; and, if that is so, will commission be involved? Does it mean that the private treaty situation will be upset and that there will have to be negotiation with the firms of the association to obtain tags to allow them to conduct their business as they have in the past? Bear in mind that many of these arrangements have been established for a great period of time.

It could well be that if there is not some further clarification of this matter the private buyers will be penalised when it comes to purchasing tagged cattle. The manner in which a private buyer will obtain his fair proportion of tags commensurate with his standing in the trade is not indicated; we do not know whether this will be based on throughput or on traditional dealing in an area. I do not know that, nor does anyone else know it from the information made available; but this is a point which will be raised and it will have to be made clear.

I notice in the list of duties of adjudicators a very difficult situation must be confronted. The Bill states that where an adjudicator makes a determination as to any matter relating to the classification of beef into classes or weight ranges, or any question arises as to whether or not a person is buying beef with the intention of reselling that beef, or there is any question as to whether or not a person is buying an animal for the purpose of immediate or proximate slaughter, that determination shall be final and conclusive.

Mr Skidmore: All powerful.

Mr H. D. EVANS: Well, all responsibility and not too much power because here we are getting down to the nub of the operation. The adjudicator must determine matters which certainly the Meat Industry Advisory Committee could not clarify in its report. That committee did not have access to the information, and so we are limited to conjecture. If the committee could not ascertain the position obviously it experienced difficulty in obtaining the information. It is a difficult matter, of course, because the information is known only to the operators in the trade; however, it comes back to the broken meat trade in the metropolitan area. The trade controls the state of the meat industry, and it is what broke the voluntary scheme within one week of its establishment. This is something the adjudicator is to be bound to and he is to have the obligation of sorting it out.

The Meat Industry Advisory Committee could not sort out the matter, but the adjudicators are going to have to do so.

Perhaps it is apposite to explain the general operation of the meat trade as it applies in the metropolitan area. Animals that are bought from the saleyard at export prices are not necessarily exported. In Western Australia the preference of the housewife is for baby beef and prime cuts of meat. The other types in the main provide the beef that is exported.

I come back to the point which is essential and must be realised. An animal—not necessarily prime baby beef—that is purchased may be used in part on the local market and exported in part. The proportion may vary from 5 per cent to 60 per cent exported, and the remainder of it—the prime cuts of the rear end—finds its way onto the local market. In the terms of this Bill the adjudicator is required to determine any question as to whether or not a person is buying beef with the intention of reselling that beef, and this can and will refer to exporting. The adjudicator must also make a determination on any question regarding whether or not a person is buying an animal for the purposes of immediate or proximate slaughter. If that is so, the question is whether the animal

is slaughtered for export or for home consumption, or whether it is slaughtered for a little of each. This is where the difficulty I have explained arises.

Retail butchers of the metropolitan area are the main avenue for disposing of meat to the housewives, and this represents by far the bulk of the distribution method. The retail butcher accepts from his wholesaler a schedule of prices. In some butcher shops —such as one at, say, Applecross—the butcher could sell 200 legs of lamb a week but would want only three carcases. As he wants only three carcases he will not buy 100 carcases to obtain his 200 legs; he will buy legs separately. He looks down the schedule of prices and finds the price of legs of lamb per pound and picks one of four or five quotations from wholesalers. Normally he would purchase from an operator who has given him satisfaction in the past. The same thing happens with regard to fillet and rump steak; he does not buy full carcases but buys the sections he requires to cater for his trade.

The trade of retail butchers varies with certain conditions. It varies with the socio-economic status of the suburb in which their shops are situated. As a consequence, some shops specialise in second-grade, lower-priced meat while others go for the higher-priced, choice cuts. This is fairly obvious, and the retailer tailors his operation to the situation in which he is placed.

It appears there is a lack of power on the part of the committee to deal with this situation. The adjudicators are to be appointed for this purpose; yet we are given no guidelines or indications regarding how they will deal with the problems in which they will be involved. Even if the adjudicators do get to the stage of prosecuting someone a nominal fine would be involved. They could really sail into a wholesaler butcher and fine him $50. That will make him cower! The meat barons will be trembling at the thought of that!

So the manner in which the abattoirs and the wholesale butchers purchase their meat—whether it is on the hoof or in bulk—and the manner in which the meat is dispersed through the broken meat trade is the key to the operation in Western Australia as far as the home market is concerned. When I initially suggested this scheme was simply a Band-aid on an elephant my comment produced some merriment from the Premier; but I think subsequent events have shown what I predicted would come about has occurred.

The whole scheme has been unsuccessful. I can recall the Premier stating that it had worked and he was quite proud of the fact. He made no apology for the fact that the cost of living in this State was higher than other States because the price of beef had been maintained by this scheme. He said that the price in this State was higher than in the Eastern States. That is quite so; it was at that time. However, he omitted to say that there had been a considerable period of drought in the Eastern States. The situation in Queensland, New South Wales, and Victoria was vastly different from what it was here. It was for that reason the price of beef here was maintained. However, as matters were resolved in the Eastern States we found that the price in Western Australia was below that in the Eastern States.

We have not heard a murmur about that from speakers on the other side of the House. The very point that was so obvious here, looking at the matter realistically and seriously, has been well and truly made. I can only repeat that without a statutory meat authority we would not reach first base with meat marketing in Western Australia. It is not a practical proposition. The point to which the beef market in Western Australia has now become depressed is deplorable. I will quote, as follows, from the *Farmers' Weekly* of a month ago evidence of how hopelessly low prices became at Manjimup last month—

> The Farmers' Union was informed that a prime yearling cow with calf at foot received a bid of a mere $8.
>
> Two years ago it would have made about $188.

That is the level to which the industry has slumped in Western Australia.

Mr Bertram: What is the Government doing about it?

Mr H. D. EVANS: I anticipate that we will probably hear something about that in due course; how the Government has got itself into this dilemma. It has done this with considerable regularity of late and this applies particularly to members of the Country Party. The Government is trying to give the impression of doing the right thing when representing the rural folk of Western Australia. Of course, the members of the Country Party specialise in that, and they claim to do so. They have given the impression that they are doing something and that is about all this Bill does. It is seeking to create an impression of resolving a situation, but all it is achieving is a bit of window dressing. That is made all the more clear when we have regard to the Premier's statement during the recent by-election campaign. I will quote that statement to the House to refresh his memory, because it represents only a paragraph. The Premier said, "the Liberal Party believed in orderely marketing although attempts had been made to distort the Liberal's stand on lamb marketing".

How could this be? It could not be distorted, but we will have the opportunity to explain that in some detail at a later date. The Premier was also reported as having said—

> If most primary producers wanted orderly marketing in a particular industry the Liberal Party would create it.

It will be the Liberal Party who will bring it in the minute the producers require it.

Mr Bertram: But that is socialism is it not?

Mr H. D EVANS: True. But unfortunately there is not one illustration given of the Liberal Party attempting to bring in orderly marketing, and yet the members of that party continue to say, "This is our policy; orderly marketing forever." However, they cannot give one illustration of this and these are the false colours under which they are flying.

The Country Party is worse because its members claim to be specialists in this field of representing rural folk. They have been ground down and relegated to such a position that they are not capable of coping with the pressures placed upon them to support Liberal Party policy. The members of the Liberal Party accuse people of distorting the facts, but they are the ones who distort. However, we cannot accuse them of being unfaithful to their supporters. This was borne out in the situation surrounding lamb marketing. Let us remember that it was the powers granted to the lamb marketing authority that generated the split in the coalition Government. The reason the Liberal Party would not extend the powers of the Lamb Marketing Board was the pressures exerted by its supporters—the vested interests of the industry. No-one can say that the Liberal Party does not give consideration to its supporters, but the unfortunate part is that they are diametrically opposed to the producers in the rural parts of this State. That is why we find that the meat industry in this State is in a chaotic situation, administratively speaking.

As members will realise now, from the outset I have condemned this Bill as not being operational. It has so many inherent weaknesses, including lack of statutory powers which are so necessary that it will not even get off the ground. It will, perhaps, create an illusion that something is being done and this is all the Government can hope for. It could be held that, electorally, there may be some profit in it for the Government. This is expected at this time in view of the fact that the Government has a by-election on its hands. It has to report back to the electorate it is confronting, come to grips with the major problems of this State and not merely take the course of making carping criticism of the Commonwealth Government.

Let us look at the record of the Government. The Government would be the last one that would want its record examined by the electorate. I have given a basic reason why this Act will not work. It requires the establishment of a statutory marketing authority which at least would be given the powers to make something like this measure operative. The system proposed under this Bill has no chance of working.

Mr Grewar: Why not?

Mr H. D. EVANS: The member for Roe knows that as well as I do. His experience in the field would tell him that. I should not have to explain to him that it lacks strength and power.

I think I have reached the stage now where I am looking for clarification and some answers. I can only get these from the Minister when he replies to the second reading debate and I will listen with some considerable interest to what this information will be.

Debate adjourned, on motion by Mr Clarko.

EVIDENCE ACT AMENDMENT BILL

In Committee

Resumed from the 11th September. The Chairman of Committees (Mr Thompson) in the Chair; Mr O'Neil (Minister for Works) in charge of the Bill.

Clause 2: Section 119 added—

The CHAIRMAN: Progress was reported on the clause after the member for Mt. Hawthorn (Mr Bertram) had moved the following amendment—

> Page 3, lines 4 to 6—Delete all words with a view to substituting the following paragraphs—
>
> (b) witnesses and interpreters in civil proceedings held under any of the following Acts—
>
> (i) The Supreme Court Act, 1935;
>
> (ii) The District Court of Western Australia Act, 1969;
>
> (iii) The Local Courts Act, 1904;
>
> (iv) The Workers Compensation Act, 1912;
>
> (v) The Industrial Arbitration Act, 1912; and
>
> (vi) The Mining Act, 1904; and
>
> (c) witness and interpreters at inquests held under the Coroners Act, 1920.

Mr T. D. EVANS: Clause 2 is the key provision in this Bill. It seeks to give the Governor power to regulate what hitherto has been a practice; that is, the payment of witness fees in general. However, in seeking to do this the Bill will regulate such fees only in a court of criminal jurisdiction and a court of *quasi*-criminal jurisdiction, and to those may be added the Children's Court.

There is also a reference to payment of witnesses and interpreters at inquests held pursuant to the Coronors Act. The amendment of the member for Mt. Hawthorn, which I support, seeks to make the principal Act the host to justify the payment of witness fees under a much wider area of

legislation. The member for Mt. Hawthorn has listed the Acts and the forums under which witness fees are now payable and in most instances, in respect of new legislation, it will justisfy the payment of witness fees. However, if we were to seek, in a host piece of legislation within the covers of one Statute, authority for the payment of various witness fees, it would not be found. A search would have to be made through various Acts and various forums. Therefore it makes good sense to me that there should be, in an Act such as the Evidence Act, a source of justification for the payment of witness fees no matter under what legislation the fees may arise and no matter what the forum may be.

As I understand the matter, that is what the member for Mt. Hawthorn is seeking and I cannot understand why the Minister in charge of the Bill should cavil at the amendment. It will be noted that since this clause was last debated the member for Mt. Hawthorn had sought, and has succeeded, in making an amendment on his original amendment to clarify the proposition and to answer the criticism that was levelled by the Minister against his original amendment. Having done that, I would like to hear the Minister indicate why he opposes the principle of bringing under one piece of legislation—the Evidence Act—the authority for the payment of witness fees no matter under what legislation they arise or under what forum they may be made. I support the amendment.

Mr O'NEIL: I have given the explanation sought by the member for Kalgoorlie on a number of occasions; at least on the last two Thursdays that this Chamber sat. I have made the statement so often that I suggest the member for Kalgoorlie should read the *Hansard* report of my explanation.

Mr H. D. Evans: But you still have not given an answer.

Mr O'NEIL: I have already answered the proposition put forward by the member for Mt. Hawthorn on two consecutive Thursdays. I have explained why the provision contained in subsection 4 of proposed new section 119, if amended in the form proposed, will make the Crown liable for payment of all witness fees in all courts.

Mr T. D. Evans: The honourable member has overcome that criticism.

Mr O'NEIL: The member for Mt. Hawthorn has not made any further suggestion as yet. In any case, we have already explained *ad nauseum* the Government's attitude towards the amendment moved by the member for Mt. Hawthorn and I do not propose to weary the Committee with that speech again.

Mr SKIDMORE: I rise again, because on the last Thursday referred to by the Minister he made me aware of some of the emotion he displayed. He virtually threw his arms in the air and said, "Mr Chairman, I give up". I suggest that he just about makes me heave up, because when we look at the amendment moved by the member for Mt. Hawthorn it is realised that is seeks to streamline the procedure of payment of witness fees with a view to making it better for everyone concerned.

The reiteration of that point may be worth while because the Minister has so consistently said in explanation that he knows what we are trying to achieve, but it would appear that he is not going to agree to it because it is too simple, it saves money and time, and obviates the necessity for more public servants to deal with the issue. It also saves a lot of duplication and will mean that witnesses will not have to look at five or six Acts to find out how much they will be paid. The Minister has stated that he is certain there is no good at all in the proposal and that his Government will not accept it. That is what I understand by his efforts tonight.

It is true that I argued quite strongly on the ground that it would appear there is some grey area in the interpretation of the clause with which we are dealing. I suggest that what is proposed at a later stage as a further amendment will overcome that grey area because it will make the position quite clear and set out concisely that the Crown will not be held responsible for the payment of all witness fees.

The CHAIRMAN: Order! I ask the member to resume his seat. I was fairly certain that the member for Swan had already spoken three times on this particular amendment so I caused an investigation of *Hansard* to be made. This has revealed that the honourable member has spoken three times so I cannot allow him to continue his speech.

Mr BERTRAM: Mr Chairman—

The CHAIRMAN: The member for Mt. Hawthorn—who has already spoken twice.

Mr BERTRAM: Thank you, Mr Chairman. Firstly I would like to say that the amendment as it appears on today's notice paper is worded differently from the amendment which appeared the last time we sat here. I took steps to have the amended amendment placed on the notice paper so that the world would know there has been a change. I also took steps, and have reason to believe that these steps were followed up, to ensure that the Minister's office was acquainted with the amended amendment.

Mr O'Neil: If it was communicated to the Minister's office; this is the first time I have heard anything about it.

Mr BERTRAM: That may be so. There may have been some slip up. I am placing on record the fact that I acted regularly. I treated the Committee as a Committee. I communicated the change to the

best of my ability in the circumstances then prevailing. Notwithstanding this the Minister's attitude in Committee has been that of the spoilt-brat type. He has always known the object and intention of the amendment. He is aware of its merit. If not, he knows nothing. The presumption is that he knows what we are seeking to do and he knows it is meritorious. He would also know, since he was advised by this other person recently, that the amendment proposed was slightly faulty.

Mr O'Neil: I was not advised. I have already said so.

Mr BERTRAM: Instead of coming along and indicating that we should slip in a couple of words in line 27, he rose and put on a tantrum which was most unbecoming of him.

Mr O'Neil: Children ought to be treated that way. There is no more spoilt brat than you.

Mr BERTRAM: Adding fuel to the flame will do the Minister no good. His was a poor old performance and he should be ashamed of it.

Mr O'Neil: Do you think you are performing well now?

Mr BERTRAM: We are discussing the Minister, not me. It was a poor old performance.

Mr O'Neil: Because you were found to be wrong and you are afraid to admit it.

Mr BERTRAM: Do not let us be petty-fogging.

Mr O'Neil: You admitted you were wrong because you changed your amendment.

Mr BERTRAM: We are here to present better legislation than that which we have. That was what I was seeking to do. What a terrible tragedy that I should miss about four words in line 27! As the Minister knew they were missing why did he not just get on with the job and add them?

Mr O'Neil: This is your amendment, and I am not accepting it anyway.

Mr BERTRAM: We are in a Committee, not a bullring.

Mr O'Neil: No-one is dishing out more bull than you.

Mr BERTRAM: A report of one of the Premier's numerous speeches was published in *The West Australian* about a fortnight ago. On that occasion he waxed eloquent on how the community is in great danger of getting snowed under or enmeshed by all the regulations and legislation we have. He said that we should watch the situation otherwise we would become a nation of onlookers instead of doers. I am relating my recollection of the article. I had hoped to read it chapter and verse, but this is my last opportunity to speak so I will not be able to do so. When I read the article it occurred to me that perhaps the message had got through to the Premier. He likes no more than I do the multiplicity of laws and regulations that we have.

The whole gist of my amendment is to reduce the current 16 pieces of legislation made up of eight Statutes and eight regulations to one Statute and one regulation. This is exactly what the Premier was pretending to want or was serious about. Members can make up their own minds when the vote is taken on this issue.

The amendment in its amended form is a vast improvement on the law as it will be under the Bill without the amendment. There is no need to go through the argument again. I have sought to indicate that there are scales of witness fees in many Acts and regulations, and very often they are repetitive scales in the sense that they are very similar, sometimes varying for what reason, heaven only knows, but probably because the other regulations have been forgotten. What else can we expect when we have 16 pieces of legislation when two would do?

My amendment will not affect the public purse. It will save public money because instead of eight regulations having to be brought here every time there is an amendment of this situation, only one would have to be brought. What is the objection to all this?

Mr Skidmore: It is too simple; that is the objection.

Mr BERTRAM: I have heard no objection to it outside this Chamber. Those to whom I have spoken cannot understand the objection raised.

We should not be here for the purpose of being smart alecks about a word left out by a busy draftsman, a man to whom I have given endorsement for his efficiency and courtesy. We are not here for that purpose, but to come to grips in Committee and to hammer out a better Bill. I come here with that bona fide intention made rather difficult when we have only one side of the Committee playing the game and the other side playing another sort of game.

This is the last opportunity I have to speak so finally I ask the Committee to have a look at this and do the right thing. If someone at the last moment could now produce some real reason to indicate that my amendment is wrong—it has not been done yet—that would be a different matter. No-one has tried to do that yet. All we have had is a complaint that my amendment does not do what it seeks to do. To the best of my knowledge, and on the advice given me, the amendment as it now stands does in fact give effect to that which has always been the intention I have expressed. There was a minor slip about which I am not particularly worried. I am not one who takes the view that I cannot make a mistake or that it is a crime for me or anyone else to make a mistake. Quite obviously there are people who do

take that view. I do not see anything wrong with a person making a mistake. The only way a person cannot make a mistake is by not doing anything.

The Premier has expressed remarks about the unnecessary surfeit of regulations and legislation. Here is an opportunity for the Premier to prove his genuineness. By a simple move we can reduce to two 16 pieces of legislation, touching on a very minor matter—important to individuals really, but in the total scene, very minor and straightforward. This would do away with all the present unnecessary paper work, drafting and heavens knows what else, to say nothing of the difficulty experienced in finding the law because of the multiplicity of regulations. That is the proposition. Unless someone can come up belatedly with a real reason not to do it, the Committee has an obligation to pass the amendment.

Amendment put and negatived.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

SUPREME COURT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 26th August.

MR BERTRAM (Mt. Hawthorn) [9.59 p.m.]: The Opposition supports this measure which touches on three aspects. I do not see any need to go into them in detail because the Minister has spelt them out in his second reading speech which appears at page 2190 of *Hansard* for Tuesday the 26th August.

Very briefly, the intention of the measure is to enable the convenient appointment from time to time of acting judges within a certain number, these acting judges to be appointed for certain limited periods of time.

Another amendment in the Bill is complementary to a recent amendment to the Criminal Code which empowered the Attorney-General to ask a Criminal Court trial judge to refer a question of law, arising at a trial, to a Court of Criminal Appeal.

The third leg of the Bill is related to the creation of what are called, "circuit towns". During his second reading speech the Minister indicated what appeared to the Opposition to be good reasons for the statutory provisions regarding circuit towns. The Opposition is of the opinion that perhaps some power should be provided by the Act to enable the creation of additional or varying circuit towns and an amendment directed to that end is to be found on today's notice paper.

It is not appropriate that I should go into the amendment in any detail at this time. As I have indicated, the Bill has the support of the Opposition and the question of any minor amendment can be left to the Committee stage.

MR O'NEIL (East Melville—Minister for Works) [10.02 p.m.]: I thank the honourable member for his general support of the Bill. I have an amendment in respect of clause 4, which appears on the notice paper, and perhaps it would be better explained during the Committee stage.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Thompson) in the Chair; Mr O'Neil (Minister for Works) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 11 repealed and re-enacted—

Mr O'NEIL: The current provisions of clause 4 relate to the possibility of an appointment by the Governor of a person to be an acting judge for a period of not more than six months.

It was not the intention of the Government to have that situation prevail so that from time to time a person could be appointed an acting judge for a period of six months, and then have the process repeated, because the situation would then be that a judge would be more or less appointed in permanence, provided he was reappointed each six months.

It was the intention of the Government to provide that for a period of six months there should be a provision to allow the appointment of acting judges, and also a provision that an acting judge could continue the task he was undertaking.

I mentioned it was mainly in respect of the matter of matrimonial causes and that with the introduction of the family law court the necessity to appoint acting judges should, in fact, disappear at that time.

The intention of the Government, and the proposal contained in my amendment, is to change the situation in the Bill so that instead of people being able to be appointed as acting judges for a period of six months acting judges may be appointed for six months and, at the expiration of that time, there may be no more acting judges. That is the sole purpose of my amendment. I move an amendment—

> Page 2, lines 14 to 32—Delete the passage commencing with the figure "11" down to and including the word "office.", and substitute the following passage—
>
> 11. (1) Where a Judge is, or is expected to be, absent from duty the Governor by commission under the great seal in Her Majesty's

name may appoint a person, who is qualified to be appointed a Judge, as an acting Judge for the period during which the Judge is absent from duty, and the appointment of the acting Judge authorises him to complete the hearing and determination of any proceedings that may be pending before him at the expiration of that period so that he holds an appointment as an acting Judge during any further period while he is completing such hearing and determination.

(2) Where for any reason the conduct of the business of the Court, in the opinion of the Governor, requires the appointment of an acting Judge, the Governor by commission under the great seal in Her Majesty's name may appoint a person, who is qualified to be appointed a Judge, to be an acting Judge for such period not exceeding six months as is specified in the commission, and the appointment of the acting Judge authorises him to complete the hearing and determination of any proceedings that may be pending before him at the expiration of the period so specified so that he holds an appointment as an acting Judge during any further period while he is completing such hearing and determination, but no person appointed as an acting Judge pursuant to this subsection shall hold office as such after the 30th June, 1976.

(3) Every acting Judge shall be liable to be removed from office in such manner and upon such grounds as Judges of the Supreme Court are liable to be removed from office.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 5 put and passed.

Clause 6: Section 46 and heading repealed and re-enacted—

Mr BERTRAM: The intention of the amendment which appears on the notice paper in the name of the member for Boulder-Dundas is to alter the power of the Governor which, as set out in the Bill, allows him to cancel or alter circuit towns by subsequent proclamation.

The proposed amendment, which appears on the notice paper, is to delete subsection (2) of new section 46 and substitute the following—

(2) The Governor may by proclamation from time to time create additional circuit towns, cancel the appointment of an existing circuit town, and if he thinks fit appoint another circuit town in lieu of one whose appointment shall have been cancelled as aforesaid.

The idea is to give the Governor greater flexibility and ability to give effect to the spirit of the Bill. We support the Bill and our interest is in improving its contents, if possible. The proposed amendment is a step in that direction. I move an amendment—

Page 3—Delete subsection (2) of new section 46.

Mr O'NEIL: This is one occasion when I regret having to oppose an amendment which would have been moved by the member for Boulder-Dundas had he been present. The member for Boulder-Dundas has attempted to combine the provisions of subsections (1) and (2) of proposed new section 46. The words which the member for Mt. Hawthorn proposes to insert are, in essence, contained in subsections (1) and (2). Therefore, the intention of the amendment is already covered by the Bill. There is no intent on my part to destroy the motive of the honourable member but we believe the Bill contains the precise provisions set out in the proposed amendment and, for that reason, I regret opposing the amendment.

Amendment put and negatived.

Clause put and passed.

Clause 7 put and passed.

Title put and passed.

Bill reported with an amendment.

DISTRICT COURT OF WESTERN AUSTRALIA ACT AMENDMENT BILL

Second Reading

Debate resumed from the 26th August.

MR BERTRAM (Mt. Hawthorn) [10.15 p.m.]: As the Minister said during his second reading speech, this Bill is complementary to the legislation to amend the Supreme Court Act which proposes to establish circuit towns in the north-west. Having studied the Bill, the Opposition believes it should be supported, and accordingly it does so.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

JURIES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 26th August.

MR BERTRAM (Mt. Hawthorn) [10.19 p.m.]: The Minister's remarks on the second reading of this Bill appear at page 2192 of *Hansard* of the 26th August, 1975. The reasons he gave then for supporting

the Bill have persuaded the Opposition to support it. It is a Bill which follows on and seeks to consummate the previous two measures; that is, the Bills to amend the Supreme Court Act and the District Court of Western Australia Act, which propose to create a system of circuit courts.

The other purpose of this measure is to provide what seems to me to be a somewhat novel concept; that is, to allow for the appointment of reserve jurors for criminal trials. From time to time certain criminal trials continue for weeks at a time. In fact, the hearing of some types of charges seem to have this inherent capacity. It can be seen readily that the death or incapacity of a juror during the course of a lengthy trial can render the whole trial abortive. Another jury must be empanelled after the first jury has been discharged, and the witnesses must all be recalled to give their evidence again. It seems to me that we should strive to guard against a situation such as this, in so far as we can do so without unfairly taking away protections which the law provides to accused persons.

We believe this Bill will do all these things, although we feel that it could be amended in a beneficial manner. Because of the thinking of Opposition members on this matter, the member for Boulder-Dundas has placed an amendment on the notice paper, and it touches directly on this question of reserve jurors; where they should sit during the trial, and how a particular reserve should be selected in the event of one of the original jurors no longer being available. It seems that some further amendments could be made in regard to these particular aspects of the Bill. Obviously, the amendments will need to be discussed during the Committee stage. In the meantime, the Opposition supports the second reading of the Bill.

MR O'NEIL (East Melville—Minister for Works) [10.23 p.m.]: Once again I thank the Opposition for its support of the legislation introduced by the Government. The member for Mt. Hawthorn asked about the type of circumstances where a reserve juror would be required. I notice that after the empanelling of the jury in a current trial, the judge appealed to the jurors to keep fit.

Mr Bertram: Yes, to do their jogging.

Mr O'NEIL: I inform members it was the wish of the Chief Justice that this Bill should be passed in time to allow reserve jurors to be appointed for that particular trial, as it is believed the trial will be a lengthy one. However, the physical limitations of the processes of Parliament did not permit that course. I believe the jury has been empanelled already and, as I say, the judge has requested that they keep fit because if something should happen to one of the jurors after some months have elapsed, the whole trial must commence again. The provision in the Bill will allow for circumstances of that type.

It is not a compulsory requirement; the Bill provides that a judge of the court may direct that an additional three jurors be appointed. I will not refer to the amendment now, but I will comment during the Committee debate. However, I refer the member for Mt. Hawthorn to the provision contained in clause 5 (5) at the bottom of page 3.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Crane) in the Chair; Mr O'Neil (Minister for Works) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Section 18 amended—

Mr BERTRAM: On behalf of the member for Boulder-Dundas, I move an amendment—

> Page 4—Add after subsection (7) the following new subsections to stand as subsections (8) and (9)—
>
> (8) A reserve juror shall not sit with the original panel nor hold any communication with a member or members thereof unless required to replace a member during the course of the trial.
>
> (9) Which of the available reserve jurors shall replace a member of the original panel shall, as the occasion arises, be determined by lot.

I would like to refer to a comment made by the Minister in his second reading speech. Referring to reserve jurors he said—

> Those jurors would take a modified form of oath, sit with the jury, and follow proceedings should they be required to replace an incapacitated juror during the trial.

Obviously the reserve jurors must listen to the proceedings so that they know the whole story and not just portion of it if they are called into service. However, they should also be kept apart from the other jurors and reserve jurors should not enter into discussions with the empanelled jury unless they become an actual member of it. This principle has merit, and it must be remembered that the situation envisaged arises only rarely. We certainly hope that the reserve jurors will not be called on very often. However, while the jurors remain in reserve, I do not feel they should be able to communicate with the empanelled jurors. I believe that an accused person may take exception to the fact that a reserve juror could communicate with empanelled jurors, and it may cause him some apprehension.

At criminal trials there must be seen in the atmosphere that the accused person is getting a completely fair trial; this must be acknowledged and understood. That is

the principle behind the Opposition's approach to this matter, hence the wording of our amendment.

It would seem to me that proposed subclause (9) would come into violent conflict with subclause (5). However, we must keep a stiff upper lip and press on and accordingly I support the amendment.

Mr O'NEIL: Firstly, I am not unimpressed with the proposition in respect of proposed new subclause (8). However, I point out that the Bill already contains a provision, which is not proposed to be deleted. Clause 5 (3) states—

> (3) Reserve jurors—
>
> (a) shall have the same qualifications;
>
> (b) shall be called and empanelled in the same manner;
>
> (c) shall be subject to the same challenges, stand asides, and liability to discharge;
>
> (d) shall take the same oath; and
>
> (e) shall have the same functions, powers, facilities, and privileges,
>
> as jurors and for that purpose the law in respect of jurors shall apply to and in relation to reserve jurors with such modifications as are required by this section.

Whilst I appreciate the honourable member may have something in respect of not permitting a reserve juror to enter into discussions with a true juror, I believe that matter would best be left to my colleague in another place to examine. If merit is found in the argument, it could be one of the modifications provided for in this section.

I point out that the amendment has been moved as one amendment. Proposed new subclause (9) conflicts quite substantially with the proposal already contained in the Bill that reserve jurors shall be appointed in the order in which they are called to replace jurors. The amendment would provide that reserve jurors would be called by lot, and in those circumstances I think the member for Mt. Hawthorn will understand why I oppose the amendment.

Mr T. D. EVANS: Do I understand that the Minister has opposed the entire amendment, or is he prepared to have it considered in another place?

Mr O'NEIL: There may be some merit in respect of the first part of the amendment, and I am prepared to take it to my colleague in another place for examination. But as the second part of the amendment conflicts with what is already contained in the Bill—namely, that reserve jurors shall replace jurors in the order in which they are called—I said the member for Mt. Hawthorn would understand why I had to oppose his amendment. As the amendment has been moved as one amendment, I have no alternative but to oppose it. However, I will refer the first part of the amendment to my colleague in another place.

Mr T. D. EVANS: I address myself to the second part of the amendment. If I have misunderstood the Minister, and he intends to refer the entire amendment to his colleague, I will resume my seat. If however he is not impressed with the second part of the amendment, I will deign to try to justify it.

Notwithstanding that the earlier provisions in the Bill clearly indicate the manner in which these reserve jurors will be selected, and that the Bill purports to provide what their functions, duties and privileges will be, if there is any ambiguity expressed in a Bill, the later provisions must prevail. That is a fundamental and elementary legal principle.

If there are three reserve jurors taking cognizance of what is transpiring at a trial, and if the selection of one of those reserve jurors to fill a sudden vacancy on the panel of jurors is by ballot, I believe each of those reserve jurors would take a greater interest in the proceedings than if they knew beforehand of the order in which they would be called, should they be required.

As the Minister pointed out, it would be only on very rare occasions, and principally on long, drawn out cases that jurors may become incapacitated. If by some earlier determination the reserve jurors know the order in which they may be called, there would not be the same degree of incentive to take a close interest in the proceedings.

I believe that in the interests of justice and efficiency, such an earlier determination of priorities should not be known to the reserve jurors. If there is any ambiguity in the legislation by the insertion of this amendment, the latter provision will prevail.

Mr O'NEIL: I am prepared to give the Committee the assurance that both proposals contained in the amendment will be considered by my colleague in another place. The honourable member referred to ambiguity; there certainly is no amgiguity in the Bill. It states that reserve jurors, in the order in which they are called shall replace jurors. All we are talking about now is the method of replacing jurors; it is a technical matter.

It is not possible for me to accept that part of the amendment, and as the amendment has been moved *en globo*, I cannot accept it. However, I undertake to refer both matters to my colleague and if he decides they have some merit he may make a determination to include them in the legislation. I do not think in my own mind it makes a great deal of difference, but perhaps the suggestion of the member for Kalgoorlie has some merit, and that

by the reserve jurors being selected by ballot they would pay more attention to the proceedings. I do not imagine any of them would be so derelict in the appreciation of their duty to take inadequate notice of what was going on because they were not likely to be called. However, I give that undertaking.

Amendment put and negatived.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

HEALTH EDUCATION COUNCIL ACT AMENDMENT BILL

Second Reading

Debate resumed from the 2nd September.

MR DAVIES (Victoria Park) [10.42 p.m.]: The Health Education Council was brought into being as the result of legislation introduced by a Labor Government in 1958. It was far thinking in its concept at that time, and it is most important that from time to time, changes are made to update legislation to ensure it continues to meet the needs of the community. I think the Minister of the day who introduced the legislation was the late Emil Nulsen, who was perhaps the doyen of health services and of the Parliament for many years. I believe his concept has worked out very well in practice.

The amendments before us now are fairly familiar; I seem to have seen them before in another context, and in another place. It is quite apparent I have no real opposition to them, although there might need to be some explanation of one or two points contained in the legislation. However, I can find no fault with the general composition of the Health Education Council.

The council has done a tremendous amount of good over the many years it has been in operation. I believe it has set the standard for the whole of Australia. Indeed, its chief executive officer (Mr Jim Carr) is well respected by health departments throughout Australia. They do not always agree with him, and he does not always agree with them. Indeed, I know that at times he gets very upset at the very narrow, old fashioned and parochial views adopted by some people who are supposed to be enlightened and leading the area of health education.

Nevertheless, he is respected for his views, and I know he gets them across from time to time at interstate conferences. I believe departmental officials have come to wait and see what Jim Carr thinks first before they form any policy; that is a great credit not only to the legislation and to the Public Health Department but also to Mr Jim Carr personally. I know that at times I have disagreed with him; perhaps many of us have. But I must acknowledge the tremendous amount of work he has done and the manner in which he approaches the job in hand. We could learn a lot from him.

The Health Education Council would not operate as well as it has operated were it not also for the work put in by the chairman (Mr Bill Lucas). If I remember correctly, Bill Lucas was the original chairman of the council, and he has taken a very keen interest in its affairs over the years. No doubt we remember many of his sporting achievements as a road cyclist, and as a yachtsman in which field he distinguished himself very markedly. Of course there are other areas which indicate he is a health and physical fitness fanatic, but perhaps "fanatic" is not the correct word. We admire his personal views on physical education and the standards he has set. He has provided tremendous leadership to the Health Education Council. In bringing about its success he has faced a personal challenge.

Bill Lucas and Jim Carr have provided us with a very good basis on which to ensure that the Health Education Council operates as it is required to operate at the present time. Behind those two gentlemen there is a good team of experts to back them up.

I am delighted with a great number of publications the council has put out. I did not realise how widely they were read until my daughter was featured in one at the tender age of three months. Dozens of people in the State have mentioned to me that they read that particular pamphlet put out by the Health Education Council.

Other pamphlets it has put out have been very well received by the school libraries and the community generally. They are practical, and they adopt the kind of approach which children these days expect. Certainly the children of today are maturing faster than when most of us were teenagers; and the children of today are able to discuss much more freely matters which we now think should be discussed publicly.

This refers to four principal topics with which health education concerns itself these days; and they are sex, alcohol, drug dependency, and tobacco. To a lesser extent it is concerned with cancer education, and that is the only field where it crosses anybody else's work. In this case it crosses the work of the Cancer Research Council. I would not like to hazard a guess which body does a better job.

Regarding the topics of sex, alcohol, drug dependency, and tobacco, the Health Education Council adopts a very practical approach, and speaks in the language of the teenagers. It knows how the teenagers feel about these matters, and it discusses them freely. It is hardly conceivable that in 1958 these topics were considered to be not "nice" and were regarded as hush-hush. A lot of change has been brought

about by the attitude of the Health Education Council.

However, what the council has been able to accomplish has been greatly restricted by the lack of funds. Irrespective of how much we alter the composition of the Health Education Council or who is in charge of it, it can do very little unless it is provided with sufficient funds. This is an area in which it has been severely starved in the last few years.

I have a cutting from *The Sunday Times* of the 1st September, 1974, in which Jim Carr expressed concern that he would have to cut down on the council's activities unless it obtained more money. From the way the story was written it appeared the Australian Government should be entirely responsible for the funding of this organisation; but, in fact, the State should accept some responsibility. From questions I have asked in the House it appears that the greater portion of the funds comes from the Australian Government. It is a matter of concern the State Government is not able to ensure that adequate funds are provided for the Health Education Council.

When the council shifted its premises from Kings Park Road to Hay Street it was starved of funds to obtain the necessary materials for the new premises. It had more space, but furnishings and display boards were needed. However, no money was forthcoming for this purpose.

The article in *The Sunday Times* of the 1st September, 1974, said that the Australian Government had recently given $80 000 to the Health Education Council, but Jim Carr said he wanted about three times that amount. Although I raised this matter by way of a grievance almost 12 months ago, the only comfort I got was a letter from the Minister for Health in January last stating he regretted he was not able to provide the council with more money. He realised that the starving of the council of funds would restrict the work it did.

I was not able to pick out from the Estimates of the last financial year how much went from the State Government to the Health Education Council, but I am aware that a considerable sum came from the Australian Government. The council needed funds to appoint additional officers, and these appointments were funded in the main by the Australian Government. The appointments were for three health education officers, a journalist, an artist, and two clerk-typists. Even so the council has not been able to cover the areas it was covering in September, 1974, when it had to withdraw some of its services.

At the time offices had been established at Port Hedland and Geraldton. I think it is a matter of great concern that having established those offices the council had to withdraw its services because of insufficient money. The council should be provided with more money. We cannot expect the Health Education Council to operate as a single unit; we have to make sure it is able to provide a service in all corners of the State. Branch offices have to be established and officers appointed to those branches so that they can teach the community leaders the type of material which health education now requires to be disseminated.

I believe there will be a great deal of support from the community to extend the services of the Health Education Council—support from people like doctors, educationists, teachers in all grades of schools, councillors, social workers, and people associated with the Silver Chain Nursing Service and similar organisations. Those people would be only too willing to learn something about health education, and to spread the teaching to areas which are most deficient in this type of education at the present time. It should not be delivered in the three R's context, but in an interesting way so that the material could be conveyed easily to the people to whom instruction is given. At the present time that is not being done, and we are still using a tiny unit—admittedly in larger premises in Perth—with insufficient money to reach all quarters of this vast State.

It is inconceivable that an officer of the council has to drop everything he is doing, rush off to Esperance for a day or two to give a talk, come back to Perth and pick up where he left off, and next day go to Port Hedland, Derby, or some centre in the north.

It is not a particular class of people to whom health education is given; it is given to the community at large, from the oldest to the youngest. Yet, by the council not being able to establish a network of branch offices the work which it has been able to do has been restricted severely.

It is no good looking to the Australian Government for more money. I am constantly amazed at the way this State Government criticises the Australian Government. Every time it wants a little extra money it approaches the Australian Government, and if it is unsuccessful it says it cannot do this or that because the Australian Government has not provided it with the money. This is like the approach adopted by Mr Hamer under the RED Scheme. He sent representations to Canberra urging that the RED Scheme should not be discontinued, but at the same time he is challenging the scheme in the High Court.

Such action is typical of the Liberal-Country Party reaction to the Australian Government and the things it is trying to do. The Health Education Council probably would have collapsed completely if it were not for the amount of money fed into it by the Australian Government. I have to be perfectly fair and say that a previous Federal Government under Mr

McMahon provided extra money for health education purposes, particularly in regard to smoking. I was not very keen on the manner that Government was dealing with that matter, nor was I impressed with the material which was produced, not by that Government, but by the educationists in the Eastern States. The fact remains that Government was making a limited amount of money available to the council. It was expecting the Health Education Council and similar organisations to get on with the job of health education, but those organisations found the State Government was not coming forward with funds.

The State Government has to assume its responsibility and ensure that sufficient money is made available to expand the activities of the Health Education Council gradually, so that its services are extended to some of the more remote areas. I think it is essential for the Health Education Council to operate from Port Hedland, even though it might be with the assistance of only one typist and one or two health education officers. The work they could do in that area would be invaluable.

We know that serious problems concerning alcoholism, venereal disease, and smoking exist. I do not know how importantly they are rated, but they are matters of concern; yet we are trying to effect a cure, instead of trying to prevent the complaint from arising by way of education. We have to start educating the people from the time they are at school; it is no good waiting until they are too old and their habits have been formed.

I hope that in the forthcoming Budget, which I understand will be introduced on Thursday next, some provision will be made to establish at least a branch office at Port Hedland, so that health education can be extended in the north of the State. There are other areas where branches could be established, but I believe Port Hedland requires some particular attention.

It is quite some time since the Bill was introduced in the House. One of the proposals is to increase the number of members of the council to 21. This is to be done in various ways. First of all, the Bill restyles the persons who are appointed *ex officio* councillors. They used to comprise an officer of the Education Department, the Commissioner of Public Health, the Under-Secretary of Health, and another officer of the Public Health Department.

In 1958 those persons might well have been able to devote time to the activities of the council, but I suggest that the Under-Secretary of Health—who is now known as the Director of Administration—could find far more important things to do, and other persons far better qualified could be appointed with advantage to the council.

Of course, these remarks apply also to the Commissioner of Public Health. His duties have now been split into two areas, and two officers are being paid the same salaries for the work that was formerly done by Dr Davidson. The fact remains that neither of those two persons would be used to advantage in serving on the Health Education Council, because they do not have the immediate experience.

Mr Ridge: That is why these people have been nominated by their titles in the Bill.

Mr DAVIES: That was exactly what I was coming to. I am not that dense as to fail to realise that. Instead of using the services of those people there are now to be two nominees from the Public Health Department, and they will be selected, no doubt, from the upper echelon of the department. There is to be an officer from the Mental Health Services, and one from the Education Department. Those four *ex officio* members or similar representation will be retained on the council, but they will become full members of the council. There is no reason that they should not be. I see no reason that they should not be voting members, just because they are departmental officers.

The Bill increases the personnel of the committee from 14 to 17. One of those who will now miss out is the representative of the senate of the university. Professor McDonald is the current nominee of the university. He is to be replaced by a representative of a tertiary education institution. In view of the way the training in the various disciplines in public health and medicine is now being organised between WAIT and the university, I think it is proper that there should be a representative of a tertiary education institution on the committee.

Another one to miss out is the representative of the Red Cross. Mr J. E. Deacon is the current representative. I cannot recall ever meeting Mr Deacon at any of the Health Education Council functions and I do not recall his acivities with the Red Cross. That does not mean he has not been very active, but apparently he is no longer required and the Red Cross *per se* is no longer to have a direct representative. I cannot argue one way or the other about that. It is tweedledum and tweedledee to me.

The next position to become vacant is that of the Road Board Association. Of course we do not have any road boards now. We had road boards in 1958 but they are now shires. At the present time there is no representative of the road boards and the substitute in that position will probably be the representative of the Country Shire Councils' Association.

The next two positions to be deleted from the existing list are the representatives of the ABC and commercial broadcasting. When I was the Minister the General Manager of the Australian Broadcasting Commission in Western Australia (Mr Graham Chisholm) wrote to say there seemed to be no need for his organisation's continuing to be represented on the council. It is probably a field where there is no direct interest in health education but the representatives may have picked up items for use in broadcasting. In some respects it may be a matter of regret that there is not to be a representative of broadcasting on the council, but it is of no use having on the committee people who do not want to be on it. Both the positions are vacant at the present time and with the changed emphasis on media relationships I am sure anything of interest will quickly be made known to the media or the media will soon pick it up.

I have already mentioned the additions to the council of representatives of the tertiary education institutions and the Country Shire Councils' Association. Other additional members will represent the Australian Institute of Health Surveyors and the Royal Australian Nursing Federation, both of which organizations must have an interest in health education. There will also be representatives of the Pharmaceutical Society, the Public Health Association, and the Alcohol and Drug Authority. The latter organisation has been in existence only for some 12 months or so. I certainly hope there will not be a political appointment from the Alcohol and Drug Authority. The world knows what I think about appointing a politician as the chairman of that authority. It is wrong in principle, and I certainly hope there will not be a political appointment on this occasion, although we cannot prevent the appointment of people who have a political bias. The last new representative is to be from the Teacher Education Authority; that speaks for itself.

The only other comment I want to make in regard to the Bill—which is slightly larger than most of the Bills we have had during this session—is that I have never seen such gobbledygook in phrasing as is contained in subclause (3) of clause 3 which amends section 6A of the principal Act. I have read it at least 20 or 30 times and I think it means those who are now on the council will remain on it until they would normally retire and those coming onto the council will remain on it for a set period as proposed. I do not know whether the Minister has had a look at it.

Mr Ridge: I have, actually. I suffered the same trauma as you did but I also arrived at the same conclusion.

Mr DAVIES: I think it is worth reading. It says—

> (3) Subject to paragraphs (a), (b), (c), (d), (f) and (g) of subsection (8) of section six of this Act, the councillors holding office immediately before the coming into operation of the amending Act shall—
>
> (a) continue in office until; and
>
> (b) go out of office at,
>
> the commencement of the day specified in the notice of appointment published in the *Gazette* as the commencing day of the respective terms of tenure of office of the first nominee councillors appointed pursuant to the amendment provisions.

That is absolutely marvellous. I think it means no-one will lose his job, and I take the word of the Minister that is what it means.

We must amend the Act to bring it up to date with current trends. It is a good council. The Act has been amended only once since 1958, when provision was made in 1961 for representation of the Dental Association. The council has stood the test of time and is restricted only by the amount of money that can be put into it. If the council needs to be changed with the passage of time, and if our outlook is changing with the passage of time, we must also increase the capacity of the council by establishing district offices.

We must acknowledge there are pressure points within the State which badly need organisations of this kind, and Port Hedland is one of them. It is a matter of great concern now, as it was in 1974, that the Health Education Council had to withdraw its officers from both Port Hedland and Geraldton. I hope the Budget will provide sufficient money to ensure the continued activity of the council and that any restriction will not be blamed on the Australian Government, because it was wholly and solely a State organisation which was brought into being with the introduction of the Act by the late Emil Nulsen. It has worked very well over the years but the State has been reluctant to put more money into it, having not realised the value of its work. As the council has worked so well, we must ensure it has sufficient money in the future. I support the Bill.

MR BATEMAN (Canning) [11.10 p.m.]: Having been a member of the Health Education Council for some years—you, Mr Speaker, and the present Minister for Education were my bosses at different stages—

The SPEAKER: It worked very well in those days.

Mr BATEMAN: —I would like to make a small contribution to the debate on this Bill to amend the Health Education Council Act.

In 1954 the World Health Organisation held a conference in Canberra and the then Commissioner of Public Health (Dr

Lindsay Henzel) sent Dr Snow, the Director of Epidemiology, to the conference to learn all he could about health education, which is what the conference dealt with. On his return from the conference Dr Snow reported back to Dr Henzel, who in turn was responsible to the Minister for Health —at the time the late Emil Nulsen. The Health Education Council was born then because, through the determination of Dr Snow and with the guidance of Dr Henzel, the Minister took the matter up with the Premier of the day (Mr Hawke), who became enthusiastic about the report he had received from the Minister.

In 1956 the council embarked on a programme of propaganda which was designed to enlighten the public about the diseases carried by flies, mosquitoes, and other insects, and the problems associated with food handlers who failed to wash their hands. The council also gave advice to parents in connection with immunising children against such diseases as polio, diphtheria, dysentery, typhoid, and whooping cough. Polio was probably one of the worst diseases this State ever experienced and the Health Education Council did a wonderful job in connection with educating the public as to the value of immunising their children. In addition, parents were educated to keep boiling kettles, pots, and pans and other dangerous articles out of the reach of children.

The council was set up in a little room in Pier Street and began with two officers and a typist. It evolved into a statutory body in 1958, when it really got down to solid health education work.

This is when a change took place in the Health Education Council. The propaganda era was more or less phased out and community development was phased in. In respect of community development I would like to mention the tremendous work done on a project in Corrigin. The council encouraged mothers and fathers and all community-minded people in the area to participate in a home accident prevention project. The project was so successful that after the final analysis was made it was used as a model not only throughout Australia but throughout the world. It was a wonderful project and it brought to light some very revealing facts about how home accidents can be prevented. This was just one of the very many wonderful projects the Health Education Council carried out in respect of community development.

The council also carried out a project in respect of nutrition and its importance. This project was introduced into school canteens and, in particular, into high school canteens. Voluntary workers received the benefit of instruction by skilled staff in respect of the correct foods to be given to students in order that they might have a nutritional lunch.

I refer again to the food handling project. Of course, this was a project of great importance because we all know many diseases can be transmitted through people who neglect to wash their hands after blowing their noses in a handkerchief or after doing a whole host of things which are not savoury to mention. The National Health and Medical Research Council adopted the model of the food handling project prepared by the Health Education Council and this also speaks very highly for the work performed by the council in that field. I could go on and on in this respect.

I refer to the field of drug education. We have all read recently in the Press that Dr Archie Ellis, who has just returned from a World Health Organisation seminar, said that people he spoke to wished they could have started drug education in the same way that we in Western Australia did many years ago, because many of the problems they have today would not exist. We are very grateful for the great work done in that regard.

I would like to pay tribute to a person who was very near and dear to me. I refer to Dr Snow who was the Director of Epidemiology. I pay tribute to him because in my opinion he is the father of health education in Western Australia. It was his drive, enthusiasm, know-how, and his great interest in the health of the people of Western Australia which made health education advance as far as it has today. The progress in this field has been brought about also by the great enthusiasm shown by Mr Jim Carr. I am one of the first, having worked for him for many years, to say that perhaps he made some unpopular decisions and that at times he has not been the most popular person in Western Australia; but if he was the most popular person he would not have been doing his job properly.

He has done a tremendous job and I think the work that has been carried out and the advances we have made speak highly for him, especially when we go back to 1954 and see the great leap forward we have made since that time. I will refer to that further in a moment.

We went into the hospitals and carried out a great deal of lecturing to nurses. It was the wish of the Health Education Council to concentrate on specialised health education techniques and, of course, we had to have qualified personnel to lecture. Again, a great job has been done in this respect. The member for Victoria Park, who is the shadow Minister for Health, has spoken on all aspects associated with health education. He referred to a regional resource centre established in Geraldton which had to be closed owing to a lack of finance. I agree with him that more regional resource centres must

be established throughout Western Australia because they do a wonderful job.

Let us face it, Western Australia would be one of the healthiest States in Australia, and if we look around the world we find we are one of the healthiest countries in the world. All this has been brought about by vigilant people who are dedicated to ensuring that the population receive all possible help and advice, and especially the nursing profession, the dental profession, and all those associated with child health services and other fields.

Recently the Health Education Council conducted a seminar in many high schools. The Principal of the Bentley Senior High School wrote a letter to Mr Carr, and I was lucky enough to obtain a photostat copy of it. With your permission, Sir, I would like to read it because I think it illustrates the feeling of the people concerned in respect of the work done by the Health Education Council. The letter is as follows—

> Dear Mr Carr,
>
> Thank you for making possible the communication lines that now exist between students, parents and staff on social and other issues. Last term's social issues programme appears, from all feed-back received, to have been very successful indeed. The students enjoyed the presentation and the opportunity to discuss topics in a school follow-up programme, and with their parents at home. Parents said they had learnt a lot and indicated strong support for the scheme.
>
> Please pass on to your staff, and in particular to Mrs Hogg, our gratitude and appreciation for the topics presented. The enthusiasm shown, support material used and overall impact led to purposeful discussion, from which I am sure we all gained information and understanding.
>
> My students are very keen to receive more information. Would it be possible to have three further Wednesday evenings, commencing on or after 1st October: Two on Sexual Communication (perhaps including the film between the two doctors) and one on Abortion. I hope that you will again be able to help us.

That just goes to show how the work of the officers of the Health Education Council is being accepted in the school curriculums. Of course, all members would be aware that high schools have a project on health education.

Just recently the council held a seminar at the university. The seminar was based on modern social issues. The theme was a programme of information and discussion designed to bring to people a better understanding of themselves and the problems in which they become involved. I think that speaks for itself. The seminar went on to deal with many issues, one of which was patterns of change. It was pointed out that in 1600 life expectancy in Europe was eight years. It is now, in Australia, over 70 years. Infant mortality has been reduced in Western Australia from 184 per 1 000 live births to below 20. Big disease epidemics are no longer a worry for parents.

Had it not been for the vigilance, the dedication, and the determination to do something for society in general on the part of the Health Education Council we would be faced with all sorts of epidemic and endemic diseases not only throughout Western Australia but throughout Australia. So, again the Health Education Council has played its part in making Western Australia a disease-free State. Great credit for this goes to the people to whom I referred earlier.

During the seminar of which I have already made mention such matters as human relationships, mental health, and communication were discussed—these, of course, are very important aspects. Conception was also discussed, but that is a matter which perhaps members of this place do not need to know much about because it does not worry us now. Other matters discussed related to contraception and venereal disease. Venereal disease is a problem we must face, although probably we do not like to talk about it. Perhaps we feel it is a dirty word. However, gonorrhea and spyphilis are reaching epidemic proportions in most countries and Western Australia is no exception. If we study the records of the veneral disease clinic in East Perth we will find the incidence is increasing daily. We have to do something about this matter, and in this respect I agree whloeheartedly with the member for Subiaco. At least we are going to do something about controlling those people who are promiscuous, because they will receive medical checks. Perhaps those women who are fond of giving their bodies to society without receiving medical checks will not have males racing around after them, but rather those males will chase after the women who get paid for it and receive medical checks.

We must do something about controlling this endemic disease. It is a shocking disease and one about which we can do something if we face up to reality. Control measures are the responsibility of the community at large. That was stated at the seminar, and I agree wholeheartedly with it. It was also pointed out that early recognition of symptoms, encouragement to seek treatment, the tracing of contacts and where to go for treatment are all important matters. While we hide our heads in the sand this matter will become worse and worse. It reflects great credit on the Health Education Council that it has the

courage to do something about the matter and is trying to educate the people.

The seminar also dealt with homosexuality, and urged that it be coped with in a sensible manner. I suppose this is something which is nauseating to many of us, but it is with us and we have to educate people to cope with it in a sensible manner.

Attitudes to sex was another matter discussed at the seminar. It was pointed out that the young today openly express their views on sex before marriage, which can be very different from promiscuity. In this respect it is important to keep lines of communication open between parents and their sons and daughters. Ways in which this can be done have been discussed by the Health Education Council and all sections of the community.

The seminar went on to deal with abortion, illegitimacy, dating, and drug dependency. I am sure all members have received copies of various articles from the Health Education Council in respect of drug dependency. I am sure members also received a little booklet called "Her" which makes good reading. I often wonder how many members read this booklet and how many throw it into the rubbish bin. Those who throw it away are missing something, and I suggest the next time they receive the booklet they should read it because if the issue with which it deals does not affect them now, it will affect them or someone in their families sooner or later.

Alcoholism is another problem which was dealt with at the seminar. We all know the problem of alcoholism in Western Australia. This is the subject of a further project upon which the Health Education Council is embarking in an effort to do something about the matter.

Whilst it is a complex illness that requires understanding and treatment the council aims to inform on treatment and rehabilitation sources. It also seeks to encourage the use of treatment and rehabilitation without fear, if at risk of alcohol dependence. Most important, of course, is that the right to drink or not to drink must remain an individual choice. That is my belief also.

The Health Education Council also endeavours to point out to people that smoking is harmful to health and that many do not understand the nature of this harm. It also highlights the value of health and health education as regards smoking and its allied health problems. These are many of the spheres in which the Health Education Council interests itself apart from publishing various booklets and other literature for the benefit of the people.

It was my intention to finish my speech at 11.30 p.m. so once again I wish to pay great credit and tribute to Dr Snow, Mr Jim Carr, and other people who have given their time and complete dedication not for five days a week or eight hours a day, but on many occasions for seven days a week and sometimes up to 16 and 18 hours a day without payment of overtime. They do this only for the cause of society and the duties they seek to perform. They are completely dedicated and whilst we have officers such as those in the Public Service, I will not criticise public servants. To those people we owe a great deal, and I have much pleasure in supporting the Bill.

MR RIDGE (Kimberley—Minister for Lands) [11.32 p.m.]: I express my appreciation to the members for Victoria Park and Canning for their support of the legislation. It is pleasing to see a Bill before this House in regard to which all members are in accord, but it is more pleasing to see a Bill before the House on which members of the Opposition can rise to their feet to pay a sincere tribute to such organisations as the Health Education Council.

I was rather interested in the comments made by both members. It is obvious that the member for Victoria Park has taken a keen interest in the Health Education Council for a long time and it is equally obvious that the member for Canning has had an association with the council for a long time. I understand the council was originally established as a special section within the Public Health Department, and the member for Canning has indicated that later it became necessary for its operations to be extended and become more flexible, and I think that the honourable member said it became a statutory body in 1959.

I am particularly pleased to hear both members pay tribute to Jim Carr. He is a person I have seen in action on several occasions, and whilst I agree with the member for Victoria Park that Mr Carr is a person with whom one would not always agree, one cannot help but admire him. He gets his message across, particularly to the young people. I consider he is the right person for the job he occupies and he has demonstrated outstanding dedication and sincerity towards the duties he performs. In my view all the publications issued by the Health Education Council are excellent. As the member for Canning has said we receive many publications that are thrown into the waste paper basket. That is certainly not true as far as I am concerned with Health Education Council publications. I will always take a copy of its publications home to my children because they learn quite a deal from them. They then find their way to the school they attend and are read by other pupils. I also know that its publications are circulated in the north and they have brought a great deal of benefit to the Aboriginal population, particularly in relation to drinking, smoking, and drugs.

The member for Victoria Park referred to the lack of finance. Of course many

departments have been in the same situation; that is, they have been suffering from a lack of funds. I know that the Minister for Health is acutely aware of this and has made representation for additional funds to be made available. I sincerely agree with both members that there is a need for the Health Education Council to extend its activities into various regions, and certainly into Port Hedland. That centre could do with the services of one of the officers of the Health Education Council. Perhaps this is the sort of service we could provide in regional Government centres that are to be established in the various parts of Western Australia. This is something I will bring to the attention of the Minister for Health.

The member for Victoria Park said that the Budget will be introduced to the House this week. I do not know whether the Minister for Health has worked out precisely what proportion of his funds will be allocated to the Health Education Council. However I will put to him the views expressed by the members in this House in the hope that the council will be able to extend its activities to the various regions I have mentioned.

Reference was made to certain bodies missing out on the composition of the proposed new council. I think it will be found that where they have missed out this is probably by design in that some of them have indicated that they feel their representatives are not serving any useful purpose. I think the Australian Broadcasting Commission was one of these bodies. The Broadcasting Control Board was another. I understand that these two organisations felt, initially, when the council was first formed, that if they were represented on the council they would get a certain amount of material for use over the air and in the Press. However I do not think this occurred to the extent that these organisations had hoped for, and they have indicated that their representatives on the council are not serving any useful purpose.

The member for Victoria Park referred to the gobbledygook in one of the clauses of the Bill, and his point is well taken by me. On the other hand it is quite possible that it was necessary for the Parliamentary Draftsman to frame the clause in that way. I can assure the honourable member that I spent a great deal of time trying to find out precisely what it does mean. Notwithstanding that I came to the same conclusion as that reached by the honourable member.

I do not think there is any opposition to the Bill. Once again I thank both members who spoke to the measure for the sincerity they showed in paying tribute to the organisation. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

House adjourned at 11.39 p.m.

Legislative Council

Wednesday, the 1st October, 1975

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (15): ON NOTICE

1. ROADS

North-West: Funds

The Hon. J. C. TOZER, to the Minister for Health representing the Acting Minister for Transport:

(1) What is the total allocation of funds to be spent on the Great Northern Highway and the North West Coastal Highway in 1975-1976?

(2) What is the source of these funds?

(3) What proportion comes from the various Federal grants Acts for roads—including the National Highways Act—and State allocations?

(4) In summary, what works are planned on the Great Northern Highway and North West Coastal Highway for 1975-1976?

(5) Apart from allocations to local authorities, what are the principal works planned for the Pilbara and Kimberley not being on the main highways?

(6) Of these works, which ones will attract contributions by mining companies, and what is the amount of such contribution in each case?

(7) Without road by road detail, what amounts have been allocated to the eight northern shire councils for their own works programmes?

The Hon. N. E. BAXTER replied:

(1) to (7) The information sought by the Hon. Member will take some little time to collate. It will be forwarded to him immediately it is available.