

the supply of meat, drink, entertainment or transport with a view to influencing enrolment or refraining from enrolment, as an elector by a native.

It is only an extension of the previous verbiage. If the honourable member would like me to do so, I will submit the matter to the Crown Law Department, and if there is any error it can be altered elsewhere.

Mr. GRAHAM: It looks ridiculous as it is. I hope the Minister is making a list of these several things he is having investigated before this measure goes to the Legislative Council.

Clause put and passed.

Clauses 11 and 12 put and passed.

Title put and passed.

Bill reported with an amendment.

ADJOURNMENT OF THE HOUSE

MR. BRAND: (Greenough—Premier) [1.1 a.m.]: I would like to inform members that we will be sitting after tea on Thursday, the 25th of this month. I move—

That the House do now adjourn.

Question put and passed.

House adjourned at 1.2 a.m. (Wednesday).

Legislative Council

Wednesday, the 17th October, 1962

CONTENTS

	Page
QUESTIONS ON NOTICE—	
Blair Street, Bunbury: Extension— Use of Railways Department Land	1765
Prospectors' Ore: Crushings by State Batteries and Gold Recovered	1766
Water Rates and Charges: Assessments for Kalgoorlie-Boulder Area	1766
Water Supplies for Swan Valley: Progress of Reticulation Scheme	1765
Wundowie Sewerage Scheme: Effect on Wundowie Brook	1766
BILLS—	
Bush Fires Act Amendment Bill: As- sembly's Message	1767
Child Welfare Act Amendment Bill: Re- turned	1776
Constitution Acts Amendment Bill: 2r.	1767
Constitution Acts Amendment Bill (No. 2)— Receipt; 1r.	1776
Licensing Act Amendment Bill (No. 2)— Intro.; 1r.	1767
Mental Health Bill: Assembly's Message	1767

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS ON NOTICE

BLAIR STREET, BUNBURY: EXTENSION

Use of Railways Department Land

1. The Hon. N. E. BAXTER asked the Minister for Mines:

(1) What is the purpose of the exchange of three blocks opposite the railway station, Bunbury, for three blocks in Nature Park?

(2) In view of the limited area of land at Bunbury owned by the Railways Department, does the Government support the proposal to surrender a one-chain strip of its present-owned land, north of Wellington Street, for the proposed extension of Blair Street, thereby causing a severance of its property and reducing its area?

The Hon. A. F. GRIFFITH replied:

(1) The buildings on railway land to the west of the existing station approach road and forecourt are used for railway residential purposes.

Bunbury Planning Scheme No. 4 provides for the extension of Blair Street across this residential land, leaving the existing railway approach road and forecourt free from through traffic for the purposes of parking, a bus terminal, and other railway purposes. The council is prepared to negotiate with the Railways Department for acquisition of the railway property referred to, by means of exchange with council-owned land elsewhere.

(2) The extension of Blair Street north of Wellington Street is a long-term proposal which would not be realised until the intended redesign of the railway marshalling yards on to new land to the north and to the east, is carried out, thereby relieving the land in question from railway commitments.

WATER SUPPLIES FOR SWAN VALLEY

Progress of Reticulation Scheme

2. The Hon. N. E. BAXTER asked the Minister for Mines:

Will the Minister inform the House—

(1) Has the Minister for Water Supplies, in conjunction with his officers, given consideration to the reticulation of water to the Swan Valley?

- (2) If so, to what degree has any consideration progressed?
- (3) Is there a possibility of any amount being placed on the Estimates for the financial year 1963-1964 for reticulation of the Swan Valley?

The Hon. A. F. GRIFFITH replied:

- (1) Yes.
 - (2) A scheme of reticulation for the area east of the Swan River from Midland Junction to the Upper Swan Bridge has been prepared. Implementation of these proposals depends, in the first instance, on the provision of a feeder main to the fringe of the Herne Hill area from Midland Junction. The laying of the feeder main commenced last financial year and is continuing this financial year to the intersection of Margaret Street and Great Northern Highway. It is at present proposed to extend this main along Great Northern Highway to Eveline Street in the 1963-64 financial year.
- Extension beyond Eveline Street north-west to the fringe of the Herne Hill area is estimated to cost £30,000. Before any decision could be made on this further extension the whole economics of the provision of the 31 miles of reticulation main to serve the Swan Valley area would require to be examined in the light of the state of development by 1964.
- It must be clearly understood that these proposals cover domestic supplies only and not provision of irrigation water.
- (3) No.

3. *This question was postponed.*

PROSPECTORS' ORE

Crushings by State Batteries and Gold Recovered

4. The Hon. J. J. GARRIGAN asked the Minister for Mines:
 - (1) What tonnage of prospectors' ore was crushed during the year ended the 30th June, 1962, at the following State batteries—
 - (a) Kalgoorlie;
 - (b) Norseman;
 - (c) Coolgardie; and
 - (d) Marvel Loch?
 - (2) How many ounces of gold were recovered at each battery from these crushings?

The Hon. A. F. GRIFFITH replied:

- (1) and (2) Tonnage and yield for the period mentioned at the four State batteries are as follows:—

Battery	Tons Crushed	Gold Recovery in Ozs.	
		Actual by Amalgamation	Estimated by Cyanidation
Coolgardie	5,500	2,107	358
Kalgoorlie	11,041	3,965	788
Marvel Loch	3,023	1,121	236
Norseman	1,850	788	119
Total	21,214	7,979	1,501

WUNDOWIE SEWERAGE SCHEME

Effect on Wundowie Brook

5. The Hon. N. E. BAXTER asked the Minister for Mines:

Will the Minister advise the House—

 - (1) Is it the intention of the Public Works Department to construct a sewerage scheme at Wundowie?
 - (2) If this is to be done, is it intended to pump effluent from the treatment beds to a gully west of the township?
 - (3) Is the Minister aware that any effluent pumped into any area west of the township will flow into the Wundowie Brook?
 - (4) Would the flow of effluent into the Wundowie Brook be detrimental to public health or stock, keeping in mind that the Wundowie Brook is one of the main sources of the Wooroloo Brook which flows through Gidgegannup and the popular picnic resort of Noble Falls?

The Hon. A. F. GRIFFITH replied:

- (1) Yes.
- (2) Selection of a site for sewage treatment works is still under consideration.
- (3) Yes.
- (4) The effluent will be treated as necessary to ensure that it is not detrimental to public health or stock.

WATER RATES AND CHARGES

Assessments for Kalgoorlie-Boulder Area

6. The Hon. J. D. TEAHAN asked the Minister for Mines:

What was the amount represented by assessments issued for water rates and charges for the Kalgoorlie-Boulder area for the years commencing—

 - (a) the 1st July, 1960;
 - (b) the 1st July, 1961; and
 - (c) the 1st July, 1962?

The Hon. A. F. GRIFFITH replied:

- (a) £42,440.
- (b) £52,830.
- (c) £63,243.

LICENSING ACT AMENDMENT BILL (No. 2)

Introduction and First Reading

Bill introduced, on motion by The Hon. N. E. Baxter, and read a first time.

BUSH FIRES ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to amendment No. 1 made by the Council and had disagreed to amendments Nos. 2 and 3.

MENTAL HEALTH BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to amendments Nos. 1 to 10 and Nos. 12 to 28 made by the Council, and had disagreed to No. 11.

CONSTITUTION ACTS AMENDMENT BILL

Second Reading

Debate resumed, from the 18th September, on the following motion by The Hon. E. M. Heenan:—

That the Bill be now read a second time.

THE HON. A. F. GRIFFITH (Suburban—Minister for Justice) [4.47 p.m.]: When I listened to the introduction of this Bill by Mr. Heenan, and when I subsequently went through his speech, I decided that I had one of two courses to take. Firstly, I could say this Bill had been before the Legislative Council on more than one occasion—and it was before this House last year when a determination on it was made—therefore it was an affront to Parliament to introduce it again this year. The other course which I could take, and which is the one I decided to take, was to undertake some research into the speech made by Mr. Heenan, and into the debates when similar measures were considered previously in the Legislative Council. In so doing I decided to make some comments thereon.

I propose to go back a considerable period of time, and I have gone to the trouble, in particular, to examine some of the recommendations which were made by the Select Committee in 1944. With the greatest respect to Mr. Heenan I found that at least the findings and some of the recommendations of the 1944 Select Committee were at variance with the remarks he made. I am sure he did not make them

deliberately, but such is the case. As I go along I will point out, to some extent, the variations which exist.

The Bill introduced by the honourable member aims to extend the franchise of the Legislative Council, and thereby give a vote to the spouse of a person who is entitled to be registered as an elector. As I said in my opening remarks, similar Bills have been introduced in the past to provide for the husband or the wife of a householder to become enrolled; but on each occasion those Bills were defeated.

The contention made by Mr. Heenan that enrolment would increase and a greater interest would be taken in Legislative Council elections if the franchise of that House were extended—as he proposes in this Bill—is quite beside the point. The Constitution, when enacted, provided for certain property qualifications for enrolment. It is felt that these should remain without any contingencies attached.

There are six definite qualifications for enrolment clearly set out in the Act; and I have in my hand an enrolment card on one side of which these qualifications are shown. Although Mr. Heenan said he found them difficult to understand, and despite, shall I say, his trepidation in respect of the ignorance of people qualified for enrolment, he is prepared to add another qualification to what he says is already quite an ambiguous list.

The Hon. E. M. Heenan: I said it would make most of the others redundant.

The Hon. A. F. GRIFFITH: That also is questionable. I think it may be necessary to amend the Electoral Act in one respect if this Bill is agreed to.

On the point I was making before the interjection, the Bill would add another qualification, which I suggested would be very difficult to ascertain. If the claimant was the spouse of a person entitled to be registered and if that person was not enrolled, it would be impossible to prove that that person was entitled to be registered if his identity were not disclosed.

It is interesting to note that Mr. Heenan was a member of the Select Committee in 1944. He used the report of that committee to strengthen his argument to quite a considerable extent. That report was a minority one, the honourable member himself differing from some of the views advanced by that Select Committee. Of course I am prepared to admit, because it is a fact, that the honourable member has remained consistent in his thinking on the subject; but it is very interesting to see the remarks of certain members of the Legislative Council at the time in connection with the introduction of this Bill, and it is also interesting to realise that the particular Bill to which Mr. Heenan referred was not proceeded with in this House.

The Hon. E. M. Heenan: I think it came in at the last minute of that particular session.

The Hon. A. F. GRIFFITH: To be perfectly frank, I did not check that. Looking quickly now at the *Hänsard*, I see that this report is dated the 28th November. I do not know the date on which the House adjourned in that particular year but I see it was still sitting on the 15th December. But that is not the point. That was not the reason, I think, why the Bill was not proceeded with. The real reason was that it contained a plural voting provision which was described then by a member who has since passed away as being a vicious piece of legislation.

I made mention a minute ago, and I repeat, that it may be necessary to amend section 44 of the Electoral Act to make it an essential part of a claim for enrolment of a province, where a person claims enrolment as a spouse, to insert in the form the full name of the person entitled to be registered and the qualifying property of the entitlement. I do not have a copy of the Act with me at the moment, but I am sure that if members examine that particular section they will find it would have to be amended to give clarity to the situation. I do not submit this in any way as an argument against this present Bill, but merely to point it out.

Surely Mr. Heenan would not have us think that giving a spouse the right to claim enrolment would be the means of substantially increasing the number of people on the roll? I do not think that would be the case at all; and it certainly would not be the case without some physical effort on the part of interested parties. The honourable member should realise that the provision would just be another qualification and would require elucidation in the course of canvass by candidates and their helpers during electioneering or when they were looking for enrolments for the Legislative Council.

The Legislative Council card was drafted by the Chief Electoral Officer in 1948. More than once in this House criticism has been levelled at this particular card. I would just say that I am informed that the card was introduced to replace the previous one, which was considered unsatisfactory. In preparing this card the officer included as briefly and concisely as possible the qualifications for enrolment prescribed by the Constitution Act, and the requirements under the Electoral Act in respect of the signature of the claimant and the witnessing of the signature of the claimant. The set-up of the card, of course, was embodied in regulations tabled in this House in 1949, and those regulations, to the best of my knowledge, have remained unchallenged to this very day. As the regulations were tabled in 1949 and as it is now 1962, it is reasonable to say that this card has, in fact, stood the test of time.

The Hon. G. Bennetts: A lot of trouble is caused by the wife having to put her date of birth on the card.

The Hon. A. F. GRIFFITH: Why would that cause any more trouble than with the husband?

The Hon. J. M. Thomson: They do not like declaring their age.

The Hon. A. F. GRIFFITH: The same argument can be used in respect of Federal enrolments and State Legislative Assembly enrolment cards. I realise the purpose of the interjections, but it cannot be helped.

The Hon. F. R. H. Lavery: They sign a declaration to the effect that the words are true. Why not have "I am over the age of 21" instead of the age group?

The Hon. A. F. GRIFFITH: There could be a number of explanations for that.

The Hon. F. J. S. Wise: There could be two Mary Smiths.

The Hon. A. F. GRIFFITH: Mr. Wise has hit upon the very thing I was going to say. I was going to say there could be two Fred Laverys.

Several members interjected.

The PRESIDENT (The Hon. L. C. Diver): Order!

The Hon. F. J. S. Wise: I think you were drawing the long bow there.

The Hon. A. F. GRIFFITH: The method of determining one good looking gentleman from another would be the date of birth.

The Hon. W. F. Willesee: Do you mean to say that lightning does strike twice in the same place?

The Hon. A. F. GRIFFITH: I am glad my remarks are being received in good humour. It is a laudable question for the honourable member to ask, and the explanation I think is quite simple. It assists in the identification of the person enrolling; and in the case of a court of disputed returns it may be necessary to have all possible identification in order to see things go in the right way.

However, I was about to say that this card contains briefly and concisely the qualifications that are required and prescribed in the Constitution Act and the Electoral Act, and I also said that the card embodied any regulations which were laid on the Table of the House.

The Labor Party was in office in this State for the previous six years from 1953 to 1959, and it found the card satisfactory, and to the best of my knowledge it has not been altered in any way. Nor has there been a request received by the Chief Electoral Officer from any party or person that it should be altered. However, if suggestions can be made that would improve the printing of this card, then, as the Minister in charge of the Act for the time being, I would be pleased to have them considered.

The qualification for enrolment is very clearly defined and should be understood by a person of average intelligence. The words "freeholder" and "leaseholder" are commonplace and have general application in real estate dealings, particularly the word "freeholder". A reference to the daily newspapers would disclose that these words are used repeatedly in advertisements for property, and in business advertisements, etc. I think it is quite futile to say that the word "freeholder" provides any great difficulty. Furthermore, the Constitution Act provides for the use of the word "freeholder," and therefore the word "owner" cannot be substituted as it would have a much wider meaning than the word "freeholder". It would include freeholder, but would also include householder, leaseholder, and might include other persons such as a mortgagee in certain circumstances. Of course, the proof that there has been no difficulty in the interpretation of the word or the card, is the number of people who are, in fact, on the roll.

The claim cards received from the electors in the metropolitan area come from the entitlements "freeholder" and "householder", and electors should have no difficulty whatsoever in showing particulars of the qualification. In the case of freeholder there is no necessity to show the lot number; it is sufficient to show the street number.

The Hon. E. M. Heenan: What are your views on the words "equitable freeholder?"

The Hon. A. F. GRIFFITH: The honourable member, of course, would understand "equitable freeholder" much better than most people would, but my understanding of the words is that they pertain to the equity one has in a freehold property. Is that right?

The Hon. E. M. Heenan: That is not an adequate interpretation at all.

The Hon. A. F. GRIFFITH: The qualification of Crown leaseholder would apply mainly to the agricultural and pastoral areas, and the qualification entitling a person who is on the electoral list of any municipality or shire is one that is not claimed to any great extent. Generally speaking, the claim can either be made under the title of freeholder or householder of the property.

The requirements shown on the claim card regarding the signature of the claimant and the obligation of the witness in regard to the witnessing of the signature are specifically set out in the Electoral Act. I think they are fair and I think they are reasonable, but despite this fact it does not stop some people from filling in one of these cards and using the word "householder" when, upon examination, it is found that instead of occupying a house of the rental value of £17 a year, they

are occupying miners' cottages where the rental is 2s. 6d. per week; and that, of course, is a breach of the Act.

The Hon. F. R. H. Lavery: That is not the value of the premises being rented.

The Hon. A. F. GRIFFITH: The value is questionable.

The Hon. F. R. H. Lavery: Millars tried that, but they missed out. It is the value of the property that should count.

The Hon. E. M. Heenan: What about farmers?

The Hon. A. F. GRIFFITH: What I was saying is receiving strength with every interjection.

The Hon. F. R. H. Lavery: That is your opinion only.

The Hon. A. F. GRIFFITH: The point I want to make, and I am sure members will agree with me, is that the franchise in this respect is easier because one can occupy a house and pay nothing for it, but as long as the house has a rental value of £17 a year that person is entitled to enrolment.

The Hon. W. F. Willesee: This Bill is dealing with the right of a spouse to enrolment.

The Hon. A. F. GRIFFITH: Do not get off the point of the interjection; having dealt with it do not move to some other ground. I know what this Bill is dealing with but I thank the honourable member for reminding me.

The Hon. W. F. Willesee: I thought you might have overlooked that fact.

The Hon. A. F. GRIFFITH: I have not done that. Getting back to the claim card, it is only on rare occasions that anybody commits a breach or makes a false declaration in respect of an application for enrolment. I do not think that anybody would willingly sign a false declaration. I remind members that the Commonwealth claim card has a similar provision for certification by a witness, and on the State Legislative Assembly card there is the same provision.

Many people in the pursuit of their private business are called upon to witness documents and to put their signatures to other people's documents; and those departments or institutions to which the documents relate usually rely on the honesty and integrity of the person who is witnessing the declaration. It is accepted that members of the Legislative Council, and those who help them, respect the law in this regard and strictly follow the requirements of the Electoral Act. Most people would not resort to signing a document which they knew was false or incorrect.

The signature of witnesses on many claim cards is checked in the general index of the Electoral Department to ascertain

whether the witness is correctly enrolled for the Legislative Assembly, and on occasions a small breach is found.

A good deal was said by Mr. Heenan about the percentage of electors voting, compared with enrolments. The average percentage of electors voting, compared to enrolments, at the last Legislative Council election was 41.66 per cent. The highest vote was recorded in the South-East Province where it was 60.65 per cent., and the lowest was in the South-West Province where it was 31.18 per cent.

The Hon. G. Bennetts: They did not put in much effort down there.

The Hon. A. F. GRIFFITH: In the Suburban Province the figure was 42.16 per cent. The over-all percentage for 1960 was 44.54 per cent., and in 1958 it was 43.17 per cent. The percentage of Legislative Council enrolments compared with the Legislative Assembly enrolments on the 30th June last was 43.2 per cent. The percentage in the North-East Province was 49.9 per cent., and this was the highest of all the provinces.

The Hon. F. J. S. Wise: Have you got the figures for the North Province? They were higher than that.

The Hon. A. F. GRIFFITH: I do not think I have the figures for the North Province.

The Hon. L. A. Logan: There was no election in the North Province in 1960.

The Hon. F. J. S. Wise: There was an election in 1960. Has the Minister got the figures for that year.

The Hon. A. F. GRIFFITH: I can very easily get those figures for the honourable member. To continue, Mr. Heenan spoke of the disinterest of the Legislative Council electors in Legislative Council elections and he spoke as though it was a sign of the times. Of course, the figures which I have just given prove that this is not so. Statistics show that a larger percentage of the population is voting now than voted 25 years ago.

Not many people know the amount of hard work that goes into a Legislative Council election. In the North-East Province there was an enrolment in 1958 of 52 per cent. of the Legislative Assembly enrolments as compared with the State average of 43 per cent. That figure was not the highest in the State, although it was well above average.

I have now got the figures for the North Province for 1960. With an area of 424,958 square miles there was a 77 per cent. vote as compared with a 61 per cent. vote in the North-East Province which has an area of 332,700 square miles. They are revealing figures. Apparently it is one task to enrol constituents, but it is another matter to get them to vote.

The Hon. F. D. Willmott: Don't we know it!

The Hon. A. F. GRIFFITH: I might say: Such is the futility of high-pressure tactics in these matters! Because we have a terrific campaign to enrol people, it does not mean they will vote.

The Hon. G. Bennetts: How about a keg or two at the polling booths?

The Hon. A. F. GRIFFITH: Strangely enough, Mr. Heenan submits in support of his measure the matter of precedent as established by other Bills in this Chamber. The honourable member quoted an amendment to the Statute of Frauds, but that Statute has stood for something like three centuries. Every law that has stood the test of time cannot be considered bad on account of its age. Just what connection the honourable member can conceivably make in his mind between the Statute of Frauds and the State Constitution Act is beyond my conception. It is beyond my comprehension to see what connection there can be between the two.

He has submitted that precedent is reflected by that case and can assist in building up support for his measure. And, again, the Companies Act was quoted by the honourable member as having a bearing on the Bill which he has introduced. I cannot see what connection there is between the two; and I cannot see what kind of reasoning associates the recasting of the laws, for instance, in the case of the Trustees Act with an amendment to the Constitution.

The Hon. E. M. Heenan: Didn't you say, in regard to one Bill, that 19th century outlooks are not in keeping with present-day outlooks?

The Hon. A. F. GRIFFITH: Of course I was referring to another piece of legislation; and it is quite true that, in that regard, I did say an approach in respect of the law relating to trustees must be different now to what it was in whatever year the original Trustees Act was introduced. However, I still cannot see that there is any connection between that and the argument on this measure.

A substantial part of the honourable member's speech was devoted to the line of thought which argues that if it is good to amend one Act such action in itself constitutes a good reason to amend another Act. I cannot comprehend the use of that line of argument at all.

The Hon. F. R. H. Lavery: I don't think you can deny that one.

The Hon. A. F. GRIFFITH: I certainly can deny it, and I could give not one but a thousand examples which show that while it may be necessary to amend one Act it is not necessary to amend another.

The Hon. F. R. H. Lavery: But every day brings a change in the community, and anything can be altered from day to day.

The Hon. A. F. GRIFFITH: I said that I did not agree with the argument that because one Act is amended we have to amend another.

The Hon. F. R. H. Lavery: I think the suggestion was that it could be a reason for amending this Act.

The Hon. E. M. Heenan: South Australia intends to amend their Act.

The Hon. A. F. GRIFFITH: So? When I come to talk about the Workers' Compensation Act, and the motion which Mr. Heenan has moved, and which Dr. Hislop has supported, I might have something to say upon that point. But it has no connection with this Bill, Mr. President.

The PRESIDENT (The Hon. L. C. Diver): I agree.

The Hon. A. F. GRIFFITH: I think Mr. Heenan is endeavouring to overcome a problem which he is facing in his own province, and probably the same difficulty faces other members of the Legislative Council, by widening the range of qualifications for enrolment.

The Hon. F. R. H. Lavery: It is the same with all provinces.

The Hon. A. F. GRIFFITH: The honourable member makes something of the fact that a small percentage of those qualified in fact bother to get themselves enrolled. Apparently concerted efforts have been made in at least one province to encourage those already qualified to enrol; and not only has that been effective, but the result in that particular province reflected itself in a greater vote. Members are led to believe that amounts in the vicinity of £1,000 have been spent under certain circumstances in contests for seats in this Chamber. That may be so. I am not in a position either to agree with or to contradict those statements, and I do not propose to do either.

The Hon. F. R. H. Lavery: The Act provides for it.

The Hon. A. F. GRIFFITH: That is so.

The Hon. E. M. Heenan: Are you really serious in making that statement—that you are not in a position to know?

The Hon. A. F. GRIFFITH: I said I am not in a position to know—or at least I thought I said it—what other members do in respect of their provinces.

The Hon. F. J. S. Wise: I am in a position to know how much it costs to win one province election.

The Hon. A. F. GRIFFITH: I think, possibly, we all are in respect of our individual provinces; but it is not a point worth cavilling about. As I said, I am not aware of what other people spend in their provinces. I know that in a province such as mine, which covers a very substantial part of the metropolitan area, it is no mean feat to conduct an election

under the circumstances that exist, and I am sure the same applies to the Metropolitan Province. However, it is true to say that it is a very high honour to represent this State in the Legislative Council, the State's first legislative body. Not that I have any desire to get away from the Bill, but it is interesting to recount what we did yesterday in recognition of the establishment of this Chamber many years ago.

The Hon. F. J. S. Wise: All first Chambers have been Legislative Councils.

The Hon. A. F. GRIFFITH: That is so. I think the matter could be summed up in these words: It would seem to be a reasonable assumption that until the state of affairs has been established in which a reasonable proportion of those qualified to be enrolled are enrolled, and a reasonable proportion of those enrolled are willing to vote, little will be achieved by extending the franchise. I think we should stop for a moment and dwell upon that.

The Hon. F. R. H. Lavery: You are making very heavy weather of it.

The Hon. A. F. GRIFFITH: No I am not.

The Hon. F. R. H. Lavery: My word you are.

The Hon. A. F. GRIFFITH: There are scores and scores of people in this country who are entitled to be enrolled but who, for their own reasons, do not enrol; and when they are enrolled, as the figures I have quoted prove—and they reflect themselves in every return for the Legislative Council—they just do not go and vote. I have expressed my own view upon this point many times before.

The Hon. F. J. S. Wise: What do you think would be the position regarding the percentage of votes cast if voting for the Legislative Assembly were not compulsory.

The Hon. A. F. GRIFFITH: I do not know; but one would not have to go back many years—I think it was the year 1937—

The Hon. F. J. S. Wise: It was Bill Patrick's Bill.

The Hon. A. F. GRIFFITH: —to when Mr. Patrick introduced a Bill to make voting for the Legislative Assembly elections compulsory. That was not long ago. I think what we need in this country is our own people to be prepared to think more about politics.

Voting in the United Kingdom is not compulsory, but there is always an excellent percentage of votes cast when the people go to the poll. I have stated before, and I still maintain the view, that the man who says, "It is my duty to go down to the polling booth to exercise a vote which I have thought about" casts a far more intelligent and worth-while vote

than the man who says, "I have to go down and vote today because if I don't they will fine me two quid."

The Hon. F. R. H. Lavery: The Press at Home educate the people, whereas the Press here hide it. We see that time and time again in regard to the Legislative Council.

The PRESIDENT (The Hon. L. C. Diver): Order!

The Hon. A. F. GRIFFITH: The people's education is not improved when they are forced, under threat of a fine, to go and do something in respect of the franchise either for the Legislative Council or the Legislative Assembly.

The Hon. F. J. S. Wise: Would that mean you don't support compulsory voting for the Legislative Assembly?

The Hon. A. F. GRIFFITH: It means that so far as I am concerned I would not mind seeing the same thing happen here as happens in Great Britain where voting for the House of Commons is not compulsory. There a thinking, educated vote is cast by the people who go to the polls. I cannot quote figures at the moment, but a large percentage of the people in the United Kingdom cast a vote at elections in that country; the percentage is very much greater than some people think it is. From memory I think the figure is in line with the percentage of votes cast under the compulsory voting system for the Legislative Assembly elections.

The Hon. F. J. S. Wise: It is nearly as high as in some countries where it is compulsory.

The Hon. A. F. GRIFFITH: That is so. The percentage is nearly as high as it is for our Legislative Assembly elections, where the vote is compulsory. One could be excused, perhaps, for entertaining the view that because qualified males have shown such a lack of interest in enrolling and voting for Legislative Council elections, we should now give the wives a go. But let us not forget that there is no present disqualification of the sex. Our present franchise is bound to a property qualification, but it does not disqualify the sex.

The Hon. F. R. H. Lavery: It does in the case where a man has the property in his own name.

The Hon. A. F. GRIFFITH: A man who, because he has thought fit, has put the property in his own name, and in his wife's name—

The Hon. F. R. H. Lavery: I know of a case where the man has the property in his own name and the wife cannot get the vote.

The Hon. A. F. GRIFFITH: That is his own business.

The Hon. F. R. H. Lavery: He is a wealthy man, too.

The Hon. A. F. GRIFFITH: Surely the honourable member would not suggest that a man should do something in respect of his property that he does not want to do.

The Hon. F. R. H. Lavery: In such a case the law should allow his wife to have a vote.

The Hon. A. F. GRIFFITH: In my own case my house is in my wife's name and my name as joint tenants.

The Hon. F. R. H. Lavery: You are a very sensible person.

The Hon. E. M. Davies: You probably purchased the house under the two names.

The Hon. A. F. GRIFFITH: As a matter of fact I did.

The Hon. E. M. Davies: You don't expect somebody who has a house in the husband's name only to pay out high transfer fees to put the house in the joint names so that the wife can get a vote!

The Hon. A. F. GRIFFITH: I purchased the house in my wife's and my name as joint tenants, but I have another property in my own name. Surely that is my own business! I think what any person does with his own property is his own business.

The Hon. E. M. Davies: Why should a person have to pay out all this money to change a house into the joint names before his wife can get a vote?

The Hon. F. J. S. Wise: Three per cent. for gift duty.

The Hon. A. F. GRIFFITH: That has nothing to do with the Bill; and what any person does with his own property is surely his own business.

The Hon. F. J. S. Wise: You are just stonewalling now.

The Hon. E. M. Davies: You introduced the subject.

The PRESIDENT (The Hon. L. C. Diver): Order!

The Hon. A. F. GRIFFITH: I simply said that because we have a set of circumstances where disinterested men are not only failing to enrol, but are also failing to vote, the solution to the problem is not to say, "Let us give the wives a go." I leave it at that.

The Hon. F. J. S. Wise: At least the argument is time consuming, anyway.

The Hon. A. F. GRIFFITH: To treat the question in a more serious vein, I think it is important to have a look at the Bill in its proper perspective. Having in mind that the franchise for the Legislative Council is not a question of giving a vote to those willing to vote but of defining those who shall be entitled to vote for this Chamber, I would remind members it was established by Order-in-Council in England as far back as 1831.

I appreciate the frustration that Mr. Heenan has in his province—the expenditure of considerable sums of money, and the consequent difficulties, but nevertheless it is doubtful whether members would consider those sufficient reasons to justify widening the franchise, or whether they would use them as an argument to do so.

It is submitted for the consideration of the House that the honourable member's entire case rests on his ability, even after going to no end of trouble to put people on the roll, to get them to go to the polling place. Even the most optimistic person could not expect to solve such a problem by widening the scope for enrolment.

So far as I am concerned the ignorance of constituents is not admitted; and I do not think it is right and proper to say that the people are ignorant of their responsibilities. The provisions of our Act are perfectly clear and it is of no use standing up in this Chamber and saying that the qualifications are not understood; because, as I said some little while ago; that is not true, and it is obvious that it is not true when one realises how many thousands of people are already enrolled.

When I contested the Suburban Province election in 1953 I think there were something like 20,000 electors on the roll, and today there are nearly 40,000. So it is of no use saying that the people are ignorant of their rights in this matter, because that is not so. Many simple laws are couched in legal phraseology beyond the understanding of many, but the majority still make it their business to find out what the law is.

I suggest we should not try to judge the disinterest of people as constituting ignorance. Very few people are aware, for instance, of the taxation requirements of the country; of just how much they can use them as a means of obtaining tax relief or of gaining tax reimbursements. I say this as an example of the knowledge of the law possessed by the average person.

The Hon. F. R. H. Lavery: There is no analogy there.

The Hon. A. F. GRIFFITH: I simply say it is an example of the way the people understand the law. In conclusion, may I say that last year in support of a similar measure Mr. Heenan quoted the remarks of the late Hon. C. F. Baxter as follows:—

It is one of the most important Acts on our statute book. To my mind it is the most important as it controls Parliament.

That quotation brings me to the real reason behind the introduction of this measure; because it throws the honourable member's Bill and his supporting remarks into true perspective. I cannot support the Bill, and I hope the majority of members in this Chamber will not support it either.

Point of Order

The Hon. E. M. HEENAN: On a Point of Order; Mr. President, I would refer you to Standing Order No. 385 which reads—

A Member who has spoken to a Question may again be heard to explain himself in regard to some material part of his speech which has been misquoted or misunderstood . . .

The PRESIDENT (The Hon. L. C. Diver): That is correct.

The Hon. A. F. GRIFFITH: I realise that Standing Order No. 385 is there. But this is a Bill; and the honourable member introducing the measure has the right of reply; and surely that is the place to correct misstatements made by other people. If I have made any misstatements I shall stand corrected; but if you, Sir, permit the honourable member to speak now, with respect I would point out that he will have three opportunities to speak to the Bill—one, when it was introduced; two, under Standing Order No. 385; and three, when he is replying to the measure.

The Hon. E. M. HEENAN: The Minister interrupted before I made my point.

The Hon. F. J. S. Wise: Rudely interrupted.

The Hon. E. M. HEENAN: The Minister has misquoted me in a way which reflects on my integrity in relation to certain quotations I made. With your permission, Sir, I would like members to have a look at the *Parliamentary Debates* of 1944, Vol. 2, pages 2552, 2553, 2554, and 2555.

The PRESIDENT (The Hon. L. C. Diver): I would like the honourable member to be as concise as he possibly can in making his point.

The Hon. E. M. HEENAN: You will recall, Sir, that the Minister impugned my integrity.

The Hon. A. F. Griffith: I assure you it was quite unintentional if I did.

The Hon. E. M. HEENAN: On page 2552 of *Hansard* of 1944 the late Hon. C. F. Baxter introduced a Bill to amend the Constitution Acts Amendment Act; and this is what he said—

This measure is the outcome of the work of the Select Committee appointed by this House to inquire into electoral reform.

On page 2553 he mentions that the sixth qualification in the Bill was to provide for the vote if a person is the husband or wife, as the case may be, of a resident occupier of the dwelling house or self-contained flat. On page 2555 the then Chief Secretary, speaking on the same measure, said—

Under this Bill that position is altered; and, *vice versa*, where the wife is the householder the husband has the right to a vote.

The Hon. A. F. Griffith: What did I say that questioned your integrity?

The PRESIDENT (The Hon. L. C. Diver): I would like the honourable member to make the point to which he has objected—the point to which he has taken exception in the Minister's speech.

The Hon. E. M. HEENAN: As I understood the Minister, he said that the Bill introduced was the result of a minority report.

The Hon. A. F. Griffith: No.

The Hon. E. M. HEENAN: The Minister also said that this provision which I am now proposing is entirely different from the recommendations of that Select Committee. If I misunderstood the Minister I am open to correction; but that is the clear understanding I had of his remarks at the opening of his speech.

The Hon. A. F. GRIFFITH: I think the safest way to deal with this matter would be for the honourable member to have a look at the remarks I made. I may assure him that even if I were wrong in any statement I made, his integrity in my opinion was never in doubt. I think he is taking exception to something which is purely imaginative in his mind. If I misquoted what Mr. Heenan said, I am prepared to withdraw. I have never at any time doubted the honourable member's integrity. If he would point out, when he is replying, the words to which he objects, it would be a more satisfactory way of dealing with this matter.

The Hon. F. J. S. WISE: I think the matter should be clarified in one way only; namely, that you yourself, Mr. President, should call for the *Hansard* proof to see whether the words objected to were in fact uttered; because although I am not clear on what was said I think Mr. Heenan has the right to draw the inference he has drawn.

The Hon. L. A. Logan: He has not mentioned any words that were used.

The PRESIDENT (The Hon. L. C. Diver): We are at that stage of the debate where, if I were to follow the course suggested by Mr. Wise, I would have to leave the Chair until the ringing of the bells in order to secure a copy of the *Hansard* report. It will be quite in order for the debate to be adjourned when I put the second reading of the Bill; and when we assemble we will have the words complained of before us and will be able to deal with them in that order. If we continue in this manner I can see us getting into considerable difficulty.

The Hon. G. C. MacKINNON: You will recall, Sir, that two or three weeks ago a point of order was raised in this House on which I ruled, and on which you upheld me; the point being that the objection must be taken at the precise time the infringement occurred.

The PRESIDENT (The Hon. L. C. Diver): I would draw the honourable member's attention to the fact that Mr. Heenan immediately got to his feet when the Minister sat down, because, apparently, one of the last utterances of the Minister was the one to which Mr. Heenan took exception.

The Hon. E. M. HEENAN: If members are interested enough I am quite prepared to let those members who heard what the Minister said consider his remarks, which will appear in *Hansard*. I am sure members will do me the justice of checking on the volume I have just quoted. I am prepared to let the matter rest there.

The Hon. A. F. Griffith: If I questioned your integrity, I will apologise.

The PRESIDENT (The Hon. L. C. Diver): Before we go any further I had better make the position clear. It has been claimed that under Standing Order No. 400 Mr. Heenan should have made his point immediately. That was on a point of order as distinct from a question of misstatement. I think there is some distinction there.

Debate Resumed on Motion

THE HON. J. D. TEAHAN (North-East) [5.43 p.m.]: This Bill is not as involved as has been suggested. Divested of extraneous language, all it seeks to do is to give housewives a vote. That is all Mr. Heenan wishes to achieve. The Minister made much of the point that at the present time not everyone takes advantage of the privilege he has of voting. Is that any argument, or reason, why we should not give those who should be enrolled the right to be enrolled?

It could also be said that not everyone goes down to the Esplanade to speak on a Sunday. But we all have the right to do so. There are many other rights which we have, and which we guard jealously. I know of quite a few people who would like to be granted the right to be enrolled for the Legislative Council. I speak with authority on this matter, because I have spent quite a lot of time placing the names of various people on the roll. I have visited house to house on foot; and I have travelled and enrolled people from Meekatharra to Boulder, and from Boulder to Leonora and Laverton. So I should have some idea of the desires of people in relation to becoming enrolled and having the right to vote. It has never ceased to surprise me to find when I have knocked on the door of a house, that the housewife does not possess the right to be enrolled, or to vote for those who sit in this Chamber.

Since Mr. Heenan introduced this Bill some weeks ago there has been time to study the reaction of people generally; and I think it will be accepted that the leading articles of the daily newspaper,

which are widely read throughout the State, carry some conviction as they are written by persons who have studied their subject. This is what the leader writer had to say in *The West Australian* newspaper on the 25th September, 1962—

Labor is again trying to have the right to vote at Legislative Council elections extended to wives whose husbands are entitled to Council enrolment.

When Mr. Heenan introduced his Bill in the Upper House last year he argued that it would simplify the Council franchise, increase the number of enrolments and stimulate interest in elections. But the main point in favour of his proposal is that it would recognise the right of the wives to full political status.

The present position is anomalous. A woman who owns property in her own right may claim enrolment and so can one who is a joint owner with her husband. But a wife who has worked hard to create a family home but does not share the title deeds with her husband is denied enrolment. As the law stands a woman might get a Council vote only if she became a widow. The Bill would cut through this confusion and injustice.

Though many women would still be debarred from voting, the Bill would be a step towards adult franchise for the Council. Doubtless this was the real reason for Government members' opposition last year. But they cannot turn their faces against council reform indefinitely. Indeed, Mr. Heenan's Bill is a challenge to the Government to examine the whole composition and machinery and purpose of the second Chamber.

Those words are not mixed; they are plain and definite language. There have been other expressions of opinion, and I will quote one or two. Our evening newspaper asked a number of people whether the Legislative Council franchise should be extended to housewives, and the State President of the Women's Service Guild (Mrs. Hope Rankin) had this to say—

Most certainly. After all, for the Legislative Assembly people over the age of 21 have the right to vote. Therefore it would seem fairer, seeing the Legislative Council is not quite the House of censure it was set up to be, that the franchise should be extended to the spouse of the owner.

The following comment was made by a former member of this House, Mr. J. M. A. Cunningham:—

I do not believe that merely the married state should be the qualification for voting for the Legislative

Council. Of all the Upper House franchises, ours is the envy of all the other States. The voting is based on the standing of a person in the community, and the Council is fully elected by the people.

What strange words "the voting is based on the standing of a person in the community." Who is to judge the standing? A housewife could have a university degree. She might be a Bachelor of Arts or a Bachelor of Law. However, according to Mr. Cunningham she would not have sufficient standing in the community. At one time my own wife was not entitled to enrolment, although she is now. She is a justice of the peace and is president of half a dozen organisations. She is president of the ladies bowling club and of the aged welfare committee. She also sat on the committee that established the aged persons' welfare home and set up the machinery to govern that home.

How absurd can Mr. Cunningham get! What wild words to utter! A housewife who has established a home and who is a mother, in some cases, becomes a breadwinner overnight because her husband is an invalid. But she cannot vote for the Legislative Council—she has not sufficient standing in the community. The Minister said he had carried out quite a bit of research into this subject. I have not; and for the reason that the matter is so simple: Can housewives have a vote for the Legislative Council? Are they entitled to be enrolled?

In recent weeks we have heard quite a number of debates on law reform; and most of us agree that reform is necessary, as some laws go back to the horse-and-cart days. I should say that the qualification for enrolment for the Legislative Council goes back to the days when the acquisition and the holding of property meant so much; when there were many landlords, and the tenant was regarded as a small member of the community. Surely we have advanced from those days. For a housewife to be enrolled for the Legislative Council and to have a vote for this House, it should not be necessary for her to be of sufficient standing in the community.

While the Minister was speaking I was inclined to think he had a difficult job in defending the stand he was taking. Why should the Legislative Council enrolment card be so involved? Why cannot James Smith simply apply for the right to vote? Perhaps it is necessary to retain particulars of birth, etc., but surely it should not be necessary to say how much the house that one dwells in is worth.

In regard to the qualifications of a witness, it says: A witness shall satisfy himself that what has been written above is correct.

I have known quite a few people who would not be witnesses; and I have read notices that have been sent out to witnesses asking them the circumstances under which they witnessed a card. A member of the community could be almost afraid to witness the signature of a person seeking enrolment for the Legislative Council because the card says that a witness is supposed to have a fair knowledge as to the correctness of what is stated on the card.

The Hon. A. F. Griffith: Why didn't your Government change this form?

The Hon. J. D. TEAHAN: It would have had it been able to do so.

The Hon. A. F. Griffith: Don't tell me that. It could have.

The Hon. J. D. TEAHAN: It attempted on many occasions to alter the qualifications for enrolment.

The Hon. A. F. Griffith: Your Government could have altered the card as easily as anything.

The Hon. J. D. TEAHAN: Why the card is so involved, I do not know; and from his statements the Minister partly agrees with me. The claim for enrolment should be a simple one. A person submits a taxation return and his signature is quite sufficient. He just certifies that what he has stated in his return is correct. The Taxation Department accepts his signature until it finds reason to do otherwise. That department does not suspect the person who submits a return. It does this only when there is a good reason for doing so.

There is no need for me to labour the question, because the whole thing is so obvious. A person who is a housewife should be enrolled as her standing in the community is sufficient. I will say no more but offer my support for the Bill. I also wish there were a few more women in this House.

Debate adjourned, on motion by The Hon. C. H. Simpson.

CONSTITUTION ACTS AMENDMENT BILL (No. 2)

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Justice), read a first time.

CHILD WELFARE ACT AMENDMENT BILL (No. 2)

Returned

Bill returned from the Assembly without amendment.

House adjourned at 5.54 p.m.

Legislative Assembly

Wednesday, the 17th October, 1962

CONTENTS

	Page
PARLIAMENT HOUSE—	
Visits of Strangers during Sittings	1777
QUESTIONS ON NOTICE—	
Canning Highway-Kwinana Freeway Interchange: Proposed Commencement Date	1782
Commonwealth-State Housing Funds—	
Reserves: Amount and Derivation, etc.	1784
Use for Games Village	1784
Crayfishing: Closed Seasons	1782
Electoral Enrolments: Rectification of Errors	1779
Electricity Supplies at Pinjarra: Connection to Houses Occupied by Natives	1779
Flashing Lights: Installation on Vehicles	1781
High School at Albany: Site and Erection	1782
Kalamunda High School: Establishment of Oval	1778
Legal Practitioners—	
Admissions to Practise	1780
Appointments to Crown Law Department	1780
Holders of Annual Practice Certificates	1780
Registration and Admission of Clerks as Practitioners	1780
Unprofessional Conduct	1780
Milk: Bulk Pick-up Scheme	1779
Motor Driver's License: Disqualification under Section 80 of Traffic Act	1781
Motor Vehicle Licenses: Waiving—	
Conditions and Categories	1783
Pig Research Station: Establishment and Site	1783
Plants: Diseases and Insect Pests—	
Codling Moth: Eradication Cost	1778
Inspection at Kalgoorlie Entry Point	1778
Population of Western Australia: Figures at End of 1928 and 1961	1779
Public Buildings—	
Inspection during Construction: Legal Position	1777
Totalisator Agency Board Premises: Opening Dates, etc.	1782
University of Western Australia—	
Law Faculty Students and Lecturers	1779
West Northam School—	
Approval of Plans, and Inspections	1777
Electrical System	1777
Replacement of Roof	1777
Roof on North-South Section: Weight and Composition	1777
QUESTIONS WITHOUT NOTICE—	
Empire Games Holiday: Government's Decision	1785
Mundaring Weir: Use of Water for Kalamunda District, and Replenishment	1785
Ord River Scheme: Reasons for Delay	1784
Parliament House: Members' Interviews with Constituents	1785
ORDERS OF THE DAY—	
Postponement of No. 6	1814
MOTION—	
Chevron-Hilton Hotel Site: Utilisation for Public Purposes	1815