

Committee tonight. I will be content at this stage if the House will pass the second reading.

Question put and passed.

Bill read a second time.

House adjourned at 10.48 p.m.

Legislative Council

Wednesday, the 18th April, 1973

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (15): ON NOTICE

1. DEVELOPMENT

Pilbara Plan: Discussions in Tokyo

The Hon. W. R. WITHERS, to the Leader of the House:

Will a State representative accompany the Federal Treasurer, Mr. Crean, when he discusses the Western Australian Government's multi-million dollar Pilbara development project during his visit to Tokyo next week?

The Hon. J. DOLAN replied:
No.

2. WATER SUPPLIES

Carnarvon

The Hon. G. W. BERRY, to the Leader of the House:

- (1) With reference to paragraph 5 of the article in the *Northern Times* dated the 23rd November, 1972, which stated under the headlines "Major Water Conservation Scheme for Carnarvon", that "The estimated cost of this work is \$5 million and a submission has already been made to the Commonwealth for financial assistance to enable the project to be completed in the shortest possible time"—on what date was—

- (a) the submission made; and
(b) the acknowledgement received from the Commonwealth Government?

- (2) Has any decision been made by the Commonwealth Government?
(3) If not, is there any indication when a decision might be made?

The Hon. J. DOLAN replied:

- (1) (a) A submission entitled "Water Supply of Carnarvon and the Gascoyne Irrigation Area"

was submitted to the Commonwealth Government on 28th September, 1972, for inclusion in the National Water Resources Development Programme.

The submission included Geological, Agricultural and Engineering reports but additional information to provide an economic analysis of irrigated agriculture in the Gascoyne area was required.

The economic analysis will be completed in May, 1973 and forwarded to the Commonwealth Government to enable the project to be considered further.

- (b) Apart from verbal confirmation from the Commonwealth Government, no acknowledgment has been received.

(2) No.

(3) No.

3. RAILWAYS

Perth-Leighton Line: Conversion to Busway

The Hon. F. R. White for The Hon. L. A. LOGAN, to the Leader of the House:

- (1) Is the statement made by Mr. McKenzie, the Acting Secretary of the Joint Railway Unions Executive and the Western Australian Amalgamated Society of Railway Employees, which was published in *The West Australian* on Tuesday, the 17th April, 1973, that the Premier, Mr. Tonkin, gave an assurance last July that the line would not be closed between Perth and Leighton, true?
(2) If the answer to (1) is "Yes", why was clause 2 and the first schedule included in the Perth Regional Railway Bill, 1972?

The Hon. J. DOLAN replied:

- (1) Yes.

- (2) At the time the Bill was prepared and presented to Parliament, it was planned that a Busway would be introduced. Complete electrification of the existing railway system was a later decision.

4. PREVENTION OF CRUELTY TO ANIMALS ACT

Vivisection

The Hon. LYLA ELLIOTT, to the Leader of the House:

- (1) What experiments are carried out on animals in this State for scientific purposes?

- (2) Is there adequate protection for these animals against cruelty in the Prevention of Cruelty to Animals Act?
- (3) If so, are regular inspections carried out to ensure that the provisions of the Act are complied with?
- (4) If not, will the Minister take action to strengthen the Act to protect the animals concerned from unnecessary pain and suffering?

The Hon. J. DOLAN replied:

- (1) Experiments carried out on animals in this State for scientific purposes relate to medical disciplines such as human disease and pharmacology and to other scientific problems such as those concerned with animal health.
- (2) Yes.
- (3) Vivisectionists are all responsible, professionally skilled people who have to apply to and be approved by the Commissioner of Public Health before they are permitted to undertake vivisection. Regular inspections are not considered to be necessary.
- (4) Action to strengthen the Act is not considered to be necessary.

5. COURT OF PETTY SESSIONS

Albany Case: Ministerial Intervention

The Hon. D. J. WORDSWORTH, to the Leader of the House:

- (1) Did the Premier and the Attorney-General intervene in the actions being taken by a Court in Albany in regard to violations to the Traffic Act?
- (2) If so, was the newspaper report in *The West Australian* dated Saturday, the 14th April, 1973, correct in stating that Ministers had written letters on this subject?
- (3) If so, will the Minister table all Ministerial correspondence in this regard?

The Hon. J. DOLAN replied:

- (1) to (3) The Hon. Member is referred to the answers given by the Hon. Premier and the Attorney-General to questions asked in the Legislative Assembly by the Hon. R. O'Connor, M.L.A. (Without Notice) on 17th April, 1973. All papers were tabled in the Legislative Assembly on that date.

6.

BENTLEY HOSPITAL

Accommodation and Services

The Hon. CLIVE GRIFFITHS, to the Leader of the House:

With regard to the Bentley Hospital, would the Minister advise—

- (a) are there sufficient beds to cater for all maternity cases referred to the hospital by private doctors;
- (b) are any plans proposed for the provision of a public ward and resident doctor service at the hospital;
- (c) is it intended to provide a casualty section at the hospital?

The Hon. J. DOLAN replied:

- (a) No.
- (b) No.
- (c) Improved outpatient facilities and a limited casualty section are being planned. The successful operation of the casualty section will depend on the co-operation of the local medical practitioners using the hospital in rostering themselves for emergency service.

7.

LIQUOR ACT

Regulations

The Hon. I. G. MEDCALF, to the Leader of the House:

- (1) Will the Government give consideration to amending Rule 13A made under the Liquor Act, 1970-1972, to ensure that profit and loss accounts for the preceding two years relating to the running of an objecting licensee's business are produced for inspection only to the solicitor of the applicant and to the Court on a confidential basis, immediately prior to or during the hearing, thus making the rule conform to the existing practice now generally accepted by all parties, and thereby preventing the possible misuse of confidential information?
- (2) If the Government will not agree to this amendment, will the Minister be prepared to discuss objections to the proposed new Rule 13A prior to the expiration of the time allowed by the Interpretation Act for its disallowance?

The Hon. J. DOLAN replied:

- (1) The Court has issued an instruction that no person is to be permitted to examine the statement and books without an officer of

the Court being in attendance and at no time will the documents leave the Court premises.

- (2) The instruction is considered to be an adequate safeguard.

8. WESTERN AUSTRALIAN PRODUCTS SYMBOL

Advertisement in Eastern States

The Hon. W. R. WITHERS, to the Leader of the House:

- (1) Has the Minister authorised the promotion of goods produced in Western Australia for advertising on the Eastern States' television channels, and also for the use of the film depicting the Western Australian products symbol?
- (2) If not, would he give this some consideration?

The Hon. J. DOLAN replied:

- (1) There is no limitation to the use of the Western Australian products symbol by Western Australian manufacturers for advertising and promotional purposes. The local products campaign conducted by the Government is limited to Western Australia for financial reasons.
- (2) Extension of the local products campaign to other States in the future will depend on the availability of funds. The matter is continually under review.

9. AIR STRIP: CARNARVON

Upgrading

The Hon. G. W. BERRY, to the Leader of the House:

- (1) Is it intended to upgrade Carnarvon air strip to accommodate DC9 jet aircraft?
- (2) If so, when?

The Hon. J. DOLAN replied:

- (1) and (2) No. There is no intention to operate DC9 aircraft into Carnarvon at the present time.

10. LAMBS

Prices

The Hon. J. HEITMAN, to the Leader of the House:

What was the price paid for—

- (a) 30 lb.;
(b) 35 lb.; and
(c) 40 lb.;

lambs during the period the 1st March to the 14th April in each of the years 1971, 1972 and 1973?

The Hon. J. DOLAN replied:

Prices paid to producers were as follows:—

	1971	1972	1973
30 lb lamb	\$	\$	\$
March	5.64	6.03	7.80
April	6.00	5.85	8.10
35 lb lamb			
March	6.58	7.03	9.10
April	7.00	6.82	9.45
40 lb lamb			
March	No prices are available from		9.20
April	Australian Meat Board records		9.60

Note:

Prices shown for 1971 and 1972 are Australian Meat Board monthly averages and are for 1st and 2nd quality export lambs.

Prices shown for 1973 are weekly Lamb Marketing Board prices. All prices exclude skin values.

11.

KANGAROOS

Meat and Skins: Export

The Hon. F. R. White for The Hon. L. A. LOGAN, to the Leader of the House:

- (1) Has the State Government made any representations to the Federal Government asking them to remove the embargo they placed on the export of kangaroo skins and meat?
- (2) If the answer to (1) is "Yes", what has been the result of the representations?
- (3) What is the present position of the policy on kangaroos which was agreed upon by all sections of the industry and the Government?

The Hon. J. DOLAN replied:

- (1) Yes, repeatedly.
- (2) The Commonwealth Government has established a working party to examine ways and means of establishing an Australian-wide management and monitoring scheme acceptable to the Commonwealth as a precursor to the Minister for Customs giving further consideration to the export ban and making representations to the American Government to allow the import of Kangaroo products into the United States.
- (3) Unaltered at the moment but to be acceptable to the Commonwealth Government some slight modifications may be required. However, the position is not at all clear at the present time.

12. PORT OF ESPERANCE

Wage Levy

The Hon. D. J. WORDSWORTH, to the Leader of the House:

What action is the Department of Development and Decentralisation taking to reduce the effect of changes in the system of calculating the port wage levy on the Port of Esperance which has resulted in a present rate of \$1.20 per man hour as against the former State average of 40 cents?

The Hon. J. DOLAN replied:

Discussions have been held with the Association of Employers of Waterside Labour on this subject, and it is understood that the Australian Government is reviewing the matter and giving consideration to a standard levy for all Australian ports.

13. FISHERIES

Carnarvon Harbour

The Hon. G. W. BERRY, to the Leader of the House:

Referring to the announcement of the dredging contract for the fishing vessel harbour at Carnarvon—

- (1) (a) Will the harbour be able to handle Norwest Whaling Company's and independent prawning boats;
- (b) was the Norwest Whaling Company and independent boat owners consulted when plans were being drawn up?
- (2) (a) Will the harbour be able to handle Texada Mines Ltd. tug boats;
- (b) was Texada Mines Ltd. consulted when plans were being drawn up?
- (3) When is it anticipated work will commence?

The Hon. J. DOLAN replied:

- (1) (a) Yes—the harbour will be dredged to a depth of 3.0 metres below low water mark and will be suitable for vessels up to 2.7 metres draft at all states of the tide.
- (b) The requirements for the boat harbour, which were determined in consultation with various Government Departments involved including the Harbour and Light Department and the Department of Fisheries and Fauna, were discussed with the Norwest Whaling Company.

- (2) (a) No—see details of available depth in answer to question 1 (a).

(b) No—however it would be possible, by additional dredging, to provide sufficient depth at the slipway site for slipping the tug *Boolathana* or vessels of similar dimensions, at a light draft of 3.3 metres at normal high tides. This possibility has been discussed informally with representatives of the Company.

- (3) It is anticipated that dredging will commence at the end of May, 1973.

14. MARINE FACILITIES: CARNARVON

Press Statement

The Hon. G. W. BERRY, to the Leader of the House:

With reference to the article headed "\$588,000 contract for Marine Facilities" published in the *Northern Times* on Thursday, the 12th April, 1973, would the Minister advise why the press statement forwarded to the Member for the Lower North Province was headed "Embargo—not for use until Monday, the 16th April, 1973"?

The Hon. J. DOLAN replied:

Following notification of acceptance of the tender of Dredging Industries (Aust.) Pty. Ltd., for the dredging works at Carnarvon, a press release was prepared on Friday, the 13th April.

Experience has shown that such important releases are likely to be given little prominence in the weekend publications because of other items of news. In the circumstances it was decided that a better cover would be obtained if the release was embargoed until Monday, the 16th April.

The news item appearing in the issue of the *Northern Times* on the 12th April, was not authorised by my office and was published without my knowledge.

15.

LAND

Conditional Purchase Blocks: Boyatup

The Hon. D. J. WORDSWORTH, to the Leader of the House:

- (1) Are there still about thirty conditional purchase blocks surveyed but not allocated in the Boyatup area, east of Esperance?
- (2) Would these blocks complement blocks already thrown open in the vicinity, thereby making schools,

roads, telephone, mail and bush fire control, more feasible and economic for those already in the district?

- (3) (a) What is the rainfall in the Boyatup subdivision; and
(b) is the rainfall suitable for the breeding of livestock?
- (4) Are there ample applicants wishing to take up these blocks?
- (5) Is the proposal for an abattoir at Esperance being held up because of lack of stock numbers in the district?
- (6) How does the State Government justify price control of such items as meat if it is withholding production?

The Hon. J. DOLAN replied:

- (1) and (2) No.
- (3) A five year average to 1968 was 18 inches.
- (4) The Lands Department has received only a few inquiries for the release of land in this area.
- (5) No.
- (6) Answered by (1).

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Introduction and First Reading

Bill introduced, on motion by The Hon. R. H. C. Stubbs (Minister for Local Government), and read a first time.

RIGHTS IN WATER AND IRRIGATION ACT

Disallowance of Regulation: Motion

Debate resumed, from the 11th April, on the following motion by The Hon. G. W. Berry—

That the regulation relating to construction and alteration of wells made under the Rights in Water and Irrigation Act, 1914-1971, published in the *Government Gazette* on Friday, the 2nd February, 1973, and laid upon the Table of the House on Tuesday, the 20th March, 1973, be and is hereby disallowed.

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [4.47 p.m.]: In moving the motion for the disallowance of the regulation under the Rights in Water and Irrigation Act relating to the construction and alteration of wells, published in the *Government Gazette* on Friday, the 2nd February, 1973, Mr. Berry supported his arguments with a number of statements which require comment.

Firstly, he pointed out that 10½ years had elapsed between the proclamation of the amending Act and the gazettal of the new charges. He implied that because of this delay the Government had forfeited the

right to impose a license fee now. No fee was imposed at the time the Government instituted licensing because the controls introduced severely restricted grower activities. Furthermore, whilst licensing was designed to protect the aquifers, the long-term benefits likely to flow from the controls were not then clear. However, it is now apparent that the controls were successful in stabilising the industry. The result is that the area irrigated has increased from 886 acres in 1959-60, to 1,681 acres in 1970-71. At the same time the yield per acre has risen.

The honourable member next claimed that the river is no more stable now than it was in 1958-59. If this statement is correct, how does he explain the increase in the area irrigated and the trebling of plantation property values since 1960? Members can be assured that it would not have been possible to achieve this increase in area irrigated, with a better yield per acre, if improvements had not been made to the water supply.

Mr. Berry then referred to the fact that the work carried out by the Government had not been tested because the river had flowed every year since 1960. This statement is correct, and it is also true that the aquifers at present developed are only capable of meeting the normal demands until September this year, unless there is a river flow this winter. In other words, the area can withstand a 13-month period without a river flow at the present time. This period will be extended with the completion of work to develop additional aquifers currently being carried out at a cost of \$440,000.

The honourable member then suggested that if the regulation is not challenged the Government will see fit to increase the charge from time to time. My comment here is, of course, the Government of the day could increase the charge, but it could only do so by amending the regulations and such action would be open to challenge, as is the case now.

I have the assurance of the Minister for Water Supplies that it is not his intention to have this charge incorporated in the regulations and then to increase it immediately. Any increase in license fees in future would have to be justified.

During the course of his speech the honourable member referred to two-thirds of the town's water supply coming from the pilot scheme. This is correct. In recent weeks, 3,500,000 gallons per week have been consumed for purposes other than irrigation. But in the same period 7,000,000 gallons of water per week have been supplied to plantations from the pilot scheme. Therefore, while two-thirds of the town supply comes from the pilot scheme, this represents only one-third of the water drawn.

Since the river ceased flowing in August, 1972, the scheme has supplied 277,000,000 gallons, and 173,000,000 gallons of this water has gone to plantation owners.

The honourable member then claimed that since 1962 no additional water supply has been located. This is not true. Improvements to date have harnessed aquifers containing an estimated 440,000,000 gallons, which is an increase of 45 per cent. over the 990,000,000 gallons estimated to be contained in the easily recharged aquifers in the plantation area, which were the only ones in use prior to the Government taking control.

This additional quantity of water is taken into account by the advisory committee when fixing the amount of water which growers may use, and in effect all growers are receiving the benefit of an additional 45 per cent. over the 1960 reserves. In the 440,000,000 gallons of additional water, no account is taken of the supply which will be developed as a result of the work currently being carried out.

It is agreed that no new properties have opened up on the banks of the river since 1960, but what was not stated by the mover of the motion was that, except for the efforts of the Public Works Department in developing additional resources, 20 properties cropping approximately 200 acres would no longer be in business. These properties on the south bank at the eastern extremity of the irrigation area were in difficulties with a saline water supply at the time the Government assumed control. The Government's action in policing water usage and developing new resources enabled their properties to remain productive.

The final point I would like to comment on is the claim that the Government has not removed the worry caused by the threat of drought. If there is a prolonged period without a substantial river flow, such as is being experienced at the present time, restrictions are inevitable. However, how much worse off would the district be if it were not for the work which has been and is currently being carried out to develop new resources?

The \$30 license fee is nominal and will not in total per annum equate to 1 per cent. of the funds spent on the project in recent years.

I wish to make some additional comments. No other irrigation area is subject to a license fee, therefore it is not possible to make a comparison. However, it is relevant that the deficiency between income and operating expenses at Carnarvon is proportionately greater than any other irrigation area. The license fee was designed to provide a modest increase in revenue to help with this deficit.

If it is Parliament's wish that the license fee be not imposed, the Public Works Department will have to re-examine its expenditure programme in regard to the

Carnarvon irrigation area. While it would be loath to do anything to jeopardise the grower's water supply, consideration would have to be given to abandoning the practice of grading up levee banks at the end of river flows.

This work prevents the escape of water to the sea and ensures the maximum recharge of the downstream aquifers and distribution to the northern side of the river. Expenditure on this work in recent years has been in the order of \$3,000 per annum.

The department, by carrying out this conservation, ensures that growers obtain the maximum quantity of water for which there is no charge.

Members may not be aware that, although the growers' pumps have meters installed, this is only to regulate the amount of water drawn and not for the purpose of imposing a charge. I oppose the motion.

Debate adjourned until Tuesday, the 1st May, on motion by The Hon. D. J. Wordsworth.

MINING ACT AMENDMENT BILL

Third Reading

Bill read a third time, on motion by The Hon. R. H. C. Stubbs (Minister for Local Government), and passed.

TAXI-CARS (CO-ORDINATION AND CONTROL) ACT AMENDMENT BILL

Second Reading

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [4.57 p.m.]: I move—

That the Bill be now read a second time.

On the 19th April, 1972, Mr. H. G. Smith, retired stipendiary magistrate, was appointed by the Government to inquire into the taxi industry in the metropolitan area. This was conducted as an open inquiry and the terms of reference covered all facets of the taxi industry. At its completion, Mr. Smith made certain recommendations. These were referred to and supported by the Taxi Control Board.

Briefly, the recommendations requiring amendments to the Act are as follows—

(1) Two persons, namely an owner and a full-time driver, to be members of the Taxi Control Board. Previously the Act provided that both may be owners or both may be full-time operators.

(2) All moneys received by the board as or on account of premiums, should be paid to the credit of the Taxi Control Fund, thus ensuring that the board has sufficient financial resources to administer the control of taxi-cars and the conduct of operators.

(3) Provision be made that of the three members of the board referred to in paragraphs (b) and (c), of subsection (4) of section 5 of the Act, not more than one shall be a person holding office in any one company carrying on business in the taxi industry.

(4) Provision be made that the number of taxi-cars that may be licensed to operate within the metropolitan area shall be determined by the Taxi Control Board, having regard to the reasonable requirements of the population of that area, provided that the number of such taxi-cars shall not, at any time, be more than one to every 800 of the population of that area.

(5) Provision be made for a refund of the full amount, or such lesser proportion as the board, having regard to all the circumstances of the case, shall recommend, of any moneys paid as or on account of a premium.

At the present time provision is made for a refund of all premiums paid, if a person surrenders the license within a period of five years from the date of issue.

(6) Provision be made that—

(i) A taxi-car license, as well as the vehicle itself, may be charged with the repayment of money advanced for the purpose therein referred to;

(ii) any transaction, whereby it is intended that a taxi-car license shall be accepted as security for moneys so advanced to the holder of such a license, shall be registered at the office of the board whose approval of the transaction shall be a condition precedent to such registration.

(7) (i) The definition of "owner" in section 3 of the Act be amended by inserting after the word "includes" in line 3, the passage "unless repugnant to the context".

The definition of "owner", in section 3, which includes "a person having the use of the vehicle under an agreement for its . . . lease" seems inappropriate when applied to the owner as contemplated in subsections (3) and (4) of section 18 and subsection (1) of section 18A. Insertion of the passage proposed is not considered necessary. To continue—

(ii) That the Act be amended to clarify the situation concerning the provision of number plates for a substitute vehicle referred to in section 17A of the Act.

Existing provisions of section 17A of the Act could give rise to confusion where permission has been granted to operate a substitute vehicle, the use of which is then allowed as if the vehicle were licensed

under the Act but probably involving the temporary transfer of certain essential equipment from the disabled to the substitute car under section 16 (2) (a).

The main purpose of this Bill is to implement these recommendations. Furthermore, the definitions of "operate" and "taxi-car" have been more clearly worded. The Bill also defines a taxi-stand for the purposes of providing authority for an inspector to request the name of the driver of a private vehicle who parks his vehicle on a taxi-stand.

Other amendments include: Firstly, a provision for a person, nominated in writing by the commissioner, to act as chairman in the event of the absence of the commissioner and the deputy commissioner. Secondly, for administrative purposes it is proposed that the board, when authorised by the Minister, may delegate specific powers and functions.

At present, the board is empowered to suspend a taxi-car license, but at least a quorum of four members is required to conduct the business of the board. It is considered appropriate, however, to be enabled to delegate specific authority to the commissioner, or deputy commissioner, rather than call a special meeting of the board should occasion arise requiring immediate action. Such flexibility in administrative procedure is a desirable improvement, safeguarded by ministerial control over the power of delegation.

Finally, there is a provision for the surrender of number plates where license or premium payments have not been paid. Seizure of plates cannot be effected under the Act at present and it is desirable that, in such circumstances, the board may be empowered to take possession of the plates. I commend the Bill to the House.

Debate adjourned, on motion by The Hon. G. C. MacKinnon.

ELECTORAL ACT AMENDMENT BILL

Second Reading: Defeated

Debate resumed from the 17th April.

THE HON. L. D. ELLIOTT (North-East Metropolitan) [5.03 p.m.]: I wish to support the Bill now before the House and in so doing I will speak to the main principle of the measure: the question of first-past-the-post voting as compared with preferential voting.

Firstly, I will read a paragraph from a letter which appeared in *The West Australian* several years ago when there was some controversy about this very question. The letter was written by Mr. David Black, lecturer in history and politics at the Western Australian Institute of Technology. The paragraph of the letter was as follows—

The preferential system is used in Australia, not because it is the fairest system—it is not used in Britain, New

Zealand, the U.S., France or Germany—but because it suits the interest of those parties which have a controlling interest in Australian parliaments at present.

The Hon. G. C. MacKinnon: That is an opinion, and not a fact, of course.

The Hon. L. D. ELLIOTT: I agree with the opinion expressed by Mr. David Black.

The Hon. G. C. MacKinnon: It should be clearly understood that it is an opinion and not a fact.

The Hon. L. D. ELLIOTT: I will refer to the various Governments which have introduced the preferential system of voting. In every case it was introduced by anti-Labor Governments—by Liberal Governments, or by Nationalist Governments. The system was introduced into our Federal Parliament by the Hughes Nationalist Government in 1918; in Queensland by the Griffith Liberal Government in 1892; in Victoria by the Murray Liberal Government in 1911; in Western Australia by the Wilson Liberal Government in 1911; in South Australia by the Butler Liberal Government in 1929; and in New South Wales by the Nationalist-Country Party Government in 1928. In Tasmania the Evans Liberal Government introduced the Hare-Clarke system in 1907.

It is quite evident that each time the preferential system was introduced it was not because it was the fairest system, but because it was a system aimed to keep Labor Governments out of office. At the time there were two conservative parties.

The Hon. A. F. Griffith: The system did not succeed in Tasmania.

The Hon. L. D. ELLIOTT: One of the conservative parties to which I have referred was the Country Party, and those in Government, at the time, realised that if they continued with the first-past-the-post system their vote would be split and they would lose elections to the Labor Party.

The Hon. A. F. Griffith: I would think that would be right, too.

The Hon. L. D. ELLIOTT: I am glad the Leader of the Opposition agrees.

The Hon. A. F. Griffith: The object of this Bill is to split the non-Labor vote so that Labor will remain in office.

The Hon. L. D. ELLIOTT: Mr. David Black, to whom I have already referred, mentioned several overseas countries in the western world which operate under the first-past-the-post system. I have in my hand a list of 63 countries which use the first-past-the-post system of voting.

The Labor Party has received the majority of votes in both State and Federal elections for many years. The total vote for the Labor Party in the 1969 election, was 46.97 per cent., which gave the

Labor Party 59 seats. The Liberal Party received 34.78 per cent. of the vote, which represented 46 seats. The Country Party received only 8.54 per cent. of the vote, representing 20 seats.

The combined vote of the Liberal and Country Parties was 43.32 per cent., accounting for 66 seats, against the Labor vote of 46.97 per cent., accounting for 59 seats. The Labor Party actually polled 222,404 votes more than the combined Liberal and Country Party votes.

The Hon. G. C. MacKinnon: That is the most "shonky" reasoning I have ever heard.

The Hon. L. D. ELLIOTT: It has been quoted by respected analysts of political systems.

The Hon. G. C. MacKinnon: The reasoning is a disgrace.

The Hon. L. D. ELLIOTT: One of the respected persons to whom I refer is Mr. Malcolm McKerras, and he referred to the previous Federal Government as a "second preference Government". It is quite wrong to claim that a candidate who is elected under the preferential system is the person wanted by most of the people in the electorate, and I will illustrate to members what I mean by that statement.

Most members are aware that the majority of people vote according to their how-to-vote cards. They follow the cards of their respective parties, and usually they are only concerned with the first preference. Some people do pay attention to the second preference, but in the main they follow their cards.

The Hon. W. R. Withers: They do not. There is evidence of that in this House because Mr. Hunt and I both represent the same area.

The Hon. L. D. ELLIOTT: I said I would show that it is not correct to claim that the person who is elected always receives the majority support, and is the person most people in the electorate want as their representative.

I will refer, first of all, to the seat of Canning and what occurred in the 1969 Federal election. I do not want to weary members by quoting too many figures but I have to use some to illustrate my point. On the occasion to which I have referred the D.L.P. candidate, Mr. Bailey, received 2,617 votes. The Country Party candidate, Mr. Hallett, received 14,445 votes, which represented 30 per cent. of the total primary votes.

The Hon. A. F. Griffith: What was that figure?

The Hon. L. D. ELLIOTT: The figure was 14,445.

The Hon. V. J. Ferry: What was the percentage?

The Hon. L. D. ELLIOTT: It was 30 per cent. To continue: The Liberal candidate, Mr. Pennington, received 10,722 votes; and Mr. Scott, the A.L.P. candidate received 20,214 votes representing 42 per cent. of the total primary vote. The total number of votes cast was 47,998.

The Hon. A. F. Griffith: What was the percentage of the Liberal candidate?

The Hon. L. D. ELLIOTT: I have worked out the percentages for the Country Party candidate and the A.L.P. candidate, only.

The Hon. A. F. Griffith: Why?

The Hon. L. D. ELLIOTT: The question has nothing to do with the case I am trying to present. As we are all aware, the candidates who received the lowest number of primary votes in the 1969 election were eliminated—the D.L.P. candidate and the Liberal candidate were eliminated—leaving Mr. Hallett and Mr. Scott. Mr. Hallett was elected because he received the second preferences from Mr. Pennington and Mr. Bailey, the Liberal and D.L.P. candidates respectively. However, the preferences of the Labor candidate, Mr. Scott, were never counted.

The Hon. A. F. Griffith: Of course they were not.

The Hon. L. D. ELLIOTT: Allow me to explain. A total of 20,214 people voted for Mr. Scott. When the name of a Labor candidate appears last on the ballot paper, the Labor Party usually runs the numbers up the how-to-vote card, for convenience. That would mean that Mr. Pennington would have received the second preferences, because the Liberal Party was second, the Country Party third, and the D.L.P. fourth when numbering from the bottom of the card. Mr. Hallett was elected with about 27,000 votes after receiving the second preferences of the D.L.P. and Liberal candidates. As I have said, the A.L.P. second preferences were not counted but if 20,000 people had given their second preference to Mr. Pennington he would have received over 30,000 votes.

The Hon. G. C. MacKinnon: That means the Labor vote would have been counted twice.

The Hon. L. D. ELLIOTT: If the Opposition were consistent it would have to agree that the person elected, Mr. Hallett, did not receive a majority vote because he received only some 27,000 votes as against a possible 30,000 votes to Mr. Pennington. Therefore, I do not think it can be said that the preferential system of voting is the fairest because the man who is elected does not always receive the majority support.

The Hon. A. F. Griffith: How many people voted in the Canning electorate?

The Hon. L. D. ELLIOTT: A total of 47,998 people voted. That is the total of the primary votes; I have not included the informal votes.

The Hon. A. F. Griffith: That would mean the Liberal candidate received 10/47ths of the total.

The Hon. L. D. ELLIOTT: I do not see that that is relevant to my argument, and I think I have made the point I set out to make.

The Hon. R. Thompson: The honourable member has made it very well, too.

The Hon. A. F. Griffith: The figures quoted show that 42 per cent. of the people did not want the A.L.P. candidate.

The Hon. L. D. ELLIOTT: The second preferences of the Labor candidates are very seldom counted. It is an injustice that Labor Party supporters can exercise only one vote whereas other party supporters can exercise two, three, four, or five preferences.

The Hon. D. J. Wordsworth: How many choices does the Country Party have?

The Hon. G. C. MacKinnon: Arrange for the Labor Party to receive fewer votes and be eliminated, and then they can be counted.

The Hon. L. D. ELLIOTT: If members of the Opposition were really concerned about observing the wishes of the majority of the voting public, they would support this Bill.

The Hon. A. F. Griffith: Cut it out!

The Hon. G. C. MacKinnon: You have to be joking.

The Hon. L. D. ELLIOTT: I will explain why I say that. The results of a Gallup poll were published in the *Daily News* on the 25th October, 1972. The article accompanying the results began—

More than half the people voting at the Federal election on December 2 will mark their preferences reluctantly.

They would prefer to be voting "first past the post," the Gallup Poll says.

The result of the poll was that 54 per cent. said they would prefer first-past-the-post voting, 39 per cent. wanted preferential voting, and 7 per cent. were undecided.

The Hon. G. C. MacKinnon: Who ran the Gallup poll?

The Hon. W. R. Withers: Do you know of any person who was asked those questions in the Gallup poll?

The Hon. L. D. ELLIOTT: I think it is generally conceded that Gallup polls are fairly close to the mark. Very seldom are they far wrong.

The Hon. W. R. Withers: They have made many mistakes.

The Hon. L. D. ELLIOTT: I am prepared to accept that that Gallup poll faithfully reflected what the public of Australia wants in respect of the method of voting. The preferential system has been responsible for many wasted or informal votes, particularly by migrants, I would say, because

they come from countries which use the first-past-the-post system, and they are very surprised, when they become eligible to vote in this country, to find what they regard as an unnecessarily complicated system.

I believe the majority of informal votes result from the fact that people become confused. They are nervous when they go into the polling booth and they do not understand what preferential voting means or how to record a formal vote. I say this because the longer the list of candidates the higher the percentage of informal votes. In a single member constituency the proportion of informal votes usually ranges from 2 to 4 per cent., whereas in a Senate election it is as high as 10 per cent. I believe this is due to the fact that people are confronted with a long list of names and when they go into the booth they do not know what they are doing. I also think that the change in attitude on the part of the electorate is due to the fact that we have so many migrants coming to this country, particularly from Britain where the first-past-the-post system has prevailed for so long.

The Hon. R. J. L. Williams: They do not have compulsory voting there.

The Hon. L. D. ELLIOTT: I do not think compulsory voting has anything to do with the preferential and first-past-the-post systems. It is an entirely different thing.

Finally, I do not think first-past-the-post voting would prevent the formation of new or small parties, but it would prevent small minority groups in the community exploiting the electoral system in what I regard as a very unhealthy and undemocratic way.

I refer particularly to the D.L.P. That organisation came into existence for one purpose only, and that was to destroy the Australian Labor Party. It did not succeed and it did not have a hope of succeeding. It did some damage for a while through the character assassination and smear tactics in which it indulged, but people woke up to the type of organisation it was and it soon lost support. It has not been able to blackmail the Australian Labor Party to change its policy to suit the whims of the D.L.P. The A.L.P. has remained faithful to its policy-making machinery and has not been swayed in any way by this extreme right-wing group.

However, I believe the political situation in this country has suffered because of the existence of the D.L.P., which has been successful in blackmailing the Liberal and Country Parties as regards the formation of their policies, particularly in the field of foreign affairs. The previous Federal Government would probably have recognised China years ago, or it would certainly have had a more realistic and up-to-date attitude towards China and

issues like Vietnam and so forth. So I believe the D.L.P. has been successful in blackmailing those parties to adopt part of what it wanted by saying, "If you do not do this we will withdraw our support." The D.L.P. has also been playing one party off against the other—the Country Party against the Liberal Party—by saying, "If you do not do this we will take away our second preferences." I believe the Liberal and Country Parties have fallen for this tactic.

For those reasons I support the Bill and hope it passes this House of Review.

THE HON. N. McNEILL (Lower West) [5.22 p.m.]: I have been drawn into the debate, although it was not my intention to participate in it at all. In view of the examination which has just been made by Miss Elliott, I feel I must at least make some observations—and all she did was make observations which were subjected to the interpretation which she was prepared to place on them. I do not argue with that; it is perfectly right and proper for her to give that sort of interpretation to the results.

The Hon. G. C. MacKinnon: Biased though they may be.

The Hon. N. McNEILL: First of all, I refer to the comments Miss Elliott made towards the end of her speech. When speaking of the point of view of the minority parties, she used the opportunity to launch some sort of an attack—I think that would be the appropriate word—on the D.L.P. I do not intend to defend the D.L.P.; I am not necessarily in a position to do that. However, I believe Miss Elliott's comments need some enlargement.

Whilst Miss Elliott and others may describe the activities of the minority parties—and in particular the D.L.P.—as a form of blackmail of the Liberal and Country Parties, could it not also be inferred, implied, or understood that the exercise of a power by a minority group is nothing more nor less than the exercise of an influence by the people in a minority group in the community? If that is not a democratic expression of the point of view of a minority, I do not know what is. If those expressions are related simply to a political party, as though that political party consisted of a unit which might be described as a pressure group, there may be some grounds for what Miss Elliott said. I am not saying there are such grounds but that there may be. However, those people are in fact the representatives of between 5 and 10 per cent. of the population of Australia, and surely it is not unreasonable that this 5 or 10 per cent. of the population of Australia be entitled to express a point of view and influence the major parties if they are capable of doing so.

In fact, I believe there is a responsibility on the Government—quite apart from the major party it happens to represent—to respect the opinions, views, and policies of the minority groups in the community, irrespective of whether they are political groups or other types of organisations.

The Hon. A. F. Griffith: I understand that was the case in the formation of the United Farmers and Graziers Party.

The Hon. N. McNEILL: Miss Elliott said that the D.L.P. was created for a particular purpose. I cannot recall her words exactly but I think she said the purpose was to destroy the Australian Labor Party.

The Hon. R. F. Claughton: It is a statement of fact.

The Hon. N. McNEILL: If I am not right, I will accept correction. However, in my understanding, the D.L.P. came into being as a result of a split within the Labor Party following a conference in Hobart years ago. Out of that major split within the A.L.P. organisation in Australia came the D.L.P.

The Hon. R. F. Claughton: Do you think that is where it started?

The Hon. N. McNEILL: I am saying that is where I believe it started.

The Hon. G. C. MacKinnon: That is where the D.L.P. started. The industrial groupers were in before that, but that is where the D.L.P. started.

The PRESIDENT: Order! Order!

The Hon. N. McNEILL: I am not claiming that what I am saying is the absolute situation. I am saying I understood that was when the D.L.P. came into existence as a political group; it arose out of that major split within the A.L.P. following the Hobart conference in 1949, or whenever it was. I may be wrong about that, but the fact remains that is when it became a political force in this country, and I repeat that it arose out of a major split in the A.L.P. organisation. And what was the issue?

The Hon. G. C. MacKinnon: Communism.

The Hon. N. McNEILL: Communism, yes, but what was the expression applying to the voting procedures throughout the A.L.P.?

The Hon. L. D. Elliott: The issue was foreign affairs, and the policies adopted by the Labor Party in 1955 are now the policies of Australia.

The Hon. G. C. MacKinnon: Unfortunately!

The Hon. D. K. Dans: The majority of people think they are correct.

The PRESIDENT: Order!

The Hon. A. F. Griffith: Recognise the reds and forget the rest of the world.

The PRESIDENT: Order! I ask members to refrain from interjecting. Mr. McNeill will continue.

The Hon. N. McNEILL: The expression I was waiting for someone to mention was, "unity ticket", which was, of course, tied to the question of communism. That is where a division of opinion occurred within the A.L.P. ranks. I do not pose myself as an expert on the inner workings of the A.L.P., but clearly that is how the matter was understood by the public of Australia. However, that is a political argument, and I repeat that the D.L.P. arose because of the question of communism and because of the existence of the unity ticket, and for this reason the D.L.P. has traditionally been very strong in the State of Victoria.

I pass from that matter and return to the more philosophical argument, if I may put it that way, about the right of minority groups in Australia at least to exercise their influence by voting at the polls. Let us see what would happen with the first-past-the-post system.

Miss Elliott used as an example the figures for the Federal electorate of Canning in 1969. I may be excused for exercising a certain paternal attitude towards the Federal division of Canning.

She related the figures of that electorate and indicated that some 42 per cent. of the people voted for the A.L.P. candidate (Mr. Scott); 30 per cent. voted for the Country Party candidate; about 20 per cent. voted for the Liberal Party candidate; and the D.L.P. candidate received 2,600 votes out of a total of 47,998.

The Hon. A. F. Griffith: The non-Labor vote would be about—

The Hon. N. McNEILL: As I am sure the Leader of the Opposition is about to say, the non-Labor vote was in excess of 50 per cent. Had first-past-the-post voting been in use at that election, 42 per cent. of the people of Canning would have elected a member of Parliament, and more than 50 per cent. of the people would not have been represented at all in Parliament because their votes would not have been counted. So the 2,600 people who voted for the D.L.P., the 14,500 approximately who voted for the Country Party, and the 10,000 approximately who voted for the Liberal Party would have received no representation of their beliefs and philosophies in the Federal Parliament.

To extend that a little further, some might ask, "Are those people entitled to be represented?" At least under the preferential system of voting those people—who made up more than 50 per cent. of the electorate—are able to exercise some influence over the form of Government they shall have; they exercise that influence by virtue of their second preference votes on the ballot paper. I will not propound the belief that preferential voting as we have

it today is the ultimate and ideal system. I am sure members will appreciate that I suffered as a result of it.

The Hon. J. Dolan: You didn't suffer at the last election.

The Hon. N. McNEILL: I do not think it is the absolute ideal, but it is far closer to the ideal than first past the post.

The Hon. G. C. MacKinnon: Under first-past-the-post voting you would still be in the Federal Parliament.

The Hon. N. McNEILL: Yes, on the basis of the 1963 election.

The Hon. J. Dolan: He would not be in this place today.

The Hon. G. C. MacKinnon: What a silly statement! He cannot be in two places at once!

The PRESIDENT: Order!

The Hon. N. McNEILL: I am terribly gratified because members opposite have acknowledged the fact that if first-past-the-post voting applied in 1963 I could still be a Federal member, despite the fact that at the Federal election to which Miss Elliott referred the Labor Party received the majority of votes.

The Hon. W. F. Willesee: You cannot be . . .

The Hon. N. McNEILL: I am also very pleased that we have at last brought Mr. Willesee back into the debate. I am always interested in his observations. Government members seem to be acknowledging the fact that had I continued to be the Federal member from 1963 onwards, the Labor Party would not have received the greatest number of primary votes in the Canning election; I am not sure whether that is what they are suggesting.

I believe I have made the point that under the preferential voting system minority groups are represented. I think that is one of the essential features of the system. When I said that I do not necessarily believe the preferential system as it applies in Australia is the absolute ideal—

The Hon. D. K. Dans: How are the minority parties represented?

The Hon. N. McNEILL: I will ignore that interjection because I will not be diverted from what I am trying to say. One point of view, obtained as a result of an examination of the 1961 and 1963 Federal elections, and other elections—and I know many other members have been placed in an identical situation, both in State and Federal politics—is that second preference votes should have the same value as primary votes. I just wonder about that; certainly under first-past-the-post voting the voters' second, third, and fourth choice would have absolutely no standing at all. So I would like to think

a system could be devised in which the second preference carries a value not as great as the primary vote, but of more value than it would have under the present Bill; but how does one produce such a voting system? I know the matter has been investigated by people with tremendous brains.

The Hon. D. K. Dans: The only reason the D.L.P. is represented in the Federal Parliament is because of the proportional representation of the Senate. There is no D.L.P. member in the House of Representatives.

The Hon. N. McNEILL: I will ignore all interjections. I am sure I will have the opportunity to converse with the honourable member on another occasion.

Let me return to the point: Miss Elliott quoted figures from a Gallup poll which indicated that the majority of people appear to favour the first-past-the-post system. That is simply because it is easier for them to vote under that system. They do not have to be concerned about casting second, third, fourth, or fifth preference votes. That would not be necessary because only the primary votes would count. I repeat that we are not at all deluded by this move of the Government. We clearly see it as a political manoeuvre on the part of the A.L.P. in order that it may gain the greatest number of seats possible in the Parliament.

The Hon. A. F. Griffith: They know full well it will not be passed.

The Hon. N. McNEILL: I agree; members opposite know the Bill is not likely to pass this House for that reason. They will use its defeat to the disadvantage of the Legislative Council as a whole by saying that in some way or other it has obstructed the will of the people. How completely and absolutely untrue that is. In fact, here is an instance of the Opposition in the Legislative Council endeavouring to represent the point of view of a minority. Of course, this is the great virtue of the preferential system. Minorities must be represented. To have any system other than the preferential system would deny the opportunity of representation to minority groups, irrespective of the political parties they may constitute. So, for those reasons I am completely opposed to the Bill.

THE HON. S. T. J. THOMPSON (Lower Central) (5.39 p.m.): I rise to oppose the Bill, which endeavours to do two things. Firstly it endeavours to introduce circular ballot papers. We have not heard much of that from recent speakers. I think neither of the speakers tonight made mention of what is, to my way of thinking, an important part of the Bill. Since an interjection was made by the Leader of the House last night two of my colleagues have

been endeavouring to draw up circular ballot papers. Having seen the result, I am convinced we would have more informal votes with circular papers than we have under the present system.

The Hon. D. J. Wordsworth: If you put a hole in the middle of the paper you can spin it.

The Hon. Clive Griffiths: I think the Labor Party is trying to eliminate most other parties so that only two are left.

The Hon. S. T. J. THOMPSON: With regard to the subject of preferential voting, I feel we in Western Australia have enjoyed a good system of voting for many years. The system has made it possible for Governments to change periodically as a result of a slight swing. I think the endeavour behind this move is aimed at making it easy for a Government elected by a minority to retain power for a long time.

I am really amazed that Miss Elliott, when referring to the Canning figures, said that 20,000 preferences of the Labor candidate could have gone to the Liberal candidate. If my memory serves me right, Mr. Pemberton did not receive as great a number of Labor preferences as I had the privilege to receive. I was intimately connected with the Canning electorate for a long while.

The Hon. G. C. MacKinnon: Were you a scrutineer?

The Hon. S. T. J. THOMPSON: Yes.

The Hon. G. C. MacKinnon: Then you would know. It is fact against guesswork.

The Hon. S. T. J. THOMPSON: I question Miss Elliott's assumption that 20,000 Labor preferences would automatically go to the other candidate.

The Hon. L. D. Elliott: Most people follow how-to-vote cards.

The Hon. S. T. J. THOMPSON: Under preferential voting the field is reduced to two candidates, and after that preferences do not count. Mr. Hallett's preferences were not counted in that election; and it is quite possible they all would have gone to the Labor candidate, if we follow Miss Elliott's assumption.

When Mr. Claughton was addressing himself to the Bill last night I endeavoured to pin him down regarding a certain question, but he was reluctant to answer it and said it was not relevant to the debate. I raised the question of the system of voting used by his party for internal elections. Mr. Claughton went on to comment about the situation at Blackwood, and he referred to the controversy between the Liberal Party and the Country Party. At the 1971 State elections three candidates stood for the seat of Blackwood. If my memory serves me correctly, the Liberal Party candidate headed the field for a while, and

the Country Party candidate was running second. However, the Country Party candidate was elected on the preferences of the Labor Party candidate. So that explodes Mr. Claughton's theory.

I think Mr. McNeill really hit upon the crux of the introduction of this measure. It was introduced in an endeavour to discredit this House, on the assumption that it will be defeated here. I hope the House in its wisdom will vote against the Bill.

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [5.45 p.m.]: Firstly, I must correct a number of misstatements which have been made, and, at the same time, congratulate Miss Elliott on her speech which was punctuated by a number of second speeches by members of the Opposition.

Referring to some of the statements of the Leader of the Opposition, it seems peculiar that when the Government introduces legislation which is not acceptable to members of the Opposition they immediately use an amazing set of adjectives when describing it. The Leader of the Opposition used such words as "blatant", "arrogant", "shamefaced", and "cheeky"; and Mr. MacKinnon used the word "immoral".

The Hon. A. F. Griffith: I should have used the word "barefaced".

The Hon. J. DOLAN: I take strong exception to the use of adjectives of that nature with reference to legislation we introduce. It should be expected that a political party will try to implement some of the policies contained in its platform. If the relevant legislation is thrown out and the Government feels that the policies are worth while it will make another attempt to introduce similar legislation into Parliament. That is what has been done on this occasion. Items 7 and 8 in the State Platform—electoral and constitutional—of the A.L.P. read—

7. The State Electoral Act to be amended to provide for the election of candidates to the State Parliament on the basis of the greatest number of votes to any candidate,

i.e. first-past-the-post.

8. Circular ballot papers to be used in all State Elections.

Surely if a political party has policies in its platform it stands to reason it will attempt to introduce them when it is in Government. The fact that the policies are not acceptable to Parliament does not matter. It does not mean anything to me if the legislation is thrown out. The time will come when it will be reintroduced. The Opposition has a perfect right to reject legislation.

However, when a subject is being debated, members from all parties should debate the issues involved and not resort to the use of

terms such as those employed by members of the Opposition when discussing the Bill before us.

I could take all those adjectives, add many more of a similar nature to them, and then apply them all to the system which operated in South Australia where for 25 years a non-Labor Government under Mr.—and, later, Sir—Thomas Playford, held office. The position in South Australia was that the number of country electorates was twice the number in the metropolitan area, but the number of electors in each country electorate was only approximately half the number of those in a city electorate. The consequence was that a vote in a country electorate had four times the value of a vote in the metropolitan area. That was the amazing position, and when proposals were submitted for amendments to the electoral legislation some time ago one of the country representatives of the L.C.L. alliance asked: Why should a metropolitan drink waiter have a vote of the same value as the vote of a soldier settler battling in the back blocks to create a new farm?

That was the attitude. A metropolitan member gave an answer which I think was most appropriate and well worth repeating. It was: Why should a country drink waiter have a vote four times the value of the vote of a metropolitan brain surgeon?

The Hon. F. R. White: What has this to do with the Bill before us?

The Hon. J. DOLAN: I am answering some of the points raised.

The Hon. A. F. Griffith: You raised the question of South Australia. We didn't.

The Hon. G. C. MacKinnon: We did not talk about South Australia.

The PRESIDENT: Order!

The Hon. J. DOLAN: The Leader of the Opposition might recall that one name mentioned was that of the Premier of South Australia—Steele Hall.

The Hon. G. C. MacKinnon: You introduced that name by way of interjection.

The Hon. J. DOLAN: Of course I did and I will say more about that in a moment.

The Hon. A. F. Griffith: You introduced the subject.

The Hon. G. C. MacKinnon: You bring it up and then answer yourself.

The Hon. J. DOLAN: The members of the Opposition are delighted to give it, but when they have to take it and learn the truth, it hurts. They do not feel so comfortable then.

The Hon. A. F. Griffith: We can take all you can dish out and still be okay.

The Hon. J. DOLAN: Why not sit and take it then?

The Hon. G. C. MacKinnon: It is so barefaced.

The Hon. J. DOLAN: During that long period of 25 years referred to previously, the Legislative Council in South Australia had 20 members comprising 16 non-Labor members and four Labor members. Only one reason existed for the four Labor members being elected; that was, the good grace of the L.C.L. The Constitution of South Australia provides for three Ministers in the Upper House and if four members are elected, there is one spare in case one of the three Ministers appointed is not popular with the L.C.L.

The Hon. V. J. Ferry: That is preferential treatment.

The Hon. A. F. Griffith: What you will be able to do when you leave Parliament is to tell more fairy tales.

The Hon. J. DOLAN: This is the absolute truth, and the Leader of the Opposition knows it.

The Hon. A. F. Griffith: I do not know it; I am learning.

The Hon. J. DOLAN: The absolute truth is this: The people of South Australia would have been informed that the elected Government could not govern because it did not have enough members in the Upper House.

All members know what occurred in the Queensland Parliament last year when the Country Party decided to amend the Electoral Act to provide for what could have been the greatest gerrymander in the history of Australian politics. The situation was that eight Liberals—and heaven knows they can take a lot—crossed the floor of the House and defeated the Bill.

Members know also what occurred last week in the New South Wales Parliament when, because of its numbers, the Government applied the gag on an urgency motion in order to deal with reforms to the Electoral Act.

The Hon. A. F. Griffith: The gag was applied in the Legislative Assembly here the week before last.

The Hon. J. DOLAN: I know that. The gag was applied in New South Wales in order that legislation might be passed to provide for a redistribution of seats in time for the election next year. Of course the Bill then went before the Legislative Council and what a set-up that is. No ordinary citizen has a vote for members of the Legislative Council of New South Wales.

The Hon. F. R. White: What has that to do with our Bill?

The Hon. J. DOLAN: I am drawing attention to the fact that we are trying to amend the Electoral Act and that matters associated with the Electoral Acts of all States must be referred to in order that the situation might be dealt with in its proper perspective.

The Hon. N. McNeill: The franchise in their House does not in any way approximate ours.

The Hon. R. F. Claughton: The House did not stop the Bill going through.

The Hon. J. DOLAN: Miss Elliott referred to the fact that a couple of members would not be here but for the grace of the distribution of D.L.P. preferences at the last election.

The Hon. L. A. Logan: They still would have won even if the D.L.P. had had no candidates entered in the field.

The Hon. J. DOLAN: That is a matter of opinion; but those members were elected on the preferences of the D.L.P.

The Hon. G. C. MacKinnon: They told us we could not win Bunbury without the D.L.P., but we did.

The Hon. F. D. Willmott: That is right.

The Hon. J. DOLAN: That was a case of first-past-the-post voting in Bunbury, and that is what the Bill before us provides.

The Leader of the Opposition made some comments about the situation and I believe I am quite entitled to reply to them.

The Hon. G. C. MacKinnon: We are getting a bit tired waiting for you to do so.

The Hon. J. DOLAN: The Leader of the Opposition said—

The United Australia Party had an exchange of preferences with the Labor Party. I do not think the Liberals received any of their second preferences.

Of course that statement is just nonsense. The Australia Party had only one candidate in the last election, and he was a Mr. A. W. Williams who stood for the South Perth seat in the Legislative Assembly.

The Hon. A. F. Griffith: You are talking about the State election are you?

The Hon. J. DOLAN: Yes.

The Hon. V. J. Ferry: What about the Commonwealth?

The Hon. A. F. Griffith: Did you think I was talking about the State election?

The Hon. J. DOLAN: I certainly did.

The Hon. A. F. Griffith: You should think again.

The Hon. G. C. MacKinnon: You have been making a speech on South Australia.

The Hon. A. F. Griffith: You should not take things for granted, because you are so often wrong.

The Hon. J. DOLAN: Mr. Williams polled 175 votes. He could not even beat Mr. Informal who polled 320 votes; and so Mr. Williams' preferences were not distributed—

The Hon. V. J. Ferry: He should be ashamed of himself.

The Hon. J. DOLAN: —because Mr. Grayden had an absolute majority. So we will keep on wondering where his preferences would have gone.

The Hon. A. F. Griffith: You might, but I won't.

The Hon. J. DOLAN: I do not care if he contests any seat in future.

The Hon. A. F. Griffith: I was talking about the last Federal election.

The Hon. J. DOLAN: I suppose I might be in the same plight when I refer to what Mr. Logan said about the U.F.G.A. being an appendage of the Labor Party. I examined the figures, and I will refer to them in a moment.

The Hon. L. A. Logan: I did not mention anything about figures.

The Hon. J. DOLAN: The Leader of the Opposition said—

For the many years I have been in Parliament I have never known a Government to bring down a Bill that would be of benefit to the Opposition parties. Has any member ever known this to happen?

I replied to the question and stated it was done in South Australia by Mr. Steele Hall—

The Hon. G. C. MacKinnon: You referred to Mr. Steele Hall.

The Hon. J. DOLAN: —when he brought down his own Government.

The Hon. A. F. Griffith: That is when you introduced the subject matter of South Australia and Mr. Steele Hall.

The Hon. J. DOLAN: The Leader of the Opposition challenged the House and asked whether any member had known a certain event to happen. I just read his words which are in *Hansard*. He asked whether any member had known this to happen and I answered him. That was the first time I have known him to be stuck for words, and Mr. Stubbs said that it should occur more often. Never have any truer words been spoken than those and the time was long overdue for the Leader of the Opposition to be told.

The Hon. V. J. Ferry: It is like a pantomime this afternoon.

The Hon. A. F. Griffith: I am sometimes sorry you have such a strong voice.

The Hon. J. DOLAN: I think it was only yesterday that Mr. Heitman complained of deafness and said he could not hear someone on this side of the House. I think it was Miss Elliott. I am merely making sure he is able to hear what I say.

The Hon. A. F. Griffith: I told a South Australian what you said the other day and he really laughed.

The Hon. J. DOLAN: I am drawing the attention of the House to some of the facts concerning first-past-the-post voting.

When Mr. Claughton referred to the United Kingdom having this system Mr. MacKinnon stated that we could not really use that system as a good example. I know what this Parliament and this Chamber owe to the British Parliament. I do not suppose there is any country in the world which has a more democratic system of Government. The members of that Parliament have been prepared to fight and die in the Civil War to preserve their parliamentary heritage. The bar across the Chamber is a reminder that the members of the House of Commons objected to even the King of England entering the Chamber. So it is in very poor taste, to say the least, to refer to the British system as being rough and ready as Mr. MacKinnon did on two occasions. That is a system to which we owe a great deal and from which we have obtained many laws and parliamentary rights and privileges.

The Hon. G. C. MacKinnon: That is a complete twisting of the words, of course. I referred to the electoral system and not to the Parliament. You have twisted my words deliberately.

The Hon. J. DOLAN: Mr. MacKinnon has made his speech. And I noted his words as he uttered them.

The Hon. G. C. MacKinnon: You have twisted the speech to suit your own purposes.

The Hon. J. DOLAN: Mr. MacKinnon also referred to the fact that a system of compulsory voting does not exist in the United Kingdom.

The Hon. G. C. MacKinnon: That is right.

The Hon. J. DOLAN: As if that matters. Of course it is right. I do not deny it, but I can tell Mr. MacKinnon something else: The people of England are so well educated politically and realise what they stand to lose if anything happens to their governmental system that they roll up in force to vote on election days. This was not the case in Australia when voting was not compulsory because then it was not unusual for only 40 per cent. of those eligible to cast a vote; and sometimes the percentage was even lower than that, more particularly at a by-election when it was difficult to get the electors to vote. That does not happen in Great Britain.

The Hon. A. F. Griffith: That is why you want preferential voting.

The Hon. J. DOLAN: I will tell the Leader of the Opposition why we want first-past-the-post voting.

The Hon. G. C. MacKinnon: That is why Mr. Wilson lost the Prime Ministership—because the people did not go out and vote for him.

The Hon. J. DOLAN: That is quite right. We can say this about the Labour voters in England—they will not make the

same mistake twice. At the next election we will find that Mr. Heath will be sitting on the Opposition benches.

The Hon. G. C. MacKinnon: You are admitting it is a rough-and-ready system.

The Hon. J. DOLAN: Reference was made to the fact that it was a rough-and-ready system, because in England there is voluntary voting. What is the position in New Zealand where the system of voting is first-past-the-post and where voting is compulsory?

The Hon. G. C. MacKinnon: Surely their system is not immoral.

The Hon. J. DOLAN: The honourable member referred to the fact and said that our bringing this Bill before the House was immoral.

The Hon. G. C. MacKinnon: So it was.

The Hon. J. DOLAN: Such words should not be used. I certainly would not use them when speaking about any action that might be taken by the Opposition. Members are entitled to get up and say what they like about the Bill. They have every right to oppose the measure if they wish to; that is their privilege, and I would fight as hard for the right of members opposite to retain that privilege as I would fight to retain it on my own behalf or on behalf of my party.

Mr. MacKinnon also said that in Great Britain a majority of 30 is not considered to be of any significance, whereas we would regard such a majority as a fantastic majority. I do not know to whom the honourable member refers when he says that, "we would regard it as a fantastic majority". I certainly would not call a majority of 30 a fantastic majority; not when one knows the composition of the House in question.

The Hon. G. C. MacKinnon: I said that we in Australia would consider it a fantastic majority.

The Hon. J. DOLAN: I do not think we would. According to *Whitaker's Almanac*, the latest figures show that there are 635 members in the House of Commons, which is 12 times more than what we have in our Assembly. It is five times the 125 members who constitute the Australian House of Representatives. The present majority of the A.L.P. in the House of Representatives is nine seats. On a proportional basis the operative figure—when referring to a majority—in Great Britain would be 45. If the House of Commons had any more members the additional members would have to stand out in the gallery, because the House of Commons can only seat 200 to 300. Such members would only be able to obtain seats when the members on the floor of the House happened to leave.

The Hon. A. F. Griffith: You have a jolly good look when you go over next year.

The Hon. J. DOLAN: I hope to. Could I divert a little at this stage? What I am about to say relates to the House of Commons. I happened to be in front of Parliament House here when I saw a man walking around looking a trifle lost. I took him to be a member of Parliament from somewhere, because he seemed very interested and I think he also wore a Commonwealth Parliamentary Association tie.

The Hon. A. F. Griffith: Did he look like a Labor man?

The Hon. J. DOLAN: He did; he had a good, honest, down-to-earth face.

The Hon. R. Thompson: You asked for that.

The Hon. A. F. Griffith: You are getting quicker every day.

The Hon. J. DOLAN: I thought I would do my duty as an ordinary member so I walked over to the gentleman in question and said, "You appear to be a stranger here. Can I be of any assistance to you?" He replied, "I come from England and I am a member of the House of Commons." He indicated that he was delighted to meet me and said that his name was Willy Hannan and that he represented a seat near Motherwell.

The Hon. A. F. Griffith: And you said your name was Jerry Dolan?

The Hon. J. DOLAN: That is right. I said, "My name is Jerry Dolan; I am a Labor man to the core." He then replied, "Put it there." I took him around the House and I later took him on to King's Park and bought him lunch.

The Hon. A. F. Griffith: He is lucky! You have never bought me lunch.

The Hon. J. DOLAN: This happened five years ago and yet the first Christmas card I receive depicts the Chamber of the House of Commons and it is from Willy Hannan. I think we have a duty as members of Parliament to welcome our friends from overseas. I am convinced that Willy Hannan belongs to a system which is democratic; the most worth while the world has known.

The Hon. Clive Griffiths: It is a bi-cameral system.

The Hon. J. DOLAN: There we have an interjection from someone who gets in on D.L.P. preferences. My first election was first-past-the-post—there were only two candidates and I beat the other person. In the second election which was full preferential, on primaries I led by 1,400 and when preferences were distributed I increased my majority to 1,900 so it does not matter in what light it was considered I had to win.

In 99 cases out of 100 the D.L.P. votes for the Liberals, but on this occasion they realised that they were voting for an extraordinarily good candidate and they felt they just had to vote for me!

The Hon. Clive Griffiths: Do you agree with the D.L.P. policy?

The Hon. J. DOLAN: It is suggested by Mr. MacKinnon that there is only one purpose in the legislation before the House—to destroy the Country Party.

The Hon. G. C. MacKinnon: I said two purposes; the other was to discredit this House. I just want you to be accurate.

The Hon. J. DOLAN: The honourable member suggested that the main purpose was to destroy the Country Party; he even said as much.

The Hon. G. C. MacKinnon: And the D.L.P.

The Hon. J. DOLAN: Whatever else was said by the honourable member I will reply to later. Had the system of first-past-the-post voting been in operation during the last election, the member for Blackwood (Mr. Reid), who belonged to the Country Party, would have lost the seat; but he would have lost it to a member of the Opposition—Mr. Willmott; that name sounds familiar.

The other seat that could have been lost was that of the member for Stirling (Mr. Stephens) who was not first past the post.

The Hon. A. F. Griffith: They are interesting figures.

The Hon. J. DOLAN: They are. The member for Stirling was not first past the post but after the distribution of preferences he became the new Country Party member for Stirling. When the A.L.P. preferences were distributed in the Blackwood electorate Mr. Sumner had a number of preferences; there were 1,655 in all. Of these, the member for Blackwood (Mr. Reid) received 1,371, whereas Mr. Willmott received only 294.

Surely those figures would indicate that at election time the Labor voters prefer the Country Party to the Liberal Party. Every other Country Party candidate for the lower House—Mr. Walder, Mr. Lewis, Mr. McPharlin, Mr. W. A. Manning and Mr. W. G. Young—would have won had the first-past-the-post system been operating.

Accordingly the worst that could have happened to the Country Party would have been that it could have lost Stirling, in the event of there being a first-past-the-post system operating.

It may be interesting to refer to the fact that the Leader of the Country Party in the Federal sphere (Mr. Anthony) made a statement on Friday the 13th April, while he was at a Country Party meeting at Wodonga.

Sitting suspended from 6.10 to 7.30 p.m.

The Hon. J. DOLAN: Before the tea suspension I was referring to the remarks of the Federal Leader of the Country Party (Mr. Anthony) at the Victorian State Conference of that party. He said—

It might be necessary for the anti-Labor Parties to move closer together to defeat the Labor Government.

He said that because he obviously felt there had to be a much closer relationship between the Liberal Party and the Country Party.

The Hon. A. F. Griffith: Did he not say that because he feared a first-past-the-post Bill would be introduced into the Federal Parliament?

The Hon. J. DOLAN: No.

The Hon. A. F. Griffith: Did he not?

The Hon. J. DOLAN: Not in that context. He could have implied that, but what he wants to accomplish is quite different. If there is a combination of the anti-Labor parties against the A.L.P., he feels that the anti-Labor parties could beat the A.L.P. As it is, the Federal Opposition feels that Labor will be in Government for a longer period than the previous Government—a consummation devoutly to be wished for.

The Hon. N. McNeill: Do you know that Mr. Fairbairn made a similar comment on the 12th March?

The Hon. J. DOLAN: He could have, but this happened only last week and is more recent.

The Hon. A. F. Griffith: Steele Hall's Bill was not recent.

The Hon. J. DOLAN: If the position which Mr. Anthony desires had been in operation at the last State election, the present Government would not be in office. This could have happened if the anti-Labor parties had united their candidates and contested the seats on a first-past-the-post basis.

The Hon. A. F. Griffith: It would have been a wonderful thing for Australia if the present Government were not in office.

The Hon. J. DOLAN: That is only an opinion and I do not share it. On this basis the Liberal and Country Party seats would have numbered 28 and the A.L.P., 23. The Liberal and Country Parties would have been able to give a couple of seats to the D.L.P. without missing them; it would still have been able to govern.

The Hon. G. C. MacKinnon: This is a humorous speech.

The Hon. J. DOLAN: I refer to some of the remarks made by Mr. Logan. I express my appreciation that he did not use any adjectives to describe the legislation. There was no doubt as to which side he was on but he was quite straightforward and frank. He simply opposed the legislation.

The Hon. A. F. Griffith: "Skulduggery" is a noun, is it?

The Hon. R. Thompson: You cannot win!

The Hon. A. F. Griffith: I cannot win? Not much!

The Hon. J. DOLAN: Yes, it is; at least I know my parts of speech.

The Hon. R. J. L. Williams: One can seldom have a sentence without an adjective.

The Hon. J. DOLAN: Mr. Logan referred to the U.F.G.A., which is the United Farmers and Graziers Association. He said that U.F.G.A. was as good as being an A.L.P. appendage.

The Hon. L. A. Logan: The A.L.P. had an agreement with U.F.G.A.

The Hon. J. DOLAN: Let us consider what happened at the last election so far as U.F.G.A. was concerned. It contested only two seats.

The Hon. A. F. Griffith: Did you see any of its how-to-vote cards?

The Hon. J. DOLAN: I am not concerned with them.

The Hon. A. F. Griffith: They were, though.

The Hon. J. DOLAN: The A.L.P. policy does not permit of any arrangements with another political party. This is in our Constitution and, if members opposite want a copy, they can purchase one for 50c. They are available to the public. I am waiting for the day when I can buy the Liberal platform for that amount of money.

The Hon. A. F. Griffith: I will give you one for nothing if you promise to read it.

The Hon. R. Thompson: Give me one, too.

The Hon. A. F. Griffith: You would be more educated after reading it.

The PRESIDENT: Order!

The Hon. J. DOLAN: The U.F.G.A. contested only two seats in the Assembly elections; namely, Greenough and Narrogin.

The Hon. A. F. Griffith: Who got their second preferences?

The Hon. D. J. Wordsworth: They contested Roe.

The Hon. J. DOLAN: That is not recorded in this Electoral Department book which gives the details of the election. What seat did the honourable member say?

The Hon. D. J. Wordsworth: Roe.

The Hon. J. DOLAN: There is only one way to find out. I shall look in the book because it may have escaped my attention.

The Hon. A. F. Griffith: Who received the U.F.G.A. second preferences?

The Hon. J. DOLAN: This is the official document. The candidates are listed as follows—

Malley—D.L.P.
W. G. Young—C.P.
McColl—Ind.
Gleeson—Ind.

This is the official publication of the Electoral Department and it makes no reference at all to a candidate from the U.F.G.A.

The Hon. V. J. Ferry: What about Vasse?

The Hon. J. DOLAN: I believe the Electoral Department knows more than Mr. Wordsworth.

The Hon. D. J. Wordsworth: I will show you the official pamphlet.

The Hon. J. DOLAN: The document from the Electoral Department is official, in my book. I obtained my information from this source.

The Hon. A. F. Griffith: What does I.U.F.G.A. mean?

The Hon. J. DOLAN: It means an Independent U.F.G.A. candidate. I will come to this point shortly. I am differentiating between the two as has been done in the official book. The U.F.G.A. is designated differently from the I.U.F.G.A.

As I have said, the U.F.G.A. contested only two seats. In Greenough, Mr. Hamersley was the candidate and there was no distribution of preferences. We will never know where his preferences would have gone. In Narrogin, Mr. McNaughton was the candidate. He polled 540 primary votes. He received 55 preferences from the D.L.P. and, consequently, had 595 votes for distribution. Mr. Pennington, the Liberal candidate, received 190; Mr. Manning, the Country Party candidate, 162; and Mr. Turner, the A.L.P. candidate, 190. The anti-Labor parties received 352 votes compared with 190 which went to Mr. Turner, the Labor candidate. If Mr. McNaughton had been attached to the A.L.P., this would have been the first time that the A.L.P. defected in this way. I say that it did not. On the basis of the distribution of preferences it is logical to conclude that the U.F.G.A. favoured the non-Labor parties.

The I.U.F.G.A. contested five seats. In Mt. Marshall, the seat held by Mr. McPharlin, there was no distribution of preferences. We will never know where they would have gone. In Blackwood, Mr. Crackel received 558 primary votes. After receiving a few preferences, he distributed 605 votes. Mr. Reid of the Country Party received 290 and Mr. Willmott, Liberal, received 66, making a total of 356. Mr. Sumner of the A.L.P. received 249. From those figures the I.U.F.G.A. was not supporting the A.L.P.

In Katanning, Mr. Carmichael-Smith received 325 primaries. Eventually 352 votes were distributed. Mr. Nelson, unendorsed Country Party, received 98; Mr. Carr, D.L.P., received 59; Mr. Nalder, Country Party, received 38, making a total of 195. Mr. Francisco of the A.L.P. received 157. This shows the same trend.

The Hon. A. F. Griffith: It is still more than any other candidate.

The Hon. J. DOLAN: In Moore, Mr. Yates received 506 primaries. When these were distributed Mr. Drew of the D.L.P. received 94; Mr. Down, Independent Liberal received 141; and Mr. Lewis of the Country Party received 100, making a total of 335. Mr. Oxenburgh of the A.L.P. received 171, which is approximately half.

There was a big surprise in Murchison-Eyre. Mr. Hamersley received 109 primaries and, after receiving a few preferences from the D.L.P., 127 votes were distributed. Mr. Bailey of the A.L.P. received 72 and Mr. Coyne of the Liberal Party received 55. In this seat, the I.U.F.G.A. supported the Labor Party.

The Hon. G. C. MacKinnon: Did not the U.F.G.A. have a deal with the Labor Party? I read it in the papers.

The Hon. J. DOLAN: I suggest Mr. MacKinnon should read the A.L.P. Constitution. We do not make deals with anybody. We have strong feet and we stand on them.

The Hon. J. Heitman: That is a surprise to most of us.

The Hon. J. DOLAN: The State totals of the I.U.F.G.A. are quite interesting. Anti-Labor parties received 1,293 votes, or 61 per cent., and the Labor Party received 839 votes, or 39 per cent.

The Hon. A. F. Griffith: Tell me one thing. Who received the second preferences of the U.F.G.A. and the I.U.F.G.A.

The Hon. J. DOLAN: I have just read them out.

The Hon. A. F. Griffith: You did not read the preferences but the votes.

The Hon. J. DOLAN: I read the distribution of preferences.

The Hon. A. F. Griffith: Who received the second preferences on the how-to-vote card?

The Hon. G. C. MacKinnon: Labor did.

The Hon. J. DOLAN: It seems that I have temporarily mislaid the circular ballot paper which I dearly wanted to mention.

The Hon. A. F. Griffith: The question still remains unanswered in regard to the second preferences.

The Hon. J. DOLAN: I will answer any question afterwards.

The Hon. A. F. Griffith: Now is the time.

The Hon. J. DOLAN: I read out the primary votes which the U.F.G.A. and the I.U.F.G.A. received. I also read out the people to whom they gave their preferences.

The Hon. A. F. Griffith: You have missed the point. Did not the Labor Party get the second preferences on the U.F.G.A. and the I.U.F.G.A. how-to-vote cards?

The Hon. J. DOLAN: I do not have a clue.

The Hon. A. F. Griffith: I have a clue.

The Hon. D. K. Dans: Will you enter a deal with the Labor Party when we give the Liberal Party our second preferences?

The Hon. G. C. MacKinnon: We stand alone.

The Hon. J. DOLAN: In view of the amount of time which members of the Opposition have had to study a circular ballot paper and to understand it, it is quite amazing that they know nothing at all about this subject. One member put forward a hypothetical case and used the name Gainsford-Brackley. That name rang a bell. He was the Liberal candidate for a seat on the other side of the river.

The Hon. R. Thompson: He opposed me and took a hiding.

The Hon. G. C. MacKinnon: It was cut out originally to make sure you had some representation in the Legislative Council.

The Hon. J. DOLAN: With the system of preferential voting, there is a large number of informal voters.

The ballot papers have been altered over the years, and of course this has happened with non-Labor Governments as well as with Labor Governments. Do not tell me that the alterations have not been made to gain advantage one way or the other! By that I do not mean a party advantage, I mean an improvement in the system.

I will just mention a few examples to get members' minds working. Ballot papers for Federal Senate elections formerly listed the candidates' names straight down the paper. Now, of course, the names go across the paper. It is noticeable that generally the Liberal Party follows moves made by the Labor Party in matters such as this. At one time the candidates for the Senate were listed in alphabetical order, and the Labor Party sought an advantage and picked candidates with surnames commencing with "A". That is why we have members in the Senate now with names such as Ashley and Armstrong.

The Hon. G. C. MacKinnon: And Withers.

The Hon. J. DOLAN: Candidates whose surnames started with "A" had the advantage of their name appearing first on the ballot paper. This is a very important point in big elections of this kind where everybody in the Commonwealth votes.

The Hon. G. C. MacKinnon: If that theory were correct, Mr. Aarons, the Communist, should have been in the Senate years ago.

The Hon. J. DOLAN: There is a Labor man of that name also, but the Labor Party has nothing to do with the Communist Party. If members opposite care for a little light reading, they may read our platform and see what we think of communism. It is there in black and white. I have no time for communism and neither has the Labor Party. It stands on its own two feet.

Nowadays the candidates' names are listed across the paper for Senate elections. So members will realise how important the position on the ballot paper is. When a draw is conducted for positions on the ballot paper, a candidate and his supporters will cheer if he draws number one position. The Liberal Party likes its candidates' names to follow those of the D.L.P. candidates. Of course, we like to draw the number one position also.

The Hon. Clive Griffiths: That is evidenced by the fact that the surnames of many of your candidates commenced with a "B".

The Hon. J. DOLAN: Mr. Clive Griffiths said that with a circular ballot paper in an election contested by two candidates, one name would be on one side and one on the other. He said that the voter could swing the card around and pick one. He does not know what he is talking about.

The Hon. R. Thompson: You have won every argument tonight!

The Hon. J. DOLAN: I will give examples to show what I mean. I will commence with a group of people whom we would not expect to record informal votes. I am referring to the Western Australian branch of the Australian Medical Association. When the A.M.A. conducts an election, one would expect that its members would look at the ballot paper and cast their votes correctly in full knowledge of the procedure. One would not think that the number of informal votes in such an election would be very high.

The Hon. R. J. L. Williams: Perhaps they do not like any of the candidates.

The Hon. J. DOLAN: That may be so. However, these men have undoubted ability and one would expect that they would fill in the paper correctly. Because of the number of informal votes in their elections, the A.M.A. decided to try the circular ballot paper, and it was discovered that by using this method the number of informal votes dropped. The system has been continued, and as the members become more used to it so the percentage of informal votes has gone down and down.

This system of voting is used by other organisations—it is not confined to the A.M.A. I have here an example of two

circular ballot papers—one showing two candidates for an election and the other showing six candidates. I will hold these up for members to see. Members will see that they are quite simple, but we must remember that the circles will be cut out.

One honourable member, for whose ability I have a great deal of esteem and admiration, has asked two questions. He asked where is the top of a circular ballot paper. I thought he knew—I thought we all knew that there is no top to a circle.

The Hon. A. F. Griffith: Is there a bottom?

The Hon. J. DOLAN: There is no bottom and there is no side.

The Hon. A. F. Griffith: You are telling us a lot of bottom tonight.

The Hon. G. C. MacKinnon: And inside and outside.

The Hon. J. DOLAN: This example shows a ballot paper with two candidates' names listed. One of these candidates has a well-known name. I am sure members know this name, whether they like it or not—Raymond Walter Clohessy.

The Hon. W. R. Withers: What is his position on the paper?

The Hon. J. DOLAN: We cannot say his position is anywhere, we do not know how a ballot paper will be presented to an elector. Mr. Withers came up with a silly—in fact, a clownish—suggestion last night. Although I told him that I would explain this matter and give examples of it, he persisted in attempting to put across his point which was not a point at all.

The Hon. A. F. Griffith: Do not tell us you are not trying to put across your point.

The Hon. J. DOLAN: I am telling the Opposition members something none of them took the trouble to find out. If we take the case of the two-name ballot paper, a voter may be handed the ballot paper either way. The voter has the ballot paper in front of him, and he simply turns it around to see either candidate's name. He does not have to stand on his head and perform contortions as some members suggested.

The Hon. A. F. Griffith: Would you mind telling me whether the bottom name is printed upside down to the top name?

The Hon. J. DOLAN: That is correct. When the voter turns the card around he can read the second name. The other name on this card is Leslie Alan Semple Park. The surnames are in larger letters for easy identification.

The next example is a ballot paper for an election contested by six people. This shows a circle divided into six segments.

The Hon. R. J. L. Williams: Can you divide a circle into five equal segments?

The Hon. J. DOLAN: Of course this can be done. If the honourable member gives me a compass, I will divide a circle into any number of segments without any trouble at all.

The Hon. A. F. Griffith: You had the advantage of teaching children in school.

The Hon. J. DOLAN: So did Mr. Williams. Perhaps he was not as good as I was. This circle has been divided into seven segments and the names of the candidates are printed in each one. They are Thompson, Poole, Agnello, Speranza, Rogers, Mylott, and Parker.

The Hon. G. C. MacKinnon: Are the names printed from the centre to the circumference or around the circumference?

The Hon. J. DOLAN: I will hold it up so that members can see it.

The Hon. G. C. MacKinnon: *Hansard* cannot record that.

The Hon. J. DOLAN: I will give it to members to inspect.

The Hon. G. C. MacKinnon: Are the names printed from the centre to the circumference or around the circumference?

The Hon. J. DOLAN: They are printed around the circle. As the voter turns the paper round he can read each name. It is right in front of him—no trouble at all.

The Hon. W. R. Withers: How many letters are in the longest name and how many in the shortest name?

The Hon. J. DOLAN: I am being very patient tonight. Do you wish to know the letters in the surnames?

The Hon. W. R. Withers: According to the Bill it is only the surname you want to use.

The Hon. R. F. Claughton: What is on the example you have there?

The Hon. J. DOLAN: Eight letters in the longest name, and that is a well-known name here in the Legislative Council—Thompson with a "p".

The Hon. F. R. White: How would we know which one if no initials were given?

The Hon. J. DOLAN: The Christian names are given here—Edward, John, Antonio, Carmelo, George, Thomas, and Norman. We are broadminded in these things—race, creed, and colour do not matter.

The Hon. G. C. MacKinnon: Shades of the Mining Act Amendment Bill.

The Hon. J. DOLAN: The directions are set out plainly on the back of the paper for the benefit of the voter.

The Hon. W. R. Withers: Are they written around the circumference?

The PRESIDENT: Order!

The Hon. J. DOLAN: The honourable member did his clowning last night. Let someone who wishes to speak intelligently speak now.

This is a move to attempt to introduce a better system. It is a simple change, similar to the alterations made in the Senate ballot paper where the names are now listed horizontally and not vertically. The Liberal Party brought about the idea of drawing for positions because it realised that certain places on the ballot paper gave an advantage. It is difficult for me to say whether or not we will have fewer informal votes with a circular ballot paper.

I have tried to express my views on this matter. If we wish to obtain a true expression of the opinion of the people, we should follow the example of countries such as New Zealand. I have a book here which sets out all the other countries which think that first-past-the-post voting is a good proposition. I commend the Bill to the House.

Question put and a division taken with the following result—

Ayes—10

Hon. R. F. Cloughton	Hon. R. T. Leeson
Hon. S. J. Dellar	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. E. Thompson
Hon. L. D. Elliott	Hon. W. F. Willesee
Hon. J. L. Hunt	Hon. D. K. Dans

(Teller)

Noes—18

Hon. C. R. Abbey	Hon. T. O. Perry
Hon. G. W. Berry	Hon. S. T. J. Thompson
Hon. V. J. Ferry	Hon. J. M. Thomson
Hon. A. F. Griffith	Hon. F. R. White
Hon. Clive Griffiths	Hon. E. J. L. Williams
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. G. C. MacKinnon	Hon. W. E. Withers
Hon. N. McNeill	Hon. D. J. Wordsworth
Hon. I. G. Medcalf	Hon. J. Heitman

(Teller)

Question thus negatived.

Bill defeated.

**EVAPORITES (LAKE MacLEOD)
AGREEMENT ACT AMENDMENT BILL**

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. J. Dolan (Leader of the House), read a first time.

**SALES BY AUCTION ACT
AMENDMENT BILL**

Assembly's Amendments

Amendments made by the Assembly now considered.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. J. M. Thomson in charge of the Bill.

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

No. 1.

Clause 5, page 3, lines 8 to 14—Delete paragraph (b) and substitute a new paragraph as follows—

(b) immediately after each lot is purchased or passed in at such a sale, shall, under the

respective headings in the register or book that are applicable, make or cause to be made an accurate entry of all the particulars and on the same day shall sign or initial such entries, .

No. 2.

Clause 5, page 4, after line 6—Add the following—

3C. (1) Where a sale by auction of cattle to which section 3A of this Act applies is conducted by a person whose license is held by him for the benefit of a firm or company under section twenty of the Auctioneers Act, 1921, any member of the police force of the State may, at any reasonable time, inspect all invoices, account sales and other records kept by the firm or company as the case may be concerning that sale.

(2) Any member of a firm or any company referred to in subsection (1) of this section—

(a) shall hold all invoices account sales and other records available for the purpose of any inspection authorised by subsection (1) of this section; and

(b) shall, on the request of any member of the police force of the State produce the invoices, account sales and other records to him for that purpose,

and any member of a firm or any company failing to comply with the provisions of paragraph (a) or (b) of this subsection shall be guilty of an offence and shall be liable to a penalty of not more than one hundred dollars.

(3) Any person who hinders any member of the police force of the State acting pursuant to the power given to him by subsection (1) of this section shall be guilty of an offence and shall be liable to a penalty of not more than one hundred dollars.

To avoid any confusion I shall deal with the amendments made by the Legislative Assembly separately.

The Hon. J. M. THOMSON: I move—

That amendment No. 1 made by the Assembly be agreed to.

The Hon. I. G. MEDCALF: This Bill has had a long and checkered history in this Chamber. It is unnecessary for me to remind members of the details of its passage. I am sure Mr. Jack Thomson is keenly aware of the occasions on which he introduced similar Bills; and I am also sure that every member of this Parliament

and of the preceding Parliament is very familiar with the general details of the measure before us. On three occasions, three similar Bills were dealt with by this Chamber, and on several other occasions parts of those measures were considered.

The Chamber has considered the measure before us carefully. As a result of discussions which took place between Mr. Jack Thomson and other members we ended up with a Bill which, by common consent, was a reasonable piece of legislation. We felt it would be of some benefit to the producers of livestock, without inflicting any great penalty on the industry, and it would not inflict any severe costs in the sale of livestock.

We must always bear in mind that it is the farmer who pays the costs, and that the industry itself finally pays the excessive costs which are introduced.

However, I regret to say I cannot accept the amendments which have been proposed by the Legislative Assembly. It would be much easier for me, were I so minded, to agree to these amendments and declare they seem to be reasonable. I could thus accept them with good conscience. The fact is I cannot accept them with a good or clear conscience, because to me the amendments introduce an unworkable concept.

In regard to the first amendment of the Assembly, I believe this legislation would prove to be harmful to the very people whom it is ostensibly intended to protect. If we agree to the first amendment we will affect adversely the cost structure and the entire selling procedure relating to sheep and cattle in this State.

The Bill started off as an attempt to correct a situation which had developed at Albany. As a result of certain activities which occurred there and in the great southern the Bill was designed quite genuinely by Mr. Jack Thomson to rectify that situation. It extends not only to cattle sales, which were the immediate cause of his concern, but also to sheep sales and other sales at the Midland markets.

I wonder whether the mover of the Bill has considered seriously the effect which these amendments will have on the sale of sheep at the Midland markets. It would be easy for me to agree to amendment No. 1 if it did not have a serious effect, but knowing what I do know as a result of discussions I have had with livestock salesmen and other people intimately involved with the Midland markets I find I cannot agree to the proposed amendments.

What the first amendment says is that immediately after each lot is purchased or passed in, the register shall be completed; that is, the form appearing in the schedule to which we have given our approval. To begin with the Bill contains an anomaly,

in that sheep are not passed in at the Midland markets. Undoubtedly, livestock are passed in at country sales but not at the Midland markets, unless there is a major strike or some similar failure of the system.

The object is to sell the stock unless there is some good reason for its not being sold, such as a strike, or the abattoir not being able to handle the number supplied. To begin with, by its very phraseology amendment No. 1 is not applicable to the Midland saleyards. Nevertheless, the whole purpose of the Bill is to deal with the Midland saleyards. Sheep are not passed in at Midland and, therefore, the reference "or passed in" does not have any application. The reference would have application in the country areas because a reserve might be placed on the stock by the owner.

It seems to me that this measure is primarily designed to cater for the situation in respect of certain country sales which was so adequately outlined by Mr. Jack Thomson on previous occasions. The words in the amendment to which I take exception are "immediately after each lot is purchased or passed in".

A clause to which we have already agreed sets out that each day the auctioneer shall complete the register under the respective headings. That is the basic difference between the two amendments. The amendment we are now discussing states, "immediately after each lot is purchased". The difference is that under the provisions of a previous clause the auctioneer is allowed some time in which to complete his books, but under the provisions of this amendment he will not be allowed that time.

In the nine months up to the 30th March of this year, 3,166,000 sheep have been sold at Midland by all agents. In the corresponding period for last year the number sold was 2,630,000. In other words, there has been an increase of 530,000 sheep during that period. In the nine months up to the 30th March of this year, 139,000 cattle have been sold at Midland. The number sold for the corresponding period in the previous year was 101,000. There has been an increase of 38,000 in that period.

The Hon. S. T. J. Thompson: The number of lots would be more relevant.

The Hon. I. G. MEDCALF: I will come to that. On a typical day at the Midland market there is a yarding of 40,000 sheep, with an average of 30 sheep to the lot. That would mean not less than 1,300 lots to be sold by auction on that day. The sale cannot commence before 9.00 a.m. because of the organisation which goes on before the sale, and it must be completed by sundown. There is a break of one hour for lunch because of union rules. In fact, the sale has to finish at 4.00 p.m. at the latest because there is a health requirement to clean up the yards ready for the sale on the following day. Also, delivery dockets

have to be handled and the stock counted to the last head, because someone must be liable for them. If 1,300 lots were sold the average rate would be 200 lots an hour, which is one lot every 18 seconds. That is a fairly fast rate.

A typical day for cattle would be about 2,500 yarded, forming about 625 lots with four cattle per lot. The rate of selling would have to be 160 lots per hour, or one lot every 22½ seconds.

According to the provisions already passed, we allow the auctioneer the rest of the day to complete his register. When the man was being tried in the Albany Court of Criminal Sessions Mr. Justice Virtue said, in his judgment, that it was reasonable that an auctioneer be given a period of time to put his books in order. That is the view of most people who have any close contact with the sale of stock. Of course, disputes do occur. If the auctioneer, or his clerk, is expected to complete a further register over and above what he is already doing—as each lot is sold and before moving onto the next lot—it cannot be done. As I have said, disputes do occur and they have to be sorted out. I ask: How can a further register be kept in addition to all that work?

The code of the Western Australian livestock salesmen sets out a minimum speed of 40 lots of sheep each half hour. In practice, the minimum rate has to be exceeded.

I seriously ask members to search their consciences as to whether they believe it is reasonable or possible to expect an auctioneer at Midland, immediately after each lot is sold, to enter all the details in a register. In any event, a good deal of that information is noted by the clerks in the central office at Midland.

The Hon. L. A. Logan: The amounts for the sales would be pencilled in.

The Hon. I. G. MEDCALF: But we are asking the auctioneer not only to fill in the amount of the sale, but also a lot of other detail as well.

It might appear that I am starting at the wrong end with my argument, but it is much easier to commence with the time that the sheep enter the Midland saleyards. The stock go through various stages of being penned and drafted, and eventually they reach the rail of the auctioneer. The auctioneer usually has a clerk on each side of him, and each clerk has a sheet which is of a set form, and it contains certain information relevant to the particular sale. To illustrate the problems of the auctioneer I feel I will have to refer back to the beginning of the system at Midland.

When the sheep arrive by rail a card containing certain information is attached to each end of the rail truck. One of the cards is retained by the Railways Department, and the other goes with the sheep. The card shows details concerning the

ownership of the sheep. When the sheep arrive at the saleyards a drafting officer goes through the mob and separates them.

He will put all the wethers on one side and the ewes on another, and he will separate them for quality and type. He will then put them into their various lots and they will go into pens. The drafting officer looking at them for type, quality, etc., will classify or draft the sheep into smaller groups—say, lots of 30. These are all owned by one owner—the ownership is not mixed up. On the back of the card are the penning particulars, and the card follows the sheep through. It contains a lot of other information. When he has the sheep drafted into a particular lot—say, the whole of this mob—the drafting officer will then put on the card the name and address of the owner, the truck number, etc. This is the information from the rail yards. He then fills in the rest of this section with the pen number, number of sheep, and description. In fact, at that stage the drafting officer hands over the sheep in this small lot to the penning officer.

The penning officer has an assistant further up, near the pens. The penning officer actually writes in the pen number and the number of sheep—say, 30 sheep, pen number 146. He calls this out to the assistant penning officer and he physically follows the sheep up the race. They are counted out and put into that pen. The minute they are taken from the mob by the drafting officer, they are counted out, checked by the penning officer, and checked into the pen.

The system is as foolproof as it can be when it is realised that 40,000 sheep may have arrived that morning. The card contains the description of the sheep—for instance, merino wethers, export quality. It also contains the numbers of the pens into which all the sheep from that particular draft have been put. The card is then initialised by the drafter, to start with, and then by the penning officer and the person who unloaded the sheep in the first place. The card is put into a letterbox—there are many letterboxes all over the place—and a runner comes out from the office, empties the boxes, and takes the contents to the central office where clerks are engaged entering these vital details in triplicate on the sheep clerking sheet, which contains the pen number, the name of the vendor, the number of sheep in the pen, and the description of the sheep.

Those four items are entered on the sheep clerking sheet. Of the three copies, one is kept for the office records and the others are sent out to the runner. The auctioneer is between them; they are not allowed to crib. The idea of having two copies is to provide an independent method of obtaining the numbers and the name of the buyer.

The auctioneer is selling all the time. He has a run and he has to get through it. All this information is being written down. If there is an error or something that does not tally, an endeavour is made to check, and the arbitrator is the auctioneer. Sometimes they are so pushed that they cannot do more than tear off the cards and hand them to the runner, who takes them back to the office. If any discrepancy occurs, the final reconciliation is inserted in the office. It is checked in the office. Sometimes it can be sorted out there; though not always.

Simply put, that is the system. I have dealt only with bringing the sheep in by rail. Ninety per cent. of the sheep come in on trucks, but a similar system applies and the principle is much the same, except that the truck driver gets the sheet, which contains the same information—description, brand, name and address of owner, and so on.

I have gone to some pains to ascertain, right from the horse's mouth, what the process is. It will be obvious to members that it would be extremely difficult, as each lot is sold, for either the auctioneer—as we are asking him to do in the amendment—or even the clerks in the office to complete the register at that particular point in time. We are asking them to do something it is not possible to do in these circumstances.

I therefore strongly urge that we do not proceed with the suggestion from the Legislative Assembly which, as I say, may be quite relevant where there is no pressure, but at some of the country sales there is also plenty of pressure. The system in the country is different. These forms are not used. A yard book is used instead of the sheep clerking sheet. It has a stiff cover because it must be taken out in all weather and conditions. There may be minor variations but basically the same principle is followed right throughout the State.

I do not propose to say any more at this stage but I reserve the right to comment further.

The Hon. J. M. THOMSON: The amendment proposed by the Legislative Assembly came about because of the alteration of the record upon the instruction of an auctioneer from a certain stock firm at Kataning, I think. Mr. Medcalf gave his name as Mr. Builder.

The Hon. I. G. Medcalf: He was only one of several.

The Hon. J. M. THOMSON: That does not exonerate him.

The Hon. I. G. Medcalf: He was not the only one involved.

The Hon. J. M. THOMSON: That is Mr. Medcalf's opinion. I am not here to defend the actions of the auctioneers or the stock firms in this regard. I have a report

of the evidence submitted at the Albany court, which states that after the stock had been sold Mr. Builder, the auctioneer, issued instructions to the clerk to alter the entry to another name, and the stock were resold. Those who were instrumental in proposing this amendment in the Legislative Assembly wanted to avoid the possibility of a recurrence of the situation to which I have referred. That is the reason for the amendment.

I think it is necessary to take into consideration the situation which confronts the people at sales in country districts. We have heard much about what happens at Midland Junction. In view of the importance of this matter, I cannot see that much extra expense or difficulty will be involved for the stock firms if the registrar follows up immediately and fills in the details required under the proposed legislation. It is very desirable that we avoid the possibility of alterations being made after the sale.

The amendment under discussion was brought about because of the malpractices of certain individuals who have brought this upon the industry.

The Hon. A. F. Griffith: What was the date of the trial?

The Hon. J. M. THOMSON: The 10th January, 1969.

The Hon. A. F. Griffith: Have there been any other similar occurrences since then?

The Hon. J. M. THOMSON: That is a good question. I shall answer it in a moment. I will not mention any names but, as names have been mentioned from time to time, I felt constrained to make the comment I made a moment ago. Do not let us delude ourselves that this practice is not in existence today. I have it from reliable sources that two people in the south-west portion of this State have been indulging in this practice in recent times. I am not prone to making statements that cannot be substantiated, but do not let us run away with the idea that because some people have suffered the penalty the same practice has not occurred since.

Those who indulged in the malpractices are responsible for this amendment being framed—not the people who complained about them, and not I who brought the legislation to the House in an endeavour to rectify the situation. The police have from time to time drawn attention to the present set-up. The situation is such that something of this nature should be written into the Bill, and I trust the Committee will agree to amendment No. 1 on the notice paper.

The Hon. R. THOMPSON: Last year I mentioned that the department had a responsibility to see that the Bill is in order. From time to time it is claimed in

this Chamber when legislation from another place is amended that such legislation is better off for it. On this occasion the Bill left here and was amended in another place. The Minister in another place agreed to the amendment.

The Hon. A. F. Griffith: Did he move it?

The Hon. R. THOMPSON: No, but it was discussed. In this case the other place has amended the measure so that it is in a better form than when it left this Chamber, and it is acceptable to the Minister controlling the department.

I think Mr. Medcalf drew a lamb's tail across the trail regarding the schedule. The form would be filled in long before the auction commenced. We must not forget there is more than one auctioneer; they work in series. All that is required when the lot is knocked down is that the price be inserted and initialled, because the other particulars would already be on the form. The amendment does not say the auctioneer must make the entry; it says he must make or cause to be made an accurate entry.

The Hon. A. F. Griffith: Who would be responsible if a mistake occurred?

The Hon. R. THOMPSON: The auctioneer, but he is already responsible at the moment and the situation will not change.

The Hon. A. F. Griffith: Let us assume someone else made the entry. Would the auctioneer still be responsible?

The Hon. R. THOMPSON: Yes, just as he is now.

The Hon. A. F. Griffith: But at the moment he is not required to do all the things laid down in the amendment. He will not have to do them, but he will be responsible for them?

The Hon. R. THOMPSON: He does not do them at present. He will still give this work to his clerks. The schedule will already be filled in and it requires only the price to be inserted and initialled.

The Hon. D. J. Wordsworth: What if there are two less sheep in the pen; would it be quite legal to correct the books?

The Hon. R. THOMPSON: It would be the same as at present. The amendment will not make a scrap of difference.

The Hon. D. J. Wordsworth: He has already signed a declaration concerning the number of sheep.

The Hon. I. G. Medcalf: He cannot be certain the number shown is correct in all cases. He must have time to adjust his books.

The Hon. R. THOMPSON: If he is selling as many lots as the honourable member claims he is selling probably one hour later he would not remember that there were two less sheep in a particular pen.

The Hon. S. T. J. Thompson: The buyer accepts the check-out, and not the number on the card.

The Hon. R. THOMPSON: Yes, of course. The same applies in the produce markets. Someone may inadvertently take a couple of cases of tomatoes and a person who bought 20 cases might find he has only 18.

The Hon. I. G. Medcalf: One does not have to sign every time one sells a case of tomatoes.

The Hon. R. THOMPSON: I know, because we excluded them from the legislation.

The Hon. I. G. Medcalf: Well now you are trying to put it into this Act.

The Hon. R. THOMPSON: I have always defended auctioneers, because I know how difficult is their job.

The Hon. I. G. Medcalf: Now you are trying to pillory them.

The Hon. R. THOMPSON: I am astounded that obviously the honourable member does not know what is in the Bill.

The Hon. I. G. Medcalf: I know what is in the Bill and what is in the Act.

The Hon. R. THOMPSON: I think he had better have another look at it.

The Hon. G. C. MacKINNON: Last year I was extremely critical of this Bill, and I repeat my criticism now. We have before us an amendment made in another place, and Mr. Jack Thomson has moved that it be agreed to. The only explanation we have had regarding why we should agree to it was from Mr. Ron Thompson.

I do not believe we should be going over the history of what happened in 1969. I think the fact that a person was caught and punished for an offence is no explanation why we should accept the amendment in lieu of what is contained in the Bill. That is the only explanation Mr. Jack Thomson has given.

The Hon. J. M. Thomson: That is the reason for the Bill being presented.

The Hon. G. C. MacKINNON: That is not a good enough reason; we deserve better. The honourable member should be trying to convince me, but so far he has given no explanation regarding why the amendment is preferable to what is at present contained in the Bill.

The Hon. J. M. Thomson: I am surprised. I thought my explanation conveyed the reason.

The Hon. A. F. Griffith: Your explanation was as clear as mud.

The Hon. G. C. MacKINNON: The honourable member's first speech consisted only of moving that the amendment be agreed to.

The Hon. R. Thompson: That is all that is necessary.

The Hon. G. C. MacKINNON: Is it? I would have liked to try that when I was on the other side. We are entitled to and

expect an explanation. Mr. Medcalf pointed out the mistakes in the amendment, and I have yet to hear an explanation in favour of it other than the one given by Mr. Ron Thompson. I know about auctions; I cut my teeth on off-shears sales in the south-west, where stock were sold in large quantities, although the conditions were not as hectic as those applying at Midland.

We have provisions on the Statute book prohibiting the committal of murder, and although in the main we catch most murderers, we do not say the laws are useless because occasionally a murderer gets away. Yet strangely enough in this case the situation is not as bad as that because the person concerned has been caught and punished. Tonight we have heard of another case in the south-west of a person who has yet to be apprehended. I take it that the member who referred to that case would be responsible enough to impart his knowledge to the authorities in order that the offender may be punished. I think Mr. Medcalf made it abundantly clear that this amendment will make conditions extremely difficult in the major sheep selling areas, simply for the sake of a small gain in a particular corner of the State.

The Hon. C. R. ABBEY: As Mr. MacKinnon has pointed out, we all know that provided we can apprehend wrongdoers and bring them to justice we will achieve the desired objective. I believe the original provision produced last year was quite adequate in that regard. The amendment is an endeavour to tighten up the situation a little more, but it will make the job of auctioneers more difficult. I have taken the trouble to discuss the matter with senior stock executives of two major firms, and they were horrified at the implications of the amendment because to comply with it they will require more staff. Let me assure members that skilled staff are not easily found. I think the original provision is quite adequate and there is no need to make it more stringent. I hope Mr. Jack Thomson will not proceed with the amendment.

The Hon. F. R. WHITE: I am sympathetic to the views expressed by Mr. Jack Thomson and also to those expressed by Mr. Medcalf. It would appear that the amendment with which we are dealing could be a practical proposition in respect of country sales, but would be quite impractical in respect of the sales at Midland.

The Hon. C. R. Abbey: That's for sure.

The Hon. F. R. WHITE: However I do feel that both parties could be adequately satisfied by an appropriate compromise. I therefore move—

That the amendment be amended as follows—

Line 3—Insert after the word "sale" in proposed new paragraph (b) the words "or as soon as is practicable".

The Hon. R. THOMPSON: This amendment, if it is to be accepted, should be inserted after the word "immediately" in line 1. In any case I do not favour the amendment at all.

The Hon. S. T. J. THOMPSON: I think we must make sure that it is done on that day.

The Hon. F. R. WHITE: I draw the attention of Mr. Syd Thompson to the last three lines of the amendment from another place, because according to the words in those lines the action must be taken on that day.

The Hon. S. T. J. Thompson: No.

The Hon. I. G. MEDCALF: I am indebted to Mr. White for his suggestion which would provide the solution to an otherwise impossible predicament of the livestock auctioneers. I do not agree with Mr. Ron Thompson that the amendment should be inserted earlier because this would mean that the provision could not be enforced. I do not think we want to pass a law which is not a practicable proposition.

The Hon. L. A. Logan: He would do it after each run?

The Hon. I. G. MEDCALF: Yes, that is right.

The Hon. R. THOMPSON: As I said, I do not like the amendment. I think we are starting to play with words and we will not solve anything by doing so. I feel sure that Mr. Medcalf will agree with me that the schedules will be made up before the auction sale starts.

The Hon. I. G. Medcalf: No, I do not agree with you.

The Hon. R. THOMPSON: They could possibly be typed out and would include the price and the buyer. All the clerk would be required to do would be to initial them.

While on my feet I would like to refer to a remark made by Mr. Medcalf who seems to think that because I spoke of tomatoes in the Perth markets, this amending Bill would deal with all produce.

The Hon. I. G. Medcalf: No. I said that the Act deals with farm produce.

The Hon. R. THOMPSON: The Act does, but we are not discussing an amending Bill to the Act.

The Hon. I. G. Medcalf: I thought you were referring to the Act.

The Hon. R. THOMPSON: The honourable members knows very well I was not.

The Hon. I. G. Medcalf: I would not have said it if I knew that, would I?

The Hon. R. THOMPSON: Mr. Jack Thomson has inserted a new definition of cattle in order that produce might be excluded.

Getting back to the amendment, I am not in favour of it, but if it is the wish of the Committee that it be included, naturally this will be done.

The Hon. D. J. WORDSWORTH: I am afraid I cannot agree with Mr. Ron Thompson. We are now making the auctioneer sign a declaration stating the number of sheep involved. If he signs that hurriedly in the 15 seconds between lots and hands it to the policeman, he could be liable to a \$500 fine if the information is incorrect.

The Hon. R. Thompson: Don't be ridiculous!

The Hon. D. J. WORDSWORTH: That will be the law under the amendment. If we do not intend that the law be insisted upon, why make it in the first place?

I believe the amendment is very good and will allow a reasonable time in which the auctioneer might check his figures. The amendment is in line with the judge's statement read by Mr. Medcalf, so I support it.

The Hon. R. F. CLAUGHTON: The point raised by Mr. Syd Thompson bothers me a little because I believe that what he said has some merit. However, I do believe that the words "on that day" should be inserted to make the position clear. I therefore intend to move a further amendment.

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): The honourable member cannot move a further amendment at this stage.

The Hon. J. M. THOMSON: I would prefer the amendment as it appears on the notice paper because I believe it adequately covers the position. I therefore trust the Committee will not accept the amendment on the amendment.

I am sorry that Mr. MacKinnon is not in his place because he attempted to take me to task for referring to the episode which was responsible for the introduction of the legislation. I believe that if a person introduces legislation he should give his reasons for doing so and I tender no apologies to the Committee for referring to the episode because I feel that it is important to do so. Any member of the Committee is entitled to take another member to task for a statement which, in his opinion, is wrong. I am equally entitled to that privilege. I see no reason for any objection to be raised if at any time during the Committee stage I refer to the necessity for the introduction of the Bill.

The Hon. A. F. GRIFFITH: I do not think it is fair for Mr. Jack Thomson to say that we neglected our purpose.

The Hon. J. M. Thomson: When did I say that?

The Hon. A. F. GRIFFITH: The first time we heard anything about this proposal was about five years ago when Mr.

Jack Thomson asked me, when I was Minister for Justice, to introduce a Bill to give effect to the very proposals with which we are now dealing. I produced a Bill for him but it did not suit him, so we did not go on with it. For the last five years we have had the confounded thing brought before us.

The Hon. R. Thompson: It is getting rather like Blue Hills!

The Hon. A. F. GRIFFITH: I stress that we have not neglected our purpose. We have tried to help the honourable member in what he is seeking.

The Hon. J. M. Thomson: Which I appreciate.

The Hon. A. F. GRIFFITH: The honourable member has an odd way of showing it. A workable solution has been put forward which is acceptable, and now we are having trouble with something that has been sent to us by the Legislative Assembly.

Mr. Jack Thomson did not give us any reason why he did not like the amendment and yet he talks about Mr. MacKinnon having given no reason to support his statements. Why do not we, therefore, accept the amendment put forward by Mr. White and put an end to the thing once and for all? We could give it a try; otherwise we will have the Bill back again next year.

The Hon. R. F. CLAUGHTON: Although I do not necessarily favour the amendment I feel that Mr. White's amendment would succeed. The effect of the amendment will be to bring the proposals we have before us back to what existed in the original Bill, and the auctioneer will be able to give reasons why it is not practicable for him to make an entry at that time, particularly if he is challenged about it.

The Hon. J. Dolan: He could make it a week later.

The Hon. R. F. CLAUGHTON: It must be done on that day. If he is asked why he did not make the entry immediately after the sale he could say that he was busy doing something and his clerk was busy doing something else and it was not practicable at the time.

The Hon. A. F. Griffith: Surely he is entitled to a reasonable excuse for not doing it at the split second.

The Hon. R. F. CLAUGHTON: The effect would be to provide him with an excuse whether it was a reasonable one or not.

The Hon. A. F. Griffith: You imagine all auctioneers are criminals.

The Hon. R. F. CLAUGHTON: The honourable member also imagines a lot of things and though he makes statements he often cannot substantiate them.

The Hon. A. F. Griffith: If I pull your nose I will not be imagining it.

The Hon. R. F. CLAUGHTON: I do not mean to imply that Mr. Jack Thomson's view is not a good one, but I feel members may consider that the amendment which came from the Assembly is a better one.

The Hon. L. A. LOGAN: It is evident that the word "immediately" cannot possibly apply to certain auctions. We know pencilling is going on all the time; the register is made up and the clerks are running back from the sale to the office. It is not long after the completion of the sale that the register is completed.

From the dictionary definition of "immediately" we would be putting something into the Act which would not be practicable. We should not do that. I think we are getting close to agreement that some alteration should be made.

The problem appears to be that at the end of the day and after the auction sale it may be possible for someone to falsify the books. The word "immediately" would mean that the auctioneer would have to keep the register right up to date. In some cases auctions are held for example at 11 o'clock in Perenjori, at 1 o'clock in Morawa, and at 3 o'clock at Three Springs. The auctioneer must carry out his job after each sale. This cannot be done because the auctioneer is on a platform, and even after 30 seconds it would be impossible for the auctioneer to sign the register to say it is a true record.

Despite the amendments suggested Mr. Jack Thomson now knows that he has some support, and I suggest that he report progress and ask leave to sit again to ensure that the job is done properly.

The Hon. R. THOMPSON: I think Mr. Logan's suggestion is a good one. I feel that Mr. White might seek the permission of the Committee to withdraw his amendment. He would then delete the words "after each lot is purchased or passed in at such a". This would be immediately at the conclusion of the sale.

The Hon. A. F. Griffith: Why not get a draftsman to do the job?

The Hon. F. R. WHITE: Mr. Logan has suggested that Mr. Jack Thomson report progress to discuss a satisfactory compromise. I do not think it is necessary for me to seek leave to withdraw my amendment at this stage. If progress is reported I would be happy to withdraw it when the matter is brought up again.

The Hon. R. THOMPSON: I take it we will report progress on this clause only.

The Hon. I. G. MEDCALF: It would not be appropriate for Mr. White to withdraw his amendment at this stage, and I hope Mr. Jack Thomson will report progress without further ado to permit us to discuss some reasonable amendments.

The Hon. J. M. THOMSON: I would like to move that we postpone consideration of amendment No. 1.

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): If you do that you will have to go on with your other amendment. Is that your desire?

The Hon. J. M. THOMSON: Yes.

The Hon. I. G. MEDCALF: The comments I wish to make on the other amendments are bound in with this amendment and accordingly it would be preferable to report progress.

Progress

Progress reported and leave given to sit again, on motion by The Hon. J. M. Thomson.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. J. DOLAN (South-East Metropolitan—Leader of the House) [9.30 p.m.]: I move—

That the House at its rising adjourn until 2.00 p.m. tomorrow (Thursday). I would like the sitting to finish somewhere around 4 o'clock tomorrow. Good Friday eve is one of the worst days of the year so far as traffic is concerned. I am sure country members would like to be out of the city and on their way home before the traffic becomes really heavy.

Question put and passed.

House adjourned at 9.31 p.m.

Legislative Assembly

Wednesday, the 18th April, 1973

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

PERTH-LEIGHTON RAILWAY LINE

Conversion to Busway: Urgency Motion

THE SPEAKER (Mr. Norton): Under Standing Order 49 I have received the following letter from the Leader of the Opposition—

I desire to seek your approval to move when the Legislative Assembly meets at 4.30 p.m. today for the adjournment of the House as a matter of urgency for the purpose of discussing the following:—

The position that has developed following the announcement by Railway Unions and now confirmed by the Premier that the Premier gave the Unions an undertaking in July 1972 that the Government would abandon a plan to turn the railway line between Leighton and Perth into a busway. The Premier has also