Legislative Assembly

Tuesday, the 11th September, 1979

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

QUESTIONS

Questions were taken at this stage.

GOVERNMENT RAILWAYS ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr Rushton (Minister for Transport), and read a first time.

PARLIAMENTARY COMMISSIONER FOR ADMINISTRATIVE INVESTIGATIONS

Retirement

THE SPEAKER (Mr Thompson): I have received a letter which I wish to read to the House. It is as follows—

11th September, 1979

The Hon. I. Thompson, M.L.A.,
Speaker of the Legislative Assembly,
Parliament House,
Perth, W.A. 6000.

Dear Mr. Speaker,

It is with very mixed feelings I write to inform you and the Members of your House of my intention to retire as Parliamentary Commissioner for Administrative Investigations, such retirement to take effect from 4th January next. In view of the nature of this office it seems desirable a substantial period of notice should be given.

May I express to you and your predecessors in office my deep appreciation for your unfailing help and courtesy. I would also like to express to both Ministers and Members alike my gratitude for their support and encouragement.

It is, however, not enough merely to express personal appreciation; the occasion warrants some broader comment. Western Australia was the first State to appoint a Parliamentary Commissioner or Ombudsman and this was a notable innovation but it is one thing to take such a step, it is quite a different matter to make it effective. To achieve the latter one must have acceptance by Parliament, Authorities and public alike. Had members of Parliament attempted to use the office for their own political advantage or involved it in public political controversy, the whole concept would have been doomed to failure. It is with real pride I can say nothing of this nature occurred nor has the slightest attempt been made to bring political pressure to bear on the Office. In a remarkably short time Authorities accepted the new institution while some 6 000 complaints indicate the public has not been slow to avail itself of a means to redress its grievances against those in authority. Avoiding boastfulness and self abnegation alike, I believe I shall leave the office in good shape and standing.

Although I am retiring, I trust there may be occasions in the future when I can still be of some service to the State.

Yours faithfully,
O. F. DIXON
Parliamentary Commissioner for
Administrative Investigations.

MOTOR VEHICLE DEALERS ACT AMENDMENT BILL

Second Reading

MR O'CONNOR (Mt. Lawley—Minister for Labour and Industry) [4.50 p.m.]: I move—

That the Bill be now read a second time.

In the course of the operation of the Act a number of deficiencies have become apparent. The amendments proposed in this Bill will enable the Act to operate more effectively.

The Act provides for the appointment of a person to the Motor Vehicle Dealers Licensing Board on the nomination of the Chamber of Automotive Industries of WA (Inc.). The situation was that at the time the Act came into operation the Chamber of Automotive Industries and the Western Australian Automobile Chamber of Commerce (Inc.) were separately representing motor dealers. Subsequently an amalgamation of the separate memberships was achieved and the Australian Automobile Dealers Association (WA Division) became the body representing dealers' interests. The amendments recognise the abovementioned change.

As the Act presently stands, the precise relationship between the board and the Commissioner for Consumer Affairs is not clearly defined.

The Act does not set out clearly the rights of the commissioner to make inquiries with a view to referring matters to the board, nor to the board's right to hold an inquiry of its own motion, or to

conduct inquiries into matters referred to it by the commissioner, and the commissioner's right to be present at any inquiry of the board.

Inflationary factors since the introduction of the Act require a variation in the warranty provisions. Future adjustments will be accomplished by regulation.

In 1976 the Act was amended to provide clarification in regard to "demonstration vehicles". Problems have since been encountered as to when the warranty period commences.

Settling of warranty disputes generally has caused concern. A minority of those responsible for carrying out warranty work frequently causes obstruction and delay which in turn causes duplication of effort by the Bureau of Consumer Affairs staff in resolving disputes.

The powers of the Commissioner for Consumer Affairs are to be more clearly defined, to enable him to make a determination that a warranty exists in relation to a particular vehicle.

These powers will enable the commissioner in certain circumstances to authorise another person to effect repairs. To avoid any possible collusion at least two independent quotations must be obtained.

Orders and determinations by the commissioner will have the same effect as a Small Claims Tribunal order and be subject to the same rights of appeal, subject to the provisions that an appeal on legal grounds is available where the amount exceeds $1 000.

Doubt exists that financiers who are also dealers and sell direct to the public need to maintain a dealers' register. Amending provisions will clarify the situation by requiring financiers in this situation to maintain such a register.

Section 20 of the Act sets out the grounds on which the board may disqualify a person from holding or obtaining a licence. This section is to be extended.

Complaints have been received by the Bureau of Consumer Affairs from intending purchasers of vehicles that they have left their present car with a dealer while "trying out" another car, and on returning to the dealer's premises—generally later the same day or the next day—to return the vehicle and claim their own vehicle back, the purchaser is told that his vehicle has been "sold". This is a particularly undesirable practice, and we seek to overcome it.

As well, the section will provide for revocation where dealers have sold a vehicle without having proper title to it in cases where the dealer does not have the finance company owner's prior consent.

The scope of the Act is to be extended in respect of the rescission of a sale where there has been misrepresentation. This will remove an anomaly in that the present provisions of the Act refer to second-hand vehicles. The proposed amendment will apply to all vehicles.

Penalties are proposed to be increased to ensure that they act as a proper deterrent to offending persons, particularly in the case of unlicensed dealing.

A standard penalty of $500 is to be provided except in the case of unlicensed dealing and misrepresentation when the penalties will be $3 000 and $2 000 respectively.

Other amendments in the Bill are mainly of an administrative nature and have been included to ensure more effective application of the Act.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Tonkin.

ELECTORAL ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 30th August.

MR TONKIN (Morley) [4.56 p.m.]: This Bill will make it very difficult for 18-year-olds to enrol. The number of people who can witness enrolment cards will be very restricted. The electoral rolls throughout the State are in a disgraceful condition. From all over the State I have received information that people's names are being deleted from the electoral rolls without their knowledge.

During the course of my duties I often check to see whether a person's name is on the roll. Usually an elector will say to me, "There is no need to check up on this because I know my name is on the roll." However, when it is checked it frequently happens that this person's name is not on the roll.

Even when one has found a person's name on the roll, that does not necessarily mean to say that everything is all right. Sometimes it has happened that a name has been deleted a week after the roll was printed. So even someone in my position finds it almost impossible to check a roll properly. To do this it would be necessary to go through laboriously all the lists of deletions that are sent out every week.

Once this Act becomes law, it will be very difficult for a person to re-enrol if his name is taken off the roll. It will be necessary to witness one's application to enrol before a justice of the peace, a police officer, or an electoral officer. We

all know that electoral officers are very scarce in country areas, so it will be necessary for country residents to seek out a justice of the peace or a police officer to witness their enrolment claims.

In order to facilitate the Government's plan to stop electors from voting, I have no doubt that before the next election there will be another snap closure of the roll as happened shortly before the last election. In 1977 at the Premier's direction, only 24 hours' notice of the closure of the roll was given, and it caused chaos. We know that that decision was directed at saving the seat of Kimberley for the Minister for Housing. However, it affected many people throughout the State.

I doubt whether Western Australia is even trying to pretend it is a democracy these days; but we do live in a country that calls itself a democracy, and one would think that every facility would be given to people to ensure that their names appear on the electoral rolls. This is not happening here and, in fact, it will now be more difficult to get one's name on the roll.

In the Kimberley, the Pilbara, Murchison-Eyre, and many other country districts, the names of many people are being taken off the rolls. The people concerned have no way of knowing that this action has been taken; they will not know about it until they turn up at the polling booth. This is a scandalous state of affairs.

This Bill largely is based upon the findings of Judge Kay. In my earlier remarks, I was critical of Judge Kay. However, I did not really deal with his report. The Government has claimed its legislation—with a couple of exceptions—is based upon Judge Kay's report. I quote from the report as follows—

> Ease alone should not be the sole consideration in the witnessing of a claim form. I think the other factor of making sure that everything is correct far outweighs the question of ease.

Judge Kay made no attempt to establish a case that there was a problem with respect to people being enrolled who had no right to be enrolled, or to people being doubly enrolled. No evidence exists to indicate that a justice of the peace—any more than anyone else—will make sure that the person is entitled to be enrolled.

The judge later made great play with the statement that people should be sure of the particulars. Who can be more sure of the particulars of a case than the wife of an enrolling person? She knows where he lives; she knows he is over the age of 18 years and whether he is a British subject or an Australian citizen. The records of the Electoral Department can be far more accurate if spouses are allowed to witness the enrolment form.

If this area had been found to be subject to abuse, and if we had found large numbers of people were on the roll incorrectly, we might expect the Government to take some action. However, in fact, there is no evidence whatever of this having occurred. Judge Kay made no attempt to show there were fictitious or double enrolments. We cannot agree with the proposition that because it is a judge who has made this statement, therefore it is correct.

Later, Judge Kay had this to say—

> Once, however, the person is on the roll, it is felt that it is not necessary for re-enrolment, owing to the change of address, for the claim card to be signed before a specified witness as the original signature would be on the records of the Electoral Department.

Apparently the Government did not accept this section of the report because it did not translate Judge Kay's wishes into practice when it introduced this Bill. The Government has decided to insist that claim cards are witnessed by justices of the peace and other specified persons; this condition will apply not only for initial enrolments but also for re-enrolments, which involve many people wrongly taken off the roll.

However, after many months, with all the servants at its finger tips, the Government apparently has seen its error and has placed amendments on the notice paper. I think the Government believes that once a person is on the electoral roll, he will not need to have a JP witness his claim card for re-enrolment. That is not so. As the Bill is worded, if a person's name is taken off the electoral roll for a couple of days because he did not respond to a letter—not a registered letter, but an ordinary letter which may have gone astray in the post or been delayed or taken out of his letterbox by a child—he must then chase around to get a JP to witness his re-enrolment application.

Is this Government really concerned to see to it that people give up and say, "Blow it, I am not going to bother to be on the roll at all"? It certainly seems as though that is what the Government is after.

If the Government really believes that once a person has a claim card in the records of the Electoral Department he does not need a JP to witness re-enrolments, the Bill would provide that a JP or other specified person is required only for the initial enrolment. In fact, of course, that is not

what this Bill will do, because it provides that a person needs a JP unless he is on the roll at the time. Once a person is on the roll, presumably, the claim card is lodged with the Electoral Department.

Even if a person is taken off the roll it should not be necessary to have a JP witness a card because, by the criteria the Government has apparently swallowed—the criteria of Judge Kay—electoral officers can always check back to the original card to ensure there was no fraud.

So, the Government has not translated in this Bill what it said it wanted to do. I doubt its sincerity in that statement, anyway, because it seems hell-bent on getting people off the roll and making it hard for them to get back on the roll.

As I pointed out earlier, the electoral rolls in Western Australia are in a mess. The Government deliberately starves the Electoral Department of funds. The Government should do one of two things: if it is as concerned as it pretends to be—and as Judge Kay said he was—that the rolls should be an accurate record, it should give the Electoral Department the necessary funds to enable it to ensure the rolls are in a satisfactory state; alternatively, if the Government is not prepared to do the job properly, it should agree to implementing a joint electoral roll with the Commonwealth, and let the Commonwealth incur the expense. In this way, the State would not need to bother about an electoral roll. The Commonwealth department is much better funded; it has more officers who do a much better job of checking, and could easily be used for State purposes.

Why will the Government not agree to implement joint rolls? Before the last election, one of its promises was that it would consider joint rolls and would move to introduce such a proposal; but in fact, nothing has happened.

I have heard people say, "Yes, I have had my enrolment checked. An officer came out and checked it." I invariably find that the checking was carried out by an officer of the Commonwealth department. Those people may indeed be correctly enrolled for the Commonwealth, but they need not necessarily be enrolled for the State, because no checking is carried out by the State Electoral Department.

The Electoral Department is being deliberately starved of funds and it is now being made more difficult for people to get back on the rolls once they are taken off. People from all over the State are being taken off the rolls in large numbers. I have had reports of hundreds of people having their names removed from the electoral roll.

In the Kimberley electorate, the Australian Labor Party decided to provide a public service by inviting people to come forward and enrol. It set up enrolling tables at the various places where people congregate and invited the Liberal Party to join in the exercise to show there was no question of manipulation, but that it was simply being done as a public service. In every case, the local Liberal branch refused to be associated with the efforts of the Australian Labor Party, and did not do anything on its own behalf to ensure people were enrolled correctly. That is the attitude of the Liberal Party.

This enrolment procedure was necessary because the Government consistently refused to do the job itself by starving the Electoral Department of funds. It would not allow the Electoral Department to do the job, and the local branches of the Liberal Party would not do the job, so it was up to another political party to undertake the project.

I believe the Government is engaging in a massive campaign to deny people the vote. It is my opinion that what we saw in the Kimberley in 1977, where people acting on behalf of the Liberal Party bullied people out of the vote—although, as Mr Justice Smith pointed out, they were entitled by law to a vote—will occur in any electorate where the Government feels it is under threat. In fact, this process has already commenced; the Government is seeing to it that people are taken off the roll in large numbers.

Quite obviously, people are objecting to the names of certain electors being on the roll, although those electors still live in the area.

It was stated earlier in the debate that the member for Welshpool had acted to remove the names of people from the electoral roll. The member for Welshpool has never in his life had people's names removed from the roll. What he did—as was his right—was to request that action be taken regarding people who no longer lived in the Kimberley but who were living in the great southern area. Of course the names of those people should have been removed from the electoral roll. However, members opposite tried to twist the truth in an endeavour to suggest the member for Welshpool had somehow acted improperly.

That is far different from people objecting to electors being on the roll when those electors still live in the area for which they are enrolled, and being successful in having their names removed from the roll. This is happening not just in the Kimberley but also elsewhere throughout the State. Members will recall a letter I read during

my earlier remarks instructing certain people to check the roll to ensure that people with Aboriginal names or people working on Main Roads Department gangs were taken off the roll, even though they still lived in the area. They were successful in having large numbers of names removed from the roll and then the Premier shut the trap by announcing the snap closure of the roll, and people could not get back on and were denied their vote.

That happened in one electorate and my information is that now it is happening throughout the State. People are having their names removed from the roll because the Government knows their voting attitudes and political loyalties.

If that is the kind of low, gutter-type politics the Government is coming to in this State, what a blot Western Australia is upon the rest of the country!

Mr Davies: Desperate survival.

Mr TONKIN: That is true. The Electoral Act is to be amended to enable a Minister to survive and the machinery of the Electoral Department is being used to ensure the survival of other members.

We saw during the last election a line redrawn on a map to ensure the survival of the Minister for Transport. The crooked line in Armadale saved his seat. That was a deliberate attempt on the part of the Government to secure a Minister's electorate. It called one side of a normal suburban street "country" and the other side of the same street "metropolitan". This Bill is an attempt to save the seat of the Minister for Housing. The process is under way in any electorate in which the Government feels it is under threat.

The purpose of government should not be that the Government of the day uses the machinery of office to keep itself in power by any means, fair or foul.

Mr Young: Would you say it is contrary to your argument that a Minister in charge of this department at the time approved the moving of his own shire from his electorate to another during a redistribution, resulting in a disadvantageous situation to himself? Is that the action of a Government which is manipulating the electorate?

Mr TONKIN: Yes, I certainly do say that; that is exactly what the Government is doing.

Mr Young: The Minister approved the removal of his own shire from his electorate at a disadvantage to himself.

Mr TONKIN: Who was the Minister?

Mr Young: The Hon. Neil McNeill.

Mr TONKIN: Did he lose his seat?

Mr Young: No, he did not lose his seat, but the redistribution cost him many votes. Your argument is illogical.

Mr TONKIN: It is not an illogical argument. The Minister for Health knows very well that it can be electorally advantageous for a Government in a blue ribbon Government seat to incorporate a section of that electorate in another electorate by having a redistribution.

I do not say that the Minister tried to look after himself. However, I do say the Government is acting to ensure its survival. In the case referred to by the Minister for Health, it transferred votes which were being wasted in one electorate to another electorate where they could be put to better use. The Government is looking at various seats where it is vulnerable and saying, "We will amend the law to suit ourselves."

How else can members explain that crooked line in Armadale? I invite members to have a look at Forrest Road, Armadale—a normal suburban street. I should think members opposite would be too ashamed to look at it, because the Government drew a crooked line on an electoral map which provided that one side of a normal, suburban street containing residential houses was considered a metropolitan electorate while the other side was termed "country". If members look at the voting patterns on either side they will see how certain votes have been devalued because they have consistently been recorded against the Liberal Party. How does the Minister explain that? There is no justification for it. One would expect the boundary to go beyond the town; out through a cow paddock, perhaps, where one side would be metropolitan and the other side country.

Mr Rushton: You had only to go the depth of a block to achieve what you are saying. You are right off beam.

Mr TONKIN: Why did the Government do that?

Mr Rushton: We wanted a definite line.

Mr TONKIN: The Government could have achieved that without dividing a suburban street down the middle and calling one side "metropolitan" and the other side "country".

Mr Rushton: You must be a total hypocrite.

Mr TONKIN: Why does the Minister say that?

Mr Rushton: You are making a misstatement.

Mr TONKIN: It is no good the Minister saying I am making misstatements unless he can identify

the statements to which he is referring. What kind of a Minister is he?

Mr Nanovich: A good one.

Mr TONKIN: The Minister is prepared to cast a cheap slur and say I am making mistakes, yet when I ask him to explain he cannot say anything. He makes assertions that I am lying to the Parliament, but is unable to back up his accusation. I have even paused for him to comment. The Minister for Transport knows the boundary line goes down the middle of a suburban street.

The SPEAKER: Order! I ask the member for Morley to resume his seat for a moment. In a debate such as this there obviously has to be a fair amount of latitude, but I submit that the electoral districts to which the member is now referring are not in any way related to this Bill. I ask him to more directly confine his remarks to the question before the Chair.

Mr TONKIN: Judge Kay went on to say—

> I consider that the people who should be witnesses to the electoral claim card should be an Electoral Officer, a Justice of the Peace, a Clerk of Courts or a Police Officer.

I do not know whether Judge Kay was aware that the Law Reform Commission had just come down with something quite different. The commission has stated that there is a problem associated with getting certain forms witnessed by justices of the peace. We have seen in this State the system of justices of the peace used for political purposes. I think it was the member for Melville who pointed out that he could not get a justice of the peace appointed in his area. A few moments ago the Minister for Transport had the temerity to say that that was not true. However, we find there is only one justice of the peace in Willagee and 75 in Nedlands. So we see the system of justices of the peace being used for political purposes.

It will be much more difficult in Labor areas to find justices of the peace; they are much more scarce in such areas because this Government is not appointing them in those places. It is all part of the game to ensure that it is difficult for people to get on the roll. If people become enrolled the Government takes them off the roll quite improperly and it is hard for them to get back on again. What a scandalous state of affairs that is!

The Law Reform Commission recommended to this Government that there should be amendments to various Acts of Parliament as many people found it inconvenient and difficult to find commissioners before whom declarations could be made.

The class of people suggested by Judge Kay does not even include commissioners for declarations; it does not even include a member of Parliament. What kind of slur is that on members of Parliament, that we will not be able to witness these claim cards?

If a person brought a claim card to my office for my signature I would have to say, "I am sorry, I am not empowered to witness your card." I can witness a great many other documents but not a claim card. Judge Kay goes on—

> It was agreed that a station manager or owner or a Community Welfare Officer would not be a suitable person as a witness because of his or her close relationship to the claimant.

Is that not a remarkable statement? Quite obviously, the judge is thinking of Aborigines. Not many people in my electorate have close relations with community welfare officers or station managers. So the judge's statement is obviously directed towards Aborigines. Just the same, this Government has legislated for every person in Western Australia who wishes to enrol to have to find a justice of the peace in order to get on the rolls.

Is the Government afraid of the 18-year-olds, upon whom the heaviest burden falls in respect of unemployment? Is the Government concerned that if these people get on the electoral rolls they will vote against it? Is that the reason for this decision?

Mr Shalders: No.

Mr TONKIN: Judge Kay goes on—

> Evidence was given in the Kimberleys of illiterate Aboriginals being on the roll without knowledge of having made any application to be placed thereon.

There was no evidence given. I know the Deputy Premier put out a Press release attacking me for criticising Judge Kay. If a judge writes this kind of document I would expect him to be prepared to accept criticism. What kind of judge is he? I would not want to be tried before him if he is prepared to listen to hearsay evidence.

There was no evidence given that would be accepted in any court of law that, in fact, Aborigines had been put on the roll without their knowledge, yet this judge talks about using hearsay evidence. If I were a sexist I would probably refer to an old washerwoman making such a statement without any justification, that being the kind of thing one would expect from a gossip-monger. Not being a sexist I would not make those remarks. Yet the judge accepts that

sort of evidence and lists it in his document. The Government considers the document seriously because it chose the judge. The Government set the terms of reference. The findings agreed with what the Government wanted to do and so it has elevated the document to the status of Holy Writ and suggested that we should take note of it.

But how much notice can we take of a person who uses hearsay evidence of this kind? It was not evidence that would be acceptable in a court of law. It was not properly attested, but hearsay evidence from which the judge has produced recommendations.

At no stage did Judge Kay use an interpreter when taking evidence from the Aborigines. He did not see to it that he knew properly what the Aboriginal witnesses were trying to say. Many times he denigrated them. I will quote evidence later where he listened to station owners particularly. This is the kind of social corruption I referred to earlier, when I said there is a very strong social pressure on a member of the establishment to find in favour of the establishment, and why I thought we should all admire the workings of Mr Justice Smith who did not bow to the pressure. He was solid as a rock and made decisions as he saw them.

Judge Kay is a very different kettle of fish. He has denigrated the Aborigines and, as we will see later on in the report, he has given undue weight to evidence given by station owners. I have nothing against station owners, but they are ordinary, fallible human beings; they have prejudices just like everyone else, including Aborigines. I do not regard Aborigines as especially wonderful people, as the Minister for Housing said a week or so back. I do not think they are particularly wonderful people; they are fallible and have prejudices and faults as does everyone else. All they ask is to be treated as human beings.

So we find that Judge Kay has used hearsay evidence which should not be admissible. I find it absolutely incredible that a judge with his legal training and in his position would take note of such hearsay evidence. He said that there was no evidence whatsoever that any Aboriginal person had ever been enrolled without his wishing to be enrolled and that there was no evidence either of any fictitious person being enrolled. Yet despite the fact that there is no evidence of a person being enrolled against his will and there is no evidence of a fictitious person being enrolled, the Government is to change the Act and make it difficult for all 18-year-olds to get onto the roll. The Government is to make it difficult for all people who get removed from the roll to get back on it, merely because someone has said to Judge Kay in a hearsay fashion something about people being on the roll against their will or about fictitious people being enrolled. Judge Kay goes on—

> The difficulty of travel seemed to be overemphasised.

I wonder whether people in the Kimberley would agree with him? I wonder whether the people in the Pilbara, the Murchison, and others right throughout this vast State of ours would agree with the judge. His comments seem to me to be the comments of a person who does not have a great deal of sympathy for the plight of people in the country, even though it is possible today, more than ever before, for people to get about.

Mr Jamieson: He is terribly inexperienced.

Mr TONKIN: Nevertheless, to suggest that it is quite easy to get about, considering the climate of the Kimberley during certain times of the year, seems to be quite an unsympathetic statement. This is especially so when we consider the state of the roads in the north, even after all the promises the Government has made. It is an unsympathetic kind of statement when we consider that many people in the north do not have the sophisticated type of travel that many others have. Judge Kay goes on—

> With improved roads and the increase in vehicles, people can move around without much difficulty, except perhaps in the wet season when they may be delayed for a short period. But, enrolment is an act which has no specific time limit for Aboriginals. It can be done when the station truck goes into town next week or when the Police Officer comes around on one of his periodic visits. The individual also has freedom of movement. As one witness put it—"These days, they've all got wheels."

This is just not true. It is another example of the sloppy way in which the judge drew up this report. One unsubstantiated and trite little remark is put into this document as though it is a finding of a judge who has weighed up all the evidence.

It is a fact of life today that many Aborigines do not travel to towns a great deal. We know some do, but we know that many would not voluntarily go to a police station in order to enrol. We see the inability of this person to understand what it is like to be part of a racial minority, whose main concept of the law is that it beats him around the head.

That is the way in which the white man has established his supremacy. To suggest that

Aborigines would go up to their best friend, the sergeant of police, and ask him to witness their enrolment forms—without any worries—is an indication that the man who drew up this report has made very little attempt to understand the kind of problems that face these people.

Judge Kay was not considering any evidence; he was not weighing up the evidence when he decided to make a recommendation which will inconvenience every person in Western Australia—every person. Once a person's name is taken off the roll, it will not matter whether he is 88 or 18 years of age, he will have to get a JP to witness his enrolment claim card. So, every person will be inconvenienced because of a view taken by Judge Kay which was not based on evidence. This is the document on which the Government has based its case. There were "non-existent" and "fictitious" enrolments, so the Act has to be changed which will inconvenience everyone in Western Australia and prevent many people from voting at the next election. Although a person may enrol a month before an election he will not realise that his name has been taken off the roll. When he does realise it, the rolls will be closed.

I will give another example of the way in which Judge Kay got his argument together. His report reads—

> The majority of opinion was that postal voting is open to abuse. There is no doubt that the potential exists as soon as the ballot papers or related documents leave the control of the Electoral Department.

Judge Kay stated "There is no doubt the potential exists . . ." He has not said that he found there was a great deal of abuse and a great deal of malpractice; he has not said that. Of course, he could not, bearing in mind the evidence given to him. Yet, from his statement that "the potential exists" he goes on—

> Although no concrete evidence can be produced that any malpractice has occurred in connection with postal voting in hospitals, there is quite substantial circumstantial evidence in reference to voting in the elections in the Kimberleys in February and December 1977 for one to come to the conclusion that malpractice occurred.

I find it incredible that this man is a judge.

I state quite clearly that there was no circumstantial evidence. None has been adduced by Judge Kay in his report. There was some hearsay evidence and, I ask, when was that ever admissible? What Judge Kay heard, and decided to take notice of, was a series of ill-considered assertions by various people with an axe to grind; people from the Liberal Party who made assertions. Those assertions came from people who had a chance in the Court of Disputed Returns—under oath, when one of course can be guilty of perjury if one does not tell the truth—to point out the terrible things they claimed went on. Yet, they did not avail themselves of that opportunity.

Not during the hearings of the Court of Disputed Returns; not during the Ridge-Tozer libel case; and not during this inquiry did anyone ever put forward any kind of evidence which would be acceptable in a court of law that malpractice had occurred.

We have yet to come to the most remarkable statements in Judge Kay's report. I will put two statements side by side to see whether anyone can accept what is in the report—especially a report from a person in such a lofty position. First of all, Judge Kay says—

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

On the next page he says—

> One witness said that it is difficult for people in hospital to obtain sufficient information to cast a formal vote. With this I disagree.
>
> I consider we are becoming rather lazy in our attitude to elections.

He is speaking about people in hospitals who, a moment ago, were too ill, but now he is calling those same people lazy if they are lying in bed. He continues—

> Enough material is displayed in the daily press, the television, the radio and on numerous pamphlets which fill up ones letter box around election time.

I do not know how many patients in hospitals have letterboxes! He continues—

> Despite all this, we find a lot of people require a how-to-vote card to take into the polling booth on polling day to indicate to them how they should vote. Obviously, they have not taken the trouble to acquaint themselves with the material which is being thrust at them. In my opinion, this is pure laziness: A patient in Hospital has opportunity to acquaint himself or herself with the candidates—

On the previous page Judge Kay said candidates should not be allowed to see people in hospitals.

Now he has claimed patients have plenty of opportunity to decide on candidates. How will they have that opportunity if the candidates are banned from moving into hospitals? He continues—

> —the parties and the manner in which the candidate wishes him or her to vote. There are quite a number of portable television sets in hospitals as well as radios.

Of course, there is not a great deal of opportunity north of Port Hedland. We know that north of Port Hedland there is no television at all. Judge Kay continues—

> Somebody travels through the ward every morning and every evening selling the morning and evening newspapers in which electioneering advertisements occur and either in the Thursday or Friday morning's paper, immediately prior to polling day, there is a complete list of the candidates in their respective districts.

There are many hospitals in the north, of course, where daily newspapers are not provided and where television is not available. What really takes the cake is that Judge Kay says the patients can read Thursday morning's paper or Friday morning's paper.

Judge Kay then recommended that voting should take place up to 14 days before the election. If a patient in a hospital voted a week before an election, what is the good of him reading Friday morning's paper, the day before the election?

The Deputy Premier had the cheek to put out a Press release attacking me for criticising this judge. I think anyone confronted with a document of this kind would have a duty to the public to point out how badly and thoughtlessly it has been put together. We have the situation where, first of all, he states patients in hospitals are too ill and do not want to be bothered by candidates, but on the next page of his report he states that the patients are too lazy. He states they have every opportunity to acquaint themselves with the candidates. He even states that patients in northern areas can watch television. Surely he should know television is not available in many places in the north. He says the patients can look at the newspapers on the day before an election, but he also says that the the patients can vote days and days before the newspapers are published. How can anyone have respect for recommendations of this nature?

We are expected by the Government to agree to this legislation because it is based upon a report made by a judge. I can see easily why the Government agrees with the report, because it suits the Government's political purpose.

Mr Bryce: So does the judge.

Mr TONKIN: The Government appointed the judge.

Mr Bryce: He will probably be endorsed for Parliament, next.

Mr TONKIN: How the Government would have loved to appoint the judge to sit over the Court of Disputed Returns.

Mr Pearce: The Premier does not care what that judge said.

Mr TONKIN: That is right. If the two judgments are compared, it will be seen that this one is full of internal inconsistencies.

Mr Bryce: He may prefer to be knighted, instead of being endorsed for Parliament.

Mr TONKIN: Judge Kay's report goes on—

> The feelings and medical condition of patients in hospitals and aged peoples' homes must be respected by candidates and political parties and the only way to do this is to ban access by such people.

I find that to be an incredible statement.

Mr Cowan: On what page of the report does that appear?

Mr TONKIN: At page 25, but I recommend the member to look also at pages 23 and 24, from which I have already quoted. They really take the cake. However, life goes on and I am now at page 25. Judge Kay said that the feelings of patients must be respected. Because their feelings must be respected, he has decided they must not be allowed access to political candidates even though they may want that access. How will that respect the attitude of patients? A candidate should not be allowed to see a patient even though the patient may want to see him.

I have had experience of people who wanted to see me and who, of course, wanted to vote Labor. I have no doubt that just as many sick Liberal supporters have wanted to vote.

Mr Sibson: Quite a few more.

Mr Bryce: The number is declining.

Mr TONKIN: In my experience the patients have asked for me to call. They have been really worried that they might vote incorrectly. There was no pressure or manipulation by me; they wanted to vote. Indeed, I suppose every member has had the same experience.

It is a very moving experience to be elected as a member of Parliament. I know that when I was declared elected some persons who had voted for

me were no longer alive. They had died in the meantime. I know that happened to at least two people.

Mr Pearce: It seems it might be a little dangerous to vote for you!

Mr MacKinnon: They made a mistake.

Mr TONKIN: I do not think it is at all funny. I thought their concern to have a vote was most touching. They knew they did not have long to live but they wanted to vote before they died, and they did so. I have no doubt people have voted for my opponents in the same way, and that they were really concerned—almost panic stricken—that they would not be able to vote, or that they would make a mistake.

Under the provisions of this Bill we are to say to such a person, "No, you are not allowed to meet the person you want to vote for." Judge Kay has said the feelings of these people must be respected, and the only way to do that is to ban access by candidates. He seems to have a low opinion of parliamentary candidates, if he believes that the only way to make patients in hospitals happy is for them not to come into contact with politicians.

There is no evidence to show this is what most patients want. He does talk about the opinion of the management, which is a very different thing from the opinions of the inmates. If a patient says, "I want to meet the candidate or her representative", we do not believe anyone, not even a lofty judge, should say, "I am sorry but you are not allowed to."

I agree that we do not want a situation where someone who is not interested in politics or voting, or perhaps has not even the mind to enable him to understand what is going on, should be badgered and bullied; but Judge Kay did not differentiate between those of sound and unsound mind or those who want to take part in the voting process and those who do not. He just said, "They are not to be visited." In addition, he had the cheek to say he was doing this only because he respected their wishes, when in fact he is not allowing any notice to be taken of their wishes.

Judge Kay said no canvassing by political parties was to be allowed in hospitals other than through the normal media channels, and that information on voting procedures would be provided by the Electoral Department. That would not be so bad if we had a situation where the Electoral Department was able to provide such people with a ballot paper which contained the party designations. Some people, perhaps because they have not lived in an area for very long and do not know the candidates, vote for a party and not a member. They want to know which candidate belongs to the party for which they wish to vote. An ordinary person can walk into a polling booth and get a how-to-vote card. However, according to Judge Kay, the only information which should be provided is that from the Electoral Department which does not state the parties to which the candidates belong.

We have made our position clear many times, and we continue to do so. We believe party designations should be included on the ballot paper. Anyone who is against that proposition must be in favour of increasing the number of informal votes or the number of mistakes made by voters. We think that is mischievous. We believe the electoral system should be as simple as possible, to enable people to know for whom they are voting. For that reason we are in favour of stating the designations of political parties.

On page 31 of his report Judge Kay moves from hypothesising about possible dangers to asserting that abuses actually take place. He says, "It is open to manipulation." He goes on to say—

> The abuse in postal voting arises—

That should be noted. I do not know how this person could ever weigh up evidence in a court of law and decide whether or not a defendant was guilty. I would tremble to go before him.

Mr Jamieson: He has now retired; you are safe.

Mr TONKIN: Without adducing any evidence, he says, "The abuse in postal voting arises". He does not pretend he has found evidence of abuse; no evidence of abuse is adduced. He comes out with this statement—

> The abuse in postal voting arises because a postal vote is the only type of vote not supervised and controlled by an Electoral Officer.

It might be argued that postal voting should be supervised by an electoral officer, but even when one is arguing that way one is certainly not justified in saying abuses arise when in fact one has not shown that such abuses have occurred. Judge Kay goes on to say on page 33—

> At present, there are really no ways of effectively controlling all the abuses and manipulations which occur in the sphere of postal voting.

Again, there was no evidence of that. He just said, "These abuses and manipulations occur." On page 34 he says—

> To the argument that the Electoral Office has not sufficient staff at present to carry on all the duties which would arise from suggestions made to the Inquiry, it was

submitted that there should be an increase in staff of the Electoral Office both of—

(1) temporary staff over the period of the election; and

(2) permanent staff who would be responsible for the organisation and co-ordination of the temporary staff during elections and between elections for making physical random checks to ensure that people entitled to enrol be enrolled and that people are correctly enrolled.

That was a submission. Apparently he did not care to agree with the submission, but we make the point that the number of permanent staff in the Electoral Department should be increased. The present state of the electoral rolls is scandalous. The Commonwealth Electoral Office takes its job very seriously. It is continually checking. People frequently come to me with papers they have received from the Commonwealth Electoral Office, saying, "These cards have been sent to me; I have just moved into the area." This does not occur in relation to State electoral matters. So the Commonwealth is doing its job to keep its rolls in order but the State is not doing its job. To enable the State department to do its job properly, more staff should be provided.

Although this is not part of my argument, I will quote a statement on page 35 of Judge Kay's report to give an idea of his sloppy thinking. He says—

> Regular checks are made by checking the registered card against the electoral roll . . .

That is not true, anyway.

Mr Jamieson: What would that do? The computer would do that anyway, so that is nonsense.

Mr TONKIN: In any case, the state of the rolls indicates that they do not reflect accurately the people who live in the area. Judge Kay says—

> Regular checks are made by checking the registered card against the electoral roll and prior to an election, pastoral station owners and other officials are circularised . . .

What kind of a report is this when pastoral station owners are referred to as officials? Of what are they officials? Surely that is incredible looseness in thinking. If Judge Kay went into this inquiry looking at pastoral station owners as part of officialdom and part of the apparatus of government, what kind of a report can we expect with that phraseology?

Judge Kay recommends—

> . . . the Act be amended to make it an offence for any person to persuade or induce or to associate with any person in persuading or inducing an elector to make application for a postal vote;

Is that not a remarkable recommendation? And, of course, the Government has accepted it.

Once again I say there is no evidence to show that people have been improperly using postal votes, but this recommendation has been included in the Bill, and anyone persuading or inducing a person to make a postal vote could go to goal. That is the provision. If a person says to his elderly, ailing mother, "Don't forget you have to vote in two weeks' time. You are bed-ridden and find it difficult to get into my car, but I think you should vote", and the old lady says, "Perhaps I could manage to get down the steps", but her son persuades her to make a postal vote, he could be gaoled for doing so.

Mr Jamieson: There is only one good thing about this recommendation; there will be more Liberals than Labor voters in gaol.

Mr TONKIN: Except that we know the law is not applied without fear or favour by the State Government. Anyone who does his duty and persuades or induces another person to make a postal vote will be in trouble with the law. What is the purpose of this? Has it been shown that large numbers of people have been making postal votes improperly, and that we must stamp out postal voting? The Government is silent. Perhaps because of the damning interjections made by the Minister for Housing a week or so ago, Government members have been instructed not to interject and are therefore very quiet at the moment.

Surely what we want in this community is greater participation in decision-making. Surely we want a participatory democracy in which people become involved in the whole democratic process, if we ever get as far as being democratic. Yet we are putting into the legislation a provision which will make it an offence to persuade or induce people to make a postal vote.

I will be doing so. If when I go around my electorate I meet an old lady who is ill or using sticks with which to walk, or a pregnant woman, I will be informing her she has a right to make a postal vote and I will be inducing her and arranging for her to make a postal vote. I will be doing my job to ensure those people have the vote to which they are entitled. The Government seems to want to turn the clock back to the 19th century, to a situation where only a special few have the vote. People have the right to a postal

vote under certain circumstances, and this ridiculous law will not stop me doing my duty by the inhabitants of Morley and reminding, persuading, and arranging for them to have a postal vote, if that complies with all other provisions of the Act and is in their best interests.

The definition of "induce" in the Oxford English dictionary is, "to bring about, to give rise to". So, if we induce we bring about or give rise to the making of a postal vote, and that will be an offence against the legislation. No wonder the Government is silent on this matter. It is ashamed of this Bill. If I were sitting on the other side of the House I would be ashamed to be associated with a Bill of this kind. When it is not malicious it is stupid, and I do not know which is worse.

Judge Kay also recommended that section 90(3) (a) and section 211 of the Electoral Act be amended to prescribe that the distinguishing mark mentioned therein be the claimant's or elector's right thumb imprint. However, the Government has decided to take no notice of that recommendation. Perhaps the Government was afraid it would make it easier for people who could not read or write the English language!

To give another example of Judge Kay's very loose thinking, I quote from page 38 of the report as follows—

> It was made clear that the opinion expressed referred to people of European and Australian descent and not illiterate Aboriginals.

In other words, Aborigines apparently are not of Australian descent. I wonder what Judge Kay thinks they are; perhaps he does not admit they are human. I mention that simply to give members an idea of why neither I nor any person who has had a reasonable education would want to be associated with this report.

On page 40, the following statement appears—

> Once the scrutineers are satisfied that the administrative arrangements are in order and that a person who claims to vote is enrolled and entitled to be handed a ballot paper, then there can be no reason to insist that the vote of a handicapped person must be made in the presence of scrutineers. If we cannot trust the Presiding Officers to fill in the voting paper of a handicapped person according to the desires of that person then we may as well scrap the whole system.

The Opposition agrees with the first sentence of that quotation; there is no reason for a scrutineer to witness the vote of a person who is entitled to vote, particularly if the scrutineer represents a hostile party.

We believe a handicapped person should be able to say, "I want my son to watch how the electoral officer marks my ballot paper for me. I do not want any scrutineers present." If a person does not have a relative present, and he wants to vote for the Liberal Party, he should be able to say, "I want the Liberal scrutineer to help me by observing how the electoral officer fills in my ballot paper but I do not want that Labor bloke or anyone else besides the presiding officer present."

However, the Opposition cannot agree to the second sentence regarding trust. It seems to me that the reason we have voting at all is that we cannot trust people. If we could trust everyone implicitly we would not bother to have elections. We would say to a group of people, "You can run the country. We trust you. We will not have the opportunity to change anything you do, but you can do what you like." Quite obviously, we have an electoral system because we want people to be able to change their minds and throw out a Government if they so desire.

It is quite logical and reasonable to say someone should be present to ensure the presiding officer faithfully transcribes what he is instructed to do by the handicapped person. This would be as much for the protection of the presiding officer as for anyone else. If no-one is present when a handicapped person gives a presiding officer his instructions, people can say, "He is biased towards a certain political party and has been filling in the forms wrongly." The handicapped person or the person not literate in the English language would not know whether the presiding officer had followed his instructions, and people could say the officer was filling in the forms incorrectly in order to favour his friend, or the party he supported.

So, given that the whole system of voting is predicated on the assumption that we cannot trust people, that we want everyone to have a choice and we want to ensure that choice is made fairly and is faithfully transcribed by the presiding officer, then it is fair to have someone else present.

However, we simply believe the voter should be able to have a person of his own choosing present at the polling place. Why should he be denied the assistance of his mother, his wife, his son or his daughter and be forced to accept the assistance of three scrutineers, two of whom he may be opposed to?

Why should a voter not be able to say to the presiding officer, "I want you to mark my ballot paper and I would like my friend to be present. I do not want any scrutineers to be present"? It is

no business of a scrutineer how a person votes. The proper duties and functions of a scrutineer are to see that votes are counted correctly and that no-one receives a ballot paper who is not entitled to a ballot paper. It is not and never has been considered the duty of a scrutineer to superintend how a person votes, to see whether he chooses this or that candidate. Such a principle should not be agreed to by members; we should not force this on people. We believe a person should be allowed to choose someone; if he wants to choose a scrutineer to assist him, because he intends to vote in a particular way, let him so choose.

Judge Kay said something the Minister for Housing would not agree with, but I think it worthy of comment. He said—

> I agree that intelligence is not to be confused with literacy and some of the Aboriginal people may be highly intelligent in their own ways and customs, . . .

On page 44 of the report, he said—

> . . . most illiterate Aboriginals would not have a clue about preferential voting or anything along these lines.

I wonder how many people in our electorates would know anything about preferential voting? I hope my colleagues in the Australian Labor Party will not feel bad about the story I am about to tell. It concerns a ballot for a position in the Australian Labor Party at branch level—not a very exalted level. I arrived late at the meeting because I was required to attend another meeting. When I arrived I found the members had added the votes and given them scores, similar to voting under the Local Government Act. They did not use the preferential system properly, and yet all were members of a political party and were more interested than the average person in the voting system.

I had to count the votes again and distribute preferences; and I explained to them how it should be done. No doubt those members could now do the job properly. However, if that situation occurred with people who are members of a political party, how much more would it occur amongst the general public? Time and time again I have explained to people the preferential system. People have come to me and said, "I want to vote for you, and not for the Liberals. Why should I give my second or third vote to the Liberals?"

I tell them not to worry, because the Liberal candidate will not receive their vote. I have to explain to them that I expect to be first, or at least second, in the primaries; and in that case my preferences will not flow. However, the average person is not aware of that. In that case, should we be surprised that the average Aboriginal does not understand the system?

The average person does not understand how the preferential system works. Therefore, do not let us have a double standard and suggest that because Aborigines do not understand the system it means they do not know for whom they are voting. It is nonsense to suggest that. A person quite clearly can say, "I will vote for A and not for B", and still be quite ignorant of the preferential system. Indeed, as Mr Justice Smith said, a knowledge of the system of voting is not a requirement laid down in the Electoral Act, as a *sine qua non* for voting. It is not required that one understand the system; so whether or not Aborigines understand preferential voting—and it is not surprising that they would not because some members of this Chamber would not be too sure of it—they should still be entitled to vote.

Certainly I believe a majority of Australians would not understand the system. Therefore, do not let us intrude that thought into our discussions as though it is somehow of great moment, because it is not. A person may have a clear preference, a like or dislike, without understanding the preferential system. Judge Kay said—

> Evidence was given that communities meet and discuss matters such as elections to decide what should be the direction of their thought and how they, as a community, should act. The Aboriginal community at Strelley voted almost 99 per cent for the Australian Democrats Party and it was submitted that this was a classic example of manipulation. I do not see it was such. It was a decision of the community in much the same way as organisations support certain candidates e.g. progress associations, ratepayers associations etc. decide to support a certain person whom they consider will further their objectives. It is not necessarily manipulation.
>
> Manipulation occurs when people are persuaded by threats, promises and such like to vote for a certain candidate or, through ignorance and illiteracy sign papers not knowing what they are and placing their trust on a person presenting such papers.

I would agree with those comments. I believe the fact that all the people decide to support a certain candidate, or the fact that they are transported to the polls from a remote area, does not necessarily suggest manipulation at all. We should be more careful in our use of terms and not just say the

people are manipulated because they happen to agree with one another. Of course, we could say the people of Australia have been manipulated for years. We know the Liberal Party will outspend us 10:1 at the next election, in terms of advertising.

Several members interjected.

Mr TONKIN: Why are members opposite so touchy in respect of the matter of political funding? Why does the Premier develop a nervous twitch every time political funding is mentioned?

Sir Charles Court: You of all people should enter this field! You have some of the most powerful people in Australia behind you—unions with prodigious incomes.

Mr TONKIN: Incomes as great as BHP?

Sir Charles Court: Who said BHP helps us?

Mr TONKIN: The Premier is not trying to help us, is he? We on this side are more honest. The fact that members opposite are able to say that certain organisations help us indicates that we have nothing to hide. Certainly certain trade unions are affiliated with the Australian Labor Party. But the Government is too cunning; it does not allow BHP or the Confederation of Western Australian Industry to affiliate with it. Organisations like that do not help the Liberal Party at election time, do they? Not much! How is it that the Government manages to outspend the Opposition every time? Does it do it with widows' mites?

At page 50 of his report, Judge Kay said—

> Exhaustive reading over of the ballot paper in the exact manner outlined appears the only possible way to enable the elector to cast a formal vote without importing political information.
>
> The Chief Electoral Officer should be given power to issue to the Presiding Officer any instructions he considers necessary to enable him to act in accordance with the above guidelines.

We state quite clearly that the Chief Electoral Officer should not be in a position to legislate. We are not in favour of giving him a blank cheque so that he may be leaned on by the Attorney General, as happened last time and will happen again; or so that he can send instructions of any kind he likes to presiding officers. We believe Parliament should legislate and the Chief Electoral Officer should act within the guidelines of the legislation. We believe the instructions issued by the Chief Electoral Officer should be defined quite clearly in this Act.

Sitting suspended from 6.15 to 7.30 p.m.

Mr TONKIN: This Bill was born out of shameful attempts to cheat Aborigines out of a vote and because a particular seat is vulnerable. We are suggesting that now the attempt is to widen the Act so that it will be an attack on the voting rights of everyone in the State. This Bill will make it difficult for people to get onto the roll; it will make it very difficult for people to get back onto the roll. When it comes to giving assistance to disadvantaged voters, this Bill will attack those whose mother tongue is not English. This is affecting not only the Aboriginal population, but also a large number of migrant peoples from Europe. The Kay report goes on to say—

> Exhaustive reading over of the ballot paper in the exact manner outlined appears the only possible way to enable the elector to cast a formal vote without importing political information.

It would be meaningless to suggest to most voters that there should be a laborious reading over of the ballot paper. We have to bear in mind that the Liberal Party will go unashamedly into the next Kimberley election with several candidates who will claim they are independent of the Liberal Party. To say to the illiterate voters, "Who do you want to vote for?" and then expect them to be able to choose between half a dozen nonentities who do not intend to be members of this place and whose political parties do not intend them to be members of this place, but who are there merely to frustrate the democratic procedures of this State, is nonsense. It is nonsense to expect the illiterate voters to be able to follow the exhaustively read over ballot papers.

A literate voter may use a how-to-vote card. Is the Government suggesting that an illiterate voter does not need and should not have the benefit of a how-to-vote card? As far as we are concerned, such a situation is untenable. An exhaustive reading over of the ballot paper would be confusing for everyone.

I wonder how many members of this Chamber would be able to undertake an exhaustive reading over of the Commonwealth Senate ballot paper or any other ballot paper with 10 or more names on it, and be able to pick and choose with any certainty. The Government will insist—as was insisted in the Kimberley election—that its how-to-vote cards are given to its supporters who will be able laboriously to go through it without knowing half the nonentities.

To deny the enormous assistance of how-to-vote cards to people who are not literate in the English language is a travesty of justice. We cannot agree

that the Chief Electoral Officer should be put in a position to make up his own mind whether or not to send out instructions to presiding officers, except within the constraints of this Act—and those constraints should be clear. We believe that for that reason, a how-to-vote card should be acceptable for use by a non-literate person just as it is acceptable for use by any literate person. This is provided that, as Mr Justice Smith said, the presiding officer or one of his officers satisfies himself or herself that the how-to-vote card does represent the voting intentions of that elector. To do as Judge Kay has suggested, to provide a system that is markedly different for the illiterate person and the literate person, is quite wrong.

We should endeavour to see to it that people are able to translate their voting intentions to the ballot paper as accurately as possible. We should be trying to assist them to vote and take part in sharing the destiny of their country and State; we should be helping them to translate their electoral wishes onto paper.

The last time we debated this matter we heard the shocking interjections of the Minister for Housing, who said he would write his letters again. He said then that the Aborigines were less intelligent. We deny that, because a person who is not literate in a particular language is not necessarily unintelligent. I have no doubt that many of the people who are not literate in the English language and who are living in this State, whether they be from Greece, Yugoslavia, Holland, or Arnhem Land, are far more intelligent than many members of this Chamber.

[Interruption from the Gallery.]

Mr TONKIN: We deny that these people are less intelligent merely because they are not literate in the English language. We believe that very often they know the policies of the parties as well as, and sometimes better than, people who are literate. They know the man they want to vote for. So all we have to do, and all we should be doing if we had any honour in this place, would be to assist them to translate their wishes which they hold just as intelligently and fervently as other people. They hold their views very strongly and we should be assisting them to translate those wishes onto paper.

I gave examples before of societies which were not literate. I cited people such as Socrates and Homer, geniuses whose names we remember 2 000 years after their deaths. They were not literate in any language. To suggest that therefore they were less intelligent is not only a slur upon all such people but also a sad commentary on the intelligence of the people making the statement. To think that because a person happens to be born literate in the English language or born in a society speaking the English language says something about that person's intelligence is completely laughable. Only an unintelligent person would make such an assertion. Judge Kay goes on—

> It was submitted that any party or person should be entitled to spend as much money and time as it or he feels need of without any control either as to the source or amount of that money.

I wonder who made that submission. I do not think it would need much imagination to realise it emanated from someone who subscribed to the ideology of the Liberal Party. If a person happens to have a great deal of wealth behind him, he can put forward his views to the electorate; he can persuade the electorate to his way of thinking. The statement says that there should be no let or hindrance of his party to do that.

Mr Sibson: You are contradicting your own arguments. You are saying that one person, not money, can convince all the other people.

Mr TONKIN: With his usual lack of perspicacity, the member for Bunbury has missed the point. I am not saying that because a person has money he can persuade others to his opinion. I have said that people are persuaded to vote in certain ways by political parties putting forward their programmes. To put forward their programmes to a larger number of people requires money. Television and newspaper advertisements cost hundreds of thousands of dollars.

Obviously a political party with a great amount of money can put forward its policies in a more sophisticated way and to a much greater extent than can other parties with few resources. I am well aware there are many intelligent people who will resist such blandishments and propaganda, but there will be people who will hear the wealthy party's arguments more than they will hear the arguments from the other side. We know very well that at election time the Labor Party is outspent by its opponents by as much as 10:1.

Mr Sibson: That is not true.

Mr TONKIN: Yes, it is.

Mr Sibson: How do you know?

Mr TONKIN: If the member can count he should sit before a television receiver during the next election and count the number of advertisements that come from his side and then the number that come from our side. Then he will see that what I say is true.

The DEPUTY SPEAKER: Order! I ask the member to relate his remarks more closely to the Bill.

Mr O'Connor: Hear, hear!

Mr TONKIN: Mr Deputy Speaker, I wonder whether you realise that there is a whole section of this Bill dealing with expenses.

The DEPUTY SPEAKER: Order! I ask you to relate your remarks to the matter before the Chair. You mentioned this matter earlier. I ask you to confine your remarks and not repeat comments unless it is essential to the particular point you are making.

Mr TONKIN: There is a very significant part of this Bill which deals with expenses for political parties. This Bill excises from the Act any reference to expenditure by political parties or candidates. This is a very substantial part of the Bill and therefore I would have thought that my remarks about expenses were very pertinent. The Minister for Labour and Industry was saying, "Hear, hear", which shows he has not read the Bill.

Mr O'Connor: You are being repetitious.

Mr TONKIN: So far I have hardly referred to expenses, but I will now, even though the Minister would wish I went away. The submission that any party should be able to do as it likes is a suggestion that this society should be just a political jungle. It suggests that the law of the jungle should prevail; that it is a matter of survival of the fittest. It suggests that if one is a millionaire one should have far more influence over society than people without money, such as by forming political parties and appointing candidates or by starting a newspaper, as one millionaire has done in this State.

We reject that philosophy. We believe in democratic rule by the people, not by the wealthy. We reject that part of the Bill which decides to get rid of expenses. If the member for Bunbury is serious when he says we are not outspent very considerably by our opponents, we make an offer to him and to the Liberal Party: every political party should show the sources of its funds. It should show where it gets its money from; who its paymasters are. That will be a revelation to the people of this State, and a revelation they have a right to.

The people of this State have to obey the law; they do not have any choice in that. If they obey the law they want to know that the law is being made in their general interest and not in the defence of some private interest.

Judge Kay continues—

> It was argued that an individual or a group of individuals should not be inhibited in the soliciting or giving of funds to support a candidate of his or its choice and in having those funds spent in that cause.

That is the same argument again. An individual should be inhibited when wishing to give funds to support a candidate. The Opposition believes that is an essential part of democracy. People should have information from both sides, then they are able to make an independent choice. They make a choice based on the insufficient information or information given which supports only one point of view. This would mean that instead of democracy it is perverted. For that reason we reject that kind of attitude. Judge Kay continues—

> The submission was further advanced by requiring the source from which funds for electoral expenses were obtained to be made public. I would not allow this as it was, in my opinion, outside the term of reference.

Is not that interesting? The Government requested Judge Kay to make a report. It also chose the terms of reference and left out one of the most important aspects in democracy; that is, the funding of political parties. Although Judge Kay refers to a particular submission he said he could not allow it because it was outside the terms of reference. Whilst talking about the terms of reference we should note that the Leader of the State Opposition at the time of Judge Kay's appointment made certain comments and thus it shows we are consistent in our attitude towards this electoral inquiry. The Leader of the Opposition stated—

> The terms of reference of the inquiry into the Electoral Act should be widened to clear the way for a complete overhaul of the Act. . . .
>
> Among the matters which ought to be examined are:
>
> restraints on the rights of handicapped people to cast absentee or postal votes.
>
> the disclosure of the funds of political parties.

That is something the Opposition stands for; that political parties should disclose the source of their funds so people will understand the forces which drive those in this place. To continue—

> public funding of election expenses.

The judge should have been asked to inquire into that. Continuing—

> limitations on campaign spending.

the amalgamation of Federal and State electoral rolls.

voting systems, especially the desirability of optional preferential voting.

I have indicated earlier that the Opposition believes in optional preferential voting. Although the preferential system may have some disadvantages, it prevents the election of a minority candidate as occurs with a first-past-the-post system. It is wrong to force people to make preferences they do not feel and to show a preference for some nonentity who has been entered on the ballot paper. This happened at the last election in the Kimberley. Three people resigned from the Liberal Party and were entered on the ballot paper to confuse the Aboriginal population. Why should electors have to choose between these people, especially when no-one knows them, they do not make a single policy statement and are merely there to cause bewilderment and to frustrate the system of the orderly choosing of a Government. To continue—

the effect of placing the party affiliations of candidates on ballot papers.

As I have stated the Opposition believes that the party affiliation should be placed on the ballot paper. People would then know the candidate's political party. We do not want to confuse people, so how can the Government oppose that? There should be noted alongside each candidate's name his party designation.

No member would be in this place if it were not for the fact that he had the endorsement of a political party. We are not here because of the support of people, in the personal sense; we are here because people support the political party to which we belong. Yet at election time, we do not put on the ballot paper the name of the political party to which we belong. Of course the Opposition has moved in this place for that to be included and we still adhere to the policy of having the political affiliation shown after the name of the candidate on the ballot paper.

Mr Bryce: We have only just included the political party after the name of the member in *Hansard*. We have come a long way in 90 years!

Mr TONKIN: Yes. That indicates our backwardness. We are deliberately set backwards by a political party which preys upon people who are kept in the dark. To continue—

the need for a voter education section in the Electoral Department, especially to assist non-English speaking Australians and Aborigines.

I mentioned earlier the appalling mess the electoral rolls are in throughout the State of Western Australia, and the way in which this Government starves the Electoral Department and prevents it from doing the job it should be doing. One job it should be doing is the education of people on electoral matters. This is something which is very seriously neglected. To continue the Press release of the Leader of the Opposition—

the type of assistance which can be given to illiterate voters.

whether the Electoral Department staff needs expansion to assist with enrolment and postal voting.

Therefore our concern for this inquiry is consistent. We were concerned when the study was initiated. The study was established to provide a predetermined result, and this was achieved in this shabby report. As I have been saying throughout my whole speech the thinking was shabby, especially when Judge Kay made a statement which he had no right to do because it was based on hearsay. It was not proper evidence. I will read the conclusion of the Kay report which, I believe, is quite prophetic. It states—

> I was disturbed by some of the evidence. When visiting the North of the State, I had a feeling, after listening to some of the witnesses, that all is not well amongst the Aboriginal people. This came out into the open at Leonora when the leader of a community at Wiluna gave evidence. He said that a person named Jim from the Aboriginal Legal Service had addressed the community on two occasions and what he had told them had made them frightened. What this information was was not disclosed, but it was sufficient to cause fifteen of the committee of the Wiluna community to travel from Wiluna to Leonora at their own personal expense to attend the sittings of this Inquiry. From what this witness did say, it would appear they were under the impression they would lose their rights to vote and that the Inquiry was directing its efforts to that end. The witness got to the stage of being quite emotional and he was extremely doubtful when I endeavoured to tell him we were not there to take his vote away but to examine ways by which enrolment and voting could be put on a more equitable and stable basis.

Of course, we know that the apprehension and fear of that person was justified because the operation was to take away his vote. The operation was to make it hard for him to be enrolled in the first place. He could be taken off

the roll at any time; it could happen as a result of the receipt of an objection on many occasions in a voter's life. It would then be hard for him to get back on to the roll. Even if he were on the roll when he went to the polling booth, there was to be some exhaustive reading of the ballot paper to ascertain his vote. He would not be permitted to use the method used by the rest of the population; that is, the how-to-vote cards.

So the fear of this person as noticed by Judge Kay was justified. It is rather ironic that Judge Kay should be referring to that incident in that way. The recommendation of Judge Kay is based on the unsubstantiated evidence that two Aborigines were allegedly on the roll without their knowledge of having made an application for enrolment. The Aborigines were not sent for, their side of the story was not asked for, so they had no chance to refute the hearsay evidence. Yet, based on that we have Judge Kay saying that there should be this restrictive type of witnessing of electoral claim cards.

This legislation is still inhibiting the enrolment of youth right throughout Western Australia; not only those whose mother tongue is not English, but also those who are not already enrolled. At present the young in the community are constantly under attack. We hear time and time again the young of our community being assailed. This practice has been going on for thousands of years with comments such as "they are not as good as we were" and that type of thing. Members are all aware that unemployment has fallen upon the young more heavily than on any other sector of the community. They have been attacked as dole-bludgers because society has decided it has no need of them. Through no fault of their own they have had to accept unemployment. I am happy to pay my taxes to assist them because I have been fortunate enough always to be in employment.

These people, who are already under attack because they are unemployed, are to be attacked yet again, because under the legislation it will be difficult for them to get their names on the roll.

One of the problems confronting the youth of today is that they are unable to identify with society to enable them to feel they are part of the community instead of being alienated from it.

There has always been a problem in integrating young people as they grow from infancy to childhood, especially to encourage them into a meaningful role in the community. They should be encouraged in every way possible to take an active and learned interest in the society in which they fit. The new provision for enrolments to be witnessed will not assist in this assimilation. One way to feel identification with the community is to be able to have some influence over the way in which the society develops; for example to express an opinion as to how society should develop through parliamentary elections.

We believe in a participatory democracy, not just through parliamentary elections but in many other ways. Certainly having a choice in parliamentary elections is one way in which people should be able to take part in the way in which society is governed. Unnecessary obstacles are being put in their path. One of the unnecessary obstacles is this requirement that enrolment claim forms be witnessed by a justice of the peace, an electoral officer, or a police officer.

We heard the member for Roe put forward the argument that a person should have a vote only according to his economic worth. If a person is unemployed, the member for Roe says he should not have a vote.

Mr Grewar: You are twisting what I said.

Mr TONKIN: The honourable member said that people who had been unemployed for a certain period of time should not have a vote. Is that twisting what he said?

Mr Grewar: A little bit, yes.

Mr TONKIN: The honourable member can correct me. He certainly suggested people should have a vote according to their economic worth. It seems to me the member for Roe has far more influence on this Government than some of us might have thought. We should regard him with new respect because obviously he has had an influence on the Government's thinking. When the member for Roe gets to his feet to defend this wretched Bill, he can explain why an 18-year-old who finds himself out of work in a society which he had no part in making should not have a vote. It seems to be the thinking of the Government that it should be difficult for the young to get onto the electoral roll.

We believe society should say and unmistakably show that each person is worthy; that people are not just cattle, to produce worth as a cow gives milk or a draught horse pulls a plough, but are valuable for their own intrinsic worth. One way to show they are valuable is to say to them, "Your opinion matters; we value you and place importance on the way you regard society."

We believe in helping people to come into the mainstream of society. We should be encouraging people to participate in democracy and have a vote. We should not be putting greater and

greater obstacles in their way. We believe the attitude of the member for Roe would deny the vote to a person such as Socrates. Socrates would have been dismissed as an idle person because he stood around chatting to young people. The fact that he was chatting to young people using ideas which are imperishable and which include the way we run our society today, would count little in the way the member for Roe reckons a person's value. We remember that at that time people such as the member for Roe were so frightened of Socrates and his subversive ideas that they sentenced him to death. We take an entirely different attitude. We believe people who make that kind of contribution are valuable. We do not believe people should be judged as milking cows are judged.

One of the values of the vote is that it is symbolic. To vote for the first time is something to remember and be proud of, because one is helping to choose the Government of one's country. That is not something we should try to take away from people.

I do not believe all the members of this Chamber are democrats, although they would say they are because it is unpopular not to be a democrat. We believe one of the holds a democracy has on its citizens is the allegiance it develops in them towards their country because they have a part in the decision-making process and they are part of society. We cherish this concept of democracy and believe it is desirable.

Judge Kay gave three reasons for his recommendation that the classes of witnesses be limited. The Deputy Premier gave no reasons in his second reading speech, which once again illustrates the arrogance of this Government. The Deputy Premier has learned well from his master. He does not have to give reasons in this place or the other place because his party has a majority in both Houses and it can ram through legislation irrespective of what the public think.

The first reason given by Judge Kay on page 10 of his report is—

> The witness has a duty to ensure that the claimant knows what he is doing and what his responsibilities are under the Electoral Act.

It seems to be implied that what is required is that the witnesses test the claimant before agreeing to witness the card. Will we have the situation where people are tested on their knowledge of electoral procedures? I cannot imagine busy JPs being prepared to give instructions on the Electoral Act to the hundreds and thousands of people who will assail them demanding that their claim cards be witnessed. Of course, that will not happen. What is there to suggest that a JP is in a position to instruct the enrolling voter, anyway? JPs do not necessarily have a very good knowledge of the Electoral Act.

We concede the political way in which this Government appoints justices of the peace. It appoints them largely because they are adherents of the Liberal Party. Only once in the five years this Government has been in power has it appointed a person I recommended as a justice of the peace. The Government does not appoint JPs because they are well versed in the Electoral Act. So we doubt that a JP could run that kind of instant examination. But even if he could, would he? That is the question.

Judge Kay's argument was that the witness would explain to the person seeking to enrol what is printed on the card and what the person's responsibilities are on enrolment. But will the witness explain this to every claimant? If he does not explain it to every claimant, to which claimants will he explain it? Is it imagined that a clerk of courts in the country, who will be heavily besieged because not many people in country areas will be able to witness these cards, will be able to take time off to instruct claimants as to their responsibilities and duties?

If the suggestion is to be taken seriously, perhaps a pamphlet should be produced. Perhaps the Electoral Department should take very seriously a matter which should be its object; that is, the education of the electors.

Australians of European descent are required to enrol whether or not they understand the system. Enrolment is compulsory for us. Are we to say only those Aborigines who understand the system are to be enrolled, whereas people of a European descent can be enrolled without an understanding of the system? If that is to happen, I would like to hear argument why that is not mentioned. Surely it is discriminatory. Why are the Aborigines the only people who are required to understand the system while the white Australians can continue in their ignorance?

It is quite clear that many white Australians do not understand the system. I mentioned before the tea suspension the example of people not understanding the preferential system. We all know when an election takes place many people go to a polling booth and quite blindly copy the how-to-vote card, adhering to it slavishly. If they understood fully what each candidate stood for they would not need a how-to-vote card. It is not their fault that they do need a how-to-vote card. The electoral system does not help to educate

people. But if we are to say those people can slavishly adhere to how-to-vote cards, how can we deny the same right to people who are not literate in the English language?

In the Kimberley, in particular, there is no electoral office. The Aboriginal will have to approach the courthouse. I cannot imagine the clerk of courts leaving everything else aside to give instructions on the voting system to Aborgines, as Judge Kay suggests.

The second reason given by Judge Kay for having this type of witness is that someone could enrol a fictitious voter. It is not claimed this has ever happened. I would have thought when bringing to Parliament a Bill to alter a law which has stood the test of time it would be necessary to make out a case demonstrating the types of abuses which were occurring and stating why the law should be changed; but no such case has been made out.

The Government is arrogant. It does not think it has to explain to the Chamber the reasons for this legislation. It knows it has the numbers in both Chambers and it can therefore ram through any legislation which it thinks will give it a temporary advantage. If there have been no fictitious voters—and Judge Kay was not able to show there had been any—why are we worrying about this aspect at all?

On page 11 of his report Judge Kay says that narrowing the classes of witnesses would at least lessen the possibility of manipulating by placing obstacles in the way of a potential fraudulent person.

That does not agree with what is contained in a report of the Law Reform Commission of Western Australia on official attestation of forms and documents. That report is dated the 28th November, 1978, after the Kay report was presented but well before the present Bill was submitted to Parliament. The role of witnesses to statutory declarations is discussed in the Law Reform Commission's report. In paragraph 117 it is stated—

> If a person intends to lie in order to gain a benefit it may be doubted whether formal attestation will affect that intention.

When we are talking about lying in order to gain an advantage, it must be remembered that in regard to the legislation before us all a person would gain is a vote, and I question whether votes are regarded so highly by individuals in this country that they would do that sort of thing. But, as the Law Reform Commission says, if they intend to do that, formal attestation will not deter them. The Law Reform Commission's report goes on to say—

> As the Commissioner of Titles, Mr M. J. Smythe, said, the essential element is that the declarant should be aware that if he makes a false declaration he can be punished.
>
> If that requirement can be fulfilled without recourse to an attesting witness, then I think an attesting witness is not necessary.

So the commission went on to recommend that no witness at all should be required to a statutory declaration because the inconvenience caused was not justified. Remember that the Law Reform Commission was talking about documents which could relate to sums of money certainly much more valuable than a claimant card under the Electoral Act.

The third reason given by Judge Kay for limiting the class of witness is that a witness is required to make sure the details of the claim are correct. Such details include the name and address of the claimant. Surely we are not going to say that a justice of the peace will ensure that such details are correct. How would he know that the person standing before him was such-and-such a person with such-and-such a birth date? If one accepts the conclusion of the Law Reform Commission—and, by the way, its conclusion is more thoroughly supported than are the contentions of the Kay report—then all that remains is that a witness is necessary to check that the details on the claim are correct. That hardly justifies the exclusion of a close relative, a station manager, or an employer.

In fact, it is quite clear that a person who knows the claimant well is more likely to be able to say with certainty, "Yes, that is his name; I know he is over the age of 18 years" than is a stranger. So if the Government is honest in saying that is why it has included these limited types of witnesses, then I cannot see that its argument holds any water at all. If the Government is concerned about the accuracy of statements made on claim cards, why is it not prepared to allow a close friend or relative to sign the card as is the case at present; and then if fraudulent claims are being made, prosecutions could follow?

If the Government is concerned about this, why have we not seen prosecutions of the persons and witnesses involved in submitting fraudulent claim cards? I suggest the reason is that no fraudulent claim cards are being received; certainly there is no evidence to show that any have been received. Judge Kay denied that the recommendation would make enrolment more difficult. He said no-one seems to find difficulties in obtaining a justice

of the peace. What a joke!. Constantly I have people coming to me looking for a JP. It seems that once JPs are appointed and given their status symbol, they disappear and hide.

Mr Nanovich: That is not true.

Mr TONKIN: Is the member for Whitford a justice of the peace?

Mr Nanovich: No. Are you? You would not even be appointed one.

Mr TONKIN: Why? Has the member been appointed?

Mr Nanovich: No. You would abuse the office.

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

Mr TONKIN: The member for Whitford is hysterical.

Mr Nanovich: What do you mean? You are a hypocrite.

Mr TONKIN: We have just seen a little bit of liver from the member for Whitford. Apparently he ate something at tea time which disagreed with him. Normally he is a pleasant person.

Mr Nanovich: You must have had the fish. You reckon it affects the brain; you must have had some of it tonight.

Mr TONKIN: I am devastated by the brilliance of the member for Whitford.

Mr Barnett: Perhaps we could call the RSPCA and have him taken away.

Mr TONKIN: The problem is that justices of the peace are very hard to find. There are not many of them, especially as this Government—as I think the member for Whitford admitted by inference—appoints them for political reasons.

Mr Nanovich: It doesn't.

Mr TONKIN: The member said I would not be appointed a justice of the peace.

Mr Nanovich: I said they are appointed to serve the community.

Mr TONKIN: Clearly the member's political prejudice is showing. He said he would not be in favour of my being appointed a justice of the peace.

Government members: Hear, hear!

Mr TONKIN: The response of members opposite illustrates that justices of the peace are appointed for political reasons. That is why the member for Melville has only one JP in Willagee while the member for Nedlands—the Premier—has 75 in his electorate.

The provisions of this Bill obviously will prevent people in Labor-voting areas from being enrolled, because the Government will not appoint JPs in Labor areas. Therefore, it will be very hard for such people to have enrolment claim forms witnessed.

Mr Sibson: How many have you had knocked back in Willagee? The first requirement is that you have people volunteer for the job.

Mr TONKIN: That is right. I can tell the member for Bunbury that of all the names I have submitted in the last five years, only one has been accepted by the Government. I must have submitted 40 or 50 names. I heard the member for Melville indicate by way of interjection that he, too, has put forward many people for Willagee, but not one has been accepted.

Mr B. T. Burke: I nominated the President of the Macedonian Club, and he was knocked back.

Mr O'Connor: I supported that nomination.

Mr TONKIN: That must be due to the influence of the member for Whitford. Certainly that is an example; and perhaps other members would like to give other examples during their speeches.

Mr Nanovich: Why don't you sit down? You are making a mockery of this.

Mr TONKIN: I am making a mockery of the Bill. I would think the Bill stands condemned by itself; I do not think anyone need make a mockery of it because it is a savage Bill which will attack people in those areas in which there are no justices of the peace who, as I have pointed out, are appointed for political purposes. This is all part of the Government's plan.

For example, members of Parliament will not be able to witness claimants' enrolment cards.

Mr Sibson: That is a very good idea.

Mr TONKIN: I have been approached by many JPs who have indicated to me they will not be prepared to witness claim cards if this amending Bill is passed. I will bet the member for Whitford has not even read the Bill.

Mr Nanovich: Hasn't he? I can read you.

Mr TONKIN: If the member has read the Bill he will know it requires that a person witnessing a claim card must satisfy himself as to the correctness of the particulars on the card.

Mr Nanovich: How would you know?

Mr TONKIN: It is in the Bill. Did the member for Whitford know that?

Mr Nanovich: Yes.

Mr TONKIN: So justices of the peace have said to me—and the point has been made by other members—that they will not agree to witness enrolment claims because they cannot ensure the particulars are correct. Of course, they will be

subject to a penalty if they do not ensure they are correct. How can a JP be certain that a person has not given a false age or address? It is not even required that they do that in respect of a legal document.

Mr Sibson: You are supporting the Bill now because you are saying the wrong people might be on the roll at the moment.

Mr TONKIN: I am not saying that at all.

Mr Sibson: You did.

Mr TONKIN: What I am saying, if the member for Bunbury could only understand, is that a justice of the peace will not be prepared to face a severe penalty simply because he does not know the claimant personally. How could a JP know the name of a claimant who comes to him? The person who would know and could satisfy himself as to the correctness of the particulars is the claimant's spouse, neighbour, or employer. They are the people who can satisfy themselves as to the correctness of the particulars and will therefore say, "Sure, I know you; I know where you live; and I know your age. I will witness your card." That is the system which is working satisfactorily at present.

I see the member for Bunbury wishes to make a joke of the whole Bill. He thinks it is funny. That gives us an idea of the way in which the people of Bunbury are being represented in this place.

Mr Nanovich: Yes, very well.

Mr Sibson: You missed the joke. I put in a little humour, but you missed it.

Mr TONKIN: We reject that part of the Bill which removes from the Act the requirement regarding the limitation of expenses. The Australian Labor Party presented a submission to the Kay inquiry. When I last spoke the Minister for Health denied that. I assured him that we did, and he said, in his usual friendly way, that he would check the matter. He is not in the Chamber at the moment, so I am speaking to an empty seat.

Mr Sibson: With an empty head.

Mr TONKIN: The fact is that the Australian Labor Party presented a submission to Judge Kay. The substance of that submission is that we agree that the limitation on candidates' expenses is unrealistically low; but this has led the Government to decide there will be no limitation whatsoever. We in the Australian Labor Party oppose this because it will give undue advantage to wealthy people or to people backed by wealthy interests.

Of course we all know that every age has seen prostitutes who are willing to prostitute themselves for money. Prostitution occurs in politics as it does in every calling. We know there will always be people who are prepared to tow the line in exchange for money. That has occurred and still does occur. Therefore, we oppose the provision because we believe it will not make for better political morality. We believe that a realistic limit should be applied not only in relation to the expenditure of candidates, but also in relation to the expenditure of political parties, and it should be rigorously policed by an electoral commission.

We have consistently maintained that political parties should disclose the source of their funds. In addition we believe the option of public funding of political parties should be examined.

Mr Shalders: What if a half-dozen interested people form themselves into a committee quite independent of you to support you by raising money and campaigning on your behalf? That could well take the expenditure on your campaign above the allowable limit, even though you might not sanction it. Such people might support you to the extent of doing that on their own. How would you overcome that problem?

Mr TONKIN: I believe it can be overcome and, in fact, it has been overcome in some countries. There are ways of ensuring it does not occur. Of course, democracy will work only if people are determined to make it work. If the member for Murray is the kind of smart aleck who is prepared to accept that kind of support whilst saying he knows nothing about it, then he will subvert democracy just as his party has consistently subverted it.

Nevertheless, we believe democracy depends upon choice, and choice depends upon information. Information cannot be provided unless all sides have the opportunity to put forward their points of view.

Mr Shalders: How will you stop it? Would you prevent them from exercising their democratic right to spend money on a point of view? Where is the democracy in stopping them?

Mr O'Neil: New South Wales and South Australia—both Labor States—have overcome the problem by doing what we propose to do.

Mr TONKIN: Members opposite are very concerned to defend the democratic rights of the wealthy. How can they talk about the democratic rights of people when they support a Bill such as this which takes away those rights? Members opposite are concerned only about the democratic rights of the wealthy. What about the democratic right of every citizen to have some influence over the society in which he lives? Indeed, if members

opposite want to talk about the weighting of votes—and I know they believe in vote weighting because that is how they stay in power—a very strong argument can be advanced to show that votes should be weighted in favour of the disadvantaged so that those who are wealthy have a lesser vote than those who are not wealthy.

Mr Shalders: You are very quick to change the subject when you cannot answer an interjection.

Mr TONKIN: If the member for Murray thinks I am changing the subject then he just does not understand what is going on. The students in his former school are very lucky he is not teaching them now. If the member cannot understand that, I am sorry for him.

The question of funding should be examined by all members. They should read the Houghton report. That report was presented to the Parliament of the United Kingdom, and all members should read it. Since the presentation of that report, the example in the United Kingdom has been followed by Austria, the Federal Republic of Germany, Sweden, Denmark, Finland, Italy, the Netherlands, Canada, the United States of America, France, and Japan. It deals with the question of State aid to political parties. That is a subject we should examine if we are serious about equality in political matters.

We suggest that Western Australia should follow the example of the United States of America, Canada, the United Kingdom, India, New Zealand, and Japan in establishing some form of Government supervision of donations to political parties and to candidates.

There are a couple of areas of the Bill with which we agree. We agree with the question of polling booths in remote areas, but we believe that there should be provision for scrutineers. There should be provision for informing the candidates when the polling booths will go to those remote areas. We agree with the part of the Bill dealing with the establishment of a polling booth in Perth during a by-election.

I conclude my remarks by mentioning those parts of the Bill with which we agree. Obviously I have not spent a great deal of time on them because they are not contentious.

Finally, I would like to pose the question: what mandate does this Government have for these changes to the Electoral Act? It has no such mandate. If it had gone to the people before the 1977 election and said, "We are going to change the Electoral Act"—

Mr Bryce: Rig the system.

Mr TONKIN: —"to make it difficult for people to get on to the roll, and to make it difficult for those who do not have a command of the English language to vote", then I believe this Government would have been rejected. It was dishonest of the Government not to go to the people and say, "This is what we are up to. This is what we believe in."

Mr Bryce: Do you think there is any substance in the suggestion it was to protect the member for Kimberley, whom the Premier has chosen as his successor?

Mr TONKIN: That is very likely. I dealt at length with the member for Kimberley when my deputy leader was away. Quite clearly this Bill is designed to save the seat of Kimberley for the Liberal Party. It is designed to prevent the Aborigines from voting. In addition, it is designed to save other marginal seats for the Liberal Party, because what happened in that shameful episode in Kimberley in 1977 is to be repeated in other parts of the State. People are to be taken off the roll, and they are to be prevented from re-enrolling. There is no question about that.

Mr Laurance: Why did you want the candidates to know when the mobile polling booths were going into their areas?

Mr TONKIN: Because normally at any polling booth one has a scrutineer. If the Government will not allow scrutineers, it is treating those polling booths differently from the ordinary polling booths. We would think the fact that it is a mobile booth makes no difference at all. The candidate would want scrutineers to be there.

Mr Jamieson: The present mobile polling booths can have scrutineers there.

Mr TONKIN: I would have thought that was desirable.

The 1967 referendum of the Australian people clearly expressed their view that the Aboriginal people should be admitted to full citizenship, and should be treated like the rest of the Australians. This Government does not have any mandate to overthrow the wishes of the people expressed in the 1967 referendum.

What mandate does this Government have to take away from people whose mother tongue is not English the right to vote? We say it has no such mandate.

There is an axiom that cheats never prosper. This is true only if the cheats are not able to change the rules of the game. Of course this is what is happening. The Government stands to profit by this Bill, and that is why the Bill is before us. That is why this Bill will be passed

through both Houses. A system in which the Government can change the rules to suit itself will always be a corrupt system and a dishonest system. It will always lead to a perversion of the will of the people.

This position is not new. We have indicated before that the Liberal Party had done this time and time again. When the Western Australian people had chosen a Labor Government, members of the Liberal Party sat in the Legislative Council and destroyed legislation for which the people had voted. In the Australian Parliament, although the Australian people elected the Whitlam Government in 1972 and 1974, the Senate said, "Well, we are not going to take any notice of the Australian people. We are going to reject any legislation that we don't like."

We believe this Government is an antidemocratic Government. It does not believe in democracy. It does not believe that the will of the people should prevail. We are in the 20th century, so the Government pretends to go along with democracy because if it did not do so it would be destroyed. Therefore it says, "We believe in elections", but it ensures that the boundaries are rigged. It ensures that the Electoral Act is changed to suit its own purposes—today, to save the seat of a favoured Minister; tomorrow, to protect someone else. Always it has one thing in mind—to keep power at any cost.

We do not have the numbers to prevent this Bill from being passed. However, we can say that we will have nothing to do with it, that we are opposed to it.

We believe that the good name of Western Australia is more important than a temporary political advantage for either side. We believe that when this Bill becomes law there will be publicity throughout the world about the kind of racist country we are. There will be publicity about the way in which we treat people who come here from Europe, and also about the way we treat the people who were born here as Aboriginal Australians.

For those reasons, we believe that this Bill should never become part of the Statute book. We will continue to fight to prevent it from being part of the Statute book. After the shameful day when it becomes part of the Statute book, we will continue to work to have it removed.

MR JAMIESON (Welshpool) [8.40 p.m.]: I have listened to my colleague with interest on this matter. I am sure he has covered most of the points which concern us about the Bill. He pointed out that there were some good parts to the Bill and that there are some parts which need amending.

I would describe parts of this Bill in the same way that the Premier once described something in which he had a little interest, but with which he did not want to go along because of the ramifications of it. The Premier said, "You never shake hands with a cobra." This Bill before us is similar to a cobra to the extent that if we embrace it by voting for it, we have to accept all the nasty things that go with it.

Since I have been in this House I have been advocating something and trying to bring the Government into line. We were progressing towards the stage of having one enrolment card for the State and the Commonwealth, in the same fashion as that occurring in the other States with the exception of Queensland. Recently, after the introduction of this Electoral Act Amendment Bill the Minister in charge of the Electoral Department said that he had given up the idea of a common enrolment card. Naturally he has given it up, because he is attempting to write into the State Electoral Act terms which are not applicable to the Commonwealth Electoral Act. Before the State and the Commonwealth can have one card, there must be similarity in voting qualifications and rights. Otherwise, the system falls down.

I think it was written into the Electoral Act in the 1920s that the Governor of this State had the right to negotiate with the Governor General for the purpose of a single electoral enrolment card. That provision appears clearly in a section of the Act. However, that provision will not apply as a result of the Electoral Act inquiry by Judge Kay. Because of that inquiry, the Government is taking action to make its conditions of enrolment quite different from the conditions applying to the Commonwealth.

The Commonwealth Government is an important Government. Even the most avid States' rights person in this House would agree that it has a degree of importance above the State Government. It is passing strange that to enrol for the Commonwealth there is no problem about having one's name witnessed by another elector—witnessed by one's peer. That seems to be the ideal way of having an electoral enrolment arranged.

I cannot understand why Judge Kay adopted the attitude he has. I can understand some of his attitudes; but he seems to have attained a degree of senility in relation to this matter. As a matter of fact, I will point out directly where Judge Kay

contradicted himself in many sections of his report.

He must have known that in every State of the Commonwealth, including Queensland, there is the need only to have an accredited elector to sign the endorsement on another person's form. The member for Morley dealt with this at great length. A justice of the peace will have to certify that he has seen the claimant sign the claim and indicate that he knows that the statements contained in the claim are true or that he has satisfied himself by inquiry of the claimant that the statements are true.

The justice of the peace can only watch the card being signed. If someone tells the JP he was born in England on a particular date in such-and-such a town, the JP must believe that person. He cannot peruse the records. He simply witnesses the signature on the declaration.

At the present time the father, mother, brother, sister, husband or wife of an elector may witness the signature on the card. In this case, the witness knows all the particulars on the card are correct or incorrect. As a result of this legislation, the Government will be asking people to witness the signature on the card, without knowing whether or not the particulars are correct. They must take it for granted that the enrolment card has been filled out correctly by the person concerned. I do not know how one can prove the particulars beyond doubt.

It would be wise to leave the Electoral Act as it is now where one's peers can witness one's signature.

At the present time there are 10 Commonwealth electoral offices in this State. When the electoral officers are canvassing, they carry their own cards only. It is a pity that they do not, on these occasions, carry out State enrolments; but that is not their responsibility. However, when one visits an electoral office, the officer will witness a State enrolment card in order to overcome the confusion which exists on occasions.

Under the provisions of the Bill a Commonwealth electoral officer will not be able to witness one's signature. Therefore, people will not be able to have their names recorded on the roll in this manner. I do not believe the Government has thought about the matter adequately.

I do not want to be egotistical, but if we examined all the cards in the Electoral Department I believe we would find my name as witness on as many cards as the names of all Liberal members appear. For a number of years I concentrated on witnessing enrolment cards in many districts. My name appears on a considerable number of cards.

It is possible that the names of Liberal members do not appear on as many cards as my name. Nevertheless, I consider I performed a service to the people in a number of electorates in which I was travelling. I believe I performed a service for the Electoral Department also because it merely relies on the efforts of political canvassers.

My office is situated below the office of the Commonwealth Employment Service. As a result, young people who have just turned 18 frequently visit me and fill in enrolment cards, and these are witnessed by my secretary. This type of service will be denied the public as a result of the provisions in this legislation. As the member for Morley rightly said, there is no justification for this on the evidence produced. There was no suggestion cards were completed incorrectly.

As a matter of fact, when we examine the report on that particular matter, we can see clearly the situation is to the contrary. It was found the Electoral Department had been at fault in cases where duplications or incorrect applications occurred. I believe 84 per cent of the duplications resulted from the actions of the Electoral Department. It appears that, because the Electoral Department has made a mistake, the people are being denied the right to have enrolment cards witnessed by those whom I have just mentioned. That seems to me to be a very hard and unnecessary line to adopt.

I should like to delve into some of the matters dealt with by Judge Kay. He said at one stage, "People who cannot read or write and infirm people may make a postal vote some weeks prior to the election and, having forgotten, when asked by a friend to go to the polling place, absent-mindedly go and vote." That is a lot of nonsense. People who do that sort of thing would make up only a handful of the population of the State.

If we try to legislate for that sort of situation, we will never have perfect legislation whether in regard to electoral matters or in any other area. Common sense should have told Judge Kay that such a situation could not be cured completely. We cannot stop every case such as that from occurring under the Act.

Judge Kay dealt with the matter of enrolment claims being witnessed by specific authorised persons. In his report he said—

> It was suggested that the general enrolment procedure be safeguarded by the procedure that first enrolment of the elector

be witnessed by an official of the Electoral Department or a justice of the peace.

He referred to abuses which had occurred under the present system. However, no evidence was produced by the department or by anybody else that such abuses had occurred. Why does the Government wish to change the legislation? What made Judge Kay arrive at such a decision? A person who cannot read or write can witness one's signature. The person who filled in the card could say, "I put down my age correctly and I have written my address correctly. I have given my previous address which is the last place at which I resided." The person who was unable to read or write could then witness the signature. He need only be able to see. He does not have to be able to read. He need only be intelligent. Some of the Aborigines in the north could do that easily. They could sign their names as witnesses where necessary.

It was mentioned also that an influx of claimants could put a justice of the peace in a difficult situation. I cannot imagine a large number of claimants would want to sign their cards at the one time.

Judge Kay mentioned also the matter of transportation. It was a lot of nonsense. I can imagine that justices of the peace and clerks of the courts would be taking part as officials at race meetings. One can just see a couple of queues of Aboriginal men and women wanting enrolment cards signed on the day they were attending a race meeting while the JP was in the judges' box or acting as a temporary stipendiary steward. I can imagine how the Aborigines would be received. They would be sent back to the truck to return to the station where they came from with their electoral cards unsigned. Judge Kay is talking a lot of nonsense.

The judge said also, "Declarations and affidavits have to be made in connection with certain claims and no-one seems to find difficulty in obtaining a justice of the peace or commissioner of declarations to be a witness." However, the judge did not recommend that a commissioner of declarations should be able to sign an enrolment card. He went on to say, "I consider the people who should be witnesses to electoral claim cards are justices of the peace, police officers, or electoral officers." He has not mentioned a commissioner of declarations.

Not long ago this matter was mentioned by the Law Reform Commission. It was reported recently to the Western Australian Government that the class of witnesses to statutory declarations was too restrictive and imposed hardships on people trying to find an appropriate witness. The Law Reform Commission had a different view from that of Judge Kay.

The judge mentioned also illiterate natives appearing on the roll without knowledge of their enrolment. I heard a great deal of the evidence given at the Court of Disputed Returns. Judge Kay has used a sledgehammer in attacking a number of the small sections in the Electoral Act. If he adopted that approach with the Aborigines I can imagine he would not get much sense out of them, because they are timid people. Although they were very genuine, they were very timid when giving evidence and had to be led to some extent so that we could find out the exact position.

If one asked an Aboriginal whether he had filled in a form in order to receive his fortnightly cheque, he probably would not know. He would probably know he had filled in some forms at some time; but he would not know what they were about. Departmental officers register children when they are born. A signature, or mark of some kind, is required from the mother or father. Aborigines would not always be sure of the forms they had signed. There is nothing unreal about that.

It was suggested also that the forms could be witnessed when the station truck goes into town or when a police officer makes his periodic visit. Aborigines usually are regarded as being a little mischievous. That is the attitude some policemen adopt. As a result, Aborigines generally treat policemen in a coy manner to say the least. They do not seek them out, because they regard them as being the sort of people who stand over them or who put them in their places. Aborigines are not likely to ask these sorts of people to help them with enrolment cards.

One witness said, "Of course, these days we all have wheels." He said, "People from the central reserves come down to Kalgoorlie for sporting fixtures and to buy cars." I cannot imagine Aborigines would go racing along to an electoral office to have their cards witnessed. They might have come down to a race meeting to have a bet, as they are prone to do, or to buy an old jalopy which a second-hand dealer cannot sell to anybody else. Certainly they would not be filling in forms. Of course, if they buy a second-hand car they have to sign the record of the transfer of the vehicle. That is correct in law. Nobody has objected to that where a legal transaction is involved, because somebody is making money out of it.

I do not think a case has been made out that there was any indication of false enrolments. I agree with my colleague that the change in the definition of the word "native" to the word "Aboriginal" is in accord with the practice when amending our legislation.

Judge Kay refers to the possibility of people with two names being enrolled twice. He also said that these people, for obvious reasons, were not likely to enrol because they would be committing themselves in the eye of the law against the Act of 1923 which requires a person to give his proper name, and the name he has acquired legally during his lifetime. Women can have quite a number of names if they have been married several times. As long as they have legally acquired those names they can use any one of them. However, a male has to use his given name unless he changes it by deed poll. So, there would be a problem confronting people who wanted to hide from others. Naturally, they would not be likely to enrol.

Two returning officers said they considered there had been undue duplication in the rolls, but the electoral officer at the Kimberley by-election said there was no duplication by nomadic or illiterate people, or any other people. It was also stated that there was a trend to enrol nomadic or illiterate persons. That is only natural. As those people meet others who travel through the area they become more inclined to be enrolled. The suggestion can come from their own people, or from caucasians. I realise that to induce an Aboriginal to enrol is unlawful under the Act; he must do it on a voluntary basis. However, there is nothing wrong with a person saying, "Jacky, when in town next time you should go to the post office and pick up cards to enrol."

If an Aboriginal has the intelligence, which usually most of them have, he would be inclined to become enrolled. I will now refer to the table I mentioned earlier. It sets out the following details—

> A check completed on 19th May 1978 in respect of all fifty-five electoral districts revealed the following duplications:
>
> | | |
> |---|---|
> | Second Christian names added | 113 |
> | Second Christian names deleted | 40 |
> | Same person, different birth dates | 12 |
> | Christian names spelt differently | 9 |
> | Third Christian name added | 2 |
> | Misfiled, for various reasons approximately | 950 |

It is about time the State Electoral Department handed the job over to the Commonwealth. I want to take the Minister to task on his statement that such a move would not save much anyway. In comparing the costs in Western Australia with those of New South Wales, I found that the estimates for the current year showed the allocation for salaries associated with the employment of 29 personnel to be $343 000. For the same period in New South Wales—which is a much larger State demanding a more exacting task involving a larger number of electorates—the salary bill was $268 946. That was the figure, despite the fact that the commissioner in that State receives $31 500 compared with our Chief Electoral Officer who receives only $24 900. That indicates a considerable difference. Of course, added to that expense is stationery, travelling, administration, etc. The estimate for this year showed a grand total of some $588 000 in Western Australia.

Half of that sum of money could be applied to other avenues in this State. The departments are always pressing the Government for additional finance, and I do not know where one would be likely to find an equivalent nest egg. There would be no problem in getting over the Commonwealth requirement. Of course, the Commonwealth would not handle the rolls for nothing; it could require a sum of $100 000, or a set fee, from the State. But, the Commonwealth does it for the other States and, in some cases, it also keeps the municipal rolls. The Commonwealth would do the job properly and save the duplication of stationery, printing, and other extra costs which are quite unnecessary in this day and age.

When one compares the figures which are available for the various States, and when one studies the various Budget papers, one sees it is high time the Government had a look at the direction in which it is heading. The Government is spending money unnecessarily while, at the same time, claiming it has no money. The Government has to reorient its thinking.

In the by-election of the 17th December, 1977, in the Kimberley electorate a check of replies received from form 40 sheets revealed nine cases of duplicated names. That is not very many; it is very few. I do not go along with Judge Kay's thinking that that is a reason to alter the present system. The report states it was suggested some administrative machinery process should be devised to cope with the problem of duplication. For example, the report states that duplications appeared in the electoral roll stating both names and under both alphabetical lists. That would ensure that such elector could vote under either name but could not record more than one vote by possibly using both names at different addresses. That would be an absurdity, and Judge Kay ran

away from that problem in his recommendations because he realised these people would condemn themselves and probably cause themselves more trouble with the law by using assumed names.

On the question of assumed names, in his conclusions on the matter Judge Kay reported—

> There are duplication of names on the electoral roll but, there is no evidence of any wilful effort to enrol a person twice. It usually occurs through the spelling of difficult names and the mis-spelling by energetic party workers. I find there is no undue duplication of names.

That indicates there is no real need for change from the present system. The report carries on to state that it would be an offence against the Change of Names Act, 1923, for a person to be on the roll under two names.

Mr Bertram: There has been one prosecution in all these years.

Mr JAMIESON: That was probably due to some slip on the part of the electoral office.

Under the heading, "Access to and Contact of Supporters of Candidates and Political Parties" the report states—

> It is quite natural that candidates and their party supporters want to distribute their literature to as many people as possible and to endeavour to persuade the population that the path they are treading will lead to Utopia but, while this satisfies the candidate and his followers, it may have harmful effects on the people who are expected to absorb what is being thrust upon them.

Some people are sick physically, and some are sick mentally. It seems to me we should not deny people, whether physically handicapped, temporarily handicapped, or suffering from some mental complaint, the right to vote. I suggest we should look at the way we allow people to be contacted.

As the member for Morley pointed out, Judge Kay referred to the newspapers, and said that he considered people were becoming rather lazy in their attitudes to elections. We admit this. The Australian electors are probably the laziest in the world. If one refers to the *Hansard* reports of the past, when voting was first made compulsory, one will see that we were getting down to around 17 per cent voting at an election. The situation was becoming ridiculous, and we were getting away from responsible government into an area of government by a minority decision.

I have always stated in this Chamber that while it is compulsory to pay taxes and compulsory to go on jury service, it should also be compulsory to accept one's responsibility when there is an election and make a determination as to who shall be elected to govern the State. It is as clear as that. People do not pay taxes voluntarily, and they do not go on jury service voluntarily. People would not vote if we did not have some form of compulsion. There is no doubt that we need that compulsion in this country, and people accept it. Few people growl about it. Occasionally a person will take action in the court claiming that his civil rights have been offended. We will always get that interpretation by some people. Judge Kay said—

> In my opinion, this is pure laziness. A patient in hospital has opportunity to acquaint himself or herself with the candidates, the parties and the manner in which the candidate wishes him or her to vote.

Judge Kay claims that people should not be allowed a how-to-vote card when they are in hospital. He considers them to be second-class citizens. An ordinary citizen is able to pick up a how-to-vote card. Some of those sick people could be quite capable of voting, but the recommendation is that they should not vote.

I must admit I was always a little naive about the activities of the Electoral Department, even though I have been in this place for 26 years. I always thought that when a postal vote was applied for, the signature for the postal vote was checked with the signature on the enrolment card. However, according to Judge Kay, that is not the case. The signature on the counterfoil that is returned is checked with the signature on the original application. Our system operates quite differently from the Federal system—our applications do not need a witness to a person's signature.

It is strange that it is important to have one's signature witnessed by a justice of the peace or someone in authority when one is making an enrolment claim, but when one is filling out a postal vote—where some jiggery-pokery can take place—one's signature need be witnessed only by another elector. In fact, when the original application for a postal vote is made, it is not necessary for a person to have his signature witnessed. It appears that this situation was completely overlooked by Judge Kay. It certainly appears that he did not look at the forms associated with postal voting. In his report he said that regular checks are made by checking the signature with the enrolment card for permanent postal voters.

It so happens an old friend of mine was the Chief Electoral Officer at one time. He told me that such checks had never been carried out. So I was rather amazed when the Kay report was tabled to see in it that checks were made. So I asked a question in the House and I found that my original information was quite correct. The checking that was referred to was the checking of the cards against the roll. If a person submits another enrolment card, the computer will throw out his original card. As the registration cards are typed from the enrolment claim, a check would not do much good—one would match the other. So it seems that a rather ludicrous exercise is carried out every now and then. The records show that 13 checks of the registrations against the electoral rolls have been carried out since 1971. I do not think that is a very thorough check. What needs to be checked is whether the person seeking a postal vote is now living most of the year in a metropolitan electorate, and yet claiming permanent postal voting rights for an area in which he lived at one time. The reply to my question continued—

> The 1976 review of pastoral lease owners commenced on the 27th July, 1976. Replies prior to that date were not retained. The 1979 review commenced on the 7th August, 1979.

That was about the time I submitted my question to the Chief Secretary so obviously it was thought rather important to get on with the checking. Obviously Judge Kay had been told that such checks were carried out. So we really do not know just how sound was the evidence given to Judge Kay by the Electoral Department.

Judge Kay states something in the report that leads me to believe he is more naive than one would expect a person of his mature age to be. He said—

> If we cannot trust the Presiding Officers to fill in the voting paper of a handicapped person according to the desires of that person then we may as well scrap the whole system.

In such matters as this experience counts. I have had a long experience in relation to elections. I well remember one presiding officer coming to speak to me while I was standing outside a polling booth on an election day. He said, "When I entered the booth a while ago, there were about 15 Senate papers lying there. I certainly did not waste them." I suppose he acted quite dishonestly, but in accordance with his own conscience. From my experience I know what can happen on an election day when a voter is presented with two papers at the same time. Very often he fills in the paper for the House of Representatives, and does not worry about the Senate paper. This electoral officer told me that he did not waste such papers. It is very naive to suggest that electoral officers do not have their own political likes and dislikes.

I believe that one officer who was on duty in the Kimberley electorate at the last general election and for the by-election was a branch officer for the Labor Party. His political affiliation was well known to members of the Liberal Party, but I do not think there were any complaints about him. He did his job thoroughly and well on that occasion. However, if no-one is present to ensure that a returning officer is doing the right thing, there is nothing to stop him filling in a paper how he chooses for an illiterate voter. Perhaps this is quite dishonest, but it does happen.

One cannot always be sure that the Aborigines fully understand what happens with our voting system. However, they are sensible people.

I was rather displeased with Judge Kay's comments about the situation at Strelley. Judge Kay thought there was nothing wrong with a 100 per cent vote for one particular candidate. He said that the Aborigines had got together and made a decision. Certainly they have the right to vote in unison if they want to, but it looks rather suspicious when something like that occurs.

I do not think that this was a good inquiry into the electoral system. In my opinion it would have been better had the inquiry been undertaken by a person familiar with the electoral system. Obviously a member of the judiciary would have little experience of the happenings around about an election period.

Finally, I would like to refer to the portable polling booths. The member for Gascoyne interjected and said, "Why would you want to know when the booths are moving about?" I imagine that if he discovered a booth had been moving around the outer Gascoyne area and that when it was opened the votes were all for the Labor Party, he would say, "Wait a minute—what went on out there? Why was I not allowed a scrutineer?"

Mr Pearce: He is fairly confident it would come back all Liberal.

Mr JAMIESON: The Liberal Party would be quite justified in saying, "What went on out there?" We need something to keep us all honest at election time. Everyone wants to gain as many votes as he possibly can. However, we must do so within the scope of the law, and some candidates seek to go a little outside the law on occasions. To that extent some of the provisions in the Bill are quite good, but we cannot have these provisions

without others. Some of the activities of the organised women's groups of the Liberal Party in the past have been deplorable. We have been quite shocked at some of the tactics used.

As my time has nearly run out, I will refer to some other matters during the Committee stage. We need a thorough review of the whole situation. Perhaps we could bring in an electoral officer from another State to undertake a proper inquiry.

MR LAURANCE (Gascoyne) [9.25 p.m.]: I rise to indicate my support for the Bill before the House. I would like to cover briefly some of its worth-while provisions, and the reason for my support for them.

Clause 3 will delete the passage in the Act relating to "electoral expenses", and, therefore, the limitation on these electoral expenses. This is an important move as that particular provision has proved to be outdated and irrelevant. It has led to many anomalies.

Mr Bertram: What were the anomalies?

Mr LAURANCE: These were referred to by the leading Opposition speaker, and also, by way of interjection, by the member for Murray, who indicated that these amounts could be spent by any person.

Mr Pearce: Did you break that law?

Mr LAURANCE: No, I personally had no problem with it. There was a great deal of difficulty with the interpretation of the provision, as Judge Kay indicated.

Mr Pearce: You did not confine yourself to the limits; you did the same as everyone else.

Mr LAURANCE: I was able to state that I was well within the limit. However it was difficult to know just what was meant by the term "expenditure".

Mr Bertram: Is there any law without anomalies?

Mr LAURANCE: I do not think so. However, these anomalies will be removed because the provision is to be deleted.

I would like to move on to the next provision.

Mr Pearce: I suggest that you do.

Mr Bertram: You may do a little better on this one.

Mr LAURANCE: It is proposed to delete the word "native" and substitute the word "Aboriginal". This is an updating that is long overdue.

Mr Jamieson: It will help them to enrol immensely!

Mr LAURANCE: I think it is significant.

Several members interjected.

Mr LAURANCE: The Bill will also clarify the voting rights of prisoners, and it will provide for postal votes for those prisoners who qualify. If will also make it an offence to persuade or induce an elector to apply for a postal vote. Judge Kay referred to the need for this provision in the legislation.

Another provision relates to the use of mobile polling booths in remote areas. I agree with the intention of this provision, but I would like to sound a note of caution. Already the interjection I made while the Opposition lead speaker was on his feet has been referred to by the member for Welshpool. I asked a question of the member for Morley for a particular reason. He said that candidates should know when polling booths are to be in the area.

During the last National Aboriginal Council elections, mobile polling booths were used for the first time, to my knowledge, in my electorate. There were several difficulties with that election, and I believe similar problems could arise if mobile polling booths are used for the State election. So for this reason I would like to outline the problems mentioned to me by the candidates themselves and by Aboriginal voters when these booths were used.

It was difficult to advise the Aboriginal people in the remote communities that mobile polling booths would be available on a particular day. Some Aborigines complained that the booths had come and gone without their knowledge.

Mr Jamieson: We used these mobile booths for our pre-selection ballots, and I know what they are like!

Mr LAURANCE: I was told by one of the candidates that undue influence had been brought to bear on people voting at a mobile polling booth by one of the candidates—in fact, one of the candidates who won at the election.

Mr Jamieson: Under our system he cannot take part.

Mr LAURANCE: One of the defeated candidates actually entered the mobile polling booth—

Mr Jamieson: There was something wrong with the Electoral Act.

Mr LAURANCE: That is right. There was nothing to stop one of the candidates who just happened to be in the area of the mobile polling booth, from influencing voters. This was a claim made by one of the Aboriginal candidates against the winner. He contended that the winner of the election followed the mobile polling booth around

and exerted undue influence on the people to get them to the booth.

Mr Barnett: What was the "undue influence"?

Mr LAURANCE: This is carefully documented; I will give the member a copy if he so desires. This person came to me, as his local member of Parliament, and said he wanted to lodge a complaint about the way the election was handled. I said, "This is a serious matter. If you want your complaint to proceed to the proper quarters, you should detail it in writing", which he did. I then referred his written complaint to the Federal Minister in charge of the Department of Aboriginal Affairs.

Mr Barnett: Did you tell him what the "undue influence" was?

Mr LAURANCE: Yes.

Mr Barnett: Would you tell us?

Mr LAURANCE: I am not making any claim; I simply said that an Aboriginal candidate at the election complained that the winner of the election followed the mobile polling booth around, and by exerting influence in a number of ways—

Mr Bertram: It is now "influence" is it? A moment ago it was "undue influence".

Mr LAURANCE: —by inducement to get people along to that mobile polling booth he had an advantage which for a number of reasons was not able to be exercised by the other candidates in the election.

Mr Bertram: What did the Minister do about it?

Mr LAURANCE: The member for Mt. Hawthorn obviously would not have been concerned about this matter, but I was worried that an Aboriginal in my electorate experienced difficulty and I gave him the due regard his complaint deserved.

Mr Bertram: Do you intend to tell us the result of your representations to the Liberal Minister?

Mr LAURANCE: I certainly do: He indicated he was not prepared to upset the result of the election.

Mr Bertram: He did not agree with your argument?

Mr LAURANCE: It was not a matter of my argument, but a complaint from a constituent.

Mr Bertram: "Undue influence" became "influence" and then it was tossed out by your own party. The Minister was unimpressed.

Mr LAURANCE: No; in fact, the Minister was very concerned about the election, as were the Aboriginal people involved. However, there has not been another NAC election since that time.

Mr Pearce: Would you accept that it is a slightly different kettle of fish in a State election; it would not be a question of using influence to get people to vote in a compulsory election. Any candidate who followed a polling booth around handing out how-to-vote cards would be in no different a position from someone standing outside a fixed polling place.

Mr LAURANCE: I take the point about non-compulsory voting. However, I make the point that if it is possible under those circumstances for a person to follow a mobile polling booth around in order to influence people, it is equally possible under our system for all candidates to follow the booth around. I can see a situation developing where pressure will be exercised on electors in the vicinity of the mobile polling booth.

Mr Pearce: But are not candidates prevented from canvassing?

The ACTING SPEAKER (Mr Blaikie): Order!

Mr Pearce: I said only a few words; that is a bit rough!

The ACTING SPEAKER: Order! I can assure the member for Gosnells I can be a bit rough if I am required to be. The debate is degenerating into a Committee-style discussion. I ask the member for Gascoyne to continue his remarks.

Mr LAURANCE: Although these mobile polling booths are used only in very remote locations, I am concerned at the allegations which have been made.

I turn now to another point which concerned me previously and which is to be rectified by this legislation; I refer to the questions which may be asked under section 119. These are to be simplified so that information as to whether a voter has voted previously on that day can be ascertained using less formal language than previously was the case. It is quite obvious this information may need to be ascertained, but not necessarily in the difficult and formal way provided for under the present Act.

I refer now to clause 8 of the Bill, which restricts classes of people who may witness an enrolment card. The recommendation of Judge Kay in this respect has been taken into account. Judge Kay's report on the Electoral Act is a very detailed one. He gave particular attention to his recommendation relating to the people who should be empowered to witness an electoral claim card. At page 12 of his report, Judge Kay stated that evidence was given in the Kimberley of illiterate Aborigines being on the roll without knowledge of having made any application to be placed thereon. So, obviously he did receive evidence during the inquiry that abuses were

taking place which were widespread enough to be a point of concern and to lead to him to make a recommendation with a view to overcoming the problem.

If restrictions are to be placed on the people who may witness electoral claim forms, we could debate at great length just where they should end. I believe the people specified by Judge Kay have been recommended for very good reason; all are involved in the community and have a responsibility to identify the person signing the claim form.

Suggestions have been made in this House and in the community at large that other classes of people should be included. However, none of those people, including a commissioner of declarations, has the same responsibility as a justice of the peace for being absolutely sure the person signing the electoral claim form is in fact who he claims to be. So, the classes of people involved do have some responsibility to identify the voter.

Mr H. D. Evans: What about members of Parliament? Do they have a lesser degree of responsibility? Probably, they would have even greater responsibility.

Mr LAURANCE: That should be the case.

Mr H. D. Evans: What about a Commonwealth electoral officer?

Mr LAURANCE: The member for Warren is missing the point. We are talking about the State Electoral Act; we have our own electoral officers.

Another point made by Judge Kay is worth noting. At page 11 of his report he stated as follows—

> Ease alone should not be the sole consideration in the witnessing of a claim form. I think the other factor of making sure that everything is correct far outweighs the question of ease.

Mr Bertram: Would you be good enough to describe for us in some detail why you say a commissioner of declarations is not competent to witness a claim form?

Mr LAURANCE: I did not make that claim. Very briefly, for the member for Mt. Hawthorn only, I will repeat that he does not have the same responsibility as a justice of the peace to identify the person making the declaration.

Mr Bertram: Are you suggesting a CD cannot do that?

Mr LAURANCE: I am not saying that at all. I have said it twice; I will not repeat it again.

Mr Shalders: You will need to repeat it at least half a dozen times for it to sink in for the member for Mt. Hawthorn.

Mr LAURANCE: Members opposite have made the statement that the right to vote is an important one; of course, we on this side wholeheartedly agree with those sentiments. Obviously, the point made by Judge Kay that ease alone should not be the sole consideration becomes very important. It is important therefore that persons going onto the roll have a responsibility to make sure they are not abusing that right, and that people witnessing claim forms do not abuse that right.

It has been claimed by members opposite that it would be difficult for people in country areas to get to these classes of people and have them witness their electoral claim forms. However, in most country towns the clerk of courts takes a very prominent role in the community. He must be approached for a great number of reasons. A clerk of courts in a country location has a general range of duties which bring him into daily contact with the local people.

Mr H. D. Evans: What percentage of country towns have a clerk of courts?

Mr LAURANCE: They either have a clerk of courts, or one visits the town.

Many people—I presume in the city; certainly this is the case in the country—obtain their enrolment cards from a branch of the post office. Therefore, they must go to a place in the community to obtain their claim cards.

Mr Stephens: They could approach their members of Parliament.

Mr LAURANCE: That is right; they could go to the electorate offices. However, such offices have been in existence for only a couple of years.

Mr H. D. Evans: Would you not say an officer of Australia Post?

Mr LAURANCE: No, I would not. People must go to a local town to obtain their cards and in many cases the local police station is just as accessible as a post office. This Bill will mean that people can go to the local police station and obtain their electoral claim cards and have them witnessed by the police on duty.

Mr Bryce: Why do you not trust a post officer?

Mr H. D. Evans: The police are not always available.

Mr LAURANCE: The police are more accessible to the public in such places than employees of Australia Post.

Mr Stephens: Don't you understand the situation in country towns?

Mr LAURANCE: That is a funny question to ask me, coming from a member representing a near-metropolitan electorate.

Mr Stephens: A person could drive 20 miles to a country town and find the policeman is away on duty; he then must drive 20 miles home again.

Mr H. D. Evans: Don't the police ever go on patrol in your small country town?

Mr LAURANCE: Yes; that is exactly when people are going to have their electoral cards witnessed.

Mr Bryce: What is wrong with the local clergyman?

Mr LAURANCE: Judge Kay restricted the classes of people who should witness claim cards; we could argue forever just where those restrictions should cease. I have advanced arguments as to why I support the restrictions Judge Kay has recommended in order to overcome abuses.

Mr Cowan: How much of that evidence was substantiated?

Mr LAURANCE: Is the honourable member refuting Judge Kay's findings?

Mr Cowan: I am asking you a question.

Mr LAURANCE: Apparently the honourable member does not intend to refute Judge Kay.

Mr Cowan: You cannot tell me how much was substantiated.

Mr LAURANCE: The judge had the information before him. The honourable member is entitled to disagree with his findings.

Mr Cowan: I am simply asking you whether it was substantiated.

Mr LAURANCE: It was substantiated in evidence before the judge.

Mr Cowan: There is a difference between somebody giving evidence, and having evidence substantiated. If you do not understand that you do not deserve to be here.

Mr O'Neil: That is why the evidence was given before Mr Justice Kay.

Mr LAURANCE: Judge Kay emphasised the importance of his recommendation in respect of people enrolling for the first time or re-enrolling if they have been taken off the roll for any reason. However, for a simple change of address, he suggested this provision should be relaxed. I agree with that recommendation and with the amendments which have been placed on the notice paper, whereby the legislation will now embody not only Judge Kay's recommendation but also the other provisions contained in the body of his report that this witnessing provision should apply only to people going on to the roll for the first time or for re-enrolment if they are taken off the roll.

I am disappointed that as a result of this legislation being before the House, Aborigines particularly in many areas of the State have been dragooned into signing electoral cards.

It is interesting to note that at the moment Aborigines have the right not to be on the roll. This has not been expressed in the debate so far. Other citizens incur a penalty if they are entitled to enrol and do not; but an Aboriginal person does not have to be on the roll. Once he signs an electoral card and is put on the roll he has other responsibilities. He has to vote, and if he does not he can be fined. For that very reason, although I have a significant proportion of Aborigines in my electorate, I have never canvassed them and tried to get them on the roll. I have always helped Aborigines if they have come to me for assistance.

Mr Bryce: Only if you have an iron-clad control over their votes.

Mr LAURANCE: I have been more involved with Aborigines than any other member of this House. I am open to correction, but I doubt that I am wrong. Looking around the Chamber, I do not see any member who has been more involved with these people than I have.

But people have been dragooning Aborigines to go on the roll, and this will backfire on those people. Already responsible Aboriginal leaders have told me that these people are not going to enjoy being fined for not voting. They did not want the responsibility anyway; they were forced into it by someone who wanted to manipulate them and abuse their power.

Mr Tonkin: Who?

Mr LAURANCE: The situation is that these people who have been dragooned into having their names placed on the roll will, in many cases, have their names removed before they get to vote, because they will not answer correspondence; they will not realise they have been given this responsibility.

Mr Bryce: Are you objecting to their being on the roll?

Mr Pearce: What correspondence won't they answer?

Mr LAURANCE: I am sure there are several members on the other side of the House who will write to all new electors who come onto their rolls. Some of the correspondence will come back

"Return to Sender", because the people have not answered it.

Mr Bryce: Do you then take them off the roll?

Mr LAURANCE: The member for Welshpool has made his point strongly that it is important the rolls be kept up to date; he has said this is one method of doing it.

Mr Bryce: I asked whether you were doing it.

Mr LAURANCE: Many people will not vote because they will not realise the responsibility placed upon them when signing an electoral card; a card which has been forced upon them by people wanting their votes. Many people will be fined and they will not enjoy it. This will act against the people who are putting them into this position; the people who are manipulating and abusing the Aborigines. They are showing a callous disregard for people in this position.

I believe the moves being made to canvass Aborigines, to go amongst them and get them to go on the roll, are being made by people who are concerned only with power and the abuse of that power.

Mr Jamieson: That is what politics is all about.

Mr LAURANCE: They are not concerned with respect for Aboriginal people; they are not concerned about the Aboriginal people at all. These people are purely using and abusing the Aborigines.

Mr Bryce: It is unbelievable what words flow from this man.

Mr LAURANCE: There is a certain drive in my area, as no doubt there is in other areas. I am fairly close to the situation in my electorate. I put the word out amongst the Aboriginal people and others and said, "If there is a drive on, who is behind it? Who is this team of people going out into Aboriginal communities and harassing them to enrol?"

The word came back very clearly that two people were involved. I said, "Surely there must be more; the great ALP machine must be moving into action. There must be hundreds of them." I was told that in the Gascoyne area there were two people. I was told they were two women.

Mr Tonkin: Why do you call it harassment?

Mr LAURANCE: This is the feed-back I am getting from the Aboriginal people.

Mr Bryce: They used the words "harassment" and "dragooning"?

Mr LAURANCE: Yes.

Mr Bryce: You have not coloured it?

Mr LAURANCE: There is a simple answer to the Deputy Leader of the Opposition's query: For many years I taught these people, so they know all these terms.

The two people concerned both happen to be prominent members of the Australian Labor Party. So now we can see who is going out to these Aboriginal people and harassing them to get them on the electoral rolls. The Aborigines do not want to be fined at the next election. If they do not want to be fined they will have to be used at the next election—but it will not be by me. When they come to me and ask why they are being fined I will tell them it is because two people from the ALP rushed around so that they could try to manipulate the Aborigines' power.

Mr Bryce: I thought you were a man of principle.

Mr LAURANCE: One of these women is the local secretary of the ALP branch in my area.

Mr Bertram: What is her name?

Mr LAURANCE: The member should be able to find out from his branch records.

The other woman is involved in the community. Incidentally, she gave evidence before Judge Kay and said that she was not a member of any political party. She gave evidence under oath.

Mr Jamieson: She may not have been.

Mr LAURANCE: That is true. At that time she went on record, under oath, and said she was not a member of any party. I go on public record to say that she is now a member of a political party. It would be a serious matter if she had been a member at that time. She is certainly a member of the ALP now.

Mr Bertram: What evidence do you have of that?

Mr LAURANCE: The member should find out for himself and refute my information if he can; I would be surprised if he could. These two people are also influencing a number of publications coming out in my area. One such publication is the *Carnarvon Aboriginal Newsletter*. The first edition is for August, 1979. This newsletter was sent to all householders in the area. Many people in my area were disturbed at what they read. I shall quote portions of an article headed, "Election enrolment", as follows—

> There are about 600 Aborigines in the Gascoyne who could vote. If they were all on the roll they would hold the balance of power. That is, it could be essential for the politicians standing in the election to win the Aboriginal vote if they are to win the seat. This means they would have to listen to the demands of Aborigines.

It goes on—

> The Carnarvon A.L.P. will have an Electoral assistance table outside P. Jay's next Saturday, where you can fill out electoral cards.

That disturbed many people in my electorate.

Mr Tonkin: Why?

Mr LAURANCE: It disturbed many ALP supporters, because it was a naked threat. That is only one group in my community. It would be possible for any group to be told it had the balance of power.

Mr Pearce: Many groups do.

Mr LAURANCE: Here we have a particular group serving notice on the other electors that it intends using their position if they manage to get the balance of power in the electorate to demand that their particular requests be met.

Mr Pearce: You should have policies that are attractive to them if you want their vote.

Mr LAURANCE: I agree with that.

If this had been done by Aboriginal people, it would be a worry to many people in the community, including Aboriginal people who have come to me and said they are concerned about this.

The worst aspect is that is has been organised by one or two white people, not by Aborigines. Here we have a small group of people hoping to rush out and abuse and manipulate the Aborigines to the point of commanding power. I have more responsibility and concern for the Aboriginal people than to take part in such an exercise.

The SPEAKER: Order! In the last few minutes there have been a number of occasions when there has been some noise from the gallery which, in my view, could tend to disrupt the proceedings of Parliament. I ask those people in the gallery to kindly remain silent.

Mr LAURANCE: This is a very callous exercise on the part of a very few people in the community who have been indentified as ALP members. They have been identified as trying to abuse and manipulate one section of the community by giving them the balance of power in the electorate. It is unfortunate that these people have such little respect for the Aboriginal community.

Mr Bryce: The member is frightened of Aboriginal people having the right to vote.

Mr LAURANCE: Not at all, because my links with these people are strong. These callous people are itinerants who will have gone from the area soon. I have lived in the area for 20 years; after these people have gone I will retain my links with the Aboriginal people. Out of pure respect for the Aborigines, I will not push them into getting fined on election day.

It is very disappointing that such a small group of people have attempted to abuse their position in the community and to manipulate these Aborigines, many of whom make their own move to get on the roll and are assisted by me and other people in the community.

I am talking about people who want a vote and who do not want to be fined or abused. It is a sad experience to see that this is happening. It will not make any difference to the election result. Many of these people will not be on the roll by the time the election takes place.

Mr Bryce: You will take them off.

Mr LAURANCE: If I do not take them off others will; it is standard procedure.

Mr Bryce: It is a tactic the Liberal Party uses throughout the State to wash the rolls.

Mr LAURANCE: All members who write to new electors obviously would do the same thing; otherwise they are not ensuring the roll is up to date.

I have no doubt that the people who have gone out amongst those communities to get the Aboriginal people on the roll will go through the sickening experience of trying to force them to the polling booths on polling day.

The member for Welshpool said that it was naive and unrealistic to try to say that these people did not want to vote or did not want to use their vote. I suggest the only way they will record a vote is if they are dragooned to the polling booth.

The member for Morley when opening the debate for the Opposition said that we were trying to prevent these people from having a vote. The only way these people will lose an effective vote is if the ALP is ever able to implement its policy of having one-vote-one-value. The ALP goes out into the country and openly states that it wants to remove country representation.

That is the real threat; there would not be a member for the Kimberley. The Liberal Party stands for equality of representation. We believe people in remote areas should have an effective vote which gives them a member of Parliament to represent their area.

Mr Bryce: What about the seat of Pilbara?

Mr LAURANCE: I have made a statement, quite clearly, on that matter, and the member opposite can read it in *Hansard* to see what I said about the seat of Pilbara.

Mr Bryce: I made the statement long before you were a member of Parliament.

Mr LAURANCE: I made the statement that I regard it as something that should be changed.

Let us turn to the seat of Kimberley because so much has been said by the member for Morley. Members opposite claim the Liberal Party wants to retain the seat. Not only do we want to retain the member for Kimberley—who has done an excellent job—but also we want to retain a member in the Kimberley. The only way the Kimberley people can lose the present member for Kimberley is for the ALP to implement its policy. The people in the Kimberley want a member to represent them. The ALP does not want a member to represent the Pilbara, or a member to represent Gascoyne. People have been pushed on to the roll in my electorate. The only way the people can lose me is for the ALP to implement its policy. The ALP does not want a member to represent the Gascoyne area.

We stand for a policy which puts a member in that area. A member has represented the area since 1890, and if I have my way that representation will go on for many years. The ALP is commited to a policy which will remove members of Parliament from the Kimberley, the Pilbara, and the Gascoyne areas. We provide the only real electoral representation for those areas, and if the ALP has an opportunity it will remove that representation. Fortunately, people in northern areas recognise this and will never give the ALP the opportunity to implement its policy. I support the Bill.

MR HODGE (Melville) [10.05 p.m.]: I enjoyed the earlier parts of the speech made by the member for Gascoyne which I found to be quite humourous in places. It was obvious the member was embarrassed and ill at ease, and he made his speech somewhat with tongue in cheek. It was amusing and brightened up the debate. However, his speech went sour when he started to tell us about his deep concern and respect for the Aboriginal people. Those remarks came from the lips of a man who belongs to a party which was found to be guilty of cheating thousands of Aborigines out of their right to vote. However, the member for Gascoyne stood up and told us that he had concern and respect for the Aboriginal people.

In his concluding remarks he tried to mislead the House—and anyone who reads *Hansard*—by claiming that the ALP wants to deprive the people of Kimberley, and the people in other country electorates, of their parliamentary representation.

Mr Laurance: You are; that is your policy.

Mr HODGE: That is completely untrue. As the member for Morley has stated, the Tonkin Government introduced legislation which would have provided for a unicameral system. Under that system there would have been approximately 80 members of Parliament to represent this State. That is a subject the member for Kimberley and the member for Gascoyne do not like to talk about.

The Government claims the amendments contained in this Bill are founded on an impartial and independent investigation headed by a judge. At face value, that all sounds very proper and respectable, and the Liberal Party places a lot of store in appearing to be respectable and proper.

When we look closely at the independent and impartial expert inquiry by the judge, we really have to look at the terms of reference. We also have to look at the judge's qualifications for the inquiry. Was he an expert on political matters? After all, it was a political inquiry; it was not a judicial inquiry. There were no matters of law before the judge; it was an inquiry of a political nature. I have heard no evidence in support of the fact that the judge had any expertise in political matters.

We should look to see who drew up the terms of reference for the inquiry. Obviously, it was the Government. Who is the Government? It is the Liberal Party. So, one political party in this State drew up the terms of reference for the judge to inquire into our political system. The terms of reference were very carefully drawn up by whom, we do not know. I suppose it was—on the surface—the Attorney General but in reality it was probably the backroom boys in Colin Street.

The terms of reference were drawn up in a cunning and careful way to make it difficult—if not, impossible—for Aborigines and illiterate people to be able to claim to be enrolled, to vote by post, or to claim a vote at polling booths.

The terms of reference made it impossible for the judge, even if he had wished to, to inquire into actions that could possibly disadvantage the Liberal Party. The terms of reference were so narrow there was no way for the judge to inquire into any matter that could possibly disadvantage the Liberal Party. Why were the terms of reference so narrow if the Government had so much confidence in the judge? Why was he not given wider terms of reference, and why was it not left to his discretion and judgment to recommend wide-ranging changes? Obviously, the Government did not have as much confidence in him as it claimed. The Government gave the

judge narrow terms of reference which virtually put him in a straightjacket.

Why was not the judge authorised to examine the question of one-vote-one-value? Why was he not authorised to look into the percentage of population variation allowed between electorates? Why was he not authorised to define the metropolitan area boundary; the funding of political parties by the Government; party affiliations; ballot papers; a system of preferential voting reform for the upper House; the introduction of proportional representation, or the system of a unicameral Parliament? Why was not the judge directed to investigate all or any of those matters? They are all important matters which should have been investigated, but they were not.

Why should one political party in the system be allowed to dictate the terms of reference in the inquiry? Hundreds of thousands of people in the community vote for the Australian Labor Party and they are dissatisfied with the present electoral law. Hundreds of thousands of Western Australian citizens consider the present electoral laws to be corrupt and unjust. Did not those Western Australian citizens have a right to have their wishes taken into account by the judge when he was investigating the electoral laws?

Our electoral laws have always been drawn up by conservative political parties in this State. The Australian Labor Party has never been able to draw up electoral laws in this State, and has never been able to alter the electoral laws without the approval of the conservative parties. Of course, we have never had control of the upper House. When there is a Labor Government in office in this State we have a *de facto* arrangement whereby the Government in office is controlled by the Legislative Council. So, the electoral laws on the Statute book in this State, introduced and passed by the Liberal Government, dominate the Parliament.

One of the most worrying aspects of the Bill now before us is the abolition of all limits on expenditure on elections. The member for Gascoyne touched on this briefly, and he thought it was a great idea. I suppose most Liberal Party members will agree that it is a great idea, particularly as they always outspend their opponents by substantial amounts.

Mr Bryce: By 10:1.

Mr HODGE: I happen to know that during an election not so long ago in the Fremantle area the Labor candidate was outspent by 10:1. The Labor candidate spent $4 000, and the Liberal candidate spent $40 000.

Mr Clarko: Did you say that election was in Fremantle? It was a waste of $36 000.

Mr HODGE: Well, it was spent by a Liberal candidate.

Mr Clarko: I wonder where you got your evidence. Do you have receipts, or have you just added it up? You cannot possibly support that statement. If you can, then do so.

Mr HODGE: In his report Judge Kay mentioned the abolition of limits on electoral expenses, and stated that the Legislative Council limit was last amended in 1951. The Legislative Assembly limit was last amended in 1964. Why were not those limits adjusted from time to time to keep them at a realistic level? Why have they been allowed to stay at that level for so many years without being adjusted to keep up with inflation and the cost of living? I do not believe it is in the best interests of democracy; not that we have much democracy in this Parliament and in this State. To abolish the limit altogether would be a further backward step and would put democracy further behind in this State.

Is it right that one candidate for an election should have 10 times or 100 times the access to electors as his opponent? If a candidate is able to spend 100 times more than his opponent, and is able to purchase hundreds more pamphlets and pay for more television and radio advertising, he obviously has a better chance.

Mr O'Neil: How do you account for the position in New South Wales, South Australia, and the ACT? Both New South Wales and South Australia have Labor Governments and there is no limit on election expenses in those States.

Mr HODGE: I am aware of that, but I do not agree.

Mr O'Neil: How do you equate your statement with the situation in the two Labor States? You claim it will advantage the Liberals if we take out this limit.

Mr HODGE: I believe that is perfectly obvious. In most elections the Liberal Party outspends the Labor Party. I know I was outspent by 2:1.

Mr O'Neil: You won the seat.

Mr HODGE: That was not my opponent's fault.

I believe democracy would be better served if we adopted the system which operates in Sweden and other European countries where political parties are funded by the Government during elections. The amount of funding is kept to a percentage of the vote the party polled at the last election. That is the most obvious and acceptable way to overcome the problem which faces us. I

know there are problems in trying to enforce the stupid level set out in the present Act.

I believe we would not be in the trouble we are in today if every so often the Act were amended and kept up to date with the cost of living and the cost of running elections.

Mr Clarko: That particular section is not effective and never can be because of the question of the relationship between the candidate and the agent. That is the problem.

Mr HODGE: I know problems are associated with it but I do not think the answer is to abolish the section altogether. It must be possible to do something other than lift the lid and make it an open slather.

Mr Clarko: There is an open slather now. If people do it without authorisation, who is to stop them?

Mr HODGE: I said I know problems exist but I do not think the answer is to abolish the section.

Mr Clarko: I am not disputing that. I am saying the present section is ineffectual.

Mr HODGE: Judge Kay in fact received a submission about the funding of political parties which he mentions on page 55 of his report, where he says—

> Suggestions were put forward mainly as substitutes or extensions of the present provisions requiring political parties to disclose the sources of funds received by them. This is diving into the realms of Government policy and is outside the terms of reference of this Inquiry.

While Judge Kay was inquiring into the funding of elections and political parties, the Government should have allowed him to inquire into that aspect. Reading between the lines, I believe he wanted to inquire into it. He received submissions from bodies asking him to do so, but under the terms of reference given to him by the Liberal Party he was prohibited from inquiring into it.

Mr O'Neil: Would you like to read term of reference 9 on page 3 to see how constrained he was?

Mr HODGE: Again I draw attention to the remarks of the judge himself. He said the matter was outside the terms of reference of the inquiry.

Mr O'Neil: That was the matter of public funding of elections.

Mr HODGE: I believe the terms of reference were too narrow and the judge should have been allowed to investigate public funding. That is obviously an alternative to abolishing the whole section which restricts expenditure on elections. The two go hand in glove and the judge was obviously of the opinion that he was not permitted to inquire into that matter; and that is what he said in his report.

I now want to make a few remarks on the provision requiring enrolment claims to be witnessed. The Bill seeks to make it compulsory for people enrolling for the first time to have their enrolment cards witnessed by a limited range of witnesses. This provision no doubt arose from the Kay report, but I have read the report closely and Judge Kay does not enlighten us on how he arrived at that recommendation. Apparently someone made a suggestion to him along those lines. He does not say who it was and he is rather vague in his report about the reasons that the change should be made. Quoting from page 10 of the report, Judge Kay says—

> It was suggested that the general enrolment procedure be safeguarded by the provision that the first enrolment of an elector be witnessed by an official of the Electoral Department or a Justice of the Peace
>
> The present system of allowing any elector to witness an enrolment claim card appears to be too casual and open to abuse.

I do not believe any evidence was given to Judge Kay to support that claim. I have certainly never heard of the system being open to abuse. I have not heard of any prosecutions. I have not read in the newspapers of any prosecutions of people who falsified application cards for enrolment.

I believe people will be caused a great deal of inconvenience and trouble in finding a JP, a police officer, or a clerk of courts to witness their enrolment cards. That requirement is not contained in the legislation of any other State or the Commonwealth. It is to be placed only in Western Australian legislation. Are the people of Western Australia so dishonest, or more dishonest than the people in other States of Australia? Why must we have that special, tight provision?

It will obviously be very difficult for people in remote areas to have their cards witnessed, and I suppose that is the reason for the provision—to try to stop Aborigines applying for enrolment. But apart from the disadvantage caused to Aborigines, it will cause problems to people in the metropolitan area, and I believe it will be an impediment to enrolment for people in parts of my electorate.

I have only two police stations in my electorate; they are both understaffed and neither is open all the time. I have very few JPs in my electorate. I do not have an Electoral Department office and I

do not have a courthouse in my electorate. It will be very difficult for people there seeking to be enrolled for the first time to have their application cards witnessed. At the moment I have a steady stream of people coming to my home and my office asking me to witness enrolment cards, and on my reading of this Bill, when it is passed I will not be permitted to witness enrolment cards in the future.

The member for Morley referred to the lack of JPs in my electorate, and I want to expand on that. I believe the appointment of JPs under this Government has been a highly political affair. No person whom I have recommended since I have been a member of Parliament has been accepted as a JP. Every person I have put forward, no matter how well qualified, has been rejected by the Government. That is a disgrace. I have put forward some excellent candidates. I have put forward the Secretary and the Treasurer of the Bicton-Palmyra Branch of the RSL; both were knocked back. A Fremantle city councillor has been knocked back, and another constituent of mine has been knocked back. They have all been knocked back.

Mr Clarko: Don't you realise we all get a lot knocked back?

Mr HODGE: Does the member for Karrinyup have all his candidates knocked back? Every single one of mine has been knocked back, and I believe they were politically-motivated decisions.

Mr Clarko: You are wrong.

Mr HODGE: I have asked a number of questions in this House to try to get evidence to support my claim that my candidates have been knocked back for political reasons. In a question last year I asked how many JPs had been appointed in various areas in the past five years.

This is a sample taken from the reply I received—

Albany	10
Attadale	8
Bunbury	7
Carnarvon	8
Como	6
Dianella	9
Mt. Lawley	10.

We then come to my electorate, and I would like members to note these figures—

Willagee	2
O'Connor	Nil
Melville	1
Hilton	Nil.

That is the number of justices of the peace appointed in the last five years, and it shows a slight contrast.

I asked also how many justices of the peace reside in different areas. Part of the reply reads as follows—

Nedlands	60
Como	43
South Perth	35
City Beach	33.

If we then look at the figures for my area, we again note a slight contrast—

Hilton	3
Willagee	2
O'Connor	Nil
Melville	15
Bicton	12.

I ask members to remember that Nedlands has 60 justices of the peace. I believe those figures support my claim that blatant political bias is being demonstrated by this Government in the appointment of justices of the peace.

Mr O'Connor: How many are there in the City of Perth?

Mr HODGE: I do not know.

Mr O'Connor: That would be the highest figure by far.

Mr Rushton: Do you know why the numbers are highest in those areas? It is because people have retired there.

Mr HODGE: I have just received an application from a Melville City councillor who wants to be recommended for the position of a justice of the peace. I will put his name forward, but I am under no illusions. I am afraid he will suffer the same humiliation as have the other people whose names I have put forward; his application will be thrown out unceremoniously.

Mr Nanovich: How many Melville councillors are already justices of the peace?

Mr HODGE: I do not know, but this councillor told me that frequently ratepayers come to his home during the evening to ask him to witness their signatures on forms. These people are very disappointed and upset when told that he is not a justice of the peace.

Mr Rushton: What sort of forms do they want signing?

Mr HODGE: I do not know; he did not tell me.

Mr Rushton: He may only need to be a commissioner of declarations to sign them.

Mr HODGE: I would not think so. There would be no need for the ratepayers to become upset if that were the case.

The excuses advanced to me by the Government are rather weak. In the case of the secretary of the local branch of the Returned Servicemen's League I was told that he was too old. He was about the average age of most members of the RSL. When I put forward the name of the treasurer of the branch I was told that he could not be appointed because he was a public servant. The next time I put in an application, I was again told that the man was a public servant. I wrote back to say that he was not a public servant and that he was employed at the Murdoch University. The Government then changed its reason and said that there were too many justices of the peace in his area. I need only add that the man resided in O'Connor! As I have said, there are no justices of the peace at all in that suburb. I pointed this fact out to the Attorney General, but I received no satisfaction.

Mr Sodeman: By the way, the policy of not appointing public servants applies right throughout the State. It is not just in your electorate.

Mr Jamieson: Up to what grade of public servant?

Mr Sodeman: Whenever I have nominated a public servant I have been told the same thing.

Mr Jamieson: Just about every under-secretary is a justice of the peace.

Mr HODGE: I would like to refer to the postal voting provisions in the Bill. It is ridiculous to make it more difficult for people to apply for postal votes, and yet that seems to be the Government's intention. In this report Judge Kay claimed that postal voting is open to abuse, but once again, it appears that the judge is making an assertion without any evidence to back it up. On page 30 of his report Judge Kay had this to say—

> Although most witnesses appearing before this Inquiry agree that postal voting presents avenues of abuse and such voting should, where possible, be reduced to a minimum, there will always be cases where it will be necessary to resort to postal voting.

It appears that Judge Kay made up his mind that abuses had occurred because most witnesses appearing before him made that assertion. However, his report contained no evidence that abuses had occurred. It appears that if one can stack an inquiry with a great many witnesses all saying the same thing, the tribunal will accept that as the truth.

If the amendments contained in this Bill are passed, I believe many members of Parliament will be in breach of the law. Before the last election I received dozens of calls from invalids and elderly people in my electorate, asking me to call to their homes with application forms for postal voting. Under this legislation it appears to me that I would be inducing and persuading these people to apply for a postal vote if I were to accede to their requests.

Mr Tonkin: That is right.

Mr HODGE: If that is so, I intend to test the law. If someone asks me to deliver an application form, I will certainly do so.

Mr Tonkin: Good on you!

Mr HODGE: I am sure that many Government back-benchers would do the same thing. However, if this legislation is passed, I believe they will be in breach of the law.

Mr Clarko: It would be better to ask your wife to do it.

Mr Tonkin: It would still be a breach of the law.

Mr Clarko: If a person asks for a form and you give them a form?

Mr Tonkin: The Bill says "persuade or induce".

Mr HODGE: Judge Kay does not give any evidence to warrant such a change in the postal voting procedures. If abuses have occurred, why has not the Electoral Department followed them up? Why have there not been prosecutions? I would be very interested if any member of the Government could give us an example of a case of abuse and prosecution.

I am concerned about another aspect of this Bill—that which relates to mobile polling booths which are to be opened up to 14 days prior to the election. I cannot see why it is necessary for them to be open for such a long period before the election. I do not believe it is right to compel people to vote before the election. It is possible that some of the major parties may not have delivered their party policy speeches 14 days before the election, and many dramatic changes may occur in the policies of political parties during that time. Many people may want to change their vote; they may change their minds several times in the 14 days prior to the election date. It is not right that the majority of the population can vote on one day, but other people may be required to vote 14 days before them.

Another provision of the Bill which is causing me concern is that which allows the Chief Electoral Officer to instruct his officials regarding what they will accept as an instruction from electors. Mr Justice Smith in the Court of Disputed Returns case clearly was of the opinion that the presentation of a how-to-vote card constituted a valid instruction. The Bill does not

make it clear whether the Government intends to accept Mr Justice Smith's recommendation. The Government appears to be placing a large burden on the shoulders of the Chief Electoral Officer.

I do not believe this matter should be left to the Chief Electoral Officer. The Government or the Parliament should make it clear whether how-to-cards will be accepted as a legitimate voting instruction. Is the Chief Electoral Officer open to instruction from anyone? I would be interested to hear the Minister's reply to that question; I would be interested to know whether the Attorney General or any other Minister can issue any form of instructions to the Chief Electoral Officer.

I understand the Attorney General issued some form of instruction by way of a telegram to the Chief Electoral Officer during the Kimberley election which was the subject of a case in the Court of Disputed Returns. I would like to know whether that officer is open to such instruction.

Mr Cowan: That is in section 5.

Mr HODGE: The Electoral Act of New South Wales provides for the acceptance of a how-to-vote card as an instruction from an elector. It has provided that since 1964, and as far as I know no problems have been experienced with the provision.

I can see no reason that the Government or the Parliament should not instruct the Chief Electoral Officer that he should accept how-to-vote cards as a legitimate voting instruction. Passing the Bill in its present form would leave the situation wide open and place a great responsibility on the shoulders of the Chief Electoral Officer. I believe we would be leaving the way open for political pressure to be exerted on that officer not to accept how-to-vote cards as a voting instruction.

Turning to that provision of the Bill which deals with questions to be posed to voters, I pose a question to the Parliament: Why do we need these questions at all? I really do not see the need for any question other than, "What is your name and address, please?" Surely the electoral officer in the polling booth needs to know only whether the elector is on the roll; and to ascertain that he simply needs to know his name and address. If a person is dishonest and is trying to steal a second vote, he would hardly admit it. When he is asked by the electoral officer whether he has voted before on that day, he will hardly own up and say, "I have already voted; I am being a naughty boy and trying to steal a second vote." Therefore, I cannot see the point in that question.

If a person's memory is so faulty that he has forgotten whether he has voted, I do not think the asking of that question would restore his memory or remind him that he had already voted.

I believe the questions are designed to trip Aboriginal people, and mainly those in the Kimberley electorate. We all know how these questions were used in the Kimberley on a previous occasion.

Mr Sibson: Why only Aborigines?

Mr HODGE: The member for Bunbury knows very well that his party tried to trip Aboriginal voters. I believe the asking of such questions will cause problems to many people.

Many people in the metropolitan area do not know the name of their electorate. Many people in my area do not know whether they live in the East Melville, Melville, or Fremantle electorate; they become confused between municipal and electoral boundaries. I receive numerous approaches in my office from people who reside in the East Melville electorate, but think I am their member.

Mr Pearce: They don't have much of a member.

Mr HODGE: I am performing an increasing amount of work for these people, seeing that the Deputy Premier has virtually retired.

Mr Sibson: That is an insult. He has represented the people for a long time.

Mr HODGE: The asking of questions will cause a great deal of confusion. The questions are completely redundant, and only complicate the issue. Under the Bill the electoral officer will be allowed to rephrase questions; he need not ask them in the precise, formal manner in which they are contained in the legislation. Again, that could be open to abuse and misinterpretation. Claims of bias and disputes are sure to arise. The questions should be scrapped altogether.

Another provision I cannot understand is that relating to the Court of Disputed Returns making a recommendation in respect of the payment of costs by the Crown. Why may the court make only a recommendation?

Surely if a judge of the Supreme Court may rule that the Government must pay costs, then a Court of Disputed Returns should have similar power, and not just the power to make a recommendation. It seems to me very strange that the authority of the judge is to be eroded in that manner. Normally a judge has full authority to order that a certain party pay the costs.

Another very unfair aspect of the Bill is the outlawing of candidates and their representatives from those hospitals which are declared polling booths. It is unfair for an elector who happens to

be ill in hospital to be denied access to the candidates for his electorate. If a hospital inmate requests that a candidate or his representative visit him in hospital, the request should be granted.

Mr Sibson: Some people have abused the situation and used hospitals as canvassing places.

Mr HODGE: I am aware that problems have arisen in the past, but I do not think problems would arise if my suggestion were adopted; that is, a candidate or his representative should be able to visit a patient in hospital at the request of the patient. That would overcome all the problems seen by Judge Kay and the Government in respect of patients being harassed.

Judge Kay seemed to concentrate exclusively on Aborigines. The words "Aborigine" and "Aboriginal" do not appear once in the terms of reference of the inquiry. A reference is made to nomadic or illiterate people, and I suppose we could say that could be interpreted as referring to Aboriginal people. Yet Judge Kay in almost every page of his report seems to have an unhealthy preoccupation with Aborigines. Every matter he raises is raised in the context of how it will affect Aborigines. I wonder why Judge Kay was so preoccupied with those people. Perhaps further instructions were given to him, quite apart from the terms of reference. I do not suppose we will ever know what other informal instructions were given to him by the Government.

Instead of fiddling around with the electoral laws and trying to consolidate its hold on government in this State, the Liberal Party would be better served if it tried to get the State Electoral Department to police the existing electoral laws. I know there are many people in parts of my electorate who are not on the electoral roll. I knocked on many doors in large areas of my electorate in the last few weeks and found literally dozens of people who were not on the roll—people who have lived in the area for up to four or five years.

What effort does the State Electoral Department make to ensure people comply with the Act and go on the electoral roll? It appears it makes no effort at all. How can a person live at an address for five years and not be enrolled if the Electoral Department is doing its job properly? Surely it is the responsibility of the department to police the Act, one of the provisions of which states that people must apply for enrolment. Yet I know there are at least dozens, if not hundreds, of people in parts of my electorate—and I suppose my electorate is no different from others—who have never bothered to apply for enrolment.

Mr O'Neil: Perhaps they would be on another roll.

Mr HODGE: The people I am talking about have never bothered to apply for enrolment for the address at which they are now living.

Mr O'Neil: But they are probably on another roll in some other area.

Mr HODGE: Possibly, but some had been at their current addresses for four or five years.

Mr MacKinnon: You said "a few dozen". How many people did you talk to?

Mr HODGE: I suppose I spoke to about 100 people; so, a sizeable proportion of those people were not enrolled.

I believe this Bill is just another very thinly disguised attempt to further rig the State's electoral laws and to weigh them more heavily still in favour of the conservative parties. The Australian Labor Party believes the electoral laws already are rigged and biased against it; that view is shared, I believe, by thousands of Labor Party supporters in this State.

The Government would be far better served, instead of trying to fiddle these laws and rig them more in its favour, to get down to policing the present laws and ensuring that all those people entitled to be on the roll applied for the vote. The Government should then set about giving the people an equal vote of equal value, a vote which will really mean something.

MR SODEMAN (Pilbara) [10.43 p.m.]: I support the Bill. Great play has been made by the Opposition during this debate about the validity of Judge Kay's report.

Mr Nanovich: It was not very constructive, either.

Mr SODEMAN: The point I wish to make is that the Opposition has often been rapped over the knuckles by *The West Australian* and other avenues of the media for its continuous pleas for reports to be undertaken and Royal Commissions to be embarked upon on a variety of subjects. Of course, when a Royal Commission is established or a report undertaken, if the findings are not in parallel with those of the Opposition, they are the first to complain.

The Deputy Leader of the Opposition—I am sorry he is not in his seat at the moment—is one of those who continually asks for a Royal Commission to be established the moment he considers something is in disarray; yet, behind the scenes he is the first person to undermine the recommendations or findings of such undertakings. The Royal Commission into the

two-airline system was one such instance where he did just that.

I am pleased that the member for Morley is back in his seat. He and the member for Welshpool emphasised considerably their views that the findings in Judge Kay's report were not substantiated by fact. Yet in his presentation to the House the member for Morley was prepared to make the statement that a number of individuals on this side of the House—myself in particular— had referred to the Aboriginal people as "savages".

When the member for Morley was asked to substantiate that accusation the member for Welshpool said that we should get our research people to have a look at *Hansard*, because that was where the statement appeared. I ask the member for Morley now to quote to the House the page of *Hansard* on which this statement appears. No, of course he does not reply.

Mr Tonkin: Do you think I carry the pages of *Hansard* around in my head?

Mr SODEMAN: I would be quite happy to be accused by the member for Morley publicly or otherwise if he could substantiate his accusation. I am challenging him now, and saying he cannot. I have never made such a statement here or in my electorate, and neither has any of my colleagues. Instead of grizzling about supposedly unsubstantiated findings and then making unsubstantiated comments himself, the member for Morley would do better to stick to the facts.

Mr Tonkin: If I am wrong, and you did not say it, I apologise. I understood that was the case. I will investigate the matter.

Mr SODEMAN: It never has been the case; I would appreciate it if the member for Morley would follow the matter up.

I echo the statement of the member for Gascoyne that he has never been involved in enrolling Aborigines; neither I nor my supporters in the Pilbara have engaged in this practice. In fact, in 1973 I stated to officers of the Liberal Party that if at any time we were asked to enrol Aborigines, I did not want to be the candidate for the Liberal Party. That is my policy and the policy of the party in the Pilbara and it has been adhered to. No member of the Liberal Party in the Pilbara has ever enrolled Aboriginal people in the five years I have been a member.

Mr Tonkin: Do you enrol other people?

Mr SODEMAN: I do not. If somebody comes to me and says, "How do I enrol?" I tell them. However, in the five years I have been representing the area probably I have sent no more than a dozen electoral cards to people as a result of inquiries.

Mr Jamieson: What is your attitude to the incident at Strelley, where people were not allowed to enrol?

Mr SODEMAN: I do not want to side-step that question; I will come back to it in a moment.

So I make that point: As far as I am concerned, enrolling Aboriginal people is a practice which should not be encouraged. We on this side are not inconsistent in this area; we have not done it. To go a little further, I do not believe even in asking Aboriginal people to vote for me; they can make their own judgment.

Mr Tonkin: I have never asked anyone to vote for me.

Mr SODEMAN: Neither have I; I believe it is an affront to ask a person to vote for someone he possibly does not know.

As far as I am concerned, if one is to use the term "savages"—which I do not think is a proper term to use—the people who would best fit that description are those caucasians or others who continue to use the Aboriginal people for their own political ends. Anyone can judge who they might be.

Mr Jamieson: You have a look at the electoral returns over the years and make up your mind who it is.

Mr SODEMAN: I am talking at this stage about the Pilbara which, quite often, the member for Welshpool asks me to do; in this instance, I am happy to do so.

Mr B. T. Burke: You are being very critical of the member for Kimberley because he has done all those things you say you would not do.

Mr SODEMAN: When the member for Balcatta talks about the sorts of things one would not do, he encourages me to break the order of my speech to say this: The member for Morley said he disagreed with most of Judge Kay's report. I disagreed with one part of the report, which brings me to the circumstance relating to the Strelley people. Judge Kay, at page 49 of his report, says this—

> *Manipulation occurs when people are* persuaded by threats, promises, and such like to vote for a certain candidate . . .

That is fairly clear. Judge Kay prefaced that comment on page 48 in the following terms—

> The Aboriginal community at Strelley voted almost 99 per cent for the Australian Democrats Party and it was submitted that this was a classic example of manipulation.

He goes on to say—

> I do not see it was such. It was a decision of the community in much the same way as organisations support certain candidates.

It is with that statement that I disagree.

It was a classic case of manipulation. Those people had not met Don Chipp. They did not know his policies. As the member for Morley said rightly, many members of political parties at times do not know the policies of their own parties. Certainly these people did not know the policies of the Australian Democrats. They did not know the calibre of Don Chipp. He had not visited and spoken with the people. Surely this comes under the category of a promise being transmitted by Don Chipp to a particular individual. The member for Balcatta knows precisely the avenue of that communication. The person concerned would have communicated that promise or undertaking, in whatever form it had been given, to the Aboriginal people at Strelley.

Judge Kay says manipulation occurs when people are persuaded by threats or promises. I am saying those people were manipulated.

When we use the word "illiterate" here, everybody throws his arms in the air and says it is a bad use of the term. When speaking of Aboriginal people, we must refer to those who are illiterate without understanding. There are many people who cannot read and write, but they have a far greater understanding of politics than many members in this House. Many Aborigines are illiterate and they lack understanding.

A very well respected Aboriginal woman lives in Port Hedland. At a seminar in Karratha she mentioned the fact that many Aborigines live in a nomadic or semi-nomadic state. They still have not come to grips with our way of living and our society. She is sick and tired of these people being held up to scrutiny. Many Aboriginal people are tired of being discussed in the manner they have been discussed during the course of this debate.

The attitude of that woman is that the nomadic and semi-nomadic people should be left to evolve in a normal, natural way. They should not be pushed hither and yon by departmental people, by politicians and would-be politicians, and by the people who depend on them and the continuation of their plight for their living. Some of these people are not motivated to overcome the problems.

The member for Gascoyne mentioned that being put on the roll subjects people to pressures which they are not used to, if they are illiterate people without understanding. The member is dead right. I remember speaking to the woman I have mentioned, Mrs Rose Nowers, in her office when an officer came in with a handful of electoral cards relating to people in the Kimberley who had not voted at an earlier State election. The officer asked Mrs Nowers, "What do I do with these cards? I have been told to go and see these people. They are subject to fines for not having voted." Mrs Nowers is a well balanced person who has been around a long time. She said, "With those who are illiterate and do not understand, write across their card 'Illiterate' and send it back. Those you know are literate or are illiterate but do understand, let them be subject to the fines because they should pay the fines. They are lazy." I said to her, "How many of that great number of cards would be in the category where they should be fined?" She said, "Not very many at all. Most of them would be illiterate and lacking understanding, and should not be on the roll in the first place." That remark comes from an Aboriginal woman. It does not come from a member of Parliament on this side of the House, or somebody in the Liberal Party. Their being on the roll is not the panacea for the Aboriginal people that the Opposition would have us believe.

It is obvious to us on this side of the House that the Opposition has made such great play of these people being enrolled because it hopes to have some effect—a major effect—on their thinking prior to the elections. It is amazing that the Opposition does not have a great deal to do with Aborigines between times—

Mr Bryce: Rubbish! What gives you a mortgage on the interests of the Aborigines?

Mr SODEMAN: I did not say that. If the Deputy Leader of the Opposition recalls the 1977 State election in the Pilbara, the only involvement of the Labor Party with the Aboriginal people took place in the later part of 1976. The sorts of comments and statements which were made fall into the category mentioned by Judge Kay, quite clearly under the heading of manipulation of those people. I would be delighted for someone on the other side to say that is not the case.

Mr Jamieson: It is not the case. I went out to Strelley several times. None of them was on the roll, and none of them looked like being on the roll at that time because McLeod would not let them go on the roll.

Mr SODEMAN: That is wrong.

Mr Jamieson: No, it is not, because McLeod told me it is too much trouble after the election when some of them have not voted.

Mr SODEMAN: I am saying it is wrong that the wishes of McLeod should prevail over the group. These people should be allowed to enrol in

their own good time. We should not have the pressure of training groups, teachers, and others on these people to enrol. McLeod was quite right; there is trouble for the people if they do not vote.

Mr Jamieson: Notwithstanding that, I had a lot of talks with the elders of the group out there. You said we showed no interest. The point is that we were showing interest.

Mr SODEMAN: It was only just prior to the election. The candidates spent a lot of their time talking to the Aboriginal people.

I want to say this, and it may be checked: the Pilbara representative on the National Aboriginal Council, Herbert Parker, came to me and my colleague in the street at Onslow—

Mr Jamieson: How did they get them on the roll?

Mr SODEMAN: —and he said, "We are all Liberal voters." I said to him, "What do you mean, 'We are all Liberal voters'?" He said, "Well, the things that the other people told us prior to the State election, the things that they said would happen and the things that would be taken away, haven't happened." He said, "We don't believe them any more, and we are now all Liberal voters." I said to him, "Well, I am quite disappointed that you talk in those terms for this reason: what you are doing is talking on behalf of your people. That is the problem we are faced with. You shouldn't be able to talk on their behalf when it comes to voting. You should talk to them about different parties' policies." I gave advice to him at that time. As I said, one of my colleagues was there, and he would not refute this. I said, "Keep away from politicians. They are the worst people to talk to as far as your political allegiance is concerned."

They were his remarks—that the comments made by the other people were incorrect. He said that the things they were told would happen had not taken place.

This is what happens to the Aboriginal people. The politicians see them as fair game. The Opposition has declared its intentions. It is open season on Aboriginal people. There has been no denying that on the other side. At least I can give the Opposition credit for that.

Mr Jamieson: What do you mean "open season"?

Mr SODEMAN: In respect of going out and enrolling them. If members of the Opposition can coerce the Aboriginal people to vote for them, as Herbert Parker said happened before the last election—

Mr Jamieson: That is part of the natural scheme, and you know it.

Mr Bryce: Your leader promised 100 000 jobs for the people of Western Australia. Do you not call that hypocrisy, dishonesty, and political deceit?

Mr SODEMAN: I would be delighted to discuss that with the Deputy Leader of the Opposition; but, as he knows, I am not permitted to do so in debating this Bill. I will be happy to discuss it at some other time.

Mr Jamieson: What you are doing is exactly that. You were talking about all the promises that were made.

Mr SODEMAN: I am talking about putting these people in the position where their rights are abused. The member for Welshpool knows that happens. By the way, I am not saying that Liberals at some time or other have not done that. The point I am making is that it should not happen. It certainly has not happened in the Pilbara and it will not happen in the Pilbara.

Members on the other side of the House spoke in terms of their concern for Aboriginal people—somewhat tongue in cheek I would say—as though they had a franchise on initiatives for Aboriginal people. As the debate has ranged fairly wide, I am quite sure the Acting Speaker will not mind my mentioning one or two things that have been initiatives purely of the Liberal Government.

It seems that most of the innovations which have taken place have been initiated by Liberal Governments. The allocations of pastoral leases in the Pilbara have all been done by Liberal Governments, not by the ALP. The Aboriginal police aide scheme, which is working extremely well, was initiated by this Liberal Government. The member for Melville spoke about justices of the peace, yet the Liberal Government has set up a pilot scheme and has appointed Aboriginal justices in the Kimberley. If this scheme is successful, in time it will be extended to other parts of the State where it is required. The member for Melville said there have been restrictions on justices of the peace. We are talking about Aboriginal people being able to vote. This Government has initiated a pilot scheme in the Kimberley—the first in Australia and which has impressed all the other States—yet members on the other side have said we have no concern for the Aborigines.

Mr Barnett: They are still living in humpies.

Mr SODEMAN: If I had the power, the first thing I would initiate would be to shift an

Aboriginal family into the member's house and shift him into the humpy.

Mr Bryce: That demonstrates your superficiality.

Mr SODEMAN: What my comments imply is that I have more time for the Aboriginal people, whose conditions need upgrading, than I do for the member for Rockingham, who I doubt very much will be standing up to make any contribution on this Bill.

Mr B. T. Burke: You ought to speak; this is the first time you have spoken in 20 years.

The ACTING SPEAKER (Mr Crane): Order! The member for Balcatta will cease interjecting, particularly as he is not sitting in his seat.

Mr Barnett: Is this the reason they call you the hurricane lamp—because you are so dim-witted?

Mr SODEMAN: After that intellectual outburst by the member for Rockingham I am sure you, Mr Acting Speaker, would understand why I would be happy to swap his position with one of the Aboriginal people who are more deserving.

Mr Barnett interjected.

Mr SODEMAN: The member for Rockingham may be right, but I can remember a member sitting in the Opposition Whip's seat, the former member for Mundaring, who, every time one of us made a comment, said that we were the temporary member for wherever. The only message I have for the member for Rockingham is that that member is no longer here. None of us should ever assume we have a permanent hold on our seat.

Mr Tonkin: Not unless you can rig the rolls.

Mr SODEMAN: I find that a humorous comment coming from the member for Morley; he was talking about taking away country representation.

Mr Tonkin: That is not true.

Mr SODEMAN: What about the travelling lawyer, who talks about one-vote-one-value. Does not that diminish representation?

Mr Tonkin: No.

Mr SODEMAN: Then why does the ALP, in its policy document, talk about replacing the diminished representation by extra research officers, extra secretarial staff, and reverse charge telephone calls? The more the Opposition pushes that wheelbarrow the more ridiculous it makes itself look.

The Opposition's contribution thus far has been nothing but a political sham. The member for Welshpool's activities in writing people off the roll as he does when they do not answer correspondence—

Points of Order

Mr JAMIESON: I request that that remark be withdrawn. Never at any time have I taken people off the roll. That is a false statement.

The ACTING SPEAKER (Mr Crane): I fail to see that the comment is unparliamentary. The member for Pilbara did not refer to the member for Welshpool in unparliamentary words; therefore, I cannot see any point of order.

Mr H. D. EVANS: Mr Acting Speaker, I think that if you reconsider your decision you may feel that whilst the words may not have been distasteful parliamentary-wise, the imputed action most certainly was. The reference that the member for Welshpool did something unbecoming for a member of Parliament is what he took exception to. Surely an action is far more damaging than the spoken word. I feel that the member for Welshpool is perfectly justified in asking for the remark to be withdrawn, as it was an action he did not take.

The ACTING SPEAKER: I still fail to see that the remarks were unparliamentary. I ask the member for Pilbara to resume his address and refer to the Bill before the House.

Mr H. D. EVANS: Imputing an action against a member is grounds to have the imputation withdrawn. Imputing a motive to a member of Parliament makes the remark unparliamentary.

The ACTING SPEAKER: The remark I failed to hear clearly was not more serious than many comments made in this Chamber. I still hold to my original ruling that there is no point of order.

Mr H. D. EVANS: Mr Acting Speaker, if you did not hear the remark clearly, perhaps you could ask the member whether he is prepared to repeat it.

Mr SODEMAN: What I stated quite clearly was that the member for Welshpool writes people off the roll.

Mr Tonkin: There is no way he can.

Mr SODEMAN: The implication is that he physically writes people off the roll. If the member for Welshpool takes offence at that I qualify what I said by stating that his actions result in people being written off the roll. Obviously, only the Electoral Department can remove individuals from a roll.

Mr H. D. EVANS: That is correct.

Debate Resumed

Mr SODEMAN: I hope I have clarified that. By his own admission, the action which the member for Welshpool has initiated and the approaches he has made to the Electoral Department—

Mr Bryce: And the member for Gascoyne.

Mr SODEMAN: —have resulted in people being taken off the roll.

Mr Tonkin: Because they no longer live in the area.

Mr SODEMAN: The member would have heard me earlier on in my remarks say that a Mrs Nowse, a very highly respected Aboriginal lady, stated that many Aborigines in the north of the State are still in a nomadic or semi-nomadic situation. If they are placed on the electoral roll and they are continually moving around, naturally, if they were written to at their recorded address, the very fact that they cannot reply would put them in a position where the activities of the member for Welshpool would result in their being taken off the roll. I hope that clarifies the position for members opposite.

Mr Jamieson: In other words, you believe in people who are unlawfully on the roll remaining there indefinitely.

Mr SODEMAN: No. Members will remember that some time ago there was a shooting in the Nullagine area. After that the entire Aboriginal population moved out temporarily.

All that was necessary if those people were on the roll—and I do not know whether they were—was for an unscrupulous person to write to the addresses of the people in Nullagine and the letters would be returned without being replied to by those concerned. That unscrupulous person could then forward the returned letters to the Electoral Department and the whole Aboriginal population in Nullagine would be taken off the roll.

With those few remarks, I support the Bill.

MR PEARCE (Gosnells) [11.11 pm.]: I would like to take issue straightaway with the member for Pilbara on a couple of points he made; but I believe his illustration about the ease with which people can be taken off the roll is in fact an exact illustration of the reasons that it ought not to be made harder for them to stay on the roll. It seems to be fundamental to the case which the Government is putting forward in support of the Bill that there are some people who really do not deserve to vote, because they may vote in a way which is not pleasing to the Government. I am not necessarily suggesting that means they are voting against the Government—that is probably what it comes down to though—but they are the motives which underlie the legislation.

The member for Pilbara referred to an Aboriginal woman and made certain remarks in relation to the understanding Aborigines have of the electoral system which is such that they should not have a vote. I believe it has been said in the metropolitan area that many people who vote there do not understand the electoral system either; but they understand they are entitled to a vote.

Mr Sodeman: I did not say that. I said that the concerted effort to put these people on the roll with their lack of understanding puts them in a bad position.

Mr PEARCE: However, the underlying assumption is that these people really ought not to be on the roll.

Mr Sodeman: That is not correct.

Mr PEARCE: That is to say, they really ought not to be voting. If that were not the case, members opposite would not be talking about pushing these people onto the roll when they ought not to be there. There is an intellectual arrogance in this type of assumption.

Mr Sodeman: I was quoting an Aboriginal woman. Talk about her intellectual arrogance if you like.

Mr PEARCE: It is intellectual arrogance whether the assumption is made by the member for Pilbara or someone he is quoting with approval. In this particular case I believe it is intellectual arrogance on the part of the member for Pilbara and the woman he quoted.

Even nomadic Aborigines are not people who exist in some sort of isolation in relation to this matter. This was perhaps brought out most clearly by the Strelley incident. These people very often function as communities and this was demonstrated in the original report by Mr Justice Smith on the inquiry into the Kimberley election which resulted in that election being declared null and void and a by-election being held. It showed quite clearly the extent to which Aboriginal people live in communities. They discuss voting amongst themselves in the community before voting. In essence, very often Aborigines vote according to the general feeling of the community. That is one of the important elements I noted and which resulted from the original fuss about the Kimberley election.

To say people who are illiterate are unintelligent or do not know what is going on—I do not think the member for Pilbara said that

distinctly, although his colleagues have said it on previous occasions—is simply not true. People do not need to understand the intricacies of parliamentary and electoral processes in order to be able to understand what a vote is.

I am very suspicious about this Bill and I would be suspicious without even looking at the terms of it, if only because of the way in which it has come about. Let me refresh the memories of members of the House in case they have forgotten. The Bill was the result of an inquiry which was conducted because of the practices adopted in an election in the Kimberley. If it were not for the fact that the Liberals were caught out badly in their efforts to hold on to the seat of Kimberley, we would not have this Bill at all. No effort is being made to streamline or update the Electoral Act, to look at the anomalies mentioned by the member for Morley, or to look at the areas which need investigation.

No effort is being made to do anything about the sorts of things which the editor of *The West Australian* has been forced to point out by way of his editorials and which are that, if the Government is serious about improving the electoral system, it should do something about the rigging and gerrymandering which goes on in relation to the Legislative Council. Even the words of the editor of *The West Australian* are ignored by the Government.

The Government is trying to make it easier for itself to win an election, particularly in the seats which have Aboriginal voters, some of whom are illiterate and most of whom appear to be voting for the Labor Party at the present time. The Aborigines do not vote for the Labor Party because of the promises made to them or threats directed at them; they vote for the Labor Party because of its proved performance, particularly in relation to the Whitlam Labor Government which provided goods and services to Aboriginal communities to make up for the discrepancies and difficulties they had operated under for approximately one and a half centuries in this State.

Aborigines are not stupid any more than any other members of the community are. When the Aborigines saw what the Federal Labor Government was doing for them in 1972 to 1975 and how a number of the projects initiated by that Government dried up under a Liberal Government, they knew on which side their bread was buttered in the same way as any other group in the community would know if involved in that sort of situation.

This Bill is designed to take away as many votes as possible from the Aborigines.

Mr Sodeman: That is not true. The policy was changed because of overspending.

Mr PEARCE: It is a case of priorities. It is a fact that the Federal Labor Government—

Mr Sodeman: Are you saying that deficits count for nothing?

Mr PEARCE: Deficits have nothing to do with it. There is a great deal of money to be spent within the Budget. Fraser has not had any luck keeping down the deficit, but he has shifted the priority away from Aborigines. If the Government tried removing the priority away from Catholic schools, it would see what would happen to the votes of the people in that group.

Mr Sodeman: You can use the same argument on education, health, transport, or anything else. If you put up the same argument on everything and still advocate that the deficit be reduced, what do you take it from?

Mr PEARCE: What we are saying is this: It is true that if one discriminates particularly against a section of the community in one's selection of priorities, one can expect the people involved in that interest group to vote against one; but if one follows my analogy that if in fact the Fraser Federal Liberal Government was doing what it is not doing, and that is taking money away from Catholic schools and offending that interest group—of course, it is doing quite the reverse and placating that group with all the money it can find at the expense of public schools—to follow the analogy of this Bill, it would have to make it hard for Catholics to vote.

The Government would have to try to remove the vote from Catholics so it would not suffer the penalty of directing its priorities away from that group. That is exactly what is happening here. The Government with a bankrupt policy towards Aborigines—it supports the Federal Government taking money away from Aborigines—is now trying to stop as many Aborigines from voting as is possible, because it knows perfectly well how the Aborigines will vote

Mr MacKinnon: On which project is the Government taking money away from Aborigines?

Mr PEARCE: I am not going to give the member a fantastic rundown—

Mr MacKinnon: Which one?

Mr PEARCE: Almost all projects—

Mr Jamieson: Housing is one.

Mr PEARCE: As the member for Welshpool quite rightly points out, housing is one item. It has affected my electorate and I am sure it will affect the vote in the seat the member for Murdoch is about to lose.

Mr Sodeman: To make the situation less embarrassing, quote the percentage.

Mr PEARCE: I am coming specifically to the amount of money allocated by the Federal Government for Aboriginal housing which was returned by the State.

Mr Ridge: Not one cracker was returned.

Mr PEARCE: The Minister is talking absolute rubbish!

Mr Ridge: Not one single cent was returned. You do not know what you are talking about so stick to the facts.

The ACTING SPEAKER (Mr Crane): Would the member confine his remarks to the Bill. I do not believe there is anything in the Bill about housing.

Mr PEARCE: I am quite happy to confine my remarks to the Bill, but I would be grateful if I received protection from the Chair.

The ACTING SPEAKER: I suggest the member confine himself to the Bill and I will give him all the protection he needs.

Mr PEARCE: Protection would be useful in regard to this matter. The point I am making in answer to the member for Pilbara—and I will depart from it now—is that one cannot expect an Aboriginal vote if one does not have an Aboriginal policy; but it is the most cynical policy to try to whip votes away from Aborigines under those circumstances.

We do not need to have any illusions about the need for a move towards a more moderate approach to the Bill, as is enshrined in the amendments on the notice paper making enrolment claims to be signed by justices of the peace and a very restricted group of people apply only to first enrolments and people asking to be put back on the roll after being removed from it. The people most affected by this are the Aboriginal voters we are talking about.

Members opposite are under no illusions about the fact that we are talking about Aboriginal voters in the north-west. Members opposite are aware of this, because most of the speakers from the other side of the House have talked about that particular subject. If we are not talking about Aboriginal voters, why did the member for Gascoyne go on about Aboriginal voters to such a great extent?

Mr Sodeman: Did you not listen to the comments of your leading speaker?

Mr PEARCE: Why did the member for Pilbara go on about it at such great length? Members opposite know full well the crucial aspects of this legislation are to do with Aboriginal voters.

Mr Sodeman: You are a debater. One of the aspects of debating is the importance of what your lead speaker spoke about.

Mr Pearce: He talked on every last aspect of the matter—many times over.

Mr Sodeman: But he talked about the Kimberley, the Pilbara, and the Gascoyne; of course he did.

Mr Shalders: Do not show your embarrassment.

Mr PEARCE: I am not. Would the member for Murray wish to cover every aspect of that Bill in minute detail? This is what is done. One aspect is taken out of it and no effort is made to understand the purpose of it. Members can work it out for themselves by reading the Bill and finding out the facts. They need only look at the historical way, prior to the 1977 election, the Government tried to amend the Electoral Act. What a lot of cynics the Government members are. They are making changes to the Electoral Act just prior to the election. The Government is trying to achieve with these amendments, which are similar in intent to those that made it possible to ask the infamous eight questions and set up a plan, which Justice Smith discovered deprived the Aborigines in the Kimberley of the vote. The plan involved sending lawyers from Perth to intimidate Aborigines out of a vote in accordance with the very amendment made to the Electoral Act prior to the last election. That plan backfired but it returned the member for Kimberley, in what Justice Smith discovered was a rigged election. However, the plan backfired and resulted in a re-election. To save the seat in the by-election the Government used exactly the same tactic. It tried to amend the Act prior to that election. Having failed with the first plan it then tried exactly the same tactic to save the seat a second time. However, because of the courageous stand of the Speaker of this House the Government's move prior to the by-election failed. The member for Kimberley faced the election on his own merit and won it by a narrow majority. Now the member for Kimberley has to face election a third time and there is a chance he will lose it.

Mr Ridge: No greater chance than you are going to have of losing your seat.

Mr PEARCE: I would have said so only two months ago. However last night I watched Channel 7 with a big grin on my face.

Mr MacKinnon: He was watching Mickey Mouse.

Mr B. T. Burke: I think the member for Gosnells has made a valid point. It seems there is a swing to the Opposition.

Mr PEARCE: I take the point that my seat in terms of growth is marginal and also in terms of percentage; but I will not be trying to go so far as to rig the rolls to retain my seat. So I will not be hanging onto the seat if 50 per cent plus one want to vote against me. I will not be trying to deprive people of a vote. I will not be seeking out the Liberal strongholds, working out ways of stopping their vote. I will rely on the merits of myself and my party to retain my seat.

This is the third time in a row when an election is approaching that there has been an attempt to fiddle the rules to make it difficult for a section of the people to vote. I am sorry that the House may accept the fiddling again.

Mr Bertram: Did you say "may"?

Mr PEARCE: It seems fairly likely. I do not think we will see the sort of courageous stand we saw previously.

Mr B. T. Burke: The member for Murchison showed a lot of courage on the Mining Bill.

Mr MacKinnon interjected.

Mr PEARCE: Perhaps if the member for Murdoch could indicate the occasion he voted against his party we will consider the merit of his point there. The point has been made that a Labor Minister for Police crossed the floor and defeated one of his Government's Bills—I think it was sometime before the honourable member was here—and he was not expelled from the party. He did not even lose his position as a Minister.

Mr MacKinnon: It happened once.

Mr PEARCE: When has it happened on the honourable member's side? When has a Liberal Minister crossed the floor? All the talk about the discipline in the ALP is nonsense. I will believe a Liberal Minister will cross the floor the day I see it happen. I think I will be here a long time before it does, if it does!

I do not want to speak further at great length because the ALP members who have preceded me have made it quite clear that the reasons for this Bill are political expediency, political cynicism, and political advantage. The Government is prepared to make it difficult for groups or any person throughout the State who wish to go onto the roll; and therefore will deprive one small group of people of the right to vote. I am not prepared to accept the degree of cynicism or the deprivation which will be caused throughout the State by amendments which will deprive certain groups of their right to vote.

I will not cover the many other practices of political systems that Justice Smith has recommended—somewhat wisely, though mostly out of ignorance—of the operation of political systems in practical detail because other members on my side have covered them. I believe the amendments to the Electoral Act just before an election are being made in order to strengthen the grip of a failing Government—a Government which, according to the latest opinion poll, is going out of office. It is trying to hang on to the seats which will make a difference by making it difficult for some people to vote. I would not want to be in a Government which was doing such a thing. The last thing I would want to do would be to hang on to my own seat by rigging an election. The Labor Party has always sought to win by 50 per cent plus one, to govern in its own right and with its own majority. We are dealing with people who are used to working in minority situations. If the Government gets only 40 per cent or is holding only 19 per cent of the vote and expecting to call itself democratic as the Bjelke-Petersen Government does, I suppose one cannot expect too much of it. It is just a question of finding out how best they can get as much as they can without much behind them. It is cynicism and I will have no part of it.

MR BERTRAM (Mt. Hawthorn) [11.27 p.m.]: The electoral laws of Western Australia are probably the worst and most unfair electoral laws in Australia.

Mr Sibson: You have told us that 19 times before in this place.

Mr BERTRAM: That includes the electoral laws of Queensland. The electoral laws of Western Australia probably rank with the worst of any electoral laws in the western world. This Bill simply makes that fact more apparent. There is very little, if anything, the Opposition can do to stop the passage of the Bill. It is unfortunately true, but, nonetheless, the people in this State can largely blame themselves, for the Bill which will undoubtedly become law and which will make the electoral laws of this State even worse.

So far as this Parliament is concerned, it is not a question of blame, it is a question of shame that the electoral laws are in such a condition. So far as members of this Parliament are concerned they have far greater knowledge of the electoral laws than the ordinary people; and very few believe

that the electoral laws in this State are satisfactory or fair.

The overwhelming number of members of this Parliament know that the electoral laws of this State are a disgrace; are a tragedy; are thoroughly unfair; and are rigged.

Some of those members—and in the main they are the members sitting opposite—take the view without actually saying it, that they know the laws are crook but they suit members opposite, and because the laws suit them they will do nothing about them. They are cheats of democracy. One may ask: Well, what is democracy? For the time being I will leave that to the imagination of members. There is no democracy where there are elections without choice, and there is no democracy where one Western Australian has only one-eighteenth the value of a vote of another Western Australian. On that subject, just the other day the editorial in *The West Australian* seemed to have similar views.

The Labor Party, on the other hand, clearly would have to confess that down through the years it has not performed in a manner up to standard with respect to electoral laws. The Labor Party, similar to other political parties down through the years, has played games—ducks and drakes—with electoral boundaries and electoral laws. It was the done thing; people did not think much about them and no-one worried about them. The international standards or levels of acceptation either did not exist or were of little value. However, the Opposition has altered dramatically of recent years, and the opinion of the Labor Party has altered dramatically—as it ought to have done.

I do not know the attitude of the National Country Party to electoral laws; that would be largely because I do not think the party itself knows its attitude. In any event, if the National Country Party had any real views on electoral matters those views would have become subsidiary to the views of the Liberal Party. That has happened.

It will be recalled that back in 1974 some crooked electoral boundary lines were presented to us by the Premier. He presented those lines proudly; crooked lines to assist the Liberal Party and give it extra seats. I will not go into detail, but it was obvious then and it became a fact that the only party to be advantaged was the Liberal Party. Those lines were of no advantage to the Country Party—which is now the National Country Party.

Quite obviously the members of the National Party are unimpressed with the electoral laws, and they want something done about them.

The Labor Party Opposition not only disagrees with the electoral laws, but also is truly disgusted with them—for good reason. The Labor Party is disgusted not just as a debating technique, but because of the obvious and overwhelming evidence which shows our electoral laws are crook; let us make no mistake about that. The members of the National Party believe the same thing, but they may not take such a strong view. Quite obviously, they think our electoral laws are in bad shape because a perusal of the notice paper will indicate that there remains still, as order of the day No. 30, a motion for the appointment of a Select Committee. It is headed "System of Electors Representation in Both Houses of Parliament". The debate has been adjourned by the Deputy Premier on the motion moved by Mr Stephens that a Select Committee be appointed to inquire into and report on a number of matters. Indeed, they are very comprehensive items which to any discerning person—even one without any great degree of discernment—indicate that the National Party believes there is something very wrong with our electoral laws.

We have in this Legislative Assembly near enough to half the members thinking that the laws are not only bad, but are wrong and require something to be done about them, while the others know the laws are crooked and wrong, but because they want self advantage and maintenance of power, they will do nothing about those laws. That is the position we have in this place. I make that point because it is highly relevant to the matters I will touch on briefly and which I believe are extremely important.

I do not make my points, or my future points, with any belief at all that they will make any impression on the passing of this Bill. I am only raising those points to place on record the attitude of this party in the hope that sooner or later the people will recognise the sort of shambles which exists in this place and rise up and do something about it.

It is perfectly clear the present Government will do nothing to amend the electoral laws. The Government has fiddled with the laws three or four times since 1974, but always to improve its own position. What are the facts? Well, there are certain facts I wish to bring home. Since 1890 there have been 39 elections for the upper House. In those elections there have been 39 wins, by the one party. We will call it the Liberal Party; it has had a number of names but there have been 39 elections and there have been 39 wins by the one

party. There have been 39 losses for the other party, which happens to be the Labor Party.

Mr Sibson: It ought to hang its head in shame.

Mr BERTRAM: Yes. Someone should do that with yours.

Shortly, there will be the 40th election for the upper House and I am prepared to tell members who will win it: the same party which won the other elections.

Mr Sibson: What a defeatist attitude.

Mr BERTRAM: Yes, and what an attitude from the member for Bunbury—if he is conscious. If he would like to bet I will give him odds as to who will win the upper House election. I am not a gambling man, but it is a good way to test his bona fides.

When a member in this place can get up and forecast the outcome of an election to be held within the next six months, with accuracy, it means that in Western Australia we have elections without choice.

We heard the member for Pilbara and the member for Gascoyne expressing grave concern in an endeavour to portray—but did not convince me—that black people should be urged or encouraged to have their names placed on the roll. There was not a word of concern for those thousands—perhaps hundreds of thousands—of white people who must vote or be penalised—fined or perhaps imprisoned; I do not know. All those people must enrol, or breach the law and be penalised; they must vote, or break the law and be penalised even though they realise, as does everybody in this place, that their votes have no say. There is no choice. There are thousands of people whose votes are meaningless. They might just as well stay at home because their votes have no say.

Since 1890, when we got what is called "responsible government" there has been only one party in power in Western Australia.

Mr Tubby: What is to stop you from winning in all those seats?

Mr BERTRAM: If the member for Greenough would do some arithmetic he could work it out. The honourable member is repeating the mumbo jumbo of the Premier.

Mr Tubby: Why can't you? You can't tell me.

Mr BERTRAM: I do not propose to start talking nonsense. The fact of the matter is that since 1890 one party only has ever had power in this State. Does that equate with democracy? Perhaps the member for Greenough can explain how it is that in the lower House elections—

Several members interjected.

The SPEAKER: Order!

Mr BERTRAM: In lower House elections the Labor Party has shared government more or less equally with the Liberal Party; that is to say, about 45 years each, more or less. We will not argue about that. But the electoral laws have never enabled the Labor Party at any time to have a majority in the upper House, and it is the upper House which ultimately governs this State. The Labor Party, I repeat, has never had power in this State for five minutes. It has simply been in office. All of us here know that but very few people outside of this place know that.

I have said literally hundreds of thousands of Western Australians are forced to enrol and go to vote, and virtually they have no say at all about who will become the Government and who will have power in this State. That is the position we are in. The gulf of opinion on electoral laws between the Government and the Opposition here is immense. It is not just that there is a marginal difference of opinion as to what is right, fair, and proper in the electoral laws; the gap between the two sides is immense. It is unbridgeable, and I want careful note to be made of that fact also.

As for the people in my electorate, a couple of years ago their vote was worth about one-sixteenth of the vote of other Western Australians; it is now worth about one-eighteenth and shortly it will be worth about one-twentieth.

In recent weeks, almost as though to indicate to the State that an election is coming up a little ahead of schedule, Liberal Party members have been running around explaining to the populace that they care for people. I recently received a publication issued or purporting to be issued by the member for Scarborough. He has gone to great expense—and has issued a great calendar because he wants the people of Scarborough to know what day of the week it is—to point out that he has great concern for the little people. He should have great concern for the little people because the people in his electorate represent about one-eighteenth of the size of other people electorally; therefore they are very little people. So he goes through the pretence of saying he represents the little people, and in this place he allows the laws to continue the way they are.

The member for Scarborough, the member for Karrinyup, the member for Whitford, and "The Hon. R. G. (Bob) Pike", who is the member for the North Metropolitan Province, have allowed the continuation of the state of affairs to which I have referred. They also sat idly by when the Liberal Party, the party to which they belong,

drafted some terms of reference for Judge Kay and omitted any reference at all to the crooked situation—the rigged electorates which bring about the result that the very people they represent have one-eighteenth of the vote. They are perpetuating that situation. I did not see any reference to that performance on the member for Scarborough's calendar.

At this stage I should refer to question 922, relating to the Electoral Act Amendment Bill (No. 2), which I asked of the Chief Secretary on the 7th August. In part (7) of that question I asked—

> (7) Why was Judge Kay not asked to inquire into the fundamental question as to why the people of Mt. Hawthorn, Scarborough, Balga, Whitfords and Karrinyup should continue to be discriminated against in all State general elections in that possibly each of their votes is worth in value a mere fraction of the value of the votes enjoyed by each of thousands of other Western Australian electors?

The Minister's reply was—

> (7) The question is not within the terms of reference relating to the Electoral Act.

What a powerful response that was! I asked him why Judge Kay was not asked to inquire into a certain question and the Minister replied, "Because he was not asked," That is the kind of answer we get in a Chamber such as this where the Government has an immense margin and can ride roughshod over the Opposition. That is a legacy of the situation. It has built up an attitude of all-transcending power and not caring two hoots for the Opposition, largely because the Government has been in permanent power in effect since 1829, but certainly since 1890.

In part (2) of that question I asked the Minister—

> (2) Did this Parliament have any say as to what those "certain aspects" would be?

Those "certain aspects" were the aspects that Judge Kay might inquire into. I received a magnificent answer which I do not think the Minister drafted; I have higher regard for him than that. This is the answer he dished up—

> (2) No. However, if the honourable member is not aware, the Bill before the House entitles both him and the Parliament to express an opinion as to these aspects.

In that answer it is freely admitted that the Parliament had no say at all as to the terms of reference for Judge Kay. The Parliament was not consulted. The Minister says, however, we can express opinions. That reminds me of the famous comment of the Premier when he was summing up at the end of the debate on the Mining Bill. He said, "The Mining Bill has been given a good airing." Most dirty washing should be given a good airing, but we are not here to express opinions and give things airings. We are here to legislate, and this Chamber does not act as a Legislative Assembly. It only pretends to; it is a sham.

I will pass on to another matter. It is very important that the judiciary be always completely separate from the Parliament, the Executive, and the Crown, and be clearly seen to be so separated.

Mr O'Connor: You agree with that in the Karratha issue, I take it?

Mr BERTRAM: I agree with it on any issue.

It is well known also that a lawyer should never act for more than one client in respect of any one matter if to do so would put him in the position of acting for clients who have a conflict of interests. That is a perfectly good and sensible move. Indeed, if a lawyer did not follow this principle, he would be more than chastised.

Those are two important rules, and I believe there are some more very important rules. I propose to discuss these, but before going to that discussion I would like to remind members that a few years ago the Chief Justice of the High Court of Australia departed from and broke down this rule, this fundamental requirement of our system, which says that judges should remain apart from politics, the Parliament, political parties, and so on. This Chief Justice of the High Court of Australia returned suddenly to his former role of a politician. Perhaps he thought for a moment that he was again the Attorney General or a lawyer and not a judge. He intervened and gave advice to the Governor General. That was a thoroughly wrong thing to do, and brought upon that judge considerable disrepute; incidentally, it brought considerable discredit to the legal profession.

What is the position in this State? In Western Australia the Chief Justice presides over the Boundaries Commission constituted under the Electoral Districts Act. I believe there was a time when the Chief Justice of the State could do that because the general viewpoint of members of the political parties of the State supported the terms of reference upon which he operates. It is important that the Chief Justice should now know that a major political party—that is, the Opposition of this Parliament—no longer believes

that the Electoral Districts Act and the Electoral Act are satisfactory.

Not only does the Opposition believe that these Statutes are not satisfactory, but also we believe they are palpably woeful, unfair, and unjust. We see very little virtue in them at all. So we believe—taking into consideration the different standard of acceptation of laws in the world generally and in the western world in particular—that the Chief Justice of this State should think very seriously about continuing to hold the position of Chairman of the Boundaries Commission.

It would be a different kettle of fish if the Government of the day placed its confidence in the Chief Justice and the Boundaries Commission, and gave the commission the whole State to control with very wide terms of reference. But it does not do that. It says to the commission, "We will let you interfere with and have jurisdiction over only a very small segment of the State. We will fiddle around with the rest of the State ourselves." The Boundaries Commission, including the Chief Justice, is being used as a political pawn.

It is not as though the Labor Party thinks that the situation is reasonably okay—it does not. The Labor Party thinks that it is a tragedy, and that it represents anything but justice. If the Chief Justice is to proceed as Chairman of the Boundaries Commission, confidence should be placed in him. He should be given the jurisdiction to deal with the electoral laws of the whole of the State, on terms of reference which are acceptable to the two major political parties of the State. There are two political parties that are the significant component of this Parliament, and each of those parties should be reasonably satisfied with the rules of the game—I am referring to the electoral laws.

Let us now turn to Judge Kay's position. It is interesting to note that the Chairman of the Boundaries Commission just referred to is the Chief Justice of Western Australia; that is, a justice of the Supreme Court. However, a retired judge of the District Court was appointed to conduct the inquiry—not even a justice of the Supreme Court.

For practical purposes that judge was appointed by the Liberal Party in its guise as Government; his terms of reference were drafted by the Liberal Party in its guise as Government; and he was paid by the Liberal Party in its guise as Government.

That judge should have known the background of the Liberal Party's performance on electoral laws while it has been in government. He should have known what the Liberal Party did with the electoral laws in 1974 and of the various moves taken by the Liberal Party through the years to protect its members to the detriment of the community and to the detriment of the Opposition. He should have known what the Liberal Party did in regard to the Kimberley election. However, he accepted the appointment on the terms of reference drafted by that political party—a party with that record and with those dirty hands. He should have realised that in effect he was allowing himself to be a political pawn in the hands of the Liberal Party. No judge should put himself in that position.

On present day standards in regard to electoral matters, I believe that any judge—or any lawyer for that matter—undertaking an inquiry into electoral matters, should consider the situation very closely. He should ask himself whether he would be acting for the Parliament, or whether he would be acting, to all intents and purposes, for a political party. He should ask himself also whether he is acting for the whole of Western Australia or acting for only half of it. It is my belief that no judge should proceed as Judge Kay did in these particular circumstances.

I argued along the line that the Australian Labor Party should not have appeared at that inquiry. I still hold that view. I have been told that none of the submissions put forward by the ALP were accepted by the judge, except perhaps for a few very minor matters. In effect the Labor Party gave the appearance of validity and acceptation to the inquiry by appearing before that judge. It is my belief that the Labor Party should never have done that. It made regular something which was most unsavoury. This is the same sort of position that Sir Garfield Barwick put himself in. Although not exactly analogous, it is a similar situation to the lawyer who acts for more than one client where those clients have a conflict of interests.

The Bill, furthermore, seeks to delete with one stroke all the provisions of the Electoral Act which regulate or place some limitation upon the expenditure which a candidate may incur in the conduct of an election. The pathetic proposition of one or two speakers from the Government side is in effect that this is a complex matter and it is impossible for anyone to work out a law which would be reasonably acceptable. Good heavens, one would have to be Speed Gordon to comprehend some of the Bills which pass through this place; particularly those touching on iron ore agreements. I would say very few members of this

place understand what those iron ore agreements are all about.

There is no question at all in my mind that if this Parliament wanted to, it could draft satisfactory legislation. It would not be perfect, but what legislation is? Can anybody point out to me any perfect legislation? No such laws exist.

It is an utter disaster for the people of Western Australia that in the future when this Bill becomes law - as it most certainly shall because the Opposition can do nothing about it--the Liberal Party will be able to turn on limitless funds and demolish the Labor Party. For that matter, it would be a disgraceful situation if any person representing any party or non-party should be able to win an election not because of his character, merit, or policy, but because he has limitless funds.

That is what will happen. Because this change has been made by the Liberal Party, whom do you, Mr Speaker, imagine it will help most? As far as I am concerned, that is the ultimate tragedy in this Bill. The existing legislation is not very satisfactory, but it has worked for a number of years; and with a little correction it could work for a lot longer.

However, we will have open slather and we will have a situation in which increased amounts of money will be poured into the Liberal Party by companies. The money will be poured in secretly without shareholders being consulted regarding where it is going. A preponderance of the shareholders may very well be Labor Party supporters for the time being or permanently, but they will not be consulted. The money will be ripped from them secretly, and it will not show in the books of the companies. The money will not be able to be traced because it will be buried in solicitors' trust accounts, which are not required to be disclosed. That is how members opposite will operate—secretly, *sub rosa*, suppressed and hidden. Those are the ingredients of mischief.

As if the Liberal Party has not already sufficient power when it has had permanent, uninterrupted power since 1829; and now it is starting this racket to give itself still further advantage. When will this stop? What manner of people are they? Unfortunately, Mr Speaker, they include yourself. When will you get off the backs of people in respect of electoral laws? Have members opposite no conscience at all? There is no response. We are tempted not to speak at all in this place because we are simply wasting time. We do not cause even a ripple on the surface; members opposite have been told to shut up, and that is what they are doing.

Furthermore, after this Bill is passed a person claiming an electoral vote will have to have his signature witnessed by one of a small group of people --not a commissioner for declarations, but a justice of the peace or one of three or four other people. Why? A person can sign a deed for the transfer of land, the consideration for which might be millions of dollars. One can understand the importance of such a transaction. Yet in that case the witness need be nothing more than an adult person. The witness to a mortgage of umpteen million dollars may be an ordinary person.

Suddenly we see an extraordinary change of standards. An ordinary person may not witness an electoral claim card. Why is that? Where we find blatant inconsistency we need some extraordinary explanations; and as yet the Government has not made any.

Provision is made also in clause 23 that a candidate who may very well be a member of Parliament may recover costs out of the taxpayers' pocket pursuant to an order by a judge adjudicating in a Court of Disputed Returns. That is something about which the people should be told in the clearest detail. A candidate may get up to all the mischief around the place, but because he is in the privileged position of being a member of Parliament and being able to vote to his own advantage and in his own interest in Parliament, he may avoid payment of his own costs. The taxpayers of this State will pay his costs for him. I wonder how many taxpayers know about this racket.

Members of Parliament are already very well paid. Plenty of people think they are overpaid, and no doubt some most certainly are.

Mr Nanovich: Are you?

Mr BERTRAM: I am not discussing myself at the moment; however, probably I am and I would say the member for Whitford certainly is.

Mr Nanovich: I'll bet I work 10 times harder than you do.

Mr BERTRAM: The member does not get many results.

Mr Nanovich: You remind me of a lounge lizard.

Mr BERTRAM: Is that so?

Mr Nanovich: Yes, you a perfect one—a lazy bones.

Mr BERTRAM: I think the best one to sing one's praise is somebody other than oneself.

Mr Nanovich: I might be stupid, but I know that. You are stupid and you don't know it.

Mr Pearce: I congratulate you on your knowledge.

Mr BERTRAM: At the 30th June, 1979, this Government had unspent money—virtually a Budget surplus—exceeding $44 million.

Mr B. T. Burke: Slush funds.

Mr BERTRAM: Call it what one likes, there is something crooked going on. The Government has a surplus of more than $44 million while it is pouring about tuppence-halfpenny into the legal aid scheme and has many thousands of people unemployed; and yet it is prepared to write legislation which could give a member of Parliament a bonus or gift of $100 000 or more if he is involved in a crook election. There is an example of members of Parliament feathering their own nests. They are doing well enough already without feathering their nests further with this Bill.

Another clause that concerns me is that which seeks to validate—and this validation is occurring in the Electoral Act, and not in the Constitution Act—the acts of Ministers who are found to have acted in a manner which justifies a court declaring void an election.

Indeed, we had a Minister in this place whose culpability and involvement was known by the Premier; yet the Premier allowed that Minister to continue as a Minister during the whole of the proceedings before the Court of Disputed Returns when that Minister should have been suspended for the time being.

Sir Charles Court: Don't talk rot!

Mr BERTRAM: Why is there a need for this provision? Is it intended to be retrospective; if so, why?

Mr Speaker, time has run out. The other matters to which I wished to refer will have to wait until the Committee stage.

MR COWAN (Merredin) [12.11 a.m.]: As the National Party sees it, this Bill contains four contentious areas, and I should like to refer to them in order as they appear in the Bill.

I refer firstly to the Government's intention to amend the qualifications of witnesses of persons wishing to enrol. The National Party sees no reason to change the existing provisions; they are identical with those contained in Commonwealth electoral law. There is no necessity to make it more difficult for people to enrol.

Members have quoted extensively from the report of Judge Kay. Judge Kay made some statements which, as far as I am aware, were unsubstantiated. He said, "evidence was received", but I do not think he said anywhere that the evidence had been substantiated. I believe the Government is skating on very thin ice when it uses the recommendations contained in Judge Kay's report as a basis for amending the provisions relating to witnesses. One of the most significant areas of objection of the National Party relates to the extended use of mobile polling booths. We support the use of these booths; I intend to deal with this matter more closely during the Committee stage.

If members examine clause 16 of the Bill they will see it contains a provision which states that if a mobile polling booth fails to attend a particular place, the people who have been deprived of their vote cannot use that as an argument before the Court of Disputed Returns to force another election. I would be grateful if the Minister would look at proposed new section 100B(3). It states, "Where, for reasonable cause". The first thing the Government needs to do is to define the words "reasonable cause".

Mr Tonkin: I made the point that the mobile booth could suffer a mechanical breakdown.

Mr COWAN: That is a possibility; I certainly hope it does not happen. As I interpret the amending Bill, that could indeed be the case.

The principal area of objection of the National Party relates to the proposal to amend section 102A of the principal Act. We see a sinister motive behind this move. Section 5 of the principal Act quite clearly states that the Chief Electoral Officer is subject to the direction of the Minister. In addition, new subsection (3) of section 102A will provide the Chief Electoral Officer with a discretion in the conduct of an election. During the last election, a telegram was sent to presiding officers in the Kimberley which was rather vague and did not convey a great deal of information.

This amendment will create a situation whereby the Chief Electoral Officer is subject to the direction of the Minister and is also able to give more specific directions to presiding officers. It is possible that the Government of the day, if it so desires, can give the Chief Electoral Officer a direction making illegal the use of how-to-vote cards by illiterate voters as an instruction as to how those people wish to record their votes. That is my interpretation of the effect of this amendment on the parent Act.

Rather regrettably, I have no doubt that this will take place and that such a direction will be given rendering illegal the use of how-to-vote cards. What value is a how-to-vote card to an illiterate voter other than as a written instruction? The feeling of the National Party is that the

Chief Electoral Officer should not in any way be in a position where he may issue directions of that nature which, quite clearly, would make it difficult for people to vote and make it easier for one party to deprive of the vote those people whom they see as potential supporters of their opponents in a marginal electorate.

Another area about which the National Party has reservations is the procedure relating to the assistance which may be given to people casting their votes. We see some difficulties in this area in that no privacy is afforded the voter. The Bill seeks to amend the Act to provide that the presiding officer must record a person's vote in the company of scrutineers. In other words, the person needing assistance cannot enter a polling booth with a person of his choice to give him assistance if a scrutineer from any party is present and insists he witness the vote. This represents an invasion of privacy.

As far as we are concerned, any person who wishes to be assisted in the casting of his vote should be free to obtain the assistant of his choice, rather than be compelled to have present in the polling booth any scrutineer who wishes to be present, as well as the presiding officer or assisting presiding officer.

There are 29 clauses in this Bill and I have spoken to about four or five of them which are the clauses to which we object. We support the other clauses. Consequently, the National Party will be supporting the second reading of this Bill. Certainly in the Committee stage we will object to certain clauses. We will attempt to amend others.

In the main, we support the second reading of the Bill.

MR BRYCE (Ascot—Deputy Leader of the Opposition) [12.21 a.m.]: I find it extraordinary that the Government in this "State of Excitement" would introduce legislation which looks so far back. It really is quite astonishing that this group of men or decision-makers who have conceived this epitaph to the second term of the Court Government—the "State of Excitement"—could conceive and accept responsibility for legislation such as this. It is, without question, a clear-cut, conscious decision to take a step backwards.

Members will appreciate that one of the more arduous tasks associated with my responsibilities as Deputy Leader of the Opposition requires me to represent the Leader of the Opposition at numerous social and political functions in different parts of the metropolitan area. During the last couple of years, I have heard multiple variations of the Premier's standard speech about the future, including phrases that incorporate "confidence", "faith", "hope", "courage", "forward-looking", "shoulder to the wheel, boys", "let's get things done", "let's change things", "let's make it a better place", "a finer place", "a place we want our children to grow up in", "a place we will be proud for our grandchildren to inherit". Yet he is the leader of the Government that brings to this place a Bill which takes us back in political and social terms. This Bill is designed clearly and consciously to discriminate against illiterate people. I find that extraordinary. There has to be an explanation for it.

I commend the member for Morley for his very detailed analysis, not only of the Act but of many of the very broad implications associated with the whole question of electoral matters. He touched on the real explanation when he drew attention to the situation in the Kimberley at the time of the last general election. The introduction of the Bill is the last unsavoury episode of that shameful election experience in the Kimberley in the 1977 general election. At that time, the Liberal Party, by its representatives both political and lay, demonstrated its contempt for the Aboriginal people of the Kimberley.

It is passing strange that the member for Gascoyne would weep buckets of tears for the needs of the Aboriginal people during the course of his discussion. That indicates the fairly sensitive political reality. It was not just the desire of the Government to "save the bacon", or save a seat in this place of one of its favoured members of Parliament; perhaps it was the desire to save the seats of four members of Parliament. I am advised by a very shrewd analyst that if all the adult Aborigines in Western Australia in the electorates of Murchison-Eyre, Gascoyne, Pilbara, and Kimberley were enrolled, the political complexion of those seats, the political tussle in those seats, and the political competition necessary to win 50 per cent plus one of the votes in those seats would be a very different ball game indeed.

Therein lies the real reason for the Government's decision to bring in, in 1979, legislation that we could imagine being conceived in 1879 deliberately and consciously to discriminate against those Aboriginal people. The Government does not wish to face the prospect of losing those four seats. It does not wish to face the prospect of having to do what is necessary to gain the 50 per cent plus one votes in those seats, if the political complexion of them were to be changed.

The key element in this whole exercise is a decision on the Government's part to place an

obstacle before the people who wish to enrol. This is the same Government that spoke in very sincere terms during the 1977 election campain about open government—about taking people into their confidence.

Mr B. T. Burke: Confidence tricks.

Mr BRYCE: No doubt members recall the savoured phrases of the Premier. Who would believe him now? He said it was his intention to set up a network, a means by which the Government would listen to the views of the ordinary Western Australians. The Government wanted to know how the ordinary Western Australians felt about what ought to be done in this State; how its future ought to be shaped. Special steps were to be taken to make this possible.

How inconsistent is that statement of objectives with a decision to introduce a Bill to obstruct clearly and deliberately a number of people who may wish to exercise the right to vote in this State, specifically because they are illiterate!

One of the things I find astonishing about the existing Act—it is quite unacceptable, in fact—is the litany of questions which is also incorporated in the amendment and which was used and abused by Liberal Party representatives in the Kimberley to bluff and to cajole people out of their votes during the course of the 1977 election. If the member for Gascoyne was sincere and dinkum; if the Government was genuine about its concern for the Aboriginal people—and not just the Aboriginal people, but other ethnic minorities who have difficulty with the English language but who are not to be assumed to be unintelligent—if the Government were dinkum about applying a democratic political system, it would be borrowing ideas that have been used quite successfully in places like New Guinea, India, and South-East Asia. In those areas, democratic elections are held. It is not necessary for a person to be white, Anglo-Saxon, middle-class, and articulate to be part of a political democracy. However, that is the basis on which these laws have been framed.

I have an absolute objection to section 119 of the Act, which is continued in a very similar form in the amending legislation. If the Government were dinkum, and if the member for Gascoyne were genuine in his concern for the Aboriginal people, he would not be seeking to place this sort of obstacle before the people.

None of us in this House will ever forget the evidence of how this section was used to bluff people out of their votes. They were people who had, under the old system, managed to become enrolled. In the next election, a lot of people will not be able to exercise the right to vote because they will not be on the roll. Assuming they have by-passed that little obstacle, they come up against the litany of questions that can be asked of them.

The questions contained in section 119 are rather interesting. They would provide confusion not only in the minds of Aborigines but also in the minds of quite a few ordinary people in the community. Under section 119 as it is to be amended by this Bill, the presiding officer shall put to any person claiming to vote at any election certain questions—and this little exercise was indulged in by the "legal eagles" representing the Liberal Party in the 1977 general election.

Having had the opportunity to revise that section, that is what the Government has come up with. These questions are to be asked of some semi-literate persons. The first is, "Have you already voted here or elsewhere at this election?" That is a fairly simple and straightforward question. If that question is answered in the negative the next question will be, "Do you live in the electoral district of—" and presumably here they will say Kimberley, Gascoyne, Murchison-Eyre, or wherever.

If question (b) is answered in the negative the following additional question is to be asked, "Have you within the last preceding three months bona fide lived within that district?" I wonder what that would mean to a semi-literate individual. I wonder whether the member for Bunbury, who is now nearly asleep, could tell us what "bona fide" means in that sense. It seems the member cannot tell us, and I am not surprised.

I would be surprised if the member for Greenough could tell us what it means. Let us ask the member for Clontarf, perhaps he can tell us.

Mr Williams: Get on with it.

Mr BRYCE: There are three members on the Government back benches who could not answer that question intelligently, yet the Government has the hide to write that sort of phraseology into a piece of legislation and to say it ought to be part of a question that will be put to semi-literate people. Presumably these members of Parliament, being Anglo-Saxon and perhaps middle class, ought to be able to understand it.

Perhaps the member for Whitford could now tell us what it means?

Mr Nanovich: You tell us.

Mr BRYCE: I will repeat the question: "Have you within the last preceding three months bona

fide lived within that district?" It would seem that the message has got through to the Government back-benchers at last. Presumably one of their legal representatives has informed them of what it means. The question is a good indication of the Government's intention and sincerity.

That is just one example of the list of questions that can be used and abused to confuse semi-literate people—and presumably highly intelligent members of the Government back benches.

I dissociate myself from the motives involved in bringing this piece of legislation to the Chamber; it does the Government a real disservice. It will be one of the real blots on this Government's copy book. We will lay this Government to rest at the next election and will be happy to do so. This is one of the first pieces of legislation that we will be reintroducing into Parliament to put straight and to make it dinkum and honest.

MR O'NEIL (East Melville—Deputy Premier) [12.34 a.m.]: We have heard a lot of discussion and debate over many hours on the subject of electoral laws generally. Quite a deal of it was related to the Constitution Acts Amendment Act and the Electoral Districts Act, while only a little of it referred to the Bill itself.

Firstly I want to go back and remind members of the history behind the introduction of this legislation.

Mr T. J. Burke: The Kimberley by-election.

Mr O'NEIL: I refer to the Court of Disputed Returns and a number of things that were said and alleged during that period.

Mr T. J. Burke: I would hate to retire with this on my head.

Mr O'NEIL: It was during the sitting of the Court of Disputed Returns relating to the State election in 1977 that a number of questions were raised in respect of the operation of that election. Following that, a new election was held on exactly the same electoral laws and the member for Kimberley was returned.

However, there was sufficient criticism of the electoral laws and procedures to warrant an examination of the Electoral Act itself—not the Constitution Acts Amendment Act, or the Electoral Districts Act, but the Electoral Act. So the Government quite rightly established an inquiry into certain of the matters raised. Invitations were extended to all interested parties to make submissions in respect of the Electoral Act as it then stood. A number of political parties and individuals made representations to Mr Justice Kay when he was appointed.

When I introduced the Bill I indicated there were a number of matters which were particularly referred to Mr Justice Kay and most were those matters raised during the hearings of the Court of Disputed Returns, by the media and others during that period. In addition there were a number of other matters which the Government, purely as an academic act, felt ought to be looked at.

A long time prior to the receipt of the Kay report we had indicated our intention to repeal part VI of the Electoral Act, which relates to election expenses. We had already examined that. I had noted—I mentioned by interjection earlier—that the ACT, Queensland, New South Wales, and South Australia had no provision in respect of accounting for election expenses. So that was another matter which was referred to Mr Justice Kay.

Mr Jamieson: I do not think he was a justice; he was Judge Kay.

Mr Tonkin: A big difference.

Mr O'NEIL: As he has retired, I shall refer to him as Mr Kay. We referred that matter to him for his examination to see if the part should be amended or repealed, in part or in whole. His recommendation was that we should repeal the entire part, and we accepted that.

Other matters to be considered referred to consultations between the Chief Electoral Officer and the Crown Solicitor. I think the member for Mt. Hawthorn mentioned one of those matters in relation to expenses arising out of the Court of Disputed Returns. The member for Mt. Hawthorn would have us believe without any question at all that members of Parliament involved in a Court of Disputed Returns get a handout from the people. A case has to be proven and it is entirely at the whim of the court as to whether expenses are met in relation to a case heard before a Court of Disputed Returns.

The other matter to which he referred was the ratification of any action taken by any member or Minister who sits in this Parliament, between the time he is elected and the time the election may have been upset as a result of the Court of Disputed Returns. That matter had never been covered before and surely what we did was the right thing to do.

I note that not all the Opposition members objected to those particular provisions. I suppose that each member in his own mind has certain objections to certain points.

At this late hour I will not deal individually with all the matters members raised. There are four matters which seem to be of some concern and which probably can best be dealt with in

Committee. However, there has been some criticism of what terms of reference were prepared for Mr Kay to examine. Quite frankly, I think members have not looked at them closely enough.

A number of recommendations have been made by Judge Kay and the Opposition has accepted them. Reference was made by a member of the Opposition to the great detail into which the member for Morley went in relation to the Bill. He did not go into great detail in relation to the Bill at all.

In a speech lasting approximately six hours he dealt with the matters which led up to the Kay inquiry and the recommendations which we have adopted and with which he does not agree. In the final five or 10 minutes of his speech, the member for Morley said that a number of recommendations had been made by Judge Kay with which he did not find fault and which he would accept.

The member for Morley did not deal with each section of the Kay report, nor did he deal with each section of the Bill. That is understandable; but the member for Gosnells indicated that he had done so and I want to point out to him that the member for Morley did not deal with the Bill in intimate detail clause by clause.

Mr Pearce: You cannot expect him to do that.

Mr O'NEIL: I was merely referring to the remarks made by the member for Gosnells and I am telling him he is wrong.

Mr McIver: What is the main objection to members of Parliament not being able to witness the signatures on the enrolment cards?

Mr O'NEIL: Four particular parts of this Bill appear to have caused some concern. Firstly, there was the restriction in respect of the initial witnessing of enrolment cards. It is true that the provisions of the Bill, as introduced, mean that all enrolment cards whether they be for a first enrolment or a change of address are required to be witnessed by people belonging to the four classifications mentioned.

However, there is an amendment on the notice paper in my name and it has been there for some considerable time now. It indicates quite clearly it is the Government's intention that this provision should apply only to the first enrolment.

When one looks at all the trials and troubles members indicate might occur, one would imagine people enrolled for the first time every day. It is generally something that happens once in a person's lifetime with the exception that for some reason, either when he goes overseas or to the Eastern States of his own free will, he is removed from the roll of Western Australia. When he returns, he has to go through the experience of having an enrolment card witnessed and attested to by a justice of the peace, clerk of the courts, policeman, or officer of the Electoral Department.

Mr Tonkin: That is not true. People are being removed from the roll all the time without leaving the State or the electorate.

Mr O'NEIL: I would like evidence of that.

Mr Bryce: The member for Gascoyne said so.

Mr McIver: It is happening all the time.

Mr O'NEIL: Some time ago the member for Welshpool raised that issue by way of a question directed at me. I cannot remember the figures I gave him, but this is certainly not something which is occurring all the time. There are about 50 deletions per week in respect of my own roll in East Melville. However, the people who are removed from the roll do not go off it forever. They are people who have transferred from my roll to another. Similarly, there are about 50 additions per week to my roll.

Mr Pearce: You should live in my electorate where we have about 150 a week.

Mr O'NEIL: Are they all new enrolments?

Mr Pearce: No; but a lot of them are.

Mr O'NEIL: The great majority of people deleted from the roll move from one electorate to another and are required, after a certain period, to be enrolled in their new electorate. Hundreds of thousands of people are not enrolling every year as brand-spanking new enrolees. Neither are hundreds of thousands of people being taken off the roll through the actions of the Electoral Department.

Mr B. T. Burke: What is the percentage?

Mr O'NEIL: I am not sure of the percentage; but I believe the member for Welshpool asked me a question in relation to this matter within the last year.

Mr B. T. Burke: No, he did not. He asked you when the rolls are matched against the enrolment cards for regular checks.

Mr O'NEIL: If a question is asked of me in this regard, it will probably result in the Electoral Department looking through its records to determine the percentage. It is nonsense to suggest, however, that hundreds of thousands of people are being taken off the roll or going onto the roll every year.

Mr McIver: Why cannot MLAs witness the signatures? Surely they have as much entitlement as a police officer.

Mr O'NEIL: The member for Avon can argue that point in the committee stage. When we take action as a Government to set up a judicial inquiry into a matter of great importance and when we implement all the recommendations with the exception of two—I do not believe anybody has objected to the two we have not implemented—

Mr Jamieson: I think you could have let one of them come in.

Mr O'NEIL: Nobody has objected to the fact that we have not implemented two of the recommendations. Had we produced the report and decided to do nothing about it, the criticism would have been tenfold.

Mr Tonkin: Why did you pick Judge Kay?

Mr O'NEIL: The member for Morley has indicated that, for some reason, he believes Judge Kay to be incompetent.

Mr Tonkin: I read from his report for an hour. Do you want me to go through it again?

Mr O'NEIL: The member for Morley has put forward his point of view. Other members opposite referred to this report and it was quoted extensively by a number of them. However, no other member opposite questioned the competence of Judge Kay.

Mr Tonkin: The member for Welshpool did.

Mr Jamieson interjected.

The SPEAKER: Order! I ask members of the House to give the Deputy Premier an opportunity to reply to the debate. It has been a rather long debate and although other members from the Government side interjected, the Deputy Premier did not interject whilst the debate was in progress except with one or two minor exceptions. I believe he is now entitled to the opportunity to reply to the debate without a barrage of interjections.

Mr O'NEIL: The author of the report has been criticised, firstly and quite clearly by the member for Morley, and now, by implication, by the majority of members of the Opposition. That is a great pity, because had we not adopted the bulk of the recommendations made by the gentleman concerned, we would have been subjected to much greater criticism.

Mr Tonkin: Not from us.

Mr O'NEIL: We would have been criticised had we not set up an inquiry. Now we have had an inquiry and whilst the member for Mt. Hawthorn believes the Labor Party should not have made submissions to it, the fact is that it did and those submissions were considered.

Mr Tonkin: Oh, yes—considered and rejected!

Mr Pearce: They were rejected.

Mr Bertram: They should not have taken on the job at all.

Mr Pearce: That shows the degree of impartiality, when all our recommendations are rejected.

Mr O'NEIL: The member for Mt. Hawthorn did not say all the recommendations in the submission were rejected. He said he did not know what had been rejected.

Mr Pearce: You read our submission and you will see.

Mr O'NEIL: I have not seen the submission of the Labor Party. It was made to Judge Kay.

Mr Pearce: I will send you a copy.

Mr O'NEIL: Apart from submissions made by political parties, submissions were made also by a number of individuals. There was a total of approximately 30 submissions and a considerable number of other people gave evidence before the inquiry. Included amongst those groups which made submissions were the Specific Learning Difficulties Association of WA, the Good Neighbour Council, the Aboriginal Legal Service, and the Department of Corrections.

Mr Pearce: Almost all of which were opposed to making the provisions harder, and in particular, the Specific Learning Difficulties Association of WA and the Good Neighbour Council.

Mr O'NEIL: We have heard a good deal about the treatment of Aborigines in respect of this Bill; but I should like to point out that the submissions made on their behalf were made by some very competent people including Mr P. L. Seaman QC, Mr J. A. Sullivan, Mr P. D. O'Brien, and Mr G. L. McDonald. All of these gentlemen represented the Aboriginal Legal Service.

Mr Pearce interjected.

Mr O'NEIL: The member is saying that a person who belongs to the same profession as the gentlemen to whom I referred, who held the position of judge of the District Court, and who had served as a magistrate for a considerable period of time is totally incompetent and inept unless he agrees with all the submissions made.

Mr Pearce: It is no good reading all the submissions put up if they are ignored.

Mr O'NEIL: I remember a football match held not long ago where 18 of the best players in Perth were beaten. Members opposite are saying that a person of the status of a District Court judge, who is widely experienced in dealing with people in other fields—Aborigines in particular—suddenly

becomes wrong in every respect. That is not so. Even the member for Morley believes that the great majority of recommendations made are fair and reasonable, and acceptable.

Mr Tonkin: I do not know about the "majority".

Mr O'NEIL: Only three issues have been raised in regard to which the Opposition sees major objections.

Mr Pearce: Four objections were raised.

Mr O'NEIL: The fourth was raised only by the member for Merredin. Three main issues were raised.

Mr Bryce: Would the Deputy Premier be prepared to provide the House with a copy of the Liberal Party's submission to Judge Kay?

Mr O'NEIL: It was not given to me.

Mr Bryce: The member for Morley said he was quite happy to provide the submission by the Labor Party.

Mr O'NEIL: I do not have a copy of the submission.

Mr Bryce: Could you get one?

Mr O'NEIL: Why does not the Deputy Leader of the Opposition ring up the Liberal Party office and ask for one? I do not have a copy of it. I do not have a copy of the Labor Party submission, or the submission by the Aboriginal Legal Service.

Mr Bryce: I asked whether you could get one for the members of this House.

Mr O'NEIL: The Deputy Leader of the Opposition first asked whether I had one.

Mr Bryce: I am not particularly welcome at Colin Street.

Mr O'NEIL: Why is that?

Mr Bryce: The last time I went there, to call on an architect in the same building, they straightaway thought I was a plumbing inspector.

Mr O'NEIL: I can understand that!

The other matter raised was with regard to election expenses. I have already pointed out we are not unique in seeking to abolish election expenses. All members are aware that following an election we are required to submit a return. However, that return is related only to certain expenses in conducting the election campaign. There is a colossal area of expenditure which may be incurred, and which is not accountable in any way. For example, no account is taken of travelling and other associated expenses when conducting an election campaign. Those expenses do not have to be accounted for.

I think members have to account for the employment of election officers or agents. I do not think, since Adam was in short pants, any member has employed an election agent. However, expenses for the employment of election agents are accountable. The hire of public halls is accountable, but I do not know how often election meetings are held by individual candidates in public halls. Perhaps political parties, as a whole, do hire public halls. However, public hall meetings in respect of elections—certainly in the metropolitan area—seem to have gone by the board.

Mr B. T. Burke: Street meetings, too, now under the new Police Act.

Mr O'NEIL: No, that is not right. I think on an occasion in 1959, at my first attempt to enter Parliament, I had a public meeting in a hall at Applecross. My meeting was a week after the then Labor member held his meeting. We had a chat about our meetings, and he agreed the only reason he had more people at his meeting than I had at my meeting was that he had more relatives. That was probably right. One went to great expense with advertising from amplifiers on the tops of cars, and nobody turned up.

Mr McIver: We are talking about now.

Mr O'NEIL: I am talking about the expenses we had to account for previously. Of course, political organisations which support candidates do not have to account for their expenditure anyway. So, the whole thing is impracticable and inoperable.

I understand a number of members have submitted returns in the past with certain modifications. Some appear to have stayed within the $1 000 minimum. Others frankly stated that they had spent $2 500. What can be done about it? Absolutely nothing.

I know that for years Federal members of Parliament have not submitted any returns at all. The Electoral Department, federally, has not been able to do anything about that. What penalty is there in the Act in respect of that provision? Does anybody know? I do not know; it has never been enforced.

Mr Bertram: The Act should have been amended and a few penalties inserted.

Mr O'NEIL: New South Wales, which happens to have a Labor Government, does not apply a limit. A limit does not apply in South Australia. In the ACT and in Queensland everyone has recognised the stupidity of this particular provision.

Mr Bertram: Will it be Government policy to follow the precedents set by the New South Wales and South Australian Parliaments?

Mr O'NEIL: The member for Morley covered a lot of ground outside this Bill. He dealt with the machinery of elections and electoral matters. Those matters would more properly fall within the scope of the Constitution Act or the Constitution Acts Amendment Act.

Mr B. T. Burke: He covered them very well.

Mr O'NEIL: Yes he did, quite illegally.

The other question raised was with regard to handicapped people and concern was expressed by the member for Morley with regard to the privacy of the vote of such people. I think the member for Morley, after an interjection from me, admitted that in respect of these handicapped persons there is not much opportunity for privacy or secrecy with regard to their vote.

Mr Tonkin: They want as much privacy as possible.

Mr O'NEIL: As the Act stands at present, there are separate provisions for handicapped persons, illiterate persons, and persons with sight impairment. They were covered by separate provisions. Virtually we have compressed them all into one provision which relates to handicapped people generally.

There was a request in one of the submissions concerning the use of the word "illiterate" because it does not mean very much. A person can be illiterate in the English language, but perfectly literate in his own language. So, we have avoided the use of the term "illiterate" and used wording which means "disadvantaged" or something to that effect. It applies to disadvantaged people.

Mr Tonkin: Why cannot a disadvantaged person nominate someone to go into the polling booth with him?

Mr O'NEIL: That has never been the case previously in respect of a person who did not have a command of the English language. It applied only in the case of a blind person.

Mr Tonkin: Why not?

Mr O'NEIL: Do we want to separate them all again and have different provisions?

Mr Tonkin: No, but for certain people.

Mr O'NEIL: There is a need for a common form.

There was a fair deal of discussion on the presence of scrutineers. I do not know whether all members of this House do have scrutineers at the poll. I have never had scrutineers at any poll other than the first one I contested. On that occasion somebody else was running my campaign; at that time I did not have a great deal of knowledge about elections.

Scrutineers at the count is a different situation from scrutineers at the poll. I do not think too many metropolitan members employ scrutineers at the poll. I think the silence from members indicates their consent.

Mr Jamieson: I usually have an authority form at the poll.

Mr O'NEIL: So do I, in case somebody wants to go in to look around. However, I have never had scrutineers permanently present at the poll, and I am prepared to bet my bottom dollar that the majority of members do not have scrutineers present at the poll.

The situation where a disadvantaged person wants assistance from a friend will almost automatically obtain in any polling booth in the metropolitan area, and probably also in the country. Certainly, I do not think it will create the problems envisaged.

The problem, of course, with a blind person is that he cannot see how the electoral officer fills in his card. For that matter, he could not see how his son filled in the card, if the son was assisting. Certainly, an illiterate person—a person who had no command of the English language—might have difficulty in knowing whether or not the electoral officer filled in the card according to his instructions. The scrutineers representing the political parties are present and they are the people who really keep an eye on the presiding officer, or the poll clerk, or the electoral officer to ensure he does fill in the card in accordance with the instructions of the voter.

I believe a lot of unnecessary concern has been expressed over this particular provision. A person who has a sight impairment will be able to have a friend mark his card for him.

Mr Tonkin: Why are they going forward then? That is not an argument.

Mr O'NEIL: The honourable member is endeavouring to create an impression that we are doing something which has never been done before. We are simply putting all handicapped voters, whether they are physically handicapped, handicapped with language difficulties, or anything else, in that category and simplifying the provisions of the Act, once again adopting the recommendations of the person who was appointed to inquire into it.

Some questions were raised in relation to the mobile booths. Only two questions of concern

were raised. I think most people accept that there is a problem in respect of some of our more remote areas.

Mobile booths are an innovation in major hospitals, where presiding officers can go from bed to bed and give absent votes to the patients, remembering that patients come from widely scattered electorates and are not all in the area in which the hospital is situated. This has been of great assistance.

One of the problems in our remote areas is the establishment of a stationary or static booth in one place, and an attempt is being made to establish them where the number of voters on the roll warrant them; but they do not cater for people in outlying places. The intention is that when the system comes into being a programme will be drawn up of the places and times at which mobile booths will be established. They will be conducted by the electoral officers and an opportunity will be given, as in respect of static booths, for candidates to appoint scrutineers.

There is no danger of a candidate being able to influence or persuade people to do certain things at those booths because on polling day a candidate's movements are rather restricted. In fact, reading the Act strictly, one is not allowed to go into a booth to vote for oneself; so the best place for a candidate, especially a new candidate, on polling day is to be locked away in a cupboard to await the results. If parties want to have scrutineers at the places where these mobile booths will be static for the time being, that is their business. There is no difference in the provisions applying to a mobile booth and a static booth.

Mr Tonkin: How will people know where they are?

Mr O'NEIL: A list will be published of the places and times at which booths will be present. I have discussed with the Chief Electoral Officer how he will manage it. He said there will be problems but it is proposed to have officers of the Electoral Department itself out in the field a fortnight before the election, and it is they who will go from place to place, stopping at certain places at certain times to have votes recorded with them. They will be permanent officers, not temporary staff.

Mr Harman: Why can't you wait until the final day?

Mr O'NEIL: Because it would be impossible to visit all those places on the final day.

Mr Harman: Name one.

Mr O'NEIL: The Kimberley, the Murchison, out towards the South Australian border—

Mr Harman: Cut it out! Why can't you have a polling booth at Bolga?

Mr O'NEIL: We probably will have. Not all booths will be mobile. There is provision to provide mobile booths for specific areas in remote places.

Mr Harman: Which are the remote places?

Mr O'NEIL: At many places the only way people can vote now is by post.

Mr Harman: Name the remote places in the Kimberley where there are more than 50 electors.

Mr O'NEIL: What has 50 got to do with it?

Mr Harman: Fifty or 100.

Mr O'NEIL: Or 10. I just mentioned that wherever there is a reasonably substantial number of people on the roll a polling booth will be established, but in remote areas in order to cater for all those people who have difficulties in travelling, mobile booths will be established.

Mr Harman: What is a substantial number for a polling booth?

Mr O'NEIL: I think it is about 15 at the moment. Where there is a potential enrolment—

Mr Harman: So there is no need for the mobile booths.

Mr O'NEIL: If there is no need for them we will not have them. We have made provision for them.

The member for Merredin raised a question about what would happen if for some reason an appointment could not be kept; in other words, if a mobile booth does not arrive at a certain place at a certain time, perhaps because the airstrip or the roads are not usable. The fact that those people do not record votes will not affect the result of that election. It has nothing to do with the Court of Disputed Returns. The number of people involved will be very small. There are provisions where in the case of flood, fire, or famine the presiding officer can postpone the arrival of the booth until another day. It is simply a precaution in the event that a plane cannot land at a place where 10 or 15 people are waiting to vote. That will not be the same as having half the electorate scrubbed out on account of weather conditions.

I do not think there is any need for concern because the number of votes recorded at these mobile booths certainly will not seriously affect the result. I think the numbers will be reasonably small; but in any case, if the event occurs on the first day of the two weeks, alternative

arrangements could probably be made for those people to vote. It is purely a precautionary measure.

I think that covers the four main points which have been raised. Most of the other matters were not dealt with in any great detail. From my point of view there seems to be general acceptance of the great majority of the proposals in the Bill and I commend it to the House.

Question put and a division taken with the following result—

Ayes 25

Mr Blaikie	Mr Nanovich
Mr Clarko	Mr O'Connor
Sir Charles Court	Mr O'Neil
Mr Cowan	Mr Ridge
Mr Coyne	Mr Rushton
Mr Crane	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Spriggs
Mr Hassell	Mr Stephens
Mr Herzfeld	Mr Tubby
Mr P. V. Jones	Mr Williams
Mr Laurance	Mr Shalders
Mr MacKinnon	*(Teller)*

Noes 16

Mr Barnett	Mr Hodge
Mr Bertram	Mr Jamieson
Mr Bryce	Mr McIver
Mr B. T. Burke	Mr Pearce
Mr T. J. Burke	Mr Taylor
Mr H. D. Evans	Mr Tonkin
Mr Grill	Mr Wilson
Mr Harman	Mr Bateman
	(Teller)

Pairs

Ayes	Noes
Mr Watt	Mr Skidmore
Mr Mensaros	Mr Carr
Mrs Craig	Mr Davies
Dr Dadour	Mr T. D. Evans
Mr Old	Dr Troy
Mr Young	Mr T. H. Jones

Question thus passed.

Bill read a second time.

In Committee

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

Clauses 1 to 7 put and passed.

Progress

Progress reported and leave given to sit again, on motion by Mr O'Neil (Deputy Premier).

BILLS (9): ASSENT

Messages from the Governor received and read notifying assent to the following Bills—

1. Bulk Handling Act Amendment Bill.
2. Cattle Industry Compensation Act Amendment Bill.
3. Stipendiary Magistrates Act Amendment Bill.
4. Sunday Entertainments Bill.
5. Land Tax Assessment Act Amendment Bill.
6. Dental Act Amendment Bill.
7. Radiation Safety Act Amendment Bill.
8. Skeleton Weed (Eradication Fund) Act Amendment Bill.
9. Valuation of Land Act Amendment Bill.

WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL (No. 2)

Assent

Message from the Governor received and read notifying assent to the Bill as follows—

> In accordance with advice contained in the Certificate of the Parliamentary Counsel and by virtue of Clause 2 of this Bill which was inserted to comply with Section 736 of the United Kingdom Merchant Shipping Act, 1894, I have sought the declaration of the approval of Her Majesty The Queen of the provisions of the Act in accordance with Section 2 thereof.

BILLS (4): RECEIPT AND FIRST READING

1. Legal Practitioners Act Amendment Bill.
2. Constitutional Powers (Coastal Waters) Bill.
3. Crimes (Offences at Sea) Bill.
4. Off-shore (Application of Laws) Act Amendment Bill.

Bills received from the Council; and, on motions by Mr O'Neil (Deputy Premier), read a first time.

House adjourned at 1.17 a.m. (Wednesday).

QUESTIONS ON NOTICE

WATER SUPPLIES: METROPOLITAN WATER BOARD

Apprentices

1335. Mr BRIAN BURKE, to the Minister representing the Minister for Water Supplies:

(1) What is the Metropolitan Water Board's policy on future employment of apprentices?

(2) Has this policy changed during the past nine years?

Mr O'CONNOR replied:

(1) and (2) The number of apprentices employed is determined from time to time, having regard to all the circumstances.

WATER SUPPLIES

Private Contractors

1336. Mr BRIAN BURKE, to the Minister representing the Minister for Water Supplies:

What is the Government's policy towards the employment of private contractors on Metropolitan Water Board work?

Mr O'CONNOR replied:

As indicated in the Metropolitan Water Board development plan, contractors are employed to provide specialist services. Contractors may also be employed for peaks of works as the board aims to provide continuing employment for its staff.

WATER SUPPLIES: METROPOLITAN WATER BOARD

Work Force: Average Age

1337. Mr BRIAN BURKE, to the Minister representing the Minister for Water Supplies:

What is the average age of wages staff employed by—

(a) the Metropolitan Water Board;

(b) the Public Works Department,

on the Kalgoorlie pipeline?

Mr O'CONNOR replied:

This information is not readily available.

TRAFFIC: DRIVERS' LICENCES

Addresses

1338. Mr GREWAR, to the Minister for Police and Traffic:

(1) Are addresses of holders of driver's licences made available by the police to—

(a) public inquirers;

(b) the Social Security Department seeking to locate persons failing to pay maintenance to a deserted partner;

(c) any organisation or person?

(2) If not, why is this information not given?

Mr O'NEIL replied:

(1) (a) and (b) No.

(c) Some Government instrumentalities.

(2) These records are considered confidential for other than official use.

TRAFFIC: OFF-ROAD VEHICLES

Control of Vehicles (Off-road areas) Act

1339. Mr H. D. EVANS, to the Minister representing the Minister for Lands:

Is it intended to proclaim the Control of Vehicles (Off-road areas) legislation this year, and if so, when?

Mrs CRAIG replied:

This question should have been referred to the Minister for Local Government. The answer is as given on the 8th August, 1979, to question 932.

WORKERS' COMPENSATION

Pneumoconiosis Medical Board

1340. Mr GRILL, to the Minister for Health:

Further to question 1218 on Thursday, the 23rd August, 1979, relevant to silicosis and pneumoconiosis diagnoses, would he check the facts contained in

his reply and either confirm same or clarify his answer?

Mr YOUNG replied:

I have checked the facts contained in my previous reply. Mr Turich was diagnosed as suffering from silicosis after his examination by the mines medical officer on the 19th September, 1975. The mines medical officer amended this diagnosis on the 8th September, 1976 and subsequent examinations by him on the 3rd April, 1978 and the 21st August, 1979, and by the Pneumoconiosis Medical Board on the 18th July, 1979 did not confirm that Mr Turich was suffering from silicosis.

I am unable to explain how this apparent error on the 19th September, 1975, occurred and appreciate that the amended diagnosis would have caused some concern to Mr Turich. I regret that it happened and that I misinformed the member.

As stated in my previous answer, an amended diagnosis of this type is fortunately uncommon.

In the member's earlier question he asked that consideration be given to the introduction of appeals against the decisions of the Pneumoconiosis Medical Board. May I inform the member that the examinations of Mr Turich by the mines medical officer are conducted under the Mine Workers' Relief Act and that this Act does provide for appeals against the decisions of the mines medical officer.

POLICE

Gold Stealing Squad

1341. Mr GRILL, to the Minister for Police and Traffic:

Further to question 1217 on Thursday, the 23rd August, 1979, how and in what way are parts of the gold stealing squad's operations financed from the proceeds of recovery of gold or gold matter recovered by the squad?

Mr O'NEIL replied:

The Chamber of Mines is reimbursed out of the proceeds of recovery of gold or gold matter up to the cost of maintaining the gold stealing detection staff.

HOSPITAL

St. John of God, Subiaco

1342. Mr GRILL, to the Minister for Health:

(1) What is the present position of the St. John of God Hospital, Subiaco?
(2) What are the future prospects for the hospital?
(3) What, if any, plans does the Government have for the hospital?

Mr YOUNG replied:

(1) It occupies a site in Subiaco bounded by Cambridge Street, Connolly Street, Salvado Road, and McCourt Street.
(2) Excellent.
(3) None.

ENERGY: ELECTRICITY SUPPLIES

Power Station: Kalgoorlie

1343. Mr GRILL, to the Minister for Fuel and Energy:

(1) Has an offer been made by the State Energy Commission to take over the electricity power generation plant of the Kalgoorlie Town Council?
(2) What were the basic terms of the offer?
(3) When was the offer made?
(4) What response has there been to the offer?
(5) What benefit would accrue to the people of Kalgoorlie and Boulder if the State Energy Commission took over the power plant?
(6) In the event of the State Energy Commission taking over the said power generating capacity, what would be the estimated charges for power in the Kalgoorlie-Boulder area?
(7) What additional service and administration charges over and above the basic power rates would be likely to be imposed in the event of a State Energy Commission takeover?
(8) Would there be a reduction in the number of personnel employed in or in connection with the said electricity power plant in the event of a State Energy Commission takeover in Kalgoorlie, and what number of employees would actually be retained by the State Energy Commission?

Mr Rushton (for Mr MENSAROS) replied:

(1) No.

(2) to (4) Not applicable.

(5) Under the terms of the country towns' assistance scheme, the State Energy Commission leases the assets of the undertaking and operates the undertaking as part of its integrated statewide operation. It thereafter offers statewide standard electricity tariffs to the customers concerned.

(6) They would be the standard State Energy Commission tariffs, as applicable everywhere SEC supplies the power.

(7) There would be no additional charges if the commission accepts an application from the Town of Kalgoorlie although it may be necessary to arrive at some interim arrangements for the first year or two.

(8) There would be a reduction in personnel, since the commission would be able to achieve significant economies because of the statewide nature of its operations. The number of employees to be retained would be decided upon after the time of an application to join the scheme. The commission would give preference to displaced persons in vacant positions elsewhere.

EDUCATION DEPARTMENT

Employees: Tenders

1344. Mr DAVIES, to the Minister for Education:

(1) Further to question 1202 of 1979 in reference to school bus contract tender No. 217, Nollamarra east and north, is he aware that the contract was awarded to the wife of an Education Department school bus inspector?

(2) Will he ensure that situations such as this are avoided in future?

Mr P. V. JONES replied:

(1) Yes.

(2) No. Any similar situation will be decided on merit.

EDUCATION: PRE-PRIMARY CENTRES

Murray Electorate

1345. Mr SHALDERS, to the Minister for Education:

(1) What was the total cost of building, equipping and furnishing pre-primary centres at the—

(a) North Dandalup;
(b) Carooola;
(c) Dwellingup;
(d) Pinjarra;
(e) Mandurah; and
(f) Dudley Park primary schools?

(2) What has been the total cost of repairs, renovations, alterations and additions to the above schools since the 1st January, 1974?

(3) What is the total amount of Government funds allocated since 1974 to the above schools for the provision of library books, teaching aids and other equipment?

(4) What was the final cost of building, equipping and furnishing the Mandurah High School?

(5) What was the final cost of building, equipping and furnishing the new classroom block at the Pinjarra Primary School?

Mr P. V. JONES replied:

(1) to (5) This answer necessitates considerable research and the member will be advised by letter as soon as possible.

HEALTH

X-rays

1346. Mr HERZFELD, to the Minister for Health:

(1) Has his attention been drawn to a report that the Hospital Radiation Technologists Association of Victoria claim only 13 per cent of medical X-rays taken in private practice in Australia are by qualified radiographers?

(2) (a) Has he similar statistics for Western Australia;
(b) if so, what are they?

(3) Will he obtain and table the report referred to in (1) above?

(4) What qualifications are required to operate X-ray equipment and is it legal for medical practitioners and their staff to operate such equipment?

(5) What controls exist to ensure patients are not exposed to unnecessary radiation through either excessive doses or more frequent exposures than necessary?

(6) Has he received any complaints suggesting that medical practices are—

(a) not complying with regulations controlling the use of X-rays;

(b) are using X-rays unnecessarily?

(7) Is he giving consideration to tightening controls through legislation or regulation?

Mr YOUNG replied:

(1) Yes.

(2) (a) and (b) No, but it would be reasonable to estimate that at least 90 per cent of medical X-rays taken in private practice in Western Australia are taken by qualified radiographers.

(3) Yes.

(4) The Radiation Safety Act restricts the use of irradiating apparatus for diagnosis of human beings to medical practitioners, dentists, chiropractors, or physiotherapists or persons acting under their supervision and direction.

(a) Medical X-ray equipment. Except for a very small number of practices, medical X-ray equipment must be operated by qualified medical radiographers or other persons with training approved by the Radiological Council as appropriate to the type of X-rays being taken.

(b) Dental X-ray equipment. This equipment is operated by dental practitioners and persons acting under their supervision and direction.

(c) Chiropractic X-ray equipment. This equipment may be operated by chiropractors who have passed the Radiological Council's X-ray examination or qualified medical radiographers acting under their supervision and direction.

It is legal for medical practitioners and persons acting under their direction and supervision to operate medical X-ray equipment. The use of any X-ray equipment requires the holding of a licence or registration as provided for in the Radiation Safety Act.

(5) All X-ray installations are inspected periodically to ensure that they comply with the recommendations of the International Commission on Radiological Protection. It is not possible to control the frequency of X-ray examination of a patient since a decision to make such an examination involves a clinical judgment on the part of the practitioner concerned.

(6) (a) No.

(b) Yes, but these are very occasional and departmental officers can recall only three in recent years.

(7) Yes. New regulations currently being drafted will have the effect of tightening controls.

The paper was tabled (see paper No. 339).

MINING: GOLD

Price Stabilisation

1347. Mr GRILL, to the Minister for Mines:

(1) Referring to the Minister's comments in *The West Australian* of Tuesday, the 28th August, 1979, relating to a price stabilisation scheme for gold, when did the State Government approach the Federal Government with proposals to stabilise the gold price?

(2) Who in the State Government presented the proposals and to which person in the Federal Government were the proposals directed?

(3) Were the proposals in written or verbal terms?

(4) What were the terms of the proposals?

(5) What reasons were given for the rejection of the proposals?

Mr Rushton (for Mr MENSAROS) replied:

(1) to (5) In my statement of the 27th August, 1979, part of which was reported in *The West Australian* on Tuesday, the 28th August, I referred to the equation between gold price and production costs.

Support for a minimum gold price is unlikely to be successful as a measure on its own, because the viability of an operation depends upon the margin of the gold price over the production cost.

During the low gold prices between June, 1975, and February, 1976, discussion with the Commonwealth Government was on the subject of stabilisation of the industry and in particular related to finance for mine development in preparation for profitable operations when the gold price recovered.

LOCAL GOVERNMENT

Superannuation Scheme

1348. Mr HODGE, to the Minister for Local Government:

(1) Have negotiations for the introduction of a new local government superannuation scheme been concluded yet?

(2) If answer to (1) is "No" when is the matter likely to be finalised?

(3) When did the negotiations commence?

(4) When will legislation be introduced to implement the new scheme?

Mrs CRAIG replied:

(1) No.

(2) I propose to hold further discussions with the various parties concerned shortly. However, at this stage, I am unable to predict whether these discussions will resolve all of the issues under consideration.

(3) Following consideration of the initial draft of the proposed scheme a revised draft scheme was circulated to all parties during March, 1979. Negotiations have been proceeding since then.

(4) Not until substantial agreement has been reached with all the parties concerned.

EDUCATION: TERTIARY

Institutions: Access to Industrial Commission

1349. Mr HODGE, to the Minister for Labour and Industry:

(1) Further to question 1270 of 1979, will his department advise what machinery is provided within the University of W.A. Act 1911-1977 and the Murdoch University Act, 1973-1978, for the settlement of industrial disputes between academic staff and the university administration?

(2) Will his department further advise what machinery is provided within the relevant Statutes that established colleges of advanced education in Western Australia for the settlement of industrial disputes between academic staff and the college administration?

(3) Does the "Visitor's" role in a University include conciliation and arbitration in industrial disputes between academic staff and the university senate?

Mr O'CONNOR replied:

(1) The Senates of both the University of Western Australia and Murdoch University are the governing authorities of the respective universities. The senates have the power under their governing legislation to make regulations or statutes relating to conditions of employment and internal procedures are in existence for settling industrial disputes. These internal procedures ensure adequate consultation to reach agreement before disputes arise.

(2) The Statutes which established colleges of advanced education in Western Australia (Western Australian Institute of Technology Act, 1966 and the Colleges Act, 1978) provide the governing councils with powers to make statutes similar to those powers of the University of Western Australia and Murdoch University.

(3) The relevant statutes are not specific in respect of the role of a "Visitor" in a University. However, in practice, the "Visitor" does not become involved in conciliation and arbitration in industrial disputes between academic staff and the university senate.

WORKERS' COMPENSATION

Medical Reports

1350. Dr TROY, to the Minister for Labour and Industry:

(1) With regard to question 455 of the 12th April, 1979, relevant to regulations

applicable to medical reports, will he explain why he did not reveal that John Doohan had fully advised Workers' Compensation Board registrar, Mr B. B. Phillips, in September, 1978, of failures to comply with the Workers' Compensation Act; that Doohan and the WA Trades and Labor Council had fully advised the Minister for Labour and Industry, since the 16th June, 1978, said advice acknowledged by the Minister on the 25th July, 1978, again on the 26th March, 1979 and again on the 4th April, 1979?

(2) With regard to his answering of part (3) of question 455, will he explain why Workers' Compensation Board registrar, Mr B. B. Phillips, has since the Minister's answer approached his department (State Government Insurance Office) for a copy of the report and been denied?

(3) Will he advise if currently John Doohan's complete personal file has been made unavailable to any member of the Workers' Compensation Board, and if members of that board are finding it difficult to assist Doohan's attempts to have the Minister and his department (State Government Insurance Office), observe relevant provisions of the Workers' Compensation Act?

(4) Will he reveal the date Dr Fletcher requested the report be denied to John Doohan and his representatives, the doctor's full reasons why it was to be denied, and the date on which the report was returned to Dr Fletcher?

(5) Is his department aware of any legislation which affects clause 7 of the First Schedule of the Workers' Compensation Act to the extent of authorising Dr Fletcher to obtain ministerial co-operation in denying access to a workers' compensation medical report on request?

(6) Finally, will he, as the then Minister for Police in 1974, advise if the initial arrangements to obtain the psychiatric report were set in motion about the same time that classified police reports began to be compiled openly on John Doohan and his family by Western Australian police between September and December, 1974?

Mr O'CONNOR replied:

(1) to (3) Question 455 was in general terms and was answered as such, there being no indication that it concerned Mr Doohan. Upon the position becoming known the registrar contacted the State Government Insurance Office whereupon he was informed of the circumstances and the return to Dr Fletcher of the report. I am informed that the Workers' Compensation Board has never either requested or been denied Mr Doohan's complete personal file.

(4) Contemporaneously with the supplying of the report which has since been returned, in September, 1978.

(5) No, nor was there any such co-operation.

(6) Questions as to police matters should be addressed to the appropriate Minister.

HOUSING

Queens Park

1351. Mr BATEMAN, to the Minister for Housing:

(1) Is he aware there are some single and two unit families living in three bedroom homes in the State Housing Commission's Queens Park housing area?

(2) Is he also aware there are three and four unit families living in one and two bedroom homes in the same area?

(3) Is there to be an inequality of conditions regarding this particular housing situation?

(4) If answer to (1) and (2) is "Yes", will he endeavour to rectify the matter?

(5) If not, why not?

Mr RIDGE replied:

(1) and (2) Yes.

(3) No.

(4) and (5) Yes.

ENERGY: ELECTRICITY SUPPLIES

Kenwick, Maddington, and Thornlie Areas

1352. Mr BATEMAN, to the Minister for Fuel and Energy:

(1) Is it a fact that every time a power strike is held, the Kenwick, Maddington and

Thornlie areas seem to be affected more than other areas?

(2) Is it a fact that these particular areas, every time a power blackout is on, are without power from up to four to eight hours?

(3) If answer to (1) and (2) is "Yes" would he have a full and complete investigation as to why these areas are affected more than others?

Mr Rushton (for Mr MENSAROS) replied:

(1) No. During the recent FEDU strike held on Thursday, the 30th August, 1979, the situation was complicated by a fault occurring on one of the 22 kV feeders out of Gosnells substation affecting the Kenwick, Maddington, and Thornlie areas. Supplies to these areas were then restored progressively up to 2200 hours, resulting for some people in the Maddington and Kenwick areas being without supply for 4½ hours.

(2) No.

(3) Not applicable.