

Legislative Council

Tuesday, the 10th April, 1979

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

TABLING OF DOCUMENTS

Standing Orders: Statement by President

THE PRESIDENT: Honourable members, you will recall that during the last sitting on Thursday, the 5th April, it was necessary for me to give a ruling in respect of the tabling of a cited document, and a discussion ensued culminating in a suggestion by the Leader of the House, when speaking on the adjournment debate, that the Standing Order relating to the tabling of cited documents be examined.

The Leader of the House also stated that in his belief there was no provision for a resolution of the Council calling for the tabling of papers, and that a bad precedent had been established.

Like the Leader of the House, I also have not seen such a matter put to the vote in this House, because it has never been necessary in the period that I have been a member. However, it is written into our Standing Order No. 150 which states—

150. A document quoted from by a Member not a Minister of the Crown may be ordered by the Council to be laid on the Table; such order may be made without notice immediately upon the conclusion of the speech of the Member who has quoted therefrom.

It is therefore indeed necessary for the Council to order a paper to be tabled. A study of the *Minutes of the Proceedings* in previous years reveals that on three occasions, in 1952, in 1974, and in 1976, the Council did comply with the Standing Order. In fact, the 1952 resolution occurred in the form of a motion by the Hon. H. S. W. Parker, seconded by the Hon. J. A. Dimmitt, and carried. On the other two occasions, the documents were tabled with leave of the Council being granted. On each of these occasions there was no opposition to the tabling of the documents involved, and it was not necessary to proceed to the extent we did the other evening.

I wish to assure honourable members that no bad precedent has been established in the Council's action on Thursday evening; and, in my opinion, it is not within my powers to order a paper to be tabled when it is distinctly laid down in our Standing Orders that such an order must be made by the Council.

Although in some Parliaments it is not necessary for a formal motion to be passed, it is laid down specifically in the Standing Orders of the Australian Senate and of the South Australian Parliament, both of which are identical with ours, that cited documents when requested to be tabled may be ordered by the House to lie on the table.

The Hon. G. C. MacKINNON: Is it possible for me to make a further request in connection with this matter, and say a few words about it? Would you permit it, sir?

The PRESIDENT: No. There is no question before the Chair.

The Hon. G. C. MacKINNON: Could I seek leave to make a statement?

The PRESIDENT: The appropriate time for making statements is at the end of the normal business before the orders of the day are called. If the Leader of the House wants to make a statement then, leave of the House will have to be sought.

The Hon. G. C. MacKINNON: Thank you.

EDUCATION: SCHOOL YEAR

Alteration: Petition

THE HON. R. J. L. WILLIAMS (Metropolitan) [4.36 p.m.]: I wish to present a petition from some school teachers of schools in the Metropolitan Province objecting to amendments to Regulations 171 and 193 of the Education Act, 1928-1977, which were published in the *Government Gazette* of the 29th September, 1978, and requesting the return to the status quo prior to the introduction of the amendments. It is as follows—

To the Honourable the President and the Honourable Members of the Legislative Council:

The petition of teachers Leederville Technical College sheweth:

We, the undersigned, object to the proposed alterations to the school year as contained in amendments to Regulations 171 and 193 of the Education Act 1928-1977 and published in the *Government Gazette* of the 29th September 1978.

We ask that the school year return to the status quo prior to the introduction of the amendments mentioned above.

Your petitioners therefore humbly pray that you will give this matter earnest considerations, and your petitioners, as in duty bound, will ever pray.

The petition contains 459 signatures and bears the certificate of the Clerk that it is in conformity with the Standing Orders of the Legislative Council. I move—

That the petition be received, read, and ordered to lie upon the Table of the House.

Question put and passed.

The petition was tabled (see paper No. 106).

EDUCATION: SCHOOL YEAR

Alteration: Petition

THE HON. R. THOMPSON (South Metropolitan) [4.38 p.m.]: I wish to present a petition from some school teachers of schools in the South Metropolitan Province objecting to amendments to Regulations 171 and 193 of the Education Act, 1928-1977, which were published in the *Government Gazette* of the 29th September, 1978, and requesting the return to the status quo prior to the introduction of the amendments. It is as follows—

To the Honourable the President and the Honourable Members of the Legislative Council:

The petition of teachers of schools in the South Metropolitan Province sheweth:

We, the undersigned, object to the proposed alterations to the school year as contained in amendments to Regulations 171 and 193 of the Education Act 1928-1977 and published in the *Government Gazette* of the 29th September 1978.

We ask that the school year return to the status quo prior to the introduction of the amendments mentioned above.

Your petitioners therefore humbly pray that you will give this matter earnest considerations, and your petitioners, as in duty bound, will ever pray.

The petition contains 207 signatures and bears the certificate of the Clerk that it is in conformity with the Standing Orders of the Legislative Council. I move—

That the petition be received, read, and ordered to lie upon the Table of the House.

Question put and passed.

Point of Order

The Hon. W. R. WITHERS: On a point of order, is this petition correctly worded, Sir? I understand that the petition has to be presented to the Clerk of Parliament who certifies the wording

of it. When one looks at the contents of it, one wonders whether the wording is correct.

The PRESIDENT: From my examination of the petitions initially, and from my discussions with the Clerk of the House, I am led to believe the petitions are correctly worded. Are there any further petitions?

The petition was tabled (see paper No. 107).

EDUCATION: SCHOOL YEAR

Alteration: Petition

THE HON. LYLA ELLIOTT (North-East Metropolitan) [4.41 p.m.]: I wish to present a petition from some school teachers of schools in the North-East Metropolitan Province objecting to amendments to Regulations 171 and 193 of the Education Act, 1928-1977, which were published in the *Government Gazette* of the 29th September, 1978, and requesting the return to the status quo prior to the introduction of the amendments.

The petition contains 364 signatures and bears the Clerk's certificate that it is in conformity with the Standing Orders. I move—

That the petition be received, read, and ordered to lie upon the Table of the House.

Question put and passed.

The petition was tabled (see paper No. 108).

EDUCATION: SCHOOL YEAR

Alteration: Petition

THE HON. W. M. PIESSE (Lower Central) [4.42 p.m.]: I wish to present a petition from some school teachers of schools in the Lower Central Province. It is couched in exactly the same terms as the other petitions which have been presented. It contains 114 signatures. I move—

That the petition be received, read, and ordered to lie upon the Table of the House.

Question put and passed.

The petition was tabled (see paper No. 109).

EDUCATION: SCHOOL YEAR

Alteration: Petition

THE HON. M. McALEER (Upper West) [4.43 p.m.]: I wish to present a petition from some school teachers of schools in the Upper West Province. It is couched in exactly the same terms as the previous petitions and contains 141 signatures. I move—

That the petition be received, read, and ordered to lie upon the Table of the House.

Question put and passed.

The petition was tabled (see paper No. 110).

QUESTIONS

Questions were taken at this stage.

QUESTION No. 418 of 1978

Correction of Answer

THE HON. G. C. MacKINNON (South-West—Leader of the House) [5.02 p.m.]: I seek leave of the House to make a statement with regard to a question answered in this place on a previous date, over which there might have been some misunderstanding.

Leave granted.

The Minister for Transport (the Hon. E. C. Rushton) has asked me if I would give additional information with regard to that question, the answer to which was given to this House on the 2nd November, 1978. I gave the answer in this House on behalf of the Hon. D. J. Wordsworth who normally answers questions addressed to the Minister for Transport. On that occasion I answered the question on his behalf, the question having been asked by the Hon. F. E. McKenzie.

Subsequently the answer was found to be incorrect. The question asked by the Hon. F. E. McKenzie was—

- (1) Is Westrail's road freighter service from Perth to Esperance to cease operating?
- (2) If so, would the Minister give the reasons?
- (3) Did Westrail apply recently to the Transport Commission for a permit to carry perishables and operate the service twice weekly?
- (4) Is it the Government's intention to continue through the Transport Commission to protect private road transport operators at Westrail's expense by refusing it permits to operate services which are assured of public support?

The answer given by me on that occasion on behalf of my colleague, the Hon. D. J. Wordsworth, was as follows—

- (1) Yes. One of the twice weekly services is to cease as from the 15th November, 1978.
- (2) Insufficient support for the Westrail service and availability of alternative services
- (3) Yes.

- (4) In accordance with the provisions of the Transport Commission Act, licences will continue to be considered bearing in mind the adequacy of existing services to meet the reasonable needs of the communities concerned.

The Minister for Transport has subsequently advised me that in response to a letter dated the 19th December, 1978, he received from the Hon. F. E. McKenzie which pointed out that the answer given to part (1) was incorrect, he responded to the Hon. F. E. McKenzie as follows—

Dear Mr. McKenzie,

I refer to your letter of December 19 relating to the answer given by my colleague, the Hon. Minister for Lands, on my behalf, to your question in the Legislative Council on November 2nd concerning Westrail's road freighter service between Perth and Esperance.

I have to acknowledge that the answer given to question 1 was incorrect.

I do not think you are implying any attempt to deceive in the way the question was answered, but to clarify the point, you will have noted that my answer to your question 3, which reads "Did Westrail apply recently to the Transport Commission for a permit to carry perishables and operate the service twice weekly" was "Yes". This answer indicates agreement with the contention in the question that there was only one service per week. As such it was inconsistent with any attempt to misrepresent the situation.

I, of course, had no reason to doubt information provided by Westrail, and the answer was given in good faith as to its correctness.

A copy of Westrail's memo to me conveying the answers under reference is attached.

In their dealing with Parliamentary Questions on that day, Westrail confused the subject matter with a similar question which you asked—Question No. 420, referring to the Perth-Hopetoun freighter bus service.

At the time of answering your question, I was confident of its correctness and, at this stage, can only apologise for the fact that it was not.

Yours sincerely,

E. C. Rushton,

MINISTER FOR TRANSPORT

The Minister for Transport has requested me to make this statement and to apologise to the House in general and the Hon. F. E. McKenzie in particular for the unfortunate incident.

LEAVE OF ABSENCE

On motion by the Hon. R. F. Claughton, leave of absence for 12 consecutive sittings of the House granted to the Hon. R. H. C. Stubbs (South-East) on the ground of ill health.

TABLING OF DOCUMENTS

Standing Orders: Ministerial Statement

THE HON. G. C. MacKINNON (South-West—Leader of the House) [5.08 p.m.]: May I have leave of the House to make a comment with regard to the Standing Orders?

Leave granted.

The Hon. G. C. MacKINNON: There is only one aspect on which I wish to comment, because I think it is important to the House in general; it is with regard to the tabling of papers.

I accept your statement, Sir, as being absolutely factual. What concerns me is that every time I have noticed documents being requested, leave has been granted as a mere formality. On each occasion there was complete agreement that the paper be tabled. Members agreed on those occasions, and the document was placed on the Table of the House.

In my research one thing has worried me; it is that Standing Orders of this type have always been written into the book in order to ensure that they are abided by and that leave is granted to any member seeking it.

It seems to me that at the present stage unless there is an extreme amount of goodwill it will be impossible for members of the Opposition to have a paper tabled, if that document has been quoted by a member of the Government parties. It seems to me that is wrong in principle.

There are a number of Standing Orders which are designed in order that the Government may have its way, if I may put it that way. Perhaps this is a necessity. However, in the case of a Standing Order of the type I have mentioned, I do not think it was ever meant to apply in that way. I think the original framers of the Standing Orders really meant that the direction be given by the President representing the Council.

What motion would a member have to move? Is it a motion that requires a seconder, or is it one granted by leave of the Council? If it is granted by leave of the Council, then a single dissentient

voice will stop leave being granted. Only one member need say, "No", and the paper is not tabled. If that is so, then in such circumstances no paper would ever be tabled, because the member being asked to table the paper would, no doubt say, "No".

I do not doubt your ruling, Mr President. I think this is a precedent which has been established clearly, because invariably no member has raised a question as the paper was going to be tabled anyway.

All I now ask is that you, Mr President, in your capacity as the Chairman of the Standing Orders Committee, request that committee to have a careful look at the matter I have raised.

I believe such a Standing Order ought to be virtually and totally automatic in application. There are a number of Standing Orders of that type. In fairness to the whole process of the parliamentary system, Standing Orders of that sort ought to be virtually standard procedure, and should apply equally and fairly to everybody.

ADDRESS-IN-REPLY: FOURTH DAY

Motion

Debate resumed from the 5th April on the following motion by the Hon. N. F. Moore—

That the following address be presented to His Excellency—

May it please Your Excellency: We the Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled, beg to express our loyalty to our Most Gracious Sovereign and to thank Your Excellency for the Speech you have been pleased to deliver to Parliament.

THE HON. R. HETHERINGTON (East Metropolitan) [5.10 p.m.]: I rise to support in general the motion for the adoption of the Address-in-Reply; and I congratulate the Hon. Norman Moore for the manner in which he moved the motion and the speech he made.

Like my leader, I would have liked to hear a little more from the honourable member about other parts of his province, particularly Carnarvon, but I shall not quibble over that.

What does perturb me—it perturbed me last year, and again on this occasion—is the departure from what I have always regarded as the Westminster tradition that the Governor's Speech, which of course is written by the Government for the Governor to present, should set out clearly the Government's legislative programme.

When I last made that statement I was told that in this place we did things differently. However, if we do things differently here, then it is unfortunate.

I can find very little in the Governor's Speech that has not been said before. It contains the same old platitudes. If we count them up we find the Speech promises nine Bills to be introduced. On page 9 of the Speech the following appears—

In addition to legislation specifically referred to earlier, a further programme of legislation covering a wide range of subjects will be introduced as necessary.

That is, as the Government sees fit.

Of course, we saw the introduction of one of those wide ranging subjects last week when we had to debate a Bill through the night, because the Government decided there was an emergency. However, I do not want to say very much about that matter.

I will refer to some of the comments made in the Governor's Speech, but really there is not enough in the Speech itself for anyone to deal with any of the specifics.

I was interested to notice that today seems to be a day of petitions. I was one of the members—because apparently I like being on the steps of Parliament House—who were on the steps of Parliament House earlier this afternoon to see the spectacle of a petition, containing over 99 000 signatories, presented against the closure of the Perth-Fremantle railway line; I saw the petition being wheeled up the steps. I saw it a second time when it was wheeled up for the television cameras. I am told that, in fact, there are over 100 000 signatories to that petition up to the present time. I hope the Government will take some notice of these petitioners and will reconsider its position.

I was not near enough to hear the remarks of the Minister, but I gathered he did not seem to be very enthralled by the prospect of the Government having to change its mind. However, I was close enough to hear the remarks of the Leader of the Opposition. I gathered he was annoyed with what was said. We can read about that and see it on television in due course.

It would be a good idea if this Government followed the precedent set by the Tonkin Labor Government which was threatening to close the Perth-Fremantle railway line. It announced plans to do so. At that particular stage I was very concerned, and I was not a member of Parliament. I was not living in Wilson which is in my electorate, but in Claremont.

The railway line ran quite close to my home; and my children used the railway service quite often to go to the football matches, to go to the beach, and to go into town. Their use of the railway service was continuous. They would have felt the loss of that railway quite heavily, as would many other people.

I do think it is unfortunate that, at a time when the revolution in Iran is pointing up the energy crisis, this Government should decide to close a railway. I venture to predict that the day will come when we will have to reopen the railway, just as we will have to produce other forms of transport on rails of some kind throughout the State as a result of the whole problem of oil and energy. Certainly, if the Government solution to the energy crisis is followed—and I will say more about that later—we will have to have a whole range of electrical railways to use up the power generated by the nuclear plant the Government hopes to establish in 1995. I certainly hope that does not come about.

The Hon. H. W. Gayfer: Why?

The Hon. R. HETHERINGTON: I will explain that later, when I am good and ready. The time will come, of course, as we all know, when we will not all be able to drive in our motorcars as I do now and hope to continue to do so for as long as possible. The time will come when we will have to look again at the whole position of the use of fossil fuels and at public transport, and work out whether we can develop electric motorcars. I do not want to dwell on this matter unduly, because I am sure it will be dealt with at much greater length and with far more eloquence when my friend and colleague from the East Metropolitan Province (the Hon. F. E. McKenzie) speaks in the Address-in-Reply debate.

The Hon. F. E. McKenzie: It certainly will be.

The Hon. R. HETHERINGTON: Therefore there is no need for me to do anything at this stage other than to add my voice to those who protest, and to agree in advance with the wisdom Mr McKenzie will undoubtedly put before the House.

The Hon. G. E. Masters: Do you take everything he says for granted? Do you agree with everything he says, or only in respect of this subject?

The Hon. R. HETHERINGTON: I am aware of Mr McKenzie's thoughts on this matter and I agree with them. I have heard him speak at great length in public and in private. I always enjoy listening to him, and I have been instructed by his knowledge. Certainly I know on this occasion I will agree with everything he says.

The Hon. R. G. Pike: Flattery will get you everywhere.

The Hon. R. HETHERINGTON: It is not a matter of flattery; it is a matter of stating the facts. I consider myself fortunate—if Mr Pike wants a little flattery—that I have such a tolerant, friendly, and capable fellow member in my electorate. Not everyone in this Chamber is quite so fortunate.

I notice, too, that more petitions are starting to flow from school teachers. Unfortunately I did not hear the precise number of signatures on the petition presented by the Hon. R. J. L. Williams; however, the number was something in excess of 400. So far we have had petitions from well over 1 200 school teachers who apparently either do not like the change in the holiday arrangements or have been in some way induced or forced by pressure applied by the Teachers' Union to sign the petition.

The Hon. G. E. Masters: There does seem to be a large number who did not or would not sign.

The Hon. R. HETHERINGTON: We have not yet received all the petitions. I will be interested to see how many people, in a nation that is not noted for signing petitions, have in fact been prepared to sign the petition. I gather there are more petitions to come, and I will wait with interest to see how many have signed.

The Hon. R. G. Pike: I hope you have noted that the Teachers' Union does not have compulsory membership.

The Hon. G. E. Masters: I am amazed at the number that have refused to sign.

The PRESIDENT: Order!

The Hon. R. HETHERINGTON: Thank you, Sir. I was quite enjoying the other speeches, but I suppose it is not quite the right time for them.

I think the petitions received so far do show that many people are dissatisfied with the Government change in the regulations. I do not know what will come out of the inquiry that has been set up by the Government. I certainly hope the Minister for Education is in one of his more reasonable moods, because he seems to have two sets of moods.

The Hon. G. E. Masters: He is a very reasonable man.

The Hon. R. HETHERINGTON: In many ways he is, and I will refer to that later. However, at other times when he is dealing with the Teachers' Union and student guilds he seems to be a huffer and puffer and one who threatens and lays down the law. If the reports that we read can be believed, the Minister has threatened to

disband his inquiry if the Teachers' Union continues with its parallel inquiry. I fail to see how the inquiry of the Teachers' Union should make any difference; but I hope the Minister will continue with his inquiry.

I remind myself that I had meant by now to ask a question to find out the exact nature of the questions asked in the Minister's questionnaire, because I gather a questionnaire is going around the schools.

This issue is still a live one, and although I will not dwell unduly on it at the moment it is one which will be with us for some time. I will wait and see how many petitions are received, and see then what the Government will do about the matter—particularly when the report of its inquiry and the report of the inquiry of the Teachers' Union are brought down.

When I spoke on the Budget last year I made a reference to the upgrading of the old State Housing Commission settlement of Maniana, now known as North Queens Park. I said in my opinion that settlement should have been bulldozed and rebuilt and that I could not see anything good coming out of the proposed upgrading. However, I said I would look at the situation and that if I was convinced I would pay tribute to the Housing Commission in this House.

I wish now to pay that tribute. I have had a look at the situation and I think what has been done is very good. It has far exceeded my expectations, and the work is very pleasing. The houses have been extended and brick veneer cladding has been added to them. In fact, were the same kind of houses to be built today the rooms would be smaller and the ceilings lower; so the State Housing Commission has had the wisdom to judge the situation correctly and has gone ahead and upgraded Maniana, turning it into North Queens Park.

The Hon. R. G. Pike: Under a Liberal Administration.

The Hon. R. HETHERINGTON: I want to pay full tribute to the Housing Commission in respect of this matter. It should be supported in what it has done on this occasion. We should give credit to people who do things that are worth doing.

Recently I asked a question regarding whether the rents of these upgraded houses would be increased by \$9.50 a week. I asked another question—which was answered today by a simple "Yes"—whether the people concerned were told beforehand.

The Hon. D. J. Wordsworth: I thought you liked short answers.

The Hon. R. HETHERINGTON: I am happy with the answer; it merely confirmed what I thought would happen. However, I wanted to get the facts and I omitted to seek that information in my previous question.

The person who made representation to me on the issue said that he gathered the people were not complaining that the increase of \$9.50 was unreasonable. He said most people accepted that, in fact, it was a reasonable rise; however, they found it too sudden. Therefore they were wondering whether in future it would be possible to introduce such rises in easy stages; perhaps one-third immediately, another one-third in the following year, and the other one-third in the year following that, because people on low incomes find that \$9.50 is a lot of money to find immediately. I do not know whether that is practical or possible, but I have no doubt the Minister concerned will consider the suggestion and see if anything can be done.

I find one matter irritating and unnecessary in relation to at least two departments; one is the State Housing Commission—if it can be called a department—and the other is the Education Department. I refer to the kind of letters that I, as a member of Parliament, receive from them. Far too often I get back letters that tell me nothing, that are bland and without information, and that cause me then to write again to the department to make further inquiries and to force the matter along until I get some information. Sometimes when the information is given—which could have been given in the first letter—I can see there is reason for whatever is being done and I do not pursue the matter further.

I am greatly irritated by a letter I received recently from the Minister for Education, and I want to illustrate my point by reading the letter I wrote to him and the letter he wrote back to me. I am not attacking the Minister personally; because I realise that he does not write all letters himself and that he signs a large number of letters each day which are written for him by somebody else.

Representations were made to me about the safety of children in Australind, and, on the 20th February, I wrote to the Minister as follows—

Dear Mr. Jones,

The concern of the residents of Bonny Road, Australind, about the safety of their children crossing the Old Coast Road after getting off the school bus, has been brought to my attention, together with your reply to Mrs Oliver of 18 December, 1978.

Could I ask that you have another look at the problem as I do not think your letter

really deals with the main problem. The problem is that school children have to cross a road where cars can and do drive at a speed of 110 kph. No amount of "Bus Safety Drills" can get rid of the very real danger of a school child, or children, under these circumstances, being killed.

This danger would be less were a spur allowed into Bonny Road. In such a case I would suggest that a rigid adherence to the regulations is no real answer. I realise that regulations are not to be departed from lightly but I think that where there is a possibility of children's lives being at stake, there is a case for Ministerial discretion, the more particularly when the Main Road Department is in agreement with the parents.

I received the Minister's reply quite rapidly. It was dated the 8th March and read as follows—

Dear Mr Hetherington

I refer to your letter dated 20th February 1979 concerning the safety of children using the Bunbury-Australind-Binningup school bus service.

The matter has been considered, and some action is proceeding.

I am sure the parents concerned will be grateful to know some action is proceeding; however, I think probably they would like to know precisely what that action is. For that reason I put a question on notice today and I hope in this matter the Minister for Lands, representing the Minister for Education, will give me more than a "Yes" or "No" answer and will be able to tell me exactly what action is proceeding.

It seems to me such letters are unnecessary. In the same way last year I became aware—as did my colleagues Mr Fred McKenzie and the member for Ascot in the lower House (Mr Bryce)—of the very parlous and dilapidated condition of the Belmont Senior High School. I visited the school and found the roof was leaking rapidly. I got in touch with the Minister and over the weekend he did something about it. In due course, after a request from parents, teachers, and an action committee that had been set up, he visited the school and looked at the situation. As is his way, he did his homework and was aware of the problems by the time he arrived. He listened to the people who spoke on behalf of the action committee and then promised that the timber framed parts of the school would be rebuilt. It was a firm promise and everyone went away rejoicing; that is, they rejoiced until they received a letter from the Minister which was couched in

such terms that they began to wonder whether he really meant the school would be rebuilt.

The people became quite upset about this, and a great deal of to-do occurred at the school. I attended a meeting; and had I been interested merely in stirring up trouble and playing politics, I think I could have whipped up a little feeling against the Minister. That would not do anybody any good, and I decided I would not do that.

I asked a question in the House to which I received one of the Minister for Lands' famous one-word answers. I asked if the Minister would confirm that it was the intention of the Minister for Education to replace and rebuild progressively a timber-framed section of the Belmont High School, to which the Minister replied "Yes". Had his letter been as unequivocal as that in the first place I would not have had to listen to people worrying about the problem, or ask a question in the House. The procedure would not have had to be gone into in order to give me that "Yes" answer. The possibility that the Minister might have found himself under criticism for something which really was not his own fault could have been avoided.

It seems to me it would be a good thing if we got better and more informative letters. This applies not only to the Education Department but also the State Housing Commission. These letters annoy me, particularly as a member in a largely working-class electorate, as a large part of my time and that of my secretary is spent looking after housing problems. We often have to ring up and write letters and we get back letters which leave me wondering whether we should pursue these matters. I get answers such as the one I received the other day—it is a matter I am still pursuing—after I had made representations on behalf of a family living in a cement house. The house looked to be very good. I visited it during summer when it looked a fine house; cool and pleasant. However, in winter it is cold.

The Hon. D. J. Wordsworth: What do you call a cement house?

The Hon. R. HETHERINGTON: It is a concrete house; and in winter it is very cold and rain runs down the walls. This might not matter if the people were healthy, but there are three children in the house who suffer with bronchial asthma. I was called in by their mother, because she was terrified at the thought of her children having to spend another winter in the house.

I received a letter from the State Housing Commission to say that Mr X, the father of the children, was satisfactorily housed. I have no idea from the nature of the letter whether the

commission thinks that Mr X's children are satisfactorily housed. I will write and ask to be assured that the three children with bronchial asthma are being satisfactorily housed. The letter I received and a whole range of other letters are unnecessarily uninformative.

I think quite often that if people who wrote the letters took the trouble to work out the reasons behind my letters and then gave fuller answers many difficulties would be overcome. It would save a busy member and his secretary having to go back and get the right answers after three or four attempts. I know it is very easy for public servants—and I am not attacking public servants—to play safe and produce bland answers.

The Hon. D. J. Wordsworth: It is because you did not explain properly in the first place?

The Hon. R. HETHERINGTON: I know it is not.

The Hon. D. J. Wordsworth: There is a chance.

The Hon. R. HETHERINGTON: Not in this case; there is no chance of that at all. This particular family has to wait until July to be listed.

The Hon. D. J. Wordsworth: Is it a State Housing Commission house?

The Hon. R. HETHERINGTON: Yes. I will be attacking the matter further and I am hoping that in due course I will receive a satisfactory reply from the State Housing Commission. I know the commission works under great difficulties. I could accept the situation a little more easily if its officers wrote back and said they realised the problems involved but there are no houses available at the present time. In my opinion it would be better if we got reasons rather than the bland off-putting statements.

One of the things I am rather interested in—and I think it is one of the things that happen to politicians—is that recently when I took advantage of the Government's offer of an air fare to go to the Pilbara, I spent 11 days in the region. I do not come back saying I know all about the Pilbara; that is the last thing I want to claim. I come back knowing some of the problems in the Pilbara; more specifically, some of the problems concerning education in the Pilbara. I am very grateful that I have been able to go there and see for myself, because there are many things perhaps I would not have taken seriously had I not gone. I am looking forward to returning to the area in future years.

I have learnt many things and I have much more to learn, as honourable members opposite

would be the first to tell me. I attended a meeting of people in Karratha where I discussed some of the problems of the Pilbara as I saw them. I was not particularly attacking the Government; I was saying problems existed there. The problems in Tom Price include the need for a senior high school to which the people can send their children. In order to do that a road would be needed from Paraburdoo to transport the children. Even then, they might not have sufficient numbers. One might have to spend more money than is warranted.

I know now of the problem of the bus service from Wickham to Karratha and I am more than ever determined to pursue this problem, as I am sure Mr Tozer is. The thought of children who spend an hour a week for five years travelling by bus during the heat of summer from Wickham to Karratha in non-air-conditioned buses—which is considered not good enough for employees of the company there—is something which gives me some horror. We have to find \$25 000 to air-condition the buses. I think it is something which should be done, although some people at Wickham and Roebourne think it would be a better thing if we established a junior high school at either of those two towns.

The Hon. N. F. Moore: Do you mean a district high school?

The Hon. R. HETHERINGTON: A 10-year high school was mentioned although there are some arguments about what is wanted; some wanted a three-year high school. The people wanted children to travel by bus to Karratha for only two years, which they think would be an improvement.

Another problem is teacher accommodation, although I had private discussions with some people who said teachers were complaining unnecessarily. It is interesting that people feel deprived comparatively. They feel deprived in their own circumstances. The thing I found among the schools in the Pilbara was that almost all the teachers I spoke to were discontented one way or another with their housing conditions. Teachers in Tom Price did not like the single men's quarters, because although conditions were good in some ways they had only small rooms and did not have adequate facilities to study. They said also that in a mining town they formed a little ghetto. Usually if one teacher did something that the town disapproved of it was thought all the teachers were doing it. The teachers thought it would be better if they could be integrated into the town; if they could be scattered in two-teacher duplex or similar accommodation.

The Hon. W. R. Withers: I wonder why they told you this and not their own members.

The Hon. R. HETHERINGTON: Perhaps because I stopped and talked to them. Some of them spoke to me about these problems at length, with vigour and in detail. I remember going into one staff room to talk to the teachers expecting only to hear of generalities when suddenly I found myself in a situation where it was as though I was at fault for the existence of all these problems. Perhaps I have a kindly and receptive face; perhaps they thought I was prepared to listen to them.

The Hon. W. R. Withers: What was the leading question you put to them to open such a conversation?

The Hon. R. HETHERINGTON: There was no leading question; I did not need one except to ask, "What are your problems?" I may have asked, if they had any particular problem or how they liked the place. I went to Pannawonica where after I had mentioned that they seemed very happy, the teachers said they had no problems. It was a very happy school.

The Hon. D. J. Wordsworth: You must have been disappointed!

The Hon. R. HETHERINGTON: I was not at all disappointed. I was told a whole range of things that created problems to people in the north and these were set out in an article in the *News of the North*. I received a fairly savage complaint from the Minister for Education who obviously had not read everything, because he lumped my comments with something my colleague, the Hon. Roy Cloughton, had said. It is an odd thing that Governments seem to think that because one discusses problems one is necessarily criticising.

The Hon. J. C. Tozer: You did suggest a long holiday in mid-winter.

The Hon. R. HETHERINGTON: Does the honourable gentleman wish to know exactly what I said?

The Hon. J. C. Tozer: I can read only what is printed in the paper.

The Hon. R. HETHERINGTON: I will explain exactly what I said. The statement Mr Tozer refers to was made in all humility. I said I could see there was an argument in favour of children being in air-conditioned schools through the summer. That is what I said. This sort of question is of a type that could be decided here; it cannot be decided up there because the problem is Statewide.

It was suggested also that many people go on holidays later in the year and take their children away from schools. So the holiday problem was one that needed to be looked at. I mentioned that it had been suggested to me that this was something that might be done. I also said that until I went to the Pilbara I would not have even considered this as a serious statement. Having now been to the Pilbara I would consider it is a serious statement. If ever I am the Minister for Education I might not ultimately agree to it. I am not pressing or pestering the Minister to do it now. This was not my intention; my intention was to say what I think we should do and what I hope we would do, were we in Government.

I would follow the example given by Mr Kim Beazley who set up the Schools Commission so that he could have the needs pointed out to him. He wanted to be made aware of the needs even though he might not be able to satisfy them. He felt one should not shrink away from the problems that had to be faced.

It was suggested to me by one headmaster that it would be a good thing for the enrichment of the school life of children that perhaps in year 7—he was not dogmatic—the children could have up to a month in a camp down in the city. This did not seem to be a bad idea.

The Hon. J. C. Tozer: It is done now.

The Hon. R. HETHERINGTON: Of course, there is the problem of cost and accommodation. We mulled over the problem and it was suggested Noalimba, the State migrant hostel, could be used as it has very good conference facilities. I know, because the ALP uses them at times. I have written to the Minister, making the suggestion, not saying that I will beat him over the head if he does not heed it. Whether it would be practicable, I do not know, but it is worth consideration. Members from the area should not feel too upset if a "tuther-sider" from Perth spends 11 days in the Pilbara and indicates the problems as he sees them and offers some solutions.

The Hon. W. R. Withers: We are not upset; we are delighted to see you.

The Hon. R. HETHERINGTON: I am glad the honourable member is delighted, because I am looking forward—

The Hon. W. R. Withers: In fact, we would like to see you up there more often—not just prior to an election, but all the time—so that you can understand the situation.

The Hon. R. G. Pike: I would have thought that, with the 80 000 constituents you are always talking about having to look after, the demands

would be such that you would not have time to leave the metropolitan area; so there you are.

The Hon. D. K. Dans: I notice the time you spend in the electorate every day, Mr Pike. It is well recorded.

The Hon. R. HETHERINGTON: I point out that my electorate has 70 000 constituents; the honourable member has 90 000.

The Hon. R. G. Pike: I said 80 000.

The Hon. R. HETHERINGTON: I think the Hon. Lyla Elliot has 80 000; I have not reached that number yet. I am blessed with a vigorous and active colleague and a good secretary and we do our best. If a party takes itself seriously as an alternative Government it is not going to govern just the East Metropolitan Province, but the whole State.

The Hon. G. C. MacKinnon: It is an innovation of which I do not approve, and it has come in only recently. I think you have a right to talk about policy—not do other members' electorate business. I can recall the day when your own members would have slated you for doing it.

The Hon. R. HETHERINGTON: I would have thought I was talking about general problems.

The Hon. G. C. MacKinnon: No; specific electorate problems belong to other members, and are not policy matters at all. That is what you should be talking about.

The Hon. D. K. Dans: You cannot tell him what to talk about; you do not have that power yet.

The Hon. G. C. MacKinnon: I can. I just did so.

The Hon. D. K. Dans: We have the iron heel out, the thumb screws, and everything else, but do not go too far.

Several members interjected.

The DEPUTY PRESIDENT: Order! Mr Hetherington is on his feet. I suggest he get on with his speech.

Several members interjected.

The DEPUTY PRESIDENT: Order!

The Hon. R. HETHERINGTON: I will talk about any problems in this State I wish to talk about. It is not only the right but the duty of any member to do this. I would have no objection if any member of the House talked about the problem of unemployment in my electorate and offered some solutions other than that everyone should work harder. I would certainly be happy about that; and be happy if any member cared to

visit my electorate and pointed out the problem and asked, "Have you thought about doing this?"

The Hon. R. G. Pike: We do not have the time. We are in our own electorates.

The Hon. R. HETHERINGTON: I am working out a policy in one particular area for the benefit of the whole State and, as far as I am concerned, I have a duty to do this. I find it rather odd that the honourable member, who sits behind the Government which offers an air fare to members to enable them to see the north, should criticise a member when he takes advantage of the offer. Would the honourable member like me to indicate what I saw in Tom Price and in the mines and to give a discourse on Pannowonica? I have some suggestions about how mining should be done differently, but I do not think I will weary the House by dealing with them.

The Hon. R. G. Pike: I merely submit that it is inconsistent for you to be telling us how busy you are in your own electorate. When you are in Albany and in the north, how do you look after your electorate?

The Hon. R. HETHERINGTON: I think perhaps the honourable member should read my speech.

The Hon. D. K. Dans: I would not be busy if I were to read Mr Pike's speeches about his electorate, because I have not heard such a speech yet.

Several members interjected.

The Hon. R. HETHERINGTON: If I may continue—and I know you will not object, Sir, if I do so—I will say that I was sorry the Minister reacted so adversely. I know he did not mean it because he was in Tasmania and someone told him what I was purported to have said, but he got it wrong. We should be less reactive and be prepared to discuss together problems and policies. However, I will not pursue that aspect further. I merely wanted to mention it in passing.

More importantly I wish to refer to another matter not connected with my electorate. It concerns the Churchlands College of Advanced Education. During the vacation I visited some classes conducted by the Specific Learning Difficulties Association which desires to hold more classes. It is seeking a school in which to hold those classes. I hope that what I am saying now is passed on to the Minister, because in regard to this issue I expect him to be reasonable as he has been on another matter I brought to his notice. I hope he will be able to allocate a primary school for this purpose and thus assist those people who are trying to look after the specific learning difficulties of children.

We hear a great deal about what the education system is not doing for our children, and there are some children for whom the system is not doing a great deal because those children do not fit into the normal school pattern. As a result those children remain illiterate, are unable to spell, and are innumerate. I do not know what can be achieved in three months or three years, but I saw, in action, what could be achieved in three weeks with these children by Dr Bernice Stewart. I have forgotten the name of the other lecturer, who was a mathematician from Churchlands.

This is an area we should examine more fully. As a matter of fact, as far as policy is concerned, we must take far more interest in and expend more of our resources on the younger children in schools in order to do something about literacy and the lack of numeracy early in the piece.

The Hon. R. G. Pike: I agree.

The Hon. R. HETHERINGTON: One thing worries me, and it should worry members of the Government. I am dealing with the matter now in order that the Government might do something about it. I do not mind sharing the problems around. I understand about 200 people, trained in remedial teaching at Churchlands, are not being employed in the schools. If this is true, it is a waste of resources and I hope that the Government will do something about the situation. Certainly if there were a change of Government and I were the Minister I would be looking to all members for assistance, because this is a vitally important question. One of the things we are finding in our highly technological society is that the kind of education, which once enabled people in 1939—pre-war—when I was a boy to get by, is not good enough any more.

The Hon. R. G. Pike: We will be happy to hear your contributions from the Opposition benches for a long time to come.

The Hon. R. HETHERINGTON: I would not be surprised! I will be happy to make my contributions wherever I am sitting, but I suggest that the honourable member should not rely on my sitting where I am all the time.

I will say more about this subject at another time. I certainly intend to go out of my electorate some time to visit other places to see what is being done, because it is important. It is also important that I have the information for people in my electorate who have the same kinds of problems—and there are many of them.

One of the important factors in an organisation like SPELD is that quite a number of the parents are middle-class and are articulate. If this is the

tip of the iceberg, what is the remainder of the iceberg like?

I desire to mention another subject, and perhaps I will not hear the interjection I heard earlier, and for obvious reasons. When I was in the Pilbara I visited Strelley where the Aboriginal community has a bilingual programme for its children. The white teachers and the Aboriginal elders work together on the languages of which there are two, and I cannot remember the name of either. Perhaps one of the members opposite will enlighten us. They are having the language written, compiling books, and training the adults who then train the children in little bush huts. Once the children are able to learn in their own language, they are taught English. I do not know whether this is good or bad, but I was impressed by what I saw in the four hours I was there. I understand that I stayed longer and listened more intently than some other politicians who have visited Strelley. I was not put off by what I had previously heard. I listened to the white teachers who were very enthusiastic.

As an aside, I would like to say that in the Pilbara I was struck by the youth and enthusiasm of the teachers who were protesting so vigorously. Their youth was a disadvantage but their enthusiasm was great. We seem to have able, young and enthusiastic teachers. One of the problems we must solve is how to encourage older and more experienced teachers to go to remote areas in order to balance the situation.

The Hon. J. C. Tozer: Those at Strelley are not employed by the Education Department.

The Hon. R. HETHERINGTON: No, but they are in the business of education and I hope that the department will send someone to the area, because in that way an answer to the problem may be found. This would be worth while, because we do have a problem concerning the education of black Australians. I was told not to call them Aborigines because they are black fellows and I was a white fellow, and we left it at that. However, we do have a problem as to how to educate them.

We must not assimilate or integrate them but enable them to live with us in a way which suits them. It is not a simple problem to be solved by the people in Perth who are quite different from the tribal Aborigines in the north. I certainly intend to spend one of my trips to the north in an endeavour to ascertain what is happening with the Aboriginal communities. This is an aspect on which we should pause and think, because one of the problems with educators, politicians, and bureaucrats is that quite often they do not listen

enough before deciding what is good for other people. They should sometimes listen and decide whether what they are submitting is better than the proposal put forward by those involved.

I want to make a brief reference to the situation in Harrisburg, Pennsylvania, because it appears that we might have a nuclear reactor in Western Australia. I am truly grateful we do not at the moment.

With regard to nuclear reactors, people have said that there has not been an accident in a nuclear reactor yet. Recently the Premier was reported as having said—and I hope it was an inaccurate report—that if we worried about accidents we would not grow wheat because it might get rust in it. This was a pitiful analogy if he were correctly reported. What struck home to me was the fact that at one stage the people in Pennsylvania were thinking of evacuating 700 000 people; 700 000 lives could have been endangered.

A nuclear accident is not like a factory being blown up or a mine caving in—an accident which maims or kills ten or hundreds of people. If we have a nuclear accident it could cause injury and death to hundreds of thousands of people. It is a difference in kind. This is something to which we should give very serious thought.

From what evidence I have, it seems to me that there is very little need in the foreseeable future—even if we believe in the need to develop nuclear reactors, which I do not—for a nuclear power station in Western Australia. The evidence suggests that any feasibility study that was public and fairly documented would show that we do not need a nuclear power station in this State in this century.

The Hon. H. W. Gayfer: Is that the opinion of a lot of experts?

The Hon. R. HETHERINGTON: If we gauge the opinion of experts, they would say that we do not need a power station in this State in this century.

Even if we agree that nuclear power is a good thing, it is not necessary in Western Australia.

It looks as though we are going through a political manoeuvre and we will have a nuclear power station by 1995, whether or not we need it, because the Premier is committed to nuclear power.

Sitting suspended from 6.02 to 7.30 p.m.

The Hon. R. HETHERINGTON: Mr President, before the tea suspension I was pointing out that the Harrisburg disaster in Pennsylvania had perhaps brought home to us the

potential dangers in the event of a melt-down in a nuclear plant. This, added to what we on this side of the House had previously said, should give the Government cause to pause and think again about its policy of establishing nuclear power in Western Australia.

I want to make a passing reference to unemployment in this State. Last year I gave figures to show that we had lost more man-hours through unemployment than we had lost through strikes. We have heard a great deal about unions and strikes and no doubt we will hear a great deal more, but according to the statistician between February, 1978, and January, 1979, 112 million man-days were lost in this State through unemployment, while between March, 1974, and March, 1977, the time lost through strikes amounted to only 615 000 man-days. In other words, in three years we lost 615 000 man-days through strikes and in one year we lost 112 million man-days through unemployment.

The Hon. O. N. B. Oliver: Is that relating to strikes lasting more than 10 days?

The Hon. R. HETHERINGTON: I think it is all strikes. However, what worries me is the rise in unemployment and the fact—which I have mentioned before and will keep repeating as long as it is correct—that in February, 1979, 40 people were registered for every vacancy. People cannot find jobs by trying harder to seek jobs; the jobs are not there to find.

We must look very carefully at the whole problem of employment, and I do not think we should fool ourselves that we can solve the problem easily. We do not have the jobs the present Government promised to find. If my figures from the Bureau of Statistics are correct, the number of people in employment in Western Australia in February, 1978, was 526 500, while in January, 1979, the number was 516 500. In other words, it looks as though, sadly, what has happened in the rest of Australia is now catching up with Western Australia. We are not only not doing well relatively in the number of unemployed, but the number of jobs has fallen, and it will be found this is not accounted for by an influx of people from the Eastern States.

After those general remarks, I want to refer to a matter on page 9 of the Governor's Speech. Under the heading "Electoral Matters" it says—

As a result of a judicial inquiry, legislation is to be prepared to amend the Electoral Act.

Amendment to Motion

The Hon. R. HETHERINGTON: I move an amendment to the Address-in-Reply—

That the following passages be added to the motion—

We should also like to express to Your Excellency our concern that the Government has announced its intention of giving legislative form to certain of the recommendations of His Honour Judge Kay in his Report on the Electoral Act Inquiry 1978 which will—

- (1) make it more difficult to achieve a common electoral role with the Commonwealth of Australia;
- (2) by unduly restricting the classes of people who may witness applications for enrolment, cause unnecessary inconvenience and particularly disadvantage many Aborigines and migrants;
- (3) change the law as set out by His Honour Mr Justice Smith in his Judgment in the Kimberley Court of Disputed Returns, in a way that will make voting more difficult for those with special handicaps and disadvantage them in relation to other electors;
- (4) by amending Section 129 of the Electoral Act, take away the right now existing of blind people to have friends whom they know and trust vote on their behalf;
- (5) remove any control over electoral expenses to the advantage of wealthy candidates and the detriment of candidates of modest means.

Further, we draw Your Excellency's attention that the problem of marksmen exercising a postal vote raised in the Report will remain unsolved should the Government reject Recommendation 5 (iii).

Finally, we advise Your Excellency that it is our opinion that the terms of reference of the Inquiry were unduly restricted, and it is our hope that Your Excellency's advisers will reconsider the matters raised in the Report together with the following proposals:

- (1) That the Optional Preferential System of voting be used in State Elections.
- (2) That the party affiliations of candidates be placed on ballot papers.

- (3) That campaign expenses be set and maintained at a realistic level, and effectively policed.
- (4) That consideration be given to the public funding of campaign expenses.
- (5) That provision should be made for the disclosure of the funds of political parties and their sources.

I point out that the Labor Party is quite consistent in its opposition to the Kay report. When the inquiry was first set up, the Leader of the Opposition made a statement in which he set out the view of the Labor Opposition that the terms of reference were too restrictive. He made the following statement on the 12th May, 1978—

The terms of reference of the inquiry into the Electoral Act should be widened to clear the way for a complete overhaul of the Act.

The terms of reference given to Judge Kay are unnecessarily restrictive, being confined to postal and absentee voting and voting by illiterate people.

They ought to be widened to include election expenses, the problems of handicapped people, voting systems, voter education and enrolment.

The Government has gone to some expense to establish the present inquiry. Before it is finished it will be a very costly exercise for taxpayers.

The costs will not be increased greatly if a wider inquiry is held.

A number of overseas countries have in recent years made significant changes to their electoral systems. In most cases these changes have enhanced the fairness of democratic electoral systems and made them more comprehensible and accessible to electors.

Few people would suggest our system is perfect and we ought to take this ready-made opportunity to improve it.

We ought to take this opportunity to examine the relevance of overseas innovations to W.A., to tap the ideas and research findings of West Australians and to take a hard look at the quality of our democratic processes.

Among the matters which ought to be examined are:

- restraints on the rights of handicapped people to cast absentee or postal votes.
- the disclosure of the funds of political parties.

public funding of election expenses.

limitations on campaign spending.

the amalgamation of Federal and State electoral rolls.

voting systems, especially the desirability of optional preferential voting.

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

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

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

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

I put forward these proposals in the genuine belief that they need to be looked at to see whether our electoral system would be enhanced and made more honest by their adoption.

I believe it would be.

The machinery has already been established to examine these matters. West Australians ought to get full value for the investment in the inquiry the Government has committed them to by using the inquiry to the maximum possible extent.

The statement made by the Leader of the Opposition still stands as far as I am concerned. It is a great pity the Government did not use the opportunity to have a broader inquiry instead of restricting it to the terms of reference set out for Judge Kay. We might then have had a fuller set of recommendations and a proper examination of the Electoral Act and our electoral system.

One of the first recommendations of His Honour Judge Kay, which is to be found on page 56 of the report, is recommendation 1(iii) which reads as follows—

- (iii) the Electoral Act be amended to provide that the enrolment cards of all claimants to be put on the roll be signed before one of the following persons—

- an Electoral Officer;
- a Justice of the Peace;
- a Clerk of Courts; or
- a Police Officer.

I find it rather odd that on page 11 of the report, in leading up to this recommendation, Judge Kay says—

It has been said that if the elector has to go before a specific person to have his claim card witnessed, then this is placing obstacles in his way. It is said that the enrolling process should be made easier rather than harder but, after all, quite a lot of applications for various matters have to be signed before a Justice of the Peace. Declarations and Affidavits have to be made in connection with certain claims and no-one seems to find difficulty in obtaining a Justice of the Peace or a Commissioner for Declarations to be a witness.

As I pointed out at the time the report first came out, it coincided with a report from the Law Reform Commission which recommended to the Government that there should be amendments to the Acts, as many people found it inconvenient and difficult to find commissioners before whom declarations could be made. The Law Reform Commission suggested that many of the Acts which required justices should, in fact, require commissioners for declarations.

His Honour Judge Kay, in supporting his own recommendation, refers to the need for finding commissioners for declarations. When this report came out, I suggested there should be added to the four groups of people before whom first enrolments should be signed—namely, an electoral officer, a justice of the peace, a clerk of courts, or a police officer—commissioners for declarations.

It seems to me that no real account has been taken of the difficulties in which many people will find themselves. When referring to Aborigines, his honour quoted a witness who said, "They have all got wheels now," as if that were proof positive that all Aborigines, for example, would find it easy enough to hop into a vehicle and travel widely from wherever they were to wherever one of these four groups of people were and, in fact, would know who they were.

I know from my own experience—I do not regard myself as exactly illiterate—that whenever I have wanted to find a justice of the peace usually it takes me some time to do so. Usually, I can track one down eventually. However, there are many people who would not know where to look for one.

What I am suggesting is that if the Government limits witnesses to applications for enrolments to electoral officers, justices of the peace, clerks of courts, or police officers, it will be

disadvantaging the three groups of people who most need help.

The Hon. W. R. Withers: Are you not forgetting the Government's policy of putting justices of the peace into these areas?

The Hon. R. HETHERINGTON: The Government has not got them there yet.

The Hon. W. R. Withers: Yes.

The Hon. J. C. Tozer: Yes, in some instances.

The Hon. R. HETHERINGTON: In some instances; I thank the Hon. John Tozer.

The Hon. D. K. Dans: That will not solve the whole problem.

The Hon. W. R. Withers: No, but it will certainly go part of the way.

The Hon. R. HETHERINGTON: This provision will make it difficult for those Aboriginal communities who do not have a justice of the peace; it will make it difficult for some migrant communities who do not understand our system very well, anyway, and who do not know where to look for these people.

Just as important, it will make it difficult for some young people, particularly those residing in working-class areas who do not always know where to look for these categories of witnesses and who do not particularly want to look for a policeman. I would suggest there are some people who do not particularly want this provision to be in the legislation. I am not suggesting for one moment that there is anything wrong with the police, or that they are ogres, or anything else; I am just saying there are some people whose experience, mythology, upbringing or outlook leads them to regard the police as authoritarian figures and thus to be treated with suspicion.

I do not see why we really need to change the Act as it now stands because, after all, the number of duplications which are to be found on our electoral rolls, according to the report brought down by Judge Kay, amount to 1 126, of which 84 per cent were due to misfiling in the Electoral Department. So, the main problem with duplications on the electoral rolls is to be found in the Electoral Department itself. I do not know whether this misfiling is due to a lack of staff or some other reason. However, it hardly seems to be a very serious problem when there are 1 126 duplications on the rolls, 84 per cent of which are the result of misfiling in the Electoral Department. I presume it does not matter what witnesses may claim; misfiling is a fact of life and it will continue, and this legislation will make no difference at all to that situation.

So, for the sake of an alleged possible manipulation of people—of which no firm evidence is given anywhere in the report—a great number of people are going to be put to a great deal of trouble. They will be required to seek out a limited number of people before whom they must sign their cards and get them to witness their signatures.

After all, Judge Kay does say it is theoretically possible—although it hardly seems very likely—for an illiterate person to witness the signature of another illiterate person. I cannot see why it is not possible to expand the classes of witnesses; obviously, commissioners for declarations should be included.

That was so obvious that I cannot imagine why it was not put in the report in the first place. I would seriously expect the Government to accept it. I cannot imagine the Government would not accept it; if it did not, I would be surprised. Of course, the Government does surprise me every now and then when it fails to do what seems to me to be obvious.

I do not see why we cannot also include at least senior public servants and school teachers. If the Government is afraid of young radicals, it could make it senior masters and principals, of whom usually there are a scattering in every town, district, and area. School teachers usually are better known and often better trusted than a lot of other people—not necessarily, but usually—because of their relationship with the community.

In other words, it seems to me that on no evidence we have the notion of a limited class of witnesses which is unduly restrictive and which is going to bring about a great deal of inconvenience to people who are enrolling for the first time and, indeed, which will make it unlikely that many people will enrol. Even if we accept the need for limited witnesses, the class of witnesses could profitably be expanded.

I commend this notion to all members of the House of Review in case the Government does come in with this legislation. However, I would hope the Government thinks again and does not accept all the recommendations which the Chief Secretary has stated he will accept, and perhaps will accept one or two of the recommendations the Chief Secretary says he will not accept.

The thing I find most objectionable in the recommendations contained in this report is the effort to substitute the judgment of Mr Justice Smith presiding over the Court of Disputed Returns on the use of how-to-vote cards with Judge Kay's view of how things should be. For the

sake of accuracy—I presume *Hansard* usually is accurate—and because I do not have a copy of that judgment with me, I will quote from one of my own speeches on the matter. It appears at page 3093 of the 1977 *Hansard*, where I quoted from page 48 of Mr Justice Smith's judgment in the following terms—

To my mind, the presentation of a list or a How to Vote card by an illiterate elector, is a proper direction by such an elector, both as to the marking of his first and his subsequent preferences, provided that the presiding officer takes the precaution of reading what is written on the list or card to the elector and by that or other means satisfies himself that the card reflects the wishes of the elector before he marks the ballot paper.

The ability to read or indeed a full and complete knowledge of the preferential voting system, are not among the qualifications of electors. It is trite to observe that a literate voter is at liberty to take the How to Vote card of the candidate of his choice with him to the polling booth when he or she is marking the ballot paper to ensure that he or she completes a formal vote.

This is the law as it now stands as interpreted by Mr Justice Smith. However, if the report of Judge Kay is followed, that law will be changed. In fact, at page 47 of his report, Judge Kay quotes the judgment of Mr Justice Smith, who is a senior judge, although he does not quote it as fully as I just did. He goes on to say—

This would suggest that the Presiding Officer gave such assistance to the elector to enable him to record a valid vote. But, is this extending his assistance too far? It was submitted—

I presume, by one of the witnesses. The report continues—

—that an illiterate person is entitled to wittingly or unwittingly direct an invalid vote in the same manner as a literate person is entitled to invalidate a vote by his own hand. The Presiding Officer only transplants an elector's voting instructions on to the ballot paper. If that turns out to be an invalid vote, it is not for the Presiding Officer to correct it to make it valid. I feel—

“I feel” is the term we get throughout this report. I would have thought that “feelings” were subjective.

The Hon. J. C. Tozer: Do we not find that in all such legal reports?

The Hon. R. HETHERINGTON: I think it might be a good idea if we did not. The report continues—

—this is the essence of Term of Reference 8 which ends with the words—“... so as to ensure that nothing is done to influence or direct his vote”.

If an elector enters the polling booth and advises the Presiding Officer he is unable to read or write in the English language and that he wishes to vote “Brown—1”, “White—2”, “Black—3” and “Grey—4” assuming there were four candidates then the Presiding Officer should complete the ballot paper accordingly. Should the elector advise that he wanted to vote for the Labor Party or a Labor man, the Presiding Officer would place “1” against the Labor candidate. The elector would then have to indicate the candidates he wished to be “2”, “3” and “4”. The presentation of the how-to-vote card alone would indicate nothing as the elector cannot read.

I would like to read this in conjunction with remarks made by his honour when referring to voting in hospitals because, taken together, I believe members will find some interesting inconsistencies.

I am amazed at the contradictions which appear on subsequent pages of the report. In addition, I find some of the remarks of his honour to be flippant and trivial.

When talking about access to and conduct of supporters and candidates of political parties in institutions, Judge Kay says—

It is quite natural that candidates and their party supporters want to distribute their literature to as many people as possible and to endeavour to persuade the population that the path they are treading will lead to Utopia.

I do not know about the ladies and gentlemen opposite who have been candidates, but I have never presented any of the policies of my party as paths leading to Utopia. Certainly I present the policies of my party as I fully believe them to be—as policies which will be better overall for the State and the country than the policies of the Liberal Party, or the National Country Party, or the National Party—

The Hon. H. W. Gayfer: What about the Independents?

The Hon. R. HETHERINGTON: Even the Independents. One would not expect me to do

otherwise, or I would not be a member of the Labor Party.

The remark about Utopia suggests a certain prejudice on the part of his honour which I would have preferred not to see, particularly as he continued to say—

...but, while this satisfies the candidate and his followers, it may have harmful effects on the people who are expected to absorb what is being thrust upon them.

His honour speaks again about things being thrust on people—

The Hon. H. W. Gayfer: With your benign countenance, you should try it. You could convince them it was the road to Utopia.

The Hon. R. HETHERINGTON: I would not do that, because I would not believe it. I am a true, small “I” liberal and I believe we could not achieve Utopia in this world. We can all try to improve things. However, I would not try to thrust things on people, benign or not benign as my countenance may be. Very few members of this House would do that, either.

All of us believe that our way is better; but that does not mean that we believe our way is perfect. I certainly hope we do not, because the people who believe they have achieved perfection are the people who are the great persecutors of the world. We see that sort of thing happening in some countries at present. The people who are sure of their own perfection, moral righteousness, and truth now have control, to the detriment of the lives and safety of the people who oppose them.

Before Mr Gayfer interrupted me in such a friendly manner, I was going to say, “For goodness sake, does any of us thrust anything upon anybody?” I would be the last person, if I were visiting a hospital or door-knocking before an election, whether people were ill or well, to thrust things at them. I offer things gently and in a gentlemanly way.

The Hon. D. J. Wordsworth: I think you thrust a little upon us here.

The Hon. R. HETHERINGTON: Well, the Minister can take it. He is not my elector, I am glad to say. If he were living in my electorate, he would be only one, so I feel safe. With my electors, I present myself; I offer them things; but I certainly do not thrust. I would be very surprised if I heard that anybody here did thrust. No doubt some candidates do, but I would not expect them to be here.

Further in the report Judge Kay says—

A person in hospital is there because he or she is ill, injured or suffering from some

physical or mental complaint and the last thing they require is somebody attending on them and extolling the virtues of some party or candidate. In my opinion, the patients should not be subjected to such pressure.

The only evidence he gives of this is that he says he has spoken to the people who run some hospitals, and they prefer not to see people coming around. He gave no evidence of speaking to sick people. I suppose he did not do that because he did not wish to put them under pressure by asking them whether, in fact, they want to see such people. When one is in hospital—and it has happened to me at times—admittedly there are times when one does not wish to see anybody; but I would be quite happy to see a candidate coming round, to see what he looked like. I would not expect him to put me to undue pressure. I do not understand what his honour is speaking about here.

Although patients are not supposed to be put to this pressure, we read an odd kind of moralising on page 24 of the report. This is the kind of moralising that I object to from anybody—politician, judge, political scientist, or preacher. Judge Kay says at that page—

One witness said that it is difficult for people in hospital to obtain sufficient information to cast a formal vote. With this I disagree.

I consider we are becoming rather lazy in our attitude to elections. Enough material is displayed in the daily press, the television, the radio and on numerous pamphlets which fill up one's letter box around election time. Despite all this, we find a lot of people require a how-to-vote card to take into the polling booth on polling day to indicate to them how they should vote.

What a terrible thing! The judge's remarks continue—

Obviously, they have not taken the trouble to acquaint themselves with the material which is being thrust at them. In my opinion, this is pure laziness.

We are thrusting again!

The Hon. D. J. Wordsworth: There is no doubt about it; how-to-vote cards are thrust at people.

The Hon. R. HETHERINGTON: They are, outside polling booths. I have done a bit of thrusting myself on polling day, in those circumstances.

The Hon. D. J. Wordsworth: You could be criticised for that.

The Hon. R. HETHERINGTON: Judge Kay continues—

A patient in hospital has opportunity to acquaint himself or herself with the candidates, the parties and the manner in which the candidate wishes him or her to vote. There are quite a number of portable television sets in hospitals as well as radios.

I wonder if the gentlemen from the Pilbara and the Kimberley can tell me if all hospitals in the Pilbara and the Kimberley have television sets.

The PRESIDENT: Order! The Hon. member is supposed to be directing his remarks to the Chair. He is moving further, and further, and further away from me.

The Hon. R. HETHERINGTON: I am sorry, Mr President.

The Hon. G. C. MacKinnon: I think the answer is, "Yes, all hospitals in the Pilbara have television sets."

The Hon. R. HETHERINGTON: I have been asked by Mr Gayfer if I could turn towards him a little more because he cannot hear me.

The Hon. V. J. Ferry: Would the honourable member speak up, please?

The Hon. R. HETHERINGTON: I am speaking to you, Mr President. I was in fact speaking to you, even though I was not looking at you.

The Hon. V. J. Ferry: A private conversation.

The PRESIDENT: Order!

The Hon. R. HETHERINGTON: The report continues—

Somebody travels through the ward every morning and every evening selling the morning and evening newspapers in which electioneering advertisements occur and either on the Thursday or Friday morning's paper, immediately prior to polling day, there is a complete list of the candidates in their respective districts. I feel that anyone with this material available and who at election day does not know how to vote does not really have much interest in voting or is so ill that he does not care.

It is essential that patients in hospital should not have people coming around, thrusting at them, and telling them how to vote. His honour speaks of terrible laziness, and yet these people in hospital are supposed to follow the television, read the newspapers, and keep themselves well acquainted. Members would be well aware that most of those patients would know for whom they wished to vote. Many people do not have to read

the papers, watch television, or listen to the radio. They know already how they want to vote. They know whether they want to vote Liberal, or Labor, or National Party, or National Country Party. Some of them even want to vote Independent. All they want in their sick beds is to be told how they vote for the party of their choice. However, this is apparently not right.

It seems to me that the judge's remarks are, in fact, directed at healthy people. He is really saying that unless one takes the trouble to do all these things one has no right to vote. However, interest, or ability to read, or willingness to read, or preparedness to read the newspaper, are not part of the requirements for enrolment in our electoral system. One does not have to be able to do all of those things to vote.

One does not have to understand how the system works to vote. One does not have to understand how the system works in order to work for a political party. I have met workers for all political parties who could not explain how Parliament works, and could not explain the preferential system. If one tried to ascertain their understanding of proportional representation, one would be in real trouble.

I have had the experience of trying to explain to university students, who are not usually illiterate despite what some people might say, and who are usually intelligent, how the proportional representation system works. I have taken a great deal of time to explain it, and even then some students do not understand the system.

From experience in my own electorate, I know that people from England in particular who are used to the first-past-the-post system do not grasp the preferential system. Their misunderstanding is partly due to the fact that they do not understand it, and partly because they do not want to understand it. They think it is unnatural, and therefore they refuse to come to terms with it. However, they know how they want to vote.

People know which party they want to vote for and which party they want to vote against. When they turn up at a polling booth, many of them are quite happy to have a how-to-vote card presented to them or thrust at them. Surely we will not argue that nobody should take a how-to-vote card into a polling booth. It is wrong to say they have no right to vote because a card is thrust at them.

The argument that seems to be implied in this report is that people who use how-to-vote cards have no right to vote. I reject that argument utterly. Of course people have a right to vote and to use how-to-vote cards. If one is literate, one has that right. I suggest that this practice should

continue. Furthermore, I suggest that the intention of a person, who has difficulty in reading and writing but who can explain to the polling clerk or to the returning officer that he wants to vote the way that the party of his preference would like him to vote, should be accepted as an instruction. I do not believe that this practice should be changed.

Although people argue about the manipulation of voters, the proposal would remove a fundamental right from people who should be allowed to use a how-to-vote card. People should be allowed to present a how-to-vote card.

I would argue that in a representative system like ours—and I will never refer to a democracy in Western Australia, because as far as I am concerned it is not a full democracy but a representative system with many of the attributes of democracy—we should not force people to take a test to determine whether they can vote. Surely the test is not whether one can work out four different candidates.

If we wished to make things easier for people—and I have always argued that this is what we should be doing—it is a pity that the terms of reference did not include this. If we want to make voting easier for people, we should entertain optional preferential voting.

I would point out once more to members of this House, in case they missed the message last time, that optional preferential voting is not the same as first-past-the-post. In a system of optional preferential voting, one can use preferences, and they can in fact change the outcome of the election. I have cited, and I cite again, the 1974 election in the Northern Territory in which optional preferential voting was introduced by the Whitlam Government. "Ha ha," said everybody in Opposition, "this is to help the Labor Party." Of course, it was not to help the Labor Party; it was to help the elector.

The end result was that out of 19 seats the Labor Party did not win any—not one. It does not help the Labor Party at all if it does not have the votes and in the electorate of Stuart Park the sitting independent member, who on the first-past-the-post system would have won, lost his seat on the distributed preferences of the Labor candidate. Therefore, optional preferential voting can work if people want to exercise their preferences; and it would work here, as it worked there.

Therefore, the argument that people should not be allowed to have how-to-vote cards with them when voting is spurious. Of course, I have had the experience of offering a how-to-vote card to a

person and that person has opened her handbag or put his hand in his pocket and pulled out a how-to-vote card. Some people carry these cards with them, because they want to know how to vote.

I have had the experience also at a polling booth of a woman approaching me and asking, "I want to vote for a certain seat and it will be an absentee vote. How do I vote Liberal?" I told that woman about the preferences in great detail, because I believe, as I hope we all do—

The Hon. W. R. Withers: You are joking there, surely.

The Hon. R. HETHERINGTON: It is true, because I believe, as I hope the honourable member believes, that whether people are voting for me or against me they should be able to exercise their vote in the way they wish.

The Hon. W. R. Withers interjected.

The Hon. R. HETHERINGTON: Perhaps I should continue a little longer and the honourable gentleman may then retire from the contest.

I find this sort of contradiction and moralising unacceptable. In my opinion the recommendation that Mr Justice Smith's dicta should be reversed is completely unacceptable.

I do not wish to go much further, because I have been on my feet long enough and other members want to speak. I merely want to mention the proposed amendment of section 129 which now allows blind people to do as illiterate people could once do. Under this section, blind people are able to bring a friend to vote for them. They will know this person and they will trust him. It is suggested that this provision should now be removed so that a person who needs help—and I support this recommendation—should be allowed to ask the returning officer and he should be able to help. I suggest that some of the so-called literate people who cast informal votes are, in fact, not fully literate. There are people who have special educational difficulties, who have problems reading and writing, and who make a mess of voting when they enter the polling booth. It would be a good idea if a person who wants help can ask for it from the people at the booth. People who have difficulties reading and writing, or blind people, would be happier to be accompanied by a friend whom they know and trust. That friend could vote for them.

However, I accept that the right of a returning officer to cast a vote on behalf of a person, who has problems reading and writing or who is blind, is an improvement on that person being watched by scrutineers who, in so doing, breach the secrecy of the vote. On the other hand, the returning officer who is a stranger breaches the

secrecy of the vote in the way that a friend would not.

I am a little concerned that the Chief Secretary has announced he is not prepared to accept a thumb print in lieu of a cross on the electoral claim of a person who cannot write. This should be re-examined. The Aboriginal Legal Service seems to think it is a good idea. Probably the judge's understandable dislike for anything which resembles police-state fingerprinting explains this recommendation; but I am not satisfied with the situation.

I am pleased some prisoners will be allowed to vote. Last year or the year before I recall advocating in this House that prisoners be allowed to vote. However, I would extend the provision further than the Chief Secretary is prepared to do. In this case I agree with the judge, except that there is the problem, as far as people in hospitals and prisons are concerned, that they may not receive the right sort of access.

People who reside in hospitals and prisons should be allowed access to how-to-vote cards. To say that candidates should be allowed to leave how-to-vote cards at the hospital desk is not very helpful, because we do not know from which electoral district the patients come. If I left a pile of how-to-vote cards in a hospital in my electorate, or if you did that in your electorate, Mr President, a large number of those cards might be wasted. However, if we were allowed to visit people who wanted to see us, under scrutiny if necessary, we could ask them in which electorate they resided and whether they wanted a how-to-vote card. If the patient said, "Yes", it would be of great assistance.

There are problems in relation to contacting prisoners. However, prisoners should have some way of hearing the viewpoints of the respective parties and they should at least receive election literature and how-to-vote cards. The argument in the report that electoral officers with mobile booths should not carry how-to-vote cards with them, because it brings them into the political process, is rather odd when it is contained in a report which recommends that the returning officers accompanying such booths should be permitted to enter the political process, if they are asked to do so, by completing ballot papers for other people.

I welcome the suggestion in the report that the use of mobile polling booths should be extended. I support the recommendations relating to that matter in the report and I would support also any legislation which the Government introduced in that regard.

I do not agree with his honour's recommendations on term of reference No. 9—this is a political matter rather than a justicial matter—which says—

What changes if any are desirable in the existing provisions relating to electoral expenses; whether the existing provisions are adequate or whether they should be totally or partially repealed?

I can do no better in presenting the case against the recommendations in the report—the case that his honour rejected—than by reading a selection of comments from the submission made by the Australian Labor Party to which I was a signatory and which I helped to draw up.

I believe this report sets out the situation much more clearly than I could at the present time. It reads, in part, as follows—

...we accept the view of the Houghton Committee that

"Effective political parties are the crux of democratic government. Without them democracy withers and decays. Their role is all pervasive. They provide the men and women, and the policies for all levels of government—from the parish council to the European Parliament. The parties in opposition have the responsibility of scrutinising and checking all the actions of the Executive. Parties are the people's watchdog, the guardian of our liberties. At election times it is they who run the campaigns and whose job it is to give the voters a clear-cut choice between different men and different measures. At all times they are the vital link between the government and the governed. Their function is to maximise the participation of the people in decision-making at all levels of government. In short they are the mainspring of all the processes of democracy. If parties fail, whether from lack of resources or vision, democracy itself will fail."

- (a) With the introduction of universal franchise and modern mass electorates elections have become basically contests between organised parties offering themselves as alternative governments and offering a choice of policy to the electors.
- (b) The parties provide the organisation within the constituencies to enable the candidates to communicate with the electors and to allow the latter to know what are the alternatives offering.

- (c) Parties raise funds in order that the candidates and policies being put before the electors may be publicised through the mass media of communication.
- (d) If electors are to have a real choice between candidates and policies, and this is a fundamental condition of a democratic system of voting—

If I may interpolate, this is what makes a democracy different from a one-party autocracy. To continue—

—it is essential that they are able, on terms of some equality, to inform the electors and place their policies before them.

- (e) With the appearance of mass circulation newspapers and the electronic media—particularly television—this has meant escalating costs which make it increasingly more difficult for the organised parties (and of course for individual candidates) adequately to present their views to the electors.
- (f) This has meant that parties have increasingly had to rely not on individual supporters but on organised groups for funds. The result is that a party with access to greater funds is advantaged.
- (g) This is detrimental to the democratic system because it means that electors are often denied adequate information from parties who do not have access to large sums of money.

(9) 2. As the Electoral Act now stands candidates are limited in the amount of money they can spend and parties on the amount of money they can spend on individual candidates. Parties are not limited in the amount of money they can spend on general publicity.

- (a) As far as individual candidates are concerned the limits which are fixed money terms are now unrealistically low, and this was illustrated after the 1977 elections by candidates who submitted returns showing their actual expenditure which bore little relation to the limits fixed by the Act.
- (b) This has led to suggestions that all limits on expenditure by candidates should be removed.

- (c) We oppose this as giving undue advantage to the wealthy or to candidates or parties with access to an abundance of funds. This, as we have already suggested, is undesirable as undermining the democratic process.
- (d) We suggest therefore that a realistic limit should be set and vigorously policed by an Electoral Commission established to do the job not only in relation to the expenditure of candidates but also in relationship to the expenditure of parties and of other groups supporting either particular parties, or particular candidates, or indeed opposing particular parties or particular candidates.
- (e) In other words we are suggesting that all expenditure designed to influence voters at elections be limited, and that all persons and groups spending money in such manner should be required to furnish returns for examination by the Electoral Commission.

(9) 3. We would like to go further and suggest that careful consideration be given to the recommendations of the Report of the Committee on Financial Aid to Political Parties under the Chairmanship of the Rt. Hon. Lord Houghton of Sowerby, C.H., presented to the Parliament of the United Kingdom of Great Britain and Northern Ireland in August, 1976 (Cmd 6001).

The Hon. G. C. MacKinnon: Will you let the *Hansard* reporter have that afterwards?

The Hon. R. HETHERINGTON: Yes, of course I shall; that goes without saying. To continue—

- (a) Since the presentation of this report the United Kingdom has followed the example of Austria, the Federal Republic of Germany, Sweden, Denmark, Finland, Italy, the Netherlands, Canada, the United States, France, and Japan in giving a degree of direct State aid to political parties.
- (b) It is our view that some form of direct government funding to political parties is desirable positively to enable them to carry out their democratic functions of placing adequate information before the electors, and we should like to place a further extended submission before the Inquiry at a later date.

- (c) We also suggest that Western Australia follow the example of the United States of America, Canada, the United Kingdom, India, New Zealand, and Japan in establishing some system of Government supervision of donations to political parties and to candidates.

(9) 4. It is also our opinion that the Western Australian State Government should take some initiative to control advertising at election time. At this stage we merely mention three areas of concern.

- (a) It is essential to ensure that the statements of alleged fact in advertising as distinct from expressions of opinion are correct. Political advertising is not always remarkable for its veracity.
- (b) It is desirable that "spot" advertising be eliminated on television and radio. We suggest that political advertisements or statements should be at least five minutes long so that some argument has to be developed.
- (c) We suggest that no one should be able to buy time on television at election times but that television time available to the parties should be free and allotted according to a formula with, if necessary, Government funding.

Now, I know this was right outside Judge Kay's terms of reference, but I think that was a pity. All these things have seriously to be considered and I do think that if members have carefully listened to what I have said, and carefully read the extract from the Labor Party submission—they may or may not agree with it—they will find that it is based on some rationality and argument. It is worth considering.

I do not agree that if a law is flouted it should be just thrown away. I mean sometimes that has to be done if it is a bad law, but as far as electoral expenses are concerned the law is flouted because it is unreal. That does not mean we should not amend the law as it now stands in order to set realistic limitations. I do not know whether it would be possible to index electoral expenses so that they went up according to a fixed rate. I do not think that would be beyond the bounds of possibility. It might be possible to set up an electoral commission which, before an election, by regulation could set out a formula. None of those suggestions is beyond the imagination of the servants of the Government, and I am quite sure that if the Government saw fit to bend its mind it could come up with a satisfactory solution.

I do think that the report, as it now stands—despite some useful suggestions—will disadvantage the people it is supposed to advantage; namely, the illiterate, particularly some Aborigines, some migrants, and some of the young.

For that reason I hope my amendment will be carried by the House.

The Hon. LYLA ELLIOTT: I second the amendment.

THE HON. W. R. WITHERS (North) [8.35 p.m.]: Mr President—

The Hon. Lyla Elliott: Mr President, in seconding the amendment I wish to speak to it.

The PRESIDENT: I have called the Hon. W. R. Withers.

The Hon. Lyla Elliott: I was standing first, to second the amendment.

The Hon. W. R. WITHERS: I am rather quick on my feet! If one endeavoured to reply in the same manner in which the speech was presented, one would be collecting quite an amount of material in quoting Mr Justice Smith's recommendations, the Kay report, and extracts from *Hansard*. One would also have to quote many opinions of political parties, and whatever. Possibly, we could go on for hours and hours in this Chamber.

As I see the position, we have two parts to the amendment. The first part presupposes legislation. So, therefore, it would be very foolish for any member of this House to debate legislation which has not yet been written. I think we should debate that legislation when—and I should say if—it is presented to the House. The Premier has advised through the media that there will be adoption of some of Judge Kay's recommendations, but those recommendations which may be drafted by the Government still have to go through our joint party rooms where they can be amended. So, it would be most unwise to debate any of the first five points in the amendment moved by the honourable member.

The Hon. R. Hetherington: I thought you might want to talk about them before the party room meeting, being one who is independent.

The Hon. W. R. WITHERS: There are quite a few things that Mr Hetherington said with which all members of this House would agree.

The Hon. R. Hetherington: I would hope so.

The Hon. W. R. WITHERS: That is the point I make.

The Hon. D. K. Dans: Did you say, "all members"?

The Hon. W. R. WITHERS: Yes.

The Hon. D. K. Dans: Your tongue will drop out in a minute!

The Hon. W. R. WITHERS: I am not saying all members would agree with all the points raised. However, there are many things which the honourable member has said which are just common sense.

I refer now to the second part of the amendment. It is in five separate paragraphs and the first deals with the optional preferential system of voting, and is a plea to the Government to include the system in our legislation.

The Hon. R. Hetherington: We say that the advisers should consider it.

The Hon. W. R. WITHERS: Yes. It is strange that the Labor Party, in its internal elections, does not use the optional system.

The Hon. R. Hetherington: We have said time and time again that we do. Will you please accept that?

The Hon. W. R. WITHERS: The Labor Party does in all voting procedures?

The Hon. R. Hetherington: In this State, yes.

The Hon. W. R. WITHERS: I am referring to the Australian Labor Party, as named.

The Hon. R. Hetherington: I am talking about Western Australia.

The Hon. W. R. WITHERS: The Australian Labor Party, as named, does not use the optional preferential system. The various branches or State groups may do so, but the Australian Labor Party does not.

The Hon. D. K. Dans: One place where it will be used widely very shortly is in New South Wales.

The Hon. W. R. WITHERS: Maybe so. Possibly, when the Labor Party starts to develop the system and uses it right throughout, we may see that it is starting to learn something from the system used by the branches.

Paragraph 2 of the second part of the amendment refers to the party affiliations of candidates being placed on ballot papers. That has been canvassed many times in this House.

The Hon. R. Hetherington: That is not a good argument.

The Hon. W. R. WITHERS: It would be tedious repetition to enter into that debate again.

The Hon. D. K. Dans: Why do you think that would not be a good idea?

The Hon. W. R. WITHERS: Paragraph 3 of the second part of the amendment states that

campaign expenses should be set and maintained at a realistic level and effectively policed. As I understand the situation, that applies to each one of us at present, but none of us would disagree that it is not effectively policed, because each one of us would have had personal experience of individual cases where it is not so.

The Hon. R. Hetherington: The report states that it is not policed at all.

The Hon. W. R. WITHERS: So, that proposal really refers to the law as it stands at present.

The fourth proposal is that consideration should be given to the public funding of campaign expenses. As members are aware, that matter also has been debated in this House and right throughout Australia.

I consider that each of the first four proposals could be a motion in itself which could involve each member in a tremendous amount of debate. I think that most of us, anyway, could enter into a general debate on the first four issues.

The Hon. R. Hetherington: That is one reason you should accept that there should be an inquiry.

The Hon. D. K. Dans: The amendment is to the Governor's Speech.

The Hon. W. R. WITHERS: I understand that. The Governor's Speech is about proposed legislation.

The fifth proposal is that provision should be made for the disclosure of the funds of political parties, and their sources. That also has been canvassed many times. There is a difference of opinion within the parties, and a difference of opinion between individuals of parties. I for one have made—as I am sure others have made—contributions anonymously to various groups, not necessarily political parties. I believe that it is a fundamental right of any person in a free society and democracy to make donations to whomever he so wishes without the source being disclosed. However, that is my personal opinion and other members also have their opinions.

I said "if and when" legislation was brought to this House, and recommendations which were made by Judge Kay in his report were presented, I would debate them. There are many things I wish to raise and I can tell members now that one of them will be the fact that we still cannot accept in Australia that we have a society which is administering apartheid. I have said that previously and I will repeat it. I will debate any proposals on those grounds.

I cannot believe that our own Government in Canberra—and the previous Whitlam Government—administered apartheid in

Australia whilst criticising South Africa and other countries. But they did administer apartheid principles. We should be one people. Whether a person be an Aboriginal, an Asian, or a Caucasian, he should be assisted if there is a need to do so and not on the basis of race. Those people should not be legislated against in any method of voting in any Electoral Act on the basis of race. Illiteracy, is something else. A person who is illiterate may be coerced or forced because he or she is disadvantaged in not being able to read and write.

With those comments I say I will vote against the amendment because it is presupposing the introduction of legislation. A multiplicity of debates on this issue have taken place previously in this House and I would not like to see a continuation of those debates.

THE HON. LYLA ELLIOTT (North-East Metropolitan) [8.44 p.m.]: I support the amendment and despite what Mr Withers has said about not knowing what is to happen the Government made it clear, in a statement published in *The West Australian* of the 22nd January, that it will introduce legislation largely along the lines recommended by Judge Kay. The Government repeated that intention in the Governor's Speech, delivered just recently.

There are two exceptions, and these are very interesting—the use of thumb prints as a distinguishing mark for illiterate people and voting rights for prisoners. The Government has rejected both of these. I say it is interesting, because the Aboriginal Legal Service actually recommended the former, and voting rights for prisoners is becoming a world trend. What exactly is the Government interested in, and what does it hope to achieve by implementing the recommendations in this report?

The Government has shown it was not really interested in a genuine inquiry into the problems of our electoral system and the rights of voters in this State. This inquiry was directed mainly at the illiterate vote, and mainly the Aboriginal vote at that. A few other matters were thrown in, but I submit that these other matters were merely camouflage.

It is important to look at the events leading up to this report. We have in power in this State a ruthless Government which is determined to finish what it started back in 1976 when it amended section 129 of the Electoral Act. I suggest that on that occasion there was a conspiracy to rob the illiterate Aboriginal voter of

his franchise. The nefarious plan was made obvious at the 1977 election when the Liberal Party sent its smart aleck bully boys—

Points of Order

The Hon. G. C. MacKINNON: On a point of order, Mr President, I ask for the withdrawal of the words, "Liberal Party smart aleck bully boys".

The PRESIDENT: I ask the honourable member to withdraw the words.

The Hon. LYLA ELLIOTT: As I have no alternative, I will withdraw them.

The Hon. G. C. MacKINNON: On a point of order, Sir, members have no right in this House to qualify a withdrawal. A withdrawal has to be complete and absolute.

The PRESIDENT: I ask the honourable member to withdraw the comment without reservation.

The Hon. LYLA ELLIOTT: I withdraw the reference to lawyers and others that the Liberal Party sent up to trick Aboriginal voters and the poll clerks, using to good effect—

The Hon. G. C. MacKINNON: I am quite unsatisfied with the withdrawal, and I am quite sure you are too, Sir.

The Hon. D. K. Dans: I think she withdrew the remark.

The PRESIDENT: The requirement is that the honourable member should withdraw the words she used, and I ask her to do so so that she can get on with her speech.

The Hon. D. W. COOLEY: On a point of order, Mr President, I think the Standing Order says that if an honourable member uses unparliamentary words, you may order them to be withdrawn. I do not think the honourable member has used unparliamentary words.

The PRESIDENT: There is no point of order.

The Hon. D. W. COOLEY: I think you should look at them to see whether the honourable member used unparliamentary language.

The PRESIDENT: Order! I have asked the honourable member to withdraw the words.

The Hon. LYLA ELLIOTT: I withdraw the words, Mr President.

Debate (on amendment to motion) Resumed

The Hon. LYLA ELLIOTT: I was trying to convey that the Liberal Party engaged in a conspiracy to defraud the Aboriginal people in the north-west of their vote in the 1977 State election.

This became quite obvious, because certain people who were schooled in what to do and in how to use the amended section 129 to good effect were sent up to this area. These people intimidated the Aboriginal voters. Many Aborigines were frightened off and did not register their votes. The people sent to the area by the Liberal Party also confused the poll clerks, many of whom did not understand the Act. The nasty little plot succeeded on that occasion.

The Hon. W. R. Withers: There was confusion on both sides.

The Hon. LYLA ELLIOTT: As we all know, the Kimberley Court of Disputed Returns roundly condemned what took place, and another election was held.

The Hon. A. A. Lewis: What happened in that?

The Hon. LYLA ELLIOTT: It is important to remind members of some of the evidence put before the Court of Disputed Returns.

The Hon. A. A. Lewis: What happened in the by-election?

The Hon. LYLA ELLIOTT: It is very important and relevant to the amendment moved by Mr Hetherington. In *The West Australian* of the 10th September, 1977, under the heading, "Ridge tells of Aboriginal Votes Plan", the following appeared—

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

One of the exhibits put into evidence before the Court of Disputed Returns was a letter from Mr Ridge to a Mr Jeremy O'Driscoll of Derby. This is what Mr Ridge had to say to Mr O'Driscoll in part of that letter—

I wanted you to know also that I didn't underestimate the value of your trick at Gogo on 19th. We could have been in real trouble without the services of a person such as yourself as scrutineer and I'm extremely grateful.

The trick, as we all know, was a lie that Mr O'Driscoll told about a change in procedure for the handling of illiterate voters. Then there was a letter from Mr Ridge to Mr Alan Rees of Fitzroy Crossing, a so-called Independent candidate, who stood at this election merely to confuse the Aboriginal voters. After thanking him for his help, Mr Ridge said this to Mr Rees—

Of greater importance is the fact that a third name on the ballot paper created some confusion amongst illiterate voters and there

is no doubt in my mind that it played a major part in having me re-elected.

Later on in the letter Mr Ridge referred to the need to amend the Electoral Act further in relation to illiterate voters. He had this to say—

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.

Further evidence of the plot was provided by Mr Ridge in a letter to a Mr P. J. Quilty of Ruby Plains Station, Halls Creek. This letter was also presented to the court, and I submit it has great relevance to the amendment before the House. After telling Mr Quilty what a degrading experience it was to campaign amongst the Aborigines, Mr Ridge said—

I believe that we now have enough evidence to try and convince the people of the necessity for amending the Electoral Act in relation to illiterate voters. If this is not done, I would anticipate that by the next election there 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. I agree with you that it is going to be difficult to get through any legislation which smacks of discrimination but I believe that we have an obligation to try.

One thing is certain. I shall certainly be pressing for changes to the Electoral Act in relation to the casting of absent votes by illiterate people.

Of course, we well remember that the Government tried. We all remember the blatant audacity of the Government immediately following upon the findings of Mr Justice Smith of the Court of Disputed Returns. Immediately the Government introduced a Bill in 1977 designed to disfranchise thousands of Western Australian voters, and I might add that the Government suspected these people were Labor Party voters. Amazingly this turned out to be one of those extremely rare occasions where we saw enough members of the Government parties, including the Speaker, join with the Opposition to defeat this disgraceful piece of legislation.

However, the Government was still determined to have its way. It was not satisfied with the result of the Court of Disputed Returns; it was not satisfied when its attempt to cook the books again, to rig the electoral system as far as illiterate voters were concerned, failed. So what did the Government do? It decided to set up an

inquiry so that any legislation it introduced would be respectable because it was recommended by the inquiry. The Government made sure, of course, that the terms of reference were so narrow that the inquiry would achieve what it desired.

I strongly oppose most of the recommendations of the Kay report. In my opinion the report is contradictory. It does not provide evidence to support the recommendations it makes, and if we follow its recommendations it will be extremely difficult for a large number of Western Australian voters—the handicapped and illiterate voters—not only to enrol, but also to cast their votes.

Of course, the main thrust of the recommendations is directed against the Aboriginal voters. In his report Judge Kay implies constantly that some manipulation or abuse of the Aborigines either has taken place or could take place. However, he does not provide any evidence of this. I have read through the report, and I cannot find any such evidence.

During the hearing before the Kimberley Court of Disputed Returns, not one piece of evidence was produced to show any manipulation of the Aboriginal vote by the Labor Party. Let us examine some of the comments and findings of the Kay report in detail.

The Hon. G. C. MacKinnon: This is not a transcript; it does not show all the evidence. It is just a report.

The Hon. LYLA ELLIOTT: It is very selective. Where Judge Kay wishes to show how unintelligent the Aboriginal voter is, he quotes statements, but on other matters there is no reference to any evidence.

The Hon. G. C. MacKinnon: I repeat: this is not a transcript. It is a report. He might have had plenty of evidence.

The Hon. LYLA ELLIOTT: It is highly selective.

The Hon. D. K. Dans: One would have thought he would put it in his report. This is what he was commissioned to do.

The Hon. G. C. MacKinnon: Some do and some don't.

The Hon. LYLA ELLIOTT: On page 10 of the report, Judge Kay had to this to say—

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

Judge Kay does not provide any evidence of abuse, and I would like to know why, after all these years, it has suddenly been decided that some sort of dishonesty, abuse, or manipulation, is

involved in the practice of an ordinary elector witnessing another elector's signature.

The Hon. G. C. MacKinnon: Maybe he had evidence that there was.

The Hon. LYLA ELLIOTT: He does not provide it.

The Hon. G. C. MacKinnon: It is in the transcript. You can get this transcript if you want it.

The Hon. J. C. Tozer: He listed about 50 people who gave evidence to influence him on the matter.

The Hon. LYLA ELLIOTT: I have already dealt with that.

The Hon. G. C. MacKinnon: You have already skimmed over it.

The Hon. LYLA ELLIOTT: I have said already how selective the report is. Although there were 50 witnesses, 49 of them were probably Liberal Party supporters.

Let us look at the situation around Australia in respect of the witnessing of a signature on an enrolment card. Any elector on the roll may witness a person's signature when he is applying for enrolment in New South Wales, Victoria, Queensland, South Australia, Tasmania, and the Commonwealth of Australia. Why are we suddenly stepping out of line? Why are we suddenly saying that the person witnessing an applicant's signature must be an electoral officer, a justice of the peace, a clerk of courts, or a police officer? It seems rather fishy to me; it seems that the Government is trying to making it very difficult for the average person, and for those people who are not average because they have a handicap or a disability, to become voters. At the present time there are many people in the community who resent the compulsion to vote, so why should we make it harder for them? I am not talking about illiterate people now, but about ordinary people in the community. Many people will not bother to enrol to vote if they must front up to one of the people described in the recommendation to witness their signature.

It is as plain as a pikestaff that hundreds of people who reside in remote areas will find it very difficult to obtain such a signature on their cards. In fact, many people will find it intimidating to visit a Government official, and particularly a clerk of courts, or a police officer, to have their cards witnessed.

On page 11 of the report, Judge Kay goes to great lengths to show how easy it is for

Aborigines—to travel to any of the witnesses. At that page Judge Kay says—

The difficulty of travel seemed to be overemphasised. With improved roads and the increase in vehicles, people can move around without much difficulty, except perhaps in the wet season when they may be delayed for a short period. But, enrolment is an act which has no specific time limit for Aborigines.

Members should note the emphasis on Aborigines. The quote continues—

It can be done when the station truck goes into town next week or when the Police Officer comes around on one of his periodic visits. The individual also has freedom of movement. As one witness put it—"These days, they've all got wheels."

When we consider the section dealing with postal voting for Aboriginal people in remote areas such as the Kimberley, the Pilbara, and the central reserves, we find that mobile polling booths are recommended, and they are to be taken about, preferably in light aircraft. If it is so easy for all these Aboriginal people to go to town in order to put their names on the roll, why is it necessary to have a mobile polling booth taken to them in a light aircraft?

The Hon. W. R. Withers: Time and distance.

The Hon. LYLA ELLIOTT: It is a wonder that Judge Kay is not recommending that they have their own private aircraft so that they can fly into town when they wish.

I turn to pages 14 and 15. After emphasising the danger of abuse of enrolments because the system is so open anybody can witness enrolments, we find that the next section deals with duplication of names on the roll as follows—

the Chief Electoral Officer said he believed there was no undue duplication of names of nomadic or illiterate people or of any other type of elector.

I find this extremely interesting. I would have thought if any abuse took place, this would be precisely the area in which it would occur. If there is to be manipulation of voters, what is to stop the manipulator or the person conspiring to enrol people against their will from placing several names on the roll and arranging for other people to vote on polling day? According to the Chief Electoral Officer, there is no undue duplication of names. In fact, as Mr Hetherington said, 84 per cent of the problem is caused by inefficiency in the electoral office through misfiling.

Judge Kay tells us in his conclusions that there is no evidence of any wilful effort to enrol a person twice. That is rather strange in view of the other allegations in the report about the abuse of illiterate voters. As I said before, one wonders about the validity of the judge's allegations in other areas.

We come to the section on postal voting and the handling of postal votes in hospitals, and the banning of party workers in hospitals. The proposal sounds fairly reasonable until it is analysed. First of all, it is somewhat contradictory. On the one hand, Judge Kay says a person in hospital is too ill to be bothered by party supporters. On the other hand, if they do not inform themselves about the candidates, the parties, and how to vote, it is pure laziness. They are the words of Judge Kay. This is a subjective and a harsh view. He does not have regard for illiterate people—the people who cannot read the newspapers.

Is his honour suggesting that the illiterate people should read the advertisements in the paper, and know exactly what they are doing? He does not have regard for many people in the community who know for which party they wish to vote, but they do not know the name of the candidate until they arrive at the polling booth. There is nothing wrong with that, particularly in view of the fact that electoral boundaries are changed frequently. A person becomes used to one member, and when the boundaries change he has another member. It is not unusual for that person to require how-to-vote information on polling day. This is another argument for party designations on ballot papers, as recommended by Mr Hetherington.

The recommendation on page 26 dealing with party workers being banned from hospitals reads as follows—

supporters of candidates and political parties be banned from hospitals and institutions other than to leave any literature at the general office of such hospital or institution.

I would say this is an area open to manipulation or abuse. We have all had the experience of trying to enter certain hospitals, nursing homes, or aged persons' homes, and being refused permission by the management or by the matron when we have known full well that someone from the opposite side has already been there and has had full access to the patients. If we leave our literature at the office, what guarantee do we have that the management will not place our material straight in the waste paper basket and make sure that the

patients or residents receive only the literature from the other party? This is a very weak one! That scheme would be open to abuse and manipulation by the people in charge of these institutions.

The judge tells us how we must protect the Aboriginal voter. He purports to give examples of the ignorance amongst these people of Parliament, voting systems, and other things. On pages 44 and 45 the judge indicates that his feet are not on the ground when it comes to understanding the voting population of Western Australia. He quotes the manager of a pastoral station who says—

most illiterate Aboriginals would not have a clue about preferential voting or anything along these lines. They know the party or the man.

Would that not apply to many non-Aboriginal voters in this State who would know the party or the man, but do not know about preferential voting? I remember being a scrutineer at a polling booth when ballot papers were being counted. One lot of ballot papers was pink, and another lot was white—one lot for the Legislative Assembly and one lot for the Legislative Council. I saw two ballot papers obviously written by the same person, because they bore the same writing. That person marked 1, 2, 3 on the Assembly ballot paper and 4, 5, 6 on the Council ballot paper. This sort of thing is seen all the time. Informal votes are always being cast.

Many people do not understand the preferential system. This would apply particularly to people from other countries where first-past-the-post voting is used.

Judge Kay continues—

Of the Aboriginals who gave evidence, one witness said she had voted twice and filled in the ballot papers herself. She knew if she got on the roll she would have to vote but she had never heard of the Legislative Council or the Legislative Assembly and did not appear to understand anything about Parliament.

Big deal! It is not only Aborigines who do not know of the existence of the Legislative Council. When I first came into Parliament and my name was not known, I would ring somebody on the telephone and say, "Lyla Elliott, MLC, calling", and they thought I was from the Methodist Ladies College.

The Hon. D. K. Dans: Or the insurance company.

The Hon. LYLA ELLIOTT: Or the MLC insurance company. Very few people, whether

literate or illiterate, understand the bi-cameral system in this State.

When speaking about the Aboriginal people, Judge Kay says—

Communities may be quite knowledgeable and be able to manage their affairs admirably but, what I have to ascertain is what is their knowledge in relation to voting and some elementary knowledge of our parliamentary system.

That is condescending rubbish! Later on the same page he says—

It is totally unacceptable to Aboriginal people that there should be any limitation on their freedom to enrol compared with any other elector.

Quite right! Of course it is totally unacceptable. It is outrageous for a State to make it difficult for people who wish to exercise a vote not only to enrol but actually to exercise that vote.

We come to page 47, which deals with section 129 of the Act. If anything shows a reason for the report and recommendations of this inquiry to be thrown out, it is his honour's thoughts on pages 47 and 48.

The Hon. W. R. Withers: This has been covered very well in the media, has it not?

The Hon. LYLA ELLIOTT: Judge Kay quoted the following passage from Mr Justice Smith's judgment—

To my mind, the presentation of a list or how-to-vote card by an illiterate elector is a proper direction by such an elector

that is, provided the presiding officer read the card to the elector. Judge Kay then said—

This would suggest that the Presiding Officer gave such assistance to the elector to enable him to record a valid vote. But, is this extending his assistance too far?

Judge Kay continues—

It was submitted that an illiterate person is entitled to wittingly or unwittingly direct an invalid vote in the same manner as a literate person is entitled to invalidate a vote by his own hand. The Presiding Officer only transplants an elector's voting instructions on to the ballot paper. If that turns out to be an invalid vote, it is not for the Presiding Officer to correct it to make it valid.

Now, this is some of the evidence quoted in the report to justify the recommendations which I find difficult to accept—

Should the elector advise that he wanted to vote for the Labor Party or a Labor man, the

Presiding Officer would place "1" against the Labor candidate. The elector would then have to indicate the candidates he wished to be "2", "3" and "4".

Later on the judge says—

The DEPUTY PRESIDENT: Would the honourable member please quote the page?

The Hon. LYLA ELLIOTT: Yes. On page 50 he says—

The function of a Presiding Officer is merely to translate the voter's instructions in the simplest possible way. It is essential for the exact direction of preferences, subject to the first preference, to be elicited. Exhaustive reading over of the ballot paper in the exact manner outlined appears the only possible way to enable the elector to cast a formal vote without importing political information.

He goes on to advise the Government that the Chief Electoral Officer should be given power to issue to the presiding officers instructions necessary to enable them to act in accordance with the above guidelines.

In other words he is saying it is not good enough for an illiterate person to go in and hand over a card explaining that he wants to vote for a certain party. He has to say he wants to vote for Nos. 1, 2, and 3; he has to know exactly how he wants that card to be marked. That is absolute nonsense. It is not practical for an illiterate person to do that and this has been shown. Members might remember the Senate election when there were over 60 candidates on the one ballot paper. Even literate people found it extremely difficult to put the numbers in the correct order. How could we expect an illiterate person to go to a returning officer and give explicit instructions on how he wanted to vote for those 60 candidates?

Is Judge Kay really interested in people being able to participate in the electoral system? Is he recommending we make it difficult for these people so that they have to cast an invalid vote? That is how it appears to me.

I believe that section 129 should be amended. We should give handicapped and illiterate voters a chance to exercise their right to vote. Such people should be able to take a friend into the privacy of a booth and have that friend mark the papers for them. They should be able to seek assistance from the presiding officer or ballot clerk, and by the presentation of a card indicate that they wish to vote for a certain man or a certain party. That should be sufficient. Surely a person's intention is clear if he says he wants to vote Labor or that he wants to vote for Ernie Bridge. On page 48 Judge Kay indicated that

should the elector advise that he wanted to vote for the Labor Party, the presiding officer would place "1" against the Labor candidate. The elector would then have to indicate the candidates he wished to be "2", "3", and "4".

Surely a person who is unable to read or write should be able to go to a presiding officer and say he wants to vote either Labor or Liberal and receive assistance. Is that not democratic and decent rather than to have the Government introduce legislation to implement the recommendations in the report, as it has threatened to do in the Governor's Speech?

The Hon. G. C. MacKinnon: How would you react to the statement made by the judge on the bottom of page 48?

The Hon. LYLA ELLIOTT: The Minister is referring to the paragraph which reads as follows—

Evidence was given that communities meet and discuss matters such as elections to decide what should be the direction of their thought and how they, as a community, should act. The Aboriginal community at Strelley voted almost 99 per cent for the Australian Democrats Party and it was submitted that this was a classic example of manipulation.

If those people as a community came to a decision that they wanted to support a certain candidate, why should they not be allowed to?

The Hon. G. C. MacKinnon: You only disagree with Judge Kay very selectively.

The Hon. LYLA ELLIOTT: I disagree with 99 per cent of the report. It is interesting that the Minister raised this point because I had underlined certain words over the page which show how contradictory some sections of the report are. The judge said it was the decision of the community in much the same way as organisations support certain candidates. He finds that is okay; he finds what happened at Strelley is okay. He said it was a decision in much the same way as organisations support certain candidates—as progress associations, ratepayers' associations, etc. decide to support a certain person who they consider will further their objectives. It is not necessarily manipulation, the judge says. The judge says that manipulation occurs when people are persuaded by threats, promises, and such like. What nonsense!

That is the sort of thing which happens in all political campaigns. The judge is saying it is all right for the people at Strelley to vote for certain persons because promises have been made, but in the next paragraph he says manipulation occurs if

promises are made. What rubbish! Promises are constantly used to persuade people to vote a certain way.

If the Government proceeds to implement the Kay recommendations there is no question it will make both enrolment and voting by handicapped or illiterate voters extremely difficult, if not impossible. The recommendations should be dropped or the Government will stand condemned as one which is determined to rig the electoral system even further in its own interests. The proposals moved by the Hon. Bob Hetherington should be adopted. They are constructive and can only improve the electoral system in Western Australia and make it more democratic.

THE HON. R. G. PIKE (North Metropolitan) [9.23 p.m.]: I rise to oppose the amendment before the House. I do so because I believe we need to take an overview of what has happened here this evening. What the Labor Party is doing in the first part is slandering Judge Kay through the protection of the House. Let us recap, because Judge Kay's report deals with the electoral system of the whole State. It is proper to consider seats that are at the present time in the northern portion of Western Australia. I refer to Kimberley, once held by the Labor Party; Pilbara, once held by the Labor Party; Murchison-Eyre, once held by the Labor Party; Gascoyne, once held by the Labor Party—these are all Assembly seats—the North Province, once held by the Labor Party; and the Lower North Province, once held by the Labor Party. Opposition members slander Judge Kay to recover these seats.

What are we witnessing here tonight? We are witnessing the effort first of all of Mr Hetherington, who had a great deal to say but not much to tell, and the efforts of the Australian Labor Party to alter the electoral system so that their socialist party in Western Australia will become entrenched in government.

The Hon. R. Hetherington: What nonsense!

The Hon. R. G. PIKE: They are trying to fudge Judge Kay's report. Nevertheless, in its wisdom the Government decided to have a judicial inquiry, and I put it to you, Mr Deputy President, what would happen as a consequence of the proper and correct inquiry by Judge Kay had the determinations been in favour of the Labor Party, with its insular, singular, one-sided attitude? What would have happened had that report been in favour of the Labor Party?

Had that happened, I submit we would have had a very accommodating Opposition tonight. The Opposition would have said it was a great report, because the Labor Party's insular attitudes

and desires would have been entrenched in the recommendations of the report. The Opposition would have been saying to us, "Legislate the report to the full, the report which His Honour Judge Kay has properly recommended".

I ask members to consider and keep in mind the necessity to have an overview of what we are talking about tonight. We had Labor, Liberal, and independent evidence presented, but we have had the incorrect comments by the previous speaker that 49 of the 50 people who gave evidence were Liberals. That is the sort of thoughtless comment that has illustrated the lack of facts the Labor Party has been presenting tonight.

The Hon. R. Hetherington: You have not said anything about the amendment yet.

The Hon. R. G. PIKE: Mr Hetherington said his honour's comments were flippant and trivial. Mr Hetherington is the Labor Party's Ethelred. They have thrown him into the deep end of the pool and he is slowly learning to dog paddle.

What the ALP wants to happen in regard to the electoral system in this State is what has happened in South Australia and is happening in New South Wales. In the Laurie Oakes report, which I recently read, was a quote made by the New South Wales Premier indicating he would draw his own boundaries, and senior ALP men said the boundaries would keep them in office for generations.

Let me refer back to the seats in the north, once held by the Labor Party, but none of which are now held by the Labor Party. The Hon. Lyla Elliott made reference to ruthless government. Are we ruthless because we consider the implementation of an independent report made by an independent judge? How does this judge deserve the slanderous accusations directed towards him by Her Majesty's Opposition? It is because he deigns to make comments contrary to what the Labor Party supports.

Perhaps we should deal with some of the proposals in the amendment to the motion. The second proposal says, "by unduly restricting the classes of people who may witness applications for enrolment, cause unnecessary inconvenience and particularly disadvantage many Aborigines and migrants."

I was in Wyndham at the time of the Kimberley by-election. At one centre where the Labor Party had a table set up outside the polling booth I saw their supporters enrolling natives who were not on the rolls. On that same election day I saw the same Labor Party supporters at the same booth endeavouring to enrol the same people

twice, thrice, and four times. I personally witnessed that, and this is the game in which the Opposition tries to say the ALP acted fairly and properly. It is fair and proper that a police officer, a justice of the peace, or officer of the Electoral Department should witness a signature.

I come to the point that the comment the Labor Party makes about being fair is typical of its attitude of "bend the rules to suit us" and "give us the rule book and we will throw it away for ever".

Mr Hetherington made the point about the optional preferential system. He is a so-called expert in these matters, and I recognise that, but I also know that he is an amateur psephologist, and because of this he knows that when there is an optional preferential voting system there is an eventual swing to the socialist Labor Party in the ballot boxes. Let us be clear and honest. Let us reject the so-called altruistic presentation the honourable member gave us. Who introduced the preferential system? The Labor Party.

The Hon. Lyla Elliott: That is not true.

The Hon. R. G. PIKE: The Labor Party introduced it.

Then we come to the point that the party affiliation of candidates must be placed on the ballot paper. I say that Liberals and the NCP are a group of parliamentarians who represent people. We represent people, and not parties. If that is doubted, as Mr Cooley will endeavour to say, I remind the Labor Party that if we must put our party label on the voting ticket what will be the position of Mr Thompson, who is not here tonight? During the debate on homosexuality he declared an opinion. What is he now? He is an Independent. The ALP tossed him out. How shall we show his designation on the ballot form? It should read a "moral man".

This is an insidious effort by the Labor Party to introduce party politics into the polling booths which is totally unnecessary.

It was also said that we should give consideration to the public funding of campaign expenses. As we are a fair party—

The Hon. G. C. MacKinnon: Very fair.

The Hon. D. K. Dans: Fair something—and I wish I could say it.

The Hon. R. G. PIKE: —we do not agree because we believe it is a blueprint, a recipe, or a formula for the total emasculation of the small parties in our democratic system. We acknowledge that those small parties have a place in the system. Let those small parties recognise

the attitude which has been expressed by the ALP here tonight.

I will pass to the comments made by the Hon. Lyla Elliott. I will deal with them briefly, because her speech was a boring retread of what Mr Hetherington said.

The Hon. R. Hetherington: She said a lot that I did not say.

The Hon. R. G. PIKE: The accusations she made in her continual slandering of Judge Kay were unfounded and do not recognise the fact that Alan Ridge won the by-election. This repudiates her accusations.

Point of Order

The Hon. LYLA ELLIOTT: I ask that the honourable member withdraw the word "slandering". It is not slandering to criticise a report brought down. I ask him to withdraw the word.

The DEPUTY PRESIDENT: Will the honourable member withdraw the word?

The R. G. PIKE: I ask for your judgment.

The DEPUTY PRESIDENT: Order! I request that the word "slandering" be withdrawn.

The Hon. R. G. PIKE: I withdraw the comment. Nevertheless—

The Hon. D. K. Dans: Come on!

Several members interjected.

The DEPUTY PRESIDENT: Order!

Debate (on amendment to motion) Resumed

The Hon. R. G. PIKE: In conclusion I ask the House to take an overview of the presentation made here tonight by the ALP. It is an effort to discredit and totally put down—

The Hon. R. Hetherington: It was not totally at all.

The Hon. R. G. PIKE: —the recommendations made by Judge Kay for the singular advantage of the community of Western Australia.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [9.35 p.m.]: I support the amendment. For obvious reasons I did not intend to speak in this debate. It is one of the subjects I leave to Mr Hetherington, but after the contribution by Mr Pike, which is in line with the few contributions he has made here, I could not resist getting on my feet to refute some of the scandalous statements he made.

Anyone entering this Chamber has a responsibility in any debate to contribute something to it. Mr Hetherington set out

carefully and concisely the terms of his amendment. At no time did he tend to slander Judge Kay. This is a House of Review. We are always being told that. A report has been presented and tabled in Parliament, and Mr Hetherington was quite entitled to amend the Address-in-Reply.

The Hon. R. G. Pike: Read his speech. If he didn't slander Judge Kay, I would eat my hat if I had one.

The Hon. D. K. DANS: I have no doubt Mr Pike could eat a tin hat and not get indigestion.

Point of Order

The Hon. LYLA ELLIOTT: On a point of order, I ask that Mr Pike withdraw the word "slander".

The PRESIDENT: Order! There is no point of order. Mr Pike is not making a speech. Mr Dans is making the speech.

The Hon. LYLA ELLIOTT: Mr President, the remark will go in *Hansard* and I ask that the word be withdrawn.

The PRESIDENT: I rule that the interjection is out of order, and I ask Mr Pike to stop interjecting.

The Hon. R. G. Pike: Certainly.

Debate (on amendment to motion) Resumed

The Hon. D. K. DANS: Mr Pike would like a one-party Government. That is what he is really talking about.

The Hon. R. Hetherington: Then he would be at home.

The Hon. D. K. DANS: He would be very much at home. There is only one party to which he could belong now and that is the Communist Party or a fascist party. He has been in every other one about which I know and perhaps some about which I do not know.

The Hon. G. C. MacKinnon: We are on that line again.

The Hon. D. K. DANS: What did he say? He came up with the old Trojan horse of the socialist Labor Party, because he only dreams about the Democratic Labor Party to which he once belonged.

The Hon. R. G. Pike: Twenty years ago.

The Hon. D. K. DANS: The whole system, if we talk about democracy in this place, must stand or fall on the rights of elected members of Parliament, whoever they may be, to put their point of view before the House and to be able to

criticise constructively. I suggest that one of these days Mr Pike should make a constructive speech in the House and constructively criticise. At no stage in the amendment—and I will read it again chapter and verse if members would like me to—does Mr Hetherington unduly criticise Judge Kay.

The Hon. R. G. Pike: Rubbish!

The Hon. D. K. DANS: I have read the Kay report and it is a very bad report. It is badly put together. I have taken it to people better qualified than I am to judge and, without passing a political judgment on it, some of them have told me they would not attach their name to it. It is full of inaccuracies and inconsistencies, if one has regard to what went before and to the investigation by Mr Justice Smith.

It does not behove anyone to make the kind of speech made by Mr Pike tonight. He has done this so often before. A well-founded amendment has been moved. It has been well debated, documented, and substantiated by the first two members who spoke.

The Hon. G. C. MacKinnon: It was not, you know.

The Hon. D. K. DANS: I will not go over it all again. On the other hand I could not remain seated. We debated some anti-working class legislation the other evening. On that occasion, when Mr Pike had the opportunity to demonstrate real bias, he sat down like a puppy dog and hung his head between his knees—a great defender of democracy.

The Hon. R. G. Pike: Now we see—

The PRESIDENT: Order! I ask the honourable member who is interjecting to cease, and I ask the honourable member who is on his feet to speak to the amendment.

The Hon. D. K. DANS: I am speaking to the amendment.

The Hon. R. G. Pike: You could have fooled me.

The Hon. R. Hetherington: That's not hard.

The Hon. D. K. DANS: In my opinion I am speaking in the same vein—and I respectfully indicate that you were not in the Chair at the time, Mr President—as did the honourable member who spoke against the amendment.

The Hon. R. G. Pike: But not as well.

The Hon. D. K. DANS: That is a matter of opinion.

The Hon. R. G. Pike: That is right.

The Hon. D. K. DANS: Cant and bluster will get the honourable member nowhere. That is all he ever engages in.

The Hon. G. C. MacKinnon: That is all you have done since you stood up.

The PRESIDENT: Order!

The Hon. D. K. DANS: I support the amendment, and criticise the judge who submitted the report which is a poor one, indeed. No doubt the Government will get its money's worth and adopt it in toto. I hope we are not subject to any more cant and bluster by Mr Pike which pass for comment and speech.

The Hon. G. C. MacKinnon: Read your own speech.

THE HON. F. E. McKENZIE (East Metropolitan) [9.41 p.m.]: I wish to support the amendment, and in doing so I wish to state it is quite clear that the inquiry was established to try to bring some respectability into the subject with regard to the intentions of the Government. After all, when it received a shock concerning the closeness of the ballot in the Kimberley—and the result was not accepted by the Court of Disputed Returns—the Government immediately set about introducing legislation to ensure it retained the seat of Kimberley at the by-election.

What happened as a result of that? The legislation before the Parliament was defeated in another place. Let us study the comments made in that letter written by the member for Kimberley. I will repeat them for the benefit of the House. I know full well that Miss Elliott mentioned them earlier, but they are worth repeating because those comments are the crux of the very situation we will face later in the session, if one reads what the Governor said. I repeat what was said by the member for Kimberley (Mr Ridge) in the letter he wrote after the 1977 election. He said—

I believe that we now have enough evidence to try and 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 3000 to 4000 Aborigines on the roll and under such circumstances the Liberal Party would be doomed to failure.

The Hon. G. C. MacKinnon: Miss Elliott quoted that.

The Hon. F. E. McKENZIE: I have already said it was quoted by Miss Elliott, but it needs repeating because it is the whole crux of the matter.

What did the Government do? It did what it does repeatedly. It established an inquiry and

picked a judge it knew would submit a recommendation favouring the Government.

The Hon. J. C. Tozer: How does the Government know that?

The Hon. F. E. McKENZIE: It did the same thing with regard to the workers' compensation inquiry. In this case it was Judge Kay who made the report.

In addition, the Government framed the terms of reference in such a way that it was impossible for any of the proposals in the amendment to be included in the report. No recommendation was made in regard to anything which would make it simpler for people to cast their votes. It was impossible for the judge to do anything but make the situation more restrictive.

It is aimed particularly at the very people it is trying wipe off the roll—those who have not had the advantage of education which many other people who have the right to vote have had. In the main, they are the Aborigines in the north, including those in the Kimberley electorate.

The amendment says the legislation will—

- (1) make it more difficult to achieve a common electoral role with the Commonwealth of Australia;

Of course it will, and that is the purpose of it, because under the Commonwealth legislation it is much easier for illiterate people and those who have difficulty in understanding how to vote to cast a vote in the manner they wish. Those people are not unintelligent. They are intelligent people who merely have difficulty in casting a vote, and they are not the only people who have difficulty, either.

Paragraph (2) of the amendment reads—

- (2) by unduly restricting the classes of people who may witness applications for enrolment, cause unnecessary inconvenience and particularly disadvantage many Aborigines and migrants;

Nothing could be truer than that. Currently, any elector can witness enrolment forms. That position applies everywhere else in Australia but the Government wants to change it and be one off. Why make it more restrictive and more difficult for people to elect the member they want? It will be particularly difficult for people in isolated areas to have applications witnessed by an electoral officer, a JP, or a policeman.

Paragraph (3) of the amendment reads—

- (3) change the law as set out by His Honour Mr. Justice Smith in his Judgment in the Kimberley Court of Disputed Returns, in a way that will make voting more difficult for those with special handicaps and disadvantage them in relation to other electors;

It will certainly do that. Paragraph (4) reads—

- (4) by amending Section 129 of the Electoral Act, take away the right now existing of blind people to have friends whom they know and trust vote on their behalf;

The dismantling process in respect of section 129 began in 1976. Until December, 1976, all blind, handicapped, and illiterate voters could take a friend into the polling booth to help them to vote. That section of the Act was amended just prior to the 1977 election to take this right away from illiterate voters. The Kay report recommends that the right be also taken away from blind and handicapped voters, and that they should get assistance only from the presiding officer.

I regard one or two features of the Kay report as being good, but the Chief Secretary has announced he will reject those recommendations. He will not implement in toto the recommendations of the Kay report. It appears the Government will select only those sections of the report which disadvantage Aboriginal people in the Kimberley and others who have difficulty in understanding how to vote. The recommendation that illiterates be allowed to use a thumb print or a cross instead of a signature when casting a postal vote has been rejected. A submission supporting that recommendation was made by the Aboriginal Legal Service.

The Hon. G. E. Masters: What are you reading from?

The Hon. F. E. McKENZIE: I am reading from a document which I will be pleased to table, if necessary, because members opposite might learn something from it and it might assist them in their discussions in the party room.

The Hon. G. E. Masters: What is it called?

The Hon. F. E. McKENZIE: The title of the document is, "Defend the Rights of Disadvantaged Voters". It was handed out in front of Parliament House when the people came up here last Tuesday. That is when I got it.

Another recommendation of Judge Kay related to prisoners. If we take note of what the Chief Secretary says, that recommendation will also be rejected.

The Hon. R. Hetherington: Not entirely, just partly.

The Hon. F. E. McKENZIE: The right to vote will be restricted to those with a prison term of less than 12 months. Certainly the major part of the recommendation will be rejected.

It is quite clear to me that the Government is endeavouring to lend some respectability to its intentions by setting up inquiries, which are phoney, to endorse its wishes. It achieves this firstly by restricting the terms of reference of the inquiry, and secondly by appointing a person who will bring down a report which favours the Government.

The Hon. G. C. MacKinnon: You do not call that a slanderous statement?

The Hon. D. K. Dans: I suggest you read Jack Bains' book.

The Hon. G. C. MacKinnon: It is slanderous to say "phoney inquiry". Judges are beyond that, perhaps with the exception of Murphy.

The PRESIDENT: Order, please!

The Hon. F. E. McKENZIE: We want to make it simpler for people to exercise their right to vote. We want to introduce the optional preferential system, and we recommend that the Government look at that system. We believe it has popular appeal to the electors. When there are several names on a ballot paper it is difficult for people to remember which parties the candidates represent.

The second proposal we put forward is that the party affiliation of candidates be placed on ballot papers. We have essentially a two-party system, but even if we had two or three other parties there would be nothing wrong with putting the affiliations of the candidates alongside their names. It might help Independent candidates, because quite a few people are fed up with both of the major political parties.

The Hon. G. E. Masters: Are you in favour of voluntary voting as well?

The Hon. F. E. McKENZIE: No, I am not.

The Hon. G. E. Masters: Why not?

The Hon. F. E. McKENZIE: A referendum was recently held in the City of Belmont in my electorate, in which only 7.2 per cent of the people turned out to vote. It would be a disaster if we had that sort of response in State elections.

The Hon. D. K. Dans: With voluntary voting in State and Federal elections the vote would not change very much. They had it in South Australia at one time.

The Hon. F. E. McKENZIE: It would assist voters to have the affiliations of candidates on

ballot papers, and would obviate the necessity to have party helpers at the polling booths handing out how-to-vote cards. It would also assist Independent candidates, who would find it impossible to man all booths during the 12-hour period. How-to-vote cards could be dispensed with.

Our next proposal is that campaign expenses be set and maintained at a realistic level, and effectively policed. I see nothing wrong with that. It does not give an advantage to the wealthy—the people with unlimited sums of money. We know very well that the electoral campaign expenses stipulated in the Act are exceeded at each election, and we condone it. The Act should be policed but the amount has been so unrealistically low that it has not been possible to police it.

The Hon. G. E. Masters: Perhaps the Campaign to Save Native Forests could assist you with funds. It seems to have plenty of money.

The Hon. F. E. McKENZIE: Our fourth proposal is that consideration be given to the public funding of campaign expenses, which would overcome many of the problems existing at the present time. I understand another State is considering legislation in this regard and it would certainly be welcomed here as far as I am concerned.

Our fifth proposal is that provision be made for the disclosure of the funds of political parties and their sources.

In conclusion, it is quite obvious from the Governor's Speech that the Government will bring in legislation to amend the Electoral Act, and I think it is as well that we debate the amendment to the motion in the hope of getting through to some members opposite so that when the legislation is debated in their party rooms they will have some knowledge of what is in the interests of fairness to everybody in the community.

I support the amendment.

THE HON. H. W. GAYFER (Central) [9.58 p.m.]: My words will be brief. I have listened to the speech made by the Hon. Robert Hetherington in his usual inimitable style. He was a lecturer of no mean ability. Nevertheless, I think it was totally unnecessary for the matter to be debated at this stage.

The amendment arose from the statement in the Governor's Speech that as a result of a judicial inquiry legislation is to be prepared to amend the Electoral Act. As part of the coalition team, I have not seen any of the recommendations which have come forward in respect of this legislation. I think for me to prejudge what might

come forward in the party room would be just as futile as adopting Mr Hetherington's suggestions. There will be a time and a place for this matter to be debated when the legislation hits the floor. I do not think it is appropriate to debate the matter now.

I am sick to death of hearing about the Kimberley election. As I have said before, I believe all parties involved had some actions to answer for.

Thank God my party was not involved in that. Members may laugh, but if they want me to open the book and point out some things that made us walk out of the Chamber when that issue was debated I will do so. However, I said I would be brief.

I do not think we need to discuss the Kimberley by-election together with the problems associated with the proposed reforms to the Electoral Act, at this point. I think the time to consider those matters is when the legislation is introduced. We should not move an amendment to the Address-in-Reply to the Governor's Speech. Mr Hetherington is attempting to make it appear as though he has all the answers.

I oppose the amendment.

THE HON. J. C. TOZER (North) [10.01 p.m.]: I oppose the amendment. I think there is a lot of sense in what Mr Gayfer has just said. It is a pity that this opportunity should be used to go over the unhappy story of last year and the year before. I think I should remind Mr Gayfer, though, that in the 1974 election the National Country Party did contest the seat of Kimberley.

Obviously the amendment moved by Mr Hetherington affects me intimately and, therefore, initially I felt I should participate in the debate. I had second thoughts after the comments of the Hon. Lyla Elliott, as I was sick of the whole story and, like Mr Gayfer, did not want to participate in the debate. However, one or two matters have arisen to which I wish to refer.

It is worth remembering that the December, 1977 by-election for the seat of Kimberley was held under the same set of rules and with the same electoral roll as was the case when Mr Ridge won the seat in the February election. However, in the by-election he won the seat by a greater majority; and, what is more, he will win it again next year.

The Hon. R. Hetherington: We will have to wait to find out about that.

The Hon. J. C. TOZER: I am inclined to agree with Mr Hetherington that the terms of reference set by the Government for the Kay inquiry were

not wide enough. I feel other matters should have been included. However, Judge Kay's recommendations will not necessarily be embraced in future legislation when it is introduced in the Legislative Assembly; and perhaps matters will be included which are not mentioned in the Kay report.

The Hon. R. Hetherington: That is one of the reasons I moved the amendment.

The Hon. J. C. TOZER: All of us recognise that the purpose of the Government in appointing Mr Justice Kay to conduct this inquiry was to try to remove some of the many anomalous situations that presently exist. It was thought hopefully Mr Justice Kay would be able to put his finger on areas where possible malpractices could be removed.

Upon considering the amendment moved by Mr Hetherington I find that paragraphs 1 and 5 on page 1 should really belong to page 2. It seems to me that page 2 of the amendment, as Mr Withers has already implied, has nothing to do with any legislation arising out of Mr Justice Kay's report, but really introduces Australian Labor Party political philosophy and is quite apart from anything arising out of that report. As Mr Withers said, and these are not his words, "It is old hat."

The Hon. R. Hetherington: Some of the things are mentioned in the report.

The Hon. J. C. TOZER: Paragraph 1 on page 1 of the amendment talks about a common electoral role; and, of course, if the spelling of that word is correct we could pursue a much wider sphere of discussion. Let me point out that I dismiss paragraphs 1 and 5, because they come under the category of ALP political philosophy. In respect of paragraph 2, I think Mr Hetherington is quite right. Clearly commissioners for declarations should be included as people who may be witnesses in applications for enrolment; as should other people such as shire clerks who can be readily found in most centres.

Paragraph 3 refers to changing the law as set out by Mr Justice Smith. My goodness, that is a funny statement to make! Mr Justice Smith has not made the law. The only law we are discussing here is the Electoral Act, and that has nothing to do with what Mr Justice Smith had to say. Therefore, the wording of the amendment is strange. It is a funny thing that in this respect we find that Mr Justice Smith and Mr Justice Kay saw some things eye to eye, although that did not happen in all areas.

Mr Justice Smith saw no need to change the procedure in respect of how-to-vote cards and illiterate voters and, of course, Mr Justice Kay agreed with him. Mr Justice Kay was quite specific. He said there were no problems. Pages 47 and 48 of his report on this matter have already been referred to. He said, "The presentation of the how-to-vote card alone would indicate nothing as the elector cannot read." This reminds me of comments I made when standing on my feet in this Chamber in the debate on a Bill to amend the Electoral Act in 1977. I quoted section 129(3) of the Electoral Act as follows—

If any elector satisfies the presiding officer that he is so illiterate that he is unable to vote without assistance, the presiding officer shall mark the elector's ballot paper according to the instructions of the elector.

I then went on to say—

Really, that could not be more explicit. The presiding officer shall mark the elector's ballot paper according to the instructions of the elector.

Not only that, but the presiding officer is also subject to the instructions of the Chief Electoral Officer. That officer saw no need to give specific instructions. His only instruction was that "the presiding officers shall mark the elector's ballot paper according to the instructions of the elector." So we find here that Mr Justice Kay has expressed his view in the same words that I used.

Members will recall that Mr Justice Smith drew the same conclusion. Unfortunately, as this amendment was presented to us suddenly tonight, we have not been able to obtain references we desire to obtain. As I said, Mr Justice Kay drew the same conclusion. However, this is not what experience has proven; experience has proven there is a need to spell out specific instructions to presiding officers on the matter of the use of how-to-vote cards in the hands of illiterates. Frankly, I would prefer to see the Government reintroduce this particular aspect of the legislation which failed in 1977.

Returning to Mr Justice Kay, he said, "The presentation of the how-to-vote card alone would indicate nothing as the elector cannot read." Also in recommendation 1 of his report, at page 10, Mr Justice Kay said that the willy-nilly enrolling of any elector was too casual and open to abuse. I agree with that.

It has been stated not once, but twice, that there is no evidence to support such a statement; but when we look at the appendices of the report we can see the list of people who gave evidence to the inquiry. Mr Justice Kay drew that conclusion

after hearing evidence from all those people—and they were people well skilled and knowledgeable in the matter of Aborigines.

I certainly do not want to be critical of our judges; they should be fine men. However, Mr Justice Kay has had vast experience on the eastern goldfields circuit. He is accustomed to presiding over many, many cases involving Aborigines. I do not know much of the history of Mr Justice Smith, but I venture to suggest he has had precious little experience with Aborigines. I think the reports of the two judges reflect that fact.

During the debate tonight reference was made specifically to Strelley. Perhaps we do not agree with Mr Justice Kay when he said that manipulation did not occur there. In this respect I may agree with the Hon. Lyla Elliott. The transcript of evidence is available for any member to read. A doctor of medicine gave evidence on the matter of Strelley, and her evidence was interesting indeed.

At Strelley the man who has controlled the destinies of the people of that community for a long time sat at a table. Very democratically, he had three heaps of how-to-vote cards in front of him. As voters came along he would put his hand over one heap and say, "These are Labor cards." Then he would put his hand over the next heap and say, "These are Liberal cards." Then he would point to the third heap and say, "These are our cards." That is how a 100 per cent Australian Democrat vote was obtained. It was obtained because the Australian Democrats gave the leader of the Strelley community an undertaking that the party would endeavour to give one per cent of the gross revenue of the State of Western Australia to the Aborigines if it won that seat. I do not know whether or not members would call that manipulation; but anyone can read the transcript of what happened at Strelley on that day.

In respect of the fourth paragraph on the first page of the amendment, I think it again goes back slightly to that original objective of the Government; that is, that hopefully Judge Kay would come up with a recommendation which would eliminate the possibility of malpractice wherever it occurs. I do not think the change in respect of blind people and prisoners, etc. is unreasonable. However, I do not intend to discuss the political philosophies introduced by Mr Hetherington, in my opinion rather unwisely.

I oppose the amendment.

THE HON. GRACE VAUGHAN: (South-East Metropolitan) [10.14 p.m.]: I will not say very

much, because the Opposition will certainly be prepared to argue many of the points in the amendment when the Government introduces legislation to amend the Electoral Act. However, I do not agree with Mr Gayfer when he says it is a waste of time to discuss the matter now. He knows, as we all know, that in our parliamentary system decisions are made well and truly before members—

The Hon. H. W. Gayfer: I know the tricks of the trade.

The Hon. GRACE VAUGHAN:—come into the Chamber, and the time to discuss such matters is before the legislation is drafted.

Members know how very seldom an amendment will get through unless the Minister handling the Bill introduces it. We think it is worth while on such an important matter to introduce an amendment to the Address-in-Reply in order that some ideas may be sown and may germinate by the time the legislation is prepared. Certainly there is plenty of room for ideas to be put forward, and for thought to be given to this report. I agree with other speakers that it is almost an infantile report. It is not set out in the way one would expect of a lawyer. It is selective when it says there is evidence that Aborigines have no understanding at all of the parliamentary system.

We had a whole lot of people who may have been very nervous when giving evidence. In any case, I have very well educated acquaintances who have made just as stupid mistakes as those made by some of the people who gave evidence. I can recall my husband being horrified when a friend of mine—a university graduate who ought to know better—wanted to know if the Federal elections would affect my seat. This is the sort of political unawareness evident in our community among even well educated people.

If one asked a judge to set up an inquiry into another section of the community—let us say we made it an inquiry into women born in April between 1922, when I was born, and 1942—who had evidence put before him, we would get very surprising results. We should be very well aware that political apathy and unawareness are not confined to Aborigines in this State.

Therefore, I think this is an unacceptable type of report to present to Parliament. I am not very happy with it at all. I think there are some suggestions made by the Hon. Robert Hetherington in his amendment which should be considered by the members of this House. I would like to elaborate on a few of them.

I think his second suggestion on page 2 of the amendment would solve many of the problems that have come out of the whole Kimberley fiasco. By putting the names of the political parties on the ballot paper we could solve many of the problems that have arisen such as where persons have allegedly interfered with people's decisions as to how they should vote.

We would not have to ensure that people received how-to-vote cards in order that they would know the names of candidates. Let us acknowledge that in Australia we have largely a two-party political system. Mostly people vote for parties and not for the candidates. Therefore, all they need to know is which party adopts the political philosophy to which they agree. Most people do not bother themselves with the literature dropped into their letter boxes.

I think this particular suggestion would be a very effective way of countering much of the propaganda and the soliciting of votes by both parties, or all parties if we include the NCP and the Australian Democrats. I believe having the name of the party on the ballot paper would eliminate a lot of the problems that are present in this report and that were evident when the inquiry took place.

I think this would solve also the problem of those people who are hospitalised and who perhaps are very politically aware and are very keen to know who is standing for their party. If they are to be informed only at the whim of the people who take care of them in the hospital then that is a very poor situation. A person, who is ill but has relatives who care for him, will be informed and will be involved. He will feel he is still part of the social order and not rejected simply because he is in hospital. It is a poor thing if we do not allow people to go in and tell these people the pros and cons of voting for the different parties.

Some of the things said tonight by Mr Tozer need to be contradicted. The fact that a person on the bench has had experience in dealing with Aborigines does not mean that person knows all about them. After all, if Mr Tozer would like to read some of the books written on the intolerance and prejudice in the south of the United States towards the black people he would see that the people there who employed and dealt with the black people all their lives were the most prejudiced.

I refer to Gunnar Myrdahl's book *The American Dilemma* in which it was said everyone was equal as long as he was not black. He quoted

whites who said that, after all, God had made some people black so that they could be servants.

I am not saying Judge Kay is racist. I am pointing out it does not necessarily follow that because a person on the bench has more experience with Aborigines it will make him more wise in his decisions and opinions. As far as the reference made in the amendment to the law as set up by his honour, I say to Mr Tozer, "Has he not heard of common law?", which is law made by decisions of the bench and not the Legislature.

There are a few other matters which are relevant, particularly in regard to prisoners. I feel that here in Western Australia we have a very punitive attitude towards people who have transgressed against the law. Having punished them by virtue of imprisonment we keep on punishing them both in and out of prison. To give them the right to vote would be a step in the direction of rehabilitation. That recommendation of Judge Kay's should have been noted.

Perhaps by the time the legislation is introduced the Government will have allowed these ideas to germinate. Perhaps the Government will produce a little flower in the way of an extra clause that will give the right to vote to all prisoners.

I commend the amendment to the House. I believe there are matters in the amendment which will make for a more equitable Electoral Act in this State. I hope by the time the legislation is brought down the Government will have considered some of the matters mentioned in the amendment.

THE HON. G. C. MacKINNON (South-West—Leader of the House) [10.25 p.m.]: It has been a very interesting debate. It has consisted of the ALP pointing out what a bad job Justice Kay did in his report. Opposition members went to the stage of saying he was apparently bribed. That was what Mr McKenzie seemed to be saying. If he was not bordering on slander I would be surprised.

Mr Dans, as the Leader of the Opposition, did his best with an eight-minute harangue which had nothing to do with the amendment. The main thrust of Mr Hetherington's speech was to indicate how badly put together was Judge Kay's report. He made little or no reference to the body of the report or transcript of evidence. Let us

consider paragraph 1 in the amendment which states, "make it more difficult to achieve a common electoral role with the Commonwealth of Australia". Notice the word "role". As one reads that, one understands that it means we should have control of foreign affairs and other matters. It is obvious to everyone that the word should be "roll", and Mr Tozer made reference to that. The fact is that the Hon. Bob Hetherington submitted an amendment to this House which contained the word "role", which would mean we were in exactly the same field as the Commonwealth Government.

The Hon. Grace Vaughan: Have you never spelt wrongly?

The Hon. G. C. MacKINNON: Not in this place with an amendment or with a word as important as this one, which totally changes the meaning of the amendment. It is sloppy work.

The Hon. R. Hetherington: Yours is a sloppy interpretation.

The Hon. G. C. MacKINNON: Of course, the Opposition is embarrassed.

The third point in the amendment refers to the changing of the law as set out by His Honour Mr Justice Smith. The Hon. Grace Vaughan tried to get Mr Hetherington out of the situation by talking about common law. Mr Hetherington has not paid attention to what he has written and has not analysed what he has written. He has said the amendment is good enough for this place. He has said the wording is good enough in the rubbishy amendment put forward.

Mr Hetherington is an intelligent person and these mistakes should have jumped out and hit him in the eye. Had he read the amendment he would have noticed them immediately. People as intelligent as Mr Hetherington, who have lectured in politics for years and years and who know the influence of words in agreements and so on, should not make these silly mistakes. No doubt the office boy wrote out the amendment, and we should treat it that way and defeat it.

Amendment put and negatived.

Debate (on motion) Resumed

Debate adjourned, on motion by the Hon. V. J. Ferry.

House adjourned at 10.29 p.m.

QUESTIONS ON NOTICE

REGIONAL DEVELOPMENT

Members of Parliament: Telexed Information

17. The Hon. T. McNEIL, to the Leader of the House representing the Minister for Regional Development:

- (1) Is information telexed to regional administrators concerning regional matters made available to local members of Parliament?
- (2) If so, how is the available information passed on to members?

The Hon. G. C. MacKINNON replied:

- (1) and (2) It is normal practice for ministerial offices to advise local members directly on matters appertaining to appropriate Government activities in the regions.

The reference to information received by the regional administrators by telex is not understood. It would be impracticable and frequently unnecessary for copies of all telex messages irrespective of their source to be made available to local members of Parliament.

TRANSPORT: BUSES

MTT: General Administration Expenditure

29. The Hon. F. E. McKENZIE, to the Minister for Lands representing the Minister for Transport:

Will the Minister advise of the items and the amount of each item which made up the Railway General Administration Expenditure of \$1 289 074 (1976) and \$2 096 000 (1977) as published in the MTT annual reports of those years?

The Hon. D. J. WORDSWORTH replied:

When preparing the financial report for the 30th June, 1977, it was held that some of the expenditure in previous years which had been charged to "Traffic and Motive Power" and "Mechanical and Ways and Works", should really have been classified as "General Administration."

This change in method of allocation naturally produced a "General Administration" figure for 1977 which could not bear comparison with the 1976 figure.

The bulk of the change was applicable to labour charges which previously were absorbed as "Traffic and Motor Power" expense and "Mechanical and Ways and Works" expense but are now deemed to be "General Administration" expense.

	30-6-76 under former method of allocation	30-6-77 under present method of allocation
Labour	532 000	939 000
Payroll Tax	321 000	409 000
Pensions	263 000	354 000
Insurance	79 000	70 000
Others	94 074	324 000
	1 289 074	2 096 000

As explained in answer to your question on MTT accounts, Tuesday, the 3rd April, the figure for 30/6/76 under the present method of allocation would have shown a total of \$2 180 000.

EDUCATION

School: Mullaloo Heights

30. The Hon. R. F. CLAUGHTON, to the Minister for Lands representing the Minister for Education:

- (1) Is the Minister aware of blasting operations close to Marmion Avenue, Mullaloo, which are a possible hazard to children attending Mullaloo Heights school?
- (2) Will he have this matter investigated in conjunction with proposals to bus children to the school?

The Hon. D. J. WORDSWORTH replied:

- (1) and (2) The only blasting of which the Education Department has been aware has been that carried out by the MWSS & D at some distance from any housing development, and a considerable distance from the Mullaloo Heights School. The blasting was conducted under the usual stringent safety precautions. The work has now been completed, so the matter of a bus is no longer relevant.

HOUSING

Rental: Maniana

31. The Hon. R. HETHERINGTON, to the Attorney General representing the Minister for Housing:

Further to my question No. 10 of Tuesday, the 3rd April, 1979, are the people in the old Maniana State Housing Commission estate at Queen's Park informed before their houses are up-graded that their rents will increase?

The Hon. I. G. MEDCALF replied:

Yes.

EDUCATION

School: Mullaloo Heights

32. The Hon. R. F. CLAUGHTON, to the Minister for Lands representing the Minister for Education:

- (1) Is the Minister aware that in excess of 250 children from the Heathridge and Beldon localities, must cross the busy Marmion Avenue to attend Mullaloo Heights primary school?
- (2) Is the Minister further aware that the MTT can provide buses to transport the children from the school to the residential localities in the afternoons?
- (3) In view of the above, will the Minister provide funds to allow the use of MTT buses for these children, particularly as this is an interim measure until construction of the local schools?

The Hon. D. J. WORDSWORTH replied:

- (1) and (2) Yes.
- (3) The situation existing at Mullaloo Heights is common in rapidly developing localities and it is not proposed to provide Education Department funds to transport students resident in these areas as the circumstances will change as new schools are built.

EDUCATION

Teachers: Tom Price

33. The Hon. R. HETHERINGTON, to the Minister for Lands representing the Minister for Education:

Is it the intention of the Government to take over the old single men's quarters known as "Silver City" at Tom Price for the purpose of housing school teachers?

The Hon. D. J. WORDSWORTH replied:

No.

RAILWAYS

Passengers Carried

34. The Hon. F. E. McKENZIE, to the Minister for Lands representing the Minister for Transport:

- (1) Can the Minister advise the total number of passengers carried by Westrail on its suburban service for the period the 22nd September, 1978, to 30th September, 1978, inclusive?

- (2) (a) As this period covered both the 1978 Royal Show and the 1978 football grand final, can he supply precise figures of passengers carried on the Perth-Fremantle section;
- (b) if not, will he estimate the figure?

The Hon. D. J. WORDSWORTH replied:

- (1) No. Total patronage figures on suburban rail are kept in two-weekly periods, one of which ended on the 30th September, 1978.
- (2) (a) No.
- (b) It is estimated that some 260 000 patrons used the Fremantle line during the two-weekly period ended the 30th September, 1978.

EDUCATION

School: Jigalong Community

35. The Hon. R. HETHERINGTON, to the Minister for Lands representing the Minister for Education:

- (1) Have representations been made to the Minister for Education about staff conditions at the school servicing the Jigalong community near Newman?
- (2) When can teachers at the school expect to be provided with staff rooms and staff toilets?

The Hon. D. J. WORDSWORTH replied:

- (1) No.
- (2) It is not usual to provide full staff facilities in situations such as Jigalong as quarters for teachers are adjacent to the school grounds. In view of extra staff required because of unexpectedly high enrolments the need for staff amenities is currently being checked.

TRAFFIC: SIGNS

"30 Kilometre" and "End of 30 Km/h"

36. The Hon. D. W. COOLEY, to the Leader of the House representing the Minister for Police and Traffic:

- (1) Who is responsible for the erection of "30 KMH Speed Limit" signs and "End of 30 KMH" signs in road construction areas?
- (2) Is it mandatory for "End of 30 KMH" signs to be erected?
- (3) Has the Government considered replacing the "30 KMH" signs with "Road Work! Be ready to stop" notices?

The Hon. G. C. MacKINNON replied:

- (1) The road building authority carrying out the roadworks.

- (2) Yes, if the road traffic regulation is to apply.
- (3) No. However, consideration is being given to an additional "30 km/h" sign which may be used as an alternative.

EDUCATION

Kimberley Electorate

37. The Hon. R. F. CLAUGHTON, to the Minister for Lands representing the Minister for Education:

Further to my question No. 3 on the 3rd April, 1979, concerning the Minister's promises to Kimberley schools, will he advise—

- (a) what improvements to the school grounds for each of the listed schools were also promised; and
- (b) what is the estimated costs and completion dates for each of the schools listed in the previous question?

The Hon. D. J. WORDSWORTH replied:

- (a) All improvements to school grounds being planned for the future are contained in the previous answer.

- (b) The projects are expected to be completed during the 1979-80 financial year. Estimated costs are—

Wyndham—\$450 000

Derby—\$500 000

Fitzroy Crossing—\$180 000

Broome—\$40 000

La Grange—\$172 760.

ELECTORAL

Education Programme

38. The Hon. R. HETHERINGTON, to the Leader of the House representing the Chief Secretary:

- (1) Has the State Government initiated any programme during 1978 or 1979 for electoral education in any of the electorates of Kimberley, Pilbara, Gascoyne, Murchison-Eyre, or Kalgoorlie?

- (2) If not, why not?

- (3) If so—

- (a) on what date or dates;
- (b) what were the programmes;
- (c) which centres were visited;
- (d) for how long were they visited;

- (e) by whom were they visited; and
- (f) how many people attended on each occasion?

- (4) From what source were the programmes funded?

The Hon. G. C. MacKINNON replied:

- (1) No.

- (2) As far as the State Electoral Office is concerned, it would not be appropriate to consider this matter in detail until the advent of proposed legislation resulting from the Kay report.

As far as the Commonwealth Electoral Office is concerned I understand that the State Education Department is liaising with that office with a view to mounting an education programme later this year. The honourable member is referred to the answer to question No. 1291 asked in the Legislative Assembly on the 22nd August, 1978.

- (3) and (4) Not applicable.

RAILWAYS: FREMANTLE-PERTH

Closure

39. The Hon. F. E. McKENZIE, to the Minister for Lands representing the Minister for Transport:

Referring to the report on page 1 of *The West Australian* newspaper on the 17th January, 1979, that the Perth-Fremantle railway line is to be closed, will the Minister advise—

- (a) when is work to be commenced on the major road which is to be built on the railway;
- (b) when will it be completed;
- (c) what is its total construction cost; and
- (d) where will the road commence and finish?

The Hon. D. J. WORDSWORTH replied:

- (a) to (d) No time schedule has been set. Construction cannot commence until after freight services are diverted south of the river, anticipated to take place in 1982. A feasibility estimate to construct an integrated transport route set the cost at \$14 million in 1977.

The entrance and exit points to what is now the railway reserve will depend on final plans which will be prepared by the Metropolitan Region Planning Authority in conjunction with local authorities.

EDUCATION

Schools: Oakley Ridge and Heathridge

40. The Hon. R. F. CLAUGHTON, to the Minister for Lands representing the Minister for Education:

Further to the reply to my question No. 23 of the 5th April, 1979, will the Minister advise with regard to the school to be erected in Heathridge—

(a) when will construction commence;

- (b) what facilities will be provided in the first stage of construction; and
(c) what is the projected completion date?

The Hon. D. J. WORDSWORTH replied:

- (a) and (c) Construction will commence in the second half of 1979 for completion before school opening in February, 1980.
(b) Eight teaching areas and an administration block at an estimated cost of \$390 000.
