# Legislative Council

Tuesday, the 9th October, 1979

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

## QUESTIONS

Questions were taken at this stage.

## GOVERNMENT RAILWAYS ACT AMENDMENT BILL

*Receipt and First Reading*

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Lands), read a first time.

*Second Reading*

**THE HON. D. J. WORDSWORTH** (South —Minister for Lands) [2.41 p.m.]: I move—

That the Bill be now read a second time.

As an alternative means of funding the acquisition of rolling stock or other items of equipment it is intended, in some circumstances, to invite offers from finance groups to purchase the items of equipment and to lease them to Westrail on a long-term basis. It is proposed that funding of 10 new suburban railcars, the tenders for which are currently being evaluated, will be arranged this way.

Section 14 of the Government Railways Act entitles the Railways Commission, with the approval of the Minister, to make additions and improvements to any railway and, in that regard, the Minister for Transport is given the power of the Minister under the Public Works Act.

Section 99 of the Public Works Act, in part, provides that the Minister may, in respect of a railway authorised by a special Act, do all acts necessary for making, equipping, maintaining, altering, repairing, and using the railway.

The PRESIDENT: Order! There is far too much audible conversation from members. I ask them to refrain.

The Hon. D. J. WORDSWORTH: Although it is believed that the Railways Commission probably already has powers under the sections mentioned to enter into such a leasing arrangement, it has been the experience of the New South Wales Public Transport Commission, which has had extensive experience in this area of financing, that legal advisers to prospective lessors require to be satisfied absolutely that the relevant Act does, in fact, bestow the necessary authority on the lessee.

The proposed amendment to section 13 of the Government Railways Act is designed to remove any doubts which may exist as to the commission's powers in relation to acquisition or disposal of real and personal property.

The Bill also provides for minor amendments to sections 23 and 82 of the Act. In section 23 the word "regulations" where it appears in two places, is substituted by the word "bylaws" because the section deals with bylaws, not regulations.

In section 82 the words "twenty miles" are substituted by the words "thirty two kilometres" to take account of metric conversion.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

## ELECTORAL ACT AMENDMENT BILL (No. 2)

*Second Reading*

Debate resumed from the 4th October.

**THE HON. R. HETHERINGTON** (East Metropolitan) [4.45 p.m.]: Although the Opposition can see some merit in certain parts of this Bill it does not think much more highly of it than it did of a Bill introduced in 1977 after the sorry fiasco of the Kimberley business, which resulted in a Court of Disputed Returns and a new election being held. We think this Bill is a bad Bill in general.

It discriminates against people who are less privileged in the community. It discriminates against Aborigines, migrants, people who are not well educated, and against 18-year-olds. It is a thoroughly unpleasant Bill and for this reason, despite the merit contained in some sections of it, the Opposition will vote against it.

I was rather interested to see in the weekend paper the suggestion that some people dislike it so much that the campaign against racial exploitation group will be taking the whole matter to the Federal Government to ascertain whether it can negate the Bill under the Federal Government's constitutional power to legislate on behalf of Aborigines.

The Hon. W. R. Withers: Why would they want to negate the whole Bill?

The Hon. R. HETHERINGTON: If they do so it will be interesting to see what happens. In reply to Mr Withers, I do not know whether in fact they want to negate the whole Bill; but obviously

they do not like parts of it. The article indicates that the group's action is the only positive move by groups opposing the electoral amendments which they claim disadvantage the voting rights of Aborigines and non-English-speaking people in Western Australia.

I was interested to see that, apparently, the person who wrote the article does not think very highly of this Chamber, because the article stated—and I do not know whether or not it did so truly—that both the WA Opposition and the Aboriginal Legal Service conceded defeat late last week when further debate on the Bill was guillotined in the State Legislative Assembly.

The Hon. W. R. Withers: I hope you keep speaking like this, because you are sure to support my amendment.

The Hon. R. HETHERINGTON: I am hoping the honourable member will support some of my amendments. Certainly, if the second reading of this Bill is carried, I will be moving some amendments myself. We might find a bit of mutual support. I will look at the member's amendment when it comes before the Committee, and I will judge it on its merits.

The Hon. W. R. Withers: Mine will be a free vote away from party lines. Will yours?

The Hon. R. HETHERINGTON: Of course it will not be. Mine will be the normal kind of vote; it will be a vote in which I vote with my party. I am a part of Caucus so I will vote as I have directed myself in a free vote in Caucus.

I was interested to note that whoever wrote the article did not seem to think very highly of this Chamber, because he said—

> The controversial bill is assured of an easy passage through the Legislative Council.

This remains to be seen.

The Hon. D. W. Cooley: The old rubber stamp situation.

The Hon. R. HETHERINGTON: Certainly the article implies that the old rubber stamp will come into action. I remember the position when the Electoral Bill was last before this Parliament. It was rubber stamped through this Chamber on that occasion and it was then rejected in another place by a very close vote where the Speaker gave his casting vote against the Bill. He was told that under Westminster traditions a Speaker was like a Cabinet Minister and if he did not want to support the Government he should resign.

On the other hand this is an interesting turn in the way we do things in Western Australia. The Leader of the House is always telling me that we do things differently here—certainly if we expect the Speaker to support the Government.

The Hon. G. E. Masters: I think when Tonkin was in power he had a similar understanding.

The Hon. R. HETHERINGTON: He may have had an understanding. I do not know what he had.

The Hon. D. K. Dans: I can't recall it.

The PRESIDENT: Would members refrain from interjecting and will the honourable member speak and direct his comments to the Chair?

The Hon. R. HETHERINGTON: I have been led astray.

The Hon. G. E. Masters: Not the first time.

The Hon. D. W. Cooley: We are a party of free thinkers.

The Hon. R. HETHERINGTON: The people reported in the Press are not the only people opposed to this Bill. I understand that in another place there were a number of people listening to the debate on the matter and they were quite vocal in opposing the Bill at a certain stage of the proceedings.

I have certainly met a large number of people opposed to this legislation. I do not know whether other members did, but I received a letter from the Rev. R. G. Stringer of the social responsibility working group, a division of the mission of the Uniting Church in Australia. He opposed the Bill and for the record I should read his opposition. I do not know whether the Premier's literary echo (W. W. Mitchell), had anything to say on the Bill. He will, no doubt, in due course as he echoes his master's voice. The Rev. Stringer's letter reads—

> We are writing to express our concern about certain provisions of the Electoral Act Amendment (No 2) 1979.
>
> Enclosed is a paper setting out more particularly the basis of our objections.
>
> 1. Witnesses to enrolment claims:
>
> The Bill adopts Judge Kay's recommendation that only electoral officers, Justices of the Peace, Police Officers and clerks of court be authorized witnesses to enrolment claims.
>
> This provision will cause inconvenience to all those wishing to enrol, and will prejudice those, especially Aborigines, living in remote areas.
>
> As there are no adequate reasons in our view to justify the change, we recommend that, in place of amendment proposed, it be provided that attached to each enrolment

claim form there should be a pamphlet setting out the elector's duties, in simple terms. The terms of this pamphlet should be enacted as a schedule to the Act.

We consider that there is no reason to alter the present provision whereby any elector may be a witness, so long as the witness is required to make sure that the details on the claim are correct (see S34(b) of the Bill).

This eliminates the suggestion that an illiterate can witness the claim.

If Parliament considers that this is not sufficient, the class of witness must be wider than that proposed in the present Bill. For example, there should be at least included school teachers, public servants, ministers of religion and members of Parliament.

To vote is a right which, with only a few justifiable exceptions, must be universal. Without extremely good reason, to set hurdles in front of the citizen who wishes to enrol as a voter is to act in a way of which any Parliament claiming to be democratically elected should be ashamed.

2. Assistance to Electors

In S21 of the Bill, it is proposed that an elector needing help from the presiding officer be able to have a friend with him *only* if scrutineers are not present.

The function of scrutineer is different from that of a friend.

We recommend that any elector needing assistance may nominate a friend to be with him at any time.

3. Postal Voting

S13 of the Bill makes it an offence for anyone to "persuade or induce" an elector to apply for a postal vote.

This provision is quite unworkable and unenforceable. It is of the type which if passed would bring the law into disrepute, and should therefore not be enacted.

The PRESIDENT: Order! Members, the audible conversation which is occurring in the Chamber of late is becoming quite disturbing. It is quite rude of members to be carrying on private conversations whilst a member is on his feet. I would ask members to refrain. If members do not want to listen to the speech I ask that they have regard for those who do.

The Hon. R. HETHERINGTON: To continue—

In conclusion, it disturbs us that the faults in this legislation may be seen as the result of an attempt by the Government to gain short-term political advantage. Even if this is not the case, this impression is given. The problems of developing a proper electoral system are great, especially where electors may come from different cultures.

These problems can only be made worse by ill considered legislation of this sort.

We ask you, when dealing with this issue in Parliament, to take this letter, and the supporting paper, into account, and to vote as you consider to be in the best interests of all people in W.A. and of the maintenance of respect for Parliament and the law.

I was tempted to read out the supporting paper attached to this letter, but I will not do so at this stage. I may read it out later if it seems appropriate. I read the letter to show that some people are opposed to the Bill and if members have received a copy of the commentary on the Electoral Amendment Act by the social responsibility working group of the Uniting Church they will be aware of the reasons for its opposition to the Bill. Its reasons are noted clearly. I will develop my own reasons for opposition to the Bill, but I read the letter to illustrate that serious and responsible people can be and are opposed to this Bill. There is no doubt that serious and responsible people throughout this community are opposed to this Bill and believe it should not be passed in its present form.

I was very interested to read the second reading speech of the Minister because the language is extremely odd. I think it is misleading. It contains suggestions which are not accurate. For example, it states that a judicial inquiry into certain aspects of the Electoral Act was held during last year and that the purposes of this Bill are to implement substantial recommendations of the report of the court of inquiry. I was not aware that Judge Kay, the former District Court judge who was sitting on this inquiry, was sitting on a court of inquiry. Certainly when I look at the report it does not say that it was a court of inquiry. It says it was an inquiry and I think to bring in the term "court of inquiry" is merely to use language that suggests that Judge Kay's opinion must be taken to be equal to that of Mr Justice Smith when he was sitting on the Court of Disputed Returns. In my opinion, this is playing around with the language in order to confuse people, because one of the things that stands out in this report is a disagreement between Judge Kay and Mr Justice Smith who is a puisne judge of the Supreme Court, and an able and competent one.

When Mr Justice Smith made in his judgment certain remarks about the presentation of how-to-vote cards as instructions during elections, the Premier was reported to have said, "That is just Mr Justice Smith's opinion". I point out that the report brought down by Judge Kay is Judge Kay's opinion, and I have suggested before in this House—and probably will suggest it again before I am finished—that Judge Kay's opinion does not seem to be based on very solid evidence. There are also internal inconsistencies in his report.

The point which interests me is that not all provisions of the report are to be implemented. When the report was first presented the Chief Secretary made a Press statement wherein he said immediately that not all the recommendations in the report would be implemented. Apparently the Government can choose which recommendations it likes and reject those it does not like. We have a conflict of opinion between a learned judge of the Supreme Court and Judge Kay. We have the Government saying in the second reading speech—

> Members will be aware that a judicial inquiry into certain aspects of the Electoral Act, 1907-1976 was conducted during last year and the resultant report and recommendations of His Honour, Judge Kay, have been tabled in this House.
>
> In addition, the Chief Electoral Officer and the Crown Solicitor reported jointly to the Chief Secretary and the Attorney General on the following matters—

I am not sure when they reported, but it must have been soon after the Kay report was submitted to the Chief Secretary, because certainly by the time the report was made public the Chief Secretary knew what action the Government intended to take. If that is not the case, this appears to be a bit of window dressing to suggest the Government has had a judge and two departments making unbiased inquiries in order to back up what is basically a political decision to bring down this Bill. In my opinion, not only is it a political decision, but it is a bad political decision.

We can get rid of all the claptrap and look at the Bill itself. We can look at the words of the Bill and examine them. We do not have to bow to the fact that it is based on the recommendations of Judge Kay. After all, some of the recommendations of Judge Kay which I said in this House some months ago I thought were good recommendations have not been adopted by the Government, and some recommendations which I thought were bad have been accepted by the Government. If the Government can pick and choose, I presume everybody else in this so-called independent House of Review has the same right, and I am suggesting members should do just that.

The Hon. G. C. MacKinnon: They undoubtedly will.

The R. HETHERINGTON: In that case they will follow my suggestion. I hope the Minister does not mind my making such a suggestion.

I go on to point out that at various times in this place arguments have been put forward that marksmen should not be allowed to put in postal votes on the ground that it is in accordance with the Commonwealth law. Apparently, according to the Government, in some of its moves it is a good thing to agree with Commonwealth law. On other occasions the Government proposes, as it proposes in this Bill, to take steps which put us outside Commonwealth law and do things which are different from the law of the Commonwealth. So any chance we had—as once we hoped we might have—of getting a common electoral roll will disappear.

Commonwealth law allows any elector to witness a claim for enrolment. That is the situation at present in regard to the law of this State. The Bill now before us intends to change that situation and limit the classes of people who can witness new enrolments from people who are applying either to be enrolled for the first time or to be re-enrolled because they have been taken off the roll. I will suggest later that this will cause confusion, but at present I am suggesting the Government cannot have it both ways. If it is a good thing to change the law in regard to marksmen so that this State is in line with the Commonwealth, then it is not a good thing to change the law in regard to witnesses so that this State will no longer be in line with Commonwealth law.

It seems to me the Government should make up its mind whether or not it wants this State to be in line with the Commonwealth. On the issue of those who can witness the claims of people to be put on the roll we will be out of step with the other States and with the Commonwealth.

I do not consider the Kay report is sacrosanct. Later I might demonstrate that it contains some inconsistencies. The Government's attitude is inconsistent. It uses different arguments at various times to suit its purposes. Therefore we need to look at the Bill on its merits, if it has any, and we need to look at it very carefully.

Every now and then in this Chamber when we are discussing electoral matters, constitutional matters, and other matters, we bandy around the

words "democracy" and "representation". I therefore intend to say a few words about that before I deal with the Bill itself. I intend, as a background, to say a few words about the development of our representative system, here and in Westminister, and what I regard as democracy. The Premier spoke about democracy recently when he commented on the activities of pressure groups. At various times the Leader of the House has told me we have democracy. I have suggested he is not interested in democracy. I am confused about where he stands. People have made accusations about where I stand. So I will try to make my position quite clear and use the criteria I have established to show why I regard this as a bad Bill.

As I think I pointed out in my maiden speech, our representative system was originally a gathering of property owners called by the Kings of England to vote them taxes. Such a gathering was first called by Edward I in 1296. The gatherings represented communities and comprised two knights from each shire and two burgesses from each borough. Eventually they formed the House of Communities or the House of Communes, from which we got the House of Commons. It was originally a house of property owners to vote taxes to the king.

The members gradually began to think of themselves as a house of representatives, and they used the cries "No taxation without representation" and "No taxation without legislation". They wanted no taxation unless petitions had been granted. Gradually they evolved a system whereby they would not discuss royal money supplies until they had put their grievances and petitions before the king to be written into Statutes. Eventually the petitions were drawn up in the form of Bills to be presented to the king for his concurrence or otherwise—for him to say "Yea" or "Nay". This form is still followed.

When we look at the procedures of our Parliament, it is interesting to know they were originally designed for illiterate people. They were designed for illiterate members, and for that reason there had to be a number of readings. If I have counted them correctly, we have a minimum of six questions on each Bill. We have at least five questions and I think it is six. If I am right in thinking we have to vote that the report be accepted, it is six; if I am wrong about that, it is five.

One tends not to take much notice of these matters because they are now formalities, but originally they were not formalities. A reading of a Bill was a reading of the whole Bill so that the illiterate members of Parliament could understand it—not the clerics or the clerks who could read, and the burgesses who presumably could read or at least add up, but the knights of the shires many of whom could not read. So the Parliament was formed by illiterate property owners. I find it odd that the very forms of the House enshrine the fact that our forebears in England were illiterate. Literacy has therefore been tied up with the question of Parliament, one way or another, for a long time.

In due course, when Parliament was formed out of this method of presenting Bills, in England the right of the monarch in passing legislation was confined to saying "Yea" or "Nay". In Norman French the queen could say either "La Reine le veult" or "La Reine s'avisera", which meant "The Queen will think about it"; in other words, "No". The last queen who said that was Queen Anne, and I do not think any monarch will say it again. It is not likely that the Governor of Western Australia would refuse assent to a Bill which had passed through both Houses of this Parliament, although some people argue that the Governor might one day give his assent to a Bill which has been passed by one House. It is not an argument which I canvass strongly. I note that people have mentioned it, and customs do change.

A notion developed—and we hear echoes of it in this Chamber—that Parliament was a group of independent property owners who were elected to legislate on behalf of others, to vote as, in their consciences, they saw fit. Unfortunately, I did not bring with me a copy of Edmund Burke's speech to the electors in 1786 when he put the classical conservative case for the independence of members of Parliament and argued that a member of Parliament was not the delegate of his electors or his party, but that he was in Parliament to exercise his own vote without fear or favour. This became the classic theory of representation to which many members of this Chamber still adhere, or to which they claim to adhere, although it seems to me to be one which is long out of date and outmoded.

The Hon. R. J. L. Williams: Can you tell us what was Trevelyan's criticism of Burke?

The Hon. R. HETHERINGTON: No.

The Hon. R. J. L. Williams: It was that he had only one view.

The Hon. R. HETHERINGTON: It may have been, but Burke's statement has been quoted ever since, and Trevelyan's has been forgotten, except by Mr Williams.

Eventually the idea grew up that we had many rational electors voting for rational members of

Parliament. They were choosing the best person who would then come into the Parliament and vote according to his conscience. Of course, this was never true and it was pointed out by Charles James Fox's criticism of Burke because he received criticism from various places although his views have remained with us.

As I say, this was never the case because, in fact, people do not always vote according to their conscience. In the past when Burke was speaking most eloquently quite often they voted as their patrons told them. The view remained that the elector should vote rationally and I have heard this view submitted by the Leader of the House either this year or last year. He did not express it in so many words, but the implication was quite clear that he expects electors to be rational people who go to the trouble to find out who their members are and carefully vote for them, having memorised their names. That view was expressed by Judge Kay in his report, but it is an opinion I reject, and I reject it for specific reasons which I will outline fairly briefly.

Of course, it was never the case, even in an electorate of 3 000—which was the average number in Great Britain in the middle nineteenth century—that everyone knew their members, but at least they had some chance of knowing them in those days.

With the growth of mass electorates it is not possible for the electors to know their members. I am not sure just how many electors I have at present—I think it is round about 70 000—but I do not expect many of them would know me.

Mr President, you have been in Parliament for a long time, but not all your electors would know you. However, more of your electors would know you personally than would my electors know me. You have been here a long time, and some people believe you do a better job than I do, but I am not arguing that aspect.

However, even here, where members have a strong personal following, it is very difficult for people to know their members or to know very much about them.

The other aspect is that the responsibilities of government have grown and the mass of legislation has grown so much that it has become more and more impossible for a Government to allow a cafeteria of Bills to go through, and for members to select as they see fit. After all, at present in this Chamber we have the Budget before us for consideration. That deals with a number of Bills which are all interrelated. I cannot imagine the Treasurer in another place, the members of which are permitted to amend money Bills, saying to members, "It is all right if you increase the handouts here and reduce the tax there. It will not make any difference to me. Use your free judgment." Of course he would not do that. If that happened he would resign. He would have to because he could no longer govern.

More and more this has been the case in this Chamber. When discussing the whole question of the Public Service—and we debated it for 12 hours when dealing with the power of the Public Service—we mentioned how difficult it is for the average member to know all the details involved and, of course, how difficult it is even for Ministers to know all the details of what happens in their departments. Increasingly the custom has been for Ministers here and elsewhere to speak from more and more extended notes. The notes seem to get longer and longer. We know speeches cannot be read except when a Bill is being introduced by a Minister, but even Ministers must be reminded of facts, otherwise how can they handle the situation? I know we do not challenge them on this matter because we realise this is what they must do.

When the Westminster system is adopted in a developing economy, we develop political parties which aggregate and articulate the interests of the community and submit opposing platforms for people to choose between. There is no doubt that more and more people vote for the party rather than for the person, and I know that if in the forthcoming elections I cared to stand as an Independent, I would not be here next year. Some members might suggest I will not be here anyway, but I will have a much better chance if I stand as a candidate for the ALP, because in my electorate people tend to vote for Labor or Liberal, or for a political party. Occasionally they may vote for an Independent, but that is usually something of a protest vote.

In other words, no longer are we in any sense really voting for individuals. We are voting for members of Governments or alternative Governments. We are voting for the Government or for the Opposition. According to the research which has been done on the subject, we tend to vote for the Government or against it. Governments tend to be voted out; Oppositions are not voted in. When people become sick of a Government and if there seems to be a viable alternative, they vote the Government out and the Opposition in. This has been the situation for a long time now. In other words, what I am suggesting is that—

The Hon. G. C. MacKinnon: How does that theory account for the election of Bill Withers and Jack Hunt?

The Hon. R. F. Claughton: You are not dragging that hoary one out, surely. It has nothing to do with the situation. That was to do with the position on the ballot paper.

The Hon. W. R. Withers: You haven't been listening to the debate.

The Hon. G. C. MacKinnon: He is no orphan. I am about the only one who has been.

The DEPUTY PRESIDENT: Order!

The Hon. R. HETHERINGTON: All sorts of things occur in individual electorates and to extrapolate from one particular case is a thing I have never been prone to do. One day I will have a look at that particular electorate and account for the discrepancy. Certainly I will not argue—I never have and neither do I—that in no electorate is there no personal following. I have not argued that in some electorates it is not possible that a member may go against a general swing. I would not argue that in some electorates a member can keep his seat and the moment he loses that seat or retires, someone of an opposite political persuasion could not be elected. Certainly I would not argue that it was not possible in a numerically small electorate for the role of the individual to be more important than in a large electorate.

I have estimated that a personal vote can be up to 500 votes which in a small electorate may make all the difference, but it would make no difference in another electorate. In an electorate the size of Mr Withers', it could make a great deal of difference. Of course, Mr Withers knows, and I know, that a member in a small country electorate can have a personal following in a way that a member in a metropolitan electorate cannot. The fact that I have recognised this can be gained by anyone who cares to read the book written about the South Australian elections in 1959 in which, as one of the co-authors, I explained this very fact. So I am not really thrown by that interjection.

The Hon. I. G. Pratt: Are you writing a book on the South Australian 1979 elections?

The Hon. R. HETHERINGTON: I would if I were over there.

The Hon. G. C. MacKinnon: For a person who is not thrown, you gave a mighty elaborate explanation.

Several members interjected.

The DEPUTY PRESIDENT: Order!

The Hon. R. HETHERINGTON: I would not mind writing a book on the next elections here, but I have given up writing books on elections. My writing belonged to my past life and my past sins.

I am just pointing out that in modern democracies we tend to vote for parties.

The other point I wish to make in passing—I do not want to develop it here because it is not tremendously pertinent to the Bill before us, although it may be generally related—is that out of a system of single-member electorates in Great Britain grew the notion from representative government that we might have democratic government and, as far as I see it, a democratic Government is one where the group or party with the majority of votes in the community wins the election and becomes the Government. I have never argued, and never will argue, that any conglomeration of single-member electorates makes a democracy. I have pointed out before that if in the Legislative Assembly here there were one electorate which covered the whole of the metropolitan area and 54 electorates which covered the rest of the State I would not call it even a representative system, much less a democracy. In other words, we must consider how the system works and ascertain whether, in fact, a representative system is working as a democracy.

I would also argue that it is impossible—and certainly in this Chamber it is impossible—for all members to know all about all the legislation which is introduced. Sometimes I think some of us know very little about any of the legislation and some of us know something about some of it. Consequently quite often debate is reasonably restricted in this House between people who know something about the legislation, who have studied it, or who have made inquiries about it.

If we have before us legislation on railways, then my colleague who sits behind me can talk a great deal about it as a result of his own experience. If we have before us legislation on finance then more members are struggling because they know less about it; it is a difficult subject. For this reason in this House and other Houses which have followed the Westminster system, we have adopted the custom under which members are not expected to speak on the contents of the Budget. It has become the custom that they speak on any subject because the intricacies of the financial system are too much for most of them. The Budget debate presents a good opportunity for members to talk about electorate grievances and a whole range of subjects which interest them and the people they represent.

I am not condemning this custom or criticising it. I am just saying that quite often we vote on trust. We vote because we support or do not support the political party in power. We do not vote as individuals. We vote because we belong to

a political party. When people are voting for members of Parliament, they vote in the same way.

If we believe that electors judge all the policies which are put before them by the members of Parliament, and then cast a rational vote on those policies, then we must believe in fairy tales; but I am sure no member in this Parliament does so. Of course, people cannot vote in that way.

It is the kind of argument that suggests that some people, because they lack education, are illiterate, are primitive, or for a whole range of reasons, should not be allowed to vote or be encouraged to vote, or should not have it made easier for them to get on the roll. When developing these arguments we are suggesting people vote in the rest of the electorate—the highly literate sections of the electorate—on rational grounds when, of course, the research which has been done by political scientists indicates this is not the case.

Even the most educated person can vote on quite irrational grounds. People tend to vote according to the way they are influenced by the laws. As I have said before in this House, and I will say it again and again, only the wearer knows where the shoe pinches. One does not have to be highly literate; one does not have to be white; one does not have to be a university graduate; or one does not have to be a businessman to know that laws passed by the Government, or laws being administered by a particular Government, or laws on the Statute book, can affect one detrimentally. Therefore it seems to me that what people should be allowed to do, and what they usually do in an election, is vote for or against the Government. In some electorates people vote for or against candidates; but I would think in the majority of cases that is not the case; they are voting for or against the Government. This can be done equally well by an illiterate person and a literate person.

One of the problems which has been around for a long time is the view that if a person is not employed or is not educated, at least to some minimum extent, then somehow he is not as good as other citizens, and he should not have a vote. People argue as though voting once every three years is the only way one can make any input into the political system. That is not the case, because the highly literate, the educated, and the people with power make inputs into the political system in a whole range of ways. They have access to Governments; they have access to members of Parliament; they have access to public servants; they can draw up submissions; and they can put all sorts of pressures on Governments, good, bad, or indifferent. The people with the least power usually go into the streets because it is only there that they have a chance of influencing the Government. This is all part of the democratic process in a democracy.

Therefore I am arguing that we should expect people to vote for or against a Government; and if this is what they are doing, we should not try to stop them. We should not make it hard for them to do so; and we should not expect illiterate people to do what many literate people in fact do not do. This is one of the other things that we find.

One of the aspects which interested me when reading the report of Judge Kay was that he was fairly selective in regard to those he considered, who were mostly Aboriginal people, and he found that many of them did not know very much about how the system of government worked. I suggest if he had considered many white people of European descent—third or fourth generation Australians—who live in various electorates he would find that they do not know very much about how the system works. I do not know whether other members of this House have had the experience I have had of trying to explain how an upper House works—

The Hon. W. R. Withers: One of your colleagues, who is the candidate for North Province, wrote a letter to me addressed to "Senator W. Withers, Member for North Province. Dear Senator....". It just goes to show!

The Hon R. HETHERINGTON: It does go to show. No doubt Mr Withers will have received such letters. I have been called a senator, and I have been called an MLA. I have been called all sorts of things. Usually if I ring someone and say, "It is Bob Hetherington, MLC", they think I am from an insurance office.

The Hon. D. W. Cooley: Methodist Ladies College!

The Hon. R. HETHERINGTON: I have usually been taken as an insurance salesman. That probably says something about me. I am suggesting that if we use the criteria for voting that people have to know about the system, or they have to be able to vote without a how-to-vote card, or they have to be able to front up and name people in order, then we should disfranchise a vast proportion of the voters of Western Australia who cannot do these things.

I believe that this Bill—a Bill which is an attack on the illiterate; a Bill which is an attack on Aborigines; a Bill which is an attack on migrants; and a Bill which is an attack on people who are not literate in English in this country—is a bad Bill and it should be defeated. It is a bad Bill because, as far as I am concerned, it is not a

Bill that sets out to make it easier for people to enrol; it is not a Bill that sets out to make it easy for people to vote so that we find out how they feel about the Government. I used the word "feel" advisedly, because I am suggesting that quite often people vote for Governments depending on how they feel emotionally—because they do not like them, or because they think they are to blame for the weather, for the economy, and for a whole range of things that they do not like; and therefore they want to put the Government out and try someone else.

One of the things which was responsible for this Bill was the fact that it was discovered that Aboriginal voters in this State, who had been manipulated for many years in many ways by many people, might be able to be manipulated by other people in other ways. Great arguments have ensued about who was manipulating whom. What has been discovered is that some Aborigines, particularly in the Kimberley, have learnt that it is possible to vote for the Labor Party; and some of them are doing it, for all kinds of reasons. According to letters written by the present Minister for Housing, it was feared that if too many Aboriginal people were enrolled and voted he might be out of a job. This seems to be the genesis of the Bill; and it is nothing about which to be terribly proud.

However, I want to oppose the Bill in itself because it is a Bill which is well worth opposing. In fact, the Bill puts Western Australia out of step with the rest of the country.

Basically the Bill does a number of things. Firstly, it makes it harder for people to enrol because there is a limited number of people who can witness an enrolment. One of the aspects I found fascinating when reading the Kay report at page 11 was that Judge Kay said—

> It is said that the enrolling process should be made easier rather than harder but, afterall, quite a lot of applications for various matters have to be signed before a Justice of the Peace. Declarations and Affidavits have to be made in connection with certain claims and no-one seems to find difficulty in obtaining a Justice of the Peace or a Commissioner for Declarations to be a witness.

That is very interesting. Nobody seems to have difficulty in finding a justice of the peace or a commissioner for declarations; yet Judge Kay recommends, and the Government accepts, that not commissioners for declarations but only justices of the peace should be witnesses. I do not understand this. It is beyond my comprehension how a person could say at one stage that it is not hard to find a justice of the peace or a commissioner for declarations and not recommend that a commissioner for declarations be one of the witnesses. It might have been a good idea for Judge Kay to go a bit further and consider whether any other people might be useful witnesses.

I do not know whether one can expect anyone who is witnessing a claim and who does not know the person to know all about the details on the claim. I have signed a declaration before a justice of the peace, and he has asked me if the statements I have made were true, which they were, so I said they were. I have signed the declaration, and he has witnessed that I have signed it. He was not witnessing that what I have said was correct; he was witnessing that what I have said I have said was correct. That is quite important. After all, how can one expect people witnessing the signatures of people enrolling to ascertain that everything is correct? People can be shown how to fill out a form and they can be asked questions.

As members know, if someone comes to one to enrol, one sometimes asks questions and fills out the card. One says, "Is this this?", and asks all the details. One finds out as far as possible that all the statements are accurate, because sometimes the person is confused. Then the person signs the form, and one witnesses the signature. This seems to be quite proper.

I am still not sure when one has to ask people who are strangers whether the statements they have made are correct. One does not know.

Recently, because I thought I had better do it quickly to save trouble, I witnessed a claim for my own daughter who has turned 18. I can certify that everything she said was correct. I know her date of birth; I know where she lives; I have known her for a long time. There was no problem. I could certify that the statements she made are correct because I know they are. If this Bill is passed, and if this Bill had been passed before she turned 18, I could not witness her signature. I would have to send her to a stranger, who would not know all these things.

It seems to me that we are writing into the Bill a higher requirement for an enrolment claim than we expect of a justice of the peace in relation to a statutory declaration. We are asking people not to witness that it is the witness's signature and accept a statement that the facts in it are correct; but we are asking them to go beyond this and to make inquiries that busy people might find it difficult to make. Certainly it would be an

interesting exercise to line up a group of people and send them to a justice of the peace at the rate of 10 a day, if many enrolments were required, to see how happy he felt about it. I do not think he would be particularly happy. I do not believe that justices of the peace should necessarily have to do this.

There is another matter. I do not understand why the list should be so circumscribed. Other people of honour and integrity in the community could witness documents. At present, members of Parliament can witness a range of documents. I might state various things about politics and policies in relation to honourable gentlemen opposite; but I do not think any of them would witness an incorrect document falsely, and would perjure themselves in any way. Of course they would not. Nor would I expect any member of this House or the other House to behave improperly when witnessing an enrolment card.

This provision means that only a narrow group of people will be able to witness enrolment cards. The people who will be eligible to witness the cards are: an officer of the Commonwealth Electoral Office or State Electoral Department; a justice of the peace; a policeman; or a clerk of the courts. I do not know where to find a clerk of the courts at present. I suppose if I went to a court I would find one; but this is something which would not come to me easily. I must admit that until I became a member of this House I did not even know where the courts were.

The Hon. G. C. MacKinnon: Every country person would know that.

The Hon. R. HETHERINGTON: That may be so; but this Bill applies also to people who live in the metropolitan area.

The Hon. G. C. MacKinnon: That category has particular reference to country people.

The Hon. R. HETHERINGTON: It may be true that every person who lives in the country would know where to find a clerk of the courts

The Hon. A. A. Lewis: Do you know where your local police station is?

The Hon. R. HETHERINGTON: I do.

The Hon. A. A. Lewis: You are a quarter of the way there.

The Hon. R. HETHERINGTON: When I was living in Nedlands I eventually found out where my local police station was. It was a very small station and difficult to find. I had a reason to attend the police station; therefore, I consulted the telephone book and located it.

I have no idea where the police station nearest to my home in Wilson is. I have had no reason to look for it. I do not have anything against the police. Certainly if I needed to contact a policeman I would do so immediately. I believe there is a police station close to my office in Victoria Park.

It does not necessarily follow that the people who fall into these four categories are as thick on the ground in the metropolitan area as they are in the country. Occasionally there are advantages in living in the country.

The Hon. A. A. Lewis: I would think always.

The Hon. R. HETHERINGTON: I am certain members would agree there are some disadvantages in living in the country and we hear about them from time to time particularly in relation to Dumbleyung.

The Hon. A. A. Lewis: We know where the police station is there.

The Hon. R. HETHERINGTON: I realise the member is aware of that. I do not know why commissioners for declarations were not included in the list of people who are eligible to witness enrolment cards.

The Hon. D. W. Cooley: There are too many of them.

The Hon. R. HETHERINGTON: The member may be correct and perhaps there are too many commissioners for declarations.

I cannot understand why we have to change the legislation at all. It has been suggested that the change is necessary because malpractices have occurred; but no evidence of that has been produced. The Kay report refers to the possibility of duplications of enrolments; but it said that only 1 126 duplications occurred out of the hundreds of thousands of enrolments.

The Hon. A. A. Lewis: That is the number which has been picked up.

The Hon. R. HETHERINGTON: It says also that 84 per cent of the duplications were due to misfiling.

The Hon. A. A. Lewis: We cannot blame the computer. More mistakes have been made as a result of using clerks.

The Hon. R. HETHERINGTON: The number of people who voted twice does not seem to be great. On page 15 of the report the Chief Electoral Officer said, "There is a trend towards such duplication." I do not know what that means. Does it mean there used to be 10 duplications a year and the figure is now 11? Or does it mean the figure used to be 15 and it is now 16? I do not know what a "trend" of this nature is and no explanation is provided here. I cannot

see any reason for the change in the law and we are opposed to it.

This Bill is most unfortunate, bearing in mind our desire to have a joint State-Commonwealth electoral roll eventually which would make it easier for people to enrol. When I first enrolled on a State roll, I had to enrol twice—once for the lower House and once for the upper House. It is much easier in this State, because one has to complete one enrolment card only and this covers both Houses.

The Hon. A. A. Lewis: A liberal Government brought in that change.

The Hon. R. HETHERINGTON: That is good. Just because a Liberal Government has done something which is virtuous—

The Hon. A. A. Lewis: I am not saying it is virtuous. I am pointing out how good it was.

The Hon. R. HETHERINGTON: I am glad a Liberal Government sometimes does something which is good.

The Hon. A. A. Lewis: I am glad you approve of it.

The Hon. R. HETHERINGTON: However, that does not necessarily mean I believe everything done by Liberal Governments is good. I certainly do not believe the provisions proposed in this Bill are good. The legislation is highly undesirable, because it complicates matters and makes the situation more difficult for people. As a result of this Bill it will be impossible to have a joint State-Commonwealth electoral roll which, in my opinion, is highly desirable.

It would be much easier if we had to complete one enrolment card on one occasion only. I do not know the position in relation to other members, but when completing enrolment cards, I have difficulty differentiating between subdivisions and electorates. On many occasions I am unable to provide the information and I have more knowledge about these matters than a great number of other people. People become worried and confused. If one puts one's address on the enrolment card, the staff at the Electoral Office will usually accept it and fill in the rest.

The Hon. R. F. Claughton: That is all I do.

The Hon. R. HETHERINGTON: That may be all my colleague does, but I take forms seriously and if there is a space in which one must write the district and subdivision, I feel obliged to do so. I suppose I am worried by the tyranny of forms. In fact, a number of people are in the same position and they are worried also about the tyranny of forms. If they do not know the exact answers to the questions asked on the forms, they feel perhaps they should not answer them. As a result, they put aside the form until they have an opportunity to ask someone about the matter and the form remains incomplete.

The more difficult and complicated the situation is made, the less likely is it that people will complete their cards and be placed on the roll. This means, if they are caught, they will be fined; but the Government does not seem to be worried unduly about that aspect.

I wonder how many people will not enrol once the Bill is passed. I am rather surprised at the number of people who are not on the roll now. It would be a good idea if the State Government employed more people in the Electoral Department in an endeavour to get people on the roll. If we had a joint State-Commonwealth electoral roll, the people who canvass on behalf of the Federal Electoral Office could do so on behalf of the State also.

Recently a woman came to the door of my house and asked me whether my wife and myself lived there. As we were both residents of the house, we were enrolled. The lady wanted to know also the names of any other people who lived in the house. I gave her further information and obtained an enrolment card.

The Hon. A. A. Lewis: Is that when you filled out an enrolment form for your daughter?

The Hon. R. HETHERINGTON: That is when I filled out a Federal enrolment card and I completed the State enrolment card shortly after.

It is clear I am a law-abiding citizen; but the fact remains that the more difficult we make it for people to enrol, the less likely they are to do so. We should make life a little easier, instead of making it harder.

The most appalling aspect of this provision is that, even if the people in some country towns are aware of the location of the police station, it is not necessarily true that in every country town the local policeman is a popular person or a hero. In some places he is a well loved figure.

The Hon. A. A. Lewis: What does that have to do with it?

The Hon. R. HETHERINGTON: If a policeman was stationed in the town, but there was no clerk of the courts or electoral officer, some people would not want to approach the policeman to have their cards witnessed. Whether it is right or wrong, some people feel that way. In other words, some people will be put off enrolling, because their cards have to be witnessed by the local policeman. Before I complete my speech I hope to obtain some information which is in the

possession of another member and which shows that in a number of places in this country people reside hundreds of miles away from the four categories of people who are eligible to witness enrolment cards. Therefore, it will not be easy for them to get their names on the roll.

In this particular instance, the recommendation contained in Judge Kay's report in relation to Aborigines was flippant and light-hearted. How can someone say that transport is much easier these days and quote a comment that, "They have all got wheels now", as if this proves everybody can travel easily from their residences and have their enrolment cards witnessed? That is nonsense.

The Hon. F. E. McKenzie: Everybody on a judge's salary can afford four wheels.

The Hon. G. E. Masters: Did you say everybody in the Liberal Party?

The Hon. F. E. McKenzie: Everybody on a judge's salary can afford a car.

The Hon. R. HETHERINGTON: We are not suggesting every member of the Liberal Party or, for that matter, every member of the Labor Party can afford four wheels. The sloppy statement that, "They have all got wheels now" is analogous to the statement, "All the working class own cars now." That is nonsense.

The Hon. G. C. MacKinnon: My recollection is it was a quotation with quotation marks around it. They were not the words of the judge.

The Hon. R. HETHERINGTON: I agree with the Leader of the House. It was an easy quotation. If the Leader of the House wants me to look it up I shall do so.

The Hon. A. A. Lewis: It is a waste of time.

The Hon. R. HETHERINGTON: In order that I do not malign the judge, I shall quote the paragraph from the report, which reads as follows—

> It was pointed out during my visit to the North-West that, owing to the remoteness of many communities, it would be difficult to travel to any of the witnesses I have suggested. The difficulty of travel seemed to be overemphasised. 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." One Aboriginal witness said that people from the Central Reserves come down to Kalgoorlie for sporting fixtures and to buy cars.

The Hon. A. A. Lewis: I believe that whole paragraph defeats your argument.

The Hon. R. HETHERINGTON: I do not think so. One Aboriginal witness said that. However, the evidence which has been given to me is that not all the Aborigines in the north-west, or anywhere else, necessarily travel, have wheels, and come into town on the station truck. Some of them have great difficulty travelling.

As pointed out by Judge Kay, some Aborigines are rather confused about the whole system as are some of the people who live in the metropolitan area; therefore, these people are unlikely to fulfil the law and enrol if too many restrictions are placed on them. I can imagine that many Aborigines will not enrol. This is not good enough. If a person can write his name, I see no reason that he should be unable to enrol. I am not at present arguing the situation in regard to marksmen, because that is another question. However, I do not see why that should not be introduced also.

*Sitting suspended from 6.01 to 7.30 p.m.*

The Hon. R. HETHERINGTON: Before the tea suspension I had said something about the genesis of the Bill and about the difficulties which face people who are looking for someone to witness their enrolments. I referred also to the Kay report. I want now to come directly to the Bill. Having said something of the background, I believe it is time I did just that.

Let me say that one of the provisions I am glad is in the Bill is that which will enable prisoners to vote. If I remember correctly, the first year I was here I suggested that prisoners ought to be allowed to vote. In this case the Government could have accepted Judge Kay's recommendation, but it was not prepared to do that. However, it has at least gone part of the way.

I note that the Government draftsman is still hooked on the word "attainted" which appears in clause 7 of the Bill. So a person will still not be entitled to vote if he is attainted of treason. The judge used the correct word when he suggested that a person should not be able to vote if he were convicted for treason. It is time that we updated our language, and, as I suggested in connection with another measure, the word "attainted" is associated with acts of attainder; that is, acts related to arbitrary government. No matter how

much I might accuse the present Government of being arbitrary, I do not expect it to go that far. However, we should stop talking about such things as attainders and being attainted of treason, and we should simply talk about being convicted for treason.

I have referred already to clause 8, but I would like to mention it again. The original clause 8 was amended in another place. Certainly the intention was that a person wishing to get his name on the roll or wishing to change his enrolment must seek to have his claim witnessed by a restricted class of witnesses; that is, an electoral officer, a justice of the peace, a clerk of the courts, or a police officer. As a result of an amendment passed in another place, the following was added—

> in any other case, an elector, or a person qualified to be enrolled as an elector, of the Commonwealth Parliament or of the Legislative Assembly of Western Australia,
>
> who shall sign his name on the claim as a witness to the signing of the claim of the claimant, and state the capacity in which he did so; ;

So that is an improvement. However, when we reach the Committee stage, I will move further amendments in an attempt to improve the clause further.

I said earlier that it had been drawn to my attention by one of my colleagues—Mr Julian Grill, the member for Yilgarn-Dundas in another place—that some communities will find it very difficult to have access to the restricted class of witnesses as set out in the Bill. He drew my attention to areas such as Rawlinna, Cundeelee Mission, and Warburton Mission, which have populations of about 200 to 400 people. He claims, and I accept what he says, that these people simply will not be able to enrol because they do not have access to the very limited range of witnesses laid down under this legislation.

The Hon. N. F. Moore: The police visit those places quite regularly.

The Hon. R. HETHERINGTON: I do not know about that. However, it means people wishing to become enrolled will have to wait until a police officer visits the district. That is unsatisfactory. The Administrator of Warburton Mission (Mr McIntyre) tried to become a justice of the peace recently, but his application was rejected on the ground that he had been a legal practitioner and there was a conflict of interests. He was told he was not the kind of person the Government was prepared to recommend for such a position. So the people in these communities will have to rely on itinerant police officers and this is not good enough.

I am still most upset about this provision. I am upset not only because it will affect Aborigines, but also because it will affect people living in my electorate. Many of them are migrants or they do not understand the system and they are easily confused. In fact, I would argue that a whole range of people does not understand our system of government, voting, and elections. However, one is not required to understand our system to have one's name on the roll or to vote. If we want to make it a requirement, let us introduce legislation that says so. However, these people are very easily confused, and we should allow them to enrol easily. They should not have to look around for witnesses who may be difficult to find.

The honourable member may be interested to know that, unlike country towns, in some metropolitan electorates there are no courts, no electoral offices, and police stations are few and far between. Justices of the peace are rather thinner on the ground in Labor electorates than they are, for example, in Nedlands. This fact was made perfectly clear by answers given by Ministers in another place. In other words, it is easier for some people in the metropolitan area to enrol than it is for others. Although it may be easy to enrol in some country towns where there is a courthouse and a police officer who knows everyone comparatively well, in many country towns it will not be as easy to enrol as it is in the metropolitan area.

The Hon. R. J. L. Williams: Every Federal division in the metropolitan area has an electoral office.

The Hon. R. HETHERINGTON: But there is not a Federal office in every State electorate.

The Hon. R. J. L. Williams: Can you give me an example?

The Hon. R. HETHERINGTON: There is, for instance, the electoral district of Gosnells. The Tangney electoral office is in Thornlie, and so the Gosnells electoral district is without an electoral office. I was just making the point that there are some metropolitan electorates which do not have electoral offices.

The Hon. R. J. L. Williams: There are electoral offices in every division.

The Hon. R. F. Claughton: For Floreat, and Broadway, Nedlands.

The Hon. R. HETHERINGTON: However, these electoral offices are not always easy to reach. I am claiming that we are making it unnecessarily difficult for people to be enrolled,

and we are doing it ostensibly because Judge Kay can see difficulties. However, nowhere in the report does he give evidence to show that malpractice has occurred. He thinks there is some sort of circumstantial evidence of it, but there is no firm evidence anywhere.

The Hon. G. C. MacKinnon: He said that, didn't he?

The Hon. R. HETHERINGTON: So we are bringing in this provision for no reason at all as far as I can see, except to make it more difficult for people. If it has been satisfactory for another elector to witness an electoral claim for years, and it is satisfactory to do this for the Commonwealth electoral roll and in other States, why do we suddenly need to limit it as we are doing? His Honour said that they all have wheels now so it is said, but not as many people have wheels as he seems to think.

I am strongly opposed to this clause. In due course, the Opposition members will vote against it. We will attempt to amend it, and even if we do amend it, we will vote against it because we are against the basic provisions. No reason has been shown for it. I have read nothing anywhere to convince me otherwise. I have read no firm evidence of the need for this kind of change, and I see no reason to alter the present provision that any elector can witness another elector's claim to be on the roll.

Are there people who support this provision and who say that a number of people have been enrolled falsely? Has it been said that people are filling in claims fictitously? In his report His Honour said that it is possible to do these things; it is no trouble at all. I know that, but there is no evidence that it is being done.

I should hope that if it were ever found that anyone was doing that, the offender would be punished with the full rigours of the law. I do not know whether anyone will claim that it is being done. I know there have been claims of other kinds of malpractices, but I have not heard it claimed across the Chamber, and I have not read it in any of the debates on electoral matters. I have not seen it suggested anywhere that fictitious names are appearing on the roll.

It is suggested sometimes that through undue enthusiasm of members of political parties, people are being enrolled twice. It may happen that where a person is usually known by a name that is not his real name he is enrolled under both that name and his real name. That kind of duplication is a problem. However, it is not suggested that it happens often, and there is no evidence anywhere that this change to the law is necessary. For this reason we should oppose it, and I do oppose it. I oppose it strongly and firmly, and I would hope other members of the House would oppose it also. I cannot see how the proposal can be defended.

One of the other areas in which there was a great deal of circumstantial or presumptive evidence and no real hard evidence was in respect of postal voting. In his report Judge Kay said he relied on administrators of hospitals, and he did not talk to any patients in hospitals. Of course, one of the allegations sometimes made by workers from both political parties is that people who run hospitals— particularly "C"-class hospitals—are sometimes prejudiced. According to the evidence given to Judge Kay, party workers entering hospitals normally do as they are asked and do not impose themselves on people who are ill. However, the problem which has not been looked at, faced up to, or dealt with concerns people having information withheld from them because they want to see party workers, but are not permitted to do so. Under this Bill we are not allowed to persuade or induce, or be associated with another person in persuading or inducing an elector to assert his legal right to make application for a postal vote.

Like everybody else, I suppose, I wondered what "induce" means, so I looked it up in my *Shorter Oxford English Dictionary*. I am not sure what the law says it means, but my dictionary says it means, "to lead a person by persuasion or some influence to or into or unto some action, condition, belief, etc; to move, influence, or prevail upon anyone to do something." So if a woman says to her husband, "Look George, let's go for a holiday. We can make a postal vote; I can persuade or induce you to do that", she would be breaking the law. I do not know why people cannot be persuaded to make a postal vote when they are sick. I would have thought that if somebody was sick it would be logical to say, "For heaven's sake, why don't you make a postal vote? You are entitled to it, and all you have to do is to fill in a form." Would that be persuasion or inducement?

The Hon. R. J. L. Williams: But they don't have to do it.

The Hon. R. HETHERINGTON: Nobody has to do it.

The Hon. R. J. L. Williams: Yes you do; you have to vote unless you have good reason not to. If you are sick, that is good reason, isn't it?

The Hon. R. HETHERINGTON: Why not persuade a person to vote? I persuade people to vote whenever I can. I have always persuaded and

advocated that people vote and exercise their right to do so.

The Hon. R. J. L. Williams: Without compulsion the voting would be down to about 15 per cent.

The Hon. R. HETHERINGTON: I think it would be down to about 70 per cent. We differ there, and we will not know the correct figure until we try it. Before compulsion was introduced the voting rate in Australian States was about 70 per cent. In Britain it is about 70 per cent, and at by-elections it drops to about 30 per cent. I remember a by-election for the Legislative Council in South Australia at which the voting rate was 30 per cent. I was writing for the local Sunday paper and I argued with the editor on this matter because his headline said, "Swing to Liberals", and I persuaded him to be accurate and to say, "Swing to Liberals of X per cent in a 30 per cent poll". In other words, many voters did not bother to vote at that by-election, and the vote was not indicative of a genuine shift of opinion.

A member interjected.

The Hon. R. HETHERINGTON: I think it is about 70 per cent. The average turnout at most elections is between 65 and 75 per cent. The turnout drops in cold weather, rain, and sleet. Of course Labor Party people in Britain argue that cold weather counts against their party in elections because their voters do not have cars. Whether that is right or wrong, I do not know, but possibly it is a factor.

I still cannot understand why we should not be permitted to persuade somebody to cast a postal vote. What if I went along to a nice Liberal lady—and I am capable of doing this—and said, "You are sick, so you need not go to the polling booth. Why not make a postal vote, because it is much easier to do so?" I could induce her to apply for a postal vote.

The Hon. W. R. Withers: You have a very devious mind. We don't even think that way.

The Hon. R. HETHERINGTON: I do. I am prepared to suggest to anybody that he or she carry out his or her legal right. In this Bill it is suggested that people who persuade or induce others to make postal votes are trying to persuade or induce them to vote in the way that the persuader or inducer wants them to vote. This does not necessarily follow; therefore, I cannot understand why the provision should be included. It will simply create more difficulties in respect of voting.

Of course, there are problems with postal votes, and, of course, people of all parties accuse others of behaving improperly. I know members of the Labor Party talk about how they have been outmanoeuvred by members of the Liberal Party who can go into hospitals and obtain postal votes. Members of the Labor Party are fairly bitter about that. As a matter of fact, our party made a submission to the Kay inquiry in which it was suggested that electoral officers should supervise the casting of postal votes in hospitals, and that such votes should not be witnessed by either party workers or people who run the hospital.

We suggested that because we want to ensure people do not act improperly. It would mean we would have to spend more money on the Electoral Department.

I think it is a poor sort of clause which suggests people may be prosecuted for persuading somebody to carry out his legal right to cast a postal vote. If the accusation is that people are exercising postal votes improperly then let us do what the Labor Party suggested, again in a submission to the Kay inquiry which I signed; let us increase the staff of the Electoral Department so that officers can make spot checks to ensure postal votes are genuine.

If the officers find the postal votes are not genuine, then let prosecutions follow; that would discourage others. Let us ensure that the law is operating and being obeyed properly. This Bill is merely an insult.

A good point in the Bill—as I said earlier I am not condemning it utterly—is the extension of mobile booths. Again, I think the problem facing people in hospitals or institutions is that under this Bill they cannot see anybody they might want to canvass them. Sometimes people ring me and say, "Come and see me and tell me why you think I should vote for you." Fortunately not too many people do this, otherwise we would be pretty busy. However, it is an elector's right to do it; and if someone in hospital wants to see his candidate, or both candidates, he should be able to do so without having this blanket ban on people canvassing in hospitals.

Of course, I understand that people should not be allowed simply to walk into hospitals *ad lib*; that people should not be allowed to pester hospital patients; that people should not be allowed to thrust material—to use the words of Judge Kay—at people in hospital who are not fit enough to accept it. However, I believe that hospital patients who want to obtain election material, to see their candidates, or to see a member of a political party, should be able to do so.

The blanket ban imposed in this Bill because of some real or imagined problems is something I find quite unacceptable.

I might mention now something I have mentioned before about the Kay report; that is, the attitude to people in hospital. What Judge Kay said about people in hospitals contains conflict and inconsistency. He became heavily ironic. I have a reasonable sense of humour, and I am fairly used to being abused as a member of Parliament, and as a member of the upper House I am used to being criticised by members of the lower House who claim we do no work. I am fairly used to being abused by all sorts of people.

The Hon. W. R. Withers: And rightly so.

The Hon. R. HETHERINGTON: I suppose that is true; anyway, people in public life are fair game, and we have to put up with it.

The Hon. D. J. Wordsworth: Your own party is doing most of it.

The Hon. R. HETHERINGTON: Not necessarily; but, be that as it may, I am talking about personal abuse and not institutional abuse. Members of my own party are not actually abusing me, despite what they may be saying about the Minister; that is something for him to worry about.

The Hon. D. J. Wordsworth: Some of the mud is sticking to you as well.

The Hon. R. HETHERINGTON: At page 23 of his report, Judge Kay said—

> 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.

What a lot of nonsense. As I said when I was discussing the Kay report earlier this year, I do not know what members on the other side say, but I certainly do not claim I am going to lead anybody to Utopia. I leave it to the authoritarians on the left and the right to talk of that. I certainly do not do it. I belong to a party the policies of which are better than the policies of the Liberal Party and the National Country Party. If I did not think that, I would not belong to the ALP. I do not think in terms of Utopia, and I think that was a frivolous attitude on the part of Judge Kay which illbehoves a serious report.

If party supporters want to go into hospitals, that is another matter; it is not the question with which I am concerned. I am concerned with the question of Judge Kay talking to hospital administrators and finding the ones he spoke to do not particularly want party workers in their institutions. I can understand that, because party workers can get in the way. I do understand that party workers should be asked not to visit certain patients. It was said in the report that when they are asked to do this, they usually obey.

However, I still do not believe it follows from that, that people who are interested in doing so should not invite party workers or candidates to see them in hospital, particularly as on the next page Judge Kay adopts a moralising attitude, which I find far too often around this place. He said he thought perhaps the people who talk about laziness or apathy amongst the voting population might be rather pleased, if we got a non-apathetic voting population, that we have had an apathetic one up to date. In other words, some people claim that apathy is a sign of moderate content and, therefore, if people are becoming lazy it is because they are moderately content; and when they are not content, then we will have revolution.

Judge Kay said—

> I consider we are becoming rather lazy in our attitude to elections. 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. 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, 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.

Is this to apply to the sick whom the judge earlier said should not be worried? Apparently they are too sick to be worried by people coming along and explaining what their policies are, but not too sick to be expected to sit up and read the newspapers and take an active interest in what is going on.

One of the interesting things about political propaganda around election times is that there are several conflicting claims, and many people become confused. A large number of them are not greatly interested in what is said in the papers. They know how they want to vote, rightly or

wrongly. When I have been handing out how-to-vote cards in Nedlands I have met many people who have abused me with the most arrant nonsense and who have put forward no real arguments, whilst speaking in educated and cultural tones, all out of pure prejudice.

The Hon. Lyla Elliott: Is that how Sir Charles Court gets so many votes?

The Hon. R. HETHERINGTON: People who are not well educated are not the only ones who vote as a result of prejudice. It is not just in polling booths in areas where there are illiterate people that voting occurs in this fashion. In many places where highly articulate and educated people live, the people vote as a result of pure prejudice. One can establish this from their remarks. They have not read the propaganda; they have not read anything that has been thrust upon them, because they do not wish to confuse themselves with facts. They know how they want to vote. It is their inalienable right.

If we say that the only people who can vote are people who have read the propaganda and have come to a rational decision, we will cut down on the number of people who will be able to vote. Who is to say what is rational and what is not? Some people say things they believe to be rational that I see as being spurious nonsense. Some people say this of me and I cannot understand how they could come to this conclusion unless they do not understand rational argument.

The Hon. D. J. Wordsworth: You are becoming very God-like.

The Hon. R. HETHERINGTON: One has to try occasionally. I have been cut down often enough so I will try a little flight for a while.

Sometimes I believe what I say myself; sometimes I persuade myself that my argument is rational. I always try to make my arguments rational. However, as I have said over the years, one of the key aspects about the rationality of human beings is that they use it very often to rationalise, to find allegedly rational arguments to suit their emotional prejudices. They do that whether or not they are educated; whether or not they are confused, or utopian; whether they are lazy or vigorous. In other words, it is nonsense to say people are lazy in their attitudes.

Some of the recommendations of this report which are quite nonsensical have been written into the Bill. One such recommendation indicates that His Honour assumes that people in hospital do not need how-to-vote cards. He believes they can read everything on the Friday before the election. Apparently he believes everyone can do that. Unfortunately, his own recommendation is that a mobile polling booth should be provided 14 days before the election. I do not know what the people will do who receive a visit from a polling booth 12 days before the election and who do not have the advantages of the latest up-to-date information in the newspapers. It is just a lot of nonsense. It is a recommendation based on fallacious argument. It should be thrown out and the whole thing should be reconsidered.

I am most unimpressed by the arguments about hospitals, about people being kept out of hospitals, and about postal voting. If this is the basis of the Government's legislation, it is a pretty poor basis. If it is not, I do not know what the basis is, because no real arguments were contained in the Minister's second reading speech. I have certainly not seen any of the alleged reports from Government departments which were supposed to tell the Ministers what they should think. In fact, it is a political decision made by the present Government and it is a decision I reject.

Section 119 gave the five Liberal apparatchiks such fun and games in the Kimberley election of 1977—this gang of legal gauleiters who went there to bluster and bully, which is what they did. This was made clear by the judgment of His Honour Mr Justice Smith, who said that one at least told lies.

It is a very sad and sorry example of what can be done. It is very sad that this whole incident happened.

What has been recommended—and I believe it is a good recommendation—is that the presiding officer can now put the questions in simpler language. He can rewrite them. I think it would be a good idea if we had a look at the questions and rewrote them so that they are in a simpler language.

On page 12 of the Bill a question appears. It is, "Do you live in the electoral district of . . .?" Why not ask, "Where do you live?" This is what happens when people go in to vote. People go in to vote and they are asked, "What is your name and where do you live?" If they are on the roll in that district it is known they are in the electoral district of wherever. The questions may then be asked, "Have you within the last preceding three months bona fide lived within the district?" I know what "bona fide" means. I hope other members of the House know what it means. I am not sure whether everyone else does. Why cannot we say, "Have you actually lived in the district?" or words to that effect which are quite clear and which can be understood by people to whom "bona fide" is not clear? In other words, it

would be a good idea if we had a look at the questions that can be asked and tried to make them simpler so that they are in common, everyday, ordinary, straightforward English. This principle seems to me to be sensible. Wherever possible we should use the simplest English that is available. I believe in using three letter words in preference to seven-letter words when they do the job just as well—the simpler the better.

I know there is an attempt and a tendency, even in the report and in some of the second reading speeches which are made, to "endeavour" instead of "try". I cannot see why we cannot go back to using simpler language whenever it is adequate and suitable language. It would be a good idea if this section were rewritten.

The whole vexed question arises as to how people will give instructions. This is where there is debate and difficulty. What is an adequate instruction for a person who has problems with the written language? What is an adequate instruction for a person who is illiterate? This is where His Honour Mr Justice Smith and His Honour Judge Kay disagree. I come down on the side of Mr Justice Smith, not because he is a senior puisne judge, but because I think his argument is a good one. I shall read his argument to the House once more so that members may listen and perhaps be persuaded.

On page 14 of his judgment Mr Justice Smith said—

> To my mind, the presentation of a list or a How to Vote card by an illiterate elector, is a proper direction by such an elector, both as to the marking of his first and his subsequent preferences, provided that the presiding officer takes the precaution of reading what is written on the list or card to the elector and by that or other means satisfies himself that the card reflects the wishes of the elector before he marks the ballot paper.
>
> The ability to read or indeed a full and complete knowledge of the preferential voting system, are not among the qualifications of electors.

This is just as well because many electors should not be voting if that were the case. To continue—

> It is trite to observe that a literate voter is at liberty to take the How to Vote card of the candidate of his choice with him to the polling booth when he or she is marking the ballot paper to ensure that he or she completes a formal vote.

On page 47 of his report Judge Kay said—

> This would suggest that the Presiding Officer gave such assistance to the elector to enable him to record a valid vote. But, is this extending his assistance too far?
>
> It was submitted that an illiterate person is entitled to wittingly or unwittingly direct an invalid vote in the same manner as a literate person is entitled to invalidate a vote by his own hand. The Presiding Officer only transplants an elector's voting instructions on to the ballot paper. If that turns out to be an invalid vote, it is not for the Presiding Officer to correct it to make it valid. I feel this is the essence of Term Of Reference 8 which ends with the words— ". . . so as to ensure that nothing is done to influence or direct his vote".

It would be a good idea if we came to some kind of consensus about this, because it is quite important when we are dealing with an illiterate person. What do we do with a literate person who comes up to a member of a political party outside a polling booth handing out how-to-vote cards, and says, "Which is the Liberal card?" I have had this happen to me. We sort of point over to the Liberal representative, who gives the person a Liberal card. That is how the person wants to vote. Such a person is not asked on entering the booth, "Do you know in which way you wanted to vote before you arrived here?" Such people know how they wanted to vote before they arrived.

It is argued by Judge Kay that if a person comes in with a Labor card and says, "I want to vote Labor" it is not enough for him to say that. He has to spell out the candidates in his order of preference.

A person who is literate does not have to do that; he just copies what is on the card. I can see both sides to the argument but there is some way to overcome this. I have argued in the past, and I will argue in the future, that we should help illiterate voters. The reasons will be clear to members opposite after we submit our arguments.

I remember that the Hon. Lyla Elliott said if we introduced optional preferential voting this would help illiterate voters. All one would have to do if one wished to vote for a Labor person, Liberal person, or whatever, would be to record one name only. There would be no need to record further votes. Optional preferential voting seems to me to be highly desirable. Many people in this country do not believe in this preferential system. I am not one of them. I do believe in the preferential system and I have always voted so. I know how to order my preferences because I know something about the electoral system.

However, some people do not want to vote preferentially. They want to vote for one party only because they do not like any other.

Sometimes we have the ludicrous situation such as the one I saw when I was scrutineering in a Federal election. There was a very long card to vote from and a person voted DLP, 1, 2, 3, and then he voted Liberal and Labor, and gave his last preference to the Communist Party.

The Hon. W. R. Withers: That seems reasonable.

The Hon. R. HETHERINGTON: I am not saying that it was not, because he had every right to do that. However, I felt sorry for the person who hated the Communist Party so much that he did not fill in any numbers in that section. The vote was then invalid. It seemed to me that he was quite clear on how he wanted to vote—DLP. He did not want the Labor Party, the Liberal Party, or the Communist Party. Being a Labor scrutineer I pointed out that it was an invalid vote, but the electoral officer had seen the vote already. It was a travesty of the voting system that this person who had shown a real choice did not have a vote because he would not put any number against the Communist Party.

The Hon. W. R. Withers: He must have been pretty stupid.

The Hon. R. HETHERINGTON: Some people are stupid, but stupid or not he clearly knew which way he wanted to vote. It was quite clear from that card. I was quite aware of their preferences because at that time there was propaganda stating that the Labor Party was neo Communist. Much as I deplored the vote I did not want to rob that person of his vote. If the system were introduced whereby people voted for one candidate it would greatly assist in the casting of votes.

It is of no use members telling me that the optional preferential system means first-past-the-post. It does not necessarily mean that and I have pointed out before that in Darwin in 1974 a sitting Independent member lost his seat although he came first on the primaries. He lost his seat because of Labor preferences. The Labor candidate came in last and his preferences were given to the Liberals. Therefore, the preferential system there worked under an optional preferential system where the Liberal and Labor candidates gave preferences and the majority of people followed. So it can work as a first-past-the-post or a preferential system.

The Hon. W. R. Withers: I seem to have lost the thread of this in relation—

The Hon. R. HETHERINGTON: To help Mr Withers: If we have optional preferential voting or say a person who wanted to vote Liberal in the Kimberley, he would have to put his vote in and say, "Ridge," or say he wanted to vote Labor. He could say, "I want to vote for that bloke Bridge".

The Hon. W. R. Withers: Are you putting an amendment to the Bill to that effect? I was wondering why you were referring to it.

The Hon. R. HETHERINGTON: I am referring to it because I think it is worthy of comment. I know it is against the policy of the Government, but I am using the opportunity to point out that illiterate voters would be helped considerably if we had an optional preferential system. They would also be helped if we would accept a simple little Bill to say that on the ballot paper after the names of candidates their political parties could be shown because the returning officer when filling in a card for an illiterate person would say, "There are three persons on this ballot paper: Mallagimpie, Labor; Chumley, Liberal; and Rees-Smith, National Country Party." The person would then say, "Firstly I want to vote National Country Party, secondly, I want to vote Labor, and thirdly Liberal," or whatever he desired. In other words, I am suggesting that if we really want to help people to vote there are a number of ways in which we can do it. I am also suggesting that we are not trying to do that; with this Bill we are trying to make it more difficult for people to vote. That is why I am opposing the Bill. I am opposed particularly to the provisions to be found in the new section 29 on page 13 of the Bill. I will be trying to amend this because one of the things that made for a democratic vote in Britain as representation was increased was the introduction of what was known at the time as the Australian ballot.

In 1885 this was known as the secret ballot because much as people talked about the sturdy independence of the yeoman farmer, it was much easier for the sturdy independent yeoman farmer to vote as he really wanted if he could do so in secret. What we have done in this Bill is to take away the secrecy of a voter who needs help for any reason at all. Under this Bill if a voter asks for help then the presiding officer or the assistant presiding officer can fill out his ballot paper.

Judge Kay said that when a presiding officer is allowed to fill out the ballot paper, if he cannot be trusted, then who can be trusted? In this Bill we allow scrutineers, if they are present, to watch the presiding officer fill out a ballot paper. This immediately destroys the secret ballot. It seems to me that we should be giving a person who asks for assistance one of three

choices. He could say either the presiding officer fills out the ballot paper under instruction, or the presiding officer fills out the ballot paper in the presence of a friend nominated by the person concerned, or a person nominated by the person concerned fills out the ballot paper for him.

I once went into a polling booth when I was an ordinary party worker and I was handing out how-to-vote cards when an old and blind gentleman came to me and asked me to vote for him. He had been deposited by his daughter who had had an argument with him and was disgusted because he was going to vote Labor. However, he was given the right to vote. I did not know him and I still do not know who he was. I did not breach the secrecy of his vote. I did not do this in the presence of the presiding officer.

I suggest quite sincerely to the Government that the provision for a presiding officer and a scrutineer to be present is wrong and it is against our basic notion of the secrecy of the ballot. I can see no reason that if a person comes in trailing behind him a friend, wife, mother, uncle, aunt, or someone he picks up on the way and says, "I want this person to watch," this is not enough. I do trust the presiding officer, of course, but I do not think scrutineers should be present particularly in small country electorates where people know people. For example, I was in a small wheat farming electorate at an election meeting, and someone said to me, "You know in this town 80 people voted Labor last election. You just would not know where they came from." I agreed, but I am sure if that person wanted to know he would be able to find out. So this would not desist if scrutineers are present. This is a very poor provision and we should get rid of it.

All in all, I am generally opposed to the Bill and I say again that it breaches the secrecy of the ballot for people who need help. It makes it more difficult for people with special disabilities and those who have enough difficulty already to enrol. The provisions as far as hospitals are concerned are based on no evidence at all and are arbitrary. Therefore this Bill has been called, by some people "the Alan Ridge benefit Bill". It seems to me that this Bill has flowed from one electoral defeat by a Minister of the Crown belonging to this Government and that the whole inquiry since has been too narrow. No real attempt has been made to hold a real inquiry and the end result has been this disgraceful Bill to which I and members of the Opposition are opposed. Therefore I strongly oppose the Bill and hope that members opposite will either vote against it or attempt to help us amend some of its worst provisions.

**THE HON. W. R. WITHERS** (North) [8.28 p.m.]: It is my intention to support this Bill in its second reading, in order that I may debate the amendment which I have on the notice paper for the Committee stage of the Bill.

We have heard the outcry from the opponents of this Bill and I must say they have accused the Government of many nefarious reasons for bringing it forward. This has been stated many times in Mr Hetherington's speech. Before I come to the main core of my own debate, I would like to say that Mr Hetherington was quoting a bit from the precis of Judge Kay's report and members must remember that a tremendous amount of work went into that precis and there is a lot more to it.

Mr Hetherington made a recommendation that the Speaker in another place have a vote. I point out to Mr Hetherington that during the term of the Tonkin Government if the Speaker there voted as has been suggested then there would have been a rather unusual situation, because the Government would have lost many times.

The Hon. R. Hetherington: I did not say that. I said the Premier's attitude that the Speaker was like a Minister goes against the tradition. It is the Liberal Party which talks about traditions.

The Hon. R. J. L. Williams: The Australian Parliament has the Westminster tradition in relation to the Speaker, and you know it.

The Hon. W. R. WITHERS: If we had an ALP Speaker in another place he would be forced by pledge to vote with the Caucus unless the party allowed him to make a decision of his own, and I cannot imagine that happening.

The Hon. Grace Vaughan: We are quite happy to admit that.

The Hon. W. R. WITHERS: The mind-moulders of the media have grasped the sensational claims made by the Opposition and have passed them on in a form which can be accepted by simple-minded and gullible people and will allow some sensitive citizens to believe the Bill endeavours to reduce the power of the Aboriginal vote. Those gullible people who are led by the mind-moulders of the media—

The Hon. D. K. Dans: Who judges whether they are gullible? You or your party?

The Hon. W. R. WITHERS: I said many people are gullible.

The Hon. D. K. Dans: You did not quite say that.

The Hon. W. R. WITHERS: I can imagine that the emotional claims made by the Opposition and printed in the Press will cause many people to

believe that racial subjugation takes place in this Bill, and it will cause many fair-minded people to oppose the Bill. Of course, they will have misread the Government's intention.

Let us look at one accusation which has been made by the Leader of the Opposition and other ALP members. On the 12th September a report appeared in the *Daily News* under the heading, "Race laws clear first hurdle". The report says—

> The legislation came under fire from the Opposition as being designed by the Government for purely political purposes.
>
> The legislation is said to disadvantage Aboriginal voters and make it harder for them to get on electoral rolls.
>
> The Opposition said this was being done deliberately because the government feared losing the two marginal seats of Kimberley and Pilbara at the next State election.
>
> However, the government denied these charges saying the changes were well worthwhile.

It went on to mention what had been said and then commented on the people in the gallery who hissed and booed the Government speakers. It is clearly a biased report which indicates to the people that the Government has a very bad intent in this Bill.

If such claims were true, can any member of the Opposition imagine a Minister who has such a wicked intent presenting the Bill in another place on the 17th May, 1979, allowing it to stand throughout a recess until the 7th August, and then allowing debate to continue until the 3rd October, after which it was introduced into this Chamber? Of course, no-one can imagine such a thing.

The Hon. Grace Vaughan: That was mainly Mr Tonkin's effort.

The Hon. W. R. WITHERS: If the Minister had the wicked intent of forcing the Bill through, misguiding the Aboriginal and illiterate people, and preventing their getting on the electoral roll, would he let the Bill stand for so long? Of course he would not.

The Hon. Lyla Elliott: You seem to have forgotten the evidence before the Court of Disputed Returns and the letters written by Mr Ridge.

The Hon. W. R. WITHERS: I have not forgotten that. I am talking about the accusations which were levelled at the Government and the Minister, to the effect that the Bill was designed to rob Aboriginal and illiterate people of votes in the Kimberley. I am saying if that were the case, why would the Minister allow the Bill to lay so long in the other Chamber? If a Minister who had such an intent did that, he would be a bungling fool.

The Hon. D. K. Dans: Some of your Federal colleagues are not enamoured of your efforts.

The Hon. W. R. WITHERS: It cannot be said that the Deputy Premier is so foolish.

Another piece of propaganda which has been firmly entrenched in the minds of electors in the north, anyway, concerns the use of how-to-vote cards. The people in my electorate are being told how-to-vote cards may not be used by illiterate voters. That is not true. A how-to-vote card may be used in a polling booth by any person who is enrolled.

The Hon. Grace Vaughan: Is that all you are going to say about the how-to-vote card?

The Hon. W. R. WITHERS: I am still on my feet. I do not know why the honourable member should think that is all I am going to say.

The Hon. Grace Vaughan: Tell us more about the how-to-vote card and how illiterate voters will be allowed to use it.

The Hon. W. R. WITHERS: The how-to-vote card may be used by an illiterate person who walks into a polling booth and, without asking for any assistance whatsoever, copies down the symbols on that card.

The Hon. Grace Vaughan: How do you copy something if you are illiterate?

The Hon. W. R. WITHERS: Some people stupidly claim that illiterates are not very bright. Illiterate Aboriginal people have shown me not only that they can transfer the numbers, but also that they can memorise the symbols and put them in the correct squares. They have shown me this in sand drawings.

The Hon. Grace Vaughan: There are degrees of illiteracy. You want to treat everybody the same.

The Hon. W. R. WITHERS: The Hon. Grace Vaughan is trying to tell me the illiterate people in my electorate have not the ability to copy symbols and memorise them. They have been doing it for centuries. In fact, they can remember and draw the most intricate patterns, which are symbols.

The Hon. R. F. Claughton: What is the point you are trying to make?

The Hon. W. R. WITHERS: The numerical symbols on a how-to-vote card are so simple that the Aboriginal people can remember them and put them in the right squares without any trouble.

The Hon. Grace Vaughan: But they have to relate them to words, not numbers, and the printing on the how-to-vote card and the ballot paper is likely to be different.

The Hon. W. R. WITHERS: The point I make is that members of the ALP and their zealous supporters in the north are spreading the word to unsophisticated people that we intend to take the how-to-vote card away from them. This worries them, and if it were true it would worry me. But it is not true. The Government has no such intention.

The Hon. Grace Vaughan: Why are you afraid to let them use the how-to-vote card?

The Hon. W. R. WITHERS: The reason the how-to-vote card may not be presented to a person in the polling booth is that at the last minute before they enter the polling booth they can be manipulated to the point that they can have papers taken from them. If they have accepted from a how-to-vote card a certain pattern of symbols which they memorise, they can use it in the polling booth. However, if an unscrupulous person of either party takes away one of the how-to-vote cards, or all the how-to-vote cards except one, those people can become confused. Judge Kay made this recommendation to prevent the exploitation of illiterate people, and I agree with his recommendation.

The Hon. D. K. Dans: Judge Kay does not excite me.

The Hon. W. R. WITHERS: The Opposition has used this propaganda to great effect. Since the Bill was presented in another place, ALP supporters have been going around and very successfully enrolling many illiterate and Aboriginal people, while at the same time denigrating the motives of the Government. I see nothing wrong with assisting people to enrol. Everybody should do this, but the assistance must be unbiased. However, I see much wrong with the denigration of the Government and its motives. By dealing in half-truths, zealous party supporters—

The Hon. Lyla Elliott: You have a short memory. You have forgotten the Court of Disputed Returns.

The Hon. W. R. WITHERS: I have not a short memory. My retentive powers are similar to those of most members of this House.

It is interesting to note that the opponents of the Bill on the other side of the House also claim the Government is trying to make it more difficult for Aboriginal voters by restricting witnesses to justices of the peace, police officers, electoral officers, and clerks of courts. It is a very strange claim to make about a Government which introduced a Bill to establish justices of the peace in Aboriginal communities and make it easier for people to have access to justices of the peace. In view of that, it must be very difficult for the Opposition to sustain its claim that the Government is trying to make it harder for Aborigines. This Government introduced the justices of the peace system to Aboriginal communities—admittedly only to two communities—on a trial basis. However, the trial is working well and I am sure the system will extend to other communities throughout the State.

The Hon. D. K. Dans: Which communities are they?

The Hon. W. R. WITHERS: I believe the propaganda which is being spread among Aboriginal people in my province and probably in other provinces is not teaching democracy. In fact, it is totally irresponsible because it does not allow those people to weigh up the ideologies of the parties. It does not instruct them in the processes of decision making. In fact, it bludgeons unsophisticated people into accepting that one party is good and the other party is bad.

The Hon. D. K. Dans: They will be really confused in State and Federal elections.

The Hon. W. R. WITHERS: It gives those people little or no understanding of the basic philosophies of the parties. The use of such propaganda can only cause those unsophisticated people to become voting puppets for the party with the greatest number of appealing half-truths.

I have used the expression "half-truths" because the Opposition has been truthful in so far as it has presented half the case. It has said the Government is adopting some parts of the Kay report.

The Hon. R. Hetherington: It has left out many of the good bits.

The Hon. W. R. WITHERS: What is not being presented truthfully is the Government's motive. This is having a devastating effect on the unsophisticated people in my province, to the point where they will accept half-truths as whole truths. The sophisticated understanding of a half-truth is probably best expressed by the great English poet Lord Tennyson, who said, "A lie which is a half-truth is ever the blackest of lies."

Having said that, I indicate it is my intention to place an amendment on the notice paper in an endeavour to remove the racist content from this Bill, and from the Act. I feel sure many Western Australians, including members of this House and the other place, are unaware that the Bill accepts

the racism which is contained in the Electoral Act, 1907-1970. I must say also that any person who accepts racism must be considered racist, even though his intent and motive to assist his fellow man is of the highest order.

I consider racism to be an evil in any form because it causes divisions in society and polarises communities. Therefore, I will stress this subject matter of the Bill rather than the other Government amendments with which I agree.

The type of racism in this Bill, the Act, and most other Federal Acts and regulations, is based on compensatory considerations rather than racial subjugation, but even so racism must be considered to be an evil.

In order to give members sufficient information to enable them to consider my amendments in the Committee stage, it will be necessary for me to paint a mental picture on a broad stage. It will require broad and open minds to obtain an understanding of what I am doing.

The Hon. G. C. MacKinnon: I think you are in the wrong forum.

The Hon. W. R. WITHERS: I hope the minds of members will assist me to carry the amendments to prevent racism in this Bill when we debate it in the Committee stage.

Over the years I have seen the well-intentioned but divisive policies adopted by the Federal Government in its efforts to assist Aborigines. I could see that some good would flow from the legislation it brought forward.

However, I could see also some of the divisions being caused by this legislation in racially mixed communities. I could see the polarisation that was occurring. Of course, the province I represent has many multi-racial communities. Because of the observations I have made, I have developed some views which include the views I developed from living 16 years in the province and talking to many people of all races who live in it.

On the 28th May, 1978, I committed my views to writing in a paper titled, "A Brief to Assist Disadvantaged Australians without Racial Stigma" which was distributed to Cabinet Ministers in State and Federal Parliament as well as other interested persons. I will not bore the House with a reading of the complete paper, but I will read out the definitions, preamble, and the section on voting rights. The title page says—

> A Brief to Assist Disadvantaged Australians without Racial Stigma.

Then follow two definitions, the first of racism and the second of apartheid—

> Racism: Belief in inherent superiority of some races over others:
>
> Discriminative treatment based on such belief:
>
> Prejudice in favour of certain races.
>
> Apartheid: An Afrikaans word meaning "Separate development".

The subtitles are as follows—

> The Parliaments of Australia have Statutes Supporting Racism and Apartheid.
>
> Assistance must be given to people on the basis of need not on the basis of skin colour or ethnic background.

I now turn to the preamble, which reads as follows—

> Australia's history has proved that our invading ancestors destroyed the aboriginal way of life through the acquisition of their hunting lands for grazing, mining, farming, water catchment and urban development.
>
> Successive governments and their advisers have formulated laws which first disadvantaged aborigines and then in compensatory reaction, endeavoured to advantage aboriginals. The majority of aboriginals still live in a state of poverty. Unfortunately, the existing laws do not recognise the general need of those in poverty nor do they recognise that not all aborigines are in need.
>
> The existing compensatory laws apply to the ethnic backgrounds and not to the individual needs of people.
>
> This well intentioned nurturing of apartheid and racism is causing racial divisions in mixed communities and polarisation of thought within our nation.
>
> Australia is rapidly developing as a multi-racial nation. To continue this development with laws which give advantages to one race over another because of the historic disadvantages suffered by that race is tantamount to legislative lunacy.
>
> There has been no successful nation in the world which has been able to sustain such a policy without creating polarisation leading to hatred and bloodshed. Even the past invaders who colonised under treaties in various countries, have produced children who now recognise the almost insurmountable problems caused by the treaties of a by-gone age.

> The majority of Australian aboriginal people certainly need assistance to raise their living standards and to allow their participation as equals in mixed communities. This assistance must be given where it is needed and given in a way which will create a community without racial polarisation.
>
> In order to assist legislators and others to understand and correct the existing situation, the following segments of community life will be dealt with;
>
> (1) Voting Rights
> (2) Land Rights
> (3) Mineral Rights
> (4) Housing
> (5) Community Administration
> (6) Legislation
> (7) Legal Aid
> (8) Development Loans
> (9) Special Projects Funding
> (10) Education
> (11) Unemployment Benefits
> (12) Domestic Training
> (13) Preservation of Culture
> (14) Government Departments
> (15) United Nations

The last quotation from my paper is under the heading "Voting Rights". I quote as follows—

> If any government has a compulsory voting system, it should not be considered democratic to allow a citizen to be exempted from voting on the grounds of ethnic background. It also should not be considered democratic to make it compulsory for illiterates to enrol when they do not have the advantage of reading the political issues.
>
> Once a person is accepted as an Australian citizen, the laws should apply to that person in the same way as other persons, regardless of ethnic background. Exemptions should be based on illiteracy only.

The Electoral Act allows natives to be exempted from voting, and the Bill amends that provision only so that Aborigines are exempted; in other words, the wording is being changed simply from "natives" to "Aborigines". I must say it is reasonable for Judge Kay to assume that such an amendment should be made, so that other amendments would follow on in the same way and with the same definitions as the Federal legislation. This was outside the guidelines given to Judge Kay, but he made the recommendation anyway. I think members will agree it was reasonable for him to make this recommendation. However, I do not agree that we should carry the racism of the parent Act through to this Bill.

Having presented the first scene to construct a mental picture on a broad stage, I will now commence scene two which opens in the Western Australian Parliament in 1899. This scene will give some insight into the views held by members of Parliament of that era, which led to the Electoral Act of 1907. In 1897, when referring to the Aborigines Bill, the member for East Kimberley (Mr Connor) said—

> It does not seem that, under this Bill, any relief is given to settlers from the depredations and dangers under which they suffer from the natives. Some time ago it was suggested that reserves—there are reserves mentioned in this Bill, but they are not what I refer to—should be set apart to place the natives on. It was suggested that we should take one of the islands on the coast, where the climate would suit natives, and transport them there, and supply them with all they require. I hope, when the Bill is in committee, some hon. member will move to insert a clause to effect this object.

In other words, he wanted to banish Aboriginal people from the mainland of Australia.

That type of thinking led to the Electoral Act of 1899 and the Constitution Acts Amendment Act of 1899, part of which denied Aborigines the vote. I quote as follows from the statute—

> Provided also that—
>
> (i.) No aboriginal native of Australia, Asia, or Africa, or person of the half-blood, shall be entitled to be registered, except in respect of a freehold qualification.

In other words, in 1899 Aborigines had to own freehold property in order to obtain a vote.

The Hon. R. F. Claughton: That was the case with most electors at the time.

The Hon. W. R. WITHERS: Of course, it was next to impossible for them to vote. Over the ensuing years leading up to the Electoral Act of 1903, the attitudes to Aborigines can be shown by the following quotes. I hope members can appreciate that I am endeavouring to paint a picture leading up to each Electoral Act to show the progression and the build-up of racism, then the slow decline in racism. However, we still retain slight vestiges of racism today, which I hope to remove from the Act.

In 1901, Dr Hicks, the member for Roebourne, said at page 628 of *Hansard*—

> With regard to the flogging about which we hear so much, what really happens or did

> happen in Roebourne in my time was this. A native was sentenced, if over 16 years of age, to a number of lashes up to 25; under 16, to 12. When he was sentenced he was first brought to me and medically examined to see whether he was fit to undergo the punishment. If he was fit, the punishment was administered; and to be extremely careful of the native, I always was present myself. It was a very loathsome business, but at the same time to protect the native I went there, and although I have seen a fairly large number of floggings of natives, I have never seen any bad results accrue therefrom. I do not believe that, in five per cent of the cases of flogging one sees, a drop of blood is drawn. When you consider the stamp of the cat-o'-nine-tails used, it is just what you would expect. There is a handle of about 14 inches, and there are about nine strands of very small schnapper line without any knots whatsoever. We hear, too, that natives are chained to each other and to a wheelbarrow. What is to be done to the natives? Take a warder going out probably with 20 natives. How is he to keep them? He has no firearms and has no protection whatever. For that reason the native has a chain round his neck. Natives are chained in pairs or singly to wheelbarrows, but all friction is prevented by having the chains well covered with leather. I do not see how one could alter that in any possible way, inasmuch as to my mind imprisonment is demoralising to a native.

In other words, he was saying flogging is better than gaol.

In 1902 Mr Robert Hastie, the member for Kanowna, said at page 2223 of *Hansard*—

> We should look upon these aborigines as children, knowing that they could not protect themselves, and recognising that they were an interesting, picturesque race, and that the bulk of them would, unfortunately, soon die out. Whilst they were living, it was our duty to do the best we could to see they had a fairly good time.

In the same debate Mr Sydney Piggott said—

> It had been suggested that the best treatment of natives would be to hand them over to the care of some religious community. But in several cases that had been tried and proved a failure. The only way of civilising the wild natives out back was to put them into gaol. It seemed a hard thing to say, but he had known individuals brought back from the far interior who were nothing else than wild beasts in their habits; yet after serving two or three years in gaol, with fairly easy labour to do and good treatment, he had known cases in which these men, formerly so wild, had begged to be allowed to go back into prison—begged for weeks and months to be taken back after they were released.

Again in 1902, Charles Moran, member for West Perth, said—

> Great work had, however, been done in many places, especially with the half-castes. Half-castes seemed to have all the intelligence of the whites, but unfortunately they retained a great many of the saddest traits of the blacks. When he was at the New Norcia mission station he was astounded to find what had been done with blacks. If taken in hand when young, half-castes made good servants and they were capable of instruction in all ordinary household duties. If there were a competent oversight of the aborigines of Kimberley, if they were helped and there were a thoroughly efficient police force to keep the blacks from contact with whites on the outskirts of the town, this State could do a noble and grand work at very little expense.

Again in 1902, James Harper, member for Beverley, said—

> The black was a child in regard to self-restraint and in regard to morals; indeed he had no idea as to what morals meant. It was no crime for a black to steal or to commit murder; in fact it was rather a glory to do so.

Members would be aware that the 1903 Electoral Act went to Parliament with the retention of the 1899 provision denying the Aboriginal vote. These attitudes did not change much over the years leading to the 1907 Act—which is the parent Act this Bill is amending—which can be observed from the following quotes. In 1904, the Constitution Bill extended its racist content—it is hard to imagine that is possible, but it actually was building up racism—by an amendment which reads—

> No person who is of unsound mind, and no person attainted of treason, or who has been convicted and is under sentence, or subject to be sentenced for any offence punishable under the law of any part of the King's dominions by imprisonment for one year or longer, shall be entitled to be registered on any electoral roll or to vote at any election.
>
> No aboriginal native of Australia, Asia or Africa shall be entitled to be registered as an

elector unless registered on an existing roll at the commencement of this Act.

In other words, if they had land and property before that legislation and they were on the roll, they could remain there. However, it did not matter what they did from that point on; if they were not on the roll at that time—and none of them were—they could not be enrolled.

In 1905, James Isdell, the member for Pilbara, said—

> In New South Wales, thirty years ago, the Government took forcible possession of every half-caste child 12 months old. There is a great deal of maudlin sentiment about taking away a child from the native mother; but the man who sees it done will lose all that sentiment; because when you take a child away from a native woman she forgets all about it in 24 hours and, as a rule, is glad to get rid of it. In New South Wales all these half-castes are brought up as good and useful servants. I do not say that they are taught to sing songs and all that sort of thing, but they are useful on stations and they are profitable. I hope the Government will take this question into consideration during recess and try to do something for the half-castes. It seems to me to be a bad state of affairs that we are 30 years behind New South Wales in this matter.

*Point of Order*

The Hon. GRACE VAUGHAN: Mr Acting President, I fail to see what this rather nauseating description of the treatment by white Australians of the indigenous race has to do with the Bill we are considering. I can understand some background information concerning voting rights of Aborigines being necessary to the honourable member's argument, but not the taking away of half-caste wards from women in New South Wales.

The ACTING PRESIDENT (the Hon. R. J. L. Williams): Order! I believe the member is sticking to his original intention, in that he is introducing background material in view of an amendment he will move at a later stage.

*Debate Resumed*

The Hon. W. R. WITHERS: Apparently the honourable member did not hear me say initially that it would require broad minds and a broad stage, and that I would read the debates in this Parliament which led up to the Electoral Acts and particularly, the Electoral Act of 1907, which we are amending with this Bill. That is the correlation. Thank you, Mr Acting President; I consider you handled that very well for me.

The ACTING PRESIDENT: Order! I remind the honourable member that I acted in accordance with the Standing Orders of the House. I showed no bias towards him from the Chair.

The Hon. Lyla Elliott: I hope the same even hand is shown to us on occasions.

The Hon. W. R. WITHERS: I apologise, Mr Acting President; my tongue mishandled the words.

In the same debate, William Butcher, member for Gascoyne said—

> The idea of making schools to educate the black children is I think an absurdity. It is an absolute absurdity to think that we can Christianise the native children; but we may be able to do something of the sort with the half-caste children. And, with that object, I think some institution should be established throughout the State at different places, with separate school teachers so as not to have the half-caste children mixing with the white children at the various centres.

The Hon. Grace Vaughan: Is that one of the letters Mr Ridge wrote?

The Hon. W. R. WITHERS: No, I have left that matter for the Opposition to mention, which it has done *ad nauseam*. Mr Michael Troy, the member for Mt. Magnet, stated as follows—

> Regarding the half-castes, I think it very undesirable that they should be put on the same reserves with aborigines. I think that the half-castes should be set apart, because I have always seen that they have attained a higher degree of civilisation than the full-blooded aborigines. Half-castes, if bred with white people, become in some respects almost as expert as the whites; but once they marry with aborigines, they become even more depraved than the aborigines themselves. If we have reserves, we should try to put the half-castes on reserves by themselves; because I firmly believe that they are a grade higher than the aborigines.

Mr Austin Horan, the member for Yilgarn, said in the same debate—

> I hope we shall not rush extravagantly into any attempt to administer for the wants of people in the North, and members are well aware that the contest is really a contest between barbarians and civilisation in this State. That feature has not yet been touched

on. It is really a contest of the survival of the fittest. Let us compare the aborigines with those in other portions of the Commonwealth. Particularly I may point to the experience of Tasmania, my native State, where we had for years to fight in what was called the Black War, very similar to that which afterwards occurred in New Zealand, in order to adopt some methods of civilisation, and to develop countries which had been secured under the British Flag. Here in Western Australia I suppose we have to do something of a similar nature. I do not wish members to be led away by the extraordinary articles which have appeared from time to time in the daily Press of the State, articles published for no other reason than to accentuate political differences that may have occurred at the time. I do not wish members to be guided by the instructions given to us by the member for Pilbarra, the member for Murray, and the members for the nor'-western districts generally. I think this question of the aborigines should be placed on a higher plain than that. It is a contest of the survival of the fittest. If these people cannot become civilised, and science and biology, and all the information we got in our student researches incline us to the belief that these people cannot be civilised—we have thousands of instances of that—why attempt to establish reserves for a nomadic race who will not stop within that reserve.

During the Committee stage of the Bill, Mr Harry Brown, the member for Perth, said—

> This was synonymous with what we knew of Kaffir locations. It was a reserve outside a town or municipality from which the blacks must not be absent after a certain time at night. In Africa no native was allowed in the town after eight o'clock, and there was a certain location to which they must go. Two thousand acres would be more than sufficient for the object aimed at.

He was referring to the entire State. Mr Brown continued—

> Fifty acres would do, so long as the natives were kept there after a certain time. The location was the place where the native should be; and no matter whether it was near Perth, Broome, or any of these municipalities, 50 acres would be sufficient. So long as the natives were on these locations during certain hours of the night and the whites were kept away from them, that would meet the case. Nothing would be lost by leaving out the size of the reserve.

During the debate on the Electoral Bill in 1907—that is the parent legislation this Bill is amending—Mr Thomas Bath, member for Brown Hill, gave an indication of what could happen in that era when he said—

> During the course of the recent census, one of the canvassers of the Electoral Department called at a house in the metropolitan area, and after enrolling the mistress of the house he wanted to know if there were any servants or employees on the premises. He was asked why he wanted to know that, and he said "I want to enrol them," and the lady absolutely refused to allow them to be enrolled—in one case a maid servant and a groom—and she gave the gratuitous information that she did not believe in servants having votes. In another case, though that reason was not advanced the lady refused to allow the electoral canvasser to enrol the servant, because she said she could not have her interfered with in the course of her service.

That gives members an idea of the thinking of some people of the day. Two comments from Cabinet Ministers in 1907 also give an indication of views of the day. On the 24th October, 1907, the then Treasurer made the following statement—

> As to the neck-chaining the Leader of the Opposition had asked what the Chief Protector thought of it. That officer was distinctly in favour of neck-chains as being more humane and causing less injury to the natives themselves than either the leg-chains or wrist-chains. By the neck-chains they were able to use their limbs while making the long marches from inland to the coast. Both the wrist-chains and the ankle-chains had to be put on so tightly that chafing was set up and subsequently this broke out in sores. The neck-chains, on the other hand, could be worn comparatively lightly and as they only weighed seven pounds for four prisoners a native had only to carry a weight of about one and three-quarter pounds, which practically depended from his shoulders. The Commissioner of Police was correct when he said that the neck-chain was preferable either to the ankle or wrist chain.

The Minister for Mines of the day commented as follows—

> As to the neck-chains, he saw some 60 natives at work at Roebourne, and he came

to the conclusion that the neck-chain was the most humane method of safeguarding the prisoners, for it must be remembered the natives were wild and untutored, and if an opportunity of escape presented itself the majority would take advantage of it. Only two warders were in charge, they had firearms and no doubt if a black got away the warder would fire at him. From watching these natives for half an hour he was satisfied that the neck-chain was the safest method that could be adopted for keeping the prisoners.

These contributions led to the Electoral Act of 1907 in which section 18 reads as follows—

> 18. Every person, nevertheless, shall be disqualified from being enrolled as an elector, or if enrolled, from voting at any election, who
>
> (a) is of unsound mind; or
>
> (b) is wholly dependent on relief from the State or from any charitable institution subsidised by the State, except as a patient under treatment for accident or disease in a hospital; or
>
> (c) has been attainted of treason, or has been convicted and is under sentence or subject to be sentenced for any offence punishable under the law of any part of the King's dominions by imprisonment for one year or longer; or
>
> (d) is an aboriginal native of Australia, Asia, Africa, or the Islands of the Pacific, or a person of the half-blood.

That is the parent Act as amended.

Over the ensuing years the racist content was whittled away whereby an amendment was made to the Electoral Act in 1934 which reads as follows—

> Section eighteen of the principal Act is amended by—
>
> (a) inserting after the word "Asia," in the first line of paragraph (b), the words and parentheses "(except British India)";—

So now natives from British India can vote in Western Australian elections. To continue—

> (b) inserting after the word "Pacific," in the second line of paragraph (d), the words and parentheses "(except New Zealand)";—

In other words, the natives of New Zealand are now allowed to vote in Western Australia. To continue—

> (c) inserting at the end of paragraph (d) the following:—
>
> "but the disqualifications created by this paragraph do not apply to any person who is a naturalised subject of His Majesty."

What we see here is an amendment to the Electoral Act reducing the content of racism by allowing some native races to vote, but not the Australian Aboriginal. Aborigines still did not have the right to vote.

In 1951 the Electoral Act was again amended so that section 18 with paragraph (d) read—

> Every person nevertheless shall be disqualified from being enrolled as an elector, or, if enrolled, from voting at any election, who
>
> (d) is an Aboriginal native of Asia, Africa or the Islands of the Pacific or a person of the half-blood.

In other words, the racial content was fully removed, but now it has been slipped back in again; however, it applies only to natives of Australia. Another provision in the form of paragraph (e) was slipped in which reads—

> (b) adding after the word "Majesty" in line seven the word, "or" and the following paragraph—
>
> (e) is a native according to the interpretation of that expression in section two ot the *Native Administration Act, 1905-1947*, and is not the holder of a Certificate of Citizenship pursuant to the provisions of the *Natives (Citizenship Rights) Act, 1944-1950.*

This means if an Aboriginal was able to obtain a certificate of citizenship he would be allowed to vote. This paragraph was removed in 1962 and subsection (5) was added to section 45 of the Act. This is in the current Act and reads as follows—

> This section except subsection four thereof does not apply to a native.

During the Committee stage I hope we will be able to remove this. This now allows an Aboriginal to vote, but it allows him exemption from voting purely on racial grounds.

By this time members should have a clear picture of the past attitudes taken by members of Parliament in this State in regard to Australian Aborigines. They should also be aware that some of the old and outdated attitudes still exist. They are in this Bill.

Only last week a well known Perth correspondent referred to the first woman to arrive in Western Australia. I presume she meant the first European woman, but that was not what was written. This shows the depth of racism which can exist to this day in quite genuine people.

The correspondent would probably be horrified if I were to call her a racist because of this lapse in this small piece of writing; but members should consider the effect her words would have on Aboriginal people reading the article which was published in *The West Australian* of the 4th October, 1979. I refer to the "WA-79" column written by Alex Harris. Members will appreciate she is an excellent correspondent and this is probably a lapse; but the effect of those words would still be felt by Aboriginal people. In this column she says—

> On the same day Toodyay will pay tribute to the first woman to set foot in WA.

The Hon. G. C. MacKinnon: She is writing a column dealing with the anniversary celebrations of European settlement and it has been headed like that since the beginning of this year.

The Hon. W. R. WITHERS: That does not alter the fact that she says this is the first woman to set foot in Western Australia.

The Hon. G. C. MacKinnon: Her column is headed, "WA-79".

The Hon. W. R. Withers: One cannot argue with what I have said. I appreciate what the Leader of the House is trying to do. He is trying to defend it.

The Hon. G. C. MacKinnon: I am not trying to defend it. It is a plain statement of fact. She is writing an account of the 150th Anniversary celebrations which have to do with the settlement of this country with Europeans.

The Hon. W. R. WITHERS: But she says, "the first woman" not "the first European woman." It is this type of racism which exists in the parent Act and continues in a slightly modified form in this Bill.

I trust members will give consideration to these points when I move my amendments in the Committee stage and I hope they will support me. My amendments will appear on the notice paper tomorrow.

With the exception of the racist content in this Bill, I support it.

**THE HON. R. F. CLAUGHTON** (North Metropolitan) [9.22 p.m.]: This Bill is a cynical political exercise which will inconvenience thousands of electors and is designed to ensure the re-election of a member of the Government. That is the purpose behind the Bill we are debating tonight. To achieve its purpose, the Government will attack the very basis of democratic government; that is, the right of every adult citizen to cast a vote.

The legislation covers a variety of matters of varying degrees of importance. We would support unquestionably many of the provisions in the Bill if they were separated from the provisions which are directed at the main purpose of the Government. However, we must oppose the Bill in total to ensure that justice prevails.

Approximately half the clauses in the Bill relate to the granting of a vote to prisoners and the circumstances under which people who are in hospitals and institutions may vote. Approximately 12 of the 29 clauses in the Bill relate to those matters.

We then have the item to which Mr Withers referred in clause 5 which deletes the word "native" and replaces it with the word "Aboriginal."

Other clauses in the Bill relate to persuading or inducing a person to enrol and the provision of polling places in Perth for by-elections. The latter provision is a sound one and we are somewhat surprised that it has not been covered already in the legislation. Further provisions relate to mobile booths and we are most concerned about the effect of the way in which mobile booths will be used in remote areas and particularly in areas where large numbers of Aborigines reside.

The assistance which may be provided to electors has received a good deal of attention in the debate tonight. It is sensible that handicapped people be given every assistance to vote and yet this situation will not apply in regard to illiterate voters. These people will find it more difficult to cast their votes.

There is a provision in the Bill which relates to questions which may be asked of voters. It relates to the trick perpetrated by Mr Ridge during the previous election campaign in the Kimberley which led subsequently to a Court of Disputed Returns hearing.

Provisions in the Bill relate to the limitation on spending by political candidates and, as a result of this legislation, it will be an offence to take a ballot paper out of a polling booth. One would

have expected the latter matter to be covered in legislation previously, but apparently it was not covered adequately.

In the matter of disputed elections, we find that, as a consequence of costs being awarded against Mr Ridge, amendments are being made to the Act to allow a judge to rule that costs be paid by the Crown. We hope this amendment has not been included in the belief that similar actions to those which took place in 1977 will take place in future elections. As a result of this amendment the temptation will exist, as is not the case if the candidate knows he may have to meet the costs involved in a disputed election.

There is a provision which condones the appointment of a Minister in the way Mr Ridge was appointed as Minister for Health after the general election and allowed to remain in that position. That action should have been abhorrent to the Government in the circumstances that surrounded the election in the Kimberley. The Government adopted an unethical position at that time; but the amendment in this Bill would validate any acts undertaken by such a person who was removed from office subsequently as a result of a hearing of the Court of Disputed Returns.

This Bill contains an attack on the right to vote which is a matter to which we object most strongly. A very sorry tale may be told about the 1977 election. I am not surprised we have not seen Government members rising to their feet to defend what took place, because they would be defending the indefensible. The Attorney General in this House was criticised very soundly by the judge for sending the telegram—

The ACTING PRESIDENT (the Hon. R. J. L. Williams): Order! I believe the member made a mistake. It was the Minister for Justice not the Attorney General.

The Hon. R. F. CLAUGHTON: It was the then Minister for Justice (the Hon. Neil McNeill).

The ACTING PRESIDENT: I wanted to make that clear.

The Hon. R. F. CLAUGHTON: Thank you very much for the correction, Mr Acting President. I would not like to cast aspersions on a Minister who did not deserve it.

The actions of the Minister for Justice, at the time, were soundly criticised by Judge Kay in the case which followed the election. That criticism concerned the telegram sent to presiding officers relating to the way in which they should treat voters, particularly illiterate voters, who wished to use how-to-vote cards as an assistance in casting their votes.

The evidence states a plan was evolved by the Liberal Party which was designed deliberately to ensure that as many as possible of those people would be deprived of their right to vote. The evidence is familiar to all of us. It seems the reason we have this Bill currently before us is that the Government is attempting to achieve, with the sanction of Parliament, what it in fact achieved by more dubious methods at the time. I do not appreciate very much the fact that we on this side are being asked to take part in this exercise. It is somewhat demeaning.

The amendments which the Government has proposed are presented to overcome problems which occurred at the time. However, those problems, in fact, were not due to weaknesses in the legislation as such, but to deliberate attempts to thwart the lawful provisions of the Electoral Act. If the correct instructions had been forwarded—as the Chief Electoral Officer wished to do, or the telegram had not been sent, to put it more correctly, to which the Chief Electoral Officer objected—then the dispute and argument that arose would not have occurred and we would not be presented with this amending Bill today.

The Hon. Neil McNeill: That is a theory of yours, and nothing else.

The Hon. R. F. CLAUGHTON: It is a sound proposition that arises from the evidence we have before us.

The Hon. Neil McNeill: It is not sound.

The Hon. R. F. CLAUGHTON: The Hon. Neil McNeill was the Minister for Justice at the time, and the person Judge Kay criticised.

The Hon. Neil McNeill: Most unfairly, and in my absence.

The Hon. R. F. CLAUGHTON: Well, the judge made his decision on the evidence presented to him.

The Hon. A. A. Lewis: Did you give evidence?

The Hon. Neil McNeill: It was incorrect.

The Hon. R. F. CLAUGHTON: The evidence was incorrect? Was it presented by the Government, or by other people?

The Hon. A. A. Lewis: What did the Government present?

The Hon. R. F. CLAUGHTON: The comment by the Hon. Neil McNeill raises interesting speculation. I would have assumed that perhaps colleagues of Government members would be very anxious to ensure that the relevant facts were

presented to the judge which would vindicate the claims by the Government.

The Hon. A. A. Lewis: Do you think the judge should have called the Minister to give evidence?

The Hon. R. F. CLAUGHTON: The Hon. Neil McNeill was not here, but there was nothing to prevent his making a submission.

The Hon. A. A. Lewis: Do you not think the judge should have listened to both sides of the case?

The Hon. R. F. CLAUGHTON: Does the member opposite think that the Hon. Neil McNeill could not have made himself available, or could not have made a submission? That seems to be a flimsy excuse which the honourable member is attempting to put forward in support of the Hon. Neil McNeill. We can only base our judgment on what we see in the evidence we have before us. We cannot make any judgment on evidence which the Hon. Neil McNeill would have given if he had chosen to do so. The fact that that was not done, was not an omission on our side.

We are not to blame for the fact that a submission did not come from people acting for the Minister. The situation is that apart from this sort of evidence we have evidence from Mr Ridge himself in a letter sent to Mr Quilty, amongst others. The letter was dated the 3rd March, 1977 and, in part, it reads—

> If this is not done, I would anticipate that by the next election there could be in the order of 3 000 to 4 000 Aborigines on the roll and under such circumstances the Liberal Party would be doomed to failure.
>
> One thing is certain. I shall certainly be pressing for changes to the Electoral Act in relation to the casting of absent votes by illiterate people.

In fact, that is what is in the Bill currently before us. On that sort of evidence it cannot be wondered that we have adopted our present attitude. This legislation is designed for one purpose only; that is, to ensure that as many Aboriginal people as possible are deprived of their right to vote in order to ensure the continued election of Mr Ridge to the seat of Kimberley.

The Hon. J. C. Tozer: In respect of postal votes, the legislation will conform with most other States in Australia, and the Commonwealth.

The Hon. R. F. CLAUGHTON: Mr Tozer will be able to speak presently and he will be able to tell us about these things. In some areas, this Bill will amend the legislation in variance to that of the other States and the Commonwealth. I refer to the witnessing of enrolment claim forms. I wonder whether Mr Tozer will oppose that clause because it does not conform with the provision in other States. I believe Mr Tozer will not do that, and I believe his colleagues will be of the same mind. We will see this legislation forced through Parliament. We will debate it for many hours in the hope that the public will have as much advice as possible about what is happening.

The question of illiterate voters was handled badly by Judge Kay. He made some astonishing statements in his report.

The Hon. A. A. Lewis: Is it not surprising that Judge Kay should make such shocking mistakes whereas Mr Justice Smith did not make mistakes?

The Hon. R. F. CLAUGHTON: I did not make any statement to that effect. I did not say that anyone made a mistake, and I made no reference to mistakes. Perhaps if the honourable member opened his ears more often and opened his mouth less often he would be able to understand what is being said.

The Hon. A. A. Lewis: I would still have a hard job understanding you.

The Hon. R. F. CLAUGHTON: The member has a hard job understanding anything at all.

I will quote, in part, what Judge Kay had to say. I find some of his comments confusing. At page 32 of his report Judge Kay said—

> It was submitted that the application for a postal vote should be signed, filled out and completed by the elector in the applicant's own handwriting. This would immediately disenfranchise all illiterate persons who were enrolled and a very high percentage of the elderly people who would be distressed by having to fill out and work out a complicated form.

Those remarks give the impression that Judge Kay was sympathetic to those people and was anxious to ensure that they were assisted to cast a vote. He went on to talk about the suggestion that there be a permanent roll of postal voters, on the authorisation of a qualified medical practitioner. That, he said, would mean that a person with paralysis could have someone else fill in his application, whereas a person who could not read or write could not.

Again we see that he was consistent to some extent, and, perhaps he had some sympathy for these people.

With regard to the security value of signatures, Judge Kay pointed out that it had been said there was no security value if a person illegally signed

both the application form and the declaration form in the name of an elector. He went on to say—

> This is so but, if my recommendation as to persons enrolling, signing their enrolment card in the presence of one of four specific witnesses, then the signature or mark on the application and declaration can be checked with the enrolment card.

That is where the report becomes inconsistent. While he has shown concern that there should be equal and easy facility for all persons to be enrolled, he then specifies that there is a limited number of persons who can witness the claims. That will not make it easy, and it is where I find Judge Kay to be confusing in his opinions relating to illiterate voters.

I can understand that the Government has taken up this recommendation with some alacrity, and other recommendations have been ignored completely. The Government has been selective in what it has taken from the report. While Mr Lewis can say that Judge Kay made a mistake, obviously the Government view varies considerably. In fact, the Government must have thought that Judge Kay made some mistakes in his recommendations to the Government.

The Hon. J. C. Tozer: What recommendations were they?

The Hon. R. F. CLAUGHTON: I do not want to go through them all; I have enough to do dealing with others.

Judge Kay went on to say—

> However, we should endeavour to strike a balance between the right of the individual to have access to casting a vote and at the same time ensuring that Aboriginals are not being induced to enrol under the Act, that no illiterate person is induced to vote in a particular way and that no postal vote is allowed unless it can be established that the mark on the application and declaration is the mark of the elector.

He attempts to ensure that by selecting a few people in the community to witness an enrolment claim or a claim for a postal vote. To me this is a terrible inconsistency, and in so far as the judge's opinion is transferred into the Bill, it is attacking, in particular, the Aboriginal voter. It is the Aboriginal voter who is most affected by the handicap of illiteracy. For Mr Tozer's benefit, I would say that brings to my mind the recollection that one of the recommendations not adopted was the removal of the term "illiteracy".

In that particular paragraph I quoted, the judge talks about three things. He talks about the Aboriginal being induced to enrol in a particular way, and yet there are two sides to this matter. People who are not familiar with the democratic process or the manner in which elections are carried out in this State or in Australia need someone to inform them if that situation is to be changed. If a person takes on that duty we can say that he has induced the person not familiar with the democratic process to enrol. But how on earth do we progress unless someone in the community takes on such responsibilities?

I would like a continuing programme through the education system, for instance, for the population to be educated on our political procedures and the steps we must take in order to exercise our democratic rights.

The Hon. J. C. Tozer: It is being done, of course.

The Hon. R. F. CLAUGHTON: I used to be a teacher—

The Hon. J. C. Tozer: A long time ago.

The Hon. R. F. CLAUGHTON: —and I do not think the situation is much different now from what it was when I was teaching. Literally thousands of children visit Parliament each year, and yet older visitors come here and tell us that although they visited this building during their school days they only have a very dim idea of the way in which Parliament operates. This information is introduced to school children in a general way, but it hardly gives them firm and concrete knowledge of the democratic processes or the parliamentary processes.

Most people who become enrolled are very hazy about our democratic processes. Mr Acting President (the Hon. R. J. L. Williams), as I have mentioned before, when I nominated for the Legislative Council in 1967, I knew very little about this Chamber and its place in the parliamentary system. I knew very little about the conditions relating to elections, and I was most startled after I had been declared elected and came to this House to find that I had no more rights than any other citizen in the community as I did not become a member until the 22nd May of that year because of the fixed term. I think very few members of my party were aware of this fact; certainly no-one bothered to mention it to me at the time.

The Hon. D. W. Cooley: They would be shocked if they knew.

The Hon. A. A. Lewis: Mr Claughton and Mr Cooley put themselves up for a job without even knowing when it started. If Mr Cooley and Mr

Claughton can convince me they are that dumb, I think they both ought to opt out of this debate straightaway.

The Hon. R. F. CLAUGHTON: I have already said once tonight that it is very hard to convince Mr Lewis of anything. I do not intend to press that argument.

The Hon. A. A. Lewis: I wouldn't if I were you; you would not have a chance of winning.

The Hon. R. F. CLAUGHTON: The public in general are aware of the processes of Parliament only in a general way, and they are not very concerned about the detail as long as the system works for them.

It is not very sensible to say that Aborigines should not be induced to enrol. Many people in the community need to be induced to vote in the same way. Mr Withers tonight told us that the Aborigines are very badly treated in this community, and that they are very tentative in any approaches to authority at all. As a rule they would need a fair bit of inducement to fill in a claim form in order to have the right to vote. So I would not regard it as a fault in any sort of system that members of political parties are active in approaching Aboriginal people, particularly in an endeavour to get their names on the roll and to get them into the polling booths to vote. Whenever such people are approached in this way, they are made more aware of the system and the need to participate in it. We could talk for years to these people about something they might be allowed to do in the future without making any substantial progress. However, if the person is involved and is obliged to be involved then he will learn very quickly. I have a great deal of sympathy with the thought that we should treat Aborigines like any other voters.

The Hon. M. McAleer: The amendment about inducement applies only to postal votes, doesn't it?

The Hon. R. F. CLAUGHTON: It all relates to the same principle. I would just like to remind members again of Judge Kay's words as follows—

> However, we should endeavour to strike a balance between the right of the individual to have access to casting a vote and at the same time ensuring that Aboriginals are not being induced to enrol under the Act, that no illiterate person is induced to vote in a particular way and that no postal vote is allowed unless it can be established that the mark on the application and declaration is the mark of the elector.

As I said, the judge referred to three aspects. However, in drafting the legislation, the Government has shown that it is prepared to inconvenience literally thousands of people in my electorate and in the State in order to achieve its purpose—a very cynical, political purpose. Many people in my electorate will now have to chase around to find a justice of the peace, a clerk of courts—and they are not easy to find in my electorate—an electoral officer, or a police officer. In my electorate there is an electoral office in Oxford Street, Mt. Hawthorn, but my electorate reaches to Ocean Ridge Road, Mullaloo, and that is a very long way from Mt. Hawthorn.

Is it the Government's intention to supply us with new and up-to-date lists of justices of the peace so that we can spread this information throughout the community to assist people to locate them? I have written to the Chief Secretary about some of the justices of the peace who reside close to my office. I know that some of these people are beyond the age where they want to be involved in the activities of a justice of the peace. I suggested to the Chief Secretary that some check should be made to ascertain whether our present justices of the peace wish to remain active in this field, and that people who wish to have their commission cancelled should be allowed to do so.

Just a few mornings ago on a radio show the Chief Secretary spoke about this particular aspect. Someone phoned in and said that there were concentrations of justices of the peace in particular areas. The Chief Secretary replied that for instance, in Nedlands, there are many farmers who have retired to that area and that is why there are so many justices of the peace in Nedlands. What help is that to people who wish to have claims witnessed? Very often a retired person does not wish to be bothered with the activities of a justice of the peace.

We have been given no reason to change this provision in the Act. If it is to be changed, why not broaden the field so that, for instance, public servants, school teachers, and people working in post offices could witness these claims? In the past one could have a claim witnessed at a post office.

The Hon. A. A. Lewis: Mr Hetherington said it was very hard to find a police station in the metropolitan area. Would it not be just as hard to find a post office?

The Hon. R. F. CLAUGHTON: It would be another avenue, would it not?

The Hon. A. A. Lewis: But would it not be just as hard?

The Hon. J. C. Tozer: You would pick up the card at the post office.

The Hon. R. F. CLAUGHTON: As Mr Tozer mentioned, a person could pick up a card at the post office, fill it in, and have it witnessed at the same time.

The Hon. A. A. Lewis: You could fill it in at the police station, also.

The Hon. R. F. CLAUGHTON: Why restrict it in this way?

The Hon. A. A. Lewis: If it is so hard to find a police station, is it not just as hard to find a post office? I do not understand the metropolitan area as you do. One member of the Opposition argues one way and another member another way.

The Hon. R. F. CLAUGHTON: Surely it would be an improvement for an ordinary person if we added the provision that a claim could be witnessed at a post office. If we added public servants and school teachers to the list of witnesses, that would improve the situation again.

The Hon. A. A. Lewis: Are they all going to have cards to give you? That was the start of your argument.

The Hon. R. F. CLAUGHTON: One of the first places I mentioned was a post office, because the cards are picked up there.

The Hon. A. A. Lewis: I am just trying to find the logic in your argument.

The Hon. R. F. CLAUGHTON: There is none in the honourable member's; that is the whole problem. There is no logic in the opinion given by Judge Kay. It is very difficult to understand why he has recommended this course.

Mr Lewis seems to find it hard to understand that difficulties could be occasioned by our having so few police stations in this State. We know how often that argument arises. The police are becoming more and more centralised, and travel around their districts in motorcars.

The Hon. D. K. Dans: And they shut the police station while they go out.

The Hon. R. F. CLAUGHTON: In my electorate, there is a police station at Scarborough and another at Innaloo; they are not very far apart. Then one must travel across to Nollamara to find the next police station, and then miles away to Warwick to find another. There is quite a distance between those particular localities. The Scarborough and Innaloo police stations were there in the days when the policemen were still on the beat, so they are not very far apart.

The Hon. F. E. McKenzie: Didn't they close one at Tammin a couple of years ago?

The Hon. R. F. CLAUGHTON: I imagine the Government has closed quite a few.

The Hon. D. K. Dans: Despite the efforts of Mr Lewis and myself, they closed the Greenbushes station.

The Hon. A. A. Lewis: They are building a new station at Dumbleyung.

The Hon. R. F. CLAUGHTON: I thought Mr Lewis had decided to cease interjecting because he was getting the worst of the argument. Mr Hetherington referred to figures contained in Judge Kay's report on which he based one of his recommendations. I believe these figures are worth looking at in a little more detail. Mr Hetherington said an examination of the records of the Electoral Department showed there were only 1 126 duplications on the roll. I should like to give members a breakdown of these figures, which appear on page 15 of the report. The cases where second Christian names were added—Christian names, not surnames—numbered 113; second Christian names deleted amounted to 40; same persons, but different birth dates numbered 12; Christian names spelt differently amounted to only nine. Yet that was an area in regard to which Judge Kay, later in his report, expressed some concern. There were two cases where a third Christian name was added; and approximately 950 cases of misfiling for various reasons at the Electoral Department.

If we take away the number of misfilings, we are left with very few duplications. We have some 688 000 people enrolled at this time, and this is such a minor aspect of the total picture that it seems pointless to do anything about it. Yet we find the Government has taken up Judge Kay's suggestion that the persons able to witness electoral claim forms be severely limited in category.

The whole point goes back to what I said previously; the Bill is an exercise in cynical, political opportunism to ensure the re-election of one member of the Government and to achieve that the Government is prepared to go to these lengths.

The history of the 1977 election is an extremely sorry one and it puts the Liberal Party in a very poor light. While talking about the enrolling of people, Judge Kay says the changes would reduce the opportunity for manipulation. No evidence was put forward that manipulation took place. Certainly, when the evidence was examined by Justice Smith in the three separate cases which were taken after the election, no evidence was put forward that the Labor Party adopted any sort of malpractice or attempted to manipulate the

Aboriginal vote. If the Government had evidence of anything of that nature being done by the Labor Party, for some unknown reason it missed the opportunity to present it at those three separate hearings. I cannot conceive that the Liberal Party would miss that opportunity to attack the Labor Party if it had evidence to enable it to do so. The Labor Party is not claiming Liberal Party canvassers and supporters manipulate the Aboriginal vote and, equally, no evidence has been presented which indicates the Labor Party does it.

So, why do we have this legislation before us? Why are members of the Government pushing this legislation which will inconvenience so many people in the community? What is the purpose behind it all? I would like to hear from the Government side some real justification for this Bill.

In the speeches we have heard so far, no real attempt has been made to justify the Bill. We heard Mr Withers make some remarks claiming manipulation had taken place. However, Mr Withers was one of those who gave evidence to the Kay inquiry. Judge Kay was not able to mention as solid evidence in his report material which Mr Withers put before him. So, why are we presented with this Bill? No rational explanation has been given. What are the motives of the Government? It cannot be on the grounds of manipulation of the Aborigines, and that leaves only one explanation; namely, the explanation to which the evidence points. I refer, of course, to the evidence of the material which came to light during the case heard by Justice Smith, when all those letters and documents from Mr Ridge relating, among other things, to the plan laid out by the Liberal Party for disrupting the vote at that time, were produced.

Is the Government really concerned to ensure there is not another 1977 affair in Kimberley? Is it really hopeful this legislation will do that in a fair sort of way? I believe that is not so. There is no guarantee that even if all these things work, people will not be disadvantaged by the provisions of this legislation; there is no guarantee that illiterates and other handicapped persons will be able easily and readily not only to claim to be on the roll, but also when they go to the polling booth to receive helpful assistance to enable them—even in a hesitant sort of way—to lodge their vote. There is no guarantee there will not be another campaign of the kind mounted in 1977. If the Liberal Party feels threatened in this way, it would have no compunction in using methods which are highly unethical to achieve its electoral ends.

I am not satisfied that the people of the State and the purposes of democracy are being served by this legislation. It is not a satisfactory situation for a person who is handicapped and who needs assistance at an electoral booth to have a scrutineer or someone who is not supporting the candidate for whom he wishes to vote breathing down his neck while he lodges his vote. That is an intimidating situation for that person.

I remember when the 1976 amending legislation was passing through this place saying that if there were half a dozen parties contesting an election, there could be half a dozen scrutineers breathing down the necks of voters. That is not a situation we should want. We saw in 1977 how that provision which was put into the Act in 1976 was used by the Liberal Party.

If in fact the Government were amending this legislation so that the first choice of a handicapped person was the assistance of the electoral officer and a friend, I could believe in the Government's bona fides with respect to this legislation, because that is the fair and reasonable way to handle this matter; it involves no threat to the person casting a vote, secrecy of voting is observed, and chances of any sort of manipulation—if it exists at all—are reduced. But of course that is not what the Government is proposing to do.

Another clause in the Bill about which I feel real concern relates to mobile booths. Perhaps the Minister when he replies to the second reading debate might give us some information as to how this system will work. It is proposed that up to two weeks before an election mobile booths will visit remote centres such as stations and towns, from which it is not easy to get to a stationary booth to lodge a vote. What is the process of advice about when these mobile booths will attend? Will sufficient notice be given for all persons to be aware of it so that when the electoral officers arrive to take the vote they can make sure they are there in order to cast their votes? Provision will be made for scrutineers to be present when polling takes place. Are the parties to be adequately forewarned of the schedule of these visits so that they may have a chance to ensure they know precisely what is to take place?

Another point of some concern to me is that if electors are not present and are unable to cast a vote at that time, the fact that they have not cast a vote will not invalidate the election. Obviously if it is a remote place and communication is slow or difficult, there could well be many persons who might be 100 miles away. Unless adequate forewarning is given, they would not have an opportunity to move to the place to cast their

votes. The present legislation enables people in those places to cast postal votes.

If we have the mobile booth system, how is the ability to obtain postal votes to be affected? Will it happen that because the mobile booth attends, people will not be able to obtain postal votes, as they are able to do presently? If they are absent from the place at the time the booth is in attendance, will they be able to register a postal vote? As I say, there could be significant numbers of people who could be affected adversely by this provision. It is one of the provisions in the Bill which has some good and some bad in it.

If the system is worked out carefully and people are aware of what is to happen, there could be a big improvement in the voting system in remote areas. However, I feel some concern about that because of the possibility that people could be deprived of their votes.

There are other matters in the Bill about which I would like to speak at greater length; but there will be further opportunity in the Committee stage so I propose to close my remarks on the second reading at this point. I reiterate that I am not convinced by the Government that the Bill has an honest intention as far as improving our electoral system is concerned. The evidence is too strong in relation to the activities that took place in Kimberley for us to believe that this is not just another episode following the intentions of the Liberal Party at that time to achieve a favourable result by whatever means to which it could turn its hands.

**THE HON. J. C. TOZER** (North) [10.19 p.m.]: It is obvious that the Opposition places a great deal of importance on this Bill; and so do I.

When I was speaking on the Electoral Act Amendment Bill in 1977, I spoke with real feeling and concern. I want to introduce my speech tonight with a couple of brief extracts from that speech. At page 3105 of *Hansard* I was speaking about the state of affairs in the conduct of elections in Kimberley. I said—

> But it is also certain that there is no way that in Western Australia any district, including the Kimberley, could go to the poll again without straightening out the ridiculous and unworkable state of affairs which exists under the present Act.

I went on with my speech, and members might remember that there was hissing in the gallery, and the gallery had to be cleared. I came back to the topic, and I had this to say at page 3109—

> The problems were clearly revealed in 1971. They cropped up again in a most unsatisfactory and unhappy way in 1974, but in 1977 they became quite insufferable and the clarification of the intent of the Act became quite imperative. With the risk of another farrago like that we saw in Halls Creek . . . . in certain places in the Kimberley on the 19th February, we realised it was quite unacceptable. It would be unacceptable to anyone in the Kimberley, and I repeat, to anyone, whichever way he thought. No-one ever wants to see a repetition of the polling day procedures of that day.

My sentiments have not changed. It is for that reason I welcome the introduction of this Bill to amend the Electoral Act once again.

It is important to realise that in 1977 there was a second election for the Kimberley seat and, in point of fact, the member for Kimberley (the Hon. Alan Ridge) was returned with a majority that was three or four times as great as that in the February election—the disputed election.

Members of the Opposition have commented repeatedly on the Court of Disputed Returns. I think we ought to spend a moment or two looking at something about the Court of Disputed Returns. First of all, it was not a judicial inquiry in any way. A petition was delivered to the Electoral Department; and it is not my desire or intention to read that petition. A judge was given the task, as a result of that petition, of investigating approximately 100 votes. That is what he was asked to do. He was asked to examine whether those votes were cast correctly, or whether in fact they had not been cast; or if they had been cast, whether in fact they were informal. His task was to consider how those 100 votes should have been cast appropriately.

In the petition, the petitioner listed specifically the nature of the inquiry—the nature of the complaint. He mentioned polling places—Fitzroy Crossing, Gogo, Halls Creek, Turkey Creek, Mowanjum, and others. He questioned whether some votes should have been counted or should not have been counted at those places. The Liberal Party and Alan Ridge did not receive a mention there. One person associated with the Liberals was mentioned, and he was Bob Rowell. His name was mentioned as he spoke to somebody outside the Mowanjum polling place. That was complaint No. 13 in the long petition.

If that petition can be summarised in a few words, it would appear that the petitioner desired to inquire into the conduct of the poll officers and the Electoral Department on that day. The petition was No. 1 of 1977 under the Electoral Act, and it appeared in the *Government Gazette*

on the 29th April, 1977. It set out what the judge was asked to do.

The Liberal Party was not asked to justify where its votes came from. It was quite satisfied that the votes were cast and its member had been returned.

The Opposition makes great capital of the fact that the Liberal Party did not present certain evidence. There was no call for evidence. The Liberal Party was not defending its position. The votes were there; its member was returned. It did not have to go looking for additional votes to have its member returned.

It was not known that the judge, who was given the task of conducting the Court of Disputed Returns, would go so far outside his franchise and conduct a general witch hunt into the total Kimberley election. The whole of the evidence as it unrolled as time went on was a series of witch hunts. It was orchestrated by a clever, young, city lawyer. It was aided by Government officers both from the Commonwealth and the State.

The Hon. Lyla Elliott: Are you saying the judge was manipulated?

The HON. J. C. TOZER: I did not say the judge was manipulated. Miss Elliott can please herself; but I did not say that.

The Hon. Lyla Elliott: You are talking about "orchestration" and "a clever, young lawyer". Surely the judge was intelligent enough to know what he was considering.

The HON. J. C. TOZER: The whole matter was a witch hunt. I claim a lot of evidence was presented by witnesses, and this aspect was orchestrated, yes.

All sorts of witnesses were dragged into that court; and they were well primed to provide the right answers. I substantiate this sort of comment by the fact that in a certain court case in which I became involved some of the same witnesses were called to give evidence for the plaintiff, and their evidence was contrary to what had been presented in the Court of Disputed Returns. On the latter occasion, evidence was given on oath before a judge and jury.

I do not want to go into the full details of this. I will move to the end of the case. I can only describe it as a rather amazing example of juggling of figures and a certain measure of clairvoyance. The judge came to the conclusion that 97 votes would have been cast for Bridge which were not cast for him. The term he used is "the summary of vote loss established". The majority in the February, 1977, election was 93 votes. In the inquiry it was found by the judge that there were 97 votes that were either not counted or counted wrongly; so a re-election was ordered.

It is important that we look at the figures and at some of the conclusions reached by the judge, and compare them with the electoral results. I have chosen two polling places.

The judge found that there was some irregularity in seven polling places. There were five irregularities in postal votes. There was an inquiry into the Fitzroy Crossing situation, but that part of the petition was dismissed.

According to the judge, in Turkey Creek there was a loss of 25 votes to Mr Bridge and at Gogo Station there was a loss of 29 votes to him.

In February, 1977 a total of 46 informal votes were cast at Turkey Creek. Judge Smith concluded that 25 of these votes would have been cast for Mr Bridge, but were not. How did he know that? Was he able to read the minds of the would-be voters? How did he reach that conclusion that on the 19th February those men and women would have cast their votes for Mr Bridge? The judge's decision was based upon the evidence of completely unsophisticated people who were prompted by anti-Government experts.

When the by-election was held at Turkey Creek, there was one informal vote; Mr Ridge received 11 formal votes; and Mr Bridge received 29. The judge made a mistake. He was wrong. If he was not wrong, the electors changed their minds in the meantime.

The Hon. Grace Vaughan: Is that not possible?

The Hon. J. C. TOZER: It is possible; but it is possible also that between February and the time of the Court of Disputed Returns hearing when Judge Smith took evidence they changed their minds.

I should like to turn now to the situation at Gogo Station. On the return from the Electoral Department we find 44 informal votes were cast on the 19th February. In his judgment the judge found that there was a loss of 29 votes to Mr Bridge. Again the judge had that amazing clairvoyance, available only to him. In the December election Mr Ridge received 35 votes in the Gogo ballot box and Mr Bridge received 51 votes. There were three informal votes. Mr Ridge appears to have gained 22 of the 29 votes that Judge Smith said would have gone to Mr Bridge. Again Mr Justice Smith appears to have been in error.

There is no reason that I should not be criticising the judge, because he was not right in this instance. How could he be right on the basis

on which he was formulating his opinion? He was formulating his opinion on drummed-up evidence presented by Aborigines who were marshalled by Department for Community Welfare and Department of Aboriginal Affairs officers and, as I said earlier, orchestrated by the ubiquitous Mr Dowding.

Mr Cooley interjected.

The Hon. G. C. MacKinnon: He is just giving some irrefutable logic.

The Hon. Lyla Elliott: He is telling fairy stories.

The Hon. G. C. MacKinnon: They are factual figures. They are irrefutable.

The Hon. J. C. TOZER: The information is there.

The Hon. Lyla Elliott: That sort of information did not convince Mr Justice Smith.

The Hon. G. C. MacKinnon: It is a bit of a change from the diatribes we have had up to date.

The Hon. J. C. TOZER: In framing the Bill before us tonight, the Government had two main matters to consider. We have heard about them, so I will not go into detail. Firstly, there was the matter of examining the recommendations in the report which arose out of the judicial inquiry by Judge Kay. His brief was to inquire into certain aspects of the Electoral Act which were set out in a general manner in the terms of reference. The second aspect that the Government had to consider was a report of the Chief Electoral Officer and the Crown Solicitor who reported jointly on several matters, but primarily on the questions asked of the electors. These questions were asked under section 119 of the Act. These officers reported also on matters relating to the electoral roll and on questions in regard to the validity of actions should any further cases go before the Court of Disputed Returns. The Bill before us tonight is substantially the implementation of the recommendations which came from those sources.

I should like to refer to the speech made by the Minister when he introduced the Bill to the House. I do not want to talk about prisoners' voting rights. I think we can only agree with the changes made there. From my point of view, and I think from the point of view of most members, the first major change we come to relates to the categories of people who are authorised to witness a claim for enrolment. As we have heard many times tonight, those eligible are an electoral officer, a justice of the peace, a clerk of the courts, and a police officer.

When I first read the draft Bill I was a little alarmed about the limited nature of these witnesses; but, after further and more mature thought, I realised what prompted the Government to reach this conclusion. We hear a great deal about unsophisticated people—for example, the Aborigines in my province—not wanting to go to police officers to have their cards witnessed. However, Aborigines go to a policeman when they wish to take our their vehicle licences, drivers' licences, or firearms licences. They go to see a police officer for these reasons in the northern towns of my province.

We should look at what Judge Kay had to say on page 10 of his report in relation to witnessing. He makes the following comment—

> The present system of allowing any elector to witness an enrolment claim card appears to be too casual and open to abuse.

Surely that is good enough reason for the Government to want to change the law. At present an enrolment claim card may be witnessed by anyone who is entitled to be an elector. Justice Kay has this to say—

> This means that a person who cannot read or write can be a witness to the electoral claim, not knowing what is on the card and, possibly having no knowledge of the Act.

In the next paragraph he goes on to say—

> It is the duty of the authorised witnesses to ensure that the claimant knows what he or she is doing. Authorised witnesses should, therefore, be persons who have a reasonable knowledge of the provisions of the Act which relate to enrolment and voting.

The Hon. F. E. McKenzie: What is "a reasonable knowledge"?

The Hon. J. C. TOZER: "A reasonable knowledge" is a reasonable knowledge. That is a good answer. What is within reason can be taken to be adequate knowledge.

The Hon. Neil McNeill: It has a legal definition.

The Hon. J. C. TOZER: A matter which has not been raised in this House, but which concerned me a little, is the question of policemen being witnesses. I have referred already to the fact that all people go to policemen for many and varied reasons. I mentioned that the police issue some types of licences. I was concerned about the position of police aides and I asked the Chief Secretary to give me a firm opinion on this question. I should like to read the answer he sent to me so that it is incorporated in *Hansard*. It reads as follows—

I refer to your letter dated September 24 concerning the competency of Aboriginal police aides and Aboriginal justices of the peace to witness electoral claim cards.

In response to your questions, you are advised as follows—

(a) As you are aware, in clause 8 of the Electoral Act Amendment Bill (No. 2), a "Police Officer" means a member of the Police Force of the State or the Commonwealth.
Subsection (3) of section 38A of the Police Act, 1892-1975, assented to on May 13, 1975, states—

> (3) A reference in any other law of the State (not being a law relating to condition of service of members of the Police Force) to a member of the Police Force shall be read as including an Aboriginal Aide appointed under this section.

This subsection covers the point specifically.

(b) There are no limitation of functions placed on Aboriginal justices of the peace who are appointed in the normal manner.

The second part of my question was, "Are there any limitations on the functions of Aboriginal justices of the peace in respect of witnessing claims?" The reply of the Chief Secretary covers this aspect also. To continue—

> The short answers to your questions therefore are that Aboriginal aides and Aboriginal justices of the peace will be entitled to witness electoral claim cards.

The Opposition is trying to tell us we are making it harder for Aborigines to fill in their electoral claim cards. In point of fact, I suggest we are making it easier. The very fact that police aides have the total confidence of the local Aboriginal community in my province and are able to witness these cards is making it much easier for these people to have their claim cards witnessed.

The Hon. F. E. McKenzie: That is your opinion. That is not the opinion of the Aborigines.

The Hon. J. C. TOZER: Perhaps I am in a position to know better than Mr McKenzie. This Government is supposed to be very harsh and oppressive in its treatment of Aboriginal people. However, which Government instituted the authoritative position of Aboriginal police aides in the north? It was the Liberal Government. Which Government appointed Aboriginal justices of the peace, firstly at One Arm Point and La Grange? The Attorney General has told us that if this proves to be an effective method of administering law and order in these communities it will be expanded to other Aboriginal communities. We are, therefore, placing two or three justices of the peace in every one of those Aboriginal communities. It was a Liberal Government which appointed those justices of the peace, not "the friend of the Aboriginal", the Labor Party. The "oppressors" did it and they will continue to do this.

The Hon. G. C. MacKinnon: We are not the oppressors.

The Hon. D. W. Cooley: He did not say that. We did.

The Hon. D. K. Dans: I suppose the Commonwealth Government will follow your great largesse to the Aborigines. I was listening to Mr Chaney speaking in Meekatharra recently and he did not seem to be very enamoured of what was said to his constituents.

The Hon. J. C. TOZER: I must say I am not greatly enamoured with the proposition put forward by the Minister in relation to this matter or in fact with anything that emanates from Canberra generally.

The Hon. D. K. Dans: In other words, they are wrong and we are right.

The Hon. A. A. Lewis: We do not put it like that. There are shades of grey.

The Hon. G. C. MacKinnon: We are a bit closer to the problem.

The Hon. D. K. Dans: It is true; there are shades of grey.

The Hon. J. C. TOZER: Much has been said on this question of the difficulty of finding the witnesses. I do not believe it will place any difficulty at all on any people. We are speaking about an important matter; namely, the initial enrolment of an 18-year-old or other person who becomes eligible to be on the roll. If it is important enough for him to go seeking a police officer for a licence to drive a motorcar—

The Hon. D. K. Dans: What happens if he is inadvertently taken off the roll and it is not his initial enrolment?

The Hon. J. C. TOZER: That question should be directed to the Minister. Why should there be a rush of people suddenly wanting to be enrolled for the first time? My colleague (the Hon. Bill Withers) tonight made the position very clear when he said how stupid it was for anybody to think the Government's aim was to prevent people

getting on the roll when it has given six months' warning to enable people to become enrolled. There is no need for a rush. It is not obligatory for an Aboriginal to be enrolled. I am sorry to refer to Aborigines, but they happen to comprise a great part of the population of my province.

The Hon. D. K. Dans: That is what the Bill is all about.

The Hon. J. C. TOZER: We will see what Judge Kay has to say. On page 11 of his report is the following—

> It is said that the enrolling process should be made easier rather than harder but, after all, quite a lot of applications for various matters have to be signed before a Justice of the Peace . . . 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.

The Hon. D. W. Cooley: How would a justice of the peace know that everything was correct? What gives him a special position over and above an ordinary citizen?

The Hon. J. C. TOZER: We have chosen the people who are in a position to ensure everything is as correct as it can possibly be.

The Hon. D. K. Dans: I cannot imagine the Aborigines going to a police station to be enrolled.

The Hon. Grace Vaughan: They might meet Sergeant Cole and get bashed up.

The Hon. F. E. McKenzie: Or Sergeant Corker.

The Hon. W. R. Withers: Who said Sergeant Cole bashed up anybody?

The PRESIDENT: Order, please!

The Hon. J. C. TOZER: I will now quote from page 12 of Judge Kay's report as follows—

> Evidence was given in the Kimberleys of illiterate Aboriginals being on the roll without knowledge of having made any application to be placed thereon. With an illiterate Aboriginal person, the above procedure—

That is, the procedure recommended in the report. To continue—

> would ensure that the claimant would want to enrol of his or her own accord and was not being tricked or induced into signing the enrolment card. It would stop any fictitious persons being enrolled.

This is not a Liberal Party man talking. This is Judge Kay.

The Hon. F. E. McKenzie: Are you sure he is not a Liberal Party man?

The Hon. J. C. TOZER: I do not believe Aborigines will have any difficulty in locating an authorised witness, because the police make regular visits to outstations and such places. In addition, I do not know of any members of an Aboriginal community who do not go into the commercial centres in the Kimberley. I repeat that Judge Kay said "Enrolment is an act which has no specific time limit for Aboriginals."

Initially I had doubts about the limited number of authorised witnesses. In particular, it was in my mind that in an outback area the shire clerk, for example, should be an authorised witness; and I still think that probably would be a good idea. However the problems it would introduce have been pointed out to me. There is a pecking order among civil servants and matching ranks in the State and Commonwealth services, and it would be difficult to explain why we had a shire clerk and not someone of comparable status in the State and Commonwealth services.

Reference was made to "rounding up" enrolments, and I think I should use some of the material I have here. I have a long list of people who were enrolled in the Kimberley on the 15th August. No fewer than 11 of them were enrolled by one Michael Dwyer, and they come from Oombulgurri and Wyndham. Michael Dwyer is a community welfare officer working in Broome. I have no doubt he took leave to go and enrol these people in the East Kimberley. We pay that man's salary and he goes around enrolling people.

The Hon. D. W. Cooley: You are saying that, but you have no proof of it. You are only assuming it. You are discrediting people.

The Hon. J. C. TOZER: In two periods up to the 8th August and the 6th September several people were enrolled by one Ivan McPhee, a bookkeeper at Noonkanbah Station, another man whose salary is paid indirectly by the taxpayer. He is paid by the Noonkanbah community but the community receives its funds from the Commonwealth Government. These people come from Fossil Downs Station, Fitzroy Crossing, Noonkanbah, Cherabun, Leopold Downs, and Brooking Springs, and their names are mixed up with those of many Aboriginal people who were enrolled in those two short periods in the Kimberley.

I want everyone to be on the roll, and I am not criticising Ivan McPhee for rushing around the countryside enrolling these people.

The amazing thing is that a large number of the electors on these two lists do not even have an

address. I wonder how they will get on when they go to vote. I might know where Bayulu community is, but I do not think the electoral officer would know. It is a pity that many of the people in those lists do not have an address. One list contains the names of 26 people who were enrolled by Ivan McPhee and the other list contains the names of 20 people who were enrolled by him. People were enrolled by other persons, but his name stood out among the witnesses.

I wonder about the alternative to this restrictive list of witnesses. It is not difficult to imagine what the alternative is; we see it on those lists. A man comes in with a bundle of cards which are marked with a cross. A marksman is given a card to sign or mark. It is witnessed by the person concerned, collected, and then lodged by him. This is the alternative to having a limited list of authorised witnesses. If the alternative is to have people rushing around with bundles of cards and witnessing them in the full knowledge that those marksmen almost certainly have no idea what they did with their mark or what was the significance of their mark on that card, I want a restricted list of authorised witnesses.

Can anyone suggest to me that when Ivan McPhee and Michael Dwyer went to those people they did not use some sort of gentle persuasion or inducement to get them to put their cross on those cards? I am quite sure none of those people would have come up and said, "Please, Mr McPhee (or Mr Dwyer), I would like to fill in my enrolment claim card."

In the existing Act it is not an offence to persuade or induce an elector to make application for a postal vote. Judge Kay makes his position quite clear on page 33 of his report, where he says—

> At present, there are really no ways of effectively controlling all the abuses and manipulations which occur in the sphere of postal voting. However, we should endeavour to strike a balance between the right of the individual to have access to casting a vote and at the same time ensuring that Aboriginals are not being induced to enrol under the Act, that no illiterate person is induced to vote in a particular way and that no postal vote is allowed unless it can be established that the mark on the application and declaration is the mark of the elector.

And that is quite impossible.

The Hon. D. W. Cooley: The Bill does not refer only to Aborigines and illiterate people. It refers to everybody.

The Hon. J. C. TOZER: It applies to the people in my province who happen to be Aborigines. It was the Chief Electoral Officer who brought the judge's attention to the deficiencies in the postal voting system, and that can be found on page 30 of the report. The Chief Electoral Officer pointed out that there is no requirement for a declaration of entitlement to a postal vote. That is surprising. It is a requirement for normal enrolment. There is no reference to inducement, and the Chief Electoral Officer referred to the impossibility of handling the ballot papers of a marksman. It is virtually impossible to compare a marksman's mark with the mark which appears on the counterfoil of his ballot paper. Judge Kay says on page 31 of his report—

> Research of other Australian legislation reveals that a mark on an application for a postal vote is not acceptable by the Commonwealth, Victoria, Queensland, New South Wales and Tasmania.

The report makes it clear that nearly all witnesses who appeared before the inquiry agreed that postal voting presents avenues for abuse.

The judge concluded that such voting should be reduced to a minimum. At the same time he acknowledged that postal voting is essential; and he said, "The fact that it is open to manipulation should not be a ground for refusing a person a vote." He endeavoured to close some of the loopholes in respect of marksmen, and he introduced fairly attractive alternatives—I think quite imaginative alternatives. Instead of criticising the inquiry, perhaps members should be looking for the things in it they can praise. By the simple expedient of recommending amendments to certain sections of the Act, Judge Kay achieved a beneficial result. I quote from page 41 of the report as follows—

> To overcome manipulation and abuse in postal votes, it was suggested that the use of portable mobile booths be extended to areas such as the Kimberley, Pilbara, and Central Reserves. There was consensus of opinion that this is the only sensible way of taking the votes and it appears that the Aboriginals would prefer to lodge their votes at a polling booth.

This would overcome the dreadful difficulties of which we have heard so much—and which are not overstated—and in addition Aboriginal people could vote in an environment which is far more acceptable to them because it is their own environment, rather than be required to vote in the false atmosphere of a polling place set up in a classroom somewhere in a township. That is one

of the inspirational ideas which crop up in the report from time to time. I welcome the suggestion at the bottom of page 41 of the report, which says—

> The Presiding Officer should be accompanied by a Poll Clerk who is either an Aboriginal or a person who can speak the Aboriginal language of the particular area or is a person accustomed to the way of life of the Aboriginals and can communicate with them generally.

Again that is in line with the general thinking introduced by the Attorney General and the Government in appointing Aborigines to posts, such as police aides and justices of the peace, when dealing with their own people.

Again I praise Justice Kay for recommending this sort of action.

I refer now to the speech notes of the Leader of the House. He said the Minister also may declare any area of the State to be a remote area which by reason of its remoteness presents difficulties for electors to attend at a polling place. He went on to say it is proposed that such declared remote areas may be visited by electoral officials up to 14 days prior to and including polling day to provide voting facilities for those electors. I have omitted words referring to hospitals and institutions, because I want to make my point in respect of remote areas.

This provision is welcomed by everyone in my region because it will remove some of the problems we have experienced in the past.

Another attractive innovation in the Bill is that a polling place will be set up in Perth whenever a by-election is held in any electoral district. Clearly this will be of benefit to any country person visiting the city. Obviously if a country person were visiting Esperance the provision would be of no benefit to him. However, most people who are not in their home towns would be in the City of Perth on polling day and they will be able to cast an absent vote as if it were a normal election and not a by-election. I praise the Government for introducing that innovation.

With respect to questions asked under section 119 of the Act, again under the Bill it is mandatory that the presiding officer asks whether the elector has voted earlier in the day; but he may modify the questions listed in the provision so that they may be more readily understood by an illiterate person or a person who has difficulty in understanding them. That is another plus.

Then we have the matter of assistance which is available not only to the blind, illiterate, or maimed, but to anyone who requires it.

One shortcoming I find in the Bill is in respect of instructions to presiding officers. The Minister said that for the purpose of rendering voting assistance to electors who request it, and to achieve uniformity, provision has been made to extend the authority of the Chief Electoral Officer to issue directions to polling place officials. I had a lot to say about this matter in 1977, and I believe this Bill should spell out such instructions. The Act says if any elector satisfies the presiding officer that he is so illiterate that he is unable to vote without assistance, the presiding officer shall mark the elector's ballot paper according to the instructions of the elector.

Personally, I do not find that hard to understand; but experience has shown it is open to interpretation. For that reason I would prefer instructions to be spelt out clearly in the Act, as I wished them to be in the defeated 1977 amending Bill. In 1977 I said that a great deal had been said about how-to-vote cards and their use. I said the Bill should spell out the usage rather than place the onus on the Chief Electoral Officer. I then said that if a person was incapable of reading, he would not be able to instruct the presiding officer in writing. I said that clearly the Act as it then existed precluded any interpretation which permitted a written instruction from a voter when he could not even read such an instruction. I have not changed that opinion. My feelings on the question are exactly the same now. If this amending Bill has a shortcoming, it is that specific instructions are not included in it.

The Chief Electoral Officer no doubt will give some instructions; I think the very wording of the Bill almost insists that he does. However, I believe this Parliament should decide what the instructions will be. There should not be any room for doubt.

To sum up: This Bill is not designed to deprive people of the right to vote. Indeed, I believe it materially assists people to vote. The reasons I say that are clear and have been mentioned already in more detail. I refer to the mobile polling booth proposal, assistance to all, simplified questions to prove eligibility, and other matters.

As Mr Withers mentioned, it would be a foolish Government indeed which let a Bill such as this lay around the Parliament for six months before having it debated if in fact the reason for the Bill's introduction was to deprive anyone of being able to fill in an enrolment claim card without having to comply with the restricted list of authorised witnesses. What a stupid thing to do that would be. Clearly a Government would introduce a Bill one day and debate it the next

day if that were the reason for the legislation—which, of course, it is not.

The Bill was introduced in May and has been available to everyone during the long recess. This was done deliberately. The House might be interested to learn that perhaps it was in some measure due to pressure from the back bench that this procedure was followed.

In substantiation of my opinion that we have made it easier for people to vote, I point out that while we retain the proposition that there is no compulsion for an Aboriginal to enrol and vote, an attempt has been made to prevent duress in enforcing such enrolment. However, at the same time, because in the past we have been too casual and have left the matter open to abuse—in the words of Judge Kay—the Bill specifically limits the people who are entitled to witness enrolment claim cards. This is not a deprivation of anyone's right—be he Aboriginal or of any other race. It is an assurance that a person is aware of what he or she is doing by putting his or her name on the enrolment claim.

Time is not a factor with Aborigines because they do not have to enrol within a statutory period; they are not required to enrol at all. It is my contention that if a person wants to enrol he or she can readily come into contact with an authorised witness during the course of his or her normal movements. I contend that we must stop being too casual and leaving ourselves open to abuse on such important issues as enrolment to vote and, in fact, voting.

Finally, provided the Chief Electoral Officer does give the appropriate instructions to his returning officers and presiding officers in the polling places, we are coming out on the side of the voter by endeavouring to ensure that his or her personal wishes—and not someone else's—are reflected on the ballot paper.

Government members had no need to be embarrassed about the 1977 Bill which was defeated. We have no need to be reticent in respect of our support for this Bill.

Most importantly, this Government is embracing in the Bill the recommendations of a highly reputable judge of the District Court of Western Australia—a person with vast experience in dealing with Aborigines in the eastern goldfields circuit.

This Bill is not the brainchild of the backroom boys of the Liberal Party at 51 Colin Street, as some people may have one believe. In fact it arises directly out of the judicial inquiry and the advice given to the Minister by his top officers.

I support it.

**THE HON. LYLA ELLIOTT** (North-East Metropolitan) [11.14 p.m.]: I rise to oppose the Bill.

Before commenting on it I want to protest at what I believe is the absurd manner in which the Leader of the House conducts the business of the Chamber. I believe he is showing contempt for the parliamentary process by insisting that the second reading debate be completed tonight.

Only four items are on the notice paper. I am told we will not even sit on Thursday, yet we are expected to sit here all night, until dawn if necessary, if we want to exercise our democratic right to speak on this Bill. Irrespective of what the speakers on the other side have said in an attempt to whitewash the legislation and denigrate the Kimberley Court of Disputed Returns, this Bill represents the culmination of a campaign by the Liberal Party which commenced in 1976 with the amendment to section 129 of the Electoral Act aimed at depriving a certain section of the community of its right to vote.

It became quite obvious with the 1977 State election that a disgraceful conspiracy was afoot when the Liberal Party sent a team north to intimidate the Aboriginal voters and to frighten them out of voting, because it knew they would vote for the Labor candidates.

The Hon. J. C. Tozer: Didn't the rerun have any significance at all?

The Hon. LYLA ELLIOTT: The first step was to remove the long-standing provision in section 129 which gave an illiterate person the same right as that of a blind or physically handicapped person to take a friend or someone who was trusted by him into the polling booth and register a vote in the privacy of the cubicle. Of course, the Liberal Government changed that in 1976. Unfortunately the Labor Party did not suspect sinister motives at the time; the reason being that the manipulation of the Aboriginal vote was the farthest thing from the collective mind of the Opposition. Little did it realise what the Liberals were up to. It is now history that the sinister plan was exposed in the Kimberley Court of Disputed Returns. The Government had the blatant audacity to try to amend the Act in 1977 to achieve its evil desires.

The Hon. J. C. Tozer interjected.

The Hon. LYLA ELLIOTT: Perhaps the Bill was presented a few days before the finding of the court, but the evidence presented in the papers was so damning that the Government knew what the finding was going to be.

The Hon. W. R. Withers: Supposition.

The Hon. LYLA ELLIOTT: It was due to the public outcry at the time and the strong opposition of the Labor Party and certain members of the Government, including the Speaker, that the obnoxious Bill was defeated.

I think it is important to refer to the history behind this legislation to remind the members of the House and the public of the real reasons behind the legislation. The reasons are not those expressed by Mr Withers and Mr Tozer. In case members still have any doubts about the motives behind this Bill I will again remind the House of some of the evidence before the Court of Disputed Returns. Mr Withers said Opposition members were quoting the evidence *ad nauseam.* I think it is important that we keep reminding the people why this Government is attempting *ad nauseam* to amend the Electoral Act to suit its own end.

In *The West Australian* of the 10th September, 1977, an item appeared which was headed, "Ridge tells of Aboriginal votes plan". The article stated—

> The Minister for Health and Community Welfare Mr. Ridge admitted yesterday that a plan was used to deal with illiterate aboriginal voters on polling day in the Kimberley Electorate this year.

One of the exhibits before the court was a letter written by Mr Ridge to a Mr Allan Rees of Fitzroy Crossing, the so-called Independent candidate, who stood merely to confuse the illiterate Aboriginal voters. After thanking him for his help Mr Ridge said—

> Of greater importance is the fact that a third name on the ballot paper created some confusion amongst illiterate voters and there is no doubt in my mind that it played a major part in having me re-elected.

Later on in the letter he spoke of the need to amend the Electoral Act further in relation to illiterate voters. He said—

> If this is not done I would anticipate that by the next election there could be in the order of 3,000 to 4,000 aboriginals on the roll and under such circumstances we would have little chance of success.

So much for Mr Withers' statement that only the Opposition is saying this legislation was introduced for the purpose of depriving the illiterate Aborigine of his vote. If members had any doubt about the motives behind this Bill they should read the letters Mr Ridge wrote to Mr Rees and Mr Quilty.

In the letter to Mr Quilty of Ruby Plains Station, Halls Creek, after telling him what a degrading experience it was to have to campaign amongst Aborigines, Mr Ridge said—

> I believe that we now have enough evidence to try and convince the people of the necessity for amending the Electoral Act in relation to illiterate voters. If this is not done, I would anticipate that by the next election there would be in the order of 3,000 to 4,000 aborigines on the roll and under such circumstances the Liberal party would be doomed to failure. I agree with you that it is going to be difficult to get through any legislation which smacks of discrimination but I believe that we have an obligation to try. One thing is certain. I shall certainly be pressing for changes to the Electoral Act in relation to the casting of absent votes by illiterate people.

So for purely blatant, political self-interest the Liberal Party introduced the 1977 amendments to the Electoral Act.

It did not succeed on that occasion, but we have come to learn that the present Government is ruthless. It is determined to have its way, irrespective of the rights of the people. We have seen this with respect to Tresillian and the closure of the Perth-Fremantle railway line. We have seen it with amendments to section 54B of the Police Act. We will be seeing it with amendments to the Workers' Compensation Act which will reduce the living standards of injured workers.

The PRESIDENT: Order! The honourable member should confine her remarks to this Bill and not refer to pending legislation.

The Hon. LYLA ELLIOTT: I thought I was referring to this Bill because I was endeavouring to show we have a ruthless Government in office which is determined to have its way. If it cannot have things one way it will have them another way. We have seen this with the Electoral Districts Act and now we are seeing it with the disenfrachisement of illiterate voters.

To achieve its nefarious ends the Government set up a judicial inquiry to give it respectability; but it established terms of reference which would ensure the inquiry produced the kind of result the Government desired.

I was both unimpressed and unconvinced by the subsequent report and recommendations which I found to be contradictory and lacking in any evidence to justify the recommendations made.

Now we have in this Bill a number of principles to be written into the Act which are objectionable because they are designed to deprive certain sections of the community—mainly illiterate

Aborigines and handicapped people—of their franchise.

Let us consider some of the clauses in the Bill. Clause 8 deals with enrolments. Its provisions are quite unnecessary and are out of step with every other State in Australia and the Commonwealth. No valid or adequate case has been presented to show why in this State an elector should no longer be able to witness the signature for enrolment of another citizen. This clause more than any other highlights the weakness of the Government's case in regard to this legislation.

In his report, His Honour Judge Kay not only provides no evidence of any fictitious names on the roll but also quotes the Chief Electoral Officer as saying there was no duplication of names of nomadic or illiterate people or any other type of elector on the rolls.

The Hon. W. R. Withers: Some were triplicated in my home town.

The Hon. LYLA ELLIOTT: I am quoting from Judge Kay's report. With respect to the small amount of duplication that was found, the electoral office accounted for 84 per cent of it. The remainder was attributed to incorrect spelling or Christian names added or deleted. On page 18 of the report Judge Kay said—

> 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.

If there was going to be manipulation of the illiterate Aboriginal vote surely it would be in this area; but there is no evidence of this.

Members opposite have been very keen to quote extracts from Judge Kay's report and have been prepared to accept the report; but when I quote something from the same report, they are not so anxious to accept it because it does not suit their case. Judge Kay found no evidence of undue duplication. If ever there was an area in which manipulation of the Aboriginal vote could occur, surely it is in this area that we would find it; but there was no evidence of the duplication of names or the use of fictitious names on the roll.

The Hon. W. R. Withers: There is evidence. He said there was no undue evidence.

The Hon. LYLA ELLIOTT: Again we get around to what is reasonable. Mr Withers can twist it any way he likes, but it is quite clear the implication is there.

The Hon. W. R. Withers: Undue evidence.

The Hon. LYLA ELLIOTT: I will repeat what Judge Kay said. He said, "There is no evidence of any wilful effort to enrol a person twice." That is all we are talking about. Quite obviously he found no evidence other than that there was misspelling of names and so on.

The real reason for this Bill is that the Liberal Party is concerned about comments to be found on page 15 of the report, which indicate that there is a trend to enrol nomadic or illiterate persons. If we bear that in mind, and also Mr Ridge's comments in his letters to Mr Quilty and Mr Rees, we get a better idea of why this Bill is before us at this time.

The new provision is quite obviously designed to make it more difficult for people to enrol. It will also be confusing when the witness requirements for the Commonwealth card are different from those for the State. The necessity to find an official or person in authority to witness a signature will dissuade a number of people; not only Aboriginal people, but a number of other people who will not be anxious to front up to a policeman, a clerk of courts, or some other official because they are afraid of him. There are timid and nervous people in the community who do not like authority. They will be dissuaded from enrolment, and enrolment will be particularly difficult for people in remote areas such as the Kimberley.

Clause 13 writes a new offence into the Act. This is dealing with postal votes. I will quote the new subclause as follows—

> (1) A person shall not persuade or induce, or associate with any other person in persuading or inducing, an elector to make application for a postal vote.

Just exactly what does this mean? It seems rather absurd to me because taken literally it would mean that a husband, wife, son, daughter, or friend could not help or even suggest to someone close to them who was ill that a postal vote may be needed. If one did, one could be fined $200 or imprisoned for three months.

Yes, the Leader of the House can make noises over there. It reminds me of the Government's amendment to section 54B the Police Act, in 1976, and the "Three's a crowd or unlawful meeting" principle. I remember the way members opposite scoffed at the Opposition when it drew attention to how absurd that section was and how if it were taken literally any crowd of three people would be committing an offence.

Now, if one reads the words in this new proposed section carefully one finds that it creates the same sort of absurd situation I have just

mentioned. This means that no-one would be allowed to assist. It literally means that a husband, wife, daughter, or anyone else could not help a relative to obtain a postal vote. If he or she does then that person is committing an offence.

Clause 16 relates to mobile ballot boxes for remote areas. The Government intends to send electoral officers to remote areas approximately 14 days before an election to take votes with the mobile ballot boxes. I would like to know how this will work. For example, how will electors know when and where the ballot box will arrive if they are illiterate and unable to read notices or the newspaper? Also, how will these people register a formal vote with all the preferences clearly indicated if they are not to have from party organisers information on how to vote?

Several years ago the Labor Party introduced a Bill in an endeavour to have the party designation shown alongside the candidate's name on the ballot paper. The Government made sure it blocked that Bill. The Labor Party attempted to make it easier for the voter who in the main votes for a party rather than a personality. But of course, true to form, the Government, decided to not make it easier for voters. So now we will have electoral officers running around the State 14 days prior to an election. I would like to know how political parties, not only the Labor Party, but all parties—particularly the small parties like the Democrats and the National Party, etc.—will be able to provide scrutineers to accompany the electoral officers. Anyway, is it intended to permit parties to appoint representatives or scrutineers to accompany the mobile ballot boxes?

Subclause (2) mentions "such modifications as are necessary" when referring to scrutineers in remote areas. Perhaps this means that no party scrutineers are to be allowed.

Then we come to clauses 18 and 21 which really tie up the situation to ensure illiterate voters will be prevented from casting a valid vote. The latter clause which rewrites section 129 not only perpetuates the anomaly created in 1976 which took away the illiterate voter's right to take someone into the booth to complete the ballot paper, but as it now reads it will also take away the right from the blind and the physically handicapped people. This means that their vote will no longer be secret. They will not be able to take someone into the privacy of the booth. They will have to ask the electoral officer to help them in front of a number of people. Therefore they will not be able to cast a secret vote.

Mr Hetherington suggested there should be a couple of other options in respect of voting. A person should be given an option to take someone into a booth to cast a vote for him as was the situation prior to the infamous 1976 amendment.

I will read section 129 as it appeared in the Act prior to the 1976 amendment because we are getting so far away from it now with the present legislation that people will forget what the original section contained. It reads as follows—

> 129. At the request of any elector who is blind, or who satisfies the presiding officer that his sight is so impaired, or that he is otherwise so physically incapable that he is unable to vote without assistance, or is unable to read or write, the presiding officer shall permit a person selected by the elector to retire with the elector into an unoccupied voting compartment and there mark the paper according to the instruction of the elector and on behalf of the elector comply with the requirements of paragraph (b) of section one hundred and twenty-seven of this Act, after having done which the elector and the person so selected by him, if not an electoral officer, shall quit the polling place.

There was nothing wrong with that at all. That was a perfectly acceptable and workable provision in the Act. The only reason it was changed was to suit the political ends of the Liberal Party at the 1977 election so that it could send a team to intimidate, not only the Aboriginal voters in the Kimberly, but also the polling clerks and the presiding officers who were a little unsure of the situation themselves.

Clause 18 is obviously designed to disenfranchise the illiterate voter because unless a person who cannot read or write—and who must give exact direction of preferences to the presiding officer—is able to hand over the party's how-to-vote card as an indication of his wishes, he has little chance of recording a valid vote. Subclause (1) prevents a presiding officer from conveying political information to an elector or, in other words, he is not allowed to tell the person which party each candidate represents.

So, as I understand, with this legislation the Government well and truly ties up the situation in such a way that if an illiterate voter who lives in the backblocks can find the correct official to witness an enrolment, and if he is not too sick to get to the booth—because no-one is allowed to help him with a postal vote—and if he knows that the mobile booth will be at a certain point at a certain time, and if he can give the presiding officer the exact details and the order of his preferences—and there could be six to 60 names on the ballot paper—he might be able to cast a

valid or formal vote. We all remember Mr Ridge's letter to Mr Rees and the question of the confusion of the illiterate voter when an extra name was placed on the ballot paper.

The Premier and the Government constantly prate about democracy. The Government is really concerned only about entrenching itself in office. It is prepared to trample on peoples' basic rights to achieve this, and this Bill is one more example of the fact that it will stop at nothing to manipulate the electoral system to achieve its own ends.

If the Government was really concerned about democracy, justice, and fair play it would be amending the Electoral Districts Act to reform the disgraceful gerrymandered system which gives electors in some areas a vote 16 times more powerful than others. That is where the real manipulation is taking place.

To conclude I would like to quote a paragraph from a letter from the Rev. R. G. Stringer on behalf of the Social Responsibility Working Group, a Division of the Mission of the Uniting Church in Australia. His letter expresses opposition to the provisions of the Bill. It reads as follows—

> To vote is a right which, with only a few justifiable exceptions must be universal. Without extremely good reason, to set hurdles in front of the citizen who wishes to enrol as a voter is to act in a way of which any Parliament claiming to be democratically elected should be ashamed.

I oppose the Bill.

**THE HON. M. McALEER** (Upper West) [11.46 p.m.]: A number of matters and provisions in this Bill have met with general acceptance. One, of course, is extending to prisoners the privilege to vote. Another provision which I would have thought would receive very great acceptance was that concerning mobile booths—by the very fact that this must be considered a welcome provision for people who live some distance away from the normal polling booths. I was surprised that the Opposition was able to think up so many difficulties. It should be borne in mind that even now in country areas there are polling booths which are only manned by returning electoral officers and have no scrutineers. They are accustomed to complete satisfaction.

I have been a little surprised and also interested in the amount of discussion which has been directed to the question of inducement.

I must say the situation was not altogether clear to me either, but when I queried Mr Claughton earlier Mr Tozer drew my attention to a similar provision in the parent Act which relates to inducement to enrol. I would like to read the reply from the Minister (Mr O'Neil) to the Rev. Stringer on this point. In part, it reads as follows—

> The recommendation to make it an offence to induce or persuade a person to vote by post was included principally to minimise abuse of the system by ensuring that postal votes were obtained and used only by those entitled to them. Similar provisions appear on the statutes of the Commonwealth and two of the principal mainland States.
>
> A realistic view will necessarily have to be taken as to inducement or persuasion. For example, it was not intended to make it an offence to prompt or advise electors of their right to apply for a postal vote or to suggest that an elector should vote by post when he so qualified on grounds listed in section 90 of the Act.
>
> It is not conceded that the provision is unworkable or unenforceable.

Section 181 of the parent Act goes into far more detail with regard to this clause. Section 181 reads—

> Any person who—
>
> (aa) promises, offers or suggests any valuable consideration, advantage, recompense, reward or benefit for or on account of, or to induce—

The paragraph then goes on to refer to enrolment, and so on. I believe those words make clearer what is intended by the word "inducement".

There are a number of contentious issues in this Bill, but those which most attracted my attention relate to clause 8 which will amend section 42 of the Act. That was the only clause about which anybody has complained to me in my electorate. I received a letter from the Rev. Stringer on behalf of the Uniting Church but, apart from that, no other representations have been made to me on any other issue.

The only people who have complained to me about the provisions of clause 8 have been Aborigines, and those I met at the conference at Geraldton. Their complaint was to the effect that they would prefer to see compulsory voting for all Aboriginal people. Of course, it was impossible not to feel sympathetic to their point of view. I suppose that anybody who sees a restricting clause in an electoral Bill must look at it warily, and must feel that however necessary it seems one should support such a provision, one does so without a great deal of enthusiasm.

Leaving the practical aspects aside, this seems to me to be a philosophical argument. On the one hand, we have the majority of electors who are compelled to enrol and to vote in this State. On the other hand, we have a minority who can please themselves whether they enrol but then they are obliged to vote. The reason the minority are free to decide whether or not to vote is based on the premise that some of them are without rudimentary education; they have little or no understanding of the concept of parliamentary government, and no interest in understanding it; and some live a nomadic life and are difficult to locate and identify for voting purposes.

The abuse which this proposed legislation is seeking to prevent is the enrolling of uninterested, uninformed, and unsophisticated people without any surety that they are aware of what this means with regard to an obligation to vote, let alone an understanding and interest in the issues involved.

One can ask whether it matters if they do not cast a vote, or whether they vote under a complete misapprehension of the issues involved, or what the whole business means. I suppose the answer is that they can do themselves no harm even supposing they were misguided enough to vote for the Opposition.

The objection to such enrolments and voting is that it is an abuse of a system which depends for its validity on the elector knowing, in a general way at least, what he is doing in relation to himself and in relation to the country. It is argued, and Mr Hetherington drew attention to this matter, that since all non-Aboriginal citizens are obliged to vote there must be a percentage who are uninterested, or who are handicapped by an inability to read or write. They could be handicapped by a minimal education. But none of those people is exempted.

When I was younger I believed in non-compulsory voting and I thought it was an infringement on the liberty of a person for him to be forced to vote. I am still sympathetic to that point of view, but I have come to believe that if local government elections are any guide, we might possibly have polls which are too low in number. When put to the test, at least nine people out of 10 are well able to perceive where their interests lie, and make a judgment accordingly. No doubt many people are not familiar with the details of our forms of government.

There are people who class themselves as competent businessmen, and people educated to tertiary level, who would be at a loss to distinguish between the Legislative Council and the Legislative Assembly. Many people in that situation do not understand how a Bill is passed, and they do not understand many other processes of government. This is regrettable but it does not prevent those people from having an adequate and general idea of the party system and how it operates through Parliament. It does not prevent their being able to follow various issues which are thrown up from time to time, and it does not prevent their being able to choose a solution they prefer. It is not, as Mr Hetherington suggested, a question of prejudice. Those people really are able to determine where their own advantages lie. I believe that 99 per cent of the people who live in a reasonably sophisticated community, whether they are competent business people or whether they are less qualified, have an ability to make proper judgments on various issues.

Of course, this situation must apply to many Aboriginal people who live in towns and closely settled areas. They are very competent to vote, and I would be very glad if they did vote. I think it is important they should. However, having the choice, quite a large percentage do not avail themselves of the opportunity to enrol. For the sake of consistency, I suppose we should say they should be brought into the compulsory category.

The DEPUTY PRESIDENT: Order! Members, there is far too much audible conversation which makes it difficult for the *Hansard* reporter to take down the speech being delivered by the Hon. M. McAleer.

The Hon. M. McALEER: The problem is how to distinguish between those who, I think, ought to be exempted and those who ought not to be. The inability to read or write is not enough. There are many people in that category who are perfectly aware of current issues and who are well informed. But I look forward to the day when we do, in fact, have compulsory voting for all people—when all Western Australians will be required to enrol and to vote. To this end I agree with Mr Claughton that we have to press on with education programmes, not simply in the schools, but also by way of electoral voting educational programmes such as that which has been operating in the Kimberley since before the 1975 election. I am not quite sure that the programme has been a complete success, from what I have heard from Aboriginal people, but I think it is along the right lines. Certainly, some people believe it is a success.

In the meantime, it is important that the Government should ensure—and can be seen to ensure—that people who want to enrol have access to authorised witnesses. I was glad to hear from Mr Tozer that Aboriginal police aides will be qualified to witness enrolment cards. I am

aware there are a certain number of Aboriginal justices of the peace, and I am not referring only to those at La Grange and at One Arm Point. I believe it is not the policy of the Government to identify such people as of Aboriginal descent, but certainly when they live in areas where there are concentrations of Aboriginal people that might be a good thing.

If it still appears that people are having difficulty in getting access to authorised witnesses for enrolment purposes—I am referring to Aboriginal people in remote areas—perhaps some system can be developed to send electoral officers throughout the country, in much the same way as mobile polling booths will operate. It is important that Aboriginal people have access to enrolment.

It is natural that, living in an electorate which does not have any nomadic problems with regard to Aborigines, and where the majority of people are compelled to vote, I should seriously consider the provisions of this clause in that context. It will cause some inconvenience. In a sense, it is far easier to sit down in a house, fill in a form, and get whoever is handy to witness it. This Bill will make the procedure a more onerous one. Mr Claughton and I travel to Wanneroo frequently to witness the creation of new citizens. We tell them it is a very important thing they are doing, and we congratulate them on their accepting responsibility to vote. I can see the point mentioned by Judge Kay: perhaps we take it all too casually at the important first enrolment.

Finally, I look on the matter of authorised witnesses as a provision of a temporary nature. I believe that within a short space of time all people will be in the situation where they will be able to vote. The problem is not confined to Western Australia. There are problems in the Northern Territory and a suggested solution was put forward there to include a time clause in the Bill. A time limit of five years was proposed after which voting would be compulsory. Judge Kay did consider that solution, but he decided against it.

I do not think he actually gave his reasons but probably he was unable to decide on a time. However, we should all bear in mind that there is a time for these things, and we should press on to make that time as short as possible. I support the Bill.

**THE HON. F. E. McKENZIE** (East Metropolitan) [12.01 a.m.]: A good many arguments have been canvassed already in regard to this legislation, and there is not much point in my delaying the House for any long period. However, I felt it should have a second name—it should also be known as the Alan Ridge benefit Bill.

The Hon. G. C. MacKinnon: How original!

The Hon. F. E. McKENZIE: The Hon. Lyla Elliott referred to letters sent by Mr Ridge to two people in the north—one to Mr Rees and one to Mr Quilty. I am aware of a third such letter that was sent by Mr Ridge, so goodness only knows how many other such letters were written. In a letter to Mr David Foster, Mr Ridge said—

> Unless the Act is amended in the foreseeable future, I would have no intention of standing for election again in Kimberley because I believe that within three years there could be in the order of 4,000 Aborigines on the roll and I am sure you would agree we would be fighting a lost cause.
>
> To me it seems madness that we should have to campaign amongst the Aborigines the way that we did and I am hopeful that at some time in the future the Electoral Act will be amended with a view to overcoming some of the difficulties which were experienced on polling day. I can foresee that unless this is done, there could be anything up to 4,000 Aborigines on the roll at the next election and, under these circumstances, the Liberal Party would probably be fighting a lost cause.

That letter contains the real reason we now have before us the Electoral Act Amendment Bill (No. 2).

Mr Withers and other members opposite who have spoken to this Bill said that the Government has given the people plenty of time in which to consider the legislation, and if there were any spurious motives behind its introduction, then the Bill would have been rushed through as quickly as possible.

It may well be that the Government learnt by its mistake on a previous occasion. It introduced very similar legislation into this House firstly on the 2nd November, 1977, and subsequently the second reading of the Bill was defeated in another place on the 15th November.

The Hon. W. R. Withers: Do you think the Minister deliberately let the legislation remain on the notice paper for the motive you suggested?

The Hon. F. E. McKENZIE: I think he did.

The Hon. W. R. Withers: Then he would have to be a nitwit.

The Hon. F. E. McKENZIE: The Government knew full well that people lose interest over a period of time and I think that was the trick used

on this occasion. The steam has gone out of the issue. However, now the Government is rushing the legislation through this House. It is past midnight, and apparently we are to sit here until the second reading is disposed of. The Government realises the steam has gone out of the issue because the gallery is almost empty—there is one person only in it.

The Hon. W. R. Withers: It has been almost empty all night.

The Hon. F. E. McKENZIE: If I chose to stay on my feet for a few hours, we could be here until daylight; that is how determined the Government is. There is no question but that the legislation is being rushed through this House.

If the Government wanted to do something for the Aboriginal people or for illiterate people in fact, one would have thought that it would take note of the Commonwealth Aboriginal Affairs Planning Authority Act of 1972. Some of the functions of the authority set up under the Act include—

> To promote opportunity for the involvement of persons of Aboriginal descent in the affairs of the community and promote the involvement of all sectors of the community in the advancement of Aboriginal affairs.

Furthermore, the Commonwealth Racial Discrimination Act of 1975, which was assented to on the 11th June, 1975, states in section 9 (1)—

> It is unlawful for a person to do any act involving a distinction, exclusion restriction, or preference based on race, colour, descent, or national or ethnic origin, which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise on an equal footing of any human right or fundamental freedom in the political, economic social, cultural or any other field of public life.

The Hon. W. R. Withers: I always thought that was unusual legislation because there are so many racist Acts in this country. We have so many racist Acts by definition.

The Hon. F. E. McKENZIE: What about this Bill?

The Hon. W. R. Withers: Yes.

The Hon. F. E. McKENZIE: I agree it is racist in nature; that is the purpose of it. Its purpose is to discriminate against Aborigines.

The Hon. W. R. Withers: That is not the purpose of the Bill. The discrimination exists in the Act, and the Bill just carries it on.

The Hon. F. E. McKENZIE: I will be interested to hear Mr Withers' amendment tomorrow. If it is not loaded to give to the whites some rights which the Aborigines do not have, I will be surprised.

The Hon. T. Knight: Do not guess about it. Wait until tomorrow—or today actually.

The Hon. F. E. McKENZIE: Mr Withers on a previous occasion has spoken about the Aborigines in the north and how everything is weighted heavily against the white people. Mr Withers has not spelt out his amendment tonight.

Judge Kay's comments were inconsistent, and I would like to quote to the House the thoughts of Audrey Bolger and Hilary Rumley, the authors of an article which appears in the *Legal Service Bulletin* under the heading of "Voting rights for black Australians".

The Hon. J. C. Tozer: Who are they?

The Hon. F. E. McKENZIE: I do not know who they are, but this article appears in the *Legal Service Bulletin.*

The Hon. R. Hetherington: One is in the anthropology department and one is in the social work department of the University of Western Australia.

The Hon. Neil McNeill: You say you do not know who they are, but you are prepared to quote them in this debate.

The Hon. F. E. McKENZIE: I am quoting from a publication. Mr Hetherington has told us who they are. My opinion is the same as that of the authors of this article. I wish to refer to part of the article under the subheading, "Enrolment—Compulsory for White Australians, Voluntary for Aborigines." Now if that fact alone is not discriminatory, I do not know what is.

The Hon. J. C. Tozer: Do you agree with Mr Withers' statement?

The Hon. F. E. McKENZIE: Yes.

The Hon. J. C. Tozer: Voluntary for all?

The Hon. F. E. McKENZIE: If the Government wishes to put forward legislation along those lines, we will give it consideration at that time. However, we are now being asked to vote for legislation which discriminates against a race. That is in conflict with the Commonwealth legislation. The article commences—

> In rejecting compulsory enrolment for Aborigines Judge Kay remarked that Aborigines did not understand the electoral system sufficiently well and that the law should "remain as it is until the Aborigines are better aware of our voting system."

The Hon. J. C. Tozer: That is not unreasonable, is it?

The Hon. F. E. McKENZIE: I did not say it was unreasonable.

The Hon. R. F. Claughton: How would you learn to drive a car if you were not allowed to get into one?

The Hon. F. E. McKENZIE: The article continues—

> This rejection is in direct opposition to the expressed view of many Aborigines. In a questionnaire we sent to Aboriginal communities in the Kimberley at the time of the 1977 election we asked: "Do you think enrolment for Aborigines should be voluntary as it is now, or compulsory, as it is for other Australians?"
>
> In five out of the six questionnaires returned the answer was "compulsory". Comments added included: "All Aborigines should take part in the affairs of the country", and "Aren't we all equal?"
>
> A recent meeting of the Aboriginal Advisory Council, which represents Aborigines throughout the State, recommended that enrolment for Aborigines should be compulsory, as it is for White Australians.
>
> Two comments are relevant. First, there is an invalid assumption that illiteracy is synonymous with general ignorance. There is no justification for such an assumption where political awareness is concerned.

I want to support the remarks of the previous Opposition speakers. However, I do not want to repeat all that has been said. I merely want to bring to the attention of Government members the fact that the real purpose of this Bill is not to assist people to vote, not to make it easier for them, not to embark on an educational programme—and I would certainly support that—but merely to ensure that Alan Ridge again wins the seat of Kimberley. At the time of the by-election many Aborigines were away from the area and this legislation is the only way that he will be re-elected. The Aborigines are not simple, even though they may be illiterate. They are quite intelligent people. They know what they want to do.

At every opportunity the Liberal Party has endeavoured to influence the vote. On the last occasion we heard about a candidate who conveniently became Independent so that our preferential system of voting would confuse the electors. At every opportunity the Liberal Party has made sure that its candidate would be elected. It is little wonder that members in this House are concerned about such practices.

**THE HON. D. W. COOLEY** (North-East Metropolitan) [12.13 a.m.]: Like the previous speaker I do not intend to prolong this debate, but I believe it is incumbent on all members on this side of the House to at least make a contribution to it.

We all know that the conservatives have never recovered from the defeat they suffered in 1977, firstly, when the Court of Disputed Returns inquired into the election in the Kimberley, and the decision went against them, and secondly, in the Legislative Assembly when they failed to get the numbers to pass the amendments to the Act which would have given their candidate an easy ride at the by-election.

The Bill before us is a Bill of retribution against the people in the Kimberley who had the temerity to vote against the Liberal Party. At the last State election the Liberal Party sent up five smart-aleck lawyers to the Kimberley to intimidate the illiterate people and the Aborigines. These lawyers failed miserably in their endeavours. As a consequence the Court of Disputed Returns ordered a by-election. We are coming up to 1980, and another election is to be held for the seat of Kimberley.

The Hon. J. C. Tozer: Who won the by-election?

The Hon. D. W. COOLEY: We know who won the by-election. At least on that occasion the election was won fairly and was played in accordance with the rules.

The Hon. J. C. Tozer: Thank you very much!

The Hon. D. W. COOLEY: Mr Tozer could not say that in respect of the 1977 election. It cost him and *The West Australian* newspaper very dearly as a result of statements they made. Mr Tozer and everybody associated with the Liberal Party in that first election should be indicted for the part they played; what took place during that first election did neither Mr Tozer nor his party any credit.

I concede that the second election was held in accordance with the rules. However, it would not have been held in accordance with the same rules on which the first election was held had it not been for the Speaker of the Legislative Assembly; we all know that. The Government tried to change the rules to suit its own purposes, and that is the purpose of this Bill; namely, to change the rules to suit the Government's purposes for 1980.

The unfortunate and sad aspect of this whole exercise is that in endeavouring to do this sort of thing in the seat of Kimberley and to make it difficult for Aborigines and illiterate people to enrol and vote, the Government is casting a blanket over the entire State and making it difficult in a number of areas for people to come onto the roll and also to cast a postal vote. In the Government's desire to win the seat of Kimberley, it is going to disadvantage many other people throughout Western Australia.

The Hon. A. A. Lewis: You have referred to "smart-aleck lawyers". Why is the Labor Party sending one up there?

The Hon. D. W. COOLEY: At least he is a well qualified lawyer. He would not get us into the same trouble Liberal Party lawyers got Mr Tozer and *The West Australian* newspaper.

The Hon. A. A. Lewis: Isn't he the one who thinks Mr Withers is a senator?

The Hon. D. K. Dans: Half the people in my electorate think I am a senator.

The Hon. D. W. COOLEY: It is significant that this Bill affects Aborigines and young people. I suppose if we conducted a poll among Aboriginal people and young people who are not yet 18, but who are about to come on the roll, we would find the majority would vote for the Labor Party at an election.

The Hon. A. A. Lewis: Do you have the figures to prove that?

The Hon. D. W. COOLEY: Yes, I think I have.

The Hon. A. A. Lewis: Do you have the figures?

The Hon. D. W. COOLEY: I do not have them in my hand; however, I have knowledge through polls that, in the main, people in the 18 to 25 age group prefer the Labor Party to the Liberal Party. It is when they become old fuddy-duddies like Mr Lewis that they turn to the Liberal Party.

The PRESIDENT: Order! There is too much conversation.

The Hon. D. W. COOLEY: It seems to me that this legislation will make it easier for a prisoner to obtain a vote than an 18-year-old who is just coming onto the roll, or an Aboriginal.

One thing which troubles me is in respect of the qualifications of witnesses. I know this matter has been canvassed tonight. However, I have a particular interest in this subject because, as members know, I am a justice of the peace and as members can no doubt imagine, I have witnessed a great number of documents in the last 11 years or so. It appears to me there is some conflict between what is in the Bill, and what is contained in the Justices Act.

It would appear that the advice contained in the booklet, "A Manual for Justices" by the Honourable John Evenden Virtue, a former judge of the Supreme Court of Western Australia conflicts with proposed subsection (3) of section 42 of the Electoral Act, which states as follows—

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

Mr Justice Virtue gives the following advice in his booklet—

> The duty of a Justice swearing an affidavit is to see that the person who is about to swear it is in fact the deponent referred to in the affidavit . . . .

He goes on to say—

> The Justice is not in general required to satisfy himself that the deponent has understood thoroughly every statement made in the affidavit which he is swearing, unless the deponent is either illiterate or blind.

That is all very well in the case of such people; however, the people to whom I am referring are neither illiterate nor blind. This Bill provides that if I do not satisfy myself that the statements contained in a claim form are true, I can be fined up to $100. This advice is clearly in conflict with Justice Virtue's interpretation of the duties of a justice of the peace. That would have equal effect on a claim to be included on the roll of the Legislative Assembly or the Legislative Council.

The Hon. R. J. L. Williams: A claim and an affidavit surely are not the same thing.

The Hon. D. W. COOLEY: I do not think so. Even with an affidavit one must follow certain procedures with the deponent, to make him swear certain things. I am trying to say that even in an affidavit the justice does not have to satisfy himself entirely that what is contained in the document is true. Under this Bill, if he does not do that he will be subject to a fine of $100.

Another matter of concern is the restriction in the number of people who can witness forms. If a police officer can sign, what is wrong with a school teacher being eligible to witness a document? What is wrong with a postmaster or, most importantly of all, what is wrong with a commissioner for declarations being able to

witness claim forms? At the present time a commissioner for declarations can sign a great proportion of the documents that a justice of the peace can sign, so why is a commissioner for declarations excluded from the list of people who are authorised to witness these simple claim forms? No doubt the reason behind this is contained in what Judge Kay said as follows—

> It is the duty of the authorised witnesses to ensure that the claimant knows what he or she is doing. Authorised witnesses should, therefore, be persons who have a reasonable knowledge of the provisions of the Act which relate to enrolment and voting.

If one considered all the justices of the peace, one would find some who had a profound knowledge of the Electoral Act. However, the majority would not have the knowledge of the Electoral Act that is expected. I am certain a police officer would not have that knowledge. No doubt an electoral officer would; but perhaps I might be bold enough to say that a clerk of courts would not have that profound knowledge of the Electoral Act.

Judge Kay goes on to say—

> I am of the opinion and most witnesses before the Inquiry considered that the provisions of the Act relating to witnesses of enrolment claims provided avenues for abuse and enrolment claims can contain false or incorrect information which causes unnecessary work later on for the Electoral Department. The Act should be tightened so that all persons claiming to enrol should complete their enrolment card before certain specified witnesses.

That may be right in regard to illiterate people; but as I say this has an overall coverage. It will cover the length and breadth of this State. The people for whom we are responsible in the metropolitan area will be subject to the provisions of this Bill, just the same as will be the people in Kimberley. There should be some differentiation as a result of that, because there will be all sorts of confusion in respect of the signing of documents.

People should not be placed in the position where they would be abrogating the law. When I speak of that, I have regard to that part of the Bill which refers to postal voting as follows—

> A person shall not persuade or induce . . . an elector to make application for a postal vote.

That is outrageous. One can go from house to house in the metropolitan area, telling people that it is polling day on Saturday and one wants them to go and vote for the Labor Party or the Liberal Party; but if one goes into the house and finds a person who cannot get to the polling booth, one is precluded from saying to that person, "You have a right to make application for a postal vote." That is an outrageous situation, in my view. One commits an offence against the law if one does that. It is a law which is open to abuse.

We should not subject people to laws such as this. That provision will be broken nearly every hour of the day prior to an election. People will be told of their rights. If my son came to me tomorrow and said, "I am going away to the Eastern States and I will be out of the State on polling day", I would be failing in my duty if I did not say to him, "Well, do not forget that it is polling day on Saturday and you will have to make application for a postal vote." However, according to this provision I would be breaking the law if I did that.

The Hon. J. C. Tozer: Is that inducing?

The Hon. D. W. COOLEY: I think it would be. I am inducing him or persuading him by saying, "You had better". It is using persuasion. If I persuade him to make application for a postal vote, I am breaking the law.

If people know that others will be out of the State, they have a duty to tell them, because if they go out of the State and they do not vote they are subject to a fine for failing to vote.

The Hon. M. McAleer: That is not the interpretation of the Minister.

The Hon. D. W. COOLEY: The Minister may have a satisfactory explanation for that aspect; but it seems to me that we are making laws to accommodate the situation in one part of the Sate specifically, but we are giving those laws a wide coverage. That will create many anomalies for people in other parts of the State.

I conclude by saying that if we gave as much attention to the Electoral Districts Act as we are giving to this Act, we would be making more progressive steps.

In view of the things that we have outlined, we have no option but to oppose the Bill.

**THE HON. GRACE VAUGHAN** (South-East Metropolitan) [12.29 a.m.]: I want to register my opposition to this Bill and to those parts of it that rankle particularly with the Opposition. We believe we ought to voice our opposition strongly on behalf of the voters of Western Australia.

Others have said, and I reiterate, that some clauses of this Bill are being presented to the Parliament in order that Mr Ridge might be more secure in his tenure of the Kimberley seat. Many blatant attempts have been made to secure his

position there, not the least of which has been the decision following the recent trouble at Fitzroy Crossing, under which a person who has been doing a fantastic job there has been transferred to Kalgoorlie by the Department for Community Welfare. I am not saying that in the long run this will be a bad thing, because I think Stan Davey can perhaps commence in Kalgoorlie some of the work he carried out at Fitzroy Crossing. His sort of programme in terms of organising the Aboriginal community into a viable economic group has been very much neglected in Kalgoorlie. In urging this sort of transfer, instead of getting rid of Sergeant Cole which is what should have been done, the Government may be just removing the problem from one position to another. I think the Aboriginies in Kalgoorlie will benefit very much by the transfer of Stan Davey. That does not get away from the fact that there seems to be no length to which this Government will not go in its effort to ensure Mr Ridge is returned.

I shall deal with portions of this Bill to which I object, because often in trying to meet a specific goal, which the Government is doing here with certain parts of the Bill, the Government creates a general nuisance of itself. In looking to frame the Bill so that it will do that which the Government wants—that is, to retain Mr Ridge, or hopefully return him—the Government has had to alter an Act which affects everyone in this State, not just the people at whom the Government is aiming. Consequently we have the ridiculous situation in clause 8, which is designed to amend section 42, under which the Government is limiting the people who can witness claims to be on the roll. Why it had to be limited to the four groups named I fail to understand.

The Declarations and Attestations Act stipulates people who can be witnesses to many forms. The list includes a town clerk, shire clerk, electoral registrar, postmaster, classified officer in the State or Commonwealth Public Service, classified school teacher, member of the Police Force, commissioner for declarations, member of either House of Parliament, and so on.

In this amending Bill the list is limited to four classes of people; that is, an electoral officer, a justice of the peace, a clerk of courts, or a police officer. It seems very strange to me that we say people who for the most part are civil servants and teachers can help in polling booths. Indeed, those people who give up a full day on polling day—and very often when tax is extracted from what they earn they are left with a very small amount of money—are seen as being very helpful to the State. If they are able to be there and, under the guidance of the presiding officer, administer the Act, it seems strange they cannot be witnesses for a claim to be on the electoral roll.

The sort of specious argument that Mr Tozer put up against just anyone being able to witness a claim seems ridiculous when placed beside the fact that civil servants, school teachers, and others such as those mentioned in the Declarations and Attestations Act, are allowed to work in polling booths and administer the Act, yet are not allowed to witness claims.

The Hon. J. C. Tozer: Every one of them has instructions in written form.

The Hon. GRACE VAUGHAN: Of course they do; but what is so different that stops people as listed in the Declarations and Attestations Act who can sign all manner of important documents from signing a similar claim stating where people live?

Other parts of the Bill are worth noting. It will probably be of no avail our objecting to the Bill, but at least posterity will see that we tried to get justice in this Parliament, but failed because of the numbers game.

In clause 16 we find a remote area provision is qualified by providing that if something happens so that people cannot get to a remote area polling place, their non-attendance cannot be seen to affect the result. This Bill attempts to pre-empt a possible Court of Disputed Returns decision. The legislation interferes with the judicature deciding whether a poll should have been declared or not. There are many of these sorts of sloppily worded clauses in the Bill which naturally result when a specific goal, rather than a general goal, is in mind.

Clause 20 amends section 119 of the Act and some of the questions to be asked are ones that even reasonably well educated people would be unable to answer. For instance, one question is, "Have you within the last preceding three months bona fide lived within that district?" This has been in the Act for a long time, but if the Government were fair dinkum in having a look at this Act with the idea, as many of the Government speakers have mentioned, of making it simpler for voters to be able to record their vote, surely it could put even the words I use, "fair dinkum" instead of "bona fide". There are not too many people who understand Latin, which is a dead language. At least "fair dinkum" is alive and could well be used. Why not use a colloquialism rather than a dead foreign language?

The Bill allows for additional questions to be asked. A proviso is to be added which states that a

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

The sloppy drafting throughout the Bill is evident in that clause. The Government has said, "We must look at this specific goal and not at the general one." In the beginning of subsection (2) of section 119 of the Act the words, "the presiding officer may and at the request of the scrutineer shall" appear. However, in the proviso it says that he does not have to. The word "shall' in the third person means "positively will".

Members should bear in mind that if we have a repetition of the situation in which the Liberal lawyers went to the north and bullied everyone—

The Hon. A. A. Lewis: Rather than the Labor lawyer who is up there bullying all the time.

The Hon. GRACE VAUGHAN: The member may talk about Labor lawyers bullying if he wishes; but I am talking about the bullying which took place by the Liberal lawyers and which was borne out during the inquiry.

The Liberal lawyers could say to a presiding officer who was a little over-awed by the presence of Perth lawyers, "I do not care what the proviso says and what you think you are going to invent as an excuse for not asking these questions. The Act says that the presiding officer at the request of any scrutineer shall do so."

If this proviso is an attempt to stop such bullying, it could well be abortive.

The repeal and re-enactment of section 129 appalls me. It has been mentioned by other members. However, I should like to emphasise that the elector who requests assistance has no privacy now. Previously an elector could choose a person he trusted. They could go into the polling booth together and vote privately. Clause 21 reads, in part, as follows—

> On request from an elector the presiding officer, an assistant presiding officer, or a poll clerk, in the presence of such scrutineers as are present, or, if there are no scrutineers present, then in the presence of . . .

Each candidate is allowed to have a scrutineer. There may be up to eight candidates in some of the electorates contested. If we are talking in general terms about who is in a polling booth, we can multiply that number of scrutineers by two, because of the Legislative Council candidates. We could arrive at the situation in which a voter who wanted assistance in order to record his vote would be watched by a procession of people. The repeal and re-enactment of section 129 is the least logical of many illogical aspects of the Bill.

I should like to refer to electoral expenses. This is a difficult matter, but the Government has taken the easy way out. It has decided to repeal the whole section so that there is no limit on what may be spent on elections. If we carry this to its logical conclusion, we could have the ridiculous situation in which a millionaire is prepared to spend an enormous amount of money. How would anybody compete with that? The Government is being cowardly in this matter. It has not bothered to examine solutions to the problem. It has done away with the provisions in the hope that everyone will forget about the matter.

I should like to refer to clause 28 which deals with the question of the voting rights of people who are in hospital. I am concerned that literature relating to political parties must be left at the general office. An elector may then go to the office and say, "I am interested in the election on Saturday week. Can I see some literature?" How ridiculous! Most people are in hospital because they are sick. They do not go wandering up to the general office asking for literature to be handed out to them.

If I take a newspaper to a friend who is sick in hospital near polling time, and it is full of information about the various candidates, will I be breaking the law? Should I leave the newspaper at the general office in the hope that my friend will go there and obtain some information about the election?

Clause 29 amends section 207. There is a contradiction in this clause. It sets apart the witnessing of a claim to be on the roll from the witnessing of other important declarations and attestations.

That is all I wish to say in relation to the particular parts of the Bill.

There was some confusion earlier about whether the Attorney General was the Minister for Justice or the Minister for Justice was the Attorney General. At the time in question, we had both a Minister for Justice and an Attorney General. The court of inquiry disclosed that the Attorney General in the Court Government instructed the Crown solicitor, who had earlier advised the Chief Electoral Officer against such action, to draft a telegram to be sent up north. The then Minister for Justice instructed the Chief Electoral Officer to send it.

The Hon. I. G. Medcalf: That evidence has been disproved. I have denied it publicly outside the House. It ill-behoves you to repeat it here.

The Hon. GRACE VAUGHAN: There was some confusion about the matter previously.

The Hon. I. G. Medcalf: I am sure you are confused.

The Hon. GRACE VAUGHAN: There was confusion as to whether there was an Attorney General or a Minister for Justice at the time, and I thought I would clear up the matter.

The Hon. A. A. Lewis: You did not do very well.

The Hon. GRACE VAUGHAN: I established there was an Attorney General and a Minister for Justice at the time.

I oppose the Bill.

**THE HON. TOM McNEIL** (Upper West) [12.49 a.m.]: It is my intention to support the Electoral Act Amendment Bill (No. 2), particularly the second reading stage. There are certain clauses within the amending Bill which do not meet with our approval; but I do not intend to go into them in detail at this juncture. I will cover them fully in the Committee stage.

A good deal has been said in the House tonight about the rights and wrongs of the previous Bill, which was similar in type to this one, and which was defeated in another place. However, this Bill is more comprehensive than the previous one. There are certain clauses of which we do not approve; but a great deal of thought has been given to trying to improve the system so that the method of voting is better than that which exists at present.

The possibility of using mobile polling booths we find acceptable and I will go further into that matter during the Committee stage. We also find a vast improvement in the provision concerning the ability of persons to vote, but there are certain other amendments which we find objectionable and which we will cover at a later stage.

The Hon. G. W. Berry: What do you mean, "we"?

The Hon. TOM McNEIL: I am referring to the National Party. With those remarks, I indicate we will support the second reading.

**THE HON. D. K. DANS** (South Metropolitan—Leader of the Opposition) [12.51 a.m.]: I oppose this amending Bill and I suppose every member who has risen to his feet has said he will be brief. Certainly I will be brief because other Labor Party speakers have canvassed the issues very adequately.

It is all very well to base an argument in support of the Bill on the inquiry conducted by Judge Kay but we are all politicians in this Chamber. We are certainly not a House of Review, and every member is aware that one can get any result one wants from an inquiry without having to intimidate the person conducting it. The Government of the day has the right to set the terms of reference, and it is within those terms that the judge, or the commissioner, has to operate. So, it is a fairly simple matter to get the desired result, or very close to it, by being meticulous in setting the terms of reference for the inquiry.

This Bill is designed for one reason, and one reason only. It is a political Bill, and it has nothing to do with the rights or privileges of individuals. It is designed purely and simply for the seat of Kimberley, and other seats in the north-west.

It is a strange thing—or I should say it is a matter of fact—that our party prides itself on being a party of change. However, I was thinking tonight that if one goes back through history one finds it is not the parties to the left of centre that promote change in any nation; it is the conservative parties which simply go too far over a long period until the scale tips.

As a Western Australian I was not very happy to pick up *The West Australian* of the 10th October and read the main headline. This State has received very adverse publicity in the last two or three years—more adverse publicity in some areas than the Queensland Government could ever hope to receive. The heading reads, "Grassby criticises WA vote laws". Mr Grassby outlined a number of reasons for criticising our laws.

The Hon. Neil McNeill: Do not spoil a good argument by quoting Grassby.

The Hon. D. K. DANS: I will quote whomever I want to while I am on my feet, and I do not like the tone of Mr Neil McNeill's voice. Mr Grassby has been kept in office by the present Government, so he must be doing a reasonable job. In part, the article in the paper reads—

> Mr Grassby said in his annual report, tabled in Federal Parliament yesterday, that he had no power to intervene in potentially-discriminatory laws that governments might want to enact.
>
> But it seemed arguable that to enunciate discriminatory proposals and to enact such legislation could constitute an incitement to commit unlawful acts.
>
> This would come within the prohibition provisions of the Racial Discrimination Act.
>
> The matter would require considerable study that could not be carried out with limited resources.

He is suggesting that this particular Act could come within the prohibition provisions of the Racial Discrimination Act. Despite whether any member may like or dislike Grassby, I imagine he has been in the job long enough to know what he is talking about. Parts of this Bill are very discriminatory.

Previous speakers quite rightly have alluded to the amendment which will provide that enrolment claim forms can be witnessed by an electoral officer, a justice of the peace, a clerk of courts, or a police officer. People will have a long way to travel to find an electoral officer in the north-west. It is hard enough to find justices of the peace in the metropolitan area, despite the fact that in some areas they are living almost next door to each other. The clerk of courts is not available all the time. The last person who will be able to witness an enrolment is a police officer. I could not imagine any Aboriginal voter going voluntarily to a police officer.

The Hon. W. R. Withers: That is a lot of rubbish.

The Hon. D. K. DANS: I repeat, I cannot imagine any Aboriginal going voluntarily to a police officer. Mr Withers said he has spent 16 years in the north. I was in the Kimberley before he knew where it was, if he wants to debate the matter.

The Hon. W. R. Withers: You carry your age very well.

The Hon. D. J. Wordsworth: Do you think the Kimberley might have changed since then?

The Hon. D. K. DANS: I have been there many times since.

One would imagine, and expect, that in a democracy a vote would be freely and easily available to every person in the community who is eligible to vote.

The Hon. F. E. McKenzie: Not under this Government.

The Hon. D. K. DANS: I cannot understand what has changed—leaving aside the north-west—to make this particular amendment necessary. I do not see a great deal of change in South Fremantle or in Attadale. What has changed to make it necessary for this provision to be so restrictive? Can anyone imagine what will happen in areas where there are some illiterate voters? Any person will be able to witness an enrolment for a Federal election, but the person wishing to enrol will have to go through this rigmarole to get on the roll for a State election. What confusion!

For a democracy to operate correctly and easily these things must be made available to all the people at a certain level. The whole tenor of this exercise has been to make it more difficult.

It is well known in politics that when one is in Government one makes it difficult for one's opponents to get into Government. That is what this exercise is about. It goes further, and previous speakers have enunciated that argument. They have pointed out how difficult it will be for a person to make a postal vote, and how a person will get into trouble for advising someone else how to vote.

I agree with what Mr Grassby has stated with regard to the instructions that will be issued by the Chief Electoral Officer on polling day. No-one will know what procedures are to be followed on polling day until the Chief Electoral Officer issues his instructions. That will really throw a cat among the pigeons.

For a moment I thought Mr Tozer was a travelling evangelist because every second phrase he used was, "I praise the Government. Pass me a few more votes." An inquiry took place as a result of an election in the north-west and I do not think the Labor Party came out of that inquiry badly. In fact, I think it came out a clean-skin. Anyone who tampers with these matters must take what comes as a result.

This State has become the laughing stock of Australia. Reference has frequently been made to the Kay report. My understanding is it is not a very good report. I have asked people who are more educated than I am in these matters and they have said it is dreadful and it is contradictory. However, it brings up the answers the Government wanted. If we went through it with a fine tooth comb, we probably could not point the bone at Judge Kay because he operated within his terms of reference. The Government is very expert at giving terms of reference.

The Hon. W. R. Withers: It is an expert Government.

The Hon. D. K. DANS: It is an expert Government, all right! Why did Judge Kay not include commissioners for declarations in the list of witnesses? There are many of them around the place. He did not include them because they might be found too readily.

I was happy to hear Mr Tozer say Aboriginal aides will be able to witness the cards. I do not know whether it is a requirement that Aboriginal aides be able to read or write. I have seen some of them and I doubt that they are more literate than some of the people whose signatures they will be witnessing.

Governments in some countries of the world are trying to make it easier for people to vote, but in this State we are trying to make it harder. What happens when someone is inadvertently taken off the roll? Does he have to seek out a justice of the peace or a police officer?

The Hon. W. R. Withers: No. It is in the Bill.

The Hon. D. K. DANS: I think Mr Withers had better read the Bill again. When a person is taken off the roll he has to go through this procedure, but if he is transferring from one electorate to the other he can ask Bill Rhubarb next door to witness his signature. Whether or not we like it, we have in Australia at the present time a situation where it is easier to enrol for a Federal election; and, with due respect to my colleagues on both sides of the House, Federal elections are more important than State elections.

The Hon. D. J. Wordsworth: Come on!

The Hon. D. K. DANS: Yet in respect of the State election people have to go through this rigmarole. We all know that for one reason or another Aborigines are very shy people, and I am sure Judge Kay knows that, too. I find it difficult to believe that a Portuguese or Italian fisherman who is not *au fait* with the English language would feel like wandering up to the local police station to have his card witnessed. We know how thinly our police are spread. They are very busy. A policeman at a one-officer station may have had a tough night handling the crowd at the local hotel, and one can imagine how kindly he would take to having 30 or 40 people arrive on the doorstep.

The Hon. D. W. Cooley: How would you enrol people on the trans.-line?

The Hon. D. K. DANS: It is a joke and a ramp, that is what it is. I know the Bill will go through this House but it will do the Government no good in the long run, because irrespective of what Judge Kay said and irrespective of the tampering with the Kimberley election, no case has been made out to change dramatically the rules for enrolment in the State of Western Australia, whether in Coolgardie, Cottesloe, Kimberley, or anywhere else. The existing rules have stood the test of time.

Mr Withers gave chapter and verse, going back into the dark ages, but no case has been made out. The Bill will serve only to dissuade people in the seats of Kimberley and Pilbara from going along to be enrolled.

I do not think it means a great deal that the Bill lay on the Table in the other House for six months. It is a good thing that it did but I do not think it changes anything at all. How could people who call themselves democrats and believe in ordinary fairness—if there is such a thing as ordinary fairness—get up and support this Bill? When the Bill goes through this House, one must assume that democracy and fair play have gone out the window.

This Bill is a ramp and a rort, and certain people have inadvertently been made lackeys of the Government in presenting it to Parliament. There is only one thing to do when a Government goes too far, as this Government has gone with this Bill and others, and when people have had a stomachful. It makes a mockery of democracy and elections. No matter which side of the Chamber I sat on, I could not support this Bill. I would not be able to sleep at night.

**THE HON. G. C. MacKINNON** (South-West—Leader of the House) [1.07 a.m.]: The last statement of the Leader of the Opposition was absolute rubbish. Had the Labor Party by some strange chance happened to be in Government following some of the elections that have taken place in the last nine years, it would have had to bring in a similar Bill in order to correct the things which occurred in some of the remote areas.

The Hon. D. K. Dans: No mention is made of that in the report.

The Hon. G. C. MacKINNON: The report is a very brief summary of over 700 pages of evidence.

The Hon. D. K. Dans: Your speakers have been quoting it.

The Hon. G. C. MacKINNON: Only one speech was made in opposition to the Bill tonight, and that was the speech of Mr Hetherington. All the other Opposition speakers echoed his speech.

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

The Hon. G. C. MacKINNON: Nobody said anything which had not been said by Mr Hetherington.

The Hon. D. K. Dans: What about Mr Claughton? He gave chapter and verse.

The Hon. G. C. MacKINNON: He went through exactly the same arguments as had been presented by Mr Hetherington.

I was particularly interested in a tremendously courageous speech which was made tonight and which I have no doubt will be misquoted and labelled in all sorts of adverse ways. It was a very intelligent and thoughtful speech by a very intelligent and thoughtful speaker; namely, Miss McAleer. The speech which gave us the actual history of the case was that of Mr Tozer.

The Hon. D. K. Dans: "Praise the lord and pass a few more votes."

The Hon. G. C. MacKINNON: On reading his report, Judge Kay comes through to me, with my knowledge of electoral matters, as being a very generous and extremely fair man.

The Hon. D. K. Dans: When are you going to get onto the Bill?

The Hon. G. C. MacKINNON: That is the height of unfairness, when the leader of the debate on the Opposition side, who started speaking at about 4.45 p.m., said at about 5.45 p.m., "I will now refer to the Bill."

The Hon. D. K. Dans: Who said that?

The Hon. G. C. MacKINNON: He even quoted half Edmund Burke's speech that I think most people of my age learnt by heart in the fourth standard.

The Hon. R. Hetherington: My word you were well educated!

The Hon. G. C. MacKINNON: I was educated at a little country primary school.

The Hon. D. K. Dans: And you learnt Edmund Burke in fourth grade?

The Hon. G. C. MacKINNON: Yes, I thought everyone of my age did. Mr Hetherington commenced again at 7.30 p.m. and finally he got round to the Bill at 7.50 p.m. Mr Dans now says that I should talk to the Bill. That is impertinence of the worst sort. I have been speaking for only five minutes, and I am replying to comments made.

I gave Mr Hetherington due regard; at least he made an original speech and said everything there was to say. However, not one single original statement was made after that. If Mr Dans does not believe me, next week he should obtain Mr Hetherington's speech and he should gather his colleagues around him and check through it.

The Hon. D. K. Dans: I have no intention of doing that.

The Hon. G. C. MacKINNON: Apart from the Hon. Grace Vaughan's reference to some officer who was transferred from Fitzroy Crossing to Kalgoorlie—a matter which had nothing to do with the Bill—I heard nothing different.

The Hon. R. Hetherington: I heard some different things.

The Hon. D. K. Dans: You are talking your usual gibberish.

The Hon. A. A. Lewis: That is very unkind. Your speech wasn't up to your usual effort.

The Hon. G. C. MacKINNON: I have been involved in elections for some 30 years.

The Hon. D. K. Dans: And you are getting better at every one.

The Hon. G. C. MacKINNON: One has always heard stories of things that happen in remote areas of the State. We all know that some things needed sorting out. There are hints about this in the brief report of Mr Justice Kay.

The Hon. D. K. Dans: Mr Justice Kay's report is of no consequence.

The Hon. G. C. MacKINNON: I hope the Leader of the Opposition will let me get on with my reply.

The Hon. A. A. Lewis: He does not want you to talk; he knows when he is beaten.

The Hon. D. K. Dans: No way—I know when Mr MacKinnon cannot defend the situation.

The PRESIDENT: Order!

The Hon. G. C. MacKINNON: The whole situation has been aggravated by the left-wing machinations of the Australian Labor Party.

The Hon. R. F. Claughton: You have the cheek to say that after all the machinations of the Liberal Party!

The Hon. G. C. MacKINNON: There is not the slightest shadow of doubt that the ALP was involved in machinations.

The Hon. D. K. Dans: No Labor people were found guilty.

The Hon. G. C. MacKINNON: I will admit that a few years ago I heard of one or two actions taken by Liberals that I was not happy with, but my goodness, we were babes in arms compared with the ALP.

The Hon. D. K. Dans: You are trying to defend an impossible situation.

The Hon. G. C. MacKINNON: Mr Tozer gave chapter and verse of things that have happened on previous occasions, leading up to the 1977 election. There had to be some way to ensure that fairness prevailed and one idea was the use of mobile polling booths.

The Hon. R. F. Claughton: How will they work?

The Hon. G. C. MacKINNON: They will work exactly the same as the mobile polling booths work now, except that they will operate for a longer period. It is not difficult to let people know a mobile booth will be coming round.

The difficulty in regard to identification is nothing new, and unfortunately, this has always been a very serious problem amongst the Aborigines. When I was Minister for Health we had some difficulty in regard to Hansen's disease, and we instituted a new system under the direction of Dr Hallman.

The Hon. Lyla Elliott: What has this to do with the Bill?

The Hon. G. C. MacKINNON: I am talking about identification. We issued Dr Hallman with a Polaroid camera so that he could identify the patients. There was no need to take photographs of the white patients because they were identifiable.

The Hon. D. K. Dans: How many white people in the north have Hansen's disease?

The Hon. G. C. MacKINNON: There were about five at that time, but other diseases were being treated also and the Polaroid camera was being used for identification purposes. The whole programme was extremely successful, and it is no longer needed.

The Hon. R. F. Claughton: It has nothing to do with the Bill.

The Hon. D. K. Dans: Be a little rational for goodness sake.

The Hon. A. A. Lewis: He must be getting under your skin.

The Hon. G. C. MacKINNON: Opposition members apparently think Aborigines are quite easy to identify, but this is not so.

The Hon. D. K. Dans: I'll bet Mr Withers knows all the Aborigines in his area.

The Hon. G. C. MacKINNON: I was relating an experience we had when trying to treat Aborigines in the Kimberley. The problem was resolved in that way.

The Hon. D. K. Dans: Mr Justice Kay did not say much about identification.

The Hon. G. C. MacKINNON: Incidentally, it is interesting to note that the first day Mr Dans is back, he abuses somebody.

The Hon. D. K. Dans: Whom did I abuse?

The Hon. G. C. MacKINNON: That was in relation to another Bill, but it shows that it is becoming a habit with Mr Dans.

The Hon. D. K. Dans: You should be ashamed of yourself. You cannot defend the Bill so you are going on with drivel again.

The Hon. G. C. MacKINNON: I appreciated the first hour or so of Mr Hetherington's speech because we have some young members in the Chamber who may have learnt from it. I only hope they were not too bored and that they stayed awake long enough to hear it.

The Hon. R. Hetherington: I notice that you didn't.

The Hon. G. C. MacKINNON: I notice that nobody took the advice of Judge Kay. Everybody has continued to use the word "illiterate" despite the judge's words.

The Hon. D. K. Dans: Everyone? I did not even use that word.

The Hon. G. C. MacKINNON: The great majority of the speakers used it.

The Hon. D. K. Dans: You are a natural-born exaggerator.

The Hon. G. C. MacKINNON: I look forward to hearing Mr Withers' amendment.

The Hon. R. Hetherington: Don't we all.

The Hon. G. C. MacKINNON: I will not comment on Mr Claughton's speech. His only query was about the operation of the polling booths.

The Hon. R. F. Claughton: That was just one part of what I said.

The Hon. G. C. MacKINNON: That was really the only query he raised. Miss Elliott referred to various sections, and I think these matters will be best dealt with during the Committee debate.

In my introductory speech I explained the general purpose of the Bill, and I adhere to that explanation. Most Opposition speakers referred to individual clauses, but Mr Dans went in for his usual style of speech. I will reply to his comments when I come to them.

The Hon. F. E. McKenzie: You have not mentioned the notification of visits.

The Hon. G. C. MacKINNON: There will be adequate forewarning. As I said, this system could be a big improvement if it is worked out properly. We know it will avoid many of the present problems.

The Hon. D. K. Dans: What instructions do you intend to give to the policemen about being nice and polite and so on.

The Hon. G. C. MacKINNON: Policemen are human beings. One would imagine we will have thousands of people enrolling. With all the eager-beaver rush of the Australian Labor Party in the last six months, I think only 700 people have been enrolled in the Kimberley.

The Hon. D. K. Dans: I have not been near there; I don't go anywhere near that electorate.

The Hon. G. C. MacKINNON: The Labor Party has had teams working up there to try to get people enrolled. That is no great sweat. Therefore, I cannot understand what all the worry is about.

My recollection of the debate is that most speakers opposite said the same thing over and over again; but they all returned to the matter of

getting people enrolled, and the rush, etc. My experience of the north is that when most people want to know something they ask a policeman. I have stood chatting to a policeman in the north and been interrupted by some Aboriginal telling him that a fight is going on, and he does not want his friend to be hurt.

The Hon. D. K. Dans: I was looking at the police station at Meekatharra, and I did not see anyone doing that.

The Hon. G. C. MacKINNON: I am talking about my chatting to a policeman in the street. Periodically one finds a woman will come up and tell a policeman that her husband is involved in a fracas, and he will go away to sort it out. I am sure Mr Withers and Mr Tozer have experienced that situation. The policemen are very friendly. From the way members opposite have spoken, one would believe policemen are ogres. Probably members opposite use policemen to frighten their grandchildren.

The Hon. F. E. McKenzie: Not at all.

The Hon. G. C. MacKINNON: Then why do members opposite go on as if policemen are the enemies of the Aborigines?

Several members interjected.

The PRESIDENT: I ask the Leader of the House to proceed.

The Hon. G. C. MacKINNON: Mr President, you are well aware that policemen are the friends of the community, and it upsets me to hear people talking—as members opposite have done—as though policemen are the enemies of Aborigines. They are not.

I am sure we were all extremely interested in the resume given by Mr Tozer in respect of the events in the north over the last few years. He would have had experience of the whole affair, not only as a member of Parliament, but also while he was the Regional Administrator for the North-West. He knows exactly what is the score there. As he said when the Kay inquiry was instituted it was well and truly time something was done.

With the possible exception of Mr Dans, Miss Elliott was the most emotional speaker from the other side.

The Hon. D. K. Dans: Was I emotional?

The Hon. G. C. MacKINNON: Oh, yes; Mr Dans waved his arms around and raised his voice at times. One understands that Miss Elliott tends to become emotional, and perhaps she injected into her speech a little of the emotion which Mr Hetherington lacked.

The Hon. D. K. Dans: You should have been a casting director.

The Hon. G. C. MacKINNON: I think the Hon. Margaret McAleer's speech was a clear, concise exposition of the attitude of the people about whom members opposite spent most of their time talking. I am a little concerned that her speech may draw some criticism of her from people who do not know her. I say that because I thought her speech was a particularly good one.

The Hon. R. F. Claughton: She was not emotional?

The Hon. G. C. MacKINNON: No, not at all; it was an extremely balanced statement. She was followed by Mr McKenzie, and I am afraid he suffered a little in the comparison.

The Hon. D. K. Dans: I thought he made a very good speech.

The Hon. G. C. MacKINNON: Well, he really did not because he did not elaborate on any of the points Mr Hetherington raised. He literally gave us a carbon copy of some of the things Mr Hetherington said when he occasionally dealt with the Bill.

The Hon. D. K. Dans: You are having two bob each way, because you said earlier he didn't speak about the Bill.

The Hon. G. C. MacKINNON: The Hon. Grace Vaughan added a few comments about the transfer of a gentleman from Fitzroy Crossing to Kalgoorlie. I have not caught up with what that had to do with the matter before the Chamber.

I thank Mr Tom McNeil for his support of the Bill. He was followed by Mr Dans, to whose contribution I have already referred.

I repeat that when the Bill was actually mentioned it was referred to in terms of, "What does this mean?" I believe the proper time to deal with such matters is in the Committee stage, and I propose to suggest that that stage be taken tomorrow. In principle I am convinced the Bill does exactly what Mr Tozer says it will do. It removes the possibility—which Judge Kay said existed—of abuse, and we hope that it will remove some of the pressure and aggravation a group of people find it difficult to withstand. In that sense it is a good Bill, and I hope it works.

Question put and a division taken with the following result—

Ayes 17

| | |
|---|---|
| Hon. G. W. Berry | Hon. N. F. Moore |
| Hon. V. J. Ferry | Hon. O. N. B. Oliver |
| Hon. H. W. Gayfer | Hon. I. G. Pratt |
| Hon. A. A. Lewis | Hon. J. C. Tozer |
| Hon. G. C. MacKinnon | Hon. R. J. L. Williams |
| Hon. M. McAleer | Hon. W. R. Withers |
| Hon. T. McNeil | Hon. D. J. Wordsworth |
| Hon. N. McNeill | Hon. T. Knight |
| Hon. I. G. Medcalf | *(Teller)* |

Noes 8

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

Pairs

| Ayes | Noes |
|---|---|
| Hon. G. E. Masters | Hon. R. H. C. Stubbs |
| Hon. R. G. Pike | Hon. R. T. Leeson |

Question thus passed.

Bill read a second time.

## BILLS (5): RECEIPT AND FIRST READING

1. Pay-roll Tax Assessment Act Amendment Bill.

2. Pensioners (Rates Rebates and Deferments) Act Amendment Bill.

3. Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Bill (No. 3).

4. Country Areas Water Supply Act Amendment Bill (No. 2).

5. Water Boards Act Amendment Bill.

Bills received from the Assembly; and, on motions by the Hon. G. C. MacKinnon (Leader of the House), read a first time.

*House adjourned at 1.35 a.m. (Wednesday).*

## QUESTIONS ON NOTICE

### EDUCATION

*Western Australian Post-Secondary Education Commission*

242. The Hon. R. HETHERINGTON, to the Minister for Lands representing the Minister for Education:

(1) Is the Western Australian Post-Secondary Education Commission at present inquiring into or is it about to initiate an inquiry into post-secondary education in Western Australia?

(2) Is the report of the Birt inquiry to be referred to WAPSEC?

(3) Did WAPSEC make a submission to the Birt inquiry?

(4) If so, is the Minister prepared to table the submission?

(5) If WAPSEC is conducting or is about to conduct an inquiry into post-secondary education—

(a) is it on the initiative of the commission or of the Minister;

(b) are there any terms of reference for the inquiry; and

(c) what is hoped to be achieved by the inquiry?

The Hon. D. J. WORDSWORTH replied:

(1) In accordance with its Act the commission is constantly reviewing post-secondary education in Western Australia.

(2) No, not necessarily. As already indicated the report is to the Minister for Education.

(3) It responded to an invitation to make a submission by describing the role, function, and style of operation of the commission.

(4) No.

(5) (a) to (c) The commission has an on-going study concentrating on post-secondary education in the metropolitan area to review such matters as population and other developments, the present and possible future role of existing institutions, and the likely need for new institutions. This study is intended to assist the commission in providing advice to the Government, the Commonwealth Tertiary Education Commission, and the institutions on the future development of the post-secondary education system, particularly in relation to the 1982-84 triennium.

### POLICE

*Aboriginal Aides*

247. The Hon. J. C. TOZER, to the Leader of the House representing the Minister for Police and Traffic:

By way of further explanation to the answer given on Wednesday, the 3rd October, 1979, to question 230 relating to police aides will the Minister advise the difference between—

(a) "weekend penalty rates" and "overtime rates for the hours worked"; and

(b) the result in dollars and cents to the police aide who is required to work six hours on a Saturday commencing duty at 10.00 a.m.?

The Hon. G. C. MacKINNON replied:

(a) "Weekend penalty rates" is an allowance of 10 per cent of base salary paid to police officers other than commissioned officers for rostered duties performed on weekends and public holidays.
"Overtime rates" are paid for hours worked in excess of 40 hours in a week, or eight hours in a day, paid at the rate of time and a half for the first three hours in the one week, and double time thereafter for the week.

(b) Provided the Saturday work is in excess of the 40 hours the police aide is required to work in one week, the following overtime would apply—

Police aide.....$48.30
Police aide first class.....$50.19

Weekend penalty rates for police aides are currently under review, so as to bring them into line with police non-commissioned ranks.

By way of explanation, the answer to question 230(e) should more correctly have read—

> No. Aboriginal police aides work a five-day, 40-hour week. If required to work on a weekend, or other rostered day off, they are paid overtime rates for the hours worked.

## EDUCATION: CLASSROOMS

*North-west Towns*

248. The Hon. W. R. Withers (for the Hon. J. C. TOZER), to the Minister for Lands representing the Minister for Education:

(1) What options are open to the Education Department in the planning of classroom accommodation for the fast-growing secondary school student population in the Dampier-Karratha-Roebourne-Wickham-Point Samson conurbation?

(2) Has a decision been reached on the option to be adopted?

(3) If so, what is this decision?

(4) When will plans to meet the urgent need for additional accommodation be translated into bricks and mortar on site?

The Hon. D. J. WORDSWORTH replied:

(1) I am advised that the options are either to provide additional classroom accommodation at Karratha Senior High School, or to establish Wickham high school.

(2) Yes.

(3) To provide additional accommodation at Karratha Senior High School until such time as the Wickham high school is established.

(4) It is planned that additional temporary accommodation will be provided at Karratha Senior High School in 1980.

## EDUCATION

*Equal Opportunity Resource Centre*

249. The Hon. R. HETHERINGTON, to the Minister for Lands representing the Minister for Cultural Affairs:

(1) Is it a fact that a committee for the establishment of an equal opportunity resource centre has twice made submissions to the Schools Commission for funds to set up an equal opportunity resource centre in Western Australia along the lines of those established in Victoria, New South Wales and South Australia, and that the Schools Commission has twice given such a project approval, subject to the concurrence of the State Education Department, and that this was refused thus effectively vetoing the proposal?

(2) As the committee is once more making such a submission, will the Minister either—

(a) assure me that this submission will be supported at this stage by his department;

(b) or explain why such support is not forthcoming?

The Hon. D. J. WORDSWORTH replied:

(1) Yes.

(2) (a) and (b) The submission asks for financial support for a teacher for one year only. The premises, resources, and staff salaries after one year, have to be provided from sources within the State. When a decision on the State's commitments has been finalised, the member will be notified.