

Legislative Assembly

Thursday, the 10th November, 1977

The SPEAKER (Mr Thompson) took the Chair at 11.30 a.m., and read prayers.

WUNDOWIE CHARCOAL IRON INDUSTRY SALE AGREEMENT ACT AMENDMENT BILL

Second Reading

Debate resumed from the 8th November.

MR McIVER (Avon) [11.33 a.m.]: This is a very important piece of legislation, particularly for the Wundowie Charcoal Iron Industry. I apologise to the House for not having had much time to study the Bill, but I am familiar with the legislation and have looked at the Bill very briefly this morning. I previously had discussions with the Minister when it became apparent that Agnew Clough Limited was running into difficulty and that if we were to save the industry, Wundowie generally, and the associated industries and business community, such as the subcontractors and timber carter, it would be necessary to make further concessions to this very important decentralised industry. It is very heartening to see the Government has recognised in some form the necessity to ensure the continuation of Wundowie.

At the present time, with the general world downturn in the market for the product of the Wundowie Charcoal Iron Industry—that is, pig iron—a further financial burden is placed on the company because it is unable to sell it. A similar situation exists in the dairying industry and other industries. We have seen the major furnace close down; we have seen reduced production at the foundry; and the latest blow is the closure of the sawmill. As from the 31st December the sawmill will no longer be operative because no reserves of timber will be available to Wundowie.

This situation in relation to timber applies not only to Wundowie but also to the hardwood industry generally and to mills in the Manjimup area. Nevertheless, the sawmill played a very important part in the profit-earning capacity of the company at Wundowie, to the extent of up to \$80 000 a month; so it is a severe blow when the company's earnings are reduced by that amount.

The Bill aims to pressurise the company—if I may use that term—to commence its vanadium operation at Mt. Dempster, using the facilities at Wundowie to obtain the end product. We are

hoping that by doing this the employees who would otherwise have to be put out of the industry will be able to diversify into the vanadium operation and that some of the timber workers, both male and female, can also be utilised in the operation.

The Government has given concessions in relation to rail freights up to June, 1978, payroll tax, waiving the \$70 000 in superannuation payments, and so on. But there is another way in which Wundowie could have been assisted. The opportunity still exists to do it and I ask the Minister to have a closer look at it.

I refer to the announcement by the Government of the upgrading of the Kwinana-Koolyanobbing standard gauge railway line. A tremendous amount of work could have been channelled to Wundowie and I made strong recommendations to the Minister on this matter. I requested him to take the matter to Cabinet for further discussion but I do not know how far it got. In the last 18 months over one million rail shoulders have been manufactured at Wundowie for the Commonwealth Railways.

The Government in its wisdom has given this contract to Fabcast, a company which has never before made this particular type of shoulder; and the making of these shoulders is a specialised operation. I criticised the Government not so long ago in respect of the contract awarded in relation to rail fasteners, and I am just as strong in my criticism of the Government on this matter.

Had the contract been given to the Wundowie industry, two things would have been achieved. Firstly, the Wundowie company would have been given a breathing space and, secondly, the industry would have been given extra stability. In addition, the company would have an opportunity to make up the leeway in respect of the income it will lose with the pending closure of the sawmill.

I can understand this in some ways because if we consider the history of this industry over the years we find that Liberal Governments have never been particularly kind to it in respect of funds for maintenance. When the industry went to private enterprise previously we saw it deteriorate. Not much money has been spent on upgrading the facilities such as the foundry, the furnace, the retort, and so on. One can only admire the employees of this industry for working under adverse conditions without the best of accommodation, particularly in respect of single men. I want to emphasise in this Parliament that these workers since the inception of the industry have not lost a day's work through an industrial

stoppage. That is an outstanding record for any industry, and not too many industries in this State could say that. Therefore, surely these workers deserve the consideration they have received.

I would like the Minister to explain to me in his reply why this contract for the shoulders was given to Fabcast, when the Government is aware of the performance of the Wundowie industry.

Mr Mensaros: Do you know the price difference?

Mr McIVER: It is not that great; I believe it is 5c a shoulder. Is that correct?

Mr Mensaros: No.

Mr McIVER: A lousy 5c in a contract of over \$7 million! Am I right or wrong in saying that Fabcast has never before made this type of shoulder, and has never had a contract like this?

Mr Mensaros: I do not know, but it has a proper foundry.

Mr McIVER: It is time the Minister found out. The Wundowie industry has made over one million shoulders for the Commonwealth Railways and these shoulders have been used extensively on standard gauge lines throughout Australia. Therefore, surely they are good enough for this State.

The whole matter appears to me to be very wishy-washy. On the surface it appears the Bill is generous, but when one probes beneath the surface and finds things like this it is quite apparent the Wundowie industry will not receive the consideration it should receive.

I am still waiting for the Premier to prove wrong the statement I made in this House in respect of the Fist fasteners. I challenge him here and now to prove me wrong. I am certainly not wrong on this matter in respect of the shoulders, because the company has never made the specialised type of shoulder that is required for this type of job.

Sir Charles Court: This sort of work is part of their regular business.

Mr McIVER: The company has not made one shoulder previously.

Sir Charles Court: What does that matter?

Mr McIVER: The manufacture of this particular piece of apparatus is a job for experts. It is of no use going into technical detail for members, because that would only confuse the issue. However, it is a special type of shoulder of which the Wundowie industry has already

manufactured over one million. If the shoulders manufactured at Wundowie were not successful, the Wundowie company would not have received further orders.

Every time a Minister makes a speech in a country area we hear this word "decentralisation" used. If the Government were serious in its objective to decentralise, here was an opportunity for it to prove it. But what did the Government do? It gave the contract to Fabcast and we will wait to see how that company shapes up. I have reservations about whether it can supply the goods.

By way of interjection the Minister indicated this company can make the shoulders a little cheaper than Wundowie can make them. Let me point out that sometimes if one buys a shirt that is a little cheaper than the rest one finds that the garment is not as good. The same principle applies when we are looking for sophisticated equipment, particularly for railway lines.

The Wundowie industry has made over one million of these shoulders in 18 months in a plant that has not been properly maintained for years. Working under adverse conditions it has been able to deliver the goods.

The Wundowie company is now to commence operations in vanadium by the 28th February. I doubt very much whether it will be able to do it by then, because it is a big challenge; but I certainly hope the company can meet the challenge.

In respect of rail freights, it appears everyone else receives a large subsidy compared with what the Wundowie company is to receive. When we consider the amount that has been paid to the goldmining industry and to the Manjimup canning factory over the years in order to keep those industries buoyant, I feel the restriction of freight concessions to June is a little harsh. Nevertheless, I understand the company has agreed to this.

What concerns me is that we may be in the same situation with vanadium as we were with pig iron because my inquiries indicate—and they have been limited in this field I must admit—that there is not a great demand for vanadium. I understand the Japanese are slowing down steel production and that the future is not very bright. However, this production will give the company a breathing space, and it will be of benefit to those who are employed at Wundowie.

Wundowie must be looked at in isolation because it is a complete town in which millions of dollars have been invested. A new hall has been constructed, electricity supplies provided, water supplies provided, and the local authority

has an involvement. Therefore, it is necessary to keep Wundowie operating irrespective of the cost at the present time.

Again I emphasise to the Minister that I am very keen to hear his comment on why Fabcast received this contract over Wundowie, particularly after the strong representations I made to him in which I spelt out very clearly the capability and keenness of Wundowie to obtain the contract because it would certainly give the industry an economic lift and assist in its stability.

Finally, I thank the Minister for his interest in Wundowie over the last 12 months and for the concessions he has granted the industry.

With those remarks I indicate that the Opposition supports the Bill.

MR MENSAROS (Floreat—Minister for Industrial Development) [11.50 a.m.]: I thank the member for Avon for his support of the Bill. He spelt out quite correctly the overseas economic circumstances which led to the situation in which we find ourselves and which necessitated our amending the agreement and bringing down this Bill.

The fact that the sawmilling operation is unfortunately to close around this time has been known for a fairly long time. I agree with the responsible view of the member which implies that we have to keep in balance environmental requirements and requirements which keep people in a job and generally enhance the economy. My view is always that whilst the environment is fairly important, if we have not enough to eat or a place to live or if we cannot keep up the standard of living to which we are accustomed, what is the use of caring for the environment? So I think we have to have a reasonable balance to look after these things.

Because of dieback disease the Government decided, on the recommendation of the Forests Department, to close the sawmill operation. This was not a new thing; it was decided a long time ago that there would not be any new leases for sawmilling operations.

Mr McIver: I did not question that aspect. I fully appreciate that point.

Mr MENSAROS: The member will realise that the points concerning the upgrading of the railway, and tenders are outside my portfolio. However, I have followed the matter with a keen interest and I know reasonably well what the decision was, other than for the small details. It has to be emphasised that the tender by Westrail was not for subcontracts but for main contracts.

The first point is that the shoulders for the fasteners were part of a subcontract to various main contractors whose aggregate price and conditions had to be taken into consideration. In other words, what I am saying is that Westrail was not in a position to say to the contractor who won the contract, "We agree with you but our view is that you take this instead of that or that instead of something else."

The member should not forget that there are preference clauses for local manufacturers, but we are dealing with two Western Australian manufacturers. I do not know—and neither is it within my responsibility—whether Fabcast has manufactured exactly the same shape of shoulder, but the member will readily appreciate that in the foundry business if a company has made hundreds of shapes in a different way it can just as well make another shape. That does not make a great deal of difference. But there was a considerable price difference.

I am quite happy to let the member know some of the details, as long as they are not confidential, and even that I have to ascertain from my colleague the Minister for Transport. If they are not confidential I shall be quite happy to let the member know to show him that if the price difference had not been substantial we would have considered some negotiations. After all, with all the decentralisation and incentive policies of the Government—and again I am talking generally—we cannot assure a tenderer that he can go to the sky and still be awarded the tender. We have to give people equal opportunities.

I know very well that Wundowie thought that if the railway job came off it would get the contract for the shoulders. It did not get the contract because somebody calculated the cost—hopefully properly—in a way which cut very much off the price; and, therefore, the further companies—and ultimately the main contractor—took this into consideration.

I was not very keen on the member's comments when he said that the Agnew Clough company has not cared very much about the productivity of the project, because he would have seen from my second reading speech that during this very short time, indeed during the first year—

Mr McIver: I did not criticise the company for its productivity.

Mr MENSAROS: Just listen to it. During the first 18 months the company spent \$1.25 million on improving the plant, and yet the member said that it had not cared enough to improve the plant.

If we compare \$1.25 million with the purchase price and the trading conditions, I think it is a reasonably good effort.

Mr McIver: I did not say the company. I said the Government.

Mr MENSAROS: The Government sold the plant.

Mr McIver: Not the company; it has not had an opportunity to do so.

Mr MENSAROS: I should like to express my sad state of mind that in Western Australian we have reached the situation in which we make a virtue of the fact that the work force diligently worked and did not strike. I appreciate the fact, but could we not say by the same principle that someone is an honest man because he never committed an offence, never broke in somewhere, or never stole anything? I do not accept this. I appreciate the fact that they did not strike, but I do not make a virtue of it.

Mr McIver: You have seen the conditions they have to work under. If anyone is entitled to go on strike, they are.

Mr MENSAROS: The member raised a query as to whether the vanadium No. 1 project would be able to start by the end of February next year. Of course, this was the subject of fairly lengthy negotiations between the company and the Government, and we wanted to achieve conditions in the amended agreement which suited both parties. Obviously there were various compromises, as there always are with negotiations; but the company itself offered this date as the date on which it could physically start the project. I have done quite a lot of work on this: recently I inspected the Government Chemical Laboratories where testing is going on with various processes regarding the vanadium which has been mined.

The last point made by the honourable member was an expression of doubt as to whether the vanadium project would be a viable operation. I am not contradicting his assessment because the world market for this product is also fairly questionable. But as I expressed in the addition to my second reading notes—and unfortunately the member was indisposed and was not here—the whole construction of the amending agreement is that the company has undertaken to finish the vanadium plant construction. So there is no *force majeure* clause from the point of view of construction. In other words, the company cannot discontinue construction on the reasoning that the vanadium market is bad and it cannot say, "We will not be able to sell it, so it is superfluous

for us to construct the plant." It can disrupt construction only if there is some act of God which causes it to stop construction. That is a normal condition, but the company cannot use the reasoning that the market is bad and so the whole exercise will not be profitable. It still has to finish construction. What will happen when it is finished is a different question. Once again I thank the member for his contribution.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr Mensaros (Minister for Industrial Development), and transmitted to the Council.

BILLS (2): RETURNED

1. Acts Amendment (Student Guilds and Associations) Bill.

2. Reserves and Road Closure Bill.

Bills returned from the Council without amendment.

STAMP ACT AMENDMENT BILL

Council's Amendments

Amendments made by the Council further considered from the 9th November.

In Committee

The Chairman of Committees (Mr Clarko) in the Chair; Sir Charles Court (Treasurer) in charge of the Bill.

The CHAIRMAN: The amendments made by the Council were as follows—

No. 1—

Clause 2, page 2—Delete all words in the clause after the word "amended" in line 1 and substitute the following passage:—

- (a) by adding after the section designation "73." the subsection designation "(1)";
- (b) by repealing the proviso to the section and substituting a proviso as follows—

Provided that—

- (a) a conveyance or transfer made for effectuating the appointment of a new trustee, or the retirement of

a trustee, whether the trust is expressed or implied;

(b) a conveyance or transfer made to a beneficiary by a trustee or other person in a fiduciary capacity under any trust whether expressed or implied; or

(c) a conveyance or transfer under which no beneficial interest passes in the property conveyed or transferred not being a conveyance or transfer which, in the opinion of the Commissioner, is made in contemplation of the passing of a beneficial interest in that property,

is not to be charged with any higher duty than one dollar. ; and

(c) by adding subsections as follows—

(2) An assessment of duty shall not be subject to any objection or appeal under section thirty-two of this Act on any grounds relating to the exercise by the Commissioner of the discretion conferred on him by paragraph (c) of the proviso to subsection (1) of this section but a person who is dissatisfied with a decision made by the Commissioner in the exercise of that discretion may, within forty-two days after the date of the assessment or within such longer period as the Treasurer may allow, post to or lodge with the Treasurer an appeal in writing stating fully and in detail the grounds on which he relies.

(3) The Treasurer shall, with all reasonable despatch, consider the appeal and may either disallow it or, for reasonable cause shown by the person making the appeal, allow it.

(4) The Treasurer shall give to the person making the appeal written notice of his decision on the appeal and that decision shall be final.

No. 3—

New clause

Page 3.—Add a new clause to stand as clause 4 as follows—

Section 75 amended.

4. Section 75 of the principal Act is amended by repealing subsection (3) and substituting subsections as follows—

(3) The following conveyances or transfers, that is to say—

(a) a conveyance or transfer for a nominal consideration for the purpose of securing the repayment of an advance or loan;

(b) a conveyance or transfer for effectuating the appointment of a new trustee, or the retirement of a trustee, whether the trust is expressed or implied;

(c) a conveyance or transfer made to a beneficiary by a trustee or other person in a fiduciary capacity under any trust whether expressed or implied; or

(d) a conveyance or transfer under which no beneficial interest passes in the property conveyed or transferred not being a conveyance or transfer which, in the opinion of the Commissioner, is made in contemplation of the passing of a beneficial interest in that property,

shall not be charged with duty under this section.

(3a) An assessment of duty shall not be subject to any objection or appeal under section thirty-two of this Act on any grounds relating to the exercise by the Commissioner of the discretion conferred on him by paragraph (d) of subsection (3) of this section but a person who is dissatisfied with a deci-

No. 2—

Clause 3, page 2, line 28—Insert after the word "to" the passage "subsection (1) of"

sion made by the Commissioner in the exercise of that discretion may, within forty-two days of the date of the assessment or within such longer period as the Treasurer may allow, post to or lodge with the Treasurer an appeal in writing stating fully and in detail the grounds on which he relies.

(3b) The Treasurer shall, with all reasonable despatch, consider the appeal and may either disallow it or, for reasonable cause shown by the person making the appeal, allow it.

(3c) The Treasurer shall give to the person making the appeal written notice of his decision on the appeal and that decision shall be final.

Progress was report after amendment No. 1 had been partly considered.

Sir CHARLES COURT: Mr Chairman, last night I explained the situation which would arise if we accepted this amendment. However, I did ask that we report progress, because after a quick glance at the Legislative Council's amendment I thought it was different in form from the amendment which I had previously discussed with the Leader of the Opposition. However, I find that is not the case and the Legislative Council, in order to overcome the problem with their Standing Orders, has amended clause 2 instead of deleting it and adding a new clause altogether.

This morning I have had the amendment checked to ensure my own judgment is not faulty in the matter and I have been assured by the Crown Law Office as well as by the Commissioner of State Taxation that what the Legislative Council proposes now is identical with what we had intended.

I reiterate the amendment has arisen out of the debate which took place in this Chamber and the possibility which was pointed out by the member for Cottesloe that there could be scope for further avoidance if people took advantage of the original wording, in respect of the satisfaction which the commissioner would seek to achieve. It was pointed out that this could be overcome by a person submitting a statutory declaration setting out his reasons for the trust. It could be challenged in the court if the commissioner was not prepared to accept that as satisfaction.

Subsequently the person concerned could go to another State and do what he originally intended to do, or alternatively do something different, thus avoiding the *ad valorem* stamp duty.

In view of the fact that this is stopgap legislation until such time as we introduce the new Stamp Act next year, the problem arose as to how we could remove the possibility of the commissioner's judgment of the matter being defeated through this other process. It has never been the will of this Parliament to give discretion to the commissioner unnecessarily. It has never given discretion to the commissioner or to any other person in that type of position without special circumstances applying. We did have a case such as this when we had the rewrite of the Land Tax Act before us and we got into one very difficult area where there was only one way around the problem and that was to give the commissioner some discretion, with appeal to the Treasurer; but it was in a limited area only.

Now we have a case where it is suggested in the amendment that there be no appeal to the court in respect of the commissioner's decision if he believes *ad valorem* stamp duty should be applied as distinct from nominal stamp duty; but if the person feels aggrieved he is able to appeal to the Treasurer.

The appropriate parts of the amendment appear at the bottom of page 7 of the notice paper. Members should refer to amendment No. 1 (c) (2), (3) and (4).

I emphasise that this is a stopgap measure to prevent what we fear could be a great increase in the instances of avoidance of this particular tax, and for that reason I commend the amendment of the Legislative Council to the Committee. I give notice now that I will also be recommending concurrence with amendments Nos. 2 and 3 in Message No. 75 received from the Legislative Council.

I move—

That amendment No. 1 made by the Council be agreed to.

Mr BERTRAM: This Bill was before this Assembly a day or two ago and members will recall that there was some discussion of the actual saving of tax which was being made by a person who was seeking to avoid the provisions of the Stamp Act. I have since ascertained that the saving was \$16 172.50 in a transaction involving the conveyance of land valued at \$1 079 852. As a result of that avoidance, of course, now we are here in Parliament trying to make the Stamp Act good at considerable expense to the public in terms of the members' time and so on.

The Legislative Council has put forward amendments which are on the notice paper today and which appear to me to far exceed in the addition to and variation of the Act the actual length of the original Bill which was only a page or two. Nevertheless the endeavour is to put a stop to this particular avoidance, and every endeavour to stop people avoiding taxation by smart aleck tricks is supported by members on this side.

We support not only this amendment, but also the others on the notice paper. More readily we do this because we have been assured by the Government that this is in fact something of a stopgap measure because the whole of the Act is under review and that in a reasonably short time—we would hope next year—the Act will come before us for repeal and re-enactment in an improved form.

In view of those circumstances we support the amendments.

Question put and passed; the Council's amendment agreed to.

Sir CHARLES COURT: In view of the indication given by the member for Mt. Hawthorn, I move—

That amendments Nos. 2 and 3 made by the Council be agreed to.

Mr JAMIESON: The only comment I wish to make is that often we are led into further amendments after the Crown Law Department has submitted a Bill. Maybe these amendments will do what is proposed, but I am always suspicious when legal men in the Chamber find fault with legislation, and it is redrafted. My experience over the years has been that we finish up with more trouble than we set out to cure. This occurred even way back in Val Abbott's day because every time he submitted amendments to legislation, it had to be straightened out as a result of something which had been missed.

I hope that the member for Cottesloe, who seems to have induced these amendments, is on the right track. I have heard he has been associated with the drafting of quite a bit of legislation going through Parliament at present. If this is so, we must be sure he knows what he is doing. Some legal men do, and some do not. Arthur Watts was good and we did not have any problems with his amendments.

It is unusual, to say the least, to have a two-page Bill followed by three pages of amendments. It may be that there is a necessity for this, but certainly someone in the department should be

criticised if this is the case because this is not a little mistake; it is a major one, and a bad drafting error.

Sir CHARLES COURT: I think I should place on record that although the member for Cottesloe was the member of the Chamber who drew my attention to the possible loophole, I would not like him to be blamed by posterity for the drafting. I must make it very clear that once the principle had been accepted and the danger noted, the matter then went to the Crown Law Department and the Commissioner of State Taxation for amendments to be drafted. I then found the commissioner had not been completely uninformed on the possible danger, but was relying on some other powers in the interim period which he felt might enable him to deal with bare trusts. However, once the matter was brought to the notice of the Committee and I had the explanation of the commissioner, I felt there was an unnecessary risk being taken, even with other powers he might have under the parent Act. Therefore, I felt I had a responsibility to bring the matter to the Chamber and have the necessary amendments drafted.

It was then that the trouble occurred in trying to get something brief, simple, and foolproof, and it was only because of this problem that eventually we settled—without any consultation with the member for Cottesloe, who probably is not very happy about the final solution, but I think he would admit it was a practical one—on the amendment in its present form.

Like the Leader of the Opposition I have seen some disastrous results when amendments have been made *ad hoc* and off the cuff in the Chamber. I always do my best to avoid that by taking the queries to the Crown Law Department so that they can be dispassionately considered outside the Chamber itself.

Question put and passed; the Council's amendments agreed to.

Report

Resolutions reported, the report adopted, and a message accordingly returned to the Council.

ELECTORAL ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 9th November.

MR BRYCE (Ascot) [12.17 p.m.]: The day this piece of legislation goes on our Statute book

after having received the approval of the Governor, will be the blackest day in the political history of Western Australia.

Sir Charles Court: You have said that before.

Mr BRYCE: I am about to give the Premier a list of some of his previous excursions into extremism which will make him realise this dovetails very nicely with some of the disastrous things which have occurred to Western Australia in the period he has been at the helm.

It is regrettable that we have become accustomed to a form of indecency in the handling of legislation in this Parliament; indecency in particular associated with the speed with which the Government pushes unsavoury laws through both Chambers. This is, in fact, one of the most unconscionable and reprehensible pieces of legislation Western Australians have seen.

Mr Bertram: Without a doubt.

Mr Blaikie: That is what you said on the fuel Bill, remember?

Mr BRYCE: Might I suggest to the member for Vasse that that Bill was very much a first cousin to this type of discrimination against people.

Mr Blaikie: How many times has that been put into operation?

Mr BRYCE: It is a typical example of an inroad into the democratic right of Western Australians—on this occasion, black, blind, physically disabled, and migrant Western Australians.

Mr Blaikie: Are you looking for a headline?

Mr BRYCE: The fuel and energy Bill of a few years ago was the beginning of this long list of disgraceful pieces of right-wing extremism the State has been subjected to since the Court Government assumed responsibility in Western Australia in 1974.

Mr Davies: All in the name of righteousness.

Mr BRYCE: The Australian Labor Party members of this House want to make it perfectly clear that we are totally and utterly opposed to every single piece and part of this legislation, and we are opposed particularly to the scurrilous motives behind its introduction. We will have no bar of it whatsoever.

Sir Charles Court: Have you got another deal on with the Press, with those friends of yours?

Mr Davies: There we are, getting on to petty issues.

Mr Barnett: Squirm!

Mr BRYCE: This particular piece of legislation is undemocratic. It is un-Australian, and it is unclean. The thing that should disturb

most of us more seriously than anything else is the fact that this piece of legislation will bring Western Australia into disgrace in the eyes of our fellow Australian citizens. More particularly, in the eyes of any resident or citizen of a democracy anywhere else in the world this piece of legislation would be abhorrent.

Any deliberate act of the Government to use the power of the Legislature to discriminate against a racial minority—that is the first motive of the Bill but in doing so it discriminates also against the blind, the physically disabled, and the migrant element of the community—has to be regarded as the lowest depth to which a Government can go in a democracy. We have seen actions like this in totalitarian Governments—both the left-wing and the right-wing varieties. Until today most Australians would have believed that this form of legislation was not possible anywhere in this country, except perhaps in Queensland where we find that infamous political lunatic in charge of the Government.

We find, Mr Speaker, that the legislation is now before members of this Chamber because there are not enough men of substance and guts to stand up to their own megalomaniacal leader in the party room to say, "Look, we have had enough. This is where we draw the line. We are not prepared to associate our names with this type of retrograde step." That is the reason that the legislation is in the Chamber now. Might I say it is a tragedy there are not enough men on the benches opposite—

Mr Nanovich: What makes you think you are a man?

Mr BRYCE: —to exercise any strength of commitment to principle and enough decency to tell their own leader that this form of legislation is an absolute and complete outrage as far as human rights are concerned and as far as any form of decency is concerned.

Mr Nanovich: You have reformed since you came back. If you had stayed a bit longer you might have been a bit better.

Mr BRYCE: Most Australians would believe that only Bjelke-Petersen was capable of introducing this form of legislation. Whilst our Premier may well be a complete model of Bjelke-Petersen in many ways, I would have expected that more men of substance sat behind the Premier of Western Australia and that they would have been prepared to battle with their Premier in the party room.

Mr Young: How many members on your side of the House will be allowed to vote according

to their consciences on the Criminal Code Amendment Bill (No. 2)? Give us a rough estimate. Everyone on that side has to vote for it.

Mr BRYCE: This particular Bill concerns amendments to the Electoral Act. Let the member for Scarborough and his colleagues behind him bleat about that proposed piece of legislation when it is before the House.

The measure now before the House will create for everyone in this Legislature a certain amount of stench because we on this side of the House cannot dissociate ourselves from it enough. We would like to have been able to deal with the Bill without even touching the paper it is printed on, but the stench will linger on as long as this particular provision remains on the Statute book.

It is curious to observe the speed with which the Government is acting. This speed is only a measure of the Government's state of panic. Only a few days ago this measure was forced through the Legislative Council—not with record speed, but certainly with great speed. And so we saw it introduced into this Chamber only last night and the Government, acting in haste and reflecting its own panic, is now forcing a debate on the issue today, less than 24 hours later when everyone knows it is customary to adjourn a Bill of this nature, of this seriousness, and of this magnitude, at least for some days.

I suggest to members in all seriousness that there is one principal reason that the Government is pushing this Bill through the Chamber full steam ahead and that reason is the growing wave of revulsion and outrage and the mountain of distaste in the minds of the public as people outside this Chamber grasp its significance.

So in this morning's Press we saw a very interesting plea from some of this community's most respected and most important people. They asked the Government to be less hasty in its determination to discriminate against Aboriginal people, blind people, physically disabled people, and people who came to this country as migrants. The people who prepared this statement suggest to the Government that it should slow down the process and that its sense of panic is not justified.

As we do not have the facilities in our Standing Orders to ask for the incorporation of a document, I would like to commit to the record the statement that was released this morning by the important people to whom I have referred. This gives us an indication that there are some people in our community, some important people, some enlightened people, who have a conscience, and who are prepared to speak out publicly to

reflect that conscience. The people concerned have taken the steps to do that and I congratulate them because it is not easy for ministers of religion in particular to be seen to be taking a stand for which they could be accused of being partisan.

Mr Watt: It does not seem to be too hard for some.

Mr BRYCE: For the sake of the record, I would like to read this statement word for word because I believe it is most significant.

Mr Hassell: Do you know whether all these people have read the Bill?

Mr BRYCE: Because of the electoral boundaries, this Government does not represent the people, and I believe it ought to be indicated clearly that a significant number of leading people with consciences have spoken out against the Bill. The statement released by these people reads as follows—

We, the undersigned, recognising the problems under the Electoral Act 1970-76 identified by the judgement of the Court of Disputed Returns, express our concern with the proposed amending legislation, for the following reasons:—

- (1) That the recent alteration in the voting rights of people described as "illiterate" has placed them at a serious disadvantage in relation to other people;
- (2) That the special needs of the migrants and Aboriginal people who are disadvantaged by lack of understanding of the English language have not been properly considered;
- (3) That adequate care has not been taken to provide that voting by handicapped people including the blind, and those unable to read and write in English is made on an equal basis with other voters;
- (4) That alternative ways of dealing with the exercise of voting rights have not been fully explored;
- (5) That the apparent denial of human rights will reflect on the good name of Australia in the rest of the world;

Consider that the Government should (a) defer the passing of the proposed Amendment; (b) as a matter of public concern refer the relevant provisions of the Electoral Act to a special committee where the public will have an opportunity to make representations; (c) recognize the need to evolve amendments

that will give all people the opportunity to exercise their voting rights on an equal footing; and (d) permit the voting on the Final Bill to be on non-Party lines.

Sir Charles Court: Not one of those people has been in touch with the Government to have an interpretation of the Bill given to him.

Mr BRYCE: Might I suggest that the Government would give them very rough and rugged treatment if they did. It is not surprising they hesitate to contact the Government. This Government, principally in the form of the Premier, has introduced into politics a form of extremism the like of which this State has never seen before, and that is one of the reasons that people, irrespective of their position in society, shrink from contacting the Premier to ask him about legislation.

Mr Blaikie: Rot!

Mr Williams: You are irresponsible.

Mr BRYCE: So much for the man who said he was going to take Government back to the people; so much for the man who said he would have an open line from the top chair.

The statement I have just read to the House was signed by the following people—

G. T. Sambell—Anglican Archbishop of Perth.

Peter Quinn—Catholic Auxiliary Bishop of Perth.

Shalom Coleman—Chief Rabbi, Perth Hebrew Congregation.

Ronald R. Berndt—Professor.

B. L. Sansom—Professor.

Eric J. Edwards.

Vernon Cornish—Anglican Dean of Perth.

R. Lefroy—Medical Practitioner.

David Allbrook.

Mary Durack Miller—Author.

John Gilks—Uniting Church Clergyman.

Edwin White—Director, Good Neighbour Council.

Bruce Mainsbridge.

W. A. Carson.

Susan Woenne.

Mona and Jack Loneragan.

Laksiri Jayasuriya—Chairman, Perth Asian Community Centre.

Peter D. Reeves—Professor.

Michael Challen—Clergyman.

H. Wallworth.

Several members interjected.

The SPEAKER: Order! The member will resume his seat. I would ask those members who

are engaging in across-the-Chamber conversations to desist.

Mr Clarko: Are any of those people Labor activists?

Mr BRYCE: Not that I know of. I sincerely hope in the interests of the smooth running of this Chamber that members opposite, who seem absolutely intent in engaging in this cross-fire while I am reading from a rather tiresome but embarrassing list of names, will support an amendment I intend to move to the Standing Orders to allow a list such as this to be incorporated in *Hansard*. In that way, they will be able to avoid the prospect of members reading out such embarrassing information. The list of signatories continues—

John Abraham—Anglican Clergyman.

George Buick.

Fr. C. J. Uren—Catholic Chaplain, U.W.A.

F. J. Murray—Head of Department of Social Sciences, W.A.I.T.

The embarrassment the Government feels about a list like this is that such a list probably would be at least 10 times longer than it is now by next Tuesday, and conceivably 100 times longer than this a week later. That is the real reason this Bill is being steamrolled through this House today. The Government is afraid that the indications on the front page of today's newspaper from these important community leaders is only the tip of an iceberg which will reflect the revulsion people in our community feel about this Bill, and a growing sense of revulsion with the men and women who comprise the Cabinet which is responsible for this sort of legislation.

Sir Charles Court: I repeat: Not one of those people has been in touch with the Government to have an explanation of the Government's legislation.

Mr Davies: So what?

Sir Charles Court: It is rather important, do you not think?

Mr Davies: No.

Mr BRYCE: Since when did we acknowledge in this Chamber it was necessary for somebody personally to consult Adolf Hitler to discover the real meaning of *Mein Kampf*?

Sir Charles Court: Normally, the people on that list would wish to check with the Government to ensure their petition was soundly based.

Mr BRYCE: There now is no doubt in anybody's mind that the purpose of this amendment to the Electoral Act is simple. It is designed

to thwart the possibility of the people of Kimberley electing an Australian Labor Party member of Parliament. The provisions of the Electoral Act were perfectly all right while the people of Kimberley voted Liberal. However, the Government is in a state of panic. In fact, so great is the Government's desire to thwart the will of the people of Kimberley that one would imagine it had a majority of only one.

This legislation is a measure of the extremism which comes from the top. It now is apparent that people in Kimberley, particularly some Aboriginal people, have no intention of supporting the Court Government at the election; in fact, many people in the electorate have expressed this precise intention. Therefore, we have a Bill introduced with the express purpose in mind of effectively disenfranchising thousands of Aborigines, not only in Kimberley but also throughout the entire State.

The legislation also will effectively disenfranchise and hinder the opportunity of blind, disabled and migrant people to register their vote. A comment made last evening in this Chamber by the Premier struck a very interesting chord with members on this side. He informed us that when he went to Kimberley during the last campaign he received a very poor reception. People he had known all his political career turned on him and would not speak to him; they were not prepared to spend the time of day with him.

Sir Charles Court: These were Aboriginal people.

Mr BRYCE: In fact, this points us all to the real reason for the Bill. Everybody in this Parliament, in the Liberal Party, and in the community who has dared to stand up to the Premier has finished up on the receiving end of something similar to this piece of legislation. In the past, it has been the trade unionists, the environmentalists, teachers, members of the Country Party, certain isolated members of his own back bench, members of the Federal Parliament and the Federal Government who have been attacked. One by one, the Premier has smeared them to suit himself. At the moment, it is the Aborigines who have been singled out for treatment.

Sir Charles Court: No, the people who manipulated the Aborigines are being singled out for some consideration, and you are not liking it.

Mr BRYCE: The Premier is particularly sensitive about the Aborigines. But do members notice he has not been prepared to defend himself on even one occasion in respect of the effect this

legislation will have on blind, physically disabled and migrant people? The tragedy is that, because of what happened in Kimberley and because the Liberal Party finished up with egg on its face and was disgraced because of the malpractices it entered into during the Kimberley election—the judge himself said so—the Government has been panicked into producing this piece of legislation; but it will act like a grab bag and will affect not only the Aborigines but also the blind, the physically disabled, and the migrant. What a great Government to be able to sit back and say, "We bully the blind; we bully the physically disabled; we bully the migrants who cannot understand English." What a great set of standards!

Once again, I repeat: What a tragedy it is that there were not enough members on the Government back benches to stand up to their leader when this sort of Bill was being discussed in the party room. If they feel they must shrink from crossing the floor and risking expulsion from their political party, why did they not face up to their megalomaniacal leader in the place which really counts, the party room? If they were worried about their membership of the party, that was the place to do it. Or did they simply sit back and not know the implications of this Bill? Might I suggest to those back bench members that they will be even bigger people if, after they realise the serious implications of the legislation, they either vote against it or agree to refer it to a Select Committee.

Mr Sodeman: What happened to the person who voted against Labor Party policy in another place?

Mr O'Connor: He got the sack!

Mr BRYCE: Government back-benchers have a commitment to the people they represent, and I can assure members that these people are thoroughly disgusted with this type of legislation. One hundred years ago, one could well imagine the sort of disgraceful human weaknesses which would have brought this type of Bill to this Parliament. It was the sort of weakness which caused some of the conservative landlords to poison the flour given to Aborigines. That is the sort of weakness and attitude that is now simply translated into this form 100 years later. It is a disgrace and every decent citizen in this State knows it is a complete disgrace, and is revolted by it.

Mr Herzfeld: You are a disgrace for misleading the people of Western Australia.

Mr BRYCE: I would have thought the member for Mundaring was one of the more liberal-minded people as opposed to the vicious conservatives in this Chamber, but it seems that during his process of maturity in my absence he has reflected a great deal of the sentiments that would cause many reasonable people to feel very uncomfortable.

Mr Tonkin: Another Government troglodyte.

Mr BRYCE: I think the essence of this matter is based upon the realisation that the Aborigines in the Kimberley have upset the Premier and they may dent his ego—his monumental ego—which prevents him from accepting the realisation that his party will lose the Kimberley seat. He is therefore panicking. Had this Bill not been brought to the Parliament it may have been a close contest, but the polarisation and extremism that will spin off as a result of this legislation will mean the Liberal Party's chance of gaining the seat has been smashed. The Liberals will polarise the community and every decent citizen will turn his back on the Liberal Party. The Liberal Party has been exposed by the findings of the Court of Disputed Returns.

Mr Sodeman: You do not think it will polarise against the ALP?

Mr BRYCE: I have already indicated that the people who are going to be the additional and the unforeseen casualties of this Bill will be the blind, physically disabled, and migrant people. Such is the hypocrisy of our Premier to stand in this place on numerous occasions and to issue public statements from his office about the essential need of Western Australia in respect of migrants for manpower.

This is the first opportunity we have had to see the Premier reflect his true feelings in respect of migrants. What he and his Government are saying is reflected in this Bill and it is one of two things: It is either, "We want the migrants to come to this State and work" or "We want only those migrants who can speak English. We are not interested in migrants who are not literate as far as the English language is concerned."

That is exactly the insult which this Government is giving to every Yugoslav, Greek, German, Italian, Dutchman, or any other European who has come to the State and cannot handle our language. When these people walk into the polling booth they may be unable to vote. So much for the member for Whitford who ought to be ashamed for supporting this Bill because when some of his family and relatives walk into a polling booth, unable to handle the English

language, they will be told they cannot present a how-to-vote card to explain their vote.

We can only assume that the Premier is interested only in English-speaking migrants; he is turning his back on Europeans; he is snubbing them and ignoring them. This is a fact; he would prefer, no doubt, migrants from Rhodesia and South Africa who have white skins and can handle the English language. We are accustomed to the Premier's priorities and preferences; he would sooner have these people migrate to the State and he is prepared to turn his back on white Europeans who cannot speak English. Any other construction placed on this amendment would be illogical.

In the Premier's migration policy he says, "We want you to come to Western Australia" but in his Electoral Act he is saying, "If you cannot handle the language, irrespective of your intelligence, your political opinions, and your right to vote, you will not be entitled to a vote."

Sitting suspended from 12.45 to 2.15 p.m.

Mr BRYCE: At the commencement of my remarks before the luncheon suspension I indicated it was my belief that it would be a very dark day indeed for Western Australia when this particular piece of legislation was proclaimed, whereupon the member for Vasse interjected and said that I had said the self-same thing when debating the fuel Bill some years ago. My recollection suggests to me that the member for Vasse is quite right. I would like to point out, however, that the days are getting darker and with the number of these experiences in mind I would say that the Court Government is producing a dark age with an increasing number of these dark, dismal experiences. That is something I would like to reflect upon for a little while.

It is quite staggering when one looks at some of the legislation which is similar in vein and purpose to the Bill before us and which has been introduced during the period of the Court Government. Very much to the Premier's distaste, my friend and colleague, the member for Balcatta, last night suggested that the Premier's role in Western Australia in recent years has been to introduce this element of thuggery and brutality into politics.

Sir Charles Court: He of all people should not be talking about that, in view of his record.

Mr BRYCE: I will indicate what I mean when I say that I support the suggestion of the member for Balcatta. Members know full well that as a result of the fuel and energy Bill we now have on our Statute book in this State an Act

which makes it possible for the police to call in the early hours of the morning at anyone's home to imprison people without a charge, once a state of emergency has been declared by the Governor upon the direction of the Premier. It is now possible for people to be arrested and imprisoned for an indeterminate period, and homes can be searched without warrant. Retrospective provisions were written into that legislation to punish—

Mr Mensaros: The ALP had legislation drafted.

Mr BRYCE: That Bill never reached this Parliament. Might I say that the Minister, who has become amazingly animated about this—the man responsible for bringing down that legislation into the Parliament—has taken no action in his party room to ensure that the Bill did not get to this Parliament. The fuel Bill to which he alludes was squashed in the ALP party room.

Mr Old: Have you seen the New South Wales Bill?

Mr BRYCE: A similar sort of awareness should have operated on this occasion inside the party room of the Liberal-National Country Parties in order to ensure that the Bill before us did not come to the House. It may be very distasteful for members opposite to accept responsibility for it, but that, in fact, is the situation.

Mr Mensaros: Do you know the NSW legislation brought down under the Wran Government has much harsher provisions than ours?

Sir Charles Court: Have you been in touch with Mr Wran about his Bill?

Mr BRYCE: There was a deliberate gerrymander. Let us look at the next one a year later.

Mr Old: What about the New South Wales Bill?

Mr BRYCE: Members opposite would be shocked if I stood up here and said that I disowned that action whether it was introduced by a Labor Government or a Liberal Government, but I do think it is distasteful and I am prepared to be consistent. That is precisely where members of the Government front benches and back benches find their logic fails because they are so utterly preoccupied with tit-for-tat politics. They think that if they find some unpalatable example of something the ALP has done during the period of the last 80 years, that will be enough to force me to justify what was done. I will not justify it. I personally believe it to be repugnant, and I say so, whether it was pseudo-Liberal in the form of the Minister for Agriculture who supported the Bill, or whether a Labor Government

did so. I find that form of legislation unpalatable because it smacks of totalitarianism and whether it comes from the right or the left it ought to be disowned.

Mr Mensaros: Because you know that you are doomed to perennial opposition never having responsibility to govern.

Mr Williams: Not even your front bench members are with you. Even they are fed up with your talking.

Mr BRYCE: I am not sure whether our bright new addition from Clontarf was one of those who went to fight during the second World War. Maybe he is not old enough to have done so. However, I have a few cherished thoughts to put to him in a while.

The second dastardly action which fits nicely alongside the fuel and energy Bill was the very deliberate act of the Court Government to rig the boundaries of this Parliament—to gerrymander them in a way which will stand to its eternal shame.

It will be an epitaph to Sir Charles Court because it was during his period of office that the worst gerrymander in the history of this State was brought into Parliament.

So, we will look at the very next one—which was the amendment to the Police Act.

Several members interjected.

The SPEAKER: Order!

Mr BRYCE: The third most significant undemocratic deed of this Government was the revision of the Police Act.

Several members interjected.

The SPEAKER: Order! There are too many interjections.

Mr BRYCE: I suspect that members on the Government benches have forgotten the amendments to the Police Act which were introduced during the dying hours of the last Parliament under the auspices of this Government to make it illegal for more than three people to congregate in a public place. That gave unbelievable powers to the Police Force and to the Commissioner of Police in this State, an action alien to the democratic system of Government.

Mr Clarko: What effect has it had? Nothing has come to pass.

Mr BRYCE: That is the type of legislation which people such as Bjelke-Petersen would and could use.

The first example was the decision of this Government to introduce a Bill to amend the Act with regard to film censorship. That measure gave the Government the right, if it decided to exercise it, to censor films on a political basis for the first time in the history of this State. That was the very first time such legislation had been introduced. Members of the Liberal Party cannot deny the fact that the fuel and energy Bill, the gerrymander, the amendments to the Police Act—increasing the powers of the police—and then the decision for political censorship of films, are un-Australian and undemocratic and alien to our system of government.

Now we find that the Government is bringing legislation to this Parliament which is designed deliberately to discriminate against the illiterate Aborigines, the blind people, the physically disabled, and the migrants.

I understand in this Chamber we have sitting opposite to us a number of Australians who went away to fight during the second World War. I understand the Minister for Labour and Industry in the front bench; the Minister for Police—the Deputy Premier; the Premier himself; and the Minister for Agriculture, are all ex-servicemen. I seriously issue a challenge to them that they ought to look at themselves in the mirror every morning and ask themselves why they went overseas to fight against an undemocratic regime, a totalitarian regime, a fascist regime. They are now Ministers in the present Government and they have a first-class opportunity to do something about the situation in Western Australia. They should ask themselves why they are aiding and abetting the very things they allegedly went away to fight against.

Sir Charles Court: We were trained to stop the manipulation of votes.

Mr BRYCE: One wonders why the Premier went away to fight at all. He is still playing soldiers, and wears his colonel's uniform when he gets the opportunity. One wonders why he went away to fight all the things which were undemocratic.

Sir Charles Court: Don't you talk rot.

Mr BRYCE: An undemocratic leader in charge of the Police Force could destroy Western Australia. There were Social Democrats in the German Parliament who took their place there and argued in precisely this fashion during the 1920s and the 1930s, and the member for Karrinyup is aware of that. Not many other members on that side might be aware of it.

Mr Clarko: Remember Hitler was a socialist.

Mr BRYCE: I suggest Hitler was as much a socialist as the member for Karrinyup is a Democrat.

Several members interjected.

Mr BRYCE: I believe now is the opportunity to offer a challenge to the various categories of members who sit opposite. We can categorise them according to our knowledge of them, and according to their behaviour in this place.

We have the Cabinet Ministers and we have the boot lickers—the people interested in the prospect of a black car appearing over the hill and all the perks of a high office. We cannot appeal to those members.

Several members interjected.

The SPEAKER: Order! I will not tolerate conversations across the Chamber, or conversations at all, which interfere with the debate which is ensuing. I would like members to discontinue conversations with one another across the Chamber. The Deputy Leader of the Opposition.

Mr BRYCE: I was illustrating that there are various types of people sitting opposite, deliberating on this measure, who have a particular interest in all Western Australians. I appeal to those members. There are some members opposite who have a vested interest by virtue of Cabinet solidarity. Those members would never dream of having second thoughts. There are members who are so desperate for a place in the Cabinet that they would not dream of entertaining second thoughts.

Then, there are others. We do not know where they stand or what they think; and, of course, there is a handful of reasonable human beings to whom we can appeal. They are the people who should be thinking very seriously about the implication of this particular measure. They are the people we have to ask to exercise some guts, and stand up to speak out. It is not easy; no-one suggests it is easy.

The member for Scarborough interjected earlier, and criticised my logic. When a member belonging to the Labor Party opposed an amendment to the Criminal Code, he ceased to be a member of the Labor Party. He decided he would resign because he found it incompatible.

Mr Young: He is no longer a member. He got kicked out.

Mr BRYCE: He was simply admonished, and he decided to resign. The point is he had the guts to do it, and he knew exactly the consequences.

Several members interjected.

Mr BRYCE: I have already indicated for the sake of the member for Scarborough, and some of his colleagues, that the proper place to have squashed this measure was in the party room.

Mr Young: Tell me one person who has ever done that before?

Mr BRYCE: They should have stood up in the party room and had the sense and conviction to make sure this Bill never reached the Parliament.

Several members interjected.

The SPEAKER: Order!

Mr B. T. Burke interjected.

The SPEAKER: Order! The member for Balcatta will come to order. There are far too many interjections. May I say that if this continues I will take action.

Mr BRYCE: Therefore I make the appeal to men of reason opposite that there is no need to be regarded by history as mindless minions who followed the dictates of the Leader of the Government of the day. Let me indicate to those members opposite who are particularly worried about their position in some subsequent Ministry, that the Premier will not be here forever and a day. He is entering the twilight of his political career, and if some members opposite are really worried about some of the scurrilous things and the scandalous pieces of legislation he has spearheaded, let me remind them those things will last much longer than he will. Now is the opportunity for some members opposite to dissociate themselves from him.

The genesis of this Bill cannot be found in the policy speech of the Premier or in the Governor's Speech. We find it emanated from a state of panic that followed a realisation by the Liberal Party of Western Australia that it was going to be on the losing end of the decision of the Court of Disputed Returns. Mr Speaker, can you imagine what the people of Western Australia would have said if the Premier of Western Australia had gone to the people in February this year and included this particular piece of legislation in his armoury of promises? What would they have said if he indicated it was his intention if returned to office to bully the blind people, the migrant people, and the physically disabled people and to take away the effective right to vote of very many thousands of Aborigines?

Can you imagine, Sir, the smell that would have fallen around his ears had he dared to go to the people with that sort of promise?

So we saw the opening of Parliament, and we looked through the Governor's Speech but could find nothing to indicate that it was then foremost in the mind of the Premier to introduce this form of legislation to the Parliament. Of course, the former member for Kimberley having been returned with 93 votes in the mind of the Premier, there appeared to be no need for the legislation. So last evening when I asked a question of the Deputy Premier regarding when the Cabinet made the decision to introduce this Bill, he played the role of the old smart aleck. He was very smug and indicated that he had no intention of indicating that to the House.

Mr O'Neil: I did not say that at all.

Mr BRYCE: He really played the role of the old smart aleck very well.

Mr O'Neil: You are now playing the role of a prevaricator, because I did not say that. You are playing the role of a prevaricator to the gallery.

Mr BRYCE: Perhaps the Deputy Premier will enlighten us with his impression of what he said.

Mr O'Neil: I told you there was no importance in my telling you on what date it was decided; the simple fact was that a Cabinet decision was made.

Mr BRYCE: That is precisely the demonstration of the old smart aleck answer, a role which the Deputy Premier played perfectly, because we on this side of the House have a perfectly logical interest in knowing when the Cabinet made the decision to introduce the Bill.

Mr O'Neil: If the State had been unfortunate enough to have you as a Cabinet Minister you would know there are certain rules.

Mr BRYCE: It is apparent to most people in Western Australia that when the Liberal Party realised it was in dire straits in the Kimberley electorate as a result of the forthcoming doom associated with the likely and anticipated decision of the Court of Disputed Returns after it had sat for 30 or 40 days, it made the decision that it was necessary to effect this legislative change.

So the essential thing about the nature of the legislation is that it had its genesis in the stunt pulled by the Liberal Party during the last election. To all intents and purposes from the point of view of the members of the Liberal Party the stunt worked; they pulled off the trick; and we have seen letters read out in the courts in which the former member for Kimberley thanked people for perpetrating the tricks and helping the Liberal Party to pull off this stunt.

However, the stunt was uncovered and there was a protest and reaction against the behaviour of so many Liberal Party scrutineers in the Kimberley electorate, including the five lawyers. There was a wave of revulsion amongst the people in the Kimberley and a sharp reaction occurred which led to the charge being laid in the Court of Disputed Returns and eventually to the malpractices being brought to light one after the other. Ultimately, in an historic judgment the judge declared the results of the Kimberley poll to be null and void. That caused somebody in the Cabinet to press the panic button.

One of the most interesting features that arises from this is the fact that in his letters to his helpers the former Minister for Health and member for Kimberley indicated that unless the Electoral Act was changed the Liberal Party would have no hope of winning the next election in the Kimberley. In one of the letters he even indicated that probably he would not be interested in contesting the election unless the Act was changed.

Therefore, for the record I intend to commit to *Hansard* a couple of paragraphs from these key letters, the entire context of which may be found in the actual transcript of the court proceedings.

The first letter is the one written to that rather infamous Mr Rees, who was the third candidate. He was the candidate who billed himself to the public as an Independent, although everybody knows that Mr Rees was and still is a financial member of the Liberal Party.

He was a part of the conspiracy or trick, and he nominated with the express purpose of helping to confuse the illiterate Aborigines in the hope that many of them would be deprived of their effective desire to vote for Mr Bridge, the Australian Labor Party candidate. That matter has been spelt out on another occasion in this Chamber, and certainly in another place. In his letter of thanks dated the 28th February to this undercover Liberal who stood as the Independent third candidate in the field, the former member for Kimberley said this in the fifth paragraph—

Bearing in mind that we had five young solicitors scrutineering for us at the various polling booths, I believe that for the first time ever we now have enough evidence to convince people of the necessity for amending the Electoral Act in relation to illiterate voters. If this is not done, I would anticipate that by the next election there could be in

the order of 3,000 to 4,000 aborigines on the roll and, under such circumstances, we would have little chance of success.

Therein lies the real reason for this Government bringing this legislation to the Parliament. It is absolute poppycock and nonsense for the Premier to go to the media and to explain to the people of Western Australia that this is simply a decision to give dignity to illiterate Aborigines and to bring the situation into line with the provisions of the Commonwealth Electoral Act.

Herein lies the real reason for this legislation. There is a second letter written on the 3rd March to a Mr Quilty from Ruby Plains Station. Stations are, of course, the places where some of the most infamous electoral malpractices have occurred over the years in the Kimberley. The ninth paragraph of Mr Ridge's letter to Mr Quilty says—

You are possibly aware that on polling day we had five young solicitors fly up to the Kimberley Region to work as scrutineers for us at places where there was a large Aboriginal population.

Clearly that was a discriminatory decision in the first instance. He goes on to say—

As a result of their activities, I believe we now have enough evidence to try and convince people of the necessity of amending the Electoral Act in relation to illiterate voters. If this is not done, I would anticipate that by the next election there could be in the order of 3 000 to 4 000 Aborigines on the roll and under such circumstances the Liberal Party would be doomed to failure.

He went on to say—

I agree with you that it is going to be difficult to get through any legislation which smacks of discrimination but I believe we have an obligation to try.

He was quite right; this legislation does smack of discrimination. He was aware that this sort of provision would smack of discrimination to any decent and aware citizen in this State. However, he seemed to underestimate that his colleagues on the back bench would stick to the extent it appears they will to allow the Government simply to steamroll the measure through. He said that he believed there was an obligation to try; an obligation to himself and to the Liberal Party. Where was the obligation to the Aboriginal people of the Kimberley for whom we are told repeatedly this man had such great regard? Where was the obligation to those people—the people he represented? Of course, it is

in this same letter that he said he found it so distasteful to have to spend so much time campaigning amongst them.

There can be little doubt in anybody's mind that this is the real reason for the legislation, and this is precisely where and why the Government's credibility will suffer. Never before has anything been done so blatantly for political opportunistic reasons.

The Bill itself, this infamous piece of legislation, is really comprised of only two parts. One relates to the conditions which apply to people who wish to exercise a right to have a postal vote—clauses 2 and 3 of the Bill. The other part relates to the age-old practice in Western Australia which has permitted an illiterate person of any colour or creed to approach a polling booth with a how-to-vote card and to be able to present that how-to-vote card or a list of names to the presiding officer with a request that the presiding officer fill in his or her ballot paper according to the instruction contained on the how-to-vote card or the list. The express provision of this part of the Bill is to prevent anybody in Western Australia of voting age who has difficulty with the English language or who, because of a state of blindness or a physical disability, has difficulty in registering his or her vote, from so doing.

Mr Mensaros: That is sheer propaganda and untrue.

Mr BRYCE: It is understandable that the Minister for Fuel and Energy should be so busily occupied in rewriting an agreement for the Wundowie iron and steel company that he did not have time to study the implications of the Electoral Act. We understand that, but he should not open his mouth in this Chamber and reveal the ignorance that he obviously has of this piece of legislation.

Mr O'Neil: He is following your example.

Mr BRYCE: The Minister will have his opportunity when he replies to the debate. It is regrettable for him and his reputation in this place that he was the Minister who was prepared to introduce the Bill.

We ought to have a look at the provisions of the Act which this Bill seeks to delete to see whether what I am saying in respect of disabled people and handicapped people who are blind does in fact apply. I wonder whether the Minister for Fuel and Energy has bothered to check the sections of the parent Act which he and his parliamentary colleagues are seeking to delete. We are talking about people who apply for postal

votes, and the very first provision which this Bill seeks to delete is subsection (3) of section 90. The words proposed to be deleted are—

... but if an elector is blind or his sight is so impaired that he cannot sign the application or he is unable to write or he is otherwise so physically incapable that he is unable to sign his application, then on satisfying an authorised witness that he is unable to write the elector may make his distinguishing mark on the application which shall be witnessed by the authorised witness.

Mr Laurance: Exactly the same as the Federal Act.

Mr BRYCE: That provision is currently in the Act.

Mr Laurance: Its deletion will make the Act identical with the Federal Act.

Mr BRYCE: Because members opposite find that someone has committed an equally serious crime, it makes them feel comfortable.

Mr Laurance: No.

Mr BRYCE: Members opposite found that somebody else has done it.

Mr Laurance: I am worried about manipulation and that you can be associated with it disgusts me.

Mr BRYCE: I have been challenged, by virtue of the interjection from the Minister for Fuel and Energy, to demonstrate to the House that this will have a deleterious effect on people who are blind, physically disabled, or who are migrants who cannot handle the English language, as well as on illiterate Aborigines.

That provision is currently in the Act. It spells out that if somebody is blind or physically disabled he or she has the opportunity to make an application for a postal vote by placing his or her mark and having the mark witnessed as a formal application for a postal vote. This Bill is designed to delete that provision so that in future blind people and physically disabled people will not have that opportunity. How can members sit there and say that this Bill is not aimed at depriving them of a right which they currently have?

This Bill goes on to delete other provisions. Section 90 (4) (b) deals with any elector who has to make his mark, presumably a blind person or a physically disabled person; and that is to be deleted. Another provision of the Bill aims the same motive at these people because it seeks to delete subsection (10) of this section. How can members opposite sit there and say that

it is simply propaganda? That is all right when we are on the hustings; but we are here in this Chamber, we are deliberating on an Act of Parliament, and these are the provisions which this Government proposes to take out of the existing Act so as to deprive a certain category of people of rights which they currently enjoy.

Mr Shalders: But not their right to vote.

Mr BRYCE: I did not say their right to vote.

Mr Shalders: You said, "It removes their right to vote."

Mr BRYCE: The Government is simply making it more complicated.

Mr Shalders: We simply made it parallel to the situation in the Commonwealth.

Mr BRYCE: Members opposite scurried around and found the Commonwealth Act had a similar provision which would suit their purposes and this provision was used to justify the disgraceful situation of the Government proceeding this way. By virtue of a comparison of our Electoral Act with the Commonwealth Act, Western Australia could be seen to be truly helpful in the sense that we were being a little more humane to people who are blind or who cannot write because of a physical incapacity. But the Government has to remove that provision from the Act. There is another section—

Mr Watt: You bombed out on that one.

Mr O'Neil: Even Whittam did not complain about it.

Mr BRYCE: The member for Gascoyne knows he is sitting in this Parliament and is about to support a Bill that is deliberately aimed at Aborigines and it will deleteriously affect blind and physically disabled people and will prevent some of them from voting. He comes up with a trite explanation that it will prevent people from being manipulated. The member is so preoccupied with the manipulation which has been going on that one wonders how much manipulation went on in the electorate of the member for Gascoyne at the last election. It has been suggested in the other place that it was all right when the Liberal Party was getting away with manipulation. However, the Government is now very worried, because the Aborigines will not vote for it; therefore, the Government has brought in this legislation to change the Act. We are prepared to be perfectly consistent.

Mr Shalders: We will see later on how consistent you are.

Mr BRYCE: In the interests of all of these people, these provisions should remain in the

Act. I shall quote now some of the other provisions which are being deleted and which ought to be committed to the record, Mr Speaker. This is another provision which currently exists but which the Bill intends to delete. On page 49 of the parent Act, subsection (5) reads as follows—

(a) Where an elector is unable to vote without assistance or is unable to read or write or he is otherwise so physically incapable that he is unable to sign the declaration then the elector may make his distinguishing mark on the declaration which shall be witnessed by the authorised witness and may appoint another elector to mark the ballot paper in accordance with his instructions who shall comply with the directions prescribed by subsection (2) of this section other than completing the declaration, but if no person is appointed by the elector the authorised witness if so requested by the elector shall take the action required by this subsection to be taken by an elector appointed by the elector.

(b) The elector appointed to mark the ballot paper shall state at the foot of the declaration his full name and address and the fact that he has been appointed by the elector issued with the postal ballot paper to mark the ballot paper for him and shall place his signature immediately under such statement.

Mr Shalders: You know very well what that is aiming at.

Mr BRYCE: The Liberal Party believes that it cannot win the seat of Kimberley in a by-election. The Liberal Party has been absolutely stung. It is "in the raw" on this question. The Liberal Party has had the hide and the temerity to expose itself to the people. Its actions are so blatant they almost defy description. These amendments to the Electoral Act are simply the result of the realisation that it cannot win in the Kimberley under the existing conditions, so it wants to change the Act.

The second part of this Bill deals with the question of the presentation of the how-to-vote card by an illiterate person. This concerns particularly migrant communities. I wonder how successful the Premier would have been in the election in February of this year if he had had the temerity to go to the people of Western Australia and promise that upon his re-election he would change the Electoral Act so that any illiterate migrant or illiterate Aborigine approaching a polling booth on election day would henceforth no

longer be able to tender a list of names, or a how-to-vote card, as an instruction to the presiding officer, to indicate how he or she wishes to vote.

Mr Rushton: This legislation was not amended before the election so you people could not manipulate it.

Mr BRYCE: The Minister for Local Government has all the finesse of a Centurian tank, but none of the impact. He bleats like this and manages to do it in the most unrelated fashion.

Mr Shalders: That is only your opinion.

Mr BRYCE: That is precisely what I am here to reflect. If I am not reflecting someone else's opinion, I am reflecting my own and that is precisely what I am here to do.

Mr B. T. Burke: Do not get too technical for them.

Mr Williams: It is very rare that you express your own opinion; very rare indeed.

Mr BRYCE: The reality of the situation is that had the Premier indicated precisely what he felt in respect of the migrant communities—because there is no doubt that this is a slight against European migrants who cannot handle the English language—

Mr Shalders: That is not true.

Mr BRYCE: It is a deliberate slight, because it will deprive them of an opportunity effectively to cast their vote; a right which previously they had.

Mr Shalders: No, it is not

Sir Charles Court: A right which they still have.

Mr BRYCE: There are thousands of migrant people in the community, particularly old men and women who had less opportunity than the younger generation to grasp a working knowledge of the English language.

Mr Blaikie: You would not know what you are talking about.

Mr BRYCE: Maybe there are no migrants in the electorate of Vasse; but there are migrants in the metropolitan area and there are migrants in the electorate which I represent. May I indicate to the Premier, in case he has overlooked it, these are some of the people who will be seriously disadvantaged as a result of these provisions.

Mr Sodeman: How will they be disadvantaged? Give me an example.

Mr BRYCE: I am about to give members opposite an example. The Premier's venom which

was aimed at the illiterate Aborigine will be received also by these migrant people.

Government members: How?

Mr BRYCE: Any person, whether he is a migrant or an Aborigine, who goes into a polling booth—

Mr Blaikie: He is running for cover. He cannot answer.

Several members interjected.

The SPEAKER: Order! The interjections will cease. The Deputy Leader of the Opposition.

Mr BRYCE: For the benefit of the jackals on the Government benches who suggested I could not answer—

Mr Blaikie: And the hyenas on the other side and you happen to be the epitome of them all.

Mr BRYCE: —let me just give the example which they so desperately want. The ossification has been setting in on the head and not the spine, and some members opposite certainly need their spines stiffened a little, with a Bill like this, in order that their spines will enable them to sit up and object. Let me give members opposite the illustration which they so desperately want and are incapable of discovering for themselves. If an illiterate individual walks into a polling booth, under the provisions of this Bill, be that person a migrant or an Aborigine, he is unable to present a how-to-vote card or a list which has been drawn up for him by a friend or relative. The member for Vasse does not even know how these polling booths operate. A great number of migrant people go to a polling booth with a list of candidates. People who are illiterate and cannot understand the English language go to the polling booth with a list containing the names of the candidates written in an order which reflects the way in which they wish to vote. It may not directly reflect a how-to-vote card; it may be a variation of it. Of course, under this Bill this will not be acceptable.

Mrs Craig: It will be acceptable. They can still do that.

Mr Sodeman: Most of them can write.

Mr BRYCE: They can take this list with them at the present time; but there are people who are sufficiently illiterate, and I cite the Aborigines, who will not now be able to do that.

Mrs Craig: You were talking about migrants.

Mr BRYCE: There are migrants who come from the south of Italy and other parts of the world who cannot read and who cannot write.

Some of those people are the ones who live in our migrant communities and who use this provision of the Act. They have been able to go to a presiding officer and say, "That is how I would like to cast my vote", and now they can no longer do so. I have helped some of these people.

Mr Blaikie: I will bet you have helped them.

Several members interjected.

The SPEAKER: Order! The Deputy Leader of the Opposition will resume his seat and the Chief Secretary will cease interjecting.

Mr Pearce interjected.

The SPEAKER: I remind the member for Gosnells who seems to find some mirth in what I have said that I was in fact speaking at the time. I had asked the Deputy Leader of the Opposition to resume his seat and the House to come to order. The Deputy Leader of the Opposition.

Mr Pearce: I apologise, Mr Speaker.

Mr BRYCE: For the information of the Deputy Premier, let me remind him I have not been a member of Parliament all my life. I had the opportunity, long before I was elected, to assist people to vote.

Mr Blaikie: On your own admission, you have proved yourself guilty.

Mr BRYCE: The idiot from Vasse is one of those people who is truly an idiot.

The SPEAKER: Order! I suggest to the Deputy Leader of the Opposition if he desires this debate to get rowdier he should continue to make provocative remarks. However, I suggest he should not do so because if he does I shall ask him to withdraw.

Mr BRYCE: I insist that I reply to set the record straight. The member for Vasse had absolutely no justification for his comment. I will explain to the House that no member of Parliament would, as a member of Parliament, enter a polling booth and transgress that law. Of course, it is obvious to everybody that one would not do that.

I insist on repeating for the record, and for the sake of those who seem to be unable to hear me, that prior to the election and before I became a member of Parliament I worked in election campaigns in areas where people could not understand the English language. That was a perfectly legitimate and worth-while activity. There are migrants and people who are blind or are physically handicapped who have to be taken

to the polling booth and assisted. Under the provisions of the Bill now before us that will not be possible for migrants.

Mr Clarko: You are in error because proposed new section 129 (1) states quite specifically that a physically handicapped person can vote with the aid of a friend.

Mr BRYCE: I point out to the member for Karrinyup that there will be an increase in the number of incapacitated people who will want to vote in their own homes. I will accommodate the member for Karrinyup on this particular argument during the Committee stage of the debate.

Mr O'Neil: You will have a chance to read the Bill before then. It is quite obvious you have not read it yet.

Mr BRYCE: The member for Gosnells has mentioned a valid point. The Chief Secretary introduced this measure with a scare last night and the Premier rushed it on today. We might, in fact, be excused if we have not had time to study it properly.

Mr O'Neil: It was brought on after consultation with the Leader of the Opposition—none of this rushing it on.

Mr Jamieson: What is that?

Mr O'Neil: There was consultation in respect of this Bill.

Mr Jamieson: Nobody said anything to me about it.

Mr BRYCE: The Government ought to be big enough to admit what took place. Last night we wanted to adjourn the Bill.

Mr O'Neil: You did adjourn it.

Mr BRYCE: We wanted to adjourn it until the 20th December.

Mr O'Neil: That was for the benefit of the gallery.

Mr BRYCE: Members opposite know it is impossible to debate this Bill on a fair dinkum basis. They found they had to change the rules. The Government is afraid of facing the people of the Kimberley on the same basis as it faced them last time. The Government is frightened of the people of the Kimberley who happen to be black. It is frightened to go to the people on the same basis so it has changed the rules.

Mr Sodeman: The Deputy Leader of the Opposition is a headline hunter.

Mr BRYCE: I have indicated earlier that in bygone days when this State was governed by the Liberal Party we had a much more unified

community and a much happier State. It is a great tragedy that somebody has now brought such brutality into politics as has the existing Premier. He has done a disservice to Western Australia.

This type of legislation epitomises the actions of the Premier.

Mr Williams interjected.

Mr BRYCE: Might I say it seems something has gone wrong in the Government back benches. The member for Clontarf has been stung almost out of his seat; perhaps he needs a sedative. Someone should tell him about apoplexy.

Mr O'Neil: Someone ought to tell the Deputy Leader of the Opposition about the Bill.

Mr BRYCE: The Premier has used his position as the high priest of politics to pontificate. He used that position to smear the Australian Labor Party candidate during the last Kimberley election. When the Premier had an opportunity to explain before the court he did not do that. He wanted an inquiry, but he would not give any explanation before the court. That is the sort of thing we have become accustomed to. It is a tragedy.

There was a day when the Liberal-Country Party coalition provided a much more humane sort of Government—in the days of the Brand Government. There may have been issues on which the parties vehemently disagreed, but never was there the bitter division which has been instilled into the community from the top; from the chair; from the pedestal of the high priest of Western Australian politics. It never happened that way previously.

I have indicated earlier that we do have men of reason on the other side of the House and it is very important they seriously consider this proposition. You, Mr Speaker, are known for your courage. The member for Karrinyup and the member for Scarborough have been known in the past to stand up to the Premier for something they believed was right. There may be a few others opposite in the same category. There is the member for Subiaco who is known as someone prepared to speak out publicly for something he believes in.

Mr Young: 'When we disagree with the Government, the Deputy Leader of the Opposition does not care whether or not we are wrong, I take it?

Mr BRYCE: You are not always right, and you are not always wrong.

Mr Young: When we do something you do not care whether we are right.

Mr BRYCE: Members opposite are sometimes right but usually wrong.

Some members opposite are men of reason, and I am not excluding some National Country Party members. They are well known in their party for standing up, particularly standing up to the Premier and giving him his just deserts. I indicate to other members that if this Bill finds its place in the dustbin of history where it should be, instead of on the Statute book, it will not be a victory for the Australian Labor Party; it will be a victory for decency over some blatant optimism, and clear-cut discrimination.

MR GRAYDEN (South Perth—Minister for Labour and Industry) [3.08 p.m.]: Before I get onto what I want to speak about there are a couple of points I would like to clear up as far as the member who has just resumed his seat is concerned. I want to remind him that this State Government, and the Commonwealth Liberal Government, have taken forward steps in other ways as far as Aborigines are concerned.

About 15 years ago the Liberal Party in this State became the first party in Australia—canvass every State, canvass the Commonwealth—to endorse an Aboriginal. The Liberal Party endorsed Leedham Cameron for the same province in which we now have the seat of Kimberley. That was at least 15 years ago.

What did the Labor Party do on that occasion? For the first time, an Aboriginal candidate was endorsed but the Labor Party opposed him and fought tooth and nail against him. They rubbished him up hill and down dale.

They did everything possible to destroy his chances of being elected. But what did Leedham Cameron do? He was the first Aboriginal to be endorsed in all Australia.

Mr Jamieson: I know he was thrown out of the Onslow Hotel by a barmaid.

Mr GRAYDEN: In an area which is a hotbed of the entrenched Labor forces, at Cockatoo Island and Yampi Sound he won against the Labor Party by over 40 votes. So it went on, notwithstanding the intense campaign waged by members opposite against that first Aboriginal ever to become endorsed, and he was endorsed by the party which sits on this side of the House. Notwithstanding that, they opposed him. So to my mind they stand condemned in their hypocrisy.

Mr Jamieson: You are talking nonsense. We have the statistics.

Mr GRAYDEN: That is the sort of contempt in which I hold—

Mr Jamieson: The figures were at Cockatoo Island State School 34 for Cameron and 56 for Wise, and at Koolan Island State School 22 for Cameron and 37 for Wise; at Gogo Station 32 for Cameron and four for Wise. I do not know what you are reading or what you have been eating.

Mr GRAYDEN: We will check on that.

Mr Jamieson: They are official statistics.

Mr GRAYDEN: At Cockatoo Island and Yampi Sound—

Several members interjected.

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

Several members interjected.

Mr GRAYDEN: What about Gogo Station?

Mr Jamieson: Thirty two for Cameron and four for Wise.

Several members interjected.

Mr GRAYDEN: This was 15 years ago.

The SPEAKER: Order! There are far too many interjections.

Mr GRAYDEN: This was 15 years ago. Leadham Cameron had such successes and the Leader of the Opposition has just given us an instance of them, where Cameron got 32 votes against four for the Opposition. That was a first for the Liberal Party. This party in Western Australia was the first in the whole of the history of Australia to endorse an Aboriginal, and what a wonderful first it was.

Mr Jamieson: You organised him.

Mr GRAYDEN: Which party is it that has an Aboriginal senator, Neville Bonner? Is it the Labor Party? Of course it is not the Labor Party, because we have seen over the years precisely what the Labor Party thinks of the Aborigines. At the moment, of course, they are on the bandwagon because of their votes, but it was a Liberal Party which endorsed Neville Bonner, and he is a Federal member. Here is an Aboriginal member of the Senate of the Federal Parliament who went in to help Alan Ridge. The Aborigines would not even speak to him because of the fear campaign I have spoken about. They fled into the bush. Here is an Aboriginal who has already been elected to

the highest Parliament in the land—the Commonwealth Parliament—and when he went into that electorate the Aborigines, out of fear, would not even speak to him. He brought with him an Aboriginal member of the Northern Territory Parliament who again could not speak to the Aborigines in the Kimberley because of the fear which had been engendered.

Mr Harman: By whom?

Mr GRAYDEN: The member for Ascot talked in terms of trail-blazing, and I have given him two examples of trail-blazing. The first was Leadham Cameron, 15 or so years ago, in a campaign into which all the bitterness in the world was injected by the Labor Party against that Aboriginal candidate; otherwise, we would have had an Aboriginal member in this House 15 or more years ago, and might have had many Aborigines in this Parliament, had Cameron not been opposed by the Opposition.

What are members of the Opposition doing now to Neville Bonner? Everything possible to denigrate him, tear him down, and ensure his defeat. What hypocrisy for them to come along and talk in terms of their being friends of the Aborigines!

The second thing I want to comment on is that the member for Ascot talked in terms of members on this side of the House being ex-servicemen and going overseas, and he queried why they went overseas. We went overseas to fight for this country in the interests of democracy and preserving free elections in Australia.

Mr B. T. Burke: Did you ever go overseas?

Mr GRAYDEN: The legislation we have here today is designed to do precisely that and it is being opposed by members on the opposite side. We are getting away from the theme I wanted to talk about.

Mr Pearce: It has nothing to do with the legislation.

Mr GRAYDEN: This morning I took the opportunity to contact every centre in the Kimberley. I rang individuals at Broome—

Mr Bryce: At the taxpayers' expense?

Mr GRAYDEN: —at Derby, at Wyndham, at Kununurra, at Fitzroy Crossing, and at Halls Creek.

Mr B. T. Burke: Did they all think you were dopey, too?

Mr GRAYDEN: The member for Balcatta would never in a thousand years say that except under the protection of the Speaker. Young as

he is, he has not the courage. Let me get back to what I was talking about.

Mr B. T. Burke interjected.

Mr GRAYDEN: The member for Balcatta is a shadow Minister of the Labor Party. We will go into that if he wants to.

After contacting—

Several members interjected.

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

Several members interjected.

The SPEAKER: The Minister will resume his seat. We had an instance last night when I had to speak to members about interjecting immediately after I had called the House to order. It occurred just now. I give fair warning that if it happens again I will name the person responsible.

Mr Skidmore: I apologise, Mr Speaker.

Mr GRAYDEN: After contacting these people in each of the six centres to which I have referred, one thing becomes absolutely clear; that is, that in the Kimberley superstition has become the queen of the election battlefield and all reason has been swept away just as though by one of the north-west cyclones. That is the inescapable conclusion.

Mr McIver: Rowell's cheque book played a pretty good part, too.

Mr GRAYDEN: The whole object of this legislation is to preserve—

Mr Pearce: Alan Ridge.

Mr GRAYDEN: —free democratic elections and the right to cast a free vote without interference from others. That is the first point. It is actually two-pronged legislation. The second is to prevent Machiavellian manipulation.

Mr Barnett: Who is he?

The SPEAKER: I would ask the people in the gallery kindly to restrain themselves. I am delighted to see people taking an interest in debates in this House but it is one of the principles of our system that the members of Parliament be permitted to conduct their debates without outside interference.

Mr GRAYDEN: I was saying this legislation has a twofold purpose. One is to preserve the sanctity of free elections and the right of people to vote in freedom without interference from others, and the second is to prevent this Machiavellian manipulation of elections which would ensure that elections became a travesty of everything that is right and proper.

That is the purpose of this particular legislation.

Mr Harman: Tell us about your phone calls to the Kimberley.

Mr GRAYDEN: As a result of the phone calls to the Kimberley, we found that—

Mr Pearce: To whom did you actually speak?

Mr GRAYDEN: —the Labor Party has already marshalled its forces and that its campaign for the Kimberley seat is under way.

Mr Barnett: Good heavens!

Mr Tonkin: Isn't yours?

Mr Bryce: Alan Ridge resigned from the Ministry so that he could start his campaign.

Mr GRAYDEN: The same thing will happen as occurred at the last election. As we will see very shortly, unless this—

Mr Tonkin: You haven't got a hope.

Mr GRAYDEN: —legislation is passed, then we can say that democracy in this State has gone out of the window.

Mr Tonkin: You should be ashamed to use the word.

Mr Bryce: It should stick like a bone in your throat.

Mr GRAYDEN: The Labor Party campaign for the Kimberley by-election is already under way, and this campaign is based on six ingredients. That is the information I have had from the centres—

Mr Pearce: From whom?

Mr GRAYDEN: Apparently in anticipation of this election date the campaign has been under way for some time. Everything that happened before the last election will happen again unless this legislation is passed.

Several members interjected.

Mr GRAYDEN: I will now come to the six ingredients.

Mr Harman: This will be good.

Mr GRAYDEN: As I say, the Labor Party campaign is based on six ingredients. I repeat that the campaign is already under way, and that all the things I am going to relate now are actually taking place in the Kimberley at the present time.

Mr Skidmore: Goodness gracious me!

Mr GRAYDEN: The first ingredient is bribery—

Mr Bryce: Here we go.

Mr GRAYDEN: —which is an offence under the Electoral Act.

Mr Bryce: Last night all over again.

Mr GRAYDEN: At this particular moment at every centre in the Kimberley the Aborigines are receiving promises.

Mr Barnett: From whom?

Mr GRAYDEN: Approximately 2 000 to 2 500 Aborigines in the Kimberley are entitled to vote. What are the promises being made? We heard of these promises during the last election campaign, and the same promises are being made at this moment. People are saying to the Aborigines that if Ernie Bridge, the Labor candidate, is elected, their pensions will be doubled. We also heard exactly the same promises that were given before the last campaign that there would be houses, trucks, pigs—

Mr Tonkin: Why don't you try to speak the truth for once in your miserable life?

Mr GRAYDEN: —and everything else for all the Aborigines in the Kimberley. That is just one of the promises.

Mr Tonkin: You are a scandal.

Several members interjected.

The SPEAKER: Order!

Mr GRAYDEN: To my astonishment—and this is an extraordinary thing—something else has been thrown in on this occasion. The Aborigines are being told that if Mr Bridge is elected he will immediately become the Minister for Community Welfare and be responsible for Aborigines.

Mr Bryce: Your imagination is first class, but your memory is absolutely lousy.

Mr GRAYDEN: I had this direct from Kununurra this morning and direct from the other centres. The statement was made that if Mr Bridge is elected to the Kimberley seat he will automatically take over the portfolios of Alan Ridge.

Mr Tonkin: Who said that?

Several members interjected.

Mr Tonkin: Do you have to perpetrate your lies in this place?

Withdrawal of Remark

The SPEAKER: By way of interjection the member for Morley insinuated that the Minister for Labour and Industry was telling a lie.

Mr Tonkin: That is correct.

The SPEAKER: I ask the honourable member to withdraw the remark.

Mr TONKIN: I withdraw the remark, Mr Speaker.

Debate Resumed

Mr GRAYDEN: As I was saying, these promises are being made at the moment.

Mr Tonkin: That is untrue.

Mr GRAYDEN: That is absolutely true.

Mr Tonkin: Why don't you speak the truth?

Mr GRAYDEN: This is what is happening at the moment; the plan is already under way. This is a six-pronged plan which I will tell members about.

Several members interjected.

The SPEAKER: Order!

Mr Tonkin: Try to tell the truth.

Mr GRAYDEN: Members from the Opposition party are going around in the Kimberley at the moment promising Aborigines that pensions will be doubled.

Mr Tonkin: That is untrue.

Mr GRAYDEN: The Aborigines are being told that there will be houses, trucks, pigs, and everything else for them.

Mr Bryce: You are off your lolly!

Several members interjected.

The SPEAKER: Order! The Minister for Labour and Industry.

Mr GRAYDEN: This is the cargo cult direct from New Guinea.

Several members interjected.

Mr GRAYDEN: The cargo cult has been imported into the Kimberley as a direct result of members of the Opposition, so this is within the category of bribery under the Electoral Act.

Mr Tonkin: Name your source of information.

Mr GRAYDEN: Before we are finished I will ask that these cases be documented.

Mr Tonkin: Why didn't you go before the court when you had a chance?

Mr GRAYDEN: Democracy in this country—

Mr Laurance: He is talking about this time; you are doing it again.

Mr GRAYDEN: The Labor Party has now put its plan into effect for the election on the 17th December. This is what will happen.

Mr Tonkin: If you had said this before the court you would be in gaol for perjury now.

Mr GRAYDEN: This plan has been put into effect for the election on the 17th December.

I now come on to the matter of threats again. Undue influence is a crime under the Electoral Act.

Mr Barnett: Who is doing it?

The SPEAKER: Order!

Mr GRAYDEN: The threats on this occasion are that Alan Ridge will stop the social service cheques if Ernie Bridge is not elected.

Mr Tonkin: Why did you not tell the court this?

Point of Order

Mr T. J. BURKE: On a point of order, Mr Speaker, can the Minister for Labour and Industry be asked to identify the source of this information? He keeps quoting phone calls to the north.

The SPEAKER: The member is experienced enough to know that there is no point of order in the matter he has raised.

Mr Tonkin: The Minister has a diseased imagination.

Mr T. J. BURKE: Can I request that the Minister identify his source of information?

The SPEAKER: Again the member is experienced enough to know either by way of interjection or by a contribution to the debate he can ask the Minister for Labour and Industry for the source of his information. I think you have made your point. I call on the Minister for Labour and Industry.

Debate Resumed

Mr GRAYDEN: We intend to ask the Leader of the Opposition for an assurance about these six points.

Mr Jamieson: The Leader of the Opposition will produce the policy for the north-west, not you.

Several members interjected.

Mr GRAYDEN: The honourable member will have to wait his turn; we are on the subject of undue influence. Members opposite have asked for instances of undue influence, and I have given one; that is, that Alan Ridge will stop pension cheques—all pensions.

Mr Tonkin: Fancy, you are a Minister of the Crown!

Mr GRAYDEN: The next thing is the matter of physical violence. Some supporters of Ernie Bridge are ex-police aides—

Several members interjected.

The SPEAKER: Order! I would ask members to desist from interjecting several at a time.

Mr GRAYDEN: Mr Speaker, many of the people assisting Ernie Bridge are ex-police aides, muscular in the extreme, and used to violence, and—

Mr Bryce: This man is sick.

Mr GRAYDEN: —intimidating individuals.

Point of Order

Mr TONKIN: On a point of order—

The SPEAKER: Will the Minister resume his seat?

Mr TONKIN: —is it not a fact that this is a Minister who has asked nearly everyone on this side of the House outside to fight?

Mr Bryce: Hypocritical thug!

The SPEAKER: There is no point of order.

Debate Resumed

Mr GRAYDEN: These people assisting—

Mr Tonkin: Take your shirt off.

Mr Bryce: Let everyone see what you are like when you take your shirt off.

Mr Laurance: It hurts!

Mr Tonkin: If you had any decency you would not want to sit behind a Minister like that.

Mr Bryce: Scurrilous rubbish!

The SPEAKER: Order!

Mr GRAYDEN: We have not yet had any instances of bone pointing, however, after the incidents that took place before the last election; no doubt that sort of thing could still happen.

Mr Tonkin: You are sick—see your doctor.

Mr GRAYDEN: Before the last election members on the other side of the House and their supporters in the Kimberley—

Several members interjected.

Mr Jamieson: The Premier is an idiot then.

The SPEAKER: Order!

Sir Charles Court: Your vocabulary is improving every day.

The SPEAKER: Order! The Minister for Labour and Industry.

Mr GRAYDEN: Now the people up there are going around using the Kadaitcha man as a way to force the Aborigines in the Kimberley to do what they want.

Mr Bryce: With his bone slung over his shoulder!

Mr GRAYDEN: I know what happened when the Minister for Housing had occasion to go to talk to the Aborigines at Fitzroy Crossing about housing. The Aborigines melted away; they were frightened to speak to the Minister under those circumstances. We have had instance after instance of this.

Alan Ridge has been the member for the area for many years, and having lived there for 18 years, he became a close friend and confidant of many Aborigines. However, they were frightened to speak to him because of the threats about the Kadaitcha man. The Aborigines were told that the Kadaitcha man would be there to avenge Ernie Bridge if he were not elected and they would be killed during the night. In their tribal state the Aborigines are highly superstitious people. It was for that reason I said earlier that in Kimberley, superstition has become queen of the election battlefield. All reason has departed. We are dealing with between 2 000 and 2 500 Aboriginal people in this category. Reason has gone out the window, and superstition now is supreme as a consequence of the machinations of people opposite. What sort of democracy is this?

I have referred to two of the points in this six-pronged plan the Labor Party has already put into operation for the election on the 17th December. We have dealt with bribery and threats. I now come to vilification. This is the sort of thing being circulated by members of the Opposition and their cohorts in Kimberley.

Mr Laurance: Mr Speaker!

The SPEAKER: Order! Does the member for Gascoyne wish to draw something to my attention?

Mr Laurance: Yes, Mr Speaker. I took exception to the honourable member walking in front of the Minister while he was speaking.

The SPEAKER: He did not walk in front of the Minister, although that may have appeared to be the case from your angle. Certainly, I would have drawn the honourable member's attention to it had that been the case.

Mr Pearce: It is called parallax error.

Mr Laurance: I apologise, Mr Speaker.

Mr GRAYDEN: As a result of my inquiries this morning I obtained a copy of the statements being put about the Kimberley electorate. I would not use the expression contained in the statements, but this is the sort of thing which has been circulated by members of the Opposition as the talking points in Kimberley. They say, "Alan Ridge hates blackfellows." What a lovely expression to be circulated by members opposite and their supporters.

Mr Tonkin: Which one?

Mr Pearce: Who said that?

Mr Tonkin: Which member said it?

Mr GRAYDEN: The other statement is that Alan Ridge will not—

Point of Order

Mr TONKIN: The Minister has stated that the Opposition has circulated these kinds of statements. That is an imputation against members of this House, and the Minister has no right to make such statements unless he can show which members are responsible for circulating the statements.

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

Debate Resumed

Mr GRAYDEN: The next statement which has been circulated is that there will be no more money for houses or land for blackfellows. Again, I apologise for using that expression, but it is the one which is being put forward as a talking point for Aborigines in the north.

Mr Pearce: You have simply made this stuff up.

Mr Tonkin: It is in your own handwriting.

Mr GRAYDEN: Then the statement says, "There will be no nothing for blackfellows if Alan Ridge is returned."

Mr B. T. Burke: No nothing! That is a relief; at least they will get something.

Mr GRAYDEN: Without question, this is vilification. In Alan Ridge we have a person who has worked in Kimberley for 18 years; he has been a confidant and friend of the Aborigines and has done more for Aborigines in Kimberley than anyone else, including members of the Labor Party.

Mr Tonkin: Why did you not bring this before the court? You were too afraid!

Mr GRAYDEN: I stated yesterday the reason we did not.

Mr Tonkin: You would have been gaoled for perjury.

Several members interjected.

The SPEAKER: Order!

Mr GRAYDEN: This is the sort of thing which is being circulated; it is common knowledge.

Mr Tonkin: There is a crime called perjury, you know.

Mr GRAYDEN: This is the six-pronged plan which the Opposition has put into operation for the election on the 17th December. I have dealt with three points, bribery, threats, and vilification. I move now to the fourth point; namely, brainwashing. The situation in Kimberley is that all these Aborigines have been dealing with a certain group of public servants. They are the people who hand out the pension cheques, organise medical assistance, and so on. It is the belief of the Aborigines that because these people are handling these things, they must represent the Government and that anything they say goes. This brainwashing technique was employed at the last election, and without question it will occur again during the forthcoming election.

Then we come to the question of herding. During the last election Aborigines were herded into picture theatres and other places like bull-rings into the corral; there they were branded with name plates pinned to their shirts. From there, they were put down the race and shunted across to the polling booth—in groups, of course—accompanied by someone. They were not permitted to speak to anyone on the way.

Mr Laurance: And members opposite associate themselves with this sort of practice.

Several members interjected.

Mr GRAYDEN: So we have without question—

Mr Bryce: The Liberal Party sent smarmy young lawyers to Kimberley to act as scrutineers.

Several members interjected.

The SPEAKER: Order! As Speaker of this House I can go only so far in trying to control this place. I do not have the power to enable me to ensure the debate is carried on as it should be; that power is in the hands of every member of this House. What has gone on this afternoon has been shameful to every member here—

Mr Tonkin: Hear, hear!

The SPEAKER: —and that applies to members from both sides. The House will come to order and I hope members will strive to conduct the debate in a way fitting for the Legislative Assembly of the Parliament of Western Australia.

Point of Order

Dr TROY: Mr Speaker, I am only a new member, and you may have to guide me on this point. It would seem to me the easy resolution of your problem would be to move that this speaker be no longer heard.

The SPEAKER: The member asks for some guidance. He seems to want me to move such

a motion. However, I am not in a position to so move.

Debate Resumed

Mr GRAYDEN: I can well understand why the member for Fremantle does not want a continuation of these facts.

Mr Tonkin: You are a disgrace to this Parliament and the Ministry.

Mr GRAYDEN: The final point we come to is that of manipulation. I mentioned yesterday the situation where there were 30 people outside a polling booth at Kununurra. They were holding Liberal and Labor how-to-vote cards, but one of the Labor supporters came along and, in full view of the Liberal supporters present, took the how-to-vote cards away from the Aborigines and handed them Labor how-to-vote cards.

The significant point to realise is that the campaign for the 17th December election in Kimberley already is under way, and four of these points have been put into operation. At the moment, bribery, undue influence, vilification, and brainwashing is taking place, and the herding and manipulation will be attempted on the day of the election, just as they were on the last occasion.

Mr O'Connor: Into the theatre.

Mr GRAYDEN: Yes, I think it is owned by Ernie Bridge!

Mr O'Connor: The corral.

Mr GRAYDEN: We now come to the point where we must confront the Leader of the Opposition. These things took place during the last election and they are already in operation in anticipation of the election which will take place on the 17th December.

Mr Tonkin: What did the judge say? It does not matter what the judge said as far as you are concerned.

Mr GRAYDEN: We now must ask the Leader of the Opposition to give this House an unequivocal assurance that he will contact through his campaign headquarters the people concerned, and call off—

Mr O'Connor: The dogs.

Mr GRAYDEN: —the campaign which already has been set in motion. We are going to ask the Leader of the Opposition to instruct the people who are working for him in Kimberley and members on his own side to call off this campaign and to cease offering bribes to the Aborigines. We want that assurance from the Leader of the Opposition.

Mr Tonkin: That is untrue. Why did you not go before the judge and say that?

Mr GRAYDEN: Are we to get that assurance from the Leader of the Opposition? We want an assurance that the threats which are being made at the moment to the Aborigines will cease forthwith.

Mr Bryce: The judge said there was no evidence.

Mr GRAYDEN: The Opposition should cease its actions forthwith. We want an assurance from the Leader of the Opposition that there will not be such a campaign, but of course there will be no such assurance. We want an assurance from the Leader of the Opposition that he will call off this campaign of vilification and assure us there will not be a repetition of it during the campaign for the seat of Kimberley. Is that too much to ask?

We are going to ask the Leader of the Opposition if he will call off the brainwashing taking place at the present time and which I have instanced. We will ask him to ensure that on the 17th December there will be no herding of Aborigines; no treating them as if they were cattle, to be driven up to the polling booth after they have been brainwashed. We want an assurance from the Leader of the Opposition that this will not take place on that date.

We want an assurance that the Labor members of this Parliament and their supporters in the Kimberley will not engage in the barefaced manipulation that recently has taken place. We want six assurances—

An Opposition member: You cheated at the last election.

Mr GRAYDEN: —which will ensure that the campaign set in motion by the Opposition will cease and will not again be set in motion. In the interests of democracy that is not too much to ask for and it is my request of the Opposition. The Opposition should call off the campaign to prevent the forthcoming election becoming an absolute travesty of democracy.

We in Western Australia are really at the crossroads of democracy. Is this sort of manipulation to be enshrined in the manner in which we conduct our elections? Are we forever going to have the situation where 2 000 to 2 500 Aborigines can be brainwashed, manipulated, and herded into the polling booths? Are we to have this?

Whose will can we expect to see expressed under these circumstances? The Aborigines will not be exercising their own free choice; they will be exercising the will of a handful of Labor supporters in Kimberley. Unfortunately, most of these

supporters are civil servants. We have a situation similar to that in Queensland where Mr Bjelke-Petersen found that Commonwealth officers were concentrating on enrolling natives and introducing politics into a situation where the officers were supposed to be concentrating on the problem of trachoma in Aborigines.

Now we have a similar situation in Kimberley where there is a handful of public servants in the area working feverishly to implement the six-pronged plan I have mentioned.

Mr Harman: Name them.

Mr GRAYDEN: On the 17th December many Aborigines are going to vote on behalf of those public servants. The will of those public servants will be reflected in the vote of those 2 000 to 2 500 Aborigines. The Aborigines will walk into the polling booths with a how-to-vote card; they will not know what it means and they will not be able to read it. They will have no understanding of it and yet they will vote; they will vote the way those half a dozen public servants want them to.

This is a travesty of democracy and it is for this reason I say democracy is at the crossroads. This legislation is not going to prevent any person, irrespective of whether he is illiterate or not, from lodging an intelligent vote; indeed, under this legislation it is compulsory that this should be done. A person will be able to walk into a polling booth with a how-to-vote card and he will be given a ballot paper and he will be given the right to vote.

Mr Bryce: You do not know what illiterate means.

Mr GRAYDEN: All that person has to do is to go to the officer in charge of the booth and say, "I want to vote '1' for Bridge and '2' for Ridge or vice versa", and the returning officer will record his vote accordingly. Members opposite do not know what is in the Bill.

Sitting suspended from 3.45 to 4.05 p.m.

The SPEAKER: The Minister has five minutes remaining.

Mr GRAYDEN: Before the afternoon tea suspension I was pointing out that in respect of this election, Australia is virtually at the crossroads because we will see whether our system for voting in free elections will remain intact or whether, on the contrary, it will become a thing of shreds and tatters.

As everyone is aware there are some 2 000 to 2 500 people in the Kimberley being manipulated by six to 12 public servants. In other words, those six to 12 public servants will record their vote per medium of 2 000 to 2 500 Aborigines.

This is a situation which has never before arisen in any State in Australia, and it has never arisen in a Commonwealth election, but it will occur on the 17th December.

The Labor campaign has already been set in motion for the 17th and it is a replica of what occurred at the last general election. It is for this reason that I demand from the Leader of the Opposition an assurance that the campaign will be called off; that he will instruct his Labor members and their helpers in the Kimberley not to engage in the tactics in which they are engaging. That is the assurance we are seeking.

If the Leader of the Opposition had called off the campaign during the last general election there would have been no need whatever for the legislation which is before the House. If the legislation goes through it will, of course, overcome the situation and instead of a handful of public servants manipulating the Aboriginal vote in the Kimberley we will have the Aborigines themselves recording their votes. It will be incumbent upon them to do so if they are on the roll. They will walk into a booth with a how-to-vote card in their hands and record their votes as does every migrant, irrespective of whether he or she can speak English.

I make that statement as the Minister for Immigration. Even though migrants are illiterate they have no trouble recording an intelligent vote. They can walk in with a how-to-vote card and, with help or instructions from friends, they can record their votes accordingly. Migrants have no trouble and there is no reason in the world why any Aboriginal in the Kimberley should have any trouble. They are highly intelligent and fine people—in my estimation they are finer than 90 per cent of members opposite. They are more idealistic and have higher morals and, as I have said, they are a finer people than are 90 per cent of those who sit opposite.

These people will have no trouble at all in walking into a booth and, with the aid of an electoral card, filling in their own ballot papers. They do not want to be manipulated and we want the Aborigines in the Kimberley to maintain their dignity. The migrants have been able to record their votes in the past and we want the Aborigines to have the same opportunity instead of being branded like cattle with their names on them and being herded into the polling booths at the instigation of members opposite. That is what we want.

Many of these people are illiterate, but that is of no consequence. We would be illiterate as far as their language is concerned. When they go

into a polling booth all we desire is that they ask the person conducting the poll to help them. All they must do is to tell the person that they want to vote No. 1 for so and so and No. 2 for so and so.

The SPEAKER: Order! The Minister's time has expired.

Mr GRAYDEN: I greatly regret that because I have so much more I would like to say. However, I have no option but to resume my seat.

MR JAMIESON (Welshpool—Leader of the Opposition) [4.10 p.m.]: So far we have heard a lot of nonsense from the Minister on this matter and we should get back to a little sanity because it is necessary for us to consider what is happening.

In the first place I wish to say that I will be responsible for the policy for the Kimberley when it is espoused, and it has not been yet. Therefore anything the Minister has heard is merely something of his fanciful imagination.

Mr Grayden: The campaign has started. We will come to your policy later.

Mr JAMIESON: I cannot be responsible for the people of the Kimberley, any more than the Minister can be. They will go their own way and will make their own decisions in their own good time.

There has been a great deal of talk about manipulation of voting and particularly of the Aboriginal voting. I believe that the Aborigines have been manipulated over a number of years.

Mr Laurance: Are you going to give the assurance asked for?

Mr JAMIESON: I am not sure about the banana bender—

Mr Laurance: Oh yes you are. The Minister asked for an assurance. Are you going to give it?

Mr JAMIESON: I am not going to give any assurance to anyone on something about which I know nothing.

Mr Laurance: That does not surprise me.

Mr JAMIESON: Nothing would surprise the member for Gascoyne as he is incapable of being surprised because of his intelligence rating.

Mr Laurance: You know what it is all about.

Mr JAMIESON: I have here some figures regarding the enrolments in the Kimberley. In 1953 there was no candidate standing against

the then member. However, at the by-election there were 1 207 on the roll. In 1956 there were 1 233 and in 1959 there were 1 384.

In 1962 the number increased by about 500 mainly due to the establishment of Kununurra. In the table here I have a black line drawn under the next part because it concerns the time when certificates were required from Aboriginal electors before they were eligible for enrolment. These were required by the Liberal people who have dominated the Parliament of this State. This requirement for the Aborigines was removed about 1963 and so they did not require a citizen's certificate before they could be enrolled.

Mr O'Neil: What year was that?

Mr JAMIESON: Between 1962 and 1965.

Mr O'Neil: Who was in Government at that time?

Mr JAMIESON: Members opposite were in Government, and they were under a hell of a lot of pressure about it. Pressure had been exerted by the United Nations on all States and the Federal Government. The Chief Secretary would know all about that.

Mr Clarko: Labor was in from 1953 to 1959 and did not do anything about it.

Mr JAMIESON: We tried, but it was thrown out.

Mr Davies: Out the window.

Mr JAMIESON: Between 1962 and 1965 was the time the Minister for Labour and Industry was talking about when he induced Cameron to stand. He promised that he would be able to do all sorts of wondrous things and he induced him to go up there. At that time over 1 000 went on the roll. That was a big increase in the Kimberley and most of that 1 000 would have been Aborigines. I see nothing wrong with that, but obviously they were enrolled for the purpose of assisting Cameron in his campaign.

In 1968 there was a little fall in the enrolments because many of those whom Cameron had enrolled did not vote. They were sent the "Please explain" letters, but when they received them they did not understand them either so their names were deleted from the roll and the enrolment figure fell by about 200. In 1971 it went up to 3 148; in 1974 it went up again some 200 to 4 352; and between 1974 and 1977 it went up again.

All these suggestions that there has been some excessive use of influence on Aborigines to enrol

them and do all sorts of things are not borne out by the figures. We need to look at the statistics through from the early part to see what happened with the various enrolments. When we come to the earlier period, the Minister thought he was on a wonderful thing—we will put all these Aborigines on the roll and win the election with Leadham Cameron. That unfortunate person was forced into the situation that he really thought he would unseat the strongest candidate in the north—the Hon. Frank Wise, who had been a Premier of the State. It was an impossible proposition. The Hon. Frank Wise would probably have won for either side at that stage.

Mr O'Neil: His signs very rarely indicated which side he was on.

Mr JAMIESON: Whether or not they did, he would probably have won for either side he stood for up there. So the Minister induced the fellow into this impossible situation. He went to the trouble of pointing to some of the statistics. He got mixed up about the places where Leadham Cameron got a majority. At the Broome courthouse Wise was polling an excessive number over Cameron. In the main towns there is less chance of manipulation because all the people and the organisations are there and both sides watch each other.

Mr Grayden: Cameron had the honour to be the first Aboriginal to be endorsed by a political party.

Mr JAMIESON: I am not arguing about that. The Minister should not pat himself on the back about that; he might hurt himself. When we have a look at the statistics, despite Mr Wise getting such big majorities in all the towns—Derby 330 to 75, Broome 270 to 130, and Wyndham 163 to 35—when it came to places like Beagle Bay, where there was some kind of overt influence over the Aborigines, Cameron was polling three to one. If that is not manipulation of the Aboriginal vote I do not know what is. At Beagle Bay he received 31 votes to 12. At Gogo Station the same thing happened; on that occasion he got 32 votes to four, which did not reflect the normal trend at all. Obviously something was being done to cause that to happen.

Mr Grayden: They were voting for the man.

Mr JAMIESON: Members opposite say that with Bridge they were not voting for the man. That is the difference. If the argument suits the Liberal Party—

Mr Grayden: I have given you examples of manipulation.

Mr JAMIESON: The Minister has not given us one. What we have seen all along the line in that particular province election is the fact that somebody who was extremely well known and well thought of in the district was heavily voted against in areas where influence could be brought to bear on the Aborigines who could not have had a great deal of knowledge of voting procedures and their degree of illiteracy militated against their casting a vote, which would have been otherwise than the results showed.

It is interesting to look at the 1968 figures. I will not go through all the figures, although some of them are very interesting. In 1968, when Mr Ridge was first elected, again we have a look at the Beagle Bay Mission where the figures were 28 to 14—two to one. When we get to places like Broome where it is hard to manipulate a vote, the sitting member received 230 votes to 165, and he polled that type of vote in most places. At Fitzroy Crossing, where the influence of the people on the stations was very predominant, he got 49 votes to 10. At La Grange and Mowanjum Hall he got 38 votes to four against the sitting member. It seems passing strange if there has not been some kind of manipulation there. It is hard to imagine there was not some manipulation.

Because of that kind of voting we had several debates in this Parliament—it did not go unnoticed. One debate took place here, and another debate took place in the other place. I will deal with what the late Mr Strickland had to say. I agree with what has been said by the United Nations—that we have to make provision for illiterates to vote and find a way to overcome all the problems associated with it. Surely it would not be difficult for the Government to have interpreters in the booths up there to attend to the electors. There is nothing in the Electoral Act to say questions must be asked in English as the judge pointed out. There are other ways to overcome the problem but the Government was not prepared to do anything. After what had happened in Kimberley, in the Northern Territory elections, at polling booths where a number of illiterate voters were to be catered for they ensured they could cope with them by being able to question them. These people are not unintelligent and they can cast their votes properly.

Mr O'Neil: In the Northern Territory they used tally clerks who had some knowledge of the Aborigines.

Mr JAMIESON: There was no objection to appointing a special person at Mowanjum. I will deal with that in a moment.

The late Mr Strickland always had a "thing" about Aborigines being on the roll. He always used to say in the party room, with much conviction, "They will be organised against you; it is wrong that it should go on." I do not agree with that. I believe the United Nations is right and that we must find a way to overcome the problems correctly.

In much of the speech Mr Strickland gave in the Legislative Council on the 14th August, 1968, it is evident he did not agree that Aborigines should be on the roll. He thought they could be manipulated. In speaking about Gogo Station he said—

I wanted to observe how the natives voted. The year before they voted so well that there was not one informal vote. Prior to that I did have some experience with the way the natives voted. At the last Federal election I went to the leprosarium to see why they voted so well.

A great majority of the natives were bush natives. Three years previously I think about 112 voted, but there was not one informal vote. That was the occasion when Mr Collard had been returned in the previous Federal Election.

He mentioned later on that he was also impressed by the election at which Mr Browne defeated Mr Collard in his first effort, when at many of the polling booths the vote was 100 per cent for Browne, the Liberal candidate.

Perchance, I had a fellow showing slides in my lounge room one night and he was very proud to be the first school teacher at the Christmas Creek Station. A schoolroom had been put up there, and he showed a picture of a line-up of Aborigines alongside the school house. I asked him, "What was this?" He said, "That was polling day at the station." I asked, "How come it was a 100 per cent poll in favour of Browne?" He said, "The station manager and I put them all on the roll."

The school teacher was the presiding officer at the station and the manager was the poll clerk. They processed the votes first thing in the morning and got them all through in about an hour. I asked him, "How come they all voted one way?" He said, "They all brought their cards along with their names on them. They had been left there by Senator Scott who had been through a few days before on behalf of Browne. They brought these cards along and we filled in the votes for them." Of course they were being manipulated, there is no doubt about it. Do not let us run into the situation where the Liberal Party says it has not been associated with this kind of thing.

Mrs Craig: Was that at the stage when they still had to have a citizenship certificate?

Mr JAMIESON: No.

Mrs Craig: It was the first election after that, was it?

Mr JAMIESON: I think it was. Browne defeated Collard in the first election after that. The Commonwealth brought this in and we brought it in at the same time because we were required by the United Nations to get cracking and stop having differentiation between our citizens—quite rightly, too.

Mr Strickland said—

I could have persuaded the whole lot of them to vote Labor if I wanted to, as the Liberals persuaded them to vote their way on the first occasion when the contest was between Browne and Collard. I could have done the same thing, but I did not. That shows conclusively that those people should not be placed on the roll.

I do not agree with his sentiments, but this was his explanation to the House.

We could go on and have a look at something else he had to say. It is important to learn about some of these practical experiences because most of the members here, including the Premier, are talking without experience of a polling day in the Kimberley. They have not been there. They have some trumped-up information such as the Minister foisted on us earlier about what our policy will be in the forthcoming election.

Mr Strickland said—

I could not understand some of the names, and I needed the numbers in order to mark the names off my roll. That worked quite well. Each one had a Liberal "How-to-Vote" card with his name printed on the back.

Further on on the same page he said—

The Liberal organisation did a marvellous job by printing the names on the back of the "How-to-Vote" cards. That was done not only with the natives at Gogo Station, but also with other natives who could not read or did not know what they were doing.

That was his opinion. Perhaps they did know what they were doing. They were probably doing quite well because they probably realised that the polling booth was usually manned by the station people or someone who knew the station people, and if they did not vote the right way they might get a kick in the slats or not get the support from the station that they usually

got. This was the situation that existed because they had no way to get away from it.

Further on in his speech Mr Strickland said—

Three years before Mr. Rhatigan had a handsome majority at Fitzroy Crossing and there is no denying the fact that this was because there was a pastoralist in the area who was friendly disposed towards him. Last year that station property changed hands and at the recent election the pastoralist who had bought the other one out was friendly disposed towards the Liberal Party. It took some time, but he managed to induce those natives to change over from Mr. Rhatigan, whom they knew. They knew Mr. Rhatigan very well because he was born in the Kimberleys. Nevertheless, the natives were induced to change over because they were ignorant.

That was his opinion. I do not believe they were. Self-preservation probably entered into it, and no doubt they knew where to go when the time came.

He went on to say—

What those concerned did was this: They said to the natives, "You know big fella boss, Mr Brand?" Mr. Brand had been up there. "You know big fella boss?" "Oh, yes!" "Well, big fella boss, he wants young man. Him don't want old fella any more; him want young man." So they voted for the young man.

I thought I had heard before one of the songs being sung by the Minister, and looking at this speech by Mr Strickland I found the following—

I understand that some of the natives were promised a motorcar, a house, and all that sort of thing if the old fellow—Mr. Rhatigan—retired and the young fellow took over. Of course, most of the natives were living behind a sheet of iron in the sandhills, almost in the centre of Broome; and, naturally, these natives were induced to vote the way the Liberal Party desired.

I think I heard that song sung a little while ago by the Minister. Therefore, I do not think there is anything particularly clever in this situation where people are being misled. If I promised Aborigines that I would give them better housing conditions if I were elected, then I make no bones about the fact that I would do my darndest to do that. Some of the conditions up there are appalling, and all of us should be ashamed of them. I make no bones about the fact that if I gave such a promise I would do something about it.

Mr Grayden: Mr Ridge indicated that clearly many, many times.

Mr JAMIESON: Maybe he did, but he has been in Government for a long time and has not succeeded. One has only to look at the mess of the old pensioners' cottages at Broome; recently I received a communication saying that the Government departments were dissociating themselves from these cottages, and the local authority does not want to have anything to do with them. The cottages are situated on a prime piece of land, which could be redeveloped and put to excellent use. But nobody is doing anything.

So if the Aborigines of the north want to change their member of Parliament because he appears to be doing nothing for them, that is their prerogative.

Mr Grayden: You have been promising them houses and land.

Mr JAMIESON: That is what the Minister says, and I cannot see that it is different from what Mr Strickland said was promised at that time. In his speech he subsequently went on to say—

I was at a function last year which was also attended by several Liberals—and prominent ones. As a matter of fact, I got into a little strife with them because I could not help but overhear what they were saying—one was sitting next to me and the other opposite me. They were discussing the native question and their solution was that we should castrate them. I pointed out that Hitler wanted to exterminate all the Jews, and that their suggestion was shocking. As a matter of fact, Mr. Ridge drove me from that function to the hotel.

He had a long experience of Aborigines. He was a kindly sort of man, even though he did not believe Aborigines should be on the roll. He did many things for them. He got better conditions for station natives and obtained for them clothing and boots where previously they were placed in situations of having cattle treading on their bare feet. Mr Strickland could tell members opposite of many things like that. He would not hide any facts; he dealt with the situation as he saw it.

Undoubtedly exploitation occurred in that situation. Mr Strickland was very worried about it, and he often took us to task in the party room for being associated with this and not opposing it. He was most caustic in his remarks, but we

believed then that we would be able to overcome the problems which would be created in the north. This is one of the things that we must now face up to.

I would like to refer now to marksmen, because I have had experience over a long time with various marksmen and people of this sort.

My mind goes back to a pitiful case of a young woman stricken with muscular dystrophy. She lived in Maniana with her mother, and all sorts of contraptions were necessary to lift her in and out of bed and in and out of the bath, etc. She was an intelligent girl who had been a hairdresser until afflicted with this disease. At every State election I would take her an application form and with a pen in her mouth she would mark it. I would take the form away and obtain a ballot paper for her. There was no way in which she could leave her home.

When Federal elections came around these people would call on me and I would have to go to them and explain that under the Federal Electoral Act a marksman cannot vote.

I can appreciate that a terrible amount of difficulty would be experienced on some of the station properties, and this is shown in the statistics. At the last election, one batch of postal votes was 144 for Ridge and 64 for Bridge, and a considerable number of these votes coming from station properties were cast by marksmen.

We will not be overly disadvantaged when that goes, because my impression is that we will actually achieve something from that and we will get closer to parity. However, I do object to it because of the problems it sets for other people.

I go back to the old maxim that is often stated: It is better that two guilty people go free than one innocent person be convicted. This is the situation we find in connection with marksmen; if we deny all these people the right to make their mark we will be denying them the only method they have to cast a vote.

It is all very well to refer to "C"-class hospitals and mobile polling booths. None of the "C"-class hospitals has a mobile booth, and we all know what goes on in them.

Recently I spoke to an ex-Chief Electoral Officer who told me of his experience of a home where his wife was. While he was at the home someone remarked that he had not received his vote, and when the gentleman asked why not he was told the hospital was waiting for Mrs so-and-so—a Liberal worker—who would fix all the patients up. I know how she would do that.

So let us not do any moonshining on this matter of manipulation; the only way to get around

it is to rearrange the Electoral Act properly so that returning officers can visit institutions in the week prior to the election and collect votes under the scrutiny of scrutineers. That is the sensible way to conduct voting in institutions.

Do not let members opposite tell me that they go out and collect Labor votes, just as we do not go out and collect Liberal votes. We are not that stupid, and nor are members opposite—although I sometimes wonder when legislation such as this is introduced. So there is definitely a problem in respect of marksmen.

One thing the Court of Disputed Returns did for us is that it made available to us a list of people who voted at the last election. I have lists of some hundreds of people from only a couple of towns. These are people who have not lived in the Kimberley electorate for a considerable time, but they still voted in that election; and guess who they voted for? I will name a few in order to give you an idea, Mr Speaker, and so that what happened can be readily identified.

I refer firstly to Appelbee, George Robert and Patricia Anne. Mr Appelbee was the Shire Clerk of Halls Creek a considerable number of years ago, who took up a business and then left the area two years ago. He signed a declaration saying he was entitled to vote in that election. He was an organiser for the Liberal Party when he was in that area. For whom did he vote?

Then we have Millar, Robert John and Susan Rebecca. Mr Millar is another ex-shire clerk, who took up a job in Narrogin. The Minister for Education would know him.

Mr P. V. Jones: That is right; he moved down before the election.

Mr JAMIESON: He took up the appointment in July and his name was still on the Kimberley roll. He claimed in his certificate that he lived there. This is the sort of thing we will be watching very closely in the coming election, and if the Government is not prepared to prosecute these people who are making illegal declarations it will show that it is not interested in democracy.

Those are only two names that I have picked out. I have gone through only two towns so far, and I have many more which will be listed and which we will hold. These are the people who are swaying votes; and if they are doing so, they are manipulating the poll and we will ensure something is done.

Turning to absentee votes, on the last occasion Ridge received 300 and Bridge received 126. There will be a reduction in absentee votes on this occasion because they will all be postal votes.

As soon as it is shown that a person has been out of the town for a month prior to the closing of the roll we will be asking questions about whether he should be permitted to sign a false declaration in respect of being eligible to vote. There are hundreds of these people, and they are not voting for the Labor Party. I have already indicated that in the examples I have quoted.

Mr Watt: Would there be a few where the boot is on the other foot?

Mr JAMIESON: I should imagine there would be a lot less.

Mr Watt: Not necessarily.

Mr JAMIESON: Yes there would, because I have given the figures of the votes in the Kimberley which gave Bridge a clear majority; and these are the votes of resident people who are not mobile and are not living in Applecross, South Perth, or Nedlands, like the people who conveniently forget to indicate they no longer reside in that area.

Mr Watt: I would not be surprised if the number is even.

Mr JAMIESON: The figures are nowhere near even, and they are shown not to be so in the examples I have given.

Mr P. V. Jones: How would you know?

Mr Watt: You would not know how many people have moved into the area.

Mr JAMIESON: They could not vote.

Mr Watt: That is precisely what I am saying.

Mr JAMIESON: The point I am making is that the persons who had an influence in that area are no longer entitled to do so.

With regard to manipulation, it is interesting to note from the statistics what occurred in various sections of the electorate. For the first time a polling booth was situated at Kalumburu, and 20 votes were cast there. In every other booth throughout the electorate informal votes were cast. Can the Minister explain to me how 20 votes were cast for one candidate—Mr Ridge—and not one of them was informal?

Mr Grayden: Probably they knew the method of filling in a ballot form.

Mr JAMIESON: Nonsense.

Mr Grayden: That is what we are hoping you will do; we are hoping you will instruct your supporters to fill in the ballot papers correctly.

Mr Clarko: Are you suggesting they were manipulated?

Mr JAMIESON: Yes.

Mr Clarko: Do you think that is good?

Mr JAMIESON: No.

Mr Clarko: Are you going to stop doing it?

Mr JAMIESON: Yes, manipulation should never occur. I have pointed out that I appreciate this has occurred on various occasions previously. When there is a groundswell in favour of a certain candidate, then if that candidate is a Liberal Party candidate, it is all right; but if he is a Labor Party candidate it is manipulation.

Mr Clarko: I am asking whether you support it.

Mr JAMIESON: I do not support it, but I am saying that when there is a groundswell in favour of the Labor Party members opposite call it manipulation, but if the groundswell goes the other way it is all right.

Mr Watt: Would not the same argument apply to the electoral boundaries in the north? When your people held the seat the boundaries were all right.

Mr JAMIESON: When Labor started to hold the seats there were five in the area. It was all right when the Forrests held seats with 84 on the roll; but when Labor started to win those seats every time a redistribution occurred the Liberals started to knock off one of the seats. It is only since the Liberal Party has started to hold those seats that it has championed their cause. They always found a reason to get rid of one of them every time there was another redistribution. Let me get back to another statistic of the last election.

Mr O'Neil: Can I ask a serious question? Those figures were produced in the Court of Disputed Returns in the form you are reading them?

Mr JAMIESON: Yes they would have been.

Mr O'Neil: The only reason I asked is that it is traditional when all the votes are cast in favour of one candidate for those boxes to be amalgamated to preserve secrecy.

Mr JAMIESON: All of these documents were readily made available after the last election. Here is another example: Mount House Old Homestead which was a polling booth for the first time. There were 11 votes for Ridge and three informal votes, a total of 14. I guess that the three people who voted informally tried to vote for the other fellow because they were told how to fill in the ballot paper but did not succeed very well. That is just the point; these sorts of things occur very clearly with these sorts of people.

Recently I stated in the House that these people are very intelligent and are not fools, but very often they vote in droves because of their good reasoning which is that they might get a clip behind the ear if they do not vote in that way. Let none of us hide behind a bushel—this has occurred with these people for a long time. Although there were no instances of pressure on this occasion or for a long time previously, there have been several instances when influence has been brought to bear.

It is of interest to note that when debate on a similar matter took place in this Chamber in 1968 my predecessor told the House that serious thought was given to contesting the votes in the Court of Disputed Returns on that occasion because of this obvious manipulation in some places and bribery in other places. But the Government changed the provisions with regard to voting as they were then. At that time somebody could go into a booth and vote for another person and the main objection was that somebody was sitting in the booth all the time whereas the Act said that the person shall go in and then come out and not remain in the booth. What was happening was that someone was sitting in the booth all the time filling in the voting papers and when the score came out it was 38 to four in favour of Ridge against Rhatigan.

It was obvious that there was a groundswell of opinion during the last election. After 47 years of holding the seat we had to cop it. The Liberal Party got away with what it did and we had to cop it. The point I am making is that when the boot is on the other foot the Liberal Party should have to cop it. There was a lot of argument on that occasion and even the police studied the situation; and the Chief Electoral Officer said that there had been some mild breaches of the Electoral Act but no prosecutions were justified.

Mr Watt: Are you referring to the situation in Gogo?

Mr JAMIESON: No. There were some at Gogo but they were mainly at Mowanjum. On that occasion the deputy presiding officer said that those who it was considered did not require assistance were directed towards a polling booth at the far end of the hall. He was asked whether he quoted figures and he said that he could have given the numbers before they were boxed. He could have done because, as happened at the last election, the voters were being lined up and their preferences were being written down in front of everybody else; they were not taken to a booth to have this done. This is one of the things to which I object and to which the Minister ought to be objecting. This was done repeatedly; it is a terrible thing to do when we are supposed to have a secret ballot.

We have to cut out this sort of practice and the only way to do it is to have better trained presiding officers.

Some of the poor devils who were picked for the last election broke down when they got into the witness box. They said that the Aborigines had been prevailed upon, that they had lived among them, and that they hated to do what was done on that day because they realised the people were not getting a fair go. We will find it difficult to get presiding officers for the by-election. The Electoral Department will probably have to chase them up from Perth—and that might not be a bad idea—and then they will be capable of standing up to anybody who tries to stand over them, which they should be able to do, and they will not be subjected to the humiliation to which presiding officers were subjected at the last election.

I have been in this game for a long time but some of the things I heard in the Court of Disputed Returns made my hair stand on end. For example, one of the factotums from the Liberal Party in Broome admitted that when he decided on his plan of action he went to the home of the presiding officer several days before and said, "This is what is going to be done." That is what he told the court. It is preposterous that anybody should go near a presiding officer in these circumstances. They are not paid to give an opinion on the day before or the day after an election; they are paid only for their services on the day.

Will the Minister give me an assurance that his people will not do this sort of thing again? It is heinous that such things should occur in this country and they reflect very badly on the Electoral Department. I do not reflect on the presiding officers during the last election because they did their best. I saw some of them giving evidence and I realise the strain they were under. I also realise that the returning officer did a very good job and tried his best, but he was working under extreme difficulties. When he tried to get guidance from the Chief Electoral Officer he was not able to obtain that guidance and he was at a disadvantage from the start. All this leads to the Bill being before us at present.

The SPEAKER: The member has three minutes.

Mr JAMIESON: We cannot go along with this Bill in any shape or form. It has drawn a considerable amount of protest. Even before I have done any writing—and goodness knows what I will receive as a result of what I write—I have received many telegrams in protest at the legislation. I received a telegram from Barry Machin, Chairman of CANE, telling me that he had sent

a telegram to the United Nations. Another telegram reads—

Pipunya Community Inc Marble Bar objects to changes in Electoral Act aimed at preventing illiterate people from voting.

I received another telegram from Margaret Taylor, Secretary of the Ngoonjuwah Council Inc.

Mr Old: They have no problems if they can send telegrams.

Mr JAMIESON: These are from their leaders, of course. A telegram I received said—

Although we are called illiterate we are people who know what we want. We know who we want to vote for. We wish to decide our own future.

Mr Old: They can then under the Act.

Mr JAMIESON: I am reading what they say; be quiet for a little while. To continue—

We are hurt. We are angry. We ask you Mr Jamieson to take action and stop this new law.

That was from the Warmun Community at Turkey Creek. From the Noualla Group at Onslow I received a telegram which said—

We are alarmed at WA Government decision.

The Broome Aboriginal Community telegraphed me to say—

We strongly protest against the Government most unjust proposed changes.

The Hedland Aboriginal Progress Association said in its telegram—

Object most strongly to WA Government attempt to prevent illiterate persons voting.

The Ieramugadu Group from Roebourne in its telegram said—

Dismayed at Government intentions for illiterate voters and lack of public debate.

Oppose measures in strongest terms.

From the State President of the Womens' Service Guild I received a telegram which said—

The Womens' Service Guilds reflecting deep community concern urge proposed amendments to Electoral Act concerning illiterate voters be not proceeded with this session to allow ample time for careful consideration of democratic rights.

Those are examples of the reactions to this legislation. This sort of groundswell is often like an electoral groundswell. Because the people like one person for the time being more than they like another, opinion is liable to swell.

Because the Government has shown neglect in this area I am sure the Aborigines feel that on this occasion they might be able to get a better deal from somebody they know within the district; and anybody who has been to Halls Creek would be very proud indeed to be working alongside Ernie Bridge.

Debate adjourned, until a later stage of the sitting, on motion by Mr Cowan.

BUSH FIRES ACT AMENDMENT BILL

Returned

Bill returned from the Council with amendments.

QUESTIONS

Questions were taken at this stage.

ELECTORAL ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from an earlier stage of the sitting.

MR COWAN (Merredin) [5.14 p.m.]: The amendment before the House seeks to do two things: it seeks to amend the electoral law in relation to postal voting and also in relation to illiterate voters and how those voters may record a valid vote in the polling booth. At the time of the introduction of the legislation and ever since, it has been stated by the Premier and by other Government members that this legislation seeks to bring the State legislation into line with the Commonwealth Act.

Mr Bryce: You do not believe that.

Mr COWAN: I have no argument with regard to postal voting.

Mr O'Connor: But it has only been claimed that postal voting is being brought into line with Commonwealth legislation.

Mr COWAN: I have a Press statement released on the 8th November by the Premier. The statement was in reply to some comments made by the Leader of the Federal Opposition, and in part it reads—

He overlooks the fact that what is proposed in the Bill before Parliament is only to bring our legislation into line with the principle for Postal Votes and voting by illiterates already in the Commonwealth legislation that prevailed under Mr Whitlam's Government.

So I suggest it did not relate only to postal votes, but it implied also that it related to the manner by which illiterate voters could record a vote in the polling booth. It is quite true that many illiterate voters are not declared illiterate. There are those people who have been able to take an instruction from a friend, or who are able to follow a how-to-vote card, and are able to copy the numbers as they appear on the how-to-vote card when they go into the polling booth. As such, technically they are not illiterate voters.

We are really dealing only with the definition of "illiterate voters" as defined in the Act; that is, a person who indicates to the presiding officer that he is so illiterate that he cannot mark his own ballot paper. I am not a legal man but my interpretation of the proposed amendment is, in layman's terms, that clause 4 removes the right of an illiterate voter to be able to hand a written instruction to the presiding officer at a polling booth.

When I had a look at the Commonwealth Act in relation to the matter of an illiterate voter casting a vote, I formed the opinion that the State Act as it stood—as it was amended in 1976—was identical with the Commonwealth Act. So, I cannot see any reason this Government should amend section 129 of the Act in order to bring it into line with the Commonwealth Act, because it is already in line with that Act and was made so in 1976.

The proposed amendment will, in fact, prevent an illiterate voter from presenting a written instruction to a presiding officer as an indication of how he wishes to vote.

Mr O'Connor: If the card had "dog" or "cow" on it, he would not know the difference.

Mr Davies: Yes, he would.

Mr COWAN: The point is there is no chance of an illiterate voter being able to present a written instruction because this Government will remove that right. As far as I am concerned, why does not the Government just disfranchise illiterate voters because, in fact, that is what will be done.

In order to achieve that objective—and this is probably where members on the other side of the House may not agree—the Government is claiming that it is moving to prevent the manipulation of illiterate voters. In that respect, the Government is correct. There is no denying there has been a manipulation of the voters in certain elections in this State. However, by the same token the Act should not be amended so that voters can still be manipulated.

I ask: What would happen if a political party decided to allow multiple endorsement? What would happen if a football team were nominated? How would an illiterate voter be able to cope with walking into a polling booth and having the names of 15 or 20 people read out to him and then being expected to tell the presiding officer that he wished to vote for 15 or 20 of those people in a certain order?

Mr Laurance: He would have a card.

Mr Cowan: What value is a card to a declared illiterate voter if he cannot present it as a written instruction?

Mr Bryce: The member for Gascoyne could not remember 15 names, one after the other.

Mr O'Neil: The first point is, you cannot nominate a football team; candidates must nominate themselves.

Mr COWAN: May I say that although candidates must nominate themselves, I am quite certain that there are enough dedicated supporters in all political parties in any electorate who would be prepared to accede to a political party's wish to nominate as independents.

However, I did wish to make my contribution to this debate a little less subjective than some of the debates which have taken place. I have expressed my opposition to clause 4 of the Bill.

There is one other factor to which I must draw some attention; that is the matter of the timing of this legislation.

Mr T. J. Burke: Hear, hear!

Mr COWAN: As far as I am concerned, the reason for the timing is perfectly obvious and it does not need any further debate. I am opposed to this legislation on two principles. The Bill will make it difficult for illiterate voters to be able to cast a valid vote at a polling booth. The illiterate voter will be disfranchised. Secondly, I am against the timing of the legislation. It would seem to me to indicate that the Government cannot fairly win an election on the present set of rules, and it is quite prepared to change those rules during the course of the by election campaign. For that reason, I will not support this Bill.

Opposition members: Hear, hear!

MR B. T. BURKE (Balcatta) [5.21 p.m.]: I wish also to add my opposition to the legislation now before the House and to say, allowing for the comments from the Minister for Labour and Industry, there is only one way that anyone in this country—and not in this State alone, but across the nation—

can be sure of the Kimberley election being conducted in a fair and equitable manner, and that is to have the election supervised by the United Nations. It is my intention to write to the Secretary-General of the United Nations to draw to his attention what has gone before and to ask him to use his influence. I intend to request that some supervision of what has gone on, and what will go on, should be the responsibility of the United Nations. That is really the highlight of this legislation.

What has gone on, and what will be done as a result of this Bill, is causing terrible damage to the image of our State, not only across the nation, but also in other countries all over the world. Do not we care about our reputation? Do not we care about whether we are able to hold our heads high? Do we care about people saying that we treated the less advantaged in our community in an unfair way by confiscating from them their fundamental right to exercise some choice about the Government they will endure? If that is the intention of the Government then I intend to oppose this legislation with all my might.

As I said, I intend to advise the Secretary-General of the United Nations of the details of what has gone before, the details of the Court of Disputed Returns finding and its decision, and also advise of this legislation. We will see then whether this Government is prepared to go on the side of those who see the recommendations of the judgment to be of some value to be maintained.

Let us look at what this legislation does, and what it does not do. Clauses 2, 3 and 5 are aimed at making it impossible for many illiterate people to cast a postal vote. That is simply what those clauses will achieve. Is each member in this Chamber happy about that? Are we satisfied that many illiterate people should not be able to cast a postal vote? I certainly am not. It is not fair to say that some illiterate people will not have a postal vote.

It is not only the illiterate person who will be denied the postal vote, but certainly those who cannot sign their names. Indeed, why should the lack of ability to sign one's name make a distinction between an illiterate postal voter and his fellow literate postal voter? It is just not fair.

It has generally been taken that a signature includes a mark made by a person as a substitute for that signature. Not only will we differentiate between the literate and the illiterate voter, we will discriminate between the illiterate and the illiterate.

It is also true that clause 4 seeks to amend the already recently amended section 120 of the principal Act. It will make it necessary for an illiterate elector to request the presiding officer to read out

the names as set out on the ballot paper. It will not be mandatory for the presiding officer to offer the information. An illiterate person not fully familiar with the provisions of the Act may not know of his right to ask the presiding officer to read the names to him, and if the presiding officer is not asked there is no compunction on him to read those names to the voter. Is that fair and equitable? Is that a just reason for denying someone the right to vote? Of course, it is not, and I believe many people in this Chamber would say that is not a fair thing and not a fair position in which to put one of their fellow Western Australians.

There is nothing more certain than that after this legislation is passed, and if the election scheduled for the 17th December proceeds, there will be another Court of Disputed Returns because of the technical drawbacks and the technical faults in this legislation as a result of the haste in which it was considered, constructed, and presented to Parliament.

Let me give three examples. Firstly, it will no longer be permissible for an illiterate voter to hand a presiding officer a how-to-vote card with or without an oral statement about how he wants to vote. However, there will be a great deal of legal argument about whether an oral statement, with or without a how-to-vote card, will be a legal instruction of an elector's intention to vote. If an elector goes to a polling booth and says he wants to vote according to the Australian Labor Party's how-to-vote card, which is an oral instruction, but he is without a how-to-vote card, that will be deemed to be quite legitimate. That is one of the holes through which one could drive a truck as far as this legislation is concerned.

Then there is the other amendment which states that the presiding officer may not mention a particular party or a particular candidate, and that is clear-cut. That is quite positive in what it states, but it does not put a prohibition on the presiding officer from asking whether the voter wants to vote "Liberal or Labor"—"Bridge or Ridge"—because he is not mentioning a single particular party; he is mentioning them both. That is another basis on which the result of the election on the 17th December will certainly be taken to the Court of Disputed Returns.

There are also two different ways of marking a signature, and it is intended to amend section 211 to cover that difference. Whereas previously it has been thought a marksman was, in fact, signing his name when he made a mark, under the provisions of the amendment to section 211 of the Act there will be a difference between a mark and a signature. However, quite clearly

sections 90 and 91, which define a marksman, mention an authorising witness. In future it will be an attesting witness, not an authorising witness.

That is another area of legal doubt which is cloudy; it is quite grey, and it will be investigated. Certainly, if the election on the 17th December is close, it will result in another application before the Court of Disputed Returns. That is not the sort of situation we should have. It is certainly the type of situation we should prevent, and that is what we will try to do.

The Minister for Labour and Industry made a rather sad speech and I do not think any one of the Ministers sitting on the other side of the House would be able to substantiate any of his allegations. He said certain things about six ingredients and six-pronged plans, but he did not substantiate anything.

Perhaps the Minister for Labour and Industry can tell us who it was who told him that Labor supporters are offering potential voters double pensions. Perhaps the Minister will name the person who told him that.

Mr Grayden: Just do what I did. Get in touch with your own people up there.

Mr B. T. BURKE: Will the Minister name the person who said that Labor supporters are offering potential voters double pensions?

Mr Laurance: He is still waiting for the assurance he sought.

Mr Grayden: This has had an effect on every Aboriginal voter.

Mr B. T. BURKE: Another of the allegations raised by the Minister for Labour and Industry was that several public servants were in a position to dictate quite unfairly and to manipulate voters. Would the Minister name the public servants involved?

Mr Grayden: They are well known throughout the Kimberley.

Mr B. T. BURKE: Mr Speaker, through you I ask will the Minister name the public servants.

Several members interjected.

Mr B. T. BURKE: Of course he cannot.

Mr Grayden: Just a single phone call will do.

Mr B. T. BURKE: The Minister also said that potential voters were offered pigs, trucks, buns, and cool drinks. Will the Minister say who is making these offers, or name the person who informed him that the offers were being made? That is all.

Mr Grayden: It is happening to all the people.

Mr B. T. BURKE: The ground on which the Minister stands is shaky. Will the Minister name the people?

Mr Grayden: You want a complete list?

Mr B. T. BURKE: He will not name the people.

Mr Grayden: You have the list yourself, so why ask me?

Mr. B. T. BURKE: I am asking the Minister to name the people.

Mr Laurance: Are you dissociating yourself from these actions?

Mr. B. T. BURKE: I dissociate myself completely from them. The Minister will still not name the people involved and that is patently unfair.

Several members interjected.

Mr B. T. BURKE: The member could start to tell us about the League of Rights meeting he has been to. Of course, the League of Rights hates Jews, Catholics, and most of all it hates black people. Will the member tell us whether he has ever been to a meeting of the League of Rights?

Mr Grayden: Are you talking to me?

Mr Blaikie: Who, me?

Mr B. T. BURKE: Yes.

Mr Grayden: Of course I have not been to a meeting.

Mr B. T. BURKE: Has the member been to a meeting of the League of Rights?

Mr Bryce: Of course he has, he is a fellow traveller.

Mr Blaikie interjected.

Mr B. T. BURKE: The member for Vasse is a joke. The member for Vasse attempts to hide his participation in one of the most extreme organisations in this country, an organisation which even Premier Bjelke-Petersen has attempted to deride, against his better judgment. We have a member here who will not say that he has been to a meeting.

Mr Shalders: A League of Rights candidate stood against him at the last election.

Mr Bryce: That is probably because he went to a meeting and they found out something about him.

Mr B. T. BURKE: A simple question was asked and the member will not deny it. Will the member go to a meeting of the League of Rights?

Several members interjected.

Mr B. T. BURKE: Stop, and let us hear what the member says. If he says he has been to a meeting, he may have a reasonable explanation. Obviously he cannot say.

Let us now turn to the member for Greenough. He is a very reasonable and quiet man. Did he ever chair a meeting of the League of Rights?

Mr Blaikie: What has that to do with the Kimberley by-election?

Mr Sodeman: So what—you are a member of the Labor Party!

Mr B. T. BURKE: Unbelievable.

Mr Sodeman: You should be ashamed of it.

Mr B. T. BURKE: We have now the Liberal Party, the League of Rights, and the Labor Party, and we have a chairman who says, "I will chair a meeting." Already over here we have another bloke who wants to come along to a meeting.

Mr Blaikie: What about picking on me again?

Mr B. T. BURKE: Picking on the member for Vasse makes me feel like a child basher.

Mr Laurance: You fit the bill all right.

Mr Blaikie: What about picking on me again? You were wrong last time.

Mr Sodeman: A mouse in an elephant's costume!

Mr B. T. BURKE: Mr Speaker, is it not sad the way they writhe? I would suggest to the honourable member, as chairman of the league of rights in this place, that he should rule the member for Vasse out of order. I thought the honourable member was a quiet and reasonable man. When is the next meeting?

As I said before, the League of Rights hates Catholics, Jews, and most of all it hates black people. It hates the impurity of black people. We have a host of members here who attend their meetings.

Let us just go back to the day of the election—does it not hurt?

Mr Sodeman: It does not hurt at all. Your raving hurts our ears, that is the only thing that hurts.

Mr B. T. BURKE: I said that members will see the source of the sort of barbaric content in this legislation by referring to those people who assisted by their presence at the poll.

Mr Laurance: Let me ask you a question.

Mr B. T. BURKE: Let us go back now to the night of the election and in the tally room, when the Premier and that paragon of virtue, Noel Crichton-Browne—

Mr Laurance: Can I ask a question?

Mr B. T. BURKE: —were commenting on the result in the seat of Kimberley. The Premier said that the allegations made by Noel Crichton-Browne were ones that he supported. Mr Crichton-Browne said—

We anticipated the problems which have come to light and set up a number of lawyers to scrutinise the voting. Hundreds of Aborigines have been arriving at the booths who could not read or write.

These people were asking for a vote and Crichton-Browne is saying, "How did they have the gumption to do that when they are not able to read or write?" Sir Charles Court then said—

The last election was an absolute disgrace . . . Liberals up there said to us 'if you want us to do what Labor did, we are not of your party.'

And then they decided to do it. It is unbelievable. He went on to say—

What Mr McMullan (of the A.L.P.) is sore about is that we have caught them out in doing things that we find quite reprehensible.

We are happy to be in the company of Judge Smith, catching out people who are guilty.

We move on to the respondent in the case, and he said, along with other members in the House, that he did not want to bring up counter-petitions involving similar allegations. He said this time and time again.

Then in *The West Australian* of the 10th September, a barrister's request to the Court of Disputed Returns about a counter-petition was rejected. Do not tell us that members opposite did not want to bring in a counter-petition. Do not tell us that members opposite did not want to make allegations. Government members tried to do that, and the judge said it was not on, so that is the dishonesty of the position.

So then we look at these points which our deputy leader in his very able speech raised about the candidate himself. He referred to two of the letters that Ridge wrote to people who had helped him, and I am now asking about the things that gave rise to this sort of legislation. We have already seen the Premier's performance, and the performance of the President of the Liberal Party. We have to look now at what the

candidate himself said. In one letter he had this to say—

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

Later on in the same letter he said—

Bearing in mind that we had five young solicitors scrutineering for us at the various polling booths, I believe that for the first time ever we now have enough evidence to convince people of the necessity for amending the Electoral Act in relation to illiterate voters.

Mr Spriggs: Why don't you let us do that?

Mr B. T. BURKE: That was a portent of the future.

Mr Spriggs: That is right, and that is what this Bill is doing.

Mr B. T. BURKE: Mr Ridge then went on to say this—

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

His position is made quite clear, and it is not something to be proud of. I do not delight in reading that out. However, he said that then, and now Parliament is being asked to pass this legislation.

Mr Spriggs: All he has said is that he saw enough evidence that something ought to be done to control it.

Mr B. T. BURKE: Mr Ridge went on to say—

Unfortunately, I'm not able to express my appreciation to you publicly, but I wanted you to know that I did greatly value your assistance, and I shall look forward to a long and friendly association with you.

Remember this letter was written to the third candidate. The whole thing is not satisfactory.

Mr Sodeman: Answer this one query: Was there another alternative open to the judge in respect of his decision? Could he have handed the seat over to the ALP candidate without having a rerun? This is just a query. Could the judge have done that?

Mr Bryce: He could not have done that in the terms of the petition.

Mr Sodeman: I thought he could.

Mr Bryce: You should have read the terms of the petition.

Mr B. T. BURKE: I will answer the honourable member also if he likes. Normally there are three options open, but in the terms of the petition submitted by candidate Bridge, the third alternative was just not available to the judge.

Mr Sodeman: Why not?

Mr B. T. BURKE: Because his petition precluded it.

Mr Sodeman: Why did it?

Mr B. T. BURKE: He did not seek it.

Mr Sodeman: If it was an option open, and he felt so strongly about it—

Mr B. T. BURKE: I am trying to be nice to the honourable member.

Mr Sodeman: A bit out of character.

Mr B. T. BURKE: In another letter the Minister, the former member for Kimberley, had this to say—

It is indeed a travesty of justice that a comparative handful of such ill-informed people, should have the right or the power to determine the future of our State.

That is what he said. Would any members on the other side say that? I do not think they would, and I do not think this Minister, this former member for Kimberley, would normally say something like that. It was a time of stress, but nevertheless he said it. He put it down on paper and wrote those words to a third person.

Mr P. V. Jones: A third person?

Mr B. T. BURKE: He continued—

You are possibly aware that on polling day we had five young solicitors fly up to the Kimberley Region to work as scrutineers for us at places where there was a large Aboriginal population. As a result of their activities, I believe—

He went on to say that they now had enough evidence to ensure they could amend the Act to prevent 3 000 or 4 000 Aborigines being on the roll for the next election. He then said—

—it galls me to think that the opposition would have the temerity to question the tactics we adopted. I agree that they may have been unusual, but there again, everything that we did was in accordance with the Electoral Act.

That is not even true. He admits his tactics were unusual, and he then says they were in accordance with the Electoral Act. The judge did not say that. In fact, the judge said they were not in

accordance with the Electoral Act and that he was going to order another election.

Then the Minister crystallised the whole operation himself when he had this to say in *The West Australian* on the 10th September—

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

A plan was used to deal with illiterate Aboriginal voters. Is the Minister for Housing happy that a plan like that was used to deal with illiterate Aboriginal voters?

Mr O'Connor: You people used a plan.

Mr B. T. BURKE: All I can say is that the respondent did not file a counter-petition. Secondly, the judge said he could find no evidence of any malpractice on the part of Bridge.

Mr O'Connor: Do you deny a plan?

Mr B. T. BURKE: The Liberal Party had all the time in the world to bring evidence before the court.

Mr Coyne: Everyone has a strategy.

Mr B. T. BURKE: I now refer to part of the scrutineers' guidelines that were sent with the young lawyers to the north. This document reads—

Every Aboriginal voter must be watched carefully. Provisions dealing with Aborigines' qualifications to vote were to be carried out to the letter.

Now that is discriminatory. There is no mention here about carrying out to the letter those parts of the Act referring to the qualifications of white voters.

Mr Spriggs: Have you read the paper your party hands out to scrutineers?

Mr B. T. BURKE: It appears that every step was to be watched very carefully when an Aboriginal was voting. Instead of trying at this time to make counter points, perhaps Government members can enter the argument, and then in five or 10 minutes I will deal with every argument they want to raise. Let us look now at the sort of things—

Mr Laurance: These provisions are included in section 119.

Mr B. T. BURKE: —against which we were trying to operate a plan. Here is the first thing we were trying to counter. A man over 80 who had never voted before was first asked whether he was over the age of 18 years.

Mr Laurance: That question is quite appropriate under section 119.

Mr B. T. BURKE: When he was able to answer this question correctly, he was then asked whether he was a natural born or naturalised subject of the Crown. And so it went on. Many of these people had waded waist deep through creeks to exercise their right to vote.

Mr Blaikie: Can I ask one question?

Mr B. T. BURKE: This is another example of the type of thing we are trying to deal with. An elderly, frail, and illiterate Aboriginal who had a Labor how-to-vote card was trembling while surrounded by five scrutineers. He finished up not voting because he did not answer the questions on how the ballot paper should be marked.

We then have the following instance. As reported by *The West Australian*, Mr Peters told the Court of Disputed Returns that he had asked a Labor Party scrutineer to check the name of an Aboriginal woman on the electoral roll but he had been told to go away by the Liberal scrutineer, Mrs Alma Lowe.

The report continues—

He said she told him that the old people were not supposed to be helped.

Peters told the court he had helped six old Aborigines across flooded Turkey Creek to vote.

Peters, who is 1.9 m (6 ft 3½ in) said that the water in the 30-metre-wide creek had been up to his chest and rising.

"I had six people with me the first time—they were hanging on to me and each other," Peters said.

"They were pretty old, weak people."

Peters said he walked off after Mrs Lowe told him to go away.

We are guarding against that very dangerous situation, against people who are being manipulated in that fashion.

Mr Laurance: You are the one who is manipulating.

Mr Bryce: What temerity you have to say they were herded simply because they arrived to vote. It just shows how illicit you are in your approach.

Mr B. T. BURKE: We are also guarding against a dire situation similar to that which arose at the last election and which was described by the Derby Hostel manager. The *Sunday Independent* of the 20th February carried the following article—

Derby school hostel manager, Don Flynn, says he saw 70-year-old Aboriginal, John Boxer, turned away four times from the polling booth.

"The fifth time they let him vote," Mr Flynn said.

"At one stage there were four Liberal scrutineers round one poor little Aboriginal woman."

I do not know whether that is something we should guard against. We do not want to give any legality to that practice but that is what we will be doing. Another witness described in the following terms why his vote was informal—

Turkey Creek: An old Aboriginal with poor eyesight had an informal vote cast for him on the instructions of a scrutineer for the Independent candidate in the Kimberley election, the Court of Disputed Returns was told yesterday.

Trevor Alfred Bedford, scrutineer of the Labor Party at Turkey Creek, said that the Aboriginal had pointed to the bottom right-hand corner of the ballot paper and asked the presiding officer to complete the paper.

He asked him to complete the form from the bottom up.

Mr Bryce: Dirty pool.

Mr B. T. BURKE: The presiding officer at Mowanjum had this to say, as reported by *The West Australian* of the 8th September, 1977—

... the presiding officer at Mowanjum, said he thought the questions which he was required to ask Aboriginal voters to see if they qualified to vote were ridiculous.

The questions about whether people were over 18 years, if they had lived in the place for more than three months and if they were loyal subjects of the Queen seemed ridiculous.

I suggest to members opposite that if any of us took a migrant voter to a polling booth, he would be absolutely amazed if he were asked such questions; members opposite cannot deny it, because not one of us has ever been in a polling booth and been asked by the presiding officer, "Are you a loyal subject of the Queen?" I have been at lots of polling booths, and I have never heard that question asked.

Mr Blaikie: What questions have you heard?

Mr. B. T. BURKE: One question was, "Have you voted previously?"

Mr Blaikie: What about the question, "What is your name and place of residence?"

Mr B. T. BURKE: Let us look at the point I raised earlier about the effect of this entire matter on the legal fraternity in this State. I wish the

member for Cottesloe were in the Chamber. Perhaps he could comment upon these areas of legal difficulty I see being created if this legislation is passed.

Firstly, we know that evidence was given before the Court of Disputed Returns that the former Minister for Justice gave directions to the Chief Electoral Officer before the last State election. The Chief Electoral Officer (Mr J. M. McIntyre) said he acted against his will in advising presiding officers in northern electorates on how to deal with illiterate voters. Mr McIntyre said he was not happy with the contents of the telegrams and sought legal advice from the Crown Solicitor (Mr Langoulant) on whether to send them out. He said that Mr Langoulant said it was all right to send them and he did so mainly because he had been instructed to do so by Mr McNeill.

Mr Watt: If it was all right on Crown Law advice, what is the problem?

Mr B. T. BURKE: Then we have the disgraceful exposition of the master plan—the master stroke by the Liberal Party. Before the Court of Disputed Returns the respondent (Mr Alan Ridge) said that the use of lawyer-scrutineers in the Kimberley election was the greatest master stroke of the Liberal Party's campaign. What a horribly sad and pathetic sort of thing to do to people. Even people who are normally talking to lawyers—I have no doubt this would include members in this House—can become intimidated by the language they use and must necessarily use. Yet we see described as a master stroke the sending of five lawyers to Kimberley to bewilder and disenfranchise simple people.

I now move to a subsequent comment by one of the lawyers sent north in relation to the instructions he had been given. An article which appears in *The West Australian* of the 29th July states as follows—

A Perth lawyer who was a scrutineer in the disputed Kimberley poll admitted yesterday that some of the instructions he was given by the Liberal Party were distasteful.

He said he refused to follow some of the instructions. The article continues—

He . . . admitted under cross-examination that he had given the names of two Kimberley electors to a Liberal Party official—despite the terms of his scrutineer's oath.

That was part of the master stroke, and before this lawyer gave evidence he had to seek immunity from criminal prosecution as a result of the things he admitted. The article continues—

. . . that though he had gone to the Kimberleys to act as a scrutineer for the Liberal Party he was a scrutineer for the Independent candidate at both Turkey Creek and Kununurra.

Referring to two ballot papers on which the word "objection" had been written by the presiding officer at Kununurra—

A lawyer sent north by the Liberal Party said—
"I am aware—in retrospect—that I was quite wrong".

That is part of the master plan. It is just not moral to send this sort of task force up to Kimberley quite successfully to bewilder people. Even members of that group which went north said they were told to do distasteful things by the Liberal Party.

We all know that that loyal young lawyer, Chaney, has a long family history with the Liberal Party. He was quite willing to go north but he did things which caused him to think they were distasteful. That is not satisfactory, and now the Government is attempting to enshrine these things in legislation. It is seeking to compound the injustices perpetrated upon these people by giving them some sort of legal standing.

Another lawyer who went north on behalf of the Liberal Party also said he had received distasteful guidelines. He told the Court of Disputed Returns that he did not regard illiterate Aborigines as bona fide voters. Do members opposite agree with that? We are not doing as the Minister for Labour and Industry did; we are not standing and referring to unnamed people. This is a lawyer who was sent to the Kimberley to work as a Liberal Party scrutineer who is saying that he does not regard illiterates as bona fide voters. Surely the member for Whitford does not agree with that proposition? Of course he does not. I have seen people who came to Australia 20 years ago who still cannot read and write; in fact, I often write letters for them. They are bona fide voters in terms of having a say about which Government will run the country.

Mr Nanovich: We do not use that as an excuse.

Mr B. T. BURKE: I am asking the member for Whitford whether he agrees with what his scrutineer said?

Mr Nanovich: I will have my bit to say.

Mr Pearce: I hope you will say it later, and not now by way of interjection.

Mr Nanovich: I cannot hear the member for Gosnells when he is mumbling like that.

The SPEAKER: Order! I wish the member for Gosnells and the member for Whitford would not engage in conversations across the Chamber while another member is addressing his remarks to the House.

Mr B. T. BURKE: This same Liberal scrutineer said that it did not strike him as odd for middle-aged Aborigines to be asked whether they were over the age of 18. This is not a satisfactory situation. Do members opposite agree with these practices?

Mr Laurance: The Act says the presiding officer shall ask such questions.

Mr B. T. BURKE: That question was asked simply to confuse and bewilder a potential voter—it must have been.

Mr Spriggs: I would have believed it had they asked it of you.

Mr Laurance: The Act provides that such questions shall be asked.

Mr Pearce: Who put it into the Act?

Mr Laurance: Who has not attempted to take it out?

Mr Pearce: We are trying; if we ever get the numbers, it will come out.

Mr B. T. BURKE: I am sorry the member for Cottesloe is still not in the Chamber.

Mr O'Connor: He is.

Mr B. T. BURKE: Perhaps the member for Cottesloe will be able to give us his opinion as to whether or not there will be any legal dispute when this legislation goes through. While the acceptance of how-to-vote cards will not be legal, what about an oral statement which includes a reference to a how-to-vote card? Does the silence of the honourable member indicate he is aware of this problem?

Mr Clarko: No, it indicates he is not sitting in his proper seat.

Mr B. T. BURKE: The silence indicates he is past performance. The presiding officer is not allowed to mention a particular party or candidate but he may mention all of the parties and all of the candidates. Will that be unlawful in terms of the amendments? Of course it will not. Then there is the question of the mark versus the signature. What it amounts to is that there will still be a great deal of confusion.

It indicates also that the presiding officers will adopt very restrictive policies with regard to these sorts of things and if that happens, it follows that the election of the 17th December will end up in another Court of Disputed Returns, especially if it is anywhere near close. The reason the

result of the election again will be referred to the court is that this legislation has not been considered. We saw the number of amendments which were moved in another place due to the drafting mistakes made in the Bill. However, they have resolved only some of the shortcomings in the Bill; there is very much more which needs to be attended to.

I do not believe anyone on this side of the House would vote against some sort of reasonable inquiry into this legislation. I do not believe anyone on this side says there is not some sort of need to examine the provisions of the Electoral Act as they apply to illiterate voters throughout Western Australia.

Mr Grayden: Everyone would agree to that.

Mr B. T. BURKE: It is not good enough to rush this Bill through after so recently amending the Act and then ignoring the need for such an inquiry. We are perfectly prepared to co-operate with such an inquiry.

Members opposite know as well as I do that the last amendments to the Act were designed to satisfy the former member for Kimberley, and now we are doing it again. It is just not fair to change the rules after the game has been played and the siren has sounded, but that is what we are doing. We are doing a bad thing because we are not giving this legislation adequate and proper consideration; we are not giving sufficient consideration to a matter which affects the basic rights of citizens in Western Australia; namely, the right to vote. We are rushing this legislation through in the dying stages of this session.

I wish to go back briefly to what the Minister for Labour and Industry said—just so that there is no confusion. I wish to give the Minister the same opportunity as I gave to many other people who maintain that what they say is true or that the mistakes they have made are their responsibility. I want to give the Minister for Labour and Industry the chance to tell us not about pigs in trucks but about who is the person or persons who told him the Labor Party already has promised to double pension cheques.

Mr Grayden: They are doing it now throughout the Kimberley electorate.

Mr B. T. BURKE: Who is that person?

Mr Grayden: It is being done now in every centre.

Mr B. T. BURKE: Who is that person?

Mr Grayden: It is not one person; it is being done in every centre.

Mr B. T. BURKE: Who is the person who told the Minister when he was on the telephone today? Who is the one?

Mr Grayden: They are your supporters. You can elicit the information.

Mr Laurance: Check your branch lists up there.

Mr B. T. BURKE: The member for Gascoyne should not be so smart. He has been a complete blue in this whole debate. It would be better for him not to talk. Let us also ask the Minister for Labour and Industry who it was who told him the Labor Party is spreading these stories around Kimberley. Who told him?

Mr Laurance: What will you do when you know the names?

Mr B. T. BURKE: When I ascertain the names of those people responsible, I will refer the matter to my leader and ask him to let these people know we do not condone such behaviour.

Mr Grayden: I asked your leader to give me such an assurance, and he would not.

Mr B. T. BURKE: Then let me say this: When I find out the names of those people I will ring them personally and tell them to stop.

Mr Grayden: We want it to come from your leader.

Mr Clarko: Are you the godfather?

Mr Bryce: The Minister has egg on his face. He cannot name names. He made scurrilous, baseless accusations, and there is not one iota of evidence to back up the bilge.

The only thing we might ask the Minister is for the names of those public servants who are manipulating Aboriginal voters. Would the Minister name them?

Mr Grayden: If you would like to press me I think I could name them.

Mr B. T. BURKE: I will pause to allow the Minister to name them.

Mr Grayden: I will not name them but I can get you a list quickly if I wanted to. You could get a list from Labor headquarters.

Mr B. T. BURKE: The Minister is pathetic.

Mr Grayden: Their names are on everyone's tongue.

Mr B. T. BURKE: If the Minister will not name the civil servants will he name the person who gave him their names? Will he name them or not?

Mr Grayden: It is a very simple matter to name them but if you want the information you should place a question on the notice paper.

Mr B. T. BURKE: If it is that simple I will.

Mr Grayden: As far as I am concerned once they are named I would like to see them out of the Public Service.

Mr Pearce: Because they support the Labor Party.

The SPEAKER: Order! If it is of interest to the member for Balcatta he has five minutes remaining to him.

Mr B. T. BURKE: Thank you, Mr Speaker. The Minister fails to name these people and really his performance today was the only one that was out of tune altogether, because when other members spoke, whether they were emotional and heated or whether they were trying to be cool and serious, they were all talking about the same sort of thing. Then we had the Minister stand up and in a pathetic manner talk of pigs and trucks and boats and planes.

When pressed to name the people who gave him the information he says nothing and talks of having a question placed on the notice paper. He says nothing at all; he will not tell us who the people were who told him yet he has said he spoke to them on the phone today.

Mr Grayden: You want the information so you can wage a campaign against them.

Mr B. T. BURKE: I am glad to see the member for Cottesloe back in his seat because I would like to ask him whether he sees the need, as I do, for legal clarification of certain parts of the judge's statement. How does the member for Cottesloe view the reference to the presiding officer being able to accept how-to-vote cards as an indication of a voter's choice of candidates? Does the member support the practice of the presiding officer not being able to name one party or one candidate but naming all candidates or several of them and all parties or several of them?

Mr Hassell: I am not going to advise you on the legislation.

Mr Davies: Don't be hard on him; he has not read the Bill.

Mr B. T. BURKE: What we do in this place is express opinions back and forth. Even the member for Subiaco is not so parsimonious as not to give tablets to a member of this side who is ill, yet the member for Cottesloe will not give advice which is pertinent to the debate. I have asked my colleague this question and he confirms what I said. I have asked many people the member would know and they have confirmed

what I said. Would the member for Cottesloe indicate the difference between an attested and an authorised witness as it impinges upon amendments contained in this Bill. Can the member give me an indication of the difference?

This legislation has been compiled hastily and the Opposition would agree to refer it to any inquiry the Government might wish to set up. Can the Opposition be fairer than that?

There is the whole question of photographs on ballot papers which would solve the problem of illiteracy. Illiterate people would be able to point to the photographs on the ballot paper and indicate the candidate of their choice. Why should we not investigate all the possibilities such as having photographs on ballot papers?

Mr Herzfeld: You are lucky your photograph is not on the ballot paper.

Mr B. T. BURKE: That is an extremely valuable contribution by the member for Mundaring. I notice the Premier has already left the Chamber for fear of a knife in the back from that direction.

Mr O'Neil: The Leader of the Opposition is also out of the Chamber.

Mr B. T. BURKE: Let us face facts. Who wants to say that we should not investigate the possibility of having photographs on ballot papers? Does the member for Karrinyup say we should not look at this question?

Mr Clarko: It has never been put forward.

Mr B. T. BURKE: It is dismissed out of hand by the member for Karrinyup. Does anyone else agree that we should not look at this question?

A Government member: You could give up compulsory voting.

Mr B. T. BURKE: That is something that honourable member is prepared to say we should not look at. I am not saying we should have photographs on ballot papers but we should at least inquire into the matter. The man who is frightened of knowledge is the one too scared to ask.

MR WATT (Albany) [6.05 p.m.]: With the permission of the House I would like to commence my remarks and then conclude them at a later stage. At the outset I wish to qualify something said in the House yesterday in which I was involved. The member for Gascoyne made reference to a conversation which took place in Halls Creek last year with Mr Bridge, the ALP candidate for the Kimberley seat. The member for Gascoyne said that during the conversation Mr Bridge informed us that he had previously been a supporter of the Liberal Party.

Mr Bertram: Was it a corridor comment?

Mr WATT: It was not a corridor comment at all; I was there and I took part in the conversation.

Mr B. T. Burke: Have you been to meetings of the League of Human Rights?

Mr WATT: No, I have not.

Mr B. T. Burke: No wonder you are not in the ministry!

Mr WATT: Nor would I. Mr Bridge told us—

Point of Order

Mr PEARCE: A point of order, Mr Speaker. I understand you allow a good degree of tolerance in canvassing these issues but this matter, which has to do with the motion discussed last night, is nothing to do with the Bill before the House.

The SPEAKER: The member is right that I do allow a fair amount of tolerance and I have certainly allowed a lot of tolerance to members on the Opposition side of the House. I am prepared to allow some tolerance to the member for Albany who has been speaking for less than a minute and a half and is hardly likely to have incurred my wrath in that time in regard to relevance to the question before the Chair.

Debate Resumed

Mr WATT: I simply wanted to confirm the truth of the statement made by the member for Gascoyne yesterday. In a denial which was printed by *The West Australian* this morning Mr Bridge said that he had never sought Liberal endorsement. That is probably a fact; he was never accused by anybody who was a party to that conversation of doing that.

Mr Tonkin: Of course he was. The member for Gascoyne said that yesterday.

Mr WATT: He did not, and if members opposite read *Hansard* they will see that he did not. He said that he indicated he was ready.

Mr Tonkin: What is that if it is not seeking something?

Mr WATT: He was never accused of seeking Liberal endorsement and that is what he denied. He also said a number of other things which it had been my intention to cover, but in fairness to you, Mr Speaker, and as the point has been raised that it may not be as relevant to the debate as it should be, I shall cover it at a later stage.

How often do we see a set of rules in an organisation which work for many years with perhaps a little elasticity in their interpretation

when all of a sudden along comes some person who sees loopholes in the rules which he can use to his own advantage? Before long the rules are changed because people have taken advantage of them to the detriment of other people. In my opinion this is why we have the Bill before us at the moment.

I should like to suggest that both sides involved in this argument are not without blame or fault. Frankly, I find the Opposition's attitude to be terribly two-faced. On many occasions members of the Opposition have called for reforms—and they have called loud and long—and when the reform is introduced they squeal.

In speaking to the amendment to the motion moved yesterday the Leader of the Opposition expressed his disgust, and I express my disgust at the attitude of the Opposition in relation to this Bill. The Opposition claims that no evidence of malpractices by the ALP was produced. Of course it was not, because no complaint was made by this side. The complaint was made by Mr Bridge, the ALP candidate, and it was that complaint which was being investigated.

The situation is rather like a jockey in a horse race who feels that his horse has been interfered with at the turn into the home straight but then suddenly gets up to win the race. Is he going to appeal to the stewards? Of course he is not; and that is an exact analogy.

The Leader of the Opposition did not say that there was no malpractice. He said that no evidence of malpractice was produced; and that is a very clear difference. I challenge any member of the Opposition to suggest that there were no malpractices by the Labor Party during the Kimberley election.

Mr Tonkin: Why didn't you produce them before the court?

Mr WATT: I have just explained why the evidence was not produced before the court.

Mr Tonkin: Because you did not want to perjure yourself.

Mr WATT: The member is twisting and turning and does not want to face up to the truth.

Leave to Continue Speech

I move—

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

Motion put and passed.

Debate thus adjourned.

ADJOURNMENT OF THE HOUSE: SPECIAL
MR O'NEIL (East Melville—Deputy Premier)
[6.11 p.m.]: I move—

That the House at its rising adjourn until 2.15 p.m. on Tuesday, the 15th November.

Question put and passed.

House adjourned at 6.12 p.m.

QUESTIONS ON NOTICE CHIROPRACTIC

Overseas Colleges: Standards

1306. Mr HODGE, to the Minister representing the Minister for Health:

- (1) Have graduates from any of the following chiropractic colleges been registered by the W.A. Chiropractors Registration Board—

Columbia Institute of Chiropractic, U.S.A.;

North Western College of Chiropractic Foundation, Minnesota, U.S.A.;

Los Angeles College of Chiropractic, U.S.A.;

Chiropractic Institute of New York, U.S.A.;

San Francisco College of Chiropractic, U.S.A.;

Logan College of Chiropractic, U.S.A.?

- (2) Is the board aware of Professor Webb's view that these colleges are not up to the standard of the three colleges named in Chiropractors Registration Board Rule 7 (a) (i) (ii) (iii)?
- (3) What steps did the board take to ensure that the applicants from the abovementioned colleges had received a standard of training equivalent to that maintained at the colleges named in Rule 7 (a) (i) (ii) (iii)?
- (4) How many applicants for registration from the abovementioned colleges appeared before the board or were examined by the board before being granted registration?

Mr P. V. JONES replied:

- (1) Yes.
- (2) The board meets every two months and this question cannot be answered at this time.
- (3) The board required evidence that the standards for those colleges were not less high than those of the colleges named in the rules.

- (4) Statistics are not kept and it is not practical to answer this question.

CHIROPRACTORS

Australian Trained

1307. Mr HODGE, to the Minister representing the Minister for Health:

Have the Australian trained chiropractors who were granted automatic registration when the Chiropractors Act 1964 came into force in this State, lowered the standards of the profession or endangered the health of the public in any way?

Mr P. V. JONES replied:
No.

CHIROPRACTORS

Registration

1308. Mr HODGE, to the Minister representing the Minister for Health:

- (1) How many chiropractors are currently registered with the W.A. Chiropractors Registration Board?
- (2) How many registered chiropractors are currently practising in Western Australia?
- (3) Have all currently registered chiropractors been examined by the board or appeared before the board before being granted registration?
- (4) If not, how many have been registered without appearing before the board or being examined by the board?
- (5) How many were granted registration whilst resident overseas?
- (6) How does the board ensure that only properly qualified people are registered?

Mr P. V. JONES replied:

- (1) Eighty eight.
- (2) Forty six.
- (3) No.
- (4) This information is not kept.
- (5) Not known.
- (6) As stated.

SCHOOL

Morley

1326. Mr TONKIN, to the Minister for Education:

- (1) How many students are attending the Morley primary school now?

- (2) How many is it estimated will attend the school at the beginning of 1978?

Mr P. V. JONES replied:

- (1) 386 (Years 1 to 7).
- (2) 386.

SCHOOL

Weld Square

1327. Mr TONKIN, to the Minister for Education:

- (1) How many students are attending the Weld Square primary school now?
- (2) How many is it estimated will attend the school at the beginning of 1978?

Mr P. V. JONES replied:

- (1) 560 (Years 1 to 7).
- (2) 580.

SCHOOL

Camboon

1328. Mr TONKIN, to the Minister for Education:

- (1) How many students are attending the Camboon primary school now?
- (2) How many is it estimated will attend the school at the beginning of 1978?

Mr P. V. JONES replied:

- (1) 461 (Years 1 to 7).
- (2) 486.

SCHOOL

Lockridge

1329. Mr TONKIN, to the Minister for Education:

Is the House to understand from his answer to question 1202 of 1977 that nothing will be done to provide accommodation for the 105 extra students expected at the Lockridge primary school until after the start of the 1978 school year?

Mr P. V. JONES replied:

There is already on the joint site sufficient accommodation for the anticipated enrolments at the Lockridge primary and junior primary schools. If enrolments exceed expectations additional rooms will be provided.

EMPLOYMENT AGENTS ACT

Applicants

1330. Mr TONKIN, to the Minister for Labour and Industry:

- (1) What are the names of the applicants who have successfully sought registration pursuant to the Employment Agents Act since the Act came into operation?
- (2) What are the names of the unsuccessful applicants?

Mr GRAYDEN replied:

- (1) Section 27 (3) provides on payment of the prescribed fee, that the licensing officer shall make the register available for inspection and furnish a certificate as to the contents of the register.
- (2) I am not prepared to divulge this information. Section 48 (2) of the Employment Agents Act 1976 provides:

"(2) A person who, either directly or indirectly, except in the performance of a duty under or in connection with this Act, makes a record of, or divulges or communicates to any person, any information concerning the affairs of any other person, firm or body corporate acquired by him by reason of his office or employment under or for the purposes of this Act, commits an offence.

Penalty: Five hundred dollars."

TRAFFIC ACCIDENTS

Fifth Avenue-Success Road Intersection

1331. Mr TONKIN, to the Minister for Police and Traffic:

- (1) How many—
 - (a) fatal;
 - (b) other,
 accidents have occurred at the confluence of Fifth Avenue and Success Road, Bas-senden in each of the past four years and hitherto in 1977?

- (2) Has there been a marked increase in traffic in Fifth Avenue—

- (a) generally;
- (b) between 6.30 a.m. and 9.00 a.m., since the erection of a "Stop" sign at the junction of Walter Road and Lord Street?

- (3) Will he investigate the efficacy of erecting a "Stop" sign in Fifth Avenue at the corner of Success Road and/or preventing the entry to Lord Street from Success Road by converting the latter into a cul-de-sac so as to remedy the situation?

Mr O'NEIL replied:

- (1) (a) None;
- (b) One in 1977.
- (2) (a) and (b) No traffic counts have been carried out by the Main Roads Department.
- (3) An investigation will be made.

BAUXITE MINING

Land Involved

1332. Mr H. D. EVANS, to the Minister for Forests:

- (1) Prior to or during the Alumina Refinery (Pinjarra) debate did the Government state the annual area of land which would be mined for bauxite?
- (2) If "Yes"—
 - (a) what was the amount of land stated would be mined; and
 - (b) what is the precise *Hansard* reference where it is found?

Mrs CRAIG replied:

- (1) Yes.
- (2) (a) "It is anticipated that the total clearing for the first year would be in the order of 30 acres; and for subsequent years, and so long as the company was on an output of 550 000 tons per annum, 25 acres."
- (b) *Parliamentary Debates (Hansard)* Third Session 1961, No. 6, Page 747, Column 2, paragraph 3 (in part).

PAY-ROLL TAX

Australian States

1333. Mr JAMIESON, to the Treasurer:

Will he list the estimated payroll tax collections for this financial year for each of the Australian States, including Western Australia?

Mr O'Neil (for Sir CHARLES COURT)
replied:

	\$ million
New South Wales	645
Queensland	212.6
South Australia	153
Tasmania	38.975
Victoria	492
Western Australia	142

GOVERNMENT CONFIDENTIAL INFORMATION

Leakage to Press

1334. Mr JAMIESON, to the Minister for Labour and Industry:

- (1) Further to my question 1260 of 1977, who was the member of the Government who indicated to a journalist some of the proposals under consideration to reduce the current back-log of workers' compensation cases?
- (2) Was the *Daily News* journalist the only member of the media who was informed of the proposals?

Mr GRAYDEN replied:

- (1) and (2) Quite clearly this question should be directed to the journalist concerned.

UNEMPLOYMENT

Unfilled Vacancies

1335. Mr JAMIESON, to the Minister for Labour and Industry:

- (1) Further to my question 1265 of 1977, will he table the survey conducted by his department?
- (2) If not, why not?
- (3) Who are the members of the manpower planning unit?
- (4) When was it formed?
- (5) Who is conducting the investigation into structural unemployment?
- (6) When did the investigation begin?
- (7) When is it expected to be completed?

Mr GRAYDEN replied:

- (1) Yes. I ask permission to table the survey.
- (2) Not applicable.
- (3) (a) The manpower planning unit was established at my request. Representatives were initially appointed from the Departments of Labour and Industry and Industrial Development.

Members were:

Mr D. Hampton Research officer,
DID

Mr R. Laing Research officer,
DLI

Mr J. Hartree Acting research
officer, DLI.

These officers were subject to the control and direction of the Under Secretary for Labour and Industry and the Co-Ordinator of Industrial Development.

In view of the increasing importance attached to manpower planning, the unit has since been expanded and now includes—

Mr B. Colcutt—Assistant Under
Secretary, DLI

Mr R. Clark—Director, Department
of Employment and Industrial
Relations; and

Representative of the Confederation
of WA Industry.

- (b) The national manpower planning working committee was formed as a result of the conference of Commonwealth and State Ministers for Labour held in September. Members include:

Mr L. Bowes, Director, Department
of Labour and Industry,
South Australia;

Mr D. Gunzburg, Assistant Secretary,
Human Relations Branch,
Working Environment Division,
Department of Productivity,
Victoria;

Mr G. Hall, Principal Executive
Officer, Department of Employment
and Industrial Relations,
Victoria;

Mr J. Wansbrough, Private Secretary
to the Minister for Industrial
Relations, Department of
Labour and Industry, New
South Wales;

Mr J. Scully, Chief Industrial
Officer, Department of Labour
and Industry, Victoria;

Mr J. Johnston, Officer in Charge,
Research Section, Department
of Labour Relations and Consumer
Affairs, Queensland;

Mr D. Gribble, Acting Assistant Director, Planning and Research Division, Department of Labour and Industry, South Australia;

Mr B. Hughes, Executive Assistant (Economics) Premier's Department, South Australia;

Mr J. Campbell, Administrative Officer, Department of Labour and Industry, Western Australia;

Mr R. Laing, Research Officer, Department of Labour and Industry, Western Australia;

Mr G. Urquhart, Assistant Secretary for Labour, Department of Labour and Industry, Tasmania; and

Mr G. Leditschke, Acting Graduate Officer, Department of Labour and Industry, South Australia.

(4) (a) April 1977

(b) September 1977

(5) The Departments of Labour advisory committee.

This is comprised of the Permanent Heads (or their nominees) from the Departments of Labour in all Australian States.

(6) August 1977.

(7) Unknown. A preliminary report is to be presented at the February meeting of Commonwealth and States Ministers' for Labour.

The survey was tabled (see paper No. 370).

ELECTORAL ACT AMENDMENTS

Consultation with Aborigines and Migrants

1336. Mr JAMIESON, to the Minister representing the Attorney-General:

(1) Did the Government consult Aboriginal or migrant groups in Western Australia on the present amendments to the Electoral Act?

(2) If "No" why not?

Mr O'NEIL replied:

(1) No.

(2) The amendments are of general application and do not refer to any particular group.

KIMBERLEY ELECTION

Allegations of ALP Malpractices

1337. Mr JAMIESON, to the Premier:

(1) Has he seen the report in the *Sunday Independent* of 20th February, 1977, where he is quoted as having said, with reference to allegations about the Kimberley poll made by the State Liberal Party President, Mr Noel Crichton-Browne and subsequent comments by A.L.P. State Secretary, Mr Bob McMullan, that

"what Mr McMullan (of the A.L.P.) is sore about is that we have caught them out in doing things that we find quite reprehensible"?

(2) Will he list those things which he found quite reprehensible?

(3) In view of his claims after the State election with reference to the Kimberley that he would welcome an open public inquiry to bring forward claims of so-called reprehensible behaviour of the A.L.P., can he give an explanation why no member of the Government brought forward any allegations about the A.L.P. before the Court of Disputed Returns and why the former Minister for Health, Mr Ridge, as respondent in the case, did not call a single witness?

(4) Is he also aware that in his judgment, in the Court of Disputed Returns, Justice Smith made it clear that Mr Ridge did not allege any malpractice by Mr Bridge or his agents during the election campaign or any manipulation of electors, literate or otherwise, and that no evidence was adduced which would in any way support the suggestions of malpractice referred to in the instructions given to the five lawyers who flew to the North as scrutineers?

(5) In view of the comments made by Justice Smith referred to in part (4), will he publicly apologise for his uncalled for comments in respect to the conduct of Mr Bridge and his agents during the Kimberley election campaign?

(6) If not, why not?

Mr O'Neil (for Sir CHARLES COURT) replied:

(1) Yes.

(2) The reprehensible actions by people on behalf of the ALP to coerce and intimidate illiterate voters with a view to

- improperly influencing their vote in a way which would have the effect of denying them freedom of choice.
- (3) I assume it was because the reprehensible behaviour in question was not relevant to the issues then before the court.
 - (4) I can only assume that Mr Ridge considered that evidence on this matter was not relevant to the issues before the court, which, I emphasise, all related to the alleged misdeeds of persons other than those organising the Labor vote.
 - (5) and (6) Not applicable in view of answers above.

KIMBERLEY BY-ELECTION

Polling Booths

1338. Mr JAMIESON, to the Chief Secretary:
Is it his intention to maintain the same polling booths for the forthcoming Kimberley by-election as were used in the February election for the Kimberley district?

Mr O'NEIL replied:

No decision on the location of polling places for the Kimberley by-election can be made until recommendations of the Returning Officer and Acting Chief Electoral Officer have been considered.

CHIROPRACTORS

Australian Trained

1339. Mr HODGE, to the Minister representing the Minister for Health:
- (1) Was the Chairman of the Chiropractors Registration Board, Mr P. L. Sharp, correctly reported in *The West Australian* of 7th November, 1977, as saying that the Board was not prepared to sacrifice its standards or jeopardise the public just to allow Australian trained people to be registered in Western Australia?
 - (2) Is it a fact that this announcement by Mr P. L. Sharp was made to *The Western Australian* newspaper on Thursday, 3rd November, 1977?
 - (3) Is it a fact that the board has recently been considering an application and subsequent appeal for registration by an Australian trained chiropractor, Mr George Papaphotis?
 - (4) Has the board made a decision on Mr Papaphotis' case, if so, what is that decision and on what date was it made?

- (5) Has Mr Papaphotis been notified of the board's decision; if so, on what date and by what method was he notified?
- (6) Is the board aware that at the time the statement by Mr P. L. Sharp (announcing that the board was not going to register Australian trained chiropractors) appeared in *The West Australian* (7/11/77), Mr George Papaphotis had not received any advice from the board as to the outcome of his appeal for registration?

Mr P. V. JONES replied:

- (1) to (3) Yes.
- (4) Yes, the decision was made on 2nd November 1977 and is confidential to Mr Papaphotis and the board.
- (5) Yes, 8th November, 1977 by letter.
- (6) No, the board had directed the registrar to notify Mr Papaphotis but would not have been aware of the date of notification.

KIMBERLEY ELECTION

Concoction of Story

1340. Mr JAMIESON, to the Chief Secretary:
- (1) Has he seen the claim by Justice Smith on page 63 of his judgment on the Court of Disputed Returns case that a Liberal Party scrutineer, Mr J. O'Driscoll, had concocted a story which he told the presiding officer at Gogo Station, Mr S. J. Webb, concerning the returning officer's change of procedure in regard to the use of how-to-vote cards as a medium of instruction?
 - (2) Is there any avenue under the Electoral Act or any other Act under which punitive action can be taken against a scrutineer who deliberately misleads a presiding officer in relation to voting procedures?
 - (3) If so, is it proposed to take action against Mr O'Driscoll?
 - (4) If "No" to (3) why not?
 - (5) Is he aware that, in a letter to Mr O'Driscoll, the former Minister for Health, Mr Ridge, stated "I wanted you to know that I did not underestimate the value of your trick at Gogo on February 19."?
 - (6) Has the State Electoral Department ascertained whether Mr O'Driscoll's actions were in breach of any statute?

(7) If "No" to (6), why not?

Mr O'NEIL replied:

- (1) Yes.
- (2) I am advised that the alleged action of O'Driscoll to which the questioner refers could constitute the illegal practice of undue influence as defined in the Electoral Act (see S.179, S.183(3) and S.184), but that there is room for legal argument to the contrary.
- (3) and (4) The matter is to be further investigated.
- (5) I have not seen the letter, but I recall reference to the letter in press reports relating to the court proceedings and also in the judgment of the court.
- (6) and (7) See answer to (3) above.

DISTRICT COURT

Cost

1341. Mr BERTRAM, to the Premier:

- (1) What is the anticipated cost of construction and supplying furniture and furnishings for the new District Court building?
- (2) From what sources will these costs be paid?

Mr O'Neil (for Sir CHARLES COURT) replied:

- (1) \$23 081 000 which includes an allowance for cost escalation during the construction period.
- (2) I refer the member to the Loan Estimates Speech, in which I gave details of how this work was to be financed.

PRE-PRIMARY AND PRE-SCHOOL CENTRES

Highgate

1342. Mr WILSON, to the Minister for Education:

- (1) Is it a fact that the Education Department is planning to place a prefabricated building in the grounds of the Highgate primary school for use as a pre-primary centre?
- (2) Is it also a fact that the little citizens and east ward community based pre-school centre which is nearby has never had a full enrolment of five year olds and that the present enrolment stands at 29 five year olds in one group and 13 four year olds in the other?

(3) Is it also a fact that there is already a pre-primary centre catering for 30 children attached to the school for non-English speaking children which has to accept English speaking children to keep up its numbers?

(4) Is this proposal meant to force the kindergarten committee to hand over to the Education Department, by threatening its capacity to continue to attract sufficient numbers of children to remain viable?

(5) Is the department not moving counter to the Government's policy of not interfering with community-based centres and of not duplicating existing pre-school facilities?

Mr P. V. JONES replied:

- (1) Yes.
- (2) On 1st August the Little Citizens Kindergarten advised in its statistical return that the enrolments were 43 five-year-olds and 9 four-year-olds, which is close to the total capacity of 60 places.
- (3) Yes.
- (4) No.
- (5) There are significant numbers of five-year-old children in the Highgate area, which is classified as a disadvantaged locality, denied access to early childhood education because there are insufficient places for them. The Education Department is taking positive and necessary action to provide the opportunity for all five-year-olds in this area to have access to at least one year of pre-primary education.

PUBLIC LIBRARIES

Government and Local Government Expenditure

1343. Mr WILSON, to the Minister for Education:

- (1) Is he aware of the view expressed by Mr Viner, the Minister assisting the Federal Treasurer, at a public meeting to discuss the Horton report last Thursday, that because of increased untied grants to State and local governments, they should be prepared to take on any extra expenditure to improve public library facilities?
- (2) Does the Western Australian Government share this view put forward by Mr Viner?

Mr P. V. JONES replied:

- (1) and (2) Yes, I am aware of the view expressed by Mr Viner and the Government is already accepting responsibility for increased expenditure; but is awaiting the preparation by the Library Board of a plan for development of library services in Western Australia over the next 25 years.

However, the recommendations of the Horton Report constituted a comprehensive over-view of library services, and some of the views expressed are not necessarily acceptable to the Government. If the full implications were to be accepted, there would be an obligation on the Commonwealth to contribute increased funds to State and local government over and above that already provided.

TAXIS

Bucket Seats

1344. Mr WILSON, to the Minister representing the Minister for Transport:

- (1) Is it a fact that Swan taxi 632 fitted with bucket seats was licensed as a taxi to carry five passengers on 26th June, 1977 after being examined by five representatives of the Taxi Control Board?
- (2) Is it also a fact that the board is now issuing licences to taxis fitted with bucket seats on the condition that extra padding is provided in the front seat and a cover?
- (3) Is any consideration being given to licensing taxis to carry a maximum of four passengers?

Mr O'CONNOR replied:

- (1) One officer at a time is responsible for examination of taxi cars. There is no record that any taxi car was inspected by five officers at the time of licensing. Taxi car 353 Swan fleet 632 was wrongly passed by one officer. Steps are being taken to remedy the error.
- (2) No. If a taxi car fitted with bucket seats has those seats converted to a single bench seat, consideration would be given to licensing it.
- (3) No. This matter has been considered by the Board as recently as the 2nd November, 1977 at the Minister for Transport's request and also on a number of other occasions. It has been decided that the

interests of fare paying passengers are best served by requiring taxi cars to be licenced to carry five passengers.

WESTERN AUSTRALIAN INSTITUTE OF TECHNOLOGY

Urban and Regional Planning Diploma

1345. Mr CARR, to the Minister for Urban Development and Town Planning:

- (1) Is it a fact that the Tertiary Education Commission in Canberra has not approved the proposed graduate diploma in urban and regional planning at WAIT?
- (2) Can he confirm that this rejection continues to deprive the State of a fully accredited planning course and further puts back the introduction of a fully recognised post graduate course for Western Australia?
- (3) Can he confirm that this rejection threatens a brain drain from the State of people seeking higher planning qualifications coupled with the continued policy of importing specialist planners from overseas and interstate?
- (4) What action has he taken to persuade his Federal colleagues of the need to have this course provided in Western Australia?

Mr RUSHTON replied:

- (1) Yes, I am advised this is so.
- (2) Not necessarily so.
- (3) If such a brain drain exists it may continue and bring increasing difficulties in obtaining adequate locally skilled personnel for employment in Western Australia.
- (4) I am maintaining an active interest in this matter and have asked for details of the current position to be provided so that I may take appropriate action.

QUESTIONS WITHOUT NOTICE

LAND

Cervantes

1. Mr NANOVICH, to the Minister for Lands and Forests:

- (1) Have there been any completed surveys for the further release of lots at Cervantes?
- (2) If the answer to (1) is "Yes" what is the number of lots?
- (3) When will the lots be available to the public?

Mrs CRAIG replied:

In reply to the member for Whitford, and I thank him for some notice of this question, the answer is as follows—

- (1) Yes.
- (2) 185.
- (3) They will be released progressively after provision of services.

MINES DEPARTMENT

Mr Crichton-Browne

2. Mr TONKIN, to the Chief Secretary:

- (1) Adverting to question 1325, was the firm known as Burrill Investments also that firm which was severely castigated for insider trading by the Senate Select Committee on Securities and Exchange?
- (2) What action has been taken by the Government to clean up the securities and exchange industry as was shown to be urgently necessary by the report of the committee?

Mr O'NEIL replied:

I thank the honourable member for ample notice of the question, the answer to which is as follows—

- (1) There were several associated companies including the name "Burrill" in their name, of which Burrill Investments Pty. Ltd. was one and these companies are mentioned several times in the Rae report.

- (2) There have been two Securities Industry Acts passed.

Western Australia has joined the Interstate Corporate Affairs Commission.

The Companies Act, 1961, has been extensively amended. Many amendments to that Act have been passed during the same period (since 1961). Western Australia is presently negotiating with the Commonwealth and other States in connection with the projected formation of a National Corporations and Securities Commission. The investigation staff of the Corporate Affairs Office has been increased from four to 19 in the last five years.

Many of these moves were being taken before the Rae report was published.

Professor Harding of New South Wales has been commissioned to prepare a report to the ministerial council constituted under the Interstate Corporate Affairs Commission Agreement.

MIDLAND ABATTOIR

Retrenchments

3. Mr SKIDMORE, to the Minister for Agriculture:

I wish to direct a question to the Minister for Agriculture. It is as follows—

- (1) Is he aware that 14 maintenance men and 43 production workers are to be sacked from the employment of the Midland Junction Abattoir after management gave an assurance that no lay-offs would take place due to the changed shift rosters for workers?
- (2) If so, when did he hear of the intended action?
- (3) Will he list each and every step taken prior to the union being advised of the proposed sackings, to alleviate hardship to the workers to be sacked?
- (4) If the Minister is unaware of this happening, will he resign forthwith?

Mr OLD replied:

- (1) to (4) I will answer the last part first, Mr Speaker. The answer is "No". As for the rest of the question, I am aware there is a study going on at both abattoirs with regard to rationalising them. I do not know of any immediate move and I would suggest if the member wants an answer to such a comprehensive question that it would be courteous to place it on the notice paper.

WORKERS' COMPENSATION

Sportsmen and Sportswomen

4. Mr TONKIN, to the Minister for Labour and Industry:

I wish to ask a question of the Minister for Labour and Industry. I understand he has some notice of the question.

Mr Grayden: I do not have any notice of the question.

Mr TONKIN: I will ask the question anyway. It is as follows—

- (1) Was a tripartite committee established in 1970 (or earlier) to examine the Workers' Compensation Act and which dealt with the question of compensation for sportsmen and sportswomen?
- (2) If so, who was on it?
- (3) Was there a unanimous recommendation with respect to the above question?
- (4) If so, what was it?
- (5) If not, what recommendations were made?
- (6) Was the Act amended in 1970 as a consequence of those recommendations and what was the number of the Bill?
- (7) Was section 5 amended on that occasion?

Mr GRAYDEN replied:

(1) to (7) I understand this question was phoned through to my office. I certainly do not have an answer to it, except to say we have made a number of inquiries, including inquiries to the Chairman of the Workers' Compensation Board, and we have not been able to find anyone who can recall the meeting.

Mr Tonkin: He was chairman of the meeting. Judge Mews was chairman of that committee.

Mr GRAYDEN: He could not recall it offhand. If the member gives me any further information which will help in our inquiries, we will be pleased to answer the question.

AIR TRANSPORT

MMA Pilots' Strike

5. Mr GRILL, to the Minister for Labour and Industry:

In view of the fact that there have been continual stoppages by the pilots of internal Western Australian airlines and in view of the fact that MMA pilots have once again today gone out on an indefinite strike, does the minister intend to introduce urgent legislation into the House to take possession or control of the companies' aeroplanes; require any pilot to pilot such planes to the direction of a responsible Minister; and require such pilots and other relevant persons to disclose on threat of prosecution any information relating to any relevant matter?

Mr GRAYDEN replied:

The member should know that these men come under a Commonwealth award and have nothing to do with us.

Mr Bertram: Are you not going to take any interest in it?

