Legislative Assembly

Wednesday, the 3rd October, 1979

The SPEAKER (Mr Thompson) took the Chair at 2.15 p.m., and read prayers.

QUESTIONS

Statement by Speaker

THE SPEAKER (Mr Thompson): I announce that questions will be taken at a later stage of today's sitting. With respect to questions for tomorrow's notice paper, I advise that they should be tabled by 4.00 p.m. today.

The exception from this rule are questions which may be asked without notice today and which arise out of or are supplementary to questions on today's notice paper. In cases where the Ministers request these questions to be asked on notice they should be passed to the Clerks forthwith after the completion of question time.

It is my intention that this practice shall apply on each day that the House sits earlier than 4.30 p.m.

ELECTORAL ACT AMENDMENT BILL (No. 2)

Standing Orders Suspension

SIR CHARLES COURT (Nedlands—Premier) [2.20 p.m.]: I move—

That so much of the standing orders be suspended as is necessary to enable this House to hereby direct that in connection with the Electoral Act Amendment Bill (No. 2) the questions on the remaining stages of the Bill shall be put with any amendments previously passed and also so many of the clauses and amendments set out hereunder as have not been previously passed and without further debate as follows:

In Committee

Clauses 13 to 29 with the following amendments:—

1. Delete Clause 29.
2. New Clause.

To insert a new clause to stand as clause 29 as follows—

Section 207 amended.

29. Section 207 of the principal Act is amended—

(a) as to subsection (1)—

(i) by deleting the first three lines and inserting in lieu thereof the passage "The signatures to forms other than claims may be witnessed by an elector, or a person qualified to be enrolled as an elector, of the Commonwealth"; and

(ii) by deleting the second paragraph;

(b) as to subsection (2), by deleting the word "claims", in line three, and inserting in lieu thereof the words "a form of the kind wherein the statutory declaration is made"; and

(c) by inserting a subsection as follows—

(3) Section two of the Declarations and Attestations Act, 1913 does not apply to or in relation to a claim required to be signed in the presence of a person of a kind referred to in subparagraph (i) of paragraph (b) of subsection (1) of section forty-two.

the title and the question for the Report of the Chairman before 10.30 p.m. o'clock on Wednesday the third day of October, 1979.

In the House.

The adoption of the Committee's Report and the Third reading before 11.30 p.m. o'clock on Wednesday the third day of October, 1979.

And that this House do direct that the remaining stages of the Electoral Act Amendment Bill (No. 2) be dealt with accordingly.

The moving of this motion will come as no surprise to members of the Opposition. It is not unusual when a Bill is before this House and the Opposition of the day is obviously stonewalling that the Government has to use this procedure. We on our side have used it with considerable reluctance over the years, and we have not used it on many occasions. However, it has become patently obvious that the Opposition is entering into a stonewalling exercise.

Mr Barnett: We are not stonewalling; we are trying to get you to see common sense. Surely you understand that.

Sir CHARLES COURT: The member for Morley's statement which was reported in yesterday morning's Press confirms what experienced members of this House have understood to be the case. He made it quite clear that the Opposition had but one objective, and that is to hold up this Bill for as long as it can and to achieve what the Opposition felt was its purpose, and hopefully, the Opposition thought it would defeat the objective of the legislation.

Mr Tonkin: That is right; it is true that we do not like to rig elections.

Sir CHARLES COURT: I take exception to some of the language that has been used by the member for Morley during this debate and on other occasions. We have let him play around in his little paddock over there, and we hope he has enjoyed himself.

I want to remind members that this Bill was introduced last May, and therefore there has been plenty of time for the public to understand it. My belief is that there has been a great deal of discussion of the legislation in many parts of the State and amongst the members of many organisations. In other words, this Bill is clearly understood by the public, and more particularly by the Parliament.

Mr Jamieson: It did a lot of good, didn't it? You didn't alter it.

Sir CHARLES COURT: When the debate was resumed we then had the spectacle of the lead speaker for the Opposition endeavouring to write his name into the *Guinness Book of Records*.

Mr Tonkin: That is untrue. I was not even aware that anything like that was involved. It was not until the Press told me that I realised it. Check your facts and do not tell untruths.

Sir CHARLES COURT: Had the member for Morley had to listen to his own speech he would have realised he was just filling in time. He went on, and on, and on about nothing.

Mr Bryce: His speech was not full of chicanery like the Bill itself.

Sir CHARLES COURT: Those of us who have been in this place for a while realise when a member is speaking to a Bill and is intent about the subject, and realise when a member is simply filling in time. The member for Morley was seeking simply to fill in time, hoping he would get a few headlines about speaking for a record length of time.

Mr Tonkin: That is untrue.

Sir CHARLES COURT: Well, the member rambled on, and on, and on; then as if by magic at a particular time he just decided to stop opening and shutting his mouth.

Mr Tonkin: Personal abuse!

Sir CHARLES COURT: The Opposition has had a considerable amount of time to debate this Bill. It was the intention of the Government to allow ample time so that every member of the Opposition would have an opportunity to express himself on the Bill. Debating time on the Bill has amounted to some 20½ hours. Surely that is sufficient time for a Bill of this size and type.

Mr Jamieson: There is a democratic principle involved, but you don't believe in democracy so it doesn't matter.

Sir CHARLES COURT: I remind members opposite that I gave notice of this motion yesterday when the House commenced; so when the debate on the Bill was resumed in Committee the Opposition knew this procedural motion would be moved today to suspend Standing Orders. One would have thought that had the Opposition been sincere it would have used the full amount of time available to it, in anticipation of the timetable to be applied under the guillotine motion. One would have thought members opposite would use that time last night to express their points of view and to present the new material which, I understand from the news this morning, the member for Morley says he has to submit to the Chamber. One would have thought he would have attempted to do that last night. But, no; what happened? The Opposition moved to report progress, and the Committee reported progress.

Mr Tonkin: Because there was an absurd clause before the Committee.

Mr Bryce: The Minister needed to do his homework and to get a few justifications straight.

Mr Barnett: There was no point in talking if the Minister refused to answer.

Sir CHARLES COURT: If members opposite wished to express new points of view and to bring forward new material, they could have allowed that clause to pass and proceeded on to some other clauses; but that was not their purpose. For some reason or other they decided to report progress and to seek leave for the Committee to sit again. That was the decision of the Opposition, and we supported it because members opposite were giving up their time. Therefore the Opposition cannot plead it was in ignorance of the guillotine motion of which I gave notice yesterday.

I would like to say also that my colleague, the Deputy Premier, has been very patient, and his answers have been most lucid.

Mr Bryce: You have not even been here to hear them. What arrant nonsense. We have a gross distortion of the facts, and you have not even been in the place.

Several members interjected.

The SPEAKER: Order!

Sir CHARLES COURT: His explanations have been clear and lucid and, I believe, most adequate.

Mr Jamieson: He has never understood the Electoral Act, and he never will understand it because he does not want to. He does not understand it, and he will not understand it.

Sir CHARLES COURT: If I wanted an opinion on the Electoral Act and I had to rely on either the Deputy Premier or the member for Welshpool—or any member of the Opposition that I have heard speaking to date—I would certainly rely on the Deputy Premier.

Mr Jamieson: And you would fall in the mud where you deserve to be for relying on him.

Sir CHARLES COURT: Let me point out that in all the time I have been a member of this Parliament I have never seen a Minister handle legislation better or understand Bills better than the member for East Melville, who is the Deputy Premier. I believe it is generally acknowledged on the other side that one thing about the Deputy Premier is that he does his homework and understands the measures he brings before the House.

Mr Jamieson: Not on electoral matters.

Sir CHARLES COURT: In respect of the present Bill the Deputy Premier when explaining the legislation and answering questions has in my opinion been able to give satisfactory, clear, and adequate replies. I say without reservation that had I been in his position I would not have replied as fully as he has.

Mr Bryce: We understand that arrogance. All the opinion polls reflect that sort of arrogance.

Several members interjected.

Sir CHARLES COURT: The Deputy Leader of the Opposition is repeating what the media tell him.

Mr Bryce: It is not the media, but the Gallup polls.

Several members interjected.

The SPEAKER: Order! The Premier will resume his seat. I ask the House to come to order.

Sir CHARLES COURT: I make my final point: In respect of the questions raised, the Deputy Premier has given explanations which I believe have been more than adequate. I must say I have great sympathy for him because it would not matter how many times he rose and answered questions and gave information that he had already given, we would still have the same yap, yap, yap from the Opposition saying that he will not answer questions, he has not observed the courtesies of the House, and so on.

I believe the measure has been adequately explained. Adequate time has been allowed for debate; therefore, there is no alternative but to proceed with the guillotine machinery.

I remind members the motion still allows a generous amount of time for further debate on the Bill, bearing in mind that so much time—20½ hours—has been spent on the matter already. Therefore, the Opposition cannot complain that it has not had an opportunity to get its story across. It has had plenty of time and plenty of chances to do so. Members opposite bring no credit upon themselves and in fact expose their insincerity by the manner in which they have spoken to the Bill, stalled, and wasted time. They threw away debating time last night, completely on their own initiative.

MR BRYCE (Ascot—Deputy Leader of the Opposition) [2.30 p.m.]: The Opposition opposes the motion moved by the Premier to short circuit debate on this Bill. The Bill which is the subject of this guillotine motion will pass into history as a monument to the continuing chicanery of the Court Government. For those back-bench thickheads on the Government side who do not understand the word, it means "legal trickery".

Mr Clarko: You cannot even pronounce the word.

Mr BRYCE: If the member for Karrinyup went to a different school from me, that is his right and entitlement. However, let him go and check the definition of the word and see whether I am very far wrong.

Mr Clarko: I'll bet the ABC does not pronounce it the way you pronounced it.

Mr BRYCE: There is no question in anybody's mind but that this Bill is a deliberate attempt to rig the electoral laws of the State in order to achieve the return of Ridge. I see he is absent from the Chamber this afternoon. Certainly, he has been noticeably absent during the course of the debate; he has not dared offer his opinion.

Mr Shalders: What rubbish! Why don't you find out why he was absent from the Chamber?

Mr Rushton: This is another personal attack on a member.

Mr BRYCE: The member for Kimberley, like everybody else, knows that we have reached the crucial point in this debate, and the Government has decided to sweep it under the carpet. In fact, already this Bill is being publicly perceived as the climax to the "Ridge re-election rort" and that "Ridge re-election rort" has had a whole series of different facets.

Mr Speaker, I am explaining to the House why members of the Opposition are disgusted with the decision of the Government to move a guillotine motion to short-circuit the debate. I would suggest to you that a sense of shame is overtaking Government Ministers and its back benchers alike.

Mr Watt: How long has it been on the notice paper?

Mr BRYCE: The guillotine is the device of guilty men who want to sweep this last, grubby episode under the carpet as quickly as they can.

Mr Watt: That is not true. How long has it been on the notice paper?

Mr BRYCE: I suggest that if the member for Albany was unable to understand the comments of his leader, or if he ignored his leader when he explained to the House how long the motion had been on the notice paper, that is scarcely something for which I would be responsible. If the member for Albany had listened to his leader, he would know how long the motion had been on the notice paper.

Mr Watt: I was listening; I am asking you. However, you do not want to be drawn on that point.

Mr Skidmore: What difference does it make whether the Bill has been on the notice paper for two months or three months?

Mr BRYCE: We, like so many members of the public, perceive this final episode as the climax of a first-class rort. It equals for drama and shiftiness the previous facets of the rort which were perpetrated by this Government and its supporters in order to save the bacon of the member for Kimberley prior to the 1977 election.

The first episode of this rort started long before 1977, because the Government at that stage was manipulating and rorting the system, by manipulating Aboriginal votes on stations and in some missions in the Kimberley. The Government achieved the defeat of certain Labor members in the north by rorting the existing system.

In 1977 the Government detected that the opinion of many Aboriginal people in the north may have shifted, so another form of rort was necessary. The Government sent a small army of legal eagles to the north to rort the existing Electoral Act. In fact, Mr Justice Smith, in ruling that he considered another election was necessary said in effect that those legal eagles had rorted the system and deprived people of their legal entitlement to vote. They had been used to abuse the system and to bluff people out of their legal and democratic entitlement.

Mr O'Connor: This is tedious repetition; it is the 25th time you have made such a statement.

Mr BRYCE: It is not tedious repetition; I am just putting things into clear perspective for members opposite.

Mr Williams: This is the overweight jockey for Ascot riding his last race.

Mr BRYCE: We now hear from the guru from Clontarf, who finds the matter so shameful that he cannot even contribute to the debate.

Several members interjected.

The SPEAKER: Order! The House will come to order.

Mr Skidmore: Go throw yourself in your drycleaning machine!

The SPEAKER: Order! I ask the member for Swan and any other member in this House who feels constrained to interject immediately I resume my seat to desist from doing so. The purpose of my rising to call the House to order is to retain some dignity and decorum in this place. If members are going to show that respect only so long as I am on my feet, it will make a mockery of this place.

Mr Skidmore: I apologise, Mr Speaker.

Mr BRYCE: The Court of Disputed Returns indicated in the very simplest English language that the Liberal Party of this State had rorted the electoral laws in the general election of 1977 and, so, a by-election was ordered.

We then saw in this place the next episode of the rort, when the Court Government brought legislation here in an attempt to change the law of this land before that by-election was held. You, Mr Speaker, were one of the brave and sensible members in this place who expressed disgust and distaste at that tactic. The Government was not even prepared to allow the same ground rules to be applied to the by-election ordered by the Court of Disputed Returns.

Now we see the final episode of this rort. Indeed, it may well not be final, because not only did the Government attempt to rort that by-election; it is also equally determined to rort the system for the 1979 or 1980 general election in an

attempt to save Ridge. That is what this Bill has been about.

On top of that, in the last few days we have seen a form of intimidation of members of the Public Service in the Kimberley, inside this same member's electorate, which is an absolute outrage. We are one stage short of a situation where public servants who seek to pursue their career interests in the north will find they need not apply if they are not members or supporters of the Liberal Party. That is the real crunch, and we will hear more about that this afternoon.

Sir Charles Court: You know that is completely untrue.

Mr BRYCE: This is another facet of the outrageous attempt of the Court Government to rort the State's electoral laws. The Government has gone as far as it can in the Legislature; it is now turning its attention to the Public Service in an attempt to bully and intimidate public servants.

Why should the Premier go to such lengths to protect a member of his front bench? It has been suggested that the member for Kimberley is the chosen favoured son of the Premier, to take his place at the helm of the Liberal Party when the Premier decides to toss it in. I could not be certain that is true; the Premier does not confide those sorts of details to me! However, members on this side and, surely, many members of the public of Western Australia must begin genuinely to wonder why a leader of any Government would go to such absurd lengths to do what this Premier is doing in an attempt to save the seat of Kimberley and achieve the re-election of Ridge.

I should like to indicate in conclusion that I speak on behalf of members of the Opposition in expressing our collective disgust with the Bill and with this motion, which is designed to guillotine debate on the Bill. It is not the Opposition's intention to debate the motion at great length. We wish to discuss a number of important items of urgent business which concern different facets of Western Australia's public arena, and we intend to get on to the business of debating those matters in the House.

The Opposition completely and 100 per cent opposes the motion the Premier has moved this afternoon.

(100)

Question put and a division taken with the following result—

Ayes 24

Mr Blaikie	Mr MacKinnon
Mr Clarko	Mr Mensaros
Sir Charles Court	Mr O'Connor
Mr Coyne	Mr O'Neil
Mrs Craig	Mr Rushton
Mr Crane	Mr Sibson
Dr Dadour	Mr Sodeman
Mr Grayden	Mr Tubby
Mr Grewar	Mr Watt
Mr Hassell	Mr Williams
Mr Herzfeld	Mr Young
Mr Laurance	Mr Shalders *(Teller)*

Noes 16

Mr Barnett	Mr Jamieson
Mr Bertram	Mr McIver
Mr Bryce	Mr Pearce
Mr T. J. Burke	Mr Skidmore
Mr Carr	Mr Taylor
Mr Grill	Mr Tonkin
Mr Harman	Dr Troy
Mr Hodge	Mr Bateman *(Teller)*

Pairs

Ayes	Noes
Mr Ridge	Mr T. H. Jones
Mr Old	Mr H. D. Evans
Mr P. V. Jones	Mr T. D. Evans
Mr Spriggs	Mr Davies
Mr Nanovich	Mr B. T. Burke

Question thus passed.

BILLS (3): INTRODUCTION AND FIRST READING

1. Transport Commission Act Amendment Bill.

   Bill introduced, on motion by Mr Stephens, and read a first time.

2. Local Government Act Amendment Bill (No. 3).

   Bill introduced, on motion by Mrs Craig (Minister for Local Government), and read a first time.

3. Public Assemblies Bill.

   Bill introduced, on motion by Mr Bryce (Deputy Leader of the Opposition), and read a first time.

FITZROY CROSSING: COMMUNITY WELFARE OFFICER

Proposed Transfer: Motion

MR HARMAN (Maylands) [2.46 p.m.]: I move—

> That in the opinion of this House a judicial enquiry should be established immediately to investigate the situation involving the community at Fitzroy Crossing with particular reference to the proposed transfer

of a Community Welfare Officer from Fitzroy Crossing.

On the 15th September Mr Stan Davey, a community welfare development officer stationed at Fitzroy Crossing, was informed verbally by a senior officer that he was to be transferred to Kalgoorlie, to commence duties in that centre on Monday, the 15th October.

On the surface, this move appeared to be a routine transfer within the department, to suit the overall convenience of the department and the execution of its functions. However, that is not the case. In fact, there has been a series of events in Fitzroy Crossing over the past 12 months which should be highlighted in this House. I put these forward as some of the reasons for a judicial inquiry into what is going on in that town in Western Australia.

If I had the opportunity, I would have travelled to Fitzroy Crossing; but because members of Parliament, and particularly those members of the Opposition who are charged with responsibilities in certain areas in this State, have one air ticket only every three years to visit the Kimberley, and as I have used my one air ticket, I am not able to travel to the Kimberley to investigate this situation myself. Therefore I have to rely on information which I have researched, on information which has been provided to me, and on Press reports. From all of this information I can establish a very reasoned case for this House to agree to a judicial inquiry.

Let us go back a few years to the beginning of the Fitzroy Crossing matter. As members will know, in 1967-68 there was a dramatic change in the situation in the Kimberley. Aborigines became subject to the pastoral award, and the management of pastoral stations decided that they would not have Aborigines on their properties because they would not pay them the award rates of pay.

So Aborigines left those cattle and sheep stations and migrated to towns such as Derby, Broome, Halls Creek and Fitzroy Crossing. From a small handful of Aborigines prior to 1968, Fitzroy Crossing saw their number rise dramatically to over 800; on some occasions their number rose to over 1 000 Aborigines, all in this very small town of Fitzroy Crossing.

At that time there were no suitable or adequate facilities for the people who had migrated to this centre on a permanent basis. There was a hotel; there was easy accessibility to liquor, and a very high degree of anti-social behaviour ensued. This was to be expected because these people really had no support systems behind them; they had no departmental advice. They were living in squalor and filth and in a scene of utter hopelessness.

In 1974 a community welfare development officer named Stan Davey and his wife were working with the Department for Community Welfare in the Wyndham area. At that time he thought he would resign from his duties and look for a position elsewhere. The Director of Community Welfare was able to prevail upon Mr Davey to remain with the department and he was asked to take over the work at Fitzroy Crossing. Mr Davey was to operate there as a specialist officer to work in close consultation with the local Aboriginal community and the community welfare staff. So in 1974 this man and his wife were asked to undertake a very important function.

Members can imagine the scene with 800 Aborigines living in inadequate facilities, in squalor, without any hope or planned welfare programme for them. And then this man and his wife were asked, and they agreed, to go to Fitzroy Crossing and carry out a social welfare development programme.

They did this and they succeeded. There is still some work to be done; the programme has not yet run its full term. They hope it will have done so by the mid 1980s. By that time they hope to see the fruition of this social development programme.

This officer did an exceptionally good job at Fitzroy Crossing. With his wife he instituted a community development programme and they have the respect of the Aborigines in the area. They had done a really marvellous and first-class job. As late as November, 1978, he was reported on by his own department. That report indicated he was a highly committed and effective worker who had displayed much initiative and intelligence in his position. So we had this excellent officer and his wife coming to Fitzroy Crossing and doing a splendid job.

In 1978 a police officer named Sergeant Cole was appointed to Fitzroy Crossing.

Mr O'Connor: Do you know both parties concerned?

Mr HARMAN: I am not sure whether or not I know Sergeant Cole. I have met Mr Davey.

It is alleged that after the arrival of Sergeant Cole there was an increase in brutality directed against Aborigines. In fact, some 20 to 24 cases were reported to the Aboriginal Legal Service. It is interesting to note some of the statistics the Government provided to the Legislative Council recently which indicated the amount of money

spent on meals by the Department of Corrections for unsentenced and sentenced prisoners.

At Fitzroy Crossing in the year 1977-78, the total expenditure in those two areas amounted to $3 436. In the following year, 1978-79, the figure increased to $14 125. That must indicate something. A quick run-through of some of the other towns as a means of comparison indicates that Onslow went from $7 233 down to $4 800. Halls Creek dropped from $16 986 to $8 387. Wyndham went from a mere $963 to a figure last year of $799. Kununurra went from $1 759 to $2 103. Marble Bar went from $3 939 to $4 684. Laverton dropped from $7 757 to $7 651. Leonora went from $3 297 to $4 316. So we see there were marginal increases in some cases and dramatic decreases in other towns, especially Halls Creek.

However, in Fitzroy Crossing, in a 12-month period, there was an increase of almost five times. Surely those figures indicate something to the House.

Sir Charles Court: What do they indicate? I have been trying to find out what is the thrust of your argument.

Mr Bryce: Perhaps he was one of the Premier's storm troopers.

Mr HARMAN: The increased expenditure was caused by an increase in the number of prisoners; that must be obvious to everyone in the House.

Sir Charles Court: I thought you were complaining because they were being overfed.

Mr HARMAN: In just that one respect I am sure most members, except the Premier, would realise there has been an increase in police activity in that 12-month period.

The allegations of brutality against Aborigines in Fitzroy Crossing got to such a stage that the Commissioner of Police despatched Superintendent Lee from Perth and Superintendent Styants from Broome to go to Fitzroy Crossing and make a detailed examination of what was going on in the town. Their inquiry lasted from the 22nd May to the 8th June—a fairly lengthy period. I imagine it must have been fairly costly. These officers no doubt made their report to the commissioner. I am not privy to what was contained in the report, to what evidence was presented to them, or the persons from whom they sought evidence; but I do know, as gleaned from minutes of a meeting which took place between these two superintendents and one Joe Lannigan, who is an Aboriginal counsellor at Fitzroy Crossing and a member of the Aboriginal Legal Service, that there were a number of specific allegations by Aborigines along these lines.

The allegations were, firstly, that the Aborigines were being harassed by the police officers; secondly, that they were being arrested wrongly; thirdly, that the police officers were going out of their way to arrest Aborigines, generally for offences relating to liquor; and, fourthly, that the Aboriginal counsellors of the various communities were being harassed, because they were going down to the hotel and taking home the Aborigines who were affected by liquor. There were specific allegations that the police had punched and kicked Aborigines in the town.

Mr Bryce: Sir Charles Court's storm troopers!

Mr HARMAN: There must be some substance to the allegations to cause the two inspectors to go up there and spend a considerable period of time making inquiries. I do not know what was in the report; but I certainly know that arrangements were made for a new police sergeant to be sent to Fitzroy Crossing and that it was intended that Sergeant Cole would be transferred. That decision was made by the Police Department. The department must have had sufficient evidence to make that decision.

I am not saying the decision was based solely on evidence of police brutality. There may have been other reasons; but the fact of the matter is the position of sergeant of police was to be advertised in the *Police Gazette* and it was intended that position should be filled and Sergeant Cole should be transferred.

For some reason or other, the decision to appoint another police sergeant at Fitzroy Crossing was not proceeded with. I do not know the reason for that. I do not know what happened. However, I do know, because it has been reported publicly, that Commissioner Leitch went to Fitzroy Crossing and a so-called "public" meeting was held there to which the white people in the area were invited. I do not know the method by which the invitations were issued; but no invitations were sent to the Aborigines in the area or to the persons who would be associated with the Aborigines. I am referring to the staff of the Department for Community Welfare.

A public meeting took place and, as a result of that meeting as well as for other reasons of which I am not aware, Commissioner Leitch decided that Sergeant Cole should remain in the town.

The next event which occurred was that Mr Davey received verbal advice from his departmental officer that he was to be transferred. One must ask why this occurred and various suggestions have been made to me. One suggestion was that Mr Davey was associated with a stencilled newsletter type of publication in

which he made some remarks concerning the Noonkanbah dispute and mining. I believe they were reasonable remarks in the circumstances. These remarks were made in a newsletter called *Krafdy*.

Subsequently these remarks were brought to the attention of the Director of Community Welfare who wrote to Mr Davey and told him it was against the Public Service regulations to make such comments on Government policy and if he persisted in doing so he would be sacked. Being an intelligent man, Mr Davey decided to desist in order that he would not be sacked. That was a fair attitude for a loyal public servant to take bearing in mind that he wanted to do his work in that area. He did not want to run the risk of having his services terminated. One would have thought that the matter would end there, because Mr Davey's departmental head had told him that would be the end of the matter.

However, it was not, because it became a political issue. A Minister of the Crown was involved and he, with Government backing, leaned on the Public Service to make sure this man was transferred. They leaned on the Public Service Board and arranged for the transfer of Mr Davey.

Mr Bryce: Gestapo-like!

Mr HARMAN: When Mr Davey learnt he was to be transferred, he made some inquiries as to the reasons for it. There seems to be some confusion as to the real, published reasons for his transfer and there is confusion also as to who organised it—whether it was the department or whether it was the Public Service Board after it had been leaned on by the Government.

Firstly, let us look at the schedule of events. On the 14th September the Chief of Welfare Services wrote to Mr Davey and said—

> I understand Mr Mulroney has discussed with you the decision made by the Department for you to be transferred from Fitzroy Crossing to Kalgoorlie. There is a suitable G.E.H.A. house available in the township. The transfer is to be effected by Monday 15 October 1979.
>
> Would you please discuss the necessary arrangements with Mr T. Hunter, Social Work Supervisor, Kimberley Division.

On the 20th September Mr Davey wrote to Mr Semple and made the following comments—

> I acknowledge receipt of your memo of 14th September referring to my discussions with Mr Mulroney on the 15th.
>
> In light of that discussion I wish to request the Department place in writing the reasons given for the enforced transfer.
>
> I would draw to your attention the directive issued on the 6th January, 1975 by the Director Mr K. A. Maine.
>
> Extracts from memo:
>
> RE TRANSFER AND UTILISATION OF MR S. DAVEY AT FITZROY CROSSING
>
> "Following discussion with Mr Davey while in Wyndham during early November, 1974 I discussed with him the possibility of his transfer to Fitzroy Crossing in Lieu of his proposed resignation. After consideration of the proposal, Mr Davey agreed to the transfer.
>
> The broad intention of Mr Davey's location at Fitzroy Crossing is to provide a specialist officer to work in close consultation with the local Aboriginal communities and our own staff so that we might assist in developing a programme aimed at maximum Aboriginal involvement in their own projects and affairs."
>
> ". . . . . Mr Davey should concentrate on what might be described as Community Development work with the Fitzroy Crossing aboriginal population and not involve himself in other work normally undertaken by the District Officer."
>
> "Mrs Davey has worked for the Department previously as both Homemaker and Welfare Assistant at Wyndham and her position is still available."
>
> "It would be helpful to make use of Mrs Davey's location and take any steps necessary for their successful completion of this undertaking."

This was from the Director of Community Welfare. Now, to continue with Mr Davey's letter—

> Our task has not been completed.
>
> The Department is aware we have aimed at June, 1980 as a probable cut off time prior to taking long service leave.
>
> I have had no previous indication that my assignment was to be radically altered. There have been no critical comments by senior officers made known to me about the manner in which I have carried out my assignment.
>
> The last pre-increment report in November, 1978 by the SWS Kimberley,

provided only creditable statements concerning my work performance.

I have not sought the transfer to Kalgoorlie.

Consequently in light of the above I would request the Department provide in writing reasons for the decision to transfer me to Kalgoorlie.

So, the department did that. Some time after receiving the letter of the 20th September, Mr Semple wrote to Mr Davey. The letter read as follows—

I acknowledge receipt of your memo 20th September 1979 requesting that the Department advise you in writing of the reasons for the decision to transfer you to Kalgoorlie.

The decision to transfer you was made following discussions between senior officers of this Department and the Public Service Board.

First of all, they told him that it was a decision of the department, and then they told him that the decision to transfer was made following discussions between the senior officers of the department and the Public Service Board. That is why I say the Government leaned on the Public Service Board to make sure that this man was transferred out of the area.

Sir Charles Court: Who is this mythical character you say leaned on the Public Service Board?

Mr McIver: You!

Mr HARMAN: If a judicial inquiry were held—

Mr Davies: You know how the Public Service works.

Mr HARMAN: —we would find out.

Several members interjected.

Sir Charles Court: Don't tell me that during your term in office you used to lean on officers or others.

Mr Bryce: Are you denying that you railroaded this bloke because he disagreed with you?

Sir Charles Court: I want to know who the mythical character is.

Mr Bryce: You know.

Sir Charles Court: Before you start making allegations like this against the board you need to be specific.

Several members interjected.

Mr Davies: What about the case of Dr Chittleborough? You tried to stop his appointment as a consultant in the Eastern States. This is what you do when someone does not agree with you.

Sir Charles Court: What does this have to do with our Public Service?

Mr Davies: You tried to ruin the man's character.

Several members interjected.

Sir Charles Court: What does this have to do with the Public Service Board here?

Mr Skidmore: Of course it does.

Mr Bryce: Do you now try to deny that you interfered? We want to know.

Several members interjected.

The ACTING SPEAKER (Mr Sibson): Order!

Sir Charles Court: I told you I do not discuss conversations I have with other States.

The ACTING SPEAKER: Order! Order! I suggest that the member for Maylands resumes his speech.

Mr HARMAN: To continue—

Both the Public Service Board and the Department are of the view that the transfer is in the best interests and needs of the Department's operation and that of the Public Service.

Mr Skidmore: What a laugh!

Mr HARMAN: It is a laugh. To continue—

The Department must attempt to fulfil the needs of all clients within the State.

The Department must be concerned about the broad community in order to provide the most effective and efficient service.

The letter contains words which do not mean anything. It is just a cover-up for the dismissal of a man from Fitzroy Crossing and his being sent into oblivion because he saw fit to comment adversely about the Government. That is the only reason for this man's transfer. If the department were really concerned about his removal it would have arranged for a competent Community Welfare Department officer to replace Mr Davey.

Mr Skidmore: If they could find one.

Mr HARMAN: There is no-one available. No-one has been appointed to take his place at Fitzroy Crossing. No-one has been appointed to take Mrs Davey's place either. She did an excellent job in the home-making service at Fitzroy Crossing.

So all this nonsense about the department's best interests is just a cover-up to hide these facts; mainly, that this man is being transferred because

he saw the necessity to make a comment about the Government.

Mr O'Connor: What did he say?

Mr HARMAN: The letter continues—

> It is our opinion that your presence at Fitzroy Crossing is no longer in the overall best interest of the Department and that you can make a more significant contribution elsewhere.

What a lot of rubbish that is. This is the sort of stuff that is coming out of the Department for Community Welfare. It is covering up for its Minister and for the Government which arranged this transfer. The poor officers of the Department for Community Welfare have to write this sort of nonsense to cover up for the Minister's intervention in this particular matter. That shows the Public Service Board was involved.

It is interesting to note the contents of another letter from the Deputy Chairman of the Public Service Board addressed to the Civil Service Association on the 28th September. I urge members to bear in mind that Mr Davey was advised previously that the transfer was decided by the department and then was advised that it was decided by the department and the Public Service Board. The letter reads—

> I acknowledge receipt of your letter of September 25 last concerning Mr S. Davey.
>
> As a result of contacting the Department for Community Welfare, I confirm my earlier advice that Mr Davey was transferred as a management decision for the better and more efficient working of the Department. Mr Davey has not been charged nor is he the subject of any punishment.
>
> The Board wishes to disassociate itself from any suggestion that a transfer to Kalgoorlie could be interpreted as punishment, and believes such a move more in the nature of a benefit.
>
> The Board sees no reason to intervene in this Departmental matter.

Obviously it did intervene. In fact, it organised the transfer and the Department for Community Welfare says so. These replies from the department and from the Public Service Board are very confusing. Obviously, the initiative for the transfer of a man who up to now has been doing a splendid job for the Aboriginal community in Fitzroy Crossing came from the Government. The man and his wife through their efforts have made a tremendous difference to the lifestyle of the Aborigines in the area.

Mr Young: You will no doubt spend at least some time of your speech proving the fact that the Government initiated the move. Otherwise you might just as well not be on your feet.

Mr HARMAN: Is the Minister denying this?

Mr Young: I do. I want you to prove to the House the linchpin of your time-wasting.

Mr HARMAN: Is the Minister denying this?

Mr Young: Would you like to ask me again?

Mr HARMAN: Does the Minister deny that he has had anything to do with this matter?

Mr Young: If you ask whether I discussed it, the answer is that I did discuss it. I could not possibly avoid that. If you ask whether I forced the issue—which you have said—the answer is that I did not. I deny what you have said, and I now ask you to prove it. Otherwise, sit down.

Mr HARMAN: If the Minister wants to talk about truth, I will refer him to a statement made here a few months ago. On that occasion I accused the Minister of agreeing to the dumping of rubbish on Burswood Island, and he denied it. However, that information was published in the newspapers.

Mr Young: You are wrong again.

Mr HARMAN: Not on your life.

Mr Young: You should go back in *Hansard* to see what was said. Let's get on to Fitzroy Crossing. I have given you a fair go; I have been waiting for confirmation and I have not received it. I am now asking you to do something about proving what you have said. Go ahead.

Mr HARMAN: I have explained the situation by quoting various letters, but I will do it again. Firstly, the department claimed it had arranged the transfer. The next thing was that the department claimed it was the Public Service Board.

Mr Young: This is useless. You have many people listening to you.

Mr HARMAN: Who approached the Public Service Board?

The ACTING SPEAKER (Mr Sibson): Order! I suggest the member address the Chair rather than other members in the Chamber.

Mr HARMAN: I will be happy to do that, but I do not want the Minister to think he will get away from the true situation by making a denial. Why not allow the matter to go to a judicial inquiry?

Mr Davies: That would mean a fair go for some public servants.

Mr Bryce: The Government is pretty quick to have Gestapo-type inquiries when people leak information.

Mr HARMAN: The Minister has learnt a lesson from the Premier. When one has a good argument and when one knows one is putting it over well, the Premier attacks in a personal manner. The Minister for Community Welfare is adopting the same procedure.

Mr Young: If you have a good argument, produce it.

Mr HARMAN: The Minister is getting very touchy and is making personal accusations.

I have explained the totally confusing role played by the Public Service Board and the department. Who did decide that this man should be transferred? Obviously, in the long term, it was the Minister who agreed to the transfer.

Mr Young: And you will prove it?

Mr HARMAN: The Minister does not deny that, surely.

Mr Young: I just denied it three times, and I will deny it again to make it four times. What about producing some evidence?

Mr HARMAN: I will put it another way; the Minister did not oppose the transfer.

Mr Young: Of course I did not oppose any transfer.

Mr Davies: The Minister has tried to pretend he knew nothing about it.

Mr HARMAN: The Minister did not oppose the transfer; it was brought to his attention and he made some inquiries. The Minister did not oppose it.

Mr Young: This really is good!

Mr HARMAN: One would have thought that as the Minister for Community Welfare is so concerned about the whole situation of the Aboriginal community at Fitzroy Crossing he would appoint another man. One would have thought that being a responsible Minister, he would be concerned with the reason for the transfer of the man, and the reason he was asked to leave.

Mr Laurance: Perhaps the department believes it will be able to appoint a better man.

Mr Davies: He will be sent to Carnarvon. We know all about Carnarvon; very little is being done up there.

Mr HARMAN: I have spent some time trying to point out that this man is a splendid officer. I thought the Minister for Community Welfare would have been concerned that this excellent officer was to be transferred, and he would do something about it.

Mr O'Connor: Anyone would think this fellow was an executive of the Labor Party, the way you are carrying on.

Mr HARMAN: As far as I know, he is not a member of the Labor Party.

Mr Skidmore: How does that grab the Minister?

Mr O'Connor: I simply asked a question.

Mr Skidmore: By innuendo you are trying to imply that the fellow is a member of the Labor Party, but you fell flat on your face.

Mr HARMAN: I do not know whether I have to continue to talk until members get the message. We have the situation where a community welfare officer was doing an excellent job at Fitzroy Crossing. He has only a few months to complete a developmental programme, and for some reason or other the department suddenly says, "Righto, we want you out of Fitzroy Crossing and we will send you to Kalgoorlie." That is exactly what has happened, and the Minister did not oppose that action. By not opposing it, obviously he supported it.

Mr Young: The member has now gone from someone leaning on the Public Service Board, to the Minister not opposing it!

Mr HARMAN: The Minister is aware of what happened. I will now refer to the attitude of the people at Fitzroy Crossing towards this move. I will quote from the minutes of a meeting held at the Bayulu community on the 19th September, 1979. They read—

> Joe Lanigan, Councillor; This afternoon we are here about Stan. There's two things we could say, that Stan can go, or he can stay.
>
> Suzie Lamey, Homemaker; We can't let him go, he helped us with everything.
>
> Dave Lamey, Council Chairman; We had this other mob of Gudia (Europeans). They never helped us. We like this welfare Stan to stay from now on, because he helped us with homemakers, and the council. He helped us with our houses. We trust him.

Surely the Minister would be concerned about that aspect. The Aboriginal community in the area had trust in a white European community welfare development officer. The Minister will take that man from Fitzroy Crossing prior to the completion of his programme. The minutes continue—

Jumbo Jubadada, Councillor; He doesn't want to go away. Well he's been a good help to everybody; he's got to stop here.

Dave Lamey; He came out from Fitzroy and said we want to get you together to stand strong for your place. Now today we are worried, because that man helps Aborigines. We've got our garden, and rubbish carting with the truck, and we've got our own store. We never saw any of these things from the station managers, but Stan is a good man who made us understand what we can do for ourselves. We want to get it over right, because we don't want Stan to go away, we want him right here.

Jerry Mutt, Councillor; We would like to see Stan stay here. We didn't know much about this work, we were like a blind man wandering round. He taught us how to stand properly in our own community, and now we are looking straight, at how to run these things properly.

We want him. If he is away those old people can't learn to write their names. We don't want to let Stan go, he is the better helper for Aboriginal people, and he is still backing us up. If he goes away Aboriginal People will be lost, because he came here to help Aboriginal people.

Coondru Thompson; We're not going to let him go, we want him to stop.

Wally Smith; That old Gudia, we Don't want him to go.

That is the belief of quite a number of Aborigines who have signed the petition. Over 100 people signed the minutes of the meeting.

I ask the Minister: In view of that call from the Aboriginal people at Fitzroy Crossing, why was the transfer made? As the Minister responsible for the department, where was he and what was he doing to prevent the transfer when he knew full well that the Aboriginal community was responding to the support this man was giving it?

Mr Young: Have you seen the people from Cundeelee in Kalgoorlie? Have you seen the circumstances they are living in?

Mr HARMAN: Not since 1965.

Mr Young: Do you think no-one at all can make any contribution to the betterment of those people?

Mr Davies: Why interrupt an existing programme?

Mr Young: I see; we must not send an officer, who the member for Maylands has said works so well, to a place where he can do some good for people who are in dire circumstances? There must be a reason.

Several members interjected.

Mr Davies: You are stopping the programme in mid-stream and wasting Government money. Are you too stupid to see that?

Mr HARMAN: To add to what the Leader of the Opposition has said, I point out that this man is going on long service leave in December this year. He has a child at the Fitzroy Crossing school. The Minister for Community Welfare is saying—and he must be concerned about the welfare of that particular child—that the child can be taken out of that school and sent to another school when there are only about eight or nine weeks of schooling left this year, disrupting the whole year's education and subjecting him to a completely different environment at Kalgoorlie.

Mr Young: I understand the director came to an arrangement to prevent that happening. I thought you might be pleased to know that.

Mr HARMAN: What was the arrangement?

Mr Young: I understand he will not go until the end of the school year.

Mr HARMAN: So he will be left there?

Mr Young: Yes, just in case you raise that point.

Mr HARMAN: It looks as though we have had a success. When did that happen?

Mr Young: I was informed today by the director that arrangements are being made with Mr Davey, and that conclusion has been reached today, obviously not with your help because you did not know about it; so do not stand there crying.

Mr Davies: We are not crying. We are trying to get some justice.

Mr HARMAN: I gave notice of this motion yesterday afternoon. Obviously something has happened. The department decided this morning it will not transfer Mr Davey now; it will let him stay there, presumably until the end of the year. If I have done nothing else, I have achieved that.

However, the matter of Mr Davey is only part of this motion. The facts of the matter are that racial tension exists in Fitzroy Crossing; that allegations of brutality have been made; and that people are living in constant fear in that town. The only way the whole problem can be solved is by a proper judicial inquiry.

Every time an allegation of brutality to an Aboriginal by a police officer is investigated, the conclusion seems to be that there exists no corroborative evidence, or not enough evidence on

which to make a judgment and decision. That is the standard answer from the police. It may well be the case but surely the public of Western Australia are entitled to have better arrangements made to combat the racial tension, prejudice, brutality, and lack of opportunity which exist in Fitzroy Crossing. One way to begin is to find out exactly what is going on in the place and why these racial tensions exist. The only way that can be done is by a judicial inquiry which will enable the people in the town to give their evidence and the judge making the inquiry to examine the particular elements in society in that place and, hopefully, to make some recommendations to the Government.

I have here a letter to the Director of the Department for Community Welfare, written by a person called Charlie Rangi, who is the Chairman of the Milijidee Management Committee. He says—

> Stan Davey never did anything wrong here. He doesn't interfere with us at Milijidee. He was a good helper and a good worker with us when we started the station. We didn't have any trouble with him.
>
> He is a good bloke and he is doing a good job for the Bayulu community and the Kroonull community. We need him to stay in Fitzroy Crossing to help the Aboriginal People.

Another person named Wadgie Thirkall, who is the Chairman of the Kurnangki Community, wrote this to the director—

> I never seen anything wrong with Stan Davey. In the first place we never seen any Gudia who can help us, only Stan. Before we never used to come in the office, but this time we got a good life. With Stan we learnt a lot of good things.
>
> Stan is working with Aboriginal people. He doesn't feel afraid of us, and we don't feel afraid of him. We trust him.
>
> When we first moved to Kurnangki we only had one tap. Today we got houses, more taps and a toilet through Stan helping us. I don't think Stan leave here.

All this information is available to the Minsister. He knows exactly what the situation is up there, yet he has approved of the transfer of Mr Davey from Fitzroy Crossing.

I think some other factors in this matter ought to be examined. As I pointed out, a decision was made by the Police Department that Sergeant Cole would be transferred from Fitzroy Crossing. The position of Sergeant of Police at Fitzroy Crossing was to be advertised and when the appointement was made Sergeant Cole would be transferred.

Commissioner Leitch later went to Fitzroy Crossing. A public meeting was arranged. Two, three, or possibly four Aborigines were present at one stage. Some of the remarks which were allegedly made at that meeting by the Commissioner of Police should be the subject of condemnation by somebody in authority, if it is true that they were made. I believe it is quite wrong for a Commissioner of Police to be making such remarks.

It is not good enough for a commissioner to go to a public meeting and say all the trouble was being caused by ultra-left elements and make smart cracks to an Aboriginal member of the National Advisory Committee when he gets up to say something. The commissioner is reported to have said to that person, "You must be high up to have a classy wrist watch like that." If that remark was made, I do not think it enhances the character of the Commissioner of Police. All these matters must be investigated. We cannot allow that sort of attitude to continue.

At some stage the Deputy Chairman of the Public Service Board went into the area. As I have not yet had my question answered, I am not sure of the dates of his visits. We know he made some inquiries concerning Mr Davey, although I do not know the result of his inquiry, and I do not know what he wrote about Mr Davey. I am not privy to that information, but presumably some decision was made by him, and no doubt he was asked to make that sort of inquiry by someone. I will leave it to members of the House to work out who this may have been, but certainly an inquiry would reveal this and would demonstrate the activities of this Government in regard to transferring around the countryside people who are alleged to have made some comments which are adverse to the Government.

As it turned out, a decision was made not to transfer Sergeant Cole from the area, so somebody had to do something. The next idea was to get rid of Stan Davey, the man who had been causing all the trouble! I think I have demonstrated this afternoon that it was not Stan Davey who caused the trouble at Fitzroy Crossing. He is the one responsible for the improvement in the situation, and we can well imagine what the state of affairs would be there now had it not been for his presence in the area. No-one can deny that he has done an excellent job in this particular centre.

It is fairly obvious now that a decision had to be made about who would be transferred. When it was decided finally not to transfer Sergeant Cole, the decision was made that the community welfare officer should go.

Let us look at the circumstances under which Mr Davey was asked to go. The programme he was co-ordinating had only a few months to run. This man had planned to take his long service leave at the end of this year, and he needed just a few more months to complete the programme. Mr Davey's child was attending the local school, but without any warning he was told to pack his bags, get out of the area, and go to Kalgoorlie.

No person has been appointed to take Stan Davey's place. It is most essential from the point of view of the Aborigines that there should be an overlapping period when a community welfare programme such as this is to be handled by another officer. It is certainly not wise to snatch one person out of the programme and then to replace him subsequently with another. A new officer must undergo a phasing-in period, and any intelligent, responsible social worker knows this. Yet apparently the Minister did not know it. Certainly he did not feel the need for such a phasing-in period.

So the whole situation leaves us wondering whether there is some other reason for the transfer of this person. All I can suggest is that this man made some remarks that were not liked by the Government. Perhaps the Government feels that he is responsible for the situation that has developed because quite obviously many of the Aborigines do not like the present Government.

We have seen the Minister in action before on matters relating to Aborigines. A man by the name of Mr Ernie Bridge was a member of the Aboriginal Lands Trust for six years, and at one stage I think he was the chairman. Certainly he has worked very hard for the trust. However, Mr Bridge was endorsed as the Labor candidate for the Kimberley seat at the State election, and when his term on the trust expired, the Minister said, "That is the end of you Mr Bridge. We don't want you around any more, despite the fact that you have worked very hard in this area of concern."

Mr McIver: The Minister boasted about it too.

Mr HARMAN: We must look at the track record of this Minister. Anyone who is likely to get in the way of the Minister or the Government, or anyone who is likely to affect the chances of the re-election of the Minister for Housing to this seat, will suffer the same fate. Do not forget that the Minister has visited this area and he has made his own assessment. If a person involved with the Aboriginal communities is reckoned to be a threat to the Liberal Party cause, the knives are sharpened and some action is taken to get rid of that person.

Sitting suspended from 3.45 to 4.04 p.m.

Mr HARMAN: In conclusion, I want to say this: There is trouble at Fitzroy Crossing. There is evidence of increased police activity, racial tension, and brutality. Inquiries have been made by top level police officers. I suggest there is a need for a judicial inquiry into the town and what is happening in it. Is is possible that a number of Fitzroy Crossings exist in other areas of Western Australia which have not yet surfaced or come to our notice because of their remoteness. The proposal to transfer a community welfare development officer has brought this matter to a head in respect of Fitzroy Crossing.

We cannot turn our backs on the plight of the people of Fitzroy Crossing. We must establish just what is going on in the town, and the only way we can do that is by conducting an inquiry. It is not possible for members of Parliament to go to the town and find out what is happening, unless they do so at their own expense. In view of his recent action in transferring an officer who is doing so much for the people of the area, we cannot rely on the Minister for Community Welfare to tell us what is going on.

I put it to the House that the only way the public of Western Australia may determine what is happening in the town is by conducting an inquiry. The only way the situation at Fitzroy Crossing will be resolved is as a result of an inquiry being conducted and findings being presented to the Government.

Mr PEARCE: I second the motion.

MR BERTRAM (Mt. Hawthorn) [4.06 p.m.]: One or two interesting points should be made in respect of this motion. Before doing so, I would like to congratulate the member for Maylands for introducing the motion. He is a man who has had considerable experience in dealing with Aboriginal people and, therefore, he is more qualified than anybody else in this place to discuss matters relating to them. Also at an early stage, I would like to welcome the member for Kimberley—who is the Minister for Housing—into the Chamber.

Mr Ridge: Thank you.

Mr BERTRAM: This is a matter directly related to his electorate, and the mover of the motion had almost completed his remarks before

the member primarily concerned with the matters raised, appeared in the Chamber.

The motion reads as follows—

> That in the opinion of this House a judicial enquiry should be established immediately to investigate the situation involving the community at Fitzroy Crossing with particular reference to the proposed transfer of a Community Welfare Officer from Fitzroy Crossing.

The member for Maylands has made out an excellent case to justify the motion. The Minister for Community Welfare has tried to put the member for Maylands on the spot. The Minister is working on the basis—which happens to be completely false—that if one cannot prove an allegation then the situation did not occur and the allegation is false. It is absolute nonsense to agree with the proposition that merely because somebody in this place has not proved every link in the chain of an allegation, the allegation is not accurate. That is absolute nonsense; it is the sort of nonsense we see in the Press when a man is acquitted of a charge and it is said he has cleared his name. Everybody who knows anything about law knows that is utter nonsense. When a person is acquitted he has not cleared his name; all that has been established is that a certain tribunal, having heard certain evidence, has come to the conclusion that he should be acquitted.

That does not prove the man is innocent; and if any Minister in this place is not aware of that, he should not be a Minister. If any Minister is aware of that and tries to pull a smart trick, he should be condemned for it. Therefore, I roundly condemn the Minister for Community Welfare for trying to work that slick trick in this place. Incidentally, this is not a judicial forum but a political one; that is worth while remembering.

All members need to do in most cases—although not in all cases—in this place is to make out a prima facie case that all is not well and present a body of circumstantial evidence to show that the allegation being made is not being made irresponsibly.

The Minister for Community Welfare, the Premier, and most other Ministers would also be aware that when they are up to mischievous practices in their Ministry, they do not run around leaving their footprints and other evidence so that the Opposition or anybody else can prove what mischief they are up to. One Minister did that and members can just imagine what the Premier said to him! I would say he has learnt that lesson well, as have all other Ministers.

So, if Ministers manoeuvre and manipulate and do it in such a fashion that it is almost impossible to prove what they are doing, that is not the Opposition's concern. It might be unfortunate for the public—the people we are supposed to represent. However, that does not mean to say the Opposition should not come here and ventilate a situation; in fact, it places a heavier onus on the Opposition so to do. Merely because one cannot sustain a charge does not mean the charge is inaccurate.

Unfortunately, in this present day and age—I am sure the Commissioner of Police would support me on this—there are far too many people committing crimes against society which cannot be proved. That being so, it is making it increasingly difficult for the police to operate and for society to be protected from people who are anti-social.

In this case, we are talking about the community at Fitzroy Crossing. It is interesting and extraordinarily material to observe that the population of Fitzroy Crossing comprises something like 1 400 Aboriginal people and about 100 non-Aboriginal people who, for the purposes of this discussion, should be described as "white" people.

The member for Maylands, when arguing his motion, was able to point out—I believe, with accuracy—that what he described as a "so-called" public meeting was held, to which the white community was invited and the people who were not white, or their representatives or advisers were not invited and, in fact, did not attend the meeting. So, I imagine there would have been substantial attendance by white people, and no attendance by the non-white people.

That seems to me to be an extraordinary show of democracy and decency! I would be very interested to learn who called that meeting, because if Mr Davey is to be transferred for some sort of inefficiency, I wonder what should happen to the person who called that meeting. Mind you, in the Kimberley electorate, anything can happen; we all know that. This meeting is typical of the sort of thing going on up there, and the members of this Parliament who know what is going on are not at all surprised. I for one believe that what is happening to Mr Stan Davey is highly relevant to the sort of political manipulation we hear so much about from the Liberals sitting opposite and which in fact is going on in the Kimberley electorate.

If I had any doubts—and I had very few—the point was hammered home by the former Minister for Police and Traffic and now Minister

for so many things that I have lost track of them. I refer to the Minister for Labour and Industry, who threw in for good measure what the Premier would describe as a "snide" interjection—I would not refer to it as that; it seemed to me to be a hapless one—that perhaps Mr Stan Davey was an associate or affiliate of the Australian Labor Party. I suggest that if the truth were known, that is the reason he is being shifted elsewhere, summarily and before the end of the term for which, apparently, he was originally appointed.

It is not at all unusual for Governments, Prime Ministers and the like to hire, fire, and transfer. For example, in the Federal sphere we have seen either the firing, transferring or resignation of Messrs Robinson, Ellicott, Withers, Garland, Lynch, Sinclair, Sheil and Chipp; Chipp, of course, defected and went elsewhere because he would not have a bar of what was going on. In a preponderance of those cases, there was good reason for the action of the Prime Minister. Members will recall that Withers had something to do with the rigging of electoral seats. While perhaps Senator Withers might disagree, that is one example where the Prime Minister had good reason to dismiss him. I do not know a great deal about the Sinclair case, but apparently the Prime Minister had very good reason to think that the man should be suspended from the Ministry.

We have seen excellent examples where a principal employer takes proper steps upon a prima facie case being made out, to dismiss one of his "employees". However, the equivalent situation does not apply to Stan Davey. On the argument I have heard so far this afternoon, there is no evidence to suggest he has been other than competent and dedicated in his job. To be competent is one thing; to be dedicated in a task which takes one to the back blocks of the north-west and into Fitzroy Crossing with its extremes of temperature and other adverse factors is something else again and an attribute which would seem to me to be essential.

What is more important is that the people for whom Mr Davey acts, the people whose welfare he must attend to, protect and promote want him to remain in his position.

Notwithstanding that, Mr Davey is about to be sent off to some other place without any good reason given. There we have a direct contrast. On the one hand we have people being sacked from Ministries—in the case of the Federal Government, something like seven people have either been sacked or have resigned for excellent reasons—and on the other hand we have the transfer of Mr Davey for no good reason. Members all know that a transfer is just another variety of a sacking or punishment without any true, genuine, effective, satisfactory reason being given or even attempted.

As the Premier would be aware, there is nothing new about transferring people around for punishment. He was in the Army. On one occasion, I well remember being paraded before my commanding officer on a charge which could not be sustained. This officer believed in the strict enforcement of the law; however, it was obvious to all the troops that he was one of the greatest architects—and the most effective one—at breaking the law. I refer, of course, to both legal and moral laws. He sat in judgment over me and could not sustain the charges. The only good thing he ever did for me was to teach me the meaning of the word "compunction". He told me that he would have no compunction about sending me to a place called Mataranka, which is about 10 000 miles east, west, south, or north of nowhere. He was a real gentleman, who subsequently became a member of the Liberal Party opposite, and a Minister.

Mr Jamieson: Typical!

Mr BERTRAM: So there is nothing new about transferring people by way of punishment. It is as old as the hills.

Mr Young: The case against you was not sustained?

Mr BERTRAM: Correct—and it could not be.

Mr Young: The opening premise of your argument was that that did not make you innocent.

Mr BERTRAM: It most certainly did not. However, I am telling the Minister that I was innocent. He can take my word for it.

Mr Young: That is okay.

Mr BERTRAM: He can come to the conclusion I was thoroughly guilty if he wishes. It will not worry me in the slightest. I am telling him I was not guilty; and that was found to be the case.

Mr Tonkin: Who would question the word of a colonel?

Mr BERTRAM: This other bloke was not a colonel. I could tell members what he should have been.

Mr B. T. Burke: He was just a nut.

Mr BERTRAM: That has put me right off the track. I will now return to it.

There is nothing new—and my good friend the member for South Perth is smiling because he knows it is perfectly true—about transferring people to the back blocks as a mode of

punishment. Do not confuse that with "back benches". On the face of it, that is what is happening here. The officer to whom I referred was not concerned about the efficiency of the unit if he did transfer me away. Have members any idea how the efficiency of the unit would have fallen? That was the least of his worries.

In the same way the decision was made to transfer Davey. Do not worry about the people for whom he is responsible—for whom he is the welfare officer. Just shunt him out of the way and, who knows, in the long run it might even be an advantage to the electoral prospects of the Liberal Party in the next few months, when there is another election for Kimberley. That could even be the case, could it not? A lot of people here think that is the sort of thing actuating this move; that is the real reason behind it.

I saw an article in the paper recently, the headline of which was that somebody regarded this transfer as having some political connotations. I am of the view that the transfer does have political connotations. It is a very shabby thing to do. Davey is an officer who has served the Department for Community Welfare well, and he suddenly finds himself transferred to Kalgoorlie without any proper reason being advanced. That is directly against the best intestests of the majority of the people who happen to reside in Fitzroy Crossing and who happen to have skins which are not white.

It is very important—and it causes me the greatest concern—to notice what the member for Maylands said. He said that there is racial tension in the town, and that is very, very bad. It seems to me that this Government does not worry at all. Indeed, it seems to derive tremendous satisfaction out of presenting one confrontation after another. In fact, it gains political mileage from that.

That is a technique used by Bjelke-Petersen, and it seems to gain mileage. Following the nauseous precedent set by him, this Government follows it—confrontation; collision all the time; adversary situation; people coming head-on to one another all the time, instead of something savouring of co-operation. I suppose that as long as the people of Western Australia enjoy and support a Government that thrives on confrontation, they will cop it.

For my part, I warn the people of Western Australia against that. If we cannot govern the community in a better way than by confrontation, there is something sadly lacking.

Before I make further remarks briefly, I will preface my comments by saying that nothing I am saying in this debate is aimed at a general attack on the Police Force. This Parliament has reached such a dizzy state of shambles that if anyone from the Opposition side says anything that can be constructed or understood to be an attack on anything, no matter how obliquely, it is said that we are attacking the Police Force; that we are against law and order; and all that nonsense. That places the Opposition in the position where it needs to deny that before the nonsensical assertion is advanced. I deny that, because I am not attacking the Police Force in general.

I am the first to acknowledge that being a policeman in a place like Fitzroy Crossing would be a very difficult task. I would be the first to accept that proposition. I am not in a position—I do not have sufficient evidence to satisfy myself precisely about what is happening up there—to know what is happening.

I am concerned about the following circumstances—that high-ranking officers, and the head of the police in the north-west and other officers, went and made inquiries at Fitzroy Crossing, and perhaps elsewhere. As I understand it, they made recommendations. The Minister for Police and Traffic will correct me by interjection if I am wrong. They recommended that the sergeant at Fitzroy Crossing should be transferred. That was not a recommendation of the black people of Fitzroy Crossing. Presumably it was not a recommendation of the white people of Fitzroy Crossing. It was not a recommendation of the Opposition. It was a recommendation made by responsible officers in the Police Force. The Minister has not indicated—

Mr O'Neil: I am just waiting for you to stop. I have no knowledge of the allegations you have made. I do not know whether the officers in charge of the police in the Kimberley made any recommendations concerning the sergeant at Fitzroy Crossing.

Mr BERTRAM: We are arguing that they did. With this motion on the notice paper today, the Minister has not yet brought himself up to date with the facts; but I daresay he will do so eventually. His present state of knowledge is that he does not know whether it is true or false. It is our belief, at any event, that there was such a recommendation.

The Premier is trying to treat this matter as being of no account, and indeed almost humorous. He wanted to know the relevance of the fact that certain payments to the police sergeant had gone from something like $3 000 to something like $14 000 in a short space of time. He could not understand the significance of that—so he says.

I thought the Premier was a full bottle on dollars. One only has to look at the way in which he handles the State's finances and how he balances the Budget to see what a full bottle he is.

The situations in which there have been the extraordinary increases to which I have referred should cause every member of the House to be concerned, regardless of on which side he sits. It is a matter of grave concern if we look at it in relation to the situation in other parts of the north-west which are more or less comparable and where there have been no increases or marginal increases only. I would have thought anyone in charge of that situation would be asking for an explanation, because the dimensions of the figures are highly provocative in themselves, and they call for an inquiry and an explanation regardless of the other matters involved.

I can only speak from recollection, so I will be forgiven if I am inaccurate, but my recollection is that at the public meeting to which I have referred the Commissioner of Police said something to the effect that if the sergeant to whom I have referred is to be transferred, a few others would be given marching orders also. Therefore, it is not altogether surprising that this has occurred.

The sergeant has remained in his position despite the objections of approximately 14 people to one; that is, 1 400 black people to 100 white people. Mr Stan Davey is being transferred on the basis of the fact that 100 people support the action and 1 400 reject it.

In all of those circumstances, the Opposition believes this motion should be supported. There are other matters which should be referred to and other speakers from the Opposition benches will mention them. I do not believe Government members will do so, because they rarely speak in this place.

MR YOUNG (Scarborough—Minister for Community Welfare) [4.33 p.m.]: It would be only fair for the House to be reminded of the motion moved by the member for Maylands, which is as follows—

> That in the opinion of this House a judicial enquiry should be established immediately to investigate the situation involving the community at Fitzroy Crossing with particular reference to the proposed transfer of a Community Welfare Officer from Fitzroy Crossing.

I do not believe any member of this House has seen a motion previously that suggests a judicial inquiry into the transfer of one single officer of one single department. We must keep in perspective the real meaning of that. If a school teacher wanted to remain in a particular town to which he or she had become accustomed and sufficient parents or pupils wrote to the Education Department and requested that that teacher stay there, according to the Opposition, if the Government does not accede to that request, there must be a judicial inquiry into the matter, because, on the premise of the member for Maylands and the member for Mt. Hawthorn, if the Government does not accede to it, there are political connotations. According to the member for Mt. Hawthorn, if he says there is something political about it, that is the case.

The member for Mt. Hawthorn used the premise that if one is not proven guilty it does not matter much; at least one is not proven innocent and, therefore, it is fair to assume that there is something archly political about the transfer that took place.

If a policeman or RTA inspector, or anybody else employed by the Government or by a semi-Government authority wished to remain in a particular position in a particular town, according to the Opposition, if the Government does not agree to his being allowed to remain there, a judicial inquiry should be held.

To justify that sort of premise, which is a fairly absurd proposition, one would have thought it would be supported by a profound revelation—a revelation which might have indicated some grave miscarriage of justice or which presented irrefutable evidence that the retention of one specific officer in one specific place was so important that, without his retention there, the community would never be the same again.

The likelihood of convincing the House along those lines is rather slim; but I am certain some of the colleagues of the member for Maylands thought he might have been able to cook up something in that regard. However, it is unfortunate that the ingredients used by the member for Maylands were flat, dull, uninteresting, and boring. Added to that was the problem that assumptions were made all along the line in the course of his speech and it did not turn out to be the particularly spicy political issue the member for Maylands may have indicated to his colleagues in this House it would be.

The member began by saying that, on the surface, the actions of the Department for Community Welfare in transferring this particular officer may have looked like a routine transfer to suit the convenience of the department. He then went on to say unequivocally

that this was not so. As he saw it, this was a statement of fact.

The member for Maylands talked about Sergeant Cole and the fact that certain meetings had been held in the town of Fitzroy Crossing. The member was rather clever—I have to give him that—in that he made statements about Sergeant Cole and disturbances in Fitzroy Crossing based on what the police may or may not have done and on the attitude Sergeant Cole may or may not have had; but the member very cleverly and studiously avoided making any link between that and the officer to whom he has referred in this motion.

The member for Maylands then went on to deal with the officer mentioned in the motion and he made the point that, because the officer was a good one as he saw it, and because the officer had the support of the Aboriginal community in Fitzroy Crossing which I do not deny, he ought to be given the right to set himself above the normal rules and regulations of the Civil Service and determine where he should work, where he should remain, and for how long.

The member for Maylands then suggested that if he was not allowed to do so somebody must have leaned on the Public Service Board. The member read a number of letters written by the Department for Community Welfare, the officer concerned, and the Public Service Board. When he could not get any feedback from this side of the House at that particular time, the member made the strong suggestion that, as a result of the transfer of that officer, somebody on the Government side—I believe he referred to "a Minister"—must have leaned on the Public Service Board. The member did not say how this occurred and we should bear in mind the context in which he made that statement.

If one is talking in terms of leaning on the Public Service Board, it has the connotation of a Minister telephoning a senior member of the board and saying, "I want this to happen; I want that to happen; I demand you do it." That is the sort of connotation contained in the statement made by the member for Maylands. I denied that was the case in respect of myself, because the member suggested eventually that I was the Minister concerned.

I asked the member for Maylands to prove the case he was making, not, as the member for Mt. Hawthorn suggested, in a courtroom type of context, but simply to try to establish some form of evidence to indicate he had a firm basis for that accusation, because I deem it to be an accusation when he refers to myself, the Premier, or anyone else leaning on the Public Service Board.

However, instead of attempting to establish evidence which might indicate his statement was true, the member for Maylands asked me whether I was prepared to deny that I had leaned on the Public Service Board. Of course, I denied doing so.

One would have thought that during his speech the member for Maylands—the whole subject of his speech being the simple transfer of an officer in the Department for Community Welfare from one town to another—would attempt to prove there was something political about the transfer. That is what the speech by the member for Maylands—and the motion—is all about. However, the member for Maylands made no attempt to prove his point; none whatsoever.

The member for Maylands made many assumptions. He said quite frankly that it was fair enough to make those assumptions and fair enough to make accusations. He said if one fails to prove a case that really does not matter much because one has not proven one is innocent. Therefore, it was the right of members of the Opposition, or anyone else, to presume that what was said was true.

If we get to the stage in this place where we accept that sort of thinking, where we are to debate motions in respect of the transfer of officers from one position to another, or from one town to another, and that the Government must agree to the proposition put forward by the Opposition in its call for a judicial inquiry into the matter, then we will have reached a very sad stage indeed. Quite frankly in respect of most of the young school teachers I know we would be holding judicial inquiries all the time. If the Government is to be accused of being political simply because it will not accede to the wishes of the Opposition, that is a very sorry state indeed.

The member for Maylands made the point of how valuable Mr Davey was to the Department for Community Welfare. I can remember a situation which occurred at Oombulgurri last November when the organisation of the community broke down. It became apparent that the advisory body which had been there for many years was no longer capable of continuing to cope with the community in the area. The community wanted help. On that occasion Stan Davey volunteered to go to Oombulgurri and in my opinion—and in the opinion of the Director of the Department for Community Welfare—and I am not embarrassed in saying it, Stan Davey did an

excellent job of holding the fort while he was a very sick man. I respect him for that.

What Mr Davey did for the Department for Community Welfare was an extremely fine gesture. I thought he did an excellent job.

The presumption of the member for Maylands is that unless that particular officer is kept at Fitzroy Crossing, he will not be fulfilling his potential. That may be the belief of the officer concerned, but it is not for the member for Maylands to make that judgment. It is not for the members in this House to support a judicial inquiry based on that sort of assessment. Quite frankly, it is not really for the officer to make that assessment. Part of his job is to accept the fact that in a reasonable situation he could expect to be transferred to the advantage of the department or the people the department serves. The fact that Mr Davey has been transferred to Kalgoorlie means, as far as I am concerned, there will be an opportunity for the people in and about the town of Kalgoorlie and people from the Cundeelee Mission, to have the advantage of the experience of the officer—to which the member for Maylands referred. The very difficult situation which prevails in Kalgoorlie indicates that someone of that capacity is needed there badly.

There was the suggestion—it may not have been a deliberate suggestion by the member, but certainly it can be construed as such—that the officer will not be able to make a contribution to the people in Kalgoorlie; that he is able to make that contribution only to the people at Fitzroy Crossing.

Mr Harman: I did not imply that deliberately.

Mr YOUNG: I said that, perhaps, the suggestion may not have been deliberate, but if one does not draw that assumption one is drawn inexorably to the conclusion that the officer had to be retained in the Kimberley at all costs.

Mr Davies: Not at all.

Mr YOUNG: One cannot help wondering why.

Mr Skidmore: To let him finish his programme.

Mr YOUNG: During this mini debate the Government has been accused of making political the transfer of one officer from one place to another. Until the matter was raised by the member for Maylands, it was not political as far as I can see it.

The member for Maylands, and other members of the Opposition, are calling on this Government to hold a judicial inquiry into the transfer. Quite frankly, that seems to me to be an injection of politics into the matter; the introduction of politics seems to be coming from the other side.

There has been some contact between the acting Director of the Department for Community Welfare and the officer concerned. The acting director rang me this morning and said Mr Davey had requested—and it had been agreed—that he should remain because of the fact that his children would be disadvantaged in schooling. It was agreed he should remain until the end of the school year.

Instead of saying that would be a help, the member for Maylands puffed out his chest and said, "Look what I have done; at least I have done something."

Mr Skidmore: He certainly did.

Mr YOUNG: If that is not taking political advantage of the situation, I do not know what is. Instead of accepting that something had been done as a result of consultation between the acting director and the officer, to the officer's advantage—because it seemed to be a reasonable request—the Opposition has taken political advantage of the situation. I understand the officer concerned felt he ought to approach the acting director and, in fairness, his request was agreed to.

I want to tell the member for Maylands that he has made a political issue out of the transfer of an officer. Other people have tried to do the same thing. The member for Maylands has tried to tempt me, as the Minister, into discussing the merits or demerits, across the floor of this Chamber, of the transfer of an officer without that officer having any opportunity whatsoever to answer anything I might say under the privilige of this House.

Mr Davies: I do not think he is frightened of that.

Mr YOUNG: It is quite absurd to suggest that not only the transfer of an officer in the normal course of business should be debated in this House, but also that we should be asked to conduct a judicial inquiry into that transfer. The request has been based on the flimsiest of evidence put forward by the two members who have spoken so far.

I do not intend for one minute to reveal all the details of any discussions that occur between departmental heads and myself, or the details of any discussions which take place between departmental heads and any other section of the Government, including the Public Service Board. That is the intention of this motion. The motion is aimed at getting me to divulge information, and a very thin case has been put forward. The case has been based fairly simply on departmental procedure about which an officer is upset.

The officer concerned is not the first to be upset because of a transfer, and every member of the Opposition is aware he will not be the last. In the Public Service there would probably be, literally, thousands of people who wished they had not been transferred at some time in their careers. Those people would have preferred to remain where they were. There will be tens of thousands more cases as the years go by, but that does not mean to say this Parliament should accept, on every occasion, that a judicial inquiry should be conducted simply because the Opposition feels it has some sort of case to indicate a transfer was purely a political matter.

Every member of the Opposition as well as every member from the Government side is aware that that proposition is absurd. It does not do the member for Maylands any credit to move this motion, and it does not do the member for Mt. Hawthorn any credit whatsoever to support it. This side of the House completely rejects the motion.

Debate adjourned, on motion by Mr Skidmore.

QUESTIONS

Questions were taken at this stage.

METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT AMENDMENT BILL (No. 2)

Second Reading

MR DAVIES (Victoria Park—Leader of the Opposition) [5.34 p.m.]: I move—

That the Bill be now read a second time.

This is a relatively simple Bill which provides for the amendment of section 90 of the Metropolitan Water Supply, Sewerage, and Drainage Act.

The effect of the amendments will be to enable domestic consumers of water in the Perth metropolitan area to claim excess water charges for their tax rebate.

It has become necessary for the Opposition to propose this legislation because the Court Government failed for nearly a year to take the necessary legislative action to enable metropolitan taxpayers to claim the rebate.

The Government, after a year's delay, finally introduced its legislation yesterday. However, the Opposition intends to proceed with this Bill as a gesture of protest at the crass incompetence of the Government and the Minister for Water Supplies in failing to take the necessary legislative action to enable Western Australians to claim this rebate in the 1978-79 taxation year.

Let me first outline the background to the Bill.

In 1978, the Government introduced a new system of charging for water supplied to domestic consumers in Perth. This was the pay-for-use system. Under this system, every consumer paid a fixed charge of $36 a year and in return received a basic water allowance of 150 kilolitres. Any additional consumption was charged for at 17c a kilolitre.

In line with the Court Government's policy of raising taxes and charges as high as possible and raiding the public pocket at every available opportunity, the fixed charge has now been raised to $40 and the price for water consumed in excess of the allowance increased to 19c per kilolitre.

Prior to the introduction of the pay-for-use system of water charging, Western Australians had been charged an annual water rate. The amount of water they were allowed to use without payment of any additional charge was calculated according to the water rates paid.

The water rate was high and, consequently, the water allowance was high. It was possible for many consumers to meet their water needs adequately without ever incurring any excess charge.

Water rates qualified for tax rebate on the annual personal income tax return made to the Commonwealth Government.

With the advent of the pay-for-use system, the pattern of payment for domestic water supplies changed dramatically. It is virtually impossible for even a small family to confine its usage of water to the basic 150 kilolitres allowed annually in return for the fixed charge. Just about every domestic consumer will incur an excess water charge and in many cases that charge will be quite substantial.

However, as the Act we are concerned with today stands, only the fixed charge component of the total amount a domestic consumer pays in water charges can be claimed for tax rebate. This Bill sets out to correct that situation and to restore the situation which existed before the introduction of the pay-for-use system. In fact, under these proposals, some people will be slightly better off than they were under the old system.

Under the old system, a consumer could claim only the amount paid in water rates, but not any excess charge. Under this legislation, all water charges will qualify for the tax rebate.

Because of the Government's failure to move on this matter earlier, Perth people have been placed at a disadvantage relative to people in other capital cities. Families in Perth are currently

paying total annual water charges comparable to those in other capital cities, but they cannot get a full tax concession for doing so. People in the other capitals do get the full tax concessions.

Clause 2 of the Bill amends subsection (4) of section 90 of the Act so that the annual water rate is said to consist of both—

> A prescribed standard charge in respect of which the owner or occupier of land so rated shall be entitled to receive a prescribed quantity of water by way of allowance (if any); and a standard price to be paid for water supplied by measure during the consumption year which terminates in the rating year then next following, in excess of the allowance prescribed . . .

The clause also provides for the new annual water "rate" that I have just described to apply from the 1st July this year.

This means that a taxation rebate will be able to be claimed on all water charges paid during 1979-80, including excess water charges, regardless of the actual date during the year on which the charges were paid.

The Bill has been examined by the Deputy Commissioner of Taxation for Western Australia (Mr M. T. Healy), and he wrote to me on the 21st September in these terms—

> I refer to your letter dated 6 September 1979 concerning proposed amendments to section 90 of the Metropolitan Water Supply, Sewerage and Drainage Act 1909 (W.A.).
>
> On examination, it is considered that payments made under relevant legislation if so amended by the proposed draft would qualify for rebate for income tax purposes.

As I mentioned at the outset, the intent of this Bill is similar to the intent of the Bill the Government introduced yesterday.

In mentioning this, I note in passing that though the Government's Bill was introduced yesterday, our Bill went on to the notice paper first. However, I repeat what I said at the outset that we are proceeding with this Bill anyway as a protest against the Government's inept and careless handling of this matter.

The Government introduced the pay-for-use system of charging for water from the 1st July last year. It became aware of this taxation problem in June last year; that is, it became aware of the problem even before the pay-for-use system was introduced.

It is now 16 months since the Government became aware of the matter. A full taxation year has passed since the Government became aware of the problem. I have discovered in the course of drafting this Bill that it is really a fairly simple problem to overcome. Yet despite all this, the Government has moved only now—and then only after the Opposition had already brought legislation to this place.

In a Press statement on the 16th October last year, the Minister for Water Supplies said the State Government was considering steps to ensure that the cost of water would not be excluded from annual rebates. He also said that the matter was certain to be raised in Parliament before the end of the 1978-79 taxation year.

Then, on the 29th December last year, the Minister for Water Supplies said the Government would introduce legislation in the next session of Parliament, commencing in March or April; that is, in the autumn sitting earlier this year. He said that the legislation would ensure that all rates and charges for water or land used for residential purposes were within the ambit of allowable deductions under Federal income tax law.

But the autumn session of State Parliament came and went. The end of the financial year came and went. Income tax return time came and went—and the Government had done nothing, nothing at all, despite all the assurances of the Minister for Water Supplies. There was not a word of apology from the Government—either for costing Western Australian taxpayers money or for breaking the promises given by the Minister for Water Supplies.

But that is hardly surprising. Over the last couple of years we have come to expect that the Liberal Party will break its promises. It has become par for the course. It has also become par for the course for the Liberals to suppress even the slightest word of apology or the merest hint of embarrassment at their broken promises. Indeed, not only did they not apologise for breaking this promise, they apparently forgot they ever made it.

On the 25th August this year, I announced that I would be bringing this Bill before Parliament. On the 29th August the Acting Minister for Water Supplies (the member for Kimberley) told this House that the need for such legislation was still being considered.

In December the Minister for Water Supplies said it was necessary and it would be done. By the time it was needed—tax return time—it had not been done. Then in August, the Acting Minister for Water Supplies said the Government was still considering whether it needed to be done. But then, when I gave notice of our Bill, the Government worked fast.

It discovered that legislation was necessary and that the legislation was relatively simple to draft because the next day it gave notice of its own Bill. In other words, the Government made up its mind and worked out what it had to do overnight—even though in the previous 15 months it had not been able to work out whether anything needed to be done or how to do it.

The Government and the Minister for Water Supplies are guilty of incompetence and carelessness in this matter.

The taxation matter should have been dealt with when the pay-for-use scheme legislation was first brought to this Parliament last year. The Government knew about it before the scheme was introduced. It was not done then, so it should have been done before the end of the last financial year so that Western Australians could get the tax rebate, but it still was not done.

The upshot has been that many Western Australians have paid a bigger tax bill than they should have done. The amounts involved would not be large. This is certainly not the biggest financial matter to come before this Parliament this year. But it is important. The Government's carelessness and incompetence have cost Western Australians money; the Government has taken money out of their pockets. It has come out of the pockets of the ordinary family man and woman.

Perhaps that explains why the Government was so careless; why it failed to act when it should have; why it bumped up the tax bills of Western Australian families. It happened because it was the ordinary family that was involved. Had it been the multi-million dollar multi-nationals who suffered, the problem would never have arisen in the first place; but if it had arisen, it would have been solved at the first available opportunity. There would have been profuse apologies from the Government to the big businesses affected.

But the Court Government does not know about the ordinary family man and woman. It is not aware of their problems and it does not think their problems are important. Therefore, the necessary steps were not taken when they should have been.

It all adds up to incompetent government; to careless government; to shoddy government; to tired government; to thoughtless government. It all adds up to a Government that is out of touch and could not care less.

It is not the big things which make the difference between a good and a bad Government. It is not the enormous projects or the grandiose programmes or the visionary schemes. It is the attention to detail; the day-to-day administration of this State; the concern for the ordinary citizen.

And that is why this matter is so important. It is important because it demonstrates that the Government has lost its eye for detail; that its day-to-day administration of the State is poor and sloppy; and that it lacks concern for the ordinary citizen. It would never have happened under a Labor Government.

I commend the Bill to the House for its belated attention.

Point of Order

Sir CHARLES COURT: I rise on a point of order, Mr Speaker. I want to ensure that if I move to adjourn the debate it does not embarrass any ruling you might have to give in respect of the conflict between the Bill introduced today and the Bill introduced yesterday, which deals with the same subject.

The SPEAKER: It passed through my mind when the Leader of the Opposition was moving the second reading of the Bill that I would have a look at the two Bills to see whether or not there is any conflict. I will have this Bill placed on the bottom of the notice paper until such time as I have had an opportunity to compare the two and give a ruling on whether or not this Bill is in order.

Mr Davies: I might say we have had a look also, Mr Speaker.

Debate Resumed

Debate adjourned, on motion by Sir Charles Court (Premier).

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Second Reading

MR CARR (Geraldton) [5.47 p.m.]: I move—

That the Bill be now read a second time.

Perhaps I should apologise for not having prepared speech notes but it was my understanding that only Ministers were allowed to use them.

The SPEAKER: That is also my understanding.

Mr CARR: This is a very small and simple Bill which sets out to do one thing; that is, reverse the decision made in 1978 in the Acts Amendment and Repeal (Valuation of Land) Act, wherein the situation with regard to the charging of *pro rata* rates on interim valuations was changed.

The situation prior to the 1978 Act was that if a valuation was altered during the course of a financial year *pro rata* rates could be charged. Section 534 of the Local Government Act dealt with alterations due to improvements, destruction, damage, or demolition on a property, and the old section 534A dealt with alterations due to zoning, rezoning, subdivision, resubdivision, or changes in boundaries. If any of those events caused a change in valuation during the year the rates payable were charged on a *pro rata* basis.

The main effect of the situation which prevailed prior to 1978 was that if a new development or subdivision occurred extra rates were payable and were available to the local authority to help to provide the extra services which would be required arising out of the development or subdivision.

Mr Watt: What extra services?

Mr CARR: Roads and other services which it may be the council's province to provide or contribute to as part of the subdivisional arrangements.

Mrs Craig: The council does not supply those.

Mr CARR: It contributes to them in some way. Is the Minister suggesting that when a new subdivision takes place the council does not contribute in any way? Services of some sort are provided, even if only a community hall for the people in the area.

Mrs Craig: But that is not built when the land is subdivided. You are talking about services put in after development.

Mr CARR: When a new development occurs and subdivision takes place it leads to the need for the council to spend more money to cater for the people living in the area. Obviously, the situation varies.

Mrs Craig: Of course it does. That is a second charge.

The SPEAKER: I suggest that the honourable member introduce his Bill.

Mr CARR: I suggest that the main benefit under the previous provision was in areas where there is a growth factor—mainly the shires on the perimeter of the metropolitan area and in country areas where there is fairly rapid growth.

The changes in 1978 can lead to a situation where a council may not amend the assessment in that financial year. At the time the amendment was introduced the Opposition agreed to the Bill and it passed through this House very quickly. Less than 10 minutes were spent in debating the Bill. The Opposition agreed to the Bill because this House was told that all local authorities had been consulted and were agreeable to the legislation. To confirm that point I will quote briefly from *Hansard*. The Premier introduced the Bill on the 24th August, 1978, and in respect of this particular provision he said, on page 2619—

> The Department of Local Government has made a survey of local authorities and as a result recommended that where a local authority has an interim valuation made, it does not apply this vaulation for rating purposes to the remaining portion of the ratable year in which it receives these interim valuations but applies it in the next rating year.
>
> This provision has been included in the Bill. All of the provisions which affect the various Government departments and authorities have been discussed with those departments and authorities and are acceptable to them.

When the Leader of the Opposition spoke in the debate he referred to the last paragraph I have quoted and made the comment that it was a major achievement to consult so many authorities which were affected by the Bill. There are 138 local authorities. In case any doubt existed whether the Premier had consulted local authorities, the Leader of the Opposition said, "I mean local authorities of course." The Leader of the Opposition indicated in the debate that he interpreted the Premier's comments to mean all the local authorities had been consulted, and when the Premier replied to the debate in about 10 or 15 lines, in no way did he dispute that he had said the local authorities were consulted. That was the basis on which we allowed the Bill a speedy passage through the House at that time.

Subsequently it was revealed to us that in fact most councils were not consulted. It was revealed first of all in a number of submissions made to Opposition members. The Shires of Swan, Melville, Fremantle, Collie, York, and Donnybrook-Balingup were among those which approached us, and perhaps a number of other councils spoke to individual members. I am sure Government members also were consulted.

As well as being revealed in representations by local authorities, it was revealed in the *Daily News* of the 19th September that councils had not been asked. In fact, the headline was, "Councils not asked", and the article by John Ellis read in part—

> Local authorities were not consulted over recent amendments to the Land Valuation

Act which will cost councils more than a $½ million in revenue.

A poll of councils by the Local Government Association has shown only two councils—South Perth and Mosman Park—were asked about the changes.

When introducing the amendments to State Parliament, the Premier, Sir Charles Court, claimed that the Local Government Department had consulted local authorities about them.

On the basis of the claim, the Opposition gave the amendments a speedy passage.

The article goes on to list some of the shires which were seriously harmed by the measure.

Clearly, on that occasion the Premier misled the House. I am not suggesting he did so deliberately. I am sure he would have been acting on the advice of the Minister for Local Government or the Local Government Department; but irrespective of the reason, on that occasion the Premier misled the House and the House, acting on the basis of the information given by the Premier, decided that as the local authorities had been consulted and were agreeable it was prepared to pass the Bill.

I want to mention quickly the effects of the legislation passed last year. The first effect was to impose a considerably greater cost on shire councils and therefore on the ratepayers of those councils. The *Daily News* article, following that paper's investigations, suggested a sum of $532 000 in rates was involved in this financial year. Figures given to us, partly in that article and partly in other submissions, suggest the Shire of Wanneroo was most seriously affected with something like $200 000 to $250 000 lost in rates. The Shire of Armadale lost $80 000, the Shire of Swan $60 000, the Shire of Kalamunda $30 000, and the Shire of Kalgoorlie $4 000. Those figures were quoted to us in various submissions.

The loss does not fall only on the shire. If a shire loses revenue it must make it up from another source, and obviously the source it must turn to is rates. That means all ratepayers in the shire, apart from those who received the particular benefit, have their rates increased to cover the shortfall.

The second effect of the legislation of 1978 is that it has created a situation whereby the Act can be exploited and the payment of rates can be dodged or, in a sense, delayed. All the developers will be aware of the 1st July deadline. They will be able to hold back their applications for subdivision until after July and so avoid paying higher rates for 12 months; but the rest of the ratepayers in the shire will pay more.

When the Bill was introduced in 1978 very little explanation of this particular measure was given. Less than 10 minutes were occupied by the whole debate and about one minute was taken to explain this measure. Throughout the discussion that has ensued since then I have heard only two criticisms of the previous situation. One was that it was difficult for councils to budget. They were not aware of how much money would be coming in by way of *pro rata* rating during a particular year; therefore they would have difficulty in budgeting. I have already mentioned that the costs are matched by the outgoing on new services which need to be provided because of the subdivision.

The second criticism was that in the previous situation some contradiction existed in subsections (1) and (2) of section 534.

The original subsection (1) of section 534 provided that the council shall immediately record the changed value, whereas subsection (2) indicated that councils may amend and adjust the amount of rates payable. There appears to be a contradiction between the word "shall" in one subsection and the word "may" in the other. Our Bill would sort this out clearly as it states that the council shall immediately amend the assessment of rates payable.

In conclusion, I indicate that I do not regard this as a party measure. As far as I can see, there is no great difference of philosophy involved, unless we could consider support for developers who delay paying rates as a motivating reason for Government action. Clearly this Government has acted against the wishes of local government; it has harmed local government and its ratepayers. We in the Opposition have examined the local government case, and we are prepared to accept it as a valid one. We know that several members on the Government side have been approached, and we hope they have assessed the situation similarly, or, if they have not already done so, we hope they will do so before a vote is taken on the Bill. We recognise our error last year in allowing such a swift passage to the legislation, albeit on the advice of the Premier that local governments had been contacted about it. I hope that other members will recognise the error made by the House last year, and that they will be prepared to correct it.

Debate adjourned, on motion by Mrs Craig (Minister for Local Government).

EDUCATION ACT

Disallowance of Regulation: Motion

MR PEARCE (Gosnells) [6.01 p.m.]: I move—

> That regulation 134 made under the Education Act 1928-1977, published in the *Government Gazette* on the 17th August, 1979 and laid on the Table of the House in the Legislative Assembly on the 21st August, 1979 be and is hereby disallowed.

In moving this motion, and bearing in mind the support for the motion from the Legislative Review and Advisory Committee, I believe that the House and the Government will be placed in an interesting position. In the three years I have been a member of this House, I do not believe we have been sufficiently diligent in studying the regulations made by Government departments, and throwing out those which are unsatisfactory, those which give excessive powers to instrumentalities, or those which generally do not provide a fair and just situation for those governed by regulations.

Many political observers have noted that one of the trends in twentieth century democracies of the Westminster type has been for more and more pseudo legislation to be carried out by way of regulation. There has been a considerable shift of legislative power away from the Houses of Parliament, and this power has been enshrined in Government departments by way of regulation-making powers.

One imagines it was in part to counter this tendency that the Legislative Review and Advisory Committee Act of 1976 was passed, and a committee was set up to look at regulations made by Government departments and to inform the Parliament whenever the committee believed that a regulation made by a Government department ought to be considered by the Parliament because of its particular effect.

A report of this committee was tabled yesterday by the Minister for Education. It was report No. 3 of 1979, and it deals with amendments to the Education Act regulations. The notice of my motion to disallow regulation 134 made under the Education Act had been on the notice paper for quite some time before this report was tabled. Indeed, I was heartened to note that I was supported in my view by the report of the Legislative Review and Advisory Committee.

I draw the attention of the Minister for Education—although he is not in the Chamber at the moment—the attention of members of the House generally, and the attention of the Government to the fact that the three members of this committee are essentially in agreement with me in my attitude to regulation 134; that is to say, when the Opposition asks the Parliament not to allow the Education Department to persist with this regulation 134, we are supported in our request by the comments made by the Legislative Review and Advisory Committee.

If the Government allows Education Act regulation 134 to remain in force, I ask the House the following question: What indeed is the point in having a Legislative Review and Advisory Committee?

I would like to draw the attention of members to the comments of the Legislative Review and Advisory Committee about regulation 134. Firstly, however, I would like to point out briefly that this regulation has a somewhat checkered history. It is the prime regulation dealing with the way in which teachers may be sacked from the service, and the reasons for which they may be sacked. The regulation contains some implication of the procedures that need to be followed in such cases.

Earlier this year, on the 2nd May, the Minister for Education allowed to be gazetted a new regulation—regulation 134—which gave a quite draconian power to the Education Department to dismiss teachers. This was a much fiercer regulation than the regulation 134 that it superseded. Almost immediately the regulation was gazetted I gave notice that I intended to move to disallow it. However, before I had had a chance to move that motion to disallow the regulation, because of the public outcry and particularly because of the fuss made by the Teachers' Union, the Education Department, the Minister, and Mr Vivian went into consultation and the draft regulation 134 of the 2nd May was withdrawn. On the 17th August it was replaced with a new regulation 134. This regulation is presumably now in force, and as I have moved this motion, it is now before the House for discussion.

Although I believe that the Teachers' Union did not publicly oppose this second draft of regulation 134, it is my belief that it gives the department the power to sack teachers quite unfairly and in circumstances which may have no relationship to their ability to function as teachers. Indeed, that was the argument I intended to put to the House. The Legislative Review and Advisory Committee examined this regulation quite independently, and it arrived at the same conclusions.

I would like to read sections of the report of the committee to the House. It was tabled only yesterday and I imagine that most members have

not yet had an opportunity to obtain copies of it and to determine what this important committee had to say. After summarising subregulation (1) of the new regulation 134, the report goes on to say—

> This regulation is clearly authorised by the terms of Section 28 of the Act which, by paragraph (d1) empowers the Minister to make regulations "prescribing grounds including such moral grounds, whether connected with the employment and functions of teachers or not, as the Minister thinks fit, which for the purposes of (this) Act amount to misconduct and for which a teacher may be dismissed from the Education Department". It does however raise two matters for comment.
>
> First, notwithstanding that the form of regulation follows the form of the empowering provisions it cannot be regarded as entirely satisfactory. Having provided by subregulation (1) that a teacher who is guilty of misconduct is liable to be dismissed, the regulation goes on in subregulation (5) to make it clear that dismissal is only one of a number of possible penalties. Although it is a matter of drafting rather than a matter of substance, it would be preferable to omit the words "and is liable to be dismissed" at the end of subregulation (1).
>
> Secondly, and cause for greater concern, regulation 134(1)(e) provides that a teacher who "engages in disgraceful or improper conduct, whether during or connected with his employment and functions as a teacher or not" is guilty of misconduct and is liable to the penalties provided for in the regulation.
>
> The concept of "disgraceful or improper conduct" in a professional respect is well known and it is well accepted—see, for example, the Dental Act, 1939-1975 Section 23 ("infamous or disgraceful conduct in a professional respect"), the Legal Practitioners Act, 1893-1978 Section 25 ("illegal or unprofessional conduct"), the Architects Act, 1921-1978 Section 22A ("infamous or improper conduct in a professional respect") and the Medical Act, 1894-1976 Section 13(1) ("infamous or improper conduct in a professional respect").
>
> The emphasis in each of these cases is on the relationship between the conduct in question and the particular profession.
>
> The "disgraceful or improper conduct" which is said to "amount to misconduct" under the Education Regulations should bear some relationship to the work of the person concerned as a teacher. It should, for example, indicate that he is not suitable to teach children or otherwise indicate that his conduct requires him, as a teacher, to be disciplined. It may be said in answer that the regulations will be administered in this way but, having added the words "whether during or connected with his employment and functions as a teacher or not", the scope of the provision has been unnecessarily widened, conceding the desirability of extending the regulations to cover conduct outside the school premises. It is the view of the Committee that as presently drawn regulation 134(1)(e) "unduly trespasses on rights or liberties previously established by law or inherent in the traditional freedoms of Her Majesty's subjects in Western Australia".

That report was signed by all three members of the Legislative Review and Advisory Committee: G. A. Kennedy, Sir Ross Hutchinson, and Mr Gordon Reid, all eminent members of the community and appointed, one might say, by the Government which one imagines is now in the position of defending a regulation which the committee says is indefensible.

Perhaps it is necessary to backtrack and look at the situation which led the Government to make two new proposals in respect of regulation 134. The Minister at the time claimed that circumstances had arisen as a result of a particular case which went before the Teachers' Tribunal, and it was found that the Education Department lacked the power to sack teachers who were incompetent or inefficient. Therefore, regulation 134, as now revised and doubly revised, was proposed to remedy the situation. When he made that statement—it was not made in the House—I think the Minister was misleading people considerably in regard to the actual situation. If members are interested in pursuing this matter, I would direct their attention to the lengthy decision of the Teachers' Tribunal in the matter of the dismissal of a teacher. This decision is reported in *The Western Teacher* of the 7th April, 1978. I will not read out the whole article because to do so would be to trespass considerably on your tolerance, Mr Speaker.

The SPEAKER: And your time.

Mr PEARCE: Well, we have plenty of that. However, I will summarise briefly for the benefit of interested members the situation that arose.

A young male teacher graduated from a teachers' college and was sent to a district high school. He had a considerable number of

problems with his teaching; in a sense he had a discipline problem. As a result of that and the fact that he was on probation, he was transferred from one school to another in the course of his first two years of employment. A couple of generally unsatisfactory reports were made about him. In the end, the department agreed to re-employ him for a third year, but it decided not to confirm his certificate. As a result of that decision a second report was received from the young teacher's second school. That report was rather more condemnatory of him than the two earlier reports.

On the basis of that report the Education Department decided to terminate his employment. The teacher was in a weaker position, employment-wise, as a teacher on probation than he would have been in had he been fully confirmed on the staff. In fact, he was in the weakest possible position. The Teachers' Tribunal reinstated him not on the grounds that it considered he was necessarily a competent teacher, but simply on the grounds that the officers of the department who were involved in sacking him had not followed the procedures required to be followed under the Education Act and its regulations. That is to say, the tribunal found there was no problem in sacking a teacher under the regulations; what it said was that unless the procedures laid down in the regulations in respect of sacking teachers are followed, a dismissal is not valid.

Leave to Continue Speech

Mr PEARCE: I wish to make a few more remarks, but since time is at a premium, I move—

> That I be given leave to continue my speech at the next sitting of the House.

Motion put and passed.

Debate thus adjourned.

Sitting suspended from 6.14 to 7.30 p.m.

ELECTORAL ACT AMENDMENT BILL (No. 2)

In Committee

Resumed from the 2nd October. The Chairman of Committees (Mr Clarko) in the Chair; Mr O'Neil (Deputy Premier) in charge of the Bill.

Clause 13: Section 95 amended—

The CHAIRMAN: Progress was reported on the clause after the member for Morley (Mr Tonkin) had moved the following amendment—

> Page 8, line 5—Insert after the word "vote" the passage "except as provided for in section 90 of this Act".

Amendment put and a division taken with the following result—

Ayes 10

Mr Barnett	Mr Hodge
Mr B. T. Burke	Mr Skidmore
Mr Carr	Mr Tonkin
Mr Cowan	Mr Wilson
Mr Grill	Mr Bateman *(Teller)*

Noes 15

Sir Charles Court	Mr Ridge
Mrs Craig	Mr Rushton
Mr Herzfeld	Mr Sibson
Mr P. V. Jones	Mr Tubby
Mr MacKinnon	Mr Watt
Mr Nanovich	Mr Williams
Mr Old	Mr Shalders
Mr O'Neil	*(Teller)*

Pairs

Ayes	Noes
Mr T. H. Jones	Mr Young
Mr H. D. Evans	Mr Hassell
Dr Troy	Mr Mensaros
Mr Jamieson	Dr Dadour
Mr Taylor	Mr O'Connor

Amendment thus negatived.

Mr TONKIN: This Government has shown, by its ridiculous arrogance, that it is not going to listen to any arguments put forward by the Opposition, no matter how reasonable they may be. The Premier may block his ears, but the Government has insisted that a provision be inserted in the Act to the effect that a person who persuades someone to obey the law shall be prosecuted.

If the Government is not prepared to listen to reasoned argument, it is turning this place into an absolute farce, and the Opposition declines to play the game. We are not going to give respectability to this ludicrous situation, where the Government will not listen to reasoned arguments which try to give the Act some coherence. The Opposition therefore does not intend to go through the motions of a fraudulent debate in which the Deputy Premier, who is in charge of the Bill, sits in his place with ox-like stoicism, blinking his eyes and sticking to his original point no matter what.

Mr MacKinnon: What was all that about personal abuse?

Mr TONKIN: The amendment which the member for Murdoch has just voted against in his crass stupidity would have overcome this situation. He should stop being a bludger for a moment, open the Bill and read clause 13; he would find it provides that a person who persuades or induces someone to take a postal

vote according to the law shall be prosecuted. That is what the member for Murdoch has voted for. Clause 13 provides for an absurd situation.

The Premier has agreed with Dr Goebbels, who said that if a lie was repeated often enough, it would be believed. The Premier said that the Deputy Premier had given explanations on this clause, time and time again. However, the Deputy Premier has not explained why we should prosecute people who are obeying the law. The Government is making a laughing stock of this Chamber. The Opposition has no option but to refuse to play its game; we will merely show what we believe and indicate where we stand on these issues.

A lot has been said about the deceit of this Government. When the Deputy Premier, in answer to a question before the tea suspension, said it was against Government policy for members of Parliament to become justices of the peace, he was telling an untruth because the policy of the Government is that Ministers of the Crown shall be justices of the peace. A law to that effect was passed this year; in fact, it was introduced only eight days before this Bill, the Electoral Act Amendment Bill (No. 2) came to this place. The Government sneaked in this amendment.

Sir Charles Court: Do not talk rot!

Mr TONKIN: Does the Premier deny the Bill containing this amendment was introduced only eight days before this Bill? That Bill made the Premier and every other Minister a justice of the peace. Yet the Deputy Premier had the gall and effrontery to say it was against Government policy for members of Parliament to be justices of the peace. What he should have said is that it was against Government policy for members of Parliament to be JPs, unless they were Ministers of the Crown.

When the Justices Act Amendment Bill was before the House, the member for Yilgarn-Dundas said, "I cannot see any particular reason that Ministers of the Crown should not have the powers of a JP." The reason he did not see that was that he did not know about the legislation which had already been drawn up and about which the Chief Secretary, in his deceit, did not tell us at that time. Of course the member for Yilgarn-Dundas did not know the significance of the legislation, which provided that Ministers, much to their advantage, would qualify as justices of the peace under the legislation which had not at that time reached this place.

How deceitful, how low can a Government stoop in order to hang on to power? Eight days before this Bill came before the House the Government deliberately made every Minister of the Crown a justice of the peace. Then the Minister says here, "It is not our policy to have members of Parliament as justices of the peace." That is eloquent testimony to the deceit with which this Bill is riddled.

Mr O'NEIL: There is need for me to make some explanations and clarify the situation concerning the remarks that have been made by the honourable member. He indicated that a Bill to amend the Justices Act was brought into this House some few days before the Electoral Act Amendment Bill (No. 2) was introduced, and that that was done for a specific purpose. As I replied to a question without notice, I recall the situation that had obtained at that time. I simply want to indicate to the Chamber that I was quite correct.

The Bill to amend the Justices Act was introduced into another place by the Attorney General at 5.13 p.m. on Tuesday, the 24th April. That Bill contained two provisions. One was in respect of judges of the Family Court, and the Bill was designed to make Family Court judges and certain acting judges justices of the peace.

At that time the Attorney General in another place, and I in my place in this Chamber, explained the reason for the Bill. For the benefit of the Committee I will explain it again. In the other place, the Attorney General said this—

> The second matter is to rectify a minor omission which occurred when the Justices Act was amended in 1977. The purpose of that amendment was to make Family Court judges and certain acting judges justices of the peace.
>
> However, in the course of drafting that particular amendment, the previous reference in the Act to members of the Executive Council was overlooked. Clause 3 of the Bill will rectify that omission and backdate its provisions to the 7th November, 1977.

That was the date of the previous amendment, when the provision to which the Attorney General referred had been omitted inadvertently.

In another place, the honourable Mr Cooley saw no objection to that Bill. The purpose of that provision was to restore the status quo.

Mr Tonkin: Because he had not seen the Electoral Act Amendment Bill (No. 2). That is why he did not object. He did not know what you were up to.

Clause put and a division taken with the following result—

Ayes 22

Mr Blaikie	Mr O'Connor
Sir Charles Court	Mr Old
Mr Coyne	Mr O'Neil
Mrs Craig	Mr Ridge
Mr Grayden	Mr Rushton
Mr Grewar	Mr Sibson
Mr Herzfeld	Mr Spriggs
Mr P. V. Jones	Mr Tubby
Mr Laurance	Mr Watt
Mr MacKinnon	Mr Williams
Mr Nanovich	Mr Shalders

(Teller)

Noes 16

Mr Barnett	Mr Hodge
Mr Bryce	Mr McIver
Mr B. T. Burke	Mr McPharlin
Mr Carr	Mr Pearce
Mr Cowan	Mr Skidmore
Mr Davies	Mr Tonkin
Mr T. D. Evans	Mr Wilson
Mr Grill	Mr Bateman

(Teller)

Pairs

Ayes	Noes
Mr Young	Mr T. H. Jones
Mr Hassell	Mr H. D. Evans
Mr Mensaros	Dr Troy
Dr Dadour	Mr Jamieson
Mr Crane	Mr Harman
Mr Sodeman	Mr Taylor

Clause thus passed.

Clause 14: Section 100 amended—

Mr TONKIN: Clause 14 provides that the Minister may declare an area to be a remote area for the purpose of polling. On the face of it, we do not object to that, if the Minister were to be trusted. However, we realise that one of the Ministers concerned is the Attorney General. Let us consider the way he carried on in 1977 and the way he sneaked in that amendment to the Justices Act in April without admitting that the reason for it was the Electoral Act Amendment Bill (No. 2), which was already drawn up and waiting to go. Subclause (1)(e) reads as follows—

> declare any area of the State in which he considers attendance of electors at a polling place under usual conditions is difficult by reason of remoteness, to be a remote area for the purposes of this Act;

In other words, the Minister decides whether some place is remote. We realise that we are dealing with the initiative of a Minister who cannot be trusted, and therefore this gives him a great deal of power. As has happened with other Acts, this will be used to manipulate the Liberal Party into power. We therefore cannot agree with giving such power to such a Minister.

I had drawn to my attention the fact that the Liberal Party is not really concerned about remote areas. If ever there was a remote area, it is the Warburton area. There is no justice of the peace there. There are no electoral officers who will be able to witness claim cards. Therefore it would seem reasonable that a Mr McIntyre be appointed as a justice of the peace. This was rejected by the Government on the ground that it did not like appointing solicitors. We have already witnessed the fact that it will appoint a member of Parliament if he is a Liberal, but it will not do so if he is a Labor person. Apparently Mr McIntyre is not a card-carrying member of the Liberal Party, and so the Government would not appoint him as a justice of the peace in the remote area of the Warburton. There is no person who can witness a claim card there. How convenient for the Liberal Party!

Mr Coyne: What is he doing out there?

Mr TONKIN: He is working out there.

Mr Coyne: He is an ex-member of the Legal Aid Service.

Mr TONKIN: He is not working as a legal officer now. Why say he is a legal officer? Do not tell lies here. The member for Murchison-Eyre said he was acting as a legal officer and he is not. That is an untruth. There is an old English word which means the same as an untruth. If I said it here it would not be acceptable, but I can use another word which means the same. The member for Murchison-Eyre can understand what he likes. He can use the English language as he wishes. If the member wants to interject and tell untruths, he cannot expect to be treated well by this side.

The Government refused to appoint this person as a justice of the peace, so there is no-one to witness claim cards in that area. The Liberal Party is not concerned with the remote areas. It is concerned with hanging on to a seat.

Clause put and a division taken with the following result—

Ayes 24

Mr Blaikie	Mr Nanovich
Sir Charles Court	Mr O'Connor
Mr Cowan	Mr Old
Mr Coyne	Mr O'Neil
Mrs Craig	Mr Ridge
Mr Grayden	Mr Rushton
Mr Grewar	Mr Sibson
Mr Herzfeld	Mr Spriggs
Mr P. V. Jones	Mr Tubby
Mr Laurance	Mr Watt
Mr MacKinnon	Mr Williams
Mr McPharlin	Mr Shalders

(Teller)

Noes 15

Mr Barnett	Mr Hodge	
Mr Bertram	Mr McIver	
Mr Bryce	Mr Pearce	
Mr B. T. Burke	Mr Skidmore	
Mr Carr	Mr Tonkin	
Mr Davies	Mr Wilson	
Mr T. D. Evans	Mr Bateman	
Mr Grill		*(Teller)*

Pairs

Ayes	Noes
Mr Young	Mr T. H. Jones
Mr Hassell	Mr H. D. Evans
Mr Mensaros	Dr Troy
Dr Dadour	Mr Jamieson
Mr Crane	Mr Harman
Mr Sodeman	Mr Taylor

Clause thus passed.

Clause 15: Section 100A amended—

Mr TONKIN: I have an amendment to test the Government just in case we have been unduly harsh and it is beginning to listen to our argument. I move an amendment—

> Page 10, line 2—Insert after the word "day" the passage ", reasonable notice of which shall be served on all candidates,".

This will allow for all candidates to be given notice when there is to be a mobile polling booth available; the idea being that as scrutineers are available at normal polling booths there is no reason they should not be available at mobile polling booths.

Mr O'NEIL: I oppose this amendment only on the basis that it is not necessary. There are a couple of things wrong with it. Firstly, the amendment indicates that all candidates should be advised of this information, whereas I think what the member probably means, particularly in respect of mobile booths, is that candidates for a particular district or province should be notified. This amendment indicates that all candidates are to be notified, and this would create difficulties.

More importantly, section 75(b) of the parent Act already provides that the Chief Electoral Officer shall, by way of advertisements and the like, notify the location and times in respect of all polling places. It is interesting to note that the South Australian Act, No. 114 of 1976, introduced a similar provision in regard to Electoral Visitor Voting. The provision enables officers of the Electoral Department to obtain votes in ballot boxes for a period prior to the election day and to provide the kind of mobile ballot box that we have within the institutions. There is no requirement in the South Australian Act for what the member for Morley suggests in his amendment. I am assured by the Chief Electoral Officer that the provisions of section 75(b) of the parent Act make a requirement for the advice the member is seeking to be made available to all people interested to be published fairly widely.

Amendment put and division taken with the following result—

Ayes 16

Mr Barnett	Mr Grill	
Mr Bertram	Mr Hodge	
Mr Bryce	Mr McIver	
Mr B. T. Burke	Mr Pearce	
Mr T. J. Burke	Mr Skidmore	
Mr Carr	Mr Tonkin	
Mr Davies	Mr Wilson	
Mr T. D. Evans	Mr Bateman	
		(Teller)

Noes 24

Mr Blaikie	Mr McPharlin	
Sir Charles Court	Mr Nanovich	
Mr Cowan	Mr O'Connor	
Mr Coyne	Mr Old	
Mrs Craig	Mr O'Neil	
Mr Crane	Mr Ridge	
Mr Grayden	Mr Rushton	
Mr Grewar	Mr Sibson	
Mr Herzfeld	Mr Tubby	
Mr P. V. Jones	Mr Watt	
Mr Laurance	Mr Williams	
Mr MacKinnon	Mr Shalders	
		(Teller)

Pairs

Ayes	Noes
Mr T. H. Jones	Mr Young
Mr H. D. Evans	Mr Hassell
Dr Troy	Mr Mensaros
Mr Jamieson	Dr Dadour
Mr Harman	Mr Sodeman
Mr Taylor	Mr Spriggs

Amendment thus negatived.

Clause put and passed.

Clause 16: Section 100B added—

Mr TONKIN: This clause states that where, for reasonable cause, there is a failure to attend a place in a remote area as required by subsection (1) of this proposed section, the election and the result thereof shall be deemed not to be affected thereby.

This is open to abuse as we saw in 1977 when the Attorney General as declared by a judge of the Supreme Court, abused his position and forced the Chief Electoral Officer into errors. We believe Ministers of this Government, if they think the votes will be heavily against them, will once again find some failure to attend a place and thereby affect the voting result in a marginal seat.

If this Government could be trusted things might be all right, but this Government has shown by the way it has treated the Parliament with respect to this Bill and the way it acted in 1977 in the Kimberley, that it cannot be trusted. Therefore, we are not prepared to give the Government this kind of power.

Mr O'NEIL: I explained this provision rather fully during the second reading stage. My explanation was that it is not unusual to have a provision that if, as a result of natural causes or a natural disaster the people who reside in a certain area are unable to poll, especially in a small area, for that reason and that reason alone it is not deemed that the whole of the election shall be declared null and void.

There are provisions within the Act to enable voting or polling in certain areas to be postponed from the day on which the election is set until another day. I believe this happened in Queensland recently where, because of floods in that State, polling booths had to be closed and the balance of the ballot in that area deferred until another day.

All we are saying is that in respect of these very small and remote areas where perhaps a programme of visitation by the mobile booth is interrupted because of the inability of an aircraft to land on a strip, or alternatively because roads are washed out, simply by virtue of that event that election should not necessarily be declared null and void.

Naturally, of course, if the number of votes assessed in that area were sufficient to influence the result of the ballot, the normal procedures available to any person in regard to the validity of the election are still available under the Act.

Mr Tonkin: They are not. This is part of the Act.

Mr COWAN: I dispute the last remarks made by the Deputy Premier. I have sought legal opinion on this clause and the opinion given to me is that if a person decides to take the result of an election to the Court of Disputed Returns he cannot have counted as a person deprived of a vote a person who comes under this part of clause 16.

If a mobile ballot booth does not arrive and people are deprived of their votes, there is no way those who have been deprived of their votes can be counted as people who may have an effect on the result of the election.

I earnestly ask the Deputy Premier to seek an opinion on this. I asked him about this matter during the second reading debate and, whilst I appreciate that at that time one cannot be too specific, I hoped he would seek an opinion.

The opinion I received is that there is no way an election result which has been declared can be overturned by the Court of Disputed Returns on the grounds that X number of people were deprived of a vote because of the failure of a mobile polling booth to arrive.

I would appreciate receiving an assurance from the Deputy Premier that if such an event occurred in the 14 days prior to the day of polling, another attempt would be made for the mobile booth to be delivered and an opportunity given to these people to vote.

Mr O'NEIL: I can give the assurance. I have discussed this matter with the Chief Electoral Officer. Whilst it is imperative that the Chief Electoral Officer advise by notice in the newspapers and the like, as prescribed in the parent Act, the locations of and times at which mobile booths will be available, if perchance sufficiently early in the election the event is not permitted to occur because of a natural cause, every endeavour will be made to ensure the facility is provided.

Mr Tonkin: We have been instructed otherwise by one of your Ministers.

Mr O'NEIL: It is clear the member for Morley does not intend to listen to explanations. I want to assure the member for Merredin his fears are groundless because, for a start, the provision applies only to the areas which are declared to be remote and a ballot box or polling place would not normally be stationed there. In the past, polling places have been established in areas where there are as few as 20 voters.

Mr Skidmore: There is nothing wrong with that.

Mr O'NEIL: Therefore, the total number of people who may, through natural causes, be denied the right to vote because of the inability of the officer to reach the area, certainly would not be sufficient to upset the election.

Mr B. T. Burke: Of course it might be.

Mr Skidmore: You might disfranchise 20 voters by doing that.

Mr Cowan: Darling Range was lost by six votes.

Mr O'NEIL: I agree; but there was a difference of six votes in the total votes counted.

Mr Cowan: If 10 people went to the polling booth and it was not there, they would not be able to vote.

Mr O'NEIL: There are none so blind as those who will not see. I will not persist in trying to persuade members opposite as to the ridiculousness of their arguments.

Clause put and a division taken with the following result—

Ayes 24		
Mr Blaikie	Mr McPharlin	
Sir Charles Court	Mr Nanovich	
Mr Cowan	Mr O'Connor	
Mr Coyne	Mr Old	
Mrs Craig	Mr O'Neil	
Mr Crane	Mr Ridge	
Mr Grayden	Mr Rushton	
Mr Grewar	Mr Sibson	
Mr Herzfeld	Mr Tubby	
Mr P. V. Jones	Mr Watt	
Mr Laurance	Mr Williams	
Mr MacKinnon	Mr Shalders	
		(Teller)

Noes 16		
Mr Barnett	Mr Grill	
Mr Bertram	Mr Hodge	
Mr Bryce	Mr McIver	
Mr B. T. Burke	Mr Pearce	
Mr T. J. Burke	Mr Skidmore	
Mr Carr	Mr Tonkin	
Mr Davies	Mr Wilson	
Mr T. D. Evans	Mr Bateman	
		(Teller)

Pairs	
Ayes	Noes
Mr Young	Mr T. H. Jones
Mr Hassell	Mr H. D. Evans
Mr Mensaros	Dr Troy
Dr Dadour	Mr Jamieson
Mr Sodeman	Mr Harman
Mr Spriggs	Mr Taylor

Clause thus passed.

Clause 17 put and passed.

Clause 18: Section 102A amended—

Mr TONKIN: The Deputy Premier gets hurt when we say that we cannot trust a Liberal Party Minister not to give those instructions; but we know that a judge of the Supreme Court had to be called in in 1977 and he, in all his impartiality, decided that the Liberal Party had cheated, overthrew the election, and ordered another to be held.

That is a matter of history; not something I made up. It is something that will be an undying reminder of the treachery of the Liberal Party. This year we heard the Minister for Housing—the member for Kimberley—saying that the Aborigines are a less intelligent people and in letters he wrote he cast a slur on them by saying it was a waste of time—

The CHAIRMAN: Order! There is too much audible conversation.

Mr TONKIN:—campaigning against such unintelligent people. Then we see with clause 18 the classic case of a little boy who cannot win his own fight going to his big brother, the Premier, to change the rules. This clause has been put in to change the rules for the Minister for Housing by allowing the Chief Electoral Officer to instruct the presiding officers throughout the State on how to translate the instructions of illiterate voters.

Mr Justice Smith said that a how-to-vote card was a fair enough way to do that but the Chief Electoral Officer will not be given this power. We know that the Chief Electoral Officer will be leaned upon by the Attorney General, as he was in 1977 to send out instructions so that how-to-vote cards could not be used. Because the Opposition does not believe in discriminating against people who, by accident of birth do not speak English from the time of their youth—people such as Greeks, Poles, Germans, Dutchmen, Macedonians, Yugoslavs, Italians, Cypriots, and Aborigines—it believes that a how-to-vote card should be permissible.

Secondly, the Opposition believes that the blind should be able to have that type of assistance too. The physically handicapped and those who, because of some physical affliction cannot mark the ballot paper themselves, should also have assistance. We all know that the ordinary voter can take a how-to-vote card into the polling booth. That person may be a Chief Justice of the Supreme Court or a professor from the university; he is permitted to take a how-to-vote card into the polling booth. But, handicapped voters, who are no less intelligent, cannot do this. I mentioned in my second reading speech that Socrates and Homer were illiterate people; they could not read or write because reading and writing had not been invented. Yet I can still mention their names, even after thousands of years. However the Minister for Housing says that people are less intelligent and less important because they cannot read and write.

People who through no fault of their own, people whom we have begged to come here from their own countries or people from whom we have taken their country—in the case of Aborigines—are disadvantaged.

We know the Government is not listening to any part of this debate. Earlier the Government insisted on a clause which provides that if a person persuades someone to obey the law then that person shall be prosecuted. The Opposition realises that it is wasting its time but nevertheless in fairness to the people of Western Australia we will move the amendment and test it in a division. I move an amendment—

> Page 11, line 22—Add at the end of proposed subsection (3) a proviso as follows—
>
> > 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.

Mr O'NEIL: I concede that Mr Justice Smith, during the Court of Disputed Returns hearing, said that in his mind there could be some improvement with the presentation of printed or written laws. Nevertheless how-to-vote cards show how to record a vote. There was a proviso; that is, the electoral officer was to inquire or determine that the printed law was in fact a written intention of the voter's desires.

Mr Tonkin: It is provided for in my amendment.

Mr O'NEIL: Of course, in many, many cases we are dealing with people who do not have a command of the English language and may not in their own mind know what is printed on the card anyway.

Mr Pearce: It is read out to them. When the Minister says "command of the English language" he means that if one cannot read in English one cannot understand it.

Mr O'NEIL: There is no point of view. That was the aspect expressed by Judge Kay in connection with this matter when he made a judical inquiry into the amendments to the Electoral Act.

Mr Tonkin: It was not judicial.

Mr O'NEIL: It was an endeavour to overcome some of the problems that had been pointed out by the Court of Disputed Returns. Judge Kay made the point that he believed the views of Mr Justice Smith took the matter too far.

Several members interjected.

Mr Pearce: That is why you appointed Judge Kay and why Mr Justice Smith—

Several members interjected.

Mr O'NEIL: Judge Kay's recommendation appears in the legislation and it is made quite clear that the Chief Electoral Officer may send instructions in regard to how electoral officers will be able to deal with these problems if they occur. I understand this was conveyed to electoral officers.

Mr Pearce: His was a judgment.

Mr O'NEIL: It was an opinion as the member will find when he reads it.

Mr Pearce: It was a judgment in a case.

Several members interjected.

The CHAIRMAN: Order!

Mr O'NEIL: Does the member want me to read what Mr Justice Smith said? It is an opinion.

Several members interjected.

Mr Pearce: It was a judgment in a court case. Judge Kay's remarks are an opinion. You can't even understand legal terms.

The CHAIRMAN: Order! The member for Gosnells will cease interjecting at that length.

Mr O'NEIL: It is quite clear there is a difference of opinion, but the Government took the view and accepted the recommendation of Judge Kay who had the advantage of looking at what Mr Justice Smith had to say.

Several members interjected.

Mr O'NEIL: I wanted to make a point but if Opposition members continue to interject I will just sit down and let the thing go.

Several members interjected.

The CHAIRMAN: Order!

Mr O'NEIL: Obviously the Opposition does not want any explanation.

Mr Davies: The old temper is showing up again.

Several members interjected.

The CHAIRMAN: Order! I ask members, particulary those who are interjecting at great length, to desist.

Mr COWAN: The National Party supports the amendment moved by the member for Morley. The party sees clause 18 of this amending Bill to be perhaps the most critical of all the clauses contained in it. I note that I am allowed to speak only to the amendment and if I want to go back to the clause as printed I will have to wait until this amendment is defeated; as it inevitably will be. Anything that is as important as the rights of the individual to vote should be very clearly spelt out within the Act. That is exactly what the member for Morley's amendment does. It makes it very, very clear that a how-to-vote card presented by any person will be taken as a clear indication as to how that person wishes to record his vote. I can see nothing wrong with that.

Mr Tonkin: Unless you try to cheat.

Mr COWAN: It is not a matter of cheating; it is a matter of the interpretation of the law.

Mr Tonkin: Mr Justice Smith said cheating occurred.

Mr COWAN: If the amendment is accepted the Minister will not be able to give a direction. Under section 5 of the principal Act, the Minister has the power to direct the Chief Electoral

Officer as to exactly what instructions will be given to the presiding officer at every polling booth. Section 5 sets out that the Governor may, from time to time, appoint a Chief Electoral Officer who shall, under the Minister, be charged with the administration of the Act. My interpretation of the words "under the Minister" is that they mean "subject to". Therefore, the Minister is able to direct the Chief Electoral Officer as to what shall be taken as the method or the voting procedure at all polling booths, and the Chief Electoral Officer will have to direct the presiding officers.

If the amendment is accepted there will be no doubt that a how-to-vote card will have to be accepted as an indication of how a voter wishes to have his vote recorded. If the situation is left as at present there is no question that there can be direction to indicate otherwise.

I believe the situation should be spelt out clearly in the Act and with the inclusion of the amendment that will be the case. There will be no doubt. Any person will be able to go into a polling booth with a how-to-vote card and say, "This is an indication of how I wish my vote recorded." That will be final. That is the way it is done under the terms of the Commonwealth Electoral Act, and most other State Acts. The Deputy Premier has stated once or twice that the amendments to the Act are being inserted because the provisions are already contained in the Commonwealth Act. I suggest he has a look at the Commonwealth Act, and that he use that criterion again in this case. The Deputy Premier should support the amendment proposed by the member for Morley or move to delete the clause.

Amendment put and a division taken with the following result—

Ayes 18

Mr Barnett	Mr Grill
Mr Bertram	Mr Hodge
Mr Bryce	Mr McIver
Mr B. T. Burke	Mr McPharlin
Mr T. J. Burke	Mr Pearce
Mr Carr	Mr Skidmore
Mr Cowan	Mr Tonkin
Mr Davies	Mr Wilson
Mr T. D. Evans	Mr Bateman

(Teller)

Noes 22

Mr Blaikie	Mr Nanovich
Sir Charles Court	Mr O'Connor
Mr Coyne	Mr Old
Mrs Craig	Mr O'Neil
Mr Crane	Mr Ridge
Mr Grayden	Mr Rushton
Mr Grewar	Mr Sibson
Mr Herzfeld	Mr Tubby
Mr P. V. Jones	Mr Watt
Mr Laurance	Mr Williams
Mr MacKinnon	Mr Shalders

(Teller)

Pairs

Ayes	Noes
Mr T. H. Jones	Mr Young
Mr H. D. Evans	Mr Hassell
Dr Troy	Mr Mensaros
Mr Jamieson	Dr Dadour
Mr Harman	Mr Sodeman
Mr Taylor	Mr Spriggs

Amendment thus negatived.

Mr COWAN: There is one further point I would like to make. I have already dealt with the matter of the presentation of a how-to-vote card to a presiding officer as being an indication of how a person wishes to have his vote recorded.

To take the matter a step further, if, under the provisions of proposed new subsection (3), the Chief Electoral Officer instructed a presiding officer not to permit the use of how-to-vote cards, then any justice, sitting on a Court of Disputed Returns appointed as a result of a disputed ballot, would not be able to claim that people had been deprived of a vote because they were unable to present how-to-vote cards. That is quite clear.

Both thrusts by the Government are aimed at people who, unfortunately, are illiterate and must follow written instructions in order to have their votes recorded. The efforts of those people will be thwarted. Firstly, there will be an instruction to presiding officers, and how-to-vote cards as they exist today will be no more. Secondly, if there is a Court of Disputed Returns there is no way in the world that any person who is disputing a poll will be able to substantiate a claim that a certain number of people were unable to have their votes properly recorded because they were unable to present written instructions. The Act will be quite specific.

I think members will recall that at the last election the Chief Electoral Officer was instructed to give directions to presiding officers. However, because he was administering an Act which was not terribly clear, the Minister of the Crown concerned was unable to word the directions in a manner the presiding officers could interpret as instructions not to accept how-to-vote cards. I can assure members that the provisions of this clause will make it specific and we will see the demise of

how-to-vote cards for those people who must present a written instruction. Those people have no other way to indicate the way they want their votes recorded. I can imagine what will happen if people are required to repeat after the presiding officer whom they wish to vote for, and in what preference. I am quite certain that any party which felt it could lose an election as a result of illiterate people being able to vote, would submit as many candidates as possible under other party designations in order to prevent the illiterate voters being able to repeat the order of preference in which they wished their votes to be cast.

Regardless of whether they were designated as Independents or anything else, they would be members of that party which thought it could lose the election, and we would find at least half a dozen Independents submitting themselves for election, so that nobody would have a chance of having a vote recorded in the order of preference he wanted. We will oppose this clause.

Clause put and a division taken with the following result—

Ayes 22

Mr Blaikie	Mr Nanovich
Sir Charles Court	Mr O'Connor
Mr Coyne	Mr Old
Mrs Craig	Mr O'Neil
Mr Crane	Mr Ridge
Mr Grayden	Mr Rushton
Mr Grewar	Mr Sibson
Mr Herzfeld	Mr Tubby
Mr P. V. Jones	Mr Watt
Mr Laurance	Mr Williams
Mr MacKinnon	Mr Shalders

(Teller)

Noes 18

Mr Barnett	Mr Grill
Mr Bertram	Mr Hodge
Mr Bryce	Mr McIver
Mr B. T. Burke	Mr McPharlin
Mr T. J. Burke	Mr Pearce
Mr Carr	Mr Skidmore
Mr Cowan	Mr Tonkin
Mr Davies	Mr Wilson
Mr T. D. Evans	Mr Bateman

(Teller)

Pairs

Ayes	Noes
Mr Young	Mr T. H. Jones
Mr Hassell	Mr H. D. Evans
Mr Mensaros	Dr Troy
Dr Dadour	Mr Jamieson
Mr Sodeman	Mr Harman
Mr Spriggs	Mr Taylor

Clause thus passed.

Clause 19 put and passed.

Clause 20: Section 119 amended—

Mr TONKIN: This clause contains the very infamous questions which were used by the Liberal Party in 1977 to deprive properly enrolled people of a vote. Mr Justice Smith indicated it was an improper use of the questions.

One of the questions to be asked is, "Do you live in the electoral district of so-and-so?" Most people would not know in which electoral district they lived. For example, if the people at Bassendean who are in the electorate of Morley were asked at a polling booth, "Do you live in the electorate of Morley?", they would say, "No, I do not live in Morley, I live in Bassendean." I am not talking about illiterate people but about average people. How does the average person know where the boundaries are? We think this creates a ridiculous situation.

If it is desired to find out whether people live where they are supposed to live, my amendment is appropriate. The question then becomes, "Do you live at No. so-and-so, such-and-such a street?" If the answer is, "Yes", that is the area for which the person is claiming to vote. We submit most people would not know in which electoral district they lived. It is not an indication of their ignorance; it just does not matter to them. Why should they want to know? It is Parliaments and commissioners who group people in various areas and electorates.

People in some country areas, especially if they live somewhere near the boundary of a country electorate, would not know the name of the electorate to which they belong. Very often the name of the electorate has no relationship to the town or the shire in which they live. To tell the truth, I have to rack my brains every time I talk about the Legislative Council provinces. I think of the South-East Province as being the one for which the Hon. Grace Vaughan is a member, but actually the Hon. R. T. Leeson is the member for that province. How would a person know where Upper West Province was? I am sure members here would not know unless their electorates happened to be in the area.

We submit our amendment is far more sensible. I move an amendment—

Page 12—Delete all words in lines 4 to 8 inclusive and substitute the passage

"(b) Do you live at .....
(being a residential address in the electoral district for which the person claims to vote or which".

Mr O'NEIL: I oppose the amendment on very simple grounds. It is a requirement under the amendment that the person be asked the question, "Do you live at No. so-and-so, such-and-such street?" It implies the poll clerk has looked at the name on the roll, and the question would then be superfluous. However, there is a problem, because

although it is required that 21 days after moving from one residence to another an elector must record the new address on the roll, if he does not do that he is not disqualified from voting because there is a period in which he is allowed to exercise that requirement. If he is asked the question suggested in the amendment and the answer is "No", a whole series of questions must follow according to the Act.

Again, it implies that the poll clerk has already checked to see whether the elector is on the roll anyway, so the idea of using a residential address within the electorate is impracticable.

Mr Skidmore: What is the purpose of asking about the electorate?

Mr O'NEIL: Presiding officers and poll clerks have a responsibility to determine that the person who comes in and asks for a ballot paper is entitled to one. Therefore, one of the specific questions is, "Do you live in this electorate?" If we were to change it to a question whether a person lived at a specific address, it would not help at all.

Mr Skidmore: But if the poll clerk establishes that the person giving his name is on the roll—

Mr O'NEIL: How would we account for the people living in remote areas who do not have a specific address?

Mr Skidmore: How do they get on the roll?

Mr O'NEIL: They say they live in the Kimberley. Some people do not have what can be regarded as a residential address.

Mr Skidmore: They have a residential address even if it be a wigwam under a black stump.

Mr B. T. Burke: You are in a bit of trouble. You have not explained this properly at all.

Mr O'NEIL: We have not changed the matter in respect of the name. The provision in the clause is simply to allow what has been requested by many people—

Mr Davies: Only one person.

Mr O'NEIL: I should think the submission from the Australian Labor Party sought to ensure the question should be framed in much more reasonable terms than those contained in the Act. That is the purpose of this particular clause. I suggest the Leader of the Opposition read it.

Mr Davies: I have just read it.

Mr O'NEIL: Read it again.

Mr Bryce: How many times must we read it to agree with you?

Mr O'NEIL: It is proposed with this clause to enable the questions which are required to be asked under the provisions of the Act to be framed in less formal terms.

Mr B. T. Burke: Does not the person when giving his residential address—whether it be Kimberley, as you say it sometimes is, or some other residential address—automatically, in doing that, answer the question you are seeking that he should answer?

Mr O'NEIL: Let us suppose the presiding officer says, "Do you live at 21 Smith Street?"

Mr B. T. Burke: That is not the point. The question is, "What is the address you live at?"

Mr Skidmore: That is the question asked.

Mr B. T. Burke: That answers both questions.

Mr O'NEIL: What if he says, "No"?

Mr Pearce: Oh, come on.

Mr B. T. Burke: "What is your address?" and he says, "No"!

Mr O'NEIL: If the honourable member reads the amendment moved by the member for Morley, that is what he is suggesting. The proposal of the member for Morley is that the question should be, "Do you live at . . . ?", and then a residential address is given.

Mr Davies: What is wrong with that?

Mr B. T. Burke: It is much more sensible.

Mr O'NEIL: What happens if the elector says, "No"?

Mr B. T. Burke: The officer then says, "What is your address?"

Mr O'NEIL: He must then follow the questions as set out in the Act.

Mr B. T. Burke: He would say, "What is your address?"

Mr O'NEIL: He does not have to say that. If one reads the Act the presiding officer says, "Have you lived in this electorate during the last three months?" and if the applicant replies, "Yes", he gets a vote. There is a requirement, even if he is not living at a residential address in the electorate, that he be entitled to vote in that electorate within a certain period of time.

Mr Davies: Under a section vote.

Mr O'Neil: A section vote applies only if he is taken off the roll.

Mr COWAN: We do not support this amendment. We believe it is a matter of interpretation. In this case the presiding officer is trying to establish whether a person is enrolled correctly, not his address.

Mr Skidmore: That is right.

Mr COWAN: If the presiding officer looks at the roll and reads the address there, he will be in all sorts of trouble if the person has shifted from that address in the meantime.

Mr Tonkin: But he would not know the electorate. If the presiding officer says, "Do you live in such-and-such an electorate?" he would not know the boundaries of that electorate.

Mr COWAN: I suggest to the member for Morley that any person who wishes to record a vote should at least make known to himself the electorate in which he resides. I speak to all types of people in my area, and there is no doubt in my mind they know they live in the electorate of Merredin. Therefore, we cannot support this amendment.

Amendment put and negatived.

Clause put and passed.

Clause 21: Section 129 repealed and re-enacted—

Mr TONKIN: This clause provides that where a person has to have his ballot paper marked by a presiding officer, all the scrutineers can stand around and poke their noses into his business. If an elector wants to ensure that a presiding officer is doing the right thing, we maintain that it is his right to appoint someone to look after his interests. If a person wants to vote for the Liberal Party, the Labor Party scrutineer should not be able to watch what is going on, and vice versa. Therefore, I move an amendment—

> Page 13, lines 20 to 22—Delete the passage "in the presence of such scrutineers as are present, or, if there are no scrutineers present, then".

If we delete this passage, it would mean that an elector would be able to appoint a relative or a friend to watch what is going on. If the passage remains in the Bill, the scrutineers could try to influence the vote in an improper way. As I have said before, a scrutineer's job is not to see how a person votes, but to see that there is fair play.

Mr O'NEIL: This point was canvassed very widely during the second reading debate, and I indicated quite clearly that the Government is not prepared to accept the proposal. I raised the point that not many members of this Chamber actually appoint scrutineers. I have never done so.

Mr Tonkin: I always do.

Mr O'NEIL: Many people do not. So the circumstances that the honourable member referred to would arise only very rarely. Certainly it is desired to assist people who are handicapped in their command of the English language by ensuring that their ballot papers are marked according to their wishes. The scrutineers are appointed by the candidates and the candidates must sign a certificate authorising the scrutineers to represent them. Instructions are issued as to the manner in which the scrutineers should behave. Surely the electoral officers, appointed to conduct the poll under the surveillance—if I may use that word—of the scrutineers authorised by the candidates, are the ones to ensure that the elector's vote is cast in line with his wishes.

Mr COWAN: We support the amendment. We see this as an effort to protect the privacy of electors. After all, votes are supposed to be secretly cast, and this would not be the case if the scrutineers could look over an elector's shoulders to see what is going on.

Amendment put and a division taken with the following result—

Ayes 18	
Mr Barnett	Mr Grill
Mr Bertram	Mr Hodge
Mr Bryce	Mr McIver
Mr B. T. Burke	Mr McPharlin
Mr T. J. Burke	Mr Pearce
Mr Carr	Mr Skidmore
Mr Cowan	Mr Tonkin
Mr Davies	Mr Wilson
Mr T. D. Evans	Mr Bateman *(Teller)*

Noes 22	
Mr Clarko	Mr Nanovich
Sir Charles Court	Mr O'Connor
Mr Coyne	Mr Old
Mrs Craig	Mr O'Neil
Mr Crane	Mr Ridge
Mr Grayden	Mr Rushton
Mr Grewar	Mr Sibson
Mr Herzfeld	Mr Tubby
Mr P. V. Jones	Mr Watt
Mr Laurance	Mr Williams
Mr MacKinnon	Mr Shalders *(Teller)*

Pairs	
Ayes	Noes
Mr T. H. Jones	Mr Young
Mr H. D. Evans	Mr Hassell
Dr Troy	Mr Mensaros
Mr Jamieson	Dr Dadour
Mr Harman	Mr Sodeman
Mr Taylor	Mr Spriggs

Amendment thus negatived.

Mr TONKIN: I move an amendment—

> Page 13, line 31—Add at the end of proposed section 129 a proviso as follows—
>
> Provided that where an elector 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 instructions of the elector as to the marking of his ballot paper.

Amendment put and negatived.

Clause put and passed.

Clause 22 put and passed.

Clause 23: Section 169 amended—

Mr TONKIN: We remember that the Court Government put its hand into the pockets of the taxpayers and lifted $100 000 from them in order to pay the legal costs of the member for Kimberley. The Government has provided in this Bill that the court may make a recommendation in respect of costs. We believe that a Court of Disputed Returns should be able to make an order rather than a recommendation in respect of costs.

We know what this Government will do. If costs are recommended against a certain party the Government will allow that party to meet the costs. If costs are recommended against the Government parties, the Government will put its hands into the taxpayers' pockets as it did in 1977.

We do not think a Government should have that jurisdiction—especially a Government which has shown itself to be so unworthy of trust. Therefore, I move an amendment—

Page 14, line 3—Delete the word "recommend" with a view to substituting the word "order".

Mr O'NEIL: This proposal has been examined. The Queensland provision says that costs shall be defrayed by the parties in such proportion as the judge may determine, but with a maximum of $10 000 payable by any one party. In New South Wales, Victoria, and South Australia the court may award costs against an unsuccessful party and may in its discretion recommend that the costs be paid by the Crown. Again there is a distinction.

Finally, it is quite clear that no other legislation contains anything more than a provision giving the judge the normal prerogative in respect of making a recommendation, rather than an order, regarding the payment of costs. On those grounds we oppose the amendment.

Amendment put and a division taken with the following result—

Ayes 16

Mr Barnett	Mr Grill
Mr Bertram	Mr Hodge
Mr Bryce	Mr McIver
Mr B. T. Burke	Mr Pearce
Mr T. J. Burke	Mr Skidmore
Mr Carr	Mr Tonkin
Mr Davies	Mr Wilson
Mr T. D. Evans	Mr Bateman

(Teller)

Noes 24

Mr Clarko	Mr McPharlin
Sir Charles Court	Mr Nanovich
Mr Cowan	Mr O'Connor
Mr Coyne	Mr Old
Mrs Craig	Mr O'Neil
Mr Crane	Mr Ridge
Mr Grayden	Mr Rushton
Mr Grewar	Mr Sibson
Mr Herzfeld	Mr Spriggs
Mr P. V. Jones	Mr Tubby
Mr Laurance	Mr Williams
Mr MacKinnon	Mr Shalders

(Teller)

Pairs

Ayes	Noes
Mr T. H. Jones	Mr Young
Mr H. D. Evans	Mr Hassell
Dr Troy	Mr Mensaros
Mr Jamieson	Dr Dadour
Mr Harman	Mr Sodeman
Mr Taylor	Mr Watt

Amendment thus negatived.

Clause put and passed.

Claue 24 put and passed.

Clause 25: Part VI repealed—

Mr TONKIN: We cannot agree that no ceiling should be imposed on expenses. Already people are being elected because they have more money than others, and that is a very poor reason for their being elected to Parliament. Therefore, we cannot agree with the repeal of this part. We oppose the clause.

Clause put and a division taken with the following result—

Ayes 24

Mr Clarko	Mr McPharlin
Sir Charles Court	Mr Nanovich
Mr Cowan	Mr O'Connor
Mr Coyne	Mr Old
Mrs Craig	Mr O'Neil
Mr Crane	Mr Ridge
Mr Grayden	Mr Rushton
Mr Grewar	Mr Sibson
Mr Herzfeld	Mr Spriggs
Mr P. V. Jones	Mr Tubby
Mr Laurance	Mr Williams
Mr MacKinnon	Mr Shalders

(Teller)

Noes 16

Mr Barnett	Mr Grill
Mr Bertram	Mr Hodge
Mr Bryce	Mr McIver
Mr B. T. Burke	Mr Pearce
Mr T. J. Burke	Mr Skidmore
Mr Carr	Mr Tonkin
Mr Davies	Mr Wilson
Mr T. D. Evans	Mr Bateman

(Teller)

Pairs

Ayes	Noes
Mr Young	Mr T. H. Jones
Mr Hassell	Mr H. D. Evans
Mr Mensaros	Dr Troy
Dr Dadour	Mr Jamieson
Mr Sodeman	Mr Harman
Mr Watt	Mr Taylor

Clause thus passed.

Clauses 26 and 27 put and passed.

Clause 28: Section 192 amended—

Mr TONKIN: We believe it is arrogant for the Government, even if it is acting on the arrogant opinion of Judge Kay, to say that patients in hospitals shall not have access to a political candidate if they so desire. We believe if a patient in a hospital wants to have access to a political candidate, or wants to see his local member, he should be able to do so.

Mr Skidmore: You can be sure they will see the member for Swan.

Mr TONKIN: I therefore move an amendment—

> Page 16, line 18—Insert, after proposed new subsection (3) a proviso as follows—
> 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.

Mr O'NEIL: This matter also was fairly solidly canvassed during the second reading debate. A clear indication was given from a number of people who gave evidence that it is of some concern to those people who are seriously ill or infirm at being pestered by canvassers, whether political candidates or otherwise. In view of the fact that votes may now be cast at declared institutions at mobile boxes which, in fact, can visit those places up to 14 days before the normal day set for polling, certain problems could have arisen.

Members all know that no candidate is permitted to remain in a polling place longer than it takes him to record a vote for himself or anybody else. They would also know that no-one is permitted to hand out how-to-vote cards and the like within a polling place or, indeed, within some six metres of the entrance of the polling place. So, it would appear it would be extremely difficult to allow any kind of political campaigning at declared institutions where mobile polling boxes are to be used.

Mr Tonkin: We are talking about a chap visiting a patient.

Mr O'NEIL: I recommend that members read section 192 of the Electoral Act.

Mr Skidmore: What if I wanted to visit a relative within the space of that fortnight?

Mr O'NEIL: I suppose the honourable member could do so.

Mr Skidmore: No I could not.

Mr O'NEIL: Mr Deputy Chairman (Mr Blaikie), this is another example of the stonewalling tactics of the Opposition; it is a misinterpretation of the Act for that purpose, and that purpose alone.

Mr Bryce: We saw what your lawyers did with clauses like this. That is why we object to more sections like this being written into the Act. They were Liberal Party lawyers.

Mr O'NEIL: The consensus among all those who gave evidence was that people who are seriously ill or infirm should be spared the campaigning and canvassing activities which otherwise are likely to go on within these institutions.

Mr Tonkin: I agree; if they do not want to see them, they should not be forced to see them. However, what if they do not want to be spared, but want to see their member of Parliament?

Mr O'NEIL: This is in respect only of canvassing.

Mr Tonkin: Yes, I agree that it is.

Mr O'NEIL: Another question which has always puzzled me is: When does a candidate become a candidate?

Mr Pearce: How about when he is endorsed?

Mr O'NEIL: I do not think so; I do not think he becomes a candidate before nominations close. Prior to nominations closing, all the canvassing in the world can be done. Do not forget that nominations normally close some three or four weeks prior to polling day, and that declared institutions will be subject to a visit by a mobile polling box up to two weeks before polling day.

I do not see that this provision, which is aimed at preventing ill and infirm people from being annoyed, will be of serious consequence to members of Parliament.

Amendment put and a division taken with the following result—

Ayes 16

Mr Barnett	Mr Grill
Mr Bertram	Mr Hodge
Mr Bryce	Mr McIver
Mr B. T. Burke	Mr Pearce
Mr T. J. Burke	Mr Skidmore
Mr Carr	Mr Tonkin
Mr Davies	Mr Wilson
Mr T. D. Evans	Mr Bateman

(Teller)

Noes 24

Mr Clarko	Mr McPharlin
Sir Charles Court	Mr Nanovich
Mr Cowan	Mr O'Connor
Mr Coyne	Mr Old
Mrs Craig	Mr O'Neil
Mr Crane	Mr Ridge
Mr Grayden	Mr Rushton
Mr Grewar	Mr Sibson
Mr Herzfeld	Mr Spriggs
Mr P. V. Jones	Mr Tubby
Mr Laurance	Mr Williams
Mr MacKinnon	Mr Shalders

(Teller)

Pairs

Ayes	Noes
Mr T. H. Jones	Mr Young
Mr H. D. Evans	Mr Hassell
Dr Troy	Mr Mensaros
Mr Jamieson	Dr Dadour
Mr Harman	Mr Sodeman
Mr Taylor	Mr Watt

Amendment thus negatived.

Clause put and passed.

Clause 29: Section 207 amended—

Mr O'NEIL: Firstly, I ask the Committee to vote against clause 29 as it appears in the Bill. Amendments must be made to this clause, firstly as a consequence of amendments made to clause 8 of the Bill. As clause 8 originally stood, it restricted the qualifications of witnesses to the four categories in all respects in regard to claims for enrolment and re-enrolment. That has been modified to ensure that the provision applies only in respect of the first enrolment or a re-enrolment when the name of the elector does not appear on any roll within the State. Other matters appertaining to the witnessing of electoral documents—that is, for change of address and the like—may be done by an elector. That is to be carried forward into clause 29.

Firstly, I indicate that the Committee should vote against clause 29 as it appears in the Bill.

Mr TONKIN: This illustrates the deceit of the Government. This amendment provides that section 2 of the Declarations and Attestations Act does not apply—

Mr O'Neil: The clause I propose to insert provides that. The first thing to do is vote against clause 29.

Mr TONKIN: That is right—in order to insert that provision.

Mr O'Neil: Yes.

Mr TONKIN: This will provide that people who were commissioners for declarations and so on cannot witness claim cards. Tonight we have heard the Government saying that members of Parliament cannot be appointed as justices of the peace—

Mr Skidmore: They refused me.

Mr TONKIN: —but by a deceitful action the Government's own Ministers were appointed justices of the peace before this Bill came into the Parliament, and before we were aware of what the Electoral Act Amendment Bill contained.

We would have had more respect for the Deputy Premier and his colleagues if, when the amendment to the Justices Act was introduced, they had said, "We are doing this because we have a Bill coming up in a few weeks' time, and that will show the reason for this amendment." However, they kept quiet. The amendment to the Justices Act enabled the Ministers on the front bench to have the status of justices of the peace. Then they had the cheek to tell untruths in this place, and say it is against their policy to appoint members of Parliament as justices of the peace. That is quite untrue. They have appointed all the front-benchers as justices of the peace for the purposes of this Act. How can such untruths be told in this place? How can the Government get away with it? What kind of low standards do we have in this State when we accept a Government like this?

The Government wants to insert a clause which will say that people such as members of Parliament, who for various reasons are regarded as equivalent to justices of the peace, cannot be included. The Government says members of Parliament are not permitted to witness these cards unless they are Ministers of the Crown. That is plain filth.

Clause put and negatived.

New clause 29—

Mr O'NEIL: I move—

Add after clause 28 the following new clause to stand as clause 29—

Section 207 amended.

29. Section 207 of the principal Act is amended—

(a) as to subsection (1)

(i) by deleting the first three lines and inserting in lieu thereof the passage "The signatures to forms other than claims may be witnessed by an elector, or a person qualified to be enrolled as an elector, of the Commonwealth"; and

(ii) by deleting the second paragraph;

(b) as to subsection (2), by deleting the word "claims", in line three, and inserting in lieu thereof the words "a form of the kind wherein the statutory declaration is made"; and

(c) by inserting a subsection as follows—

(3) Section two of the Declarations and Attestations Act, 1913 does not apply to or in relation to a claim required to be signed in the presence of a person of a kind referred to in subparagraph (i) of paragraph (b) of subsection (1) of section forty-two.

Point of Order

Mr TONKIN: On a point of order, Mr Deputy Chairman (Mr Blaikie), what decision did you give on the previous voting?

The DEPUTY CHAIRMAN (Mr Blaikie): That clause 29 was defeated.

Committee Resumed

New clause put and a division taken with the following result—

Ayes 24

Mr Clarko	Mr McPharlin
Sir Charles Court	Mr Nanovich
Mr Cowan	Mr O'Connor
Mr Coyne	Mr Old
Mrs Craig	Mr O'Neil
Mr Crane	Mr Ridge
Mr Grayden	Mr Rushton
Mr Grewar	Mr Sibson
Mr Herzfeld	Mr Spriggs
Mr P. V. Jones	Mr Tubby
Mr Laurance	Mr Williams
Mr MacKinnon	Mr Shalders

(Teller)

Noes 16

Mr Barnett	Mr Grill
Mr Bertram	Mr Hodge
Mr Bryce	Mr McIver
Mr B. T. Burke	Mr Pearce
Mr T. J. Burke	Mr Skidmore
Mr Carr	Mr Tonkin
Mr Davies	Mr Wilson
Mr T. D. Evans	Mr Bateman

(Teller)

Pairs

Ayes	Noes
Mr Young	Mr T. H. Jones
Mr Hassell	Mr H. D. Evans
Mr Mensaros	Dr Troy
Dr Dadour	Mr Jamieson
Mr Sodeman	Mr Harman
Mr Watt	Mr Taylor

New clause thus passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

MR O'NEIL (East Melville—Deputy Premier) [9.18 p.m.]: I move—

That the Bill be now read a third time.

MR DAVIES (Victoria Park—Leader of the Opposition) [9.19 p.m.]: I do not think I should allow this opportunity to pass without making a contribution to the debate on what is one of the most shameful pieces of legislation to come before the Parliament during the 18 years I have been privileged to be a member.

I have criticised this Government at other times on the way it has handled legislation and on the way it has altered Acts of Parliament in the sure knowledge that by the time the elections come around the electorate at large will have forgotten the amendments. This Bill is so disgraceful that it must emerge as one of the principal items for the platform during the coming election. I will ensure that as far as the Labor Party is concerned, we will bring this matter forcibly before the electors time and time again. We will remind the public of what the Government has done in an effort to entrench itself in the Government benches. There can be no other reason for the Government's action except that. We will remind the public of the way the Government is manipulating the Electoral Act. By the time of the election we will be able to remind them of the way the Government is manipulating the Industrial Commission. It did this once before and it will do it again before the parliamentary session finishes.

When the Government attempts, as it has attempted, to alter the laws governing elections,

and when we know it will interfere with the courts, we become most concerned indeed for the future of this State. I do not think the public at large realise just what has been going on.

I was extremely angry when I first read the Bill and saw what was proposed. My anger has given way now to sheer disgust at what has been attempted and what is being done by the Government.

First of all I want to congratulate the member for Morley for the way he has studied this Bill and the hours he has spent with all types of people from all sections of the community who have brought protests to him. They have written to him and explained what their objections to this Bill are. He has painstakingly gone through all the objections. I know on many occasions similar documents were sent to all Government members, but for the most part they have been ignored and those members have not attempted to justify the action they have taken in supporting the Cabinet.

The member for Morley has painstakingly gone through all the documents and has found plenty of room for debate. He has put all the points to the Parliament. I am quite certain there are very few points, if any, that he did not put forward arising from the objections that came to him. We all had representations made to us, but we did not have the time to go into them as deeply as we would have liked. I am pleased that the member for Morley has done such a thorough job and that his work is on record in *Hansard*, showing that he, at least, of all members of Parliament, went most deeply into the Bill and was able to bring to the notice of Parliament the very real objections from the community at large.

I am sorry I cannot say the same about the Minister handling the Bill, the Deputy Premier. I believe it was a bad choice by the Government. I should say that I thought it was a bad choice because of the sheer disinterest he has shown in the matter. In fact, it was a wonderful choice; it was a master stroke by the Premier, because the Deputy Premier has announced his retirement from the Parliament. He has said that at 58 he is too old to be in Parliament. He is on record as having said that and I agree with him. At times tonight I thought he was a little young to be in Parliament, because he acted in the most infantile and childish manner I have seen since I have been here. He has said, "If you growl or shout at me I will sit down." Earlier this session he is on record as having said to the member for Balcatta, "Don't you ask me questions without notice, because I will not answer them."

What kind of a man is the Deputy Premier that he can treat the Parliament in this manner? Is he giving back part of his salary because he is not doing the job he is supposed to be doing? Is he just sliding into retirement and saying to himself, "I can go out with one of the most disgraceful Bills ever having been steered through Parliament hanging over my head and I will not answer to anyone? I am not seeking re-election. I am my own boss from now on."?

The Deputy Premier does not give a darn—and that is the mildest thing I can say about the way he has acted with respect to the legacy he will leave behind. He has given a shameful performance. He has shown a lack of interest and a lack of knowledge—this from a leading Minister; one of the most senior Ministers in the Government. His performance is the result of a direction, because it is out of character with his performances in this House over the years I have known him. I venture to say he must feel a little ashamed himself at having had to steer through a piece of legislation like this under directions from the boss.

We all know who the boss is. I have seen the Deputy Premier show a little more courage at times. But what a shameful legacy to leave Parliament. He will leave behind some of the worst features of any Electoral Act in Australia.

Why has the Government done this? It has done it because it is frightened of losing the seat of Kimberley. I do not have to remind the House of the attempts the Government made to amend the Electoral Act previously. That Bill was saved from being passed by your vote, Mr Speaker, and I think everyone throughout the length and breadth of the State applauded your action. This is certainly so among those people who realised what was going on. We all applauded the stand you took on that occasion. I know it must have been hard for you, because I am quite certain that outside this Chamber there were a few words said to you by persons in high places.

Mr Pearce: Inside the party room I will bet.

Mr DAVIES: However, everyone else was pleased with what happened. The Government had been trying to amend the Act before the Kimberley by-election in an effort to make the seat secure. The Government did not get away with it, but it still wanted to do something and so it instituted an inquiry to be conducted by Judge Kay.

The Government was in the fortunate position of being able to state the terms of reference for that inquiry and they were such that they gave Judge Kay the right to bring in recommendations

which he no doubt thought would be pleasing to the Government. My reading of his report indicates that in many places there is a complete lack of understanding by him of how Parliament is run and how elections are run.

I am quite certain most people think they know everything about elections. I do not, because at every election I learn of some new provision in the Act of which I was not previously aware, despite the fact that I have read the Act. It will be so much harder to read the Act now and I suppose the Government will be able to challenge almost any member of the Parliament for some action he has taken knowingly or unknowingly—mostly unknowingly. It will be the easiest thing under the sun for the Government to trip up any member of Parliament and let him pay the penalty.

The way this Government is going; the way this Government has gone, we will see the Electoral Act being used in the worst possible way. However, the return of a Labor Government will ensure that this situation is rectified. Hopefully, the next election will be the only one which will be conducted under the Act as it will be amended by this Bill, because a Labor Government will bring the Act up to date. A Labor Government will provide some justice and some democratic principle.

I have said previously that the only reason the Government introduced the legislation was that it was afraid it would lose the Kimberley seat. It has been said outside the Chamber that the Government will not look too closely at the operation of the Act in the metropolitan area; but will look closely at its operation in the country, which means the Pilbara, the Kimberley, and all the distant seats.

I would have thought that at least the National Country Party on this occasion would show a little fortitude in an endeavour to ensure that the people in the country who could be disadvantaged by the Act would be provided with greater security than the security they are given now. However, in line with its actions ever since the split in the coalition, the National Country Party has been strangely silent. At least on some issues the National Party was prepared to express its concern and voted accordingly. I am quite certain that, as representatives of country people, the members of the National Party are concerned about what is happening.

It is unbelievable that when one wants to get onto the roll now for the first time or if one has been taken off the roll and wants to get back onto it, one has to get an electoral officer, a justice of the peace, a policeman, or a clerk of courts to witness one's signature. At the same time, there are other people in the community with higher witnessing qualifications, who are able to witness a signature on an international basis, but who are not able to witness a signature on an electoral card.

Instead of making it easier for a person to get his name onto the roll and instead of making it easier for a person to vote, the Government is making it more difficult. Part of this Act was written in 1907. Surely the situation has altered dramatically since then. We should have brought the Act up to date in line with modern thinking, instead of leaving archaic provisions in it. One would have thought the Government would want to make it easier for people to get onto the roll. One would have thought the Government would want to make it easier for people to vote. In the long run, the Bill achieves neither of those ends.

That should have been the basis of the Government's thinking on this Act, but it was not. I want to echo what was said earlier tonight; that is, that it is strange that the qualification of justice of the peace or commissioner for declarations was returned to Ministers of the Crown eight days before the Electoral Bill was brought into being. One can call it a coincidence or one can say this action was taken by deliberate design. I will not put a name to it, but it has happened. Why do Ministers have to be justices of the peace?

Mr Pearce: That is a good question.

Mr DAVIES: Under the Attestations Act every member of Parliament is able to witness various documents. However, they will not be able to witness electoral cards because the provision does not apply in that situation. Members of Parliament can use their authority anywhere else, but not in relation to electoral cards. The provisions apply to every member of Parliament and to Ministers of the Crown. However, on top of that, Ministers of the Crown are given the qualification of justice of the peace. What is the reason for it? What is the reason that the member for Kimberley is now a justice of the peace? How odd.

Mr Skidmore: It is purely a coincidence!

Mr DAVIES: The whole matter revolves around the Kimberley electorate and the member for Kimberley is now a justice of the peace.

Mr Bryce: He should be the last one ever to be appointed.

Mr O'Connor: You were going to appoint the lot.

Mr DAVIES: I wonder how many cards the member for Kimberley will witness. How sad it is that we are denying the original inhabitants of this country the right to vote.

When I first became a member of Parliament Aborigines had few rights. When they were given the right to vote I applauded the move taken by the Government and I said that, if the Aborigines were going to take up their rights, they had to abide by the law. We all know that they do not have to enrol; but, if they do, they must vote. Possibly the Government thought no-one would ever bother to explain to the Aborigines that they had the right to vote.

I believe the State Government took this action only after the Federal Government had done so. However, someone explained the situation to the Aborigines and we are now undermining their intelligence. Because we do not speak the Aboriginal language we are saying, "You cannot do what you have the right to do." It is sad that this should happen, because they are black and, through no fault of their own, do not live in houses similar to those in which we live. We say, "You can have the right to vote, but do not try to get on the roll, because we are going to make it difficult for you. Do not try to exercise your vote, because we know your English is not too good and we are going to make it hard for you. If you cannot answer the questions you will be denied a vote." The Government has placed one impediment after another in the way of Aborigines who wish to vote.

I wonder what the United Nations thinks about this legislation. I wonder what the International Labour Organisation thinks about it. I am more than saddened by the action which has taken place here tonight.

Recently I read a lecture given by Mr Rumbley of the Department of Geography at the university. He estimated that only 48 per cent of the people in the Kimberley who were entitled to be on the roll were on it. What has the Electoral Department been doing? Have the officers been sitting on their behinds waiting for people to enrol themselves? Have they encouraged people to enrol? Has the Electoral Department sent staff around the outlying districts to encourage people to enrol, as occurred at the Royal Show, or is it more concerned with seeing how many people it can strike off the roll?

Mr Skidmore: They have certainly achieved that.

Mr DAVIES: I agree with that interjection. Before I sit down I would like to mention one other matter. I am sure other members want to register their disgust also. I want to remind the House how little the Premier values the rights he so frequently says he values. These rights are the democracy and freedom we enjoy. Members should recall the action taken by the Premier at the last election. He closed the rolls with only 24 hours' notice. That was a disgusting action to take.

Had it not been for the good temper of the staff at the Electoral Department on that occasion, many people who rushed in to get onto the roll would not have been able to do so. The Premier took this action because he wanted to stop last-minute enrolments. He was concerned particularly about Aboriginal enrolments. He may deny it if he wishes; but I have not heard him do so. He can say he was concerned about the matter. However, the Premier has abused the Westminster system and the electoral system. He has done nothing of which to be proud and neither have those members who have sat behind him and failed to open their mouths in protest at this erosion of basic rights.

The Labor Party will ensure the Electoral Act is overhauled properly. It will ensure the democratic principles we talk about are applied properly. Most of all, however, we will ensure equal justice is accorded every citizen of this State.

I oppose the third reading of this Bill.

MR COWAN (Merredin) [9.39 p.m.]: In the second reading debate I indicated to the House we would support the Bill to that stage and we would hope the Government would accept some amendments in Committee. I indicated we would then base our judgment concerning whether or not to support the third reading of the Bill on the number of amendments the Government accepted.

We have now reached the stage where in the third reading we have to decide whether the advantages of this Bill make it worth supporting; despite the disadvantages to voters of a specific class.

On close perusal we will find that there are certain advantages. There is no doubt that the provision of the mobile polling booths will be of great advantage, particularly to remote areas such as the Kimberley and Murchison-Eyre. In fact, it will be an advantage for all rural electorates. Certain prisoners will be given the right to vote. Our party also supports the concept of the removal of the ceiling where one must declare the amount spent on election campaigns.

It will be quite obvious to anyone who has studied this legislation that the greatest

disadvantage is that the Government will now be able to direct that how-to-vote cards will not be used as a written instruction for a person wishing to record a vote. It is also obvious that party organisers or field officers of any party will be unable to encourage people to exercise their right to apply for a postal vote. So we have a situation where this legislation will provide certain advantages but a great number of disadvantages.

At this stage we should be deciding whether the number of people disadvantaged will be fewer than those who will receive the benefits and the advantages of this Bill. There is no doubt in my mind that anyone who has looked at this could decide that the disadvantages outweigh the advantages.

I have no doubt that the Government has introduced this legislation purely and simply for its own benefit. It is for no other purpose. Unfortunately, this legislation will make it more difficult, particularly for illiterate voters, to be able to cast a valid vote.

Mr Skidmore: People who should be assisted.

Mr COWAN: Yes. They should be assisted. Perhaps we should make a comparison of the actions of this Government and those of the Commonwealth Government. We have a rather strange situation where the Commonwealth Government is making efforts in various parts of Australia to teach illiterate voters how to cast a valid vote; and we have the situation here in Western Australia where this State Government is doing all it can to deprive, or make it more difficult, for illiterate voters to cast a vote. They will not be able to have their vote recorded.

Mr Bryce: Shame!

Mr COWAN: I am not a great proponent of the Commonwealth Government but there is certainly a difference between the two Governments in this matter. I am sure that anyone who has a knowledge of this would be in no doubt as to whom they would prefer. It would most certainly not be this State Government.

I am very disappointed at the number of members who have not even followed the Bill. The Government has presented members with another version of what it attempted to do in 1977. At that time this move was rejected by your action, Mr Speaker. You were given the opportunity to take that action after four members of the National Country Party voted against the Bill. We now see a situation where the Government has dismantled that vehicle because it did not run and has built a new vehicle which is running at full steam. Unfortunately, members supporting the Government have not seen fit to reject what is really another attempt to succeed where it did not succeed in 1977.

This situation is something of a shame. I am convinced that the number of people to be disadvantaged by the introduction of this legislation will by far outweigh the number who will be advantaged by it. Therefore the National Party has no option but to oppose the third reading of this Bill.

Mr Davies: Hear, hear!

MR CRANE (Moore) [9.45 p.m.]: I have not made a comment on this Bill up to date, but feel that I should do so at the third reading stage, because I was one of those who crossed the floor in November, 1977. I crossed the floor for very good reasons. On that occasion I said I did not believe that the time was right for such a Bill to be introduced into the House. It was my view that an election which had been ordered to be held again, for one particular seat, should be contested on the same lines as the previous election. I contend that in any game of football one does not change the rules halfway through the game or halfway through the season.

Mr Bryce: Or, to make it impossible for one particular team.

Mr CRANE: It will be recorded in *Hansard* that I also unsuccessfully attempted to move that this matter should be left to a properly conducted judicial inquiry to decide; bearing in mind the complexities of the matter. There were so many experts who believed that they knew all there was to know about how voting ought to be carried out and how people ought to be enrolled. I said that a judicial inquiry would receive representations from all members of the public and their submissions would be presented to a judge who would then report on how the most suitable legislation could be framed.

Since that time the Government, in its wisdom, has done precisely what I requested. The Government held a judicial inquiry headed by Judge Kay and all political parties and members of the public were able to put forward submissions. As a result Judge Kay issued a report and the present legislation was subsequently formulated, and finally drafted from Judge Kay's recommendations.

People often say, "Don't confuse me with the facts because my mind is already made up". We see this situation often in Parliament. No matter what arguments are put forward those who opposed the former Bill would oppose the present Bill.

Mr Davies: We saw the Government's action during the whole debate. We won the argument as such.

Mr CRANE: A perfect example would be the Leader of the Opposition. He just will not change his mind once he has set himself on a certain course. It does not matter what is presented to him, he will stay the same.

Mr Davies: You are being your usual hypocritical self.

Mr CRANE: In other words, no matter how much we try to convince the Leader of the Opposition, he will take no notice. He fits that little poem—

A man convinced against his will

Is of the same opinion still.

Mr Davies: Applause.

Mr CRANE: That is the third time I have been applauded since I have been in this place. I thought applause was reserved for maiden speeches so obviously this speech must be considered to be important.

Mr Bryce: It could be your swan song.

Mr CRANE: Although the inquiry I requested was actually conducted, I do not presume to have studied all the submissions that were submitted to Judge Kay.

Mr Davies: You did not want to confuse yourself.

Mr CRANE: I did not presume to have the ability to evaluate those submissions, whereas Judge Kay did have the ability to understand them.

Mr Pearce: Hooray for honesty.

Mr CRANE: I have a great deal more intelligence than has the member for Gosnells.

Mr Davies: That is not true.

Point of Order

Mr PEARCE: On a point of order, Mr Speaker, I request that aspersion on my IQ be withdrawn.

The SPEAKER: Order! There is no point of order.

Debate Resumed

Mr CRANE: Thank you, Mr Speaker.

Because the inquiry was conducted as I wished it to be, I cannot, in all honesty and sincerity, find myself in a position to challenge the findings of the learned judge, and I do not propose to do so.

Mr Davies: Does this mean that in future you will agree, 100 per cent, with every Royal Commission report which comes forward?

Mr CRANE: For the reasons I have outlined, I support this legislation. I wish to record, as I have done tonight, my reasons for having opposed the legislation previously. No doubt you, Mr Speaker, have similar thoughts along those lines because of the actions you took at that time.

With those remarks, I support the third reading of this Bill.

MR PEARCE (Gosnells) [9.53 p.m.]: In opposing the third reading of this Bill I might say I have no intention of following the mindless example set by the member for Moore.

Several members interjected.

The SPEAKER: Order! The House will come to order! The leader of the Opposition will desist from interjecting.

Mr PEARCE: I was surprised the member for Moore did not launch into another speech setting out how he would save the Fremantle-Perth railway. He made that speech several times except when the railway issue was actually debated. I have no intention of following the line of reasoning put forward by the member for Moore.

The member for Moore said that when this legislation came before the House in 1977 he voted against it because he did not understand what was in the Bill. He wanted a judge to carry out an investigation. Now, a judge has conducted an inquiry and the member for Moore has said he has not studied the submissions, and that he was not intelligent enough to work them out. He claims that if the judge said the submissions were all right, he would vote the other way this evening. That is an unusual method of voting.

Mr Skidmore: It is irresponsible.

Mr PEARCE: That was humbug, but no doubt an honest opinion.

I am following two reasoned speeches from my leader and the Leader of the National Party, but I am furious about the way this legislation has evolved, and I intend to allow that fury to show. I believe the events that led to the judicial inquiry, and the judicial inquiry itself, were hypocritical.

The judicial inquiry was set up because of some criminal undertakings with regard to the elections in 1977. There were a few crooks around then, and those crooks managed to get a crooked result in the Kimberley. Because of that crooked result, a judge was forced to declare "unelected" the member who had been elected by crooked

practices. That forced the member to another election.

The crooks who set up the crooked election then claimed there were grounds to show there were irregularities which needed to be ironed out. Those irregularities had been created and were put into the legislation by the crooks, for quite dishonest motives.

The Premier sanctimoniously announced that there would be an inquiry to prevent crooked practices in the future. The inquiry was to be carried out by Judge Kay in order to stop the crooked practices, and the clear implication was that the crooked practices stemmed from the Opposition side. However, it was the Government which was crooked in that instance. This attempt to amend the legislation is equally crooked. Unfortunately, the Government has sufficient numbers—even minus the vote of the member for Moore—to force this measure through.

Let us look at what is being done to stop people from voting. The Premier talks about democracy, and about how everybody should have a say in union activities and union ballots.

Mr Bryce: Decency and responsibility!

Mr PEARCE: That is right. When it actually comes to voting, there is a whole range of people whom the Premier does not want to be able to vote. So, he has set out to make voting as difficult as possible. The Leader of the National Party drew attention to the difference between what happens in the Commonwealth and in this State. For a long time we on this side have been saying there ought to be a common roll for the Commonwealth and the State; that is, every person entitled to enrol should be on the one roll for both the Commonwealth and the State. We all know that is not the case.

More people vote at Commonwealth elections than at State elections, and the reason is that the Commonwealth Electoral Office has people who go around—undertaking a Commonwealth responsibility—to make sure everybody is on the roll. In fact, the Commonwealth employs people who try to get everybody to vote.

Not only has the State Government not set up a common roll, so that everybody who can be enrolled is able to vote at both State and Commonwealth elections, but also it will now make the conditions for enrolment more stringent. The conditions will be more stringent than those which exist for Commonwealth enrolments. The Government is claiming it is more important to determine whether or not one is entitled to vote in Western Australia than it is to determine whether one is entitled to vote in a Federal election. Any old sod is able to vote at a Commonwealth election! You or I, Mr Speaker, are pseudo-criminals—lowly people—not sufficiently trustworthy in the view of the Government to be able to sign an elector's claim to be enrolled for a State election. However, we are able to sign a claim form for a Commonwealth elector—the same person. Why is it that Fraser and the Commonwealth Government trust you and I more than does the State Government? That is a fascinating thought, and it has not been answered at all during the course of this debate.

I notice the Deputy Premier has yet again retired hurt to the corner.

It has been pointed out, quite rightly, that it is easy enough to stop some people in isolated areas, such as the Kimberley, from voting if conditions are made difficult to become enrolled for the first time. In an earlier part of this debate I made the point that in places such as the Kimberley people are being shuffled off the roll all the time. The standard practice is to go through each new set of names when the Electoral Department sends the list out weekly. A rather mindless and simple procedure is followed to determine whether people are correctly enrolled. If an objection is taken to somebody's name being on the roll, a letter is sent to that person. If a reply is not received it is assumed that that person is not correctly enrolled, and therefore is not entitled to vote. As a result his name is struck off the roll.

If a letter is posted to an illiterate Aboriginal in the Kimberley, who may not have a postal address, how will he receive that letter? As the Deputy Premier admitted rather illuminatingly only a few minutes ago, if an Aboriginal does not have a postal address he will not receive that letter.

Mr Davies: How will he get on the roll?

Mr PEARCE: If he gets on the roll at all, he will be wiped off as soon as the Minister for Housing, or one of his lackeys objects. In order to become enrolled and exercise his vote, a person in the Kimberley will have to get a justice of the peace to sign his electoral claim form.

There are not many justices of the peace in the Kimberley. The only person I could name who is entitled to sign an electoral claim card in the Kimberley is, as has been pointed out tonight, a member of Parliament—the Minister for Housing, if he were ever there. That is a remarkably unfair situation. The Premier does not trust you, Mr Speaker, or me to sign a claim form because we may be dishonest, but he trusts the Minister for Housing to sign claim forms in

his own electorate. If that is not creating a bias in favour of one person, I do not know what is.

I find it hard to understand the attachment of the Government to the Minister for Housing. This is the third time it has fiddled with the law to keep the member for Kimberley in his seat. Some members, like the member for Subiaco, the Government would like to get rid of as quickly as possible. But I am certainly not prepared to go along with cementing the Minister for Housing into his seat by rigging the system as we are being asked to do at the present time. I do not know how the Minister can hold up his head; one has only to look at him to see that he is not holding his head up, and one can perhaps accept that there is a slight vestige of feeling in the man.

I am surprised the Deputy Premier is retiring from Parliament at this time. I would not like to go out of Parliament with this on my head: "What was your contribution to the Parliament, Grandaddy?" "I fixed the Electoral Act so that illiterate people could not vote." I thought the Deputy Premier was a man of greater sensitivity than that.

Mr Crane: Are you suggesting it is only illiterate people who vote for the Labor Party?

Mr PEARCE: I was going to make an arrogant reply to the member for Moore.

Mr Crane: That is what you are suggesting.

Mr PEARCE: It is not what I was suggesting.

Mr Crane: Make up your mind. You cannot have it both ways.

Mr PEARCE: I will ignore the member for Moore and his inane interjections.

Mr Crane: It looks as though we have stopped "the lip" in his tracks.

Mr PEARCE: After the pathetic speech we had from the member for Moore, perhaps I can be forgiven for being at a loss for a minute or two. No-one is listening to the member for Moore; no-one is interested in his participation in the debate by way of speech or interjection.

When we look at the infamous eight questions and the way they have been welded into the legislation, we should turn our attention to the reasons Judge Kay did not decide to drop them from the Act altogether. Surely, in all the submissions made before Judge Kay's committee there was almost a degree of unanimity that these eight questions were not needed. Presumably it was not in Judge Kay's terms of reference to cut them out, or it was something that did not occur to him.

I want to make a point about the submissions made to Judge Kay's inquiry. The Deputy Premier says anybody could have made a submission, and many people did—the Australian Labor Party did, for example—but almost all the submissions made to Judge Kay's committee were ignored. One cannot say one had an open slather to make submissions if one's submissions were ignored. The Australian Labor Party made a submission but it might as well not have bothered for all the notice Judge Kay took of it.

The Deputy Premier made great play about Judge Kay's opinions being preferable to Mr Justice Smith's opinions. Someone made the point that Mr Justice Smith is the senior of the two, but the point I make is that Mr Justice Smith made his decisions about what happened in the Kimberley while acting as a judge; that is to say, in a court, in full possession of his judicial powers, weighing up the evidence, and interpreting the law. The statements made by Mr Justice Smith are not opinions but judgments; that is, legally binding so far as the case he was hearing is concerned.

One can only suggest why Mr Justice Smith was not appointed to head up the Electoral Act inquiry. He was obviously the man to do it; he had spent months touring around the Kimberley, talking to all the people involved. But Judge Kay was appointed to hear submissions and he ignored most of them. There has been no suggestion that Judge Kay had any knowledge of the way in which the electoral system in this State operates. There has been no suggestion that he had any practical knowledge of the system. Why he was chosen is anybody's guess. The most that can be said about Judge Kay's report is that it is a series of opinions by Judge Kay about what should happen as regards the State Electoral Act.

As the member for Morley pointed out earlier in this debate, when Judge Kay suggested people were improperly enrolled, he was not able to point to one person who was improperly enrolled under the existing procedure. He could not point to one individual and say, "There is a man who is on the roll when he should not be." Mr Justice Smith was in a different boat when he said 98 individuals could be proved to have been prevented from voting in the Kimberley general election, and he could name who they were. That is the standard that is required in a judicial inquiry. The imputations made by Judge Kay, leading up to strange recommendations which for the most part were not supported by submissions made to him, I think deserve condemnation.

The vast bulk of the submissions made to Judge Kay were in fact supportive of what the Opposition has said in this debate, and only a small minority were supportive of the decisions

reached by Judge Kay. The Deputy Premier tries to suggest a large range of people support Judge Kay's recommendations, but from utterances made about this legislation by individuals and groups outside this Parliament, I would say all the people outside the Liberal Party who support this Bill could fit into a telephone booth and still leave room for the Deputy Premier to make a phone call. Not many people have come out with statements in support of the Bill, apart from the Liberal Party's Government-paid campaign consultant, W. W. Mitchell. Nobody other than the Government's own paid man has written to the newspaper in support of the Bill; only one skinny individual who could easily fit into a phone booth with the Deputy Premier.

The Government tries to suggest it went through all sorts of calm, reasonable, responsible deliberations on a problem which arose in the Kimberley and as a result it appointed a judge to look into the matter impartially so that he could come up with the recommendations the Government suggested before he started, and he could come up with recommendations to the Parliament to solve the problem which arose. What an absolute farce the whole business has been! The people are not taken in by this charade, and the lack of public support outside the Government's own party or its paid lackeys makes that point only too finely.

I will stop soon because we all understand we are on strict time limits. The Premier is prepared to put aside only 24 or 25 hours out of the 365 days in the year for the discussion of democracy. Democracy is not a subject the Premier wants to be much discussed. I am very much opposed to this legislation, particularly as the Government has declined to accept any of the many amendments which have been moved.

Mr Old: You ought to have a walk for democracy.

Mr PEARCE: More people supported my small rally for democracy than the Government has been able to rally in support of this legislation outside its own party. I ask the Leader of the National Country Party to name one person, not a member of his party or the Liberal Party, who is prepared to support all the provisions in this Bill.

I will not ask for 24 names, but just one. How about that, Mr Speaker? I could offer the Leader of the National Country Party $10 or his choice of a box. However, he still cannot come up with one name. Outside his own party he cannot name one supporter for this legislation. That shows the sort of support he is able to summon.

Mr Old: Have a look at the figures and you will see what I can summon.

Mr PEARCE: Any party which can reduce its own membership to three—

Mr B. T. Burke: It has reduced itself by half. Wait until after the next election.

Mr Old: The best move we ever made.

Mr B. T. Burke: Join the Liberal Party and make it official. I do not like these de facto relationships.

Mr Old: You ought to know about them.

Mr PEARCE: I will dissociate myself from the comments of my colleague, the member for Balcatta. I support the Leader of the National Country Party to some extent. He came into this Parliament with five problems on his hands—

Mr Old: And I got rid of three.

Mr PEARCE: He got rid of three, and now he has only two. So the Minister has a 60 per cent success rate. Come the next election, and he may dispose not only of his other two problems, but of himself as well.

Mr Old: Like to bet on that?

Mr PEARCE: I am opposed to the Bill. It is a charade. It is very damaging to the Government. Even *The West Australian*, a newspaper not usually considered to be an opponent of this Government's, and one which has propped it up from time to time, has run editorial after editorial criticising this legislation. Unfortunately with the electors' cynical attitude to electoral matters, it is not the sort of thing that is likely to turf out the Government.

However, this measure will add to the growing wave of cynicism that is abroad at the moment about this Government. The Government will get this Bill passed. I have spoken against it loudly and clearly, and I will do so throughout the State during the election campaign. As I say, it will not decide the election, but it is one more thing that the Government has done, one more thing to add to the growing cynicism the electors feel. In that sense, although not tonight, but subsequently, justice may indeed triumph.

MR SKIDMORE (Swan) [10.12 p.m.]: As I was absent from the House and did not have an opportunity to speak to this amending legislation during the second reading debate, I would now like to express my disgust about it. We have heard many words about the inquiry conducted by Judge Kay, and the result of that inquiry. We were told that the inquiry established the need to amend the Act so that illiterate or physically handicapped people would be able to receive some

assistance and that the Act should be altered in two ways to ensure that assistance.

My understanding of the recommendation of the inquiry was that all the people should be given easy access to enrolment, and, therefore, enrolment should be made as simple as possible. The finding was that our present legislation was inadequate to ensure this, and that it needed altering.

The other important point is that there must be a degree of honesty in the approach of people who wish to have their names placed on the roll so that they may vote for the person of their choice at elections.

It is incredible to believe that a responsible Government, having had those propositions put before it in simple form, could introduce such horrendous legislation. Without a doubt this Bill will be passed by this House tonight, and it is a condemnation upon it.

I have been in this Parliament for a short period only, certainly short by comparison with the time spent here by some of the speakers tonight. However, because I am a part of this Parliament, I must take some responsibility for such rotten legislation.

Some of our voters desperately need help, and this applies particularly to some people in remote areas who wish to cast valid votes. Indeed, at the last election held in the Kimberley, the present Minister for Housing was almost unseated when many people exercised their right to vote, and all of a sudden it was realised that in future years a Liberal candidate could be in difficulties if there were a preponderance of Aboriginal voters.

Of course something had to be done about the matter, and so the Government will make it as difficult as it can for a person who is not knowledgeable in regard to our electoral laws, first of all to exercise his right to become enrolled, and secondly, to exercise his vote in a reasonable manner.

The generally-established standard in the community is that to assist them people may take a how-to-vote card into a polling booth. I can take a how-to-vote card in a booth with me and faithfully copy it onto my ballot paper. However, if I am unable to read or write and I need assistance from the electoral officer, I cannot present a how-to-vote card to express my intentions. What surer and more simple way was available to people who did not understand the system than to present a how-to-vote card?

We have heard it said many times that in previous elections people used these cards without understanding what they really meant, and that an electoral officer could not be sure that the card was a correct expression of a voter's conscience. This Government has the temerity now to say that a returning officer can determine the conscience of illiterate voters. That is what this Government will do.

Let us look at some of the questions the electoral officer must ask a handicapped person. First of all he will ask the intending voter whether or not he lives in the electorate. It absolutely amazes me that the Government has sought to amend our present legislation in relation to this matter. At present an illiterate voter is asked, "Do you live in the electorate of such-and-such?" The electoral officer could easily check the correctness of the reply by asking for the voter's postal address. If an intending elector is asked his residential address, and if that address is within the electorate and his name appears on the roll, any other questions are superfluous. That would be too simple. The Government wants to ask so many questions that handicapped people will feel so harassed that they will not bother about voting.

So the more literate people—the people in the northern districts and provinces—whom normally we would expect not to support the Australian Labor Party, will support the Liberals and ensure the return of the present Minister for Housing. It is shameful that advantage should be taken of people under those circumstances.

The amending legislation affects not only people in that category, but also many of my constituents who are not aware of the law and require my assistance to exercise their vote. I have been discriminated against as a member of Parliament. The article which appears in *The West Australian* today under the heading, "Skidmore to defy electoral changes" sets out clearly and concisely what I intend to do. I find that in all conscience I will have to defy parts of the law.

One of the amendments in this Bill says to me that I shall not persuade or induce, or associate with any other person in persuading or inducing, an elector to make an application for a postal vote. If a person comes to me, as quite frequently happens during an election period, and says, "Mr Skidmore, I will be out of the State because I have a ticket to New Zealand. I hope to be able to return in time, but if I cannot get a plane connection what should I do?" I am not permitted to tell him. That is what the law will say. I will not be able to induce or persuade an elector to obey the law.

As I said the other night, I have news for the Government. I intend to disregard that provision.

As a member of Parliament I will give to my constituents the service I believe I have an inherent right to provide. Nobody—not even this Parliament—will take that right from me; and if it means my demise or my removal from this place, then let it be. I do not think that will happen; I am quite sure my electors will not be the means of my demise in this place if I adopt that stand.

It is unthinkable that a member of Parliament cannot assist his electors to vote.

In my electorate I have many nursing homes. Many of the patients repeatedly seek my assistance during an election. They ask me to help them apply for a postal vote. An elderly person may be riddled with arthritis; and he may be able to walk down the street and do some shopping. However, he might not be able to do so on polling day because of his condition. If such a person comes to me for assistance, and asks, "Should I take a chance on being fit enough to attend the polling booth to exercise my right to vote, because I am on the roll and I am required by law to vote?", should I say to that person, "I cannot help you"? Should I tell him that nobody else can help him? Must I say to him, "For heavens sake, don't bring your son along to ask me to apply for a postal vote because I cannot associate with him in the matter of your right to vote."

I do not intend to be bound by that law. I intend to defy it; and it is not the only law I intend to defy in respect of the Electoral Act.

The member for Morley endeavoured by way of amendments to make some sense out of the Bill and to allow a degree of responsibility to rest with the people. He attempted to allow people to vote according to their conscience. However, each and every one of his amendments was defeated.

When one considers the matters raised in this debate, surely one must be alarmed at the manner in which the measure will be enacted. I simply do not know how to describe the amendment contained in clause 20, which provides that a question should be asked in the following manner: "Do you live in the electoral district of.....?" I have already explained why I believe that question is irrelevant. If the question was whether the elector lived at a certain address, I would say it would be fair and reasonable.

I pose to the Deputy Premier that if that question were answered in the negative, then the following series of questions would establish the entitlement of the person to vote; but merely asking the first question makes it difficult for the person to register his desire as to whom he wants to represent him in Parliament. The Government's method of approach makes me sad.

It is a bad feature that a person is unable to present a how-to-vote card as an expression of his desire to vote. However, one of the greatest tragedies of this legislation is that as a member of Parliament and a candidate for re-election I cannot visit a hospital and talk to anyone about my candidature, about being a member of Parliament, or about anything at all which could be remotely relevant to the election. I am to be prohibited from doing that.

It means if I had a relative in hospital whom I wanted to visit, and I was a candidate as well as being a member of Parliament, I could not visit my relative. I could not advise him of his right to obtain a postal vote; I could not even visit the hospital. For 14 days I would be denied access to the hospital. During that period I would be denied access to constituents and other people who might need my assistance in respect of many matters.

I am not unmindful of the fact that on one occasion I was approached by staff of the Swan Districts Hospital who asked me to visit an elderly gentleman who recently suffered a heart attack and wanted to advise his relatives in the country of that incident. Had this legislation been law I would have been unable to do that within 14 days of an election if I were a candidate. That is terrible. Again, I assure the Government that if the need arises for me as a member of Parliament to service my constituents—or anybody else for that matter—be they Liberal or Labor, I shall do so.

Again, if it means I must defy the law, I intend to do so. To hell with the consequences! I have one thing which members who have not supported Opposition amendments may not have; namely, a clear conscience. To me, that is a very valuable thing. I do not intend to give it to anybody; it has never been for sale and it is not going to be for sale to the Government.

My conscience is my own and I will protect it and use it. If perchance by some strange and inexplicable happening the member for Swan is disqualified because he saw fit to undertake his proper duties as a member of Parliament, so be it. I will have a clear conscience which, to me, is worth more than being a member of Parliament.

With those remarks, I show my abhorrence of this Bill and my disappointment that the Government should be so steeped in its desire to retain government at all costs that it would stoop so low as to deny people the right to vote simply because the Government fears those people may not vote for it. I cannot support such a disgusting

principle, therefore I do not support this amending legislation. I am deeply sorry that, as a member of Parliament, I have had to be a part of the debate on this legislation.

MR BERTRAM (Mt. Hawthorn) [10.32 p.m.]: This Bill is consistent with nearly every other Bill and motion which has come before this 29th Parliament in that, being introduced by the Government, it will be carried without any amendment of the Opposition being conceded, in a situation where every member of this place knows what will be the outcome, long before the debate in respect of this matter actually commenced.

That being so, I do not at this stage really address myself to this Assembly. I prefer to address myself to those few people who may read *Hansard*; I think that would be a far more sane proposition. Furthermore, it would have less content of deception of the public, because to debate here an issue when we know before the first member gets to his feet to debate the matter what the outcome will be is humbug at its extreme, to put it mildly, and a form of deception at the other end of the spectrum. There would be those who would go even further in their description of this practice and I would be quite prepared to listen to them, too.

The important thing to remember is that it is not only the Australian Labor Party which, over the last decade or so, has expressed grave concern about the electoral laws of this State; I believe that if the truth were known, the split in the Country Party was in a very large measure the product of the crooked electoral legislation introduced by the Premier in 1974.

Members will recall the position at that time; I should imagine readers of *Hansard* also would remember. What happened was that without any mandate at all, and at great cost to the taxpayer—because, currently, it is costing over $500 000 per annum in a State which already is thoroughly overgoverned—the Court Government took steps to ensure that it would continue to be elected.

Recently, the member for Karrinyup expressed great concern on behalf of the taxpayers, saying that taxes should be reduced. The member for Karrinyup has manifested this belief by increasing the taxpayers' bill by at least $500 000 per annum in order that he shall continue to be elected. That is how genuine he was in his belief.

Another way the member for Karrinyup expressed his concern for the taxpayer was to give one of his colleagues a straightout gift of $100 000. He is concerned about increases in taxes—or so he tells us; members can draw their own conclusions as to how genuine he is—and to vindicate his genuineness he proceeds to spend more taxpayers' money by supporting a Bill which will make it possible at all times in the future for people who unlawfully conduct elections to have the taxpayers pay their legal expenses.

They are just some of the examples off the cuff where this man, the member for Karrinyup, has supported measures greatly to increase the expenditure of taxpayers' money only a short time after standing in this place and stating that income tax should be reduced.

Mr Speaker, one of the best ways to reduce income tax is to keep Government expenses down, and not to feather one's own nest. Members of Parliament already are receiving something like $30 000 a year and, in the main, most of them never received that amount of money before in their lives. To me, this is yet another handout.

Mr Sodeman: The member for Maylands wants to be paid to be a member of the Public Accounts Committee.

Mr BERTRAM: I am not talking about the member for Maylands at the moment. To the best of my recollection, the member for Maylands did not recently stand in this place and announce the need for income tax reduction and then have the track record of the member for Karrinyup, some of which I have been good enough to reveal to members.

Mr Clarko: Do any of your colleagues ever ask you to represent them in legal cases?

Mr BERTRAM: Yes; what is the point?

Mr Clarko: I think that is a very good way of measuring your legal skills.

Mr BERTRAM: I cannot quite see how that matter is relevant in this context.

The SPEAKER: Order! I believe I have been extremely tolerant with respect to the debate which has been conducted so far. The member for Mt. Hawthorn has used the word "relevant". I would ask him to relate his remarks more closely to the question before the Chair, because it seems to me he is a long way away from it at the moment.

Mr BERTRAM: Thank you, Mr Speaker. I was attempting to get back on the target when the member for Karrinyup interjected and frustrated me to a certain extent—only momentarily, of course.

As I said, it is not only the Australian Labor Party which has been disturbed about the crooked electoral laws in this State, and other matters to do with the conduct of this Parliament; we also

have the breakaway Country Party, the National Party voicing objections to the Government's proposals.

In addition, we have editorial comments published in *The West Australian*, a few of which I should like to quote to members. In the editorial of *The West Australian* of the 29th March, 1976—some 3½ years ago—the following appeared—

> There is growing evidence of disquiet among Australians at the way the institution of Parliament is functioning as an arm of democracy. More and more the parliamentary system is coming under scrutiny and suspicion.

That is a statement of fact. One of the reasons it is coming under scrutiny and suspicion is that, as is well known to people who know anything about the political scene, in Western Australia we simply do not have a democracy. We do not have a choice in our elections.

I do not propose to go into detail of that at the moment. What I shall do is quote a little more from the same editorial—

> The present system of weighting votes might have been appropriate many years ago. Today it is loaded with anomalies and inequities. It badly needs to be corrected and not by the device of increasing the size of the Parliament, which is the way the Court government has gone about boundary changing.

The editorial continues—

> Council weighting should be no greater than exists for Assembly seats and both should be broken down.

That is an editorial in *The West Australian* newspaper. I am not suggesting that was the first such editorial in the last decade. It just happens to be the first in chronological order of those I picked out of a file of papers. That appeared on the 29th March, 1976.

In September, 1976, the editorial dealt with the same question. It was talking on that occasion about the move by the Australian Labor Party in this House to introduce proportional representation for the upper House. It read—

> Though that move is unlikely to succeed, Labor can be relied on to keep Council reform alive as an election issue.

How right that editorial statement was. It went further, and I think we ought to take close heed of this. Remember this is not a parliamentarian speaking; this is not the Australian Labor Party. This is the editorial from *The West Australian* newspaper of Monday, the 6th September, 1976. That editorial read as follows—

> What electors can be thankful for is that the constitutional debate in this State is moving to a higher plane than in the Federal sphere, where it has been characterised by ugly demonstrations. It is a great pity that vital questions raised by the events of last November—

Members will recall that "last November", in that context, was the Fraser-Kerr deal, with a few other conspirators thrown in for good measure. The editorial continued—

> —have been clouded by emotion and violence.

One wonders how much longer the Court Government, with its satellite appendage called the National Country Party but which is in fact simply another name for the Liberal Party, will continue with laws such as we have here.

There may be one or two people listening in this place who are not aware of a certain fact, and I think they should be told. I digress for a moment to tell them that for the upper House of this Parliament since 1890 there have been 39 elections, and all 39 have been won by the one party or group of parties. They may therefore come to the conclusion that there is something phoney about that. In the lower House, in the same period, the elections have been won more or less equally by the major parties.

I continue with a further quote from the editorial of the 6th September—

> The argument that the Council's powers—

That refers to the Legislative Council—known here as "the other place". I will read that again—

> The argument that the Council's powers should remain untouched would be much more persuasive if the House was put on a more democratic basis—which means breaking down the present grotesque loading of non-metropolitan votes.

That is the editorial of *The West Australian* newspaper. That is not the Australian Labor Party speaking. The same editorial went a little further—

> The Council would also lay moral claim to its power to send a government to the polls if it was made accountable for its actions—which means the provision of double dissolution machinery.

Once again that is the editorial of *The West Australian* newspaper, not the Australian Labor Party speaking.

Then we come to the 22nd February, 1978, when this Government announced what *The West Australian* referred to as an "electoral probe". The editorial read—

> The judicial inquiry the State Government has ordered into the Electoral Act is a sensible and welcome step.

I do not know whether at the moment the editorial was written the judge to preside had been selected. I would think not. The editorial continued further—

> This is a good time to review shortcomings in our voting procedures.

Those who know anything about this would agree with that. There would be a number of people outside the Parliament who would not necessarily agree because a lot of them, unfortunately, think that the electoral laws here are all right. People in this Parliament know for a certainty that our electoral laws are not all right—that our electoral laws are an unmitigated disgrace. Let the readers of *Hansard* hear loudly and clearly that we do know that. It is up to the people who read *Hansard*, and other people, to stir themselves so that the law will be put right in a proper way, without the sort of upheaval that has been necessary in other places, and concerning which the editorial of *The West Australian* which I have already read made mention.

Why should it be necessary for people to resort to all sorts of protests, having themselves placed in gaol, in order to bring about a change of the law when all the people here know that the law should be changed? Why should that be the case? Why should I, as an ordinary person in this State, when I went down to listen to the protest meeting on the Esplanade which related to the infamous Electoral Bill that was trotted into this Parliament in 1977, have my photograph taken by the police? Why should I—a person who was there, doing the right thing by the people of this State, and ultimately supported by this Parliament—have my photograph placed on a police file? The law does not permit the police to take my fingerprints. We saw to that a few years ago. However, because I opposed certain legislation, which you opposed also, Mr Speaker, and because I joined a public protest on the Esplanade, my photograph now appears on a police file—a member of this Parliament, and a former Attorney General.

What is more damning to appear on a police file: my fingerprints or a photograph of me so that everybody who sees the file sees the photograph? An ordinary person looking at a fingerprint would not have the faintest idea what it was all about. However, most people understand a little about a photograph.

That is the legacy. That is the position in Western Australia. I forecast if this Government continues tampering with the law the way it is doing, that will be a drop in the bucket compared with what will happen in due course. By consistent tampering with the electoral laws over a period of about five years, the Government has placed itself into a position where it can do almost as it likes; and it does just that. If my time permits, I will give the House some illustration of that, because I always believe when one makes assertions of those dimensions one should provide the proof.

I return to the editorial of the 22nd February, 1978. Once again, it is the editorial of *The West Australian* newspaper. It was not the Australian Labor Party saying this. The ALP may agree wholeheartedly with what the editorial says; but it does not come out of the mouth of an Australian Labor Party politician or member, so far as we know—probably anything but. It states—

> The way has now been opened for the Act to undergo a full process of reform—

This Bill is anything but one that even looks at the full process of reform. There are one or two provisions in it that are worth while, but overall it is a monster; it is turning back the clock. It is giving one side that already has a huge political advantage a further advantage. That should not be going on in the year 1979. That might have been all right in 1879 when people of different political persuasions worked all sorts of political rackets. It might have been possible to put this forward in 1950, but is not up to the standards of 1979. This is not just the member for Mt Hawthorn saying this; anyone who knows anything about world standards and standards such as exist in the United States of America will know that what I am saying is true. The editorial went on as follows—

> ... an independent inquiry free from the heat of a pending election, carefully weighed recommendations and, finally, legislation that will go to the roots of the problem.

None of those things have occurred—quite the contrary. To continue—

> The move will have strong appeal. It calls for wide terms of reference.

The terms of reference in this case were not wide; they were narrow. They were selected by the Liberal Party. This Parliament was not consulted. Had it been consulted, the terms of reference would have been wide and they would have been

fair. These terms of reference were neither wide nor fair.

Furthermore, as I have argued previously, nor was the inquiry independent and free. The Australian Labor Party, representing more people in this Parliament than any other party, had no say at all. It had no say in the terms of reference—that is to say, the questions to be considered by the inquirer—nor did it have any say whatsoever as to who the inquirer would be.

I think it is important for me to repeat that just as it is thoroughly improper for any legal practitioner to act for more than one client in the same case should those clients have a conflict of interest, so also it is thoroughly improper for any tribunal—certainly a legal practitioner and a judge—to place himself in a position where he knows or ought to know what is going on; namely, that only half the people are being represented in the inquiry before him; only half the people's views as to the terms of reference are before him; and only half the people have had any say as to whether or not he will be appointed. He should know that all the people pay him.

In my view, for a judge to preside in that situation, when he well knows that any electoral contest between two major parties should be conducted under rules which are even-handed, is acting unprofessionally and improperly. If he does so out of ignorance, perhaps that is not so bad; if he does so intentionally, that is very bad.

The way the legislation is framed, some half of the people of Western Australia do not get a fair deal. It is important in this year that any further inquiries into electoral matters in this State should be handled by an unbiased tribunal. It is a judge—preferably a justice and not a judge of the District Court—who should be making recommendations to this Parliament on matters to do with electoral laws. It seems to me to be odd for a judge of the District Court to be making decisions affecting electoral matters. I would have thought a judge of the Supreme Court would be the correct person to preside over an inquiry such as has recently been held.

Another aspect worth mentioning—and all of us in this Chamber know of this, although the public outside do not necessarily know—is that what this Bill is designed for substantially is to retain the seat of Kimberley for the present member, the Minister for Housing. That is the purpose of this Bill.

In the process of retaining this seat, we believe—and in time we will show this to be true—that one of the techniques being used is to see to it that it will be difficult for black people to get a right to vote.

The other day I saw an interesting cartoon in the *Daily News*. I do not suppose it could be incorporated in *Hansard*, but it really points to the credibility of the Liberal Party. This Government has consistently attacked the black people in the Kimberley and interfered with their voting rights, whilst on the the world stage recently Mr Fraser, when in Rhodesia, told the world that he is pro black people. I do not know how many people in Australia believe that; I do not think there would be very many. The cartoonist had his doubts because he showed one of our black brethren apparently holding a newspaper with the heading, "Black rule now says Fraser". His friend opposite says, "Relax. He's just talking about some place in Africa".

The *Daily News* cartoonist knows what is going on. Anyone who has been following the situation will know what is going on. As late as today we had a further example where, according to the member for Maylands and many others including myself, a man named Stan Davey who is a community welfare officer in Fitzroy Crossing whom the black people want to remain there, is being shunted off to Kalgoorlie by the Minister for Community Welfare (the member for Scarborough) without any appropriate reason being given. That is just another small example.

We are aware that in the 1977 general election, over 98 black people were denied their proper and lawful vote. Have members ever considered the immensity of the task of trying to prove that was so; or realised the difficulty of proving that black people, with faulty English, before a white man's court, have been denied a proper vote? Many people would have thought it was well nigh impossible to prove this.

Notwithstanding the difficulties they had to surmount, they did prove their case—not before a judge but before a justice of the Supreme Court of Western Australia. Not only did they prove that 98 people had been denied a lawful right to vote but they proved also that more than 98 black people had in fact been defrauded of their vote by a member of the Court Government.

I quote again from the editorial of *The West Australian* dated the 7th September, 1979. It reads—

> The interest of voters would be better served if the Government looked to the imbalance that exists in Legislative Council representation. The weighting of votes in many Council provinces is a much more

important democratic issue than specific problems in Kimberley.

How right that is.

This is not the ALP speaking, but the ALP knows it to be true. It has pointed this out in this House a hundred times and the Government has ignored it every time. However, the writer of this editorial understands the true position. He knows our laws are rotten and he has sufficient perception also to know that if they remain in that condition indefinitely the State will suffer in a very significant way.

One of the other tragedies of this Bill is that up till now there has been a limitation in the Electoral Act placed upon the amount of money which candidates for State Parliament can spend when contesting an election. With one stroke of the pen and without good reason the whole of that part of the Electoral Act is being pushed aside so that in the future the position here will be the same as that in the United States where the person with the longest pocket wins and the person with the best policy loses. If one's pocket cannot stand up to the man with the money, one is not elected. That is not an outrageous or unjustified comment.

How many Presidents of the United States over the last 20 or 30 years have not been millionaires and how many millionaires comprehend the feelings, aspirations, and problems of people who are on the dole? Is it suggested that the millionaire Prime Minister of Australia comprehends such a situation? Does anybody put forward that proposition? If anybody in this place believes that, he would be the first person I have heard of with that belief. This will be the position in this State.

The paltry argument put up allegedly to justify this is that the Government is so bereft of ability that it cannot think up appropriate legislation to improve the provisions relating to electoral expenses. It is true the present legislation might not be very good; but it is superb when compared with the situation in which there are no laws as a result of which the people of Western Australia over all will be supporting the people who have the money. They may not have any character or ideas; but if they have the propaganda, they will win. This was illustrated by Dr Goebbels in 1939.

In his department and in the Government the Premier has a battery of people who are prepared to spread his propaganda.

There are a number of other matters I would like to mention; but there are other speakers who would like to put forward their views. Therefore, I will conclude on that point.

Mr Hodge: Mr Speaker—

The SPEAKER: Before I give the call to the member for Melville I should point out I have a responsibility to the House to put the question before 11.30 p.m. I will give the call to the member, but indicate to him that, if he has not concluded his speech before then, I will interrupt him and put the question.

MR HODGE (Melville) [11.04 p.m.]: In my opinion, that is a shocking state of affairs. I do not blame you, Sir, for it. I know you have been instructed to do that; but I find it to be obnoxious, because there are many remarks I wish to make and I know other members on this side of the House want to speak also. Therefore, I am forced compulsorily to make my remarks very brief. I resent that and I want to make sure my feelings are recorded in *Hansard*.

Mr Shalders: The member for Warren moved that progress be reported last night.

Mr Davies: We wanted to see how dinkum you people were.

Mr Pearce: A bit of reconsideration would have saved hours of debate.

Mr HODGE: Conservative political parties have always determined the electoral laws in this State. There has never been an electoral law yet in this State that has been determined by a party other than a Liberal-National Country Party or a conservative party. The end result, of course, of decades of electoral laws drawn up by conservative political parties is that the ALP has never been in power in this State. The ALP has lost 39 elections out of 39 in the Legislative Council. It has never had control of both Houses.

One can question quite legitimately whether democracy exists at all in this State. I do not believe it has ever existed here. I do not think we have ever had a democratically elected Parliament. This legislation will do nothing to rectify that situation. In fact, it makes certain that we do not have any chance of a democratically elected Parliament.

Why should one political party—one group in society—be able to dominate the Parliament permanently? Why should one political party be free to manipulate the State's electoral laws permanently? That is what is happening in this State and it has happened ever since we have had Parliaments here. The electoral laws—the ground rules for elections—have always been drawn up and determined by one political party. This Bill is no different.

Judge Kay was selected by the Liberal Party. His terms of reference were drawn up by the

Government and this legislation has been introduced into Parliament by it.

Mr B. T. Burke: It is a disgrace.

Mr HODGE: This legislation has many obnoxious parts. There are so many that I do not have time to discuss them all; but I intend to speak briefly about some of the worst aspects of the Bill.

I believe one of the most worrying parts of the legislation is the provision which lifts the limits from expenditure on elections. Judge Kay was not authorised to give this matter full consideration. He was not authorised to consider submissions made to him by the ALP and other groups about the State Government funding political parties. That was outside his terms of reference. The Liberal Party thought that if Judge Kay considered and recommended on that aspect, it was possible it would be to its disadvantage, so that matter was placed outside the judge's terms of reference.

A very thorough inquiry into the question of financial aid to political parties was carried out in Britain in 1976. This inquiry was conducted under the chairmanship of the Right Hon. Lord Houghton of Sowerby. He presented a report on this matter to the Parliament of the United Kingdom in August, 1976. I should like to quote briefly from this report as follows—

> Effective political parties are the crux of democratic government. Without them democracy withers and decays. Their role is all pervasive. They provide the men and women, and the policies for all levels of government—from the parish council to the European Parliament. The parties in opposition have the responsibility of scrutinising and checking all the actions of the Executive. Parties are the people's watchdog, the guardian of our liberties. At election times it is they who run the campaigns and whose job it is to give the voters a clear-cut choice between different men and different measures. At all times they are the vital link between the government and the governed.
>
> Their function is to maximise the participation of the people in decision-making at all levels of government. In short they are the mainspring of all the processes of democracy. If parties fail, whether from lack of resources or vision, democracy itself will fail.

That was a very important conclusion of the committee of inquiry. The report was tabled in the British Parliament in 1976.

I believe Judge Kay should have given serious consideration to the whole question of funding of political parties and their actions at election time.

Judge Kay was not empowered to look at the types of promises political parties may make at elections. Of course, we all know about the broken promises of the Liberal Party. We all know about the 100 000 jobs advertised at the last election. We all know that promise was broken. We all know it was never possible for it to be fulfilled and yet political parties are allowed to make those sorts of promises to the electorate at election time. If there is no limitation on expenditure, there will be no limitation on the untruths and hollow promises made by political parties.

Funding of political parties is not such a radical departure. It may be radical for the Western Australian Parliament, but it is not radical for many other Parliaments overseas. In fact following the report, from which I quoted earlier, the United Kingdom Parliament implemented a measure of funding for the political parties. They followed the example of Sweden, the Federal Republic of Germany, Denmark, Finland, Italy, the Netherlands, Canada, the United States, France, and Japan in obtaining a degree of funding for political parties.

Obviously, if there is no limitation on funding, democracy will be put in further peril. Democracy will be further eroded in this State. It is not democratic that one political party or one political candidate can spend unlimited amounts of money on advertising. The television stations should be required to give their advertising time to political parties and individual candidates should be prohibited from advertising with them.

This legislation will prohibit patients in hospitals from being visited by a candidate. In other words, a constituent who is in a hospital in my electorate and wishes to interview me at election time will not be able to do this. I will be prohibited from entering the hospital once an election is under way. I will be prohibited from meeting that patient, speaking to him, or discussing politics with him.Therefore under this legislation I will not be able to visit a patient in a hospital in my electorate during the elections.

The Opposition put up a sensible amendment to rectify this matter, but, of course, it received no consideration at all from the Government. It was just thrown out. The amendment submitted by the member for Morley would have overcome these difficulties. A candidate would not have been permitted to pester or inflict himself on an ill person in hospital—if the amendment had been carried. If the person in hospital had requested a

candidate or his representative to visit and speak with him, then that would have been permitted.

The question of postal voting has been fairly extensively canvassed. I know that many old people in the old people's home—Nazareth House—in Hilton cast postal votes. The nuns who operate Nazareth House in fact actively encourage these people to vote. There are approximately 50 people there who vote by post. However, it appears the nuns will now be in great jeopardy of prosecution when this legislation is passed. The nuns actively encourage elderly and infirm patients to apply for postal votes. They will now be in peril, in risk of prosecution for inciting or inducing people to apply for postal votes. However, the Opposition submitted a sensible amendment which was not accepted by the Government. This would only have rectified the matter. It would have provided that an offence would have been committed if people had been illegally or unlawfully attempting to obtain postal votes.

Another serious matter is the use of how-to-vote cards. This legislation will open the way for political manipulation of the whole electoral system. Obviously the Chief Electoral Officer is under the direct control of the Minister. The Electoral Act makes that quite plain. Section 5(1) of the Electoral Act says—

> The Government may, from time to time, appoint a Chief Electoral Officer who shall, under the Minister, be charged with the administration of this Act.

So, that section of the Act empowers the Minister to issue instructions to the Chief Electoral Officer and I can imagine of course the instruction that will be given, particularly to the electoral officer in the Kimberley. The instruction will be not to accept how-to-vote cards from electors as an indication of their voting preference. I doubt that this will be enforced right throughout the State. But certainly it will be enforced in those areas where there are large Aboriginal communities.

There are many other obnoxious sections in this Act but I have not the time to go through them. This is a blow to democracy, especially the fact that members of Parliament are being prohibited from speaking their minds and having their say on this matter. I was elected by the people of Melville to speak on their behalf in this Parliament and I think it is a breach of democracy, a travesty of justice that we are to be silenced. We are to be forced to sit down and not to speak any longer on this matter. I believe that I was elected to speak out on behalf of my constituents, but unfortunately I am not being permitted to do that because I have a time limit.

I will close my remarks so that other members of the Opposition may give their views. This Bill is just another thinly disguised attempt to rig the State's electoral laws. That is all it is and I am disgusted with it.

The SPEAKER: I indicate to the member for Yilgarn-Dundas that if he has not finished speaking before 11.30 p.m., I will interrupt him to put the question in accordance with the will of the House.

MR GRILL (Yilgarn-Dundas) [11.16 p.m.]: That ruling is something I accept, but which of course I am unhappy about. It would appear to me, in view of the time afforded to me, that I have the rather dubious honour of making the last speech on this particular Bill.

Mr Davies: The Minister might want to reply if he is still in the House.

Mr GRILL: However, I do not really believe that it is an honour. Anyone who has anything to do with the passing of this Bill should really feel ashamed.

Opposition members: Hear, hear!

Mr GRILL: I have been in this House for two, going on three years and there have been a few days when I have gone away from this Parliament feeling really proud of the institution and the people who have spoken here. One of those instances was a celebrated occasion last year when a very unfair and obnoxious Bill came before this House and when numbers voting on that particular Bill were equal. It was when one person—a prominent member of the Liberal Party—cast a vote against that particular Bill and against his own party. That was one of the days when I went away from this House feeling that it meant something.

There have been other occasions when I have not been proud and I know that today will be one of those occasions. On the day that that prominent member of the Liberal Party opposed the Bill he said that if democracy—I am paraphrasing those words—was to survive here then it was essential that it be made easier for people to vote rather than harder. They are the words that ring in my ears. I have not looked them up; I remember them well.

This particular Bill we have before us now makes it harder for people to vote. Mr Speaker, the person I am referring to, that member of the Liberal Party who voted against his own party, was yourself. Everyone knows that and everyone is proud of what you did on that occasion. I have

no doubt that if you had to vote on this Bill again you would vote the same way.

The Bill is abhorrent because it will do the very thing that you, Mr Speaker, said would make it harder for people to vote. In fact in some instances it will make it impossible or nearly impossible to vote and it will make it impossible or nearly impossible indeed for people to be placed on the rolls. It will make it almost impossible for certain categories of people in certain areas to be enrolled. These people live in remote areas and to a large extent they are disadvantaged. Also these people, to a very large degree, are Aboriginal people.

That is the nub of this Bill. Those people who live in remote areas where there are no proper witnesses will not be able to become enrolled. I refer to areas such as Rawlinna, Cundeelee Mission, and the Warburton Mission which have large populations of 200, 300, or 400 people. Those people simply will not be able to place themselves on the roll because they do not have access to the very limited category of qualified witnesses who will be able to witness claims.

The Warburton area is 400 miles from the nearest town. That area does not have an electoral officer; that area does not have one justice of the peace; that area certainly does not have any type of court; and that area and that community do not have a police officer.

There are several hundred voters at the Cundeelee Mission where there is not one justice of the peace; there is not one electoral officer; there is not one clerk of courts; and where there is not one police officer. There is a distance of several hundred miles to the nearest qualified witness.

With regard to Rawlinna and the other places along the trans.-line, the residents will find it impossible to vote. Every one of them will find it difficult to become enrolled. I can recall when I stood for the seat of Murchison-Eyre and I travelled along that line. Those people had not seen a parliamentarian during the whole of the time they had been there. No-one asked them whether they had been enrolled.

Mr Davies: What about the Electoral Department?

Mr GRILL: Not even the Electoral Department; certainly not. All those people will not have the opportunity to vote. Some time ago the administrator of the Cundeelee Mission wrote to me and said he would like to be able to become a justice of the peace in order to carry out certain services within his community. I was not the member for that area so I referred the matter on. The answer to his request was that it was not thought appropriate that the administrator should be appointed a justice of the peace. That was tantamount to saying those people were not to be given an opportunity to enroll.

More recently the administrator of the Warburton Mission—a friend and former colleague of mine (Mr Greg McIntyre)—indicated that there was not a justice of the peace in the Warburton area. He recently had been appointed as the administrator in that area. He said there were many services which he thought a justice of the peace could carry out properly for the people. He asked me to make representation. I advised him I was not able to make representation on his behalf because I was not the member for the area, and I passed on his representation to a magistrate.

A reply came back to the magistrate from the Under Secretary for Law stating that the Attorney General had considered the recommendation for Mr McIntyre to be appointed a justice of the peace. The under secretary said that the appointment of a solicitor as a justice of the peace was contrary to policy. He said that although Mr McIntyre was not employed as a solicitor at the present time it would be difficult for him to act as a community adviser at Warburton without at some time acting in his professional capacity. The under secretary said that having regard to all the circumstances the Attorney General was not prepared to recommend Mr McIntyre's appointment.

That was a disgraceful decision for a number of reasons. It was totally unjust because that letter simply disenfranchised several hundred potential voters. None of those voters has the ability or the finances to travel to Laverton, or other areas, where they may enrol. It is unlikely any of them will be enrolled by any other means. They have been disenfranchised in circumstances which I consider to be quite disgraceful.

By virtue of clause 14 of the Bill now before us, the Government has gone to some lengths to express its concern with respect to voters in remote areas. The Government introduced some provisions which are designed to demonstrate that voters in remote areas will not be put to tremendous trouble in voting. The provision brings in a concept of portable voting boxes. If one reads these provisions, literally, one probably would be impressed with the fact that the Government was going to these lengths to ensure electors, in remote areas, did get a chance to exercise their right to vote.

Of course, the whole thing is a sham and is hypocritical because people in remote areas will not be able to enrol in the first place. This Government is afraid of the emerging political power of the Aboriginal voters; that is the reason behind this Bill. Although that power is latent, or just emerging, it will be a power in the future. I commend the Government for understanding that fact. However, even though it may be latent and even though the Aborigines may be exercising votes in a haphazard way, at least now, for the first time I am aware of, they are exercising in a simple way their right to vote and are expressing their own simple wishes.

The SPEAKER: Order! I ask the member to resume his seat.

In accordance with the direction of the House passed earlier today, I now put the question, "That the Bill be now read a third time".

Question put and a division called for.

Bells rung and the House divided.

Remarks during Division

Mr Grill: On a point of order, Mr Speaker, I still have three minutes to speak.

The SPEAKER: My judgment is that the question be put now.

Mr Grill: I must disagree with your judgment.

The SPEAKER: Order! The member will resume his seat. He may speak to a point of order from his seat but he cannot stand.

Mr Grill: Under what Standing Order?

The SPEAKER: Under the Standing Orders of this House.

Point of Order

Mr Grill: You, Mr Speaker have asked me to speak while sitting down.

The SPEAKER: That is the only way you can speak at this particular time.

Mr Grill: I have never been placed in this position previously, Mr Speaker. It is rather unusual. I was under the impression that the particular vote would be taken at 11.30 p.m. and I had until that time to speak. I believe those three minutes should have been allowed to me for further debate. I have been cut short, and in the circumstances, I feel I should have been allowed to continue for another three minutes.

Opposition members: Hear, hear!

The SPEAKER: Could I point out to the member that the motion states that the question be put before a particular time? On a previous occasion when I handled a guillotine motion I was then the Chairman of Committees. On that occasion I put the question much before time. I believe I have been extremely fair in allowing the debate to go as close to the deadline as I have, and there is no point of order.

Mr B. T. Burke: You could have cut it off at 7.30.

Division resulted as follows—

Ayes 23

Mr Blaikie	Mr MacKinnon
Mr Clarko	Mr Nanovich
Sir Charles Court	Mr Old
Mr Coyne	Mr O'Neil
Mrs Craig	Mr Ridge
Mr Crane	Mr Rushton
Mr Grayden	Mr Sibson
Mr Grewar	Mr Spriggs
Mr Hassell	Mr Tubby
Mr Herzfeld	Mr Williams
Mr P. V. Jones	Mr Shalders
Mr Laurance	*(Teller)*

Noes 18

Mr Barnett	Mr Harman
Mr Bertram	Mr Hodge
Mr Bryce	Mr McIver
Mr B. T. Burke	Mr McPharlin
Mr T. J. Burke	Mr Pearce
Mr Carr	Mr Skidmore
Mr Cowan	Mr Tonkin
Mr Davies	Mr Wilson
Mr Grill	Mr Bateman
	(Teller)

Pairs

Ayes	Noes
Mr Young	Mr T. H. Jones
Mr Mensaros	Mr H. D. Evans
Dr Dadour	Dr Troy
Mr Sodeman	Mr Jamieson
Mr Watt	Mr Taylor
Mr O'Connor	Mr T. D. Evans

Question thus passed.

Bill read a third time and transmitted to the Council.

BILLS (3): RETURNED

1. Salaries and Allowances Tribunal Act Amendment Bill.
2. Censorship of Films Act Amendment Bill.
3. Judges' Salaries and Pensions Act Amendment Bill.

Bills returned from the Council without amendment.

CRIMINAL CODE AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Sir Charles Court (Premier), read a first time.

House adjourned at 11.32 p.m.

QUESTIONS ON NOTICE

TRANSPORT: BUSES

Fremantle-Perth: Patronage, and Travelling Time

1614. Mr DAVIES, to the Minister for Transport:

(1) Further to question 1534 of 1979 relevant to Fremantle-Perth patronage, will he advise the average level of patronage in numerical terms for train services during—

(a) non-peak periods;
(b) peak periods,

on the Perth-Fremantle route prior to the closure of the line?

(2) Will he also advise the patronage level of linc buses in numerical terms during—

(a) non-peak periods;
(b) peak periods,

since the linc service began?

(3) On which other bus routes for the Perth-Fremantle corridor has there been an increase in loading in numerical terms since the closure of the railway line?

(4) On which other services has there been a decrease in loading in numerical terms?

(5) Will he provide details of the average travelling time between Perth-Fremantle for trains during peak periods and buses during peak periods?

(6) Will he also provide the average travelling time between Perth-Fremantle for trains during non-peak periods and buses during non-peak periods?

(7) Will he also advise the average travelling time for—

(a) non-peak periods;
(b) peak periods,

for the routes referred to in his brochure explaining the Government's position on the closure of the line since the line has closed?

Mr RUSHTON replied:

(1) (a) Perth-Fremantle—2 290 passenger trips
Fremantle-Perth—2 096 passenger trips
(b) Perth-Fremantle—2 265 passenger trips
Fremantle-Perth—1 802 passenger trips

(2) to (4) The period since withdrawal of the rail service has been one of considerable fluctuations in regard to loading, the reason being that it has included school holidays, football finals, and the Royal Show.
The MTT is monitoring the loading changes on routes in the Perth/Fremantle corridor and will report to me during November this year by which time normal trends will be apparent.
I will provide the member with the information when it is available.

(5) Trains—35 minutes
Linc buses—36 minutes

(6) Trains—35 minutes
Linc buses—36 minutes

(7) (a) Non peak periods
Petra Street, East Fremantle to City—43 minutes
Chadwick and Collick Streets, Hilton to City—40 minutes
Healy and Redmond Roads, Hamilton Hill to City—48 minutes
(b) Peak periods
Petra Street, East Fremantle to City—42 minutes
Chadwick and Collick Streets, Hilton to City—48 minutes
Healy and Redmond Road, Hamilton Hill to City—54 minutes

RAILWAYS

Maintenance Expenditure

1625. Mr PEARCE, to the Minister for Transport:

What was the expenditure for annual maintenance on—

(a) the Perth-Armadale line
(b) the Perth-Midland line;
(c) the Perth-Fremantle line,

in each of the last five years?

Mr RUSHTON replied:

Annual maintenance expenditure on the permanent way for the sections referred to was as follows—

	1974-75	1975-76	1976-77	1977-78	1978-79
	$	$	$	$	$
(a)	35 495	64 051	116 048	528 927	43 675
(b)	122 283	407 863	178 080	251 032	113 881
(c)	82 204	190 388	130 411	113 755	88 246

LIQUOR: BEER

Prices

1639. Mr BATEMAN, to the Minister for Labour and Industry:

(1) With reference to several questions asked previously by me regarding the high cost of beer in Western Australia compared with the cost charged in other States for the same quantity, has the inquiry he commissioned reached a final decision?

(2) If "Yes" what was its finding and will he table the inquiry's full report?

(3) If not, why not?

Mr O'CONNOR replied:

(1) No.

(2) and (3) The report has taken longer to complete than anticipated due to the late arrival of certain important information and statistics. It should be completed by the end of this month.

FASTNET RACE TRAGEDY

Appeal

1640. Mr BATEMAN, to the Premier:

(1) With reference to my question 1167 of 1979 regarding the amount of taxpayers money which was donated to the Fastnet race disaster, the amount being $5 000 for Western Australia and $25 000 from the Federal Government, has the Fastnet race appeal closed?

(2) If "Yes" what other countries donated money to the appeal?

(3) If "No" would he endeavour to find out?

(4) If not, why not?

(5) If answer to (1) is "Yes" what was the final amount raised by the appeal?

(6) What person or organisation is administering the appeal?

Sir CHARLES COURT replied:

(1) to (6) The information requested by the member is being obtained from the United Kingdom and his questions will be answered when the information is received.

ROADS

Canning Vale Industrial Estate

1641. Mr BATEMAN, to the Minister for Industrial Development:

(1) Is it fact that a half mile of roadwork in the Canning Vale light industrial area has been let to a private contractor?

(2) Is it also fact that the City of Canning who quoted on this work and submitted the lowest quote, was not granted the contract?

(3) Will he give a complete answer as to why the City of Canning's lowest quote was not accepted?

(4) Has this action also caused a retrenchment of workers from the City of Canning?

Mr MENSAROS replied:

I would like to preface the answer by saying that I do not reply in any defensive way; in fact, I am rather proud of this answer—

(1) A contract for the construction of roads in the stage 2 development at the Industrial Lands Development Authority's Canning Vale industrial estate has been awarded to a private contractor. The length of road work concerned is considerably more than half a mile.

(2) and (3) City of Canning did not tender for this work. However, after a recommendation for the award of the contract had been made the local authority quoted a figure for the work which was substantially in excess of the recommended contract price.

(4) I am not aware of the cause of any retrenchment which might have occurred among City of Canning employees.

HOUSING

Willetton

1642. Mr BATEMAN, to the Minister for Housing:

(1) Will he give a complete account of why the Canning City Council was not allowed to develop the State Housing Commission area in Willetton?

(2) Why was the contract to develop the State Housing Commission homes in Willetton let to private contractors?

(3) Is it fact that as a result of this action 20 employees from the City of Canning had to be retrenched, some with 20 years' experience?

(4) If answer to (2) and (3) is "Yes" will he endeavour to arrange with the private contractor to employ the retrenched workers?

(5) If not, why not?

Mr RIDGE replied:

(1) to (5) No contract has been let for the land development works or for homes in this project and in view of the information regarding the likely retrenchments of which the Housing Commission was unaware, the commission will now have further discussions with the Canning City Council.

ROADS

Lighting

1643. Mr MacKINNON, to the Minister for Transport:

(1) What sections or intersections of Leach Highway are currently being lit or partially lit?

(2) On what cost/share basis was this lighting provided?

(3) (a) Have any sections of Albany Highway within the City of Canning been provided with lighting on a shared Council/Main Roads Department basis;

(b) if so, what sections and on what basis?

(4) (a) Who pays for the operating costs and maintenance of the street and intersection lighting on Albany Highway; and

(b) which section and on what arrangement?

(5) On what basis was street lighting in the City of Canning provided?

Mr RUSHTON replied:

As a preamble to my answer to the member's question, I must emphasise—as I have on previous occasions—that the provision of lighting on roads other than freeways is the responsibility of local authorities.

On declared main roads and highways, however, a subsidy is provided from Main Roads Department funds where acceptable standards of lighting are approved.

Lighting is arranged between the local authority and the State Energy Commission. However, from MRD records of subsidy payment and inquiries at SEC, the following are the answers to the specific questions raised—

(1) (a) Sections:

Stock Road to Northlake Road
High Road to Bullcreek Road
Wendouree Street to Manning Road

(b) Intersections:

Carrington Street
Stock Road
Northlake Road
Norma Road
Riseley Street
Moolyeen Road
Pulo Road
Benningfield Road
Bullcreek Road
Albany Highway
Welshpool Road

(2) Wendouree Street to Manning Road. Canning City Council and MRD 50 per cent each for both capital and running costs.

High Road to Fifth Avenue. Installed by SEC and annual charges met by MRD.

Manning Road, Albany Highway and Welshpool Road intersections. 100 per cent installation cost by MRD and running cost shared 50:50 by MRD and local authority.

For all other sections and intersections, the funding arrangements are not known by MRD but full cost is presumably met by local authorities.

(3) (a) and (b) No, except for the Leach Highway intersection where MRD paid the cost. Running costs are shared between the local authority and MRD.

(4) (a) and (b) Between Welshpool Road and Nicholson Road—the City of Canning pays and receives a 50 per cent subsidy from MRD.
Between Causeway and Welshpool Road—the City of Perth pays.
Between Nicholson Road and Wimbledon Street—40 per cent City of Gosnells, 60 per cent MRD;
Between Beckenham Street and Ladywell Street—40 per cent City of Gosnells, 60 per cent MRD;
Between Dudley Road and Royal Street—40 per cent City of Gosnells, 60 per cent MRD;
Between Austin Avenue and Gosnells Bridge—40 per cent City of Gosnells, 60 per cent MRD;
Between Clara Street and Manning Avenue—40 per cent City of Gosnells, 60 per cent MRD;
Between Gosnells Bridge and Clara Street—50 per cent City of Gosnells, 50 per cent MRD;
Remaining sections in City of Gosnells—100 per cent City of Gosnells.

(5) By arrangement between City of Canning and SEC.

HOSPITAL

Merredin

1644. Mr COWAN, to the Minister for Health:

(1) (a) Have preliminary plans been prepared for the upgrading of the Merredin hospital;
(b) if "Yes" when is it likely that they will be implemented?

(2) When was the last instance that facilities at the hospital have been improved and upgraded?

Mr YOUNG replied:

(1) (a) The extent and scope of a repair and renovation programme have been decided and referred to the Public Works Department for the allocation of an architect and documentation.
(b) Towards the end of 1980.

(2) Doctor change facilities and operating suite alterations in 1973.

HOSPITAL

Narembeen

1645. Mr COWAN, to the Minister for Health:

(1) What is the estimated cost of repairs and renovations that are to be carried out at the Narembeen District Hospital?

(2) From which source will funds for this project be provided?

(3) Can details of the work be given?

(4) Where is it estimated work on the project will commence?

Mr YOUNG replied:

(1) $110 000.

(2) Revenue sources.

(3) Remodelling of kitchen dining room, X-ray/treatment room and office accommodation. Toilets will be upgraded for the long-term care nursing of patients.

(4) An architect has been appointed and documentation is proceeding. Work on the project could commence by early 1980.

WATER SUPPLIES: DAM

Lefroy Brook

1646. Mr H. D. EVANS, to the Minister representing the Minister for Water Supplies:

(1) Is it proposed to construct a new dam on the Lefroy Brook south of Manjimup?

(2) If "Yes"—

(a) what is the exact location of any such proposed dam;

(b) when is it expected that construction will commence;

(c) what areas will the water of such a dam service;

(d) of what capacity would any such dam be?

Mr O'CONNOR replied:

(1) Investigations have commenced for a new source to augment the water supply to Manjimup. During the 1978-79 summer, field investigations were made at sites on Lefroy Brook and Four Mile Brook.

These studies are continuing and further field investigations are planned during the 1979-80 summer. The final selection of a dam site will not be made until these studies have been completed.

(2) (a) to (d) These factors will be determined during the course of current investigations.

TRAFFIC: OFF-ROAD VEHICLES

Augusta-Walpole Area

1647. Mr H. D. EVANS, to the Minister for Local Government:

In what areas along the south coast between Walpole and Augusta will it be permitted to use off-road vehicles?

Mrs CRAIG replied:

It is not intended initially to apply the Control of Vehicles (Off-road areas) Act to that part of the State.

WATER SUPPLIES: DAM

Scabby Gully

1648. Mr H. D. EVANS, to the Minister representing the Minister for Water Supplies:

(1) What is the amount of water held in the Scabby Gully dam at Manjimup at the present time?

(2) What was the amount of water held in this dam at this time last year?

(3) Is it anticipated that water restrictions will be introduced in the Manjimup areas this summer?

Mr O'CONNOR replied:

(1) 653 436 cubic metres on the 1st October.

(2) 743 740 cubic metres.

(3) No.

RURAL AND ALLIED INDUSTRIES

Conferences and Committees

1649. Mr H. D. EVANS, to the Premier:

What has been the total cost of the rural and allied industries conference and committees in each of the past three years?

Sir CHARLES COURT replied:

	$
1976-77	195
1977-78	29 065
1978-79	61 728

TRAFFIC: OFF-ROAD VEHICLES

Shire Council Recommendations

1650. Mr H. D. EVANS, to the Minister for Local Government:

(1) Which shire councils have lodged recommendations as to areas to be set aside for the use of off-road vehicles?

(2) (a) Of these recommendations have any been accepted; and

(b) if so, those from which Shires?

Mrs GRAIG replied:

(1) The City of Belmont, the Towns of Armadale, Bassendean, Cockburn, Kwinana and Narrogin, and the Shires of Augusta-Margaret River, Bayswater, Busselton, Capel, Gingin, Goomalling, Harvey, Kalamunda, Mandurah, Nannup, Plantagenet, Rockingham, Swan, Tammin, Wagin, Wanneroo and Waroona.

(2) (a) and (b) No. However, an assessment of sites proposed by councils for declaration as initial permitted areas under section 13 of the Control of Vehicles (Off-road areas) Act, has been carried out by a special committee. Although final recommendations have not yet been submitted to me, I have been informed that few of the sites put forward will be suitable.

EDUCATION: SCHOOL

Carawatha

1651. Mr HODGE, to the Minister for Education:

(1) Is it a fact that Carawatha primary school, Willagee, is to be reclassified in 1980 to a class 11 school?

(2) Is it a fact that if Carawatha primary school is reclassified to a class 11 school the school will no longer be entitled to the services of a teacher/librarian for the library/resource centre?

(3) Is it a fact that the Carawatha parents and citizens association has over the years spent a considerable amount of money on carpeting, furnishing and equipping the library/resource centre and that parents and citizens association members have provided a continual roster of helpers to assist the librarian?

(4) In view of the interest, enthusiasm and hard work put into the library/resource centre at Carawatha primary school by members of the parents and citizens association and for the sake of the children who regularly use the facility, is he prepared to allow a teacher/librarian to remain at the school if it is reclassified?

(5) If he will not allow a teacher/librarian to remain at the school will he provide a library aide?

Mr P. V. JONES replied:

(1) Yes.

(2) No. Primary schools do not have a teacher/librarian entitlement. The deployment of staff to specific duties is the responsibility of the principal within his support-teacher programme.

(3) Yes.

(4) Every effort will be made to ensure that a teacher with library qualifications is attached to the school staff. With judicious use of the support-teacher programme this teacher will be able to co-ordinate library/resource programmes in the school.

(5) Allocations of ancilliary staff are made on a State-wide basis and in fairness to all schools a formula must be applied. Carawatha's enrolments are below the cut-off point established.

METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT

Amendment

1652. Mr HODGE, to the Minister representing the Minister for Water Supplies:

(1) Is the Government currently preparing amendments to the Metropolitan Water Supply Sewerage and Drainage Act and/or regulations?

(2) If "Yes" what is the purpose of the proposed amendments?

(3) If changes are being considered to the Act and/or regulations, will the Minister give an assurance that employers and unions associated with the plumbing industry will be consulted before the amendments are presented to Parliament?

(4) Is the Minister prepared to receive a deputation of employers and unions associated with the plumbing industry to discuss possible changes to the Act and regulations?

Mr O'CONNOR replied:

(1) Yes, some are currently before the House.

(2) To update the by-laws.

(3) There is continual consultation on matters of mutual interest.

(4) Consideration will be given to any specific request.

TRAFFIC: NOISE

Melville High School

1653. Mr HODGE, to the Minister for Education:

(1) Further to question 550 of 1979 relevant to traffic noise, will he inform me if the investigation into complaints about the effects of traffic noise pollution on the Melville Senior High School has been completed yet?

(2) If the investigation is complete, will he inform me of the results as he undertook to do in reply to question 550 of 1979?

(3) If the investigation has not yet concluded, will he supply me with details of the findings to date and state when he estimates that the matter will be finalised?

Mr P. V. JONES replied:

(1) Yes.

(2) and (3) Following discussion with the school and the parents and citizens' association, details of corrective action in four classrooms have been determined and are being costed. An estimate of the cost is expected to be ready shortly.

HEALTH: CHIROPRACTORS

Registration, and Training

1654. Mr HODGE, to the Minister for Health:.

Will he take appropriate action to see that the answers he supplied by way of letter to me in reply to question 936 of 1979 are incorporated into *Hansard*?

Mr YOUNG replied:

Yes. The letter reads as follows—

Mr B Hodge, MLA
Member for Melville
Suite 1B
Lindon House
25 Foss Street
PALMYRA WA 6157

Dear Mr Hodge

You are advised that the Chiropractors Registration Board has now advised the various registration details which you requested in the House in Question No. 936.

The details relating to the parts of this question are as follows:—

1. 110
2. 102
3. (a) None
   (b) 3
4. 76
5. (a) 10 new registrations
   (b) 6 new registrations
   (c) 14 new registrations
   (d) 16 new registrations
   (e) 8 new registrations (to date)
6. Between 54 and 68*
7. (a) Between 32-46*
   (b) Between 10-24*
8. 3*

* Postal addresses only are held. These are not necessarily the current residential addresses.

9. The exact number is not known but it is propably less than five.
10. (a) Because these people have satisfied the Board in accordance with the current requirements of the Act.
    (b) Because they applied for registration and were entitled to be registered.
    (c) Because they applied for registration and were entitled to be registered.
11. One. Several other applications have been referred back to applicants seeking further evidence of qualifications and, following these requests, several of these have withdrawn their applications.
12. (a) to (h) Yes.
    (i) No.
    (j) and (k) Yes.
13. Board members have visited various colleges but there has been no official Board inspection carried out.
14. (a) No.
    (b) The Board does not consider whether these colleges have been recognised by the Council on Chiropractic Education. The Board uses the assessment of this evaluation body as a guide when considering an application for registration.

Yours sincerely
Ray Young
MINISTER FOR HEALTH.

HEALTH: CHIROPRACTORS

Webb Report

1655. Mr HODGE, to the Minister for Health:

(1) In September 1977 in reply to question 588 of 1977, the then Minister for Health advised me that the Government would not act to implement the recommendations of the Committee of Inquiry into Chiropractic, Osteopathy, Homoeopathy and Naturopathy (Webb Report) until the wide study and consideration recommended by the committee had ensued: will he inform me if sufficient study and consideration have now occurred for the Government to act and implement the committee recommendations?

(2) Is it fact that the Western Australian Government is the only State Government in Australia that has not yet acted to implement the recommendations of the Webb Report?

(3) Is it fact that the WA Chiropractors Registration Board is the only Board in Australia that does not have equal representation on it from the two major chiropractic associations, the Australian Chiropractors Association and the United Chiropractors Association of Australasia?

(4) Is the Government concerned that 102 of Western Australia's 110 registered chiropractors were trained in foreign countries?

(5) (a) What are the names of the current chiropractor members of the Chiropractors Registration Board; and

(b) in what countries did each one receive their training and qualifications?

Mr YOUNG replied:

(1) Yes.
(2) No.
(3) Not known.
(4) No.
(5) The reply to question 589 of 1977 included this information which is still current.

FOCAL INTERNATIONAL

Activities

1656. Mr TUBBY, to the Minister for Health:

(1) Is he aware of previous activities of a group known as "Focal International" or "Focal", featured on Terry Willesee's show Perth Channel 9, Friday the 28th September and subsequently on the 1st October, 1979?

(2) If "Yes" to (1) does his department know how many people have been committed to mental institutions following Focal courses?

(3) Can a business company with no medical qualifications conduct psychology courses which possibly involve brain scanning techniques, verbal harrassment, degradation, humiliation and starvation when psychologists using similar methods have to prove their credentials?

(4) Is it a fact that many marriages and families have been broken after members of these families took Focal International courses?

(5) Is it not a fact that past or present directors of Focal International were principals of the "Pyramid" selling group "Holiday Magic"?

(6) Does his department consider a fee of $1 000 for a four day course exorbitant when people can take part in equivalent courses through mental health services free of charge?

(7) Is it fact that financial backing for this company has, or does come from an Australia-wide air cargo firm?

Mr YOUNG replied:

(1) Yes.
(2) Mental Health Services is aware of three patients referred to an approved hospital following attendance at Focal International courses.
(3) Psychologists and clinical psychologists of Mental Health Services do not employ techniques of the type referred to in the question. The department does not approve of such techniques.
(4) My departments have no records of such circumstances.
(5) Not known.
(6) See answer to question (3). Mental Health Services does not offer equivalent courses. Treatment methods employed by Mental Health Services are in accord with accepted standards of sound professional medical and psychological practice. No charge is levied for treatment.
(7) Not known.

HOSPITAL

St. John of God, Kalgoorlie

1657. Mr GRILL, to the Minister for Health:

(1) What steps has the Government taken to ensure that St. John of God Hospital, Kalgoorlie, does not close?

(2) How far have those steps been taken?

(3) Does he now know what private interests are engaged in negotiations to take over the hospital?

(4) How far have those negotiations proceeded?

(5) (a) Is the Government interested in leasing or buying the hospital; and

(b) if so, what means of acquisition of the use of the hospital does the Government prefer?

(6) When is it now expected that the present order running the hospital will vacate it?

(7) How long is it expected that the Commonwealth will extend the "A"-class licence for the hospital?

(8) Is it now known what price or rental the owners of the hospital are looking for by way of sale or lease of the hospital?

(9) If so, what is that proposed price or rental?

(10) Has the Government made any offer for the purchase or rental of the hospital?

(11) If so, what is the offer or offers?

(12) If the Government has not made any such offer, is it intending to make an offer or offers, and when is it contemplated that such offer be made?

Mr YOUNG replied:

(1) The St. John of God Hospital, Kalgoorlie is a private hospital operated by the Sisters of St. John. The Government has already indicated its concern for the interest of the patients and regardless of what happens, the patients in the hospital now will not be disadvantaged.

(2) Not applicable.

(3) No. Private interests are believed to be currently in discussion with the legal advisors of the Order.

(4) Not known.

(5) (a) Yes, but only if this proves necessary;
(b) lease.

(6) Not known.

(7) The Commonwealth has advised the Order that recognition as an "A" class hospital for the purpose of paying hospital benefits will continue until appropriate negotiations are completed with interested parties.

(8) and (9) Not known.

(10) No.

(11) Not applicable.

(12) See answer to (5).

ENERGY: STATE ENERGY COMMISSION

Ballajura Development

1658. Mr BRIAN BURKE, to the Minister for Fuel and Energy:

(1) Was the ceiling installed, removed and then re-installed in the State Energy Commission development being constructed in the Ballajura area?

(2) If "Yes" why was this done and how much did it cost?

Mr MENSAROS replied:

(1) Sections of the removable panels and suspensions for the suspension type ceiling were required to be taken down and later replaced to permit the installation of air conditioning ductwork.

(2) The above work was carried out as part of the specified contract work of the subcontractor for the air conditioning plant.

The installation of the air conditioning plant was delayed because of the necessity to call fresh tenders for the supply and installation of the necessary equipment. The above work was carried out as part of the specified contract work of the subcontractor for the air conditioning plant and was not separately priced.

WATER SUPPLIES: METROPOLITAN WATER BOARD

Specialist Services

1659. Mr BRIAN BURKE, to the Minister representing the Minister for Water Supplies:

What specialist services are provided by private contractors employed by the metropolitan water supply that cannot be provided by wages staff employed by the board?

Mr O'CONNOR replied:

Those that are more economically so provided, for example—

Well drilling services

Building trades specialist services

Services associated with special equipment and fabricated goods.

Supply of construction equipment.

WATER SUPPLIES: METROPOLITAN WATER BOARD

Work Force: Decrease

1660. Mr BRIAN BURKE, to the Minister representing the Minister for Water Supplies:

(1) Is it fact that the number of wages staff employed by the Metropolitan Water Board has declined by 544 employees since 1975?

(2) Is it fact that the number of domestic and commercial services maintained by the board in the same period has more than doubled?

(3) If "Yes" to (1) and/or (2) how can the Minister justify his assertion in answer to question 1336 of 1979 that it is the board's aim to provide continuing employment for its staff?

Mr O'CONNOR replied:

(1) and (3) There are 2 492 wages staff currently employed by the Metropolitan Water Board, which is consistent with the number employed for several years, apart from 1975 when the number temporarily increased to 3 014 as a result of Commonwealth subsidised programmes.

(2) No.

WATER SUPPLIES: METROPOLITAN WATER BOARD

Area Work

1661. Mr BRIAN BURKE, to the Minister representing the Minister for Water Supplies:

(1) What is "area work"?

(2) How many men were employed on area work on each day in the last six months?

(3) In what areas were they employed?

(4) How, in general terms, has the number in (2) above varied during the past three years?

Mr O'CONNOR replied:

(1) This is understood to be the periodic inspection of sewerage reticulation systems to check that manholes are accessible and that the pipe system is operating normally.

(2) Varies from four to eight men.

(3) In the northern and western suburbs.

(4) According to the requirements of more urgent events.

WATER SUPPLIES: METROPOLITAN WATER BOARD

Caustic Soda Tanks

1662. Mr BRIAN BURKE, to the Minister representing the Minister for Water Supplies:

(1) When were caustic soda tanks established by the Metropolitan Water Board in the northern suburbs?

(2) Where, and for what purpose, were they installed?

(3) Are they now being dismantled?

(4) How much did the tanks cost?

Mr O'CONNOR replied:

(1) In 1978.

(2) At 11 points throughout the Subiaco and Beenyup wastewater catchment areas, to assist in odour control measures at treatment plants.

(3) Some are being dismantled to use in chemical dosing elsewhere.

(4) $27 084.

WATER SUPPLIES

Resources Exhibition

1663. Mr BRIAN BURKE, to the Minister representing the Minister for Water Supplies:

(1) How much did the water resources exhibition cost?

(2) (a) What departments paid this cost; and

(b) what was the share borne by the Metropolitan Water Board?

(3) Were private contractors used in constructing the exhibition?

Mr O'CONNOR replied:

(1) At this stage final costs are not to hand.

(2) (a) and (b) The following State and Commonwealth organisations contributed directly to costs—

Public Works Department
Metropolitan Water Board
WAY 79 Primary Industries Committee
CSIRO
Forests Department

Department of Agriculture
Department of Youth, Sport and Recreation.

In addition, Alcoa and Western Mining contributed exhibits at their own cost and substantial support at no cost to Government was also received from a large number of private organisations.

(b) Answered by (1).

(3) Yes.

STATE ENGINEERING WORKS

Retrenchments, and Future Development

1664. Mr JAMIESON, to the Minister representing the Minister for Works:

(1) What has been the number of tradesmen and other employees by category employed by the State Engineering Works on the 30th June in each of the last five years?

(2) Is the Government indulging in a progressive retrenchment programme so as to eventually close down this instrumentality?

(3) If "No" to (2), what plans are envisaged for the future development of the State Engineering Works either on its present or an alternate site?

Mr O'CONNOR replied:

(1) See table below.

(2) No.

(3) Contracts are about to be awarded for the first stage of a new foundry complex.

	30.6.79	30.6.78	30.6.77	30.6.76	30.6.75
CARPENTERS SHOP					
Carpenters	11	17	23	18	29
Woodmachinists	1	2	2	2	3
Painters	1	2	3	2	2
Other	1	1	2	2	2
Apprentices	5	9	8	7	8
	19	31	38	31	44
FOUNDRY					
Moulders	14	19	19	16	8
Other	19	27	26	33	38
Apprentices	6	6	6	4	4
	39	52	51	53	50
STORES					
Other	9	6	8	10	8
MAINTENANCE					
Fitters	5	5	5	2	3
Electrical Fitters	4	4	4	3	2
Motor Mechanics	1	1	2	1	1
Bricklayer	1	1	1	1	1
Other	13	15	14	20	13
Apprentices	1	3	2	1	1
	25	29	28	28	21
PATTERN SHOP					
Patternmakers	5	4	4	5	4
Apprentices	1	1	2	1	1
	6	5	6	6	5
SHEETMETAL SHOP					
Sheetmetal Workers	9	8	11	9	11
Sheetmetal Welders	1	1	2	1	2
Other	1	1	1	1	1
Apprentices	6	6	4	3	3
	17	16	18	14	17
BOILER SHOP					
Boilermakers	21	19	21	28	26
Welders	6	8	8	7	11
500T Press Op.	Nil	Nil	1	1	1
Other	9	1	8	9	9
Apprentices	16	17	16	13	14
	52	54	54	58	61
BLACKSMITH SHOP					
Blacksmith	3	5	4	4	4
Blacksmith Welders	Nil	Nil	Nil	1	2
Other	5	7	7	7	8
Apprentices	2	1	1	2	1
	10	13	12	14	15
MACHINE SHOP					
Turners	22	27	24	27	26
1st Class Machinist	Nil	Nil	Nil	3	3
Toolmaker	1	Nil	1	1	1
Other	6	6	6	5	5
Apprentices	11	15	12	10	13
	40	48	43	46	48
FITTING SHOP					
Fitters	6	9	10	10	11
Others	1	2	2	5	4
Apprentices	8	7	6	6	7
	15	18	18	21	22
TOTAL TRADESMEN	112	132	145	142	151
TOTAL OTHER	64	75	74	92	88
TOTAL APPRENTICES	56	65	57	47	52
GRAND TOTALS	232	272	276	281	291

FUEL: OIL

Exploration: Wicher Range

1665. Mr SKIDMORE, to the Minister for Fuel and Energy:

In view of the proposed $20 million oil exploration programme to be carried out in the Wicher Range area, will he give details of the permit conditions?

Mr MENSAROS replied:

The required conditions are herewith tabled.

The papers were tabled (see paper No. 383).

STATE FORESTS

Pulp Mill

1666. Mr SKIDMORE, to the Minister representing the Minister for Forests:

(1) Is the Minister's department aware of any proposals to construct a pulp mill in the south-west of Western Australia?

(2) If "Yes"—

(a) where is that pulp mill likely to be built;

(b) when is it likely to be built;

(c) from what source will the timber be supplied to that mill?

(3) Who is the proposed owner?

Mrs CRAIG replied:

(1) The Forests Department is aware that a feasibility study has been completed.

(2) (a) and (b) The member is referred to the reply given by the Minister for Industrial Development to Question No. 856 of the 17th May, 1979.

(c) The member is referred to the provisions of clause 21 of the Wood Chipping Industry Agreement Act 1969-1973.

(3) See answer to (2) (a) and (b).

FUEL: OIL

Exploration : Wicher Range

1667. Mr SKIDMORE, to the Minister representing the Minister for Forests:

(1) Has the Minister been appraised of the permit conditions for the proposed oil exploration in the Wicher Range area?

(2) What measures are to be taken by the Forests Department to minimise the spread of dieback in the proposed search area?

Mrs CRAIG replied:

(1) No.

(2) When specific applications for physical petroleum operations on State forest in the Wicher Range area are referred the standard dieback hygiene requirements pertaining to mining exploration on State forest will be applied.

INDUSTRIAL RELATIONS

Commonwealth-State Dual System

1668. Mr HASSELL, to the Minister for Labour and Industry:

What is the progress of negotiations between the States and the Commonwealth on the minimisation of difficulties arising from the dual responsibility for industrial relations and the operations of the dual legislative systems?

Mr O'CONNOR replied:

At a recent meeting of Commonwealth-State Ministers for Labour the need to constructively examine the overall Australian industrial relations system embracing both Federal and State jurisdictions was discussed.

As a result of those discussions, the Commonwealth and State Ministers agreed to initiate an immediate examination of the system and this will commence in the near future.

Although I agreed to participate with the Commonwealth and other States, I advised that Western Australia was proceeding with new industrial arbitration legislation, which I expected to be introduced into Parliament shortly.

TRANSPORT

O-Bahn System

1669. Mr HASSELL, to the Minister for Transport:

What investigations or studies

(a) have been; and

(b) are being

carried out concerning the practicality of using in Perth the German public transport system known as the O-Bahn system—which uses dual mode buses, similar to normal buses and equipped with track guidance devices?

Mr RUSHTON replied:

(a) and (b) Overseas developments, including systems such as the O-Bahn, are continuously monitored to test their applicability to Perth conditions.

The O-Bahn bus system is one of a large number of recent advances in public transport technology. I took the opportunity personally to

inspect the O-Bahn and other new systems in Hamburg earlier this year.

The main advantage of the O-Bahn is its ability to use a right-of-way which is significantly narrower than normal requirements. Its main disadvantages are that it cannot readily share this right-of-way with other vehicles and that the guidance track must be specially built.

The Director General of Transport is currently undertaking a major long-term review of Perth's public transport needs and options for the remainder of this century which will include the examination of current technology such as the O-Bahn system.

LIFE BOAT SERVICE

Provision

1670. Mr HASSELL, to the Minister for Transport:

(1) Have representations been made to him or the Government seeking the provision of a life boat service equipped with adequate all-weather rescue craft on the Western Australian coast?

(2) What consideration has been given to the matter and what is the outcome of that consideration?

(3) (a) Is the Government of the view that the provision of such a service is necessary; and

(b) if so, what priority does it have?

Mr RUSHTON replied:

(1) Not as far as I am aware.

(2) Not applicable.

(3) (a) The State already has an efficient sea, search and rescue service in operation. The Western Australian Police Department is the State co-ordinating authority for this service and it has at its disposal its own Water Police resources and the manpower and vessel resources of other bodies such as the Harbour and Light Department. In addition, a number of volunteer sea search and rescue groups are available to assist in this function.

(b) Not applicable.

JUSTICES OF THE PEACE

Members of Parliament: Number

1671. Mr CLARKO, to the Minister representing the Attorney General:

(1) Which members of the Western Australian Parliament hold the commission of justice of the peace?

(2) Were all of these members justices of the peace prior to their respective elections to Parliament?

(3) If any members were appointed as justices of the peace whilst they were members of Parliament—

(a) who are they; and

(b) which Government(s) appointed them?

(4) Has the Court Government appointed any members of Parliament as justices of the peace?

(5) What is the policy of the Court Government is appointing Members of Parliament as justices of the peace?

Mr O'NEIL replied:

(1) Mr T. Burke, MLA
Mr J. Clarko, MLA
Hon. D. Cooley, MLC
Mr G. Grewar, MLA
Mr R. McPharlin, MLA
Hon. W. Piesse, MLC.

(2) No.

(3) (a) Mr T. Burke, MLA.

(b) Tonkin Government.

(4) No.

(5) The policy of the present Government is not to appoint members of Parliament as justices of the peace as it is considered inappropriate that those who have the responsibility and privilege in nominating other citizens should use that privilege for the purpose of nominating themselves.

Mr Tonkin: Unless they are Government Ministers.

Mr O'NEIL: Justices have certain important functions to perform and it is not considered proper that a member of Parliament should be entitled to such an appointment as of right.

EDUCATION: SCHOOL

Onslow

1672. Mr HARMAN, to the Minister for Education:

Adverting to question 1171 of 1979 concerning the Onslow school, can he advise the outcome of departmental enquiries and discussions at Onslow?

Mr P. V. JONES replied:

Works to improve pupil comfort are under consideration as a first priority.

HEALTH

Fibreglass Insulation

1673. Mr HARMAN, to the Minister for Health:

Does a health hazard exist from fibre glass insulation that is exposed when used in walls and ceilings?

Mr YOUNG replied:

No.

PUBLIC SERVICE

Mr Shaddick: Visits to Fitzroy Crossing

1674. Mr HARMAN, to the Premier:

On what dates did Mr Shaddick of the State Public Service visit Fitzroy Crossing during the past six months?

Sir CHARLES COURT replied:

The 5th September, 1979.

POLICE

Commissioner: Visits to Fitzroy Crossing

1675. Mr HARMAN, to the Deputy Premier:

On what dates did the Commissioner of Police visit Fitzroy Crossing during the past six months?

Mr O'NEIL replied:

The 7th and 8th August.
The 13th and 14th August.

WASTE DISPOSAL

City of Stirling: Baled Refuse

1676. Mr HARMAN, to the Minister for Health:

(1) Is it fact that the City of Stirling has called tenders for the transportation and dumping of baled refuse?
(2) Did one of the tenders involve a contract for the delivery of the baled refuse into a balefill site at Wanneroo?
(3) Where is that site?
(4) Is it located in an area set aside by Wanneroo Shire for refuse disposal?
(5) Does the site meet generally with the requirements of the Public Health Department for refuse disposal?
(6) Has Wanneroo Shire Council refused to allow the City of Stirling to transport refuse to the site?
(7) Because of this refusal to allow City of Stirling refuse into this area is City of Stirling considering letting a contract for the disposal of baled refuse into a site at Uganda Road, Yirrigan, a new suburb north of Dianella?
(8) Will the delivery of baled refuse into the Uganda Road site cost the Stirling ratepayers more than the proposal for delivery into Wanneroo?
(9) If "Yes" to (8), how much more on the total five year contract?
(10) What steps does the Government propose taking to remedy a situation where one local authority can prevent another from effectively administering a rubbish disposal programme?
(11) What protection will the residents of Dianella and the developing suburbs north of there have from—
  (a) the continuous movement of heavy haulage trucks through the area;
  (b) pollution of underground water supplies, particularly private bores;
  (c) general problems of noise, smell and loose rubbish associated with a rubbish tip?
(12) Have the ratepayers of Dianella and the new developing areas been consulted or informed of the proposals for rubbish disposal in Uganda Road?
(13) Have the Public Health Department and other authorities concerned with refuse disposal management approved the Uganda Road site?

Mr YOUNG replied:

(1) Yes.
(2) to (4) Not known.
(5) Not known. There has been no request for such an assessment.
(6) Not known.
(7) Not known, but the City of Stirling is well aware that appropriate statutory approvals are necessary.
(8) Not known.
(9) Not applicable.
(10) The Government is not aware that such a problem exists but is prepared to take appropriate action if this becomes necessary.
(11) and (12) The member is proceeding with a series of assumptions and the point of his questions would appear to be to favour the residents of Dianella and developing suburbs north at the expense of the residents of Wanneroo Shire.
(13) No.

EDUCATION: HIGH SCHOOL

Albany

1677. Mr CARR, to the Minister for Education:

What is the Government's proposed timetable for the establishment of a second high school at Albany?

Mr P. V. JONES replied:

I am advised that the new school is planned to open in 1982.

LOCAL GOVERNMENT

Recognition in Constitution

1678. Mr CARR, to the Minister for Local Government:

(1) With reference to the statement in the Governor's speech to Parliament on the 29th March, 1979 that "A proposal to include specific reference to recognition of local government in the State's Constitution is currently receiving consideration", has a decision been made by the Government to take such action?
(2) If "Yes" when is the appropriate legislation expected to be introduced?
(3) If the Government has decided not to take this action, will she please explain the Government's reasons?
(4) If no decision has been made, when does she expect a decision to be made?

Mrs CRAIG replied:

(1), (3), and (4) Yes.
(2) I am hopeful that legislation will be introduced during the present parliamentary sitting.

WASTE DISPOSAL

Yirrigan

1679. Mr WILSON, to the Minister for Health:

(1) Has his department yet received from the City of Stirling a waste management plan and the engineering detail of the proposal to dump municipal waste in pits on a sand mining site being operated by Manx Bricks Pty. Ltd. in Truganina Road, north of Dianella?
(2) Is his department concerned that the City of Stirling has gone ahead and negotiated a contract with Brick Manufacturers Pty. Ltd. for the use of this site for the disposal of baled waste without first obtaining the approval of the Public Health Department?
(3) What action, if any, does he propose to take in view of this development?

Mr YOUNG replied:

(1) No.
(2) Yes, if this is true.
(3) A copy of the member's questions and my answers will be forwarded to the City of Stirling for comment.

WASTE DISPOSAL

Yirrigan

1680. Mr WILSON, to the Minister representing the Minister for Water Supplies:

(1) Has the Minister's department yet received from the City of Stirling any details of the proposal to dump municipal waste in pits on a sand mining site being operated by Brick Manufacturers Pty. Ltd. in Truganina Road, north of Dianella?

(2) Is his department concerned that the City of Stirling has gone ahead and negotiated a contract with this firm for the use of this site for the disposal of baled waste without first obtaining the approval of the Minister's department?

(3) What action, if any, does the Minister propose to take in view of this development?

Mr O'CONNOR replied:

(1) to (3) This site is outside the declared public water supply area and the matter is a concern of the relevant Government departments.

WASTE DISPOSAL

Yirrigan

1681. Mr WILSON, to the Minister for Conservation and the Environment:

(1) Has his department yet received from the City of Stirling any details of the proposal to dump municipal waste in pits on a sand mining site being operated by Brick Manufacturers Pty. Ltd. in Truganina Road, north of Dianella?

(2) Is his department concerned that the City of Stirling has gone ahead and negotiated a contract with Brick Manufacturers Pty. Ltd. for the use of this site for the disposal of baled waste without first obtaining the approval of his department?

(3) What action, if any, does he propose to take in view of this development?

Mr O'CONNOR replied:

(1) No.

(2) Yes, if this is true.

(3) It is expected that the proposal will be referred to the Department of Health and Medical Services, which as a matter of course will seek the advice of the Department of Conservation and Environment.

DEPARTMENT OF AGRICULTURE

Dangin: Piezometers

1682. Mr McPHARLIN, to the Minister for Agriculture:

(1) How many piezometers have been installed on Mr D Keasts' property at Dangin by the Department of Agriculture?

(2) Has the experiment by the department as yet shown any definite results?

(3) If it is too early for definite results has a trend been shown?

(4) Have plants and grasses planted by the department shown encouraging growth?

Mr OLD replied:

(1) Ninety five piezometers have been installed at 40 sites on the study area at this property.

(2) There are no definite results, as yet, from either the interceptor bank treatment or the department's treatment.

(3) No trends are observable.

(4) The salt tolerant grass Puccinellia sown by my department is normally slow to establish and make growth in the first year. This site is no exception. Cereal strips sown on salt affected land below the interceptor banks and below the department's contour banks both show variable growth. No differences can be inferred due to catchment treatment.

EMPLOYMENT AND UNEMPLOYMENT

Unemployment Relief Funds

1683. Mr DAVIES, to the Treasurer:

(1) Why was $2.3 million of the $4 million appropriated by Parliament for expenditure on unemployment relief during 1978-79 unspent at 30th June, 1979?

(2) Why is there no provision for expenditure on unemployment relief programmes in the Consolidated Revenue Fund Estimates for 1979-80?

Sir CHARLES COURT replied:

(1) As advised in the 1978-79 Budget speech, the sum of $4 million was allocated to a supplementary programme of minor capital works throughout the State. Many of these works were still in progress at the 30th June, 1979, and funds were held to meet commitments arising from contractual work in progress. Further payments in this financial year have exceeded $1 million to date and additional claims for completion payments are pending.

(2) As the Leader of the Opposition is aware, the Government has supplemented the capital works programme by $25.5 million from the proceeds from the investment of cash balances to stimulate employment in the building and construction and related industries. This is a major contribution to the stimulation of the economy and was to be preferred to financing a works programme of such magnitude through the Consolidated Revenue Fund which is primarily, though not exclusively, concerned with recurrent expenditure.

QUESTIONS WITHOUT NOTICE

STATE FINANCE

Short-term Interest Transactions: Unauthorised Dealers

1. Mr DAVIES, to the Treasurer:

(1) At the 30th June, 1979, were any public moneys standing to the credit of the Public Account invested with any dealers in the short-term money market other than authorised dealers, with established lines of credit with the Reserve Bank of Australia as a lender of last resort, in any securities which were not issued in or endorsed to the name of the State of Western Australia?

(2) If "Yes" to (1), what was the amount so invested?

Sir CHARLES COURT replied:

In answer to the Leader of the Opposition I will have to seek your indulgence, Mr Speaker, because the answer is fairly lengthy. I will endeavour to make it as concise as I can.

This question requests almost identical information to that supplied to the Leader of the Opposition last week in response to two questions without notice asked just prior to the recess. I am ensuring that these questions and the replies are recorded in *Hansard* so that the information is available to all members.

The reason for this will be seen as I give the other answer. It is important that members have this information. I understand there is no way of handing in an answer to a question without notice. On the 20th September, the Leader of the Opposition asked four questions without notice. The first was as follows—

(1) In 1978-79 were any public moneys standing to the credit of the Public Account invested—

(a) in any securities of or guaranteed by the Governments of the Commonwealth or the State which were not issued in or endorsed to the name of the State of Western Australia?

(b) with any authorised and approved dealer in the short-term money market with established lines of credit with the Reserve Bank of Australia as a lender of last resort, other than in the name of, or expressly to the account of the State of Western Australia?

(c) by placing the moneys on deposit with any bank as defined in section 5 of the Banking Act 1959, of the Commonwealth as amended from time to time, other than in an account or upon a certificate or other evidence of the deposit which bore the name of the State of Western Australia?

(2) If "Yes" to 1 (a), in what name, or names, were the securities issued or endorsed during the investment therein of public moneys in 1978-79?

(3) If "Yes" to 1 (b), in what name or names were these securities held during the investment of public moneys therein in 1978-79?

(4) If "Yes" to 1 (c), in what name, or names were public moneys so deposited during 1978-79?

The reply to that is as follows—

(1) (a) No, but when public money is invested in deposits with authorised and approved dealers with established lines of credit to the Reserve Bank, the State does not rely solely on the lender of last resort facility and insists on taking separate security for its investment. This is usually by way of requiring dealers to lodge with the Treasury an equivalent value of safe custody certificates issued by the Reserve Bank in respect of Treasury notes, Australian savings bonds or Commonwealth inscribed stock held by the bank on behalf of the dealer. In all other cases, the securities are issued in or endorsed and transferred to the name of the Government of Western Australia.

(b) No.

(c) No, but it should be noted that bank bearer certificates of deposit carry only the name of the bank and are not issued or endorsed in the name of the depositor. In this case, the negotiable instrument which confers effective ownership of the deposit on the holder, is held by the Treasury without endorsement.

(2) Answered by 1 (a).

(3) Not applicable.

(4) Answered by 1 (c).

Mr Speaker, I am afraid that now I have to go on to the other question which is related and was again asked on the 20th September, and the answers to which have been supplied to the Leader of the Opposition in the meantime. The question was—

(1) Were any public moneys standing to the credit of the Public Account in 1978-79 invested other than in the name of the State of Western Australia or directly on its behalf by an agent in—

(a) any securities of or guaranteed by the Government of the Commonwealth or of the State;

Point of Order

Mr DAVIES: I have not asked these questions, Mr Speaker, I do not want to ask the questions any more. I already have the information, so I do not want the answers again.

As we are running short of time and I have not asked this question, should the Treasurer be giving an answer?

The SPEAKER: I seek a comment from the Treasurer as to whether or not the answer to the second question which he is now giving is related to his answer to the first question. I would like to know whether it is necessary. If the answer is necessary he may proceed; if not, I would ask him to desist.

Sir CHARLES COURT: As I explained, it is impossible to answer the Leader of the Opposition's question today without answering the other two questions, because members otherwise would have an incomplete record of what is a very important part of the proceedings. That is why I asked for indulgence at the beginning of my answer. Unless I quote these questions and answers I cannot give a complete answer to the question just asked, because there is no other way of getting this information into *Hansard*.

Questions Without Notice Resumed

Sir CHARLES COURT: The question continued as follows—

(b) with any authorised and approved dealer in the short-term money market with established lines of credit with the Reserve Bank of Australia as a lender of last resort;

(c) by placing the moneys on deposit with any bank as defined in section 5 of the Banking Act, 1959, of the Commonwealth as amended from time to time?

(2) If "Yes" to (1), in what other ways supported by what other types of securities (if any) were public moneys standing to the credit of the Public Account invested in 1978-79?

(3) If "Yes" to (1), was the amount so invested—

(a) the sum of $38 000 000 referred to in his reply to question 1262 of the 28th August, 1979 or—
(b) part of that sum and, if so, how much?

The reply is as follows—

(1) (a) to (c). No. All public moneys are invested in the name of the Government of Western Australia.

(2) and (3) Answered by (1).

Now I shall proceed with the answer to the balance of the question asked today.

In these and previous questions, the Leader of the Opposition is seeking to imply that the Government is in some way acting illegally in the investment of Treasury cash balances. I note that he has dropped his earlier claim that funds are invested at risk which has been shown conclusively to be nonsense.

Now he seeks to justify himself by searching for some fine legal point which he presumably hopes will enable him to recover some credibility from his sorry attempt to discredit a sound, carefully managed financial operation which has brought great benefits to the State.

In replying to this latest and hopefully the last question on this issue I will also recapitulate some of the facts given in response to earlier questions so members may have a clear understanding of the position.

The Public Moneys Investment Act empowers the Government to invest cash balances in any one of four ways—

(a) by investing in short-dated Commonwealth securities;
(b) by placing funds on what is known as the "official" short-term money market;
(c) by investing in any securities guaranteed by the Commonwealth or State Government; and
(d) by depositing funds with trading banks as defined under section 5 of the Banking Act of 1959.

It should be noted that in (a) and (c) there is no restriction on the source of the securities.

Whatever the chosen method of investment, it should be made clear that all transactions are in the name of the Government of Western Australia and no other, and funds are not invested through agents.

The Act would enable the Government to place funds with dealers on the "official market" relying only on the security available under the lender of last resort arrangements with the Reserve Bank. However, we do not rely only on this security but require securities to the equivalent value of the advance to be transferred to the Treasury. In the case of "official dealers" the Treasury also accepts safe custody certificates issued by the Reserve Bank in respect of Commonwealth Government securities held by the bank on behalf of the dealer, which provides us with effective cover with securities held by the Reserve Bank.

I would emphasise that this is going beyond the requirements of the Act and is in line with our practice of ensuring that all advances are effectively covered either by holding prescribed securities or by title to bank deposits.

There is a strong demand for our funds from trading banks, merchant banks and other well known and substantial dealers on what is known as the "unofficial market".

A substantial proportion of our funds are of course invested directly on term deposits with trading banks. Another vehicle now widely used in the market is the negotiable certificate of deposit issued by trading banks. These certificates carry only the name of the bank and not the depositor as they are a bearer security. Possession of the certificate confers ownership of the deposit on the holder.

The Treasury invests funds with approved dealers on the "unofficial market" only in return for the transfer to the Government of an equivalent value of securities of or guaranteed by the Commonwealth or State Government or bank negotiable certificates of deposit.

In the case of Government securities, the securities are transferred to and endorsed in the name of the Government, so effecting formal

possession of the securities to cover the advance.

Bank negotiable certificates of deposits, which being bearer securities are not endorsed, must be supplied to the Treasury to the full value of an advance. Ownership of the bank deposit is thereby transferred to the Government.

The Treasury values securities at market value, not at face value and requires sufficient overcover to insure against any decline in market value which may result from interest rate changes.

I trust that this full explanation, which draws together replies to previous questions, will put this matter to rest.

The investment of our cash balances is a carefully managed and tightly controlled process which conforms with the clear intent of the Act. Funds are never placed at risk and not one cent of public funds has ever been lost.

I would hope now that there will be an end to these insinuating and pointless questions.

Mr Davies: I bet you do.

JUSTICES OF THE PEACE

Members of Parliament: Number

2. Mr TONKIN, to the Deputy Premier:

I desire to ask this question because it seems that the capacity of this Government for deceit and dishonesty is without end. The question is as follows—

(1) Considering the question answered earlier by the Deputy Premier on behalf of the Attorney General, in which it was said it was against the Government's policy to appoint members of Parliament as justices of the peace, why then did this Government amend the Justices Act earlier this year to make all Ministers of the Crown justices of the peace?

(2) Why was that legislation passed before the Electoral Act Amendment Bill (No. 2) had even hit the House so the real purport and significance of this could not be known at the time?

Mr O'NEIL replied:

(1) and (2) As I recall the situation in respect of the matter raised by the honourable member, it has always been the case that members of Executive Council have been regarded as having the same powers for signing deeds and the like as have justices of the peace. I recall many years ago when I was first appointed to the Ministry, an instruction was issued by the Under Secretary of the Premier's Department indicating that as a member of the Executive Council—

Mr Tonkin interjected.

Mr O'NEIL: —I was permitted to sign such documents, not as a justice of the peace, but as a member of Executive Council.

When the Bill referred to by the honourable member was introduced I recall quite clearly saying that an amendment which had been made to previous legislation had inadvertently dropped that particular provision. The Bill was brought into this Chamber simply to restore the situation that had existed, to my knowledge, ever since there have been members of Executive Council.

RECREATION: FOOTBALL

State of Origin Carnival: Televising

3. Mr GRILL, to the Minister for Recreation:

In view of the intense interest in country areas in viewing live telecasts of major sporting events, and in view of the disappointment expressed by many country people in missing out on live viewing of the VFL grand final, can the Minister indicate whether any steps have been taken by him to ensure that the coverage of the State of Origin football match and the Melbourne Cup is transmitted live to country areas and, if so, the nature of those steps and the likelihood of their success?

Mr P. V. JONES replied:

Yes. Representations have been made, but it is timely to say that I fear they may be fruitless. It was due only to some considerable effort last Thursday and Friday that the Bunbury television network was able to take a broadcast of

the VFL grand final in the area it services.

Mr Watt: Very much appreciated too.

Mr P. V. JONES: I simply wish to state this: As was evidenced last Friday—and I add the newspaper and television stations did not give the matter any considered attention—the Commissioners of the Australian Broadcasting Commission have decided, as a matter of policy, that they could not have a telecast transmitted to the country areas when they did not have the city rights. That is a decision they have made in the Eastern States, as a matter of policy.

Mr Carr: Based on cut-backs in their funding from your allocations.

Mr P. V. JONES: It has nothing to do with funding. If the member allows me I will tell him exactly what is happening. Similarly, the commercial networks have also attempted to have something done about this particular football match. They also have agreements regarding the transmission of telecasts of sporting events and, to some degree, that has been influenced by arrangements entered into by the national networks. The television stations in this State have some connection with them. For example, the telecast of the grand final taken by the Bunbury station was facilitated because of some action that could be taken to allow it to make a sponsorship arrangement and to acquire a section of time on the Telecom cable. The Government facilitated action by assisting in obtaining the telecast from Channel 7, which had the rights.

Mr Davies: Did you say the Government arranged that?

Mr P. V. JONES: Ask the station; it will tell the Leader of the Opposition. It had nothing at all to do with the cut-backs of funding to the ABC.

Mr Carr: They cannot compete with the commercial stations for rights.

Several members interjected.

The SPEAKER: Order!

Mr P. V. JONES: To state the position clearly: I was informed last Friday by the ABC that it had nothing to do with what the member for Geraldton suggested. It was simply a matter of policy.

Mr Carr: What brought about the policy?