Legislative Assembly

Tuesday, the 31st October, 1972

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

MEMBER FOR BLACKWOOD

Resignation: Letter

THE SPEAKER (Mr. Norton): I have to announce that I have received the following letter:—

Parliament House,
Perth, W.A., 6000
26th October, 1972.

The Speaker,

The Hon. D. Norton, M.L.A.

Legislative Assembly,
Parliament House,
PERTH 6000.

Dear Mr. Speaker,

I hereby submit my resignation as a Member of the Legislative Assembly in the State of Western Australia, to take effect as from the abovementioned date.

Yours sincerely,
David Reid,
M.L.A. FOR BLACKWOOD

The letter was received by me at 10.00 p.m. on the 26th October, 1972.

Seat Declared Vacant

MR. J. T. TONKIN (Melville—Premier) [4.32 p.m.]: Consequent upon the letter read by Mr. Speaker, I move—

> That owing to the resignation of Mr. David Donald Reid the seat of the Member for Blackwood be declared vacant.

Mr. Reid is one of the casualties of the redistribution of electoral boundaries. He had not been a member of the House for very long, having entered it following the last State general election. It is unusual for a member to serve such a short term; unless, of course, it is a case of death.

However, as the seat of Blackwood is to be abolished in the redistribution, it was inevitable that Mr. Reid would have to vacate it. Doubtless he has seen the opportunity to continue as a member of Parliament, and he has nominated for a Federal seat. In consquence of that nomination, under the requirements of the Constitution and the Commonwealth Electoral Act, he had no option but to resign from his seat in this House.

The SPEAKER: Is there a seconder to the motion?

Mr. T. D. EVANS (Attorney-General): I second the motion.

SIR CHARLES COURT (Nedlands—Leader of the Opposition) [4.34 p.m.]: I must admit I overlooked the fact that a motion of this kind is necessary because of the House being in session; but in view of the fact that the former member for Blackwood has been mentioned and that he made some comments in the House the other night when he advised us of his impending resignation, I think I should comment.

We on this side are sorry to see Mr. Reid discontinue his membership of this House after such a short period. The circumstances of his resignation have been outlined by the Premier and, of course, we thoroughly understand the situation both because of his ambition to enter the Federal Parliament, and because of the fact that his seat will no longer exist when a State general election is held.

Mr. Reid applied himself with diligence to his task in this House, and served his electorate extremely well. The comments he made recently regarding his impending retirement were appropriate and fitting of a man who endeavoured to conduct himself with great decorum in this place, and who endeavoured to represent his electorate very well.

MR. NALDER (Katanning) [4.35 p.m.]: I welcome the opportunity given to us by the Premier to say a few words on the motion. As has been stated already, the member for Blackwood decided to contest a Federal seat and in those circumstances it was necessary for him to resign his seat in the Legislative Assembly. The electorate of Blackwood is to be abolished under the redistribution of seats; so, after much thought, Mr. Reid made his decision.

I support the comments of the Leader of the Opposition. Mr. Reid applied himself diligently to his responsibilities. I think without doubt he made a great contribution to this House during the short time he was here. He also played an active part in his other interests. I can only say that we regret the necessity for him to resign. I might add that we wish him well in his new sphere.

The SPEAKER: I point out that the resolution before the House is required under section 67 of the Electoral Act.

Sir Charles Court: Yes. I overlooked the fact that the House is in session.

Question put and passed.

BILLS (2): INTRODUCTION AND FIRST READING

1. Fruit-growing Reconstruction Scheme Bill.

   Bill introduced, on motion by Mr. H. D. Evans (Minister for Agriculture), and read a first time.

2. Acts Amendment (Judicial Salaries and Pensions) Bill.

Bill introduced, on motion by Mr. T. D. Evans (Attorney-General), and read a first time.

TEACHER EDUCATION BILL

Introduction and First Reading

Bill introduced, on motion by Mr. T. D. Evans (Minister for Education), and read a first time.

Second Reading

MR. T. D. EVANS (Kalgoorlie—Minister for Education) [4.42 p.m.]: I move—

That the Bill be now read a second time.

Education has a relation to time and circumstance and 70 years ago when the Claremont Teachers' College was opened in 1902 a major objective was to ensure that there would be a continuing supply of teachers for the Government primary schools of Western Australia. The Claremont Teachers' College was the first tertiary institution of teacher education in the State.

Great changes have occurred since then. Educational needs have expanded in many directions and there have been changing notions about the nature and the financing of tertiary education.

At the tertiary level in this State the University of Western Australia today is a respected and mature self-governing institution and it will shortly be joined by the Murdoch University. There is also the self-governing Western Australian Institute of Technology which, since its opening in 1966, has become a significant example of an Australian college of advanced education.

For their capital and recurrent costs self-governing universities and colleges of advanced education are now financed jointly by the Commonwealth and the States. But the teachers' colleges, under the control of the Western Australian Education Department, which are post-secondary institutions, have so far been a substantial charge on State revenues.

At present the Education Department is responsible for five teachers' colleges. Since the war the Claremont Teachers' College has been supplemented by the establishment of the Graylands Teachers' College, the Secondary Teachers' College at Nedlands, the Mt. Lawley Teachers' College, and the Churchlands Teachers' College. Of these the Commonwealth met the capital costs of the Secondary Teachers' College and the Churchlands Teachers' College.

The quality of tertiary education cannot be separated from the quality of primary and secondary education. There are non-Government as well as Government schools; but the staffing of the Government schools has depended heavily on the teachers who have been trained through the teachers' colleges of the Education Department, assisted, particularly at the secondary level, by the University of Western Australia and latterly by the Western Australian Institute of Technology.

For a number of years there have been moves throughout Australia to bring the teachers' colleges closer to the self-governing community nature of the universities and the colleges of advanced education.

In keeping with this trend the Western Australian Committee on Tertiary Education, under the chairmanship of Sir Lawrence Jackson, recommended in 1967 that the teachers' colleges of the State should be removed from the control of the Education Department. Subsequently the Tertiary Education Commission produced a plan to implement the Jackson committee's proposals and the recent report of the commission on the Teachers' Colleges has provided a basis for the present legislation.

Although there may have been no relation between the events, hard upon the release of the commission's report the Commonwealth changed its policy towards State teachers' colleges throughout Australia.

In August the Minister for Education and Science reported that the Commonwealth Government had decided to extend financial matching arrangements, both capital and recurrent, applying to universities and colleges of advanced education, to include State teachers' colleges being developed as self-governing tertiary institutions under the supervision of appropriate State co-ordinating bodies. It was also reported that Commonwealth support would be available from the 1st July, 1973, through the agency of the Australian Commission on Advanced Education and that a programme for the teachers' colleges of a State would need to be submitted to the A.C.A.E.—Australian Commission on Advanced Education—by the 31st March to cover the period of 2½ years from July, 1973, to December, 1975. In addition, the Commonwealth announced that it was willing to share with the States the capital and recurrent costs of pre-school teachers' colleges on similar lines.

State teachers' colleges, as for example in Western Australia, have been regarded as single-purpose institutions in that they train students for one profession. The Commonwealth has favoured, and continues to favour, the development of teacher education in multi-purpose institutions—such as universities and colleges

of advanced education—or the conversion of single-purpose teachers' colleges into multi-purpose colleges of advanced education.

The Commonwealth, however, has now accepted the view that many existing teachers' colleges will probably remain single-purpose and that attempts to change their structure are likely to prove difficult or inappropriate.

Similar opinions were emphasised by the Tertiary Education Commission, which while stressing the desirability of developing teacher education in multi-purpose universities and colleges of advanced education argued that self-government for the State's teachers' colleges should take priority over attempts at their multi-purpose conversion. Thus the commission supported the development of teacher education in the Western Australian Institute of Technology as well as in the Murdoch University on its establishment. But it contended that if the Western Australian teachers' colleges as single-purpose institutions were given the opportunity to exercise self-government under a co-ordinating authority there would be broadening opportunities for the staff and students and that there would be added incentives in the colleges to improve the quality of teacher education, engage in research, and attempt innovation.

In other Australian States such as Queensland, New South Wales and South Australia, where boards of advanced education have been established, the teachers' colleges are tending to be placed under these bodies. In Western Australia the teachers' colleges taken separately are not large institutions and the tertiary Education Commission considered it desirable to provide for the co-ordination of the activities of the colleges within a structure which would strengthen their collective voice and yet allow each college a considerable measure of individual freedom. The proposed legislation has taken account of these views as well as of the responsibilities of the Tertiary Education Commission under its Act.

The Bill provides for the creation of a Western Australian teacher education authority as an incorporated body consisting of constituent colleges—at the present time the five teachers' colleges are under the control of the Education Department—and a council to act as the governing body of the authority. It also provides for each college to be placed under a board consisting of the college principal as chairman, representatives of the college staff and students, and other members.

Mr. Lewis: Is the Minister aware of the current situation in the States of Victoria and Tasmania? He mentioned the other States.

Mr. T. D. EVANS: I am not aware of the current situation, but I know that each State is moving towards development in this area.

However, before proceeding to the main provisions of the Bill there are several matters which the Tertiary Education Commission considered of importance in the establishment of the body to take the place of the Education Department under the new arrangements.

Firstly, the commission regarded as urgent that the work of the teachers' colleges should not be disrupted during the period of transition of the colleges from the Education Department to the new authority. Secondly, as the proposals contained in the Bill involve a transference of teachers' college staff from the Education Department to the authority, time will be needed for this to occur and for staff members to indicate their acceptance or otherwise of appointment by the authority. Thirdly, as the teachers' colleges under the control of the Education Department have so far been the major source of teacher supply for the department's schools, the requirements of the Education Department for teachers will need to be recognised as a particular responsibility of the authority.

The Tertiary Education Commission recommended that the five teachers' colleges under the control of the Education Department—referred to as constituent colleges in the Bill—should be placed under a Western Australian council for teachers' colleges. In evaluating this proposal difficulties were seen in attempting to implement it by legislation. This is the reason a Western Australian teacher education authority appears as the incorporated body in the Bill, and in addition to the constituent colleges under their own boards, the council—which is the governing body of the authority—is involved in administrative and co-ordinating roles.

Clause 8 of the Bill sets out the objects of the authority and it will be seen that provision is made for the authority to be responsible not only for teacher education but, where appropriate, for other forms of professional education to meet community and student needs. However, a major purpose of the authority is to develop and improve teacher education and encourage diversity in the teacher education courses. It is also required to co-operate with other tertiary education institutions, and affiliate them if needed; promote academic autonomy in the constituent colleges as well as assist them in the management of their affairs and finances; and, in general, provide administrative and co-ordinating services for the colleges.

Clauses 9 and 10 refer to the council of the authority which consists of a minimum of 21 members and a possible

maximum of 26 members. The composition of the council is substantially the same as recommended by the Tertiary Education Commission with some minor variations as to numbers in several of the subsections of proposed section 10. The council is representative of institutions training and employing teachers, of teachers in schools, and of persons in the community with qualifications and interests in teacher education. Provision is also made for co-option and student representation; that is, co-option of any person and for direct student representation.

In the first instance it is proposed that the chairman of the council will be appointed by the Governor on the recommendation of the Minister and that afterwards the chairman will be elected by the council. An important object of the legislation is that the teachers' colleges under the council shall, as far as possible, be responsible for the conduct of their internal affairs. In clause 20, which refers to the functions, powers, and duties of the council, reference is made to the desirability of the council delegating authority to the constituent colleges to the fullest extent practicable. There is also mention in the clause that the council will provide central administrative and other services which will facilitate the operation of the colleges, and if the council thinks fit it may do likewise for any affiliated institution on the request of its governing body.

Further, the council will be involved in approving college courses, and in the standards of admission of college students. It will make awards to successful students and it will be the recognising body on behalf of the colleges for work performed in other institutions. In this respect the council also has a responsibility to promote the recognition of college work by other institutions. In addition to these activities the council will need to arrange practical professional experience for students of the colleges, and it is involved in the terms and conditions of appointment and employment of the staff of the authority and the colleges.

On the financial side the council is required to co-ordinate the submissions of the colleges for their developmental programmes, and it is obliged to disburse available funds to the colleges for their education and administrative needs.

It has been mentioned already that each constituent college will have a board as its governing body and that the principal of the college will be the chairman of the board. In the Bill the college boards are referred to in proposed sections 37 to 48. The membership of boards is expected to vary from nine to 12; and the functions, powers, and duties of the boards are stated in proposed section 47.

In general, the respective boards have responsibility for the conduct of the internal affairs of the colleges. They are required to promote college welfare and be responsible for the financial and administrative services of the colleges. The boards have power to appoint most college staff but the appointment of a college principal and the appointment of the two senior academic members of a college below the rank of principal are reserved to the council of the authority.

Subject to the provisions in the Bill relating to the Minister, the council, and the Tertiary Education Commission, the colleges will become self-governing institutions under the legislation. Moreover, apart from college representation on the council, the council is required under clause 21 to appoint a committee consisting of persons from the constituent colleges to advise the council on the exercise of its functions, powers, and duties as well as on the needs and welfare of the colleges.

It is anticipated that this particular committee will become a major link between the colleges and the council. It will also be seen that under clause 55 the council and the college boards will need to recognise organised associations of academic staff and students, and listen to their voices.

It has been mentioned previously that the work of the teachers' colleges will need to be continued during the period of transition of the colleges from the Education Department to the Western Australian teacher education authority, and that time and opportunity will be needed for college staff to transfer from the Education Department to the authority. These issues are referred to in proposed sections 53 and 77 of the Bill.

In addition, the Bill provides for the retention of such rights as superannuation and long service leave enjoyed by present college staff; and provision is made for those who do not elect to transfer to the new authority to remain in the service of the Education Department without loss of salary.

I now want to refer to the philosophy upon which this legislation is based. For centuries the universities have enjoyed an unparalleled position in the educational structure of many countries, including Australia. In more recent times other institutions have gained, or are gaining, a prestige similar to that of universities. In Australia this is happening to the colleges of advanced education, and next year the Western Australian Institute of Technology will award its first degrees.

In emphasising this point I want to remind members again that the University of Western Australia and the Western Australian Institute of Technology are self-governing, and by means of the present

legislation it is desired to bring the teachers colleges into the family of such self-governing institutions.

No-one denies the importance of education today, but for a long time many of those who educate our children in schools have been concerned about the status of their occupation. Most teachers in the Government schools in Australia have received their professional education through teachers' colleges; but until very recently the length of most college courses was limited to two years. The situation today is different. The college courses in Western Australia are now of three years' duration, and for those students who are also enrolled at the University of Western Australia or at the Western Australian Institute of Technology the courses may be as long as four or five years, or even more.

However, what is likely to go on in the colleges of the future is a major concern of the present legislation. Under self-government there should be greater incentives to improve the quality of teacher education in general and provide for greater diversity of course offerings in particular. For example, many children suffer handicaps of various kinds. These occur among Aborigines and also among our own children, and the colleges, under the proposed authority, should be capable of making increased provision to meet such needs in their professional training programmes. There is also the continuing education of employed teachers—a field in which the teachers' colleges under their new conditions might be expected to assume a significant responsibility.

In conclusion, I referred a few moments ago to the status of teachers, and I now wish to refer to the status of the teachers' colleges. There are not only dedicated teachers in our schools but also dedicated teachers in our teachers' colleges; but in comparison with the State's existing self-governing institutions the teachers' colleges have so far been accorded less esteem. The proposed self-governing teacher education authority, providing support for self-governing teachers' colleges, should correct this situation and make possible a co-ordinated system of tertiary or higher education in the State of Western Australia.

I advise members that with the passage of this legislation a series of corresponding amendments will be required to the Education Act and the Western Australian Tertiary Education Commission Act. I intend to proceed with the second reading of Bills to amend those Acts but the speeches will be brief as those amendments will be consequential upon the passage of this major legislation.

Debate adjourned, on motion by Mr. Lewis.

EDUCATION ACT AMENDMENT BILL (No. 3)

Introduction and First Reading

Bill introduced, on motion by Mr. T. D. Evans (Minister for Education), and read a first time.

Second Reading

MR. T. D. EVANS (Kalgoorlie—Minister for Education) [5.05 p.m.]: I move—

That the Bill be now read a second time.

Consequent upon the proposed enactment of the Teacher Education Bill, 1972, the Education Act will need amending to delete from its sections those provisions relating to teacher education. This means deleting the whole of part IV which relates to the training of teachers and the appointment of teachers' college staffs. These functions will in future be administered by the teacher education authority. The reference to part IV will also be deleted from section 1A which outlines the arrangement of the Act.

The existing definition of "Government school" in section 3 of the Education Act includes a teachers' college. This will be removed but the Education Act will need to refer to teachers' colleges in some of its sections. It will therefore become necessary to include a separate definition of "teachers' college" in the Act. To ensure a uniform definition of a teachers' college throughout the various Acts in which it may occur, the meaning of a teachers' college as expressed in the Teacher Education Bill, 1972, has been taken as the definition of a college for purposes of the Education Act. Thus section 3 of that Act will define a teachers' college as an institution having the same meaning as a college has in and for the purposes of the Teacher Education Act, 1972.

Paragraph (n) of subsection (1) of section 28 gives the Minister the power to make regulations relating to teachers' colleges. This authority will no longer be required but to cater for such institutions as the teachers' further education centre, which provides courses for the further education of teachers in the schools, an amended paragraph (n) will enable the Minister to regulate for the function of such institutions.

The Education Act Amendment Act (No. 2) of 1970 added a provision to subsection (3) of section 37AE, removing from the teachers' tribunal jurisdiction over the hearing of appeals against appointments to teachers' college positions. Such a proviso will no longer be required and can be removed.

The authority for terminating a student's course at a teachers' college at present rests with the Minister. Any student whose course is terminated may appeal against the decision to the teachers'

tribunal. This jurisdiction will no longer be exercised by the teachers' tribunal and, therefore, paragraph (i) of section 37AE(3) will be deleted.

None of these issues is at all controversial, being mainly machinery matters consequential upon the establishment of an autonomous authority, and I commend the Bill to the House.

Debate adjourned, on motion by Mr. Lewis.

WESTERN AUSTRALIAN TERTIARY EDUCATION COMMISSION ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr. T. D. Evans (Minister for Education), and read a first time.

Second Reading

MR. T. D. EVANS (Kalgoorlie—Minister for Education) [5.08 p.m.]: I move—

That the Bill be now read a second time.

This Bill is to give effect to a complementary amendment to the Western Australian Tertiary Education Commission Act consequential upon the proposed enactment of the Teacher Education Bill, 1972.

Section 6 of the Western Australian Tertiary Education Commission Act, 1970, details the constitution of the commission, which includes representation from the University of Western Australia, the Murdoch University, and the Western Australian Institute of Technology. This amendment is designed to provide for the proposed Western Australian teacher education authority to have a representative on the commission along with the other areas of advanced education. Such representation is obviously desirable, and I commend the Bill to the House.

Debate adjourned, on motion by Mr. Lewis.

PRE-SCHOOL EDUCATION

Report of Magistrate Nott: Tabling

MR. T. D. EVANS (Kalgoorlie—Minister for Education) [5.12 p.m.]: I wish to table a copy of the report by Magistrate Nott on pre-school education in Western Australia. I advise that the report is also being tabled in the Legislative Council. All bodies and persons who gave evidence before Magistrate Nott will be provided with a copy of the report. A copy of the report has been given to the Press under embargo. Any other person or interested body seeking a copy of the report may obtain one, while supplies last, by applying through my office.

Report tabled (see paper No. 456).

QUESTIONS (17): ON NOTICE

1. MARGARINE

Ingredients

Mr. BLAIKIE, to the Minister for Agriculture:

(1) Would he advise the quantity and type of raw materials involved in the manufacture of margarine in this State?

(2) Are the materials used for this manufacture produced in total in this State, and if not, would he please advise what is imported and the cost of the material involved?

Mr. H. D. EVANS replied:

(1) The fats and oils used in the manufacture of margarine are received from other States as a blend to which is added emulsifying agents, skim milk or skim milk powder, salt, potato starch or farina, vitamins, carotene, and various flavouring compounds.

The margarine produced has the following composition:

Fats and oils—over 80%

Moisture—15.5 to 16.0%

Salt—2 to 3%

with the other substances making up the remainder.

(2) All the substances, except any skim milk used, are imported into this State. The cost of the materials involved is not available.

2. TOWN PLANNING

Subdivisions: Water Supply

Mr. BLAIKIE, to the Minister for Town Planning:

Further to question 18, 25th October, 1972, regarding the Town Planning Board's requirement that it "requires water reticulation henceforth as a condition of subdivision" would he please advise of those coastal areas in the State referred to as not having water reticulation as a condition of subdivision?

Mr. DAVIES replied:

Since 1st January 1972 the Town Planning Board has permitted central residential subdivisions without reticulated water supplies only in the Shires of Mandurah, Busselton and Capel.

The last Capel subdivision has been revised and a water supply condition may be imposed if and when the new proposals are approved.

The board treats each application on its merits, but coastal residential subdivision without water supplies will in future be permitted only in exceptional circumstances.

3. MARGARINE

Production and Imports

Mr. BLAIKIE to the Minister for Agriculture:

(1) What is the amount of polyunsaturated margarine produced in Western Australia during the year ended 30th June, 1972?

(2) Further to question 21, 25th October, 1972, part (3), in relation to the answer given would he advise the amount of margarine involved and in which category this appears, that is margarine labelled "Table Margarine for Cooking Purposes Only"?

Mr. H. D. EVANS replied:

(1) Returns received by the department from margarine manufacturers show the total production of table margarine, but do not differentiate between polyunsaturated and other types of table margarine.

(2) There is no product labelled "Table Margarine for Cooking Purposes Only".

If the reference is intended to relate to cooking margarines promoted as spreads it would be included in the category for cooking margarine.

I do not have information concerning the quantity of this type imported, as the Bureau of Census and Statistics does not separately identify the different types of margarine concerned.

4. PORT OF BUNBURY

Export Tonnages

Mr. BLAIKIE for the Minister for Development and Decentralisation:

(1) Would he advise the total tonnage of exports from the Port of Bunbury and the major item of export in the years 1951-52, 1961-62 and 1971-72?

(2) Has his department made any projections for future utilisation of the Port of Bunbury and, if so, would he advise as to tonnages anticipated and principal items of export?

Mr. J. T. Tonkin (for Mr. GRAHAM) replied:

(1) 1951-52—
Total exports—444,618 tons.
Major export—125,176 tons of wheat.

1961-62—
Total exports—444,618 tons.
Major export—195,679 tons of mineral sands.

1971-72—
Total exports—859,031 tons.
Major export—634,983 tons of mineral sands.

(2) No actual figures have been compiled in forecasting tonnages from Bunbury. However, the following information may assist:

(a) Projects under negotiation for the future utilisation of the port of Bunbury are—

(i) Alcoa of Australia (W.A.) Ltd. to export alumina from the inner harbour with a target of 1,200,000 tons per year within three years of commencement of export.

(ii) W.A. Chip and Pulp Company to export wood chips from the inner harbour, with a target of 750,000 tons per year after negotiations are finalised.

(b) Other possible bulk lines are for coal export and for a second company (Alwest) to export alumina.

(c) (i) The export of mineral sands over the existing berths is expected to increase to about 750,000 tons per year.

(ii) The completion of the general cargo berth within the Inner Harbour will enable meat and other minor products at present being diverted to Fremantle due to draught restrictions to be exported through Bunbury.

5. LAND

Augusta-Margaret River Area: Use

Mr. BLAIKIE, to the Minister for Lands:

Would he advise the approximate area of land in the Busselton and Augusta-Margaret River shire areas that is—

(a) for agricultural purposes;

(b) for forestry;

(c) Crown land and for other Government purposes?

Mr. H. D. EVANS replied:

The latest information from the Commonwealth Bureau of Census and Statistics and the Forests Department is:—

(a) Busselton 88,760 hectares.
Augusta-Margaret River 86,100 hectares.

(b) State forests and timber reserves under Forests Act.
Busselton 39,860 hectares.
Augusta-Margaret River 88,700 hectares.

(c) This figure is not known although it could comprise the greater part of the balance of the area of the municipal district which is:—
Busselton 2,680 hectares.
Augusta-Margaret River 62,200 hectares.

6. MILK

Registered Producers and Deliveries

Mr. NALDER, to the Minister for Agriculture:

(1) How many farmers are registered by the Department of Agriculture who deliver milk for the manufacture of butter, cheese, etc.—

(a) in the south-west zone;

(b) in the Albany zone;

(c) elsewhere in the State?

(2) What was the total gallonage of milk delivered in the various zones for the years 1969-70, 1970-71 and 1971-72?

Mr. H. D. EVANS replied:

(1) The department does not register dairy farmers. However, information obtained from the department's district officers indicates the approximate number of dairy farmers delivering milk for manufacturing purposes, including those who deliver a quota for consumption as liquid milk are as follows:—

(a) South West statistical division	750
(b) Southern agricultural statistical division (including Albany)	21
(c) Elsewhere in the State (including Perth Statistical division)	102

(2)—

	1969-70 gals.	1970-71 gals.
(a) South West statistical division	28,160,367	29,337,474
(b) Southern agricultural statistical division	881,335	809,761
(c) Elsewhere in the State—		
(i) Perth statistical division	5,033,739	5,410,827
(ii) Other Areas	344,497	271,999
TOTAL	34,408,938	35,830,061

No corresponding figures are available for 1971-72 from the Commonwealth Bureau of Census and Statistics.

7. PASTEURISED CREAM

Sales and Treatment

Mr. NALDER, to the Minister for Agriculture:

(1) How many gallons of pasteurised cream are sold weekly—
(a) in the metropolitan area;
(b) in the remainder of the State?

(2) What does this represent in total gallons of whole milk?

(3) Is the operation of separating cream from milk done by treatment plants?

(4) What is the separated milk used for and is this controlled by the milk board?

Mr. H. D. EVANS replied:

(1) Average weekly sales during September 1972—
(a) 4,016 gallons of cream.
(b) 1,237 gallons of cream.

(2) (a) 39,648 gallons of milk.
(b) 12,048 gallons of milk.

(3) Yes.

(4) It is not controlled by the Milk Board and is used for skim milk and for manufacturing purposes.

8. WHOLE MILK

Licenses

Mr. NALDER, to the Minister for Agriculture:

(1) How many farmers are licensed by the Milk Board to produce whole milk in the metropolitan zone?

(2) What is the total gallonage?

(3) How many farmers are licensed by the Milk Board to produce whole milk in the Albany zone?

(4) What is the total gallonage?

(5) How many farmers elsewhere in the State and in what areas are licensed by the Milk Board to produce whole milk?

(6) What is the total gallonage of over-quota milk required by the board to be delivered by farmers in—
(a) the metropolitan zone;
(b) the Albany zone;
(c) elsewhere in the State?

Mr. H. D. EVANS replied:

(1) 569 dairymen are licensed in the major contract supply area from which the metropolitan area and most country areas are supplied.

(2) The average daily contract supply during September 1972 was 64,420 gallons.

(3) 21.

(4) The average daily contract supply during September 1972 was 1,613 gallons.

(5) 3 local suppliers in the Shire of Manjimup.
2 local suppliers to the Kalgoorlie treatment plant.

(6) The Milk Board does not require the delivery by dairymen of milk in excess of their contracts. To ensure that their contract quantity is met and because of the necessity to meet fluctuating market requirements, the board recommends that dairymen supply at least 10% in excess of their contract quantity at all times.

9. N.S.W. GOVERNMENT INSURANCE OFFICE

Press Release

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

(1) Did he note a Press release issued by the Government Insurance Office of New South Wales on 26th September, 1972?

(2) If "Yes" will he advise the contents of that Press release?

Mr. TAYLOR replied:

(1) Yes.

(2) I quote—

> The Government Insurance Office in the year 1971-72 earned a record profit before tax of $13.6 millions from its non-life insurance operations—19% up on last year.
>
> The General Manager, Mr. R. M. Porter, said that the higher profit was due to an 18% increase in investment earnings, and an improved loss ratio in the comprehensive motor account. Interest earnings of $14.3 millions enabled motor third party to show a profit of $2.7 millions which reduces the accumulated loss to $20 millions. Workers' compensation for the second year produced an underwriting deficit, Mr. Porter said.
>
> Of the earned profit of $5.7 millions will be returned to policyholders by way of bonus deductions from renewal premiums, Mr. Porter said.
>
> Income tax payable to the New South Wales Treasury amounts to $4 millions.
>
> Life assurance completions were again a record; new sums insured amounting to $68 millions—attracting new premiums of $2.8 millions. The earnings rate on the life assurance fund was 7.24% before tax—6.71% net after tax. The ratio of expenses to income was 7.2%.
>
> This release was issued by Mr. R. M. Porter, General Manager, Government Insurance Office of New South Wales on the 26th September, 1972.

10. BROOME HIGH SCHOOL

Air-conditioning

Mr. RIDGE, to the Minister for Education:

(1) In view of the fact that a recent Press statement claimed the Government had adopted a policy of air conditioning new school buildings in remote areas, will he explain why there is a necessity for the Public Works Department to be investigating the most suitable form of cooling to be incorporated into the new classrooms at the Broome Junior High School?

(2) Bearing in mind that a building contract has already been let, when is it expected that the result of the Public Works Department investigations will be known?

Mr. T. D. EVANS replied:

(1) The policy to air condition new school buildings established recently, did not establish the method of cooling for specific locations.

Each building must be considered as an individual unit and a suitable economic system of cooling installed to best suit the diverse functions of the rooms incorporated in each school, bearing in mind the design of the building, environmental conditions associated with the location of the school and available power supplies, water supplies and other local resources.

(2) Investigations for air conditioning of Broome junior high school additions are now complete and contract documents are being prepared for calling of tenders within the next two weeks.

11. FAUNA CONSERVATION

Magpies: Destruction

Dr. DADOUR, to the Minister for Fisheries and Fauna:

(1) How many magpies have been shot by his department in the past six months in the metropolitan area?

(2) What are the criteria used in deciding on the killing of these birds?

Mr. BICKERTON replied:

(1) Seventeen.

(2) Magpies are usually destroyed where attacks have been directed at young children.

12. GARDEN ISLAND

Recreation and Conservation Measures

Mr. RUSHTON, to the Premier:

(1) What are the financial provisions this year towards carrying out the Government's responsibilities for recreation and conservation on Garden Island?

(2) What progress or final agreements have been negotiated with the Commonwealth Government as to the State's responsibilities for recreation and conservation on Garden Island?

(3) What is the Government's planned timetable for carrying out its accepted responsibilities on Garden Island?

(4) Will he please table a plan showing the State's accepted responsibilities for Garden Island?

Mr. J. T. TONKIN replied:

(1) No financial provision has been made as the area to be made available for recreation is yet to be determined.

(2) to (4) Negotiations between the Commonwealth and State Governments are continuing, and a two-day conference of all interested Commonwealth and State Departments will commence in Perth on Wednesday, 1st November.

13. EXPLOSIVES DEPOT

Siting at Garden Island

Mr. RUSHTON, to the Minister for Mines:

(1) What are the present and future plans for siting and resiting of the State's explosives depot?

(2) Did the Government discuss with the Commonwealth Government, or Commonwealth Departments or Commonwealth officers the establishment of the State explosives depot on Garden Island?

(3) On what dates did these discussions take place?

(4) What is the present position over the siting of the State's explosives depot on Garden Island?

Mr. MAY replied:

(1) to (4) This matter, by arrangement between the Prime Minister and the Premier, is currently the subject of discussion between State and Commonwealth officers.

14. SCHOOL BUS SERVICES

Subsidies and Allowances

Mr. LEWIS, to the Minister for Education:

(1) How many subsidised bus services are operating where the parents are still called upon to make a contribution?

(2) What is the total contribution so made at present per week?

(3) What is the present number of driving allowances paid?

(4) What is the aggregate amount so paid per week?

Mr. T. D. EVANS replied:

(1) There are 30 subsidised school bus services in operation. Arrangements made between parents and the operator are not known by the Education Department.

(2) Answered by (1).

(3) 318.

(4) $829.

15. EDUCATION

Boarding-away-from-home Allowance

Mr. LEWIS, to the Minister for Education:

(1) Does the department pay boarding allowances direct to hostels subject only to parents' approval?

(2) Has there been any delay in the payment of allowances to either the hostels or parents in 1972?

(3) If "Yes" to (2), what was the cause, and what steps are being taken to effect an improvement?

Mr. T. D. EVANS replied:

(1) Yes. The department cannot pay allowances to a hostel unless written authority has been given by the parent.

(2) Yes.

(3) The main cause of delay in payments to hostels has been the submission of students' names for whom either no approval for boarding allowance had been given or authority granted by the parents for direct payment.

The delay has been overcome by extracting the names of students whose claims must be investigated and by making payments promptly in the remaining cases.

The major cause of delay in direct payments to parents is the additional administrative time involved in amending incomplete or incorrect claims. Special staff arrangements have been introduced to overcome this difficulty.

16. TOWN PLANNING

Coastal Areas

Mr. RUSHTON, to the Minister for Town Planning:

(1) Will he table the report of the Committee or officer researching the protection, preservation and utilisation of our coastal areas?

(2) Has he or his department considered the Warnbro Sound conservation committee proposal for a marine museum in Warnbro Sound and adjacent waters and areas?

(3) What has been the decision upon the committee's proposal?

Mr. DAVIES replied:

(1) The Town Planning Department has conducted research into the use of the south west coast between Kalbarri and Esperance. A draft report is currently circulating other Government departments for comment. The report outlines broad policies for the use and development of the coast and draws attention to problems of coastal development and preservation. Changes may be made as a result of departmental response and hence it has not yet been presented to me. Apart from this, an Interdepartmental Committee has been established by Cabinet to study and make recommendations on problems associated with sea erosion and sand dune movements but this committee has not yet made any recommendations to me.

(2) The department has received a submission from the Warnbro Sound Conservation Society which included a suggested marine national park in Warnbro Sound. The legislative position with regard to the administration of such a park is not clear and this is one aspect currently being examined.

(3) Answered by (1) and (2).

17. BOOKMAKERS' TURNOVER TAX

Allocation

Mr. RUNCIMAN, to the Premier:

(1) Has he received representations from country racing and trotting clubs expressing concern at the Government's budgetary proposals to increase the bookmakers betting turnover tax and to take the whole of the money collected from the tax into Consolidated Revenue?

(2) Bearing in mind the severe restrictions in development and maintenance that this decision will have on the clubs will he give some consideration to easing the situation?

Mr. J. T. TONKIN replied:

(1) Yes.

(2) Yes.

QUESTIONS (9): WITHOUT NOTICE

1. CLOSE OF SESSION

Legislative Programme and Target Date

Sir CHARLES COURT, to the Premier:

(1) Will he indicate which further Bills the Government desires considered this session and which are yet to be introduced?

(2) Will he indicate which Bills currently before either House are not to be finalised this session, and in particular, whether it is proposed to complete the Mining Bill?

(3) Does the Government have a target date for the completion of the session? The Premier has already indicated mid-November, and I take it he was thinking in terms of that week and not necessarily the 15th November.

Mr. J. T. TONKIN replied:

I thank the Leader of the Opposition for ample notice of the question. The answers are as follows:—

(1) Teacher Education Bill,
Education Act Amendment Bill (No. 3),
Western Australian Tertiary Education Commission Act Amendment Bill,
Acts Amendment (Judicial Salaries and Pensions) Bill,
Scientology Act Repeal Bill,
Workers' Compensation Act Amendment Bill,
Industrial Arbitration Act Amendment Bill,
Fruit-growing Reconstruction Scheme Bill,
Apple and Pear Industry Bill,
Reserves Bill,
Totalisator Agency Board Betting Act Amendment Bill (No. 2),
Parliamentary Committees Bill, for introduction only, and Coal Mine Workers (Pensions) Bill, for introduction only.

(2) Door to Door (Sales) Act Amendment Bill,
City of Perth Endowment Lands Bill,
Education Act Amendment Bill (No. 2),
Dairy Industry Bill, and
Mining Bill.

(3) To some extent the answer to this question is in the lap of the gods. My aim is to complete the business of the House some time during the second week in November.

Sir Charles Court: Which year?

Mr. J. T. TONKIN: Whether I can achieve this or not depends upon the reasonable co-operation of the Opposition.

Sir Charles Court: Fair go!

Mr. J. T. TONKIN: I have every hope of receiving this co-operation. If we can expeditiously get on with the business, I believe we can quite easily achieve the target date.
I recently listened to a debate in the Senate. If we could pass legislation taking four times the amount of time which the Senate takes over each measure, we would finish next week.

Sir Charles Court: That is not necessarily a good thing.

Mr. J. T. TONKIN: However, with the reasonable opportunity to consider the legislation already on the notice paper and that still to be introduced, I see no obstacle to our finishing towards the end of the second week in November—at least, that is my hope. The Attorney-General today gave notice of four of the Bills mentioned in (1), and three of these have been advanced to the second reading stage. Two of these Bills are complementary to the first one and, therefore, not a great deal is involved in their consideration.

2. BUILDING SOCIETIES

Allocation of Government Funds

Mr. RUSHTON, to the Minister for Housing:

Will he please list for the years 1969-70, 1970-71, 1971-72, and 1972-73—

(1) (a) The total Commonwealth and State funds allocated to building societies in Western Australia?

(b) The name, amount, and date and allocation of funds to each society?

(2) What is the present position appertaining to the allocation of funds to the building societies this year?

(3) Has the Government or the commission applied any conditions upon building societies for using portion of their allocation towards financing commission applicants?

(4) If "Yes" to (3), will he please detail the conditions?

Mr. BICKERTON replied:

The member for Dale gave me ample notice of this question. As the answer comprises four foolscap pages I ask that it be handed in.

The SPEAKER: As the answer comprises four foolscap pages, it will be tabled.

The answer was tabled (see paper No. 459).

3. DROUGHT RELIEF

North-Eastern Goldfields

Mr. COYNE, to the Minister for Agriculture:

(1) Adverting to my question on drought relief of the 7th September, 1972—more than seven weeks ago—does the Minister realise that the drought situation in the north-eastern goldfields and East Murchison areas is becoming more alarming and ominous as the weeks go by?

(2) Is he aware that rain of very little consequence has fallen since my urgency motion was moved and debated on the 4th May this year?

(3) Does he recognise the fact that these same pastoralists whose hopes were high when announcements were made of special drought relief committees being appointed, are now becoming frustrated and despondent at the lack of action by the Government?

(4) Are all inspections and reports by the various committees that have been mentioned in answers to questions, Press, etc., been completed and the recommendations received by the Minister? If not, when are they expected?

(5) Could he indicate what measures are under discussion to arrest this most discouraging situation? When is finality likely to be reached?

Mr. H. D. EVANS replied:

(1) It is recognised that the drought situations will deteriorate on properties as annual feed which germinated after earlier rain dries up. However, where bush country is available no rapid deterioration will occur.

(2) Yes.

(3) It is agreed that pastoralists are concerned at the protracted nature of the drought. During a

recent visit to the area the Pastoral Appraisement Board did not gain an impression of widespread frustration and despondency.

(4) Yes.

(5) The matters are being submitted for Cabinet consideration.

4. CLOSE OF SESSION

Legislative Programme and Target Date

Mr. I. W. MANNING, to the Premier:

Further to the answer he gave to the question without notice asked by the Leader of the Opposition, could he clarify the position as to whether it is the intention of the Government that the five Bills he does not anticipate being finalised during this session will be subject to any debate?

Mr. J. T. TONKIN replied:

At present it is not my intention that the Bills will be debated. I will drop them to the bottom of the notice paper. However, if there is ample time and members desire that any Bill should be debated I can see no reason why opportunity should not be afforded for that to be done.

5. DAY LABOUR

Government Policy

Mr. RUSHTON, to the Minister for Works:

(1) What is the Government's policy relating to the employment of day labour in carrying out its programme?

(2) Is the Government's policy in any way inconsistent with the Labor Party platform?

(3) If "Yes" to (2), will he please explain the inconsistencies?

(4) Does the Government intend to move more and more towards the employment of day labour in its projects?

Mr. JAMIESON replied:

(1) In addition to requiring the day labour force to carry out alterations, renovations, and work which because of its urgency cannot be put out to tender, the day labour work force from time to time will be allocated such additional projects as will ensure that its members are fully engaged.

(2) Not to my knowledge.

(3) Answered by (2).

(4) It is impracticable to give a firm answer as conditions dictating Government policy in this area change from month to month. To enable the member to appreciate this point the day labour work force at the 30th June, 1972, was 860, and at the 10th October, 839.

6. BRICKLAYERS

Recruitment

Sir CHARLES COURT, to the Minister for Labour:

I am sorry I could not give the Minister any notice of this question, because I have not long been advised of the matter myself.

I understand the Government has made an announcement in tonight's Press about the recruitment of suitable migrant bricklayers, and associated with this it has made an announcement concerning the state of the conditions within the building industry in Western Australia. I am not quite sure whether this is the correct interpretation of the Press report, but I think the Minister will understand the purport of my question.

Can the Minister give the House a brief summary of the position both in respect of the recruitment of bricklayers from overseas and the examination of the building industry that is planned?

Mr. TAYLOR replied:

I would have preferred some notice of the question, nevertheless I will endeavour to give some satisfaction to the Leader of the Opposition.

The comment to which he refers was contained in a Press release from the Minister for Immigration which mentioned that the Government is considering instituting a committee which will investigate, following a request made by a building industry union.
This is as far as the matter has gone.

Associated with this—although not mentioned in the Press release—is the fact that at present a review is being made to see whether a bricklayers' training school can be established under the auspices of the Education Department, utilising Commonwealth funds to retrain bricklayers and train others who enter that trade. As stated, this is not mentioned in the Press release, but it is related. At this stage there is no move to institute any inquiry into the building industry, although, as I have said, the Press release indicated that we were considering doing this.

7. "THE WILDFLOWER STATE"

Use of Term

Mr. NALDER, to the Premier:

Does he agree with the Press statement attributed to the Director of the Western Australian Tourist Development Authority concerning the use of the term "The Wildflower State" pertaining to Western Australia?

Mr. J. T. TONKIN replied:

I have not seen the statement referred to, and I must ask that the question be placed on the notice paper.

8. BRICKLAYERS

Recruitment

Sir CHARLES COURT, to the Minister for Immigration:

Following the answer given by his colleague, the Minister for Labour, I gather from the Press statement released by one Government department that it is a firm decision to recruit something like 10 bricklayers a month from overseas.

The indication given by the Minister for Labour on this matter was that it was only being considered. In view of the urgency of the situation, can the Minister for Immigration indicate to the House whether or not a firm decision has been made to undertake the recruitment of skilled bricklayers from overseas?

Mr. H. D. EVANS replied:

It is proposed to recruit bricklayers from overseas to the order indicated in the Press release published in tonight's newspaper.

9. STATE HOUSING COMMISSION

Mr. Clohessy: Membership

Mr. RUSHTON, to the Minister for Housing:

(1) Is Mr. Ray Clohessy still a Commissioner on the State Housing Commission?

(2) Do the recently reported statements of Mr. Clohessy as to serious delays at Girrawheen, Gosnells, and Kelmscott to State Housing Commission homes give a true indication of the actual position?

(3) If "No" to (2), will he inform the House of the actual position?

Mr. BICKERTON replied:

(1) Yes.

(2) No.

(3) As at the 28th October, 1972, there were 1,769 dwellings under construction for the commission. Of these 75 were overdue by a period in excess of three months—the greater number being uncompleted as a result of one contractor's bankruptcy. The completion of these dwellings is now being negotiated following clearance by the receiver. Generally, most metropolitan contracts are delayed about two months as a consequence of a shortage of bricklayers and painters and the fluctuating availability of carpenters.

TOTALISATOR AGENCY BOARD BETTING ACT AMENDMENT BILL (No. 2)

Receipt and First Reading

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

NOISE ABATEMENT BILL

Third Reading

MR. DAVIES (Victoria Park—Minister for Health) [5.45 p.m.]: I move—

That the Bill be now read a third time.

MR. HUTCHINSON (Cottesloe) [5.45 p.m.]: It would have been gauged from the second reading and Committee stages of this Bill that the Opposition is not very keen about many of its provisions. It is all very well for us to agree with the concept and the principle that something should be done in an endeavour to abate noise in industry and in the community generally, but it is another thing to put it into legislative form, and the Opposition feels—and I am afraid industry feels—that this Government Bill lacks proper legislative form.

I want to appeal to the Minister at this stage—

The SPEAKER: There is too much audible conversation.

Mr. HUTCHINSON: —on behalf of industry generally, not to proceed with the Bill. Perhaps it could pass legitimately through this House, but at this juncture I put forward the request that he stay its progress to enable him to contact the representatives of industry concerning the Bill's provisions. This will give those representatives time to meet the Minister to discuss the various points on which they differ with him on the presentation of this piece of legislation. As I understand the position, the representatives of industry have not had the opportunity to consult with the Minister closely enough.

As I have said during other stages of the Bill, I believe the Minister has been remiss because he did not consult industry before framing the legislation. The closest possible liaison and co-operation between industry and the Minister should have taken place because those in industry will be responsible virtually for making the legislation work, and they will have to pay the piper who calls the tune. As the legislation stands they will have no representation on the advisory committee which is to be established to frame the regulations and govern the legislation.

I will not proceed any further in this direction except to reiterate that those in industry do not have representation and they have not had sufficient time in which to make their representations regarding the measure. So I ask the Minister to view this as pioneering legislation which will be used as a guide for better legislation. Indeed I urge him to wait until the two codes of the Standards Association of Australia have been better considered and until the S.A.A. makes some further determination on how the complex nature of compensation can be framed in legislation, or how it can be handled under the present law.

This measure is premature and is doomed to practical failure at this stage. So, quite sincerely, on behalf of industry I ask the Minister to delay the Bill. Perhaps he could allow it to stand over until next year and in the meantime he could consult with industry and then present a piece of legislation which would have the co-operation of those people who will be expected to pay the necessary sums of money and to bring about the changes in industry which will be required under the legislation. I so appeal to him.

MR. RUSHTON (Dale) [5.48 p.m.]: I fully support the comments of the member for Cottesloe. His remarks can be applied also to local authorities who will be asked to carry out the greater part of the administration under this legislation. Surely therefore, they should have representation on the consultative committee which will be responsible for drafting the regulations.

The legislation has considerable support. Indeed, the local authorities have asked that it be introduced, but they have also asked that consideration be given to certain matters they have raised. However, the Minister has not acceded to their request.

At this, the third reading stage, I merely stress the point that the submissions of the local authorities should be considered. They have requested that they have one or two representatives on the committee. I also ask the Minister to have regard for the points made by the member for Cottesloe. As I stated during Committee, industry also should be represented on the responsible committee.

MR. DAVIES (Victoria Park—Minister for Health) [5.49 p.m.]: The implication in the remarks of the two members who have just spoken is that I have not paid any consideration at all to the representations made during the debate or to those made to me privately outside the House. The member for Cottesloe said that I was remiss in not asking inudstry to help frame the Bill.

Mr. Hutchinson: Not to frame the Bill; but in not consulting with industry prior to the framing of the Bill.

Mr. DAVIES: I took it that the honourable member meant that representatives of industry should have helped in the framing of the Bill.

Mr. Hutchinson: No; I never said that for one moment.

Mr. DAVIES: As I have said before, the regulations will be based on the standards set by the Standards Association of Australia.

Mr. Hutchinson: But this legislation is what will stand on the Statute book.

Mr. DAVIES: We must have a working point. How can we have authority to frame regulations if we have no Statute giving that authority?

Sir Charles Court: If the Statute goes too far, the regulations can go too far.

Mr. DAVIES: Would the Leader of the Opposition repeat that please?

Sir Charles Court: If the Statute goes too far, the regulations can also go too far because the regulation-making power comes only from the Statute.

Mr. DAVIES: This is acknowledged. No-one has said the legislation goes too far. It provides what is necessary; that is, a basis—and a basis only—to enable us to introduce regulations which will become effective. The co-operation of industry, the community, and local government is necessary in order that those regulations might be effective. I have given two undertakings—the first, that industry will be consulted; and the second, that the regulations will be based on the S.A.A. standards.

Mr. Hutchinson: They have wanted to see you but—

Mr. DAVIES: Just a moment. Let me finish if the honourable member does not mind. I was just about to deal with the knowledge the Chamber of Manufactures, of which the honourable member is speaking, had of the Bill. The legislation was first announced as being a likely measure in about July of last year. On the 19th April, this year, I gave notice that I intended to introduce it, and it has been on the notice paper ever since.

Mr. Hutchinson: But you should have consulted with those involved.

Mr. DAVIES: Wait a minute. Let me finish. I did not interrupt the honourable member; without interruption I heard his remarks and insults concerning the Parliamentary Draftsman. Please afford me the same favour. We would not require noise legislation if we did not have interruptions like these.

Sir Charles Court: Do not talk nonsense. Answer the speech in a responsible way.

The SPEAKER: Order!

Dr. Dadour: You are a slow learner.

Mr. DAVIES: Here we have the Opposition again, because it cannot have its own way—

Several members interjected.

The SPEAKER: Order! Members will keep order and listen to the Minister!

Mr. DAVIES: The Opposition is speaking on behalf of the Chamber of Manufactures.

Sir Charles Court: Not necessarily. Why do you say that?

Mr. DAVIES: I am endeavouring to indicate that the tenor of the information which has been passed on to the House by the Opposition today is the same as the tenor of the information I have received from the Chamber of Manufactures and, indeed, which I was receiving from its representative when the bells rang today.

At the end of the week prior to the introduction of the Bill—on the following Tuesday—the Deputy Director of the Chamber of Manufactures asked to speak to me. I told him that the legislation had been read a first time on the 19th April, but that he had apparently only just realised this. Despite the fact that no approach had been made to me, he now wanted me to hold the legislation back so he could discuss the position.

Dr. Dadour: But they did not know what was in the Bill.

Mr. DAVIES: Can I have order, please? I told the representative of the Chamber of Manufactures that the best I could do was to introduce the measure in accordance with the undertaking I had given; that I was not going to delay any more; and that there would be ample opportunity for him to study it—

Mr. O'Connor: Standover tactics!

Mr. DAVIES: —and make recommendations. Since that time I have received two legal opinions from the Chamber of Manufactures, neither of which, in the belief of the Crown Law Department, holds water. I have advised the chamber that it will receive a copy of the Crown Law Department's opinion and it is in tonight's mail. The chamber can then decide for itself whether it's solicitor's opinion or the Crown Law Department's opinion is correct. There is nothing wrong with this.

The chamber has had three weeks since the Bill was introduced to make any representations it desired or to submit any suggested amendments. In that time it could have given the Opposition any information it desired to give. Both the Chamber of Manufactures and the Chamber of Commerce—

Mr. Hutchinson: They have been trying to see you and they would not say anything to me until they got some answer from you.

Mr. DAVIES: Representatives of the Chamber of Manufactures have seen me several times since they first asked to see me. There has been no embargo on my seeing them.

Mr. Hutchinson: A classic example of how not to handle a Bill.

Mr. DAVIES: They have seen me. It is quite wrong to say they have not had the opportunity to submit material to me. I have received two written submissions from them, both of which have been investigated and answered, and neither of which, in the opinion of the Crown Law Department's solicitor, has any substance at all. This has been conveyed back to the chamber and those responsible can decide for themselves whose opinion is right. No doubt they will make representations to members in another place, and they are legally entitled to do this. The point is: Do we want noise legislation or not?

Mr. Hutchinson: We want proper legislation.

Mr. DAVIES: We must have the basis on which to form the regulations. Ample opportunity will be available for anyone interested to give an opinion when the regulations are drafted because they will be laid on the Table of the House and the usual procedures may be followed.

This afternoon the chamber told me it wanted the legislation delayed, just as the honourable member suggested, because the Eastern States will not do anything until the standards are known. I have given an undertaking that we will not draft any regulations until the standards are known

Just because the Eastern States are doing something, must we do likewise here? I have already explained that work has not commenced on the drafting of the industry regulations.

Mr. Hutchinson: But the legislative form is probably wrong.

Mr. DAVIES: No argument has been advanced indicating that the legislative form is wrong. Argument has been advanced in

favour of the representations from various bodies, and suggestions have been made as to who should pay under the legislation; but no-one has suggested that any clause should be deleted. No-one has suggested that any clause should be amended.

Mr. Hutchinson: Because we do not quite know.

Mr. DAVIES: I cannot understand this.

Mr. Hutchinson: No-one knows.

Mr. DAVIES: What happened with the clean air legislation? We had to have a framework on which to build, and three years later along came the regulations. Those regulations affected the community and industry.

Sir Charles Court: After close consultation with industry.

Mr. DAVIES: I have given an undertaking that there will be close consultation.

Sir Charles Court: The clean air legislation was a classic example of co-operation before the introduction of the legislative framework.

Mr. DAVIES: Why should there be any difference between the clean air legislation and this legislation? We formed the basis of this from the Clean Air Act.

Sir Charles Court: In consultation with whom?

Mr. DAVIES: What is the Opposition trying to say? Is it trying to say that industry is frightened it will be too dear for it to comply with the regulations?

Mr. Hutchinson: There are two ways to do things.

Mr. DAVIES: I am just as concerned as the Opposition.

Mr. Hutchinson: If you were you would not have introduced the legislation.

Mr. DAVIES: Of course we would have. We must start somewhere. We cannot wait for someone else to do something. We cannot wait for the Eastern States to show the way. This matter has been thought out over a period of some 12 months by men who are well qualified in the field of noise and all its ramifications.

Sir Charles Court: How many businesses have they run?

Mr. DAVIES: This is not the point.

Sir Charles Court: It is a vital point.

Mr. J. T. Tonkin: Don't take any notice of him.

Mr. DAVIES: Those concerned are not being asked to run the businesses.

Mr. J. T. Tonkin: You had five hours on the second reading.

Mr. Williams: Typical attitude: "Don't take any notice"!

The SPEAKER: Order!

Sir Charles Court: We are entitled to an answer from the Minister on the point.

Mr. J. T. Tonkin: You had all the answers on the second reading.

The SPEAKER: Order!

Sir Charles Court: We haven't received a single answer.

Several members interjected.

The SPEAKER: Order! Members will keep order.

Mr. DAVIES: If I recall correctly, the Leader of the Opposition was not here during most of the debate.

Sir Charles Court: He was.

Mr. DAVIES: I noticed particularly that he made but one small contribution when the Bill was being debated.

Sir Charles Court: Don't come at that stand. I was here for practically the whole of the time.

Mr. DAVIES: The fact remains that we must have a basis on which to make the regulations. I am concerned about the effect on industry. I have told this to the House and to the Chamber of Manufactures. Its representatives showed lack of interest in leaving it so long to come to me. They knew what it was about, because they had the same cuttings on the file as I had. The legislation will be based on standards. We must have a framework within which to work or we can do nothing at this stage. Before this there has been no challenge whatsoever to the form of the Bill. There has been no challenge to anything contained in it, apart from minor amendments.

Mr. Hutchinson: It was very badly drafted.

Mr. DAVIES: That is an insult to the Parliamentary Draftsman.

Mr. Hutchinson: It is not.

Sir Charles Court: They do not understand the practicalities. They are only as good as their briefing.

Mr. DAVIES: The Chamber of Manufactures is being supplied with a copy of a legal opinion on this. What has been said in this regard is pure nonsense.

I believe it is pioneering legislation. If it is found to be defective we will do something about it. The House should be proud of the fact that the Western Australian Parliament has shown the way in introducing noise abatement legislation which will be based on Australian standards.

Question put and passed.

Bill read a third time and transmitted to the Council.

YOUTH, COMMUNITY RECREATION AND NATIONAL FITNESS BILL

Returned

Bill returned from the Council without amendment.

COAL MINE WORKERS (PENSIONS) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 26th October.

MR. WILLIAMS (Bunbury) [6.02 p.m.]: The purpose of the Bill is to amend the Coal Mine Workers (Pensions) Act, to which many amendments have been made from time to time.

I have been looking through the parent Act and on one occasion section 21 was changed by 12 amendments to keep up with the times. From time to time amendments have been made to the parent legislation, irrespective of which Government was in office—whether it be a Labor Government or a Government composed of the coalition parties.

In his second reading speech the Minister gave a fair explanation of the intention of the Bill; that is, to amend the definition of "Mine worker" to include consultants. I will have more to say in this respect a little later on.

The Bill also seeks to amend section 9 to make child allowances exempt from any calculations for pensions and social service benefits. In addition, the Minister had a word with me earlier in the day when he indicated that he wishes to bring in a further amendment to section 10A. Doubtless he will do this in Committee. The purpose is to bring the Coal Mine Workers (Pensions) Act up to date with the recent increases in the maximum earning capacity under the Commonwealth social services legislation. The Minister intends to delete clause 4, as printed in the Bill, and to insert a new clause which will include the amendments contained in the Bill before us as well as the one I have just mentioned. We have no objection to this. As I have said, the parent legislation has been amended by successive Governments. We have no objection, provided we, as a State —or the Coal Mine Workers (Pensions) Act—are not subsidising the Commonwealth in any way. I believe the purpose of the amendment is to allow the pensioner concerned under this legislation to earn the maximum which is permitted by the Commonwealth social services.

At this stage I would like to comment on the Act as a whole. I believe the time is probably well overdue for the legislation to be looked at in its entirety. I looked at one page of the legislation, but I doubt if I could find it again. On this page mention was made of the Second World War against Germany, Italy, and Japan. Doubtless there could be other dates in the legislation which are no longer applicable. Some could be applicable, because they might state a period when a person becomes eligible for a pension. My point is that other portions could probably be brought up to date and the Act looked at as a whole.

In particular, I suggest that section 10A could be studied with a view to dealing with any adjustments which are made from time to time in the Commonwealth social services and to keep this section in line with those adjustments. This may be overcome one day if the stage is reached where the means test is abolished. However, if the Commonwealth Government does away with the means test some people will yell because they receive the same pension as someone else who is better off than themselves. In a way, a means test would again be involved, apart from the fact that every person eligible would be receiving a pension. However, provision for this is not in the Bill.

If the Minister intends to look at the question of redrafting the whole of the legislation, perhaps some way could be found to incorporate an amendment to section 10A to obviate the need to bring the legislation before the Parliament on every occasion the Commonwealth alters its legislation relating to social service payments and the amount to be earned. This would save the Parliament some little time in considering these matters, because everybody agrees with the principle involved in the amendment which the Minister will bring forward to section 10A.

I wish to deal with one point, but I will not be very long in my remarks. This is not because I think the Bill is unimportant, but the measure is straight-forward apart from this one point. I refer to the amendment to section 2 which will affect the definition of "Mine worker."

Had the amendment been quite as straightforward as the Minister made it appear in his second reading speech, I believe it could well have been done under section 2 (4) (a) (i) which states—

> The Governor may by proclamation extend the definition of "mine worker" to include any one or more of the classes of persons referred to in the first proviso to that definition.

That definition is contained in section 2 (1) (a) which states—

> "Mine worker" means—
>
> (a) a person who is employed (whether underground or above ground) in or about a coal mine in the State by the owner of the mine;

If it were a straightout definition, the Minister could, by proclamation, state that these persons would be included under that definition. However, I think it is somewhat more involved than that.

To the best of my knowledge over the last six or seven years, at any rate, the consultants referred to would probably number two only. One would have been a man who was employed by the Griffin

Coalmining Company for approximately three years; the same gentleman was employed by Western Collieries for approximately two years. Another gentleman was employed by Griffin Coalmining Company for 18 months. Both these gentlemen were employed in the capacity of consultants.

In his second reading speech the Minister stated—

> With regard to the proposed amendment to section 2 of the Act, a difficulty has been experienced through companies engaging workers and classifying them as "consultants." Instead of these people being employed in the normal duties one would expect of a consultant, they are in fact carrying out the duties of men who would normally be engaged as permanent employees within the industry.

I cannot find, over the last several years, any consultant who has been termed a permanent employee of a company. I have mentioned two gentlemen, but I will not state their names, although these would be known to the member for Collie and the Minister. One has recently retired and the other was a consultant some years ago. As I have said, one gentleman was employed by two companies; he was employed by one company for a period of three years and by the other for a period of two. The other was employed by one company for a period of 18 months.

Mr. May: Without paying any contributions.

Mr. WILLIAMS: Certainly, without paying any contributions I am glad the Minister made that interjection, because the measure under discussion intends to make a consultant a permanent employee or, at least, a person who will have to contribute to the pension fund after a period of two months.

A consultant is a person who is usually brought in for a specific purpose. His task is to undertake a specific study which may take one month, six months, or two years. He then goes on his way. This happened in the case of the two gentlemen I have mentioned, although one carried on for rather longer than was expected.

If the Bill passes, once a person has been employed as a consultant for two months he will have to pay into the pension fund. As he is a consultant, he would have little or no chance of ever receiving benefits from the fund. I think I am right in saying that for a person to receive any benefits he would have to be at least 35 years of age and to have contributed to the fund for 20 years.

Mr. Jones: He would still receive his contributions back when he finishes.

Mr. WILLIAMS: Therefore, he would not benefit, as a pensioner, from his contributions to the fund. As the member for Collie interjected, he would be able to receive something back. However section 21 (5) states that a person who has contributed for less than 10 years would receive only 75 per cent. back.

Mr. Jones: If he were over a certain age he would receive the whole of it back.

Mr. WILLIAMS: I am not talking about the two gentlemen I mentioned earlier, but, generally, we must realise that consultants are fairly young men. If a consultant were employed for a period of less than 10 years he would receive back 75 per cent. of his contribution. Even if a consultant were to receive all of it back, I think this is penny pinching and rather short-sighted on the part of those who put the proposition to the Minister in the interests of the industry. I say this, because a consultant is brought in for a particular purpose, or purposes.

This means that when a company advertises for a consultant on the coalfield the question will arise about payments to various funds. The company will be obliged to tell the consultant that he must contribute towards the coalmine workers pension fund. The consultant could say that he will be employed for only six months. As I have said, most consultants are fairly young and, in this way, he may receive back 75 per cent. of his contribution. If he is of the requisite age he could receive back all of his contribution.

The purpose behind this is for the company to contribute its portion to the coalmine workers pension fund. In the year 1970-71 the contribution rates for a worker were $1.56 a week and for the owner $5.85. This means that a miner would pay $81.12 a year while the company would pay $304.20.

Mr. Jones: It is 3¾ times more.

Mr. WILLIAMS: I have not seen the report for this financial year, but I suppose the figures would not have varied greatly. Only one or two people would be involved, as consultants, and the fund would be advantaged only by $5.85 per week multiplied by the number of consultants. A sum of $5.85 is the company's contribution, presuming the person is of an age to pay the whole of the contribution. The fund would not be losing anything. This is not a question of making up the difference betwen holding square and making a profit.

Mr. May: Occasions have arisen where companies have engaged workers and called them consultants.

Mr. WILLIAMS: On how many occasions? I am surprised the Minister did not give examples when he introduced the Bill. He gave no examples at all, but has now made a straightout statement that the companies were taking on some people as consultants when they were employees. I

do not know of any instances. I admit I am not as familiar with coalmines as are the member for Collie and the Minister for Mines.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. WILLIAMS: Before the tea suspension I was dealing with the question of consultants in the industry; that of a mine worker who is employed as a consultant. I was saying that this could be a short sighted policy in the interests of the mining industry. To give a theoretical example, a consultant could be approached by a company to go to a coalfield to do some work of a particular nature and should he do so it would be necessary after two months for him to contribute to a pension fund. Should his contract be for six months he will see no benefit accruing apart from receiving portion of his money back.

On the other hand if this same consultant were brought from the coalfield he could have some knowledge which in the short-term or long-term could be responsible for the employment of a greater number of men because of the technology which may eventuate as a result of his research, and this could be of benefit to the coalmining industry.

So should this particular person not be employed because of this amendment the fund could in fact be losing contributions from a number of other people who may be employed in the future.

This, of course, is theoretical and we do not know what is likely to happen until the time arrives. I said earlier that to the best of my knowledge the consultants who have been employed in the industry over the last several years would have numbered only two.

I thank the Minister for giving me some notice of the amendment he intends to move during the Committee stage of the Bill to delete the present clause 4 and reinsert another clause containing what is already in the clause before us, plus an amendment to bring the provisions into line with the Commonwealth social service benefits because of the adjustments made in the recent Budget. I am grateful to the Minister for this notice because it enabled me to convey this information to members of my party.

In the interests of co-operation and to save the Minister having to bring down another Bill; and also to assist those who are on pensions and who will in future be gaining benefit from this aspect the Opposition has not great objection to the Bill.

MR. JONES (Collie) [7.35 p.m.]: I would like to make a brief contribution to the Bill. I appreciate the views expressed by the member for Bunbury and whilst I agree with some of them I fear I cannot agree with all he has said, because I feel there are certain understandings and principles in the coalmining industry which are not to be found in any other industry.

As the member for Bunbury has said, the provision in the Bill seeks to amend section 2 to define the duty of a consultant and to state that he shall be required to pay contributions to the fund. The other provision is contained in a clause which relates to section 9 which deals with child allowance and will mean that the allowance will not be considered in relation to social service benefits.

It must be appreciated that the mining industry is different from other industries. The compulsory retiring age is 60 years and this question of consultants has caused some concern at Collie for quite a few years.

I know of one case where a worker retired from a particular company and was employed with another company carrying out certain duties as a consultant.

I would like to know what we really define as a consultant. I think the principle within the coalmining industry will fairly show the need for the amendment now being introduced.

Mr. Williams: There has not been a great number.

Mr. JONES: No, but the matter has caused some concern. The entire coalmining industry, not only in Western Australia but also in the Eastern States, subscribes to the principle that once a worker starts work and is defined as a worker under the provisions of the Coal Mine Workers (Pensions) Act he must make contributions to the fund. There is a different understanding in the coalmining industry from that which exists in other industries.

There is a provision within the pension legislation whereby a worker can make a contribution of $1.50 a week at 19 years of age and another worker who commences work in the industry at the age of 34 and who works until he is 60 years of age will receive the same pension as the worker who started to contribute at the age of 19.

It might be argued in private industry that this is unfair; that the pension should be on a sliding scale and that the latter contributions should be higher, but this principle has been accepted even in the Eastern States. Every worker pays and irrespective of the time factor he receives the same level of pension upon retirement.

Mr. Williams: Should not the same principle apply to the Parliamentary Superannuation Fund?

Mr. JONES: The coalmining industry is different from others. It has been clearly shown that it is one of the few industrial

organisations throughout Australia which is not subject to the provisions of the Industrial Arbitration Acts of the States concerned.

The Governments of all States of the Commonwealth have seen fit to introduce specialised tribunals to deal with these matters. The purpose of the amendment is to clear up misunderstandings as to the duties of consultants. I have already referred to a case of a worker who retired from a particular company and who was employed by another company carrying out the same duty as a consultant.

Mr. Williams: He may have gone to the same company.

Mr. JONES: This will not have a great impact. It clearly spells out the policies and accepted practices of the industry where everybody working in the industry makes a contribution to the fund. A worker who starts working in the coal-mining industry at the age of 40 will know he has little chance of a pension but he will still have to make a contribution to the fund. This is why the unions at Collie sought the amendment.

Having previously lived in Collie the member for Bunbury will no doubt have some knowledge of the workers in the industry and of the way the industry thinks. The aspect referred to does not worry the industry unduly because this is an accepted principle; that where a worker is employed he is required to make a contribution to the fund.

I am glad the Minister has introduced this legislation, because it will clear up a great deal of ill-feeling and hostility that has existed. It will not have a tremendous impact, but I welcome the legislation because it will allay any misapprehension. The provision dealing with child allowance is very worth while. It may not be important to some members in this Chamber but to the recipients of the mine workers' pension it is of considerable importance, because at the moment the child allowance affects the payments from social services. This provision could be used to the advantage of the child concerned and I think the amendment is well chosen.

In conclusion I thank the member for Bunbury for indicating that the Opposition agrees to the further amendment on the notice paper which permits a mine worker to earn $34.50 a week extra.

Mr. Williams: That is because of a generous Commonwealth Government.

Mr. JONES: I do not know whether that is so or not. Some mine workers may wish to continue working while others may want to retire. There are those who may want to do part-time work while others may feel they are better off by being fully employed. At the moment they do not know whether they should be receiving $17 or $34.50.

The amendment will, at least, clarify the position and I am pleased to know that the Opposition has agreed to the Minister's further amendment.

Mr. Williams: We did this ourselves four or five times.

Mr. JONES: This is the only occasion on which the $17 has been changed in the last few years. We put in an escalating clause in respect of pension increases but whether it works in every instance I do not know. It is desirable but whether it is workable is another question.

Once again I thank the member for Bunbury for supporting the Minister's amendment. I am sure it will help clear up the position for the mine workers in Collie.

MR. MAY (Clontarf—Minister for Mines) [7.43 p.m.]: I thank the member for Bunbury and the member for Collie for their acceptance of this amending legislation. I would particularly like to express my appreciation to the Leader of the Opposition and the member for Bunbury who, at short notice, agreed to accept my amendment, notice of which was only given today. The reason for the introduction of the amendment is to avoid the necessity to introduce two Bills in relation to all the amendments. This will save a great deal of work and facilitate the passage of the Bill through the House.

The member for Bunbury indicated that the legislation would actually provide for an extension of the earning capacity of a pensioner due to the recent flexibility of the Commonwealth social service benefit and the increase from $17 to $34.50. He said this would not have an effect on the Federal Government. This is so.

It is only a matter of the pensioner not losing any of his social service benefits by earning too much. This is a substantial increase and it will allow the pensioner to earn this amount of money prior to any impact being made on his social service payments.

The other point made by the member for Bunbury was that we should look at the overall position of the Act, because of the number of amendments that have been brought to Parliament on various occasions. He referred to the possibility of an automatic adjustment in the case of a matter which was arranged by the Commonwealth Government in the previous year.

I believe there are some areas for concern in the Collie mining union in connection with this question of automatic adjustments, and when I arrange for it to be reviewed the matter could be considered in that light.

Mr. Williams: Are you going to have a review of the entire Act?

Mr. MAY: This has been suggested, but we have not had time to give the matter much consideration because of the other legislation which has had to be introduced. I can give an assurance, however, that once we get this session out of the way it will be possible for us to consider the Act in its entirety.

Mr. Williams: It is hard to read in some parts.

Mr. MAY: I give the honourable member an assurance that it will be looked at after the measure before us is passed.

The amendment which seems to cause concern is that dealing with consultants. This is a matter which has caused a little unrest on the field. I made a few inquiries, and I find that two or three people are in the area at the moment.

The main point of concern—and the member for Bunbury will appreciate this—is that last session we arranged for the years of contribution to be reduced from five to one. One of the points of this provision is that if a consultant who is working at Collie were killed, his wife and his dependants would immediately receive benefit.

Another matter which we could possibly investigate later is the qualification period of two months. Normally a consultant going to Collie, or any other area, would do most of his work before he got there. So the period of two months leaves him with plenty of time to go to the area, make a feasibility study, and report back. If we find this takes longer than two months we could have another look at it; but I think a legitimate consultant would need no more than two months in which to make his investigation and to report upon his findings. I suggest we leave the qualification period as it is for the moment, and if we find it should be extended we can bring down a further amendment.

We must take into consideration the excellent employer-employee relationship which exists on the coalfields. I think Collie has been virtually free of industrial unrest for 11 or 12 years, and that speaks volumes not only for the employees, but also for the employers. The fact that employers are prepared to contribute, whilst knowing full well that some employees will have their money refunded whereas the employers will not have their money refunded, indicates that they are prepared to maintain the excellent relationship which exists at present.

Another matter which is worthy of mention is that we have reduced the period from 10 to five years in connection with miners who have been injured. Once again, even though a consultant may be on the field for only three or four months—or even for 18 months—if he sustains an injury his dependants will benefit.

I feel the House has accepted the Bill in the spirit in which it was presented. I am sure the industry will be pleased that the Opposition has associated itself with the Government in connection with these amendments. I can only reiterate the appreciation we feel of the action of the Opposition in accepting the proposed amendment of which it was advised only today. However, it accepted the proposed amendment in order to facilitate the progress of the legislation through the House.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Bateman) in the Chair; Mr. May (Minister for Mines) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Amendment to section 10A—

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

Clause put and negatived.

Clause 5 put and passed.

New clause 4—

Mr. MAY: I move—

Insert after clause 3 the following new clause to stand as clause 4:—

Amendment to section 10A. (Earnings from employment).

4. Section 10A of the principal Act is amended—

(a) by adding after the word "Act", in line eleven of subsection (1), the words "other than any addition on trust for a child"; and

(b) by substituting for the words "seventeen dollars"—

(i) in the last line of subsection (1); and

(ii) in the second last line of subsection (2),

the words "thirty-four dollars fifty cents".

New clause put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

LEGISLATURE OF WESTERN AUSTRALIA BILL

Second Reading: Defeated

Debate resumed from the 12th October.

MR. A. R. TONKIN (Mirrabooka) [7.53 p.m.]: I was ready to speak on the Bill last Thursday, and I had hoped it would come up for consideration then because it is 51 years last Thursday since a similar Bill had its second reading in the Queensland Parliament. That Bill abolished

the Legislative Council of Queensland. It would have been fitting to speak to the Bill before us on the 51st anniversary of that event. However, I am just as pleased to speak to it today.

I want to make it clear at the outset that when I speak I am in no way reflecting on the worthy men and the worthy woman who sit in another place. I think we must be mature in these matters; we must endeavour to divorce personalities from principle and realise that any criticism is levelled at a system of Parliament and a system of representation. I think we should also forget about the question of the Senate when we are speaking about a bicameral Legislature or a unicameral Legislature. I am not running away from the question, because it is the policy of the Australian Labor Party to abolish the Senate. However, I think that is a matter different from the one before us at the moment, because the Senate is there to uphold—and it has failed lamentably to do so—the Federal principle.

The Senate is there to protect the interests of the States. As in Western Australia we do not have a Federation, nor do we have discrete political entities which need protection, the argument regarding our upper Chamber is quite different. Therefore, for the sake of being logical, I think one should put to one side the question of the Senate and stick to the Bill before the House.

It is quite clear that the two Houses of this Parliament were originally designed to represent different elements. Perhaps I could quote briefly from Davis' *Government of the Australian States*, which is one of the text books used by students of elementary politics. Davis says—

> The State upper houses were originally designed for the representation of special interests.

I think if we consider the historical accident we find that is so. In many ways we are very conservative people; perhaps that is so all over the world. As a result of an historical accident we happen to have two Houses of Parliament. Some people seem to think because history has decided this it is the best possible way of ordering the affairs of the State, and the best possible way of ordering a Parliament. However, it is an historical accident.

I would suggest that Britain is far more modern than we are and, in fact, has a unicameral system; because the House of Lords has had its wings clipped in no uncertain manner so that it now possesses a very weak power. So even the English, who gave to the world a bicameral system, have not persevered with it; rather they have seen fit to amend and alter it substantially.

We may have had three Houses in actual fact, had the French influence been a little stronger here. The French had three estates representing the lay nobility, the clerical nobility and, finally, the commoners. But we do not have a three-House Parliament. If we were a French colony and we had such a Parliament, I can imagine that many people would defend it as the best possible system of Government. They would say we need a House to pass legislation; a House to review legislation; and, in case the second House makes a mistake, it is a good idea to have a third House.

Indeed, we might have had four Houses of Parliament if we were colonised by the Swedes, because that is a logical extension of the tradition of the Swedes.

In fact, we have three components in our Parliament, one of which is the Sovereign or the Sovereign's representative—and remember once upon a time that was a very powerful legislative factor; but I do not think too many in this Chamber or in another place would argue in favour of the Sovereign having real legislative power.

The Legislative Council of Western Australia, when it was established as part of the bicameral system—I am not thinking back to 1832—was designed as a brake upon democracy. It was designed as a brake upon the rude and ugly mob which might otherwise get out of hand. This was reflected, of course, in the fact that the Legislative Council was nominated at first; and then when the population rose to the required figure of, I think, 60,000, it was given a restricted franchise.

First of all the nominated Legislative Council, and then the Legislative Council with its restricted franchise, has meant that conservative people have taken control of that Chamber and have never relinquished that control, inasmuch as they have so arranged the laws that it is extremely difficult to wrest control from them.

So, we have a situation in Western Australia where the people have no say in this kind of system. Rather, it is a system which has been imposed on them by minority groups which have had control. It is clear that up to 1964, with a restricted franchise, there were large numbers of people in this State who did not have a vote. I will show later on that a different form of restriction was brought into being in 1964 which just as effectively prevented certain groups from gaining control of the Legislative Council.

A theory in the old days was that it was right for certain people to have the privilege of voting for the members of the Legislative Council, and of sitting in Parliament, because it was deemed that wealthy people had more leisure and this meant that they could be better educated, and they had the time to study the affairs of the State. That was the old theory: the people who were eligible to vote for members of the Legislative Council were

likely to be better educated, because of their greater leisure brought about by their greater wealth.

I would suggest to members on both sides of the House representing country constituencies that if we were to follow that principle today—and it is amusing to see how principles can be bent—we would have gerrymandering in favour of the city.

Mr. Rushton: Is that what you are suggesting?

Mr. A. R. TONKIN: It is not. The average level of education of the people in the city is in actual fact higher than that of the people in the country. If we were to follow the old principle through into the 20th century—

Mr. Stephens: The solution is to provide the city facilities for education in the country.

Mr. A. R. TONKIN: I agree with that wholeheartedly. If we were to use the 19th century attitude that people with better education had a right to increased political representation we might, in actual fact, be adopting a theory today that the city should have increased representation because it has a higher level of education among its people.

Mr. Gayfer: Do you consider you are a better person, because you have a higher standard of education?

Mr. A. R. TONKIN: No, I do not. I am rejecting that argument which was put forward by the Conservatives, that because some people were better educated, were wealthier, and had more leisure, they had the right to vote for and to sit in the Legislative Council. I am rejecting that argument completely.

Mr. Gayfer: I hope you are not putting yourself on a pedestal.

Mr. A. R. TONKIN: Certainly not. I believe in the equality of votes. Plural voting has no relationship to democracy. At one stage we had the situation in the State where the wealthy people had more than one vote. The vote was related to wealth, and wealth was of considerable importance. I would refer to the comment of the Leader of the Opposition, recorded on page 3997 of the current *Hansard*, as to where the wealth of this country was generated. In that comment we see the 19th century attitude or argument coming in. Because the wealth is generated in certain places he seems to think that this has some relationship to the power or ability to vote. He seems to think that because a person is wealthy he should have an enhanced vote.

I cannot agree with that. I have already pointed out that merely because a person has a higher education he should not have a greater power of voting. Similarly I do not believe that because a person is wealthy he should have an increased power of voting.

The home of this historical accident which has given us the two-House system of Parliament has, in actual fact, decided that the House of Lords not being representative of the people should, at the most, have delayed power. I wonder when Western Australia will be dragged, screaming and protesting, into the 20th century because back in 1911 the British Parliament realised that the House of Lords was not representative of the people. It attempted, 11 years too late, to make the House of Lords into something more fitting with the 20th century. However, in this so-called modern and enlightened country of ours we have not done the same thing in the year 1972.

The Parliament of Western Australia appeared to move with the times in 1964 by extending the vote to every adult; but, of course, this was a red herring. The thought behind the then Government's move was that if every adult were given a vote the people would take more notice of the members they elected. The people would then think that they were moving forward.

Mr. Rushton: Your master does not agree with you.

Mr. A. R. TONKIN: The word "master" is foreign to my philosophy.

Mr. Rushton: You should ask the Secretary of the Australian Labor Party.

Mr. A. R. TONKIN: If we look at the figures of the last election we will find that in the metropolitan area 49.1 per cent. of the votes were in favour of the Labor Party, while 26.1 per cent. of the votes favoured the Liberal Party. This indicates that the support for the Labor Party in the metropolitan area was far greater than that for the Liberal Party. This is an argument, in the view of the Opposition, in favour of devaluing the vote of the metropolitan area; and the figures do show that. If it is possible to devalue those votes in a certain area which consistently votes for the A.L.P. the Liberal-Country Party Government by doing so takes advantage of the position so as to remain in office.

The Legislative Council has always been controlled by the Conservative parties; they have never lost control of this Parliament. When Liberal-Country Party Governments are in office, as for example, in 1964, they see to it that legislation is passed to ensure that the Liberal-Country Party members retain control of the Legislative Council, or at least that it is more difficult for any other group to take over that control.

When we look at the composition of the Legislative Council we find there are 20 country provinces, of which the Liberal and Country Parties hold 16. That indicates that 4 out of the 20 country provinces are controlled by Labor; and it also shows that

the country areas tend to vote Conservative. That is the only reason the country vote has been enhanced at the expense of the city vote. In political science this is known as gerrymandering.

I would now like to refer to the relationship and the deadlock situations that could occur between the two Houses. When we were setting up our bicameral system of Parliament, a move was made to bring about some deadlock-solving machinery and joint sittings of both Houses. However, in actual fact there is none in Western Australia; and because there is none the Legislative Council is far more powerful than the Senate. For example, the Senate is subject to double dissolution, as occurred in 1913 and 1951. The House of Lords has even less power, because it has a very restricted delaying power.

If we look at the position in Victoria we see there is the possibility of the Lower House being dissolved if a deadlock is not resolved. If the deadlock is still not resolved there could be a joint sitting of both Houses.

In New South Wales we find a feeble and ridiculous type of Legislative Council which is not "dinkum" at all. In that State the Legislative Council can delay money Bills for one month only, and in certain circumstances it can bring about the holding of a referendum.

In South Australia it is possible to dissolve the House of Assembly in the case of a deadlock. If the deadlock persists the Governor can either grant a dissolution or issue writs for the election of 10 additional members of the Upper House, two representatives from each of the districts. So, in South Australia there is deadlock-solving machinery which can be put into operation.

However, in New South Wales, Victoria, and South Australia that machinery has not been put to use, but it can be. If there is a weapon available then the threat can sometimes be greater than the execution. This is an old chess maxim, and people who play chess know what it means. I would suggest that is the case in New South Wales, Victoria, and South Australia.

In Western Australia there is no provision for the solving of deadlocks. The Legislative Council can reject any legislation which emanates from the Assembly, and vice versa. This is a clumsy and an inefficient system.

With regard to money Bills the position has not been clarified. It is true the Legislative Council cannot amend money Bills, but can suggest amendments. In one case which occurred in 1927, amendments were suggested by the Legislative Council, and it insisted on continuing to suggest those amendments. That position was not resolved. So, we find a muddled situation exists in regard to the relationship between the two Houses.

It can be argued that originally the Legislative Council was established as a House of experts. I am not reflecting on the members of the other Chamber, but I would be very interested to hear evidence which indicates that the members of the Legislative Council—because of their qualifications, their experience, or anything else—can be claimed to be experts sitting in that House, any more than the modern House of Lords can be claimed to be a House of experts.

Mr. McPharlin: It does not claim to be a House of experts.

Mr. A. R. TONKIN: All that I am doing is to point out that it has been suggested that the second Chamber should, in fact, be a House of experts. I am saying that it cannot be shown that the House of Lords is one. The House of Lords to some degree by its system of life peers reflects this attitude, but I do not agree that it is a House of experts.

If the argument is put up that the second Chamber is a House of review, then it would be very difficult for anyone to show that over the many years of its existence its members had a special degree of expertise.

I would now like to deal with the question of a House of review. Four or five reasons have been given to indicate that Western Australia should have a second Chamber. Firstly, it is suggested that such a House is needed as a brake on extremist legislation. It is contended that if Western Australia has only one House it is possible for extremist legislation to be passed. The point I raise is this: Who decides what is extremist legislation—the Legislative Council? Does that make it a House of experts?

If the people of Western Australia elect a Government, then who is to say that the legislation the Legislative Council does not like is, in actual fact, extremist legislation? Let us look at the example of the State Government Insurance Office Act Amendment Bill which was recently introduced and defeated. This piece of legislation was regarded by some people as extremist legislation; yet who would suggest that the Governments of New South Wales and Queensland have passed extremist legislation, because they have State insurance offices?

The SPEAKER: Order! The honourable member should not reflect on the vote of another House.

Mr. A. R. TONKIN: I realise that, but I do not think I am reflecting on its vote at all. I am merely asking what is the definition of "extremist legislation"?

The second reason sometimes given for the establishment of a House of review is that there should be some scrutiny on the growing power of the Executive. I cannot see that during the 12 years of office

of the Brand-Nalder Government the Legislative Council worked to prevent the growing power of the Executive. We did not see the Legislative Council moving in that way at all, and one would think it would have done so if it wanted to put a brake on the Executive by moving for the appointment of a standing committee to look into subordinate legislation. We did not see the Legislative Council during that time moving for the appointment of a committee to look into public accounts. I think it can be shown quite easily that the Legislative Council has not taken very seriously its alleged role of being a scrutineer on the growing power of the Executive.

The third reason sometimes given in support of a House of review is that it is the means of safeguarding fundamental principles. I ask: What fundamental principles has the Legislative Council safeguarded during its existence? For example, what did it do about the Comalco affair—an affair which would not be tolerated by the British Parliament?

We often talk about the high standing of the British Parliament, and claim that we are proud of our British parliamentary system. It is a pity we do not try to get a little closer to the British parliamentary system in some of our principles.

The fourth reason sometimes advanced in support of a House of review is that it is able to delay legislation for a month or two to enable public opinion to be expressed and debate to take place. I think that is a commendable objective. I think there is too much secrecy, that legislation gets through far too rapidly, and that there is not sufficient debate. However, the fact is that the second Chamber does not act as a House of review.

It is a complete and absolute veto, and it can prevent legislation. It does not delay legislation; it prevents it being carried out. In fact, I would suggest that the consistent rejection occurs only when a Labor Government is in office.

I shall come to the history of the Legislative Council a little later, but for the time being I will speak to the "House of review" theory. The theoretical reason for a second Chamber is that it should be a House of inquiry. I cannot see that a House of inquiry is reflected in the work of the Legislative Council, and I do not think a man would need to be very clever to demonstrate that. In actual fact, we do need a genuine review system in this Parliament, but we do not have it. We have a review system based on party politics. The Government has the numbers in this Chamber to push legislation through. We have a Committee system under which the whole House sits as a Committee, and I think that is a feeble attempt. I would like to see a genuine review arrangement built into the parliamentary system. However, we do not have it, and the Legislative Council certainly does not review the work of this House.

Mr. Speaker Nicholson of Queensland, who is not a Labor Speaker, commented on the doubtful value of an Upper House. I ask: Who does the reviewing and who does the safeguarding when a Liberal-Country Party Government is in office? Is it that safeguards are needed only against Labor legislation?

Mr. McPharlin: Are you suggesting that this House is not genuine when in Committee?

Mr. A. R. TONKIN: Not at all. I said that we need a genuine Committee system; that does not mean that this House is not genuine. It means that we do not have a genuine Committee system. I was not implying that the House was not genuine.

Let us now look at the record of the House of review concerning legislation. At page 3993 of *Hansard* of this year the Leader of the Opposition spoke as follows:—

> It was to the credit of the Legislative Councillors that when we were in Government they still acted as a vigilant House of review.

Let us also look at some of the figures which are available. The Brand Government was in power for 12 years. The figures which I will give relate to legislation rejected by the Council, or which the Government did not proceed with because it was so badly emasculated. In the worst year of the 12-year period of the Brand Government it lost two Bills out of 120. That is something like 1.6 per cent. of its legislation. As I said, that was the worst year of the Brand Government. The Mitchell Government—which was a Conservative Government—in 1921 lost four Bills out of 67, which is 6 per cent. In 1933 the Mitchell Government lost eight Bills out of 72, which is 11 per cent. That was the worst figure for a Conservative Government.

When we look at the figures relating to Labor Governments we find that the Scaddan Government, in 1912, lost 12 Bills out of 47; 25 per cent. The Collier Government, in 1928, lost 12 Bills which was 18 per cent. In 1938 the Collier Government lost 15 Bills, which was 16 per cent. The Willcock Government, in 1941, lost 10 Bills out of 75; 13 per cent. In 1958 the Hawke Government lost 20 Bills out of 99, which was 20 per cent.

Mr. Gayfer: It must have been lousy legislation.

Mr. A. R. TONKIN: It was not lousy legislation. It seems that it might be lousy legislation in the Legislative Council when a Labor Government is in office. In other words, the honourable member opposite is saying that the people of Western Australia—even though they choose a Labor

Government—are not allowed to have the legislation which is passed by the Government chosen by them.

Several members interjected.

Mr. A. R. TONKIN: I repeat: In the worst year of the Brand Government 1.6 per cent. of its legislation was lost, and in the worst year of the Hawke Government, 1958, 20 per cent. of the legislation was lost.

I will now refer to the measures which were rejected. In the period between 1953 to 1958, under a Labor Government, 31 measures were in dispute. A compromise solution was reached on nine; in two cases the Legislative Council gave way to the Legislative Assembly; in 20 cases the Legislative Assembly gave way to the Legislative Council; and on eight occasions conferences were necessary. Those are the figures for the period from 1953 to 1958 during the time of the Hawke Government.

During the period from 1959 to 1962, when a non-Labor Government was in office, 16 measures were in dispute. A compromise solution was reached on five of them; the Legislative Council gave way to the Legislative Assembly on nine of them; and the Legislative Assembly gave way to the Legislative Council on only one occasion out of a total of 16. Only on that one occasion was the Brand Government forced to give way to the Legislative Council. However, the Hawke Government had to give way on 20 occasions out of 31. So the watchdog is rather toothless when a Liberal-Country Party Government is in office. In other words, the Legislative Council is a party House run on the party principle. It is not a genuine House of review at all.

The claim that the Legislative Council is a House of review is a sick and sorry joke played upon the people of Western Australia. The proof of what I have said is borne out in the threats which I have heard from the other side of the House during my short parliamentary career. One was—

> Go ahead with this ill-advised and foolish Bill—and I am sure that members in another place, etc., etc., etc.

That was a blatant threat showing that in actual fact the Legislative Council is controlled by the Liberal-Country Party, and that it is a party House and not a genuine House of review.

In 1971 I listened to the Minister for Labour introduce the State Government Insurance Office Act Amendment Bill, and the Leader of the Opposition at the time (Sir David Brand) said that Queensland had no Upper House. Once again, that was a blatant threat to the legislation before it even got to the other place.

Mr. Lewis: I am sure the honourable member will feel better after this.

Mr. A. R. TONKIN: I am feeling fine now, thank you. I will now quote what Lees-Smith had to say on this matter. He is an expert so members opposite will probably claim that he is wrong. It seems that if all experts agree that is proof that the measure on which they agree is wrong. The quotation is as follows:—

> If a second Chamber becomes subject to the party system, it interferes unfairly with the party to which it is opposed, whilst it ceases to function when its own party is in office, with the result that it increases instead of diminishes the misrepresentation of the public will. But party is a necessary and inevitable institution of democratic government on a large scale and the problem, therefore, of creating a representative second chamber which will be outside its control is, by the nature of the conditions, insoluble. This leads to the fundamental conclusion that a second chamber is an unsuitable instrument for ensuring that a Lower House will keep in touch with public opinion and attempts to use it for this purpose should be abandoned.

Mr. Gayfer: The member for Mirrabooka makes this speech very well. I am sure he has done it somewhere else on a previous occasion.

Mr. A. R. TONKIN: Mr. C. A. Bernays—a leading Queensland historian—had the following to say:—

> The adoption by Queensland of the unicameral system of Government has not in my opinion led to any grave abuse.

As already indicated, Britain, in fact, has a unicameral system because the powers of the House of Lords have been emasculated.

If a Parliament consists of one Chamber then that one Chamber must take the responsibility for its actions. This is desirable so that responsibility can be clearly sheeted home.

I would now like to quote what was said by a very conservative Prime Minister. I refer to the Prime Minister of New Zealand (The Rt. Hon. Sir Sidney Holland) who said—

> We took office on 13th December last. What did we find? We found that the Legislative Council was comprised of thirty-three members, the majority of whom, approximately twenty-seven, had publicly proclaimed their opposition to the policy of the present Government. Where is the sense of having an Administration elected by a very large majority when there is no chance of having its legislation passed by the Upper Chamber? We knew that at least twenty-seven of those thirty-three members would vote against the policy the people decided to have.

> Democratically we go to the electors and place our policy before them. Both sides do that. The electors give their decision and they are entitled to have the policy put into effect for which they voted.

Government members: Hear, hear!

Mr. Fletcher: Where can that quotation be found?

Mr. A. R. TONKIN: It appears in the New Zealand *Hansard* of 1950.

Mr. Gayfer: I thought it might have been written by H. A. Fletcher!

Mr. A. R. TONKIN: We can examine the treatment given to one Bill by the Legislative Council, and I refer to the Bill for the appointment of an Ombudsman. Twenty-five amendments were sent to this House from the Legislative Council. Of those 25 amendments, 20 were agreed to by the Premier. Of those, 12 could be considered as inconsequential, and we can forget about them; they were accepted by the Government. However, out of the remaining 13 amendments, which were considered to be of some importance, eight were agreed to by the Legislative Assembly, in Committee, and the remaining five went to a Managers' Conference. During the conference the Legislative Assembly agreed to three amendments, and a compromise was reached on one amendment. The Legislative Council withdrew the remaining amendment. So out of a total of 13 amendments of some consequence the Legislative Assembly agreed to 11, compromised on one, and the Legislative Council gave way on one.

The absurdity of that situation, of course, is that the party which did not believe in the appointment of an Ombudsman and refused to appoint one—and the party which we defeated at the election—was still able to emasculate our legislation. There was only one amendment on which the Opposition would give way. I certainly do not call that democracy. If we have one Chamber elected by the people, the members of that Chamber will be responsible for what takes place.

I will refer to the question of road maintenance tax, and it is quite clear that the people are confused. A great many words have been used debating this matter but the whole point is that if we had one Chamber the Labor Government would be at fault for not repealing that legislation. It would be possible to sheet home the responsibility.

Mr. Blaikie: But the Government did not tell the people that there was to be a substitute. The people would not have a bar of that.

Mr. A. R. TONKIN: I do not know whether or not members opposite can follow a logical argument. The interjection is completely irrelevant. I am not talking about road maintenance tax, but being able to sheet home responsibility. I do not intend to debate the road maintenance tax. If members opposite do not have the intellectual discipline to keep to the subject under discussion, I have.

Several members interjected.

Mr. A. R. TONKIN: No serious attempt has been made to revive the Upper House in Queensland or in New Zealand. Of the 10 Canadian provinces only one—Quebec—has two Chambers and in 1967 an attempt was made to remove the second Chamber. I think it would be very hard to demonstrate that things have gone to the dogs in those places.

If we examine the nonaccountability of the Legislative Council we will find that even if, through the action of that Chamber—if a money Bill was stopped, for example—the Legislative Assembly was forced to go to the people, the Legislative Council, which would have been responsible for the stoppage of supply, would not have to go to the people at the same time. The Legislative Council is indissoluble.

That is an absurd state of affairs: that those who, in fact, could cause an election would not have to answer to the people. It could be said that an election would be held and a decision reached regarding the Government of the State, but the Legislative Council members would still hold their seats until the expiration of their terms. That is an important point. If the members of the Legislative Council are able to escape the consequences of their actions in this way, to that degree they are not accountable.

Another way in which the members of the Legislative Council are not accountable is that half of them—or 14 to be precise—were elected in 1968. They are therefore removed from the mood and desires of 1971. Every member of the Legislative Assembly was elected in 1971 and, therefore, to some extent, however imprecisely, reflects the desires and aspirations of the people of Western Australia in 1971. That cannot be said for the Legislative Council.

Mr. Gayfer: Do you not think we should have a five-year term?

Mr. A. R. TONKIN: I have suggested that the 1964 legislation which introduced universal franchise was in fact a red herring. I would like to quote from a book by Birch entitled *Representative and Responsible Government* in which he makes this comment about what happened in 1884—

> Gladstone made an agreement with Salisbury whereby the Tory peers accepted the Franchise Bill in return for a scheme of redistribution which would have the practical effect of increasing Conservative representation in the Commons for any given proportion of votes which the party secured.

There we see the same trick of saying "We will increase the franchise but we will negate the effect of the widening of the franchise by playing around with numbers."

Every country has its myths, and a myth which is prevalent in Western Australia is that we have a democracy. That is absurd. It is just not true. I will illustrate my assertion by talking about the lack of democracy and the malapportionment which exists, not only in Western Australia but also throughout the rest of Australia in the Legislative Councils. In Tasmania's Legislative Council there are two Labor members out of 19 members; in South Australia there are four Labor members out of 20 members; and so I could go on.

On page 3995 of *Hansard* the Leader of the Opposition said the Labor Party could win enough seats to control the Legislative Council if it were good enough. Members of the Opposition would say, "Fair enough," because they do not understand. The Labor Party got 47 per cent. of the Legislative Council first preferences at the last election, and it won four seats for its pains. The Liberal Party got 27 per cent. of the first preferences and nine seats for its pains. Yet members of the Opposition have the cheek to say, "If you were good enough."

We are 20 per cent. better than the Opposition and we have less than half the seats. If the Labor Party is good enough! The Labor Party is better, in the sense that at the last election 100,000 more people voted for us than voted for the Liberal Party. The Leader of the Oppositions has the cheek to say, "If the Labor Party is good enough." We were good enough for Western Australians to give us 47 per cent. of their first preferences in the Legislative Council elections and what did we get? That percentage is a far better percentage than the Liberal Party ever got in its history, yet we won four seats out of 15. If we were good enough! What a joke!

The SPEAKER: The honourable member has five more minutes.

Mr. A. R. TONKIN: The basic question is not one of political parties; it is a basic democratic principle that each person's vote should be equal in value. I would suggest our only importance here is that we are representatives of the people. But a situation where 80,000 people have two representatives and another 80,000 have 12 representatives is not at all democratic.

Mr. Rushton: The Labor Party did not seem to care when it was loaded against the Liberal and Country parties.

Mr. A. R. TONKIN: I am not talking about what used to happen. I am talking about a basic principle.

Mr. Rushton: Get down to reality!

Mr. A. R. TONKIN: The reality is that no matter what we did we never had control of the Legislative Council and we never had control of this Parliament. Therefore, we have never been able to arrange the electoral Act to suit ourselves, as the Opposition has done.

Mr. Gayfer: I do not think you will get the Bill through the House, even though you have a majority.

Mr. Hartrey: Do you think I am going to vote against it?

Mr. Rushton: You should.

Mr. A. R. TONKIN: In his speech the Leader of the Opposition said that he has saved the State from getting into the wrong hands. What does he mean by "the wrong hands"? They are the wrong hands in his opinion. In other words, the people are not allowed to decide. When 47 per cent. of the people vote in a certain way, they are not to get anything like that proportion of seats. I would suggest the Leader of the Opposition has indicated, by his comments about wealth and so on, that he is an arch anti-democrat and an arch apostle of privilege. The members of the Liberal Party are basically anti-democratic. It is certainly not democratic to have a situation where 16 members of the Legislative Council have complete power to reject any legislation as long as they are there, yet they represent only 26 per cent. of the people of the State.

I hope that one day the people of Western Australia will realise the kind of hoax that is being perpetrated upon them. I hope they will be democratic and ensure that the Labor Party, for which 47 per cent. of the people voted, will have a number of seats proportionate to that percentage.

MR. MENSAROS (Floreat) [8.36 p.m.]: Without getting excited, as the member for Mirrabooka did, I can state that this is a very important subject from the State's point of view and from the constitutional point of view; yet we have only a very short Bill in front of us and an even shorter explanation by the Attorney-General, which proves without doubt to me and, I think, to all political observers that this is only an exercise which seeks publicity instead of seeking to achieve something. Perhaps the Attorney-General deliberately gave the task to the member for Mirrabooka, who made a commendable study of the subject, but apart from this not even an attempt was made to explain why the Government wants this Bill. The Attorney-General stood up and said, "This is what we want," but he did not say a word about why it was wanted. In his second reading speech he said only, "These are the two principles of the Bill," and then sat

down. I do not think Parliament should be treated in that way. In an all-important matter such as this, the Government which introduces the Bill should give some explanation of why it wants to make such a radical change.

Mr. Hartrey: We will break the news to you presently.

Mr. MENSAROS: To take the interjection of the member for Boulder-Dundas to its logical conclusion, he suggests we should not have any debates in Parliament at all.

Mr. Hartrey: I will tell you all about it in a few minutes.

Mr. Bertram: Surely the member for Mirrabooka has presented an excellent case.

Mr. MENSAROS: That is what I said. Perhaps the member for Mirrabooka was actually given the task, but the Minister himself did not say one word about why the Government wants to implement this Bill.

Mr. Bertram: The Leader of the Opposition excelled him by producing nothing at all.

Mr. MENSAROS: I think it is fair to say the onus is on the Government to prove it did not introduce this Bill merely to try to divert the electors from their increasing discontent with the Government's actions and lack of action in so many fields—unemployment, land prices, town planning, and many others. As this Bill was simply brought to Parliament without any reasons being given for it, I think it can fairly be said it is a contempt of Parliament and deserves to be dealt with as such.

The member for Mirrabooka tried to argue that it was wrong to have a second Chamber in this State because there is machinery by which to prevent a deadlock. If that argument were valid—and obviously it has some merit from the honourable member's point of view—the Government would introduce legislation to alleviate the situation which the member for Mirrabooka thinks is so bad. Instead, the Government simply introduces a Bill containing one clause which says the second Chamber should be abolished.

We are told the same old story of the Labor Party's endeavours in regard to constitutional reforms. The Labor Party is endeavouring to change the situation to suit its own political purposes. I feel those endeavours are never deeply considered, and the consequences of the present endeavour have not been deeply considered, either.

Every such endeavour comes up under the mantle and battle cry of "democracy," but democracy appears to be only something that suits the Labor Party's political purposes. A long campaign was conducted for general franchise in the Legislative Council. After some time, that campaign was successful—I think to the surprise of the Labor Party. The Parliament agreed to general franchise unanimously and without a dissentient voice, as recorded in *Hansard*. Then the Labor Party found the general franchise did not achieve its political purposes. If members read the debates, they will see that the Labor Party was quite confident it would achieve its political purposes, but when it did not achieve permanent political power it found another culprit. The general franchise was not enough and was considered to be undemocratic.

To everyone's surprise, and certainly it will be to the surprise of historians, the Labor Party did not try hard enough for two or three elections after it achieved the general franchise. The result was not in favour of the Labor Party, so it had to try something else in an endeavour to achieve permanent power.

If we look at the South-East Metropolitan Province, we will see that the member for this province is better than the candidate put up by the Labor Party, and the majority of Assembly seats there are held by Labor.

I submit that with general franchise and with the boundaries as they were in 1965, 1968, and 1971, the Labor Party could have won the majority in the Legislative Council, as the Leader of the Opposition said. The member for Mirrabooka disputed that. It is not matter of the percentage of votes; it is simply a matter of looking at the provinces.

Mr. Hartrey: Why should it be a handicap race?

Mr. MENSAROS: At the present time there are four provinces in the Legislative Council each of which has one member from the Labor Party and one member from either the Liberal Party or the Country Party. The member for Mirrabooka said that it is not for the Leader of the Opposition to say the Labor Party would have won if it had been good enough. That does not help at all because those four seats could easily have been won. I submit that in addition to those four seats there are at least two other seats which could also have been won by a better candidate and possibly with beter policies.

Mr. Bryce: Which two seats are you talking about?

Mr. MENSAROS: They are provinces like the Lower Central and others to the south, which it would not have been impossible for Labor to win. Those provinces are held by Liberal members, but in the Lower House some of the seats are held by Labor members.

Mr. Bryce: That argument put forward by the Leader of the Opposition forgets that 16 members and not 14 constitute a majority of the Legislative Council.

Mr. MENSAROS: The honourable member should know that better candidates for the Labor Party in the last election would have enabled it to gain five more seats. The President of the Legislative Council is elected not for one year but for the term of his membership, and therefore if the Labor Party had won 15 seats, it would have achieved a majority on the floor. To continue this argument, I suggest that the latest redistribution brought down by the commissioners favoured the Labor Party in the Legislative Council, and I do not think there is any denial of this fact. We could hardly establish that it favoured one or other side in the Legislative Assembly, but the Labor Party is in a favourable position with the redistribution for the Council. Therefore, with patience, better candidates, and better policies, it would be very easy for the Labor Party to achieve a majority in the Upper House in 1974. So it is not factual to say that the electorates are so geared that the Liberal and Country Parties will be constantly in power in the Legislative Council.

The question is—and I would like the Government or some of its members to answer this—does the Labor Party believe in the British two-party system?

Generally speaking this is the system we work under in this State. Does the Labor Party believe in the system of an effective Opposition and a permanent real chance of alternative Government? This is what we believe in. I have heard the Leader of the Opposition say that he would have gladly accepted the situation if the Labor Party had a majority in the Upper House, because it would have it on a general franchise on boundaries set out by the commission.

The endeavour expressed in this Bill points to the opposite point of view. I think this Bill expresses the wish for the Government to be in the position where its power is perpetuated with one House. I submit, and this may be a hypothetical statement, that even if this legislation is passed, there is no guarantee under the proposed system—and proposed very foggily because the Bill gives no details—that the Labor Party would achieve its expected goal. I believe it could still be shifted from Government.

Mr. T. D. Evans: Why do you say that?

Mr. MENSAROS: I am saying this because when the issue was a general franchise for the Legislative Council, not a single word was said by any Labor Party member that the Labor Party wanted to change the electoral system, the boundaries, or the representation of country *versus* metropolitan area. There is not a single word of this in *Hansard*.

Mr. T. D. Evans: That Bill did not accommodate that argument.

Mr. MENSAROS: The Minister asked me a question, and I accommodated him and answered it. I am saying this because at that time the Labor Party used that vehicle to achieve its aim. Then the Labor Party found it could not achieve its aim with that vehicle so it suddenly used another vehicle. If the present vehicle does not achieve the aim of the Government, I wonder what the next vehicle will be. Will it be proportional representation for the whole State, or perhaps a suggestion that the electors may vote for lists of candidates?

On this side of the House we oppose both principles incorporated in this Bill—the unicameral legislative system on the one hand and the emphasis on the numerical equality as being the only cautela of representation. We reject both principles.

If we were to accept the principle that Parliament—besides the Executive—has two important tasks, those of legislation and representation, then we would soon have to realise that the provisions contained in the present legislation would make both these tasks much harder. It would take away from the State the present compartively proper system of legislation and, more so perhaps, the system of representation.

Those who believe that the system of legislation and representation should be maintained in a democratic way will realise that this would be definitely a retrograde step.

Mr. T. D. Evans: Apart from rejecting the unicameral system, do you reject the principle of one-man, one-vote, one-value?

Mr. MENSAROS: I reject that this should be the only prevailing principle of representation.

Mr. O'Connor: The Attorney-General did not believe in one-man, one-vote.

Mr. T. D. Evans: One-value.

Mr. MENSAROS: Now to turn to the legislative side of the issue, every example of legislation shows the importance of review and consideration in the second Chamber. I commend the member for Mirrabooka for the study he has made, but I do not think he has proved that the second Chamber is only effective to censure the Labor Government. Although I did not check his figures—I do not doubt them—I feel they prove that whatever Government is in power the Legislative Council uses its authority to review.

We have to be realistic about this issue, and I am sure the member for Mirrabooka is realistic too. Therefore we must not forget two things. The first is it is quite obvious that although the Legislative Council is a House of review, its members hold political views. Of course, if the Government in power believes in the same

political creed as the majority of the Council members, then obviously there will be less differences of opinion. The second important point is what happens in the party room. Of course, I do not know, and I will probably never know, what goes on in the Labor Party Caucus room. However, before legislation ever comes to Parliament most definitely there is a great deal of argument with the members of the second Chamber in the Liberal-Country Party party room. Therefore, it cannot be said that the power exercised by the Legislative Council is only effective when a Labor Government is in power. I cannot recall all the figures given by the member for Mirrabooka, but to my mind they prove that even if 4, 5, or 6 per cent. of legislation is reviewed—I would not necessarily say rejected in every case—the Legislative Council has a role to play.

When we consider the number of Bills which are being rejected by the Legislative Council, we must also consider the types of Bills which the Government is bringing before us. The Government can easily oblige the member for Mirrabooka and enhance his statistics by bringing in legislation such as this, the amendment to the Electoral Act, and the Education Act Amendment Bill (No. 2) which will give preference on promotion to union members. Such legislation, apart from being party political, in my mind is simply brought here so that the Government may say to the people, "We have tried to bring in something similar to our promises in the election creed." It is so obvious that these measures are simply brought in to swell the statistics of legislation rejected by the Legislative Council. We must not forget the Road Maintenance (Contribution) Act Repeal Bill with its well-known history of the play on the word "substitute."

I submit that when legislating in one Chamber only the temptation would be even greater to bring down certain measures which would not be acceptable but for the fact of the weight of numbers on the side of the Government in power.

We must also consider the time factor. Even with the present two-House system we have a tremendous rush of work totowards the end of the session. In the second part of the present session, 51 or 52 Bills have been introduced. Of this number 20 were introduced in October, in the last few weeks, so the pressure becomes greater towards the end of the session. I am convinced that without another House to review our work at the end of the session—and I think every Government has discovered this—the Bills would be so ill-considered that there would be a constant need for amendments. Indeed, this happens more often now than it ought to. In my opinion this situation would become worse with only one Chamber.

I now wish to refer to the two-party system. I mentioned briefly previously that it is even more obvious that a potential alternative Government would be less of a reality if we had one Chamber only. If we look at the situation in Queensland and Tasmania, where I believe the Upper House has the least consequence from the point of view of legislation, we can see that in these States for a long period of time—and I am being very objective here because the Labor Party was in power in one State and the Liberal-Country Party was in power in the other—there was a much lesser chance of having an alternative Government because of the unicameral system. Contrary to the comments made by the member for Mirrabooka, I think it is of great advantage and great merit that all members of the second Chamber are not elected at the same time. In this way they give some sort of continuity to legislation and representation as well.

I also feel that the bicameral system, as it exists here, is a real safeguard for minorities. We must have consideration for minorities and I cannot agree with the member for Mirrabooka when he says that we should entirely ignore the Senate. Of course we realise we are not a Federal State, within Western Australia, but at the same time we know that in such a huge territory certain small remote communities undoubtedly exist. People in these communities have their own interests which may be very different from the interests of people in other parts of the State. Are we to go to the people in these areas and say, "You will be represented by the member who represents another community about 1,000 miles away"? This is a parallel situation to that existing in the Senate.

How can the Government be serious and sincere about decentralisation to which it has paid so much lip service? How can it seriously expect that people, whether in the mining or rural communities, can set up a small settlement entirely on its own and be told that they will not have any representation of consequence? This point has already been made in regard to representation, but it is worthwhile remarking that people in the remote areas experience many more difficulties going about their business than do people in the city.

These people cannot go into Government departments; they cannot look after their affairs, and, if anything, they need more representation by members of Parliament.

Mr. Bryce: You may be talking about your part of the State, but you cannot say that about my part.

Mr. MENSAROS: Practically everyone in the metropolitan area can pick up a telephone and ring any Government department in connection with any matter he wishes to raise. If he does not have a

private telephone, he can make a call from a public telephone booth.

Mr. Bryce: You do not know the difficulties that exist.

Mr. MENSAROS: If the honourable member considers there are not enough public telephone booths in his electorate I will oblige him by writing to the P.M.G.'s Department if he has not done so himself. So I cannot see any argument in support of this Bill, despite the fact that one has to look for arguments in support of it, because as I have said, the Minister did not put forward one single argument in support of the measure apart from the endeavour that one can read into it; that it could possibly give power to one side of the political spectrum. For this reason alone we oppose the Bill.

MR. NALDER (Katanning) [9.02 p.m.]: I do not intend to take up much of the time of the House, because I believe the Minister set an example when he introduced the Bill; he took less than five minutes to introduce it. He was not interested in the legislation apart from the fact that he was probably directed to bring the matter to the House, because like every other member in this Chamber he knows that the Bill cannot be passed. Because of the circumstances that exist, I think it is a complete waste of time even to analyse the provisions of the measure in any depth whatsoever.

Mr. Gayfer: It was only introduced to let the member for Ascot and the member for Mirrabooka have a go.

Mr. J. T. Tonkin: Why will it not pass this House?

Mr. NALDER: Everyone knows that for it to pass there must be a constitutional majority. Did the Premier know that it would get a constitutional majority?

Mr. J. T. Tonkin: I just wanted you to spell it out.

Mr. NALDER: I thought the Premier would have been aware of that fact, because he even discussed the measure at Cabinet. As I understand the situation, the Premier would have said to his members at this stage of the Bill going through the House that he would be hoping they would not be wasting time. In fact he implied that when he replied to a question without notice asked by the Leader of the Opposition this afternoon. He said that legislation would be passed if he obtained the co-operation of members on this side of the House. In my view this is one of the occasions when we took a leaf out of the Premier's book by not trying to waste the time of the house.

The circumstances surrounding this Bill are that the Minister introduced it nearly five weeks ago. It rated headlines in the Press throughout Australia. The comments made by the A.B.C. newsreaders were that the Bill had been introduced only with the idea of giving members of the Labor Party an opportunity to express their views about another place, because the Government had little hope of getting the legislation passed. I happened to be in Canberra at the time and I heard the news bulletin while I was there. I accepted that what was said was fairly close to the truth.

A great deal has been said concerning the situation we are experiencing in Western Australia at this time as far as the Legislative Council is concerned. Personally, I hope the situation will continue as it is. Every argument points to the fact that we should have another Chamber. I have studied the legislation that has been passed in this State over the years and I must admit that on many occasions it has been improved by the debates which have taken place in another Chamber. The proposals that have been submitted by those in another place have been accepted by this House on many occasions as a result of the deliberations that took place in that Chamber.

I agree with the member for Mirrabooka on one point; namely, because of the situation that exists in another place there is an opportunity to ensure that legislation introduced in the Lower House is given every consideration. I merely wish to refer to a situation that has occurred, and I know most members know about this. I would point out that when a referendum was held in New South Wales in 1961 it was designed to give the voting public of that State an opportunity to express their views as to whether the situation existing in that State at that time should continue. Many people could have argued that this was not democratic. However the people of New South Wales expressed their view in a fairly forceful way. They decided to retain the Legislative Council by almost 250,000 votes. There was an indication in no uncertain manner, in my view, that it was considered an advantage to have a second legislative Chamber.

I have taken a minute longer than the Minister did to introduce the Bill, and as I have said it is not my intention to waste the time of the House in debating a measure that has little chance of being passed. I therefore indicate that I will vote against this proposal.

MR. RUSHTON: (Dale) [9.07 p.m.]: Mr. Speaker—

Government members: Oh!

Mr. RUSHTON: That is the usual treatment meted out by those on the other side of the House; that is, it is an indication by them that if they had their way members would not be allowed to speak. Despite the fact that the figures he has quoted are not factual, it is amazing how the member

for Mirrabooka believes that 47 per cent. is a majority. In fact the reason I am speaking this evening is that I am getting sick and tired of reading in the media incorrect statements attributed to the member for Mirrabooka. In February last he spoke about nine Liberal members having gained control of the Legislative Council and he had the effrontery to say that legislation had been passed to achieve this. He spoke about 20,000 people being represented by two members in the West Province, which is totally inaccurate. In fact the enrolment figure is 34,627. What I am disturbed about is that he makes statements in the Press along these lines.

It is entirely offensive to Parliament that this member should continually make misleading statements in the Press in the same way as he has done tonight. It has gone beyond a joke, in that every few weeks we can expect a Press release from the member for Mirrabooka which distorts the facts.

When one makes a study of the Legislative Council provinces one realises that 14 members are elected from different parties for seven provinces. That is 14 out of 30. This gives the lie to the challenge that there is not an opportunity for any party to gain a majority in that House. I make the suggestion that the bank holidays legislation was a recent demonstration that the bicameral system served its purpose well. At the time the Minister did not give us a clear indication of the intention of the Bill, and an anomaly was detected in the legislation by those members in another place.

Mr. Hartrey: You were allowed to read it.

Mr. RUSHTON: I know. This piece of minor legislation was not even referred to the people who would be affected by it. The members of another place found the anomaly and rectified it. I might state the rectification was made with the Minister's concurrence, for which I was thankful. This was a simple demonstration of the value of the bicameral system. Because of the check it keeps on legislation that emanates from the Lower House it provides people with certain safeguards.

When one looks at the Lower North Province, one notes that it is represented by two members, each from a different party. This brings me back to the statement made by the member for Mirrabooka in his Press release. He goes on to talk about one of the seats being represented by a Liberal Party member and a Country Party member having only about 5,000 voters. Of course in this statement he forgot to mention that it is represented by a Labor Party member and a Liberal Party member. That is another wrong indication he has given to the public, when he makes statements about gerrymandering which are wide of the mark.

Mr. T. D. Evans: Do you reject the principle of one-man, one-vote, one-value, in isolation?

Mr. RUSHTON: I do, and so does the Secretary of the Labor Party reject it. He made the remark that it brings about some funny results.

Mr. T. D. Evans: Applied in a small sample.

Mr. Bryce: One-vote, one-man, one-value, is entirely different from preferential voting.

Mr. T. D. Evans: Do you reject the principle of one-man, one-vote, one-value?

Mr. Hartrey: He does not know what it means.

Mr. RUSHTON: As far as I am concerned I support the system we have at present.

Sir David Brand: Has the Labor Party always believed in that principle?

Mr. RUSHTON: It believes in it only when it sees something to be gained from it. The member for Mirrabooka seeks some change in another place for the sake of power, not justice. No great voice was heard when the last change took place and when, in another place, we had four members elected to a province.

Mr. T. D. Evans: Previously there were three members to a province, not four.

Mr. RUSHTON: Before 1962 when there were 10 provinces in the Legislative Council, each electing three members, numerically the provinces were weighted very heavily against the Liberal and Country Parties. There were 13 Labor members in the Legislative Council, 12 of whom were returned from four provinces having an aggregate of 85,000 potential voters. The thirteenth Labor member was elected in the Suburban Province, which also had two Liberal members. The 17 Liberal and Country Party members were returned from provinces representing a total of 246,000 potential voters.

There was no cry about any inequity on that occasion.

Mr. T. D. Evans: Why did the Labor Party so readily support the Bill for adult franchise?

Mr. RUSHTON: Because it expected gains for itself, but that did not happen.

Mr. T. D. Evans: We saw justice one way.

Mr. RUSHTON: I have just proved to the Minister how loaded the voting was before adult franchise was introduced. Following on the information I have just given, 85,000 electors returned 12 Labor representatives, and 246,000 voters returned 17 Liberal and Country Party members. That was the position until 1965. Nobody

who is fair can claim that the present Electoral Act has done more than to give a fair representation in this House.

Sir David Brand: What about all those goldfields electorates in the 1940s? They kept the Labor Party in office.

Mr. RUSHTON: This is what I am getting at. Nobody who is fair-minded would claim that the legislation introduced, which allows this automatic adjustment by people outside Parliament—

Mr. T. D. Evans: But subject to very rigid guidelines over which the commissioners have no power.

Mr. RUSHTON: I would not say that. As a matter of fact if we looked around this House now we would realise that, if given a free vote, the member for Boulder-Dundas would certainly not agree with this legislation, neither would the member for Geraldton, the member for Albany—

Mr. Cook: You speak for yourself. I support this.

Mr. RUSHTON: —the member for Toodyay, the member for Northam, nor the member for Merredin-Yilgarn. Not one of those members would agree with it.

Mr. Cook: I do agree, so that gives the lie to that statement.

Mr. Bertram: Since when have you been able to read the minds of others?

Mr. RUSHTON: I do not have to think what is in his mind. I go by what is said from time to time.

This legislation has been submitted to the Parliament when it has no hope of passing even in this House. The Government has not even marshalled its numbers. It is presented in such a way that it is obvious the Government is being hypocritical in its presentation and it is wasting the time of Parliament.

Mr. T. D. Evans: You are setting a very bad example yourself.

Mr. RUSHTON: For such a Bill to be presented when we have so much serious legislation with which to deal, is hypocrisy at its worst.

Mr. T. D. Evans: This is a case of the devil quoting the Scriptures, coming from you.

Mr. RUSHTON: The Minister who has just interjected has indicated many times that this House should get on with the business which has the highest priority; and if this legislation is the highest on the Government's list of priorities, it indicates how poor it is in its administration.

Mr. T. D. Evans: There are three or four Liberals who support it aren't there?

MR. McPHARLIN (Mt. Marshall) [9.17 p.m.]: I do not intend to take up a great deal of time, but I would like to make one or two comments. One of these concerns the 1963-64 amendments to the Electoral Act. It has been pointed out by previous speakers that when that legislation was presented to Parliament the amendments were unanimously endorsed by both Houses. In fact not one dissentient voice was heard against them. Again, when the electoral boundaries were redistributed by the electoral commissioners the Premier himself commented on the manner in which they had carried out their duties and the fair and objective way the Act was implemented.

Frequently claims have been made that the boundaries are gerrymandered, and this term "gerrymander" is one which has intrigued me for some time. I have not yet heard one member, who has claimed gerrymander, submit an explanation as to what it means. We have a boundaries commission which works out the electoral boundaries for redistributions from time to time and if members say the boundaries have been gerrymandered, are they not then pointing the finger at the boundaries commission, and saying that it has not been doing the job for which it was established?

Mr. T. D. Evans: No.

Mr. McPHARLIN: That is the inference. What is meant by "gerrymander"?

Mr. Bertram: Who has said that?

Mr. McPHARLIN: It has been said from time to time. Can any member on the Government side tell us what it means?

Mr. Hartrey: The adjustment of the boundaries of a constituency so as to enclose as large an overplus as possible of voters of one particular party.

Mr. McPHARLIN: Let me indicate how one book describes "gerrymander." The book is called *How Democracies Vote* and is written by Enid Lakeman. Apparently the term "gerrymander" originated from a Governor Elbridge Gerry of Massachusetts, according to Enid Lakeman, who writes—

> Governor Elbridge Gerry of Massachusetts was responsible for the law of 1812 which provided for the division of the State into new Senatorial districts and resulted in the election of 29 Senators by 50,164 voters of Governor Gerry's party, while 51,766 voters of the opposing party elected only 11. The new boundaries ignored all natural and customary lines and produced constituencies of odd shapes; when one such shape was compared to a salamander, the editor of a local paper replied: 'I call it a Gerrymander.'

The boundaries of those electorates were irregular and constructed in such a way that they suited that particular gentleman, and that is how the word "gerrymander" originated.

The member for Mirrabooka referred to certain figures, and I might mention he became quite agitated and displayed an aggressive attitude which I thought was not such a bad thing at all.

Mr. Hartrey: Hear, hear!

Mr. McPHARLIN: It is true he was emphatic about what he believed to be right and he presented his argument with some vigour, for which I commend him.

Mr. Hartrey: Hear, hear!

Mr. McPHARLIN: However his argument fell down because figures he quoted were wrong.

Mr. A. R. Tonkin: Which ones?

Mr. McPHARLIN: If a member is aggressive and vigorous, let his figures be correct.

The honourable member said that 47 per cent. of the votes were obtained by the Labor Party while only 27 per cent. were obtained by the Liberal Party. The figures he quoted were for the last election. However several of the provinces—the South-East Province, the North-East Metropolitan Province, and the South-Metropolitan Province—comprised a large number of electors. In fact, they comprised 160,000 of the 537,000 electors in the State. Several other provinces were not contested by a candidate of the nonsocialist party. How can the member for Mirrabooka therefore claim his figures are correct when the three provinces I have named were not contested by the Liberal Party? His figures were not correct.

Coming back to the Bill, it proposes one House of 81 members. If the Bill were passed this would allow for 51 members in the metropolitan area. The member for Mirrabooka referred to the country areas as relating to the metropolitan area. Certain figures appeared in the Press at one stage and it was indicated that 51 members would represent the metropolitan area and 30 the country areas.

Mr. Nalder: Some estimates indicated that 54 members would represent the metropolitan area.

Mr. McPHARLIN: That is so. It was suggested that 54 members could represent the metropolitan area as against 27 representing the country areas. One needs no imagination to realise how weighted any decisions would be in favour of the metropolitan area as against the country areas. The country people would just not have representation at all.

Mr. Taylor: That is not so.

Mr. McPHARLIN: They just would not have it. The total area of the metropolitan region is something like 2,000 square miles, which would have 51 or 54 representatives, while the rest of the State—something like 900,000-odd square miles—would be represented by 27 members or thereabouts. The Government claims this is democracy.

Mr. T. D. Evans: Do you realise there are more members within the Government party representing the country than you have in the entire Country Party?

Mr. McPHARLIN: The Government calls this Bill democracy. This is not democracy. Democracy is the present system.

Mr. T. D. Evans: Oh yes?

Mr. McPHARLIN: This Bill would be better described as an act of stupidity. As members are well aware, it will be rejected.

I often wonder when a Bill of this nature is introduced what the situation would be if the position of the parties were reversed. What would be the attitude of the Labor Party if it held a majority in the Upper House? I often wonder about this.

Mr. T. D. Evans: We would abolish it.

Mr. McPHARLIN: I wonder whether this legislation would have been introduced.

Mr. T. D. Evans: If we held a majority here at the same time we would abolish the Upper House.

Mr. McPHARLIN: I do not think we would have heard one squeal from members opposite.

Mr. T. D. Evans: There would not be two Houses.

Mr. McPHARLIN: Not one move would be made to abolish the Upper House. The Government has introduced this Bill only because it does not have a majority in the other House. This is my belief.

I have also heard talk about the Government having a mandate. The member for Mirrabooka mentioned this. He claimed that the result of the last election gave the Government a mandate to do all sorts of things it promised in its election policy. When a Government wins by such a narrow majority one wonders just what sort of mandate it has. It has a very narrow majority. It just got there by the skin of its teeth.

Mr. Rushton: On many false promises.

Mr. McPHARLIN: Then it claims it has a mandate to do all sorts of things. That is hard to accept. If the Government had a greater majority than one, I could perhaps agree, but not when it has such a narrow majority.

Mr. Bertram: What majority would we need?

Mr. McPHARLIN: I cannot go along with the claims made that the Government has the mandate to do all sorts of things. It certainly did not get a mandate to put through the Bill we now have before us; and so I oppose it.

MR. BRYCE (Ascot) [9.27 p.m.]: It gives me a great deal of pleasure to support the Bill the purpose of which, in principle, is two-fold. In the first place, it is designed to create a unicameral or single-House Parliament in Western Australia; and in the second instance it proposes as far as is practicable to implement the principle of one-man, one-vote, one-value as the basis of electing parliamentary representatives to this Parliament.

Both principles are highly desirable in a modern State and both are long overdue. Bicameral and tricameral systems of Parliament were conceived centuries ago. We are fully aware of this. They were designed to give special representation to different elements of society; for example, the clergy, the nobility, and the commoners. By their very nature these Parliaments composed of different parts were intended to be, and they were, divisive. The bicameral system, evolved by the British vested great power and influence in the hands of the propertied class in an Upper House, expressly designed to stifle democracy and to protect property and other forms of vested interests.

The second Chambers as we know them, such as the Legislative Council in this State, were sprinkled throughout the world in the wake of British colonialism at a time when democracy was a very dirty word; and these second Chambers have since constituted a yoke around the neck of numerous progressive Governments.

Second Chambers, particularly in an age of party politics, are an anachronism. There is a wealth of evidence to prove that the Legislative Council in this State has failed abjectly to fulfil its original purpose and for the last 60 years it has constituted an obstacle to progress when the Labor Party has been in power, and a rubber stamp when the Liberal and Country Parties have been in power.

Mr. Rushton: What about supporting some of those wild statements?

Mr. BRYCE: As a matter of fact, the member for Dale might be surprised to hear I intend to do that thoroughly.

The change of Government last year has created for Western Australia two Governments. One is legitimate Government based in this Chamber—a Labor Government elected by the will of the people determines the legislative measures that come before Parliament. The other Government is at the other end of this building. It is a *de facto* Government; it is a *de facto* Liberal and Country Party Government determining the output of this Parliament.

Mr. Williams: And how was it elected?

Mr. BRYCE: On rigged boundaries.

Mr. Williams: Don't be stupid!

Mr. Rushton: You are a menace to the Parliament!

Mr. BRYCE: In recent times we have heard from members opposite—particularly members in the back pocket corner of the Chamber—a very unhealthy disregard for so-called academics or intellectuals.

Dr. Dadour: Surely you do not classify yourself as that?

Mr. BRYCE: I do not claim to be so for one moment. I ask to be allowed to finish my point. We have heard a very unhealthy disregard for so-called experts. I do not intend to base my case this evening on the words of the so-called practical—and so often ignorant—men. I hope I will be forgiven for basing my case on the arguments of a number of dedicated scholars who have looked into this question a little more deeply than a number of members on the Opposition bank benches.

There are two illustrations which I think bear consideration in respect of my reference to the change of Government. These illustrations show the completely party-partisan attitude of the Legislative Council.

Mr. Rushton: And you claimed to be a member of a union!

Mr. BRYCE: When I first came into the Parliament I was informed that the member for Dale was often referred to as a sniper. I am beginning to find out why he deserved this description. He is not making any constructive contribution.

I would like to quote from a thesis prepared for a Master of Arts degree at the University of Western Australia by Mr. Ralph Gore. This, I believe, is probably the most thorough piece of research work which has ever been undertaken into the Legislative Council as it has operated in this State. He makes an interesting statement about the party-partisan attitude of the Legislative Council. I quote from page 19 of the synopsis to his thesis—

> For the Labor period 1953-58, 31 measures were amended in dispute and of these 9 ended in a give and take situation, 2 saw the Council bow to the Assembly's wishes but on 20 occasions the Assembly was forced to bow to the Council and resort to a conference was needed 8 times to thrash out difficulties. In the non-Labor period 1959-62 there being only 16 measures in dispute it was seen that compromise resulted 5 times, the Council gave way to the Assembly 9 times and only once did the Assembly lower to the demands of the Council while resort to a conference was required but three times.

Mr. Gayfer: Did you read this out a little while ago?

Mr. BRYCE: I suggest that members opposite should listen.

Mr. Gayfer: I merely asked a simple question: Did you read this out a little while ago?

Mr. BRYCE: The member for Avon is well aware that I did not. Two of the salient facts quoted by the member for Mirrabooka definitely warrant repetition to illustrate the performance of the Legislative Council in the manner in which it has rejected legislation on a purely party-partisan basis during the period of the Hawke Government in contrast with its attitude during the period of the Brand Government. These are the only two statistics mentioned by the member for Mirrabooka which I propose to repeat. In 1966 the Brand Government saw two Bills out of 120 rejected or defeated. This constituted a rejection rate of 1.6 per cent. of the legislation.

Mr. Gayfer: Did you not make this comment 10 minutes ago?

Mr. BRYCE: No. In the period of the Hawke Government, in 1956 the number of Bills rejected constituted a rate of 20 per cent.

Mr. W. A. Manning: Who supplied the figures?

Mr. BRYCE: Had the member for Narrogin been listening, he would be well aware that this reference has been taken from a thesis for a degree of a Master of Arts. I venture to suggest it is a much more authoritative source than anything I have heard quoted from any member of the Opposition benches.

The origins of the problem of the second Chamber in Western Australia date back to the origins of responsible Government in 1890. In a different thesis on this question, *The Movements for Self Government in W.A., 1870-1890*, by Mr. W. P. Hesseltine, it was pointed out that the British Government was loathe to hand over control of such a vast colony as this to a mere handful of people and it was pressured for a powerful second Chamber to temper any radical elements which might emerge. Local politicians at the time paid great attention to the powers of the Legislative Council, because they were bluffed into believing that, without such a powerful House, responsible Government would have been delayed. As a consequence, the Legislative Council in this State was left free of any deadlock-resolving clause. It was left free of any referendum proposals and it was allowed complete independent power to frame its own Standing Orders.

The much revered John Forrest had no mean part to play in laying the foundations of the situation which, in 1972, now constitutes and makes a sham of democracy. Quite apart from his exercises in gerrymander, which are very distinct from malapportionment, Forrest himself led the fight in 1893 to prevent a deadlock-resolving mechanism being written into our Constitution. He seems to have been wedded to the belief that Western Australia's future lay solely in the hands of rural and business interests.

Mr. Hartrey: He was a conservative.

Mr. BRYCE: I would like briefly to quote from *Hansard* in 1894 at page 1093 what Sir John Forrest said when discussing the Legislative Council's executive status. He said—

> ... the possession of property was an indication that a man had some sense and some brains... the man with property would have a greater interest in the Colony than the man without it...

Unfortunately, nearly 80 years later, the Leader of the Opposition—something of a latter-day John Forrest—still espouses this view. It is most remarkable that he and his political party, so dedicated to the god of economic progress, find it so difficult to conceive of the need to update and restructure a parliamentary system which was designed to cater for a very different community.

The Leader of the Opposition has described this Bill as a piece of badly conceived and ill-timed legislation. I believe the concept is highly relevant to the stage of development of this State and the timing is most appropriate.

Particularly for the interests of the member for Floreat, I would like to place on record a list of the attempts which have been made in Parliament to reform the Legislative Council. At one stage in his remarks, the honourable member suggested that, if the Government believes a deadlock-resolving clause is really necessary this, in fact, should be the purpose of the Bill. I would like to place on record a list of the attempts which have been made to reform this body in the Parliament.

In 1902 the Council defeated a move by Walter James to institute a deadlock-resolving clause and an attempt to introduce a more democratic system of representation. In 1904 the Council defeated a move by Daglish to introduce an initiative and referendum system. Between 1906 and 1910 the Rason and Moore Ministries were denied franchise reform by the Council. Between 1911 and 1916 the Council again rejected moves to reform the franchise and to introduce an initiative and referendum proposal. In 1918 and in 1919 the Council rejected reform attempts to establish household franchise and to extend the vote to servicemen. In 1924 the Council defeated a move by the Collier Government to establish compulsory enrolment and voting for the Council. In 1928

the Legislative Council stifled a move to take an appeal to the Privy Council on the question of reform of that body.

In 1935 there was a Royal Commission into the question of electoral reform. Its recommendations were that the franchise should be extended to the householder, but these recommendations were again rejected by the Legislative Council. In 1937 another private member's Bill designed to introduce a deadlock-resolving clause was rejected by the Council. In 1943 and 1944 the Council again rejected moves which were made to enfranchise servicemen and the spouses of already eligible voters. In 1946—for the information of the Leader of the Country Party—the Legislative Council stifled the only attempt that has been made in this State to submit the question of the retention of the Legislative Council to a referendum. The move was defeated in the Legislative Council. In 1947 moves were initiated—and rejected—in the Legislative Council once again for what was called timely reform of electoral anomalies.

In 1948 two very interesting events occurred. We have in this Parliament a political party which so often tells us of the lack of control and direction over its members. Sir Hal Colebatch, a former Premier of this State, was denied his Liberal Party endorsement for the Metropolitan Province because he had, in fact, set up proposals to democratise the Legislative Council. In 1948 there also occurred something which probably constitutes the epitome of conservatism in this State. A move was made in this Parliament to change the franchise in the form of converting the eligibility to vote, expressed in pounds Sterling, to pounds Australian. However, because the pound Australian was considered to be less valuable than the pound Sterling—and a few more voters would have been included in the electorate—the Legislative Council rejected the proposal.

In the 1950s, of course, the Legislative Council rejected quite a variety of proposed amendments to the Constitution Act and the Electoral Act. Finally, in 1963 a motion from within the Council itself opened the way for franchise reform. We have heard a great deal from members opposite about this magnanimous gesture. I would now like to inform the House of an opinion of somebody who must be regarded as an objective observer and one who has studied this question with academic objectivity. I again refer to the synopsis of the thesis of Mr. Ralph Gore at page 11.

Mr. A. R. Tonkin: You are not going to quote an expert?

Mr. O'Connor: Disregard that remark.

Mr. BRYCE: He says—

> The motivations behind the final moves to adult franchise in 1963 are complex but the major clue to matters resides with the non-Labor groups' realization that restrictive franchise was no longer working so clearly in their interest. In addition the final legislation was made more feasible by:
>
> > 1. . . . the fact that franchise reform was only allowed when it was tied to a heavily weighted electoral pattern which favoured rural and non-Labor areas.

Mr. Hutchinson: Who said that?

Mr. BRYCE: Has the member for Cottesloe been asleep all evening?

Mr. Williams: The honourable member is asking a question and he is entitled to an answer.

Mr. BRYCE: I took great pains to point out that this is part of a thesis prepared by Mr. Ralph Gore for his Master's degree at the local university. It is entitled *The Legislative Council in Western Australia 1890-1970.*

Mr. O'Connor: We are taking great pains in listening—we are not complaining.

Mr. BRYCE: The second point made by the author is—

> the recent abolition attempts made upon the N.S.W. Legislative Council, although unsuccessful, saw much publicity emerge which even more showed up the anomalous position of the Western Australian House.

Mr. Williams: I think you should paraphrase it and not read it all.

Mr. BRYCE: The third point is—

> the enabling motion came from a non-Labor dominated Council and was not enforced upon the Council by a victorious Labor Party. This made the change bearable to even the most conservative of Council members.

Despite this move, Western Australia still has a more powerful, more destructive, and more damaging second Chamber than even the British Parliament itself. Far from being ill-timed and badly conceived, this legislation is long overdue. The Legislative Council has proven its resistance to reform, and constituting as it now does, something of a political dinosaur, it should be rendered extinct and given a place of pride alongside other colonial relics in the Museum of this State.

Because my views on this subject have been made known to the House on two previous occasions in the last 12 months, it is my intention to illustrate other very sound reasons for the abolition of the second Chamber by referring to the views of others who are much more expert than I in the field of politics.

To the delight of members of the Country Party, the first authority to whom I would like to refer is the Country Party Speaker of the Queensland Legislative Assembly, The Hon. D. E. Nicholson. He delivered a paper at a recent Commonwealth Presiding Officers Conference in 1971 entitled *The Doubtful Advantages of the Upper House in State Legislatures*. In this paper he said on page 182 of the report—

> It was because of the frustrations occasioned by the Upper House that Queensland abolished its Legislative Council in 1922 and it is interesting to note that since that time there has been no move to re-establish an Upper Chamber there. The State has progressed very well and I do not think that the Queensland legislation or Queensland people have suffered in any way because of the lack of an Upper Chamber. New Zealand in 1950 also abolished its Upper House, and to my knowledge there has been no move there to re-establish the second Chamber.

I would like to quote one final comment made by Mr. Nicholson, where he further alluded to the hopelessness of second Chambers in an age of party politics. At page 183 he stressed—

> That if an election results in the ruling party in the Upper House being politically opposed to the Lower House Government effective government is made impossible.
>
> Conversely, if the majorities in both Houses consist of members of the same party, then the Upper Chamber tends to become no more than a rubber stamp for the Lower House . . .

In his address Mr. Nicholson referred to a book *Second Chambers in Theory and Practice* written by Mr. Lees-Smith. I would now like to refer to page 135 of this book where Mr. Lees-Smith extensively criticises the effectiveness of second Chambers when they become subject to the party system. He argues—

> If a second Chamber becomes subject to the party system, it interferes unfairly with the party to which it is opposed, whilst it ceases to function when its own party is in office, with the result that it increases instead of diminishes the misrepresentation of the public will.

He went on to point out that since parties were inevitable institutions in democracies Upper Houses under such circumstances become redundant.

Mr. Hutchinson: He is about half right —perhaps three-quarters right.

Mr. BRYCE: Since 1915 in Western Australia, all but two of the members of the Legislative Council have been members of a political party. A study of division lists clearly indicates that a non-Labor Party view has prevailed in that Chamber. Government Ministers have always appeared in the Council. Government leaders and Opposition leaders have been officially recognised and financially rewarded. Government Whips and Opposition Whips have been officially recognised and financially rewarded. So much for the argument that this impartial House of review conducts itself in a very unbiased fashion in Western Australia.

One of the most logical arguments to support the concept of the unicameral Parliament is, of course, the tremendously successful precedent—

The SPEAKER: I hope the member is not reading his speech.

Mr. BRYCE: No, Sir, I was referring to copious notes. A tremendously successful precedent has been established in many other parts of the world involving both national and provincial levels of government.

Quite close to home, in 1931, C. A. Bernays, the Queesland Parliamentary Historian, in the second of his books on *Queensland Political History* wrote—

Mr. Williams: Paraphrase it.

Mr. BRYCE: I prefer to quote having become very aware of the inaccuracies of paraphrasing which occur in this Chamber. Bernays wrote—

> The adoption by Queensland of the unicameral system of Government has not in the opinion of the author led to any grave or irremediable abuse, doubtless it has had the effect of accelerating and simplifying legislation, and has enabled the party in power for the time being, to give almost instantaneous effect to its will. If they blunder, or if they are too impulsive, they alone must take the responsibility.

Finally, in respect of the principal aspect of this Bill, because the Legislative Council is an obstacle to progress in Western Australia; because it has abused its almost unbridled powers; because it is dominated by party politics; because it is a costly antique, and because it is fundamentally undemocratic it should be abolished to make way for a unicameral Parliament.

I would now like to refer briefly to the second aspect of the legislation; that concerns the question of malapportionment. This section of the Bill is designed to remedy the outrageous electroal malapportionment pertaining to election of parliamentary representatives. I have had a very close look at the degree of malapportionment which prevails, and I am led to—

Mr. Rushton: You don't always find the right thing when you are looking.

Mr. BRYCE: —believe that the extremes of malapportionment in this State are unrivalled throughout the democratic world. We advocate the principle of one man-one vote.

Mr. Williams: Why did you support clause 6 of the Prevention of Excessive Prices Bill the other night?

Mr. BRYCE: Long before universal franchise was conceived, the English Parliament rested heavily upon a system of pocket boroughs designed to serve the interests of the landed gentry. This system was transplanted to Western Australia, unfortunately, in the 1890's. Eighty-two years later it is time we took stock of the situation and, for the information particularly of Country Party members, it is time we took stock of the fact that wealth is not and should not be the basis of representation in this Parliament.

Mr. Rushton: And it is not.

Mr. BRYCE: We should also face the fact that ears of wheat and head of sheep should not be regarded as constituents. We should also appreciate that the ownership of land does not imply wisdom which is deserving of a disproportionate amount of say in the affairs of this State.

Mr. Rushton: You say all sections should be represented.

Mr. BRYCE: If the honourable member would say something constructive instead of bleating perpetually, it may be possible to pick up his comments.

Mr. Hartrey: Say something intelligent for once.

The SPEAKER: Order!

Mr. BRYCE: As a representative of a metropolitan electorate, it concerns me greatly that my constituents are slighted as second-class citizens in terms of their voting power—

Mr. Nalder: You are saying that?

Mr. BRYCE: That is right, and the honourable member has supported the system which perpetrated it. He subscribes to a system which continues to advocate this representation simply because of some voters' geographical proximity to the G.P.O. It has never been my suggestion, and it never will be, that we should discriminate against people in rural areas. However, I am stating now quite categorically that it is time we stopped discriminating against people who live in metropolitan areas.

Mr. Rushton: Ask the member for Boulder-Dundas.

Mr. BRYCE: I suggest we should implement a system of electoral districts which gives equal representation to everyone in the State. Boundary concepts which were drawn up in the age of the horse and buggy are no longer relevant in an age of of sophisticated technology. We have come a long way since the boundary concepts were drawn up, and they very much need adjusting.

A number of members in this Chamber lack the courage to act without a precedent. I have noticed this time and time again, and we have had a current example in the debate this evening on the Noise Abatement Bill. Because the Opposition could not find that a precedent had been established elsewhere, it considered it was not safe to break new ground.

Mr. Williams: You ask one of your Ministers to do something without a precedent and see how you get on.

Mr. BRYCE: A precedent has been clearly established in the field of outlawing malapportionment. I have referred to this earlier but I will comment again on this subject briefly. In the United States, which is regarded by members opposite, and particularly the member for Avon, as the most wonderful of all democracies, action has already been taken to outlaw malapportionment. A precedent has been established, and I refer members to the famous 1962 United States Supreme Court case of Baker *versus* Carr, as a result of which electoral malapportionment in respect of State and Federal Legislatures was declared to be illegal.

Mr. Gayfer: When did I say that?

Mr. BRYCE: The honourable member simply exuded it. Every single thought he expresses exudes it. And from Gordon E. Baker's book *The Reapportionment Revolution*, published in New York in 1966 from page 94, I quote—

> The Court has ruled that the weight of a citizen's vote cannot be made to depend on where he lives and the Constitution requires equal State legislative representation for all citizens, of all places as well as of all races.
>
> The Court has now ordered the redistributing of many State Legislatures so that as nearly as practicable one man's vote should be equal to another's . . .

I repeat for those of us who so badly rely upon a precedent being established in other parts of the world: That constitutes a very clear lead.

In order to illustrate a few of the specifics of my allegation, I desire to place on record a number of accurate relevant statistics. They were taken from Government-produced documents concerning actual figures involved in the malapportionment problem in this State.

Mr. Gayfer: Which country did these come from—America again?

Mr. BRYCE: If the member for Avon listens very carefully he will hear.

Mr. Gayfer: You keep your head down, and we will hear it coming out of the top.

Mr. BRYCE: I refer firstly to Assembly seats in the metropolitan area, which has an electoral population of 356,429. The metropolitan area is represented in the Assembly by 23 seats, with an average of 15,497 electors per seat.

In the pastoral and agricultural areas, there is an electoral population of 179,759, which is represented in the Assembly by 24 members, each with an average of 7,490 electors. The north and north-west areas have an electoral population of 14,715. Those people are represented by four members in the Assembly, each with an average of 3,679 electors.

I refer now to Legislative Council provinces. In the metropolitan area, with the same electoral population of 356,000-odd, there are five provinces represented by 10 members. The average number of electors per province is 71,286.

Mr. Gayfer: How many shires do they represent?

Mr. BRYCE: What has that to do with it?

Mr. Gayfer: How many hospitals and schools do they represent?

Mr. BRYCE: A man whose thinking is geared entirely to local government should perhaps be in that sphere.

Mr. Gayfer: No, not entirely to local government.

Mr. BRYCE: Once again, in pastoral areas we hear that ears of wheat and head of sheep should be represented in this Parliament!

In the pastoral and agricultural areas, there are eight Legislative Council provinces with 16 members; and the average number of electors per province is 24,070. The north and north-west areas have two provinces, represented by four members, with an average of 7,357 electors per province.

Mr. Rushton: They are represented by Labor and non-Labor members.

Mr. BRYCE: I now turn, to the extremes of the problem, which are worse in this State than anywhere else in Australia. At the time of the last election the smallest Assembly electorate—Murchison-Eyre—had 1,840 electors.

Mr. Gayfer: How many square miles?

Mr. BRYCE: The largest electorate had 21,346 electors. That was the seat of Canning. That indicates a disparity of 11 times the voting strength from one to the other.

With regard to Legislative Council provinces, the smallest province—the Lower-North Province—had 5,125 electors; and the largest province—the Metropolitan Province—had 79,256 electors. That is a disparity of 15½ times the voting strength from one to the other.

Mr. W. A. Manning: How do the areas compare?

Mr. BRYCE: I have suggested more than once in this Parliament that the "area problem," as it is referred to, was very relevant in the era of the horse and buggy; but it is no longer anywhere near as relevant.

Several members interjected.

The SPEAKER: Order! Order!

Mr. BRYCE: I illustrate the essence of the figures I have quoted by pointing out that in the metropolitan area 356,429 people are represented in the Legislative Assembly by 23 members. The 194,474 electors in rural areas are given 28 representatives. With regard to the Legislative Council, the same 356,000-odd people in the metropolitan area are given 10 representatives out of a total of 30; whereas the 194,000-odd people in rural areas are given 20 representatives out of 30.

That situation constitutes a chronic disregard for the fundamental principal of one-man, one-vote, one-value; and irrespective of whichever school one attended, or whatever part of the State one comes from it is a complete negation of the principle of democratic parliamentary Government.

I wish to conclude—

Mr. Gayfer: Hear, hear.

Mr. BRYCE: —by saying that not quite 12 months ago in my maiden speech in this Parliament I expressed the hope that the Government would give attention to this problem. I am delighted to see that it has taken the initiative to indicate quite clearly where it stands on the question of unicameral Legislatures and electoral malapportionment. I support the Bill.

Mr. Bertram: Hear, hear.

MR. T. D. EVANS (Kalgoorlie-Attorney-General) [10.06 p.m.]: I acknowledge the contributions made by members to the debate. Whilst I was able to anticipate the response of the Opposition, it was certainly disappointing to me to find that not a spark of enthusiasm nor a spark of innovation could be kindled in members opposite to accept or even test something new. However, I listened carefully to all that was said, and heard very little that was new, and nothing at all that was convincing. I was able to anticipate what was said.

Mr. Williams: Including the constitutional majority required?

Mr. T. D. EVANS: Let me refer briefly to a comment made by the Leader of the Opposition—which was reflected in other speeches from the Opposition—who said

that if we had a single House of the Legislature we would find it would give us extreme legislation, whatever that is.

The member for Mirrabooka and the member for Ascot clearly indicated that since 1922, some 50 years ago, Queensland has survived—if that is the word members like—with one House of Parliament.

Mr. W. A. Manning: That is the right word.

Mr. T. D. EVANS: Some debates we have had in this Chamber have indicated that Queensland enjoys a high standard of living. The Leader of the Opposition is quick to point out that the rate of unemployment is lower in Queensland than in Western Australia. Yet Queensland is a State in which the quality of life is governed, so far as legislation can so govern, by one House of Parliament; and since 1957 a Country Party-Liberal Party Government has operated there and has made no attempt whatsoever to restore the unicameral system of Parliament.

Mr. Nalder: It has more important matters to think about.

Mr. T. D. EVANS: I would like to say that I commend the member for Mirrabooka and the member for Ascot for what was in each case a carefully prepared and objectively presented speech. I think all members must surely agree with me that the speeches presented by those members were indeed very well researched.

I also commend the member for Floreat, who was the only speaker from the Opposition I can recall as being big enough at least to give merit where merit was due. He gave merit to the two members who had done their homework on this issue. The speeches of the two members to whom I have referred showed quite clearly that there is no need for more than one House of Parliament.

I do not want to confuse the issue by referring to the Legislative Assembly or the Legislative Council, because the Bill seeks to abolish both existing Houses of Parliament in Western Australia and to replace them with one House. The members for Mirrabooka and Ascot clearly showed, by their research and by the experience in other parts of the world—where a unicameral system is the rule rather than the exception—that one House of Parliament operates effectively. Those members also showed that, in any event, the twofold system which we in Western Australia endure has perpetuated minority rule. That is a fact.

The golden words of Abraham Lincoln have never operated in Western Australia to manifest democracy in action. I refer, of course, to those immortal words uttered at Gettysburg, "Government of the people, for the people, and by the people."

What is the conclusion? A binary system of government, subject to the influence of party politics—and that is the evil which attaches to a binary system. Where one brand—and I chose that word carefully, with all due respect—of politics can effectively and permanently influence one House, that House becomes either a House of obstruction or a mere rubber stamp, depending upon the swing of the political pendulum which determines the predominant political colour of the other House. Deny that who will. The second House becomes a House of obstruction or a rubber stamp, and not a House of review. It may become a House of refusal.

The member for Floreat proposed what I believe to be the only proposition that vaguely represented an argument in favour of a bicameral system of Parliament; and that was that a bicameral system which provided a form of review was an insurance against hastily conceived legislation.

The member for Mirrabooka anticipated this argument—and I am generous enough to attribute that proposition the status of an argument—by advocating that we in this Chamber should, in fact, ensure that we have a genuine Committee stage.

Let us analyse the stages of a Bill in this House. The first stage is purely formal. The second stage is determined by the House as a whole when the vote on the second reading is taken; and the third stage occurs immediately after that when the whole House goes into Committee. Those members who exercise a vote at the second reading stage also exercise the same voting strength at the Committee stage.

The member for Mirrabooka effectively countered the argument that a unicameral system would continue to provide a right of review. We ourselves have the means to ensure a proper right of review within this Chamber; and therefore that right should be preserved in a unicameral system of Parliament.

It has been said—and I do not wish to weary the House nor do I wish to stonewall the debate on this measure—that we have been taunted by the fact that this Bill will not pass the second reading stage, and therefore will not get into the Committee stage, because we on this side lack a constitutional majority. We have been told this, and we have heard this from the apostles opposite.

Mr. Williams: You are wasting the time of Parliament.

Mr. T. D. EVANS: We have heard the apostles of the bicameral system opposite eulogising that system. I would invite the Opposition to provide us with two or three votes from benches opposite to ensure that this Bill does command a constitutional majority, so that it can be transmitted to the other place and enjoy consideration by what members opposite claim to be a House of review.

Question put.

The SPEAKER: I would warn members that this is a constitutional Bill and requires a constitutional majority. Even if no member calls for a division I will divide the House.

Division taken with the following result:—

Ayes—22

Mr. Bateman	Mr. Fletcher
Mr. Bertram	Mr. Hartrey
Mr. Bickerton	Mr. Jones
Mr. Brady	Mr. Lapham
Mr. Brown	Mr. May
Mr. Bryce	Mr. McIver
Mr. Burke	Mr. Sewell
Mr. Cook	Mr. Taylor
Mr. Davies	Mr. A. R. Tonkin
Mr. H. D. Evans	Mr. J. T. Tonkin
Mr. T. D. Evans	Mr. Harman
	(Teller)

Noes—20

Mr. Blaikie	Mr. Mensaros
Sir David Brand	Mr. Nalder
Mr. Coyne	Mr. O'Connor
Dr. Dadour	Mr. Ridge
Mr. Gayfer	Mr. Runciman
Mr. Grayden	Mr. Rushton
Mr. Hutchinson	Mr. Williams
Mr. Lewis	Mr. R. L. Young
Mr. W. A. Manning	Mr. W. G. Young
Mr. McPharlin	Mr. I. W. Manning
	(Teller)

Pairs

Ayes	Noes
Mr. Graham	Mr. O'Neil
Mr. Jamieson	Sir Charles Court
Mr. Motler	Mr. Thompson

The SPEAKER: There not being a constitutional majority in favour of the Bill, the Bill is defeated.

Question thus negatived.

Bill defeated.

GOVERNMENT RAILWAYS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 12th October.

MR. O'CONNOR (Mt. Lawley) [10.20 p.m.]: This Bill seeks to effect two minor amendments to the Act. We on this side of the House have no opposition to the measure. The first amendment affects section 24. It seeks to delete the provision in that section which requires a copy of the by-laws and matters affecting the public to be printed and placed on a board at railway stations which have station masters. It has been pointed out that this is no longer required, with the facilities that are available today.

Bearing in mind the type of boards that are erected we can see no reason for this particular provision to be retained, as it serves no real purpose. These displays are not attractive, are tampered with by vandals, and are adversely affected by weather.

The other amendment in the Bill relates to section 52. This seeks to clarify the right of an employee in connection with the delay in making an appeal when he is held responsible for damage or neglect. As the Minister pointed out, where an employee of the department is fined the Act provides that after the amount of the fine has been deducted he may appeal. I do not think any one of us holds the view that such an employee should have to wait a long period before he can make an appeal. If $100 is involved in the fine, and a deduction of $4 a pay is made from the wages of the employee, payment will take almost a year. It is not reasonable for an employee to have to pay out for that length of time before he is entitled to make an appeal.

When a long period of time elapses, relevant details might become lost and witnesses might not be available to speak on behalf of the person fined. We on this side believe the amendments in the Bill to be reasonable, and we support them.

MR. MAY (Clontarf—Minister for Mines) [10.22 p.m.]: I wish to thank the member for Mt. Lawley for his contribution to the debate. This measure originated in the other House and a couple of areas of concern which were detected there were ironed out, and we received the amended Bill.

In view of the fact that the Opposition has agreed to the legislation, nothing further of any benefit can be said. The Bill is merely a tidying up procedure, and I therefore commend it to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

House adjourned at 10.25 p.m.

Legislative Council

Wednesday, the 1st November, 1972

The PRESIDENT (The Hon. L. C. Diver) took the chair at 2.30 p.m., and read prayers.

BILLS (10): ASSENT

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

1. Inheritance (Family and Dependants Provision) Bill.
2. Transport Commission Act Amendment Bill.
3. Law Reform Commission Bill.