

Legislative Assembly

Monday, 8 February 1982

LEGISLATIVE COUNCIL: 150th ANNIVERSARY SPECIAL SITTING

The **SPEAKER** (Mr Thompson) took the Chair at 8.04 p.m., and read prayers.

Visitors: Welcome

THE SPEAKER (Mr Thompson): I wish to advise that we are now awaiting the arrival of the Usher of the Black Rod who will summon the members of the Assembly to attend in the Legislative Council Chamber. However, I would like to take the opportunity at this point, on behalf of the members of the Legislative Assembly, to extend a very sincere welcome to our guests at this very special meeting of the Parliament.

Summons from the Governor

The Speaker and members, in response to summons, proceeded to the Legislative Council Chamber; and, having heard His Excellency the Governor (Rear-Admiral Sir Richard John Trowbridge, K.C.V.O., K.St.J.) address the Parliament on a message received from Her Majesty the Queen (*vide* Council report ante), returned to the Legislative Assembly Chamber.

Congratulatory Message

THE SPEAKER (Mr Thompson): Accompanied by members of this House I have attended upon His Excellency the Governor in the Legislative Council Chamber. His Excellency was pleased to deliver a Speech which included a Message from Her Majesty the Queen. I present a copy of Her Majesty's Speech and direct that it be laid on the Table of the House.

Address-in-Reply: Motion

MR O'CONNOR (Mt. Lawley—Premier) [8.23 p.m.]: I move—

That the following Address-in-Reply to His Excellency's Speech be agreed to—

To His Excellency Rear-Admiral Sir Richard John Trowbridge, Knight Commander of the Royal Victorian Order, Knight of Grace of the Most Venerable Order of the Hospital of St. John of Jerusalem, Governor in and over the State of Western Australia and its Dependencies in the Commonwealth of Australia,

May it please Your Excellency—

We, the Legislative Assembly of the Parliament of the State of Western Australia in Parliament assembled, on the occasion of the special sitting of both Houses of Parliament held to mark the occasion of the 150th anniversary of the first sitting of the Legislative Council of Western Australia, beg to express loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the Speech you have been pleased to address to Parliament.

I doubt whether anyone in this Chamber would refute the statement that we live in a wonderful State. We are gathered here tonight to celebrate a great occasion; that is, the anniversary of the first legislative body appointed in Western Australia in 1832.

This State was the third in Australia to establish a legislative body. The first State to do so was New South Wales and the second was Tasmania.

It is a tribute to the five men who comprised the first Legislative Council in this State that many of the rules they established still apply in Western Australia today and as a result of them we have progressed and achieved our present standard of living.

The five men who made up the first Legislative Council in this State were appointed to that body. Today members are not appointed to the Legislative Assembly or Legislative Council, but rather are elected to Parliament by the constituents of this State.

I believe it is appropriate to record the names of the five men who made history on that occasion. They were: Captain James Stirling, the Governor; Captain F. C. Irwin, Senior Officer of His Majesty's Land Forces; Mr Peter Broun, Colonial Secretary; Mr W. H. Mackie, Advocate General; and Mr J. S. Roe, Surveyor General.

The Legislative Council operated in the manner I have outlined until approximately 1870. An Imperial Act of 1850 altered the powers of the Legislature to the effect that two-thirds of its members had to be elected. I believe that occurred on a rather strange basis, because such members were eligible for election only if they could prove they had freehold land to the value of at least £1 000—150 years ago that was a great deal of money—and an elector was entitled to be on the roll only if he had assets to the value of £50.

At that time also provisions were inserted in the legislation to the effect that, when the population of this State reached 60 000, the

Legislative Council would become an elected body. That was achieved in 1893.

I should like to offer my congratulations to the committee which organised the 150th anniversary celebrations. As I said previously, this is an historic occasion and the committee has brought to light many historical facts which are not widely known and also it has obtained a number of antiques, many of which I had not seen before. An example of such an antique is the table which was used by Lord Forrest and members of his Ministry many years ago. These articles will be held by the National Trust for posterity.

I hope members of this House and people sitting in the gallery will take the opportunity to examine the articles which have been obtained by the committee, which comprised the Hon. Clive Griffiths, the Hon. Graham MacKinnon, and several other members, all of whom have done a wonderful job in this regard.

I should like also to congratulate Owen Garde for his excellent painting which commemorates the first sitting of a legislative body in Western Australia. Members may view that painting outside the ministerial offices. As members are aware, Owen Garde has painted approximately 400 portraits in Western Australia, but this is the first painting of an historic nature provided by him. All the matters to which I have referred serve to elevate the celebration of the 150th anniversary of the Legislative Council.

It is true that some people believe we do not have idyllic conditions in this State.

Opposition members: Hear, hear!

Mr O'CONNOR: I agree with that attitude; but, at the same time, I emphasise that the conditions which exist in Western Australia are far better than those found in most other countries of the world.

Government members: Hear, hear!

Mr O'CONNOR: Members who have travelled overseas and have seen the conditions in which some people live would be proud of the traditions established here by the first Legislative Council 150 years ago and which have improved since that time. Those traditions have resulted in a standard of living in this State which is second to none.

The conditions which prevail in this State have not been achieved, as they have in other countries, as a result of wars and revolutions, but rather by the following of a course based on truth and justice. Such a course has been adopted by many people for a long time. I hope sincerely we will maintain in the future the standards of freedom,

peace, and security which exist in this country today.

As we celebrate this historic occasion, let us hope and trust with simplicity and humility that we can advance the well-being of the people of this State in the way that our forebears did.

Members: Hear, hear!

MR BRIAN BURKE (Balcatta—Leader of the Opposition)]8.31 p.m.[: On behalf of the Opposition, I rise to second the motion, and I do so because the Opposition is not wont to be seen to be less than polite or gracious in response to the Message of congratulations from the Queen. I think it is important—and I know that nothing less would be expected of me—that I state the attitude of the Opposition towards the Legislative Council.

Opposition members: Hear, hear!

Mr BRIAN BURKE: The Legislative Council is an affront to democracy.

Opposition members: Hear, hear!

Mr BRIAN BURKE: The Westminster model depends for its integrity upon two main aspects. The first is that the system is a parliamentary system; the second is that it is a true democracy—a democratic system. The Western Australian Parliament has never been democratically elected.

Opposition members: Hear, hear!

Mr BRIAN BURKE: The fundamental principle upon which any democracy rests is quite simply that every citizen should have an equal say in choosing his or her Government. This is made quite clear in the United Nations Declaration of Human Rights, which says—

The will of the people shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage.

A former president of the South Australian branch of the Liberal Party said—

The essential feature of any fair electoral system must be that any party or coalition which obtains 50 per cent plus one of the two-party preferred vote should be able to form a government.

Many years ago the United States Supreme Court ruled that voting systems that did not give equal weight to every vote were undemocratic and, in the United States, were illegal.

In Western Australia, a Government can be elected with substantially less than 50 per cent of the vote, and that is not something of which we should be proud, nor something of which we should boast. When we measure the unfairness,

we must consider these facts, and consider how it comes to be that we are justified tonight in attempting to swell out our chests in pride.

In the Legislative Assembly 68.6 per cent of the electors elect 52.6 per cent of the members of Parliament. In the country or non-metropolitan electorate, 31.4 per cent of electors sent 47.4 per cent of members of Parliament to this place; that is, half a million Western Australians elected 30 members of the Legislative Assembly, and a quarter of a million Western Australians, because they live outside what is termed the metropolitan area—

Mr Tonkin: Kalamunda, for example.

Mr BRIAN BURKE: —sent 27 members to this place. In the Legislative Council, the injustice is far worse.

Mr Laurance: There goes the country vote!

Mr BRIAN BURKE: The metropolitan enrolment is 68.6 per cent of the total enrolment, and the preferred members of the Legislative Council comprise 41.2 per cent of the members of that body. The non-metropolitan share of the electorate in so far as the Legislative Council is concerned is 31.4 per cent, and yet that 31.4 per cent sends 58.8 per cent of the members of the Legislative Council to take their places in that Chamber. Where is the fairness? Where is the democracy? How can we be proud of a system that treats votes so differently as does the one of which we boast so proudly tonight? The result of that situation in the Legislative Council, where a half a million Western Australians elect 14 members of the Legislative Council and a quarter of a million Western Australians elect 20 members, is that the Legislative Council has never been a House of Review.

The Legislative Council has been a tool for the systematic destruction of Labor Party legislative programmes throughout the years and, if one wanted to prove the point, and if one wanted to throw scorn into the faces of those who claim that we are dealing with a House of Review, one would have to look at the record of the Legislative Council in the past several years.

In the time of the Hawke Labor Government's six years in office—1953-1959—20 Bills were rejected. In the time of the Brand Liberal-Country Party Coalition Government's 13 years in office, just one Bill was rejected.

A member: By accident!

Mr BRIAN BURKE: Where is the House of Review when, in the period of Labor Government, it can turn back 20 Bills and, in the period of the succeeding Liberal-Country Party Government, it

treats its fellow members in the Liberal Government differently with the rejection of just one Bill? Also, the Tonkin Labor Government, in office for just three years, at the hands of this House of Review suffered the rejection of 21 pieces of legislation, while the Court Liberal Government, to this date in office for eight years, has not had one Bill rejected.

Mr Evans: Shame!

Mr BRIAN BURKE: Where is the House of Review? Where is the impartial second look? How can members on that side of the Chamber turn away the challenge that the Legislative Council is simply an extension of the conservative forces in this State seeking to perpetuate their own parties in office? The Labor Party has never had a majority in the Legislative Council and in that time we have had a body that has almost unlimited power without any responsibility whatsoever.

With the exception that it is unable to initiate money Bills, the Legislative Council has the same power as has the Legislative Assembly. The Legislative Council can reject supply. The Legislative Council can force members of this Chamber to an election without its having to face the electorate itself.

Now, I am amazed that members on the Government side of the House can allow themselves to be treated in a fashion that they accept in such an absurd manner. Where is the dignity and the pride of the Government members in this place, that they can cede to the Legislative Council the ability to force us to an election while it is not forced to seek a mandate from the people at the same time itself?

Time and time again we have seen Ministers in this Government stand up and sing the praises of the system that weights country votes because of the disadvantages that it is claimed country people suffer. We on this side of the House acknowledge that those people who pioneered the north-west and who suffered the disadvantages of geographical isolation and the tyrannies of distance, deserve special consideration, but they do not deserve special consideration in the value of the votes they have.

The Labor Opposition says that if advantages are to be offered to overcome the disadvantages suffered by those who live outside the metropolitan area, let us limit those advantages to ensuring that representation is appropriate and adequate.

Every man should be equal before the law and every man should have a vote the equal of that of his fellows.

If we want to assist people living outside the metropolitan area to overcome defects in representation, then let us provide extra electorate offices, extra staff for members of Parliament, and postal and telephone concessions which are not presently provided; but do not let us tamper with the weight of the vote that is given to people simply because they live outside the metropolitan area.

The present system is full of absurdities and contradictions. I have yet to hear members on the other side of the House answer adequately some of the absurdities that have been pointed out.

Why is it that the seat of Kimberley should have 50 per cent more electors than does the seat of Kalamunda? Is the seat of Kalamunda closer to the metropolitan area? Are communications easier in the electorate of Kimberley than they are in Kalamunda? Is the electorate of Kimberley smaller than is the electorate of Kalamunda? Is it more difficult to represent Kimberley than it is to represent Kalamunda—because reasons are put forward consistently for our having electorates of different sizes and they are the reasons that do not hold water?

We saw the former Chief Secretary, in advancing amendments to electoral laws, submit traditional arguments and dodge, duck, and dive repeatedly from the central challenge to explain why it is that Kimberley, the most remote of all the electorates represented in this Chamber, should be served so badly when compared with other seats so close to the capital. Why is it that Lesmurdie, Gooseberry Hill, and parts of Armadale, for political reasons are said to be in the country? Why is it that in the electorate of Rockingham, from which an STD telephone call is required to the metropolitan area, we can elect a metropolitan member and yet for the electorate of Kalamunda from which an STD phone call is not required to the metropolitan area, we send a country member to this place? I will tell members why—it is because the member for Rockingham is a Labor member.

Opposition members: Hear, hear!

Mr Bryce: It is called a gerrymander.

Mr Tonkin: A disgrace!

Mr BRIAN BURKE: It is not my wont to delay the House unnecessarily.

[Laughter from Government members.]

Mr Bryce: Their cups of tea may get cold. Cups of tea are important in this place!

Mr BRIAN BURKE: I am the soul of co-operation. I did not arrange this fabulous 150th celebration.

Mr Tonkin: At great expense.

Mr BRIAN BURKE: I came along because I was asked, so let us not have any guffaws when we are not prepared to go along with the funny jumps in history that the Premier has decided to take from 1895 to 1982. We have some things to say and we believe they are important and we will say them.

Mr Tonkin: Hear, hear!

Mr BRIAN BURKE: There has never been ample argument advanced for the proposition that people who live in this State should be treated so differently in so far as the value of votes is concerned. No-one is saying that every Western Australian will be equal in ability or in material possessions, or even in personal or family wealth. We are saying that there are certain inalienable rights that should be shared equally by all, and one of these is the right to choose the Government under which a person shall live.

We are really saying something about how we view ourselves and how we view each other, if we can look over our shoulder and say to a person that he is a second-class citizen and he shall not have the same power to elect a Government as shall a man or woman in another area. I cannot see how anyone should justify that view of society, which is inherent in the electoral laws under which this State suffers.

The Opposition puts forward the proposition that, under the auspices of the Chief Justice, an electoral convention should be held and should have represented in its ranks the leadership of this place on both sides of this Chamber, the leadership on both sides of the Legislative Council, and a representative of the National Party.

National Party members: Hear, hear!

Mr BRIAN BURKE: That electoral convention should be charged with the responsibility of looking closely at the electoral laws that presently elect this Parliament with a view to reforming those that are unfair. It should take into account the fact that reform in this State has bogged down and it should take into account the fact that the 150th anniversary of the establishment of Parliament in this State is the appropriate year to begin a drive to achieve reform.

The Opposition says without any question that when it is elected the Government next year the electoral reform shall be amongst one of the first planks it will put forward to the people of this State; and it is confident that the people of

Western Australia shall choose to treat each other equally, fairly, justly, and democratically, and that they will say proudly that they are happy to have votes that are no more powerful and no less powerful than those of their neighbours. If there is one thing which will make this State great it is the ability of all its citizens to treat each other equally in the election and rejection of Governments.

Question put and passed.

**ADJOURNMENT OF THE HOUSE:
SPECIAL**

MR O'CONNOR (Mt. Lawley—Premier) [8.44 p.m.]: I move—

That the House at its rising adjourn until a date and hour to be fixed by the Speaker.

Question put and passed.

House adjourned at 8.45 p.m.
