

## COMPANIES (CO-OPERATIVE) ACT AMENDMENT BILL

### Returned

Bill returned from the Assembly with amendments.

### BILLS (3): RECEIPT AND FIRST READING

1. Taxi-cars (Co-ordination and Control) Act Amendment Bill (No. 2).

Bill received from the Assembly; and, on motion by the Hon. N. E. Baxter (Minister for Health), read a first time.

2. Motor Vehicle Dealers Act Amendment Bill.

3. Gold Buyers Act Repeal Bill.

Bills received from the Assembly; and, on motions by the Hon. G. C. MacKinnon (Minister for Education), read a first time.

House adjourned at 11.21 p.m.

## Legislative Assembly

Wednesday, the 8th September, 1976

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

### QUESTIONS (41): ON NOTICE

1. **TRAFFIC**

#### *Speeding Charges: Use of Radar Gun*

Mr BATEMAN, to the Minister for Traffic:

In view of the continual public criticism of the Road Traffic Authority about their use of radar guns to apprehend erring motorists, would he consider—

- (1) Abandoning the use of them for a trial period of three months?
- (2) If not, why not?

Mr O'CONNOR replied:

- (1) No.
- (2) They are a most effective device for enforcing speed limits.

2. **WEMBLEY TECHNICAL  
COLLEGE**

#### *Car Park*

Mr BATEMAN, to the Minister representing the Minister for Education:

- (1) Is the Minister aware that students attending Wembley Technical College at night are not allowed to use the car park which is never more than half full of an evening?

- (2) If "Yes" what reasons are given for such instructions?
- (3) If "No" will the Minister instruct the administration of the Wembley Technical College to allow students to use the car park of an evening?

Mr GRAYDEN replied:

- (1) to (3) The limited space available within the college grounds is used for staff parking, access to teaching facilities, and limited student use.

3. **TECHNICAL EDUCATION**

#### *Accountancy Course: Entry into Public Service*

Mr T. D. EVANS, to the Minister representing the Minister for Education:

Would the Minister please investigate a complaint that the subject Accountancy I available through the Technical Education Division as part of the certificate course of Business Studies is not acceptable for entry into the Public Service of this State, and advise me?

Mr GRAYDEN replied:  
Yes.

4. **EASTERN GOLDFIELDS HIGH  
SCHOOL**

#### *Guidance Officer and Social Worker*

Mr T. D. EVANS, to the Minister representing the Minister for Education:

- (1) Is the Minister in receipt of a letter from the honorary secretary of the South Kalgoorlie parents and citizens' association of date 9th August, 1976, re the appointment to the Kalgoorlie area of a guidance officer and a social worker?
- (2) Will the Minister give an assurance that appointments to Eastern Goldfields Senior High School of such specialist staff will be made for the 1977 school year?

Mr GRAYDEN replied:

- (1) A number of letters have been received on this matter.
- (2) Three positions for guidance officers have been advertised for the Kalgoorlie area for 1977. However, the willingness of qualified staff to apply for these advertised positions cannot be guaranteed.

5. **SCHOOLS AND HIGH SCHOOLS**

#### *Sex Education Course*

Mr HARMAN, to the Minister representing the Minister for Education:

- (1) How many schools have opted for the sex education course?

- (2) What are the names of the schools?
- (3) Will the Minister table a syllabus of the course?

Mr GRAYDEN replied:

- (1) and (2) Apart from the pilot schools, school principals will be invited to discuss this matter with parents and district superintendents during third term to enable decisions to be made in time for 1977.
- (3) Yes.

*The paper was tabled (see paper No. 382).*

## 6. JOHN FORREST HIGH SCHOOL

### *Collapse of Gymnasium*

Mr HARMAN, to the Minister for Works:

- (1) Further to my question 7 on 6th May, 1976, can he advise the current position in respect of action to recover costs concerning the collapse of the gymnasium at John Forrest High School?
- (2) When will the gymnasium be now completed?

Mr O'NEIL replied:

- (1) The Crown Law Department, on behalf of the Minister for Works, has written to the solicitors for the firm of private architects responsible for the design of the building, seeking compensation.
- (2) The gymnasium is programmed for completion in December, 1976, and will be available for use at the commencement of the 1977 school year.

## 7. TRAFFIC

### *Inglewood Traffic Study*

Mr HARMAN, to the Minister for Traffic:

- (1) Has the Government received a proposal from the City of Stirling known as the Inglewood traffic study?
- (2) What decisions have been made?

Mr O'CONNOR replied:

- (1) and (2) No.

## 8. INSURANCE COMPANIES

### *Registrations*

Mr HARMAN, to the Minister for Labour and Industry:

How many insurance companies are registered in Western Australia that write policies for—

- (a) life assurance;
- (b) other forms of insurance;
- (c) both (a) and (b)?

Mr GRAYDEN replied:

This information is not readily available in precise detail, however, the following figures are believed to be reasonably accurate—

- (a) There are 25 life assurance offices writing business in Western Australia.
- (b) There are 70 general insurance companies affiliated with the West Australian regional office of the Insurance Council of Australia writing general insurance business and there is an additional small number not affiliated with the council.
- (c) All of the life offices engage in general insurance business, some through affiliated or subsidiary companies which are members of ICA. A number of other ICA members transact life assurance business but the number is not known.

9.

## TRAFFIC

### *Speeding Charges: Margin*

Mr McIVER, to the Minister for Traffic:

- (1) Is it a fact that the usual monthly meeting of sergeants attached to the Road Traffic Authority was held on or about Wednesday, 1st September, 1976?
- (2) Was a decision there arrived at that in future action would be taken against motorists who exceeded the speed limit by 5 km/h or more?
- (3) If (2) is "No" then what was the speed arrived at?
- (4) Is he aware of regulation 1019 of the Vehicle Standards Regulations, 1975?
- (5) Is it a fact that, unless otherwise graduated, the speed limit in the metropolitan area is 60 km/h?
- (6) Is it a fact that according to regulation 1019 of the Vehicle Standards Regulations, 1975 the speedometer of the motorist's vehicle shall have such a degree of accuracy that the indicated speed is not less than the actual speed by more than 10% when the vehicle speed is greater than 50 km/h, which at 60 km/h is 6 km/h?
- (7) Would he accept as a fact that to charge a person or take action against a person for exceeding the speed limit by 5 km/h or 6 km/h in a 60 km/h zone is unfair bearing in mind that the toleration of variation in a speedometer for a vehicle travelling at 80 km/h on the Freeway is 8 km/h?

- (8) Having regard for the provisions of regulation 1019 of the Vehicle Standards Regulations, 1975, would he be prepared to cancel any actions pending, or make refund of any payments made in regard to action taken against motorists who contravened by speeding in 60 km/h areas by no more than 6 km/h or in 80 km/h areas by no more than 8 km/h?

Mr O'CONNOR replied:

- (1) Yes.
- (2) and (3) It is not intended to disclose the content of discussions at these meetings.
- (4) to (6) Yes.
- (7) No. If the offending motorist produces certified documentation to the effect that the speedometer fitted to his vehicle is incorrect, the action against the motorist is not proceeded with.
- (8) No. Unless he comes within the requirements of answer (7).

#### 10. ROAD TRAFFIC AUTHORITY

##### *Police Personnel*

Mr McIVER, to the Minister for Traffic:

- (1) What is the total police personnel strength of the Road Traffic Authority quoting same in the following grades—

Constables (all ranks)  
Sergeants 3/c  
Sergeants 2/c  
Sergeants 1/c  
Inspectors  
Senior Inspectors  
Superintendents?

- (2) Having regard to the policy of ratio of personnel to rank, is the total police personnel attached to the Road Traffic Authority in accordance with the ratio as prescribed, not in an overall police strength sense but in the sense of a separate department being based on the ratio?
- (3) If the ratio within the Road Traffic Authority is not consistent with the overall prescribed policy, why?

Mr O'CONNOR replied:

- |                     |       |     |
|---------------------|-------|-----|
| (1) Constables      | ..... | 401 |
| Sergeants 3/c       | ..... | 49  |
| Sergeants 2/c       | ..... | 23  |
| Sergeants 1/c       | ..... | 15  |
| Inspectors          | ..... | 4   |
| Senior Inspectors   | ..... | 3   |
| Superintendents     | ..... | 3   |
| Authorised Strength | ..... | 517 |
- (2) No.

- (3) The ratio strength is taken over the whole of the Police Force, not separate branches. The present ratio suits the operations of the traffic patrol.

11.

#### TRAFFIC

##### *Titan Ford Motors: Examination of Used Cars*

Mr McIVER, to the Minister for Traffic:

- (1) Is it a fact that on or about 30th day of August, 1976, members of the Used Car Dealers Section of the Road Traffic Authority visited the premises of Titan Ford for the purpose of inspecting vehicles on this premises?
- (2) How many members from the Used Car Dealers Section attended?
- (3) How many vehicles were inspected by them?
- (4) How many vehicles inspected by them received "work orders"?
- (5) Were any of the vehicles that had work orders placed on them subsequently sold without the 'work order' being removed?
- (6) Did the Road Traffic Authority on or about the following Tuesday or Wednesday send a motor vehicle examiner, not from the Used Car Dealers Section, to the premises of Titan Ford to further examine, or to pass the vehicles with 'work orders' conditionally that the work had been performed as required?
- (7) If the answer to (6) is "Yes" then how long was this examiner at the premises of Titan Ford on that day?
- (8) How many vehicles that had previously received 'work orders' did he pass?
- (9) Is it not a fact that in practically all cases where the Used Car Dealers Section have placed 'work orders' on vehicles that the person in charge of those vehicles is required to take those said vehicles to a checking centre to have same passed and the sticker removed?
- (10) If the answer to (9) is "No" would he quote the number and specific instances where this has not applied?
- (11) If the answer to (9) is "Yes" why then did Titan Ford receive such apparently preferential treatment after the visit of the Used Car Dealers Section?

Mr O'CONNOR replied:

- (1) Yes.
- (2) Three.

- (3) Sixty-eight.
- (4) Twenty-eight received "unfit for sale" orders and three of these received additional orders not to be driven on roads.
- (5) Two are believed to have been sold and inquiries are being made.
- (6) Yes.
- (7) A full working day.
- (8) Seven passed out of 22 re-examined.
- (9) Yes.
- (10) Not applicable.
- (11) The concession of inspecting the vehicles on the premises was to offset accusations of unfair treatment and inconvenience caused. It is not intended to extend the concession as a general practice.

## 12. RAILWAYS

### *Royal Show Passenger Service*

Mr McIVER, to the Minister for Transport:

- (1) Were passengers travelling by train to last year's Perth Royal Show carried in rolling stock other than passenger carriages?
- (2) If "Yes" why?
- (3) Will it be necessary to transport passengers to this year's Perth Royal Show in rolling stock other than passenger carriages?
- (4) If "Yes" why?
- (5) If the answer to (1) and (3) is "Yes" does this not indicate that Westrail does not have sufficient passenger rolling stock to meet the needs of the rail travelling public?

Mr O'CONNOR replied:

- (1) and (2) Yes. There were cases where some passengers did stand in brakevans provided for the carriage of perambulators, rather than wait a few minutes for the next train.
- (3) to (5) No.

## 13. TRAFFIC

### *Konnongorring: Speed Limit*

Mr McIVER, to the Minister for Traffic:

- (1) Did the Road Traffic Authority officer stationed at Wongan Hills set up a speed trap last week on the Goomalling-Wongan Hills Road at Konnongorring?
- (2) Is the speed limit 60 km/h where the trap was set?
- (3) Is it a fact that the Konnongorring township is now deserted?
- (4) Is it a fact that the speed limit through the township is soon to be lifted?

- (5) If "Yes" when will the limit be lifted?
- (6) What will the new limit be?
- (7) How many motorists were stopped for exceeding the speed limit in last week's trap?
- (8) How many of them were exceeding the proposed new limit?
- (9) How many of them were exceeding 110 km/h?

Mr O'CONNOR replied:

- (1) and (2) Yes.
- (3) Virtually, one house occupied on sharp bend.
- (4) to (6) Not known by the Road Traffic Authority, but I will have the matter investigated.
- (7) The 1st September, 1976—12 motorists infringed;  
The 2nd September, 1976—6 motorists infringed.
- (8) Not known.
- (9) None (speed range was between 71 kilometres per hour and 102 kilometres per hour).

## 14.

## TRAFFIC

### *Court Cases: Allegation of Perjury*

Mr McIVER, to the Minister for Traffic:

- (1) Is he aware that I have alleged that some Road Traffic Authority officers perjured themselves in court cases on traffic offences?
- (2) Is he aware that the head of the Road Traffic Authority, Mr Court, has disputed my claims?
- (3) Will he arrange a meeting next week between Mr Court, himself and me to enable me to substantiate my allegations?

Mr O'CONNOR replied:

- (1) to (3) Yes.

## 15. MOTOR VEHICLE LICENCES

### *Renewal: Computer Failure*

Mr JAMIESON, to the Minister for Police:

- (1) Is it a fact that recently a number of people missed notification of the necessity to renew motor vehicle licences due to a computer fault?
- (2) If "Yes"—
  - (a) how many people were affected;
  - (b) will those people affected be allowed additional time for renewals; if not, why not;
  - (c) were any other types of licence renewal notices affected by the fault;
  - (d) will the department correct this fault?

Mr O'CONNOR replied:

- (1) Not to the knowledge of the Road Traffic Authority.
- (2) Not applicable.

# 16. ROAD TRAFFIC AUTHORITY

## *Leave Entitlement, and Overtime Payments*

Mr H. D. EVANS, to the Minister for Traffic:

- (1) What is the total number of patrolmen employed by the Road Traffic Authority?
- (2) To how many weeks annual leave is a Road Traffic Authority patrolman entitled?
- (3) What is the long service leave entitlement of a Road Traffic Authority patrolman?
- (4) What was the average number of hours each week over the past 12 weeks that a Road Traffic Authority officer has been on patrol duties in each of the following towns—
  - (a) Donnybrook;
  - (b) Bridgetown;
  - (c) Boyup Brook;
  - (d) Greenbushes;
  - (e) Nannup;
  - (f) Augusta?
- (5) Of the weekly average quoted in answer to (4), how much of this time was at overtime rates?

Mr O'CONNOR replied:

- (1) 497 patrolmen plus one patrolman seconded to lecturing branch.
- (2) (a) South west land division—6 weeks;
- (b) North of 26 parallel—7 weeks.
- (3) Three months long service leave at 10, 20, and 27 years service.
- (4) (a) 26 hours;
- (b) 22 hours;
- (c) 30 hours;
- (d) 6 hours;
- (e) 7 hours;
- (f) 22 hours.
- (5) (a) Nil;
- (b) to (e) 1 hour;
- (f) 1.5 hours.

# 17. LAND AGENTS FIDELITY GUARANTEE FUND

## *Administration*

Mr MAY, to the Minister representing the Minister for Justice:

- (1) Is the Minister responsible for the administration of the Land Agents Fidelity Guarantee Fund?
- (2) Are details of the fund tabled in Parliament?

- (3) If not, will the Minister advise if details of the interest accrued and disbursement are available to the public?
- (4) If not, what is the reason for the particulars not being made available?
- (5) At what stage do the contributions to the fund by estate agents and land salesmen cease?
- (6) What is the current amount in the fund?

Mr O'NEIL replied:

- (1) No. Section 21 of the Act provides the fund shall be administered by the Land Agents Supervisory Committee.
- (2) No.
- (3) and (4) The Act makes no provision for these details to be made public. The Land Agents Supervisory Committee is responsible for the control and administration of the fund. Accounts of the fund are audited annually by the Auditor-General's Department.
- (5) No land agent or land salesman who has contributed \$60 and \$33 respectively, is liable to pay any further contribution to the fund, while the amount of the fund, including any investment and after deducting the amount of all unpaid claims and other liabilities outstanding against the fund, exceeds \$150 000.
- (6) Total funds as at the 19th August, 1976 ..... \$247 524  
Less contingent liabilities 128 081  
Net funds ..... \$119 443

# 18.

## LAND

### *Rates and Taxes: Committee of Inquiry Report*

Mr MAY, to the Premier:

- (1) Has the Government appointed Committee of Inquiry into Rates, Taxes and Charges Related to Land Values submitted its report to the Government?
- (2) If "Yes" when was it made available for public perusal?
- (3) Was the committee instructed to report on alternative means of financing the operations of the W.A. Fire Brigades Board?
- (4) Who is responsible for payment of the "Fire Service Levy"?
- (5) Are persons who do not insure their homes required to pay the "Fire Service Levy"?
- (6) If not, what is the reason for the discrimination?

Sir CHARLES COURT replied:

- (1) Yes.
- (2) The report was released in January, 1976 and a copy is available in the Parliamentary library.
- (3) No.
- (4) to (6) Companies engaged in the business of fire and related insurance are required to contribute 75 per cent of the operating costs of the Fire Brigades Board in proportion to premiums received from various classes of insurance. The companies determine the manner in which the contribution is recovered in premiums charged. The remaining 25 per cent is contributed equally by State and Local Government.

Planning commenced in February 1969 and in August 1969 the MRPA made available the site.

The announcement that work was to proceed was made on 6th September, 1972.

(2) 1972-73.

(3) Earthworks—December, 1972.  
Framework—February, 1973.

## 21. KWINANA HIGH SCHOOL

### *Funds for Capital Works*

Mr TAYLOR, to the Minister representing the Minister for Education:

With respect to the Kwinana Senior High School, what budget allocations for capital works have been made and for what specific purposes, in each of the financial years 1968-69 to 1975-76 inclusive?

Mr GRAYDEN replied:

The information requested in this question entails considerable research and will be conveyed to the member when available.

## 22. ROCKINGHAM HIGH SCHOOL

### *Funds for Capital Works*

Mr TAYLOR, to the Minister representing the Minister for Education:

With respect to the Rockingham High School, what budget allocations for capital works have been made and for what specific purposes in each of the financial years 1968-69 to 1975-76 inclusive?

Mr GRAYDEN replied:

The information requested in this question entails considerable research and will be conveyed to the member when available.

## 23. SCHOOLS AND HIGH SCHOOLS

### *Cockburn Electorate: Construction and Renovations*

Mr TAYLOR, to the Minister representing the Minister for Education:

What funds were allocated for construction or major renovations and for what specific purposes in each of the financial years 1968-69 to 1975-76 inclusive for each of the undermentioned schools:

- (a) East Hamilton Hill Primary;
- (b) Southwell Primary;
- (c) Spearwood Primary;
- (d) South Coogee Primary;
- (e) Jandakot Primary;
- (f) Hamilton Senior High School;
- (g) North Lake Senior High School?

Mr GRAYDEN replied:

The information requested in this question entails considerable research and will be conveyed to the member when available.

## 19. CARINE TECHNICAL SCHOOL

### *Allocation of Funds*

Mr TAYLOR, to the Minister representing the Minister for Education:

With respect to the Carine Technical School:

- (1) What funds have been made available, if any, during each of the past three financial years?
- (2) What funds are expected to be made, if any, during the financial year 1976-77?

Mr GRAYDEN replied:

- (1) Nil.
- (2) \$412 000.

## 20. ROCKINGHAM-KWINANA DISTRICT HOSPITAL

### *Funds for Project*

Mr TAYLOR, to the Minister representing the Minister for Health:

With respect to the Rockingham-Kwinana District Hospital:

- (1) On what date was an announcement first made that work was to proceed on the construction of the hospital?
- (2) Which budgets, as presented in Parliament, made reference to allocation of funds for this project?
- (3) On what date did works commence on the site?

Mr RIDGE replied:

- (1) The original proposal to build a hospital was contained in the 1961 report of the Minister for Health's special committee of inquiry into metropolitan hospital needs when a recommendation was made to provide a 62 bed hospital in the Rockingham/Kwinana area by 1972.

## 24. SCHOOLS

*Cockburn Electorate: Construction and Renovations*

Mr TAYLOR, to the Minister representing the Minister for Education:

What funds were allocated for construction or major renovations and for what specific purposes in each of the financial years 1968-69 to 1975-76 inclusive for each of the undermentioned schools:

- (a) Medina Primary School;
- (b) Calista Primary School;
- (c) Orelia Primary School;
- (d) Parmelia Primary School?

Mr GRAYDEN replied:

The information requested in this question entails considerable research and will be conveyed to the member when available.

25. *This question was postponed.*

## 26. AIR TRANSPORT

*Licences*

Mr MOILER, to the Minister for Transport:

Would he list the persons or companies holding in Western Australia:

- (a) an Australian Charter licence;
- (b) Flying Training Licence;
- (c) Third Level Airline licence;
- (d) Western Australian Transport Commission licence to operate in Western Australia?

Mr O'CONNOR replied:

The information the member seeks is being collated and I will forward it to him as soon as it is available.

## 27. HOSPITALS

*Funding: Agreement with Commonwealth*

Mr DAVIES, to the Minister representing the Minister for Health:

- (1) Has agreement been reached between the State and Australian Government regarding funding of Government hospitals under the changed Medibank procedure?
- (2) If so, will the Minister table a copy of the agreement?
- (3) If not, when is agreement expected to be reached?

Mr RIDGE replied:

- (1) and (2) No. Details have not been finalised with the Commonwealth Government.
- (3) By the 30th September, 1976.

## 28. AGRICULTURE PROTECTION BOARD

*Appointments to Committees*

Mr COWAN, to the Minister for Agriculture:

- (1) When will appointments to the Agriculture Protection Board regional advisory committee and zone control authorities be announced?
- (2) When will the above committees begin operating?

Mr OLD replied:

- (1) and (2) I am informed that letters of advice have been forwarded to appointees, and that inaugural meetings will be arranged as soon as possible at dates convenient to committee members.

## 29. AIR TRANSPORT

*Government Departments and Instrumentalities*

Mr MOILER, to the Minister for Transport:

- (1) Is he aware that Trans-West Air Charter Pty. Ltd. is a wholly owned foreign company?
- (2) Over the past 12 months what is the approximate total hours Government instrumentalities have utilised air charter services and contract arrangements within Western Australia?
- (3) What percentage of the total time in (2) has been awarded to Trans-West Air Charter Pty. Ltd. and Westralian Aviation Pty. Ltd.?

Mr O'CONNOR replied:

This question is similar to a question without notice foreshadowed but not asked by the honourable member yesterday; however, I believe the same answer will suffice. The answer is as follows—

- (1) As far as I am able to ascertain, Trans-West Air Charter Pty Ltd, is a wholly owned foreign company.
- (2) and (3) The information requested is not readily available.

## 30. FARM MANAGEMENT FOUNDATION

*Government Financial Assistance*

Mr COWAN, to the Treasurer:

- (1) Has the Government been asked to provide funds to meet the running costs of the Farm Management Foundation?
- (2) If not, will it give consideration to this matter if a submission is made by the foundation requesting financial support?

Sir CHARLES COURT replied:

- (1) I am unaware of any such request.
- (2) Yes, any submission received will be assessed on the basis of its merits.

### 31. GREAT EASTERN HIGHWAY

#### *Relocation through Hyden*

Mr COWAN, to the Minister for Transport:

Has there ever been a survey conducted by the Main Roads Department on the feasibility of relocating the east-west highway from Norseman through Hyden to Perth?

Mr O'CONNOR replied:

No in depth survey has been conducted on the feasibility of relocating the east-west route through Hyden to Perth.

### 32. RAILWAYS

#### *Wool Consignments*

Mr COWAN, to the Minister for Transport:

Because of losses of bales of wool from unmanned Westrail sidings will Westrail in future insure all wool consigned by rail against pilferage from rail wagons?

Mr O'CONNOR replied:

Section 40 (1) of the Government Railways Act provides—

"The commission shall be under no liability for loss or damage to goods which are left at, or consigned to any station siding or stopping place marked in the time table or rate books as stations, sidings or stopping places at which no officer is in charge".

Wool will only be accepted at "commissioner's risk" where staff is available to check the consignment at both the forwarding point and destination. It would not be realistic to accept liability under any other circumstances. However, brokers arrange insurance of wool from sheep's back to store, unless otherwise directed by the farmer.

### 33. WOOL, WHEAT AND SUPERPHOSPHATE

#### *Rail Freights*

Mr COWAN, to the Minister for Transport:

What are the current freight rates in all States for—

- (a) wheat;
- (b) wool;
- (c) superphosphate?

Mr O'CONNOR replied:

Commodity	WA	SA	VIC	NSW	QLD
km	\$	\$	\$	\$	\$
Wheat (per tonne)—					
100	5.90	4.10	5.00	6.36	6.02
200	7.30	6.60	7.70	9.48	9.13
300	8.70	8.00	8.85	11.83	11.07
400	10.10	8.70	9.85	13.36	12.14
600	12.00	10.00	11.40	15.48	12.14
800	13.40	11.20	12.55	16.74	12.14

Wool (per bale)\*—

	WA	SA	VIC	NSW	QLD
100	1.65	1.07	1.75	1.41	
200	2.60	1.67	3.05	2.62	
300	3.05	2.15	3.95	3.61	
400	3.65	2.56	4.85	4.38	
600	4.60	3.38	6.15	4.49	
800	4.90	4.21	7.25	4.49	

\* New South Wales—These rates are also subject to treasury rebate and maximum charges to certain points.  
Queensland—special rates between specific points only.

	\$	\$	\$	\$	\$
Superphosphate (per tonne)—					
100	5.31	2.10	3.50	6.50	4.30
200	6.57	3.30	5.40	7.82	6.90
300	7.83	4.40	6.20	8.79	9.30
400	9.09	4.90	6.90	9.51	10.50
600	10.80	5.50	8.00	10.59	13.00
800	12.06	6.30	8.80	11.59	15.60

(Special rebates on fertiliser in Western Australia—10% July-December = off peak period.)

### 34. MACHINERY SAFETY ACT

#### *Agricultural Machinery*

Mr COWAN, to the Minister for Labour and Industry:

Are there any statistics available from other countries (e.g. Britain) which would show that the safety requirements in the Machinery Safety Act, 1974, relating to agricultural machinery, would considerably reduce machinery accidents on farms?

Mr GRAYDEN replied:

Comprehensive statistics from other countries which show the reduction of accidents due to legislative control are not readily available, but statistics produced at a seminar on safety in the rural industry held in Canberra in 1967 indicated a reduction over the 4-year period from 4% to 0% of fatal accidents when legislation was introduced to provide guarding for power take-offs in the United Kingdom.

Reports on matters relating to tractor and rural safety research carried out by the University of Queensland have confirmed the importance of guarding and tractor roll-over protection systems. The publication issued by the Western Australian office of the Australian Bureau of Statistics for the year 1974-75 contains statistics derived from details of claims for Workers' Compensation finalised during the year. The figures show that during this period there



were 203 accidents directly involving rural machinery which resulted in a total time lost of 616.8 weeks.

35.

**SHEEP***Agistment Subsidy*

Mr COWAN, to the Minister for Agriculture:

- (1) Can the subsidy paid for the return of sheep on agistment be made available to producers who send their stock straight to slaughter from the property on which the sheep were agisted?
- (2) Will the Government waive all Government levies on stock sent for slaughter from declared drought areas?

Mr OLD replied:

- (1) and (2) The intention of the agistment subsidy is to maintain the State's breeding flocks and not to subsidise the slaughter of sheep.

The Commonwealth has agreed to introduce a subsidy for the disposal of slaughtered stock *in situ* in drought declared shires. This measure was introduced to discourage the delivery of large numbers of stock of little commercial value from drought declared areas to abattoirs which are already operating at maximum capacity. The delivery of such sheep invariably incurs financial loss for both the processor and the farmer.

36. **INCOME TAX DEDUCTION***Vehicles of Farm Employees*

Mr McPHARLIN, to the Premier:

Will the Government give consideration to recommending that a tax deduction be allowed to farm employees required to provide their own vehicles as a condition of their employment?

Sir CHARLES COURT replied:

As the member will appreciate, questions of tax deductibility are matters for the Federal Government which must have regard to uniformity throughout Australia and equity as between all classes of taxpayer.

Although a State Government can make representations on taxation issues, experience indicates that such representations have little force unless made in support of a well documented submission initiated by some responsible body acting on behalf of the taxpayers concerned and where, in the judgment of the State, a valid case has been made out.

If the member can advise me of representations already made by interested parties to the Federal Treasurer and arrange for me to receive a copy of the case presented, I shall certainly give consideration to the matter.

The member will be aware of the many attempts made to have travelling expenses of employees to and from place of employment made tax deductible.

However, it may be that the type of transport he has in mind in the case covered by the question is in a different category of transport. If so, I would be prepared to discuss the matter with him.

37.

**RAILWAYS***Commissioned Agents in Country Towns*

Mr McPHARLIN, to the Minister for Transport:

Will he give consideration to appointing commissioned agents to collect money for freight forward and cash on delivery goods in country towns where they no longer have a station master to carry out this service?

Mr O'CONNOR replied:

No. The level of business carried out in those country towns where there is no station master is insufficient to justify appointing commissioned agents.

Where the volume of business for any particular client warrants freight being booked to pay, arrangements can be made for him to have a credit freight account at the nearest attended station.

Payment for freight on a cash on delivery basis cannot be arranged, but the incidence of these is very minor.

38.

**MINERAL CLAIMS***No. 70 Series: Approval*

Mr H. D. EVANS, to the Minister for Forests:

- (1) Did he concur with the approval for granting of mineral claims 70/14170, 70/14171, 70/14173, 70/14278 and 70/15601 in the Grimwade-Kirup area?
- (2) What percentage of State forest is affected with *phytophthora cinnamomi* in the Grimwade-Kirup area?
- (3) What safeguards about the spread of this disease have been placed on drilling on claims in this area?
- (4) Have any other mineral claims in State forest in the south-west been approved in the past 18 months, and if so, in what area and what area do they cover?

Mr RIDGE replied:

- (1) In my letter of the 2nd March, 1976, I advised the member that objections to the granting of the claims referred to had been lodged by the Conservator of Forests and presented at the Perth Warden's Court on the 5th November, 1975. On the 22nd December, 1975, I made representation to the Minister for Mines regarding the conditions to be applied in the event of the claims being approved.
- (2) The question is too imprecise for a percentage to be given. In State Forest areas between Kirup and Grimwade approximately 600 hectares has been mapped as affected by *Phytophthora cinnamomi*.
- (3) The safeguards are contained in the schedule of conditions. A copy is tabled herewith.
- (4) This question should be directed to the Minister for Mines.

The paper was tabled (see paper No. 383).

39. This question was postponed.

#### 40. TOWN PLANNING

##### *Mundaring Shire: Subdivisions*

Mr MOILER to the Minister for Urban Development and Town Planning:

With reference to the non-residential area of the Mundaring Shire Council:

- (1) Over the past 12 months how many applications for subdivision submitted to the Town Planning Board have been refused?
- (2) How many have been agreed to by the board?
- (3) Of those applications refused, were any applicants advised in writing of their right to appeal to the Minister?

Mr RUSHTON replied:

- (1) to (3) This statistical information is not readily available and would involve considerable departmental time to extract.

I suggest this information may be available to the member from the Mundaring Shire Council.

#### 41. LEGAL PRACTITIONERS

##### *Rules on Admission*

Mr MOILER, to the Minister representing the Attorney-General:

- (1) How many persons have been admitted as legal practitioners of the Supreme Court of Western Australia since 30th June, 1974?

(2) How many of these persons—

- (a) had served under articles in Western Australia;
  - (b) were previously admitted to practise law in other—
    - (i) States;
    - (ii) Territories, of Australia;
  - (c) were previously admitted to practise law in jurisdictions outside Australia; and
  - (d) were previously admitted to practise law in Scotland?
- (3) Did the Barristers Board require any of the persons referred to in answer to (2)(b), (c) and (d) above, and if so, how many, to pass further examinations or serve under articles in Western Australia, before being admitted to practise law in this State?
- (4) What are the names of the countries in which the persons referred to in answer to (2)(c) above were entitled to practise law prior to admission as barristers and solicitors of the Supreme Court of Western Australia?
- (5) What is the last date on which a person was admitted as a legal practitioner under the rules relating to managing clerks?

Mr O'NEIL replied:

- (1) 172.
  - (2) (a) 105.
    - (b) (i) 37.
    - (ii) 3 (admitted also in other States).
    - (c) 27 (including Scotland).
    - (d) 2.
  - (3) Since 30th June, 1974, 12 applicants from outside this State have been required to undergo further examinations and then to either serve one year's articles before admission or to undertake not to practise on their own account for a period of one year after admission. To date only one of those persons has satisfied the requirement and been admitted.
- Since 30th June, 1974, there have been 25 persons admitted with a restricted right to practise they having been required to give an undertaking in writing not to practise on their own account until they have had at least one year's experience in the office of a practitioner in Western Australia.
- (4) England, Canada, Malaysia, New Zealand, Gambia, Singapore, Rhodesia and Fiji.
  - (5) The 23rd December, 1947.

**QUESTIONS (4): WITHOUT NOTICE****1. POLICE***Drug Squad Inquiry: Tabling of Papers*

Mr T. H. JONES, to the Minister for Police:

- (1) In view of the Press reports in yesterday's issue of the *Daily News* and today's issue of *The West Australian*, will he table the copies of the affidavits and the interim report on the drug squad inquiry?
- (2) If the answer to (1) is "No", why not in view of his public criticism of me?

Mr O'CONNOR replied:

I have not had any notice of this question. However, the reply is—

- (1) I am not prepared to table the documents the honourable member has requested, because they have a bearing on cases before the court at the moment. Those cases would be affected if the affidavits were tabled. For that reason I do not think the documents should be tabled, and even if I were prepared to do so I am sure that you, Mr Speaker, would not agree to their tabling.

- (2) As far as my criticism is concerned, I think it is justified.

**2. LAND AT WAGERUP***Acquisition for Industry and Mining*

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

- (1) Is it a fact that options for purchase are being taken on large areas of private land in the Wagerup area for industrial, mining or processing purposes?
- (2) If "Yes" to (1), then—
  - (a) what is the specific purpose to which such land will be put; and
  - (b) what is the total area which is to be acquired?

Mr MENSAROS replied:

- (1) I am not aware of such action.
- (2) Answered by (1).

**3. TRAFFIC***Court Cases: Allegation of Perjury*

Mr McIVER, to the Minister for Transport:

Arising out of question 14 on today's notice paper, as the Minister has agreed to arrange a meeting between Mr Court, of the Road Traffic Authority, the Minister, and myself next week, could he please give me more details as to when it is likely the meeting will take place?

Mr O'CONNOR replied:

I only received notice of the meeting today. I shall confer with Mr Court of the RTA and advise the honourable member subsequently.

**4. POLICE***Drug Squad Inquiry: Tabling of Papers*

Mr T. H. JONES, to the Minister for Police:

Arising out of question 1 without notice, is it not a fact that the cases were before the court prior to the Minister levelling criticism at me in the Press?

Mr O'CONNOR replied:

I do not think the point made by the honourable member has any relevance at all.

Mr T. H. Jones: Be dinkum!

Mr O'CONNOR: I have not mentioned any other names at all. The only reason I mentioned the honourable member's name was that I thought he made idiotic statements. If the honourable member wants to place this question on the notice paper I will answer it.

Mr T. H. Jones: Are you not capable of answering it?

Mr Harman: You would slide out of anything.

*Withdrawal of Remark*

Mr O'CONNOR: Mr Speaker, I request that the member for Maylands withdraw the statement he has made.

The SPEAKER: The member for Maylands has been asked to withdraw the offending statement.

Mr HARMAN: I withdraw it.

**STANDING ORDERS SUSPENSION***Second and Third Reading Stages of Bills: Motion*

SIR CHARLES COURT (Nedlands—Premier) [4.55 p.m.]: I move—

- (1) That during the remainder of the present session, any Bill originating in the Legislative Council, and having been transmitted to the Legislative Assembly, may, consequent upon having been introduced and read a first time, be taken to the second reading stage forthwith.

- (2) That during the remainder of the present session so much of the Standing Orders be suspended as is necessary to enable the third reading of a Bill which has passed

through the Committee stages without amendment, by leave of the House, to be taken forthwith.

By way of explanation, the first part of the motion is intended to overcome the situation that exists whereby when we receive a message from the Legislative Council transmitting a Bill, automatically as a matter of procedure we take it through the first reading stage. After that it has been the practice to move that the second reading be made an Order of the Day for the next sitting of the House.

Such a procedure costs time, without achieving anything, particularly as it is a Bill which has passed through another place. It is usually one which has received some publicity, and its purposes are usually known to members of Parliament in both Houses. For that reason it is considered there is no danger in having such Bills taken through to the second reading stage forthwith on receipt of a message from the Council.

I might add that at that point the matter rests in the hands of the Opposition as to whether it desires an adjournment of the second reading debate or whether it is prepared to proceed forthwith.

In another place there are occasions when the debate on Bills is proceeded forthwith, but that is entirely a decision of the members there. In this House there are occasions towards the end of a session when the immediate continuation of the debate takes place and the Bill is passed through all stages. That applies where there are no contentious provisions in the Bill. However, that is a matter which rests entirely in the hands of the Opposition.

The second part of the motion deals with the third reading stage of Bills. In this House the practice is that although a Bill may pass through the first reading, the second reading, and the Committee stages with little, if any, opposition, it is still necessary to take the third reading stage at a subsequent sitting.

It is therefore considered that so much of the Standing Orders should be suspended to permit Bills—in respect of which there is no contention of any serious moment, or there has been no opposition from the Opposition—to proceed to the third reading stage forthwith. I should add there are some significant words in this part of the motion that are pertinent, and that leave the matter in the hands of the House. The term “by leave of the House” has been included.

The third reading stage would not be taken automatically, as is the case when the Standing Orders are suspended completely. I also invite the attention of members to the fact that this is not the normal motion for the suspension of Standing Orders that is usually moved towards the latter part of a session. As to whether it will be necessary to move such a motion

towards the end of this session is something only time alone will tell, with the adoption of the procedure proposed in the second part of the motion. It may be that with the speeding up of business, without bringing about any risk of Bills not receiving proper attention, the second part of the motion before us will suffice to enable the business of the House to be proceeded with expeditiously. However, that is a matter I will discuss with the Opposition as the session proceeds.

I did express the hope that we would be able to introduce the Budget before the Royal Show week. In view of the problems of printing and other detail, it looks as though it might not be possible to do that. However, it is still our desire to introduce the Budget before the Royal Show week. While dealing with procedural matters for the session, I thought I should indicate that. The Deputy Premier has discussed this matter with the Leader of the Opposition. I commend the motion which I have presented to the House.

**MR JAMIESON** (Welshpool—Leader of the Opposition) [5.00 p.m.]: I have discussed this matter with the Deputy Premier, and the Opposition can see no problem with regard to it. The passing of the motion will expedite the business of the House and keep our notice paper tidy.

If it is not necessary to retain a Bill on the notice paper, I do not see any reason that it should stay there. The sooner we can transmit legislation to another place the better it will be or, alternatively, if legislation is completed in this place it is better to take it off the notice paper.

However, there is one issue I will mention. The Premier's remarks will not apply only to Government legislation, but also to matters introduced by private members. The Premier gave the impression, through the verbiage he used, that it would be a case of the Opposition allowing certain things to happen. However, it will be the members of the House who will allow certain things to happen.

With that clear understanding, I support the motion on behalf of the Opposition.

Question put and passed.

### **BILLS (2): INTRODUCTION AND FIRST READING**

1. Criminal Injuries (Compensation) Act Amendment Bill.
2. Painters' Registration Act Amendment Bill.

Bills introduced, on motions by Mr O'Neill (Minister for Works), and read a first time.

### **BILLS (3): THIRD READING**

1. City of Perth Parking Facilities Act Amendment Bill.

Bill read a third time, on motion by Mr O'Connor (Minister for Transport), and transmitted to the Council.

## 2. Companies (Co-operative) Act Amendment Bill.

Bill read a third time, on motion by Mr O'Neil (Minister for Works), and returned to the Council with an amendment.

## 3. Taxi-cars (Co-ordination and Control) Act Amendment Bill (No. 2).

Bill read a third time, on motion by Mr O'Connor (Minister for Transport), and transmitted to the Council.

## MOTOR VEHICLE DEALERS ACT AMENDMENT BILL

### *Third Reading*

**MR GRAYDEN** (South Perth—Minister for Labour and Industry) [5.04 p.m.]: I move—

That the Bill be now read a third time.

**MR HARMAN** (Maylands) [5.05 p.m.]: Last night I invited the Minister for Labour and Industry to answer two questions. He was unable to answer them last night, and I thought that out of courtesy to this Parliament he would have answered them today. He has had all day to provide an answer to the two questions.

**Mr Grayden**: What are the two questions? I will answer them for you now.

**Mr HARMAN**: I think I heard some bleating from the member for Bunbury. I understand he knows all about the selling of used cars because from what I have been told he is still in the business of selling used cars.

**Mr Sibson**: Of course I am.

**Mr HARMAN**: He is also the member for Bunbury. I am talking about demonstration vehicles and if the member for Bunbury knows anything about selling demonstration vehicles I think he ought to say something about this particular Bill.

**An Opposition member**: He is not allowed to.

**Mr HARMAN**: The purpose of this Bill is to provide for a warranty to apply to demonstration vehicles, but the measure does not spell out exactly what that warranty will be. As I pointed out last night, when a new car is sold to a purchaser the warranty is for a period of 12 months or for 20 000 kilometres. The member for Bunbury will not dispute that.

**Mr Grayden**: Do you realise that under the provisions of the trade practices legislation it is obligatory to provide a warranty?

**Mr HARMAN**: I am not complaining; it is a fact. Every member in the House acknowledges that when a new car is sold it carries a warranty for 12 months or for 20 000 kilometres. No-one disputes that. If a dealer decides that he will keep a new

vehicle, which he has received from a manufacturer, and use it for demonstration purposes, when he ultimately sells that vehicle he has to provide a warranty. All I have been asking the Minister for Labour and Industry to do is to tell this Parliament what the warranty will be. All he has told us is that the warranty will be something better than the warranty for a secondhand vehicle. I will quote from his second reading speech as follows—

At the time of being offered for sale provided the vehicle has been used only as a demonstration vehicle and has a warranty better than that for a secondhand vehicle under the Act, the vehicle will be regarded as still in the category of a new vehicle.

**Mr Sibson**: That is self-explanatory.

**Mr HARMAN**: I wish the member for Bunbury, who is a used car salesman of some repute in Bunbury—

**Mr Jamieson**: Repute?

**Mr HARMAN**: —would get to his feet and tell us exactly what the situation will be; because the Minister for Labour and Industry, who is in charge of the legislation, cannot tell us what will happen. If a demonstration vehicle has been used for a period of three months, or has travelled 5 000 kilometres, what will be the situation?

On several occasions last night I asked the Minister to explain where in the Bill the warranty provisions with regard to the sale of a demonstration vehicle were spelt out. On the two occasions the Minister got to his feet he made some lame excuses, said I was making a to-do about nothing, and that I failed to understand the situation. However, the Minister failed to explain to the House exactly where in the amendment to the parent Act provision was made for a warranty for a demonstration vehicle. That is the first question I asked the Minister last night but he failed to convince us that the position was covered.

The Minister was not assisted by the member for Bunbury. I do not think the member for Bunbury, if he really does understand the position, is able to tell members exactly what the amendment to the Act will mean. If he really does know anything about the selling of cars—new and used cars—I challenge him to show me where in the amending Bill there is provision for a warranty to cover a demonstration vehicle.

**Mr Grayden**: The member for Maylands would be the only person in the House who would not know the position which obtains with regard to a manufacturer's warranty.

**Mr Bertram**: There are at least two members who do not know.

**Mr HARMAN**: The second question I asked the Minister last night was whether he would give me an assurance that this Bill had been studied by the Consumer Affairs Council.

Mr Grayden: You will get the answer to that question too.

Mr Bertram: When?

Mr HARMAN: The Minister was not able to give me that assurance last night. As a matter of fact, he got away from the subject of the Consumer Affairs Council. As I said, the Minister was not able to give me an assurance that this Bill had been studied and reported upon by the Consumer Affairs Council. At one stage last night the Minister told us that the Bill had been presented to him by the Commissioner for Consumer Affairs.

Mr Grayden: It was recommended by the Commissioner for Consumer Affairs, and the Motor Vehicle Dealers Licensing Board.

Mr HARMAN: We did not receive that reply last night. The Minister told us last night that the Bill had been presented and recommended by the Bureau of Consumer Affairs.

Mr Grayden: That is not so.

Mr HARMAN: We were not told last night that this Bill had been recommended to the Minister by the Motor Vehicle Dealers Licensing Board. I do not want to argue about that because I am aware of the fact—even though the Minister does not know. Although I have not been told I certainly can assume that the contents of this Bill have been recommended to the Minister by the Motor Vehicle Dealers Licensing Board because that is the organisation which looks after the industry.

The Minister attempted to confuse the issue last night by saying that the Bill had been recommended by the Bureau of Consumer Affairs when he obviously did not know the true situation. He now knows that the Bill has been presented by the Motor Vehicle Dealers Licensing Board.

The situation is that after a period of 24 hours during which time the Minister has had an opportunity to consult with his advisers, he simply rose to his feet tonight and moved that the Bill be read a third time, hoping that the Opposition would allow the measure to go through without the necessity for the Minister to make any sort of explanation with regard to the points raised.

We have observed this procedure in the House previously. It has been practised not only by the Minister for Labour and Industry, but also by other Ministers who have failed to argue and debate points which have been raised by the Opposition. Ministers follow that practice for a very good reason; they do not really understand what is contained in the Bills they introduce.

This House is becoming a rubber stamp where Ministers can do and say just what they like with regard to Bills, because they have the numbers to pass legislation. I often wonder whether there is any value in my coming to this Chamber to debate

Bills. Ministers are aware that whatever happens they do not have to answer points that are raised. They are able to sit pat, and make some idiotic statements knowing that their numbers will carry the legislation through the Parliament.

If that is the attitude to be adopted by this Government the only recourse we have is to expose to the people of Western Australia what a sham this place really is.

I would like the Minister when replying, to answer the two points I have raised. Firstly, what warranty provisions will be included in the legislation? They should not be included in regulations because the present warranty provisions for motor vehicles are included in the parent Act. They are not in regulations. I would be very sorry to hear the Minister say that the warranty provisions will be spelt out in regulations.

Mr Sibson: If you are so keen why do you not put them in?

Mr HARMAN: What it means is the Government is downgrading the procedures and spirit of the legislation by placing this matter under regulations when it should be spelt out in an Act of Parliament, passed by this House, what the warranties will be. If they are to be covered by regulations, let the Minister say so and point out the particular provision in the Act which will give the bureaucracy the authority to make those regulations. I also want to know the details of the regulations. I want to know whether a demonstration vehicle which has done 5 000 kilometres will have a warranty for another 15 000 kilometres.

Mr Sibson: Of course it will.

Mr HARMAN: The member for Bunbury says, "Of course it will." Last night the Minister for Labour and Industry did not know the answer to that question. I also want to know whether a car which has been used as a demonstration vehicle will have a warranty for nine months. All we are told is the warranty will be better than a used car warranty. A used car warranty for a vehicle costing more than \$1 000 is 5 000 kilometres or three months. Unless the warranty is written into the legislation, it will be possible for an unethical dealer to say, "I will give you a warranty on a demonstration vehicle which has travelled 5 000 kilometres and which we have had for three months."

Mr Sibson: That warranty is laid down by the manufacturer.

Mr HARMAN: Is it? The Minister has not said that. He said it would be determined by some kind of regulation and if the consumer was not happy he could go to the Bureau of Consumer Affairs. We are now bringing in something new—that the warranty is determined by the manufacturer.

Mr Grayden: You will get a full explanation.

Mr HARMAN: It is all very well for the member for Bunbury to chip in and say the warranty is provided by the manufacturer, but what is his authority for saying that? He is a used car dealer, not a new car dealer. He is acquainted with the used car trade, but what is his authority for saying it is a manufacturer's warranty? And even if it is a manufacturer's warranty, why is it not spelt out in the legislation?

Mr Bertram: That is a good question.

Mr HARMAN: Why must we rely on a statement made by the member for Bunbury that it is a manufacturer's warranty? Why should not this Parliament spell it out in the legislation? This is why last night I referred to the legislation as being sloppy. It was badly presented and badly explained in the second reading stage, and it has left us in turmoil. We do not know where we are.

I want it to be spelt out clearly by the Minister where these people stand, and I want him to assure this House that the Consumer Affairs Council has studied this Bill.

MR GRAYDEN (South Perth—Minister for Labour and Industry) [5.19 p.m.]: In the course of his speech the member for Maylands queried whether it was worth while coming into this House and speaking on issues of this kind. I want to assure him as far as he is concerned there is no purpose at all in making contributions if he continues to talk the arrant nonsense he has talked in respect of this particular measure. I imagine he is the only member in the House who fails to understand the legislation we are discussing.

The amendment which is causing so much concern is extraordinarily simple. It merely clarifies a situation which obtains at the present time in respect of demonstration vehicles. It will not alter the situation. What happens in relation to demonstration vehicles will not be changed as a result of the passing of this amendment. The amendment merely clarifies the situation and does not alter the position one iota.

Mr Skidmore: Why do we have the Bill?

Mr GRAYDEN: I want to spell this out clearly for the member for Maylands. Under this amendment two things can happen in respect of demonstration vehicles. The first is that if the manufacturer's warranty on the vehicle is not superior to the provisions of the Motor Vehicle Dealers Act the demonstration vehicle remains within the province of that Act. In those circumstances the Act contains sections which spell out precisely what the warranty entails. We are talking about a demonstration vehicle which remains within the jurisdiction of the Motor

Vehicle Dealers Act, and I refer the member for Maylands to section 34 of that Act, which reads—

34. (1) Except as provided in this section, where any second-hand vehicle is, on or after the commencement of this Act, sold by a dealer to any person who does not by reason of that sale become a trade owner of that vehicle—

(a) at a cash price of or over one thousand dollars or such other amount as is from time to time prescribed and—

(i) before that vehicle has been driven for five thousand kilometres after the sale; or

(ii) before the expiration of three months next following the day of the sale,

whichever event first occurs, a defect which renders or is likely to render the vehicle unroadworthy or unserviceable appears in that vehicle, whether or not that defect existed at the time of the sale, the dealer who sold that vehicle shall, at his own expense, repair or make good, or cause to be repaired or made good, that defect so as to make the vehicle roadworthy and to place that vehicle in a reasonable condition having regard to its age;

That section spells out precisely what must take place if a demonstration vehicle is found to be unroadworthy.

If a purchaser is not satisfied with the treatment he receives from the dealer, he can have recourse to section 36, which reads—

36. If a dispute arises between a purchaser and dealer as to—

(a) the extent of the obligations of the dealer under section 34;

(b) the manner of the carrying out by the dealer of those obligations;

(c) the amount of the fair cost of repairing or making good any defect referred to in subsection (1) of section 35; or

(d) any other matter or thing, whether or not of the same kind as the foregoing, arising out of the application of this Act,

the Commissioner may advise in writing both the dealer and the purchaser that he proposes to determine the dispute under section 37 unless either or both of them object in writing to his so doing, within fourteen days.

So a dispute is referred to the Commissioner for Consumer Affairs. Where either party disagrees, we have another provision to take care of the situation and enable the matter to be referred to a Local Court. We come to section 38, which reads—

38. (1) Where a dispute arises as to any matter or thing referred to in section 36 and the dealer or the purchaser has objected to the determination of the dispute by the Commissioner pursuant to that section, either party may apply to a Local Court for the dispute to be heard and determined as a proceeding in that court and upon such an application being made the court shall hear and determine the matter as expeditiously as possible.

A demonstration vehicle which is sold after having been used for demonstration purposes remains within the province of the Motor Vehicle Dealers Act in certain circumstances and all the safeguards I have mentioned apply. There are specific provisions relating to the obligations of the dealer; and if he does not carry out those obligations there are specific provisions enabling the matter to go to the Commissioner for Consumer Affairs; and if that is not satisfactory, there are specific provisions enabling the matter to be taken to a Local Court. So where a demonstration vehicle remains within the jurisdiction of the Motor Vehicle Dealers Act there are all the safeguards in the world.

Mr Harman: That is not true. You have said a demonstration vehicle will be sold under the same conditions as for a second-hand vehicle.

Mr GRAYDEN: Absolutely.

Mr Harman: But you said in your second reading speech it would be treated as a new vehicle.

Mr GRAYDEN: I am saying two things can happen under this Bill. I have mentioned the first course of action. We are talking in terms of a vehicle which is not new. It is the type of vehicle which is described in paragraph (b) of section 5(1a) as follows—

(b) in respect of which there remains an obligation on the part of the manufacturer to the purchaser of the vehicle from the dealer greater than the obligation which would be imposed on a dealer by the provisions of subsection (1) of section 34 were that vehicle to be sold by him at the material time.

I am talking about a demonstration vehicle which has a warranty the provisions of which do not exceed the safeguards written into the Motor Vehicle Dealers Act. In those circumstances that demonstration vehicle remains within the jurisdiction of the Motor Vehicle Dealers Act. That is the first course of action.

Mr Skidmore: Do I understand you to say there are two types of demonstration vehicle, one having a manufacturer's warranty which is still current and one having a warranty which has already been discharged?

Mr GRAYDEN: No. These all have warranties. The remaining portion of the warranty for the new car, if it is not superior to the provisions of the Motor Vehicle Dealers Act, brings the demonstration vehicle under the Motor Vehicle Dealers Act. That is the first course.

We now come to the situation where we have a demonstration vehicle with an unexpired portion of the manufacturer's warranty which is superior to the safeguards in the Motor Vehicle Dealers Act.

Mr Skidmore: That is what I just asked you.

Mr GRAYDEN: This is the second course of action. In such a circumstance there is a warranty which is superior to the provisions of the Motor Vehicle Dealers Act. Written warranty conditions are obligatory under the trade practices legislation, so a new vehicle must have them. For a demonstration vehicle which has a warranty of that kind there are again all the safeguards in the world, because if there is any dispute in regard to the way in which the manufacturer is adhering to the terms of the warranty the matter can be taken to the Commissioner for Consumer Affairs and he can determine the issue. If the purchaser does not want to go about it in that way he can take the matter to any court in the land. He can even take it by way of appeal to the High Court of Australia.

So the full processes of the law are open to the person who has that warranty. He has recourse to the Commissioner for Consumer Affairs, and if he is not satisfied with the treatment he gets from the commissioner he has available to him the full processes of the law to ensure compliance with the warranty conditions.

Mr Harman: Why do you not put it in the Act?

Mr GRAYDEN: It does not have to be in the Act. There are warranties for refrigerators and other types of machinery. The terms of the warranty are spelt out in writing by the manufacturer and are delivered to the purchaser. It is farcical for the member for Maylands to talk in such terms.

The honourable member asks whether this matter has been considered by the Consumer Affairs Council. I took the opportunity last night to tell him the legislation has been recommended by the Commissioner for Consumer Affairs and the Motor Vehicle Dealers Licensing Board—and only after the trade was consulted.

I also emphasised to him that the legislation will not change the situation which obtains at the moment, but will merely clarify it. However, in view of the



fact that he asked this question, and as I happened to be speaking to the Commissioner for Consumer Affairs today, I specifically asked him whether the matter had been considered by the Consumer Affairs Council. He said he had referred it to the council.

Mr Harman: What did it say?

Mr GRAYDEN: I hope this satisfies the member for Maylands. I give him an unequivocal assurance that the matter was referred to the Consumer Affairs Council and that council agreed with it. Therefore it has the support of the council.

Mr Harman: Finally we get it out of him.

Mr GRAYDEN: As I said, this is private members' day, and I do not know whether the member intends to take up the time of other private members. I can assure him he has no reason at all to worry about the legislation.

Question put and passed.

Bill read a third time and transmitted to the Council.

#### **GOLD BUYERS ACT REPEAL BILL**

##### *Third Reading*

Bill read a third time, on motion by Sir Charles Court (Premier), and transmitted to the Council.

#### **RACECOURSE DEVELOPMENT BILL**

##### *Report*

Report of Committee adopted.

##### *As to Third Reading*

MR O'CONNOR (Mt. Lawley—Minister for Police) [5.34 p.m.]: I move—

That the Bill be now read a third time.

The SPEAKER: The third reading of this Bill should be made an Order of the Day for the next sitting of the House.

##### *Points of Order*

Sir CHARLES COURT: I arranged with the Leader of the Opposition to have the third reading now as a result of the suspension of Standing Orders.

The SPEAKER: It would appear to me, after reading paragraph (2) of the motion to suspend Standing Orders which was moved and carried a short time ago, that the third reading may be taken forthwith only if the Bill has passed through the Committee stage without amendment. This Bill did not pass through the Committee stage without amendment, so I cannot seek leave of the House for the third reading to be taken forthwith. At this stage I must ask that the third reading be put on the notice paper for the next sitting of the House; however, I will listen to argument.

Sir CHARLES COURT: On another point of order, Sir, I do not intend in any way to disagree with your ruling. I will ask the Minister to move that the third reading be made an Order of the Day for the next sitting of the House. However, with all respect I suggest that we now have the situation where we have had a lapse of a day already because the report of the Committee has been considered today following an amendment dealt with yesterday. This situation could arise again, so I intend to confer with you in your chambers at an appropriate time to see whether the motion can be amended to provide for this, otherwise its intention will be defeated. However, I do not suggest that we hold up proceedings today.

The SPEAKER: Nevertheless I would like to hear further argument before proceeding.

Mr H. D. EVANS: The spirit and intention of the motion was made clear in discussions between my leader and the Premier. It is purely to facilitate the business of the House at the third reading stage, and I am sure my leader would accept that intention without demur in this case. Technically speaking, your ruling, Sir, is probably correct, but I feel we would be morally right in proceeding with the third reading, and we on this side would have no objection to it.

The SPEAKER: I appreciate the remarks of the Premier and the Deputy Leader of the Opposition. However, having listened to their argument, I find myself in the situation of having to proceed along the course I have suggested. It does appear, as the Deputy Leader of the Opposition said, that the words, "which has passed through the Committee stages without amendment" prevent our carrying out the spirit of the motion, which is to expedite the business of the House. I therefore request the Minister for Police to move the appropriate motion.

##### *Debate Resumed*

MR O'CONNOR (Mt. Lawley—Minister for Police) [5.36 p.m.]: I thank the Opposition and you, Sir, for the co-operation. I move—

That the third reading of this Bill be made an Order of the Day for the next sitting of the House.

Question put and passed.

#### **ELECTORAL ACT AMENDMENT BILL**

##### *Second Reading*

Debate resumed from the 26th May.

MR A. R. TONKIN (Morley) [5.37 p.m.]: Mr Speaker, a lie is being perpetrated in Western Australia.

The SPEAKER: I am afraid I heard you imperfectly. Would you start again?

Mr A. R. TONKIN: Thank you, Sir. A lie is being perpetrated in Western Australia when it is stated that this State is

a democracy. This State is not a democracy because of the ways in which the electoral Acts have been arranged throughout our history so that the conservatives will keep power no matter what happens. We believe the Parliament will come into disrepute if it is shown in any way to be dishonest and if it is shown to be not representative of the people.

The Parliament of Western Australia is in very serious danger of slipping further and further in reputation as more and more people come to realise that we are elected to this place in a dishonest fashion. I have noticed a growing interest amongst people who are shocked when they discover the electoral laws of this State. Such people had assumed there is some form of democracy; indeed, this myth has been passed around from mouth to mouth and has even been printed. However, it is quite clear that Western Australia is not a democracy.

I object on behalf of the people of Morley because they have been made fifteenth-rate citizens. Their votes count for one-fifteenth of those of other people in this State. I believe the citizens of Morley are not inferior to people elsewhere in the State, as this Government would suggest, but that man for man and woman for woman they are equal to anyone in the State and should be treated equally.

Mr Laurance: I wish it cost my electors only 15 times as much to telephone me as it costs your electors to telephone you.

Mr A. R. TONKIN: Yes, we expect the larrikin calls from people opposite who have gang raped democracy. We expect that attitude from them. We expect larrikin calls because the Bill we are debating seeks to amend a larrikin Statute, an Act which twists electoral arithmetic so as to make a decision certain before the people even think of going to the polls. Before the people even think of voting, there is an attempt to see to it that the result will be cooked.

Mr Laurance: It costs my electors 28 times as much as it costs your electors to make a call.

Mr A. R. TONKIN: So, Sir, we know that the hyenas who scavenge on the carcass of democracy think this is a very funny matter. We saw the hyenas last November and December, and now we see once again the people who benefit by this corrupt system deciding they will laugh to scorn a Bill which seeks to treat people as people and to treat the citizens of this State equally one with another no matter what the accident of geography. Proportional representation ensures that people will be represented according to their numbers. That is what we believe in, but one cannot expect honest electoral laws to flow from a Parliament that is elected dishonestly any more than one can expect a building which has rotten foundations—

The SPEAKER: Order! The member will resume his seat. I am prepared to allow the member for Morley a good deal of latitude in this debate. He has already used somewhat intemperate but permissible phraseology, but he must not reflect upon the actions of the House or refer to dishonest actions of the House. I ask him to refrain from so doing.

Mr A. R. TONKIN: Mr Speaker, Parliament has no moral right to do what it has done. It has the legal right; we are aware of that. We have a legal fiction which keeps Governments in power. The Opposition believes—and it will not be silenced in saying this—the Government which sits opposite has no right to be there because it has been elected by laws—

The SPEAKER: Order! The member will resume his seat. He has referred to illegal actions of the House—actions in respect of legislation which is on the Statute book. For the second time I ask him to refrain from doing this. If he does it again I will have to ask him to apologise, and then the machinery will take its course. I ask the member for Morley to proceed without reflecting upon the actions of this House.

Mr A. R. TONKIN: Mr Speaker, I seek your guidance. When one attempts to amend an Act of Parliament one must reflect upon the inadequacies of that Act. I should like to be assisted by you, Mr Speaker, to know how I can debate this Bill which seeks to amend the Act because we on this side of the House believe the present Act is immoral.

The SPEAKER: The member for Morley has asked for some advice on this point. I understand that he is in somewhat of a quandary, but his problem is to use words that are not immoderate and to which I can take no exception. As the words flow from him I may take exception or I may not and the action which I, as Speaker, must take will depend upon his manner of making the speech. A duty is cast upon me in the position I hold and as Speaker I must pursue a course of my own. I believe the member for Morley can make his points very clear without infringing the rules of this Chamber. I ask him to proceed accordingly.

Mr A. R. TONKIN: Mr Speaker, if my language appears immoderate how else am I to deal with an Act which itself is immoderate? All I am doing is speaking words.

Mr Blaikie: That is your opinion, but it does not happen to be mine.

Mr A. R. TONKIN: The member for Vasse does not think I am speaking words! Mr Speaker, I am speaking words and they are as nothing when compared with the immoderate violence that has been done to the people's choice in this State. They are as nothing when compared with the immoderate violence that has been done to democracy in this State. To suggest

that in trying to right a great wrong I must not speak immoderately while the people who have the power and who have had it ever since this Colony was formed use the most immoderate force and means to ensure that they never slip from power, seems to me to be monstrous. This Opposition, speaking on behalf of the people, has a right to speak about these matters. This is not a tiddly-winking Bill; this is a matter of basic principle.

Mr O'Connor: Did Labor not set some of those boundaries of which you are talking?

Mr A. R. TONKIN: Labor has never had control of this Parliament.

Mr O'Connor: It had no control over the north-west seats?

Mr A. R. TONKIN: Never. Never have we had control of this Parliament. Never have we had the numbers in both Houses so that we could possibly alter any boundary. So that is absolute nonsense. I am amazed at the Minister for Police if he is trying to suggest to this House and to the people of Western Australia that at some time in the past the Labor Party had the numbers in the Legislative Assembly and the Legislative Council to set any boundary. We have never at any time since there has been a bicameral Parliament—

Mr O'Connor: Were they party to it?

Mr A. R. TONKIN: We were a party to giving the vote for the Legislative Council to every citizen. In 1964 that was considered to be a step forward. We applaud the fact that there is a vote for everyone in Western Australia. But we do not applaud the fact that some people in Morley, for example, which I represent, have one-fifteenth of the vote of other people. At no time could we have done anything about that situation.

Mr O'Connor: When you were in charge of the Assembly you could have.

Mr A. R. TONKIN: How?

Mr O'Connor: You could have prevented it going through this House.

Mr A. R. TONKIN: When was this?

Mr O'Connor: I say you were a party to the north-west being set up.

Mr B. T. Burke: It was not introduced when we were in charge of the Assembly.

Mr A. R. TONKIN: In 1964 the present situation was devised. I thought the Minister was part of that Government but apparently he was not. Of course, we could not have prevented it. When we had the numbers we put up the Legislature of Western Australia Bill which would have given equal representation to every Western Australian. That gives the lie to the Leader of the Government in another place who has stated time and time again that when we were in power we did nothing about one-vote-one-value.

I draw the attention of the members of this House to 1972 when the Legislature of Western Australia Bill was introduced

by the Tonkin Government. I hope that kills once and for all the lie that the Hon. N. McNeill keeps saying which is that Labor has never introduced such a Bill. He has said it on two occasions. I replied to him on the first occasion—it was printed in the newspaper—pointing out the actual name of the Bill. Since then he has said once again that Labor did nothing when we were in power or at any other time.

Mr Young: You will admit that when you were in Government in 1954 you attempted a three to one basis, did you not?

Mr A. R. TONKIN: Will the honourable member admit that his great, great uncle killed Abel?

Mr Young: Just a moment.

Mr A. R. TONKIN: Just a moment indeed! I am not interested in what happened in the 1950s. I was not then in this House and the Labor Party is not bound by this kind of situation.

We believe in electoral reform. If members opposite think that we have been converted lately and welcome our conversion, they should support the Bill.

Mr Young: The Leader of the Opposition was a member of this Assembly at the time when that Bill was introduced.

Mr A. R. TONKIN: Mr Speaker, I seek protection from these interjections. Am I allowed to make my speech?

Mr Clarko: You are always shouting when you are sitting down.

Mr A. R. TONKIN: That is exactly how members opposite have destroyed democracy in this State, and yet I am asked to moderate my language.

Mr Watt: I shall remind you of that some time.

Mr A. R. TONKIN: We cannot expect decent and honourable things to flow from something which is not decent and honourable. I put to a committee consisting of members of this Parliament, although it was not a parliamentary committee, a proposal that legislation should be prepared to make members of Parliament reveal their pecuniary interests. Needless to say, the voting was on party lines. Every Liberal Party member and every Country Party member in that room—

The SPEAKER: Order! The member will resume his seat. I want to know from the member whether he is going to relate this matter to the Bill before the Chamber.

Mr A. R. TONKIN: I would not have thought I have had a chance. I have just mentioned it.

The SPEAKER: Order! The member will resume his seat. I ask the member for Morley to watch his conduct in this House or he will have to face the consequences. I call the member for Morley.

Mr A. R. TONKIN: Mr Speaker, the people will be informed of the way in which we endeavour to bring out the facts and the truth and the way in which our position is made impossible. Relating that vote in the committee to this Bill, as I was about to do, it is natural that any House which is elected in an improper manner will have in it people who, to protect their own interests, will not agree to the revelation of their financial interests. I suggested to that committee that the members sitting around that table should declare their financial interests so that we would know why people were hedging. I believe that is relevant to this Bill because the Bill attempts to introduce one-vote-one-value for one House in this Parliament at least so that that part of the Parliament might more truly represent the people as it should represent the people.

Not one Bill has been rejected by the Legislative Council since the advent of the Court Government. I believe two Bills were rejected by the Legislative Council in the 12 years of the Brand Government. During the time of the Tonkin Government more than 20 Bills were rejected in three years. Of course, the larrikins say that it must have been bad legislation; they think it was a joke. After nine weeks in recess that great House of review came back for the following week and sat for 22 minutes. Why? Because there was a Liberal Government in this State.

Mr B. T. Burke: Because it is a joke.

Mr A. R. TONKIN: Because there was nothing for it to do and because, as the member for Balga says, it is a joke. Why then is the Legislative Council hanging around? What are those members there for? They are kept on hand for when a Labor Government will be elected. That is their sole purpose.

The SPEAKER: Order! the member is again infringing Standing Orders because he is reflecting on another place. The member for Morley may speak strongly—I defend his right to speak strongly and forcefully—but there are certain lines he must follow. I think the member for Morley understands this. I hope it is not his intention to get me on my feet all the time to describe the situation. I defend his right to speak strongly and forcefully and to try to achieve his ends in a positive manner, but there is a way in which he can do this without offending and I ask him so to do.

Mr A. R. TONKIN: I move—

That the House dissent from the Speaker's ruling.

There has been a consistent and deliberate attempt ever since I got up at half past five to prevent me from debating this Bill.

### *Speaker's Ruling*

The SPEAKER: Order! Will the member resume his seat. I should like to advise the member for Morley that I have not given a ruling. I have asked him to tread the paths of Standing Orders appropriately. The member is not to reflect on another place in the manner he was doing. He may refer to its decisions but the way in which he was speaking of another place was so derogatory that, as Speaker, I had to take notice of the Standing Orders. I am not ruling at this time but if the member does it again I shall so rule and then he may dissent.

### *Dissent from Speaker's Ruling*

Mr A. R. TONKIN: Mr Speaker, you have just made a ruling that you were not making a ruling. I move—

That the House dissent from the Speaker's ruling.

Mr Speaker, I believe you were making a ruling and it is my parliamentary right and, indeed, my duty to move to dissent from your ruling. I have been sat down half a dozen times—

Mr O'Connor: Barely sufficient!

Mr Blaikie: Deliberately provocative!

Mr A. R. TONKIN: Here we go again. Mr Speaker, I have moved to dissent from your ruling because it is impossible to debate the future of the Legislative Council without reflecting, as it is so quaintly put, upon that House. Otherwise it is impossible to debate a Bill which seeks drastically to amend an Act which we regard as abhorrent, which Bill is fundamental to our principles. We on this side of the House will not be silenced in any way because we have been elected by the people and the people's rights are sovereign as far as we are concerned. They certainly are superior to any Standing Orders of this House.

In moving the motion I say that if I was speaking on another matter to which this was not germane your ruling, Sir, may have a greater degree of credence. At the present time, however, there is no possible way open to Her Majesty's Opposition to debate this Bill introduced by the member for Mt. Hawthorn without our indicating that the present situation is absolutely intolerable.

What we have to decide is whether the people's representatives have a right to speak their minds on the subject before us. I am conscious of the fact that I am more of the people's representative than most members opposite because I represent double and more the number of people some members opposite represent. I will not agree that the people of Morley should be disfranchised and prevented from being represented. I am prepared to take the consequences of my action. If the people do not like the way I represent them, they have the remedy in their hands. However, while the people of Morley

continue to send me to this place, it would be unacceptable if I did not speak my mind clearly on this Act.

I believe that your ruling, Sir, would not have been given in the House of Commons. I have deliberately not used unparliamentary expressions; I have spoken about an Act which we wish to alter. Indeed, Standing Orders state specifically that a member may not reflect upon any Act except for the purpose of altering that Act. Those who framed our Standing Orders apparently knew something about public debating because they realised we do not want a situation under which people continually harp about one particular Act. However, if members move to change a particular Act they are not to be muzzled and prevented from discussing that Act.

I cannot refer you to the particular Standing Order, Mr Speaker, but I know it is there.

**THE SPEAKER:** It is Standing Order 126.

**MR A. R. TONKIN:** Thank you, Mr Speaker. There is a Standing Order which states that one must not reflect upon a Statute of this Parliament unless one is moving to alter it. Standing Order 126 reads—

No Member shall use offensive words against either House of Parliament, or against any Statute, unless for the purpose of moving for its repeal.

How do we separate the House, which is created by an Act, from the Act itself? It is said that one is not to reflect upon a House of Parliament, but we are actually dealing with a Statute which creates a House of Parliament. We believe this is the most fundamental issue before the people of Western Australia. We are determined that the people of Western Australia will know the whys and wherefores of these Acts we are seeking to amend. Then if the people with this knowledge decide to keep those Statutes, it is up to them. We believe that the people at present do not have such knowledge and we on the Opposition side are sworn to do all in our power to alter these Acts because we believe they are infamous and obscene and are violating the very principles of democracy.

When it is suggested that our language is sometimes immoderate we must consider the great immoderate evil we are trying to correct. Then it will be realised that our so-called immoderate language is, in fact, in proportion to the kind of thing we are trying to abolish.

**MR SKIDMORE:** Hear, hear!

**THE SPEAKER:** I will put the motion as I see it which is to dissent from a ruling—as the member for Morley has described it—when I exhorted him to stay

within the bounds of Standing Orders as I see them. That is as fairly as I can put the situation.

I want to make one remark before putting the motion or allowing anyone else to speak. Standing Order 126 does not permit the use of offensive words against another House or a Statute unless it is for the repeal of a Statute. It does not refer to a change of Statute. So the member for Morley cannot stand on firm ground in his particular use of that Standing Order.

#### *Point of Order*

**SIR CHARLES COURT:** On a point of order, as I understand the position, you have not, in fact, given a ruling, Sir. If I can make this point, if you have not, I imagine the motion has no validity at all.

**THE SPEAKER:** I appreciated that point as time went on. Despite my earlier announcement that I had not made a ruling, perhaps there was a ruling of sorts. At least I am prepared to accept the motion as moved although I did not make a forcible ruling. In retrospect I realise it may have been a form of ruling and for that reason I have accepted it. I think that answers the Premier's remarks.

#### *Debate (on dissent from Speaker's ruling) Resumed*

**MR O'NEIL:** We certainly oppose the motion by the member for Morley to disagree with your ruling, Sir. You have very kindly conceded there was a ruling of sorts, but my understanding was that you indicated initially to the member for Morley that you had not made a ruling, but were simply exhorting him to pay attention to the Standing Orders and rules of debate in this Chamber. It was the member for Morley who determined you made a ruling and then insisted, your having done that, he would dissent from that ruling.

You, Sir, have hit the nail on the head. The member for Morley has interpreted too widely Standing Order 126. He is insisting that he has an entitlement to be critical of Statutes and other places when discussing legislation, but, as you have already told us, Standing Order 126 is quite clear. The only time a member can be critical of a Statute is when there is a motion before the House to repeal that Statute. The Bill introduced by the Opposition some time ago, which we are now debating, seeks to amend the Statute and not to repeal it. So I think the member for Morley is hiding not very well behind Standing Order 126.

We on the Government side will not support his motion to disagree with the ruling you have been kind enough to concede was a ruling of sorts.

**MR H. D. EVANS:** The line of reasoning and argument submitted by the member for Morley was that he has a bounden

duty to oppose a certain legislative situation that he sees as being abhorrent from his point of view.

Mr O'Neill: He said it was the Labor Party point of view. He is speaking for all of you. He made that clear.

Mr H. D. EVANS: He made no bones about indicating that he sought the repeal of the Statute under which the present bicameral Chamber is appointed in this State. While he is dealing with a motion which goes only portion of the way, his ultimate intention was clear. He stated it unequivocally. I must disagree with the Deputy Premier—

Mr O'Neill: He is dealing with the Bill, not a motion.

Mr H. D. EVANS: —that it is the intention of the member for Morley ultimately to seek the repeal—albeit not in the one operation, but in due course—of the Act, and therefore he does have recourse to Standing Order 126.

Mr BRYCE: I rise to support the motion moved by the member for Morley on one very obvious, basic form of reasoning. On page 90 Standing Order 126 clearly states—

No Member shall use offensive words against either House of Parliament, or against any Statute, unless for the purpose of moving for its repeal.

You, Sir, have made the point that the action which is intended under the Bill before us is not to move for its repeal.

I suggest to the House that nothing the member for Morley has said in fact is offensive and that is the very point upon which this debate hinges. The Standing Order states that no member shall use offensive words. This is a subject for definition and valued judgment and I suggest to the House that, in relation to the magnitude of the situation imposed upon the Constitution of this State by previous decisions of this Parliament, any description which has been used by the member for Morley in discussing the actions or structure of another place is clearly not offensive when related to the magnitude and seriousness of the crime in democratic political terms perpetrated upon the people of Western Australia by the actions of that place.

Mr O'Neill: It was the member for Morley who converted advice into a ruling. He elected it to be a ruling.

Mr BRYCE: I suggest there has been no offensive language used by the member for Morley when it is related to that situation and I urge members of the House to support the motion to dissent from your ruling, Mr Speaker.

Mr SKIDMORE: Mr Speaker—

Several members interjected.

Mr SKIDMORE: Here is the member for all knowledge! Members may as well say it and get it off their chests. I do not care what they say. I intend to have my say on the motion. I find it strange that

Standing Order 126 as such should appear for the guidance of members. I find it completely intolerable that I should have to rely upon that Standing Order under which someone must judge whether the words I use are offensive to him. I say that advisedly inasmuch as the member for Morley and others on this side have some very strong views on the Bill which is seeking to amend the Electoral Act in order to provide a more equitable distribution of votes.

Because we feel so strongly we are tempted, as was the member for Morley, to use language stronger than that normally used. Because of the bad piece of legislation we are trying to amend, naturally his language would have to be couched in the strongest terms. With all due deference to you, Mr Speaker, you have been placed in the invidious position of determining what is offensive, and you have done so.

However, nothing the member for Morley has said is offensive to me when related to the offensive legislation before us. If one considered the dictionary meaning of "offensive" one would be hard put to uphold the Speaker's ruling.

Sir Charles Court: How long did it take you to work out this stunt for the benefit of the front page?

Several members interjected.

The SPEAKER: Order!

Mr Bertram: You know all about stunts. From whom do you think we learnt? We are still only learning.

Mr SKIDMORE: I want to assure the Premier that I had no intention of speaking to the legislation before us but I am certainly not going to sit in silence when we are discussing the gagging of a member in this way.

Sir Charles Court: It is not a question of gagging, but of Standing Orders.

Several members interjected.

The SPEAKER: Order!

Sir Charles Court: This is a question of obeying Standing Orders.

The SPEAKER: Order!

Mr Bryce: Remind the Premier he was not in the Chamber.

Sir Charles Court: I have the words verbatim.

Mr SKIDMORE: The dictionary definition of "offensive" is—

aggressive, intended for or use in attack . . .

If that is the definition then I am afraid the member for Morley must be found guilty of using offensive language because he is on the attack. Surely that is not the criteria on which to rely in this case. Of course he is on the attack. That was the purpose of the whole exercise. The dictionary goes on to say—

insulting . . .

*Sitting suspended from 6.15 to 7.30 p.m.*

**Mr SKIDMORE:** I was referring to what was meant by the word "offensive" as it appears in the dictionary. I was using that only to show the unfair position this place is in when it comes to determining whether or not a word is offensive in the context and sense of the debate that is taking place.

I had reached the stage of saying the word "offensive" had several meanings. The first definition refers to it as "aggressive, intended for use in attack". I feel it would be fair to say that this could apply to us at any given time—that we could be offensive at all times when attacking a particular amendment in a Bill and I feel, therefore, the speaker's intention would not be reflected in that narrow definition of "offensive".

To move a little further, the dictionary describes "offensive" as "meant to give offence", and this is what we are faced with at the present time. I will, however, come back to that.

The dictionary then goes on to describe "offensive" as "insulting, disgusting, ill-smelling, nauseous, repulsive", and we could rule out several of these when determining whether or not the language of the member for Morley was offensive.

I would like to come back to the point and say that it becomes increasingly obvious that it is difficult to determine at any time that certain language used is offensive. Surely to goodness the subject of discussion in this House is whether or not the words are offensive. As I have said previously the member for Morley has strong convictions on the legislation which it is proposed to amend, and it would not be unfair for him to use language that would be stronger than that normally used in this House to describe what he believes is an immoral piece of legislation.

I believe that on this occasion the Speaker has been bound by practice and long usage over the years in determining the language that should be used in this House, where members who do not feel as strongly as does the member for Morley may have resorted to language which is not considered to be acceptable.

In the context and terms in which they were used I submit the words were not and could not be considered to be offensive. It is true to say that the member for Morley used language which may have been stronger than that normally used in this place. I believe the Electoral Act itself is the greatest gerrymander that has taken place in relation to the boundaries that have been set, making it impossible for a democratic system of election to be held and, accordingly, I too may be tempted to use intemperate language on this question.

I am caught in the same position as that in which the member for Morley finds himself, and I would have to determine by my own judgment whether or not the language I might use on the particular

legislation is strong or offensive. My language may be stronger than it normally would be, particularly in terms of the legislation we are intending to amend.

The House should look at the matter fairly and determine in view of the offensive nature of the legislation whether the member for Morley is not justified in using language which may be stronger than he would normally use. The House should not be hidebound by the fact that we criticise legislation in a particular way. It depends on the individual whether he is justified at any given time in using language which is intemperate, particularly when he is dealing with legislation which he might consider to be offensive.

I believe the member for Morley has been completely vindicated as far as I am concerned and I support his challenge to the Speaker's ruling.

#### *Point of Order*

**Mr HARTREY:** Mr Speaker, I would like to ask a question.

**The SPEAKER:** You may speak on a point of order, but you cannot just ask a question. You could frame it in your own way on a point of order.

**Mr HARTREY:** That may be a little difficult but I will do my best. The motion before the Chair is that your ruling be disagreed with.

**The SPEAKER:** That is the point of order I take and I will proclaim the situation.

**Mr HARTREY:** I would like to know what the ruling is.

**The SPEAKER:** Would the member for Morley resume his seat please. In reply to the point of order raised by the member for Boulder-Dundas, I advise for the information of members, just in case they are confused, that as I see it the situation largely is that during remarks by the member for Morley I drew the attention of the member for Morley to, among other things, the provision of Standing Order 126, and I warned the honourable member he was in danger of infringing that Standing Order.

Members may recall at that juncture the member for Morley moved to dissent from my ruling, and I said I had not ruled against the member for Morley. However, at that further juncture the member for Morley moved to dissent from my ruling that I had not made a ruling.

In this atmosphere the Premier rose to his feet on a point of order and asked was the member for Morley in order because I had said originally I had not so ruled.

At that point in time I advised the Premier and the House generally that the member for Morley's motion of dissent had some form—some authority—and I said I proposed to accept it as such. So his actual motion is to dissent from my ruling that I had not made a ruling.

*Debate (on dissent from Speaker's ruling) Resumed*

Mr B. T. BURKE: I must support the dissent that has been moved from your ruling, Mr Speaker, and I do so because it is obvious to me as I hope it is obvious to every member in this Chamber, that truth must always be the ultimate defence, and the things the member for Morley said about the other place were true.

It seems entirely unacceptable to me that the member for Morley should be sat down while speaking the truth. If the things he says are unpalatable to the Government—as well they might be, and as well they deserve to be—there is still no excuse for preventing the member for Morley from expressing his opinion; and as has been so ably pointed out, the things the member for Morley was saying were things relating directly to a Bill which sought to change the nature of the other place in this Parliament.

On that basis alone it seems quite clear to me that the dissent from your ruling should be upheld, if not on that basis then, as I have already said, on the basis that truth is the ultimate defence; and in this Parliament no member should be prevented from speaking the truth as he sees it and believes it to be.

Effectively that is what is happening in this Parliament tonight. One final point is a point that is peculiar and specific to the contributions made so often by the member for Morley; that is, the tactics adopted by the Government during those contributions.

There has been a conspiracy from time to time in this House to prevent this member from speaking on many occasions. Tonight we had an example of the member for Morley being severely inhibited. On previous occasions we have seen him subjected to uproarious and abusive tactics by the Government, and I believe tonight's demonstration by the Government in trying to inhibit him is an extension of those tactics.

This cannot be allowed to continue and no attempt should be made to prevent the member for Morley from speaking on this subject or on the subject of the environment. We know that when he has spoken previously on the subject of the environment he has been subjected to the most foul attempts to prevent him from making his contribution. It is obvious that members on that side of the House feel that those who are able to and do speak the truth need to be silenced. Tonight we have heard the truth from the member for Morley about another place.

I support the remarks made by the member for Morley and, most importantly, I support his right to make those remarks.

The SPEAKER: The question before the House is that the House should dissent

from the Speaker's ruling that he had not made a ruling.

Question (dissent from Speaker's ruling) put and a division taken with the following result—

Ayes—14	
Mr Barnett	Mr Harman
Mr Bryce	Mr T. H. Jones
Mr B. T. Burke	Mr Skidmore
Mr Carr	Mr Taylor
Mr Davies	Mr A. R. Tonkin
Mr H. D. Evans	Mr J. T. Tonkin
Mr T. D. Evans	Mr Bateman
(Teller)	
Noes—21	
Mr Blaikie	Mr Rushton
Mr Cowan	Mr Shalders
Dr Dadour	Mr Sibson
Mr Hartrey	Mr Soderman
Mr Laurance	Mr Stephens
Mr Mensaros	Mr Thompson
Mr Nanovich	Mr Tubby
Mr O'Connor	Mr Watt
Mr Old	Mr Young
Mr O'Neill	Mr Clarko
Mr Ridge	(Teller)
Pairs	
Ayes	
Mr T. J. Burke	Mr P. V. Jones
Mr Jamieson	Mr Crane
Mr Moller	Mr Coyne
Mr Fletcher	Mr Grewar
Mr Bertram	Mr Grayden
Mr McIver	Mr Charles Court
Noes	

Question thus negatived.

*Debate Resumed*

The SPEAKER: Does the member for Morley wish to continue?

Mr A. R. TONKIN: Mr Speaker, the Opposition is not going to sit here for another 86 years and see the Legislative Council stay the same as it has been for the last 86 years. We will not come to terms with this institution as some people seem to have come to terms with it. We are not going to accept that it is there just like the sun is in the sky and that just because the rain has always come down it will always come down. This is not an immutable law of nature. We regard this as a hideous decision, not by man as representative of man, but by conservatives who right from the year 1829 have always been in power in this State.

If it were suggested that earlier members of the Labor Party came to terms with this institution, that may be so, but we do not intend to. I would like to make that clear. The Opposition, as presently constituted, will not come to terms with this institution which, in our opinion, is corrupt because it is chosen on laws that are corrupt.

Mr Bryce: Rigged!

Mr A. R. TONKIN: It is chosen on dishonest laws.

Mr Young: You are saying that your leader was corrupt 20 years ago.

Mr A. R. TONKIN: I have already indicated that it was quite an achievement in 1964 to give the vote to every person in Western Australia. Of course, the conservatives made sure they rigged the—



Mr B. T. Burke: I know someone who was corrupt on Tresillian and changed too.

Mr Young: You know I was talking about 1954.

Mr A. R. TONKIN: I do not know what the member for Scarborough was talking about. I know that he is very slippery and that he will change his mind for electoral advantage on this as on Tresillian.

Mr Young: I beg your pardon?

Mr A. R. TONKIN: So do not think that I know what the honourable member is speaking about because I would not dream of venturing into his mind or trying to understand its labyrinth; that is something with which I wish to make no further acquaintance.

Let us get back to the decent things of life, and one of these is voting for the principle of one-vote-one-value. We have had people on this side of the House—

Mr Sodeman: Who disagreed with you!

Mr A. R. TONKIN: —whom it was alleged had sold out to conservatives in connection with this institution, and that they surrendered tamely their principles. If that is so, it is nothing to do with us, it is nothing to do with me, and it is nothing to do with the present Opposition. We will not be silenced on this matter. If you, Mr Speaker, in your place and if the Government, by using its numbers—as they have just been used in the usual brutal manner—silence me here, we will go outside this institution to a forum which is worth while. We understand true principle because we are determined that the voice of true principle will be heard. If the Speaker, if the Government, think that they can silence in any way the voice of the people—

The SPEAKER: Order!

Mr A. R. TONKIN: —then I believe they are mistaken.

The SPEAKER: Order! Will the member resume his seat. The member for Morley is being very objectionable. He infringed again when he spoke about my action in trying to silence him or by saying I was trying to silence him. I have told him already that I defend his right to speak as strongly and as forcibly as he can within the guidelines of Standing Orders. If he persists in speaking in that frame of mind I will have no other recourse but to name him for defying the authority of the Chair. I do not want to do that because I can understand members feeling strongly about things, but I do not want to be brought to this conclusion continually by the member who is offending in this way. I ask him not to do so again.

Mr A. R. TONKIN: I have indicated already, Mr Speaker, that there is a forum which is far more important than this forum in which I stand at the present time. As a matter of fact—

Mr Laurance: That is where you should be.

Several members interjected.

Mr A. R. TONKIN: Listen to the pack rapers—

Several members interjected.

Mr A. R. TONKIN: Listen to the protection I am given by the Chair at this moment.

Mr Mensaros: Why did you come here? You do not belong here.

The SPEAKER: Order! The member for Morley.

Mr Mensaros: You should never have come here. Stay in the forum which you think is better.

Mr A. R. TONKIN: And where did the Minister come from?

Mr Mensaros: I never said anything about this forum.

Mr A. R. TONKIN: Where did the Minister come from?

Mr Bryce: We simply say to the Minister, "Ditto", and we mean it.

Mr Davies: With more right!

Mr A. R. TONKIN: So, Mr Speaker, we see there the gross impartiality of this place. When I was trying to make a speech, I could not make myself heard above the hyenas. Listen to it again. I wonder whether *Hansard* will get all these interjections.

Mr Sodeman: I hope it does. One rule for you and another rule for others.

Several members interjected.

The SPEAKER: Order! The member for Morley.

Mr Sodeman: If you can't take it, sit down.

Mr A. R. TONKIN: I stand here because this Parliament is tainted—

Mr Sodeman: It is now.

Mr A. R. TONKIN: —by the fact that the laws which choose it are not the kind of laws which we should tolerate in the twentieth century. There is a forum which is far and beyond this forum and which has Standing Orders worthy of far greater respect than the Standing Orders of this place, and the forum I refer to is the forum of the people and the forum of history. The people eventually will change this.

In appealing to the people on this matter, I have no fear that the people will decide who is right. So, Mr Speaker, while the Government may use its numbers to keep this kind of institution going, to keep these kinds of laws going, I know that eventually the people will become aware of what is going on. If numbers are used in this place—and that is all that is used in this place—to prevent me from making my speech, those numbers will not

be available outside this place. Increasingly this place is becoming a scandal to the people of Western Australia because they know that the numbers who sit on the other side of the House and the numbers who sit on this side of the House are the result of dishonest electoral laws.

Mr Sodeman: How many inches will you get in tomorrow's Press?

Mr A. R. TONKIN: I would not sit falsely in the seats on the Government side knowing I had no moral and ethical right to be there. I would know I had rigged the rules in such a way that I had decided the results of the election long before it was ever held.

Mr Laurance: Does the member for Lower North Province support your view?

Mr Sodeman: Of course he doesn't, nor does the previous member for Gascoyne or the previous member for Upper North Province.

Mr Laurance: Does he support your view?

Mr A. R. TONKIN: Mr Speaker—

Mr Laurance: He must have campaigned if had he done so.

Mr May: He has not got much to campaign against.

Mr A. R. TONKIN: I would not want to sit in those seats under false pretences. It seems to me that the idea—although not the actual working out—of this place is that we are here as representatives of the people. However, that principle has been interfered with for narrow political gain. If we go back to the original Legislative Council we find its members were nominated. When the population of the State reached 60 000, the conservatives then in power changed the rules to ensure that they stayed in power. "The hobnailed boots of Labour will never tread in this place", they said. That was in 1890, and it is still the philosophy of today.

In 1964, when the franchise was changed so that everyone had a vote, the situation was that the people who voted Liberal had greater voting power than those who voted Labor.

Mr Sodeman: How was that achieved?

Mr A. R. TONKIN: A line was drawn to disadvantage—

Mr Sodeman: Totally untrue.

Mr A. R. TONKIN: —those who voted Labor. That is not an attack on the Labor Party; that is an attack on the right of the people to choose a Government. The people do not have the right to choose the Government. Once again we see the Government using its numbers as it used them in 1964 and in 1890 to perpetuate that situation. It has used its numbers to silence me. You, through their instrument, have prevented me from speaking.

The SPEAKER: Order! I ask the member to apologise for making that statement about the Speaker.

Mr A. R. TONKIN: Mr Speaker, the Opposition will not be silenced on this matter.

The SPEAKER: Will the member resume his seat. If the member does not apologise for saying that I was the instrument whereby he was silenced I will name the member. Is the member going to apologise without qualification of any kind?

Mr A. R. TONKIN: We will not be silenced on a matter of principle.

The SPEAKER: Order! The member will resume his seat. I name the member for Morley.

### *Suspension of Member*

Mr O'NEIL: I move—

That the member for Morley be suspended from the service of the House.

Motion put and a division called for.

Bells rung and the House divided.

### *Remarks during Division*

Mr Bryce: Outrage!

Mr Young: You made it!

Mr Laurance: Don't forget to wear your coat.

Mr Sodeman: What price a Press article?

Mr Bryce: You will squirm before this campaign is finished.

Mr O'Neil: He only got what he asked for. It took a long while to do it.

Mr Bryce: Dead men are running.

Mr Laurance: Don't you think it would have had more impact before tea?

Mr Bryce: He takes himself seriously—the member for bananas. He represents more bananas than people. He has a hide to come here.

Mr O'Neil: The member for Morley is going to resign from this place anyway. I hope he does.

### *Point of Order*

Mr DAVIES: Mr Speaker, I raise a point of order. Standing Order 215 states that a motion not seconded may not be further debated. Was the motion seconded?

The SPEAKER: There was no necessity for the motion to be seconded.

### *Result of Division*

Division resulted as follows—

#### *Ayes—20*

Mr Blakie	Mr Rushton
Mr Cowan	Mr Shalders
Dr Dadour	Mr Sibson
Mr Laurance	Mr Sodeman
Mr Mensarow	Mr Stephens
Mr Nanovich	Mr Thompson
Mr O'Connor	Mr Tubby
Mr Old	Mr Watt
Mr O'Neil	Mr Young
Mr Ridge	Mr Clarke

(Teller)

## Noes—15

Mr Barnett	Mr T. H. Jones
Mr Bryce	Mr McIver
Mr Carr	Mr Skidmore
Mr Davies	Mr Taylor
Mr E. D. Evans	Mr A. R. Tonkin
Mr T. D. Evans	Mr J. T. Tonkin
Mr Harman	Mr Bateman
Mr Hartrey	

(Teller)

## Pairs

Ayes	Noes
Mr P. V. Jones	Mr T. J. Burke
Mr Crane	Mr Jamieson
Mr Coyne	Mr Moller
Mr Grewar	Mr Fletcher
Mr Grayden	Mr May
Mrs Craig	Mr B. T. Burke
Sir Charles Court	Mr Bertram

Motion thus passed.

The **SPEAKER**: The member for Morley will leave the Chamber.

Mr A. R. TONKIN: Mr Speaker, we will not be silenced.

The **SPEAKER**: Order! Will the member for Morley leave the Chamber?

Mr A. R. TONKIN: I am leaving, Mr Speaker.

[Mr A. R. Tonkin left the Chamber.]

## Debate Resumed

**MR SKIDMORE** (Swan) [8.01 p.m.]: The Bill before the House seeks to amend the Electoral Act, and in speaking to the second reading of the Bill I should like to refer fleetingly to the problems we on this side will face in amending this legislation. We have very firm convictions regarding the parent Act and I give notice that not only in the year 1976 but also in succeeding years we will seek its amendment so that it reflects democracy and equality of voting in Western Australia.

It is patently obvious that it is extremely difficult for the Opposition party to achieve this objective, when we look at the history of representation in the other place. That is the whole crux of the issue which now faces us. We on this side—certainly, the member for Swan—find it abhorrent that in a supposed democracy, such a system should be imposed upon the people of Western Australia. This system has been forced upon us and sustained by conservative Governments in a corrupt and dishonest manner. Whether or not members opposite accept it, the truth of the parent Act is that it represents a repression of the people and of their right to express their opinion in a free and democratic way through their votes.

This legislation proposes to abolish the other place, so that no longer will we be required to refer to it in that manner. When moving the second reading of this Bill, the member for Mt. Hawthorn had this to say—

We have heard this being circulated in different parts of the State at different times. Proportional representation for the upper House will surely

come, but it may take some time before we get to the stage of having one province only, unless the Bill before us is passed in the form in which it has been presented.

It is obvious to all and sundry that the present system is not palatable, and has not been palatable for many years. Later in my speech, I will provide a statistical analysis indicating the extent of the gerrymander which exists and which is designed to preclude the Australian Labor Party from ever gaining control of the Legislative Council. In fact, since 1890 it has been impossible for us ever to gain control of or even look like obtaining equality of representation in that House.

The concept of one province in Western Australia is not as unrealistic as members opposite would have us believe. In a democratic system, people are entitled to express their opinions and are entitled to the principle of one-vote-one-value. The value of each vote should be the same; there should be no difference, one against the other. Surely that is the hallmark of any democratic system.

It has been pointed out many times that the disparity in voting strength between the different electorates is apparent to us all. Unfortunately, however, this does not appear to be apparent to the more ignorant voter, who is prepared to accept the situation. The ignorance of these people is so abysmal that we find they go along to the polling places and put their marks upon pieces of paper, quite satisfied that what they have done is to contribute to the orderly running of a democratic system, when in actual fact they have been hoodwinked by a Government which for many years has been dishonest in its intentions.

The Liberal Government has never been one to consider electoral reform in such a manner as would permit a truly democratic system to function in this State. Recently, we had a redistribution, where additional Assembly and Council electorates were created, and we had high hopes that at long last some form of equality may be introduced; but that was not to be.

As I mentioned, the Bill seeks to abolish the Council—the “other place”, that holy of holies, that great pillar of wisdom which sits in judgment upon us all. The member for Morley surely was speaking the truth when he said that whenever the Australian Labor Party has formed the Government in this House, it has never been the Government in the true sense because each and every piece of legislation introduced and passed in this place has been subjected to the scrutiny of the other place, and we have never been able to control the other place.

The present system of representation for Legislative Council electorates is terribly iniquitous; the system of voting denigrates

the democratic principles in which we believe. It seems reprehensible that we are powerless to change this unfair system. It is only in deference to you, Mr Speaker, that I resist the temptation to express myself in stronger language than I am using at present. If I did so, I might find myself in the same position as the member for Morley. When one believes so implicitly in democracy, and when one sees that system being held in contempt, one is tempted to be intemperate in one's language.

If I had only the Government to consider, I would express myself in the strongest possible language; but of course, that is not the situation in this place. The conservative Government of this State has organised and engineered a gerrymander of such proportions that the Australian Labor Party is precluded from ever gaining power in the other place; this has been the situation consistently over the years, and will continue to be the situation until such time as we are able to convince the people of this State to change their point of view and object to the legislation which controls the manner in which they elect their representatives.

Government members have challenged us on this point, saying "You have held provinces and electorates, and have lost them" as if that were some magnificent piece of deduction. However, the system was corrupt before we lost the electorates; we lost them only because the circumstances at the time changed, and brought about a change of member; we were always at a disadvantage.

The member for Gascoyne is trying to interject. He would be the greatest exponent of speaking while sitting down in this House. I would not mind if he had something sensible to say, but that is never the case. I propose to treat him as a teacher would treat a six-year-old schoolboy; if he is not fit to be in school, he should go home to his mother.

Mr Laurance: Is that the future Minister for Education talking now?

Mr SKIDMORE: I suggest to the honourable member that my ability to talk about education is a damn sight better than his; the member's particular strength is to sit on the rear portion of his anatomy and interject on other speakers. If he wants to talk about education I suggest he should use the opportunities which will arise on future Wednesdays when members on this side bring forward legislation. I suggest that he gets his speech ready; who knows—he might be able to tell the member for Swan, the ignoramus in the field of education, just where he has gone wrong.

When moving the second reading of this Bill, the member for Mt. Hawthorn had this to say—

After the transitional stage, each three years 16 members of the upper

House will be elected for six years, as is provided under the present law. The voting in the Bill is designed to be of the optional preference variety. Instead of voting for individual persons, the voters will be required to vote for groups of persons; in other words, they will be asked to vote for teams, thus eliminating the need currently applicable to the Senate to vote for huge numbers of candidates on the one ballot paper. As we know from experience this is too complicated, and it also makes for too many informal votes being cast.

Assuming we are able to establish the State as one province which will contain a certain number of electors electing a certain number of members, the people will be able to vote only for those candidates they desire to represent them, rather than having to go through the futile exercise of filling out an entire ballot paper, as currently is the case for Senate elections.

That seems to me to be a more logical and expedient way of overcoming the sheer hypocrisy of voting which now occurs, where people are required to vote in a preferential manner for candidates they do not support. I find it rather difficult to give second preference to a Liberal candidate; I would sooner give it to some other party, and place the Liberal candidate at the bottom of the list; no doubt, of course, members opposite feel the same way when faced with the name of a Labor candidate on the ballot paper.

Mr Shalders: You are wrong.

Mr SKIDMORE: The member for Murray may be right. If it will help him, I will admit I am wrong. If he is satisfied, perhaps he can go back to his newspaper.

This amending legislation would permit people to exercise their judgment at the polling place by saying, "I do not want to vote for all these people; I wish to vote only for this candidate". There would be no necessity for voters to go down the entire list of candidates, and a partially completed voting slip would still be valid.

It could well be envisaged that with the State as one province we will find a considerable number of names on the ballot paper in respect of which we wish to express a preference. In this instance the preference would be a final one only, and not a preference in any other way. The legislation seeks to do the things which we consider to be fair and just.

Coming back to the question as to whether or not one should consider the existing system to be a fair one, I shall refer to the facts of history which might be completely unpalatable to many members opposite, in so far as the existing undemocratic system is concerned.

Ever since the two Houses of Parliament were created in this State in 1890, the supporters of the Australian Labor Party have had a tiny seed of the beginning of a

dream that maybe they will be able to succeed in having the yoke of serfdom shaken from their shoulders. That is an ideal which we should not ignore.

It may be remembered that the purpose of the members in the other place in its early history was to ensure that those who had the greatest amount of wealth, and those who held the greatest amount of land in the State should retain power. I refer to the landowners and the wealthy people in the early colonial days, and they were the ones who ruled. Those were the ones from whom the Labor supporters wished to be freed of the yoke.

In that way alone there was a faint dream that somewhere along the line they would be able to look to the stalwarts of the system in those days to overcome the terrible gerrymander that existed in respect of the election of members to the other place.

Every time the electoral secateurs were sharpened with a view to pruning away the hold of the upper class upon the working people by virtue of the control of the other place by the upper class, and each and every time we felt there was a small chink in the armour of the upper class to hit at, we were extremely disappointed that our efforts were in vain.

One could refer to 1962 when at long last hopes were raised that the wives of householders would finally be given a vote at Legislative Council elections; in fact at that time they did get a vote. Let us reflect upon that as an injustice upon the people. Today the Government members are saying, "Why are you squealing and getting upset about the fact that you cannot win a province in a simple contest between a Liberal Party, a National Country Party, and a Labor Party candidate?" Here we have a clear indication of the loading against the ALP over many years. The change was brought about in 1962 only by the consistency of our efforts to get the system changed. It was through the sheer persistence of the Opposition that the philosophy of a democratic system which gave votes to the wives of householders was at long last achieved. I say that change came 72 years too late for the system to be regarded as a democratic one.

Let us turn to 1965 when there was a great fight for the abolition, the destruction, and the getting rid of the gerrymander that existed in respect of the electoral provinces. Such gerrymander bore down heavily on the workers of this State. The late Mrs Ruby Hutchison fought very valiantly to put forward the point of view that the right of women to vote should be an issue. She pushed the question so vigorously that at times she too was subjected to the discipline of the President of the other place. She in turn incurred the wrath of members of that place by virtue of her actions. However, she was

not a loner, and she did not stand singly in her attitude to the electoral laws of the State. She had many supporters.

Over the years there has been an increasing number of people who have gone about the business of endeavouring to effect changes which will give us at least the glimmer of a chance. We do not ask for any more than a 50-50 chance of winning a province. However, at the moment we could look at very few of the 10 provinces which we do not hold with any degree of surety, given a 50-50 chance. I shall certainly show that to be the case in a few moments.

The whole question of electoral reform is based upon a democratic system and a fair assessment of the ability of people to determine in their own right their political thinking. It is true to say that is a democratic right that should be exercised; but the fact is people are not allowed to exercise it, because of the loading imposed on votes.

Every time one of our voters goes to the poll to vote for a Labor Party candidate in a gerrymandered province, his vote is in some instances just one-fifteenth of the vote of a supporter of the opposing candidate, who invariably becomes the elected member. Usually the elected member is from the conservative parties. In fact, history reveals that they came from the conservative parties.

Let us look at some of the things which indicate the totality of what we are talking about, and the abhorrence we must have for a system which is so undemocratic that it becomes absolutely impossible for a party like the ALP or an embryo party to win a province. It might be a minority group which wants to upset the voting system. It will find itself disadvantaged to the extent that it is not possible to achieve the objective of gaining fair and true representation in the other place. That is because of the disparity in the value of votes, and the way in which the votes are loaded.

I suggest the National Country Party take note of what I am saying. Its members too will have retribution falling on their heads in the very near future, when they find the Liberals taking away some of the provinces they now hold. The National Country Party is in no better position than any other minority party, in trying to win seats in another place under the present voting system.

The National Country Party can either defend its position, or sit down and countenance the action of the Government. The Liberals have said to it, "You are in coalition with us in Government. You can do everything to defeat the Opposition, but each and every one of you will be opposed by a Liberal Party candidate at election time." Despite that members of the National Country Party do nothing about the matter, and yet they claim this is a democratic system. In that way it is and

each and every party has a right to nominate candidates against the other parties. I do not quarrel with that; but what I quarrel with is the abhorrent system that allows a minority party to be disadvantaged in the election of members to another place. The National Country Party will share the same disadvantage as we do.

Let us look at some of the figures and see what is involved to enable the Labor Party to win a small number of provinces from the conservatives in the other place. I am referring to a table which reflects the total number of votes that the Labor Party will have to gain in order to wrest seats from the present occupants. I have made an allowance of 2 per cent to be deducted from the 1974 voting figures for the donkey vote. To those who may not be aware of the donkey vote—

Mr Shalders: They voted for you!

Mr SKIDMORE: At least they voted for a good donkey, and at least I have the guts to get up and speak, but the honourable member sits back and says nothing. To those who are not knowledgeable of the donkey vote, the name on the top of the ballot paper usually gains about 2 per cent more of the votes of electors who, because of their political ignorance or of being tired of the gerrymandered system, go down the ballot paper marking it as an expression of disgust of a system of which they want no part. They have to put something on the ballot paper to validate it, and they go from top to bottom. Of course, an elector may decide not to put any mark on the ballot paper as an expression of protest.

Having said that, we should take away 2 per cent of the votes for candidates who appear on the top of a ballot paper, and 2 per cent of the votes that should be credited for other issues. We should try to achieve a percentage of votes which would have to be received by the ALP candidates to win some of the provinces.

Each province is enumerated as having a percentage which is necessary to enable a Labor candidate to win it. Furthermore, each province will show a percentage of swinging votes to enable the Labor candidate to win it.

Mr Cowan: What figures are you quoting from?

Mr SKIDMORE: I repeat that these figures are taken from the 1974 voting figures. I do not suffer fools gladly; and if the honourable member had been listening he would not be making the interjection.

In the Lower Central Province it will be necessary for the Labor Party to secure 55.4 per cent of the vote, and a swing of 7.1 per cent, if we hope to win that province.

In the South-West Province it will be necessary for the Labor Party to secure 55.8 per cent of the vote, or a swing of 7.5 per cent.

Mr Blaikie: How did you go in the 1971 election?

Mr SKIDMORE: I do not know.

Mr Blaikie: You lost by 83 votes. What are you talking about?

Mr SKIDMORE: Evidently the member for Vasse is more knowledgeable than I am about the 1971 election. That being the case I suggest he expound his theories at the opportune time.

Mr Bryce: He is not allowed to!

Mr SKIDMORE: He should have that opportunity in a democratic Government. In the Metropolitan Province it will be necessary for the Labor Party to secure 58.4 per cent of the vote to win it, and that means a swing of 10.1 per cent to Labor.

In the Lower North Province the Labor Party will be required to gain 64.7 per cent of the vote to win the province, and to increase its present percentage by 16.4 per cent.

Despite all this the conservative parties reckon that is a fair and equitable distribution of the voting strength of the provinces. I would say that under a democratic system if we had a 50-50 chance of winning seats, and the Labor Party gained 51 per cent of the votes and the conservatives 49 per cent—or vice versa—that would be democratic. We would have to win 64.7 per cent of the vote in order to win the seat to which I have just referred. I do not know whether the candidate was a very good one or whether he was a bad one, but I am quoting statistics and I base my argument on them.

Mr Sibson: By what percentage did you win your seat?

Mr SKIDMORE: It was quite reasonable, but I am not talking about Assembly seats. The member for Bunbury is a past master at stupidity.

Mr Bryce: He is just stupid.

Mr SKIDMORE: I am speaking about electoral provinces, and not Legislative Assembly electorates. I ask members opposite to get that through their wooden heads. I am beginning to wonder what is in some of their heads. It seems one can fool all the car salesmen, but we cannot all be fooled in this place. I suppose it is a case of "horses for courses", and I suggest the member for Bunbury fits into that category.

In the South Province it would take 69.9 per cent of the vote for the Labor party to win the seat. That would involve a swing of 21.6 per cent compared with our present position. In the case of the Upper West Province, we would have to win 73.9 per cent of the vote in order to win the seat. That would be an increase in our percentage of 29.6 per cent.

In the case of the Central Province, we would have to win 74 per cent of the vote in order to win the seat. That would involve a swing of 76 per cent.

Mr Clarko: Why?

Mr Jamieson: Because of your gerrymander.

Several members interjected.

Mr SKIDMORE: Having let the experts fill in the gaps in my speech, it seems that I am an ignoramus.

Mr Sodeman: Make no apologies for accuracy.

Mr SKIDMORE: Getting back to the question before us, one would find great difficulty in being able to sustain even fleeting support for the supposedly democratic way we presently elect members to represent provinces in the other place. In fact, the totality of the figures I have quoted indicate that the minority party would have to win between 52 and 53 per cent of the overall vote at two successive elections to win control of the other place. In other words, we would have to win five provinces at each of two elections to give us an equality of members in the other place.

The Premier of South Australia faced a similar situation when he took over the Government of that State. The disparity in South Australia has been overcome to the extent that that State is now heading down a democratic roadway with regard to its voting system. It is because of that fact that we on this side of the Chamber, and myself in particular, applaud the belief that we are entitled to get a little more from the democratic system than we have in the past.

I believe we should support the proposed amendment to the Act. It will enable the people of this State to enjoy the right of having a vote which is of equal value, whether a person lives on one side of a railway line or on the other or whether he lives on one side or the other of some imaginary line drawn on a map.

I might refer to the gymnastics which took place with regard to the drawing of some boundaries in the recent redistribution. All sorts of physical features were used in order to differentiate between a metropolitan and a country province. Not more than the width of a line drawn by a pen on a map separated a metropolitan province from a country province because of some peculiarity.

Several members interjected.

Mr SKIDMORE: It seems I have satisfied the member for Bunbury who possibly has become more educated than he was previously. He may now even say a few words to the Bill.

The proposed amendments to the Electoral Districts Act, put forward by the member for Mt. Hawthorn, indicate that considerable thought has been given to this matter. I believe the member for Mt. Hawthorn put forward a very convincing argument for looking into the question of the present gerrymander of the boundaries. I do not know how anybody with

any conscience is able to look at the facts and not admit that to win a province we have to receive 74 per cent of the vote. I do not believe anybody could consider that as a democratic situation. In the case of the North Metropolitan Province, which we hold, we have to get 48 per cent of the vote to hold the seat. That seems to be more reasonable than having to get 74 per cent of the vote.

If we accept the suggestion put forward in the amendment there would be one province and we would not have to worry about funny lines drawn on a map, and the loading which is inherent in such a system.

The very basis of the proposed amendment is that it seeks to do away with the provinces as they exist at the present time and provide for one province only with a certain number of members to represent it.

For that reason I believe this legislation should be supported and that it should receive a vote of confidence from all members in this House. At long last there is an attempt to right a wrong which is imposed on people in many walks of life. They find themselves in the position that the value of their vote is only one-fifteenth, one-eighth, or one-sixth of the vote of a person living on the other side of a line drawn on a map. The amendment, if passed, will rectify that situation. I commend the Bill.

Debate adjourned, on motion by Mr Bateman.

## ORDER OF THE DAY No. 8

### *Postponement*

MR JAMIESON (Welshpool—Leader of the Opposition) [8.39 p.m.]: I move—

That Order of the Day No. 8 be postponed.

Question put and passed.

## ORDER OF THE DAY No. 9

### *Postponement*

MR JAMIESON (Welshpool—Leader of the Opposition) [8.40 p.m.]: I move—

That Order of the Day No. 10 be taken before Order of the Day No. 9.

Question put and passed.

## ORDER OF THE DAY No. 10

### *Postponement*

MR JAMIESON (Welshpool—Leader of the Opposition) [8.41 p.m.]: I move—

That Order of the Day No. 10 be postponed.

Question put and passed.

# **LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)**

## *Second Reading*

Debate resumed from the 26th May.

**MR HARMAN** (Maylands) [8.42 p.m.]: After that exercise I now rise to my feet to support the member for Cockburn in his desire to seek the approval of this Chamber to amend the Local Government Act so that persons employed by local governing authorities will have the opportunity of portability in respect of long service leave.

I feel quite confident when I say that most members of this Chamber will support the principle of portability of long service leave for local government officers throughout the State because I know all members have had some experience—or a great deal of experience—with local governing authorities. I am sure all members would be well aware of the expertise which local government officers are able to bring to bear in their particular areas. On that basis, and also on the principle that an officer needs to be mobile, and needs to travel around the State of Western Australia in all sorts of situations involving local government in order to gain knowledge and experience, and expertise, which he can use in the areas in which he serves, members will recognise that local government officers should not be disadvantaged if they wish to move from one local authority to another.

During the past few years we have been told that the Western Australian branch of the Municipal Officers Association of Australia has been fairly active in trying to convince not only this Government, but also the previous Tonkin Labor Government, that it is desirable there should be portability of long service leave amongst local government officers.

When the matter was raised with the Tonkin Government in the period between 1971 and 1974, the Minister at the time considered the proposition and he agreed in principle that this matter should be determined and resolved in favour of portability. For some strange reason the present Minister for Local Government has said he cannot find that particular letter.

**Mr Rushton:** That Minister agreed there was a case. When I took over that was where it rested.

**Mr HARMAN:** The Minister will agree that the previous Minister had made a decision.

**Mr Rushton:** He agreed in principle, but subject to conditions, and sent it to the Local Government Association.

**Mr HARMAN:** The Minister has read the letter from the previous Minister in 1974?

**Mr Rushton:** I have read the file.

**Mr HARMAN:** The Minister is well aware that the previous Minister did acknowledge that long service leave portability should be agreed to in principle.

**Mr Rushton:** In principle, but it had a long way to go to work out the details. Nothing had been done.

**Mr HARMAN:** Did not the Minister say that he had not seen the letter?

**Mr Rushton:** Not in the terms mentioned. I could not find it.

**Mr HARMAN:** And yet the Minister says he has read the file?

**Mr Rushton:** I have read the file.

**Mr HARMAN:** This is very interesting and can be used later on because it shows again how these Ministers want to confuse the House. They do it deliberately, too, which is worse. They do not do it just because they are muddle-minded and do not know what they are doing; they do it deliberately. Here is another case of a Minister trying to confuse the House with a lot of words, ifs, buts, and qualifications.

For the Minister's information I will read a letter which was written by the Minister for Local Government to the Secretary of the Municipal Officers Association, dated the 26th March, 1974. The letter reads—

In reply to your letter of 25th June, 1973 and 19th March, 1974, requesting that the Local Government Act, Section 135 should be amended, I advise that I have resolved after conference with the Local Government Association and the Country Shire Councils' Association to accede to your Association's request.

Accordingly the proposal will be included in the proposed amendments of the Local Government Act later this year.

The Local Government Association has requested that they be consulted before any changes are made.

So I suggest the present Minister have another look at his reply to the second reading debate.

That is the history of the moves made in the Tonkin era to get portability of long service leave for local government officers, culminating in a firm decision by the Minister for Local Government.

**Mr Rushton:** Three years and nothing done. That is consistent with many other things, too.

**Mr Jamieson:** Here is the old shoveller again.

**Mr HARMAN:** The present Minister has been in office for 2½ years and we have not seen the result of any decision made by the previous Government. In fact, it needed the member for Cockburn to use his initiative to bring this matter to the House so that the Minister could give some consideration to it.



For 2½ years the present Minister has sat on the requests which have been made by local government officers right throughout Western Australia for some portability of long service leave. If that is not procrastination I do not know what is.

Mr Rushton: That is inaccurate.

Mr HARMAN: It is not inaccurate. It is a plain statement of fact. The present Minister has been in office since April, 1974.

Mr Rushton: You are not worth listening to.

Mr HARMAN: All the Ministers do it: when arguments are put up to them which they cannot refute, they say one is not worth listening to. They cannot argue with the facts. The Minister for Local Government is doing what some of the other Ministers do.

The fact is that since April, 1974, the present Minister for Local Government, who has gone around to visit all the local authorities, and has been pow-wowing and saying things to make a good fellow of himself—

Mr Blaikie: And being well received.

Mr HARMAN: When the pressure is on him to do something, to make a decision, take the initiative, and put forward a proposition to assist local government officers, he is now found wanting—and not only found wanting but has done nothing. He must take all the blame for the fact that local government officers in Western Australia are not able to receive the benefits of portability of long service leave which are received by local government officers in all other States of Australia. This is the only State in the Commonwealth which has not provided portability of long service leave for local government officers. Other members on the Government side must share the blame.

Mr Laurance: Since when?

Mr HARMAN: Had they been interested in assisting their local authorities, they would have wanted to ensure the authorities were staffed by persons who had some expertise and experience and who had been mobile in the field. They must to some extent share the blame for the fact that no action has been taken by this Government.

I know this is a Government of status quo. It does not initiate any changes. The Minister said, "No firm recommendations for any change have been made to me." He has certainly had requests made to him by the Municipal Officers Association, but he claims he has been around among the local government authorities and has been told there is no support among them for portability of long service leave.

Mr Rushton: A referendum is being held among all the local authorities at the present time.

Mr HARMAN: Where?

Mr Rushton: Throughout the whole State.

Mr HARMAN: I will give the Minister the result of a referendum which was held recently.

Mr Rushton: It has not yet been completed.

Mr HARMAN: The Minister has been in office for 2½ years and has organised a referendum—his own referendum.

Mr Rushton: I have not. The Local Government Association organised it.

Mr HARMAN: Who organised the referendum—the Municipal Officers Association?

Mr Rushton: No, the Local Government Association.

Mr HARMAN: That is very interesting news which the Minister has provided to the House. I wonder whether he would be kind enough to provide to the House at the appropriate time the question posed in the referendum which has been held by the Local Government Association among its members. I do not think all the shires in Western Australia belong to the Local Government Association.

Mr Rushton: There is 100 per cent membership of the country shires and town councils in the Local Government Association. The three associations have 100 per cent membership.

Mr HARMAN: I assume from what the Minister is saying that every local authority in Western Australia is a party to the referendum which is being conducted by the Local Government Association.

Mr Rushton: They are all affiliated members.

Mr HARMAN: I do not want any qualifications. Can I assume it or can I not?

Mr Rushton: You do not need to assume. You only need to know that all councils have been contacted by the executive officer of the association to forward their opinion on this issue.

Mr HARMAN: No doubt a question has been posed to them.

Mr Rushton: I have been given that assurance.

Mr HARMAN: Would the Minister be kind enough to supply the question which has been posed to all those authorities?

Mr Rushton: I will give you the results as soon as they come in.

Mr HARMAN: I would also like to know what the question was.

Mr Rushton: That will be done.

Mr HARMAN: I thank the Minister for his co-operation. The Municipal Officers Association also conducted a referendum canvassing all councils for their views on the principles of portability of long service leave. I have been told only that all

councils were canvassed. I do not know whether all the individual clerks were canvassed. One would assume the councils were canvassed as a body.

Mr Blaikie: They canvassed the shire clerks.

Mr HARMAN: The honourable member can put his own interpretation on it. I cannot assist him any further. I am giving the House the information which has been supplied to me. The councils were asked for their views on the principles of portability of long service leave. To date, 80 have announced their decision, 37 being in favour, 36 against, and seven were indeterminate and could not make a decision one way or the other. I would therefore be very interested to know the result of the new referendum which is currently being conducted, of which I have no knowledge.

The Minister for Local Government knows that portability of long service leave has been granted in every other State of Australia, but he has sat there for 2½ years waiting for some kind of indication to come forward from councils. He knows some councils are not in favour of it, for good reasons; and he is prepared to be conservative, maintain the status quo, and ensure that local government authorities in Western Australia do not receive the benefit of the mobility, expertise, and experience of their officers through moving around local authorities. He is prepared to let local government in Western Australia grind to a halt because he will not give local government officers the benefit of portability of long service leave.

A local government officer might be a clerk of courts or a mining registrar. To obtain promotion he must move around Western Australia. In one year he might find himself the clerk of courts at Midland Junction. The next year he might be the clerk of courts at Marble Bar or the mining registrar at Southern Cross. Local government officers have spent their time moving around Western Australia gaining experience and expertise until finally they are able to apply for the top positions in their particular field. The top positions are usually in the major towns in the State, and most of them are probably in Perth. The local government officer brings to his position all the experience and expertise he has been able to gain because of his service in Western Australia.

Mr Cowan: Are not those people nominated to the positions by the department?

Mr HARMAN: They apply for those positions. The position of, say, mining registrar at Marble Bar is advertised in the *Government Gazette* and officers apply for it. Certainly the person recommended by the department is appointed to the position but there are provisions for people to appeal against an appointment.

Mr Rushton: Are you aware that the MOA has agreed to my suggestions on this issue?

Mr HARMAN: I do not know what the suggestions are.

Mr Rushton: There was resistance to the total introduction of portability and I put forward modifications to get it moving. The MOA agreed to the modifications and the Local Government Association is now taking its vote on it, after which I will take the matter to the Government for introduction.

Mr HARMAN: It has taken 2½ years.

Mr Rushton: In three years you people did not get that far.

Mr HARMAN: A number of local government officers have served very diligently in Western Australia and have devoted the whole of their lifetime to the service of local authorities, but the Minister has taken 2½ years to get down to offering the MOA a deal to do something, of which I am not aware. It is probably some kind of compromise. I take it the Minister is waiting for the MOA to come back to him.

Mr Rushton: I have already told you we are waiting for the result of a referendum.

Mr HARMAN: I am sorry the Minister did not use any initiative himself.

Mr Rushton: Your colleague consulted with local government and got nowhere; I have consulted with local government and I am getting somewhere.

Mr Taylor: And yet in June the Local Government Association rejected it. Has it changed its mind since then?

Mr Rushton: No, your colleague got nowhere.

The DEPUTY SPEAKER: Order! The member for Maylands.

Mr HARMAN: I wish this could continue, because the Minister is getting himself into hot water and is making confusing statements, but he is also giving us a little more information. We are dragging it out of him bit by bit. One thing is for sure: he has not conducted a formal survey of the local authorities of Western Australia to ascertain their opinion on the matter of portability. He has consulted local authorities and I imagine he is going around and is absolutely—

Mr Nanovich: He is doing it the democratic way.

Mr HARMAN: If after 2½ years the Minister has not used any initiative to do something about portability, one must assume he has no intention of doing anything about it. So when he visits local authorities and a local authority president and some councillors tell him they do not want portability, he would listen to them because that suits his conservative, status quo attitude in respect of local government officers.

Mr Rushton: The humorous side is that I got very little representation from Labor members; I got it all from coalition members. You don't know what you are talking about.

Mr HARMAN: Now we are learning more. If we could keep going indefinitely we would probably ascertain the whole story. The fact of the situation is that the Minister has not carried out a formal survey of local authorities in Western Australia to determine their attitude. He is relying upon the Local Government Association to determine their attitude by conducting a survey.

However, the Lord knows when that survey will be finished, and what question was posed to the local authorities. We do not know how the question was drafted. As you would know, Sir, a lot of expertise is involved in the drafting of questions, and a question can be drafted in a certain way to obtain a certain answer. We do not know how the question was drafted, but we do know the Minister is sitting on his tail and is waiting for somebody to come forward with a proposition which has some overwhelming evidence in favour of this step being taken.

Of course, he will wait a long time for that because many local authorities are conservative and do not want to see portability introduced. Being conservative, they are anxious to maintain the situation in their areas, and they do not like to see their good officers leave. Nor do they want to see an officer who has come to the district and has served for 7½ years leaving until he has completed his term so that he can take advantage of normal long service leave conditions.

Mr Sodeman: What is the antonym for "conservative"?

Mr HARMAN: Here is the bright boy from the Pilbara. At least we know we will not have to put up with him next year.

Mr Sodeman: Why, are you worried about the electoral boundaries?

Mr HARMAN: We must be cognisant of the fact that amongst local authorities there is a feeling that they do not want their officers to move around. However, I think one could argue against that by saying there are a number of cases to prove that where a local authority has had a succession of officers coming and going, as long as it is not within a short period, the experience and expertise they bring is of benefit to the area.

So when the local authorities get around to answering whatever question has been posed to them, they should look at the matter in the long term and in a broad way rather than in a narrow, conservative way. That is how the Minister should look at this proposition. Surely he recognises that an officer who has had experience in a number of local authorities would gain expertise which would be of benefit to any

local authority. Surely the Minister realises that an officer who has been in a single local authority for, say, 20 years, although he may be a very good officer, would lack the experience and expertise that could be obtained by serving in other local authorities in other areas.

If the Minister recognises that, I hope he will say we should be doing something about this portability, and that he should be the person who should be doing something about it and taking the initiative. He should not wait for 2½ years to make up his mind about what he wants to do about local government officers. Surely he must have some conscience, and surely he knows that every local government officer in every other State of Australia enjoys the benefit of portability of long service leave. Knowing that, I do not understand how the Minister can sit there and procrastinate for 2½ years.

Mr Jamieson: He crosses "t's" and dots "i's". What else do you expect?

Mr HARMAN: I only hope the local government officers in Western Australia are aware—and I am sure they are now—of the way the Minister for Local Government works. He procrastinates and makes no attempt formally to establish the opinion of local authorities. He has certainly gone around canvassing, but no formal referendum has been undertaken by him. On all those counts the Minister must be condemned.

I am very happy to support the Bill introduced by my colleague, the member for Cockburn.

Debate adjourned, on motion by Mr Bateman.

## ORDERS OF THE DAY Nos. 10 TO 14

### Postponement

MR JAMIESON (Welshpool—Leader of the Opposition) [9.08 p.m.]: I move—

That orders of the day Nos. 10 to 14 be postponed.

Question put and passed.

## PREVENTION OF CRUELTY TO ANIMALS ACT AMENDMENT BILL

### Second Reading

MR T. H. JONES (Collie) [9.09 p.m.]: I move—

That the Bill be now read a second time.

The Bill seeks to amend the Prevention of Cruelty to Animals Act by inserting a new subsection in section 4 which sets out offences against the Act.

The new subsection specifies it as an offence for any person to abandon or cause or permit the abandonment of any domestic animal by taking it or permitting it to be taken to a place other than that in which it is usually kept, there to fend for itself.

I am sure all members at some stage in their lives have come into contact with an abandoned animal and felt anger and disgust at the cruelty of the person responsible for its abandonment.

Although the abandonment of a dog is an offence under section 21B of the Dog Act, there is no legislation relating to cats or other animals, whose suffering is no less than that of a dog when left to starve and exposed to the elements.

The Royal Society for the Prevention of Cruelty to Animals has received many calls from persons complaining about the dumping of cats, but has found it difficult to obtain a prosecution because of the inadequacies of existing legislation.

Many of the complaints have come from residents in outer metropolitan suburbs such as Kalamunda and Lesmurdie. It would appear that people drive into these areas, mainly at weekends, and dump unwanted cats.

The abandoning of cats is more pronounced than that of dogs, perhaps one of the reasons being the offence related to dogs is specifically spelled out in the Dog Act, and the threat of a fine has a certain salutary effect.

Mr O'Connor: Would this apply to dingoes, lions, and tigers?

Mr O'Neill: Ssh!

Mr T. H. JONES: I am talking only about cats at the moment, but I will get on to tomcats and other types of cats later!

Most cases occur during the Christmas holidays and the summer months when cats breed prolifically and when their heartless owners find it cheaper or less bother to abandon them than to take other steps for their care or more humane disposal.

The RSPCA figures for the past six months are—

Cats collected for euthanasia	536
Dogs collected for euthanasia	135
Complaints re alleged cruelty	813
Run-over cats	56
Run-over dogs	240

Owing to its financial position, the society is finding it increasingly difficult to meet the demands being made upon it by the public. In the financial year ended the 30th September, 1974, its expenditure exceeded income by \$14 710. In the year ended the 30th September, 1975, the expenditure exceeded income by \$28 085.

Further evidence of increasing demands on the society will be seen in the fact that it was informed that its after hours telephone answering service—(UTAS) which was costing \$270 annually, would only be renewed for a fee of \$900, because the after hours calls had increased to such an extent. Figures for the period the 1st April to the 13th June, 1976, showed 544

calls had been received after normal working hours. A cheaper service was installed, but even this may have to be discontinued due to lack of funds.

Legal expenses for unsuccessful prosecutions have to be met by the society and in all cases is the added cost of the inspector's travelling time, vehicle maintenance, petrol, accommodation and overtime.

As well as acting as a deterrent, thereby initially saving a great deal of time and expense incurred by the RSPCA the proposed amendment would make it easier for the association to obtain a conviction in cases of proven abandonment, contrary to the existing unsatisfactory position.

The South Australian Prevention of Cruelty to Animals Act was amended in 1973 to contain the following provision—

5D. Any owner or person in charge of an animal who abandons that animal, or causes or permits it to be abandoned in circumstances likely to cause the animal unnecessary suffering, shall be guilty of an offence against this Act and liable to a penalty not exceeding two hundred dollars or to imprisonment for any term not exceeding six months.

The Victorian Protection of Animals Act, 1966 contains even more severe penalties for abandonment. The appropriate section in that Act, *inter alia*, reads as follows—

4. (1) Any person who—

(g) abandons an animal of a species ordinarily kept in a state of confinement or for any domestic purpose—shall be guilty of an offence.

Penalty:

For a first offence—\$250 or imprisonment for three months.

For a second offence—\$500 or imprisonment for six months.

For a third or subsequent offence — \$1 000 or imprisonment for twelve months.

The Tasmanian, Queensland, and New South Wales Acts each contain a provision which defines abandonment of domestic animals as an offence. It will be seen that in those States provisions already exist.

The New Zealand Animal Protection Act also makes abandonment of any animal a serious offence.

The RSPCA has provided me with a copy of a communication forwarded to it by the Acting Assistant Police Commissioner (Mr H. L. Taylor) in May, 1975. In it ap-

pears the following opinion from Senior Inspector W. Connolly of the police law education office—

Mr Calvert's proposal for an additional subsection to section 4 (1), covering abandonment of animals would be a valuable addition to the Western Australian Cruelty to Animals Act. Provision is made in section 21B of the Dog Act whereby it is an offence for any person to abandon a dog. However, no similar provision exists where other animals are abandoned.

I am sure members will agree that the proposed amendment is humane, logical, and necessary to remove the present inadequacy in the Act. I commend the Bill to the House.

Debate adjourned, on motion by Mr Clarko.

*House adjourned at 9.18 p.m.*

## Legislative Council

Thursday, the 9th September, 1976

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 2.30 p.m., and read prayers.

### QUESTIONS ON NOTICE

#### *Postponement*

**THE HON. N. McNEILL** (Lower West—Minister for Justice) [2.34 p.m.]: Could I ask that questions on notice be taken at a later stage of the sitting.

The PRESIDENT: Is it your wish that questions without notice be dealt with similarly?

The Hon. N. McNEILL: If it is the wish of the House, Mr President.

The PRESIDENT: If it is the wish of the House to postpone questions on notice until a later stage of the sitting it would be proper also to postpone questions without notice. Questions will be taken later.

### FORESTS ACT AMENDMENT BILL

#### *Third Reading*

Bill read a third time, on motion by the Hon. G. C. MacKinnon (Minister for Education), and passed.

### COMPANIES (CO-OPERATIVE) ACT AMENDMENT BILL

#### *Assembly's Amendments*

Amendments made by the Assembly now considered.

#### *In Committee*

The Chairman of Committees (the Hon. J. Heitman) in the Chair; the Hon. N. McNeill (Minister for Justice) in charge of the Bill.

The CHAIRMAN: The amendments made by the Assembly are as follows—

#### No. 1—

Clause 2, page 2, lines 14 to 21—  
Delete paragraph (a).

#### No. 2—

Insert in lieu of the words deleted the following—

(a) unless the consent in writing thereto of the Minister has been first obtained, if it appears to the Registrar that it is intended that any of the moneys that may be received in pursuance of the prospectus are to be applied for the same purpose as that specified in subsection (2) of section seventy-six of the Building Societies Act, 1976; or

The Hon. N. McNEILL: Members will recall that we gave consideration to the Bill at the commencement of this session of Parliament as early as March and the Bill was passed by this Chamber without amendment. In the course of its passage through another place it came to our notice that the recent introduction of the Building Societies Act Amendment Bill would require the repeal of the Building Societies Act referred to in the Bill we are now considering. In the light of the passing of the new Building Societies Act Amendment Bill, it is necessary to amend the Bill we have already passed, and that correction is included in the amendments contained in the schedule.

In addition, the Opposition in another place successfully moved an amendment, which is amendment No. 2 in the schedule; that amendment has been accepted by the Government and, as both amendments relate to the same question, I believe they can be taken together. I move—

That amendments Nos. 1 and 2 made by the Assembly be agreed to.

Question put and passed; the Assembly's amendments agreed to.

#### *Report*

Resolution reported, the report adopted, and a message accordingly returned to the Assembly.

### RACECOURSE DEVELOPMENT BILL

#### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by the Hon. N. E. Baxter (Minister for Health), read a first time.

#### *Second Reading*

**THE HON. N. E. BAXTER** (Central—Minister for Health) [2.43 p.m.]: I move—

That the Bill be now read a second time.