

# Legislative Council

Wednesday, 9 November 1983

The PRESIDENT (Hon. Clive Griffiths) took the Chair at 2.15 p.m., and read prayers.

## HEALTH: TOBACCO

### *Advertising: Petition*

On motions by the Hon. Peter Dowding (Minister for Mines), the following petition bearing the signatures of three persons was received, read, and ordered to lie upon the Table of the House—

To:

The Honourable the President and the Honourable Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

We, the undersigned are school teachers and we believe that education programmes alone are ineffective in discouraging children from smoking and only by combining education with legislation to ban tobacco advertising can we expect that the uptake of smoking by children will be significantly reduced.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

(See paper No. 464.)

## ELECTORAL

### *Referendum: Petitions*

On motions by the Hon. Mark Nevill, the following petition bearing the signatures of 13 persons was received, read, and ordered to lie upon the Table of the House—

To:

The Honourable the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled:

We the undersigned electors of Western Australia desire that the State Electoral System be reformed so as to incorporate the principle of 'one person-one vote-one value'.

We specifically request the reform of the Legislative Council of Western Australia to achieve:

1. A reduction in the number of Legislative Councillors from 34 to 22.

2. The retirement of half of the Members of the Legislative Council at each general election (ie. simultaneous elections).
3. The election of Legislative Councillors according to a system of proportional representation such as currently operates in Senate elections.

And that the above reforms be decided by the people voting at a referendum.

Your Petitioners therefore humbly pray that you will give this matter earnest consideration, and your Petitioners, as in duty bound, will ever pray.

(See paper No. 468.)

A similar petition was presented by the Hon. Kay Hallahan (188 persons).

(See paper No. 446.)

## BILLS (2): INTRODUCTION AND FIRST READING

1. Western Australian Tripartite Labour Consultative Council Bill.
2. Acts Amendment and Repeal (Industrial Relations) Bill.

Bills introduced, on motions by the Hon. Peter Dowding (Minister for Mines), and read a first time.

## ABORIGINES

### *Fringe Dwellers: Personal Explanation*

HON. N. F. MOORE (Lower North) [2.43 p.m.]: I seek leave of the House to make a personal explanation concerning incorrect information I gave in a speech to this House in September.

Leave granted.

Hon. N. F. MOORE: In a speech I made to this House on Tuesday 13 September 1983, I referred to a request that had been made by an Aboriginal fringe dweller group to the "Anglican's concerned for Aborigines" committee.

Details of this request were contained in the minutes of the meeting of this committee held on 26 July 1983, and in my speech I quoted from these minutes. I then went on to say that the people who wanted this assistance then visited Laverton to make a film about fringe dwellers.

The impression was created that the Anglican Church had acceded to the request of the fringe dwellers to provide assistance. I have since been advised that no assistance was given to the fringe

dwellers by the Anglican Church to assist with the visit to Laverton.

I therefore apologise to the Anglican Church for the implication contained in my speech.

This statement does not, however, diminish in any way my criticism of the activities of the group which visited Laverton, and its subsequent attempts to cause additional problems in that town.

## STATE GOVERNMENT INSURANCE OFFICE AMENDMENT BILL

### *In Committee*

Resumed from 8 November. The Deputy Chairman of Committees (the Hon. John Williams) in the Chair; the Hon. J. M. Berinson (Attorney General) in charge of the Bill.

Clause 7: Sections 7A and 7B inserted—

The DEPUTY CHAIRMAN: Progress was reported after the Attorney General had moved the following amendment—

Page 3—Delete proposed subsection (4) and substitute the following—

(4) The State Government Insurance Office may manage and administer self insurance arrangements on behalf of Departments, authorities or instrumentalities of the Government, including the arrangement, when prudent, of re-insurance of risks arising therefrom (which re-insurance shall be open to competitive bids within the insurance industry and shall not be directed preferentially to the State Government Insurance Office), and such self insurance arrangements shall be conducted within the Government Insurance Fund.

To which the Hon. G. E. Masters had moved—

That the amendment be amended by adding after the word "Fund" being the last word in the proposed new subsection (4) the following—

, but where Departments, authorities or instrumentalities of the Government propose to take out or renew insurance, such insurance business, including other business that may be so declared to be "Government business," shall be open and available for competitive public tender without being preferentially directed to the State Government Insurance Office.

Hon. G. E. MASTERS: Last night at a late hour the Attorney General moved an amendment

dealing with the ability of the SGIO to manage and administer self-insurance arrangements on behalf of Government departments. I indicated that the Opposition would support that proposal provided the amendment to the amendment which I moved was supported by the Government. The wording of my amendment caused some difficulties and the Attorney General agreed to report progress in order that an amendment to the amendment could be written in a form which would be acceptable to the Opposition and the Government.

I make the point that the Premier, the Attorney General, and the Government have indicated that self-insurance systems would be available to the private sector and be open to competitive bids. I understand that the Government is in agreement with that proposition and I will read the proposed new amendment to the amendment for the information of members.

The DEPUTY CHAIRMAN (Hon. John Williams): I advise the Hon. Gordon Masters that he should not speak on his new amendment to the amendment until he has sought leave to withdraw the amendment on the amendment appearing in his name in the notice paper.

Hon. G. E. MASTERS: I seek leave to withdraw the amendment to the amendment appearing in my name on the notice paper.

Amendment on the amendment, by leave, withdrawn.

Hon. G. E. MASTERS: I move—

That the amendment be amended by adding after the word "Fund" being the last word in the proposed new subsection (4)—

, but where Departments, Authorities, or instrumentalities of the Government propose to take out or renew insurance, other than through the Government Insurance Fund, such insurance business shall be open and available for competitive bids without being preferentially directed to the State Government Insurance Office. Where Departments, Authorities, or instrumentalities take out or renew insurance other than through the Government Insurance Fund and such insurance is placed with the State Government Insurance Office, brokerage shall be payable by the State Government Insurance Office on a normal commercial basis.

The first part of the amendment on the amendment gives the private sector the ability to compete or put in competitive bids in Government insurance other than self-insurance schemes.

I have discussed this point with the Attorney General and it has been a joint effort. The point concerns the use of the words "Government insurance fund". I understand the Government insurance fund is wholly and solely for self-insurance schemes and nothing else. If the Minister will put that on record for me so that it is loud and clear, I am prepared to continue with the amendment.

The other point I wish to stress to the Chamber concerns me greatly and it relates to the defeat of the amendment I put forward last night which dealt with costs incurred by the private sector which may not be incurred by the SGIO. In particular I refer to the brokerage fee which I believe should be paid in certain circumstances. That fee should be paid by the SGIO when the brokers are involved in handling insurance which is placed with the SGIO. In normal circumstances if an insurance company were approached by a broker and it accepted that business it would pay the broker a fee. I am saying that the SGIO should be required to pay some fee to the broker if it is involved in that type of insurance. It is important that the private sector should not be disadvantaged by having to pay a broker's fee while at the same time the SGIO does not have to pay a broker's fee.

I believe this amendment to the amendment will ensure that the SGIO in the circumstances I have outlined will be required to pay a broker's fee and therefore will not have a competitive edge in this regard. With those comments, I seek the support of the Committee and the Government.

Hon. J. M. BERINSON: We have now ended up with a very long amendment in place of what was originally a short proposition. I confirm that this matches my understanding of what the honourable member sought earlier in the debate. It also matches the undertakings given by the Government in the Legislative Assembly and in this place. Therefore, I indicate that this further amendment on my amendment will be supported by the Government.

The Hon. Gordon Masters has asked me to confirm that the Government insurance fund is wholly and solely for the administration of self-insurance schemes by Government departments, authorities, instrumentalities, and so on. I do confirm that; but this is an area where the terminology must be precise. I think I am correct in saying that on every occasion that I have referred to the Government insurance fund I have said this is a fund which in effect will, and does, in its present form conduct a self-insurance scheme for Government departments and authorities. The purpose of adding the words "in effect" is to make it clear, as

I think I have done at great length, that this is not an unqualified self-insurance scheme; that it does have the need on occasions to resort to re-insurance. That is specified in my own amendment and members will be aware that in respect of reinsurance it is agreed by the Government, again in response to urgings from the other side, that reinsurance should be open to competitive bids in the private sector. That is the only qualification I put on it. I would not want there to be any room for doubt by people who are not aware of the earlier explanations in this debate, and who may later suggest that self-insurance is strictly self-insurance, that each department must look after itself, and that it cannot have access to a pooled fund for reinsurance facilities, and so on.

I think I am correct in saying that this covers all the points raised by the honourable member and to which he has asked for a response. I indicate again that Mr Masters' further amendment has the support of the Government.

Amendment on the amendment put and passed.

Amendment, as amended, put and passed.

Hon. G. E. MASTERS: I move an amendment—

Page 3—Delete subsection (5) of new section 7A.

Hon. J. M. BERINSON: I believe the Hon. Gordon Masters is correct. It is clear that the question of brokerage will not arise in respect of primary self-insurance business of the Government insurance fund. On the other hand we have already agreed by way of my earlier amendment that brokerage should be payable on the re-insurance business arising from the Government insurance fund. Against that background, proposed subsection (5) has no further basis for operation and I support the honourable member's amendment.

Amendment put and passed.

Hon. P. H. WELLS: I am of two minds whether to seek leave to withdraw my proposed new subsections on the Notice Paper.

The DEPUTY CHAIRMAN (Hon. John Williams): Order! You do not have to be in two minds. If you do not wish to proceed with it, just do not stand up.

Hon. P. H. WELLS: Under the two Commonwealth Acts, a company is required to report on its accounts, and subsequently those reports become public information. Some of the information is published in the reports of the commissioners, and I have had supplied to me today the report of the insurance commissioner for 1982. In relation

to general insurance, that report identifies not only the profit and loss position of the various companies, but also a fair amount of other information which is restricted to the reports under the Acts. After the information has been provided to the commissioner, the Minister provides it to the House. Any ordinary person or insurance company can go to the insurance commissioner and obtain a copy of the report, for the cost of \$2.50. I have had delivered to me today some of the reports required under the first schedule; those reports have been supplied by the Colonial Mutual Life Assurance Society Ltd. I have a copy of the revenue accounts which give detailed information about expenses and payments.

Not all of the information in these accounts is published, but any person or insurance company can pay \$2.50 to the commissioner to obtain that information; so to that degree it becomes public information.

The insurance companies in this State are operating at a disadvantage in relation to the SGIO in that the SGIO can obtain that sort of information relating to the companies, when the companies cannot obtain the same information about the SGIO. My amendment proposes that the SGIO should be subject to the same type of examination by existing companies. However, I propose that the accounts be laid on the Table of the House, and the information would then become available in the sense of being published information and public information. That would put the SGIO on the same footing as private companies.

A person who wanted to obtain the information laid on the Table of the House would have to come to the Parliament to seek a copy.

Hon. J. M. BERINSON: That is not right.

Hon. P. H. WELLS: I am talking about the requirements under the two Acts. The information is readily available to the public. I see the Attorney General shaking his head. He is probably more versed in these things.

It is probable that some of this information is embodied in the SGIO's annual report. If we limit the supply of the information to "published information", are we giving the SGIO an advantage over other insurers because it can make commercial calculations about the field before it enters it, when that sort of thing is not available to its competitors?

What is the advantage and disadvantage of reporting information? Can the Attorney explain whether there is any way that what I have put forward is not a true picture, and that the infor-

mation required by another insurer could be acquired by another method?

Hon. J. M. BERINSON: I confess to some confusion as to what the honourable member is proposing, but I will deal with matters as they turn up and hope for the best.

When I tried to indicate to the honourable member that he was not correct in making it sound as if tabled reports were hard to come by, I was suggesting that tabled reports, and certainly the published report of the SGIO, are not available only in the Parliament. They are available, in the normal course of events, on application at the SGIO office; and they are available, I would think, at the State Government Information and Inquiry Centre. A problem does not arise of people being forced to come to the Parliament because the report is tabled here. Once it is tabled, it is made generally available, in the ordinary course of events.

Hon. P. H. Wells: You say all the tabled papers are down at the SGIO?

Hon. J. M. BERINSON: The SGIO report is available.

Hon. P. H. Wells: There could be additional information.

Hon. J. M. BERINSON: Now I come to the proposed amendment, although I hope we can deal with an amended form of it, if the honourable member wishes to proceed with it. By proposed section 7A(9), we would establish a requirement for very specific and detailed accounts and statements. I think I have the honourable member's agreement on that. Proposed section 7A(10) establishes that those accounts and statements shall be given to the Minister and then shall be presented in the Houses of Parliament so that they become public knowledge to the extent and in the form that comparable information is customarily published in the annual reports of the insurance commissioner.

That does not necessarily limit the information that will go into the report, but it does protect the position which Mr Wells was interested in protecting—the position of securing the confidentiality of information that ought to be kept confidential. I suggest to him that his main concern is amply met by the listed amendment as changed in the way I have suggested to him, and that any further protection he seeks by way of examination of fuller material can well be met by our proposals to have all material available to the committee.

Hon. P. H. WELLS: The Attorney's first statement was that the requirement of the new subsection (9) would give us detailed accounts, and he

said I would accept that, although I have asked for more detailed accounts. I have explained that other companies are required to provide much more detailed accounts and that they are required to provide monthly reports, while I have asked for just an annual report. I think the Attorney has hinted at one mighty unknown in the Bill; that is, whether the committee proposed in the Bill will be able to cover all the things required.

In view of the Attorney's statement and in a spirit of compromise in view of the assistance he has given me, I will not move my amendment on the Notice Paper.

The amendment I have circulated is much more limited and does not include some words which I have been assured are covered by the term "body corporate". In addition, we have included provisions of section 3(4), (5) and (6) of the Life Insurance Act of the Commonwealth. It is limited in that proposed subsection (10) would deal only with those reports referred to in proposed subsection (9), reports which would customarily be published in the annual report of the commission. In other words, the information to be made available will be similar to that in the booklet called "The Insurance Commissioner's Annual Report" and the other one which is covered under the Insurance Act 1973 and the Life Insurance Act 1945.

I thank the Attorney for accepting this amendment, although I am still not 100 per cent happy. We are still accepting only partial reporting, although I accept what the Attorney says—that the additional information that would normally be required to be provided by a private company could come within the province of being requested by the committee promised in the Bill.

If members check the parent Act they will find a requirement for the office to be audited by the Auditor General. We receive a copy of his report, and the latest one on the Table is for 1981. However, unlike most other Acts of Parliament, this Act has no standard reporting requirement. Although the SGIO has provided reports, it is interesting to note that other Government departments such as the Main Roads Department and the Public Health Department are required by an Act of Parliament to submit annual reports to the responsible Minister. The SGIO does not have that requirement and has provided certain reports only as a matter of courtesy.

For the first time we will be spelling out a specific and fair range of reporting for the SGIO. This is a first step towards some definite examination of the office, so ensuring it meets normal commercial criteria. These reports alone will not

ensure that the SGIO truly follows commercial lines of operation, but they will at least provide a part of the types of reports expected of other companies, because we have excluded all the detailed reporting and we have a requirement only for certain information to be reported, leaving all the other information to be obtained by the committee.

The Attorney has indicated he is willing to sympathetically consider this approach, and I think he will see that we are not trying to mess about with the Bill but attempting to accomplish the ideal mentioned by his leader: That the SGIO would, in every facet of its operations, follow the same commercial requirements of all other companies.

It is essential that this information be made public and that this amendment be backed up with a subsequent provision so that not only is it intended the SGIO will operate on a normal commercial basis but also it is seen to operate on that basis and is not seen to be operating in a way that allows it to hide part of the information that other people must provide when they operate normal commercial undertakings. Acceptance of this amendment will go some way towards overcoming the objections of a large number of people currently operating in the commercial area. I move an amendment—

Page 4—Add after subsection (8) the following new subsections to stand as subsections (9) and (10)—

(9) In relation to the Trading Fund and the Life Insurance Fund as constituted by this section, the State Government Insurance Office shall supply to the Minister such annual accounts and statements as are required to be supplied by a body corporate (incorporated in Australia) pursuant to the provisions of section 44 of the Insurance Act 1973 of the Commonwealth and Division 4, 5 and 6 of Part III of the Life Insurance Act 1945 of the Commonwealth as if it were a body corporate subject to those Acts.

(10) The Minister, within 14 sitting days of receiving the accounts and statements that are to be supplied in accordance with subsection (9) shall present such accounts and statements to both Houses of Parliament to the extent and in the form that comparable information is customarily published in the annual reports of the Insurance Commissioner.

Hon. J. M. BERINSON: I indicate my agreement with the amendment as being consistent with the approach the Government has taken and the undertakings it has given. As a matter of interest, in the general insurance field the SGIO has, on a voluntary basis, already provided almost all of the information required by the Commonwealth Insurance Act 1973. Only one or two items have not previously been included in the SGIO's voluntary returns, but I see no reason in principle that the annual accounts and the annual statements already forwarded should not be expanded in a way that this amendment proposes. Obviously there has been no previous experience for the office in life insurance, but it has to be conceded there is nothing in principle in that area on which to base an objection against the provision of this information to the insurance commissioner. I support the amendment.

Amendment put and passed.

Hon. J. M. BERINSON: I move an amendment—

Page 4—Delete new section 7B and substitute the following—

Payments to  
Consolidated Revenue  
and of  
rates etc.

7B. (1) In lieu of the liability of insurers other than the State Government Insurance Office to pay tax on income or profits under any Act of the Commonwealth, within 6 months after the end of each successive period of 12 months ending on 30 June, beginning with the period ending on 30 June 1984, one-half of the net profits for the period derived by the State Government Insurance Office from all of its business, as certified to by the Auditor General, shall be paid to the Treasurer for payment into the Consolidated Revenue Fund.

(2) In determining for the purposes of subsection (1) of this section the net profit derived by the State Government Insurance Office from any of its business, losses, if any, that may have accrued in a previous year or years may be carried forward, and—

(a) any amounts written off the premises of the State Government Insurance Office; and

(b) any amounts provided for contingencies, bad or doubtful debts, or reserves established pursuant to section 7(8)(a) of this Act,

are subject to the approval of the Treasurer.

(3) In lieu of the liability of insurers other than the State Government Insurance Office to pay to the Commonwealth sales tax, excise or other taxes or charges, the State Government Insurance Office, on the assessment of the Treasurer and to the extent that it is exempt from making such payments to the Commonwealth, shall pay an equivalent amount to the Treasurer for payment into the Consolidated Revenue Fund.

(4) Notwithstanding any exemption that may otherwise exist, the State Government Insurance Office shall be liable for and shall pay all local authority rates and charges and all land tax, metropolitan region improvement tax, water rates, payroll tax, stamp duties, and all other taxes, fees and charges of a kind imposed by the Government, its instrumentalities or agencies on other insurers trading in Western Australia.

Hon. G. E. MASTERS: This amendment is in place of the amendment that the Opposition put forward yesterday. When the Attorney spoke on the previous amendment, which was defeated, he suggested that this clause did the job better than the Opposition's proposal. In some cases I would agree it covers the situation adequately, but in other places it does not. I am concerned about it and I would have much rather seen the amendment I proposed in the Bill.

I have no argument with the fact that 50 per cent of net profit should be paid to the State Government; it could mean quite a lot of money, or nothing.

Maybe the increased opportunities of trading would suggest a net profit in the early stages with the extension of franchise, and I imagine there is expectation of better days. However, I am concerned about the method by which the net profit is calculated.

Proposed section 7B(2) of the amendment talks about losses which are carried over; that is, losses that have accrued in a previous year or years. I made the point yesterday that under normal circumstances the Australian Taxation Office permits the carryover of losses for a period of seven years. That is not specified in this amendment, and neither is the percentage amount to be written off for premises specified in the amendment.

The Attorney made the point this morning that the Under Treasurer, or whoever it may be, made his calculation of net profit by taking into account

all of those matters I have just raised and normal taxation calculations. In other words, the Commonwealth Government carries out calculations and assesses net profit before tax and bases taxation on that net profit.

The Attorney says that exactly the same calculations used by the Commonwealth Government will be used by the State Treasurer. That fact is not included in the Bill; it is not in black and white so that there can be no mistake. I understand that the Under Treasurer will, as far as possible, follow this policy, but times change and methods change. A direction may be given by the Treasurer to change the method for calculating net profits. We would very much have preferred to have a requirement whereby the SGIO would be assessed for taxation in exactly the same way as private enterprise.

The method of assessing profits is not clearly defined and it is left to the Under Treasurer, the Treasurer, or the Government of the day to make any changes that he sees fit.

The Attorney has made a firm comment that the same methods for this assessment of net profits will be used, based on the Commonwealth method.

Yesterday when discussing the amendment I put forward a question was raised about the use of the word "costs". "Costs" could mean anything but I used it to mean brokerage, commissions, and the like. We have covered brokerage, but I believe other costs have not been identified and are not covered by this amendment. The SGIO should be open to the same taxation scrutiny as is private enterprise. If this does not occur, the SGIO has an advantage over its competitors. I am concerned that nothing has been spelt out in black and white for carryover of losses, assessments of amounts to be written off for premises, and amounts provided for contingencies and the reserves established.

I will not move my amendment at the moment; but I wonder whether it would be worthwhile to insert somewhere in the amendment of the Attorney the following words—

With the same method of calculation, scales and procedures as are applied by the Commonwealth Government to insurers other than the SGIO in determining net profit shall apply.

By the insertion of those words the Under Treasurer would be directed to use exactly the same procedures, scales, and methods of calculation of a net profit for the SGIO as is used for other insurers. I make those comments expecting the Attorney General to give me a reasonable ex-

planation. If he does not I propose to move an amendment to cover the situation.

Hon. J. M. BERINSON: I always give reasonable explanations and I will try to do so again.

Hon. G. E. Masters: To satisfy me.

Hon. J. M. BERINSON: In the course of that I have to repeat to some extent the explanation I offered to the Committee last night. The important fact to appreciate is that proposed section 7B(2) does not provide the SGIO with any advantage. On the contrary, it is a restrictive provision which prevents the SGIO from reducing its liability to tax by making its own assessment of appropriate provisions for depreciation on buildings and for contingencies, and bad and doubtful debts. Again, repeating my explanation of last night, this provision is drawn directly from section 96A of the Rural and Industries Bank Act. As a matter of practice the provisions of the bank Act have been applied by the Under Treasurer to the SGIO as well for some years even though there has been no obligation to do so. Proposed section 7B(2) says that in making those calculations the various specified provisions are subject to the approval of the Treasurer. That is to convey that in preparing its accounts it cannot make any provision it likes, or at least if it does it cannot rely on having tax deductibility applied to it.

I offer as a very direct and useful illustration of the way in which this provision has been applied against excessive claims for deductions the same taxation assessment I tabled in the House yesterday in response to the inquiry by Mr Pandal. Members may recall that I then made the point that there are substantial differences between the office's statement of revenue and expenditure on the one hand and its statement for taxation assessment on the other. I said at the time that there were differences on both sides of the ledger, but because of the way the discussion proceeded the only particular items to which I referred yesterday were items which had the effect of reducing the office's taxation liability. I am sure I do not need to go into those again.

On the other side of the ledger is an item which relates specifically to the point the honourable member has raised. This is an item titled "Building Depreciation"; it involves an amount of \$71 570. In the general accounts of the SGIO that amount is shown as a depreciation item which if allowable, would reduce taxation by roughly half of that amount—about \$35 000. In fact, the Under Treasurer, in exercise of his right, or rather in exercising the practice which we now propose to make a right with proposed section 7B(2), disallowed that item. He required it to be

added back into the income of the SGIO for taxation purposes.

Hon. G. C. MacKinnon: He was jealously guarding every single cent he could get into his pocket.

Hon. J. M. BERINSON: That is precisely what he does. Mr MacKinnon had a longer association with the Under Treasurer than I have had, but on my short association I can confirm that is indeed his attitude to life. Given his role in the scheme of things, that is a very proper way to exercise his authority. That is what he did; the office lists the \$71 000 provision for depreciation against buildings and he looks at that and says that in his judgment a depreciation of this sort of building would not have been allowed by the Australian Commissioner of Taxation, and therefore he disallows it, and an amount of something like \$35 000 in taxation accrues as a result.

The Hon. Gordon Masters asked why we cannot put in a provision that requires the assessment of tax to be done in exactly the same way as the Australian Commissioner of Taxation would do it. I do not think I am breaching any confidence in this respect by indicating to the Committee that the inclusion of proposed section 7B(2) is at the specific and direct urging of the Under Treasurer. I indicated last night that this was in fact omitted in error from the original draft. I have shown Mr Masters how that can arise from the Rural and Industries Bank Act. Unfortunately, the item that went into this Bill was on one page and part (2) was on the other. One can only assume that somewhere along the line the page was not turned.

The reason the Under Treasurer stresses the need for this is that it is unfair to impose upon him an obligation for which neither he nor his office is properly equipped. The Australian Commissioner of Taxation and his office are specialists in the field of Commonwealth taxation. It is unfair on the Under Treasurer, who is well aware of the general field, but who is not an expert, to be required to exercise discretion in precisely the same way as the Australian commissioner would do, and to have his office open to criticism if, for some reason, his judgment was not precisely the same as the Australian commissioner's would have been. It is to avoid that, and in the light of long-term experience with the R & I Bank and the SGIO, that proposed section 7B(2) is included here. I stress the importance from a practical point of view of its inclusion and I urge the Committee to support it.

I am not clear from what the Hon. Gordon Masters said as to whether he is now abandoning his listed amendment to delete the words "one-

half" and substitute "such proportion as the Treasurer shall determine". I will leave any comment on that until the situation becomes clearer.

Hon. G. E. MASTERS: I appreciate the answer given by the Attorney General. I believe it is necessary to spell out quite clearly in black and white what we are really aiming at; that is, to ensure absolutely fair competition between the SGIO and the private sector. However, I note the Attorney's comments in relation to the Under Treasurer. I guess it is fair to say that in his job there will be times when he may not be absolutely up-to-date with some of the changes occurring in the taxation system. In most cases he will be, but I can see the problems that may face the Under Treasurer in certain circumstances. So I will not move to add those words at this time.

I will watch the operation of the legislation very carefully, and I will pay great attention to the report of the committee which will be set up as a result of this debate. I understand there could be some difficulties, and it may be unfair to place that sort of burden on the Under Treasurer, a man whom I greatly respect, and a man who is certainly as hard as nails when it comes to collecting money from various sources to which he has access. So I will not move the amendment, although I repeat that I would rather see the provision written into the legislation.

When debating the amendment defeated yesterday, a very important matter was discussed; that is, the solvency requirements that apply to the private sector, but which do not appear to apply and will not appear to apply, even under the provisions of the amendment before us, to the SGIO. So I give warning that, at a later stage, after this amendment has been dealt with, I will either move such an amendment or support any amendment put forward to deal with the solvency issue. That is all I wish to say to the amendment before us.

Hon. G. C. MacKINNON: I listened with great interest to the Hon. Gordon Masters because he has done an absolutely first-class job for the Opposition on this measure, I believe, with the conciliation and co-operation of the Attorney General.

At this stage I feel I ought to mention one matter which has been bugging me. Obviously some of us have had some change of mind, and that has highlighted our attitude to this amendment. This amendment epitomises our concern to put the SGIO on a competitive basis. I believe Mr Masters is trying to achieve the impossible. While we can write so much into the legislation, the spirit in which an enterprise is conducted really overrides



the legislative qualities of that body to some extent. I hope I make myself clear, and I think I probably have.

In the course of normal activities, probably there will be a change of Government, and I believe it ought to be stated by a member who will be in this place over a reasonable time that it would be absurd for the SGIO to follow a line, or even for the present Government to allow it to follow a line, which would excite the sort of violent reaction of a party, the views of which have been put followed so ably by Mr Masters. In other words, I am indicating that all wisdom suggests the operation of the SGIO within the framework of the proposition put forward by Mr Masters would mean it would have a far more equable future. It would not be subject to violent changes of direction with subsequent changes of Government.

I inform the Hon. Norman Moore that I am speaking for myself. If the Hon. Norman Moore wants to speak for himself, he is quite capable of doing so. He is one of those who, with a bit of luck and a bit of sense, will be here long after I am gone. He may be able to quote some of the things I have said and refer to some of the things I have done. If he happens to find himself in the position of the Attorney General, maybe he will take the sort of action which should have been taken by private enterprise Governments a long time ago—

Hon. N. F. Moore: Hear, hear!

Hon. G. C. MacKINNON:—either to do what we are doing here today or to have sold it.

Hon. N. F. Moore: Sold it.

Hon. G. C. MacKINNON: The SGIO has been in operation since 1927, and we have not moved to sell it. What Mr Masters has done today is to correct those errors of omission. His amendment would put the SGIO on a businesslike, competitive basis. What I am saying—and having been aroused I will say it perhaps a little more bluntly—is that we would put it on a competitive basis. We have relied on the goodwill of the Government, and I believe that goodwill is there. I suggest to the Government that it acts on an application of the spirit that Mr Masters has been so anxious to write into the legislation. I do not believe it is possible to write that spirit into the legislation but everyone is very clear in this Chamber as to what is required. I sincerely hope that, if not successful in the actual verbiage, in the future Mr Masters will realise he has been successful in his wish to have a competitive organisation operating side by side with the

international and national insurance companies that operate in this State.

Hon. P. H. WELLS: In dealing with this amendment we are moving into areas where the SGIO either currently is at an advantage over normal commercial enterprises, or we are trying to ensure that in the future it will not be at such an advantage. I gather that the purpose of the Attorney General's amendment is to identify some areas in which we should seek to ensure that the SGIO, where it does not meet certain commitments because of its privileged position of being a State Government operation, will be required either by contribution to the Consolidated Revenue Fund or by some other means to rectify that particular situation.

I would like the Attorney to answer a question. Does the SGIO currently pay what has become infamously known as the "BAD tax"—the bank accounts debit tax? I understand that State Government instrumentalities are exempt from this tax. If the SGIO does not pay the BAD tax, could the Attorney indicate to me the sort of mechanism he envisages will be available to him to assess one of the newest taxes introduced by the Commonwealth Government, a tax which every commercial operation in this State must pay on all its operations. In fact, the Commonwealth Government has been so thorough that it has contracted, free of charge, private enterprise banks—and I believe even some Government banks—to collect, on the Government's behalf, this BAD tax.

Hon. J. M. Berinson: They are a rapacious lot, aren't they?

Hon. P. H. WELLS: At least the State Government has a little more sense than to take such action. The Attorney General needs to look at his Federal counterpart.

I am pointing out the difficulties the Government will face in achieving its intent; that is, to put the SGIO on a reasonable commercial basis. We are amateurs in this area. I suggest to the Attorney that there is not just one of these little taxes, disadvantages, or advantages, but that almost every telephone call I receive reveals others. They go on and on. Certain problems are encountered in trying to meet the Premier's intent.

THE DEPUTY CHAIRMAN (Hon. John Williams): Order! I must remind the member at this early stage of the afternoon that he is straying close to philosophising on the Bill, rather than referring to the content of the clause. In Committee, members must deal strictly with the con-

tent of the clause only and I am not prepared to allow further latitude.

Hon. P. H. WELLS: I am dealing with the disadvantages of this tax. Before speaking I took advice on this matter and I was told I could speak on that subject when dealing with this clause.

The DEPUTY CHAIRMAN: Well, unfortunately I am in the Chair and you did not ask my advice.

Hon. P. H. WELLS: I am pointing out the clause deals with taxes and the disadvantages which flow from them. That is one of the major issues dealt with by the clause.

The clause seeks to ensure that the SGIO pays an amount equal to that which it would have to pay to the Commonwealth Government. That represents a tax and unless the Government intends to instruct its bankers to collect the tax and pay it to the State Government or to use some other mechanism, I suggest a problem exists.

I am trying to establish how the clause would operate in that area. I am highlighting the problems which exist in this regard. I wonder whether other advantages, such as the use of police as agents or clerks of court in remote areas, should be discontinued also. I wonder whether people in country areas will, as a result of the legislation, be serviced by either State Government insurance personnel or brokers. Perhaps the Attorney could give me some guidance on those issues.

*Sitting suspended from 3.44 to 4.00 p.m.*

Hon. P. H. WELLS: I will pose another question, but one which is not as difficult as that which related to the BAD tax. I understand private enterprise insurers are forced to collect taxes on behalf of State Governments, such as fire service levies and stamp duties. Will the SGIO be required to do that? I gather there is a requirement that private companies have to set up a collection agent.

I refer now to two taxes which have a bad odour—sales tax and payroll tax. I know that sales tax is mentioned in the clause. Private enterprise insurers must pay payroll tax, but Government departments have special privileges in this area. The Attorney has given a clear undertaking that the SGIO will not have an advantage, but I seek an assurance that it will not obtain an advantage in the areas to which I have referred.

Private enterprise insurers are not able to purchase office furniture at the same rate as Government Departments. How will that area be covered? Will the Government tendering system cover that situation? Will the SGIO have an ad-

vantage in terms of sales tax in respect of the purchase of capital or any other items?

Hon. J. M. BERINSON: There is good news and bad news.

Hon. P. H. Wells: Which will we have first?

Hon. J. M. BERINSON: The bad news is that the BAD tax is not currently paid by the SGIO.

Hon. P. H. Wells: Surprise, surprise!

Hon. J. M. BERINSON: It is a surprise to me. In fact, I indicated a position to the contrary at an earlier stage of the debate, and I am happy to have the opportunity to correct that position.

Hon. P. H. Wells: Now we can correct the legislation.

Hon. J. M. BERINSON: The non-payment of the BAD tax is due to SGIO compliance with banking requirements established by the State Treasury. Going through the route it does, it apparently avoids the payment of that tax under current circumstances. It will be clear from the provisions of proposed section 7B that the intention is that an equivalent tax should be paid to the State Treasury. I cannot tell the member now by what means that will be achieved because that will have to be worked out; nonetheless, my amendment imposes the obligation on the SGIO and that obligation will be met along with all others.

The good news is that I can respond affirmatively to the other four inquiries I listed—stamp duty, fire brigades levy, sales tax, and payroll tax. Stamp duty and the fire brigades levy are already collected by the SGIO as they are collected by any other insurer, and that will continue. The collection of stamp duty is specifically required by my amendment. In the case of the fire brigades levy, it will be caught by one of the catch-all phrases. Sales tax is specified in proposed section 7B(3). Payroll tax is already paid in any event, but I have been previously caught by the Hon. Phillip Pandal on the question of sales tax. Proposed section 7B(3) will ensure that non-payment will not be allowed to continue.

Hon. P. H. WELLS: I thank the Attorney for that information. I accept his undertaking that we will find some reasonable way to cover the advantage the SGIO has in terms of the BAD tax. Will the undertaking go so far as to require the SGIO to pay commercial rates to the Auditor General and Crown Law when the SGIO uses the services of those Departments? Is that situation covered by this amendment, or is it covered by some other clause? The question is whether the SGIO should pay a commercial rate for services it obtains from Government departments.

Hon. J. M. BERINSON: The answer to those questions is provided by Mr Masters' amendment which was carried with Government agreement yesterday. I am referring to clause 6.

Amendment put and passed.

Hon. G. E. MASTERS: In view of the previous amendment put forward by the Attorney General there is no purpose in moving the next amendment standing in my name on the Notice Paper.

I move an amendment—

Page 4—Add after new section 7C the following new section to stand as section 7C—

Committee of Parliament set up to ensure fair competition.

7C. A Committee of Parliament, comprising one member nominated by the Premier, one member nominated by the Leader of the Opposition and one member nominated by the Leader of the National Country Party, shall be set up and shall be charged with the responsibility of supervising the competitive nature of the State Government Insurance Office's continuing operations and activities so as to ensure that the State Government Insurance Office does not receive any improper or unfair advantage or preference over its competitors in the insurance industry. The Committee shall be afforded all proper facilities and opportunities to obtain relevant information in order to carry out its duties and to report to Parliament not less than once every twelve months.

I put this amendment to the Chamber for a very good reason. We all realise how important this legislation is and that many members of the Opposition are strongly opposed to it. However, we recognise that the SGIO will be given the authority to trade into areas it previously could not touch. It will enter the areas of life insurance and general insurance, and that is big money by anyone's standards. The Government will underpin the SGIO. Although the Government has not been called upon to pump funds into the SGIO, there is always a chance that this will occur if things go wrong.

Much comment has been made about the advantages the SGIO might have and will have regardless of what we move in the way of amendments to the legislation before the Chamber. In recognising that fact, the Opposition wants to ensure that the SGIO has no competitive edge over the private sector.

In the debate in another place the Premier commented on the Government's intention to ensure that the SGIO has no real advantage. He made those comments in replying to the debate

and he used almost exactly the words that are in the amendment before the Chamber.

Hon. J. M. Berinson: When you say, "almost exactly the same words," you mean that he did not use those words.

Hon. G. E. MASTERS: I am not allowed to read what the Premier said, but it is much the same as my amendment.

Hon. J. M. Berinson: If you cannot read it would you give me the page number?

Hon. G. E. MASTERS: I will pass the reference to the Attorney General when I have finished.

In reading the Premier's statement and in accepting that he was genuine in his desire to make sure no unfair advantage was given to the SGIO I have proposed in my amendment that a committee be formed comprising the Leader of the Opposition, his representative or deputy; the Leader of the National Country Party, his representative or deputy; and the Premier, his representative or deputy. I guess that the Attorney General will say it is ridiculous to incorporate my amendment in the Bill and that it is quite unnecessary. Indeed a committee of the Parliament could be formed.

We believe that the legislation is very important and that the rights of the private sector should be well protected. We will take the Premier at his word and will seek to incorporate the amendment in the Bill. By doing this we know that the legislation cannot be changed without coming back to the Parliament. Reports will be required to be tabled in Parliament at least once a year. The purpose of having this provision inserted is that if the committee discovers there are some advantages we have not identified as far as the SGIO is concerned and the committee believes they are a matter of concern to the Government and to the private sector, then it should still report back to the Parliament and table the necessary papers.

The Premier said that if any areas of unfair advantage were identified they would be confiscated, and we are making sure that this will occur. We are making sure that we will keep the Government and the Premier honest. For that reason I think it is important that a committee be set up and that this be enshrined in the Statute. I do not think it is wrong, even though it may be unusual, to set up a committee in this way. We feel so strongly about the importance of this issue that we intend to pursue this matter in order to make sure than what the Premier has said should happen is on record in the Statute and cannot be changed unless we and the members in another place desire that change.

Hon. P. H. WELLS: This proposed committee is an important facet and is probably the result of the initiative of the Premier. I have sent for a copy of the information which was provided to me, and which indicated that the amendment moved by Mr Masters is a commitment of the Government.

Not only should the SGIO meet the same commitments as a normal commercial enterprise but the involvement of Parliament should be enshrined through the people referred to earlier by Mr Masters. That would be an additional area which could provide for this scrutiny. However, it can only happen if the proposed committee is provided with the necessary power and resources to be able to make the type of examination and scrutiny suggested. The Government's action in this regard will demonstrate its real intent. For instance a normal commercial company can be, and regularly is, submitted to scrutiny and examination by the commissioners. This proposed committee should have the ability to appoint competent people and to call for papers. It should also be able to take advice from competent people. If these powers are not given to the committee I have some doubt about its future.

At one stage I visualised a further provision which should be included in the Bill although in further discussion with you, Mr Deputy Chairman (Hon. John Williams), it seems that the committee could accept the responsibility I was referring to. I think it is essential for the committee to have the ability to appoint an independent auditor in the sense that the Auditor General's report is dealing with accounting methods and requirements under the Act. We are seeking to embody in this Bill—it has not been embodied in words—that the SGIO will to all intents and purposes operate as a commercial entity. It concerns me that this has not been put into words because I am always told that if the intent is not spelt out the courts cannot imagine what was intended. In the event of a legal case one cannot imagine the judge would read *Hansard* to establish the intent of Parliament or, that he would have the time to do so.

Hon. J. M. Berinson: I think this *Hansard* will be a best seller.

Hon. P. H. WELLS: I am glad to hear that. Perhaps the Government Printing Office will make a profit this year.

Hon. J. M. Berinson: We are counting on that.

Hon. P. H. WELLS: I have heard it constantly said in the past that, "It was the intent of Parliament that this should be the case". However, in subsequent court appeals the contrary decision

was made. Courts and lawyers take into account only those facts which are made clear. Although I hear at every turn that it is the intent of the Attorney General and the Government that the SGIO operate in a certain way, it is very difficult for me to understand where that is made clear in the Bill. This proposed committee must take the role of checking that the requirements have been complied with, and the independent commercial auditor should be appointed to report to the committee and confirm that the intent of this Bill has been complied with. The provision of such a professional and competent report to the committee would allow, in the event that areas of problem were identified, for a report to be made to Parliament. On the basis of that report appropriate action could be taken in dealing with the problem in terms of subsequent amendments.

If it is the intention of the Government that this committee should be established with no funds and no ability to appoint members, apart from the three members nominated who will fit their duties in with the other hectic commitments of a parliamentarian, I believe it is doomed to failure. Therefore it will not meet the intention nor fulfil the promise made for it. In terms of the proposal and the promise and intention of the Government, I seek to ensure that real consideration is given to adopting methods so that the committee will work. That can be achieved only if the Government is dinkum, not only about establishing the committee but about providing it with the resources to carry out the necessary work.

Hon. J. M. BERINSON: I oppose this amendment and I strongly urge the Committee not to accept it. It is true that a committee with a majority Opposition membership has previously been agreed to by the Premier. More than that, a committee with that most unusual constitution was proposed by the Premier and there is no question but that the Government will stand by that commitment. However, the Premier did not suggest a statutory committee and I would strongly urge on members that we should not advocate a statutory committee either. In my recollection, a proposal of this sort is quite unprecedented. Among other reasons to cause us to pull back from it, is that it reveals a lack of self-confidence in our own role and capacity and powers as members of Parliament.

I do not have the faintest doubt that a committee of this kind and with adequate powers will be established but if it is not, it is in the hands of the Parliament and, more specifically, in the hands of this Chamber dominated as it is by the members on the Opposition side, to remedy any defect. Not only that, but there is nothing in this

proposal for a statutory committee which could not be invested in a parliamentary committee. A Parliamentary committee could be invested with even greater powers than those proposed in this amendment. In the ordinary course of events parliamentary committees do have power to call for and consider any papers or materials they wish to call for and consider. The Standing Committee on Government Agencies will provide a pattern if anyone is looking for a pattern of a committee with the most extensive possible powers, including the capacity to call on commission consultants. There is no shortage of power in this Chamber, let alone in any other section of the Parliament, to make sure that the commitment is honoured fully and in spirit, as well as in merely formal terms.

The commitment has been made. It is clear that the Government will proceed to establish a committee of two members of the Opposition as opposed to only one Government member. It will have adequate powers, and to the extent that this Chamber feels that the membership or the powers of the committee are inadequate, we have the remedy in our own hands.

I will not go on at this stage to talk about difficulties in the terminology of this amendment, because the main thing is to look at the principle of it. It is an unprecedented suggestion and one which, as members of Parliament, apart from any other consideration, we ought not adopt.

Hon. W. G. ATKINSON: The Attorney's words on this amendment trouble me. I have supported the Government on this Bill, and one of the reasons for that is the clear undertaking given by the Premier. However, being of a suspicious nature, I feel it is essential that this clause be written into the Bill.

Members of Parliament have an onerous workload, and it would impose even more work on them to expect them to go into the figures to ensure that the operations of the SGIO are carried out in a fair and proper manner. A committee would be able to assist greatly in that respect.

As I said, I have supported the Bill and the Attorney's amendments so far; but I urge the Government to assist the insertion of this clause in the Bill.

I support the amendment.

Hon. P. H. WELLS: Some things said by the Attorney at times have a ring of truth and wisdom. On other occasions, he leaves me wondering.

The Government offered this commitment, and we accepted the challenge.

Hon. J. M. Berinson: There is no offer of a statutory committee.

Hon. P. H. WELLS: The Government went further, and it said to the Opposition, "If you can come up with any amendment which makes the SGIO more right in terms of its commercial operations, we will accept it".

Hon. J. M. Berinson: Have we not done that during the debate?

Hon. P. H. WELLS: We have had a number of agreements and done a very good job as a House of Review. Yes, I accept that. It is very good to work with a Minister who recognises that there may be good in what the Opposition proposes, as well as in the information provided to the Government through the normal channels.

One of the options available to the Government was a Select Committee. It could have clearly demonstrated that it would meet its commitment by placing a motion on the Notice Paper for the establishment of a Select Committee. Knowing that the Government wanted to achieve the passage of this Bill after seven previous occasions when such a Bill had been defeated, I would have thought that part of the Government's strategy would have been to demonstrate that it was fair dinkum about the proposed committee, and it would have moved for such a Select Committee.

One aspect of the Attorney's alternative proposition concerns me. I am not privy to how much money is available to the Legislative Council but for all I know the funds may not be available for such a Select Committee.

The offer made by the Government was to include on the committee the Premier or his nominee, the Leader of the Opposition or his nominee, and the Leader of the National Country Party or his nominee. That means that this Chamber would not be consulted.

We have had plenty of time to consider the Government's offer since it was made, because we have had to consider our stand in relation to this Bill. If the Government intended that a committee be established, why could it not accept the amendment before us? The Government suggests that a Select Committee could be established; but I am not sure if that is envisaged, in any case.

Hon. J. M. Berinson: A committee of the Parliament.

Hon. P. H. WELLS: The only committees of the Parliament which I know are standing committees or Select Committees.

Hon. J. M. Berinson: Correct—not statutory committees.

Hon. P. H. WELLS: As the Attorney is also the Minister Assisting the Treasurer, he may well be able to inform me if the Budget for the Legis-

lative Council includes provision for this Select Committee. It would need some funds.

I am not sure of the Government's intention, because we have been asked to vote against this amendment. If a Select Committee were established, we would be able to have a greater input. Will it be set up in the usual way? Will it be established by way of a motion in another place? What is the Government's intention?

Hon. ROBERT HETHERINGTON: I oppose this amendment.

I would have thought that if the Premier had made a commitment to set up a committee and had discussed it with the Leader of the Opposition, he would have done so. What worries me about the amendment is that we are about to set up a statutory committee of the Parliament in terms of the amendment consisting of three people nominated by the various political leaders—the heads of parties in this Parliament. It would not be a parliamentary committee; it would be a committee appointed by the three party leaders.

I do not know from where the committee would obtain its authority. It would have statutory authority, which would mean that a so-called committee of the Parliament would be subject to supervision by the Supreme Court, as it would be set up under a Statute.

This raises a very interesting constitutional question. It may mean we are putting a so-called committee of Parliament under the supervision, the subservience, of the judiciary.

The Hon. Peter Wells has raised a good question: Who will fund the committee? It is not a committee of either House; it is not a committee which has come from a vote of either House as a House of Parliament. It is a statutory committee.

I would be the first to protest if this committee were serviced by any budget allotted to this Parliament. We ought to keep the budget allotted to this Parliament to parliamentary committees.

This so-called committee of Parliament will not be a parliamentary committee—it will be a statutory authority, a new QANGO. No doubt the Standing Committee on Government Agencies will be able to look at it from time to time to see whether it is behaving itself. That is the logic of it, because we are setting up a statutory authority under the supervision of the Standing Committee on Government Agencies.

The whole thing becomes ludicrous. It knocks interesting and dubious holes in our constitutional establishment and our parliamentary set-up. I re-

peat: It is not appointed by either House of Parliament.

I do not know what its powers will be. After all, we have heard a number of speeches from members opposite indicating that we did not want the Bill passed, but now that we appear to be fair dinkum they are prepared to pass it. We did not know whether the Bill would be passed.

Hon. P. H. Wells: You didn't ask.

Hon. ROBERT HETHERINGTON: The proper place to ask is in this Chamber. If the Bill is passed the Premier will of course make good his promise. I would think he would then discuss with the Leader of the Opposition and the Leader of the National Country Party the best way to go about establishing this committee. And the Premier as Treasurer would be the person to find where the money would come from.

Certainly if members opposite bulldoze through this amendment they will be asking the Treasurer to refuse to find funds and so make the committee impotent. Why do members opposite not take the word of the Premier on this matter? I am sure his word will be carried out. I would have thought the Leader of the Opposition would be very concerned with this amendment and that with his respect for Parliament and his understanding of Parliament he would be opposing the amendment to establish a statutory authority called in this amendment "a Committee of the Parliament".

This amendment should not be accepted. It would be a good idea if members of the Opposition accepted the Premier's word, because when has a word of a Premier been given to the Parliament in a way like this and the Premier has gone back on his word?

Hon. H. W. Gayfer: Two referendums on the same day as the referendum for daylight saving.

Hon. ROBERT HETHERINGTON: I am talking about a statement made by the Premier as Premier. If members opposite push through this amendment they will not necessarily achieve what they want to. They will set up a committee which will be a committee of politicians appointed by leaders of political parties, and they will make a so-called committee of Parliament subject to the Supreme Court. This is a very foolish amendment. I understand what the Hon. Gordon Masters is doing, but he ought to think it through a bit further, withdraw his amendment, and accept the word of the Premier on this one.

Hon. G. C. MacKINNON: Several of us are probably on the horns of a dilemma with this amendment. Certainly for me this amendment is absolutely, totally, and irrevocably essential. That is simply the way it is. The Premier made a state-

ment which started the whole chain reaction, because his statement was so unequivocal.

I am just as worried about the amendment as the Attorney is. For example, the Leader of the National Country Party is statutorily a non-existent person because there are not seven members of his party, so therefore he is not a statutory leader of a political party.

I take the point that Mr Wells makes about the necessary payment, because if it happens that a committee member is a distant country member, he will be faced with considerable travel expenses to get to meetings, so it could be a costly proposition. This sort of thing is allowed for under the statutory payment rules that cover Parliament.

It is well for the Attorney to be aware that failing any better amendment I will have no option but to accept this amendment. I cannot politically live without it. That is just a fact of life. It is the sort of thing any member must face who has to go back week by week among his constituents. I am taking a very personal political stand, which is what we all have to come back to sooner or later, although we might occasionally indulge in flights of rhetoric like that seagull called Livingstone. However, we have to be back where we can pick up some grains of wheat some time.

Realising all the imperfections of this, and accepting that the Premier was not speaking off the cuff or in haste, but after deep thought and genuinely, I make the point that any piece of legislation is not irrevocable. Next month or next year should the Attorney wish he could remove this clause and institute another committee. Accepting the amendment's limitations and one or two absurdities in it, I have no option but to view very seriously the future of the Bill without the amendment.

Hon. J. M. BERINSON: We seem to be coming to the vote on this matter and I cannot allow that stage to be reached without again appealing to the Committee not to accept this amendment. The amendment is not necessary. It is a reflection on the powers of the Parliament and of this Chamber among other things. It is a reflection on the willingness of the Premier and the Government to meet a commitment made in the clearest of terms. It is also inconsistent with the commitment the Premier gave, which was that a committee of Parliament should be established. As Mr Hetherington pointed out, whatever else this creature of Mr Masters' amendment is, even if it is to be called a committee of Parliament, it will not be a committee of Parliament.

Members opposite are looking for unnecessary difficulties. Furthermore, I do not think the

amendment will achieve—I am sure it will not—more than a parliamentary committee set up in the ordinary way could achieve, and conceivably it will achieve even less.

This is such a sharp departure from any previous experience and is done with such little justification that I must urge members not to support the amendment. No-one has come up with an example of anything similar to this, and I do not think that anyone could. There is a very good reason for that: A committee as proposed by this amendment is neither necessary nor desirable. I urge the Committee to reject this amendment.

Question put and a division taken with the following result—

#### Ayes 18

Hon. W. G. Atkinson	Hon. I. G. Medcalf
Hon. C. J. Bell	Hon. N. F. Moore
Hon. V. J. Ferry	Hon. Neil Oliver
Hon. H. W. Gayfer	Hon. P. G. Pandal
Hon. Tom Knight	Hon. I. G. Pratt
Hon. P. H. Lockyer	Hon. W. N. Stretch
Hon. G. C. MacKinnon	Hon. P. H. Wells
Hon. G. E. Masters	Hon. D. J. Wordsworth
Hon. Tom McNeil	Hon. Margaret McAleer

(Teller)

#### Noes 12

Hon. J. M. Berinson	Hon. Robert Hetherington
Hon. J. M. Brown	Hon. Garry Kelly
Hon. Peter Dowding	Hon. Mark Nevill
Hon. Graham Edwards	Hon. S. M. Piantodosi
Hon. Lyla Elliott	Hon. Tom Stephens
Hon. Kay Hallahan	Hon. Fred McKenzie

(Teller)

#### Pair

Aye	No
Hon. A. A. Lewis	Hon. D. K. Dans

Amendment thus passed.

Hon. P. H. WELLS: I move an amendment—

Page 4—Add after new section 7C the following new section to stand as section 7D—

7D. In relation to the life insurance fund and the trading constituted under this Act, the State Government Insurance Office shall comply with all solvency and minimum valuation basis requirements imposed by an Act of the Commonwealth Parliament on any person or body carrying on the business of insurance in Australia.

That question is important. Solvency requirements are clearly looked at by life insurance commissioners. Because of our late sitting last night members may not remember that the acting insurance commissioner (Mr Richard Smith) in *The Australian Financial Review* referred to those things, including the current solvency rate of 15 per cent. I have the Attorney's assurance

that the SGIO had in the past a 19 per cent solvency.

Hon. J. M. Berinson: At least.

Hon. P. H. WELLS: At least 19 per cent, but Commonwealth life insurance commissioners are seeking to amend the Act to bring in a 20 per cent solvency rate as illustrated by the statement in *The Australian Financial Review* of 4 November, wherein the acting insurance commissioner (Mr Richard Smith) said—

A solvency requirement of 20 per cent is envisaged under the Government's legislation to amend the Insurance Act.

To give support to that, he points out the underlying losses that are made.

The DEPUTY CHAIRMAN (Hon. John Williams): Order, please! It really is getting difficult for *Hansard* to catch all these remarks with so much audible conversation going on.

Hon. P. H. WELLS: To recap and ensure that *Hansard* did catch that point, the reason that that acting commissioner made those statements was because of the underwriting losses of that year. There needs to be an accepted solvency rate which is independent of one that can be manipulated within the State. One would expect when talking about fair and commercial equity that we would require every other insurer in this State to meet that solvency rate. I ask the Attorney if every other insurer in this State must meet that solvency rate in terms of the undertaking that has been given time and time again. Why should the SGIO be any different, particularly if it does not meet that solvency rate because it is Government-based? The Attorney told me this fact was not used in terms of the calculation, but it certainly is reaching the situation where one may well find that the SGIO has not enough money and it will be continually among the loss makers. Then something will have to be done to pick up the tabs that policyholders will lose out on.

I believe life insurers and the insurance commissioners are reasonably conservative and do not "over require" companies in terms of the solvency rate, and unless the solvency rate is increased policyholders will not be protected. This amendment should be accepted so that the Government will undertake that the SGIO will meet the same commitments as other insurance companies in terms of solvency.

Hon. J. M. BERINSON: Again I have to call on the Committee to oppose this amendment. I have a terrible feeling that I am at a place where I have been before. In fact it was not very long ago, it was early this morning.

Hon. P. H. Wells: You have been shifting sides all the time with this Bill.

Hon. J. M. BERINSON: It is because I live in hope. I will repeat a number of matters to which I have referred before. The first point I wish to make is that this amendment would give to the Commonwealth a decision which is now constitutionally within our sole authority. I suppose I am not the most keen "States right-er" in the Chamber, but I thought I would have had some competition from the other side on this matter. On that basis it is rather strange that we have come to deal with one of the few matters in which the State can say that it has clear constitutional authority to act within its own decisions, and here we are being urged to bind ourselves to a decision at Commonwealth level. Independently of other considerations that is not a course we should pursue.

I mentioned last night the practical reasons for what we are doing. In particular, I referred to the fact that a measure of this kind does not sufficiently recognise the disadvantages which the SGIO has, compared with private insurers. The debate so far seems to have proceeded on the assumption that the SGIO is in a privileged position. That is not the case at all. At least three areas can be quantified and one important area cannot be quantified.

The first of the three areas which can be quantified, the effect of the limitations which the Government proposes to put upon the investment avenues for SGIO funds. We have made it clear throughout that our intention is that the office's investable funds should be invested in Western Australia. That has not always been the case in the past. In restricting investment in this way we are restricting the ability of the funds to attract top returns.

The second difference between the SGIO and private insurers is the effect of the office's employees being public servants and entitled to superannuation benefits applicable to the Public Service. In the year ended June 1981, that cost was \$337 000. I will not go into any great detail on this point; I argued it yesterday and I am sure that this heavy commitment is far in excess of anything which a private insurer with a similar sized work force would face.

Some provisions we have built into this Bill are to the detriment of the SGIO and this has been done in a conscious effort not only to simplify some of the procedures involved in the calculation of taxation but also to make up for any areas which cannot be suitably met by specific action. I am referring to the fact that this Bill requires the



SGIO to pay the equivalent of income tax or company tax at a higher rate than is applicable to private companies. The difference is four per cent, and that can be a significant amount.

I think it was Mr Atkinson who said the difference will not be that great in a year when there is a loss. That of course is correct, but it is also correct that the office has made a loss in only the last three financial years. I think four years ago the office made something like \$5 million and the difference of four per cent on that sum is far from insignificant. Something over \$200 000 would have been involved in a year such as that.

There is a fourth important area to which I cannot put a dollar term and which represents a crucial difference between the affairs of the SGIO and those of any other private insurer. I refer to the fact that the SGIO alone handles industrial disease compensation cover. It does that by Statute because if a company were not obliged to provide that cover no company would.

It is not an operation capable of being put on a commercial basis. One result of that is something I have previously referred to in debate. The insurance disease fund is not conducted in the way the insurance commissioner would accept. It is not a funded account, it is unable by the nature of the demands made upon it to accumulate reserves and provisions as are required in other areas of insurance. It is an account which must be funded by the various companies which look today for cover in this problem area.

That industrial disease cover is nonetheless within the trading fund of the SGIO. It is now referred to as the State Government insurance trust fund. This raises implications of a unique nature; it does not arise anywhere else and there is nothing with which to compare it in the ordinary areas of private insurance. Yet, there cannot be any doubt that that sort of insurance must be continued. That constitutes a serious barrier in the way of imposing an obligation on the SGIO which seems to be the same as that applying to the private insurers but which in fact is not. It is a much more onerous burden which is put on the SGIO. In spite of that, the Government office has fully met and exceeded the solvency provisions required in the past from private insurers. To now tie it to doing that in the circumstances that I have outlined is applying a rule which is inflexible and is not appropriate to do to a body of this kind, dealing as it does with a unique area of insurance cover.

For that reason and for the other reasons I have given I urge the Committee not to accept this proposal as a fixed commitment on the insurance

office. The fact remains, after all that has been said, that it will be a matter of the office's own sensible operations that it will do everything in its power to ensure that these standards are fully met in the future, as they have been in the past. That is a matter of purely commercial caution and good sense. It is also the case that if any effort were to be made in contrast to the responsible approach to this question in the past by the office that would be immediately apparent to the committee which a moment ago we agreed to set up. It is not the sort of distortion that could escape it. The reason it will not escape the committee is because of the very detailed accounts which we have agreed this afternoon to impose on the office. For all those reasons I ask the committee to reject this amendment.

Hon. H. W. GAYFER: I honestly cannot support this amendment; it is against everything I have always believed in. As far as I am concerned the Commonwealth is way over there and to me it is as foreign as anything anywhere else. I am tied up with an industry that by and large is being expected more and more to report to the Commonwealth. For heaven's sake, is it not possible that the nature of what we want can be written into reporting to the State? What is wrong with the State? It will not be long before we cut ourselves adrift from the Commonwealth. I cannot support any legislation that ties us into the Commonwealth. The principle of this amendment is not bad, although I would have thought that the previous amendment that was moved carried some weight. Certainly, the previous amendment referred to "a person nominated by", and everyone around here immediately thought it would be a member of Parliament, but it does not need to be so. The words "they shall be charged with the responsibility of supervising the competitive nature" are used and further on reference is made to "all relevant material". Surely such a committee should look at the solvency or otherwise of the SGIO.

But under this proposal it is reported to the Commonwealth Government once a year and laid upon the Table of a Federal House of Parliament. That seems to be wrong. We would have to send over there for the documents to see if we can find anything wrong with the SGIO's report. This goes dead against the grain as far as I am concerned, and it should be against the grain for any Western Australian. It is about time we set this up to run it our way, not with the help of an Act of the Commonwealth Parliament.

Hon. G. E. MASTERS: I am concerned that the Government has failed to support the proposition that the SGIO should be required to meet

the same solvency tests as the private sector. I am talking about the point that has been fundamental in the Opposition's argument all the way through; that is a commitment by the Government and statements made by the Opposition hour after hour that the SGIO should be in fair competition with the private sector. By that we mean it is required to pay the appropriate levies, rates and taxes, and all those other charges paid by the private sector. If the SGIO is excused from any of those requirements it gains a considerable benefit. If the SGIO were to decide because it is underpinned by the Government that it would be in its best interests to go out and buy business in the private area and say it was going to cut its rates and that it could afford to risk a loss or run down its assets—and that is a possibility, knowing that the State Government sooner or later will pick up the tab—it would have a considerable benefit and gain.

I put it to the Committee that the SGIO is gaining an advantage if it has an opportunity to avoid the requirements placed on the private sector and it is absolved of the solvency requirements which are substantial and important and impose a penalty on the private sector. In discussing this matter we have to refer to the Campbell report which recognised the point raised by the Attorney General that some penalties are placed on the SGIO. One of those penalties relates to where it will invest its money. It may not have the same opportunity as the private sector which will look at the best market and the best return for its capital and place its funds accordingly. The SGIO does not have that flexibility. For that reason it is to ascertain extent penalised; but on the other hand it has some benefits. The first is that the Treasury is prepared to stand behind it, so it cannot go broke. That must be a benefit and a comfort, and perhaps it will encourage the SGIO to do the things I have suggested, such as undercut the market.

Hon. P. G. Pendal: That is a good reason to throw the Bill out.

Hon. G. E. MASTERS: We have not got to that stage yet.

Another point is that the SGIO does not have to meet its shareholders and pay them as Mr Gayfer's company and other companies do. Shareholders must receive a return for their investment; the SGIO does not have that problem. The Campbell report recognised these differences and problems and I will read part of that report.

The DEPUTY CHAIRMAN (Hon. John Williams): Order! I remind members again there is far too much audible conversation.

Hon. G. E. MASTERS: I draw the attention of members to this part of the report because it is important and it recognises that SGIOs face problems and penalties while at the same time receiving some benefits. It states—

The costs of such portfolio constraints in terms of investment income forgone might be seen as providing a *quid pro quo* for state government guarantees and other advantages. The Committee acknowledges that these investment restrictions may offset, in part or in whole, the competitive advantages of SGIOs, although it is not possible to arrive at an exact balance.

It says there is a scale, but on the whole the SGIO comes out even. The important issue is the solvency requirement, and on that point the report states—

It has been claimed that exemption from the Insurance and Life Insurance Acts means that SGIOs are not subject to the solvency requirements required of their private sector competitors. However, the Committee understands that, in general, SGIOs endeavour to meet the Insurance Commissioner's solvency requirements, and the Life Insurance Commissioner's Minimum Valuation Basis is used to determine whether the actuarial liability of life policies is complied with or exceeded.

Further on the report states—

While recognising that there may be practical difficulties, the Committee believes that, in the interests of competitive neutrality, SGIOs should be required to comply with solvency and other requirements of legislation to which their private sector competitors are subject.

That report recognises that the competitive nature of business must be preserved if we are to achieve what we set out to do. That can only be preserved if the SGIO has commitments similar to those of the private sector.

Hon. J. M. Berinson: If you will excuse me, Mr Masters, I do not think the Campbell committee would have had anything to say about the equivalent of our four per cent additional tax or about our particular situation with the industrial diseases cover.

Hon. G. E. MASTERS: I acknowledge that the points raised are relevant, but we are talking about solvency requirements at this time, the need for competition and fair competition. We are saying that the Campbell report recognises the solvency tests as being relevant. It is all very well saying that the SGIO has assets over liabilities of some 19 per cent. We could say, "Let us have

proof of that" and probably the Attorney could produce that proof.

Hon. J. M. Berinson: Minimum.

Hon. G. E. MASTERS: But the question then arises of the SGIO, underpinned, supported, guaranteed, and backed by the State Government, going out to buy business, and year after year it makes a loss. Those losses must be made up from somewhere, and those assets could easily be worn down to below 19 per cent—not to 15 per cent but perhaps to five per cent or to nothing. There is always that risk, and the experience of some State Government insurance offices suggests there is a very real chance that there could be some loss in some years, depending on the economy.

Hon. J. M. Berinson: Would that not mean that the committee we have just agreed to is not efficient?

Hon. G. E. MASTERS: No, that would not be so. We are talking of a different problem.

Hon. J. M. Berinson: Surely this is one of the matters the committee would be looking to, to ensure that the competition is fair.

Hon. G. E. MASTERS: I guess that argument could be mounted against all the amendments we have put forward and all the amendments to proposed section 7B put forward by the Attorney. However, that was not the argument raised. We are saying that the committee could identify some of the areas we have missed. But this is not one we have missed; we have picked it up. The solvency requirements are very important.

In looking at the Commonwealth involvement, I would like to draw the attention of the Committee to an amendment moved by the Hon. Peter Wells an hour or two ago. I will quote part of the amendment as it is relevant to our debate. It reads as follows—

In relation to the Trading Fund and the Life Insurance Fund as constituted by this section, the State Government Insurance Office shall supply to the Minister such annual accounts and statements as are required to be supplied by a body corporate—

That is a body corporate under the Life Insurance Act 1945, a Commonwealth Act. So in one amendment we are seeking certain requirements under a Commonwealth Act of Parliament, and the next minute we are proposing that another Act of Parliament should at least set the basis for solvency levels. We are not saying that annual returns have to be put forward to the Commonwealth Government, or indeed that returns would have to be put forward in any way. What we are

saying is that the Commonwealth Act sets the level required by the Government for insurance companies to pass the solvency test. If that is the case, then surely every day we are handling the same sort of situation when matters relate to the Commonwealth Government, and the Commonwealth Act sets certain levels that have to be maintained. That does not mean to say that the Commonwealth has power in all circumstances. Sure it has power to change any of those Acts, as we have power to change Acts. However, I believe this is a red herring brought in by the Attorney to complicate matters. There is no fear that the Commonwealth can influence the SGIO; there is no fear it can do any more than set fair levels on solvency for the insurance industry.

So I am saying that there needs to be fair competition and that the solvency question is a very important one. The Commonwealth Government simply sets the guidelines; there are no requirements to report to the Commonwealth. Quite clearly the whole of the argument in this debate has been about fair and proper competition.

Hon. P. H. WELLS: We are now entering into an argument on a matter which I thought we had decided some hours ago. We are seeking that the SGIO should meet the same conditions that every other insurance company has to meet. All of a sudden the Government has said, "Oh no, every other commitment except solvency. We have the Consolidated Revenue Fund—that big deep hole into which all sorts of funds coming from other places are poured—to meet the deficit". If we honestly believe the SGIO should have to meet the same sorts of requirements in regard to capital coverage, etc., that other insurance companies meet, we must do the same in regard to solvency.

I have been racking my brains to determine what sort of debate would have ensued had I changed the words of my amendment a little, if I had sought an amendment in the terms that the SGIO would be expected to have a solvency rate as prescribed by the State Government, but not less than expected of other insurers.

The DEPUTY CHAIRMAN (Hon. John Williams): Are you suggesting another amendment?

Hon. P. H. WELLS: I am wondering what would have happened had I proposed a particular amendment that required the State Government to prescribe a solvency rate which was not allowed to be less than the solvency rate of every other insurer. Let us think what that would mean. If every insurer in this State pays the solvency rate that the insurance commissioner sets, the State

Government would have to prescribe that rate or a rate higher. That is one way of going.

Hon. P. G. Pental: It would still be locked into the Commonwealth provisions.

Hon. P. H. WELLS: That is exactly what I am saying; we are locked into the Commonwealth provisions on taxes. The Commonwealth Government, as the Attorney said, will make sure that its taxes are paid.

In the debate we tried to determine the matters that the insurance companies of the State have to meet, and it just happens that it is the Commonwealth Government that makes the laws in this regard. So I am left with the situation that the only major Acts—other than the Act allowing for the exclusion of the SGIO—are these two Commonwealth Acts. Therefore, if we are seeking to make it competitive on all bases—and I am seeking that they be equal—by the same token I would have a lot of support in terms of State rights. Regardless of the semantics of the argument, is not the effect the same?

The only matter not contained in my previous amendment was that to enable the solvency rate to be prescribed at a higher rate than the Commonwealth figure. I would be quite happy to change the words, but the advice I have been given at this late date is that the rate should be the same as the rate prescribed by the State Government but not less than the rate prescribed for other insurers. What we are saying is that the words "other insurers" should mean that the rate is not less than that expected under the Commonwealth Act or by the life insurance commission. Again we are back to the same argument. All I am trying to do is to ensure that the SGIO meets the normal commercial requirements.

I have the 1982 report which refers to the loss by the insurance industry of \$511 million. Why are solvency provisions laid down? Is it because the Government does not like having to require this of insurance companies? Of course that is not the case. The solvency rate is set because it is considered reasonable for commercial enterprises.

The SGIO knows that it has the backing of Consolidated Revenue, therefore, it does not have to meet the solvency rate. Regardless of what we say, if the SGIO goes bankrupt, who has a moral obligation to pick up the tab?

We have some responsibility in this area and I am seeking to have a fair solvency rate established. Every other insurer in this State must meet the solvency rate established under these Commonwealth Acts. I do not mind if the rate is set higher than that which I have suggested. Indeed, I would be happy if that occurred. I do not mind if

we write into the Act that the solvency rate for the SGIO will be 20 per cent, which is the figure set down by the Federal Government. However, if we intend to go down that track, we must adjourn the debate while we carry out a little more research to define the level of solvency of the SGIO, and further provisions will have to be inserted in the Bill.

In my humble way I am trying to find words to express simply what has been said in this debate by all Opposition speakers. If the SGIO is to be allowed to extend its operations into this area, it must meet the normal commercial obligations met by other insurers.

If the SGIO does not have to meet the minimum requirements placed on insurance companies by the Insurance Council of Australia to ensure the stability of the industry, the Government is moving away from the basic principle it has set out; that is, that the SGIO shall operate in the same way as other commercial insurance enterprises.

I hope that at this late stage the Government will agree to a provision similar to that which is contained in the Federal legislation. Regardless of semantics, we are saying the same thing. I do not want to abrogate my responsibility to States' rights, but such a provision should be contained in the Bill in order that the SGIO operates on the same basis as other insurance companies and, most importantly, that it remains solvent. When one looks at the number of insurance companies going bankrupt, one realises how important that is. If members opposite suggest that the SGIO is backed by Consolidated Revenue, I counter that by saying we should look elsewhere.

I ask members to support my amendment.

Hon. J. M. BERINSON: I indicated previously my opposition to this amendment and said that, rather than putting the SGIO into a position of equal competition with private insurers, it would lead to a situation where it could be at some disadvantage.

However, I cannot fail to be impressed by the argument that is advanced continually that the Government has said throughout that it is looking for equivalent obligations on the part of the SGIO and that it is prepared to accept that situation in all respects.

Rather than have any doubt that in this one area we are moving away from that general proposition and undertaking, I am prepared on behalf of the Government to shift ground and indicate that this amendment will be accepted.

Amendment put and passed.

Hon. P. H. WELLS: I do not intend to move any further amendments. However, I shall refer to issues to which the Attorney General should give serious consideration in order to meet the commitment made by the Government in relation to the SGIO operating on the same basis as other insurance companies.

We do not want to become subservient to the Commonwealth legislation, but the SGIO will not be subject to the same sort of scrutiny that is applied to other insurance companies in this State. It will not have to report to the commissioner or be scrutinised in the same manner as other insurers. However, by an exchange of letters between the relevant State and Federal Ministers, it would be possible for the commissioner to monitor the activities of the SGIO in order that policy holders are protected.

The Attorney should consider ways in which the SGIO can receive the same scrutiny as is applied to other insurers by the commissioner. I accept difficulties exist in my proposition that letters be exchanged between the relevant State and Commonwealth Ministers, because States' rights are involved and I believe Western Australia should accept responsibility for its activities. However, we should not abrogate those responsibilities and as the Government proposes the SGIO should have an extended franchise, its activities should be monitored in the same way as the activities of other insurers.

This is particularly relevant when it is borne in mind this matter is not covered by the Trade Practices Act. I refer to an article which appeared in the Melbourne, Victoria *Business Review* of 25 September 1982, under the heading "Insurer found liable—A Federal Court ruling has big implications for insurers and their agents". It refers to the requirements contained in the Trade Practices Act and reads, in part, as follows—

Since the Trade Practices Act came into force in 1975, insurers have been dreading the possibility of being liable under its provisions for the conduct of agents selling policies. Their nemesis came last week. The Federal Court ordered City Mutual Life Assurance Society to pay \$88,003 damages to Jeffrey Gates, a self-employed builder, who had taken out two policies with the company.

The court held that CML had engaged in misleading and deceptive conduct.

A number of other points are involved in that explanation of the Trade Practices Act. Rightly or wrongly one insurance company had to meet costs it would not be required to meet under this legislation. I think the Attorney said that the SGIO

would be made responsible under the provisions of the Trade Practices Act, but I am not certain how that will be achieved. I do not know all about that Act and I am not a great advocate of it, but it seems there is no way the SGIO will comply with its provisions.

As the SGIO gradually, carefully, and thoughtfully expands its operations we might consider the types of implications to which I have referred and perhaps we will come up with ways, means and recommendations as to how those problems might best be overcome.

Hon. J. M. BERINSON: I have no difficulty with considering these propositions. I make it clear, however, that I have not made any commitment to this stage with respect to the Trade Practices Act.

Clause, as amended, put and passed.

Clause 8 put and passed.

Title put and passed.

The DEPUTY CHAIRMAN (Hon. John Williams): I sincerely thank all members for the assistance they have given me personally in the Chair over the eight hours this debate has taken.

Bill reported with amendments.

## QUESTIONS

Questions were taken at this stage.

## DOG AMENDMENT BILL

### *Returned*

Bill returned from the Assembly without amendment.

*Sitting suspended from 6.00 to 7.30 p.m.*

## BUSINESS NAMES AMENDMENT BILL

### *Second Reading*

Debate resumed from 18 October.

HON. MARGARET McALEER (Upper West) [7.30 p.m.]: I have discussed this Bill with the Leader of the Opposition. The Opposition has no problem with the Bill and agrees with it in principle.

Question put and passed.

Bill read a second time.

### *In Committee, etc.*

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

*Third Reading*

Bill read a third time, on motion by the Hon. J. M. Berinson (Attorney General), and transmitted to the Assembly.

**LIMITED PARTNERSHIPS AMENDMENT BILL**

*Second Reading*

Debate resumed from 18 October.

**HON. MARGARET McALEER** (Upper West) [7.34 p.m.]: The Opposition has examined this Bill and has no difficulty with it. We support it.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

Bill read a third time, on motion by the Hon. J. M. Berinson (Attorney General), and transmitted to the Assembly.

**BILLS OF SALE AMENDMENT BILL**

*Second Reading*

Debate resumed from 18 October.

**HON. MARGARET McALEER** (Upper West) [7.35 p.m.]: The Opposition supports this Bill. I have discussed the matter with the Leader of the Opposition, who is unavoidably detained.

The amendments contained in this Bill and the previous Bills are in line with work done by the Leader of the Opposition when he was the Attorney General. Therefore, we find it easy to support them.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

Bill read a third time, on motion by the Hon. J. M. Berinson (Attorney General), and transmitted to the Assembly.

**ACTS AMENDMENT (CONSTITUTION AND ELECTORAL) BILL**

*Second Reading: Defeated*

Debate resumed from 27 October.

**HON. FRED McKENZIE** (North-East Metropolitan) [7.37 p.m.]: I support this Bill.

It is clear, from the debate that has taken place already, that we will have some problem in having this Bill passed. That will be a different situation from the previous three Bills before the House.

I remind members opposite that in this legislation we are giving the people of Western Australia the opportunity to determine what happens with the Bill in the ultimate, by having it referred to a referendum. The Opposition should not have any argument with that principle because rarely, if ever, are Bills placed before the people of Western Australia after they have been through the Parliament. It is only in recent years that the former Liberal Government inserted a provision in the Constitution that any decrease in the number of members in this House be referred to a referendum. Members must realise that if the reverse applies, as has happened since the provision for a referendum was inserted in the Constitution, it is not necessary to refer an increase in the number of members in this House to a referendum.

The principle of this Bill is to provide for proportional representation, and also to reduce the number of members in this Chamber from 34 to 22. This House is alleged to be a House of Review.

**Hon. G. E. Masters:** As demonstrated in the last few weeks.

**Hon. FRED McKENZIE:** Members opposite review legislation when they have a Labor Government in power!

**Hon. G. E. Masters:** Have you made your own decisions in the last few weeks?

**Hon. FRED McKENZIE:** On what?

**Hon. G. E. Masters:** On all of the matters we have been talking about.

**The PRESIDENT:** Order!

**Hon. FRED McKENZIE:** Mr Masters knows very well that the only time this House really reviews legislation—and I emphasise the word “really”—is when a Labor Party is in Government. We have seen plenty of that in the last few weeks. We saw plenty of that with the State Government Insurance Office Amendment Bill; we have been reviewing it for hours.

**Hon. P. H. Wells:** The Minister said some good suggestions went through.

Hon. FRED McKENZIE: I have been here since 1977, and when the Liberal Government was in office, legislation was reviewed on party lines. It is not a House of Review; it is a party House.

Several members interjected.

The PRESIDENT: Order!

Hon. FRED McKENZIE: Members opposite are very touchy on this subject because they want to retain their power.

Since responsible Government, we have had 41 elections in the last 90 years. However, the Labor Party has never really been in power. It is true that for about half that time it has been in Government; but it has never really been in power. The Liberal Party has always been in power, because it has been able, through this House, to block any worthwhile legislation that the Labor Party has put forward.

Members of the Liberal Party have gerrymandered this House. They have gerrymandered the electorates to retain power. Now that the pressure is on them, they do not like it. This is only the beginning.

A member: It is like Queensland.

Hon. FRED McKENZIE: Yes, this place is almost as bad as Queensland. Queensland is probably the worst example, although this House nearly parallels it. With 28 per cent of the vote, members opposite control this Chamber. In a sense, it is worse than the Queensland situation.

What is wrong with proportional representation? Members opposite have put the story around, particularly in country areas, that the people will be under-represented. That will not be the case.

Hon. N. F. Moore: They will have none.

Hon. FRED McKENZIE: Every Assembly electorate will be represented by 22 members in this place.

Opposition members interjected.

The PRESIDENT: Order!

Hon. FRED McKENZIE: Although Mr Lockyer might not like it, I will have a share in his electorate.

Opposition members interjected.

Hon. FRED McKENZIE: Let us consider how this place has been gerrymandered by members opposite. The metropolitan area consists of seven provinces with 14 members representing 505 000 people. In the areas where the Opposition traditionally holds the power, in the agricultural and pastoral areas, eight provinces, with a total of 16 members, represent 210 000 people. The ratio

in respect of the number of people that the metropolitan provinces represent is more than 2:1, so members opposite are one up for a start.

If we consider the mining and agricultural areas we find they have another two provinces with 31 000 people. Let us compare that with the situation facing the Hon. Lyla Elliott and me.

Hon. N. F. Moore interjected.

Hon. FRED McKENZIE: The Hon. Norman Moore should not speak, because had he contested the last election against me, he would have done his deposit three times over. The member represents 3 237 votes while I represent 45 425 votes.

Hon. N. F. Moore: How many opposed you?

Several members interjected.

The PRESIDENT: Order! I will not tolerate this shouting at one another across the Chamber. Already earlier this week I indicated that audible conversations were completely out of order. I suggest to the member addressing the Chair that he should in fact address his comments to the Chair and he can be assured he will get no interjections from that direction.

Hon. FRED McKENZIE: Mr President, you have always been fair in that respect and I expect that is why you hold the position of President. However, I remind the Hon. Norman Moore that he was elected by just 3 237 people voting for him and at the last election he faced two opponents. However, I was elected by 45 425 electors voting for me and I also faced two opponents, so we are on a par. I repeat: Mr Moore would have lost his deposit three times over.

Hon. N. F. Moore: That is a ridiculous argument.

Hon. FRED McKENZIE: For enrolment purposes let us look at the province represented by the Hon. Lyla Elliott and me. We have 84 019 electors. Mr Moore and Mr Lockyer have 7 020 electors in their province. Nevertheless, when we cross the floor to vote, Miss Elliott and I have just two votes between us, as do Mr Moore and Mr Lockyer. It would not be so bad if I were to be given 12 votes and the Hon. Lyla Elliott were to be given 12 votes while Mr Moore and Mr Lockyer were given just one each. That would be just; that would give us a sporting chance. But we are nailed down here to one vote each instead of 12.

In Lower West Province, the biggest of the agricultural and pastoral areas, we find 29 000 electors, which is still a long way short of 84 000. It is quite clear from those figures that there is a huge gerrymander.

Adult franchise was not introduced until 1963. I suppose the Government at the time thought it was a step in the right direction because up till then not everyone had a right to vote at elections for this House. That was a great step forward, but we are now 20 years on. That was the last major reform.

Gradually, to ensure that they remained in power, the conservatives increased the representation of the metropolitan area, because that is where the population resided. The metropolitan area was increased by two seats in 1977 and another two seats in 1983.

The upper House in the South Australian Parliament can manage quite comfortably with 22 members.

Hon. P. G. Pental: Then be consistent and reduce the WA Assembly down to the numbers in the SA Assembly.

Hon. FRED McKENZIE: We will not fall for that caper, Mr Pental. Mr Pental can say that, yet his side complains that people in the country are not represented. Do members opposite want us to cut down the representation for country people by reducing numbers in the Assembly? After all, the House of the people is the one where people ought to be represented, not this House of Review. This House is to review legislation on a State-wide basis, and that is precisely what we are proposing with this legislation.

I do not want to cover the ground of other speakers from this side, because a number of things can be discussed and I know my colleagues are all anxious to have their say.

Hon. N. F. Moore: The first time this session.

Hon. Tom Stephens: Rubbish!

Several members interjected.

Hon. FRED McKENZIE: For members who are new to this place, let me once again go over the comments made by a previous colleague of members opposite, and I refer to the Hon. Bill Withers. I know members opposite will hate to be reminded of this because Bill Withers resigned over the gerrymander the previous Government established prior to the 1983 election. He resigned and we successfully won his seat. I refer to page 565 of *Hansard* for 7 April 1982. These are not words of a Labor Party member of Parliament but of a colleague of members opposite, a person who is no longer in this place, a person who resigned from Parliament because of the huge gerrymander that was established at the time. He said—

... in my opinion, and on the evidence I have, the gerrymander that was created in

the shifting of the Pilbara and the Kimberley boundaries was the greatest gerrymander I can discover in the western world.

That was said by a colleague of members opposite.

Hon. P. G. Pental: Bill never was strong on history.

Hon. Tom Stephens: You keep trying to live in history.

Hon. FRED McKENZIE: I disagree with Mr Pental and I believe Bill Withers is a man of great principle.

Hon. P. G. Pental: He is.

Hon. FRED McKENZIE: That is more than I can say about members opposite if they do not support this Bill. Members opposite would display the same sort of principle if they accepted this Bill. If they do not accept it we will continue our campaign and we will eventually see a change. We will repeat it time and time again until we succeed. In the short time I have been in Parliament as a member of the Government it has been very clear that members opposite frustrate at every opportunity the legislation we put before the House. We will not tolerate that, believe you me.

I support the Bill.

HON. N. F. MOORE (Lower North) [7.53 p.m.]: I will begin by referring to the last remark made by the Hon. Fred McKenzie. I cannot recall any legislation that has been rejected this session. Some amendments have been made to Bills because they needed to be amended.

Hon. D. K. Dans: That is your opinion.

Hon. N. F. MOORE: We have had some deficient legislation. If the Government brings forward legislation that requires amendment, it can expect that to happen. But no legislation has been rejected in this session. I expect this Bill will be rejected, but it will certainly be the first this session.

The real sham of this legislation is that it is not accompanied by a Bill to reform the Legislative Assembly.

Hon. Tom Stephens: It is coming.

Hon. Kay Hallahan: How would you handle that?

Hon. N. F. MOORE: We have a situation where we have a Labor Government bringing to this House legislation to introduce one-vote-one-value for the Legislative Council, yet no Bill accompanies this one to introduce one-vote-one-value for the Legislative Assembly.

I suggest to the House and to the Government that the Government has looked at one-vote-one-



value for the Legislative Assembly; it has actually done the sums—it has enough advisers and other people working for it on the public payroll to have done the work—and it has found that one-vote-one-value in the Legislative Assembly would mean that the Government would not gain what it wanted. In fact, it would disadvantage some of the Government's country members. That is why we do not have a Bill for one-vote-one-value for the Legislative Assembly. That is why the Government has brought a Bill to this House to amend the constitution of the Legislative Council to introduce one-vote-one-value for this House. There is no sign of similar legislation for the Assembly because members opposite know what that would mean, and it would not be an advantage to them.

Hon. J. M. Berinson: Will you support both together?

Hon. N. F. MOORE: Not at all.

Hon. D. K. Dans: You are a phoney.

Several members interjected.

The PRESIDENT: Order! I will not continue to permit honourable members to carry on as if they were at a grand final of the football.

Hon. D. K. Dans: Football teams have equal sides.

The PRESIDENT: I have already indicated this evening that the comments I made earlier in the week will apply; that is, that if honourable members want to address themselves to any of the Bills in this place they should do so in accordance with the rules of this House. I therefore suggest to the honourable member addressing the Chair that he continues to do that and that other honourable members should cease their interjections completely, otherwise I will have to take some action.

Hon. N. F. MOORE: The sham of this legislation is that members of the Labor Party come here arguing for the principle of one-vote-one-value, but they only argue for it for this House. They have not introduced legislation for one-vote-one-value for the Assembly. It is quite clear they have worked out that one-vote-one-value may be to their advantage in this House but it would not be to their advantage in the other place. They have abdicated the principle of one-vote-one-value by not introducing legislation for both Houses.

Hon. Robert Hetherington: You talk more nonsense than anyone I know.

The PRESIDENT: Order! The Hon. Robert Hetherington is one of the members to whom I was addressing my previous comments. The Hon. Norman Moore is not helping by carrying on a conversation with him.

Hon. N. F. MOORE: I apologise; I thought I was addressing my remarks to the Chair. However, it is interesting to consider the whole prospect of one-vote-one-value for the Assembly—and I draw to the attention of the House the fact that we do not have a Bill for that House associated with this Bill—and we start at the Kimberley and work down. If we bear in mind that an average-sized seat in the Legislative Assembly under one-vote-one-value would be about 13000 electors, we find this is roughly the number of electors in the current seat of Kimberley, the seat members opposite have been screaming about as an example of a gerrymander. The situation we have now is about what we would get with one-vote-one-value. That is the great irony of one-vote-one-value.

Members opposite have argued about the "dreadful" seat of Kimberley, but it is the same as we would have with one-vote-one-value. That is why Bill Withers resigned. He resigned because he believed the Liberal Party had abdicated its principles by allowing one-vote-one-value for the Kimberley. That is why he resigned, and he said so in this House.

Several members interjected.

Hon. N. F. MOORE: He did not resign because of the argument members opposite continually trot out.

I repeat: Members opposite have worked out what would happen with one-vote-one-value in the Assembly, and that is why we do not have a similar Bill for that House. People like Mr Grill and Mr Evans, who represent country electorates have said, "Hang on".

#### *Point of Order*

Hon. TOM STEPHENS: The member is referring to legislation that is either before the Legislative Assembly or about to come before the Legislative Assembly.

The PRESIDENT: Order! The honourable member knows that is not a point of order. He should know that frivolous points of order will not be tolerated.

#### *Debate Resumed*

Hon. N. F. MOORE: Having made that point, I want to turn now—

Hon. D. K. Dans: The only point you have made is that you don't believe in one-vote-one-value.

Hon. N. F. MOORE: That is right. Members opposite argue in favour of it, but they do not bring it here. What do they have in mind for the

Legislative Council? They have in mind an electoral system based on proportional representation on a State-wide basis.

Hon. Garry Kelly: A brilliant idea.

Hon. N. F. MOORE: It is not a brilliant idea. In practical terms this is how members of the Labor Party will become members of the Legislative Council. That is, in effect, what will happen. The State council or the State executive, whatever it is in the Labor Party, in our case it is the State council—

Hon. Peter Dowding: Ours is a bit more democratic than yours.

Hon. N. F. MOORE: In our situation members of the Liberal Party will put up their names to the State council for endorsement and the State council will endorse their candidates in the same way it does for the Senate. I presume the Labor Party will do the same thing. Our State council is broadly representative of our party, in the same way, I presume, as the Labor Party's executive is.

Hon. Tom Stephens: Your party must be to the right of Attila the Hun if your State executive is broadly representative of the party.

Hon. N. F. MOORE: It is interesting that a fellow like Mr Stephens can come to this House under the existing arrangements. I suggest that under a proportional representation system and if the people who run the Labor Party had any sense, he would not be in the first five; in fact, he would be lucky to be in the first 10.

Hon. Kay Hallahan: That is your worry.

Hon. D. K. Dans: At least he is a member of Parliament.

Hon. Mark Nevill: You won't get on the Senate floor.

Hon. N. F. MOORE: The member would not even be endorsed.

Hon. Peter Dowding: Rubbish!

Hon. N. F. MOORE: What proportional representation means in simple direct terms is that the first five candidates from each party will have a very, very good chance, almost an automatic chance, of being elected.

Hon. Lyla Elliott: That happens now too.

Hon. N. F. MOORE: They will be chosen by the governing body of their political party and after they are chosen or endorsed by their political party it becomes automatic that they are elected to Parliament, regardless of what the electorate has to say about each candidate.

Hon. Lyla Elliott: What a weak argument.

Hon. N. F. MOORE: It is a fact of life. I suggest the member get endorsed—

Hon. Garry Kelly: A lot of things—

Hon. J. M. Brown: Mr Moore does not want anyone to vote. His exercise in Mt. Magnet proved that.

Hon. N. F. MOORE: Parliamentarians, these party endorsed members, will theoretically represent the whole State because they will be elected on a State-wide basis, but in reality they will represent the interests of those people who endorse them; that is, their political party. I am not just talking about the Labor Party; the same will apply to our party. We will represent the State council of the Liberal Party under this system because it will endorse us. The same will happen to members opposite. They will be representatives of the party executive which endorses them.

Hon. Peter Dowding: Senators do not represent their State, do they? They represent the party. What you are saying is that they don't. You are saying they represent the party only.

Hon. N. F. MOORE: Members of the Senate represent Western Australia.

Hon. Peter Dowding: That shows their fallacious position.

Hon. N. F. MOORE: Members of the newly constituted Legislative Council will represent nobody because they will be members of the Legislative Council for the whole State and—

Hon. Peter Dowding: They represent the State.

Hon. N. F. MOORE: —therefore they will represent nobody in particular.

Hon. D. K. Dans: Come off it.

Hon. N. F. MOORE: Members of Parliament have two overriding responsibilities which will be removed by this legislation. First of all, they must represent the interests and aspirations and needs of their electors. They have already pointed out that they will not be doing this because they will be looking after the interests of their State council or executive.

Hon. Fred McKenzie: What a load of rubbish!

Hon. N. F. MOORE: The second thing is that they must be accountable to their electors who will judge their performance based upon their representation of those electors.

Hon. Graham Edwards: Your performance is something you don't need to worry about, is it?

Hon. N. F. MOORE: If they do not shape up the electors will judge them accordingly. This legislation and the system proposed will remove those two responsibilities. Members will not represent electors; they will represent political parties only.

Hon. Peter Dowding: You would have balanced electorates, would you?

Hon. Garry Kelly: Equal representation.

Hon. Peter Dowding: I did not think that was a difficult question at all.

The PRESIDENT: Order!

Hon. N. F. MOORE: I ask Mr Dowding to ask the question again. I did not hear him.

The PRESIDENT: Order! I suggest the honourable member does not invite questions and that he addresses the Chair so that we can get on with this debate.

Hon. Graham Edwards: Straighten up. You remind me of a young pup trying to rape a marble.

Hon. N. F. MOORE: I take great exception to that comment. The peanut here—

*Withdrawal of Remark*

The PRESIDENT: Order! I ask the Hon. Graham Edwards to withdraw that remark and to cease his interjections.

Hon. GRAHAM EDWARDS: I will withdraw the remark.

Mr Moore, you are very touchy, aren't you?

*Debate Resumed*

Hon. N. F. MOORE: I just take exception to the sort of language the gentleman uses, not because he is talking about me. I thought the sort of language he used was unfit for a member of Parliament to use.

Hon. Graham Edwards interjected.

The PRESIDENT: Order! The Hon. Graham Edwards, I have already asked you to cease your interjections. I will not ask you to do so again.

Hon. N. F. MOORE: I repeat the point that the elections which will eventuate from this form of electoral system will mean that members of the Legislative Council will not represent electorates. Because they will represent the whole of the State they will, in effect, represent nobody. They will not be accountable to electors because they will be accountable to the people who selected them in their endorsement procedure. This system must therefore disadvantage country and remote area people because political parties, whether we like it or not, are essentially dominated by metropolitan interests, because that is where most of the people live. Most of the people on the State council of the Liberal Party are from the metropolitan area and I presume the same applies in the Labor Party and other parties.

Hon. Peter Dowding: We have good representation in the north.

Hon. N. F. MOORE: The metropolitan area will have a dominating influence on the pre-selection or endorsement of candidates. That is a fact of life.

Hon. Kay Hallahan: That is where most people live.

Hon. N. F. MOORE: First of all, they will have an undue influence on who gets endorsed and then, of course, it follows that the people who get endorsed will be city people who will direct their interests to the needs of the city.

Hon. Peter Dowding: Why does that follow? Our party cares about people in remote areas. That is probably the difference.

Hon. P. H. Lockyer: Come on, Mr Dowding; you don't agree with that.

Hon. N. F. MOORE: When the member is elected, of course, he will then spend his time where he gained most of the votes and that is, of course, in the metropolitan area. He would not spend much of his time in the country. I cannot imagine members going to Sandstone, Mt. Magnet, or elsewhere.

Hon. Peter Dowding: We have senators in those areas.

Hon. N. F. MOORE: They will spend time in the city where those votes were located. This legislation represents a massive concentration of power in the metropolitan area.

Hon. Peter Dowding: Why don't you let the people decide?

Hon. Garry Kelly: Yes, let the people decide.

Hon. N. F. MOORE: The reason that the Labor Party wants to concentrate this power in the city is because members opposite believe that by doing that they will win control of this House; they will win the majority of seats in the reconstituted Legislative Council. Why do they want to do that? Let us look at what they are on about. Let us look at the ALP's platform contained on page 91 of "Platforms for Government"—

Hon. Tom Stephens: Is that the Federal Platform?

Hon. N. F. MOORE: —which calls for "The reform of State upper Houses and, ultimately, their abolition". I am talking about the Federal platform. Let us look at what Mr David Combe said in his introduction to the platform.

Hon. Peter Dowding: Why don't you read the State platform?

Hon. N. F. MOORE: This is David Combe, a well-known member of the Labor Party, even though he may not want to be so described. The introduction reads as follows—

The platform of the Australian Labor Party is a document of overriding authority to all members of the A.L.P., determined by the party's National Conference, changeable only by it, and providing a certain framework to anyone who would know what to expect from a Labor government.

The Australian Labor Party differs from all other political parties in this country in the ultimate authority which its representative conferences have. In the determination of the party's platform, its Constitution and its rules, there is no appeal from decisions of its conferences. At the federal level, only the National (formerly Federal) Conference can lay down the parameters within which all members of the party must operate, whether from opposition or from government.

In many respects the A.L.P. is probably the most rigidly structured of the world's democratic socialist parties. In practice this has meant that whereas fraternal parties such as the British Labour Party when in government have breached or ignored decisions of their conferences without dire consequences, actions of an ALP parliamentary party (or of individual members) in conflict with conference decisions have always resulted in disciplinary action.

That is David Combe's assessment of the Labor Party and the way in which its platform is binding upon its members. Yet Government members talk about the ultimate abolition of the upper House, as if that does not bind them. That is absolute nonsense. There is no doubt in my mind or in the mind of most people in Western Australia that their ultimate desire is the abolition of the upper House. Whether members agree with that is beside the point.

Hon. Robert Hetherington: You are creeping away from the real principle.

Hon. N. F. MOORE: The Labor Party when it was in Opposition, advocated a reduction in the number of members of the Legislative Council by 12. I spent some time trying to work out why it proposed to do this. Some ideas came to mind.

Hon. Garry Kelly: The 12 Disciples.

Hon. N. F. MOORE: The Government could have made such a decision simply to gain short-term political kudos because it believed the public think there are already too many members of Parliament. I now know that not to be the case because the Federal colleagues of members opposite have already advocated an increase in the Federal Parliament of 35 members.

Hon. D. K. Dans: Just a minute, that is a joint committee.

Hon. N. F. MOORE: I do not agree.

Hon. D. K. Dans: All right, be truthful. Your tongue will drop out in this place one of these days.

Hon. Neil Oliver: Why don't you interject on one another?

Hon. N. F. MOORE: Does the Leader of the House agree that the number should be increased?

Hon. D. K. Dans: Don't question me. It is not for this Parliament. You just be truthful.

Hon. J. M. Berinson: The answer is, "no".

Hon. N. F. MOORE: Good. At last we have a sane thinking person on the other side of the House.

Hon. D. K. Dans: That will do you no good.

Hon. N. F. MOORE: Mr Berinson does not agree with his Federal colleagues; that is good. It is a step in the right direction.

Hon. J. M. Berinson: Do you agree with all policies?

Hon. N. F. MOORE: As pointed out in its platform, and as David Combe said, the decisions made by the ALP bind every member.

Hon. D. K. Dans: They haven't got a dollar!

Hon. N. F. MOORE: It was not to gain short-term political advantage because we know that is not what they would gain anyway.

Their reasoning became clear when I read an article in *The Sydney Morning Herald* of 30 April 1983 which made this point quite clear. The article about the upper House in NSW refers to a reduction in its members. It discusses a problem that the Premier (Neville Wran) has because of the restructuring of the Legislative Council of NSW. The article reads as follows—

With half, instead of a third, of MLC's facing the voters each time if the referendum is successful, the proportion of the total vote needed to be elected—the so-called quota—drops from 6.25 per cent to about 4.35 per cent.

This makes it easier for more Fred Niles and Elizabeth Kirkbys (Democrats) to be elected. Perhaps a good idea if you believe in diversity of opinion. But you will not find the major parties coming within cooee of endorsing such a principle.

So Mr Wran's plan is to increase the quota. How? Simple: Just reduce the number of members. A few weeks ago, the Premier

said he would not rule out at all a substantial reduction in numbers, though he added that it was only one option.

That sounds like Neville Wran—a brilliant approach. Reduce the number of members of the Legislative Council and you increase the quota. You do not have to put up with independent and minority party members coming in with the balance of power. This, of course, is not what they want.

Hon. Kay Hallahan: Your side does not want minority parties increased.

Hon. N. F. MOORE: In NSW, of course, the ALP wants to increase the quota and make it almost impossible for the balance of power to be held by some minority party.

Hon. Robert Hetherington: You don't want a party of Mick Gayfers.

Hon. N. F. MOORE: I am sure my colleague, Mick Gayfer, will support me on this matter.

Hon. J. M. Brown: But you are still trying to get rid of him.

Hon. N. F. MOORE: I will conclude on this note—

Hon. Tom Stephens: By 3 000 votes.

The PRESIDENT: Order! The honourable member just said he was about to conclude his remarks.

Hon. N. F. MOORE: I was elected in 1977 and was re-elected in 1983.

Hon. J. M. Brown interjected.

Hon. N. F. MOORE: I won by about 60 per cent of the vote.

Hon. Fred McKenzie: Three thousand two hundred votes.

Hon. N. F. MOORE: I was elected by my constituents to the Parliament of Western Australia and to the upper House of that Parliament. My electors expect to continue to have the right to reject me if I do not perform to their satisfaction.

Hon. Garry Kelly: People can reject this Bill at a referendum too.

Hon. N. F. MOORE: They expect members to be accountable for their actions. This legislation will considerably disadvantage my constituents. They will lose two members of Parliament.

Hon. Fred McKenzie: They never see you.

Hon. N. F. MOORE: That is absolute nonsense.

Hon. D. K. Dans: He hit you on the head there.

Hon. J. M. Brown: It will save you gerrymandering the Aboriginal vote.

Hon. N. F. MOORE: It will remove members from this Parliament.

Hon. J. M. Brown: I know what I am saying.

Hon. N. F. MOORE: If, as the Hon. Tom Stephens suggests, the ALP is actually going to endeavour to have one-vote-one-value in the Legislative Assembly then my constituents will never see their members of Parliament because they will live in an enormous Assembly electorate and Councillors will cater only for the problems of the metropolitan area of Western Australia.

Hon. Kay Hallahan: Do you here?

Hon. N. F. MOORE: They can rightly say to me that I must reject this legislation because they are entitled, like everyone else in this State, to proper representation and to have ready access to their members of Parliament who understand their interests and are mindful of them in everything they do. It is interesting that the country members from the Labor Party, the Hon. Tom Stephens, the Hon. Peter Dowding, the Hon. Mark Nevill and the Hon. Jim Brown support this legislation.

Their constituents, like mine, will be disadvantaged in the extreme by this legislation—they will be totally disadvantaged, particularly the Hon. Tom Stephens' constituents. No member will go to Turkey Creek or Wyndham if he can live in the city and obtain more votes.

The Hon. Tom Stephens will not even be endorsed and the fact that he knows the north will be to his disadvantage. This is the system that he advocates in this House—the disfranchisement of his electors. He cannot wait to argue the point. He, Mr Dowding, Mr Nevill, and Mr Brown will sell out their constituents by this legislation. These members should realise what they are doing. They should give away the silly charade they have brought to this House and should vote against this legislation as I will.

HON. S. M. PIANTADOSI (North Central Metropolitan) [8.16 p.m.]: I support the Bill. There has already been some debate regarding the undemocratic nature of this House and action has been recommended to rectify the gerrymander.

Members opposite have referred to the history of this House; and some profess to have some knowledge and others have no knowledge. I would like to refresh their memories regarding the undemocratic structure of the House and advise members of the history of this Legislative Council from the beginning.

From the day the present parliamentary system was proposed the people proposing and planning

the structure were all from one class which dominated the State at the time—they were wealthy landlords. The structure they established was so severely imbalanced that many people were denied a vote in the Legislative Council.

Hon. G. C. MacKinnon: I was not a wealthy landlord.

Hon. S. M. PIANTADOSI: I am giving members a little history because Opposition members expressed opinions that showed they were not very well informed of how the House was structured.

Hon. Neil Oliver: Give us a little Italian political history.

Hon. S. M. PIANTADOSI: The Hon. Neil Oliver referred to the German situation during his speech. Later I will point out the errors in the information he presented to the House.

At the time this House was established voting was voluntary and was available to only a select few. It was recognised that those people who had a right to vote owned property. It was clear from the beginning that there was a gerrymander and that democracy did not exist. It existed for the minority, but not for the majority.

Following the establishment of the Legislative Council there was a proposal to divide the State into 12 provinces, and again from the commencement of this proposal the system was loaded. Four seats were allocated to the main centres of Perth and Fremantle and eight were allocated to country areas.

The Hon. Norman Moore mentioned the number of voters in his electorate. At the turn of the century the number of electors in some of the Legislative Council seats in the country varied from 100 to 300 and they have increased to something like 3 000 to 6 000. Therefore, democracy in this State takes a long time in coming.

Lord Forrest's claim to fame in this State was his proposals and the opinions he expressed that the only people who should be entitled to vote were those people who owned property, because they showed some initiative and enterprise and were the only people who had brains. If people had enough money to buy property they had enough money to buy a vote. The irony of the situation is that in that same period the qualifications that applied to the Legislative Council electors were abolished in respect of the Assembly electors; so at least the Assembly made a little progress.

Lord Forrest had another plan, and that was that he would give some concessions but would structure the Council in such a way that some people were still denied a vote. The people who

were denied a vote were women. It must be pointed out that until 1963 many women were still denied a vote for this Legislative Council—or magical institution as it is referred to by many people. We had to wait from the turn of the century—some 60 years—before we had more democracy in this place.

In 1963, in spite of the concessions and the fact that women were given a vote, those members who controlled this House wanted to maintain that control, but also show that they had given some concessions. During the post-war period there was a great influx into our State of people from many lands. It was as a result of the influence of those people that many of the European government structures were considered and the community at large began to question the system that existed in this State. This led to the changes that occurred in 1963.

In order to overcome the concessions that were made and to maintain control, the Government rigged the boundaries, and the effects of that still exist. There have been many occasions when over 52 per cent of the people have voted for a particular party—namely, the ALP—but it has not resulted in that party gaining power.

Hon. P. H. Lockyer: Has there ever been a case in Western Australia where the ALP has received over 50 per cent of Assembly votes and it has not gained power?

Hon. S. M. PIANTADOSI: I am referring to the Legislative Council.

Hon. Peter Dowding: The Hon. Phil Lockyer has fewer people in his electorate than most Assembly members. He has no right to say that sort of thing.

Hon. S. M. PIANTADOSI: We have been reminded by the Opposition about the people in the country and their representation. How can they be represented? Well, the system that is proposed will give representation; it will not single out any group whether country folk or city folk; it will include all people. We intend to give representation to the total community of Western Australia and not just to part of the community.

Earlier today we were reminded by the Opposition that there should be fair play and a fair go for everybody. I would like to refresh the memories of the members of the Opposition and if the Hon. Norman Moore is a person of integrity—

Several members interjected.

Hon. Peter Dowding: Listen to him, he represents 90 000 people compared with your 6 000 people, and that is relevant.

Several members interjected.

The PRESIDENT: Order! I know that the Hon. Sam Piantadosi is interrupting members, but I am suggesting that they allow him to make his comments and they will get the opportunity at a later stage to make their own comments.

Hon. S. M. PIANTADOSI: I would like to refer to the European Parliaments and to give some information about them to members opposite, particularly the Hon. Neil Oliver, who is unable to get his facts straight. The European Parliaments saw a need for an evaluation of their systems and this varied from country to country. If my memory serves me correctly, and from the information that I have been given, most of those countries headed by conservative Governments have made changes. Those Parliaments recommended some form of proportional representation.

Hon. Neil Oliver: That is the way they work—by proportional representation.

Hon. S. M. PIANTADOSI: Let me finish. Mr Oliver may have his say at a later stage.

Hon. Neil Oliver: I cannot, I have already spoken.

Several members interjected.

The PRESIDENT: Order! I suggest that the honourable member direct his comments to me.

Hon. S. M. PIANTADOSI: I am trying to, Mr President, but I am interrupted by members opposite.

Hon. I. G. Pratt: For heaven's sake, you addressed Mr Oliver.

Hon. S. M. PIANTADOSI: Most of those countries are modern societies and they saw a need to change. They were headed by conservative Governments and they proposed to opt for proportional representation and chose democracy.

The proposal that is before the House is similar. We want democracy for all citizens of Western Australia and not just for a particular group. We are looking forward to giving the people of the State the opportunity of having their say and making the final decision.

Hon. Neil Oliver: How do they do that in Germany?

Hon. S. M. PIANTADOSI: We are being more democratic than Germany.

Several members interjected.

Hon. S. M. PIANTADOSI: I point out also that six years ago the former Premier of this State and the leader of members opposite, Sir Charles Court, also agreed and proposed at that time that any changes to the system should be sent to the people and the people should decide. Therefore,

Sir Charles Court believed that democracy should prevail and that the people should have the final say.

Hon. Neil Oliver: And you were against it.

Hon. Fred McKenzie: Now you have got it you don't want it.

Several members interjected.

Hon. Neil Oliver: You opposed the right of the people to decide.

Hon. Peter Dowding: You are doing that now.

Hon. S. M. PIANTADOSI: I believe that the proposal before this House will serve the people of Western Australia well. It will give everyone an equal opportunity and it will give everyone a fair go. The mood of the electorate should be noted and the decision it makes at that time should be adhered to. If the electorate votes to change the Government from one election to another that is a reflection of its feelings and I believe those feelings should be reflected in this House also. Currently that is not the case, even though the majority have made their decision as to which party they want in Government and which people they want to run the State. I believe that everyone wants a fair go and is looking for equality.

In our earlier discussion of the SGIO Bill many members opposite expressed their belief in free enterprise and their unwillingness to have one control. Those members believed that the SGIO would control the insurance market. What we are proposing is much the same as members opposite were saying in the last debate. We want an equal go for everyone and if the Opposition believes in freedom and free enterprise, of which it speaks so readily, I ask its members to consider the Bill before the House and, when the time comes to vote, to remember the principles which they express.

HON. TOM STEPHENS (North) [8.32 p.m.]: The Bill before us will give us an opportunity in the process of this debate to make it patently clear that the Westminster parliamentary democratic system as we know it in this State is really and truly under attack. From the way the debate has been handled and the arguments that have been put forward from members opposite, it is quite clear that an essential component of that parliamentary system is collapsing, and that is the Opposition. The Opposition has shown neither integrity, nor honesty, nor capacity to come to terms with the Bill before us in this place.

Opposition members interjected.

Hon. TOM STEPHENS: Those words would not fit easily on the lips of members opposite; I am sure of that. They have to apologise for the sort of things they have said so very recently.

Several members interjected.

Hon. TOM STEPHENS: This Bill is part of the democratic programme of the Burke Labor Government. Part of that programme is designed around the principle of ensuring the enactment of that democratic principle encapsulated in that one catchcry: One-person-one-vote-one-value.

A member: For democracy.

Hon. TOM STEPHENS: For democracy indeed.

Hon. P. H. Lockyer interjected.

Hon. TOM STEPHENS: I next want to hear from that member in court, and not before.

Several members interjected.

The DEPUTY PRESIDENT (Hon. John Williams): Order!

Hon. TOM STEPHENS: Only a few weeks ago we dealt with the concept of one-person-one-vote and in that situation we passed legislation designed to ensure the full enrolment of all eligible persons on the electoral roll. We have before us legislation that is designed to enact the last part of that catchcry: one-vote-one-value, in regard to this Chamber at least.

I have already guaranteed to the Hon. Norman Moore that we have coming behind us legislation that is focusing on the Legislative Assembly and the enactment of that same principle. It really is absolutely galling to hear members opposite suggest there is anything sinister about this legislation. There is not and they should well know it. In fact, the Hon. Bob Hetherington made an excellent contribution to this debate when he said it really demonstrates the psychological theory of projection. When the members of the Opposition, the people who are so excellent at introducing sinister moves in this place as the members well know, accuse us of such things. In the nine years that the Opposition was in Government under the Court and O'Connor Governments, it enacted legislation that was designed to achieve the complete distortion and twisting of the electoral processes in this State. Now we as a Government are determined to ensure that that whole process is reversed and no political party is advantaged by electoral amendments. Instead, we are ensuring that the people will have the capacity to ensure that their rights and wishes are reflected in this Chamber, nothing more. We do not want to advantage ourselves, we are not about that. We could have introduced such legislation if we had been about that. We are designing legislation that will—

Several members interjected.

The DEPUTY PRESIDENT (Hon. John Williams): Order!

Hon. TOM STEPHENS: —in the end look after the interests of the people of Western Australia and not the narrow interests of any political parties.

During the former Attorney General's response to the second reading debate in this Chamber, he made some reference to history—and it is probably worthwhile remembering where members of the Opposition sit in this Chamber because three of them have to sit on the Government side as there are not enough benches for those members to sit in their proper places on their side of the House. Government members must put up with them spreading over to this side of the House because we have only 13 as opposed to the Opposition's 21 members.

#### *Point of Order*

Hon. H. W. GAYFER: I think that is a bit defamatory against this House. The time honoured custom is that one sits where one wants to in this House regardless of the party to which one belongs. There is no side.

The DEPUTY PRESIDENT (Hon. John Williams): That is not a point of order.

#### *Debate Resumed*

Hon. TOM STEPHENS: Nonetheless that is an interesting point because members opposite not only wanted to sit where they liked, but after we won Government they expressed interest in sitting on this side of the House because they still had the numbers in this case.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon. TOM STEPHENS: Certainly, indeed I oppose that whole proposition that despite the fact that members opposite are in Opposition they should be able to sit on the Government benches, simply because they have a majority in this Chamber.

Several members interjected.

The DEPUTY PRESIDENT: Order! Order!

Hon. TOM STEPHENS: The whole concept of equity before the law so far as I am aware springs out of that central core tradition of our society; the Judeo-Christian tradition. I am sure other people in this place would look at that differently. Perhaps the Hon. Bob Hetherington would find better examples from ancient Greek philosophers in respect of the whole concept of equity. I will stick to the Judeo-Christian tradition because it is that tradition—of which we are reminded con-



stantly in this place for each day we sit and listen to the prayers that fall squarely in that tradition—which talks about equity and talks about the equality of all men and women in the eyes of God. Really that is a principle that has flowed into this legislation; that concept of democracy and the whole concept of the value of one man or one woman being of equal status before every other man or woman in the sight of the law.

It is worthwhile listening to what the churches have said about this concept of equity and equality. A recent document was brought out, entitled "Changing Australia" by the Anglican Social Responsibilities Commission, the Catholic Commission for Justice and Peace, the Commission on Social Responsibility of the Uniting Church, and the Australian Council of Churches. I would have hoped that members opposite from the conservative parties, might listen to this because really the churches are in so many ways the mainspring of the conservative and establishment forces within our society. If members opposite listen to anyone, I hope they would at least listen to the churches that in so many ways are the voices of the establishment—as much as some people might object to that. Here is the voice of that establishment speaking to them, and I quote extracts from that article as follows—

Throughout society, people must be permitted and encouraged to participate fully . . .

. . . the exercise of power in Australia is dominated by a small number of people. The human dignity which we share entitles us all to be free, responsible human beings, participating in decisions which affect our own lives . . .

Power can be more effectively shared within our existing democratic system, if reforms are enacted.

Governments must become more representative and more accountable. One area for reform is in electoral laws. All views are not represented in the Parliaments . . .

Electoral reforms enacted or proposed in some states are steps towards more representative government.

The churches represent in fact—if one believes the census—63 per cent of the population who claim affiliation with the mainstream Christian tradition. Those churches, to which I would have thought members opposite would listen, are calling out for the enactment of legislation such as we have before us in the Chamber. Edmund Burke, the great father of conservatism, would be rolling

in his grave to see how his sons and daughters on the other side of this Chamber behave in rejecting the establishment voices in this society.

Indeed, I hope as we move from the second reading debate into the Committee stage members opposite might reveal they are prepared to listen to those voices of the establishment and vote with the Government on this legislation. That document talks about the need for society to enshrine the whole concept of human rights. Human rights is a concept in which I am interested. I have listened to the debate on electoral reform, and it has become quite clear during this debate that we are not winning the members of the Opposition, the right-wing forces in society. I have been toying with the idea of what step can be next taken if the Opposition rejects this Bill. I have written to the Federal Attorney General to see what possibilities lie for us in the Federal arena if the Opposition should reject this excellent legislation now before us.

Hon. W. N. Stretch interjected.

Hon. TOM STEPHENS: Yes, I indeed did, Mr Stretch, because I am essentially a democrat interested in ensuring a democratic system in this Chamber. I did write to the Federal Attorney General and ask what is available to us under the International Conventions on Human and Civil Rights and what is available for us under the proposed Bill of Rights. Certainly the situation would appear to be as the Federal Attorney General has indicated. This is perhaps one of the only ways we have of speaking to the Opposition. The passage of the Ashton Joint Venture Bill interested me. The only way we had of getting that Bill through this place was to have an axe looming over the Opposition's head, and it was faced with the prospect of having to run off to an election if the Bill was not passed. That is the truth of it. The Opposition knows precisely why it voted for that Bill: we would have been at the polls by now if it had been rejected. What is the axe in this case? I will put it to the House that there is an axe in this case if the Opposition rejects this legislation. Listen to what *The West Australian* has said—the voice of the establishment, if ever there was one, in its editorial columns. *The West Australian* says we may have to call for Federal intervention in order to ensure that the people of Western Australia can be listened to. I quote from the paper as follows—

It is a point to which those who stand in the way of State-initiated reform measures should pay close attention.

If the Opposition forces the people of this State to have to look to those sorts of drastic measures,

look what Pandora's boxes will be opened. The Opposition will be opening the law courts.

Hon. H. W. Gayfer: Are you threatening us?

Hon. TOM STEPHENS: I would never threaten, I am a passive person by nature. But I am saying that this is the prospect that is available to the Opposition. In that situation the member would be the last person in this Chamber who would want to open up the prospects of the litigation that would flow from such legislative measures from the Federal arena. I know the member's abhorrence for legal wrangles over points of law. Can the member imagine the litigation that would be flowing in throughout all the States?

Several members interjected.

Hon. H. W. Gayfer: What bullshit you talk.

Hon. TOM STEPHENS: Mr Gayfer, I do not use that word in this place, nor do I speak it.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon. H. W. Gayfer: Talk with a little bit of sense.

Hon. TOM STEPHENS: Mr Gayfer, I know how you hate—

The DEPUTY PRESIDENT: Order! The member must address his remarks to the chair.

Hon. TOM STEPHENS: So many members of the Opposition, including the Hon. Mick Gayfer, have rejected that whole notion of paying so much to the lawyers to sort out legislative problems that can in fact be solved by this Chamber passing the legislation now before us. Otherwise we will be faced with the prospects of litigation over the powers of the Commonwealth to legislate in this area of human rights.

Hon. H. W. Gayfer: Why does that worry me?

The DEPUTY PRESIDENT (Hon. John Williams): Order! The member will continue his speech without interruption.

Hon. TOM STEPHENS: The Hon. Mick Gayfer, along with other members on the other side of the House and members on this side of the House, has really been loath to leave the whole question of legislating in the hands of the law courts. We are the legislators and, now we have available to us the prospects of legislation, let us legislate for electoral reform.

Hon. H. W. Gayfer: I have even gone to gaol to protect myself—you would not know what you are talking about. You might be going to gaol, but I have been there.

The DEPUTY PRESIDENT: Order!

Several members interjected.

Hon. D. K. Dans: He had to get a good Labor lawyer to get him out.

Hon. TOM STEPHENS: It is time for a change in the—

The DEPUTY PRESIDENT: Order! I have called for order four times. It is not my custom to do so more than twice. Honourable members will maintain order. The Hon. Tom Stephens.

Hon. TOM STEPHENS: The Hon. Norman Moore spoke about this Legislative Council having not really rejected any legislation as yet this session. What piffle! The truth is that our legislation has come up to this Chamber, and—to use someone else's expression—the way it has gone back to the Assembly, the only parts that are recognisable are the staples holding it together. Take, for instance, the tobacco legislation.

Hon. Norman Moore interjected.

Hon. TOM STEPHENS: Take the way that the Opposition has mucked around with the SGIO Bill. We are the Government: We have a mandate for these Bills. We have brought these Bills to the House and the Opposition has seen fit to reject them. On the Bill now before us we have a mandate from the people. The Hon. Norman Moore, who represents the Lower North Province, would not know about mandates from the people. Many people from the Lower North electorate did not have a say, they did not have a vote. They were shunted off to Alice Springs before they could vote.

Hon. N. F. Moore: Would you like to explain that—substantiate your allegations. Go on.

Hon. TOM STEPHENS: That has been explained many times in the other House.

Hon. N. F. Moore: Tell us how it happened.

Hon. Peter Dowding: That is a sore spot.

Hon. TOM STEPHENS: The Hon. Norman Moore knows precisely how it happened.

Hon. N. F. Moore: I wish I did.

Hon. TOM STEPHENS: Our aim in this legislation is to allow the people of the State to decide.

The DEPUTY PRESIDENT (Hon. John Williams): Order! I am listening to the member who is speaking here. If members want to have private conversations, they can do it behind me.

Hon. TOM STEPHENS: The other proposition suggested by members of the Opposition is that this legislation somehow disadvantages the bush. That is just arrant nonsense. This Bill before the Chamber will ensure that the 22 remaining members will represent the whole State, including the bush. Each electorate, each person in the State,

will have 22 Legislative Councillors to whom to appeal and to whom to refer matters of interest. Instead of having to put up with representatives of the calibre of those representing the Lower North Province, 22 people will represent them.

In the past the Opposition has been traditionally able to obtain the support of the people in the bush on a whole range of issues. It has been a difficult thing for the Labor Party to win back the support which I believe we deserve. My colleague, the Hon. Mark Nevill, in his maiden speech in this place, said that really the ALP is a light on the hill for the people in the country. I believe that.

Hon. N. F. Moore: As soon as they hear what you say about this, you will be history.

Hon. TOM STEPHENS: When the Opposition has been in Government, it has been able to treat the people in the bush in the way that a stockman treats a camp dog. The stockman kicks the camp dog around, but the camp dog keeps coming back to him. That attitude slowly has started to change in the bush, and, for instance, people in the North Province—

Hon. N. F. Moore: When they know what you are doing to them, you will be history.

Hon. TOM STEPHENS: —are supporting the ALP candidates and members, and in turn, the ALP proposals. Polls have been carried out by people other than ALP supporters. The results of these polls have been circulated to all members, so I do not think I need to state the figures except to remind members that these polls conducted in the recent past in the metropolitan area and in some country areas either strongly support or are starting to change to support the concept of one-person-one-vote-one-value. It is easy for the Opposition to play on the divisions that exist in society. What is a much more difficult thing to do, is to try to build on those natural divisions, and to work instead on the whole concept of co-operation—

Hon. N. F. Moore: National reconciliation was the true expression.

Hon. TOM STEPHENS: —and recognise the people of the country and of the city need legislation such as this so that the House of Review is reconstructed with 22 legislative councillors—people who will have the opportunity to be real statesmen and stateswomen. These people will represent the whole of the State.

Hon. P. H. Lockyer: Here is the blueprint for you.

Hon. TOM STEPHENS: The statesmen and women of this Chamber will have the opportunity

to ensure that they look after the interests of the people of the city and the country as well.

I want to raise another point. After this Bill is passed, no party would dare to go to a Legislative Council election with a ticket which did not contain candidates from the regions. Such a party would never win the sixth and crucial seat which would hopefully give it control, or the right to have Government and power through the majority in this place. What I am saying is that basically our party recognises that point, and quite soon the Opposition parties will recognise it as well. Under these reform proposals our party would be insane not to endorse candidates who live in the regions and who could attract this crucial small number of votes to ensure that they have sufficient votes throughout the State, from all the regions and from the metropolitan area, to take the sixth crucial seat.

Hon. N. F. Moore: So you will have one member now instead of none.

Hon. TOM STEPHENS: The honourable member's power of logic astounds me. He has no logic.

Several members interjected.

The DEPUTY PRESIDENT (Hon. John Williams): Order!

Hon. TOM STEPHENS: He really is thick; he cannot see what I have just said. In every region a party will have to ensure that it is able to attract votes. It will not be sufficient to have one member in just one region—a party will have to have members elected from a whole range of regions.

Hon. N. F. Moore: If you believe that—

Hon. TOM STEPHENS: I do believe that.

Hon. N. F. Moore: —your constituents will not. I can guarantee you that.

Hon. TOM STEPHENS: I have fought two elections in recent times and I knew very well my State party platform on these question. On both occasions I went to the people putting forward this platform. I have been elected to this Chamber twice—on the first occasion with a swing of 14 per cent, and on the second occasion with an increased swing to the Labor Party in recognition of the value of these electoral reforms.

I represent the most remote seat in the State. If anyone should be arguing that somehow remote and country regions need to be represented more strongly, or by some positive discrimination in favour of them through the voting system, I should be doing that.

Hon. N. F. Moore: Quite right.

Hon. TOM STEPHENS: I recognise the fallaciousness of the argument that disadvantaged groups cannot have their disadvantages looked after by positive discrimination in the electoral laws. My argument is that the whole process of ensuring that these people are looked after is through implementing legislative programmes such as this to ensure that those interests are well and truly looked after and not ignored as in the past when there has been this weighting of the country seats. In the past those seats have been taken for granted but deprivations and inequities exist, despite the gerrymandered situation.

I agreed with everything else my colleague, the Hon. Fred McKenzie, had to say, but I did not agree with his statement that the gerrymander in Queensland is worse than the gerrymander for the electorates to return members to this Chamber. We hear so much about the situation in Queensland, but the situation there is that there is an electorate of 80 000 electors on the one hand and an electorate of 30 000 electors on the other. What we are talking about in this Chamber is one province of 7 000 electors and people such as the Hon. Kay Hallahan and the Hon. Robert Hetherington representing 74 000 people.

Hon. Lyla Elliott: There are 84 000 electors in my province.

Hon. TOM STEPHENS: I beg your pardon, I got the seats mixed up. That means that one electorate has 12 times more electors than the other. Certainly Queensland's gerrymander has received all the publicity, but if anything deserves the publicity it is the gerrymander situation of this Chamber.

Hon. W. G. Atkinson: Do you support the Senate's system?

Hon. TOM STEPHENS: I do.

Hon. W. G. Atkinson: It is something like the same.

Hon. TOM STEPHENS: Can I speak to the honourable member about the Senate system, because that reflects a very important part of the Bill before us. It is a point of difference that the States are represented in the Senate. What the members in this Chamber are here to represent is not altogether clear from the Opposition's arguments. Is it a region's House, or what is it? Is it a House that somehow represents areas of production? Is that what has been argued from somebody on the other side?

Several members interjected.

The DEPUTY PRESIDENT (Hon. John Williams): Order!

Hon. TOM STEPHENS: My point is basically this: The Senate represents the intertwining in our Federal system of the twin themes of democracy and federalism. These themes are intertwined into the Australian Constitution in such a way as to have the democratic theme playing a heavy role in the House of Representatives and the Federal theme playing a heavy role in the Senate to ensure that the Senate is a State's House. In this place we do not have that situation. We do not have sovereign regions as we did pre-Federation. We have regions which have always been part of the colony of Western Australia. This is the second feature—

Hon. N. F. Moore interjected.

Hon. TOM STEPHENS: No, I am saying it is intertwined with other themes.

Hon. N. F. Moore: Don't give us that rubbish. You either support the Senate or you do not.

Hon. TOM STEPHENS: This proposal will ensure that we have a genuine House of Review that reflects the will of the people. Once these reforms have been introduced, the full population can ensure that we have a legitimate House of Review and one of which I will feel very proud to be a part.

Hon. N. F. Moore: You won't be here. Can't you see that point?

Hon. TOM STEPHENS: Traditions can be built on and we can ensure that it is a Chamber of which we can be proud.

I want to add one other point just to show members how diverse our party can be. I support the whole concept of reducing the number of councillors in this place, but, unlike the State Attorney General, I do not absolutely reject the Federal initiatives. I think if the Hon. Norman Moore will just listen to me before he interjects, it will save him putting his foot in his mouth.

The Federal Joint Select Committee inquiring into this question has been trying to come to terms with that same notion of one-person-one-vote-one-value. We know that Tasmania, the Northern Territory, and the Australian Capital Territory are disproportionately represented in the House of Representatives at present because they have fewer electors than do all the other States. The Joint Select Committee—made up of representatives of all parties—wanted to introduce an increase in the membership of the House of Representatives and in the Senate to ensure that all the States are represented adequately. I support that point of view, and to show how catholic I am on this, I support in turn the Hon. Sir John Carrick's dissenting point of view. Despite the cogency of the arguments put before

him, he said that in these times of economic restraint, that principle should not be introduced. Because of the difficulties we face, I want to carry the Hon. Sir John Carrick's argument over to this State. In this period, this State could well do with the loss of 12 members of the Legislative Council with the saving of their salaries. This would ensure that the people of the State do not carry the burden of 12 members of this House.

Hon. P. G. Pental: How do you account for adding 36 members to the Federal Parliament?

Hon. TOM STEPHENS: I just explained that point. Perhaps the honourable member was not in his seat earlier.

Hon. P. G. Pental: I was here. You have double standards.

Hon. TOM STEPHENS: I am not going to go over that ground again.

The other point I want to raise is this: Currently the existing legislation for elections is really quite horrific because in part it means that legislative councillors, although elected whenever a State general election is held, do not take up their seats until 22 May. What does that commemorate? That is really the point, is it not? That commemorates Queen Victoria's birthday.

Hon. Tom Knight: No, it does not.

Hon. TOM STEPHENS: It is as near as is possible to Queen Victoria's birthday.

Several members interjected.

Hon. TOM STEPHENS: The legislation in this Parliament is like fantasy land and it is connected with feasts such as Queen Victoria's birthday which may be of interest to Mr Wordsworth—I am not sure of his age—

Several members interjected.

The DEPUTY PRESIDENT (Hon. John Williams): Order!

Hon. TOM STEPHENS: —but it is of no interest to me.

Several members interjected.

The DEPUTY PRESIDENT: Order! If the Hon. Tom Stephens would stop making such provocative remarks we would get further.

Hon. TOM STEPHENS: The legislation before us will break that nexus with Queen Victoria's birthday and will ensure that at general elections Assembly and Council members take their seats at the same time.

On an ABC programme some time ago it was suggested that some Labor Party people in the north of the State would reject this legislation. That is patently untrue. We are strong supporters of it. Dr O'Brien from the university was on that

programme and he is absolutely wrong in his suggestion that any Labor Party people in the north have reservations about the legislation. We are strong supporters of it because we recognise it will look after the people in our electorates.

If members opposite are proud of the legislation which exists currently they have the opportunity for the first time to defend it—to defend the legislation they enacted, which had nothing to do with us, but which was shaped by them. Members opposite can go to the people with a referendum based on their legislation or our legislation and the people can decide what should occur.

Hon. Lyla Elliott: That is the point!

Hon. TOM STEPHENS: The people can decide whether they want the legislation of members opposite or our legislation. They can decide whether they will have legislation which will look after the interests of the people of this State or whether they will have legislation which will somehow continue to look after the narrow, sectional interests to which this right wing rump of an Opposition party seems to be committed.

HON. TOM McNEIL (Upper West) [9.03 p.m.]: I oppose the legislation for the same reasons I have put forward previously in the Chamber in that I cannot see the philosophy in wanting to have 22 rather than 34 members—

Hon. Peter Dowding: It is cheaper.

Hon. TOM McNEIL: —remembering that this is supposed to be a House of Review.

I assume that the people who enter this Chamber, take an oath, and take their seats in Parliament are here only to review the legislation which comes before them, to make the necessary amendments and alterations as they see fit, and to improve the legislation or throw it out if they do not like it.

When the former Government sat opposite I had differences of opinion with the way it handled pieces of legislation in this House. The remark made by the Hon. Tom Stephens about wanting Government and power would probably aptly describe what Government members are trying to do in this Chamber. They are not looking for a House of Review; they want an expansion of the arm of the Assembly. Instead of going into party rooms, listening to party philosophy, and then coming down here and making a just decision, we tend to be guided by the philosophy of the lower House and that applies to all members of the Chamber.

Hon. Fred McKenzie: But don't you realise that when the Liberals are in Government they

are always in power, but that has never applied to the Labor Party?

Hon. TOM McNEIL: The Hon. Fred McKenzie has had his turn. I want to get home tonight too, but I also want to put forward my point of view.

I treat this House as a House of Review and I think members opposite would agree that I have always tried to take an honest view of legislation which comes before this House, without involving party politics. I guess that is why we are here. The Government seeks to introduce a system under which 22 members will represent the people of this State in this Chamber.

Hon. Fred McKenzie: That is more than enough.

Hon. TOM McNEIL: It would not matter how many members we had in this Chamber if the people who were elected to this place made honest and just decisions on legislation before it, rather than decisions along party lines. That is what beats the system.

Hon. Peter Dowding: Isn't it up to the people whether they want it that way or the way we are suggesting?

Hon. G. E. Masters: What you are suggesting, Mr Dowding, is not a free vote.

Hon. TOM McNEIL: The point I am trying to make is this: The Government tells us that despite the fact that the majority of people live in the metropolitan area, under this system country people will get fair representation. I do not accept that, because we will always have the party faithfuls. Regardless of which party is involved, we will always have the party faithfuls who will work for the party. When it is time for endorsement, those party faithfuls will be put forward and they will be the first ones to be endorsed.

Hon. Peter Dowding: Don't the small parties benefit from that position?

Hon. TOM McNEIL: I am not talking about that.

Hon. Peter Dowding: That is what the evidence indicates.

Several members interjected.

Hon. TOM McNEIL: If we are to be honest we should look at the fiasco which occurred a couple of weeks ago in respect of the Hon. Mick Gayfer. He had meetings in his electorate and other matters to which he wished to attend. As a result of the pairs system, he had to come to this place. It does not matter which Bill we are debating, we must have the Government numbers, the coalition Opposition numbers, or whatever it may be, and one must be here. It is a system which says,

"Don't be out in your electorate. You must be here when your vote is needed to push that party's viewpoint." That is not acting as a House of Review.

Hon. Garry Kelly: It never has done.

Hon. TOM McNEIL: The Government is asking us to accept that if we have 22 members in this place, it will suddenly become the House of Review for which the Government is looking, but that is not the case. We will simply get an extension of the arm of the Legislative Assembly and that is all we will get. The pairs system should be abolished. The people in this Chamber should not attend their party meetings; they should come here and when legislation is brought before the House, they should look at it closely and, if it is good legislation, they should pass it and if it is crook legislation they should throw it out.

Hon. Peter Dowding: Can't the people decide whether that is the best way?

Hon. TOM McNEIL: The Government is telling the people that if we get 22 tried and true members in this Chamber we will have the sort of Government it wants. However, the Government will defeat its purpose, and it might as well say this House is not needed.

Hon. Peter Dowding: But you can make your point at the referendum.

The DEPUTY PRESIDENT: Order!

Hon. TOM McNEIL: I have brought a couple of private members' Bills before the House. There was nothing wrong with the legislation, but it was thrown out and that stuck in my throat. The High Court proved there was nothing wrong with the provisions in one of the Bills I introduced and in relation to the other Bill, after refusing to allow it to be passed and the Leader of the House saying, "Come on men, we will not support this", 12 months later the former Government introduced identical legislation in the House and, without a word of dissent, it was passed. That legislation related to consumer affairs matters and concerned the control of insurance companies and enabling small policyholders who had a gripe to be heard without becoming involved in litigation. Members probably remember that.

Hon. Lyla Elliott: Now you know how we feel having all our legislation knocked back all the time.

Hon. P. G. Pendal: What do you mean by referring to "all our legislation" being knocked back? You don't do your homework.

The DEPUTY PRESIDENT: Order!

Hon. TOM McNEIL: Some Government members have said that if 22 members are elected to

this Chamber in the manner proposed by the Government, the wishes of the people will be reflected in this House. That is probably true in some respects. The former Government succeeded in that. It was in the position where legislation dealt with here was pushed through in that manner and obviously the present Government wants to have that situation in this House also. However, can members say honestly that this Chamber will act as a House of Review? The word "review" seems to have been forgotten. The Government just wants to bring in party Bills which will be passed in this place.

Hon. Lyla Elliott: If the party is the Government in power now, it will introduce other reforms to provide—

The DEPUTY PRESIDENT: Order! The Hon. Lyla Elliott will maintain order.

Hon. TOM McNEIL: I have been here six years and in that time I have not seen a Labor member cross the floor against the Government when his party has been in Government or against the Opposition when his party has been in Opposition. That is the perfect example to prove what I am saying; that is, this House is not acting as a House of Review.

I assume Government members in the Labor Party room talk about Bills which are coming before the House. Let us say perhaps five Government members do not agree with the legislation, but because it is decided on in the party room, it is regarded as being correct. Government members do not come down to this place and express points of view which will give the people in their electorates the type of representation they need. Those members are not expressing their views on the floor of the House.

I do not refer here to Government members only. It happens on a number of occasions in the Opposition also, but at least I have seen Liberal and National Country Party members cross the floor on occasions when they decided in favour of or in opposition to a Bill.

Hon. Lyla Elliott: They don't defeat their own legislation though, do they? They never have.

Several members interjected.

Hon. P. G. Pandal: They have elsewhere.

Hon. G. E. Masters: That is not true. That has happened lots of times.

Hon. TOM McNEIL: I do not intend to speak at length on this issue, but I shall give what I consider to be a perfect example of what I am saying. I know the Hon. Norman Moore will agree in relation to Mr Crichton-Browne, but I shall simply

give an example of what occurred prior to the last Federal election.

Several members interjected.

Hon. TOM McNEIL: The Liberal ticket at the last Federal election indicated people like John Martyr, Reg Withers, and, I think from memory, Andrew Thomas were shoved further down so that a party faithful, Noel Crichton-Browne—a man who worked for the party—could get a good spot.

Hon. Peter Dowding: He tried to go regularly to the north to represent the people there and look what the Liberal Party did to him.

Hon. TOM McNEIL: I am familiar with this case, because it is on the side of politics I represent, but obviously on occasions ALP members have done the same thing in support of perhaps a very strong union man who has worked his way through the ranks. I suppose the Hon. Fred McKenzie would be an example of a person who has served his party faithfully. I am not saying he does not serve his electorate faithfully, but we all know that party faithfuls get into Parliament.

We all have egos and pride and each of us tries to do what he can for the people he represents. I would not accuse anyone of failing to do that. However, were the Government's proposed system to be introduced, it would result in predominantly party faithfuls being elected to this place. They would follow the party line and surely we could forget about the Legislative Council being a House of Review. If that were the case, we might as well just let everything that is decided in this State be dealt with by the Legislative Assembly and do away with the Legislative Council.

The Government seeks to reduce the number of members of Parliament from 34 to 22. I can remember when the former Government decided to increase the Ministry by two. I opposed the move as did Government members who were in Opposition at that time. However, as soon as they got into Government they gave that proposition the stamp of approval and did not reduce the Ministry by two.

The Government is proposing a system which will foster rewarding people for their efforts within the party. Despite the fact that Government members opposed the increase in the Ministry, when they got into power they did not think about the people in the electorates who were paying for the extra cars, the extra secretaries, etc. However, they say that as a result of reducing the number of members of this place from 34 to 22 savings will be made. I defy Government members to convince the people of my electorate that

they will have better representation as a result of their proposal.

I oppose the Bill.

**HON. V. J. FERRY** (South-West) [9.13 p.m.]: It is rather curious that a number of Bills have been debated in this House recently and Government members have been very reluctant to participate in the debate. However, tonight it seems that Government members are extremely vocal and very excited about this Bill. Their attitudes are in marked contrast to their behaviour when debating other measures in the House recently. I wonder whether they are performing for their masters—whether they are engaging in a circus performance rather than making contributions to the debate.

**Hon. Peter Dowding**: That is a very unfair thing to say.

**Hon. V. J. FERRY**: I do not think so. ALP members have been speaking to the Gallery most of the night.

**Hon. Peter Dowding**: Aren't they entitled to have their say?

**Hon. V. J. FERRY**: The preamble to this Bill says, "An Act to reduce the number of Members of the Legislative Council from 34 to 22—". As far as I am concerned, I have examined the Bill many times and that first part of the preamble is enough to suggest that I should vote against it. I shall certainly do that and I will indicate my reasons for doing so in a moment.

It is rather remarkable that the Labor members conveniently overlooked certain aspects of history. Some of them have been quoting history to us in an endeavour to make their points, but they have not done that very well.

It is quite remarkable that in 1963, when legislation was brought to the Parliament to decrease the number of members from three to two per province, and increase the number of provinces from 10 to 15, all parties of the Parliament agreed to it. The Government of the day did not bring a Bill to the Parliament and say, "Here it is, let us fight over it". All parties agreed on a consensus basis before the Bill ever reached the Parliament. Its ramifications were discussed and the Labor Party grasped the opportunity to have that legislation. It was to be its great moment to win control of both Houses of this Parliament. Of course, at the next general election the new system of full adult franchise in this House was enforced, but the Labor Party was defeated. It lost members in this House, and the Liberal Party won.

**Hon. Garry Kelly**: That was full adult franchise.

**Hon. J. M. Berinson**: That was the cost of getting the universal franchise.

**Hon. V. J. FERRY**: We have excuses far and wide.

**Hon. J. M. Berinson**: It is not an excuse, it is a reason.

**Hon. V. J. FERRY**: It is extraordinary that Labor Party members refuse to accept the fact that under the system they embraced the public rejected them at the polls.

**Hon. Peter Dowding**: Go to the public on this issue. See whether you are prepared to take what the public have to say.

**Hon. V. J. FERRY**: They do get excited.

**Hon. Peter Dowding**: You take it to the public.

Several members interjected.

**Hon. V. J. FERRY**: I wonder whether I can interject on the interjectors in order to make my speech. The Government says it cannot govern but it has been in Government since shortly after 19 February, and since then the people of Western Australia have witnessed the way it governs. It has been governing all the time, and it cannot blame this House for its misdemeanours. This House has not rejected one Government Bill.

**Hon. Fred McKenzie**: What about the tobacco Bill?

**Hon. V. J. FERRY**: It is extraordinary that the Bill is still before the Parliament. It has been amended.

**Hon. Fred McKenzie**: Amended! You said it!

**Hon. V. J. FERRY**: Members opposite become touchy about these issues, but they have told lies to the community when they have said that this House has rejected the Government's legislation.

Several members interjected.

**Hon. V. J. FERRY**: Members opposite do not like the facts to spoil a good picture. The Government is coming unstuck.

Several members interjected.

**Hon. V. J. FERRY**: This House has a role to play, and it plays it very well. It has a role similar to that of the Australian Senate, which can reject or return legislation. Its action is accepted as a proper role for an upper House under our Westminster system. If this House adopts that role it is criticised by the Labor Party.

Several members interjected.

**Hon. V. J. FERRY**: Members opposite are becoming so excited. The Hon. Tom Stephens was



so excited that he sounded like a student who had failed his exam and blamed the paper.

Several members interjected.

Hon. V. J. FERRY: The argument in regard to weighted voting is quite interesting. The Hon. Robert Hetherington will have a dash at me in a moment. Even though I do not accept his comments, we are good friends in many respects.

It is rather interesting to note that the House of Commons electorates are weighted; they do have disproportionate numbers of electors, a situation which is supported by the British Labour Party. The people there seem to like that situation.

Hon. Garry Kelly: The British Labour Party is not the Australian Labor Party.

Hon. V. J. FERRY: The British Labour Party has a proud record, which is rather different from the record of the ALP. Since the general election in Britain earlier this year, a strong move has been made in that country for proportional representation. It is curious to note that the system in force in the UK has existed for a long time. It has served the Labour Party and conservatives rather well. They have each been in power for roughly 50 per cent of the time they have existed. It is extraordinary that since the last election in England a strong move has been made towards proportional representation. The Leader of the House in this place would like to think his party would gain some advantage, but it would not.

Mention was made that if this legislation became law there would be lists of candidates authorised by the various parties, and those lists would be presented to the electors. It is said that such a system would give power to the power brokers of the various parties. Members of the House would be like puppets because they would have to play the tune of their selection committees, or whatever authority represented the party. I do not care at all for that system and I will say more about it in a moment.

The Labor Party and its supporters cannot deny that its elected members are the only members of Parliament who rubber-stamp party decisions. It is often said that this Chamber is a rubber-stamp of Liberal Party Governments, but the only members of this Chamber who act as rubber-stamps are members of the ALP, because they are caucused to vote along party lines.

No opportunity is available to members of the ALP to cross the floor in order to vote against their party, although that situation has occurred on rare occasions. I think it has happened twice during the 19 years I have been in this place.

Hon. C. J. Bell: Are those members still here?

Hon. V. J. FERRY: One was dealt with and the other retired gracefully. Members of the Liberal Party, the National Party, the Country Party, or any party other than the ALP, have the privilege of exercising their votes in the way they see fit on any issue. That fact was demonstrated amply in recent votes. I will refresh the memories of members by referring to the voting by non-Labor members on such issues as the Daylight Saving Bill, the Tobacco (Promotion and Sale) Bill, and the Highways (Liability for Straying Animals) Bill, and on the State Government Insurance Office Bill, which was debated here last night and today. It cannot be denied that members of parties other than the ALP voted as they saw fit on those measures and did not vote *en bloc* as did members of the ALP. Labor Party members cannot operate as members of a House of Review.

Hon. Tom Stephens: We have a proud tradition of discipline.

Hon. V. J. FERRY: There is another word for it, but I will not use it. I am a strong advocate of the provincial system. Members of this Chamber are responsible to provinces throughout the length and breadth of the State. I am proud to represent a province. I am directly responsible in the first place to the electors and residents of that province, and in the second place, I am responsible to the State as a whole. That is an excellent way to constitute a House of Review. We have direct responsibilities to a certain region and overall responsibility to the State.

Hon. D. K. Dans: But you don't really believe this is a House of Review, do you?

Hon. V. J. FERRY: The Labor Party cannot believe that, because its members are not allowed to act as though they were members of a House of Review.

The ALP has complained that it cannot gain control of this House. Why is that so? Its members have not been good enough, and the people of this State make the choice.

Hon. Garry Kelly: How come—

Hon. V. J. FERRY: I suggest this member go to sleep for a while. I will raise an example which has been used on other occasions. In 1971, two members were to be elected to North Province at one election. Mr Hunt of the ALP was elected for one term, and on the same day the Liberal candidate, Mr Withers, was elected. If the Labor Party is good enough it can win seats.

Hon. Tom Stephens: We have won those seats.

Hon. P. G. Pendal: That is the very point.

Hon. V. J. FERRY: Members opposite are so keen to interject that they miss the point, which is that the Labor Party has been able to win those seats because the people have regarded them as good enough. Do members opposite deny that? If they had waited until I finished my comment they would have realised what my intention was. If Labor Party members are good enough they can control this House on existing boundaries.

Hon. Tom Stephens: Oh, Ferry, you make us laugh.

Hon. V. J. FERRY: Would the member like to resign his seat and give it to another party? Of course he would not.

To go on to another facet of the argument—

Several members interjected.

The PRESIDENT: Order!

Hon. V. J. FERRY: I would like to refer to the committee system. Over a number of years members of this House have conducted a committee system—

Hon. Garry Kelly: Didn't do much good!

Hon. V. J. FERRY: Recently the House appointed a Select Committee to investigate and report on recommendations to strengthen the committee system of this House. Two Labor Party members and two Liberal Party members are on that Committee which is in operation now.

Under proposals put forward by the Government contained in the Bill now before the House that sort of participation by members of this House will be nullified, or certainly diminished to a great extent. We need about 30 members in this place to make any committee system work.

Hon. Garry Kelly interjected.

Hon. V. J. FERRY: The honourable member does not understand that the Select Committee has to report back to Parliament and make recommendations. If we have only 22 members in this House it will nullify any real system of working committees. All sorts of committees could be suggested. I do not propose to canvass that matter now but if we had only 22 members the work of the various committees of this House would be nullified.

The comment has been made in this debate that a person who owns land is wealthy. A lot of people who have owned land over the times since this State was established have been far from wealthy. It is a misconception to suggest that because someone owns a block of land he is wealthy. What utter nonsense! Everyone here knows that thousands of people throughout Western Australia and indeed Australia own land and are far

from wealthy people. What a nonsensical comment to make.

Another point made during debate was that up until 1963, the vote of women was restricted. Up until 1965 members in this place were elected on a restricted franchise.

Hon. Garry Kelly: That is why we supported the change.

Hon. V. J. FERRY: Incredible, isn't it?

Up until 1965 members in this Chamber were elected on a voluntary voting system and women and men, if they qualified under that system, had exactly the same rights and were not disadvantaged in any way. Men and women had exactly the same rights under that legislation and system at that time.

Hon. Kay Hallahan: It is a fallacy.

Hon. V. J. FERRY: Another point that has been raised is the possibility of Federal intervention. One member was lauding the prospect that Federal authorities might interfere in Western Australia's parliamentary system and control of its destiny. What an indictment on a member of this Western Australian Parliament that he should advocate Commonwealth guidance and direction in respect of the activities of this Parliament.

Hon. Tom Stephens: You are forcing it on the people.

Hon. V. J. FERRY: They do not deserve that. That statement advocates selling out to east of the border and the giving away of power.

Several members interjected.

The PRESIDENT: Order!

Hon. V. J. FERRY: What nonsense that members opposite should advocate that. I think the electors of this State will hear a lot more about that.

Several members interjected.

The PRESIDENT: Order!

Hon. V. J. FERRY: I wish to make this final point: Despite the protestations of some members, with a Caucus system there is no chance of real democracy.

Several members interjected.

Hon. V. J. FERRY: At present we have 57 members in the Legislative Assembly. Let us take a hypothetical situation in the lower House, of 29 Government members and 28 Opposition members—a total of 57 members. Under a one House system, that would mean 15 of the 29 Government members would constitute a majority in a Caucus decision. The wishes of 15 would prevail over the remaining 14 members and, whatever the

decision, it would be binding on the members of the Parliament. If we add these 14 Labor members to the 28 other non-Labor members, it gives 42 members of the House who would have ineffective voices because the decision of only 15 would prevail. So, 15 members would control the Parliament of Western Australia.

Hon. J. M. Berinson: What happened with the Liberal Government in the Legislative Assembly?

Hon. V. J. FERRY: As far as I am concerned that demonstrates the real need for a strong Legislative Council, one with balances and checks, a proper House of Review.

Hon. Robert Hetherington: We have not had that yet, a strong and honest Council.

Hon. V. J. FERRY: The upper House does act as a House of Review and that fact has been demonstrated during this session and this very day with the Bills debated in this House.

The PRESIDENT: Order! I remind honourable members that there is far too much audible conversation and that is completely out of order.

Hon. V. J. FERRY: It is abundantly clear that the Australian Labor Party wishes to control both Houses in a Caucus system. It would be impossible to run a House that way.

Several members interjected.

The PRESIDENT: Order!

Hon. V. J. FERRY: This House has demonstrated that it has members of goodwill and capacity. I compliment the accommodation of the Attorney General for recognising the wisdom of a number of amendments proposed by non-Labor members. The Attorney General incorporated those suggestions in legislation.

I hope the Attorney General will not get the cane from his own party because he has acted in the interests of Western Australia and in the interests of good legislation. I say again that this House needs to be strong, it does not need to be reduced from 34 members to 22 members. That would be wrong.

HON. KAY HALLAHAN (South-East Metropolitan) [9.37 p.m.]: I support the Bill. What we are hearing tonight is a fight about the sharing of power in this State and we have not seen that historically here. We are just not getting anywhere near the bones of the matter with the arguments from the Opposition.

This Bill incorporates a measure to put to the people a referendum in order to hear what they would really like to see in their electoral laws. It is an important tenet to any of us who subscribe to democracy. It would be the first time that anyone

in this State has had a vote in a referendum on State electoral laws.

We have not heard anything about the advantages or the disadvantages of going to a referendum from members opposite. That would be a real threat to the power they have had since the inception of this Chamber. Never in the State's history have we known a fully democratic system. We have moved in hiccups along the way towards more democratic processes but we still have a long way to go. It would seem to me that in 1983 we could have expected to have a fully democratic society. We seem to be a mature community in many ways but there is a real obstacle in the Legislative Council in this State that it will not allow our community to move to maturity, to be responsible for itself, and to share power justly and equally across the community.

Hon. Tom Stephens: Hear, hear!

Hon. KAY HALLAHAN: Had Western Australians had votes of equal value in voting for this Council in 1980 and 1983, the two major political parties, the Australian Labor Party and the Liberal Party, would have had an even number of seats. Given those figures that suggests surely, that what the Labor Party is now suggesting in this Bill is not an attempt to gain power absolutely. There is no way that our Bill can be interpreted to be saying that. Even remotely intelligent people who have some sense of personal integrity would not say that. What concerns me is that we have heard little about personal integrity in the arguments coming from the members opposite so far in this debate. Perhaps there is time yet.

I remind members that the Labor Party now has 13 seats and the Liberal Party has 19 seats. The National Country Party has one seat and the National Party has one seat.

Hon. H. W. Gayfer interjected.

Hon. KAY HALLAHAN: It is very nice for the National Party and the National Country Party to have one each, but it would be nicer still if those members represented a fair number of electors in this State.

Unequal enrolments between provinces ensure minority rule, it is antidemocratic. It is quite clear that only 18 of 34 of the members in this place need represent only 28.1 per cent of electors in this State. That is quite an unsatisfactory situation, and any fair-minded person would agree. On that tenet alone, we should be prepared to go to the community and say, "Do you think for the majority of seats the majority of the power of this House ought to be owned by only 21 per cent of the electors in this State? Is that fair enough?"

Maybe we could all hazard a guess that fair-minded Western Australians would not go along with that suggestion.

I can see Opposition members frowning, but the fact is that 18 out of 34 seats here need represent only 28.1 per cent of the people.

Hon. N. F. Moore: You can do anything you like with figures.

Hon. KAY HALLAHAN: We come back to the point that the Liberal Party has controlled the Legislative Council for 90 years through 41 consecutive elections. With the situation of the boundaries as they are now there is no way that anyone else but the conservative coalition will ever govern in this House in this State. It is just not possible.

Hon. H. W. Gayfer: Why do you say that?

Hon. KAY HALLAHAN: Mr Gayfer was telling me that he knows about figures. If he knows about figures and boundaries he would know that where people are grouped together they cannot get enough seats.

In the foyer on the first floor of this building, outside the post office, hangs an interesting painting which goes back to the inception of the Legislative Council in 1832. I suggest members should go and look at this because it really encapsulates the whole power base of this House and the way it has not shifted in 150 years.

Hon. D. J. Wordsworth: What makes you think it all lies in that?

Hon. KAY HALLAHAN: If members look at the titles of the people in that painting, they will note that three had the title of "honourable", and one had the title of "excellency". I suggest that represents the minority of privilege and not even Mr Wordsworth will deny that, surely.

Hon. G. C. MacKinnon: They were made "honourables" the moment they became members of the Legislative Council. They were granted that red collar on their coats.

Hon. KAY HALLAHAN: Members opposite are so touchy about this whole subject, they should consider whether anyone else but the landed gentry was in the Legislative Council at the time: If they expect anyone in Western Australia to believe that, they are not in touch with the rest of the community.

Hon. Peter Dowding: That is what we mean about the flat earth society.

Hon. KAY HALLAHAN: Exactly.

We can see we come from a history of resisting change. To resist change is to resist any power sharing and to stay inherently conservative. Un-

fortunately, the values of conservatism get landed on the whole community in that situation and it is reflected in the legislation, the lack of community services, and progressive policies in this State that need to be rectified by the Burke Labor Government.

The Labor Government's attempt to democratise this Chamber is interpreted as an attack on the power now in the grasp of the Opposition in this House; it is a definite threat. The Opposition does not have the power in the lower House, but this is the last bastion, and it has nothing to do with the fact that over 51 per cent of voters voted for the Labor Party at the last election.

I refer now to an article which appeared in the *Comment News* on 4 October under the heading "Pratt Hits Labor Grab for Power". It does not say "Pratt Thinks Democracy should Live in Western Australia". Let us look at the figures for the area Mr Pratt represents. According to figures given on 4 October, his electorate contains 29 025 voters. That province represented by Mr Ian Pratt and Mr Colin Bell borders South-East Metropolitan province which I represent with the Hon. Bob Hetherington. Our province has 70 195 electors, which contrasts markedly with the 29 000 electors in the province represented by Mr Pratt. Hardly anyone would suggest that this House operates on anything like a fair and equitable basis when one considers those figures.

Hon. I. G. Pratt: Did you take part in the famous march that tried to interest people in your proposition—the march down the boundary extensively advertised in television, radio and in newspapers when only 20 people were interested?

The PRESIDENT: Order!

Hon. KAY HALLAHAN: We see in that statement by Mr Pratt who has such a low constituency level, but who has an equal vote in this House, that he does not mind having an equal vote but he does not want people in his electorate to have an equal vote.

Hon. I. G. Pratt: You could not interest the people in your electorate in your proposition.

Hon. KAY HALLAHAN: The article to which I referred also speaks of a "socialist party grab for total power forever".

Hon. Robert Hetherington: What utter nonsense.

Hon. KAY HALLAHAN: It is interesting that an Opposition member should be talking about total power forever. That is what we have had so far in this House in this State's history. Given the level of comment by members opposite, I suspect

the people of this State will be lumbered with it for a time to come.

Hon. D. K. Dans: We have news for them; we will tell them in due course.

Hon. KAY HALLAHAN: We have heard nothing about people having a vote of equal value and fair representation. That is one of the reasons members opposite do not say, "Let us take a risk and go to the people and see what they want on this issue".

It is not an issue I think will obviously go one way or the other. Electoral issues are a little esoteric in people's general struggle to survive; it is not something people inform themselves about. However, there is growing awareness that to have other than one-vote-one-value is quite unacceptable, and the Opposition might be wise to put it to the vote at this point before people have a chance to grow in their understanding of their disadvantage. In time to come there is no way the Opposition will get away with what it is doing at present. Abhorrence is growing in the community at unfair advantages in the electoral system. One point is beginning to be quite clear to members of the community, and that is that the practice of having squiggly lines on a map that scoop together population pockets and designate them as metropolitan if they are heavily populated, and gives them higher enrolments but the same number of members to represent them, is unacceptable. At the same time, sparsely populated areas are put outside the squiggly lines which were drawn by the previous Liberal Government in its quest to retain power. That explains why the Hon. Ian Pratt represents a province that has such a low enrolment.

Hon. I. G. Pratt: Where are the squiggly lines? Which ones are between your electorate and mine?

Hon. KAY HALLAHAN: Let us take Albany Highway; that is not a squiggly line but it divides, and people on one side have half or one-third of the vote of the people on the other side of the highway. The member should look at the map.

Hon. I. G. Pratt: There is no squiggly line there.

Hon. KAY HALLAHAN: Perhaps the member has never looked at his electoral map.

Hon. I. G. Pratt: I represented this area on the shire council for seven years before entering Parliament and I know the area better than the Hon. Kay Hallahan. There are no squiggly lines on our boundary; the member's statement is false.

Hon. KAY HALLAHAN: I do not care; that says a lot about the quality of Mr Pratt's representation.

Hon. I. G. Pratt: I represented a large part of the area you now represent.

Hon. Graham Edwards: I bet you didn't do half the job the Hon. Kay Hallahan is doing.

Hon. KAY HALLAHAN: The referendum would give one-vote-one-value; it is inherently fair and we would know what the community wanted. It is not possible to know what the people want from the representation in this Chamber because of the malapportionment of seats.

I would like to turn to the benefits of reform. We hear a lot about negativity, and we fight and squabble over what is an essential Bill to the ongoing welfare of the community. People need to feel equal in making the laws which they have to obey, and they need to feel that there is fairness in the system. In each election people would have the right to cast a vote and they would know it was of equal value to everyone else's vote. People would be fairly represented in this House. That is a fairly significant factor. It is my desire in the not too distant future to see that system operating in this State.

A Senate style system guarantees parties will gain seats in direct proportion to their votes. A majority of votes therefore means a majority of seats; that is not what we have at present. A minority of votes determines the number of seats and gives the Opposition the power and the ability to block, amend, and do what it will with Government legislation. Members opposite need to get the message quickly that people in the electorate will not want to see their Government's legislation knocked around as we saw in the debate on the tobacco Bill. They will not tolerate too much of that.

Another benefit of reform which I think is significant, and I have heard some interjections on this subject, relates to minority parties. If a party gets a certain number of votes it will qualify for a seat; 8.3 per cent of the votes cast will be required for a party to win a seat under the system proposed in this Bill.

It seems to me incredible that people can talk about this being a House of Review and in the same breath not want minority parties represented here. If we are to be a genuine House of Review the opinions and positions of minority parties must be brought into that reviewing process.

The proposed new system would bring us together as a State in a way we have never known before. We would know we are all equal in the vote we cast and that legally there is no differen-

tiation between us in the electoral process. That would encourage electors and their representatives here to take a broad State-wide point of view of the welfare of our community and of all legislation passing through this House.

I acknowledge, although I do not agree with them, the points put forward by Opposition members in their anxiety about country representation. A system that generates responsibility and a broad State view will mitigate against what they see as a threat—the possible situation of there being insufficient country members. That simply reflects a reluctance by some people to step into a system without any disadvantages; it is a change and change creates problems for some people. But this system will only provide safeguards and a much fairer way of dealing with the views of everyone in this State.

The House of Review system has a lot to recommend it, but it cannot work in this House while members are elected in the way they are at present. People cannot seriously refer to this Chamber as a House of Review as the Hon. Tom McNeil did. I found his comments quite disappointing and I thought he was living in the land of mythology. We can perhaps bring him back to reality by having equality of votes among members in this House.

Hon. Tom McNeil: You need more Jerry Dolans over there; six years and he never crossed the floor.

Hon. KAY HALLAHAN: It seems to be a strong issue among members opposite. I have heard the argument put that the reason the coalition parties never knocked back legislation during the time of the Court and O'Connor Governments was that they discussed it in the party room and knocked it into shape there. I do not know whether that is true or not, but we meet in our party room and democratic decision-making processes occur there. I see caucusing as a positive activity, and the word as having positive connotations. I wonder why members opposite expect it to have negative connotations when they throw up that word in this place. They do not know what they are on about.

Hon. Tom McNeil: Put your vote on the floor of the House.

Hon. KAY HALLAHAN: I do. That is why I was elected.

Hon. Garry Kelly: We were elected as Labor members.

Hon. Tom McNeil: So you do not need this House.

Hon. KAY HALLAHAN: The possibility exists of this House operating as a House of Review; it is possible that this House could have a reviewing function; but until the legislation is changed, it will remain a party political House. If the Hon. Tom McNeil thinks that that can happen, it could only mean that he is lost in isolation. Being the only member of his party in this House, he has lost touch with the politics of this State.

The bitterness and division that the zones of inequality have brought will only be diminished over time; and it seems it will be a considerable period of time before we reach the point of equal value for all votes across the State.

This is a significant time in our history because it is the first opportunity we have had to put the electoral laws to the people in a referendum, to learn what the people think. There is no way of achieving that as the House is elected at present.

I refer to another quote dealing with fairness and justice. After William Wilberforce won his fight over slavery—it was not won overnight; and I suspect that electoral reform will not be won easily—outside the House William Pitt the Younger used words to this effect to Wilberforce, “All the eloquence was on behalf of humanity but all the votes were on behalf of property”. It concerns me that, in 1983 in this House, we are confronted with the very same situation.

**HON. D. J. WORDSWORTH** (South) [10.02 p.m.]: I was elected to this House of the Parliament under the same Constitution and by the same electors as the members of the Legislative Assembly representing the South Province. That Constitution lays down my responsibilities as a member and the duties of this House as a House of Parliament.

Our Constitution provides for a bicameral parliamentary system; and I take strong objection to members of the Labor Party saying that I was not elected democratically, and that the Legislative Council is exceeding its powers. As, in the past, changes were made to the Constitution and to the Electoral Act, undoubtedly changes will be made in the future; but I do not have a guilty conscience—

Hon. Tom Stephens: Well you should have.

Hon. D. J. WORDSWORTH: Will the honourable member listen? He has not even heard what I want to say.

I do not have a guilty conscience because at one time the electors for this House had to be landowners. That was a reflection of the times; and that situation was influenced by such factors as education, the accountability of various areas

of society, and the fact that only some people had to pay taxes.

It must be borne in mind that the bicameral system of the Parliament provides that legislation must go through two sieves. It would be quite ridiculous to have the two sieves exactly the same. If they both were the same, obviously the bottom one would not be necessary because the first sieve would prevent particles from going through. The people who have studied Constitutions throughout the world must agree that there are advantages in having two Chambers.

Hon. Garry Kelly: We are not arguing that.

Hon. D. J. WORDSWORTH: The obvious difficulty is to design the second sieve so that it is not the same as the first, yet it is elected by the same people.

Hon. Tom Stephens: What is wrong with that?

Hon. D. J. WORDSWORTH: Nothing is wrong with it. The obvious difficulty is to design the second sieve so that it is not the same as the first.

Hon. Robert Hetherington: That is what we are suggesting.

Hon. D. J. WORDSWORTH: The two sieves are elected by the same people. The first difference, which is common to both the upper House and the Senate, is that half of the members are elected at each general election. That gives a strength to the structure of the two Houses. The advantage of having only half the members of this Chamber elected at any one time is that, if there is an election for the lower House and a party wishes to bring in radical changes in the law, it may not have the numbers in the upper House until the next three-year term because it takes two elections to change the upper House.

Hon. Garry Kelly: It takes a lot longer here. It has never changed. Is 90 years long enough?

Hon. D. J. WORDSWORTH: Not one member has managed to convince me that the Labor Party has never had a chance of winning in this House. There was not even a Liberal Party before 1948, yet somehow members on the Government side claim that we have been in control of this House since before that time.

Hon. Garry Kelly: You will not be convinced by the facts.

Hon. D. J. WORDSWORTH: The party that wins the majority of votes in the lower House must obtain a majority at two consecutive elections. That is the difficulty that the Labor Party has experienced because it does not seem to be able to win two consecutive elections. It seems to

go hell for leather introducing radical legislation—

Hon. D. K. Dans: You would not like to take a shade of odds on who will win the next election in the Assembly?

Hon. D. J. WORDSWORTH: If the Labor Party can remain as popular as it is now, it will do very well at the next election. However, it will be frustrated for three years.

Hon. D. K. Dans: We were in Government for 14 years at one stage, and we never gained control here.

Hon. D. J. WORDSWORTH: Members opposite have already told me that was gerrymandered because the electors had to be landowners.

Hon. D. K. Dans: I have never said anything in this debate.

Hon. D. J. WORDSWORTH: Members of the Labor Party have argued in that way.

Let us take the last 20 years. Everyone in Western Australia has a vote, but the Labor Party has not managed to remain popular for two consecutive elections. Its last term was only for three years.

The Labor Party has a chance of winning sufficient Legislative Council seats. At one election for two seats in the one province, a Liberal and a Labor member were elected. It has also been pointed out that during the six-year terms, we find one Labor member representing an area, and one Liberal member representing the same area. If the Labor candidates for the upper House had received the same number of votes as their counterparts in the Assembly, they would have won the seats.

We have different divisions of upper House seats throughout the State. Some are metropolitan seats, and some of these are held by Labor and some are held by Liberals. In the northern seats, it has been shown that Labor candidates and Liberal candidates can win. I do not know whether it has been shown that Liberals can win seats in the mining area, but certainly Labor candidates can. In the agricultural area, we have representatives from both parties.

It has been illustrated that the Labor Party cannot say, "We haven't got a chance". Over the last 21 years, it has had ample chances—

Hon. Garry Kelly: Don't you think people should be equal before the law, including the electoral law?

Hon. D. J. WORDSWORTH: I have been endeavouring to point out that under the bicameral system, it is like two sieves; and one cannot have

both sieves the same. One has to find some difference in the way they are elected.

Hon. Garry Kelly: That is what this Bill proposes.

Hon. D. J. WORDSWORTH: Members opposite should allow me to debate that point. A constraint which can be used to give a slightly different mix of the same electors is to have a different sized electorate. We have that, by having a different number of voters in the provinces from the Assembly electorates.

[Quorum formed.]

Hon. D. J. WORDSWORTH: In the Senate system, each State becomes an electorate, regardless of the number of electors in it. That system works very well indeed. It was taken from the American system, in which each State has the same number of Senators representing it. I have never heard of that system being described as undemocratic.

Hon. D. K. Dans: You are aware it was until some time in the 1950s, when the matter was resolved by the United States Supreme Court?

Hon. D. J. WORDSWORTH: The Senate in America is on the same basis as the Senate in this country. In a similar way, we have our State divided into regions, and the regions represent communities of interest. The founders of our State believed that "community of interest" was a sensible way in which to establish electorates.

Hon. Tom Stephens: What is the community of interest between people in Newman and those in Kununurra that your people linked into the one electorate? Were you not the Minister responsible for that? Was it not the Minister for Lands mucking about with the electoral boundaries?

The DEPUTY PRESIDENT (Hon. John Williams): Order! The Hon. Tom Stephens will cease interjecting.

Hon. D. J. WORDSWORTH: The Minister for Lands has nothing to do with it, but the boundaries are decided—

Hon. Tom Stephens interjected.

The DEPUTY PRESIDENT: Order! I have asked the honourable member twice to cease interjecting.

Hon. D. J. WORDSWORTH: The boundaries are decided by the Chief Justice, the Surveyor General, and the Chief Electoral Officer, so I suppose the Minister for Lands has something to do with it.

Hon. Garry Kelly: But the instructions they work under are a fraud.

Hon. D. J. WORDSWORTH: I do not know whether the suggestion is that I instructed them.

But let me state how important this community of interest is. It is considered within the Commonwealth parliamentary system that the States are a very strong community of interest. I believe regions here are just as strong and just as important to the State Parliament. They are as good a way as any found to try to have a different mix of electors. It has been suggested that the proposals in this legislation are the same as for the Senate. Of course, that is not correct. The Senate is divided into electorates, each State being an electorate. But it is not suggested that Western Australia should be divided into electorates. There is a very good reason that having just one electorate is not a very successful way of picking representatives. We have seen this amply illustrated in the endeavour our States have to select their representatives for the Senate.

Undoubtedly the parties play major roles in who are selected to be such representatives. The party has to select its team.

If the candidates for the Senate were selected in a manner similar to that proposed in this legislation, Western Australians would be voting for the same candidates as would the people in Sydney and Melbourne; but of course they are not. The Senate is divided into regions, the regions in this case being the States. One wonders why the legislation has a system of selecting 22 candidates for the whole of the State, because already the Federal Government by its proposed legislation has shown that it is very difficult to select candidates by having that number of candidates on how-to-vote cards. It has even been suggested that there should be only two squares on the ballot paper and that an elector should be able to tick one for Liberal or one for Labor. That illustrates that this system leads to party representation and not individual representation.

Obviously it does not worry the Labor Party very much, because it is caucused and therefore its supporters do not mind not having a say in who those individuals are representing them in Parliament. But under the Liberal philosophy, we like to be able to determine the people who will sit in the Parliament and represent our views, because we do not force our members to vote in a certain way.

It was earlier thrown up to us, "Why didn't you throw out legislation that the Liberal Government introduced when it was in office?" It has already been suggested that decisions were made in the party room. I will correct that to this extent: Obviously votes were taken in the party room and



the leaders were able to determine whether they had a majority. But even when we were in power plenty of Liberals walked across the floor and voted against Government legislation. There were not enough to throw out the legislation when they voted against it, as they are voting against this legislation now. As it happens, the same number of members of Parliament found it harder to throw out legislation when a Liberal Government was in power than they do now, because of sheer numbers. But certainly members of the Liberal Party did vote against Liberal legislation.

I endorse the remark made, I think, by the Hon. Tom McNeil about the difficulty we have with a Senate-type voting paper. In no way can electors really determine their choice of members of Parliament. The Hon. Tom McNeil gave the illustration of the last Senate Liberal ticket, where obviously the electors had a desire to elect certain representatives, or at least many of them did, in an order different from that which the Liberal Party had placed on the card. I believe regions try to demonstrate their support for certain members. It could well be that people in Bunbury tried to support Senator Withers and that other country people endeavoured to support Senator Thomas.

There is no way we can buck the system on a Senate-type ticket involving a quota. Whatever changes the electors may try to achieve further down that card, they cannot get past the fact that the first person is automatically voted in when his quota is reached, and the rest of the votes go down the card to make up the next quota.

The chances of an individual, particularly before he is elected to Parliament, of becoming well known throughout the State or his electorate is not very great under that system. However, under our system of a person representing a province there is a chance that he can become well known if he works hard within that province. It is very important that members be encouraged to work hard. We should be encouraged to move outside the Parliament, to get to know the people, to hear what they think about the laws and what they expect of us.

Hon. Garry Kelly: Then vote for this and put it to a referendum.

Hon. D. J. WORDSWORTH: Our present system of members representing different provinces forces members to go out into the country electorates.

I would like to indicate to the House exactly what I did during the last week when Parliament did not sit. This will give an indication of the type of work a member of Parliament has to do when he represents an agricultural area.

On Friday morning I worked in my Parliament House office clearing things up and then in the afternoon I drove to Katanning, over 300 kilometres away, for a six o'clock function. I later drove another 500 kilometres to Esperance, arriving after midnight. The next day, Saturday, I attended a sports function in the afternoon at the Esperance Bowling Club followed by another function in the evening for the opening of the yachting season at the yacht club. On Sunday I worked on my farm and on Monday I had to attend a briefing on the proposal to build an abattoir at Esperance. Tuesday I spent at my desk. On Wednesday I had to travel 300 kilometres to Jerramungup to attend a transport conference, followed by an evening meeting. Having stayed overnight at Jerramungup I had to drive back 300 kilometres on Thursday to have interviews in Esperance that afternoon.

Hon. S. M. Piantadosi: "Days of our Lives".

Hon. D. J. WORDSWORTH: On Friday I drove 500 kilometres to my Mt. Barker electorate office and worked there till late. The next morning, Saturday, there was a shire reception and I attended the Mt. Barker show. That evening I drove back to Esperance in time for the small boat harbour opening by the Premier the next day and a shire reception. On Monday I had to drive back to Perth.

I am sorry I had to give that resume of my activities, but it helps to indicate what a country member is faced with. I calculate I drove up to 3 500 kilometres, which took some 35 hours of driving time.

Hon. Garry Kelly: What about Mundaring?

Hon. D. J. WORDSWORTH: The member has had to listen to me for this long, so he should stop to listen and find whether there is any point in what I have been saying. Compared to members who represent city electorates, I have had to spend 35 hours of my time in travelling, and I believe that is wasted time. It probably means that a person representing a metropolitan electorate is able to give twice as much time to his electors. I am sure most city members would be working 70 hours a week.

Hon. Fred McKenzie: And we want to share that with you.

Hon. D. J. WORDSWORTH: Perhaps it means I work only half the time representing my electors. Nevertheless, I believe my electors are happy and understand why they get only half as much work done by their representative as do metropolitan representatives.

Hon. Garry Kelly: That is fallacious. What about the number of people in a city electorate?

Hon. D. J. WORDSWORTH: My electors realise I have to do a lot of travelling. But they do not want to see the Senate system introduced, because they do not believe that city people representing the whole State will drive around as I did over those 10 days.

Hon. S. M. Piantadosi: Spend a week in my electorate with me and you will see what hard work is.

Hon. D. J. WORDSWORTH: I am glad the member says that because I am sure he would work at least 70 hours a week, working his guts out. In the time I was travelling from place to place he was able to achieve all sorts of things for his electors, because I had to waste 35 hours travelling.

My electors appreciate the fact that they do live in a more isolated area but they like to know they have a member representing them and they like to know he will visit them on occasions when it is important to them. They want to be able to influence him in the way he votes in this House. They want a feedback of what is happening in the capital and the way the Government is going. This is one of the duties of an elected member.

This is the system which is described as being so shocking by members opposite. I have not heard members opposite saying that the laws we have are any worse than those in Victoria or those in South Australia, which seems to be so ideal to them. The two sets of laws are remarkably similar. One would think from what one hears from members opposite that we had made a most dreadful mess of the business of making laws. It is remarkable that when we get 34 sensible members together in this House they do not come out with laws much different from 22 sensible people in South Australia, regardless of whether they represent fewer people per person with their votes in this House than another.

We influence only the laws that are made. We are not influencing the Executive which governs the State. Someone referred to social services, but we are not influencing the amount of social services Cabinet decides to introduce in this State. All we are doing is influencing the changes in the law.

It can be argued that there are enough laws in the land for us not to make another law. The laws this Government inherited from the previous Government could almost be said to be adequate for this Government to govern well and to be able to cure unemployment, and it is interesting we have not had any legislation before us to deal with unemployment. But the present laws give the Government plenty of scope.

I do not believe this reforming of the upper House should have the priority this Government is endeavouring to give it. This legislation is nothing more than a smokescreen to cover the Government's inefficiencies.

They can address themselves to plenty of matters, both economic and in the field of employment. This House will not in any way be able to prevent them, nor would it desire to, from doing so.

One matter that concerns me is: Why do we not have a referendum? I believe we should have more of a consensus from within this House before going to the public.

Hon. Tom Stephens: That is ridiculous.

Hon. D. J. WORDSWORTH: We have seen changes made in the past after this House has achieved consensus upon the issues. Indeed, it has been pointed out that in 1963 the Labor Party supported those changes. That comment was made by interjection. It was pointed out by this side of the House that both parties supported it. If the Government had got closer and had arrived at something in between, something that could have been grasped by both sides of the House, it would have received the support that it hoped it would get with this legislation.

Dealing with the matter of a referendum, it has already been pointed out by Mr Gayfer in this House during the daylight saving debate, that we were assured that daylight saving would not be mixed up with electoral reform; yet within a few days we read in *The West Australian* that the Minister for Parliamentary and Electoral Reform said the referenda would be held on the same day. Let us be honest. This is not what this House was assured. Members can understand why this House is apprehensive about such matters. As I pointed out when discussing the Bill on daylight saving, referenda are not necessarily the be-all and end-all of democracy. We could see 30 to 35 per cent of the electors of Western Australia determining that the others will have to have daylight saving.

I point out that we usually get only 60 per cent of electors turning up at a referendum. The point is they will turn up for elections dealing with people, but whether they will turn up for a matter like this is another thing. Having got there, daylight saving is perhaps a reasonable issue. It is a matter of "Yes" or "No", they either want it or they do not. What alternatives are being presented to the people by the referendum proposed in this Bill? The answer is, "Do you want the Labor Party policy or not?" There are other ways and other changes that can be made in electing this House if need be.

Hon. Garry Kelly: Your party wrote the referendum requirements into the Act.

Hon. D. J. WORDSWORTH: Changes will come in the future, and I think the Leader of the Opposition flagged some of them. I certainly hope we will see changes. We will be a lot closer to the one-vote-one-value system, which is a major issue.

Hon. N. F. Moore: I hope my electorate gets smaller.

Hon. D. J. WORDSWORTH: I see there is a group which calls itself the Electoral Reform Association of Western Australia. This organisation sent a circular to me. On page 4 when commenting on a speech of the Hon. Matt Stephens, who also represents part of the area that I represent, Mr B. L. Labouchere says that it is voters and not parties' interests which are fundamental. If we go into the Senate-type voting as proposed by this measure, it is certainly not voters, but the parties which are important. It has been amply pointed out that parties will predominate under that system. I believe, like many others, that we ought to be going more towards picking suitable people. Individuals are most important because, after all, some of those people under our system will be Cabinet Ministers and certainly they are in a position where they can influence a whole democratic system of Parliament. The people ought to be allowed—

Hon. Garry Kelly: Under the system.

Hon. D. J. WORDSWORTH: —to vote for the individual and should not have to rely as we do with Senate voting, on whichever party is backing the candidates.

HON. MARK NEVILL (South-East) [10.35 p.m.]: I support the Bill. In my maiden speech I said—and I want to reiterate it here—that democracy in this House is a pretence; it is not a fact. I want to read a comment from *The West Australian* editorial under the heading "Playing fair" which demonstrates what that newspaper and I think is general public opinion of what this House means, and stands for. The article reads as follows—

Some day, when WA's distorted electoral system has been reformed and the Legislative Council gerrymander is nothing more than a distant and distasteful memory, people will regard the arguments currently being put forward against reform as being as quaint and misguided as those advanced 80 years ago by opponents of female suffrage in Britain.

If people here think that the Liberal members of Parliament can play fair in electoral redistribution matters, I suggest they read an item

by Bill Withers on his resignation from the Liberal Party, which is kept in the Parliamentary Library. I notice it has been taken out only by one person since it was acquired in August 1981. The article shows what goes on within that party when it comes to fiddling the electoral boundaries politically. I have an electorate similar to that of the Hon. David Wordsworth, and I want to argue against the weighting of country seats. That is a key to the position that we are adopting on this Bill.

Hon. N. F. Moore: You are arguing against country seats?

Hon. MARK NEVILL: I am arguing against the weighting of country seats.

Hon. N. F. Moore: But you are arguing against country seats.

Hon. MARK NEVILL: Before this House can function effectively, it needs to be fundamentally changed, and I believe this Bill is one way of doing that.

Fifty years ago people drove around the country on horses and in carts, old model cars, and things like that. Facilities have improved since weighting was first introduced. These improvements destroy the earlier arguments advanced in favour of weighting. Most of us have television services; at least we have the ABC

Hon. N. F. Moore: Not all of my electors have television as yet.

Hon. MARK NEVILL: No, not all do, but most of mine have the ABC. A few do not yet have the commercial stations, but generally coverage is increasing. Better radio services are provided in the country areas now.

Hon. N. F. Moore: Still, people in my electorate cannot get radio services. You should know that country people are still disadvantaged.

Hon. MARK NEVILL: But the services are much more extensive than they were many years ago.

Hon. N. F. Moore: It does not matter.

Hon. J. M. Brown: They are well served by their country members.

Hon. MARK NEVILL: They have better air services, better roads, travel and better vehicles to drive in. Like the Hon. David Wordsworth, I cover large distances, but things have changed since we had this weighting of country electorates which I do not believe can be sustained nowadays. We have better mail services and better public transport in many areas.

Hon. N. F. Moore: Telephones?

Hon. MARK NEVILL: We now have better telephones.

Hon. N. F. Moore: Still some people cannot get telephones.

Hon. MARK NEVILL: We have STD.

Hon. N. F. Moore: You live in a fantasy world.

Hon. MARK NEVILL: We have the facility of INWATS. The Hon. Norman Moore scoffed at this suggestion in an article in the *Kalgoorlie Miner*. I thought it was a good initiative.

Hon. N. F. Moore: A 20c phone call to members of Parliament?

Hon. MARK NEVILL: No, the member was criticising the fact that electors in remote areas could ring their members of Parliament for 20c.

Hon. N. F. Moore: That is a good idea, but we have to have members of Parliament first. You want to take them away.

A member: Mr Moore has not lived in his electorate since he was elected.

Hon. N. F. Moore: That is correct.

Hon. MARK NEVILL: I am sure his electors would appreciate the opportunity to ring him in Perth or Booragoon.

Hon. N. F. Moore: They can ring me for nothing. They can reverse charges.

Hon. MARK NEVILL: I bet they don't. I bet they think they have to pay for a trunk call.

Hon. N. F. Moore: They can reverse the charges. They also re-elected me even though I live in Perth.

Hon. D. K. Dans: You were lucky I was overseas when the pre-selection was on, otherwise you wouldn't be here now.

Hon. N. F. Moore: Come on.

Hon. D. K. Dans: I went through your electorate and, boy, you were the most unpopular man in that area, and you know it.

Hon. N. F. Moore: You spend half your life doing that; that shows how good you are.

Hon. D. K. Dans: You know it. I have been in more of your electorate than you have ever been in.

The DEPUTY PRESIDENT (Hon. John Williams): Order!

Hon. MARK NEVILL: Country areas will have the facility of satellite communications and new technology. Most MPs will have computers in their offices within three or four years. This will apply particularly to country members. Under this legislation country members will be offered two electorates. I hope that both my electorate

offices are in the country. I do not say that frivolously.

Hon. W. G. Atkinson: You won't have an electorate if you get this measure through. That is cheaper than the truth, is it?

Hon. N. F. Moore: You will not get endorsed.

Hon. Tom Stephens: He will get re-endorsed; you may have troubles.

Hon. MARK NEVILL: I do live in the country, unlike the Hon. Norman Moore who pretends to know the instincts and feelings of country people.

Hon. N. F. Moore: My electorate covers half of Western Australia. Have you worked that out yet?

Hon. Kay Hallahan: Have you lived in it?

Hon. MARK NEVILL: Nine-tenths of my electorate is virtually uninhabited.

Hon. N. F. Moore: That is no way to talk about your constituents.

Hon. MARK NEVILL: I have had Mr Moore's constituents coming to see me. I have also had his constituents from the Eyre Highway and the Trans line coming to see me. Two or three of his constituents in Murchison-Eyre, farmers east of Condingup, have been to see me. All he has to do is travel from Menzies to Wiluna, across to Meekatharra and down to Mt. Magnet.

Hon. N. F. Moore: They elected you on a massive minority and you stood for it.

Hon. MARK NEVILL: The Hon. Mr Moore would be able to do his electorate work before breakfast.

Hon. Kay Hallahan: That is right.

Hon. Tom Stephens: You send them all birthday cards don't you? You have only got two or three constituents.

Hon. G. E. Masters: I bet you don't get many birthday cards, Mr Stephens.

Hon. D. K. Dans: He happens to be in Parliament now.

Hon. MARK NEVILL: After preferences were distributed I had the third biggest swing against the sitting Liberal member.

Hon. N. F. Moore: It was about the lowest they had ever recorded by a Labor candidate in that electorate.

Hon. MARK NEVILL: That was because there were three candidates in the field.

Hon. Tom Stephens: Don't keep distorting the facts, Mr Moore.

Hon. MARK NEVILL: Another thing the Government has brought in to help country mem-

bers—it is most welcome—is the concept of recess weeks during the parliamentary session in which we can get back to our electorates. In addition the Government has introduced the initiative of improved travel rights for the wives of country-based Ministers. I think Mr Grill was the main beneficiary of this initiative. It was opposed by the Opposition! I think it is tremendous that he can at least maintain a presence in his country electorate so that his personal life does not have to suffer.

Hon. N. F. Moore: Has he moved to Perth as Mr Carr has done?

Hon. MARK NEVILL: He has not moved to Perth. He has a house in Kalgoorlie and travels to Kalgoorlie and Esperance on alternate weekends. His wife had to travel from Kalgoorlie to Esperance, a drive of over 400 kilometres, to see him. Now she can travel to Perth and see him during weekends or attend a function with him. It was a good initiative mainly to help country members. All of these things are breaking down the arguments that the Opposition has about the need for weighted country seats. The other improvement that many members now have is air charter allowances. That applies to members with large seats and is a tremendous advantage.

Hon. N. F. Moore: It was introduced by the allowances tribunal before you got into power.

Hon. Kay Hallahan: It is still a fact, isn't it?

Hon. N. F. Moore: I think it is tremendous.

Hon. MARK NEVILL: These are great assets to country members and I do not think any of us who has those benefits wants to lose them. We also have under that scheme, the facility to hire vehicles. The arguments members opposite use to support weighted country seats are not very convincing. Under the proposed system I look forward to having my seat increased.

Another good suggestion which came up at the Joint House Committee meeting the other day was that country members be able to share a typist in Perth. That is another way we can get assistance and this overcomes some of the disadvantages country members have.

Hon. N. F. Moore: Are you suggesting that country members are disadvantaged?

Hon. MARK NEVILL: I basically suggest that all people are equal in the eyes of the law and therefore they should have an equal say in writing those laws. I made the basic point before that I am quite prepared to stand for a bigger seat.

Hon. N. F. Moore: Not the whole State, only a bigger seat?

Hon. MARK NEVILL: Another 15 000 more people.

Hon. N. F. Moore: It would be the whole State.

Hon. MARK NEVILL: If this concept means that country members would represent bigger areas, that is something that I would be prepared to take on.

Hon. N. F. Moore: That is your old policy.

Hon. MARK NEVILL: It is a new one. I wish to pursue the argument about weighting country seats. Quite a few distortions show up in this Chamber. In regard to the voting on the motion to alter the sitting hours, those people who opposed the vote represented fewer people than those who supported it. The Opposition won it, but the actual number of people they represented was less. With the tobacco legislation, the voting figures were 17 to 15. The 17 members who voted against the important provisions represented 91 000 people—less than the number of people represented by the 15 who voted for the provisions.

Hon. W. G. Atkinson: Shall we have a referendum on that one?

Hon. MARK NEVILL: We do not have to. The electoral reform legislation is a major change.

Several members interjected.

Hon. MARK NEVILL: The distortions go even further. My colleagues, the Hon. Lyla Elliott and the Hon. Fred McKenzie, represent as many people as the Hon. Sandy Lewis, the Hon. W. Stretch, the Hon. Phil Lockyer, the Hon. Norman Moore, the Hon. Peter Dowding, the Hon. Tom Stephens, the Hon. Jim Brown, and myself. I think that is grossly unfair.

Hon. N. F. Moore: Perhaps you should cut your speech down to one-twentieth.

Hon. MARK NEVILL: The other distortion I would like to point out is that the nine Legislative Council seats won by the Liberal Party at the last State election were rural seats with small enrolments, and that illustrates the distortion of this rigged system. The arguments for weighted voting have long since gone.

Hon. Tom Knight: So obviously country people support Liberal philosophy.

Several members interjected.

Hon. Kay Hallahan: That is why you are in opposition.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon. MARK NEVILL: I see a number of advantages in this Bill; one is that it will achieve an

equitable result. It seems that members on the other side want to preserve their majority of members with a minority of votes. This legislation will eliminate boundary problems. Many people would not know about the boundary problems. For example, the Hon. Jim Brown represents one South-East province area and I represent another area. I represent Esperance, but he does not. Mr Brown's South-East Province covers Merredin, Narembeen, and Mukinbudin. This creates a tremendous amount of confusion. The present system creates the ridiculous situation where in the electorate represented by Mr Moore, a station owner has two stations, Gindalbie and Menangina Stations. One station is in Lower North Province and the other, Gindalbie is in South-East Province, but depending upon which seat he is registered in, he has three or four times the vote he would have if he registers for South-East Province.

We have seen the distortion of boundaries such as the rigging of the Kimberley electorate. That situation is well documented so I will not cover it.

Hon. Tom Stephens: Who wrote it?

Hon. MARK NEVILL: Bill Withers. I will circulate a copy to members, if they like.

After the election on 19 February this year, some members could not take up their seats until 21 May. That is a crazy system.

Hon. Tom Knight: We all went through it.

Hon. MARK NEVILL: Yes, and I think it should be changed. I am not denying that people did not go through it. It is a ridiculous system.

If we pass this Bill, we can look to the future with this House being a positive force in guiding the future of this State, and it needs it. Since I have been in this Chamber, it seems I have gone back 50 years and this is evident when I look at the Standing Orders and at the rate at which things move. The outside world moves faster.

The DEPUTY PRESIDENT (Hon. John Williams): I remind the honourable member that a reflection on Standing Orders is a reflection on the Chair.

Hon. MARK NEVILL: My apologies, Mr Deputy President.

This House really must move with the times and I do not think we can wait.

Hon. G. E. Masters: You mean to put legislation through more quickly.

Hon. MARK NEVILL: I believe this Bill will result in many city members going into the country.

Hon. N. F. Moore: What absolute nonsense.

Hon. MARK NEVILL: The Hon. Norman Moore lives in the city.

Hon. N. F. Moore: I spend my time in the country when Parliament is not sitting.

Several members interjected.

Hon. MARK NEVILL: I ask the Hon. Norman Moore: When was he in his electorate last?

Hon. N. F. Moore: Last weekend.

Several members interjected.

Hon. MARK NEVILL: I live in my electorate.

This Bill will also allow all political parties to be represented in all areas. At the moment, conservative parties have virtually no representation in the north and under this legislation—

Several members interjected.

Hon. N. F. Moore: Do you mean in the Kimberley?

Hon. MARK NEVILL: If one goes north of Carnarvon, one is in the other half of the State.

Hon. N. F. Moore: It is a question of the definition of "the north".

Several members interjected.

Hon. MARK NEVILL: I think it would be a good thing for the Opposition if it had representation in the Kalgoorlie area.

Several members interjected.

Hon. MARK NEVILL: The corollary of that is that the ALP definitely needs more members moving throughout the wheat-belt and those sorts of areas and this Bill will result in many city members going into the country.

I believe that if we pass this Bill, we will have a genuine House of Review and not the selective type of House of Review it has been in the last 90 years. We need reforms to be passed in this House in order to make it a dynamic House, and the other important need is to re-establish its public credibility. I believe that public credibility of this House is not what it used to be and we all need to restore it.

Finally, I want to reiterate the remarks of the Attorney General who said, "To reject this Bill, and thereby the people's opportunity to pass judgment on it, would itself be a denial of democracy".

I urge all members to support the Bill.

HON. G. C. MacKINNON (South-West) [10.54 p.m.]: As far as I am concerned, this has been a disappointing debate. An examination of the procedure of the Bill is extremely interesting and one wonders whether it is an exercise in public relations to the benefit of the Assembly and

maybe the next election, rather than a genuine effort on reform. In a few minutes I will tell members why I say that. If members look back, they will recall that the initial vote was lost when there were not sufficient members of the ALP in the Assembly to carry it. The person to blame is Mr Grill. I am reliably informed that that was one of 32 divisions that Mr Grill has missed since he has been in Parliament. He is well known among his colleagues to be a bit scant as far as divisions are concerned.

Several members interjected.

Hon. G. C. MacKINNON: I am telling members about the attitude of Mr Grill and I am not castigating him. I am referring to an attempt by the Government to handle a very important piece of legislation. The Government discarded a first-class Whip in Mr Bateman and put someone who is inexperienced in the position.

Several members interjected.

Hon. G. C. MacKINNON: Why I am such an authority on this is that I know precisely how Mr Burke felt because exactly the same thing happened to me. Quite inadvertently, when a very experienced Whip in Mr Masters caught a bad cold, I used an enthusiastic, but inexperienced member in the person of the Hon. A. A. Lewis, and he did not watch the numbers carefully enough. A Whip is responsible for getting someone to speak until he has made sure that the required number of members is present in the Chamber. However, on this occasion that did not happen and Mr McNeil, who had a go at me a minute ago, did not hear the bells and we lost the division. I know how things like this can happen. The division I lost referred to a referendum which is part of this Bill and it was very dear to the heart of the then Premier, Sir Charles Court. Unfortunately, it was not dear to my heart in any shape or form, so the reaction of the Premier was naturally enough to think the worst and I got the rough end of the stick for a while, but that is another story.

The point I am making is that one gets the feeling that this sort of legislation—we have forgotten all its history because it was a long time in its gestation—is not a very genuine effort. The Premier left an inexperienced person in Mr Hill in charge and as a result lost the division, and to add insult to injury, he expects us to take the matter seriously.

The speeches made by members of the Government to date have been bewailing the fact that the Government has been unable to win a majority in this House. Not one member has had the decency to admit that the reason for this is its shockingly bad past strategy.

Hon. Kay Hallahan: What nonsense.

Hon. G. C. MacKINNON: It is not nonsense because I know some members of the ALP who agree with me and who have started to do something about it. There has been nothing wrong with the ALP strategy in the last three years.

Hon. J. M. Berinson: Yet we got only seven seats out of 17 on a vote of over 52 per cent.

Hon. G. C. MacKINNON: The Attorney General knows how close the ALP is knocking on the door of this place and I suggest that he does not try to fool anyone into thinking he is not an intelligent man, because he cannot count.

Hon. J. M. Berinson: I can count up to seven.

Hon. G. C. MacKINNON: Certainly since the time I came into this House, the ALP has been saying it wants to abolish the Legislative Council. The ALP has had champions in the Hon. Lyla Elliott's predecessor the Hon. Ruby Hutchison, who used to bring in a Bill every year, like the SGIO Bill, to try to bring about the abolition of the Legislative Council. Members of the ALP used to say to the electors, "Please elect me to the Legislative Council because, as soon as I get there, I will abolish it". The people used to say, "Do not be funny", and then they would not vote for them.

If one looks back in *Hansard* to a few years ago one sees half a dozen seats were shared by Liberal and Labor or Country Party and Labor members with exactly the same boundaries. In one province in the north a Liberal Party member and a Labor Party member were returned on the same day.

Government members: We have heard all this.

Hon. G. C. MacKINNON: If anyone looked at this piece of legislation and wanted to know something about it he would have to read the speech given in this House by the Hon. Ian Medcalf. It was one of the best speeches he has made; a speech I did not hear, and which might not have been a very good speech, but which was a first-class paper, was that made by Bill Hassell in the Legislative Assembly. The introductory speech in the Assembly did not tell us anything at all about the Bill. It was a diatribe by the Labor Party against all the evils inflicted on it by the dreadful Liberals. I am not commenting on speeches made in this House; Mr Berinson's speech was a vast improvement, but I do not want to refer to the others, including that of Mr Wordsworth which touched on some alternatives.

Up to that stage, the speeches by Mr Medcalf and Mr Hassell were the ones to read if one wanted to know anything about the Bill. As an exercise in history, the story I have heard from the

Government is pretty uninspiring. I am sorry to say to Mr Hetherington I have read his speech twice. Not one member of the Labor Party has had the grace to admit that in the early years of the Legislative Council the boundaries were rigged so that the ALP had a presence in this House.

Hon. Kay Hallahan: They had to be rigged so we could get here?

Hon. G. C. MacKINNON: Sure.

Several members interjected.

The PRESIDENT: Order!

Hon. G. C. MacKINNON: In the early days this House was elected on a property franchise and it was considered desirable that ALP members should be represented here. The boundaries of two or three electorates were quietly and very effectively rigged to ensure the ALP had representation in this House.

Hon. Lyla Elliott: What rubbish!

Hon. G. C. MacKINNON: It is not rubbish; it was still in existence when I came in in 1956.

Hon. Kay Hallahan interjected.

Hon. G. C. MacKINNON: Mr President, can you suggest to the honourable member that if she wishes to be disorderly she should lean forward so the voice amplifiers can give her feminine tremolo a little assistance?

The PRESIDENT: Order!

Hon. G. C. MacKINNON: As I have been party to a couple of reforms in this House I quite accept the fact that the time has come for further reform. I do not deny that and I do not want to argue that point. It has been made by the ALP, and in every speech it has been said that the time has come for reform. I do not know why that should be so, seeing that we have suggested one or two reforms ourselves.

Hon. J. M. Berinson: What reform do you suggest?

Hon. G. C. MacKINNON: I will tell the Attorney in a moment; I have one or two quite interesting propositions.

Members will recall that the Legislative Council was given the same roll as the Legislative Assembly, and that we moved away from a property franchise. Everyone hailed that as a great move. I was never in love with the idea of moving away from a property franchise.

Time has proved that using the adult franchise of the Legislative Assembly was a mistake because it brings the work load of Council and Assembly members into juxtaposition. From that time has dated the most acrimonious period of the

relationship between the two Houses. These are matters that ought to be looked at if we are serious in talking about reform. The Legislative Council should be removed from the daily need to deal with constituency problems; I am absolutely certain of that.

I remember when I was first elected in 1956 a very good Labor member, Fred Withers, and I were at a function at a south-west club and he said "Congratulations, you are now a member of the Legislative Council. There are one or two young fellows around who are starting to interfere in Assembly work. When electors come in and talk to you, listen patiently and ask them where they are from. If they say they are from Busselton tell them to write a letter to Mr Bovell and say you will talk to him and encourage him to help the constituent". That was the attitude back in those days of all members of the Legislative Assembly; Legislative Council members did not interfere in their duties.

With the move to adult franchise which took place effectively in 1965, we started to do that sort of work and many members are as active today as are their counterparts in the Legislative Assembly. It has led to a lot of controversy, opposition, antagonism, and acrimony. In hindsight I think it was a mistake to move into that area. Members of the Legislative Council are frequently quite busily engaged in constituency work no different from that of their colleagues in the Assembly. It induces competition instead of co-operation and is one of the reasons for the development of friction between the two Houses. It should be examined if we are genuine about reform.

Mr Dowding commented about the old-fashioned idea of looking after property. I entered this House on a property franchise and in retrospect it seems to me the members of that time were no less caring than the members of today. Indeed, one would be hard pressed to find that the system today has produced any better members than did the property franchise. Let us think of some of the people the property franchise system produced on the Labor side—Harry Strickland, Frank Wise, Bill Willesee, and Gil Fraser.

Hon. J. M. Berinson: It produced them into a tiny minority.

Hon. G. C. MacKINNON: It produced them; they had more members than we did—13 of them and 11 of us.

Hon. J. M. Berinson: Once.

Hon. G. C. MacKINNON: Once for nine years; that is three times. I think of Eric Heenan, Jim Garrigan and Jack Teahan.



Hon. J. M. Berinson: Are you suggesting a return to the property franchise?

Hon. G. C. MacKINNON: I think it is probably just as effective. I look at those men and I must admit that, with the exception of some who obviously stand out, they were as good or better than many of their successors. They were as caring as those elected on the adult franchise.

One would not imagine Harry Strickland, a gentleman and a man of courage and conviction who took part in one of the earlier shearers' strikes, taking such action. He was a leader when it took guts to be a leader in the union movement. In those days there was no question of rushing to the court if one got a smack in the ear. If someone said the wrong thing, Harry Strickland would give him one and not ask his pardon.

A Government member: They were men in those days.

Hon. D. K. Dans: And the women were glad of it.

Hon. G. C. MacKINNON: Yes, his wife always seemed to be pretty happy.

Hon. D. K. Dans: Yes, I will agree she was a lovely lady.

Hon. G. C. MacKINNON: It produced men no less caring than those of today.

As Mr Dowding was so vocal on the question, I would be prepared to guess that in his previous occupation he spent more time worrying about property and the division of property than he did about reconciliations. It would be reasonable to suggest that the feelings generated in marriage breakdowns and division of communal property are more bitter than those over any other issue, perhaps with the exception of custody of children. Unfortunately, all too often the children are thought of as property.

Property is terribly important to *Homo sapiens*. The fundamental basic idea of a property franchise is not evil. Indeed, it was considered to be a perfectly natural way of entitling a person to vote at one stage and the people who thought of it were not evil. However, that changed as time went along. The concept was not dreamt up by this present Liberal Party, it was a fact of life.

Hon. Lyla Elliott: So was slavery.

Hon. G. C. MacKINNON: I am asking whether we can talk about the reform of this House in a serious way. I believe the time has come when reform is necessary but let us discuss it in a proper manner.

I believe the proposal by the Labor Party and its Government is a lot of rot and it is an exercise in futility. I am bitterly disappointed at the action

of the Press over this exercise. It has looked at one proposition only and not one member of the Press has had the imagination to go to the university or to WAIT and ask the people there, who succeeded Bob Hetherington, whether they can give some idea of different options for reform of the Legislative Council.

Hon. J. M. Berinson: They have been waiting to hear from you.

Hon. G. C. MacKINNON: I will give it to the Attorney in a moment.

I have not researched the question but I guess that more wars have been fought over property than have been fought over any other issue. I wonder how many men have died in defence of their property and how that figure would compare with those who have died in defence of their wives and families.

Property is intrinsic to the hearts of mankind. Dr Robert Ardrey has written a number of books on the subject, such as *African Genesis*, *The Social Contract*, and *A Territorial Imperative*. He named one of his books *The Social Contract* deliberately because he totally disagreed with the theories and philosophies of Rousseau. He proved, by a comparison of human and animal behaviour, that Rousseau was quite wrong, as those who know anything of the subject these days will understand. Throughout the book Robert Ardrey lists a number of animals which are territorial by instinct; they own, hold, and defend property.

Hon. J. M. Berinson: This is going to be a very difficult speech to answer.

Hon. G. C. MacKINNON: From all the research he examines and reports upon it appears that the holding, controlling, and defending of property is the number one priority for most such creatures. Without ownership of a territory which will produce a livelihood, many animals are, to use a biological term, psychologically castrated. In short, they are unable to secure a mate and are unable to breed. Among those animals modern researchers include *Homo sapiens* as property-owning animals. I suggest that in a society where property ownership has always been of tantamount importance, we above all people on earth have a great interest in owning property. I am going into great lengths to illustrate my point.

Hon. D. J. Wordsworth: What number of Australians own homes? Is it about 85 per cent?

Hon. G. C. MacKINNON: I think the figure was about that when last I saw it. Owning a property includes owning the house in which one lives. Previous Governments have proclaimed that as being a great and important thing to this country.

Hon. D. K. Dans: This debate was screwy. It is now getting twisted.

Hon. G. C. MacKINNON: I do not want to recommend a return to property franchise but I want to point out that it is not necessarily any worse than any other franchise. Mr Dowding made some comments the other day which suggested that because some of us were elected on property franchise—and I suppose I am the last remaining member in this category—for some reason or other we are heartless, crude slavedrivers. I am saying the sort of logic that our expert on the flat earth society uses—

Hon. Peter Dowding: You are not heartless Mr MacKinnon, ever.

Hon. G. C. MacKINNON: —seems to imply that I am such a person simply because I was elected on a property franchise. It hangs together with the comments of the Hon. Kay Hallahan. I refer to the gentlemen in the painting outside the Chamber who were at a meeting chaired by Lieutenant Stirling. Anyone who can imagine that the lieutenant is in an exalted position should try being a lieutenant. The honourable member said that the lieutenant was one of the landed gentry because he was called His Excellency. When I was in Mexico I was called "Your Excellency" but it did not make me a rich landowner. The gentlemen were invited into that Legislative Council by Lieutenant Stirling and he insisted they wore jackets with red collars because that was the uniform of the people sitting in the Legislative Council. The members in the Council were known as "honourables" because that was the title the Queen conferred on anyone who sat on such a body. Yet the member says that those gentlemen were representative of the aristocracy. That is absolute rubbish.

It can be seen that the only reason that the Labor Government does not like property franchise is that the Labor Party was invented after property franchise was out. I am the last remaining member who can recall the time when we did not comment on a member who was out of the Chamber.

Hon. Peter Dowding: I was out of the Chamber.

Hon. G. C. MacKINNON: Mr Dowding made a habit of commenting on such a fact when he was sitting on this side of the House. He was out of the Chamber when I spoke about his speech. If he comes in at the last minute, I will not go over it again because it was a bit tedious even for me, let alone for the people who had to listen to it. However, the *Hansard* reporter has taken it down, and Mr Dowding will be able to read all about it.

(7)

If anybody wants to believe that the ownership of property is important, let him consider one statistic—the number of people required to produce the food necessary for the people who live in a country. For every 100 people in this State, we need about six people in primary production. That is the pattern in practically every developed western country. In Russia and the Russian bloc, it takes something like 40 to 50 people in food production per 100 population; and in China, it takes 60 to 70. That is because in Australia we own the property ourselves, the interest in it is greater, and the production is absolutely first-class.

With regard to reform, we should consider a number of options. The Labor Party has put forward one only. Mr Tonkin's proposal has been presented, not as one of a number of alternatives, but as the ultimate solution.

I was bitterly disappointed at the attitude of the Press, which accepted that proposal as the only option. The Press has examined no other alternatives.

Hon. Garry Kelly: Why not let the people vote on this one?

Hon. G. C. MacKINNON: I wish Mr Dans would take Mr Kelly quietly aside—

Hon. D. K. Dans: I think he is doing quite well.

Hon. G. C. MacKINNON: If this Bill is passed, it will call for an alteration of the Constitution which must, by law, go to a referendum.

Hon. Garry Kelly: Well, pass it and let it go to the referendum.

Hon. G. C. MacKINNON: Along with Mr Berinson, I do not believe in referenda. A referendum is an appeal from those who ought to know to those who cannot possibly know. Perhaps that is not Mr Berinson's definition; but I learnt it from his quotation, and it is quite wise.

The holding of referenda has never been the practice in this country other than for major constitutional changes. We require a plain majority; we should require a constitutional majority, which is in line with the requirement in other countries.

Hon. J. M. Berinson: Where?

Hon. G. C. MacKINNON: In Australia—

Hon. P. G. Pendal: The United States.

Hon. G. C. MacKINNON: Many countries demand more than a 50 per cent majority to change the Constitution.

Hon. Garry Kelly: Why did you not put that into the Constitution when you changed the Act?

Hon. G. C. MacKINNON: We will not go over the details of that Bill.

A responsible media ought to have done some homework and asked the advice of some people capable of putting up proposals as alternatives. I will give a suggestion. If the House is to have 22 members only, it might as well be abolished.

Hon. D. K. Dans: You have made an extraordinary proposal.

Hon. G. C. MacKINNON: A House with 22 members is not big enough to have proper committees, or even to have proper debate.

Hon. Peter Dowding: What is the cut-off?

Hon. G. C. MacKINNON: That has been proved in other places.

Hon. Peter Dowding: What would you suggest, Mr MacKinnon?

Hon. G. C. MacKINNON: I am suggesting 32 members.

Hon. Garry Kelly: Well, put up an amendment.

Hon. G. C. MacKINNON: There is more to the amendments than that. The Labor Party has pointed out over and over again that the proposal for election to the Council is the same as it is for election to the Senate. Anyone with an ounce of brains would know that was a lie. It is not the same as for the Senate. The Senate has Tasmania, Victoria, New South Wales, Queensland, South Australia, the Northern Territory, the Australian Capital Territory, and Western Australia as the electorates.

Hon. J. M. Berinson: It is the same as the position of the Senate within each State, and it is also the same as South Australia and New South Wales. Would you care to try and differentiate those?

Hon. G. C. MacKINNON: Mr Berinson is the only person I have heard saying that.

Mr Tonkin wants the Legislative Council elected in the same way as the Senate. We have already agreed to an unfettered electoral commission; Mr Hassell made some announcement somewhere—

Hon. Peter Dowding: Unfettered as to boundaries?

Hon. G. C. MacKINNON: Yes. He made that quite clear.

Hon. Peter Dowding: Across the State?

Hon. G. C. MacKINNON: Yes. He made that quite clear.

Hon. Peter Dowding: With no balancing required, and no differentiation?

Hon. G. C. MacKINNON: I think he allowed for a 10 per cent variation.

With the absolute, blind, blinkered, and unfettered support of the Press media in the State, Mr Dowding has had about six months to present his plans; so he should just give me five minutes to present mine. I am not speaking for the Liberal Party; I am speaking for Graham MacKinnon.

I suggest the division of the State into four zones, with north and south metropolitan areas with eight members each.

Hon. Peter Dowding: Is Kimberley in the metropolitan area in this balancing act?

Hon. G. C. MacKINNON: When Mr Burke picked the three illustrious members to sit on the front bench we were hopeful that they would improve the situation. I am sorry to see that at least one of them has actually gone backwards.

I suggest four zones for the Legislative Council, each having eight seats. Two of the zones would be in the metropolitan area; one would be in the agricultural area—that is, Geraldton to Esperance, roughly—and one in the pastoral and mining area. The members should be elected on a proportional representation system for those zones, four at a time each three years, for a six-year term. The four zones would each return eight members, and in that way we would have something closely resembling the Senate system. That ought to be examined as an option, as an alternative to the quite ludicrous system that was put up.

Although Mr Nevill might be quite right and the proposed ALP system might not rob the country of representation, I think he is wrong. That system would make all the members city members. Mr Tonkin's proposal would mean that the members would concentrate on the city for their election. They might be kind enough to go out to the country after their election; but before the election they would be city members.

At least four members from each party might just as well be nominated by the party and put straight into the House. The election would be a total waste of Government money.

Under my proposal, the metropolitan area would be represented by 16 members, and the country area would be represented by 16 members. I suggest that that system for the Legislative Council has merit, and it should be considered carefully.

Under the system proposed by Mr Tonkin, the metropolitan area would finish up with 22 members, as I said. There is no doubt about that.

Hon. Robert Hetherington: You are wrong.

Hon. G. C. MacKINNON: I know I am right. I was in Johannesburg when Mr Whitlam was defeated by Mr Fraser; the election figures we re-

ceived there were for Sydney and Melbourne, and the election was over. At subsequent elections I have been on the end of a computer and the elections are over when figures are announced for Sydney and Melbourne.

Hon. Garry Kelly: That is where the people are.

Hon. G. C. MacKINNON: What a brilliant statement! We should bring him back out of the dark closet to which I suggested he should be consigned. The member is showing flashes of brilliance. He is right. That is the best interjection we have had all night: "That is where the people are".

The moment the metropolitan area boxes were counted, indeed, before they were counted, on the day members were nominated by the Labor Party, the Liberal Party, and the National Country Party, one could name 18 of the 22 members who would be in Parliament and by the time almost half the city boxes had been counted, one could name the other members who were to be elected. If those members, out of the gracious goodness of their hearts, went out to country areas, the country people would get some sort of representation.

As a result of my suggestion, some of those members would have to work and live in those country areas.

Hon. Garry Kelly: As they do now.

Hon. G. C. MacKINNON: All right, as they do now. I have lived in country areas all my life. I have a home in Bunbury. I do not know whether it has done me any great good. Indeed, it has not, because I would have been better off living in the city. Let me advise any young man who wants to go into Parliament to get a city seat so that he can watch what is going on. Being a city member is a piece of cake.

Hon. H. W. Gayfer: You can go home for dinner every night.

Several members interjected.

Hon. G. C. MacKINNON: After a while in a country electorate, one loses one's power base. I do not suggest the proposition I have put forward is perfect, but it is a jolly sight better than the scheme proposed by Mr Tonkin.

Hon. J. M. Berinson: Do you think you could get your party to support it?

Hon. H. W. Gayfer: No!

Hon. G. C. MacKINNON: I do not know. Perhaps we ought to do what is being done in Victoria and have serious talks about setting up a properly based reform. We should do that instead of ramming down everyone's throats the prop-

osition that the number of Legislation Councillors be reduced from 34 to 22.

I shall go a little further. Something should be done about the Legislative Assembly and, as we are dealing with figures, the number of Assembly members ought to be reduced to 52. That would get rid of five Legislative Assembly members and we should get rid of two members from this House. That would reduce the number of members and the costs involved. The zones I have mentioned should be subdivided further by the district commissioner into electorate zones for the Assembly for which the electoral commissioners would allocate three to five members. Within those zones the members would be elected by proportional representation. Those zones should be determined, within 10 per cent up or down, on a one-man-one-vote franchise, unless the distances became too great when discretion should be given to the commissioners to vary the position for outback areas which involve a great deal of travel and difficulties with communication.

As a country member, I believe in contact with people. It is necessary that people have contact with their member, not with a member of his staff or an officer. The Government's proposal to substitute offices and staff for members of Parliament would be very expensive. I think it is extravagant.

On a cost basis alone, the Government's proposition to reduce the number of members of this place by 12 and replace them with expensive offices and staff, is not proper. I suggest we reduce the number of members of this Chamber by two. Of course, I would be one who would go. We should also reduce the number of members of the Legislative Assembly by five. That would give us a total reduction in the number of members of both Houses of seven. If the Government wanted to introduce further economies, it could keep its promise and reduce Cabinet by two. It would not then need all the extra offices and savings could be made in that area.

Hon. Garry Kelly: Why not argue this case before the referendum?

Hon. G. C. MacKINNON: I suggest the Labor Party is involved in an exercise which it can use as a run-up for the next election. This is not a genuine effort at all.

Hon. Garry Kelly: Why do you say it is not genuine?

Hon. G. C. MacKINNON: I say that because I have had bitter experience of the behaviour of Government members. They talk utter rubbish! I do not blame them, because the majority of ALP members in this Chamber are new and obviously

they have not studied politics greatly since they were elected. Mr Hetherington has not had a chance to talk to them seriously yet. However, they have made the mistake of thinking that Parliament governs and nobody has taken them into a quiet, little corner and told them that Parliament legislates. Government members should look at the American system under which the Government is quite distinct and separate and operates on the laws which exist. It does that quite effectively. If a decision is made that a new law is required or if someone wishes to amend an Act, as everyone knows, such Bills are seldom passed, because they are introduced in the form of private members' Bills. Therefore, under the system in America the Government operates on the laws which exist already.

There is no doubt that any Government could function quite successfully by closing down Parliament and operating on an administrative basis. It might not be able to do everything it wanted to do, but it would govern and as time went on it would govern more and more effectively. Whitlam did that with one assistant, Lance Barnard. He did it quite successfully for 100 days. Had he not been so impatient, he would have done it for a great deal longer. Members know that as well as I do. Of course that can be done. This place legislates, it does not govern. It does not inhibit the government of the Labor Party. Indeed, we have not thrown out a single Bill introduced by the Labor Government.

Hon. Peter Dowding: And you say all that with a straight face!

Hon. G. C. MacKINNON: I say it with a completely straight face. I know it because I have been there. Government members are still enthusiastic and young.

Hon. D. K. Dans: You are not talking about me, are you?

Hon. G. C. MacKINNON: Give them another two years and they will be saying, "Oh, it is Parliament again". They will be moaning and groaning. Mr Dans, Mr Berinson, Mr Dowding, and all the other poor fellows will say, "When are we going to get into Parliament again?" They will be avoiding it like the plague.

Hon. Peter Dowding: Our alternative Bill, just to have the three of us do it, has not been put up at this stage!

Hon. G. C. MacKINNON: I am glad Mr Dowding has brought that forward; it is a proposition we should look at! Up to this stage the ALP has always talked in terms of abolishing the Legislative Council. Let us look at a proposition to abolish the Legislative Assembly. Let us be

quite serious about this. From 1832 to 1890 the Legislative Council was the sole Government in this State. The State waggled along and made some progress during a very difficult period. Then we invented the Legislative Assembly.

Hon. Peter Dowding: Could we all wear those coats?

Hon. G. C. MacKINNON: From a legislative point of view, the Legislative Council always has been and still remains the senior House. I think we ought to continue to have the Legislative Assembly elected under whatever system we have got in order to determine which party has popular appeal, and we should then proceed to select—

Hon. Garry Kelly: As long as you have power here.

Hon. G. C. MacKINNON: I have already said this five times, but I will say it six times: I agree there ought to be reform. I do not mind if the reform is such that we have a fair and even chance to win. I do not like the reform proposal put forward by Mr Tonkin. It is quite a ludicrous proposition.

Hon. Garry Kelly: Let the people decide.

Hon. G. C. MacKINNON: We decide that. All the people can say is, "Go ahead with it" or "Don't go ahead with it". Someone should take Mr Kelly aside and explain to him how a referendum works.

Let us consider Mr Dowding's suggestion. We would have the election for the Assembly, which body would meet and select the Premier—he would probably already be selected. Next we would select the Cabinet and then we would send the rest of the Legislative Assembly members home. They would be required to keep themselves available with a modest retainer, and they would be able to go back to their own work. The Cabinet would take over all the duties in the offices.

Everyone knows that ever since its inception, all the sensible debates have always been conducted in this Chamber.

Hon. Peter Dowding: Not even we believe that.

Hon. G. C. MacKINNON: I admit that of recent times a fair amount of political ballyhoo has entered into some of our debates.

Hon. Peter Dowding: Rubbish!

Hon. Garry Kelly: He still has a straight face.

Hon. G. C. MacKINNON: But even now it does not touch the degree of nonsense that goes on in the Assembly. The Bills put forward by the departments are mostly to make life easier for them and they could still be discussed here. An arrangement could be made for the Minister if not

to appear in the House at least to appear before the committee handling the Bill.

Hon. D. K. Dans: Or he could send up his adviser.

Hon. G. C. MacKINNON: The Minister could then explain the Bill in detail and we would all get along quite nicely. That is quite logical.

Hon. Peter Dowding: It has its attractions.

Hon. G. C. MacKINNON: It is quite revolutionary.

Hon. D. K. Dans: It is quite novel.

Hon. G. C. MacKINNON: It is not as revolutionary as some of the things the Labor Party has put forward over the years. If there were to be a disagreement and we were to reach a deadlock, there would be provision to call back the Legislative Assembly on such occasions.

Mr President, Mr Dowding made the suggestion and I picked it up and developed it. The fact that I had it written down here in front of me is purely coincidental. I really put it forward because Mr Dowding asked me to, and to illustrate that any number of options are available in the way of reform.

One proposition deals with regional seats, and this was put forward by Mr Hassell on behalf of the Liberal Party as an official proposal. I am pointing out that I simply do not believe the proposal before us has been put forward in all seriousness.

Hon. Lyla Elliott: The Liberal Party in New South Wales supported the proposal there and 78 per cent of the people supported it at a referendum.

Hon. G. C. MacKINNON: Since the departure from the scene in New South Wales of Mr Askin, I have never been terribly enthusiastic about the Liberal Party in that State.

Hon. Garry Kelly: Neither have the people in New South Wales.

Hon. G. C. MacKINNON: That is the second good comment from this honourable member. As Mr Dowding goes down, Mr Kelly comes up. At any tick of the clock we will see Mr Dowding leaving as Minister and Mr Kelly taking his place.

We also have to look at having a workable House. Again, as Mr Medcalf pointed out, in South Australia—the State quoted *ad nauseum* by the Government—the Labor Party there found at the first election that it had six seats, the Liberals three, and the Liberal movement two—they later reunited. At the second election the Liberals had six, the ALP four, and the Australian Democrats one. The Labor Party thought that after

three elections it would dominate that House, but after the third election the Liberals had five, the ALP had five, and the Australian Democrats had one. So they really had what amounts to an unworkable House. They believe there is no better situation than to have what they call democracy, although they have never explained what they mean by that.

I am suggesting that what we ought to be looking at is some reasonably sensible sort of reform proposal. I do not think we are very much different from the people in Victoria. The Victorians have worked out a pretty amicable arrangement. Certainly there is no way I can agree to this proposal put forward by Mr Tonkin, or should I say Mr Graham Hawkes.

Hon. Garry Kelly: Victoria has one-vote-one-value, so are you saying you accept that?

Hon. G. C. MacKINNON: No, but I do understand that the Victorians have reached an amicable agreement for the reform of their Legislative Council. I have already said that I believe it is time for some changes here, but perhaps we can find something better than those changes the Labor Party tried to thrust on us in 1963 and 1965. They all hailed those proposals as breakthroughs, which would change everything, mainly because the ALP thought it would get a majority, but it dropped from 13 to 19 seats.

Hon. Kay Hallahan: Perhaps they liked the idea of people having a vote.

Hon. G. C. MacKINNON: The honourable member must learn to lean forward and speak into these things, because there is so much other noise.

The PRESIDENT: Order! I ask honourable members to cease their interjections and conversations in the interests of making some progress.

Hon. G. C. MacKINNON: I took her interjection to be a genuine request for information, but I will just leave it at that.

I accept that the proposal I put forward would not be acceptable to Mr Tonkin, because it would mean the cutting of some seats in the Legislative Assembly if we were to accept the whole plan. While he is happy to see seats cut in the Council, he does not want to cut any seats from the Assembly in case he loses any of his friends there.

I am suggesting that if it is possible for other States to study a whole range of options to reform the Council, it ought to be possible for us to do the same. Not one Government speaker—and there have been plenty of them—has said during the course of this debate that during the course of the examination of the proposal they asked Mr

Hawke, or he told them, that he had looked at these other options. We have had no indication from them that he has looked at this, that, or the other system. No indication has been given that he has examined any proposal anywhere else in the world, or that he has thought of any of the difficulties that might be engendered by our topography and our demography.

Hon. Garry Kelly interjected.

Hon. G. C. MacKINNON: I thought the Labor Party was made by man and not by God. Its members make its policies, and I take it Mr Hawkes made this one, but I do not know.

I suggest that, quite contrary to the general view engendered abroad by the smart publicity, other ways are available in which the Legislative Council could be reformed and the electoral system of this State could be changed. The electoral change indicated by Mr Hawke and presented through Mr Tonkin is poor indeed. I believe it was put forward in its present form deliberately to ensure enough people like myself would vote against it.

Hon. Peter Dowding: The rest of your speech has been interesting, although I disagreed with it; but that part of it is rubbish.

Hon. G. C. MacKINNON: Why would the Labor Party pick a number like 22? Mr President, you know, I know, and anyone else who has worked with groups knows 22 members is not enough to break into reasonable and workable committees. If we had two Select Committees or two inquiries we would not have enough members left to do anything else.

Hon. Garry Kelly: Move for 32 members then.

Hon. G. C. MacKINNON: Such a suggestion proves that what I am saying is correct. The interjection proves that the Bill was put forward merely as an exercise.

Hon. Peter Dowding: No, no.

Hon. G. C. MacKINNON: If the Government suggests that I move for 28 members or whatever, it is obvious that we need a much closer examination of the options available to us.

An excellent method would be for a reporter who wants to make a name for himself to go to the university or to WAIT to have research carried out on proposals that might provide this State with a workable, efficient, and well-balanced Legislative Council.

It is not for one man to say what the system should be. A far better proposition could be worked out than the proposal before us, and it could be worked out by any group of us getting together. As a first step and in the hope that we

might make some progress in that direction I will oppose the second reading of the Bill.

HON. H. W. GAYFER (Central) [11.53 p.m.]: I represent 29 shire councils and one town council, and every one of them is quite happy with the representation it has received.

Hon. Garry Kelly: What about your electors?

Hon. H. W. GAYFER: The electors too.

Hon. Garry Kelly: You didn't mention them.

Hon. H. W. GAYFER: I do not know who the member thinks he represents.

Hon. Garry Kelly: It is a funny way to say it.

Hon. H. W. GAYFER: It is not funny at all. I represent that many shires and that town council. I doubt whether any other member would represent that many shires. How many shires does the Hon. Garry Kelly represent?

The PRESIDENT: Order! I ask the Hon. Garry Kelly to stop his persistent interjections, and I ask the Hon. H. W. Gayfer not to enter into conversation with the Hon. Garry Kelly or any other member but to direct his comments to the Chair, who is terribly interested in what he might have to say.

Hon. H. W. GAYFER: I represent that many shires and doubt whether any other member with the exception of the Hon. W. G. Atkinson would represent more shires than I do. If any member does he can get up and tell us so.

Shire councils are local governing authorities; they are the third arm of government and are recognised as such by both sides of the House. Not all the shires I represent have water, electricity or many of the other services readily obtainable by the multitude of people living in the metropolitan area. Country people need representation, and I know they are opposed to this Bill, which will centralise members of this Council to the metropolitan area. This thought added to the others I have made known on this issue over the years confirms my position. I will not change one iota from the stand I have taken on this issue since it was initially introduced.

The province I represent is 112 000 square kilometres in area and the people I represent are just as desirous of representation as the people in the three or four square kilometres that might be represented by members such as the Hon. Lyla Elliott. My electors have the right to see their member of Parliament just as much as people in the metropolitan area have the right to see their member of Parliament.

In my travels around my electorate I have not heard anybody request that I support this measure. I see no reason as the representative of

that area to support this measure or even contemplate support for it. It is as simple as that.

I will not come into this House and play around with a system of representation that is accepted, appreciated and expected by country people in the electorate I represent. If I do not obey them I would do them an injustice. I see no need at all to take the matter any further by going into the arguments that have been put on one-vote-one-value or whatever.

The argument advanced by the Government would mean that every shire council should be equal in size to each other and every shire councillor should represent the same number of people in his ward as councillors represent in other wards, and so on. The argument is spurious. I see no reason at all that this furphy should be accepted. Certainly it was not put forward by the great Labor statesmen who have gone through this place such as Mr Wise, Mr Hawke and Mr Tonkin. None of them has envisaged or intimated that reform should take place so that the city could completely annihilate the wishes of country people. Nobody had the audacity to suggest that. Indeed, Mr Burke of 1795, who is often quoted in this place, said in his famous speech at Bristol that when he went to London to represent his people he voted as he expected his people wanted him to vote.

I do both. I am positive that the people whom I represent do not want me to support this measure. To use Mr Burke's second argument, I have heard nothing from the Government side, from any of our speakers, or indeed from Mr MacKinnon, to make me change my mind to accept or vote for anything other than what we have. To go into the arguments of what money will be saved or anything else is absolutely beside the point. The point is that this is the system we enjoy and believe in.

Hon. Garry Kelly: We don't enjoy it.

Hon. H. W. GAYFER: This is the system that we believe does the best for us. The people elected me to represent them. They want me to vote the way I think I should vote and that is exactly how I will vote tonight. I oppose the Bill.

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [12.01 a.m.]: The attitude of Opposition members in this debate is hardly surprising. After all, they are the political descendants of the people who first corrupted the electoral system and their attitude, no doubt, is that they should not be called upon to forsake their inheritance.

Hon. V. J. Ferry: You can do better than that.

Hon. J. M. BERINSON: So the approach of members opposite is not at all surprising. On the

other hand, it is disappointing for at least three reasons. Firstly, it is disappointing that members opposite do not have the sense of self-respect to prevent them from continuing to take advantage of such a thoroughly discredited system as the one we have in this House. Secondly, it is disappointing that the Opposition's arguments against this Bill have been so contemptuous of the commonsense of the Western Australian public. No-one can accept its arguments as genuine and no-one does. How could anyone take seriously all that professed concern for country electors when the Opposition supports a system which puts thousands more electors into the Kimberley and the Pilbara than into Kalamunda or Dale? To say that they support that system is an understatement. They not only support it; they also created it. They insisted on it. They drew the boundaries in the north themselves. In this case they have not even tried to offload the responsibility onto the electoral commissioners, as they tried to do in other areas.

This is their work completely and alone, and it is to their real discredit. In any event, where is the support for all those assertions from the other side that equal votes would disadvantage country residents? It is not as though we are dealing here with untested theories. The same country electors in this State who the Opposition says need the gerrymander are also Federal electors. In that capacity they participate in a fair and democratic electoral system which is based on proportional representation in the Senate and on effectively a one-vote-one-value system in the House of Representatives.

I put Mr Gayfer's comment the other way. He says he has had no complaints about the present system. I ask: Who is complaining about the system that applies in Federal elections? Where are all the complaints about that? Where are all the protest meetings in the 19 shires that Mr Gayfer represents? One-vote-one-value has not existed at the Federal level for over 10 years. If country electors really feel themselves to be disadvantaged or unfairly treated—

Hon. D. J. Wordsworth: That is in the House of Representatives, is it not?

Hon. J. M. BERINSON: Would not that now be reflected in election promises to reverse the process? Those promises are nowhere to be seen or heard and the reason for that is obvious—arguments against one-vote-one-value have nothing to do with the interests of country electors. They are based solely on the interests of country members—that is, country members of the Opposition parties.



The third disappointment in the approach of the Opposition in this debate is the most serious of all. It derives from the Opposition's failure, with the sole and isolated exception of the Hon. Graham MacKinnon, to propose a single alternative to the Government's proposal. Mr MacKinnon aside, the basic position of the Opposition is that nothing could be better than the status quo, though not one single independent political commentator, no part of the media and no representative group except the Opposition parties themselves agrees with a proposition of that sort. True enough, the Leader of the Opposition in this House did bring himself to at least mention the word "alternative". He said "There are of course alternatives. There are other possible solutions; but the Government has not attempted to discuss or explore these with the Opposition or with anyone else".

In 1981 when the Leader of the Opposition was Leader of the House, who on our side did he consult before he brought in the most recent instalment in the gerrymander series? I remember very well the maps being set up in this corner for our examination. Wherever one looked on those maps one saw lines like the rear legs of a severely crippled spider. Rockingham was to go into the metropolitan area. Kalamunda, Mundaring and Dale were to stay out of the metropolitan area though closer to Perth than Rockingham. The number of electors in Dale was to be reduced, while the numbers in Kimberley were to be increased. That was the sort of map that we were presented with on that occasion. Who in their wildest nightmares would imagine that anything of that sort could emerge from a process of consultation with the Opposition, as we then were? To even speak in those terms is to offer the House a joke in bad taste and I take that part of my argument no further.

Hon. Neil Oliver: What maps are you referring to?

Hon. J. M. BERINSON: Let us get back to Mr Medcalf's comment that there are, of course, alternatives. Surely it is the role of the Opposition to not just sit back and knock Government initiatives. The more important and positive function of an Opposition is to propose alternatives. Now, where are they?

Hon. P. G. Pental: You have all the advisers.

Hon. J. M. BERINSON: It is not as though this Bill came as some surprise or shock to members opposite. Despite Mr Medcalf's complaints about its complexity and form, this Bill comes down to three quite simple propositions. The first proposition is that members of the Legislative

Council should be reduced from 34 to 22; the second proposition is that our present fixed terms of office should be replaced by a term equivalent to two terms of the Legislative Assembly; and the third proposition is that in the future members of this House should be elected State-wide by proportional representation. There are no surprises there, at least since our election programme was released in January of this year.

Hon. P. G. Pental: You are dishonest.

Hon. J. M. BERINSON: On the questions of one-vote-one-value and the system of proportional representation in this State, that represents a clearly enunciated policy of some years' standing and has been repeated in this House, as members opposite used to say, *ad nauseam*. Given that background of knowledge of the nature of the Government's proposals, where are the suggested alternatives by the Opposition? Certainly there is plenty of scope for alternatives and I agree with Mr MacKinnon on that. He thinks that 22 members is too few, and that 32 would be better. What do the rest of the Opposition believe? That remains a mystery after a very lengthy debate.

Several members interjected.

Hon. J. M. BERINSON: If they do not think 22 is adequate, why do they not at least offer some alternative as Mr MacKinnon has? It must be obvious that all three of those principles are important to the Government in the context of its package of reform but the particular question of numbers would have to rate as the least important of the three. Certainly there is room for discussion. Let us hear what the Opposition has in mind. It is not the role of Government to give alternatives to its own propositions. The role of the Government is to put its programme and if the Opposition does not like it and believes that there are reasonable alternatives, it should exercise its function as the Opposition and bring forward those alternatives.

Government members: Hear, hear!

Hon. J. M. BERINSON: Again and in the same way, if proportional representation is undesirable, at least suggest some other way in which we might move to a more democratic form. Again I give due credit to Mr MacKinnon. He has thought of one possibility and I can certainly think of others, but what about the rest of the members opposite who have been so firm in their intention to vote against this Bill?

Even the Leader of the Opposition, within living memory, suggested the possibility of some change. I have referred already to the 1981 debate when the current gerrymander was instituted. It was in that debate that the present

Leader of the Opposition said that it might well be the last occasion on which they could suit themselves by drawing their own boundaries in the north.

Hon. P. G. Pendal: That is dishonest.

Hon. J. M. BERINSON: I am not suggesting those were his actual words but they do represent the sentiment. Even then the present Leader of the Opposition considered there was some room for change and that there has to be some limit to the extent to which the corruption of this system can be taken. Even at that early stage he indicated one small chink in the armour which might be open for amendment. Where has that suggestion gone? It was a reasonable comment to make in 1981 but it is not a comment to have emerged to the light of day ever since. Why did it not emerge in this debate? Why did we not have a modest indication of room for change?

As part of the serious question of one-vote-one-value the Government has proposed proportional representation.

Hon. Neil Oliver: What for?

Hon. J. M. BERINSON: This is in line with the system applying in each of the States of the Commonwealth in respect of Senate elections and in line with the system applying in South Australia and New South Wales. It is suggested by the Government that this would be the most appropriate way to move to one-vote-one-value in respect of the upper House in this State.

Obviously it is not the only way to move to one-vote-one-value. For the Legislative Assembly it is well known that we will propose a system providing for equal numbers of voters in each electorate, plus or minus 10 per cent. Perhaps that might be considered to be a small margin. I would not agree with that but again it is only about 10 years since the Commonwealth moved from a margin of 20 per cent to 10 per cent. Surely in all of this experience there is room for discussion on alternatives. None of this has emerged from anything which any members on the other side have said, with the sole exception of Mr MacKinnon.

In the course of Mr MacKinnon's speech I offered the interjection that his speech was going to be fairly hard to reply to. At one stage I thought it would be close to impossible. At that stage I did develop an uncomfortable feeling that the member was moving to a proposal that we return to the property franchise. That was based on his description of the attachment of *Homo sapiens* to the control or ownership of land. That I think was worrying enough, but when the member went on to say that he believed that *Homo sapiens* was not the only species of the animal kingdom to

have such an attachment, members can imagine that my concern went even further.

Seriously, I do want to refer to the later comments of Mr MacKinnon because peeling away all that part of his speech which I believe could have been delivered only with tongue anchored in cheek, some of his comments were not only interesting but also, certainly compared with the contribution of every other member on the Opposition side, at least halfway constructive. The real tragedy is that Mr MacKinnon's views were in such sad isolation from the views expressed by all his colleagues. That is not to say that I agree with everything he said. He would not expect me to do that, and of course I do not agree with everything he said but at least his comments went beyond those generalised exhortations to consultation and alternatives which have been typical of every Opposition contribution to the extent that they attempted to be positive at all.

His contribution actually specified something in the nature of an alternative programme. There at least was the hint of a basis on which consultation might develop. Again I can only deplore the fact that those comments were in isolation and have not even to this end point of the debate received the remotest indication of support from other members of his party.

Hon. Neil Oliver: Is that your point of view?

Hon. J. M. BERINSON: That is my point of view, drawn from close and careful attention to the whole of this debate. That is the conclusion I draw from what has been said in the whole of this debate by members opposite. If members wish to dispute that and say they do agree with Mr MacKinnon's approach and that they would be interested in pursuing that further I would be pleased to hear from them, if not in this debate then at any other time.

Certainly we cannot allow the present corruption of our electoral system to continue; and it will not continue, despite what Mr Gayfer says about the general satisfaction of his constituents with what we now have. There is clear evidence that, to the extent that the public's awareness can be brought to the question of electoral manipulation in this State, so do they look for a remedy of it. Win or lose the vote that we are about to take on this Bill, electoral reform will not go away and the Government will see to it that it does not.

I do not propose to go into detailed examination of the provisions of this Bill or of other arguments that were raised in the course of debate. The principles which we are examining are extremely simple and are limited to the three that I have specified. In spite of the length and complexity of

the Bill the real question the House has to ask is, "Are we prepared to proceed with electoral reform in this State or are we going to obstruct it further?" On the Government's part we say it is time and past time to act.

The PRESIDENT: I remind honourable members that this Bill requires the concurrence of an absolute majority.

Question put.

The PRESIDENT: As there are dissentient voices a division is necessary.

Division taken with the following result—

Ayes 13

Hon. J. M. Berinson	Hon. Robert Hetherington
Hon. J. M. Brown	Hon. Garry Kelly
Hon. D. K. Dans	Hon. Mark Nevill
Hon. Peter Dowding	Hon. S. M. Piantadosi
Hon. Graham Edwards	Hon. Tom Stephens
Hon. Lyla Elliott	Hon. Fred McKenzie
Hon. Kay Hallahan	(Teller)

Noes 19

Hon. W. G. Atkinson	Hon. N. F. Moore
Hon. C. J. Bell	Hon. Neil Oliver
Hon. V. J. Ferry	Hon. P. G. Pandal
Hon. H. W. Gayfer	Hon. I. G. Pratt
Hon. Tom Knight	Hon. W. N. Stretch
Hon. P. H. Lockyer	Hon. P. H. Wells
Hon. G. C. MacKinnon	Hon. John Williams
Hon. G. E. Masters	Hon. D. J. Wordsworth
Hon. Tom McNeil	Hon. Margaret McAleer
Hon. I. G. Medcalf	(Teller)

Question thus negatived.

Bill defeated.

Several members interjected.

[Interruption from the gallery.]

The PRESIDENT: Order! I suggest to the people in the gallery that they refrain from making comments.

*House adjourned at 12.28 a.m. (Thursday).*

## QUESTIONS ON NOTICE

### HOUSING

#### *Redcliffe*

646. Hon. FRED MCKENZIE, to the Minister for Mines representing the Minister for Housing:

With regard to the Redcliffe State Housing Commission area, i.e. the area bounded by Epsom Avenue, Stanton Road, Klem Avenue and the Beechboro-Gosnells Highway—

- (1) Are there any plans for the upgrading of this area?
- (2) If so—
  - (a) what plans are available;
  - (b) have they been reviewed recently;
  - (c) what time scale is planned for its implementation?
- (3) If “No” to (1), is there any intention to institute a study of this area considering the age of the housing in this area and the finalising of the road system in this area?
- (4) With particular regard to the vacant areas of land bounded by Copeland Drive, Hope Avenue, Klem Avenue and Epsom Avenue—
  - (a) are all these areas of vacant land owned by the SHC;
  - (b) how long have these areas of land been vacant;
  - (c) when does the SHC intend to utilise these areas of land;
  - (d) if the SHC does not have any plans for the utilisation of this land, will the Government consider the utilisation of this land for community and/or recreational purposes;
  - (e) regardless of any decision on the part of the Government, will the Government consider the plight of the people living in this area by—
    - (i) coming to a rapid decision on the use of this land; and
    - (ii) immediately upgrading the condition of this land by cleaning and mowing

etc., to ensure the safety of persons living adjacent to this area from groups and individuals who use this area for their own unsocial purposes, e.g. drinking and vandalism?

Hon. PETER DOWDING replied:

- (1) to (4) The present intention of the commission is to redevelop the area described including where possible existing rental properties.

With the shortage of suitable land for public housing particularly and housing construction generally in south of the river sections of the metropolitan area, this particular land will provide valuable land stock to the commission as a source for future programmes.

The timing of this redevelopment has been reviewed by the commission from time to time and it has been determined that the approach should be one of a total concept over the more substantial commission adjacent areas, including the vacant land.

A foremost consideration in the development time frame has been proposed planning of the airport extensions. It is believed that a report submitted by local authorities and the Department of Transport has been forwarded to a special parliamentary works committee and it is anticipated that some final recommendation or approvals will be available during December 1983 pertaining to parallel taxiway, extensions, etc.

When this development is better known and determined the commission will be in a position to commence the concept planning leading to redevelopment of the area.

With regard to the existing untidy condition of the land, the commission will immediately undertake an examination and take what remedial action it can to improve the situation.

## HOUSING

*Exmouth*

647. Hon. P. H. LOCKYER, to the Minister for Mines representing the Minister for Housing:

- (1) Is the Minister aware that the Federal Government is to close the Commonwealth hostel in Exmouth?
- (2) Is the Minister also aware that single Australian employees of the United States base at Norwest Cape who are housed at the hostel are not eligible for State Housing Commission homes?
- (3) Will the Minister undertake as a matter of urgency to investigate the possibility of changing the rules, i.e. to allow two single persons to become eligible for a SHC flat?

Hon. PETER DOWDING replied:

- (1) Yes, for some time now it has been known the hostel was to be sold.
- (2) Yes.
- (3) It is expected that if the hostel is to be placed on the market there is a possibility it will continue in the same manner it now performs. Should the situation alter the commission is prepared to enter into discussions with the naval base for the ongoing needs of its employees.

## PUBLIC SERVICE: PUBLIC SERVANTS

*Transfer: Furniture and Effects*

648. Hon. H. W. GAYFER, to the Leader of the House representing the Premier:

What branches of the Public Service in Western Australia are governed by the decree that in shifting their furniture and possessions, when under instruction from their department, and when the distance is greater than 150 kms, rail shall be used?

Hon. D. K. DANS replied:

The previous Government's policy directive on the Government employees' furniture removals scheme applies to all Government departments.

The policy is currently under review.

649. *This question was postponed.*

## APPRENTICES

*Number*

650. Hon. LYLA ELLIOTT, to the Minister for Industrial Relations:

- (1) What are the figures for—
  - (a) males; and
  - (b) females;
 currently registered as apprentices in each of the trades?
- (2) What measures has the Government taken or is it contemplating to—
  - (a) increase the number of apprenticeships available for both males and females;
  - (b) encourage girls to enter trades traditionally performed by males?

Hon. D. K. DANS replied:

- (1) (a) and (b) The figures are set out in detail in appendix A and C in the annual report of the Western Australian Industrial Training Advisory Council for the year ended 30 June 1983. I will provide the member with a copy.
- (2) (a) The Government has provided in the recent Budget a number of initiatives to promote and increase the apprenticeship numbers. Briefly these initiatives, as well as other action include:
  - (i) Payroll tax rebates to employers of first year apprentices.
  - (ii) Funds have been provided for the implementation of additional group apprenticeship schemes in the hospitality, automotive and furniture industries, with the objective of providing increased apprenticeship opportunities in these industries.
  - (iii) \$200 000 allocation to the State employment task force to enable research and investigation to be carried out on labour market problems. This grant will enable an investigation to be also undertaken of employment opportunities for females, including access to apprenticeship.

- (iv) The employment of apprentices in the Government sector has been exempted from the freeze on Public Service positions and staff ceilings. The Government has also instructed departments to maximise apprentice opportunities within each department's budgetary limits.
- (v) A committee is examining the operation of the Public Works Department apprentice preference scheme on allocation of Government contracts in accordance with the Government's objective of increasing apprentice numbers by tightening the guidelines to ensure contractors tendering for Government contracts employ a specified ratio of apprentices.
- (vi) In conjunction with the Commonwealth Government, additional pre-apprenticeship courses are to be offered in 1984, including new courses in the hairdressing and horticulture industries which are popular trades for females.
- (vii) The Government has initiated a proposal to introduce an apprenticeship scheme in the rural industry to provide a skilled workforce on farms, as well as apprentice training opportunities for young people in country areas. Rural industry organisations have indicated their support for this proposal and at the request of the State Government, the Commonwealth has agreed, in principle, to provide CRAFT funds for such training.
- (b) In addition to the task force's study to be undertaken (as referred to above) a brochure titled "Apprenticeships for Women" has recently been issued by the division of industrial training designed to promote to both employers and females generally, the concept of female apprenticeship opportunities.  
The Government intends increasing and promoting the profile of industrial training generally, including access to apprenticeship opportunities for females.

## WATER RESOURCES

*Denham*

651. Hon. P. H. LOCKYER, to the Leader of the House representing the Minister for Water Resources:

- (1) Is it a fact that the Minister has refused to meet with the representatives of people of Shark Bay concerning an extra \$78 charge made for water services?
- (2) If not, will the Minister meet and discuss with representatives the withdrawal of some water services for non-payment of this \$78 service fee?

Hon. D. K. DANS replied:

- (1) No. As I advised the member in my reply to question 615, I have already met with representatives of the shire and local community on 10 March this year.
- (2) I see no specific need to meet on this subject. However, I am always prepared to receive a deputation if considered justified.

I again emphasise that the policy regarding charges for additional services and the disconnection of services for non-payment of charges applies throughout the State.

I do not agree that this should be varied in the case of consumers in Denham.

652 to 654. *These questions were postponed.*

## STATE FINANCE

*Financial Institutions Duty: Anomalies*

655. Hon. P. G. PENDAL, to the Attorney General representing the Treasurer:

- (1) Is the Treasurer aware of the stance of the Institute of Mercantile Agents (WA Division) that the new financial institutions duty contains possible anomalies for that industry?
- (2) Is he also aware that, in the case of this industry, the new tax will be paid not once at the rate of 5c in the \$100, but five times?
- (3) Is he further aware that this occurs, in part, because this industry uses trust accounts for clients' money?
- (4) Is it correct that the State Taxation Department has granted exemptions to solicitors on the grounds that trust account money should be exempt?

(5) If so, is such an exemption to be extended to include mercantile agents and others?

(6) If not, why not?

Hon. J. M. BERINSON replied:

(1) The institute has made no approach to me.

(2) and (3) No.

(4) No exemption has been provided for solicitors' trust accounts.

(5) and (6) Not applicable.

### EDUCATION: TEACHERS

#### *Transfer: Furniture and Effects*

656. Hon. N. F. MOORE, to the Attorney-General representing the Minister for Education:

(1) Is it the Government's intention to allow teachers who are on transfer to and from towns which are serviced by Westrail's rail services to use furniture removalists other than Westrail?

(2) If so, will this new policy apply to teachers moving at the end of the 1983 school year?

(3) If not, why not?

Hon. J. M. BERINSON replied:

(1) to (3) See answer to question 648.

657. *This question was postponed.*

### FISHERIES

#### *Scallops: Licences*

658. Hon. P. H. LOCKYER, to the Leader of the House representing the Minister for Fisheries and Wildlife:

(1) Have licences for scallop boats to operate in the Shark Bay and Carnarvon fishery been announced?

(2) How many boats have been issued with licences?

(3) What are the names of the boats licensed?

Hon. D. K. DANS replied:

(1) Yes.

(2) Eleven.

(3) *Rebecca J.  
Sue Cheng.  
Kingfisher II.  
Slaven.  
Jo Ellen.  
Morning Star.*

*Raconteur II.  
World Star.  
Anna Christine II.  
Peron.  
Eva Rae.*

### LAND

#### *South Perth*

659. Hon. N. F. MOORE, to the Minister for Mines representing the Minister for Housing:

With reference to the reported sale of State Housing Commission land in Ranelagh Crescent, South Perth, will the Minister advise—

(a) when and where tenders for purchase of the land were advertised;

(b) whether or not the sale is subject to the land being rezoned;

(c) whether or not the South Perth City Council was consulted on the proposed use for the land; and

(d) whether or not the sale is subject to the purchaser constructing a cancer clinic on the site?

Hon. PETER DOWDING replied:

(a) to (d) Public tenders were initially invited for the sale of this land with no conditions on 26 February 1983. No acceptable offers were received and the land was subsequently offered for sale by public tender with development conditions on 24 May 1983. The responses to this offer were not acceptable to the commission and the land has since been open to negotiation.

The offer which was made by Lucky Bay Holdings on 28 October 1983 was for \$2 million for the freehold of the land with development proposals for, in the first stage, a medical clinic with diagnostic facilities and a second stage to provide residential accommodation. Approval to the use of the land is the responsibility of the developers.

### PRISONS

#### *Prisoners: "Half-way Houses"*

660. Hon. LYLA ELLIOTT, to the Minister for Mines representing the Minister for Youth and Community Services:

(1) Do any "half-way houses" or other hostel type accommodation exist for former

female prisoners to assist their rehabilitation back into the community?

- (2) If not, will the Government take advantage of the homeless persons assistance programme funds to establish such a facility?

Hon. PETER DOWDING replied:

- (1) Prisons Department advises that no such half-way houses exist.

The Department for Community Welfare does not operate any accommodation of this nature.

- (2) The Government is not contemplating seeking assistance from the homeless persons' assistance programme to establish such a facility because this programme is funded by the Commonwealth and assistance from it is not available to State Government Departments.

## FUEL AND ENERGY: ELECTRICITY

### *Domestic and Commercial: Minimum Charge*

661. Hon. P. H. LOCKYER, to the Minister for Fuel and Energy:

What is the minimum charge per month for electricity for—

- (a) domestic services; and  
(b) commercial services?

Hon. PETER DOWDING replied:

- (a) and (b) I refer the member to the State Energy Commission (electricity and gas charges) amendment by-laws 1983, which have previously been laid before this House.

## LAND

### *South Perth*

662. Hon. N. F. MOORE, to the Minister for Mines representing the Minister for Housing:

With regard to the sale of State Housing Commission land in Ranelagh Crescent in South Perth, will the Minister advise why the land was sold by tender and not be public auction?

Hon. PETER DOWDING replied:

The information which is sought by the member may be found in the answer to question 659, a question previously asked by the same member.

## BUILDING INDUSTRY

### *Builders' Registration Board: Meetings*

663. Hon. P. H. WELLS, to the Leader of the House representing the Minister for Consumer Affairs:

- (1) Will the Minister please provide a copy of the attendance register for members of the Builders' Registration Board showing those qualified to attend, and the actual attendance at each meeting of the board, over the past two years?  
(2) On how many occasions in the last two years has it been necessary to elect a meeting chairman?

Hon. D. K. DANS replied:

- (1) Number of meetings in last two years: 24

Attendances—

chairman attended all meetings;  
1 member attended all meetings;  
1 member missed 1 meeting;  
1 member missed 4 meetings;  
1 member missed 7 meetings.

- (2) None.

## WATER RESOURCES

### *Lake Yenyenning: Flushing*

664. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Fisheries and Wildlife:

- (1) Is the Minister aware of the current activities relating to the flushing out of Lake Yenyenning in the Shire of Beverley?  
(2) If so, does the flushing out of this lake have any implications for the wildlife of that area?  
(3) If so, will he briefly outline those implications to the House?

Hon. D. K. DANS replied:

- (1) Yes.  
(2) Yes.  
(3) A study group is being appointed to assess the effects of the flushing.

## HOUSING

### *Land: Sale*

665. Hon. N. F. MOORE, to the Minister for Mines representing the Minister for Housing:

Will the Minister provide details of any State Housing Commission land which



has been advertised and is currently for sale by tender?

Hon. PETER DOWDING replied:

Nine display homesites, Elderberry Drive

Jandakot/Southlakes—submissions close 25 November 1983

Lots 3375 Lionel Street 3378 Lionel Street 3379 Revell Place 3380 Lionel Street—Boulder—Tenders close 28 November 1983

### HOUSING

*Pensioner: Laverton, Leonora, Meekatharra, and Mt. Magnet*

666. Hon. P. H. LOCKYER, to the Minister for Mines representing the Minister for Housing:

Has the Government any plans for old-age pensioner accommodation in—

- (a) Mt. Magnet;
- (b) Meekatharra;
- (c) Leonora; and
- (d) Laverton?

Hon. PETER DOWDING replied:

1983-84 construction programme for old age pensioner accommodation is as follows—

	Commonwealth/ State Housing Scheme	Aboriginal Housing Scheme
(a) Mt. Magnet	Nil	Nil
(b) Meekatharra	Nil	12
(c) Leonora	Nil	10
(d) Laverton	Nil	Nil

### WATER RESOURCES

*Lake Yenynning: Flushing*

667. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Water Resources:

- (1) Is the Minister aware of the current activities relating to the flushing out of Lake Yenynning in the Shire of Beverley?
- (2) If so, does the flushing out of this lake have any implications for the salinity problem of the area?
- (3) If so, will he briefly outline those implications to the House?

Hon. D. K. DANS replied:

- (1) to (3) I am aware of the current conflict between the farmers adjacent to the Yenynning Lakes who wish to have

them drained to minimise the risk of salinity build up affecting their use of their land, and others who wish to have the water retained for recreational purposes and to ensure that the needs of wildlife are adequately catered for.

It is not clear whether retention of water in the lakes during summer will in fact increase the salinity problems of adjacent farmers, but draining of the lakes removes this possibility.

I understand that the effect on wildlife resulting from the draining of the lakes is a more important issue and that this is being considered by the Department of Fisheries and Wildlife.

### WATER RESOURCES

*Restrictions: Cue, Meekatharra, Mt. Magnet, and Yalgoo*

668. Hon. P. H. LOCKYER, to the Leader of the House representing the Minister for Water Resources:

- (1) Are there any water restrictions in force in—
  - (a) Mt. Magnet;
  - (b) Cue;
  - (c) Meekatharra; and
  - (d) Yalgoo?
- (2) If not, are any envisaged?

Hon. D. K. DANS replied:

- (1) and (2) Water restrictions are not in force, or envisaged, in either Mt. Magnet, Cue or Meekatharra.

There is no country areas water supply at Yalgoo.

### EDUCATION

*Aborigines: Isolated Communities*

669. Hon. N. F. MOORE, to the Attorney-General representing the Minister for Education:

- (1) Will the special secondary education programme for isolated Aboriginal communities, as espoused by Senator Ryan, be commenced in any Western Australian Aboriginal communities in 1984?
- (2) If so, will the Minister advise which communities?
- (3) If not, will the Minister explain the reasons for not proceeding with this programme?

Hon. J. M. BERINSON replied:

- (1) Plans to introduce secondary education programmes in isolated Aboriginal communities are being delayed pending advice of financial support from the Commonwealth Government through the Australian Schools Commission.
- (2) and (3) Not applicable.

## HOSPITALS

### *Private: Regulations*

670. Hon. LYLA ELLIOTT, to the Attorney-General representing the Minister for Health:

- (1) When is it anticipated that the new regulations covering private hospitals will be introduced?
- (2) What are the Government's plans regarding an inquiry into private nursing homes?

Hon. J. M. BERINSON replied:

- (1) The proposed regulations to replace the existing hospital regulations are in final draft form and the Minister hopes they will be gazetted shortly.
- (2) It is the Government's view that an inquiry would not be appropriate until the Senate Select Committee into private hospitals and nursing homes is complete and the report made available. The Minister has written to the Federal Minister concerned and has been advised that the Senate Select Committee, under the chairmanship of Senator Patricia Giles, is now operative again.

## FERTILISERS

### *Nitrogenous: Price*

671. Hon. TOM McNEIL, to the Leader of the House representing the Minister for Consumer Affairs:

Further to question 125 of Thursday, 4 August 1983, concerning nitrogenous fertiliser, when does the Minister anticipate a reply will be provided?

Hon. D. K. DANS replied:

The information has been collated and a reply will be provided in writing later this week.

## WATER RESOURCES

### *Lake Yenyenning: Flushing*

672. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Lands and Surveys:

- (1) Has the Minister visited the Lake Yenyenning area recently regarding the flushing out of the lake?
- (2) Did he advise the Shire of Beverley on the matter?
- (3) If so, what was that advice?
- (4) Was the advice acted upon by the shire?
- (5) Is the lake regarded as having a recreational value?
- (6) If so, have any people or groups concerned with the recreational aspects of the lake made representations to him?
- (7) If so, what was the nature and outcome of those representations?

Hon. D. K. DANS replied:

- (1) to (7) The Minister for Lands and Surveys has advised me that his involvement with the draining of the Yenyenning Lakes recently, was purely in his capacity as the local member and the questions raised by the member do not relate to his portfolios.

673. *This question was postponed.*

## ROAD

### *Laverton-Mt. Margaret*

674. Hon. N. F. MOORE, to the Minister for Mines representing the Minister for Transport:

- (1) Has the Minister given consideration to a request by the Shire of Laverton for an additional specific grants allocation of \$20 000 to up-grade the Laverton-Mt. Margaret Road?
- (2) If so, will the Minister advise whether or not he has acceded to the shire's request?

Hon. PETER DOWDING replied:

- (1) and (2) In the current programme of works a specific grant of \$10 000 has been provided for the Laverton Shire Council to carry out improvements to the Laverton-Mt. Margaret Road.

The Commissioner of Main Roads has received a request from the Council for an additional \$20 000 for further improvements. The request is currently

being investigated by the Main Roads Department and a decision will be conveyed to the council shortly.

675 and 676. *These questions were postponed.*

## HOUSING

### *Government Employees' Housing Authority: Kalgoorlie*

677. Hon. N. F. MOORE, to the Minister for Mines representing the Minister for Housing:

With regard to the 1983-84 housing programme by the Government Employees' Housing Authority in Kalgoorlie, will the Minister advise—

- (a) the number of houses/units to be built;
- (b) details of tenders already let; and
- (c) expected completion dates?

Hon. PETER DOWDING replied:

- (a) The Government Employees' Housing Authority intends building 18 houses in Kalgoorlie, for various client departments, as part of the 1983-84 construction programme.
- (b) and (c) one tender, comprising six units, has already been let and the contract completion date is 14 March 1984.

## BUSINESSES: SMALL

### *Development Corporation: Commencement of Operations*

678. Hon. TOM McNEIL, to the Minister for Mines representing the Minister for Economic Development and Technology:

- (1) Would the Minister advise when it is anticipated the newly formed small business development corporation will come into effect?
- (2) How is it proposed the allocation of \$722 000 will be utilised?
- (3) Will the Small Business Advisory Service set up by the former Government continue to exist?
- (4) If "Yes" to (3), will Bizphone continue to give access to experienced small business counsellors for the cost of a local call from country areas?
- (5) If "No" to (4), will a similar service to that provided by Bizphone be incorporated by the small business development corporation?

Hon. PETER DOWDING replied:

- (1) The legislation is currently before Parliament. Subject to its being passed, it is intended that the small business development corporation will commence activities early in 1984.
- (2) It is not appropriate to supply a breakdown of the allocation of \$722 000 until the legislation is proclaimed.
- (3) No.
- (4) Not applicable.
- (5) That decision will be made by the small business development corporation, but I would anticipate that it would continue.

## LOCAL GOVERNMENT

### *Carnarvon Shire Council: Investigation*

679. Hon. P. H. LOCKYER, to the Attorney-General representing the Minister for Health:

On what date does the Minister expect the findings of the investigating committee into the Carnarvon Shire to be completed?

Hon. J. M. BERINSON replied:

The report will be submitted to the Commissioner of Public Health by the end of this month.

## EDUCATION

### *College: Kalgoorlie*

680. Hon. N. F. MOORE, to the Attorney-General representing the Minister for Education:

When will stage 2 of the Kalgoorlie College building programme be commenced?

Hon. J. M. BERINSON replied:

The need for stage 2 of the Kalgoorlie College building programme is recognised but, in view of the other priorities, it was not possible to fund it in 1983-84. It will be brought forward as a high priority project for inclusion in the capital works programme for 1984-85.

## ROAD

### *Denham-Overlander*

681. Hon. P. H. LOCKYER, to the Minister for Mines representing the Minister for Transport:

With reference to the present work being carried out on the Overlander to

Denham Road, does the Minister expect this work to be carried on as a continual basis until the completion of the black top by 1985?

Hon. PETER DOWDING replied:

At this stage it is intended to continue with the existing team with the objective of completing the work by December 1985. However, the rate at which the work is carried out must take into account the deployment of the work force in relation to other major projects which will be in progress during the same period.

## RECREATION

### *Olympic Games: Telecast*

682. Hon. TOM McNEIL, to the Minister for Inter-Governmental Relations:

- (1) Is it the Government's intention to offer financial support to GTW11 in order that that station can keep the promise made by Mr B. Hopwood, current manager of GTW11, and erstwhile manager of GWN3? Mr Hopwood has promised to relay the 1984 Los Angeles Olympic Games to the area.
- (2) If the answer to (1) is "No," will the Government negotiate with Mr Hopwood in order to ascertain how much finance he would require in order to extend his coverage from his present narrow area in order to include—

Kalbarri  
Shark Bay  
Mullewa  
Morawa  
Mingenew  
Three Springs  
Carnamah  
Eneabba, and  
Perenjori.

- (3) Failing a satisfactory outcome to this approach, would the Government be prepared to negotiate with the ABC in order that they can be persuaded to provide a telecast of the 1984 Los Angeles Olympic Games to a much wider viewing area.

Hon. J. M. BERINSON replied:

- (1) and (2) So far as I am aware no application for financial support has been received. It is obviously not possible to an-

ticipate the Government's response if an application is in fact made.

(3) Yes.

## QUESTIONS WITHOUT NOTICE

### POLICE

#### *Mickelberg Brothers: Retrial*

164. Hon. P. H. LOCKYER, to the Attorney General:

No doubt the Attorney General like other members of Parliament has received a letter headed "Justice for Mickelbergs' retrial and release". I ask—

- (1) Has the Attorney General had an approach from either the Mickelbergs or their representative for a meeting with him?
- (2) I understand that the meeting could have made available further information that would be of interest to the Attorney and I ask whether he is aware that his colleague, the Minister for Police and Emergency Services, has met with the team.
- (3) Will he give consideration to meeting the Mickelbergs or their representative in the near future?

Hon. J. M. BERINSON replied:

- (1) to (3) I have indicated in response to all such approaches that I would require a written indication of the precise purposes of that meeting before I would agree with it. That is still my position.

## PUBLIC SERVICE: PUBLIC SERVANTS

### *Transfer: Furniture and Effects*

165. Hon. H. W. GAYFER, to the Leader of the House:

Further to my question 648 on today's Notice Paper I ask that as the annual movement around the State, in particular teachers and other departmental persons, is about to take place and because of the stupidity of the current policy in respect of the Government employees' furniture removal scheme, irrespective of which Government introduced it, will the Minister make urgent representation

to the Premier that the policy review be treated as a matter of urgency?

Hon. D. K. DANS replied:

That matter does not come under the responsibility of my portfolio, but I assure the member that I will pass his comments to the Minister responsible.

#### POLICE

##### *Mickelberg Brothers: Retrial*

166. Hon. P. H. LOCKYER, to the Attorney General:

Could the Minister indicate whether he has read the letter signed by Mr G.

Mickelberg and headed "Justice for Mickelbergs' retrial and release"?

Hon. J. M. Berinson: Of what date?

Hon. P. H. LOCKYER: It is dated 4 November 1983 and I understand it was circulated to all members of Parliament in the last couple of days.

Hon. J. M. BERINSON replied:

It sounds familiar, but I cannot really recall it. I have received an enormous volume of correspondence on this matter.

