

# Legislative Council

Tuesday, 11 May 1982

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

## ADDRESS-IN-REPLY

*Presentation to Governor: Acknowledgment*

**THE PRESIDENT** (the Hon. Clive Griffiths): I have to announce that I have, in company with several members, waited on His Excellency the Governor and presented the Address-in-Reply agreed to by this House. His Excellency has been pleased to make the following reply—

**MR PRESIDENT AND HONOURABLE MEMBERS OF THE LEGISLATIVE COUNCIL:**

I thank you for your expressions of loyalty to Her Most Gracious Majesty The Queen, and for your Address-in-Reply to the Speech with which I opened Parliament.

**RICHARD TROWBRIDGE,**  
Governor.

## BILLS (7): ASSENT

Message from the Deputy Governor received and read notifying assent to the following Bills—

1. Public Service Amendment Bill.
2. Supreme Court Amendment Bill.
3. Potato Growing Industry Trust Fund Amendment Bill.
4. Seeds Amendment Bill.
5. Motor Vehicle Dealers Amendment Bill.
6. Acts Amendment (Judicial Appointments) Bill.
7. Acts Amendment (Misuse of Drugs) Amendment Bill.

## QUESTIONS

Questions were taken at this stage.

## ELECTORAL BOUNDARY: NORTH PROVINCE

*Resignation of Hon. W. R. Withers:  
Urgency Motion*

**THE PRESIDENT** (the Hon. Clive Griffiths): Honourable members, I have received a letter from the Hon. W. R. Withers, in the following terms—

Dear Mr President,

On Tuesday, 11 May, 1982, I desire to put a motion without notice to the Legislative Council under Standing Order No. 63.

I will move; "That at the time of its rising, the House shall adjourn to 12 December 1982."

My statement of urgency concerns the events which occurred in the North Province and which have led to this being my last day to speak in the House prior to my resignation from the Legislative Council.

Yours sincerely,

W. R. Withers,

MEMBER FOR NORTH PROVINCE.

**THE HON. W. R. WITHERS** (North) [5.11 p.m.]: I move—

That the House at its rising adjourn until 12 December, 1982 at 2.15 p.m.

**THE PRESIDENT:** Standing Order No. 63 requires that four members must rise in their places to support the proposition. Are these members available?

Four members having risen in their places,

**The Hon. W. R. WITHERS:** Mr President, I wish to offer a personal explanation which will be my final debate in this House.

Members have heard some of the reasons for my resignation in various debates, but I wish to define those reasons in my final address so the Parliament and the people of the north may fully understand the situation.

My resignation will be effective from 21 May 1982. It is the culmination of a series of political errors, the first of which I initiated in March 1976. On 18 March 1976, I wrote to my leader and Premier, Sir Charles Court, with the advice that the farmers around my home town of Kununurra were despondent. I considered that if I returned to live in the electorate and invested my spare time and all my capital in a series of practical demonstrations, it would give some of the people new confidence to invest capital in the area. I also considered that those demonstrations should be the practical application of theories which I had espoused as a member of Parliament.

I listed the demonstrations and advised Sir Charles Court that I considered I could more effectively represent the north through my personal involvement and residency in the region.

You will recall, Mr President, that when I entered Parliament in 1971, we had only three typists between 67 members of Parliament. We did not have secretaries or electorate offices. Consequently, country members with large and remote provinces had to reside with their families

in the city. I considered that the changes which offered us electoral offices or the service of half a secretary in Parliament House, allowed me to return to live in the electorate whilst commuting to parliamentary sittings and other parts of the electorate. Hence my letter to Sir Charles Court in March 1976.

Later in that year, I moved with my family back to my home town of Kununurra and successfully contested the North Province election early in 1977.

It was after the election that I realised I had made a bad political error. I had not recognised the air schedule/time/cost factors which increased the amount of time required to visit the southern and eastern Pilbara towns from Kununurra compared with the same visits from Perth. For example, I could leave Perth, visit a southern Pilbara town, conduct a community meeting and return to Perth in an elapsed time of 14½ hours. The same visit from Kununurra would take three to five days with a correspondingly higher cost and sometimes higher personal exhaustion caused by the few sleeping hours necessitated to meet aircraft schedules.

When I realised the error in returning to live in the electorate, I also recognised my inability to effectively represent the Pilbara from a residential base in the Kimberley. I therefore assumed that I had three options. They were—

- (1) To return to a Perth residency;
- (2) to remain silent about my error and make excuses to the people for my drastically reduced representation; or
- (3) to advise Parliament of the situation and to allow the people of the North Province to understand and to prepare for the selection of another representative at the end of my parliamentary term.

Mr President, I realised I could not accept the first option because I was totally committed to the demonstrations I previously mentioned; I could not accept the second option because it would be an abrogation of trust, so I elected to follow the third option. I advised Parliament of the situation and of my decision.

You would know, Mr President, that I came under heavy criticism for that decision. However, not one of my critics within Parliament had the personal experience of my situation, whilst my critics outside Parliament would not volunteer to take my place by indicating their willingness to seek endorsement.

After our Liberal candidates were defeated in the Kimberley and North Province seats in 1980,

I was requested to consider endorsement for the Legislative Assembly seat of Kimberley. I initially thought that I would not be able to make such a commitment but further investigation proved the air schedule/time/cost factors for the Kimberley towns were acceptable for effective representation by a resident member, conditional to the ownership of a four-wheel drive vehicle.

I advised my party I would seek endorsement for the Legislative Assembly seat of Kimberley at the appropriate time and purchased a four-wheel drive vehicle. At the same time I advised my party that I would have to reduce my visits to the Pilbara whilst committing my time to the Kimberley, which had more communities to visit albeit less people than the Pilbara. The Pilbara was being effectively represented by the member for Pilbara.

Despite the tacit understanding of my commitment to the Kimberley electorate, the parliamentary branch of my party chose to vote in favour of the drastic change to the Kimberley-Pilbara boundary without any prior advice or reference to me.

Although I was the sole surviving Liberal member of Parliament resident in the entire North Province, some senior Ministers chose to give advance notice to most southern Liberal members whilst keeping me uninformed, and allowed a vote on the issue during my absence occasioned by an airline strike.

I was not advised of the proposals nor contacted in the Kimberley until after the decision was made, despite the fact that I was the member who initiated a monthly itinerary with a listed telephone number for every day of the month. I have done this since 1971.

Members can well imagine my personal shock and the general shock of the northern people who found that southern and eastern Pilbara towns had been put into the huge Kimberley electorate, even though they were closer to Perth than they were to the North Kimberley towns over 1 000 kilometres away. My subsequent efforts to change that bad decision were supported by Liberal branches in the Kimberley and northern shire councils, but my efforts on their behalf were unsuccessful.

At this stage I would like it noted in the parliamentary record that I appreciated the understanding and support of Peter Coyne, M.L.A. during this traumatic period. On behalf of the northern people I thank him for his efforts and concern.

Mr President, I recognised the boundary decision to be a singular application of the ALP

platform number seven to the Kimberley electorate, so I resigned from the Parliamentary Branch of the Liberal Party after I had exhausted all avenues to change the minds of my colleagues.

That protest resignation made me realise how ineffective I had become as a parliamentary representative, so I knew that I would have to resign from Parliament. As members are aware, I gave notice of my resignation, but the court action by Brian Burke, MLA against the State, caused me to defer my resignation in the hope that the court's decision would cause Parliament to adopt a more reasonable attitude towards northern electorate boundaries.

The change in the Kimberley-Pilbara boundary had created the greatest malapportionment that I have discovered in the history of Westminster government. As I have previously told the House, that change made the Kimberley electorate 85 000 times larger than the Scarborough electorate with only 14 per cent less electors.

Mr President, my past 12 months in Parliament since the boundary decision have been soul-destroying. I realised my representation was becoming less and less effective. Ministerial decisions seemed to be alienating my constituents through impositions under a north-south dichotomy and I came to view some of my colleagues with despair.

I also realised I was a political conundrum, because I still opposed the ALP philosophies whilst supporting Liberal Party philosophies at a time when I refused to be a member of the Parliamentary Branch of the Liberal Party. This situation could hardly benefit my constituents.

I believe that I should not remain in Parliament because the aforementioned situations have caused me to "lose heart". I no longer have faith in the system which, by demonstration, is not democratic in respect of northern people either in electoral matters, Government services, charges, or tax collections. For 11 years I have considered the fight for northern equity to be worthwhile but I have now lost the will to fight in a hopeless battle.

The weekly air travel of 5 000 kilometres from my home to Parliament and return is no longer a time of airborne office work to serve my constituents. It has become a time to dread because I now look upon it as a waste of public money spent on an ineffective member.

Such a member is a cancer in the parliamentary system because the member shares discontent despite his efforts to contain the matter. I still see the Westminster system as being the best system of government, so I believe I

should get out and let a better person try his or her representative techniques for the sake of the north.

Members know I can gain financially by remaining in Parliament and accepting remuneration for the remainder of my term, but the effect on me and the electorate should not be acceptable to Parliament, to the people, or to myself.

Mr President, that summarises the reasons for my resignation in the interests of northern representation and in the interests of Parliament, but before I leave I would like to make some comments about the personal effect the members of this House have had on me, which has changed my life.

Parliamentary representation in itself has given us the opportunity to meet with and look into all facets of society. This is a privilege as well as a cross to bear which is only experienced in part by doctors, priests, social workers, and some members of the legal profession.

The parliamentary system also gives us an insight into the problems of government, the demands of communities, and the complexities of Treasury collections and disbursements.

At a very personal level, on a day to day basis, it changes each one of us. The initial desires to change legislation for the benefit of our constituents in respect of our philosophies, are slowly modified by new ideas, pragmatic analysis, personal ambition, emotional considerations, financial considerations, or a host of other factors.

I will never be the same table-thumping, inexperienced bloke from the bush who took a seat in this place in 1971, because each member has changed me in some way.

I look back with admiration on the quiet courage of men like the late Jack Heitman, Frank Willmott, Bill Willesee, Jerry Dolan, and John Tozer. I have observed the rapid aging process which occurs when new Cabinet Ministers accept the enormous pressures and loads of their portfolios. I see those same men and women gradually succumbing to the demands of time, which makes them more and more reliant on their officers to the stage where the TV show, "Yes Minister" becomes more a reality than a humorous farce.

In reflection of my time in Parliament, I compared myself with each member to find I was in some way lacking.

I thank the officers and staff of Parliament for the assistance and unbiased advice they have given to me in my time here, and the *Hansard*

reporters for their diligence. I also wish to record my gratitude to my secretary, Mrs Sara Horin, for her professional industry and loyalty over the years.

In short, I have learned something from everyone and it has been appreciated.

I must say that regardless of what has happened and regardless of the present standing or personal relationships, I wish to pay tribute to those close colleagues, John Tozer, Alan Ridge, and Brian Sodeman who worked with me as part of the northern team under the dedicated leadership of Sir Charles Court to bring some equity to the people of the north.

Mr President, I sought election to parliament because of the decision-making in the south which adversely affected the north. In the 11 years I have been here, I have endeavoured to pass on the circumstances, the aspirations, the repressions, and the feelings of northern people in order to remove the inequities which supported a north-south dichotomy to the disadvantage of the north.

It is ironic that my resignation is to be implemented because I find that my representation of northern people was totally disregarded by a group of political architects who made the gross mistake of assuming knowledge of the north by looking at the numbers in ballot boxes. They disregarded their sole parliamentary representative resident in the Kimberley; they disregarded one of their own party's platforms in respect of the Kimberley; they opposed the wishes of the Kimberley Liberal branches; they opposed the wishes of northern shires, and they amplified the imbalance in the north-south dichotomy. I consider this affected our most precious heritage in the eyes of northern people—democracy under the Westminster system.

If my representation has had so little effect on such an important issue for the people of the north, then I have no alternative but to resign.

Mr President, I commend my motion to the House.

**THE HON. N. E. BAXTER** (Central) [5.27 p.m.]: I could not let this occasion pass without making a contribution to the debate because of my association with the Hon. Bill Withers over the almost 11 years he has been a member of the Legislative Council. As one who has given 30 years of service to the Legislative Council—until last Thursday, 6 May—I realise the problems Mr Withers has faced. We all face problems in our political career; we have faced good times and times of adversity. When I came to this Chamber in 1950 originally, salaries were very low, and expenses were nil.

The Hon. G. C. MacKinnon: You mean the expense allowances were nil.

The Hon. N. E. BAXTER: Yes, and I assure members it was a very hard struggle to keep going unless one had some other income.

The province I represented at that time took in six Legislative Assembly seats. The province stretched from Wanneroo and Lancelin, taking in Toodyay, right up to Bonnie Rock, down to Pumphrey's Bridge, including Byford, Armadale and Thornlie, and around the city again, taking in Greenmount and the Swan. One could say, in country terms, one was like a "hunted kangaroo" getting around that area.

My colleagues and I stuck it out. Many members of the Legislative Council stood up to the rigours of travelling through large areas on indifferent roads. We did not have bitumen roads to travel on as we have today. I well recall one particular road, from Wyalkatchem to Koorda, which crossed the lakes. One ran the risk of being bogged when travelling on that road. However, it was the only road to Koorda.

These were some of the things we had to put up with. I sympathise with the Hon. Bill Withers, although he has had the advantage of being able to use air travel. I have suggested to him that he might continue for another 12 months, with the thought in the back of my mind that he might reconsider his position, because he has given good service to the north. I would like to see a gentleman of his calibre continue that service, but he considers it would be too difficult. He feels he cannot give the service to which the area is entitled. I doubt whether anybody else could give the service which Mr Withers idealistically thinks the north should have. It is a vast area to service, and at the same time attend to the needs of Parliament and of legislation. I trust at this late hour there is a possibility he may reconsider his decision and remain a member of Parliament, otherwise we will lose a very valuable member. If he does retire I wish him and his wife and family the best of luck.

[Resolved: That motions be continued.]

**THE HON. G. C. MacKINNON** (South-West) [5.32 p.m.]: I disagree with practically everything Mr Withers proposes to do. It will not be the first time, but it looks as though it might be the last. Nevertheless, I admire him tremendously for his courage and integrity in taking the stand he does. I am sorry to lose him from this place, because I was almost coming to regard him as a fellow Independent in some respects.

The first occasion on which I violently disagreed with Mr Withers was when he stuck up

for the scientologists. I thought he was wrong then and I still do. The scientologists were able to get back into the run of things. I think I was wrong initially in bringing a Bill to the House to ban scientology, because there are people in the community who need those sorts of nuts. If those people cannot go to the scientologists, they will turn to someone else, such as faith healers at Esperance. I do not think one can do anything about either group of people. Mr Withers made a mistake in supporting the scientologists, but he stuck to his decision with the same determination and integrity with which he is holding to his decision today.

Because of my Scottish background, I have a high regard for money and I tend to take a dim view of those people who treat it with anything but the utmost respect. I have a deep admiration for anyone who, on a matter of principle, gives away the financial rewards that Mr Withers has earned. Members will know what I mean when I say that he is denying himself and his family rewards because he is under the age limit. I have deep admiration for him, but at the same time because of my Scottish ancestry, I find his decision difficult to comprehend. We will miss, apart from anything else, his ability to illustrate the odd things that happen in this place. We will also miss his ability to plan. He has put time and effort into, of all things, his proposition for using worms as a method of fertilising a property. One only has to talk to the Hon. Bill Withers for a short time before one realises this most improbable of subjects shows prospects of success in remote and difficult areas.

One cannot fail to admire this originality of mind and dedication to work. I disagree with virtually every aspect of his decision. I believe he can represent his area far more effectively than anyone else I have met, simply by being in Parliament and by being aware of the area. I do not believe as he does in this absolute necessity to visit every corner of his electorate at frequent intervals. I believe he knows his electorate well enough. He disagrees with that, and is prepared, as very few people are these days, to lay on the line the guarantees of economic stability. I argued with Bill Withers until I became so exasperated that I had to walk away. I tried to make him see the sense of my point of view.

It is a matter of regret that a member of his calibre should leave Parliament. I will see him go with sorrow, despite the occasions on which he has opposed me or my ideas. I wish him and his family well in the future, because he and they deserve it.

**THE HON. N. F. MOORE** (Lower North) [5.37 p.m.]: I believe Bill Withers is making a grave mistake, and he knows my opinion on this. I have told him on countless occasions, and have done my best to persuade him to remain until the end of his term.

I first met the Hon. Bill Withers when I was living at Tom Price. I was one of his constituents. With his assistance, and because of his example, I became an active participant in the Liberal Party. Until that time I shared the philosophy of the Liberal Party, but Bill Withers convinced me to become active and a branch member.

I was very sorry to hear him commenting and reflecting on what he considered to be his shortcomings as a member of Parliament. During the five years I was in the Pilbara the Hon. Bill Withers was a superb member of Parliament. He is one of the greatest advocates of northern development I have met. He should reflect on what the Pilbara was like in 1970-71—I am not familiar with the Kimberley—and the poor facilities that were available. It was primitive and harsh, and hard for people to accept and enjoy living in that part of Western Australia. If he were to compare that with the Pilbara of today, and the magnificent achievements by Governments, mining companies and individuals, he should derive a great degree of satisfaction. He has played a major role in achieving those improvements. It is quite wrong for him to suggest that he has not made a contribution.

This is a very sad day for me, and I want to place on record my tribute to Bill Withers as a tireless worker for the north. He and I have been good friends and I trust we will remain so in his retirement.

**THE HON. I. G. MEDCALF** (Metropolitan—Leader of the House) [5.40 p.m.]: It is always difficult to make a valedictory address, particularly when there is some personal sacrifice involved. We must give full credit to the Hon. Bill Withers for the way in which he delivered his valedictory address, and summarised the situation and the various factors which have caused him to make this quite dramatic decision and turn in his life. I attempted to dissuade him some months ago from taking this course, because I believed he would suffer most from it. However, he decided on principle to continue with the course he had chosen.

I respect his stand on principle. However, I cannot agree with some of the comments he made. I do not believe it would be in any way appropriate for me to debate his speech on such an occasion. One must respect the reasons and the

views he put forward today. It would be quite out of place to enter into a debate about electoral boundaries, or the provisions of the Electoral Act, or anything to do with that. I merely say I cannot agree with many of the comments he made.

I would like to place on record my respect for him as a man of principle and as a representative of his electorate. I have known the Hon. Bill Withers since before he was elected. I recall meeting him first at Kununurra a year or two before he was elected to Parliament. I have always had a high regard for him, and I have become intimately concerned from time to time, with the problems of his constituents as a result of representations he has made, about their welfare. I would like to place on record my admiration for the services he has performed as a member of Parliament, and my sorrow that he has made this decision. I respect the principle he has demonstrated and he will always have my regard. I wish him and his family the very best for the future.

**THE HON. V. J. FERRY** (South-West) [5.43 p.m.]: I cannot let the moment pass without saying a few words to my mate from the north. We have heard of wild men from different parts of the world, but the Hon. Bill Withers was referred to, with some endearment, as the wild man of the north when he came to this Parliament. It has been my good fortune in the last 11 years to sit beside him, not only on this side of the House, but on the opposite side in previous years. He was a great companion and a great contributor to the work of Parliament. I am extremely disappointed to find that the Hon. Bill Withers has decided he can take no other course than to resign. I do not believe that to be correct. I respect his decision, but I hope that by some miracle, between six o'clock and a few minutes later, he may change his mind.

He has been a capable representative of his province, which is a big one to cover. He has made a great contribution to Parliament in a practical way. He did much good work before he entered Parliament, and during his parliamentary career he has actively assisted all interests in his province. He is very close to the people he represents, and has been an effective member. There is an old saying, "You can't win them all."

**The Hon. D. K. Dans:** You can't win when you're dealing with crooked ballots.

**The Hon. V. J. FERRY:** We all have disappointments in trying to achieve improvements for our constituents. We have to take the good with the bad. The Hon. Bill Withers has achieved a great deal despite a

number of disappointments he has experienced, as we all have. He would do himself and the people he represents a greater service if he at least saw out his term, and I hope that might happen in the time left.

He has brought a wealth of ability to this Parliament for which we are the richer as I am sure are his constituents of the North Province by having him as their champion for the last 11 years. I wish him well.

**THE HON. D. K. DANS** (South Metropolitan—Leader of the Opposition) [5.45 p.m.]: I cannot say I am sorry the Hon. Bill Withers will leave this place, because if I did, I would be making a hypocritical statement. I too, like a previous speaker, knew Bill Withers prior to his entering this Parliament. I recall on one occasion, before I had any idea of sitting in this august Chamber, Bill Withers' taking Mr Justice Gallagher, myself, and a couple of others—he may not remember the occasion—to the summit lookout at Kununurra. I was on a Commonwealth Industrial Conciliation and Arbitration Commission inspection in the area. I did not think there was a person within 1 000 miles in either direction. There was a seat at that summit—the Hon. Bill Withers can correct me if I am wrong—and lo and behold, it had just been painted. I sat on that seat, and if for no other reason I will remember Bill Withers for that incident.

It was interesting to me to hear tonight members of his party struggling—I really mean struggling—to make some sort of valedictory to Mr Withers after he emptied the bucket on them. That is what he did tonight, and he confirmed that the electoral boundaries were changed simply for political advantage. I would have liked him to have said a long time ago in this Chamber the very things he said tonight, and said so when other areas of the State were gerrymandered. I am afraid that when Mr Withers got the stick himself from a gerrymandered boundary he reacted in the manner he has.

I admire him for being so forthright. I have always enjoyed his company and having a conversation with him, and I have always known him to be a completely honest person. I repeat, I am not sorry to see him go, and that is because we will win his seat; but I wish him well in his retirement, and I hope it is long and useful.

**THE PRESIDENT** (the Hon. Clive Griffiths): I take the opportunity this occasion affords to make a couple of comments. Probably this action is unusual, but I want to say that in my 18 years of parliamentary service I have said there is only

one thing of which one can be absolutely sure as far as this place is concerned, and that is that one cannot be sure of anything. I was of the opinion that after 18 years I had seen or participated in just about everything that possibly could occur. I of course was mistaken because this is a very unique occasion so far as a member is concerned.

I have had great pleasure in knowing Bill Withers. I have said in my addresses to people when speaking about this place that it consists of a butcher, a baker, and a candlestick maker, and that is what makes it work so well. The Hon. Bill Withers of course has played a very important role not only in representing his electorate, but also in his involvement in the operations of this House. I consider him to be a good friend of mine, and I hope that state of affairs continues if he pursues the action he has indicated tonight he will take.

I have said before, and I will say it again: I have had several talks with the Hon. Bill Withers in which I have said he is wrong in the move he is taking; indeed, I believe the very people—disregarding his family—whose interests he believes he is looking after are the people who will suffer most by his absence. I do not believe in my experience of members of Parliament that I have met any member who has served his electorate better than has Bill Withers.

One of his shortcomings of course is that he believes quite incorrectly that the electors consider he must succeed in everything he does, and he must achieve everything he attempts. It is a sad occasion that we lose one of our members; I am sad Bill has made his decision. I know it is not possible for me or anybody else to change his mind, but I want to go on record as your President expressing on behalf of the officers of this House their appreciation for the courtesies and consideration Bill Withers has given to them. As they are unable to speak on this occasion I do on their behalf and for myself wish Bill and his family the best for the future, and I look forward to the opportunity of renewing our acquaintances on occasions when I visit Kununurra or he visits Perth.

**THE HON. W. R. WITHERS** (North) [5.51 p.m.]: First of all I thank you, Mr President, and other members who dropped the odd bouquet in this direction. Your action was appreciated.

Referring to the last speaker first, the Hon. D. K. Dans mentioned the slatted seat that many years ago had just been painted and placed at the lookout at Kununurra. Even in those days he should have been barred, and he was.

The Hon. D. K. Dans: There was no "Wet Paint" sign on it, Bill.

The Hon. W. R. WITHERS: The Hon. Vic Ferry said it would take a miracle to change my mind, but it would not at all. One very small and sensible decision would change my mind, but it will not be made. I would like the Government to look at the recent rough results of the Commonwealth census and say, "Good heavens, we made a mistake even on the basis of this. We should change by going back to the original boundaries and have an election on those original boundaries and then hand the matter over to the boundaries commission after the next election." I know that will not happen, but it would be the sensible course to take. It would not take a miracle to change my mind.

I do not run from disappointment as some members have seemed to assume. It has been assumed that because I have been licked once I am disappointed and I am running. I have never run from a fight and I am not running from disappointment. I am disappointed because I have had to realise I have become an ineffective member. I do not think it can be debated that I would not have become an ineffective member had I taken a different view of politics. I have become an ineffective member because I have not tried to be a career politician or tried to play corridor politics. As a result of my not doing those things I became unaware of what was happening; I was unable to see what was happening in the corridors of power and became an ineffective member in representing the north. That is not something to be debated now; it has been debated already. Although members say they cannot agree with my comments or reasons, they must agree with one point, and that is that everything I stated in my address was the truth—that cannot be denied.

I must practise what I preach. I have told my family that if one is to do anything at all in life—it does not matter whether one is a street sweeper—one should enjoy doing what one is doing, and do it well. I enjoyed being a member of Parliament, and I thought I was doing it well. However, I failed in a very important area because I was not using the right sorts of techniques in Parliament House. I thought I was using the right techniques in the electorate, but I was not playing corridor or career politics. Therefore I failed my electorate, so I am getting out.

I thank the Hon. Norman Moore for his comments. I do remember those Tom Price days. I must say that when one looks at the history of the Pilbara one can see that the Pilbara has come

a long way, but the Kimberley has a heck of a long way to go before it can even match the Pilbara in its early days.

The Hon. Graham MacKinnon referred to the banning of scientology. I do not agree with scientology—I never have—but I always have disagreed with the banning of a religion. We should not ban religions, no matter how stupid they may seem to particular individuals. I am an agnostic, and that is a reason for my making the sorts of decisions which have led me to resign from Parliament. I have no god other than myself to forgive me, although please do not think I regard myself as a god. In any action I take I must be very careful as to its morality because I do not have a god to whom I can confess, and that is why I was very sensitive about the banning of any religion.

I thank the Hon. Norm Baxter for his comments. He mentioned bad roads. Sure, we have bad roads in the Kimberley, but also in the Kimberley some communities have no roads. I am not talking about there not being gazetted roads, I am talking about there being no roads at all to some communities—not even a track. One community can be reached only by barge, and for anyone who wants the explanation colourful, that access is through crocodile infested waters, and the odd person has been killed trying to get through.

What angered me so much and made me realise I was so ineffective as a member of Parliament was the fact that the initial change reduced the representation of the people in that part of the State which needs it most.

In any case, I refer to what my leader said; this matter should not be debated now. He was perfectly right. We have always known him as a pragmatic person.

I have said enough. I seek leave to withdraw the motion which allowed me to make my statement.

Motion, by leave, withdrawn.

## BILLS (2) INTRODUCTION AND FIRST READING

1. Bail Bill.
2. Acts Amendment (Bail) Bill.

Bills introduced, on motions by the Hon. I. G. Medcalf (Attorney General), and read a first time.

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

## HEALTH AMENDMENT BILL

### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by the Hon. R. G. Pike (Chief Secretary), read a first time.

### *Second Reading*

THE HON. R. G. PIKE (North Metropolitan—Chief Secretary) [7.34 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes various amendments to the Health Act which are designed to overcome anomalies and inadequacies that have emerged with the change in community living patterns since the provisions concerned were first enacted.

The Bill makes provision also for the full-time appointment of a deputy of the Commissioner of Public Health. Currently, the principal Act allows for such a person to be appointed for specified periods of time, while experience has shown that the commissioner's absences sometimes occur without sufficient time being available to obtain the Governor's approval to appoint a deputy. Section 10 of the Act is to be amended so the department can continue to function legally during the commissioner's approved absences.

Minor amendments are proposed to correct two omissions when metric terms were introduced into the Act.

A legal opinion has been received from the Crown Law Department advising that the present description of "Eating Houses" cannot be interpreted to include "take-away food premises". This type of business has assumed an important role in our way of life in recent years, and it is essential that these premises be subject to the provisions of the Health Act. An amendment is proposed to rectify this.

Another amendment is proposed to grant the pesticides advisory committee power to co-opt trade representatives from time to time, as the committee so requires, to advise on particular trade practices. This is necessary because of advances in manufacturing processes. It is felt desirable that those representatives be given the power to vote on those particular matters for which they may be co-opted. The amendment includes this provision.

Some doubt has been expressed by Crown Law as to whether the Act allows application fees to be charged, by regulation, when applications are being made for pesticide or poison registration. Costs are incurred in the investigation and

analysis of a poison or pesticide before it is registered. Therefore, the requirement of an application fee is considered reasonable, but requires an amendment to clearly allow it to be requested.

Provisions were included in section 241E of the Act, relating to grounds for the dismissal of a charge in respect of an offence against pesticide regulations when the ingredients of a pesticide were not always made known by a manufacturer, provided a user could prove that he did not know, and could not ascertain, the composition of the pesticide. However, with modern labelling requirements, all ingredients and strengths are clearly shown on pesticide containers. Those to whom these provisions apply now have no excuse for not knowing the composition of the pesticides and the danger in their usage. The Bill proposes to repeal this provision.

Another amendment proposes to give medical officers and school health nurses authority to examine and survey the medical conditions and diets of pre-school children being cared for daily at child care centres. These centres are registered with the Department for Community Welfare. That department has been using this service and has requested it be continued. However, it was found that there is no provision in the Health Act for the medical surveillance of this class of children.

It is proposed to amend section 337A where it implies that school dental therapists may be only females. This provision, which has been rectified in the Dental Act, is causing discrimination against males. Recently applications were received from males to train as dental therapists, but they could not be considered under the present provisions of the Act. The World Health Organisation has recommended that provisions indicating discrimination between the sexes be removed from legislation, and this amendment supports the concept.

A change of the name of an institution, empowered to nominate a member to each of three committees constituted to investigate three different types of mortality, requires three minor amendments to reflect this change in the Act.

The final amendment with respect to the renumbering of a subsection is very minor, but is required to rectify a small drafting anomaly which occurred in a previous amendment.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Lyla Elliott.

## MACHINERY SAFETY AMENDMENT BILL

### *Returned*

Bill returned from the Assembly without amendment.

## SUPERANNUATION AND FAMILY BENEFITS AMENDMENT BILL

### *Receipt and First Reading*

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

### *Second Reading*

**THE HON. I. G. MEDCALF** (Metropolitan—Leader of the House) [7.40 p.m.]: I move—

That the Bill be now read a second time.

Under the Superannuation and Family Benefits Act, membership of the State superannuation scheme is available generally to Government employees who are regarded as being employed in a permanent full-time capacity.

This Bill relates to that aspect of the superannuation arrangements that apply to persons appointed to statutory offices under the Crown.

Under the present legislation, contributors and other persons eligible for membership at the time they accept appointments to statutory offices are entitled to retain their superannuation rights.

In the past, these provisions have been interpreted by the Superannuation Board as applying also to persons appointed to statutory offices from the private sector. As a consequence, a number of such persons have been accepted into the fund, although it is understood that none has retired and commenced drawing pension payments.

However, legal advice provided to the board by the Crown Solicitor indicates that persons not employed in Government service at the time of their appointment to statutory offices are not eligible for membership of the fund.

The principal Act is seen to be inadequate in this regard, for there is no sound argument against all statutory appointees being entitled to membership of the fund, provided they are of an age at the date of commencement of service that would enable them to satisfy the minimum seven-year service requirement.

The superannuation entitlement of such persons would be determined according to their standard of health and the total service they would complete upon attaining their selected retirement age.

This Bill proposes to remedy the situation and also includes provision to validate the superannuation membership of statutory office holders whose entitlements have been called into question.

The Bill also covers a further matter: Because of the determinate nature of statutory and other term appointments, persons appointed to such offices are not assured of continued employment beyond the expiration of their appointment terms.

It is felt that where the appointments of such persons are not renewed after they have completed at least 10 years' service, standard retrenchment benefits should be paid. This would entitle persons so affected to receive a refund of their own contributions paid to the fund together with a supplementary payment from the State equal to 2.5 times those contributions.

Accordingly, the Bill provides that where, after at least 10 years' service, a statutory or term appointee's contract is not renewed and the person concerned desires to continue in the office, the termination shall be regarded as retrenchment for the purposes of the Act.

I commend the Bill to the House.

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

## **REAL ESTATE AND BUSINESS AGENTS AMENDMENT BILL**

### *Second Reading*

Debate resumed from 4 May.

**THE HON. R. T. LEESON** (South-East) [7.43 p.m.]: This Bill is important to only very few people. Indeed, we of the Labor Party would have liked the Bill to extend to encompass a greater range of people. Members all know the great difficulty currently faced by couples, especially young people, in the purchase of their homes; this applies particularly to the purchase of the first home. Over the last six or seven years we have seen a huge escalation in interest rates, as a consequence of which people trying to establish themselves and raise a family in a new home are suffering severe hardships. They face enormous monthly repayments and high interest rates.

It is easy, in the circumstances in which most of us are, to feel sorry for these people. However, most of us do not have to suffer those circumstances. I wonder what it would be like to be thrust back into that sort of situation.

The Bill before the House will enable the sum of approximately \$200 000 per annum to be distributed to first home buyers, to enable them to cover some of the initial costs in the purchase of a

home—the legal costs, the costs of drawing up mortgages, the stamp duty, and so on. The sum paid will be to the maximum of \$1 000 per person; and as the total sum available for distribution will be \$200 000, that will mean that if everybody were granted \$1 000, only 200 people would benefit. It is hoped that more than 200 people will be assisted in some way.

At present, estate agents and their employees pay a certain amount of money into a fund called a trust interest account. Presently the fund holds about \$1.25 million. In the last financial year, it was found that there was no need to draw on the fidelity fund, and the fund has gradually shown an increase over the years. No doubt the Government, in its hunt to do something for first home buyers, has found this small pool of money and is attempting to divide it up in a more equitable manner for those in need.

Previously, 50 per cent of the money was paid into a trust interest account for the purpose of a fidelity fund and the other 50 per cent was paid into a fund for the education of real estate agents. This has been going on for a number of years now. It has been decided that, as a surplus exists, the contributions will be split into thirds. One-third will go into the fidelity fund, another one-third will go into the education fund presently existing, and the other one-third will go into a special fund which will attempt to assist first home buyers to a maximum of \$1 000, as I said previously.

We would have hoped that more money would have been available for this service. As we know, over a number of years people have saved for deposits on homes and, when they have finally made it, they have found they have had to pay a considerable amount of money for odds and ends on the purchase of the home. This Bill will enable some money to go towards paying for the odds and ends involved in purchasing a house.

It is not many years since bank interest rates for home loans were 7½ per cent, although some were slightly less than that rate. Today, the rate is 13½ per cent; and if we listen to current news, we find the experts are saying that the rate could rise by another one per cent to 1½ per cent in the next few weeks. If it does, that will be tragic for those people.

We have seen also a dramatic decline in the number of people purchasing their own homes. We have seen a tremendous increase in the number of people who are fighting to rent properties in the metropolitan area. The vacancy rate now is something like two per cent in this city. It has not been as low as that for many

years. That shows clearly that people cannot afford to purchase a new home.

What is probably even sadder is the number of people who are in new homes and who cannot continue to meet the repayments, and who will have to move out of them. Two friends of mine have had to do that. They saved for years and accumulated deposits to purchase homes. They set them up the way they wanted them, and now they have had to sell the homes and find rental accommodation. At present, the cost of rental accommodation is a little less than they were paying on their mortgages.

Anybody who has been in that situation knows just how insecure such persons feel. That is a shocking thing; it is a sad thing for a lot of people in Western Australia.

In the years I have been in this House, I have heard people on both sides talking about interest rates on the one hand, and the economy and inflation on the other. Everybody tends to blame somebody else. We hear State Governments blaming Federal Governments; we hear Federal Governments blaming the global situation and the United States of America, and passing the buck, as it were. I wonder if, one of these days, we will take the bull by the horns and see what we can do in as localised an area as we can find.

When one talks to people who are supposed to be in the know about these things, they always refer to the United States of America and say that because the interest rate there is X per cent, and ours is Y per cent, we have to raise our rate to the United States rate, or we cannot exist. When I think about that, I think that one of the places that has suffered the most because of United States' monetary policies—if I can use that term—would be Kalgoorlie.

For a number of years Kalgoorlie was held to a gold price of \$35 an ounce, and the United States bought all the gold we could produce at that rate. For about 25 years that price was not increased by \$1. Because of that situation, Kalgoorlie suffered dramatically over the years.

We had people going to Canberra, virtually on their hands and knees, asking for small hand-outs to keep mines in operation because of the very low price of gold. We had Federal members from both the major political parties going to Canberra, cap in hand, seeking assistance for the goldmining industry. The industry was destroyed to a certain extent purely because the United States said, "Well, that's the price we will pay for that particular commodity, and we will not raise it by one cent." The effect of that in Kalgoorlie was

great. It was not as great in the metropolitan area, because Kalgoorlie was so isolated.

When people say to me, "The interest rate on that particular thing is 15.8 per cent; and because in America the rates are so high, we have to suffer them", I always remember the situation in Kalgoorlie. That is worth thinking about when Governments are looking at this important situation and the very sorry state in which we find ourselves at present.

We on this side of the House support the very small way in which this Bill assists first home buyers. We would have liked to see more money made available. Although people are asking for more money, only a certain amount is in the barrel and we have to make it go around. However, unless we do something about this problem in the next couple of years, tremendous social problems will be created in the years to come. We will not be in this place to debate those problems; but they will come.

My heart goes out to the people we are trying to assist. I hope that in some small way this Bill will help to provide what they need.

I support the Bill.

**THE HON. R. G. PIKE** (North Metropolitan—Chief Secretary) [7.57 p.m.]: I thank the Hon. Ron Leeson for his comments. I indicate to him and to the House that this is one of the initiatives taken by the O'Connor Government for the purpose of solving the problems of first home buyers.

The House would be aware, of course, that the State is limited in the initiatives it can take because the purse strings are held by the Commonwealth Government. It is significant to note that the O'Connor Government has taken, and is taking, as many initiatives as it can within its fairly tight budgetary constraints to help first home buyers as far as it is able.

I commend the Bill to the House.

The Hon. Robert Hetherington: Do you reckon it is better than the Court Government?

Question put and passed.

Bill read a second time.

#### *In Committee*

The-Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. R. G. Pike (Chief Secretary) in charge of the Bill.

Clauses 1 to 9 put and passed.

Clause 10: Part IXA inserted—

The Hon. R. T. LEESON: I would like to find out who may benefit by this Bill. I imagine many

people would want the assistance provided by the Bill. I realise the board will have power to make a decision; but what guidelines, if any, has the Government given?

The Hon. R. G. PIKE: I thank the member for his question and inform him that clause 10 sets out the type of assistance which will be given, but it does not in fact indicate the decisions of the board and they have yet to be established. However, the guidelines I have drafted for the board, which I imagine will be adhered to rather closely, are these: In the first instance, the price range for the dwelling will be \$30 000 to \$40 000; the applicant family may not own any other real estate; the salary of the applicant is to be between \$240 and \$330 a week; and the amount of the grant to be given to the applicant will range from \$250 to \$1 000, depending on his income.

Other than that, no positive guidelines have been set, because that, of course, is a determination for the committee to make and the committee is yet to be established. To answer the honourable member's question directly, I imagine those guidelines will be followed fairly closely.

The Hon. R. T. LEESON: Will a distinction be made between people living in metropolitan and country areas? I imagine everybody would be eligible, providing they meet the criteria.

The Hon. R. G. PIKE: Yes.

The Hon. R. T. LEESON: How will this assistance be publicised?

The Hon. R. G. PIKE: Inasmuch as this fund is funded, in the first instance, by real estate agents generally, real estate agents will be circularised and told this facility is available. To take the honourable member's point fairly, as the amount to be made available is approximately \$200 000, I imagine that will be taken up reasonably quickly. I assure the member that it is not as large an amount as the Government would like to see provided, but we are limited by the constraints of our own financial situation.

It is envisaged money will be made available equally to people living in metropolitan and country areas. No preference will be given to either metropolitan or country applicants. It will be a question of application and, as I understand it, no priority will be given to country or city applicants or to different valuations. Members would be aware that valuations are higher in some country areas than others.

In short, the answers to the member's questions are: Assistance will apply equally to country and city applicants. The information will be made available to people through real estate agents, which is very fair because they are providing the

funds in the first instance which will provide the interest to make available this assistance. The purchases must be made through a licensed real estate agent.

The Hon. J. M. BROWN: I appreciate the Chief Secretary's reply. My colleague, the Hon. Ron Leeson, referred to country and metropolitan applicants. In order to be eligible for funds from the Rural Housing Authority, one must first be refused funds by existing financial institutions. Money is lent by the Rural Housing Authority at concessional rates to people whose applications have been rejected by normal channels and who want to purchase a rural holding. Would such applicants be eligible for the type of assistance referred to in the Bill?

Terminating building societies make available limited amounts of funds, on occasions, at very attractive interest rates, to certain sections of the community. Would such applicants be eligible for the benefits laid down in the Bill?

The Hon. R. G. PIKE: To answer the honourable member's last question first, as I understand the Bill, anybody who is eligible for terminating building societies' funds would most certainly be eligible for this money. There is no limitation on that factor. The same criteria would apply to the eligibility of applicants for Rural Housing Authority funds.

However, I make the point to the Chamber that the decision that is to be made as to the bona fides of the applicant and his earning capacity will be a decision for the board to make when it is established. Decisions will be made based on the guideline that preference may be given to people in the lower socio-economic group in regard to income. That is the intention of the Bill and I believe that answers the honourable member's two questions.

The Hon. R. T. LEESON: I cannot find anything in the Bill which relates specifically to the purchase of established homes. Could the Chief Secretary give me some assurance, particularly in relation to the area I represent, whether the provisions cover both new and established homes?

The Hon. R. G. PIKE: The Bill covers both new and established homes. If an applicant in the member's electorate wants to apply for assistance, the real estate agent in the area should be informed very quickly, because those who apply first will be dealt with first. Once the \$200 000 grant has been exhausted, remaining applicants will have to wait until next year's allocation is made before they can be given assistance. I point out the amount of money provided may escalate

and I hope, with some degree of certainty, more money will be made available next year.

The Hon. J. M. BROWN: I appreciate the Chief Secretary's reply in relation to the Rural Housing Authority. I asked him a question without notice recently to which he was good enough to reply. I should like him to confirm that, if someone is in the course of constructing a house or is in the process of purchasing a residence, will retrospectivity enable such people to be eligible?

The Hon. R. G. PIKE: As I understand it, there will be no retrospectivity, because the problem we have experienced in regard to this Bill is that, notwithstanding our determination in this matter, assistance cannot be given until such time as the Bill is passed by the Parliament, the board is appointed, and the funds are distributed.

A great demand for assistance exists and I am given to understand some applications have been made already, but it will be up to the board to determine whether retrospectivity should apply. I do not think it would be unreasonable that retrospectivity be considered, but it is not provided for specifically and it would be an arbitrary decision of the board when it is established. From my point of view, as Minister, it seems retrospectivity should apply and assistance should be given to the first in line.

The Hon. J. M. BROWN: I appreciate what the Chief Secretary has said. I suggest favourable consideration should be given to people who have applied already in order that some relief may be given to home buyers. People who are in the process of purchasing homes now should be entitled to consideration for assistance whether they are purchasing new or existing homes. This is particularly valid when one bears in mind the recent rapid escalation in interest rates referred to by my colleague, the Hon. Ron Leeson.

Perhaps the Chief Secretary could give us an indication of his feelings on the matter, because home buyers who are in the process of building or purchasing a home should receive favourable consideration.

The Hon. R. G. PIKE: I take the honourable member's point directly and I give him an undertaking that I will ask the Director of the Chief Secretary's Department to communicate with this board when it is established, indicating the wish of the Parliament, and my wish, that the people who have made an application already for these funds will be dealt with first, and in order of preference.

The point made by the honourable member in regard to the purchase of an existing home and/or

one in the course of construction is taken, and the provisions will indeed apply to both situations.

The Hon. R. T. LEESON: The Chief Secretary referred specifically to the figure of \$200 000. The sum held in the fidelity guarantee fund at the present time is \$1.264 million. If we apply the current interest rate to that sum of money, it can be seen \$200 000 a year will be available without the necessity for advances or contributions from any other source.

It seems obvious the supervisory board has looked at the fund and said, "We are getting embarrassed by this money. Perhaps we should make a little offer through the Government to the people to get rid of some of it." However, the \$1.264 million will remain in the fidelity fund. The board has taken out insurance cover for claims and losses which, in the aggregate, exceed \$500 000 and yet it is intended to give only \$200 000 a year by way of assistance to those who are eligible.

By means of a very simple mathematical calculation, it can be seen \$200 000 can be derived from that fund by way of interest each year. Therefore, I hope that, once we have seen the way in which the fund operates, somebody in authority will say, "Alterations must be made so that we can step up the assistance we can provide." If a claim on the fidelity fund is not made within the next 12 months, it will hold a fairly tidy sum and, rather than have this money sitting in trust accounts, I would like to see it put to good use.

The Hon. R. G. PIKE: I take the honourable member's point. In my judgment, the Government has acted quite responsibly in regard to the allocation of the interest moneys earned by the trust fund and, indeed, a provision exists in section 115 to provide that, where the fidelity guarantee fund—which is called now the fidelity fund—has a shortfall, the Minister may, at the conclusion of that financial year, allocate money out of the home buyers fund into the principal fund. Therefore, the Government has to be mindful of the fact that the primary purpose of this is to provide a fidelity guarantee for real estate transactions.

Nevertheless, I take the point about the availability of funds and I have made preliminary inquiries to see whether, as Minister, I can extend the amount. I can assure the honourable member that, if that is able to be done, most certainly I will be looking to do it.

Clause put and passed.

Clauses 11 and 12 put and passed.

Schedule put and passed.

Title put and passed.

*Report*

Bill reported, without amendment, and the report adopted.

*Third Reading*

Bill read a third time, on motion by the Hon. R. G. Pike (Chief Secretary), and transmitted to the Assembly.

**ELECTORAL AMENDMENT BILL***Second Reading*

Debate resumed from 5 May.

**THE HON. J. M. BERINSON** (North-East Metropolitan) [8.15 p.m.]: The manipulation of our electoral system by the Government parties has been achieved mainly by way of the Electoral Districts Act. By its scandalous abuse of that Act the Government has developed malapportionment to the state of a fine art; but just occasionally even that has not been enough for its purposes. It has then turned to the Electoral Act for what additional advantage might be gained there, and any proposal to amend that Act therefore must be looked at very closely.

Having subjected this Bill to that close examination, I am pleased to report that it does nothing sinister. Perhaps that is because it does nothing at all; by which, of course, I mean that it does nothing useful.

What this Bill does provide may be summarised as follows: Firstly, the date of application for enrolment, which has always been required by the prescribed form, has now been made what section 44 of the Act calls "an essential part" of the claim. Secondly, a claim for enrolment must reach the Electoral Registrar within 31 days of its date or it will be rejected. Thirdly, any person to whom a claim form is entrusted and who does not forward it within 31 days becomes guilty of an offence. Fourthly, certain alterations or erasures on the claim form must be initialled by the claimant or his witness.

Listening to the Chief Secretary's speech, one could imagine that these measures are urgent and even valuable. In fact, after 30 years of active electioneering, I am at a total loss to understand what good the Bill will do and what real—as opposed to theoretical—harm it is likely to prevent. For example, the whole rigmarole of demanding a date on the claim form and lodgment within 31 days is to meet a situation which the Chief Secretary describes in this way—

At present, a claim form correctly completed, for example, on 1 January 1982 would be accepted by the Electoral Department even if it was not received until 1 December 1982.

Let us look at this in a practical way before launching into another set of regulations for their own sake.

How often has a delay like that occurred or how often is it likely to occur? What real difficulty has been caused to the Electoral Department or is likely to be caused?

Of all the areas in the electoral system crying out for reform, how on earth can this one be justified as a matter of priority? The Minister expresses concern that "an unscrupulous person might deliberately refrain from lodging a claim card completed by a known opponent of his particular political persuasion." I am not so naive as to deny the existence of unscrupulous persons, but anyone wasting his time on the sort of exercise suggested by the Chief Secretary would not only be a person who is unscrupulous but also one who is a long way under par. It is simply not worth the effort. Anyone who is to be unscrupulous about electioneering—and without getting too personal about it, the Chief Secretary and his colleagues ought to know something about this—would not want to be spending his time on this sort of nonsense.

What does call for comment from the provisions of this Bill is the way in which it is part of a pattern adopted by this Government to minimise rather than maximise the participation of citizens in the State's electoral system.

The Hon. Lyla Elliott: Hear, hear!

**The Hon. J. M. BERINSON:** If any way can be found to have that effect even at the margin, this Government will find it.

The absence of a date, or the failure to initial a minor alteration, or the lodging of a claim 35 days after signing—if any of these trivialities can be used to reject a claim, this Government will be happy to reject it. All the better, from the Government's point of view, if the resources of the Electoral Department can be diverted by the same means to additional unnecessary checks and the processing of rejection advice. That way the department will have even less opportunity than it has now to take some initiatives to encourage an increased enrolment.

In its own small way this Bill reflects the same attitude as led to the current restrictive requirement that the claims of new voters should be witnessed by justices of the peace or police or electoral officers. It is part of the same pattern

which leads to the refusal to adopt joint Commonwealth-State rolls on spurious States' rights arguments. It is part of the same ideology which regards an enrolment drive by members of this House as in some way improper, despite the fact that otherwise many thousands of people are left outside the electoral process; as many as 6 000 in North Province alone.

Let me make clear the position of the Opposition. In the interests of efficiency and economy we will, at the first opportunity, facilitate a joint Commonwealth-State roll. We will repeal the provisions that only JPs and police or electoral officers can witness a claim for first enrolment. Any elector should be acceptable for that purpose in line with the previous position in this State and the continued provision in the Commonwealth and all other States.

In general, we will act consistently with the view that not only should every citizen be entitled and required to vote but that also the process should be as simple and as easily understood as possible.

As for this pitiful little Bill, it is pointless and useless. That it should be introduced at all when so many serious aspects of the electoral system are in real need of reform is a measure of the Government's cynicism in electoral matters and of its shameful disregard for democratic principle.

**THE HON. P. H. WELLS** (North Metropolitan) [8.23 p.m.]: We need to be very careful with electoral matters. I am reminded that it is not so long ago that the Press was indicating that dead people were voting at local government elections. This indicated to me that our electoral system is very fragile.

To some degree this Bill tightens up our electoral system and ensures there are no loopholes in at least one area of our electoral rolls so that they are not open to manipulation.

I am reminded of an incident that occurred while I was involved in a Federal election campaign, although it could have occurred during a State election. As chairman of the Viner campaign, I received advice from people in Fremantle of a rumour that large numbers of people living in the Fremantle area had been transferred to the Stirling roll to overcome the fact that, at the previous election, a candidate had been defeated by 12 votes. This indicated how easy it was for people with ideas of manipulating the system to do so in their quest for power.

The Hon. Robert Hetherington: Do you mean the Liberal Party and this Government?

The Hon. P. H. WELLS: The rumour was that the ALP had manipulated the roll. I had no way

to verify that. When I investigated the possibility I found that manipulation could quite easily occur.

There are people who, in their quest for power, are willing to manipulate people and who might hold on to electoral cards and not forward them in time for elections. Evidence has been revealed before of this sort of thing. Therefore, I believe a Bill which attacks that problem and tries to protect people's rights under our electoral system is right and it behoves us to support it. This Bill seeks to close certain loopholes that some scurrilous person might use to manipulate our electoral system for his own end.

**THE HON. GARRY KELLY** (South Metropolitan) [8.26 p.m.]: The speech by the Hon. Peter Wells was rather remarkable. It seems to me that if the Electoral Department were given the funds to pursue its task of putting people on the rolls as the Commonwealth Electoral Office does, the necessity for this nit-picking Bill would disappear. If the funds were available for the Electoral Department to conduct the required census it would be able to ensure that people were enrolled and there would be no necessity for people other than electoral officers to conduct electoral enrolment drives. The only reason our rolls are in such a poor state is that the Government and this Minister are not prepared and do not want to have the maximum number of people enrolled. They are trying to restrict the franchise.

If anything, this Bill is an example of the Government rearranging the deck chairs on the *Titanic*. It is a piddling piece of legislation and it is doing what really does not need to be done, because there are more important things that need to be done. Amendments should be made which would have the greater effect of increasing enrolments rather than searching for straw men to knock over.

The Hon. Joe Berinson mentioned the restricted witnesses provision for new enrollees. If that provision were removed and replaced by a provision that only electors or people qualified to be electors may witness claim cards, the number of people on our rolls would increase markedly. Should such an amendment come before the House it would be something the House should accept which would increase enrolment of people eligible to vote at State elections.

**THE HON. ROBERT HETHERINGTON** (East Metropolitan) [8.28 p.m.]: I had not intended to speak to the second reading of this Bill because it seems to be an example of petty paranoia on the part of the Chief Secretary and

his Government. The Hon. Peter Wells has brought me to my feet because I found it very interesting that he should make his comments as a member of a Government prepared to manipulate Constitutions in order to retain power. They are the first people who try to manipulate anything. Any manipulation anyone could carry out under the legislation as it stands, which this Bill is trying to cure, pales into insignificance against the manipulation of our Constitution, our Electoral Act, and our electoral system by the Court Government and the so-called compassionate O'Connor Government that the Chief Secretary keeps talking about as he tries to build up a new myth.

The Hon. G. E. Masters: You are very sensitive.

The Hon. R. G. Pike: You are having trouble with your sibilants.

The Hon. J. M. Berinson: But not with his facts.

The Hon. ROBERT HETHERINGTON: I am having no trouble with my facts. I accuse the Government of deliberately manipulating the electoral system in order to maintain power. It knows all about power. It is the people opposite who are always accusing the Labor Party of trying to get power.

It is through a fair electoral system that we are trying to attain power; we are not trying to entrench ourselves in power by the manipulation of the electoral system and the malapportionment of it, and by trying to entrench privileges in the Constitution; like the Liberals do; so I just find the mealy mouthed statements of the Hon. Mr Wells fairly disgusting. As accusations are being hurled around the place, I find, by reading a debate that happened in the House last week when I was not here, that some members behind the Government, such as Mr Lockyer, seem to think that if someone is putting people on the electoral roll he is electioneering. Of course, this shows the Government's whole attitude.

The Hon. P. H. Lockyer: Watch your nose because I will be on my feet in a minute to expose you.

The Hon. ROBERT HETHERINGTON: That does not worry me in the least. The honourable member can get on his feet and expose anything he likes!

[Laughter.]

The Hon. D. K. Dans: Don't encourage him!

The Hon. ROBERT HETHERINGTON: I have a strong stomach.

The Hon. P. H. Lockyer: You will need it.

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): Order!

The Hon. ROBERT HETHERINGTON: This Government has used the Electoral Act as its form of electioneering to try to keep people off the roll. Therefore, if people are put on the roll in a blanket enrolment where one cannot ask them what party they support, it is regarded by some people, and apparently by Mr Lockyer, as electioneering. I was interested to find that during my second absence in four years, when I was away for three days, the people who cry "Foul, foul" when anybody else gets up and mentions that members are not in this House, immediately got up and said that I was away up north electioneering; I was away up north, putting people on the electoral roll.

The Hon. P. G. Pental: You should have been in the House.

The Hon. ROBERT HETHERINGTON: Whether I should or should not have been is for me to decide.

The Hon. P. G. Pental: No, it is not.

The Hon. ROBERT HETHERINGTON: It has always been for other members to decide where they should or should not be. Every time a member gets up in this House and asks for leave of absence for private business, should we challenge that to find out what kind of business it is?

The Hon. Lyla Elliott: That is right.

The Hon. ROBERT HETHERINGTON: I find it very interesting that we have forms of the House which allow people to be away for various times. I can remember a time in this House when there were so many people absent from the Government side that the Government could not pass a Constitution Amendment Bill when one member did not hear the division bells.

The Hon. G. E. Masters: How many were away?

The Hon. ROBERT HETHERINGTON: It did not have a constitutional majority on that occasion.

The Hon. G. E. Masters: How many would need to be away for that sort of vote?

The Hon. ROBERT HETHERINGTON: There were enough absent.

The Hon. G. E. Masters: We have seen two of you sitting in the House day in and day out, and no more.

The Hon. D. K. Dans: Mr Masters, if you want to pursue this argument, I will pursue

it in relation to who is in the House and who is not.

The DEPUTY SPEAKER (the Hon. V. J. Ferry): There are far too many interjections.

The Hon. D. K. Dans: It is a devastating fact.

The Hon. ROBERT HETHERINGTON: I am just mentioning that the Liberals manipulate anything that suits them to keep power. They are the first to cry "Foul" when anything happens that they do not like.

The Hon. D. K. Dans: A mob of girls!

The Hon. G. E. Masters: Come on!

The Hon. ROBERT HETHERINGTON: If members on this side happen to be putting people on the roll, members opposite are afraid that the people being enrolled will vote against them. I can certainly inform the Chief Secretary and all his minions baying behind him, that when I knock on doors and ask people if they are enrolled, I do not inquire about their politics. I also say quite categorically that if a Liberal asked me to help him enrol, I would do so. If he gave me the card I would hand it in. I happen to believe in democracy and continue to do so; unfortunately, this Government does not.

We have this little Bill to which I have no objection. Of course, it is possible that some people who go around enrolling people will forget that they have got a pile of cards on the mantelpiece. It has happened in the past with no malicious intent. I certainly hope that people like that who offend against this legislation will not be prosecuted vigorously because this can happen accidentally. Certainly, I believe that if it can be proved that a person has deliberately manipulated the enrolment of people or taken their cards away and lost them, he should be severely prosecuted because that is a disgraceful and disgusting thing to do in a democracy. I would never support it. I do not think it happens very often and if it does happen at all I think it would be well balanced throughout the community.

The Government is putting up another little fence to pretend it is worried about the electoral system. It is hiding the fact that it has been malapportioning and gerrymandering our electoral system for years and is continuing to do so. We will see a new set of justifications and clichés, no doubt, from the new colonial secretary. I hope that game will continue.

I do not really oppose this Bill because I hope that everybody who goes around knocking on doors in enrolment drives does what I do and makes sure that every card is treated properly and handed in. Of course, it is very difficult to do so,

and I suggest that the honourable Chief Secretary opposite tries a little enrolment drive one day in some area in his own electorate where he thinks it is fairly safe to do so. He could find there is a problem in saying, "Look, here is the card. I will fill it out for you. Go down to the police station and they will sign it for you and witness it." This is done by friendly and well intended policemen, but enrolling is much harder than it ought to be.

One of the things I have found which interested me in my little excursion was how upset and offended were some electors, some of whom were members of the Liberal Party in the north who thought they were enrolled because they had a card from Victoria or some enlightened State which has a common roll and they thought that once they had filled out the Federal card they were enrolled for the State. I found myself standing on the doorstep arguing with a woman, who I am sure would not vote for the Labor Party, to convince her she was not on the State roll. She flourished the Federal enrolment card in front of me.

I suggest to the Government that if it really believes in democracy, in people voting, and in getting people to exercise their franchise, it should stop confusing them and should move towards a common roll. It should get rid of all the fatuous and specious arguments we have heard from the new Chief Secretary since he has disgraced this question. Even on the third occasion he has spoken about it I have heard so much fatuous foolishness that I was quite dumbfounded.

The Hon. Tom Knight: I thought he explained it very well.

The Hon. ROBERT HETHERINGTON: I am hard to dumbfound, but the Chief Secretary has managed it. It would be a good idea if we did what the Bill says and let any elector or any person wanting to be an elector witness the card. It would be better still if we had a joint roll which would be considerably to the benefit of the electors in this State and also to that of the democratic system in Western Australia. Of course, the Government could well spend a little money increasing the Electoral Office staff so they could go around knocking on doors or work with the Federal Government people who go around knocking on doors inquiring if people in this State are on the roll. Although I do not mind in one way spending the money and doing this myself, in the interests of democracy, I do resent having to do a job that should be done by members of the Electoral Office because it is understaffed and, as my honourable friend, Joe Berinson, has said, will be even busier with the nitpicking which will go on in relation to this Bill.

The Chief Secretary should go back to laws and to first principles and try to get some kind of a decent, democratic electoral system, even at the risk—as the one good Liberal we had in this country once, the Premier of South Australia (Mr Steele Hall) did—of endangering his own Government. It would be a good idea if we all tried to work out an electoral system that gave the party with 50-plus per cent of the votes the government of this State. Presently, the electoral system is not designed to do that and this little bit of fiddling with it does no great harm, but it does point out the Government's hypocrisy in relation to this whole question.

**THE HON. P. H. LOCKYER** (Lower North) [8.41 p.m.]: The Hon. Robert Hetherington's speech reminds me of a noxious weed called Salvation Jane which is prevalent in South Australia!

The Hon. Robert Hetherington: It is very pretty and makes good honey.

The Hon. P. H. LOCKYER: It is pretty but useless.

The Hon. Robert Hetherington: No, it is very good for honey. You want to get your facts right.

The Hon. P. H. LOCKYER: Like the Hon. Robert Hetherington, I do not care too much about whether or not the legislation goes through; I believe that the Electoral Office is merely tidying up a section. However, I was very interested in the comments of the honourable member and the glare of his halo. I make it quite clear I do not doubt that honourable member's honesty in this regard. I believe what he said tonight was true. He is the sort of person who would tell the truth.

The Hon. R. G. Pike: Likewise.

The Hon. Lyla Elliott: It is a different thing. You are picking on us behind our backs.

The Hon. P. H. LOCKYER: I made some comments about the member's colleague who sits next to her, who once again is absent and who very carefully made no mention of any other member last week. So be very careful what is said, madam, because you may find you are incorrect.

The Hon. Lyla Elliott: I can read *Hansard* like anybody else.

The Hon. P. H. LOCKYER: The member should be in her correct seat if she wants to enlarge on it.

The Hon. D. K. Dans: She is there.

The Hon. P. H. LOCKYER: Tonight! Is Mr Dans going to start on me now?

The Hon. Robert Hetherington: Would you like soft violins?

The Hon. P. H. LOCKYER: I say to the honourable member that while he may be honest and lodge the cards, as I have no doubt he does, some of his colleagues do not.

The Hon. Robert Hetherington: I don't believe that.

The Hon. D. K. Dans: What evidence do you have of that?

The Hon. P. H. LOCKYER: We have seen advertised in a magazine put out by the Australian Labor Party called *Labor Voice* the procedure for doing this ghastly thing. I can hear the screams of the childish new member behind me, whose greatest claim to fame is that he could not remember the name of the previous Premier of this State when making his maiden speech.

The Hon. Robert Hetherington: That sort of personal view does not help your argument.

The Hon. P. H. LOCKYER: The procedure was that they should be in groups of three or four and should knock on a door and display in a prominent place evidence of membership of the Australian Labor Party. One does not have to expose oneself to display this in a prominent place.

The Hon. D. K. Dans: You are boasting again, Mr Lockyer!

The Hon. P. H. LOCKYER: Perhaps we will have a comparison.

The PRESIDENT: Order!

The Hon. P. H. LOCKYER: If they received a negative response from a person they were to immediately leave the area and not sign up anybody. However, should the response, in their view, be such that it encouraged them, they should then proceed to find out (a) whether the person is on the roll, and (b) if not, why he is not, and place him on the roll. If honourable members opposite wish to deny that, I will go to the trouble of researching—

The Hon. J. M. Berinson: That is not the point. The article suggested the form should not be posted in.

The Hon. P. H. LOCKYER: Do not get off the subject.

The Hon. J. M. Berinson: I am trying to get onto the subject.

The Hon. P. H. LOCKYER: I am exposing the procedures stated in the article. Does anyone want to get up and deny it?

The Hon. J. M. Berinson: Can't you do better than that?

The Hon. Robert Hetherington: Of course, he can't!

The PRESIDENT: Order! I ask honourable members to cease their interjections and I suggest the honourable member addressing the Chair do that and ignore the other members.

The Hon. P. H. LOCKYER: Thank you, Mr President, I shall endeavour to do that.

If honourable members seated close to me wish to deny that the article was printed prior to the Bill being presented to this House I will hunt it up.

The Hon. R. G. Pike: I have the article here and will quote from it during the debate.

The Hon. P. H. LOCKYER: It is a fact and all the bleating from the nitwits seated near me—

The Hon. Robert Hetherington: Make your comments more parliamentary.

The Hon. P. H. LOCKYER: This kind of thing does occur and if those who oppose the provision think it is irrelevant it is because it is a simple procedure and they have been doing it for a considerable time. While I do not reflect on honourable members opposite, I put it to you, Mr President, that the possibility is that selective enrolments have been occurring for some time.

The Hon. J. M. Berinson: What have selective enrolments got to do with this Bill?

The Hon. Fred McKenzie: Talk about something in the Bill.

The Hon. P. H. LOCKYER: I close by saying—

The PRESIDENT: Order! If honourable members would cease their interjections the Chair would have the opportunity of endeavouring to find out whether the honourable member is referring to the Bill. I cannot hear him.

The Hon. P. H. LOCKYER: Thank you, Mr President. As I understand it the Bill provides for only 31 days to elapse before the card must be submitted. It stops people from holding back cards and putting them in close to an election. It also stops people from manipulating the system, and I suggest this does go on. If members of the Opposition have their halos shining and say it does not happen I suggest they go out and see their workers because I suggest they are doing the wrong thing.

THE HON. LYLA ELLIOTT (North-East Metropolitan) [8.49 p.m.]: I have never heard such self-righteous claptrap in my life. I have sat in this Chamber for 11 years and have seen other amendments to the Electoral Act. It is sickening

to sit here and hear nonsense from the other side about ensuring the rights of electors.

Members of the Opposition support the principle contained in this Bill. We believe that if someone assists a person to fill out an electoral card it would be immoral not to submit that card and I strongly support what previous speakers from this side of the House have said on this issue. We believe in democracy—the Hon. Bob Hetherington referred to the Labor Party believing in democracy—and for that reason we support the principle in the Bill. I hope, Mr President, that you will forgive me if I am suspicious about the implications behind the Bill, although I cannot see any at the moment. It does seem a reasonable proposition.

Members will recall that in 1976 this party supported an amendment to section 129 of the Electoral Act and we accepted in good faith what we were told on that occasion, that that amendment was designed to assist illiterate voters. We were not suspicious of the sinister motives of the Liberal Party on that occasion. We accepted what we were told; but in the 1977 State election this sinister plan was revealed when the Liberal Party sent to the north-west a team of smart Alec Liberal lawyers to harass and bully Aboriginal voters at the booth.

This was exposed in the subsequent Kimberley court of disputed returns. On several occasions I have quoted from the evidence submitted to that court. Evidence was submitted that the then member for Kimberley, Mr Alan Ridge in a letter to a Liberal supporter said that unless an amendment was made to the electoral laws the Aboriginal people would become enrolled and vote against the Liberal Party and it would be to its disadvantage. We saw the result of this: the amendment to the Electoral Act which not only made it difficult for Aboriginal and illiterate people to enrol but also affected a lot of other people in remote areas. It is nonsense that a JP, clerk of courts, or a police officer should witness signatures on electoral claim cards. The amendment was designed to make it difficult for people in remote areas to enrol, because the Liberal Party knew that these people voted Labor.

I was disappointed when, with other colleagues, as members are aware—because of the difficulties this Government has applied to enrolling, not only by way of an amendment to the Electoral Act—

The PRESIDENT: Order! Honourable members, there is far too much audible conversation which is making it extremely difficult not only for *Hansard* but also the Chair

to hear the honourable member legitimately addressing the Chair.

The Hon. LYLA ELLIOTT: A visit to the north-west was organised by the Labor Party in order to assist people to enrol on the State electoral roll and claim their right to vote. The right to vote is a precious right which was fought for and won over centuries and not without a great deal of loss of blood and indeed life itself. The Government has not only made it difficult for people to enrol but also it is starving the Electoral Office of funds and personnel so it cannot carry out the function of assisting people to make sure they are on the roll. Its plan of depriving the people of a vote is working. We came across numerous people who were on the Federal electoral roll who were astounded to find that they were not on the State electoral roll. Not only is it bad enough for this State to have corrupt electoral boundaries but the Government also has to make the situation worse by making it very difficult for people to enrol and vote.

I was very disappointed when I returned on Friday morning to find an article in the newspaper headed, "Government pair attack ALP absence." I can say only that was a cowardly attack.

The Hon. Robert Hetherington: Hear, hear!

The Hon. LYLA ELLIOTT: The attack took place behind our backs when we were not present in the Chamber to answer it. The Hon. Phil Lockyer said tonight that he was not really complaining about me—no, not when I was in the Chamber, but he was prepared to attack me in my absence.

Talking about electors being disadvantaged is absolute rubbish. As Mr Lewis and Mr Lockyer would know—both being country members—a member absent from his or her electorate does not necessarily disadvantage electors because other arrangements are made to take care of problems. In most cases a secretary is on call all the time; there is also the telephone.

The Hon. P. G. Pandal: You are supposed to be representing them in Parliament.

The Hon. LYLA ELLIOTT: I am talking about three days' absence, not weeks of absence. If members are talking about absence from this Chamber all I can say is this Chamber is a farce. I have sat in this Chamber for 11 years and have had to suffer the indignity of the power of the numbers game that is imposed by the conservatives of this State.

The Hon. Robert Hetherington: Hear! hear!

The PRESIDENT: Order! I ask the honourable member to relate her comments to this Bill.

The Hon. LYLA ELLIOTT: With respect Mr President, I feel it is very relevant because we are talking about the election of a Parliament in this State and about the whole process of enrolment, the right to vote and representation in Parliament. Because of the system that has existed since 1890, this upper House is a farce. The Labor members have not been able to get a majority because of the corrupt electoral system that exists in this State. The members on this side of the House support this Bill. I do so with some trepidation, having knowledge of the way in which we have been fooled in the past by the sorts of dishonest amendments introduced to the Electoral Act by this Government. This afternoon one of its own members, the Hon. Bill Withers, expressed despair at what had been going on in his own party.

The Hon. Fred McKenzie: Silence from the other side.

The Hon. LYLA ELLIOTT: The Government has cooked the system to assist itself. It is a gerrymandered system and the whole question of enrolments is part of it. The whole purpose of the visit to the north-west by Labor members was to assist people to exercise their democratic right to enrol and to vote for the State Parliament. Those members who criticised the Labor members in this Chamber for endeavouring to do this should be ashamed of themselves for their petty personal attacks. They should hang their heads in shame because of the disgraceful conspiracy that has been perpetrated by their party on the electors of this State, when amending the electoral laws previously.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [8.59 p.m.]: I would like to introduce some levity to this debate. The House could be excused if it had forgotten that the Opposition is actually supporting this Bill.

The Hon. Lyla Elliott: With great suspicion.

The Hon. D. K. DANS: With great suspicion perhaps, but the fact is we are supporting it and it has given rise to a number of comments by Opposition members, all of which I support. However, the important thing is that the debate has demonstrated the level to which members are sinking in this Chamber. When I first came into this House one never mentioned when a member was absent from his place.

Let me remind those members who, during the debate on this Bill, have been commenting about other members who are absent from the

Chamber, that they are getting into a dangerous area. People in glass houses should not throw stones. The traditions of this House and the Standing Orders have been worked out over a long period, and we have unwritten conventions by which this House operates. Those conventions have been thought out by all members, irrespective of political party. Some members have referred tonight to members of my party being away in the north-west. They are there, in conjunction with their parliamentary duties, to put people on the roll. It is difficult now for people to be put on the roll. Most parliamentary systems, even in countries with totalitarian regimes, make it easy and simple for people to become voters. In this State it is made difficult, and in some cases impossible, for a person to get his name on the roll and exercise his democratic right to vote. That applies not only to Aboriginal voters, but also to all people particularly in remote areas such as the Kimberley and the Pilbara.

I want to refer to *Labor Voice*, and at the risk of being publicly strung up, I have to admit I have not read the article. I had enrolled hundreds of people before the system of having a JP witness the enrolment was introduced. Not once have I asked a person which political party he supported. Many members in this Chamber, of all political creeds, will have done the same. Let us face facts and not bury our heads in the sand. One can enrol 100 people who may say they support one's cause and then vote against it. I recall the comment of the late Pope John—and I do not want to be accused of being religious—when the Italian Communist Party vote was increasing. He warned the nation not to vote for the Communist Party. He said only God could look inside the ballot box. At the next general election, the Communist Party vote went right down.

I am making that point because with our secret voting procedures no-one knows for whom a person is voting. Let us hope it remains that way. I see some points to commend in this section of the Bill, but I do not commend the motive behind it. The Bill is really saying that anyone can fill in an enrolment card; but he may not be able to get a JP to witness his signature within a month. It is making it more difficult.

Let me return to the matters that have been exercising people's minds in the last couple of weeks, and refer them to Standing Orders. I am an expert on Standing Orders and members know that I rarely take a point of order against another member. On page 19, Standing Order No. 47 refers to the absence of members. With your

indulgence, Mr President, I will read it because it has been raised in debate on the Bill. It says—

If a Member fails to attend the Council for one entire Session without the permission of the Council (such permission being entered in the Minutes) his seat thereupon becomes vacant.

So if a member appears just one day before the session ends, he will not be struck off the roll. I do not know of many jobs that give so much freedom. Of course a member is still on the payroll during that time. Standing Order No. 48 says—

A Member who is absent for more than six consecutive sittings of the Council without leave duly granted shall be deemed guilty of contempt, and may be dealt with under Standing Order No. 112.

It is saying that a member can go away from this Chamber on parliamentary business for six days while the House is in session, without having to obtain leave.

The PRESIDENT: Order! The honourable member has suggested that because previous speakers deviated from the subject matter of the Bill, that automatically creates a situation where everybody else can do so. I assure the honourable member that is not so. I have been quite tolerant of his comments up to now, because when I returned to the Chair after having been absent due to parliamentary duties elsewhere, I found the member who was speaking was indeed straying from the Bill. Out of courtesy to the Leader of the Opposition, I have permitted him to make his points. I am sure that by referring to those Standing Orders, which have absolutely nothing to do with the Bill, he has made the point he was trying to make. I suggest that anybody else who wishes to speak on this Bill confines his comments to speaking about the alterations that are made to sections 42, 44, 190, 194, and 211 of the Electoral Act. That is the subject matter of the Bill.

The Hon. D. K. DANS: I take the point, Mr President, but I believe that when comments are made in the House and are entered into *Hansard*, one should be able to answer them. I agree with your direction and perhaps members may now have got the message. If we continue to descend to the level this debate has reached there is no future for the parliamentary system as we know it. We might as well give it away completely.

I said at the outset that we support this Bill, but we are very suspicious of the motives. After listening to the debate tonight members on the other side have given the impression we are

opposing the Bill. I hope future debates are not allowed to continue to the extent that this one has—and I have regard for the fact that you were not in the Chair, Mr President—to a point where it takes away from the Opposition the right to reply to arguments raised in the debate.

**THE HON. R. G. PIKE** (North Metropolitan—Chief Secretary) [9.10 p.m.]: I want to refer to the comments of the Hon. Joe Berinson who asked about the purpose of the amendment and what evidence we had that people were enrolling other people, discriminating on a political basis, and the comments made by the Hon. Bob Hetherington who said the House should cry, "Foul, foul" about this Bill. I would like to borrow from Shakespeare and say of the Labor Party attitude that fair is foul and foul is fair. I want to read an extract from the *Labor Voice* of August 1979, at page 13 where it says—

**Specific Target Drives**

These are aimed at specific groups. Mobilise a team of about 12-16 volunteers.

**THE PRESIDENT:** I ask the Chief Secretary whether he is going to relate this particular extract to the sections of the Act he is proposing to amend in this Bill. The Chief Secretary will be aware that I said to the Leader of the Opposition that even though some people have strayed from the Bill, that did not give licence to anybody else to follow suit. I hope the Chief Secretary recognises that this Bill was introduced in a particular way and for a special purpose, and that is to confine the comments on the Electoral Act to those particular sections which are being amended. The position of the Chief Secretary is unfortunate, but I am not going to allow him or anybody else to deviate from this point, having stopped the previous speaker from doing so. Is the Chief Secretary going to relate his remarks to the Bill?

**THE HON. R. G. PIKE:** I am relating the quotation to the amendments to sections 42 and 44 of the Bill, on the basis that it deals with enrolment procedures and classifications for enrolment. The quote I am taking from *Labor Voice* deals specifically with that subject. It goes on to say—

Try and make sure that they are representative of the target group in terms of age, dress etc. They should also wear large and distinctive badges clearly indicating that they are members of the Australian Labor Party. Organise the team into groups of about four giving each group a particular area.

**THE HON. D. K. DAns:** That has nothing to do with the Bill.

**THE HON. R. G. PIKE:** The Leader of the Opposition does not want to hear it. He does not want to hear about enrolment procedures.

**THE PRESIDENT:** Order! I suggest the Chief Secretary does not pursue that tack because unfortunately I will have to tell him to cease. I contend that what he is saying has absolutely nothing to do with the Bill.

**THE HON. R. G. PIKE:** I ask for further guidance, Mr President, because the next three lines of quotes deal with enrolment cards and procedures which, I submit, is precisely to do with the amendments to the section of the Act before the House.

**THE PRESIDENT:** To which section in particular are the comments related?

**THE HON. R. G. PIKE:** They deal in particular with sections 42 and 44 which relate to enrolment procedures and claim cards and the mechanical process of enrolling people.

**THE PRESIDENT:** The Chief Secretary may proceed and I will see how the matter develops.

**THE HON. R. G. PIKE:** The article goes on to say—

Make sure that the groups have adequate supplies of enrolment cards and some knowledge of enrolment procedures. If occupants react negatively, the groups, working in pairs but close to each, simply move on.

If the occupants react positively to the mention of the ALP or the local candidate, then ask if any of the occupants are not on the roll.

In the North-West there is little doubt that money will not be.

**THE HON. D. K. DAns:** That has nothing to do with the Bill.

**THE HON. R. G. PIKE:** The Opposition does not want these comments to come out.

**THE PRESIDENT:** Order! The Chief Secretary must desist. He is straining the bonds of my tolerance to a degree where I am about to stop the honourable member speaking at all. If the Chief Secretary wishes to pursue that line of argument I suggest he should begin immediately to sum up.

**THE HON. R. G. PIKE:** In summary of that comment, I make the point that there we have written evidence of the Labor Party directing its canvassers to move on to other people if the persons are not Labor supporters.

**THE HON. D. K. DAns:** Come off it.

The Hon. R. G. PIKE: I now pass on to Judge Kay's report.

The Hon. P. H. Lockyer: Guilty as charged.

The Hon. D. K. Dans interjected.

The Hon. R. G. PIKE: The House will notice that as a matter of fact and history in this place, whenever facts are adduced that denigrate the Labor Party or indicate that it is wrong, the Leader of the Opposition shouts in order to drown out those comments.

The Hon. D. K. Dans: You are the greatest phoney ever to have come into this Chamber.

The Hon. R. G. PIKE: Thus we hear the noise, the shouts, the yells from the Leader of the Opposition.

The Hon. D. K. Dans: You are wet.

The Hon. R. G. PIKE: I will be when I drink this water.

The Hon. D. K. Dans: Pour it on your hat.

The Hon. R. G. PIKE: If the Leader of the Opposition can accept this without yelling and drowning out the record, I will quote certain sections of Judge Kay's report. The Hon. Joe Berinson, the Hon. Bob Hetherington, and the Hon. Lyla Elliott commented on what they see as the difficulty of enrolment procedures and the necessity for the claim forms to be witnessed by a JP, a police officer or a clerk of the courts. I can do no better than to quote from the Judge Kay report.

It is terribly significant to realise that when the Hon. Lyla Elliott referred to a court case and the decision made went against the Liberal Party, that was, in her opinion, a case involving a good judge and a good decision. However, when we have a decision by a judge who brings down a report that is not to the advantage of the socialist Labor Party, it is a foolish judge, a bad report, and its contents are incorrect. Nevertheless, members will note the degree of noise and resonance from the Leader of the Opposition in respect of the facts I am about to make known.

The Hon. D. K. Dans: There is a big difference between an inquiry and a court.

The Hon. R. G. PIKE: I quote as follows—

At the present time, anybody can enrol—

The Hon. D. K. Dans: You run away from the facts all the time.

The PRESIDENT: Order! I ask the Leader of the Opposition to cease his interjections.

The Hon. R. G. PIKE: I shall begin again as follows—

At the present time, anybody can enrol a fictitious person and witness the claim card himself.

The Hon. Robert Hetherington: You have produced no evidence of that.

The Hon. R. G. PIKE: To continue—

This procedure, in my opinion, should be tightened up. Any reasonable method which would overcome or lessen any manipulation should be adopted. It has been said that if the elector has to go before a specific person to have his claim card witnessed, then this is placing obstacles in his way. It is said that the enrolling process should be made easier rather than harder but, after all, 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.

The Hon. Robert Hetherington: We were prepared to include a commissioner for declarations.

The Hon. R. G. PIKE: It is not my desire to raise my voice.

These are facts which members of the Labor Party are unable to stomach. They are fair facts. To continue quoting—

Ease alone should not be the sole consideration in the witnessing of a claim form.

Further on he said—

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

The Hon. D. K. Dans: Was that in relation to State cards or Federal cards?

The Hon. R. G. PIKE: This is totally relevant to the comments made by the Leader of the Opposition. To continue—

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

The Hon. J. M. Berinson: What has this to do with the Bill?

The Hon. R. G. PIKE: Had the honourable member listened to the comments made by other members he would remember that the Hon. Lyla Elliott and the Hon. Robert Hetherington mentioned this point.

#### *Point of Order*

The Hon. J. M. BERINSON: Mr President, I did listen to the others, but I also heard your ruling to the effect that whatever wide-ranging matters might have been discussed earlier, they should not now be pursued. I submit this is further discussion on the role of JPs and is irrelevant to any section in the Bill.

The PRESIDENT: I suggest that the honourable member read section 42 of the Act, which the Bill is amending. I have allowed the Chief Secretary to stay on this line of debate simply because I am prepared to allow discussion on the section as a whole, which is the section requiring a JP to witness a claim card.

#### *Debate Resumed*

The Hon. R. G. PIKE: Thank you for your wisdom, Mr President.

So that the honourable member can follow, I refer him to page 19, section 42, subsections (3) to (5) dealing with the subject matter and subsections (1) to (3) dealing with witnessing procedures.

I make the further point that the Hon. Joe Berinson seemed to think the Bill was sinister and did nothing useful. I ask the House to judge whether it is fair that under the present sections 42 and 44 in particular of the Electoral Act a claim form can be completed, for instance, on 1 January 1981 and placed in the hands of the Chief Electoral Officer on 1 January 1982 or 30 June 1982, and at that time, under the existing Act, be acceptable to the Chief Electoral Officer. What is the Labor Party's stand on the fact that this Bill will prevent that from happening? If it is open to debate, how can anyone argue that that is not a reasonable point for clarification and rectification? What we have here in the quote I made from the *Labor Voice*, which was relevant, is evidence of an instruction to canvassers enrolling people to by-pass them if they were not Labor Party supporters.

The Hon. D. K. Dans: Are you back on that subject again? Either we have a fair go or we are not going to be here.

The Hon. R. G. PIKE: I have finished with that point, but it had to be covered because it was raised by the Leader of the Opposition.

The only good thing about the speech by the Hon. Bob Hetherington was his alliteration when he referred to "petty paranoia". Any Bill that prevents a 12-month waiting time before people can be enrolled cannot be a bad Bill.

The Hon. Robert Hetherington: Give us some facts.

Several members interjected.

The PRESIDENT: Order! I ask the Chief Secretary to continue his summing up.

The Hon. R. G. PIKE: The Hon. Lyla Elliott's contribution was a retread of earlier comments, except that she was worried that there might be something sinister in the amendment, a concern expressed also by the Leader of the Opposition.

The Hon. D. K. Dans: I did not use the word "sinister".

The Hon. R. G. PIKE: Then it was only the Hon. Lyla Elliott who used that word. However, I make the point about the so-called nonsense of JPs having to witness claim cards, that the matter was fully covered by the Judge Kay report.

I pass on now to the comments made by the Hon. Des Dans and say to him that I believe him when he says that if he were enrolling people he would do so on face. I believe that would be the case also for other members of the Opposition.

Several members interjected.

The Hon. A. A. Lewis: You were not here last week.

The PRESIDENT: Order! I ask the Hon. A. A. Lewis not to interject, as interjections are out of order.

The Hon. R. G. PIKE: It is unfair for Opposition members to claim irrelevance when I quote from the Labor Party document which says "Pass them by if you think they are Liberals."

The Hon. D. K. Dans: Let us all go home. This is a joke.

The PRESIDENT: Order! I remind the Chief Secretary that it was the Chair that said that was not relevant. I would view very seriously any suggestion which indicated that decision was questionable.

The Hon. R. G. PIKE: I thank members for their support and commend the Bill to the House.

Question put and passed.

Bill read a second time.

*In Committee*

The Deputy Chairman of Committees (the Hon. R. J. L. Williams) in the Chair; the Hon. R. G. Pike (Chief Secretary) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 42 amended—

The Hon. J. M. BERINSON: I ask the Chief Secretary the purpose of this clause and whether its purpose is not already and more appropriately provided by clause 4 of the Bill and the new section 44 (1) (g) it creates?

The Hon. R. G. PIKE: This clause requires that a claim will have inserted on it the date on which the claim is dated and signed. The provision clarifies a requirement which previously has been implicit only in subsection (1) (b) of the principal Act. Under that requirement it appears that such claim must be signed within the presence of the witness. The date to be inserted on the claim should not be any other date. The proposed new subsection makes this explicit. Under section 42 there is no requirement for the claim to be dated.

The Hon. J. M. Berinson: At the moment?

The Hon. R. G. PIKE: Yes. This clause provides that a date must be inserted. It can be understood and interpreted that the form of claim provided in the schedule requires a date, but in fact it does not say that the claim form will be dated at the time it is filled out.

The Hon. J. M. BERINSON: The Chief Secretary has missed my point and perhaps I should expand on it to make my question clearer. Clause 4 provides a proposed new subsection (1) (g). The section will read—

44.(1) The essential parts of a claim shall be—

- (a) the surname and christian names in full of the claimant;
- (b) the residence of the claimant;
- (c) the date of birth of the claimant;
- (d) the place of birth of the claimant;
- (e) the usual signature of the claimant in his own handwriting;
- (f) the usual signature in his own handwriting of the person who, pursuant to the authority of paragraph (b) of subsection (1) of section forty-two of this Act, witnessed the signing of the claim by the claimant, and the capacity in which he did so; and
- (g) the date on which the claim is made by the claimant and signed by the claimant and the witness.

What I am suggesting to the Chief Secretary is that, given the inclusion in section 44 of a provision that an essential part of the claim shall be the date on which the claim is made by the claimant, and signed by the claimant and the witness, there is no point any more to including in section 42 a similar provision. In other words, if it is an essential part of a claim, it will not be accepted unless it has on it the date and the two signatures; that is what "an essential part of the claim" must be intended to mean. Either it is a valid claim with all the essential parts in or, if all the essential parts are not in, it is not a valid claim. Perhaps I can put the point a different way.

The Hon. R. G. Pike: I understand your point.

The Hon. J. M. BERINSON: I will pursue it for the benefit of other members who do not have the same intense interest in this matter—

The Hon. R. G. Pike: As you have.

The Hon. J. M. BERINSON: —as the Chief Secretary—

The Hon. D. K. Dans: Perhaps not as intelligent as you, Mr Berinson.

The Hon. J. M. BERINSON: —by pointing out that it is an essential part of the claim that it should show the date of birth and the place of birth of the claimant. Again I say that my understanding of section 44 is that the claim could not be a valid claim and could not be accepted by the registrar unless it had the date and place of birth of the claimant, yet section 42 does not bother to say that those two things must be added; all it says now is that the two signatures shall be there, and even that is doubtfully necessary, given section 44. It seems to me we can have it only one way or the other; either section 42 does not need the provision proposed by clause 3, or alternatively section 42 will still be deficient unless it also provides specifically that all the parts of a claim referred to as 'essential parts' in section 44 must be provided as well.

The long and short of what I am putting to the Chief Secretary is that clause 3 of the Bill appears to be entirely superfluous.

The Hon. R. G. PIKE: Learned opinion which I would say is equal to that of the honourable member, if not superior, an opinion which I accept—

The Hon. D. K. Dans: Don't prejudge it.

The Hon. R. G. PIKE: That is fair enough; I accept that point. Learned opinion is that at present under section 42 claims shall be in the prescribed form and shall be signed by the claimant in the presence of certain people who are

named. The amendment would make the section read that the claim shall have inserted the date on which the claim is made and signed by the claimant and the witness to the signature of the claimant. The Hon. Joe Berinson argues that since section 44(1)(g) is proposed, there seems to be a duplicity of requests, and therefore section 42 is unnecessary.

The Hon. J. M. Berinson: A duplication rather than a duplicity.

The Hon. R. G. PIKE: The member is correct; a duplication rather than a duplicity.

The Hon. D. K. Dans: I hope the learned counsel didn't hear that word.

The Hon. R. G. PIKE: The point I make is that at present if section 42 were not altered we could have a situation in which a claim form—basically the form contains the instructions in regard to a claim—is made by the claimant and the witness, but is not dated at that time. Inasmuch as it could be argued that a duplication exists—I do not consider that it does—it puts beyond doubt that the claim form must be signed by the claimant in the presence of the witness as stated, and dated as part of the claim in accordance with section 42. I think the honourable member would agree with me that, even if it is held his opinion is correct, a duplication if it exists does not do the Bill any harm. That is if one were to hold to the member's view, which I do not.

The Hon. J. M. BERINSON: I am sorry to disappoint the Chief Secretary, but duplications are not desirable. It is desirable that in all legislation the words should be as clear and concise as possible and should not make room either for error or for unnecessary comment.

Perhaps it will help me to understand what the Chief Secretary is really putting to the Chamber if I ask him whether in his understanding a claim for enrolment would be accepted by the registrar, and the claimant's name added to the roll, if the claim did not show the residence, date of birth and place of birth of the claimant. Those are three requirements which are described as essential parts of a claim in section 44, but which do not appear in section 42 and still will not appear even if clause 3 of the Bill is carried.

The Hon. R. G. PIKE: I will repeat the advice I have received in regard to this matter: Under section 42 where at present there is no requirement for a claim to be dated at the time it shall be signed by the claimant in the presence of a witness, it is arguable, if that section were to remain unaltered—

The Hon. J. M. Berinson: But, even if section 44 were altered—

The Hon. R. G. PIKE: If the member does not mind I will come to that in a moment. It is arguable, if that section were not to be altered, that the claim should be dated when the requirements of section 42 are imposed. In answer to the second part of the honourable member's question, proposed section 44, in dealing with the essential parts of the claim, will be complementary to section 42. So, the opinion I had when the legislation was first drafted remains, and it is this: Under section 42 the claim as it is prescribed is not required to be dated. Under the amendment to section 44 it is required to be dated and witnessed and becomes an essential part of the claim. Learned opinion had it at that time—I agree with it—that it would be best to require in section 44 that there be a requirement that the claim be dated as well as signed and witnessed.

The Hon. J. M. BERINSON: I do not think this is a matter worth pursuing any further. I do suggest to the Chief Secretary—the learned counsel may not have had his attention drawn to what I believe is a duplication of provisions—that it would be worth seeking further opinion. I am sure among other things that learned counsel would agree it is undesirable to duplicate provisions, if that is not necessary. All I put to the Chief Secretary at this point, considering the Bill still has to go to the Legislative Assembly, is that I do think it would be in the interests of better drafting and legislation to at least undertake to refer this question to the draftsman before further consideration in the Assembly takes place. I leave my earlier comments at that in order to go further.

I now suggest to the Chief Secretary that, even if he believes as I do not that Clause 3 is necessary for his purposes, it is not necessary to have it in the terms and at the length it is now drafted. Clause 3 proposes to insert in section 42 a new subsection (1a) which says that a claim shall have inserted therein the date on which the claim is made by the claimant and signed by the claimant and the witness to the signature of the claimant. I put it to the Chief Secretary that, even accepting the need for this provision, there is really no point to the last two lines of that proposed section 42(1a), and that the words "and signed by the claimant and the witness to the signature of the claimant" are again superfluous. The reason for that is that a claim not signed by the claimant and the witness to the signature of the claimant is not a claim; it cannot be a claim because section 42 says it is not a claim unless it has the signatures of both those people, and section 44 already repeats that the signatures of

both these parties are essential parts of the claim. It will not be a claim without those signatures. So, on this aspect of my comments I put it to the Chief Secretary that the Bill again would be in better form if it simply provided that section 42(1a) read, "A claim shall have inserted therein the date on which the claim is made by the claimant."

The Hon. R. G. PIKE: The answer to the question is this: If one reads section 42(1)(b), which states that claims shall be signed by the claimant in the presence of certain people, and further that the claim shall be signed in the presence of a person as stated who shall sign his name on the claim as a witness to the signing of the claim, one realises that certain provision is made for signing. So, with respect to the point made by the honourable member I think he is being over-cautious, and repetitive—no doubt he would argue that I am doing the same—but the fact remains that when this provision was being drafted the learned opinion was that there is some significance in saying in proposed section 44(1)(g), "the date on which the claim is made by the claimant and signed by the claimant and the witness." I will tell the member why.

The Hon. J. M. Berinson: I will be very interested to hear.

The Hon. R. G. PIKE: That will be a refreshing change.

The Hon. D. K. Dans: We are always interested in what you have to say, Mr Pike.

The Hon. R. G. PIKE: It is quite possible to make a claim—that is, fill out the claim form—and to have as a quite separate act the signing and dating of the claim.

The Hon. J. M. Berinson: Don't be silly!

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

The Hon. R. G. PIKE: One may think that is foolish but the advice I have in regard to this matter is that to make the claim—that is, merely to fill out the claim form—can be argued as only making the claim—

The Hon. J. M. Berinson: Without the signature.

The Hon. R. G. PIKE: That is right, without the signature or date. It is quite a separate operation to sign and date the claim. The form could be filled out at one time and signed at a subsequent time; so provision should be made for the making and signing of the claim. Therefore I do not accept the point made by the Hon. Joe Berinson, and I ask the Chamber to support the clause in the way it is written.

The Hon. J. M. BERINSON: Until this point I thought the Chief Secretary was simply mistaken, but now we are really getting into the realm of absurdity. I am not making a big deal out of this; I am saying that if we are to have a Bill, it may as well be in the proper form. I am questioning the need for the repetition of the reference to the signature of the claimant and his witness. The Chief Secretary, as I understood him, gave as the first part of his reply the fact that section 42(1)(b) already includes twice a reference to a signature. Well, of course it does, because that part of section 42 is that which requires the claim to be signed, and of course reference is made to the signature. With the same part of that section requiring the signature to be witnessed, reference is made to the signature of the witness. Of course, the Chief Secretary is right in saying that section 42 already refers twice to a signature, but it has those two references because there is some point to that. What I am now putting to the Chief Secretary is that there is no point to this third reference; namely, the one proposed by clause 3.

The Chief Secretary seemed to suggest in the second part of his reply that the reason for the extended phraseology was that it is possible to have a claim without a signature; one just fills it in and it is a claim, and it is only when a date and signature is put on that it becomes something else.

I put it to the Chief Secretary that until the signatures are on it, it is not a claim at all. I would have thought that was evident. The Hon. Bob Hetherington agrees, so it must be correct.

If the Chief Secretary is to suggest that the claim consists of filling in details other than signatures, then the 400 or 500 cards filled in by the Hon. Des Dans on his recent very productive tour of the North Province could have been claimed without the necessity to bother about approaching the people who live in the North Province. That is so self-evidently wrong that I am not even going to pursue it.

Quite apart from that, the terms of the Act are so self-evident that it is a little painful to have to pursue the matter. Section 42 states that the claim shall be signed by the claimant and that signature shall be witnessed by the signature of a witness. Section 44 of the Act states that the essential parts of the claim show, amongst other things, the signature of the claimant and the signature of the witness.

The Hon. Robert Hetherington: It is not a claim.

The Hon. J. M. BERINSON: Precisely. So, on the face of it, it is in two parts of the Act, and the honourable Minister for Labour and Industry who

normally has difficulty understanding his own legislation is clearly indicating that he is following this line of argument, so it must be right.

The Hon. G. E. Masters: I am shaking my head in amazement.

The Hon. J. M. BERINSON: I do not think we can proceed profitably on the basis that this is the advice, so it must be correct. The question is whether the advisers really directed themselves to this question. It seems, on the face of it, they did not.

I move an amendment—

Page 2, lines 8 and 9—Delete the words "and the witness to the signature of the claimant".

The Hon. R. G. PIKE: I am sure the Chamber has had quite enough of this clause, as I have. I intend to oppose the honourable member's amendment.

Under section 44 of the proposed amendment, the date on which the claim is made by the claimant and is signed by the claimant and witnessed, becomes the essential part of the claim. That is not to say that the date on which the claim is made should be inserted at the time it was made. In other words, the amendment to section 42 requires that the date be inserted on the claim and not be any date other than the date on which the claim was signed.

I do not intend to depart from the advice I have been given in this matter. My mind has been quite clear throughout the debate. I have followed and understood the honourable member's comments and I intend to oppose his amendment.

When a claim is made under section 42 of the Act there is no requirement that the claim shall be signed and dated at the time it is made. It is my clear intention that shall be included and therefore I ask the Committee to vote against the amendment.

Amendment put and negatived.

The Hon. GARRY KELLY: During the Minister's second reading speech he made mention of the restricted witnessing provision under section 42 of the Act, saying it was designed to prevent the enrolment of fictitious persons. I would like him to give an example of how widespread that practice was and to explain the reason that no such restrictive witnessing procedures are required in any other jurisdiction in this country, State, Federal and territorial.

The Hon. R. G. PIKE: Western Australia is a sovereign State and it is no great concern to us what any other State does in regard to its Electoral Act; this is ours. I have a copy of Judge

Kay's report on a detailed investigation which was made in the Kimberley wherein he found that illiterate Aborigines were on the roll, without any knowledge of having made any application to be placed on the roll. The Government of the day—under the Chief Secretary, Mr O'Neil—took note of Judge Kay's comment that witnessing requirements should be included, as they were.

The Hon. GARRY KELLY: Most of the errors which occur on the electoral roll, such as double enrolment etc., are the mistakes of the department and not deliberate errors or the result of sinister motives of people from outside who are trying to subvert the enrolment procedures.

The Hon. R. G. PIKE: I am not a mind reader and I do not have access, as Chief Secretary, to the individual electoral cards, as is proper. The Chief Electoral Officer makes a determination as part of his duties. An honourable judge made a report on produced evidence that fictitious people were enrolled and recommended witnessing requirements be imposed, and they were.

Clause put and passed.

Clause 4: Section 44 amended—

The Hon. ROBERT HETHERINGTON: The Chief Secretary has me a little confused. Earlier he quoted a form of selective enrolment from *Labor Voice*, to which he said this Bill referred and which he seemed to think was undesirable.

I wonder whether this clause prevents that, and if so, how? If not, can he tell me which clause does provide it so that when that clause comes up for debate I may ask him to explain it?

The Hon. R. G. PIKE: The honourable member knows the answer, as I do. Nothing in this legislation deals in any way with selective enrolment. Since he raised the question, the answer is that when supporters of a particular political party are interviewing people in order to seek to persuade them to enrol, they devise ways to discover to which political party they belong and if they do not belong to their party, they seek to pass on without enrolling them.

The honourable member knows as well as I do that at no time or place has this Government done so in this matter. The *Labor Voice* has written evidence of instructions to the Labor Party to selectively enrol people and what to do if they do not vote Labor. The member knows that nothing in this Bill deals with that subject.

The Hon. Robert Hetherington: Then your remarks were irrelevant.

The DEPUTY CHAIRMAN: (the Hon. R. J. L. Williams): Order! Clause 4 of this Bill deals

with section 44. I was in error in allowing Mr Hetherington to speak because the matter he raised is extraneous to the clause. I am not restricting the honourable member, I am making a statement.

The Hon. GARRY KELLY: I wish to ask the Minister a question.

The DEPUTY CHAIRMAN: If it is germane to clause 4 of this Bill, it will be allowed.

The Hon. GARRY KELLY: Why does not the Chief Secretary phone the Electoral Office and allow it—

The DEPUTY CHAIRMAN: It is not germane.

The Hon. J. M. BERINSON: To prove how germane my comment is to the clause, I will read it. I refer to clause 4 (b), leaving out irrelevant words, which provides: Where in any claim there is an insertion, the insertion shall be initialled in his own handwriting by the person making the claim and the person who, pursuant to the authority of section 42 (1) (b) witnessed the claim. We have heard from the Chief Secretary that the claim consists of a form such as the one I am holding in my hand. The form requires the following insertions: Surname, Christian or given names, residence, post code, occupation, sex, LGA, if applicable, former surname, if applicable, date of birth, place of birth, usual signature, date under signature of witness, capacity, and residence; something like 10 or 12 insertions are required on this claim. If I understand the result of this provision, there will be a need by the claimant and the witness to add something like 10 or 12 sets of initials. I cannot believe that is intended, but that is what this clause says. I put that point to the Chief Secretary for any elaboration or clarification he may be able to offer.

The Hon. R. G. PIKE: Since we seem to be embarking on a massive pedantic exercise, we may as well have the whole lot. My *Oxford Dictionary* does not deal with the definition other than say "insert a thing".

The understanding I have of the word "insertion" is that it is something additional to what is already there.

The Hon. J. M. Berinson: That is what I am talking about.

The Hon. R. G. PIKE: The intention of this amendment is that where there is an addition to that which is already there or where there is an alteration to that which is already there, it shall be initialled. If a claim form is completed, and then there is an alteration or an insertion on that

claim form, on the interpretation of the word "insertion", that I have now given, that insertion or alteration shall be initialled.

The Hon. ROBERT HETHERINGTON: This section refers to the possibility of alterations, among other things. I would like to suggest to the Chief Secretary, gently and seriously, that alterations may become necessary in the space provided for a person's occupation because that space is not big enough. When I looked at the Act, I found it does not require a person to fill in his or her occupation, and I wonder whether, in order to obviate the need to initial alterations, the Chief Secretary could give thought to altering the prescribed form of the card to remove any reference to occupation. I believe it is desirable to amend the claim forms in this way anyway because people change their occupations from time to time. Also, some people could feel it is offensive to have to fill in an occupation such as "housewife". This is just a custom that has developed.

I do not expect the Minister to say immediately that he will agree to my proposition, but I ask him to see whether the card can be redesigned. Alterations would be less likely if the space for one's occupation were bigger or if it were removed altogether.

The Hon. R. G. PIKE: I take the point made by the honourable member. The Chief Electoral Officer will read the debate, but I will draw his attention to this matter.

The Hon. Robert Hetherington: It is not in the Act, you know.

The Hon. R. G. PIKE: Many people from all walks of life use the electoral roll as the basis for research, including census statistics. Universities have made use of electoral rolls, for instance, to ascertain patterns of occupation and areas of residence. It appears to be a decision I could not make quickly, but certainly I will look at it.

The Hon. GARRY KELLY: I would like to refer again to the definition of the word "insertion". When a person fills in a claim form, he commences by filling in his surname and his Christian names. Would the Minister regard that to be an insertion?

The Hon. R. G. PIKE: I do not intend to go into this matter again. I can say only that such a determination would not be made by me, but by the Chief Electoral Officer. As I have indicated to members time and time again, the Chief Electoral Officer is a very fair and competent person and if a claimant were to reverse the order of his names, I believe the Chief Electoral Officer would accept the claim, anyway.

The Hon. Garry Kelly: No, I am saying that if I fill in the word "Kelly", and then "Garry Kenneth" is that an insertion?

The Hon. R. G. PIKE: I am sorry, that is a retread of the argument of the Hon. Joe Berinson. I do not intend to go over it again.

The Hon. GARRY KELLY: With due respect to the Minister, I am still confused. If something is an insertion, it must be initialled. If it is not an insertion, it does not have to be initialled. In the case I have referred to, is it an insertion or is it not an insertion?

The Hon. R. G. PIKE: I have already answered that question. The *Oxford Dictionary* says that an insertion is something additional. Thousands of different insertions can be made.

The Hon. Garry Kelly: About 12.

The Hon. R. G. PIKE: What I am saying is that an insertion is, by its very nature, something additional. So if an insertion or an alteration is made, it needs to be initialled. I do not intend to repeat that determination all night. That is the end of it.

The Hon. J. M. BERINSON: I will not repeat the comments I made earlier, but I want to suggest to the Minister that it is really no answer to keep pleading pedantic exercises. The law courts create whole careers for people out of sloppily drafted legislation. Legislation may be drafted sloppily in a number of ways—sometimes by the use of words that are not necessary and perhaps more often by the use of words the meaning of which is uncertain. It is not being pedantic to look to the question of precise terminology. All we are trying to do is to stress the importance of well drafted legislation, and I would not class the Bill before us as well drafted legislation.

As a further indication of that fact, I now draw the Minister's attention to the latter part of paragraph (c) of proposed new subsection (1a) which says—

or that is not received by the Registrar within 31 days of the date of the making and signing of the claim by the claimant

I put it to the Chief Secretary that the words "and signing" must be superfluous. They were superfluous even before we started on the provisions of this Bill by virtue of the provisions of section 42 and section 44 of the principal Act, both of which require a claim to be signed by the claimant before it becomes a claim at all. To talk again about the need both to make the claim and to sign the claim is another example of unnecessary verbiage, and I again put it to the

Minister that unnecessary verbiage is bad verbiage and poor drafting. He ought to move to delete those two words.

The Hon. R. G. PIKE: I inform the honourable member and other members that subsequent to receiving the draft of this Bill, and having read it very closely, I sought an independent legal opinion, particularly in regard to the making, dating, and signing of a claim. I say to the Committee and to the Hon. J. M. Berinson that legal opinion—to which I would pay much more attention in regard to whether the provision is right or not than his opinion, whilst respecting his competency and capacity—was that the making of a claim can be a separate procedure from the signing and dating of a claim, and thus those words are necessary and it is my wish that they remain as they are.

Clause put and passed.

Clauses 5 to 7 put and passed.

Title put and passed.

### *Report*

Bill reported, without amendment, and the report adopted.

### *Third Reading*

Bill read a third time, on motion by the Hon. R. G. Pike (Chief Secretary), and transmitted to the Assembly.

### **BILLS (3): RETURNED**

1. Coroners Amendment Bill.
2. Companies (Co-operative) Amendment Bill.
3. Public Trustee Amendment Bill.

Bills returned from the Assembly without amendment.

### **WESTERN AUSTRALIAN MEAT INDUSTRY AUTHORITY AMENDMENT BILL**

#### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by the Hon. G. E. Masters (Minister for Labour and Industry), read a first time.

#### *Second Reading*

**THE HON. G. E. MASTERS** (West—Minister for Labour and Industry) [10.11 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to amend the Western Australian Meat Industry Authority Act 1976 so as to allow regularisation of the branding of

carcases intended for the local market and to repeal the Marking of Lamb and Hogget Act 1967-1975.

Currently, the branding of lamb and hogget carcasses is controlled under the Marking of Lamb and Hogget Act 1967-1975, but there is no legislation to control the branding of cattle or pig carcasses.

Branding of pig carcasses is widely practised already, and there is increasing demand for the branding of cattle carcasses. In particular, there is a need to identify the carcasses of grain-fed cattle and carcasses which have been subject to electrical stimulation, a new technological development to increase meat tenderness.

The Meat Industry Authority Act is concerned primarily with the licensing and rationalisation of abattoir throughput in Western Australia. The Bill represents a new responsibility for the authority.

It is considered that the authority is representative of the meat industry and is a fitting group to advise the Minister on matters relating to the branding of carcasses.

In turn, the authority will be advised by the carcase classification and branding advisory committee, a committee which has broadly-based representation from the meat and livestock industries.

The legislation is designed primarily to identify the quality of carcasses to the consumer through the control of carcase branding. It involves also the repeal of the Marking of Lamb and Hogget Act.

The Bill includes provision to enact regulations that will—

- define the characteristics of the carcase which will be the basis of branding;

- control the branding of carcasses of prescribed animals in prescribed abattoirs;

- control the design and manufacture of the branding device to be used;

- allow for branding of carcasses brought into the State which have the defined characteristics; and

- allow for the appointment of inspectors.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Robert Hetherington.

### **BILLS (3): RETURNED**

1. Acts Amendment (Criminal Penalties and Procedures) Bill.
2. Off-shore (Application of Laws) Bill.

### **3. Liquor Amendment Bill (No. 2).**

Bills returned from the Assembly without amendment.

### **ADJOURNMENT OF THE HOUSE: SPECIAL**

**THE HON. I. G. MEDCALF** (Metropolitan—Leader of the House) [10.14 p.m.]: I move—

That the House at its rising adjourn until 3.00 p.m. tomorrow (Wednesday).

Question put and passed.

*House adjourned at 10.15 p.m.*

### **QUESTIONS ON NOTICE**

#### **PRIMARY INDUSTRY BANK OF AUSTRALIA**

##### *Loans*

260. **The Hon. V. J. FERRY**, to the Minister representing the Minister for Agriculture:

Since the Primary Industry Bank of Australia commenced operations in November 1978—

- (1) What is the total amount of loan approvals made so far to primary producers in each State or Territory of Australia?
- (2) How many primary producers have been assisted with loans in each State or Territory of Australia?
- (3) In what areas of primary producer operations is the bank able to assist?

**The Hon. G. E. MASTERS** replied:

- (1) Loan approvals for Australia: \$364.9 million.\*
- (2) Number of primary producers financed: 4 700.\*

\*This information is from the commencement of PIBA operations until June 1981, and is the most up to date information available. PIBA does not supply information on a State basis.

- (3) The specific purposes for which loans are available are, in PIBA's terms—

- purchase of rural land acquired for primary production;

- assistance in holding together a rural enterprise; for example, where death of a proprietor creates financing difficulties;

capital expenditure involving fixed and structural improvements including farm buildings, fencing, and pasture improvement;

recovery from flood, fire, drought, plague, and any other major adversity, or to mitigate the effects of future such adversities, including re-establishment of pastures and water conservation not covered by the provisions of any natural disaster recovery scheme;

purchase of fishing vessels and facilities, machinery and farm equipment, and stock;

expansion of existing farm development and fishing projects;

refinancing, in appropriate cases, of existing debt—particularly short term debt—and/or the rearrangement of existing borrowings in times of special need; in such instances it must be demonstrated that the debt relates to an approved purpose and that refinance is necessary to preserve or improve the viability of the undertaking concerned; and

other purposes, including forest operations.

A single loan can cover more than one of these purposes.

## TRAFFIC: PEDESTRIAN CROSSING

### Wanneroo

268. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Police and Prisons:

- (1) Is it a fact that a request for a guard controlled crossing in Quarkum Street, Wanneroo, was refused?
- (2) Is the Minister aware—
  - (a) that Quarkum Street is used by children from the Wanneroo High School and East Wanneroo Primary School; and
  - (b) that a child was recently knocked down in this street by a vehicle?
- (3) If so, will the Minister now reverse the decision concerning this matter and arrange for a crossing to be installed in Quarkum Street in the vicinity of High Road?

The Hon. G. E. MASTERS replied:

- (1) Yes.
- (2) (a) Yes;
  - (b) no report of such an incident has been recorded at the Police Department accident inquiry section.
- (3) This location is currently under review by the special schools crossing guards committee, and a decision will be given prior to the next school term.

## ABORIGINES: NATIONAL EMPLOYMENT STRATEGY

### Training

270. The Hon. PETER DOWDING, to the Minister representing the Minister for Community Welfare:

- (1) Did the State Government allocate for 1980-1981, specific funding for the purpose of providing training for Aborigines under the national employment strategy for Aborigines?
- (2) If so, what amount was allocated?
- (3) What was the proposed expenditure for 1981-1982?
- (4) For the figures supplied to (2) and (3) above, will the Minister indicate precisely where in the CRF Estimates for Revenue and Expenditure, for the year ending 30 June 1982, they are to be found?

The Hon. R. G. PIKE replied:

- (1) Yes, I understand a number of departments are involved in this programme of which the financial aspects are co-ordinated by the State Treasury Department. Details as to the Department for Community Welfare's involvement in the programme, are mentioned hereunder.
- (2) An amount of \$27 000 was included in the Department for Community Welfare estimates as a combined total for both the National Employment Strategy for Aborigines—NESA—and the Special Youth Employment Training Programme—SYETP—in 1980-81. There was no specific break-up for each item.

The actual Department for Community Welfare expenditure for the NESA, was \$14 496.74 in 1980-81.

- (3) An amount of \$46 000 was included in the Department for Community Welfare estimates as a combined total for both the NESA, and the SYETP, in 1981-82. Again there was no specific break-up for each item.

The actual Department for Community Welfare expenditure for the NESA, from 1 July 1981 to 31 March 1982 was \$26 442.

- (4) All moneys expended under the NESA, are recovered from the Commonwealth Government—Department for Employment and Youth Affairs, and this is arranged by State Treasury. The combined NESA, and SYETP-CRF figures for the Department for Community Welfare, are not specifically identified in the CRF Estimates for Revenue and Expenditure, but are listed in the salary estimates under "Other Payments—Additional Assistance".

#### ABORIGINAL ADVANCEMENT PROGRAMME

##### *Funding and Expenditure*

274. The Hon. PETER DOWDING, to the Minister representing the Minister for Regional Administration and the North West:

- (1) What funding, as part of the Commonwealth Government's Aboriginal advancement programme, did the Minister's department receive for 1980-1981?
- (2) What were the categories of expenditure associated with the above funds?
- (3) For each category in (2), what was the actual expenditure in 1980-1981, and what were the corresponding proposed expenditures for 1981-1982?

The Hon. R. G. PIKE replied:

- (1) \$126 000.
- (2) Broom millet promotions—project at Kununurra  
Aboriginal trainee programme at Broome.
- (3) Broom millet promotions 1980-81—\$49 000  
Broom millet promotions 1981-82—\$43 000  
Aboriginal trainees programme 1980-81—\$77 000  
Aboriginal trainees programme 1981-82—\$87 000.

#### TOWN PLANNING: MRPA

##### *Cottesloe*

279. The Hon. R. J. L. WILLIAMS, to the Minister representing the Minister for Urban Development and Town Planning:

- (1) Would the Minister reassure me that all written objections to amendment 410/33 MRPA Cottesloe will be considered by the MRPA?
- (2) Will the Minister tell me who else will look at these objections?
- (3) Without prejudice or firm commitment, what length of time does the Minister envisage this will take?

The Hon. R. G. PIKE replied:

- (1) Amendment No. 410/33 relates to the whole of the metropolitan region scheme and affects more directly the districts of five local authorities. The Metropolitan Region Planning Authority will consider all written and oral submissions made in respect of that amendment.
- (2) The legislation requires that all documents relating to an amendment be submitted to me, and subsequently the Governor for consideration before being tabled for 12 sitting days in each House of the Parliament.
- (3) The documents are not likely to be tabled in Parliament before October-November 1982.

#### QUESTIONS WITHOUT NOTICE

##### WATER RESOURCES: DAM

##### *Collie*

64. The Hon. G. E. MASTERS (Minister for Labour and Industry):

I seek leave to table a paper in connection with question 259 asked by the Hon. W. M. Piesse on Thursday, 6 May.

Leave granted.

*The paper was tabled (see paper No. 194).*

#### ELECTORAL

##### *North Province: Census*

65. The Hon. J. M. BERINSON, to the Chief Secretary:

What is the estimated cost of an electoral census in North Province?

The Hon. R. G. PIKE replied:

I thank the Hon. J. M. Berinson for notice of this question. I am advised that in the absence of any intention to conduct such a census no actual estimate has been prepared, but it is thought the cost could reach \$500 000.

#### ELECTORAL: ROLLS

##### *Federal and State: Premier's Undertaking*

66. The Hon. J. M. BERINSON, to the Chief Secretary:

On 22 April 1982 the Premier, as recorded in *Hansard*, page 995, undertook to discuss with the Chief Secretary a proposal that the Chief Electoral Officer should write to all persons on the Commonwealth roll but not on the State roll with a view to drawing their attention to the need for them to be enrolled on both. I ask the Chief Secretary—

- (1) Has such a discussion been held?
- (2) If so, with what result?
- (3) Will the Chief Secretary remind the Premier of the undertaking referred to and inform the House in due course?

The Hon. R. G. PIKE replied:

- (1) to (3) I ask that the question be placed on notice.

#### ELECTORAL: ROLLS

##### *Federal and State: Premier's Undertaking*

67. The Hon. J. M. BERINSON, to the Chief Secretary:

Does the Chief Secretary give us to understand that he is unable to answer a question as to whether or not he has had a discussion with the Premier?

The PRESIDENT: Order! The question is out of order.

#### ASSOCIATIONS INCORPORATION ACT

##### *Amendment*

68. The Hon. J. M. BERINSON, to the Attorney General:

- (1) Does the Government still regard itself as committed to Sir Charles Court's election commitment in 1980 to substantially amend the Associations Incorporation Act?
- (2) If so, and in view of the Attorney General's advice to the House as long ago as November 1980 that relevant legislation was being prepared, could he say whether he expects to introduce it this year, and if not, why not?

The Hon. I. G. MEDCALF replied:

- (1) and (2) A very detailed examination of the Associations Incorporation Act has indicated that a considerable number of problems will need further time for consideration. The Government is naturally not anxious to take any action which might prejudice associations already registered and which might, as a result of such action, thereby have problems, or difficulties, which they may not otherwise have. For those reasons the Government has not proceeded so far with any new legislation on this subject. However, there has been no final decision on the outcome of the matter and I am not in a position to advise whether or not legislation will be brought down during the remainder of this year.