Legislative Council

Wednesday, the 10th October, 1979

The PRESIDENT (the Hon. Clive Griffiths) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS

Questions were taken at this stage.

RESERVE (WOODMAN POINT-JERVOISE BAY) BILL

Returned

Bill returned from the Assembly without amendment.

PAY-ROLL TAX ASSESSMENT ACT AMENDMENT BILL

Second Reading

THE HON. G. C. MacKINNON (South-West—Leader of the House) [4.44 p.m.]: I move—

That the Bill be now read a second time.

The Bill seeks to implement certain proposals contained in the Budget relating to pay-roll tax.

It will give effect to the reduction in the level of taxation in the following manner—

increase the level of the allowable deduction, which will result in exempting more small businesses from pay-roll tax;

change the range of tapered deduction, which will reduce the tax payable by those businesses which receive this form of deduction; and increase the minimum exemption applicable to all businesses.

In addition, the provision that prevents the proposed changes in the law from imposing any increased taxes on any business during the transitional period will be continued to ensure that no taxpayer will be disadvantaged by the proposed amendments.

The proposed reduction in tax levels will mean that under a full year's operation, all businesses will pay less pay-roll tax or be exempt from this form of tax.

The concessions to taxpayers contained in this Bill have been made possible by Government's prudent and successful management of the State's finances.

Generally, under the current provisions of the Act, all taxpayers with a pay-roll of $60 000 or less pay no tax.

This basic level of deduction has applied since the 1st December, 1977. The amendment, at that time, increased the previous level of deduction by 25 per cent.

The current proposal is to now raise the level from the existing figure of $60 000 to an amount of $72 000, representing an increase of 20 per cent.

The effect of this provision will be to relieve a further 820 small businesses from the imposition of pay-roll tax.

The existing taper scale results in a reduction in the present deduction of $60 000 by $2 for every $3 by which the annual pay-rolls exceed that sum.

This means that, currently, taxpayers receive a diminishing deduction until the annual pay-roll reaches $109 500. For pay-rolls of $109 500 and above, there is now a flat minimum deduction of $27 000.

The same system will be employed to taper out the new and higher deduction, which will now mean that pay-rolls between $72 000 and $131 400 per annum will be in the proposed taper range.

As a result of this, pay-roll taxpayers within the existing taper range and who remain in the new range will receive a higher deduction and, therefore, will pay less tax.

For example, a taxpayer with an annual pay-roll of $102 000 under the existing legislation pays on taxable wages of $70 000.

Under the proposals in this Bill the same annual pay-roll, when the changes operate for a full year, will require the taxpayer to pay tax on taxable wages of only $50 000. This will reduce the amount of tax payable by $1 000.

The current minimum deduction of $27 000 will be increased to $32 400 under the proposals contained in this Bill. This also is an increase of 20 per cent on the present level of exemption.

The increases in the basic level of exemption, together with the minimum deduction and the extension of the taper range, will provide relief to all businesses.

For a relatively large number of small businesses, it will mean total exemption in future from this form of taxation. Therefore, under the proposed arrangements in this Bill, all taxpayers with annual pay-rolls above $131 400 will receive a flat deduction of $32 400.

A special provision has once again been inserted in the amendments to ensure that no taxpayer is required to pay more pay-roll tax than he would have been liable to pay had the law not been amended by these proposals.

This situation could arise in certain cases, generally in respect of businesses which operate seasonally. It will occur in a transitional year; that is, the current financial year, where different limits and concessions apply to each portion of the 12-month period.

The situation can arise because of the changes to be made in the law and, therefore, a taxpayer's assessment must be divided into two separate periods, causing the deductions to be apportioned.

The main type of taxpayer who would be disadvantaged is the seasonal employer, where the bulk of the taxable wages is paid in the period from the 1st July, 1979 to the 31st December, 1979.

For example, an employer could have a total wage bill of $63 628 for 1979-80. Of this sum, $38 424 will be paid in the first six months and only $25 204 in the second six months.

If the law is not amended, the taxpayer would be entitled to the deduction applicable to his taxable wages level for the full 12 months and his tax bill for 1979-80 would be $302.

However, because of the changes to be made in the law, the assessment must be divided into two separate periods and, therefore, the deductions are apportioned.

In this example, it means that for the period ending the 31st December, 1979, the taxpayer would be liable for tax of $702, but in the second period ending the 30th June, 1980, he would be exempt from tax because the taxable wages paid in that period would be below the proportion of the increased deductions.

Therefore, in this case, the change in law would disadvantage the taxpayer to the extent of $400 in 1979-80.

This is not a result which is consistent with providing reduced pay-roll tax and therefore the inclusion of this provision in the Bill would enable the taxpayer to apply to the commissioner for a refund or rebate of the $400 overpaid, in this example.

However, the provision contained in the Bill will ensure that any taxpayer placed in this type of situation will not be required to pay any additional tax.

The example quoted is taken from actual figures of a taxpayer for the 1978-79 financial year.

To arrive at some sort of comparison, it was assumed that the actual amount of taxable wages paid in 1979-80 would be approximately the same amount and proportions as the previous year.

The provision limits the refund or rebates to sums in excess of $10, as the time involved in the preparation and processing of an application for a smaller sum would cost more than the amount of the refund and therefore would be more costly both to the taxpayer and to the department.

In summary, as a result of the proposals contained in this Bill, all taxpayers will receive relief from tax by various amounts ranging up to $1 000 per annum and 820 small businesses will become totally exempt from the payment of this tax.

This Bill contains a saving clause to enable the commissioner to continue to raise an assessment of tax in the event of cases coming before him for past periods.

A number of the other provisions in the Bill deal with changes in the amounts which regulate the submission of returns and prescribe the deductions to be made from taxable wages. These reflect the decision to provide further relief from pay-roll tax.

In order to calculate the annual deductions applicable to the various situations in which pay-roll tax is levied, formulae are employed.

For the transitional year, the legislation has been structured to divide 1979-80 into two parts, with one adjustment at the end of the financial year.

The first part covers the period from the 1st July, 1979 to the 31st December, 1979 and the second part from the 1st January, 1980 to the 30th June, 1980. The reason for the division is that different limits and concessions apply to each period.

An annual adjustment of tax payable is necessary under the existing law and will continue to apply in future. This arises from the tapered nature of the deductions which, when taken in conjunction with the fluctuations in monthly pay-rolls, makes it impossible to determine the precise amount of deduction entitlement until the end of the year.

Similar provisions containing the formulae calculations are contained in the Bill for the purpose of amending the grouping provisions, as groups are to receive the same concessions as other taxpayers.

Provision is made to apply the amendments to the pay-roll tax legislation on and from the 1st January, 1980.

The cost to revenue of the proposals contained in this Bill is estimated to be $900 000 in the current financial year, as they apply for only part

of the year. The cost is estimated to be $2.2 million in a full year of operation.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. D. K. Dans (Leader of the Opposition).

PENSIONERS (RATES REBATES AND DEFERMENTS) ACT AMENDMENT BILL

Second Reading

THE HON. G. C. MacKINNON (South-West—Leader of the House) [4.53 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to amend section 4 of the Pensioners (Rates Rebates and Deferments) Act to institute three proposals which are designed to—

provide for the granting of rate concessions from the 1st July, 1979, to pensioners who are at present ineligible for the concessions, because they own their properties under "purple title";

increase the level of the rate rebate from 25 per cent to 50 per cent as from the 1st July next year; and

clarify that, in view of proposed changes to the various water supply Acts in regard to tax deductibility of rates, the pensioner rate concessions continue on the basis previously intended and do not apply to water consumed beyond allowance.

Currently, under the provisions of the principal Act, pensioners owning property under "purple title" are excluded from entitlement to rate concessions if the other occupiers or owners of the property are neither eligible pensioners nor dependants.

It has always been the Government's desire to extend the concessions to pensioners in this category, but the nature of the title itself has been an impediment to this intention.

A "purple title" is a title under which land is owned by persons as tenants in common of undivided shares. It is this "undivided" aspect that presents problems in the operation of the concessions scheme.

Firstly, there are problems for rating authorities in assessing the proportion of rates attributable to a pensioner from within a rate levied on the property as a whole. Such assessment is particularly difficult for authorities rating on the unimproved land value.

Secondly, there is a major problem in that, as the shares are undivided, rates deferred under the concessions scheme represent a liability on the property as a whole and therefore on all other owners.

Given the inherent practical difficulties associated with "purple titles", it has not been an easy task to find a legislative solution to these problems. However, it is believed that in the amendments proposed by this Bill, the Government has gone as far as legally possible to allow the rate concessions to be granted to the pensioners concerned.

The Bill provides for the granting of a rebate or deferment of rates by a proposed addition to section 4(3)(b) of the principal Act. This is intended to make a special exemption for "purple title" holders and ensure that the concession relates only to the portion of the land occupied by the pensioner.

The matter of residual liability for rates deferred on a "purple title" is covered by a proposed new section 4(5), which provides that the liability for rates so deferred attaches only to that portion of the land on which deferment was allowed.

However, it must be pointed out that even with these proposed amendments to the Act, there will be limitations in the application of the scheme, whereby the concessions may not be universally or consistently granted.

It is important to recognise that the apportionment of shares in a "purple title" arrangement can be rather complex and that a person's share in a title may bear no relation to the particular dwelling unit he or she occupies.

For example, a person could own a one-third undivided share in land on which eight units are built, but occupy only one unit. The units could vary in size and quality and this could lead to further difficulty in linking a rate liability to a particular unit.

It is expected that the majority of cases to which the amendments relate will involve pensioners owning property under less complex arrangements, such as duplexes. However, it must be emphasised that in some instances rating authorities will experience difficulty in issuing, or find it impossible to issue, an assessment on a unit to which a concession can be applied.

It is therefore envisaged that, in the practical application of the proposed amendments, some authorities may not be able to comply with the Government's intentions and the approach of others regarding apportionment may lead to inconsistencies in the scheme.

Bearing these factors in mind, it will be appreciated that there is a limit to how far one can go in legislation to cover all contingencies and in the complex matter of "purple titles" shortcomings must be accepted if the interests of most pensioners are to be served.

Members will recall that in his recent Budget speech, the Treasurer announced the Government's intention to increase the rate rebate for pensioners from 25 per cent to 50 per cent, with the increase to apply from the 1st July, 1980. This substantial lift in the benefit to pensioners is provided for by a proposed amendment to section 4(1) of the principal Act.

It has been past practice for local authorities and the country water boards to be reimbursed by the State in respect of rate rebates granted to pensioners and to be financially assisted in respect of rate deferments.

With the introduction of the increased level of rebate from next financial year, the Government also has decided to assist the Metropolitan Water Board in meeting the cost of the rate concessions. As from the 1st July, 1980 the State will share the cost of rebates allowed to pensioners on a dollar-for-dollar basis with the board, but the board will continue to bear the full cost of deferment of rates.

It is estimated that the total additional cost to Consolidated Revenue of the increased rebate in 1980-81 will be $1.85 million, being $1.1 million in payments to those authorities now subject to reimbursement and $750 000 in recoups to the Metropolitan Water Board.

The final measure proposed by this Bill is consequential to amendments proposed to water supplies Acts, through Bills which are to follow.

The changes proposed for the Metropolitan Water Supply, Sewerage, and Drainage Act, the Country Areas Water Supply Act, and the Water Boards Act, are aimed to enable all water charges paid on residential properties to be deductible for income tax purposes.

In brief, the respective Bills propose to achieve this aim by redefining the water rate as the sum of the present basic water rate and the charge for water used. Unless specific provision was otherwise made, the effect of these amendments would be to allow rebates or deferments to pensioners in respect of all water charges.

However, such an effect would be contrary to the well-established principles on which the pensioners' rate scheme is based; namely, that the concessions should apply only to the rate component of charges. In this regard, charges for specific services provided, such as garbage collection and excess water, have always been excluded from the concessions.

To allow such an eventuality would also be in direct conflict with principles of the current pay-for-use water charge scheme, which was introduced specifically to promote the efficient management of water consumption. The provision of what, in effect, would be a discount on water consumed by a significant sector of the community would defeat that objective.

Therefore, to ensure conformity with these valid principles, this Bill includes an amendment to section 4(1) of the Act to exclude from pensioner rate concessions, payments for water consumed beyond allowance; in other words, to retain the current situation because of the problems brought about by the changed definition.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. F. Claughton.

METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT AMENDMENT BILL (No. 3)

Second Reading

THE HON. G. C. MacKINNON (South-West—Leader of the House) [5.01 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to enable all water charges paid in respect of residential properties to qualify for rebate for income tax purposes.

Before the pay-for-use method was introduced in July, 1978 water rates for residential properties, as well as sewerage and drainage rates, qualified for rebate under the provisions of Federal income tax legislation, but charges paid for water used beyond allowance did not so qualify.

The pay-for-use system is based on a shift in emphasis in the overall cost structure from the water rate portion to the charge for usage portion.

As a consequence, some domestic consumers could possibly be disadvantaged by a reduction in their tax rebate in comparison with the past. Of course, this applies only to those taxpayers whose concessional expenditure exceeds the standard rebate amount granted by the taxing authority.

It is proposed, therefore, to amend the principal Act to meet the requirements of income tax law in regard to the rebate.

The Bill ensures that the rate is one item only for this purpose. In other words, it shows that the

charge for service and the charge for water usage, which are separately identified in the present Act, are components of, and constitute the whole rate.

The advice of the Commissioner of Taxation was sought in this matter. Although it will be appreciated the commissioner cannot be bound either by actions of the State or by rulings given in advance, it is believed that the Bill adequately covers requirements. It applies to all the alternative bases for fixing charges as are contained in the principal Act.

The amendment will be retro-active to the 1st July, 1979 to ensure that the already assessed annual rate is based upon a composite calculation and that qualification for rebate may apply to the income year ending the 30th June, 1980.

To reiterate, the object of this Bill is to ensure full taxation rebate to those income earners affected.

As mentioned during the introduction of the Pensioners (Rates Rebates and Deferments) Act Amendment Bill, action has been taken to ensure that pensioners are not able to claim deferment or rebate on that part of the rate which applies to water consumed above the allowance.

Similar amending legislation follows to ensure the same provisions apply to taxpayers in country areas served under the Country Areas Water Supply Act and the Water Boards Act.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. D. W. Cooley.

COUNTRY AREAS WATER SUPPLY ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. G. C. MacKINNON (South-West—Leader of the House) [5.05 p.m.]: I move—

That the Bill be now read a second time.

This Bill is the second of three Bills seeking to give effect to the Government's wish to enable all water charges paid in respect of residential properties to qualify for rebate for income tax purposes.

At present domestic consumers supplied with water by the Public Works Department pay for each kilolitre used. This charge, because it is not a rate, in the past has not been a taxation deduction.

The main clause of the Bill is that which seeks to amend section 63 of the principal Act. This provides that the water rate payable in respect of rateable land is to be assessed as the sum of the basic water rate, which is the present rate, plus the charge for water used.

The balance of the amendments are machinery ones, designed to give effect to this concept.

The draft has been discussed with the Taxation Department and the opinion has been expressed that any payments made under this Act as amended should qualify for rebate for income tax purposes. Incidentally, it might be of interest to note that the Taxation Department referred to is the Commonwealth department.

However, the same qualification is added as in the previous Bill that the Taxation Department is not bound by actions of the State, or by opinions given prior to particular action by a taxpayer.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. D. W. Cooley.

WATER BOARDS ACT AMENDMENT BILL

Second Reading

THE HON. G. C. MacKINNON (South-West—Leader of the House) [5.07 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to amend the Water Boards Act to give effect to the Government's wish to enable all water charges paid in respect of residential properties to qualify for rebate for income tax purposes.

At present domestic consumers supplied with water by the various water boards constituted under the Water Boards Act receive a water allowance for rates, but consumption in excess of this allowance is chargeable.

This charge, because it is not a rate, in the past has not been a taxation deduction.

The amendment to section 92 of the principal Act seeks to give effect to the principle that consumers may obtain a taxation rebate.

As with the previous two Bills, the water rate becomes the sum of the basic rate, plus the amount paid for water used.

This Bill seeks to extend the concept outlined in the explanation of the Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Bill (No. 3) to those consumers served by the various water boards in country areas.

Again, the draft has been discussed with the Taxation Department and the opinion has been expressed that any payments made under this

Act, as amended, should qualify for rebate for income tax purposes.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. D. W. Cooley.

GOVERNMENT RAILWAYS ACT AMENDMENT BILL

In Committee

The Deputy Chairman of Committees (the Hon. T. Knight) in the Chair; the Hon. D. J. Wordsworth (Minister for Lands) in charge of the Bill.

Clause 1: Short title and citation—

The Hon. F. E. McKENZIE: While this amendment is very necessary I express a great deal of concern for its necessity. It is required, because unless we agree to this new method of leasing equipment by Westrail, it could well be that the whole system will collapse.

We all know the Government is having difficulty in raising sufficient funds for capitalisation. The reason is that the Federal Government has severely cut back the funding provided to the State under the urban passenger transport improvement programme. If we had been given a fair go by Canberra a Bill of this nature would not be necessary.

The problems are not confined only to Western Australia; they also are felt in every other State of Australia. Whereas some States generate funds from their own sources to assist the capital funding of Government ventures, this Government appears to do very little in that regard.

I am concerned that now we are in a position of leasing not only buses—a recent innovation on the part of the MTT—but we are now also leasing railway equipment. As I see it, this will be detrimental with respect to the employment of people in Western Australia. If we lease railcars and any other type of equipment we will remove the opportunity for the construction of this equipment in the Midland workshops.

The problem is twofold. We are importing equipment from overseas that easily could be manufactured here and in doing this we are taking away the opportunity for employment in this State. The Midland workshops have been gradually allowed to run down since the early 1950s. No money has been injected into the workshops and the equipment is obsolete. That is not to say the standard of workmanship is poor; in fact it is quite the reverse. Despite the handicap of obsolete machinery, the workshops have been able to set an example to others in Australia by manufacturing first-class equipment.

Now that this Bill is facilitating a move towards the leasing of equipment, the opportunities for those workmen employed at Midland to utilise their skills will disappear. Members would be aware that in the Midland workshops there is a British firm—Transmarc—of efficiency experts carrying out an examination of the workshops. I can envisage some advantage in respect of the necessity to re-equip the workshops, but I can envisage very detrimental effects on the work force there.

I forecast a severe reduction in the number of men employed in the Midland workshops when this team of efficiency experts finishes its work.

The Hon. J. C. Tozer: Are they under-employed?

The Hon. F. E. McKENZIE: The situation will be exacerbated because the maintenance and construction programmes at the workshops will disappear. Instead of the construction programme being carried out with funds from Government sources, the workshops will be forced to lease equipment imported from overseas or other parts of Australia. That is a tragedy in itself.

There is no question of the Opposition not supporting the Bill; however, we are critical of the Federal Government's reluctance to provide funds, just as we are critical of this Government's refusal to allocate funds from its General Loan Fund. There are some very adverse features of the Bill with respect to declining employment opportunities, but generally we accept the Bill.

The Hon. D. J. WORDSWORTH: The spokesman for the Opposition said that he had to say something. I can only indicate that it would have been better had he not said anything because all he has said is utter and complete rubbish. This is the kind of propaganda the ALP loves to spread around. It indicates that the Government is trying to put the employees out of a job and that it is doing everything to try to cut down in the railways.

The Hon. R. Hetherington: You ought to talk to the unions out there. The ALP does not have to spread anything.

The Hon. D. J. WORDSWORTH: The fact that Westrail will lease does not mean that the units will be imported from overseas, but this is the basis of the argument submitted by the Opposition. Leasing is a very common form of financing today and it is utilised considerably in business. However, leasing has no bearing on the source of the article involved. We will not

necessarily import the items or change our present source. They could be made overseas, interstate, or locally; this will not be affected if we lease the items.

There are different ways by which we can lease an article. The person from whom the article is leased could make an arrangement to buy; it could be purchased and sold to the person who is leasing it; or, in this case, it could be made in our own workshops and sold, and then leased back.

Leasing is beneficial because the person who purchases the item can take advantage of the various taxation incentives the Federal Government allows. There is an investment tax of 20 per cent which is beneficial to the purchaser and this item can also be depreciated. Definite benefits accrue to a Government if it leases an item the same as they accrue to private enterprise if it leases.

It is wrong entirely for the Opposition to say that leasing will affect employment at Midland. It is true that an English company is studying the situation at the Midland workshops. Undoubtedly efficient and skilled workers are employed there. In fact the workshops have long been recognised for the apprentices it produces. The need may exist for the equipment to be updated and this is the sort of recommendation which will come from the inquiry. I personally hope that it will not be necessary to employ as many as are presently employed at the workshops. A quarter of Westrail's work force is employed in the workshops keeping the plant on the rail. The inquiry will be of great benefit and will add to the efficiency of Westrail.

The Hon. F. E. McKENZIE: I would expect the Minister to give me a guarantee that the equipment which will be leased will be constructed at the Midland workshops. As I have said, the workshops are quite capable of undertaking this work. Over a long period of time they have proved this. The former chief mechanical engineer (Mr D. McCaskell) has said on a number of occasions that electric railcars could be constructed in the workshops.

The Minister has said that I spoke a lot of rubbish, so I would expect him to give me a guarantee that anything leased will be constructed in the workshops. I do not believe it will be. As an example, I cite the Mercedes linc buses. Were they constructed in this State or were they imported? How much of the work on them was carried out in the State?

If the Minister is prepared to give me that guarantee, I will be happy. He indicated that he was staggered to learn that almost a quarter of Westrail's work force is employed in the workshops. It may be that he is indicating there will be a cut back in that work force. I have made the bold statement—which he described as rubbish—that there will be a cutback.

The Hon. D. J. Wordsworth: I described as rubbish the fact that you said that if the railcars are leased, they must be imported.

The Hon. F. E. McKENZIE: Will they be imported? That is what I want to know. Another bad feature of leasing the equipment is that it is never owned by the Government. This was disclosed in answers to questions asked in this House about the linc buses. We find in that regard that after 10 years the lease will be renewed, but despite the fact that the MTT will have paid 140 per cent of the total cost, it will not own the vehicles. It will then have an option to renew the lease for a further 18 years after 140 per cent of the original cost has been paid. More is involved than is disclosed in the simple statement of the Minister. I would like him to guarantee that the equipment will be constructed here because it can be made in Western Australia. There is no doubt about that, but if the Minister does doubt me he should ask Mr McCaskell.

Clause put and passed.

Clause 2: Section 13 amended—

The Hon. N. E. BAXTER: This clause raises several aspects regarding the future of the railways rolling stock. In the Minister's second reading speech he indicated that 10 new suburban railcars would be funded and that tenders were being evaluated currently. I am wondering how far this leasing arrangement will go. According to the Minister's speech, the commissioner has the power now to lease rolling stock or any other item in connection with railways, but the Bill makes certain that it can be done legally.

We are short of rolling stock, particularly in relation to the carting of superphosphate and wheat and I wonder whether the Government has in mind that in future the superphosphate companies will finance some of the trucks required for the cartage of super. I know it has been mooted that CBH will enter this field. I understand that under its charter the rail trucks could be regarded as storage units. CBH is aware of the fact that insufficient rolling stock is available to transport the wheat, particularly in a normal season. The situation is not so bad in lighter seasons, but in a normal season the railways lag behind in the transport of wheat, particularly to ports like the modern port of Kwinana. If more trucks were available, much

more wheat would be shifted and shipped out of the Kwinana facilities.

Could the Minister indicate whether the Railways Commission has any idea of approaching the superphosphate companies or CBH in this regard?

The Hon. D. J. WORDSWORTH: I cannot indicate exactly what the negotiations have been, as I am not the responsible Minister. I am aware that Westrail endeavours to negotiate with the major users of the system to supply their special purpose wagons, and a special price is offered to those companies which do. Westrail has to supply only the motive power rather than the entire train. Such a system removes the risk that the industry might collapse. I have in mind the special purpose units such as those built for the wood chip industry. It was far better that the industry produce its own trucks and in this way the State was in no way responsible for their continued use.

I think I am correct in saying that the Railways Commission has made an offer to CBH, but that organisation requires all its own borrowing power to build its bulk handling facilities such as the one it has established at Kwinana.

It is debatable how many more modern aluminium bulk wagons Westrail should own. Obviously it is able to cart the grain produced, but it does this over a 52-week cycle so that the facilities are in use all the time. If more wagons were available the grain could be carted quicker, but it is not considered that this is necessary. The cartage of the grain to the port has not been the cause of the present hold-up. The hold-up has been in connection with its shipment from the port; and Westrail has had to move grain to various other places. Up to date it has always met the requirements. Perhaps CBH would like the grain to be moved faster at harvest time, but the present procedure is preferred by Westrail.

Mr McKenzie asked whether I could give an assurance that the units would be built in Midland. That has nothing to do with the Bill which merely deals with whether or not Westrail can lease. This has nothing to do with where the units are made.

The Hon. F. E. McKENZIE: I asked the Minister whether or not he could give a guarantee that the 10 new railcars to be funded would be constructed in Midland. He should delay the third reading until tomorrow so that he has an opportunity to ascertain this information. The tenders closed on the 28th June and a decision will be made in mid-December. However, the Government would have some idea of its intention in this regard.

Mr Baxter referred to a shortage of rolling stock for the cartage of super and wheat. I assume he was referring to narrow gauge rolling stock. When the standard gauge project was undertaken at a cost of almost $100 million, including the Kewdale installation, we were told that one of the benefits which would result would be an increased amount of rolling stock. In the meantime the Meekatharra-Mullewa railway line has closed down so there should be plenty of rolling stock available. It disturbs me to know that there is a shortage and that the farmers are experiencing difficulty in obtaining trucks for the transport of their wool and the like.

That is a sorry state of affairs because it is not long ago that the standard gauge system was introduced into the State. If we are in that situation in such a short space of time, it indicates very serious neglect of the Western Australian railway system, despite what we have been told here on a number of occasions. People working at the Midland Workshops at the present time are very fearful about their future, and I ask the Minister to delay the third reading until tomorrow so that he can come back to this Chamber with some positive answers and some assurances to allay the fears of those people.

The Hon. D. J. WORDSWORTH: Tenders have been called and are now being reviewed. They must go through the Tender Board and so on. I cannot make statements about that matter at the present time. Mr McKenzie's request is ridiculous. We are debating whether the commissioner should have the ability to lease, and I intend to confine debate to that matter. If Mr McKenzie is so worried about employment at Midland, he should have thought about it in the second reading debate.

Clause put and passed.

Clauses 3 and 4 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

ELECTORAL ACT AMENDMENT BILL (No. 2)

In Committee

The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. G. C. MacKinnon (Leader of the House) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 4 amended—

The Hon. W. R. WITHERS: I move an amendment—

Page 2—Insert after paragraph (a) the following new paragraph to stand as paragraph (b)—

(b) by inserting before the interpretation "local governing body" an interpretation as follows—

"Illiterate Person" means a person who has insufficient education to read an electoral enrolment form to the satisfaction of the Chief Electoral Officer.

My amendment aims to remove the racism which exists in the Bill and in the Act. During the second reading debate I pointed out that over the years racism in the Electoral Act of this State had increased and then started to decrease. At one stage it was not possible for any native or half-blood native from Asia, Africa, or Australia to vote in Western Australia. Subsequently the eligibility provision was amended to enable a native person from Asia or Africa to vote, but the Australian Aboriginal was still not allowed to vote.

As the legislation stands today, an Aboriginal is allowed to vote, but voting is optional. He is not forced to vote and he does not have the same standing as other members of this Chamber. No member of this Chamber is allowed to opt out of the electoral system, but the Aborigines are allowed to do so.

Most members of this Chamber do not wish to be racist, and I know some members will have doubts and reservations about what I seek to achieve with my amendment. Those doubts and reservations were expressed by the Hon. Margaret McAleer in her second reading speech last night. The Leader of the House commended her on her speech. It was a compassionate speech and I agreed with the Leader of the House. She mentioned that the only complaints she had received about the provisions of clause 8 came from Aborigines, and their complaints were couched in the terms that they would prefer compulsory voting for all Aboriginal people. She went on to say—

> The reason the minority is free to decide whether or not to vote is based on the premise that some of them are without rudimentary education.

Probably all of us have the same reservations, but I think the amendments I propose, if accepted, will remove the reservations because they allow an illiterate person to choose whether or not to be placed on the electoral roll. Miss McAleer also said—

> Since all non-Aboriginal citizens are obliged to vote there must be a percentage who are uninterested or who are handicapped by inability to read or write. They could be handicapped by a minimal education but none of those people are exempted.

Again, I think the definition of an illiterate person which is contained in my amendment will remove the reservations because, together with the other amendments I will propose, an illiterate person will be able to opt out of the system and racism will be removed from the Bill. Miss McAleer went on to say—

> The problem is how to distinguish those who ought to be exempted.
>
> The inability to read or write is not enough. There are many people in that category who are well aware of current issues and are well informed, but I look forward to the day when we do in fact have compulsory voting for all people.

I think that day has arrived and we must now face up to our responsibilities by removing the last vestige of racism from the Act through this Bill. Miss McAleer concluded her speech by saying—

> However, we should all bear in mind that there is a time for these things—

She is referring to the removal of racism. To continue—

> —and we should press on to make that time as short as possible.

I also believe we should make that time as short as possible—within the next two hours or whatever time it takes for this Bill to go through the Committee stage. We cannot in this day and age expect people to accept racism.

I do not think it is fair that any person should be exempted from enrolling on the electoral roll on the basis of race. Under the Act as it stands, an Aboriginal person can opt out of the system and decline to accept his responsibility, regardless of his educational background or whether he has an IQ of 150 or a good social position. Yet a non-Aboriginal person who has no education, who is totally illiterate, or who may even be mentally deficient to some extent can be forced to enrol, even though he cannot read electoral material and may not understand the principles of voting. Our law forces those illiterate people of all races other than Aboriginal to enrol. It is most unfair and undemocratic and it is also racist, because we exempt Aborigines on the basis of race.

My first amendment defines an illiterate person, and at a later stage I will move amendments to eradicate racism and exempt illiterate persons from voting if they so wish. I doubt very much that my amendments, if passed, would give rise to any charges. I do not think anyone would claim to be illiterate if he were not illiterate, and of course no-one has to fill in a form claiming that he is illiterate. He may simply elect not to go on the roll, and no form-filling is involved. If someone in the community reports to the Chief Electoral Officer that a certain person is not on the roll, the Chief Electoral Officer would have to satisfy himself whether the person was illiterate according to the definition.

I ask members to consider the presentation of my debate, and I implore them to vote for the amendment.

The Hon. D. K. DANS: I oppose this amendment because it is merely window dressing, and I take exception to the wording of it. The definition of "education" is wide, and I think Mr Withers is thinking of formal education. Many of the people to whom he is adverting have been educated in all manner of things by tribal elders, as he well knows; but their education does not include reading, writing, and arithmetic. I would have thought that had Mr Withers wished to be sincere in respect of racism, his definition of "Illiterate Person" would say that it is a person who cannot read an electoral enrolment form to the satisfaction of the Chief Electoral Officer.

However, he has broadened the definition by including the word "education". The dictionary states that "education" means to educate, to bring up a young person, to give intellectual and moral training, to provide schooling, a physical or mental faculty, etc. Whilst Mr Withers is supposed to be removing racism, at the same time he is denigrating the people he is trying to help.

I oppose the amendment.

The Hon. R. J. L. WILLIAMS: I would like to support the amendment, but I find myself agreeing with the Leader of the Opposition in respect of the definition of "Illiterate Person". I think the amendment would be better if the words "insufficient education" were omitted. A Latvian professor would have insufficient education to read a Western Australian enrolment form, but that does not mean he is illiterate. If the definition were changed so that an "Illiterate Person" meant a person who, not being physically handicapped, is unable to read or understand an electoral enrolment form, that would be all that is necessary.

The Hon. D. K. Dans: You would include a whole host of people if you say "cannot understand".

The Hon. R. J. L. WILLIAMS: Well, comprehension is the name of the game, and where there is no understanding there is total illiteracy.

I appreciate what Mr Withers is trying to do; but an elector must have sufficient comprehension to understand the form. If a person has a stroke he may be physically unable to read a form, although he may still retain certain of his senses. I cannot support the amendment as it stands.

The Hon. A. A. LEWIS: I have heard two farcical arguments, one from the Leader of the Opposition and one from the Hon. John Williams. In respect of the argument presented by Mr Williams, I thought in order to have a vote one must be naturalised, and in order to be naturalised one must be able to understand a certain amount of English.

The Hon. D. K. Dans: Not necessarily. You are way off the target.

The Hon. R. Thompson: They don't necessarily have to be able to understand English.

The Hon. A. A. LEWIS: Is the member referring to persons over 65 years of age?

The Hon. R. Thompson: That is right.

The Hon. A. A. LEWIS: Well then, let us say the Latvian professor was retired.

I now deal with Mr Dans farcical objection. The Labor Party is caught on a hook, because Mr Withers, who together with Mr Tozer understands the problem better than anyone else in this Chamber—

The Hon. D. K. Dans: I refute that. I do not think either of them understands it.

The Hon. A. A. LEWIS: Of course Mr Dans would refute it because he has hooked himself and he is trying to wriggle off the hook. Mr Withers has given members opposite an opportunity to do something they have been crying about ever since I have been in this Chamber, but now they are backing off so quickly we cannot even see them. They are running for cover.

The Hon. D. K. Dans: Discuss the amendment, please, or I will have to take a point of order.

The Hon. A. A. LEWIS: Have a go. It does not worry me. The Leader of the Opposition will use every tactic to get himself off the hook.

The Hon. D. K. Dans: For goodness sake, please be rational.

The Hon. A. A. LEWIS: Mr Dans is trying to get off the hook, but he is well hooked. I hope

some of the saner members on his side of the Chamber will not use his argument. I am sure fair-minded members such as Mr Cooley would not use it.

The Hon. D. K. Dans: I am glad you said that, because no fair-minded members voted for the second reading of this Bill. That is my opinion.

The Hon. A. A. LEWIS: Is not that a magnificent statement!

The Hon. D. K. Dans: You are so crooked you screw your socks on.

The CHAIRMAN: Order! The question is that the proposed new paragraph be inserted.

The Hon. A. A. LEWIS: I am supporting that proposition, Sir.

The Hon. R. F. Claughton: You could have surprised us.

The Hon. A. A. LEWIS: That would not be hard. Mr Withers has moved an amendment which removes racism completely from the legislation. The Opposition has had time to—

The Hon. D. K. Dans: Mr Withers goes all around the north-west spreading very bad advice at times.

The CHAIRMAN: Order!

The Hon. W. R. Withers: That is not true.

The Hon. D. K. Dans: I heard his own Federal Minister say that.

The CHAIRMAN: Order! The debate will be assisted if members obey Standing Orders and Mr Lewis will continue his speech.

Point of Order

The Hon. D. K. DANS: Mr Chairman, I will obey you at all times. You have told the Chamber to obey Standing Orders and stick to the rules of debate. I think it would be a good idea if Mr Lewis stuck to the amendment before the Chair.

The CHAIRMAN: Order!

The Hon. D. K. DANS: For the last five minutes he has not mentioned the amendment.

The CHAIRMAN: Order! There is no point of order. I have requested members to consider the amendment before the Chair and I have drawn Mr Lewis' attention to this. I invite him to continue.

Committee Resumed

The Hon. A. A. LEWIS: Thank you, Sir. As I was saying, I support the amendment. In the second reading debate last night we heard about people wanting to be fair dinkum about the Bill. If we really want to be fair dinkum—and I will debate the accuracy of Mr Withers' drafting—

The Hon. D. K. Dans: I want you to debate only the amendment, and nothing else.

The Hon. A. A. LEWIS: I am addressing the Chair, and I will cast aside unruly interjections. This is an honest attempt—a fair dinkum attempt—to do something. After what we heard from members opposite last night, I would have thought this amendment would appeal to them, because it is an attempt to remove racism. Members opposite last night implied racism is one of the major matters in the Bill. Here is an opportunity to support the removal of racism, but they have been Caucused into opposing the amendment.

Mr Bill Withers is to be congratulated for moving the amendment. I hope it succeeds.

The Hon. G. C. MacKINNON: Mr Chairman, I would like to refer to one or two other amendments, because the amendment moved by Mr Withers is a definition in order to allow a subsequent amendment to be made. Although I am not sure, I think probably the amendment was not prepared by the private members' Parliamentary Counsel—

The Hon. W. R. Withers: That is correct.

The Hon. G. C. MacKINNON: —because as it stands, it cannot operate.

The Hon. W. R. Withers: That is not correct.

The Hon. G. C. MacKINNON: The amendment refers to an "electoral enrolment form" which is not defined in the Act. The proper wording is "electoral claim".

The Hon. A. A. Lewis: It can be amended.

The Hon. G. C. MacKINNON: Of course; I merely want it to be known that the amendment was not prepared by the Parliamentary Counsel.

The Hon. D. K. Dans: I think everyone would know that after reading it.

The Hon. G. C. MacKINNON: In this Chamber, yes; but many people read *Hansard*.

A better definition is that produced by SPELD, which refers to non-readers or persons of limited literary skills. A person can be a non-reader, but still be highly educated. If by "education" the member refers to formal schooling, let me point out I know one or two extremely successful politicians—not in this Chamber—who had to have practically everything they said told to them.

The Hon. Grace Vaughan: Some brilliant people are dyslexic.

The Hon. G. C. MacKINNON: I am not talking about such people, but about those who

have a defect which makes them almost illiterate. Therefore, illiteracy has nothing to do with education.

I wish to refer to discrimination. We hear people talking about racism and sexism; they are referring to discrimination. Yet, if not daily, then certainly weekly, we pass discriminatory legislation in all forms. I am pleased to say in the main we discriminate in favour of people—slow learners, spastics, paraplegics, quadriplegics, and a whole range of others. There is nothing intrinsically bad about discrimination, although everyone seems to think there is.

In 1970 we were well on the way to doing what Mr Withers wants to do; that is, removing what he refers to as racism. That means total discrimination in the Aboriginal situation. With the introduction by the Labor Government of the Department for Community Welfare an effort was made and there was talk about disadvantaged persons; but it simply has not worked. Mr Whitlam compounded the problem, and it has been kept up by the Fraser Government.

The Hon. D. K. Dans: Did not we have a referendum on Aborigines at one stage?

The Hon. G. C. MacKINNON: We had a referendum on Aborigines. It was misunderstood totally and absolutely, because at that time the Commonwealth Government had power to make laws discriminating in favour of Aborigines.

The Hon. D. K. Dans: That was carried overwhelmingly.

The Hon. G. C. MacKINNON: I know. The point is that if the amendment moved by Mr Withers goes into the Act, that will change the whole nature of the Electoral Act. Presently there is a provision whereby an Aboriginal may or may not enrol. He has the privilege to decide. Mr Withers wants to make it compulsory for an Aboriginal to enrol unless he is illiterate. In other words, from the passing of the amendment every Aboriginal, wherever he may be, must enrol; and every illiterate person—

The Hon. Grace Vaughan: A jolly good idea, too.

The Hon. G. C. MacKINNON: Every illiterate then finds that he need or need not. What Mr Withers is trying to do is impractical, to start with. I know that recently, with the upsurge in the pseudo science of social welfare—

The Hon. Grace Vaughan: We never claimed it to be a science.

The Hon. G. C. MacKINNON: I have become confused.

The Hon. Grace Vaughan: That is what happens when you tell fibs.

Sitting suspended from 6.03 to 7.30 p.m.

The Hon. G. C. MacKINNON: Prior to the tea suspension I had started to develop my argument as to why this amendment should not be agreed to. I was pointing out that there are a great number of Acts which discriminate in favour of or against Aborigines—usually in favour of them.

I wanted to point out also that the amendment as it stands contains the words "electoral form" when in fact the proper words are "electoral claim card".

In this situation it is very difficult to define exactly an illiterate person. Mr Justice Kay did not like the word "illiterate" and he pointed out that the best words, in his opinion, were "non-readers" or the term "persons with limited literary skills".

We run into difficulties when we make that a ground for preventing a person from being enrolled and that is what Mr Withers is looking at. He says it should be a ground on which a person can decide voluntarily not to enrol. Difficulties would be experienced in the event of a prosecution for non-enrolment, as far as proving the literacy or otherwise of the person is concerned. It could be used as a means of keeping people off the roll.

This matter presents a whole host of new problems. It does little to solve the main problem about which the member is talking. Mr Withers is talking in a practical sense, but the amendment creates a whole host of discriminatory problems which would be worse in the long run.

Someone may come along and stumble a little when he speaks. If one knows he is not of the political party one supports, one can object.

The Hon. W. R. Withers: Do you mean the Chief Electoral Officer would do that?

The Hon. G. C. MacKINNON: Let us not try to be humorous at this stage, because the Chief Electoral Officer is with me now.

The Hon. W. R. Withers: I am not being humorous.

The Hon. G. C. MacKINNON: I am not talking about the Chief Electoral Officer; I am talking about ardent political party workers out in the field.

The Hon D. K. Dans: "Ardent" is a good word. You do not hear it much these days.

The Hon. G. C. MacKINNON: I hear it a great deal, because I use it frequently and I am with myself all the time.

For those many reasons I hope the Committee will not support the amendment.

The Hon. R. F. CLAUGHTON: I took great exception to the remarks made by Mr Lewis when he was speaking on this amendment and implied that the Labor Party was not prepared to support the principle of the removal of discrimination against Aborigines which is found in the Electoral Act.

During the second reading debate I commented on the proposal put forward by Mr Withers and stated I was sympathetic with it. We have discussed the matter and have agreed that, had Mr Withers brought forward a suitable amendment, we would be prepared to support it.

The considerable objections found to the amendment moved by Mr Withers have been made clear by Mr MacKinnon. The amendment does not do what Mr Withers suggested in his speech last night should be done.

Mr Hetherington has examined the proposal and I am sure he will explain the manner in which we feel the problem could be solved; but I would have liked Mr MacKinnon to say that the Government supported the idea put forward by Mr Withers and it would be prepared to remove the discrimination contained in the Act. The Government should have brought forward a proposal which would achieve that.

Our discussions about the matter have indicated it would be very difficult for us to amend the Bill, but perhaps a way could be found by the Government, bearing in mind the greater expertise available to it.

There would, of course, be some minor problems associated with removing the discrimination so that Aborigines are subject to the same electoral laws as are the rest of the community. People who are illiterate may find it difficult to enrol or they may not be aware of the law and, therefore, would not enrol, as a result of which they would be subject to fines. However, those sorts of problems occur also amongst the white population.

Frequently I meet people who are not on the roll and they have their own good reasons for that, although I am somewhat surprised that they take their responsibilities as electors so lightly. As far as I am aware, none of these people are pursued by the Electoral Department for the reason that it does not have the staff to pursue them.

In the case of Aborigines in remote areas, it is highly unlikely that an officer from the Electoral Department would be searching for those who are not on the roll. I see no great difficulty in the Act being amended to remove the discriminatory aspect.

I support the remarks made by the Hon. Margaret McAleer. The time is right for this action to be taken and it would overcome some of the problems which exist under the present circumstances. It would be another step towards helping the Aborigines feel they are part of our total community and not discriminated against or set apart from the rest of us.

I was keen to get to my feet to refute the unwarranted remarks made by Mr Lewis. He has made his remarks, but he has not bothered to return to the Chamber.

The Hon. G. E. Masters: That is unfair.

The Hon. R. F. CLAUGHTON: The remarks made by Mr Lewis were unfair. If he intends making those sorts of remarks, he should ensure he stays in the Chamber whilst they are discussed.

The Hon. W. R. Withers: He is away on parliamentary business.

The Hon. R. F. CLAUGHTON: It is now that the debate will take place. It will not take place a quarter of an hour or half an hour hence. I have no compunction in drawing the attention of the Chamber to the fact that Mr Lewis, having made those unjust charges against the Labor Party, is not here to hear them refuted.

The Hon. N. E. BAXTER: Although I sympathise with the Hon. Bill Withers in what he is trying to achieve with this amendment, I would like to point out it is as full of holes as a colander.

As mentioned by the Leader of the House, one does not sign an enrolment form when one enrols; one signs an electoral claim card.

Who is to decide exactly what an illiterate person is, if one has insufficient education to enable one to read the small print on an electoral claim card to the satisfaction of the Chief Electoral Officer? At what stage does the illiterate person have to attempt to read the electoral claim card to the Chief Electoral Officer? If a person is filling in a claim card in Kalgoorlie, the Chief Electoral Officer will not be there. There might be a returning officer or clerk of courts, but the Chief Electoral Officer would not be there. He might be up in Kununurra or Wyndham. He could be in Timbuktoo.

The Hon. D. K. Dans: He might be supervising an election in the Kimberley.

The Hon. N. E. BAXTER: A person fills in a claim card, or it is filled in for him, and he signs his name or puts his mark on it. His signature is certified by a witness and the card then goes to the Electoral Department and his name is recorded on the roll. He must then wait until an election comes along before further action is taken.

If a person wears glasses like myself or Mr Withers and he goes to the polling booth in working clothes, as some farmers do, and does not take his glasses, he may have difficulty reading the small print on the claim card. I would be unable to read it without my glasses. However, I could read the big black print on the ballot paper and record my vote; but because I could not read the very fine print on the electoral claim card, I would be classed as being illiterate.

There are many holes in Mr Withers' proposition. He will have to come up with a better solution before we can support it. For the reasons I have put forward, I am unable to support the amendment.

The Hon. J. C. TOZER: As other speakers have mentioned already, it is impossible to speak to this amendment to clause 4 without concerning ourselves with the subsequent amendment to clause 5. It is for that reason I believe we should be devoting our attention at the moment to whether we intend to agree to the amendment to clause 5. If we decide to throw out the amendment to clause 5, we should throw out the amendment to clause 4 also, without discussion in relation to the words used and the particular terminology adopted and what can be interpreted from it.

The general thrust of what my colleague (Mr Withers) is trying to do in seeking the end of discrimination of any sort is to be applauded. The general principle gains my support; but I believe we have to be pragmatic in our approach to these matters. The remarks made by the Hon. Margaret McAleer last night summed up the situation extremely well.

I will quote from page 5 of the Kay report; I believe the comments cover the whole discussion. They read—

> It was suggested that, on general principles, there should be no distinction between natives (Aboriginals) and any other person on the question of compulsory enrolment or compulsory voting. However, the practical issue is how to enforce such provisions in remote areas and how to educate such people regarding the changing of the law, were the change to be made now. The suggestion was that the alteration for the reason of consistency should be made now but, in this special case, not to come into force for a period of years and the law should include specific responsibility for education during that period which could, if necessary, be amended.
>
> I feel that the education scheme which was introduced in the Kimberleys in 1977 should be continued and extended to other areas of the State where Aboriginals reside and the law remain as it is until the Aborigines are better aware of our voting system.

I agree with those comments by Judge Kay and, having reached that conclusion, I am obliged to oppose what Mr Withers is trying to do. That means I will also vote against the amendment to clause 5.

The Hon. R. HETHERINGTON: I do not want to deal with the actual verbiage of the amendment, but even if the amendment was one that was written and drafted properly I could not accept the intention behind it. I agree with Mr Withers in trying to remove discrimination, and in my opinion the simplest way to achieve that is to delete subsection (5) of section 45 of the principal Act. If Mr Withers cares to introduce a Bill to delete that subsection I can assure him he will receive our support.

Mr Withers is trying to get rid of one objectionable principle by replacing it with another objectionable principle. He wants to get rid of discrimination against Aborigines by discriminating against illiterate people. As an egalitarian party we do not agree with that principle. We do not want the Aboriginal to go out, and we do not want the illiterate person to come in.

Last night Mr Withers said he wanted to get racism out of the Act, and I support his intention. I want subsection (5) of section 45 of the parent Act removed, and I suggest there is a way to do that while we are discussing the Bill in Committee.

I certainly reject Mr Lewis's remarks that the Labor Party is on the hook. In order to get us to support the removal of a bad principle, we should not be offered an alternative bad principle. I think his remarks were fatuous to the extreme and unworthy of the case he is trying to support. I feel more kindly towards the amendment proposed by Mr Withers than anyone would believe from the fatuous remarks of Mr Lewis.

The Hon. W. R. WITHERS: I thank members for expressing their views, but the only member I can thank for his support is the Hon. A. A. Lewis.

Mr Dans accused me of window dressing and he said my amendment denigrated people with education other than formal education. It does not do that at all. My amendment refers to an illiterate person who has insufficient education to read the electoral enrolment form. I have insufficient education in some things. Every member of this Committee has insufficient education in some things. In various parts of the world, every member in this Chamber will be illiterate under the definition I have proposed.

A person is able to play with semantics and not come up with a definition of an illiterate person which would satisfy everybody. When a definition is placed in an Act it is a definition which applies only to that Act. In fact, we saw a Bill pass through this place some years ago to change the definition of a chemical. How is it possible to change the definition of a chemical with its chemical symbols? But, this place did that in the case of "langbeinite". I use that as an example to show that words in a definition, outside the Act, do not necessarily mean the same as the definition in the Act.

It is necessary to include within a definition the meaning of the word or the phrase for the purposes of the Act only.

Mr Williams objected to the definition of an illiterate person, and mentioned Latvians. I specified both the educational requirement and the reading ability requirement. I gave a great deal of thought to this matter, and that is why the two are combined.

I have already thanked Mr Lewis for his support. The Leader of the House made it quite clear—and rightly so—that he believed I did not go to the Parliamentary Draftsman to have the amendment drafted. By interjection, I admitted that was the case. If we are to read legislation, interpret legislation, and pass or defeat legislation, then we have to have the ability to draft a Bill. If we lack that ability we should not be members of Parliament because a Bill has to explain its purpose in words to a simple man. I consider myself to be a simple man and if I cannot draft a Bill correctly I do not deserve to be a member of Parliament.

Members may wonder why I have been brave enough to say the Minister has accused me of making a mistake. If the Minister received advice from the Parliamentary Draftsman to the effect that I used an incorrect term in the definition, when I referred to the electoral enrolment form, I would like members to look at the definition list in the Act, and in the Bill. Members will see there is no such phrase. So, the Leader of the House and the Parliamentary Draftsman can make mistakes. I consider I have not made a mistake because simple men and women know that whether one refers to an electoral enrolment claim, paper, or form, they are all the same.

The Leader of the House said that if my amendment is accepted it will change the nature of the Act. Of course it will. Every amendment changes the nature of an Act. He also said the Bill was discriminating in favour of Aborigines. The inference concerning discrimination is not contained in my amendment, or in my second reading speech. The Bill is not discrimination in favour of Aborigines; it refers to racism which currently exists. They are not able to stand beside us as citizens with equal responsibilities. My amendment is against racism and against everyone who allows racism to exist.

The Leader of the House also pointed out that prosecution for non-enrolment would introduce problems. What about the problems caused by the definition of "Aboriginal"? In the Federal Act, and in other Statutes in Western Australia, the definition of an Aboriginal is, "a person who can prove ancestry of an original inhabitant of Australia, and who is accepted as an Aboriginal within the community in which he lives." That does not mean to say such a person has to have black, brown, or yellow skin. It means that a person could have had a great great grandfather or a great great grandmother who was an Aboriginal, and who could claim that was known by everybody in the district. It would be up to the Chief Electoral Officer or the Minister to disprove that claim. Good heavens, that is even more complicated than trying to prove or disprove a person is illiterate.

Mr Claughton said he had sympathy with the problem, but he considered the amendment unsuitable. He referred to the comments of the Leader of the House which, I think, had some influence on him. But, I have pointed out that what the Leader of the House said was not quite correct. I am rather concerned that Mr Claughton and others want another section of the Act removed and I think that will be most unfair.

Mr Claughton said he would like the Government to do it, and at a later stage Mr Hetherington said he would like the Government to do it. He referred to the amendment in clause 5 which would delete the words " a native" in section 45(5) of the Act, the provision that allows Aboriginal people to make a decision whether or not to go on the roll. I am attempting to move an amendment so that that provision would apply only to illiterates. The suggestion put forward by Opposition members would force every person

who was illiterate to become enrolled, and I think that is most unfair.

The Hon. R. Hetherington: We just want every person on the roll.

The Hon. W. R. WITHERS: The Opposition wants every person on the roll, and that would include illiterate people who cannot read. That would be very wrong. We should give the right to people who are illiterate and who cannot understand reading and writing—and who may not even understand what is read to them—to go on the roll only if they so wish.

My amendment would not force illiterate people to go to an officer and say "I am illiterate; I am not going on the roll." What would happen is that such people just would not enrol. It is then up to the community; if it considers a person who should be on the roll is not on the roll, something could be done about it.

Mr Baxter also said that he sympathises with me and he asked: Who is to decide who is illiterate? Of course, my amendment provides that the Chief Electoral Officer would say who is illiterate. Mr Baxter went on to ask how we could expect a person to travel to Kalgoorlie to go before the Chief Electoral Officer. Certainly I would be concerned about that matter also were it not for the fact that the Act contains a definition of the words "Chief Electoral Officer" to the effect that a Chief Electoral Officer is the Chief Electoral Officer or his representative.

The Hon. N. E. Baxter: Why not make it the certifying witness?

The Hon. W. R. WITHERS: There is no need to because the definition in the Act should be sufficient.

The Hon. N. E. Baxter: Would that representative be around when a person is filling in a claim card?

The W. R. WITHERS: No, but Mr Baxter is missing the point I am making. A person filling in a claim card wants to have his name on the roll, so that has nothing to do with my amendment. I am talking about a person who does not want to have his name on the roll. If the populace says that his name should be on the roll, he can then attend before the Chief Electoral Officer or his representative to say that he is illiterate.

The Hon. N. E. Baxter: The Act does not say his representative, it says, "or a substitute". That is a bit different.

The Hon. W. R. WITHERS: I thank the honourable member for pointing that out. I should have read it from the Act. The definition of the words "Chief Electoral Officer" is as follows—

> An officer for the time being appointed to that office and includes a substitute.

Mr Baxter referred to people who sought to fool the Chief Electoral Officer—although he did not use that phrase—by saying that they could not read because they had taken off their glasses. This is why I have included the words, "insufficient education to read". If the Chief Electoral Officer says that someone is able to read with glasses, then he should be on the roll.

The Hon. N. E. Baxter: How would he prove that?

The Hon. W. R. WITHERS: I do not think that any prosecutions would be brought under the terms of my amendment. Only a smart aleck-type person trying to break the law would front up to a Chief Electoral Officer to say that he was illiterate if that was not so. The great majority of the people are responsible, and they would not try to opt out of our compulsory voting system in that way. Some people may use other means to try to opt out of voting, but I do not think they would use a provision such as this.

My colleague (Mr Tozer) said that we should not be debating clause 5 until clause 4 has been dealt with. I appreciate the point he made, but I did mention this fact very early in my speech to the amendment. Mr Tozer referred also to discrimination. I have already pointed out that I am trying to eradicate racism rather than discrimination in this section of the Bill.

Mr Tozer quoted from the Kay report and said that we should wait until Aborigines are better. I consider this to be a most racist statement because it naturally assumes that a person who belongs to the race of Aborigines is not as good as the rest of the community. During my second reading speech I referred to the dictionary definition of racism as a belief in the inherent superiority of some races over others. My colleague's statement was well intentioned—I know he is not intentionally a racist. It is just that inbred into us are certain acceptances within our community and within our social structure. Mr Tozer has done a great deal for the Aboriginal people, and he will continue to do so. He has attended more bush meetings than I ever have. Certainly I know he is not a racist, and yet he quoted from a report which says, "Wait until Aborigines are better".

The Hon. J. C. Tozer: Better educated.

The Hon. W. R. WITHERS: Now that is what we are talking about. We are not talking about racism. We should be talking about education.

That is the crux of the whole problem. We should not be saying that some Aborigines are not well enough educated to vote; we should be saying that people who are not educated sufficiently should have the option to vote, and we should give such people the chance to decide whether or not to vote. No matter how well intended the provision is, it is racist.

The Hon. J. C. Tozer: It may be racism, but pragmatism also.

The Hon. R. Hetherington: Pragmatic racism.

The Hon. G. C. MacKinnon: We are spending more time on the amendment than we have spent on the whole Bill.

The Hon. W. R. WITHERS: Certainly pragmatism is in the Bill, and pragmatism will not be lost in the amendment. However, if we accept the amendment, racism will be lost from the Bill. I ask the members to give great thought to this matter and to please accept the amendment.

Amendment put and negatived.

Clause put and passed.

Clause 5: Amendments re the word "aboriginal"—

The Hon. W. R. WITHERS: Perhaps it may be thought that, having lost the amendment to clause 4, I cannot now move the amendments to clause 5 standing in my name.

The Hon. R. Hetherington: Of course you can.

The Hon. W. R. WITHERS: As members have heard me say earlier in the debate, and after the comments of the Leader of the House, it is now apparent that a phrase or a definition without definition can be used. I move the following amendments—

> Page 2, lines 17 to 25—Delete subparagraph (i).
>
> Page 3, line 3—Delete the word "aboriginal" and substitute the words "illiterate person".

The subparagraph I wish to delete reads as follows—

> by inserting immediately before the interpretation "absent voter" an interpretation as follows—
>
> "aboriginal" means a person who is an aboriginal within the meaning of that expression as defined by section four of the Aboriginal Affairs Planning Authority Act, 1972; ; and

The reason for the Government amendment is to alter the reference to "native" in our Act to "aboriginal" to conform with the Federal Acts. I wish to delete this subparagraph because I consider it is a racial definition. If the Committee agrees to this amendment and my next amendment we will have removed racism from the Bill and we will be allowing exemption from voting to an illiterate person only.

Before I came into this place I met with groups of Aboriginal people. I asked them how I should endeavour to bring us together as one people without any racism, without the discrimination of one race against another. I remember that I met with some elders at Derby, and I met with a large group of elders in my home town of Kununurra.

The chief of the tribe, and the leader of the group, was Bangaldoon, an illiterate. He listened to the words I spoke and he told me that his people agreed I should come into this Parliament and attempt to rid legislation of discrimination and racism. His words then were, "Bring us all together—not apart." That was in the early days of 1970, and "polarisation" was not an "in" word. I do not think I even used the phrase "polarisation" at that time, but that senior man of the tribe certainly knew well what it meant.

I endeavoured to do just that. During the time I was trying to find my feet as a new member, and represent my electorate in a way I never knew about before, I was very pleased that the Labor Government of the day brought forward very enlightened legislation which endeavoured to eradicate racism in many of our Acts. In fact, I have praised that Government before in this place for its legislation, which was supported by all parties in this place. I have endeavoured to carry on in the same way and to influence Ministers and Parliament, and Ministers in the Federal Government to eradicate racism which exists in both Federal and State Statutes. As I explained to members, it finally amounted to a brief to assist disadvantaged Australians without racial stigma. I am still trying here.

When the Minister in another place presented this Bill, I found I could not go along with the racism that was carried through in the legislation. It was not the insidious type of racism which was done in a very bad way; it was just that the recommendation of the Kay report said we should change from "native" to "Aboriginal". I can understand that.

However, I was so incensed that once more we were going to consider racial legislation that I wanted to find out whether I was still on the right track. So, I went once again to the Mirrawung

tribe and consulted the Mirima Council, because the tribe is part of that council. I went to Bungaldoon and said, "Could you call your people together to talk about what we talked about eight years ago?" He called all his people—not just the elders, but the whole group: Men, women, and children—together and I explained to them in the simplest terms possible that the Government once more was considering a Bill which I considered to have some racist content. I asked them whether they wanted me to carry on as I had done before and as I had spoken to them before about racism. Did they want me to attempt to remove the racism which existed?

After talking for some time and being questioned by these people, the answer was, "Yes." Bungaldoon the old man said, "I remember our meeting long time ago. Yes." They wanted me to continue in this Chamber and in other places to fight against racism, and I will continue to do so.

The first part of my amendment seeks the deletion of the definition of the word "Aboriginal" which will allow part of the racist content to be removed from the Bill and the Act. The second part of my amendment seeks to delete the word "Aboriginal" on page 3, line 3, and substitute the words "illiterate person". This will result in racism being eradicated from the Bill, and we will then get back to the real reason that Aborigines are given the option to enrol. It is not because they are Aborigines or because their skin is a different colour from ours; it is because previous legislators felt they had insufficient education. However, the existing Bill makes no allowances for that; it still allows a well educated person to opt out.

I am saying that if we have a compulsory voting system, it should apply to all people, other than illiterates, and in the case of illiterates it does not matter what is the colour of their skin.

Let us get rid of racism. I ask members to support my amendments to clause 5.

The Hon. G. C. MacKINNON: I trust members will not support this amendment. We all feel some sympathy for Mr Withers. However, he is going to have some difficulty in getting the Italian Club to take down the sign "Italian Club" from the front of its building, or in getting the Celtic Club to take down its sign. He will have some difficulty in convincing me I am not a Scots-Australian, and proud of it, even though it is four generations apart. He will have the devil of a job in convincing the preponderance of the population of Darwin and Harvey they are not Italians, despite the fact they are the third generation of their family to be born in Australia.

The Hon. W. R. Withers: That is all right; it is not what I am saying.

The Hon. D. K. Dans: They are Australians with Italian names.

The Hon. G. C. MacKINNON: Yes; they call themselves Italian, and they are proud of it. We must specify the word "Aboriginal" to indicate we are talking about the same people referred to in Federal legislation for a variety of reasons which were set out with admirable clarity last night by the Hon. Margaret McAleer. One of the aspects of the problem happens to be that a number of these people have had grave difficulty in getting to school, upon which Mr Withers seems to set such tremendous store. I sincerely hope the Committee will not accept this amendment.

The Hon. GRACE VAUGHAN: I oppose the amendment. I appreciate what Mr Withers is trying to do but, as I said last night, when one is attempting to change something for a specific purpose, one must consider that the Act covers the population in general. As the Leader of the House has pointed out, it will affect not only Aborigines, but also other people who are proud of their heritage.

If Mr Withers seriously wants to eliminate racism from the Act, he should eliminate all reference to "Aborigines" and "illiterates" in the legislation.

The Hon. W. R. Withers: That is what I am trying to do.

The Hon. GRACE VAUGHAN: Mr Withers is not; he is changing from racism to elitism by suggesting the substitution of "illiterate person" for "Aboriginal". In fact, what Mr Withers is saying—and I am sure the Leader of the House has seen this—in the second part of his amendment is that the provision which gave Aborigines the option to enrol now should apply to illiterate persons.

Illiterate persons already are covered by other parts of the Bill. I refer Mr Withers to clause 18, which seeks to amend section 102A. It is one part of the Bill of which I approve. It states, in part, that the Chief Electoral Officer may, for the purpose of assisting an elector, give such directions as he may consider necessary in relation to conveying details on the ballot paper to the elector without conveying political information.

Mr Withers' amendment will include many Aborigines, who are already recognised as second-

class citizens by virtue of their optional enrolment and will also include illiterate people. This may include people who are dyslexic, which, by definition, means "word blindness". They might be quite intelligent people, but, technically, they may be illiterate.

The Hon. W. R. Withers: They are allowed to have a choice.

The Hon. GRACE VAUGHAN: They should not be given a choice. Nobody else has a choice.

The Hon. W. R. Withers: Aborigines do.

The Hon. GRACE VAUGHAN: What Mr Withers should have done is to ask the Minister to eliminate all words to do with racism. Here, he is doing it only in regard to their having to enrol. He is not seeking to do it in respect of bribery, which appears later in the legislation. I hate to think what would happen if we did have a term "illiterate person" in the legislation, because someone would have to decide who was illiterate, and who was not. I am sure many people would prefer to opt out of voting altogether. The Electoral Department would be required to appoint additional staff to go around spying on people to confirm that they were, indeed, illiterate. Some people could be quite literate when reading a racing form and suddenly become illiterate when it came to enrolling!

So, while the philosophy behind Mr Withers' intention is commendable, the amendment itself is ridiculous and intrudes into a very touchy area. I hope that when the time next is opportune, Mr Withers moves to eliminate the word "Aboriginal" altogether. I would certainly support him then. For the moment, however, I would not like to leap from racism to elitism by substituting "illiterate" for "Aboriginal".

The Hon. W. R. WITHERS: I have heard some gobbledegook from both members tonight. What a lot of codswallop! The Leader of the House mentioned signs being taken down from outside the Italian Club and the Celtic Club. For the life of me, I could not see any relationship between his statement and my amendment, because my amendment contains no such inference. It in no way referred to Italians or any people other than Aborigines. My amendment seeks to do away with racism, not create it.

The Leader of the House also said I placed great store upon education, as if that was some terrible thing. Heavens above, I do place great store upon education; I wish only that I had a little more of it myself. It is very important for people to be educated, not necessarily in maths III or circular trigonometry—

The Hon. G. C. MacKinnon: You would probably be an unemployed architect instead of a hard-working mango grower.

The Hon. W. R. WITHERS: I do place great store upon education. However, I do not denigrate anybody who is illiterate or who cannot read an electoral enrolment form, or a claim form, or whatever one likes to call it. It is not defined in the Act. I consider it is wrong to have racism anywhere in any Act, legislation, Bill, or regulation. We have it in this Bill; we have it in the Act, and I am trying to get rid of it.

The Hon. Grace Vaughan mentioned I was trying to create elitism by replacing the word "Aboriginal" with the words "illiterate person". I cannot see the correlation. Possibly some people who have university degrees do have something called intellectual snobbery and it is possible for this reason—as she has a university degree—that she thinks a person who is illiterate is not as elite as a person with a university degree.

The Hon. G. C. MacKinnon: She would not have said that.

The Hon. W. R. WITHERS: Mrs Vaughan said I was creating elitism. She also mentioned we might have to increase the staff of the Electoral Department so its officers can go around and check who is illiterate and who is not. I consider that to be codswallop. We do not have teams of people running around trying to determine who are Aborigines and who are not.

My son-in-law can be classified as an Aboriginal by definition, but he is fairer than I am.

The Hon. Grace Vaughan: He is the exception rather than the rule.

The Hon. W. R. WITHERS: I know Aboriginal people who are a lot fairer than I am and I know Caucasians, particularly from the Mediterranian area, who are darker than Aborigines.

We should not be talking about skin colour or race. This is what I am trying to get rid of.

The Hon. G. C. MacKinnon: You are the only one who has brought it up.

The Hon. W. R. WITHERS: I am the only one who wants to get rid of racism. People have said what a wonderful motive I have, but then say what I am suggesting will happen at a later date. They say my ideas are good but that I am going about it the wrong way.

I do not think any member in this Chamber tonight has said my motive or principle is wrong. All members have said my motive is right but none has faced up to the fact that by voting

against my proposal members are immediately declaring themselves to be racists by definition. I said in my second reading speech that people with the best intentions for their fellow man can still make mistakes by accepting past principles without realising they are racists.

If this Bill goes through without these amendments being accepted, the members who vote for it will be racists. It is as simple as that. There is no proper basis for members to vote against the amendments.

I can see I am fighting a lost cause. It is obvious members will not support me, and by their silence they have declared themselves to be racists. They must wear that tag; it must be on their consciences. They will have to face their electors as racists. They will have to face the Aboriginal people, until some day, one day, a Bill will go through this Chamber and do exactly what I am trying to do. It might be more professional, but it will happen. Everyone will say then, "Hooray, we are getting rid of racism."

The people who approached Miss Margaret McAleer, the only people who complained about the clause which allows Aborigines to be exempted from enrolling, were Aborigines who said that they should all vote as a race. How can they be considered equal when they are not expected to ensure they are on the roll and vote or take their responsibilities alongside the rest of us?

From what I have said, members will realise I cannot vote for racism. This Bill supports racism, so I must vote against it.

The Hon. F. E. McKenzie: Why did you vote for the second reading?

The Hon. W. R. WITHERS: For the simple reason that had I not done so I would not have been in a position to move my amendments and thereby attempt to eradicate racism from the Act. At the end of my second reading speech I said that with the exception of the racist content I supported the Bill. I said at the beginning I was voting for the second reading only to allow myself the opportunity to debate the issue of racism and submit amendments to remove that racism from the Act and the Bill.

If my amendments are not supported I will vote against the Bill. I ask members to support my amendment.

The Hon. GRACE VAUGHAN: The nonsensical amendment which the Hon. Bill Withers is eulogising and euphemistically calling an amendment to get rid of racism is absolute arrant nonsense. If he were fair dinkum about getting rid of racism why did he not have a go at sections 182 and 183, which are the most patronising sections of the Act?

The Hon. W. R. Withers: The amendment changes that.

The Hon. GRACE VAUGHAN: Among what section of the population do we have the most illiteracy? The member knows full well that it is among the Aboriginal population. So Mr Withers is kidding himself. The highest percentage of illiteracy in our population is to be found among the Aboriginal people.

In fact, Mr Withers is discriminating not only against Aborigines but also against all those people who cannot read or write.

The Hon. W. R. Withers: Rubbish!

The Hon. GRACE VAUGHAN: Mr Withers is saying that Aborigines cannot be forced to enrol, whereas this is not so with other members of the population. If we consider the greatest proportion of illiterate people in the population we are talking about the Aborigines.

The Hon. W. R. Withers: You divorce the two.

The Hon. GRACE VAUGHAN: We cannot do that. Figures show that the Aborigines have the greatest rate of illiteracy. Mr Withers' amendment would not make it easier for them to vote. He is not saying, "Let us support this part of the Bill—clause 18 which amends secion 102(A) of the Act—which states that the Chief Electoral Officer will do everything in his power to help people who need assistance." This is not defined and does not need to be defined.

If someone who is ill and has just left a sick bed, who is determined to go along and vote, but who because of the sickness feels shaky and confused, goes into a polling place, the Chief Electoral Officer can give assistance to that person whether or not that person is illiterate or delirious. However, Mr Withers wants to say that illiterate persons—who are mostly Aborigines—should not be required to enrol.

Mr Withers is discriminating against the Aborigines, not only because of race but also because of lack of education.

The Hon. W. R. Withers: Nonsense.

The Hon. G. E. Masters: You are deliberately distorting things.

The Hon. GRACE VAUGHAN: The greatest percentage of illiteracy is among Aborigines. So in referring to illiterate persons, Mr Withers is referring to 50 per cent of the Aboriginal population.

The Hon. W. R. Withers: Whatever the percentage, I am referring also to Latvians, Italians, and Australians.

The Hon. GRACE VAUGHAN: Why has not the mover of the amendment referred to Aborigines and left it at that? Why put in "illiterate person" when it is already covered by section 102(A) of the Act? This section sees to it that the Chief Electoral Officer gives assistance to people who wish to vote. We should not stop these people from enrolling because they are illiterate, and we should not give them a chance to opt out, or give them the opportunity to say they do not want to vote. Why should we give them that opportunity? That is racism.

It is impertinent for Mr Withers to say that everyone who votes against his amendment is a racist. That is drawing the long bow. He has put forward a nonsensical amendment and is prepared to call anyone who votes against it a racist.

The Hon. W. R. WITHERS: The Hon. Grace Vaughan said people get confused when they are in hospital and are sick. I asked whether she had the flu, because she showed signs of confusion. She asked why I was not changing other clauses of the Bill which referred to Aborigines. If she looks at my amendment she will see it refers to the deletion of the word "Aboriginal" and the substitution of the words "illiterate person".

The Hon. Grace Vaughan: I realise that.

The Hon. W. R. WITHERS: The honourable member does not realise that, otherwise she would not have carried on in the way she did. If the honourable member looks at the Bill she will see that paragraph (b) shoots down her argument.

The Hon. Grace Vaughan: It does not.

The Hon. W. R. WITHERS: The word "native" or "Aboriginal" disappears, and so in that way we get rid of racism from the Bill and from the Act. I could go on *ad nauseam*, but I request simply that members agree to my amendment.

Amendments put and negatived.

The Hon. R. HETHERINGTON: I am not happy with this clause. I am not happy with it for the same reason Mr Withers is not happy with it except that I am also not happy with his amendment. I would like to see deleted the word proposed to be deleted and the words proposed to be inserted not inserted. Then we would get rid of all reference to natives or Aborigines in the Bill. This would be a good thing.

I do not know whether it is possible to vote that way. Certainly it had been my intention to move an amendment myself to put in the Bill that section 45(5) of the parent Act be deleted. That is on page 19 of the parent Act where it refers to people who can and cannot be enrolled.

The CHAIRMAN: Order! That particular section is not covered by this part of the Bill.

The Hon. R. HETHERINGTON: I am talking about my attitude to this clause and I was trying to explain I intend to do that. I realise it would be out of order.

If Mr Withers cares to introduce a short Bill to remove that clause, and other clauses where the word "native" or word "Aboriginal" appears, he would receive our support. I am opposed to either word appearing in this Bill. If I had my way we would delete the words proposed to be deleted and not insert the words proposed to be inserted. I cannot vote against the clause because I think that to include the word "Aboriginal" is an improvement. But, I want the Minister to know I am not happy about the clause.

The Hon. G. C. MacKinnon: Your misery is noted.

The Hon. W. R. WITHERS: I cannot go along with the Opposition amendment.

The Hon. G. C. MacKinnon: There is no amendment.

The Hon. R. Hetherington: It was a statement of opinion.

Clause put and passed.

Clause 6 put and passed.

Clause 7: Section 18 amended—

The Hon. R. HETHERINGTON: I move an amendment—

> Page 3, line 31—Delete the word "attainted" and substitute the word "convicted".

I spent some time discussing the word "attainted" when speaking to the Acts Amendment and Repeal (Disqualification for Parliament) Bill, which we debated recently. I argued that the word "attainted" is archaic, out of date, and undesirable. It comes from the word "attainder", and an act of attainder was to declare, by an Act of Parliament, that a person was guilty of treason. I agree with Judge Kay that the word "convicted" means exactly what we want to say. I hope the Minister will accept my amendment.

The Hon. G. C. MacKINNON: I would not want to slip so easily out of character.

The Hon. R. Hetherington: You might one day; it is a perfectly reasonable amendment.

The Hon. G. C. MacKINNON: In Victoria and New South Wales they do not use the word "attainted". However, every other State uses the

word "attainted", and I do not think we should change our Acts because our Acts are consistent within the State.

The Hon. R. HETHERINGTON: I have asked the Attorney General to look at this word as far as the Constitution is concerned, and I ask the Leader of the House to give serious consideration to an Acts Amendment Act. The word "attainted" comes from the noun "attainder". It is archaic and undesirable, and we would be better off without it. I would be pleased if the Leader of the House would look at it.

The Hon. G. C. MacKINNON: The answer is, "Yes, I will look at it."

Amendment put and negatived.

Clause put and passed.

Clause 8: Section 42 amended—

The Hon. R. HETHERINGTON: I move an amendment—

Page 4—Delete subparagraph (i) with a view to substituting the following—

(i) where the claimant's name does not appear on any roll—

(I) an Electoral Officer;
(II) a Trustee of the Peace appointed for any part of the Commonwealth;
(III) a clerk of courts;
(IV) a Police officer;
(V) a town clerk, shire clerk, postmaster, classified officer in the State or Commonwealth public service, or State school teacher;
(VI) a commissioner for declarations appointed under the provisions of the Declarations and Attestations Act, 1913;
(VII) a member of either House of Parliament of the State or of the Commonwealth; or
(VIII) a commissioner for declarations appointed under the provisions of the Statutory Declarations Act, 1911, of the Commonwealth of Australia;

For all the reasons I stated during the second reading debate last night I believe the proposals in the Bill are too restrictive. In his report Judge Kay remarked that it was easy to find people to witness documents, and that there was no trouble in finding a justice of the peace or a commissioner for declarations. However, Judge Kay has not recommended the inclusion of a commissioner for declarations. I hope there will be some support for my amendment. Mr Tozer said he believed a commissioner for declarations should be included in the list of those who are able to witness applications for enrolment. If Mr Tozer, or any other member, is prepared to support my amendment, or a more limited amendment which included a commissioner for declarations, I would like to hear his opinion. I ask members to treat this Committee as a House of Review committee and indicate whether or not they will support my amendment, or a more restrictive amendment.

The Hon. G. C. MacKINNON: I ask the House to disagree with this amendment. The Kay report recommendation was that an enrolment claim should be signed by the claimant in the presence of an electoral officer, a justice of the peace, a clerk of courts, or a police officer. Judge Kay is a thoughtful and thorough man and he went into this very carefully. There have been subsequent reports from the Chief Electoral Officer and the Attorney General and I see no reason to change the proposition which has been put forward.

The Hon. W. R. WITHERS: I have looked closely at this amendment, and the other amendments which appear on the notice paper. To save my getting up each time to make the affirmation I am about to make—and which will apply to all other amendments—I would like it to be understood that when I advised the Committee I could not support racism and, therefore, I would have to vote against the Bill, rather than hide behind the fact that I will vote against the Bill I would like it known I do support the Bill except for the racist content. When I vote against the Bill that will mean I also vote against the amendments. They are contrary to what I believe is the intention of the Bill.

The Hon. J. C. TOZER: Initially I did, in fact, feel a commissioner for declarations and a shire clerk should have been included in the list of authorised witnesses. However, that does not mean I have changed my mind since my second reading speech. Having been a shire clerk in a country town, I am aware that a person in that position is most accessible and would be a desirable person to witness an enrolment card. However, I will vote against the amendment.

We should observe the operation of this clause, and if as a result of experience we find it is restrictive we should be prepared to look at some form of limited expansion. I could not agree with a general expansion to include civil servants, for the reasons I mentioned last night. The worst feature of that expansion would be that it would leave itself open to many problems.

I am surprised the Opposition did not seek a wider range of witnesses. Mr Hetherington, with his egalitarian tendencies, might tell us why the Opposition did not seek to have electoral claims witnessed by any elector. I would disagree with it, anyhow. I oppose the amendment.

The Hon. R. HETHERINGTON: If Mr Tozer wants to know why I departed from principle, the reason is that politics is the art of the possible, and I thought it might be possible that members of this Chamber would accept this limited list of people and there might be some movement somewhere. I could move another amendment if he would accept something other than this. I merely want to expand the four classes of witness mentioned in the Bill, which I think are far too restrictive and which will disadvantage a number of people—Aborigines, the illiterate, the poor, the confused, migrants, and so on. I want to give them as much help as I can. As it was obvious from the way the debate went last night that my principles were not acceptable to the Chamber, I hoped it might accept a little more than is contained in the Bill.

The Minister said he will not accept it. That does not surprise me. I did not really think I would persuade him to budge, but I thought someone else might. I am hoping that before the question is put someone in this Chamber of Review will offer me a crumb of comfort and be prepared to support part of my amendment, if not all of it.

The Hon. G. C. MacKINNON: I will offer the honourable member the crumb of comfort he seeks. We agree implicitly with Judge Kay that the illiterate voter needs the protection from exploitation which we offer him by restricting the classes of witness. The whole burden of complaints from illiterate voters is that over a number of years they have been exploited, and Judge Kay and others who have looked at the legislation think the exploitation can be stopped by severely limiting the number of people who can witness the initial claim.

The Hon. R. F. CLAUGHTON: It is the typical conservative approach to problems that things should be made as difficult as possible or, if necessary banned. Rather than take the more democratic course of trying to increase people's knowledge and the facilities available to them to deal with their life situations, the conservative by nature takes what he sees as the easy way out.

Democracies are not easy institutions to maintain. They demand a great deal of attention from us. They are very delicate plants which can be very easily damaged and which can suffer from measures such as this.

In fact, the people listed in the Bill are not the only people who will be able to witness claim forms. In addition, some members of Parliament will be able to witness them—those who are also justices of the peace. I do not know what particular virtue they have, but it is an odd circumstance that among all members of Parliament only those who are justices of the peace are considered sufficiently trustworthy to undertake the task of witnessing enrolment claim forms.

The Hon. R. J. L. Williams: They include the secretary of your party.

The Hon. R. F. CLAUGHTON: We are glad to have at least one on our side. Mr Cooley, of course, is another. There are many more on the Government side. Regardless of who they are, the fact is some members of Parliament will be able to witness claim forms and others will not. I believe that is a very serious inconsistency.

The Hon. G. C. MacKinnon: It is perfectly consistent. They are justices of the peace.

The Hon. R. F. CLAUGHTON: The member for Karrinyup can witness claim forms for my electors but I cannot.

The Hon. G. C. MacKinnon: It was a Labor Government which made him a justice of the peace.

The Hon. R. F. CLAUGHTON: We are quite impartial in these matters. Judging by my record, it is much more difficult to persuade this Government to appoint justices of the peace. I have succeeded with very few. However, if one member of Parliament is able to witness claim forms, all members of Parliament should be able to do so. Conversely, if the majority of members of Parliament are not allowed to witness claim forms, no members of Parliament should be able to do so. The Government should either cancel those appointments or include in the Bill a provision allowing all members of Parliament to witness the forms, which I think would be the more sensible approach. Regardless of what the Minister says about Judge Kay's report, we see in this instance a lack of care and thought.

When this Bill goes through, I will have great pleasure in telling people who ask for my advice on enrolment for the first time that I am allowed to witness a Commonwealth claim form under the Commonwealth legislation, but because of the Court Government's action they will have to find a clerk of courts or a justice of the peace to witness a State claim form.

The Hon. R. J. L. Williams: There are hundreds of them.

The Hon. R. F. CLAUGHTON: It is another matter to find one when one wants one.

The Hon. R. J. L. Williams: You always have recourse to the Attorney General if the justice of the peace will not do the work required of him.

The Hon. R. F. CLAUGHTON: If he is not available, how does one know whether or not he will do the work?

The Hon. R. J. L. Williams: How do you know whether or not he is available if you do not try to find him?

The Hon. R. F. CLAUGHTON: I have previously written to the Attorney General suggesting that persons who are retired and do not wish to continue as justices of the peace should be allowed to have their appointments terminated, but no action has been taken in that direction.

The Hon. R. J. L. Williams: It requires an Act of Parliament to terminate an appointment.

The Hon. W. M. Piesse: They can request that their appointment be terminated.

The Hon. R. F. CLAUGHTON: I have approached the Attorney General, but those people are still justices of the peace. I will have great pleasure in telling people who come to me in connection with their enrolment that they will now have to chase around to find one of these other people to witness the form. If the Government takes this kind of action it deserves that kind of treatment.

The Hon. J. C. Tozer: How many claim forms have you witnessed?

The Hon. R. F. CLAUGHTON: Election time is approaching.

The Hon. R. Hetherington: I witnessed a great number in one morning in Mr Tozer's electorate.

The Hon. R. F. CLAUGHTON: I have witnessed a considerable number of claim forms, particularly at election time.

I think this recommendation of Judge Kay was quite wrong. He made other recommendations which the Government did not adopt. Nothing was found to be wrong with the existing situation in relation to witnessing electoral claim forms. It was not previously thought necessary to restrict the witnesses; it was considered any citizen was a suitable person to testify to the facts which it is necessary to record on a claim form.

The Hon. J. C. Tozer: The amendment does not indicate that. You have deleted the reference to "any elector".

The Hon. R. F. CLAUGHTON: I said that previously any enrolled person was considered to be a suitable person to witness a claim form, and no problems were experienced to my knowledge.

The Hon. J. C. Tozer: It is not in the amendment.

The Hon. R. F. CLAUGHTON: The honourable member either does not want to understand or he fails to understand. Judge Kay did not mention that he had received any evidence that problems had occurred. The report contains a statement that they had occurred, but no evidence was forthcoming to back it up. We have heard stories about what was supposed to have taken place in the past in persuading Aborigines to vote, but the provisions in the Bill will not change that situation. I have no doubt the Liberal Party is currently planning ways in which it can ensure it gets sufficient votes in the Kimberley to have its member re-elected.

The CHAIRMAN: Order, please! The question before the Chair is that subparagraph (i) be deleted. It has nothing to do with matters in the Kimberley.

The Hon. R. F CLAUGHTON: The question deals with people's ability to get on the roll. The Government proposes restricted classes of persons who can witness claim forms. I am saying it is not necessary because Judge Kay's report contains no evidence that problems have occurred. He made a statement to that effect which appears to be an opinion rather than a fact.

The disputes which have arisen in the past have related not so much to whether the electoral laws were carried out, but to other activities which have nothing to do with the Act itself. I do not want to go into the circumstances surrounding the 1977 election to look for examples.

We are contesting the view of the Government and proposing that in this instance, as the Government has done in respect of other recommendations of Justice Kay, we should ignore the recommendation and broaden the list of people who may witness enrolment claims. Even if we are compromising, politics is not only the art of the possible, but also a matter of compromise.

I would like to hear that other members are prepared to consider this matter in an impartial manner, just as we were prepared to consider impartially the proposals presented by Mr Withers. Our Caucus did not consider those proposals, but we were prepared to consider them in this Chamber impartially. We ask that members of the Government consider impartially the amendment moved by Mr Hetherington.

The Hon. F. E. McKENZIE: I support the amendment. In respect of Judge Kay's desire to eliminate exploitation of Aboriginal people, his first recommendation was that we should restrict the categories of persons who may witness enrolment claims. Surely to do that is to exploit people, and not only Aborigines, but all people. It is simply exploitation in another form. I cannot understand why the Government will not agree to include the persons listed in the amendment. Each of those persons would be regarded as a responsible person in the community. Does not the Government trust people such as town clerks and postmasters as much as it trusts policemen?

I regard the current move to restrict witnesses as exploitation. For that reason I cannot understand the Government's reluctance to agree to the amendment. It does not throw wide open the category of persons who may witness claim cards; it merely includes people who are regarded by the community as being very responsible. Certainly acceptance of the amendment would eliminate charges of exploitation in respect of the availability of persons to witness claim forms.

The Hon. TOM McNEIL: It was not my intention to speak to this amendment, although I intended to speak to the amendment to section 42, which is unacceptable. I am inclined to agree with Mr Tozer that civil servants would not be ideal persons to include; but I find Mr Hetherington's amendment far more acceptable than the present provision. I cannot understand why the list of enrolment claim witnesses is so restricted. No doubt the Leader of the House will inform us of that at a later time.

The persons whom I see as being available and accessible to most people are commissioners for declarations. A great deal has been said here and in another place about it not always being possible to have a justice of the peace appointed in one's area.

Usually one is advised that sufficient JPs are already in the area, and provided one has a suitable candidate, perhaps it would be easier to have that person appointed a commissioner for declarations. As they had gone through the normal channels and been investigated, surely no objection would be raised to their being able to witness electoral claims. I think they are possibly the best people to witness claims, and certainly are more accessible and capable than civil servants.

I find the amendment far more acceptable than the restricted provision in the Bill. Therefore I offer Mr Hetherington the crumb of comfort he seeks by supporting it.

The Hon. R. HETHERINGTON: It is obvious the amendment has received insufficient support. Therefore, I seek leave of the Committee to withdraw it. My purpose is to substitute a simpler amendment which may be acceptable to the Chamber. I will not do this in respect of other amendments.

Amendment, by leave, withdrawn.

The Hon. R. HETHERINGTON: I move an amendment—

> Page 4—Add after item (IV) the following items to stand as items (V) and (VI)—
>
> (V) a postmaster;
>
> (VI) a commissioner for declarations appointed under the provisions of the Declarations and Attestations Act, 1913;

I believe this amendment represents the absolute minimum in respect of the restricted list of witnesses. Admittedly, if my amendment is accepted, I will probably vote against the clause because I do not approve of it. Postmasters and commissioners for declarations—particularly the latter—are easy to find anywhere. I will not spend more time on my feet because I have made my position clear. I think my arguments are valid and sensible. I accept what Mr Tom McNeil said, and I was glad of the crumb of comfort he offered.

The Hon. G. C. MacKINNON: I must ask the Committee to reject the amendment. I wish to quote from Judge Kay's report, as follows—

> At present, the enrolment claim may be witnessed by an authorised witness who is either an elector or a person qualified to be enrolled as an elector of the Commonwealth Parliament or of the Legislative Assembly of Western Australia under Section 207(1). This means that a person who cannot read or write can be a witness to the electoral claim, not knowing what is on the card and, possibly having no knowledge of the Act.
>
> It is the duty of the authorised witnesses to ensure that the claimant knows what he or she is doing. Authorised witnesses should, therefore, be persons who have a reasonable knowledge of the provisions of the Act which relate to enrolment and voting.
>
> One would imagine that, at present, on very few occasions would the witness check with the claimant the details on the card. . .

He then goes on to talk about the need to know something about one's responsibilities. Then he said—

> At the present time, anyone can enrol a fictitious person and witness the claim card

himself. This procedure, in my opinion, should be tightened up. Any reasonable method which would overcome or lessen any manipulation should be adopted.

Judge Kay was not talking about making it easier to enrol, but about preventing manipulation. Not once, but twice, under different terms of reference, Judge Kay talks about the persons listed in the Bill; namely, an electoral officer, a justice of the peace, a clerk of courts, or a police officer.

The Hon. D. W. Cooley: Are you saying every police officer would have a knowledge of the Act?

The Hon. G. C. MacKINNON: Yes, they would have sufficient knowledge because they undergo a course of training regarding their duties.

The Hon. R. Hetherington: Do you reckon postmasters and commissioners for declarations would not?

The Hon. G. C. MacKINNON: I have made many applications for the appointment of commissioners of declarations, particularly for persons I know who have estate agencies; but they do not undergo the training that a policeman must undergo. The Police Academy is thorough and trains policemen in all aspects of their duties.

The Hon. D. W. Cooley: The training does not include all the ramifications of the Electoral Act.

The Hon. G. C. MacKINNON: Of course it does not, and Mr Cooley knows that well. I am saying the list of witnesses has been carefully chosen. If postmasters are included, does that mean unofficial postmasters are included also? We start to run into problems when we make suggestions such as this.

The Bill was introduced to the Parliament six or seven months ago. It was thoroughly considered and checked. I suggest it should be left as it is and the amendment rejected.

The Hon. R. HETHERINGTON: I want to continue reading from the section of the report from which the Leader of the House read. He quoted the following passage—

> At the present time, anyone can enrol a fictitious person and witness the claim card himself. This procedure, in my opinion, should be tightened up.

I would think the amendment does not lessen that unnecessarily. Judge Kay then said—

> Any reasonable method which would overcome or lessen any manipulation should be adopted.

I would have thought my original amendment would do that, but the Committee was not prepared to accept that. I continue to quote the report—

> It has been said that if the elector has to go before a specific person to have his claim card witnessed, then this is placing obstacles in his way. It is said that the enrolling process should be made easier rather than harder but, afterall, quite a lot of applications for various matters have to be signed before a Justice of the Peace. Declarations and Affidavits have to be made in connection with certain claims and no-one seems to find difficulty in obtaining a Justice of the Peace or a Commissioner for Declarations to be a witness.

I quoted that last night, and I suppose I will be still quoting it in years to come. It is more difficult to find a justice of the peace than it is to find a commissioner for declarations. I cannot see the objection to extending this to a commissioner for declarations. Any person who could be a commissioner for declarations should be a person of some probity who can understand what is required of him. I can see no reason for the rejection of this amendment, except stubbornness on the part of the Government. It is being quite unreasonable on this.

I think the whole of the amendment to section 42 of the Act is disgraceful. It would be a good idea for us to ease it a little, as I have suggested in my amendment. I hope this time the Committee may accept the amendment, because it is eminently reasonable.

Mr Tozer may want to ask me why I am putting something that is so far from the principles. I am just trying to bring about some tiny amelioration. If this amendment were accepted and the clause passed, I would still be most dissatisfied with the clause, but I would feel that we had taken a tiny step in the right direction towards bringing some sanity to the laws of this State.

Amendment put and a division taken with the following result—

Ayes 8

Hon. D. W. Cooley	Hon. F. E. McKenzie
Hon. D. K. Dans	Hon. Tom McNeil
Hon. Lyla Elliott	Hon. Grace Vaughan
Hon. R. Hetherington	Hon. R. F. Claughton *(Teller)*

Noes 15

Hon. N. E. Baxter	Hon. W. M. Piesse
Hon. G. W. Berry	Hon. I. G. Pratt
Hon. T. Knight	Hon. J. C. Tozer
Hon. G. C. MacKinnon	Hon. R. J. L. Williams
Hon. M. McAleer	Hon. W. R. Withers
Hon. I. G. Medcalf	Hon. D. J. Wordsworth
Hon. N. F. Moore	Hon. G. E. Masters
Hon. O. N. B. Oliver	*(Teller)*

Pairs

Ayes	Noes
Hon. R. T. Leeson	Hon. Neil McNeill
Hon. R. H. C. Stubbs	Hon. A. A. Lewis

Amendment thus negatived.

The Hon. R. HETHERINGTON: I move an amendment—

> Delete proposed new subsection (3), line 36 on page 4 down to and including line 5, page 5.

I will leave it to my colleague (Mr Cooley) to deal with the main objections the Opposition has to this proposed section. Perhaps I will join in later.

The Hon. D. W. COOLEY: On behalf of my colleagues in the Royal Justices Association, I must raise some protest against the insertion of this provision in the Bill. If it is passed, I will write a very strong letter to the association, pointing out that the Government has put in a penalty provision against the justices of this State. It is a provision which will make them liable for a penalty quite innocently.

In my second reading speech last night I pointed out that Mr Justice Virtue, in his instructions to the justices of this State, said that it is not necessary for a justice to satisfy himself on every detail in respect of the making of an affidavit. By this provision we are telling the justices, and the people who will be authorised witnesses, that any person who witnesses a signature of a claimant without being personally acquainted with the facts or satisfying himself by inquiry from the claimant or otherwise that the statements contained in the claim are true is guilty of an offence and is liable to a penalty not exceeding $100.

I do not think that penalty should be imposed against the honourable people who are appointed by the Governor to carry out their duties. They know their responsibilities in respect of those matters. It is not proper for the Government to put a penalty provision such as this into an Act.

If it has not seen this clause, the association will be very irate when it realises that this sort of penalty will be imposed against its members.

We appear to be taking Judge Kay's report as a bible in respect of these matters. Everything Judge Kay has proposed, or almost everything, is in this Bill. In the report, Judge Kay said—

> It is the duty of the authorised witness to ensure that the claimant knows what he or she is doing.

How could anyone know? Mrs Piesse is a justice of the peace. How would she know what a claimant was doing? She would not know that. She would know only that the claimant has made an application on the form. If she does not act according to this provision, she will be liable to a fine of $100. That goes against the instructions given to the justices association by such an honourable person as Mr Justice Virtue of the Supreme Court of this State.

By this Bill, the Government is aiming at the enrolment of Aborigines in general, and particularly in Kimberley. That seems to be the main thrust of Judge Kay's recommendations.

I point out to members that between now and whenever the election is held there will be literally thousands of 18-year-old people in every part of the State, who are quite literate and know what they are about, seeking enrolment. Surely there should be provision for them in this Act. The greatest mistake made by the Government in accepting the recommendations is that it is not bringing in the law solely for Aborigines without regard for other enrolments. That is not a fair situation.

The reason the Committee should support the amendment moved by Mr Hetherington is that the Government is trying to impose $100 fines upon the justices of this State who, after all, are responsible people who ensure that the right thing is done. If a justice makes a mistake and does not satisfy himself, as laid down in the Bill, he should not be subject to a fine of $100.

The Hon. G. C. MacKINNON: I would like to see the face of Mr Cooley when he receives a letter in return from the president of the justices association. I direct his attention to section 207 of the parent Act and clause 29 of the Bill. Subsection (2) of section 207 of the parent Act was inserted in 1911, and it has been an instruction to justices of the peace and everyone else since that day. It reads as follows—

> Any person who witnesses the signature of a claimant without being personally acquainted with the facts, or satisfying himself by inquiry from the claimant or otherwise that the statements contained in the claim are true, is guilty of an offence and liable to a penalty of not exceeding one hundred dollars.

After the Act is amended, with the words removed, it would read as follows—

> Any person who witnesses the signature of a claimant without being personally acquainted with the facts, or satisfying himself by inquiry from the claimant or otherwise . . . .

That is identical to what has been in the main Act since 1911. That was reinforced, quite unnecessarily, by section 193. However, it is being removed from section 207 by this amending Bill, and it is being placed into section 42 because it happens to be more strategically placed in that section.

I have probably saved the honourable member a great deal of embarrassment over writing his letter and receiving the answer he would have received otherwise if I had not brought this matter to his attention. I hope he is suitably grateful.

The Hon. D. W. COOLEY: I am not grateful. I do not know of any situation under any circumstance where a justice of the peace is subject to conditions such as those contained in this provision. The Leader of the House has taken the report of Judge Kay as a bible. Judge Kay has pointed out that illiterate people can witness documents, and that is why the four classes of selected people to witness documents are being introduced. There is no analogy at all in respect of what is contained in the Act.

I do not believe that the people to whom I have referred should be subject to such a penalty.

The Hon. G. C. MacKINNON: I wonder whether it is apparent to anyone that herein could well lie the crux of the problem. Perhaps Mr Tozer may be interested in this line of thought. If persons such as the Hon. Don Cooley, JP, MLC, and the Hon. Bob Hetherington did not know that it was an offence for any person to witness an enrolment card not knowing the person and not making proper inquiries to find out that the details were true, then it probably follows that all the people who have been witnessing for the Labor Party have been ignorant of the same fact. They have not been carrying out their duties as they were supposed to do under the Act. It therefore follows that the recommendations made by Judge Kay are very well placed and we should accept them. I am very delighted that the Hon. Don Cooley has given me the opportunity to highlight his party's ignorance in this action and to correct that fault.

The Hon. W. M. PIESSE: Perhaps it may appear to some people that this clause is unnecessary. Nevertheless, as Mr Cooley well knows, if he is to witness a signature on an affidavit and he does not know the person concerned then he must ask that person to swear that the details are correct. He does not have to be acquainted with the contents of the document; but the onus must be placed on the person who brings the document to him. So it is incumbent upon the justice of the peace or whoever is witnessing the document to ask the person to swear that he is "Joe Blow" and that the details are correct. Therefore the onus is placed on the person. If the JP does not do that, whether he is witnessing a signature on a claim form for enrolment or a signature on any other legal document, then he is at fault. Fifty per cent of the people who request a JP to witness their signature are not personally known to that justice of the peace. However, the justice of the peace does have a means of covering himself and he should most certainly use it.

The Hon. D. W. COOLEY: The clause states that he must satisfy himself by inquiry from the claimant that the statement contained in the claim is true. In case members are not aware of the fact, an affidavit is taken into a courtroom. It is the same as a person being in a witness box. In *A Manual for Justices* the Hon. John Evenden Virtue states that a justice is not, in general, required to satisfy himself that the deponent has understood thoroughly every statement made in the affidavit which he is swearing, unless the deponent is either illiterate or blind. That is fair enough, but I point out that hundreds of young people could be seeking enrolment and it is not binding—according to this gentleman's statement—for the justice to go through what is contained in this particular piece of legislation; that is, to satisfy himself by inquiry of the claimant or otherwise, that all the statements contained in the claim are understood. However, if he does not he is subject to a fine.

The Hon. W. M. Piesse: Where he requests the claimant to swear that it is true then the onus is put back on the person.

The Hon. D. W. COOLEY: This is not required under the Justices Act—if this gentleman knows what he is talking about, and no doubt he does. I think the Hon. Win Piesse should add her signature to my letter.

Amendment put and negatived.

The Hon. R. HETHERINGTON: The Opposition is still implacably opposed to this clause. I have not been convinced by the argument advanced by the Leader of the House as I was not convinced by my reading of the report of Judge Kay. I still think that this clause is unduly restrictive and it is most undesirable for

us to become out of step with the rest of the Commonwealth. It is a fact that we will inconvenience a vast number of electors in order to solve some of the problems in the north of the State.

This clause is totally undesirable; but I will not rehearse the argument I used last night because members have heard it and they know where I stand and where the Opposition stands in this regard. The Opposition remains opposed to this clause and will vote against it.

Clause put and a division taken with the following result—

Ayes 15

Hon. N. E. Baxter	Hon. W. M. Piesse
Hon. G. W. Berry	Hon. I. G. Pratt
Hon. T. Knight	Hon. J. C. Tozer
Hon. G. C. MacKinnon	Hon. R. J. L. Williams
Hon. M. McAleer	Hon. W. R. Withers
Hon. I. G. Medcalf	Hon. D. J. Wordsworth
Hon. N. F. Moore	Hon. G. E. Masters
Hon. O. N. B. Oliver	*(Teller)*

Noes 8

Hon. D. W. Cooley	Hon. F. E. McKenzie
Hon. D. K. Dans	Hon. Tom McNeil
Hon. Lyla Elliott	Hon. Grace Vaughan
Hon. R. Hetherington	Hon. R. F. Claughton
	(Teller)

Pairs

Ayes	Noes
Hon. Neil McNeill	Hon. R. H. C. Stubbs
Hon. A. A. Lewis	Hon. R. T. Leeson

Clause thus passed.

Clauses 9 to 12 put and passed.

Clause 13: Section 95 amended—

The Hon. R. HETHERINGTON: The Opposition opposes this clause. It is ridiculous that a person should be guilty of an offence by persuading or inducing somebody to do something that is perfectly legal. There is no reason, in equity, that I or anyone else who knows someone who is entitled to a postal vote should not persuade or induce that person to vote. Some people have a strong sense of independence. I have been to them and told them that because they are sick they should record a postal vote. They have usually answered that they will cast their vote if it kills them. We do not want to kill them, so we persuade them to cast a postal vote. If this provision is passed that will not be possible. If the provision were to read "improperly persuade or induce" I could understand it, but the words as they stand are ludicrous.

If one tries to persuade a person to cast a postal vote, that does not mean one tries to persuade that person to cast the postal vote in any particular way. One persuades people to exercise their legal right if, in fact, they are entitled to it. I find the clause objectionable and obnoxious, and the Opposition will vote against it.

I cannot understand how the clause was included in the Bill. Its obnoxious nature was pointed out to the Minister in charge of the Bill in another place. It caught him flatfooted and he had to go away and think about it. However, it was left in the Bill. If the Leader of the House points out that the provision has been in the Act since 1899, that will not change my mind. The words are objectionable and obnoxious, and should not be in the Bill.

The Hon. N. E. BAXTER: I am not particularly happy about this provision. What does the word "induce" mean? How far can one take the words "induce a person to register a postal vote"? For example, if I were to complete an application form and attach a letter stating that the person concerned was living some seven miles from the nearest polling place and, therefore, entitled to a postal vote, would that constitute "induce a person to register a postal vote"?

I would like a legal opinion from someone like the Attorney General on the use of the word "induce". When I was electioneering in 1960, for instance, I sent out hundreds of application forms, attaching a short note telling people that if they were more than seven miles from a polling booth on polling day they were entitled to a postal vote. In 1958 it happened to rain on a Wednesday and the farmers went out on their tractors. They were 12 or 14 miles from a polling booth. These things happen. Asking people to fill in applications for a postal vote could be taken to be inducing people to have a postal vote. I would like an assurance that that is not so.

The Hon. G. C. MacKINNON: I am amazed at the reaction to this and I wonder how extensive was Mr Hetherington's research. Section 87A of the Commonwealth Electoral Act 1918, states—

> 87A. A person shall not persuade or induce, or associate himself with a person in persuading or inducing, an elector to make application for a postal vote certificate and postal ballot-paper.

Section 74(3) of the Electoral Act of South Australia states—

> (3) No such authorized witness shall persuade or induce, or associate himself with any person in persuading or inducing, any person to apply for a postal vote certificate and postal ballot-paper.

Section 114A (2B) of the Parliamentary Electorates and Elections Act of New South Wales states—

(2B) A person shall not persuade or induce or associate himself with any person in persuading or inducing any person—

Section 219(3)(c) of the Constitution Act Amendment Act of Victoria states—

(c) No person shall persuade or induce—

A similar provision exists in every Act in Australia, with the possible exception of Tasmania.

The answer to Mr Baxter is that he probably does precisely what I have done many times. I tell people what their rights are. If a person says he cannot get to a polling booth, I say to him, "You have a right to fill in an application for a postal vote." That is not inducing him; it is telling him he has that legal right.

The Hon. R. HETHERINGTON: It may well be that every Act in Australia has the same provision. Sometimes provisions are handed on from Act to Act. I still do not like it and I will still oppose it because to me the words as they stand are objectionable. Of course, one points out people's legal rights, but at times it would be quite proper to persuade someone quite vigorously to apply for a postal vote.

It illbehoves the Leader of the House, who with his numbers has been happy to force through a provision which is quite unlike any in the legislation of the other States, to quote the rest of Australia to me.

The Hon. G. C. MacKinnon: You were quoting the rest of Australia last night and saying we should do likewise.

The Hon. R. HETHERINGTON: I am merely pointing out that the Leader of the House is being inconsistent in quoting the rest of Australia to me. Whatever exists elsewhere, there is no doubt reason for it, but I still do not like the words as they stand and I will vote against the clause.

The Hon. N. E. BAXTER: I cannot agree with what the Leader of the House said. This provision may be in the Acts of the other States and the Commonwealth, but that does not make it right. The word "induce" means to prevail upon or persuade. If I sent someone a postal vote application form with a note telling him he was entitled to a postal vote, I should think that was prevailing upon the person. I still think under this provision a person who did that would be liable. I cannot draw any other conclusion. I do not know what the postal voting provisions are in the other Acts.

The Hon. G. C. MacKinnon: Yes you do. I just told you what they are.

The Hon. N. E. BAXTER: The Leader of the House told us what the provisions were in relation to inducing a person to apply for a postal vote. He did not tell us what the other postal voting provisions were. Ours could be entirely different. Under our Act a form must be filled in with certain information which normally is not available to people who do not have an electoral roll. In country areas, such as those which Mrs Piesse and I represent, people are miles from an electoral roll. A postal vote application form must be filled in with the information that is in the roll. If I posted a postal vote application form to a person in my electorate, I would be inducing that person to apply for a postal vote.

Clause put and passed.

Clause 14 put and passed.

Clause 15: Section 100A amended—

The Hon. R. HETHERINGTON: I move an amendment—

Page 9, line 39—Insert after the word "day" the passage ", reasonable notice of which shall be served on all candidates,".

What the amendment tries to do is self-evident. I do not think I need use any powers of persuasion. We want to ensure candidates are given reasonable notice. We are not trying to stop the Chief Electoral Officer doing anything. We are just adding to his duties, requiring that he give reasonable notice to candidates. I think it is a reasonable request.

The Hon. G. C. MacKINNON: This is a new matter and the administrative procedures have not yet been finalised. I take it the honourable member wants all candidates within the district of the hospital in question to be given reasonable notice. I want this in the record because we must ensure this is done as a straight administrative detail.

The Hon. R. Hetherington: There is a problem there because some of the hospitals will have as patients residents of a number of electorates.

The Hon. G. C. MacKINNON: This is another quite serious problem, and it would mean a heavy administrative load on the Chief Electoral Officer. Just consider a hospital such as the Royal Perth Hospital. All we could really do is to insert an advertisement in the Press that the nominated day would be so-and-so. It would be almost administratively impossible to comply with this amendment. We could inform a candidate in the Kimberley electorate that a person was in the Royal Perth Hospital and then the doctor could

let him go home the day before the candidate turned up. It is the sort of thing that sounds simple but is in fact extremely difficult.

The Hon. R. Hetherington: Yes.

The Hon. G. C. MacKINNON: In the same way a doctor in a remote region may send a woman having a child to the King Edward Memorial Hospital because he feels she will need specialist treatment. However, she could be sent home the day before a candidate turned up. Will the honourable member accept that there is no desire on anybody's part not to let the parties know?

The Hon. R. Hetherington: Yes, I will accept that.

The Hon. G. C. MacKINNON: There would be difficulties connected with comparatively small hospitals such as the Bunbury Regional Hospital. The difficulties associated with large metropolitan hospitals boggle the mind. Will the honourable member accept that there is no desire to keep the candidates in ignorance of the facts and that we will do the very best we can to make known the days when they can attend?

The Hon. R. HETHERINGTON: I take the point made by the Leader of the House. I know there is no desire not to let the candidates know. He knows that I tend to try to write in safeguards.

The Hon. G. C. MacKinnon: I appreciate that.

The Hon. R. HETHERINGTON: That is all I am trying to do. However, the Minister has given me that assurance, it will be recorded in *Hansard*, and I know the attempt will be made to do it. I realise there is no desire not to inform candidates, but I want it brought home to the Chief Electoral Officer that amongst his multifarious duties this is one we would like him to keep in mind. As the Leader of the House has given me that assurance, I seek leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause put and passed.

Clause 16: Section 100B added—

The Hon. GRACE VAUGHAN: During the second reading debate I referred to subsection (3) of proposed new section 100B which reads as follows—

> (3) Where, for reasonable cause, there is a failure to attend a place in a remote area as required by subsection (1) of this section, the election and the result thereof shall be deemed not to be affected thereby.

I ask the Leader of the House whether this is not possibly pre-empting a decision of a Court of Disputed Returns.

The Hon. G. C. MacKinnon: I am sorry you will have to elaborate a little. I did not quite get the query.

The Hon. GRACE VAUGHAN: It seems to me that if such a condition is written into the Act, it would not be possible to make an application to the Court of Disputed Returns on the ground that certain people were not able to get to a voting place in a remote area and that therefore the election of a member should be set aside and a new election called for.

The Hon. G. C. MacKINNON: Perhaps the honourable member and I are talking at cross purposes. The actual purpose of this provision is to make it possible for a polling place to get to the area. I believe the honourable member thinks that it refers to the voters getting to the area.

The Hon. Grace Vaughan: Thank you.

Clause put and passed.

Clause 17 put and passed.

Clause 18: Section 102A amended—

The Hon. R. HETHERINGTON: I move an amendment—

> Page 11, line 16—Add after the word "preferences" the following proviso—
>
> > Provided that where a voter at any election presents a written or printed list of candidates upon which preferences are indicated, at any polling place, the presiding officer shall, after satisfying himself that the list represents the voting intentions of that voter, accept such list as evidence of the voter's instructions and of the exact direction of the voter's preferences.

The Opposition is attempting to write into the Act an interpretation of how a voter may instruct a returning officer when seeking his assistance. Of course, I am not suggesting that necessarily an elector should just hand over a how-to-vote card. The returning officer would have to say to such an elector, "This is a voting card for a certain party. Do you want to vote for the party, and do you want to follow the ticket put out by that party?" If these questions are answered satisfactorily, it seems to me that in the case of a voter, who for various reasons needs help—and there will be a range of these reasons now in the Act, and this is an area where we believe the Government has improved the legislation—a how-to-vote card should be accepted as a proper instruction.

Whatever people may say, whatever Judge Kay may say, whatever the Leader of the House has said in the past about its being a voter's duty to

make sure he knows how he is going to vote, in fact it is not part of the law that people have to know in detail how they are going to vote. In my experience, very few people come up to a polling booth knowing precisely how they are going to vote. I have told a tale a number of times, but it is a true tale, whatever honourable members may think. I was once asked by a woman how she could vote Liberal in another electorate.

This happened before I became a member of Parliament, but I happened to know how she should vote. So I told her, and I told her correctly. Oddly enough, she came back to tell me that she had changed her mind. However, that was not my fault; I did not tell her how to do anything except how to vote the way she wanted to vote.

I can see no reason that a blind person or one who has trouble in reading should not be able to present a card to establish how he wants to vote as long as the presiding officer ensures that the card is the right card. Some people like to vote exactly according to the card and they copy out its detail religiously. I would prefer that people did not have cards at all, and in the past I have been guilty of walking past people who have been handing out how-to-vote cards. I have changed my mind about that practice because I believe it is rude. I now take a card from everybody because I know how it feels to be handing out cards. However, I put the cards in my pocket, and I vote the way I intended to vote anyway.

Many people need the assistance of how-to-vote cards, and this applies particularly to migrants who are used to the first-past-the-post system and who neither understand nor really approve of our system. In fact I believe we should have a system of optional preferential voting which would do away with a great deal of this trouble; but in the meantime the use of how-to-vote cards is a traditional part of our voting system. The vast majority of electors use them. It seems to me that people with special problems ought to be able to offer to the presiding officer a how-to-vote card and say, "If this card is what it purports to be, this is how I want to vote."

I commend the amendment to the Chamber.

The Hon. G. C. MacKINNON: This clause proposes to amend section 102A, and it refers to directions given by the Chief Electoral Officer for the purpose of assisting electors to vote. In giving directions, the Chief Electoral Officer may do precisely what Mr Hetherington wishes to have done; but the returning officer would have to ascertain that the elector knew what was happening. In other words, he must make sure the voter understands what he is doing.

The Government does not wish to write that into the Act or to tell the Chief Electoral Officer what instructions he must issue. He may allow the use of how-to-vote cards if he considers that is desirable or necessary. It is not my desire that a provision to that effect be written into the Act, as it is already possible for it to happen.

I hope the amendment will be defeated.

The Hon. J. C. TOZER: I do not agree with the Leader of the House. I would prefer that the instructions the Chief Electoral Officer may give were included explicitly in the Bill so that they will be incorporated in the Act; in other words, the responsibility of giving instructions should be taken away from the Chief Electoral Officer and made specific in the Act.

The amendment does not help the situation at all. As a matter of fact it is just as obscure as the present provision in the Act—probably more obscure. For example, how does the officer satisfy himself that the list represents the voting intention of the voter? As I mentioned last night in my second reading speech, one sure instance when the voting intention of the voter cannot be accepted is when a written card is presented by an illiterate person who is not able to know what is on the card. Therefore, the amendment does not make the situation any clearer. I think the Act is sufficiently clear in that respect, but experience has proven it is open to interpretation, as we saw in 1977.

I repeat my contention that I would prefer the instructions to be spelt out specifically in the Act. After much debate, we decided that will not be the case, and the matter will be left to the Chief Electoral Officer. So be it. I would hope the Chief Electoral Officer, with full knowledge of the problems that can and do occur in relation to interpretation, will issue the appropriate instructions.

I am concerned about this matter. I suppose the Chief Electoral Officer could give instructions to everyone concerned. Already a book of instructions is issued to presiding officers, and a pamphlet deals with instructions to scrutineers. I can only assume that all necessary instructions will be issued, sometimes to the returning officer, sometimes to the presiding officer, sometimes to the poll clerk, and sometimes to the scrutineers—in fact, to everyone involved in the polling place.

However, we are not discussing that; we are discussing the amendment, which I oppose.

Amendment put and a division taken with the following result—

Ayes 8

Hon. D. W. Cooley	Hon. F. E. McKenzie
Hon. D. K. Dans	Hon. Tom McNeil
Hon. Lyla Elliott	Hon. Grace Vaughan
Hon. R. Hetherington	Hon. R. F. Claughton
	(Teller)

Noes 14

Hon. N. E. Baxter	Hon. O. N. B. Oliver
Hon. G. W. Berry	Hon. W. M. Piesse
Hon. T. Knight	Hon. J. C. Tozer
Hon. G. C. MacKinnon	Hon. R. J. L. Williams
Hon. M. McAleer	Hon. W. R. Withers
Hon. I. G. Medcalf	Hon. D. J. Wordsworth
Hon. N. F. Moore	Hon. G. E. Masters
	(Teller)

Pairs

Ayes	Noes
Hon. R. H. C. Stubbs	Hon. Neil McNeill
Hon. R. T. Leeson	Hon. A. A. Lewis

Amendment thus negatived.

Clause put and passed.

Clause 19 put and passed.

Clause 20: Section 119 amended—

The Hon. R. HETHERINGTON: I move an amendment—

> Delete the passage commencing with the designation "(b)" in line 33, page 11 down to and including the word *"that"* in line 1, page 12 and substitute the following—
>
> "(b) Do you live at.....
> *(being a residential address in the electoral district for which the person claims to vote or which*".

This is a fairly straightforward amendment which will make it easier for people in the polling booths. Instead of the officer asking me, "Are you an elector of the district of Welshpool?" he will look at the roll when I give my name and say, "Do you live at 16 Perina Place?" to which I will reply, "Yes." By this means it will show that I am a resident of the district of Welshpool.

If I remember correctly, this is done in Commonwealth elections and it seems to work very well. Some people, of course, do not know in which electoral district they live; they just know they must vote, and they clutch their how-to-vote cards. I would be interested to hear the reaction of the Leader of the House to this amendment.

The Hon. J. C. TOZER: Quite frankly, I wonder why this amendment has been moved; it does not seem to do much to help. In fact, I can see it only hindering the situation. During the second reading debate last night I referred to the procedure for new enrolments. The procedure suggested by Mr Hetherington's amendment simply would not be applicable in the north. Looking at random down just one column of the Kimberley roll I find there is a fellow whose address is "Yampi". Yampi happens to be a sound, and there are three island communities in that sound. The question would be, "Do you live at Yampi?" to which he would reply, "Yes." However, he could live on Cockatoo Island or Koolan Island. A Mr Wainwright has his address as Wyndham; another elector is listed as living at Halls Creek, another at Turkey Creek and yet another at Koolan Island.

It is scarcely feasible to apply the amendment Mr Hetherington has moved to the situation in the north. I believe the question, "Do you live in the Kimberley electorate?" to be the most logical one.

The Hon. G. C. MacKINNON: It must be remembered that people who move from one residence to another have three month's grace. It could well be that a person may not have been in a position to change his enrolment within the statutory period of 21 days prior to an election because the rolls were closed. If he were asked, "Do you live at such and such an address?" he would have to reply in the negative, in which case he would be asked, "Have you within the last preceding three months lived within that district?" meaning the district in which he claimed to vote.

We must relate this back to section 17(2) of the Act which permits electors who transfer to another district to vote for the district in which they are enrolled if the election is held within three months of the change of address and if his name has not already been transferred to the other roll.

I think Mr Hetherington in moving his amendment is thinking of the large electorates, such as Kimberley, and not a country area such as Bunbury, where we virtually have the electorate of Bunbury on one side of the street, and the electorate of Wellington on the other. Indeed, a similar situation applies in a number of metropolitan electorates. It is appreciated this causes some confusion in the minds of people who might not know the procedure, but there seems to be no other solution to the problem.

Amendment put and negatived.

The Hon. GRACE VAUGHAN: I want to ask the Leader of the House several questions in relation to clause 20 in which we find the proviso as follows—

> but the presiding officer may decline a scrutineer's request . . .

That conflicts with section 119(2) of the parent Act which reads—

> The presiding officer may, and at the request of any scrutineer shall . . . .

It seems it is saying unequivocally that the presiding officer shall. The Government is trying to obviate a loophole in the Act in relation to visiting legal experts or party political experts. When the presiding officer is not as sure of the Act as he should be, or if he is easily intimidated, when presented with the word "shall" by a lawyer he may doubt his ability to use that proviso. I suggest that subsection (2) should be reworded as follows—

> A presiding officer may at his own behest or at the request of a scrutineer. . .

And the word "shall" would not be in it, and the proviso would be absolutely clear.

The Hon. G. C. MacKINNON: I see the point the honourable member is making. It would read—

> (2) The presiding officer may, and at the request of any scrutineer shall, put to any person claiming to vote at any election all or any of the following additional questions:—

Then the questions follow, and the provision would continue—

> but the presiding officer may decline a scrutineer's request for the asking of any one or more of those questions if the presiding officer considers that the asking of the question or questions would not be reasonable.

It is my belief that there must come a time during the discussion when the will of the presiding officer ought to prevail. He should say, "We have asked enough questions. I am quite sure." Nevertheless, I will ensure that the matter is looked at with a view to ensuring there is no conflict. I promise the member that the word "shall" will be drawn to the attention of the authorities.

The Hon. GRACE VAUGHAN: The other matter concerning me is that there is a proviso that the presiding officer may present questions in a way which is more understandable by the person concerned—simpler language, and that sort of thing. Some of the questions could, in the first instance, be phrased with less obscure language. I refer to the use of the Latin words "bona fide" which mean "in good faith". Why do they have to be included? The question could be, "Have you, within the preceding three months lived within that district?" Either they have lived there or they have not.

I was not being facetious when I said yesterday that if Latin is to be included, why not include a colloquialism such as "fair dinkum", which people will understand? There are many people in this Chamber who, although they have a fair idea of what "bona fide" means, are not really aware of its literal meaning.

The Hon. R. Hetherington: Five people in another place did not know what it was.

The Hon. GRACE VAUGHAN: If the Government is trying to get across to a voter who is not literate, or who is not well versed in literature, shall we say, it should not frighten him off with questions that are couched in strange terms. I know the term is included already in the Act; but it seems to me, if we are fair dinkum about persuading electors not to be frightened, we ought to remove such terms.

The Hon. G. C. MacKINNON: I assure the honourable member that when the administrative instructions are being written, her plea will not have fallen on deaf ears.

Clause put and passed.

Clause 21: Section 129 repealed and re-enacted—

The Hon. R. HETHERINGTON: I move an amendment—

> Page 13, lines 12 to 14—Delete the passage "in the presence of such scrutineers as are present, or, if there are no scrutineers present, then".

So that members can follow what I am saying, the re-enacted section would then read—

> 129. On request from an elector the presiding officer, an assistant presiding officer, or a poll clerk, in the presence of—
>
> (a) another electoral officer; or
>
> (b) if the elector so desires, in the presence of a person, other than an electoral officer, appointed by such elector,
>
> shall mark the elector's ballot paper according to the instructions of the elector, and fold and deposit the ballot paper for him, after which the elector and any person appointed by him, shall quit the polling place.

I object most strongly to the passage I am asking to be deleted. I am quite vehement about this. If the words are left in scrutineers would have the right to watch a polling clerk following the electors' instructions, thereby breaching the secrecy of the ballot. This is most improper.

As I said last night, in this instance I agree with His Honour Judge Kay when he said that one should be able to trust a presiding officer to

do this without anyone having to watch him. I appreciate that the Government wants to put in the added safeguards for which I am always looking, so I cannot cavil at that.

If one has scrutineers watching, they are the people representing the candidates. They are not friends; they are not someone looking after the interests of the voter. They are there to look after the interests of the candidates.

In a small country town, scrutineers watching how someone votes could well breach the secrecy of that vote. If the Minister thinks about this I am sure he will agree that there is no need to have scrutineers present.

The amendment should be accepted, because if it is not, I will not accept any argument which indicates we are doing anything but immorally and improperly breaching the secrecy of the ballot in a way which is most undesirable and unnecessary.

I cannot accept that scrutineers should poke their noses into how someone is voting. They can poke their noses into how people have voted anonymously when they look at the ballot papers later on. My amendment is quite basic and fundamental. The words I am asking to be deleted should not be included.

The Hon. G. C. MacKINNON: One almost feels that in the light of the honourable member's comments it is pointless making any remarks at all. If that is so, I will merely make a few comments for the sake of the record.

Over the years I have had scrutineers in ballot places and for the first two of my elections, when there was voluntary enrolment and voluntary voting, we had scrutineers marking people off the rolls. I have yet to see a scrutineer standing over a person to see how he votes. Scrutineers are there to ensure there is fair play and I would expect a presiding officer to give the elbow to any scrutineer who wanted to see how a vote was cast.

The Hon. R. Hetherington: He has to give verbal instructions.

The Hon. G. C. MacKINNON: I appreciate that. I suppose that is one of the disadvantages. Nevertheless, in the light of the sort of concerns that abound, I must stick by this current provision, bearing in mind all the time that we have with us the problem of looking after the ordinary sort of area, which is the majority of the State, and the problems which have been occasioned with elections in remote areas. For the sake of those areas where it is necessary to have scrutineers, we ought to retain the clause as it stands.

The Hon. GRACE VAUGHAN: I find this clause particularly obnoxious in regard to the presence of scrutineers. I emphasise the point Mr Hetherington made and which the Leader of the House has acknowledged to be a necessary evil. If we are to have scrutineers present, obviously we will not be able to have a person come into a voting compartment and ask for assistance, because it would be physically impossible to fit everyone in the compartment; that is, if we are going to have a presiding officer, another officer, and all the scrutineers present as well as the person asked for by the elector.

In the case of a seat where there are perhaps four candidates for the lower House and two or three candidates for the upper House, we will have as many as 12 people gathered around this poor unfortunate elector. For the most part he will give verbal instructions as to how he wants to vote.

It is bad enough with the possibility of one person knowing how he is going to vote, which might leave him open to some sort of blackmail or pressure; but for 12 people to know how he is going to vote—and this could apply where there are just four candidates for a seat in the lower House and three for a seat in the upper House—the way is open for the increasing probability of someone breaching the privacy of the elector's vote. There is much more probability of someone being able to say to the voter's boss, "This fellow did not vote the right way."

It does not matter whether or not we are talking about remote areas; this provision is increasing the probability of a voter's privacy being violated. This is especially so when one considers the number of witnesses there could be to the way in which a person votes.

The Hon. R. F. CLAUGHTON: It is bad enough for a handicapped person merely to be obliged to ask for assistance in the act of voting. I know when I go to a polling booth I do not want anyone else around while I cast my vote, even though most people will know how I vote anyway. Nevertheless, I consider it to be a very personal matter.

A handicapped person who has to ask for assistance can be caused some embarrassment because of the lack of privacy. In order to ensure the vote is registered in the way the handicapped person wishes, I am prepared to concede that a presiding officer or one of the other polling officials should also be present. However, I cannot understand the need for scrutineers to be there also.

None of those who are not handicapped would be prepared to accept that condition, so why should we so partronisingly allow such an imposition upon people who are already suffering burdens that are not known to us? It is quite wrong that we should place this provision in the legislation.

If a presiding officer is not to be trusted he should not hold that position. I have worked in polling booths and have known that among the polling clerks there were people with various political affiliations; but I have never in my experience seen one of these officers do something which could be described as being biased towards his political party. At all times these officers have acted in the way in which we have a right to expect of them.

It is a sufficient imposition on the voter to have a nominated person, who may well be one of the scrutineers, but someone of his choice, and a polling official watching to see the vote is carried out according to his wishes. I oppose strongly the amending provisions contained in this clause. I hope the Minister concedes our point.

We all have our own political viewpoints and we all want someone of our own persuasion to be there; but it is not reasonable to ask a voter to accept that simply because we want it. We must place the desires of the voter before our own. I hope members support the amendment moved by Mr Hetherington.

The Hon. J. C. TOZER: I can see quite clearly the point of view of Opposition members in this difficult situation which we would be far better without, if we could get along without it. However, it is not easy to do so.

I was in one of these polling places for a period of time one day when a large percentage of the voters were illiterate and needed the assistance of the presiding officer. I should like to point out the presiding officer sat at a table apart and the scrutineers were at a discreet distance behind the presiding officer who was in fact casting the vote on the instructions of the voter. Several points must be remembered, one is that the presiding officer controls the polling place and he is empowered to control and discipline the scrutineers there.

If there was a total of four Legislative Assembly candidates and three Legislative Council candidates—seven candidates altogether—at no time would there be 14 scrutineers. There might be two or three scrutineers present at any one time; but there is no way either party would have one scrutineer looking after a Legislative Council election and another scrutineer looking after a Legislative Assembly election at any one time. I believe Mrs Vaughan overstated the problem when she referred to that matter.

I also have faith in the fact that scrutineers exercise discretion in this matter. In addition to that, a scrutineer signs a declaration which says he will respect the secrecy of anything he sees in the polling place. Of course, it is an offence if he, in fact, breaches that secrecy.

I believe the situation is covered as well as it can be. It points out the sorts of things I mentioned last night and other members referred to them also. We must proceed as fast as we can with our education programme and we look forward to the day when no-one, including those who cannot read and write, needs the assistance of the presiding officer.

The Hon. R. Hetherington: It is a long way away.

The Hon. J. C. TOZER: We hope it is not too far away and I suggest it is not. Last night during the second reading debate reference was made to 18-year-olds and the assistance needed by young Aborigines. I know not all 18-year-olds are Aborigines, but I should like to point out that it is not the 18-year-olds who need assistance; it is the older people. It is not the young people who have had some sort of an education—perhaps not always as good as we would like—who need assistance.

There is another unfortunate aspect which has not been mentioned, but I find it difficult to avoid referring to it. Somewhere along the line a candidate X will be standing for election and, in his home town, his brothers, sisters-in-law, and good friends may well be accredited scrutineers. That introduces the probability of great duress to the unsophisticated voter who comes in and is forced to give his instructions to a presiding officer as best he can with the knowledge that the candidate's brother or friend is standing behind the presiding officer watching. It is an unfortunate situation. I wish it did not exist. At this point in time it appears it is inevitable and I can only look forward to the day when it will not be necessary.

I do not intend to support the amendment moved by Mr Hetherington.

The Hon. D. K. DANS: I want to oppose the clause in the amending Bill and support the amendment moved by Mr Hetherington. I have listened with great interest to Mr Tozer and other members; but I believe we are in grave danger of doing away with a very fine Australian tradition and that is our system of voting which is known

the world over as the Australian secret ballot. That ballot emanated in Australia and, without going into all the ifs and buts of the matter, because some of us have a knowledge of the history of what has happened in other parts of the world, I should like to point out that all Australians of whatever political ideology should be proud of that tradition.

I do not know whether the Minister will accept the amendment moved by Mr Hetherington; but let us suppose he will not. In that case, surely the Government should give attention to writing into this Bill certain safeguards in respect of scrutineers. Mr Tozer has made out a rather good case as to why we should have these safeguards. He mentioned home towns and his remarks could relate to some of the small communities in the Kimberley. Like Mr Claughton, I have never struck anyone in the Electoral Department or working on election day who has breached the confidence bestowed on him, be he a scrutineer or an electoral officer. However, in a small area where a scrutineer could find out inadvertently the voting preference of a particular person, it would be disastrous if that information was circulated throughout the community.

It would not have the same impact in the metropolitan area if a voter went to the Fremantle Town Hall where he would disappear into a great multitude of people. I do not think this is really a political question. It is a question of guarding the rights of the individual, whether or not an illiterate voter, in connection with that very fine Australian tradition, the secret ballot.

We make great play of how these matters should be dealt with. However, in the vast subcontinent of India, which is not very far from Australia, the ordinary peasant is much more politically alert than most of the urban dwellers in this country. The vast majority of the people in India can neither read nor write, but there is a huge turnout when either State or Federal elections are held.

It is immaterial in India whether or not a person is literate, because symbols are used at election time in an endeavour to make it easy for people to vote. Members will correct me if I am wrong, but I believe the symbol for the Congress Party used to be a buffalo suckling a young child. Other parties are recognised in a similar manner. The Government should be giving some attention to this clause to preserve the absolute secrecy of the ballot.

There is less chance of preserving that secrecy for people in remote areas than there would be for people in large populated areas. I say this without wishing to denigrate people who may act as scrutineers; quite often people go to the local hotel and partake of a little talking juice. Before it is really apparent, people could be discriminated against because their voting intention was known.

It should be simple to provide an instruction, because surely we have a law which says one cannot be too close to the door of the polling booth. It would be simple to say that scrutineers are required to be in an area which is out of earshot. The scrutineer does not have to hear or see the voter actually vote; he just perceives an action.

The Hon. J. C. Tozer: That is what in fact happens and scrutineers are discreet in the way they carry this out.

The Hon. D. K. DANS: I have made that point and I do not deny it, but this safeguard should be provided in the Bill.

The Hon. J. C. Tozer: It is not new to the Bill, it has been transferred.

The Hon. D. K. DANS: I realise that. However, we should be doing something to preserve the secrecy of persons in a small area or town. They do not have the anonymity of the elector in a city. Therefore, I support the amendment moved by the Hon. R. Hetherington. If the Government does not want to accept the amendment then I would appreciate the Minister giving some indication to the Chamber that he will take steps at least to provide legal grounds to ensure that no-one transgresses in this respect either accidentally or purposely.

I have been associated with many elections in two States, and I have never known of anyone breaching the confidentiality of the ballot box. That is not to say it could not happen, however, so I would like some assurance that the Government will look at the situation and to put in chapter and verse some sort of safeguard.

The Hon. G. C. MacKINNON: Whilst members have been speaking I have been reading through Judge Kay's report and I am impressed with the arguments that have been put forward; because despite the fact that presiding officers and scrutineers are asked to be discreet, I find that Judge Kay really was a little concerned about the scrutineers. I think it is a reasonable proposition and I intend to convey to the Chief Electoral Officer a request to have a look at this with a view to doing something about it. We may then be able to recommit the Bill at the third reading stage.

The Hon. J. C. Tozer: Would not this be covered by the instructions from the Chief Electoral Officer?

The Hon. G. C. MacKINNON: It could be and this may be the answer. However, the point has been made that a person who is illiterate may go to a booth and say, "I want to vote for the Australian Democrats; how do I vote?" Everyone within hearing range may hear this, and he may be a person who does not care if people know his voting intention. However, he may be in the company of his family and wish to vote differently. He may therefore wish to say to the presiding officer "I want to talk to you quietly and request your assistance."

This very reasonable argument which has been put forward impressed me to the point where I will convey a request to the Chief Electoral Officer to look at it carefully to see whether it is fitting, in all the circumstances, to bring the matter forward for recommittal at the third reading stage.

The Hon. R. HETHERINGTON: In view of the comments of the Leader of the House I seek permission of the House to withdraw my amendment. However, if the Leader of the House does not bring this matter up at the third reading stage, I most certainly will.

The Hon. R. F. CLAUGHTON: I am not sure of the process if the Minister finds that the amendment proposed by Mr Hetherington is the most suitable. Would it then be possible to reintroduce the same amendment if it is withdrawn at this time?

The CHAIRMAN: Technically it is possible.

Amendment, by leave, withdrawn.

Clause put and passed.

Clause 22 put and passed.

Clause 23: Section 169 amended—

The Hon. R. HETHERINGTON: I move an amendment—

> Page 13, line 32—Delete the word "recommend" and substitute the word "order".

It would seem to me that it would be better for the court to be allowed to "order" rather than "recommend," otherwise the matter becomes one of grace and favour.

The Hon. G. C. MacKINNON: This is a totally new proviso and really it is going too far to "order" rather than "recommend", because authoritative control must be retained in the hands of the Government. The Government has no right whatever to hand over this total control to the court. It is going far enough to "recommend".

Amendment put and negatived.

Clause put and passed.

Clauses 24 to 27 put and passed.

Clause 28: Section 192 amended—

The Hon. R. HETHERINGTON: I move an amendment—

> Page 16, line 3—Insert after the word "maternity" the following proviso—
>
> > Provided that nothing in this section shall preclude any such elector from arranging to be visited by or from having access to a candidate or his duly appointed representative.

The amendment proposed by the Government is too all-embracing and applies too much of a blanket ban, particularly in view of what I call the rather fictitious statement that people in hospitals have access to television and radio. Those people who want to contact a candidate and ask questions should have every right to do so. If one of my electors were in hospital and wanted me to visit him in order to ascertain my policy, it should be my duty to go along and state that policy. The intention of my amendment is to ascertain the rights of an elector who happens to be ill in hospital.

I believe Judge Kay talked to the administrators, and not to the patients. He did not ascertain how the patients saw their rights, but he ascertained how the administrators saw the rights of the patients. I am not saying that hospital administrators are wrong. It is quite proper for people in hospital to ask that a candidate, or his representative, should visit him. If there are not any medical reasons against that procedure—or even if there are—that is the choice of the candidate.

I wonder what would happen if at election time one of my electors, whom I knew, was in hospital and I happened to visit him. Would I be accused of canvassing? Where will visiting end and canvassing begin? The purpose of my amendment is a simple safeguard which will give a person in hospital the same rights to follow up what Judge Kay thought he should be able to do. If there is a non-lazy person in hospital—or even a lazy person who wants a candidate to visit him because that is his form of entertainment—the candidate should be available. I commend the amendment and I hope it will be accepted.

The Hon. G. C. MacKINNON: This is one area where Judge Kay, himself, carried out most of the investigation. He visited some eight or nine hospitals, and accumulated a considerable body of evidence. I notice in his report he devotes only one

paragraph to the matter. The relevant paragraph reads—

> The feelings and medical condition of patients in hospitals and aged peoples' homes must be respected by candidates and political parties and the only way to do this is to ban access by such people. All the hospitals and institutions I visited were of the same opinion. People, even in hospitals, have facilities to obtain information which will enable them to cast a vote without any invasion of their privacy.

I have no doubt that patients could make some arrangements, anyway. We have followed religiously the recommendation of Judge Kay, and I trust members will reject the amendment. If we find we have gone too far we can correct any failings at a future time.

In my time in Parliament I have seen the situation go from where patients were worried by people going into hospitals to the present situation. Indeed, I have taken postal votes in institutions which, in retrospect, I was sorry about. It was at the request of the patients, but quite frequently I thought it was a bit unfair. Judge Kay probably observed a similar situation, and I think we ought to adhere to his recommendation.

With all the information which is now disseminated I would be very surprised if any patient in a hospital did not see or hear enough to be able to make up his mind. We have to be sure it is fair to all.

The Hon. R. HETHERINGTON: No matter how firm Judge Kay's opinion might be, I must say my opinion is just as firm. I am the last person in the world who would want to harass a person in hospital; that is most undesirable. The submission put in by the Labor Party, which I signed, suggested there had been too much enthusiasm in the collection of postal votes in hospitals. We were concerned, and we wanted to make sure that over-enthusiasm did not occur.

I am suggesting that people who want to be visited should be allowed to have a candidate visit them. It is not for us to tell people that they are receiving enough information. It is possible that people will ring me and ask my views, or want me to visit them in hospital. That seems fair enough.

I am grateful that not many people want to do it, and if I were thinking merely of my own convenience I would not move this amendment. However, I have no doubt some of my constituents, if they go into hospital, will summon me or send a message that they want to see me, and I will turn up because they are usually nice people who want to talk about the election. I do not think I or the Minister should be prevented from doing that. I am sure even the Minister has some electors who like him and who, if they were in hospital, would want to talk to him about the election.

It is only a tiny wedge into the general principle of the clause. It is not asking very much. It is merely asking that people be given the right to have their candidate or representative visit them. It is a basic kind of right. As politicians we should be more aware than judges sometimes are of civil rights issues. It seems to me on this issue Judge Kay was unduly paternalistic. I think even the Minister's statements were a little paternalistic—and very uncharacteristic, of course—but I think he should reconsider and accept my amendment.

The Hon. R. F. CLAUGHTON: This is an area where Judge Kay was not only inconsistent but also unkind. On page 23 of his report he said—

> A person in hospital is there because he or she is ill, injured or suffering from some physical or mental complaint and the last thing they require is somebody attending on them and extolling the virtues of some party or candidate.

I can appreciate that some patients may feel that way and do not want to be bothered with people or with watching television or listening to the radio, which can be very disturbing to people when they are ill. On page 24 of his report Judge Kay said—

> Obviously, they have not taken the trouble to acquaint themselves with the material which is being thrust at them. In my opinion, this is pure laziness.

That is a very unkind thing to say about people who are in hospital. If people are too ill to be bothered with other people attending them, obviously they feel much the same way about any information which comes across on radio or television or in printed material. I think we should be concerned about their feelings rather than about the feelings of the hospital administration.

If patients request that their member visit them and explain the voting for the election, that is their right and there should be no possibility of denying it; but that possibility exists with the clause in the Bill.

Mr Hetherington's amendment merely proposes that if patients make such a request, there should be no bar to a person going to see them. I do not think that is a serious departure from the principle of the Bill. It is a facility which should

be available to a sick person who may not have been able to obtain the information necessary in order to lodge a valid vote. I do not think it is unreasonable and I hope members will support the amendment.

Amendment put and a division taken with the following result—

Ayes 7

Hon. D. W. Cooley	Hon. F. E. McKenzie
Hon. D. K. Dans	Hon. Grace Vaughan
Hon. Lyla Elliott	Hon. R. F. Claughton
Hon. R. Hetherington	*(Teller)*

Noes 15

Hon. G. W. Berry	Hon. O. N. B. Oliver
Hon. V. J. Ferry	Hon. W. M. Piesse
Hon. T. Knight	Hon. I. G. Pratt
Hon. G. C. MacKinnon	Hon. J. C. Tozer
Hon. M. McAleer	Hon. W. R. Withers
Hon. Tom McNeil	Hon. D. J. Wordsworth
Hon. I. G. Medcalf	Hon. G. E. Masters
Hon. N. F. Moore	*(Teller)*

Pairs

Ayes	Noes
Hon. R. H. C. Stubbs	Hon. A. A. Lewis
Hon. R. T. Leeson	Hon. Neil McNeill

Amendment thus negatived.

The Hon. GRACE VAUGHAN: I would like to raise a matter I referred to during the second reading debate. I am in some doubt as to the efficacy of proposed subclause (3) which commences as follows—

> Literature relating to political parties may be left at the general office of an institution or hospital—

In my second reading speech I said I understood this was all that could be done. However, I believe it does not mean literature cannot be left elsewhere. It does not say the literature may not be left with the patients and surely such a decision should be left to the hospital as it was before. I do not see any provision in the Bill prohibiting the leaving of literature relating to an election at the bedside of a patient.

The Hon. W. M. Piesse: But that provision refers only to polling day.

The Hon. R. Hetherington: No, that was not what Judge Kay meant.

The Hon. GRACE VAUGHAN: Proposed subsection (1) refers to polling days, but the others do not. I am referring to proposed subsection (3). It is not specifically stated here, but would it be an offence to take literature to a patient?

The Hon. G. C. MacKinnon: It can be taken to a patient, but it cannot be taken by the candidate to the patient.

The Hon. GRACE VAUGHAN: Where does it say that?

The Hon. G. C. MacKinnon: It specifically says the literature should be left at the general office.

The Hon. GRACE VAUGHAN: It does not say it may be left at the general office by a candidate. It does not say a candidate cannot go to see a patient.

The Hon. D. K. Dans: And neither it could.

The Hon. G. C. MacKinnon: It could not say that because a candidate might be the relative of a patient.

The Hon. GRACE VAUGHAN: I wanted to get this clear because I may want to take some literature to a patient. If the matron allowed me to make a general tour of a hospital, there is nothing in the legislation to preclude me from doing so. I would like to think the legislation is making a suggestion about where to leave the literature.

The Hon. G. C. MacKINNON: The intent of this provision seems to be perfectly clear; it is to protect patients being plagued by candidates or their agents. We cannot write into legislation that a candidate should be barred from seeing every patient because a patient may be a relative or friend. However, I would think that candidates for Parliament would be intelligent enough to obey the spirit of the law and ensure that they do not finish up in gaol.

Judge Kay held a firm belief that in the past some patients have been pestered by candidates. After a fairly long experience in the business, I must admit that accords with my own belief. I do not think it will hurt us to go to these lengths to protect the patients. Of course, most patients in hospital are not sick unto death; they can walk about and perhaps go into other areas to talk to candidates if they want to. However, we need some such provision, particularly to protect people in homes for the aged and the infirm. I believe it is quite desirable.

The Hon. GRACE VAUGHAN: I do not believe the wording of this provision will achieve that. It is all very well to say candidates should interpret the spirit of the law, but that is a very intangible concept which needs to be spelt out. It seems to me that if the intention is to exclude literature being left with patients, that should be spelt out clearly.

Because of the possibility of annoying some very sick patients—and I am sure the staff would

see this did not happen—we will deny many people who are unfortunate enough to be in hospital the stimulation of taking an interest in the election of their members of Parliament. It is not in the true cause of democracy to say that because a person is in hospital we will not let him be well informed.

The Leader of the House believes the provision means that literature may be left only at the office. How are patients to know it is there? What is the likelihood of all the patients trapesing to the general office to ask for something that they do not know is there? I would rather see the Act left as it is. At election time the newspapers are full of party political matters so why should political literature be isolated in the general office? In my opinion this provision will not have the effect that the Leader of the House believes it will have.

The Hon. G. C. MacKINNON: Of course, there is no intention to isolate hospital patients; we have every intention of making them fully aware of the situation. It is agreed they have access to newspapers, radio, and television, and election material will be available to them at the office. I take it that the Hon. Grace Vaughan has never been in hospital for any purpose other than to have babies. I am one of those unfortunate persons who has been in hospital for just about every reason but that one!

The point is that word will go around the hospital when the polling booth is coming. In the past patients used to ask each other for how-to-vote cards. They will not have to do that now because the cards will be available in the office.

I think that is a satisfactory arrangement which will work exceedingly well. I suggest that members opposite do not rush into hospitals trying to get themselves put into gaol like some of their friends have been doing in respect of the public assembly law. I suggest we all just take it quietly.

The Hon. D. K. DANS: This clause disturbs me because it manifests a principle which is seen in so many other Bills. There is no point in trying to skirt around the matter; it is simply bad drafting. I have heard from a legal friend that the Chief Justice on a number of occasions recently has criticised Bills emanating from this Chamber. We are supposed to be a House of Review—a proposition I reject—and even if we do not do things with equity and fairness, at least we should do things properly and scrutinise the legislation which comes here to ensure that it is technically correct.

I refer members to the wording of the clause. As far as I am concerned, it represents an infringement of the rights of the individual and could be challenged at law. People who have visited hospitals would know that those in charge have at times denied access to candidates, have been selective in respect of whom they let in, have taken literature and burnt it, or have been selective in the type of literature they pass around. The absurdity of this provision has been highlighted by Mrs Vaughan, because even newspapers are circulated.

The second point to be made is that the mail could be used to supply political information to patients. No-one would dare suggest that the Parliament of Western Australia could pass legislation which allowed for the interference with mail. That action carries very heavy penalties.

To illustrate just how absurd this provision is, I indicate that people could solicit the names of sick persons and post to them political literature which they do not want. If the hospital matron or anyone else interfered with the mail she would be punished severely at law.

The Hon. W. R. Withers: But they wouldn't have people canvassing at their bedside.

The Hon. D. K. DANS: I am not talking about that at the moment; this provision refers to literature. I can understand what Judge Kay was getting at, and I do not knock his intention. I am saying we should be technically correct.

The Hon. W. R. Withers: I think the provision is technically correct.

The Hon. D. K. DANS: Be careful; some parts of the Bill are very bad, as is the case with most legislation which comes to this Chamber.

What is the good of having something in a Bill that is so patently open, not to abuse, but to ways of getting around it? No-one can deny me the opportunity to visit a constituent in hospital, if the constituent wants to see me. No-one could prevent me from giving to that constituent any literature I wanted to give him. We have not yet reached the level where our rights are so severely infringed, although after reading the paper today I admit that time is not far off. It appears shortly the Premier may have to seek the permission of the Commissioner of Police before making a statement.

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

The Hon. D. K. DANS: I hope it is, but it seems it is getting that way.

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): Order! That has nothing to do with the Bill.

The Hon. D. K. DANS: Sir, I am using that example to highlight how absurd we are getting.

The Hon. W. R. Withers: I am pleased you admit it.

The Hon. D. K. DANS: I am referring to the Bill, and Mr Withers knows what I am saying is correct.

The Hon. W. R. Withers: I do not.

The Hon. D. K. DANS: Any political candidate who inflicted himself upon a seriously ill patient would have to be nuts, because his callousness and insensitivity would become known. Political candidates and politicians generally are not highly thought of in the community, but I do not think they would do that. Therefore, this is simply a piece of window dressing.

When Judge Kay made the recommendation I suggest he was not thinking about patients, but about the abuses which have occurred in various hospitals and which have been perpetrated by both sides. However, I can see the difficulty he faced.

I do not think the matron of a hospital has ever had a great deal of difficulty in preventing a person from taking material into a hospital. The provision will be bypassed by the use of the mail. In America one cannot mail election material, because it is an invasion of privacy; but for some unknown reason one can put election material under a person's door. We will have an increasing flow of literature being mailed to people in hospital.

The provision will achieve nothing. In fact, carried to extremes by zealots, it could interfere seriously with the rights of the individual, and lead to all kinds of legal action.

Clause put and passed.

Clause 29 put and passed.

Title—

The Hon. LYLA ELLIOTT: I do not think the title should be agreed to. This is an outrageous piece of legislation which is being forced through by a cynical and ruthless Government.

The Hon. G. C. MacKinnon: You are sounding more like Ruby Hutchison every day.

The Hon. LYLA ELLIOTT: I spoke during the second reading debate and intended to speak during the Committee stage. In fact, I made copious notes to enable me to enter the debate. However, I refrained from doing so because I have come to the conclusion that this Chamber is a farce and makes a mockery of the democratic system of Parliament.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

STAMP ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the requested amendments made by the Council.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. I. G. Medcalf (Attorney General), read a first time.

Second Reading

THE HON. I. G. MEDCALF (Metropolitan —Attorney General) [12.04 a.m.]: I move—

That the Bill be now read a second time.

This Bill is complementary to the Fisheries Act Amendment Bill, 1979, which incorporated certain recommendations made by the South Coast Fisheries Study Committee.

Reference was made when introducing that Bill to the necessity of also amending the Local Government Act.

In its report the committee recommended that—

(a) The control over coastal fisheries, inlets and river fisheries, presently exercised by the Shire of Gnowangerup, should not continue and, for the sake of consistency and effectiveness in management policies, should revert to the Department of Fisheries and Wildlife; and

(b) all licences and other authorities issued by the Shire of Gnowangerup should, from a forward date not less than six months in advance of announcement, cease to be effective and be replaced, subject to the usual discretion and control of the department.

This Bill seeks to repeal section 213 of the Local Government Act under which a shire council may make by-laws in respect of fishing in reserves vested in it.

Provision is made, however, for such by-laws to remain in effect until the expiry of the period of

six months from the date of coming into operation of this Act. This also applies to licences already issued or granted by virtue of section 213 in that they will continue in force until the expiry of the six months period or the date on which the licence would normally have expired, or been revoked under the by-laws, or terminated in accordance with specified conditions, whichever first occurs.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. F. Claughton.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. G. C. MacKINNON (South-West—Leader of the House) [12.05 a.m.]: I *move*—

That the House at its rising adjourn until Tuesday, the 16th October.

Question put and passed.

House adjourned at 12.06 a.m. (Thursday)

QUESTIONS ON NOTICE

TRANSPORT: BUSES

Armadale-Perth

250. The Hon. F. E. McKENZIE, to the Minister for Lands representing the Minister for Transport:

(1) Is the Minister aware that the Metropolitan Transport Trust has removed the destination signs from buses servicing the Perth-Armadale area?

(2) Is he aware that this action on the part of the MTT is causing concern and confusion among people wishing to utilise the service in those areas?

(3) Although the route number has remained on the buses, will he explain how country, interstate and overseas visitors, are expected to understand this system without some broad knowledge of the general direction of travel as was the case when destination signs were displayed on the buses?

(4) (a) Are destination signs being removed from those buses only on the Perth-Armadale route;
(b) if not, from what other sections are the signs being removed?

(5) Will the Minister have the destination signs reintroduced?

The Hon. D. J. WORDSWORTH replied:

(1) The matter had not been drawn to the Minister's attention.

(2) Buses from Gosnells depot have been operating showing route numbers only for over four months. In that time the MTT has received only two verbal inquiries and one written inquiry which is hardly an indication of concern or confusion. Regular patrons are familiar with route numbers in any case.

(3) The MTT advises that the route number is more important that the destination as a number of different buses can travel to the same destination over different routes.
Route information is readily available to anyone by telephone or over the counter at MTT information offices and the MTT route map and literature are widely distributed among visitors to Perth.

(4) (a) As there are a number of benefits to be gained if destination signs can be dispensed with, extension of the system is being considered.
(b) Not yet decided.

(5) If indications are forthcoming of any real concern, the Minister will discuss the matter with the Chairman of the MTT whose prime consideration is the efficient operation of his services to the benefit of the travelling public.

HOUSING: PERMANENT BUILDING SOCIETIES

Assets and Liquidity

251. The Hon. D. W. COOLEY, to the Attorney General representing the Minister for Housing:

(1) What were the total assets of the permanent building societies in Western Australia as at the 30th June, 1978, and the 30th June, 1979?

(2) What was the liquidity ratio and amount at both periods?

The Hon. I. G. MEDCALF replied:

(1) Total assets—

June 30, 1978—$1 385 million
June 30, 1979—$1 646 million.

(2) Liquidity—

June 30, 1978—13.74%—$183 million
June 30, 1979—13.38%—$212 million.

EDUCATION: SCHOOLS AND HIGH SCHOOLS

Rockingham Shire

252. The Hon. I. G. PRATT, to the Minister for Lands representing the Minister for Education:

In relation to Government schools within the Rockingham Shire—

(1) In each of the financial years—1974-75, 1975-76, 1976-77, 1977-78, and 1978-79—

(a) what works were undertaken, and what were the costs at each of these schools;

(b) what were the total payments in salaries to teaching staff at each of these schools;

(c) what were the total costs of wages paid to non-teaching staff at each of these schools; and

(d) what were the costs of stock delivered to each of these schools?

(2) What are the anticipated figures in each of the above categories for the financial year 1979-80?

(3) For each of the school years—1974, 1975, 1976, 1977, 1978, and 1979—what were—

(a) the enrolments for each of these schools at the commencement of the year; and

(b) the teaching staff allocated to each of these schools at the commencement of the year?

The Hon. D. J. WORDSWORTH replied:

(1) to (3) The extent of information requested in this question is far-reaching and the research required so detailed that an answer will be given by letter.

RECREATION: CRICKET

Televising of Tests

253. The Hon. D. W. COOLEY, to the Minister for Federal Affairs:

Will the Government intervene in the Trade Practice Commission hearing to support the Australian Broadcasting Commission's submission to obtain rights to telecast Test and other major cricket matches in the Australian 1979-80 season?

The Hon. I. G. MEDCALF replied:

I regret that there is insufficient information available at present on which to make a judgment. Further inquiries will be required and I will advise the member as soon as possible.