that in all circumstances he wants to protect the board, because the clause states that whenever there are arrears, regardless of the reason or the person concerned, the board may register a memorandum.

I do not want to be unkind to the Minister but the remarks he made in the second reading debate were misleading. He did not explain the provisions in the Bill, but mentioned something entirely different. I was not impressed by the argument of the Minister that as one branch of the Government, the country water supply, has this right already it should be extended. It is a red herring type of argument. If we have done something wrong, I do not consider we have the right to do the same thing again. Two or three wrongs do not make another wrong right.

We heard the same argument when the Minister was on this side of the Chamber and spoke in the debate on the Bill relating to the registration of plasterers. In support of his argument he said that we had already introduced legislation for the registration of builders. I repeat that just because we have done something wrong, it is not right to perpetrate the same wrong under the provisions in the Bill.

I do not know every Statute by heart, but gladly I am prepared to believe the Minister regarding the right of the Public Works Department administering the country water supply for registering a *caveat* if accounts are outstanding. However, I would emphasise that the Commonwealth has no right to register a memorandum or *caveat* where substantial amounts of income tax, company tax, or any other tax are outstanding.

I would be very glad if the member for Mt. Hawthorn could give us a legal opinion about this matter. I do not see why the Metropolitan Water Board should be in a more advantageous position than anyone else. After all, as the member for Dale pointed out, the board is supposed to be a self-contained business and why should it be in a better position than any other business in similar circumstances?

I was not satisfied with the Minister's explanation concerning an owner who is away. What is the use of a deposit to him? A deposit will not walk to the Public Works Department and pay the bill. A *caveat* could be registered and when the owner returned he might want to sell his house, but then he would find himself in all sorts of bother because of the *caveat* and he might even miss out on a sale. I gave only one example, but I could give many more. However, I want to register again my objection to this principle, which I think is wrong. I am also against the attitude which is occurring with regard to second reading speeches. Certainly the second reading speech of this Bill does not explain the measure. It merely misleads members.

Mr. HUTCHINSON: I do not have the same opinion as that expressed by the member for Floreat. I have no objection to a *caveat* being attached to a title if a concession has been granted by the deferment of rates. For instance, if such a concession is granted to a pensioner because of, say, financial difficulties, I believe it only fair that the charge should go onto the land. However, I would like the Minister to check what he said during the second reading speech and again in Committee to confirm that it is in accordance with what is in the Bill. He has said that this provision is intended virtually to cater for concessional deferments. I cannot see anything wrong with that principle and with the board being recouped when a pensioner dies and a change of title occurs.

Mr. JAMIESON: The board informs me that occasionally concessions have been granted for various reasons and then the property involved has been sold without the board being adequately protected for its debts. This provision covers all such possibilities.

Mr. Hutchinson: I think that is fair enough.

Mr. JAMIESON: If for instance the member for Cottelsoe or I did not pay the water rates or excess water charges, the board would take action to have the water disconnected. However, if an aged couple are responsible for the payment of rates, and they are only just able to get around, the department cannot, for humane reasons, disconnect the water. It is then that the *caveat* is lodged against the property. After all, the department must have some protection. As has been pointed out, we do not want to disturb these people but we do want to protect the department.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 19 put and passed.

Title put and passed.

Bill reported with amendments.

House adjourned at 6.03 p.m.

Legislative Council

Tuesday, the 18th April, 1972

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

DRUG OFFENCES

Convictions

The Hon. J. DOLAN (Minister for Police): On Wednesday, the 12th April, The Hon. A. F. Griffith was advised in reply to question 3 that detailed information in regard to

parts (2) and (3) of his question would be gathered and he would be informed when the information was available. That information is now available, and I desire to lay the paper containing the information on the Table of the House.

The PRESIDENT: Permission granted.

The paper was tabled.

QUESTIONS (3): ON NOTICE

1. CATTLE

Contagious Abortion: Tests

The Hon. D. J. WORDSWORTH, to the Leader of the House:

(1) How many teams, and in what districts, is testing for contagious abortion in beef herds being carried out?

(2) What percentage of the herds in these districts has been tested, and are those tested representative of the size and type of herd in the district?

(3) When is it expected that the whole State will be completed?

(4) Are funds for employing these teams and for paying compensation, adequate?

(5) In what size herds, and in which districts, has infection in herds proved to be—

(a) under 4%;

(b) 4 to 10%;

(c) 10 to 20%;

(d) over 20%?

(6) Has compensation been paid in all these categories, and is it intended to carry on with this policy?

The Hon. W. F. WILLESEE replied:

(1) Special staff have been appointed to the following districts—

Geraldton.
Northam.
Perth.
Bunbury.
Bridgetown.
Albany.
Esperance.

(2) Only a small percentage of herds have been tested to date.

The herds in question were identified through trace back at abattoirs as possibly infected; or owners have voluntarily requested testing to determine freedom from disease.

The herds tested to date appear to be representative of the size and type in the districts concerned.

(3) It is anticipated that the disease status of the majority of herds will be known, either by abattoir or field blood testing, by the end of 1976.

(4) Yes, for the current tempo of eradication effort.

(5)

District	Herd Size—Range	Herd Prevalence 0-4%	4-10%	10-20%	Over 20%
Perth	26-855	17	9	3	6
S/West	20-400	25	6	6	3
Albany	20-1,095	14	4	2	2
Katanning....	30-339	18	1	....	....
Narrogin	2-366	24	1	2	....
Merredin	15-120	2	....	2	....
Northam	8-158	14	1	1	1
Esperance	9-4,606	6	11	2	6
Geraldton	20-230	6	1	1	2
Moora	34-870	8	2	1	2

(6) Compensation has been paid in all of these categories.

This policy will not be continued since it placed an unnecessary strain on the Compensation Fund.

2. WATER SUPPLIES

Bores

The Hon. G. W. BERRY, to the Leader of the House:

(1) Are pastoral lessees required by legislation to make application and to furnish particulars of any bores put down on their leases?

(2) If so, by what authority?

(3) Do the same conditions apply to mineral or petroleum exploration companies or their sub-contractors?

The Hon. W. F. WILLESEE replied:

(1) Within areas of the State proclaimed under Section 18 of the Rights in Water and Irrigation Act, yes.

(2) Rights in Water and Irrigation Act.

(3) Yes.

3. RURAL RECONSTRUCTION SCHEME

Applications: Approvals

The Hon. D. J. WORDSWORTH, to the Leader of the House:

(1) How many applicants for Rural Reconstruction loans whose first request has been refused, have resubmitted second and third applications, and how many of these have proved successful?

(2) How many applicants have sought protection orders, and what has been the average period of duration?

(3) How many protection orders are valid for today?

(4) Does the Minister consider that the protection order has proved successful when long delays are experienced?

The Hon. W. F. WILLESEE replied:

(1) 236 resubmitted.
79 successful.

(2) 16 valid requests—period 3 months.

(3) 8.

(4) Yes. The Act contains provision for renewal for a second period of not more than 3 months if necessary.

PRESBYTERIAN CHURCH OF AUSTRALIA ACT AMENDMENT BILL

Third Reading

Bill read a third time, on motion by The Hon. J. Dolan (Minister for Police), and passed.

TRAFFIC ACT AMENDMENT BILL

Second Reading

Debate resumed from the 13th April.

THE HON. S. J. DELLAR (Lower North) [4.44 p.m.]: This Bill seeks to make four amendments to the principal Act. I think members will be aware that the Traffic Act has been amended more often than most Acts. Having had experience in local government for 14 years, I know that it was almost necessary for local authorities to employ a special clerk to keep up with the amendments made to the Act and the regulations. Many of these amendments have been made because of an increase in the number of motor vehicles and a consequent increase in the number of inspectors to control traffic, and for various other reasons. It is interesting to note that in the short time since the Act was reprinted in July, 1971, several amendments have been made.

The first provision in the Bill seeks to amend section 16 which deals with the payment of an additional license fee by the purchaser of a vehicle, the license fee of which had previously been issued at a concession rate or free. As members are aware, primary producers, prospectors, and ministers of religion are entitled to have their vehicles licensed at reduced rates or free of charge. As has been stated by previous speakers on this Bill, when a vehicle which has been licensed at a reduced fee or free of charge is sold, it is necessary for the seller to cancel the license and return the number plates. Under the amendment the seller of a vehicle will be permitted to pay the additional license fee on the vehicle and then sell it. In this way the vehicle will be fully covered and the number plates will not have to be returned. The present practice has caused a great deal of concern and unnecessary work which will be obviated under this amendment.

The purchaser is required to transfer the license in any case. Under our third party legislation, if a vehicle is licensed, say, as a private vehicle, and it is transferred to the category of, say, a taxi, the person owning the vehicle can pay the necessary increased third party premium and continue with the same third party policy. The amendment is a good one and should be supported.

Clause 4 seeks to amend section 22 to give the Commissioner of Police the power to appoint inspectors. At present the inspectors are appointed by the Minister. Previous speakers have expressed some opposition to this amendment, but my study of the Act and the amendment do not give me any cause for concern. The amendment is worded exactly the same as the present provision in the Act except that the word "Minister" has been replaced by the words "the Commissioner of Police."

At present 150 inspectors are employed throughout the metropolitan area on various duties, including the inspection of motor vehicles. Undoubtedly their appointment has reduced the workload on the Police Force, and I cannot see any real opposition to the proposal that the power be taken away from the Minister and given to the Commissioner of Police. Further amendments to the section provide that appointments made by the Minister before the passing of this Bill will continue. However, certain conditions are imposed. One is that an inspector's powers may be revoked at a future time if he leaves the employment of the licensing authority. No doubt, other speakers will comment further on this provision and perhaps the Minister will reply more fully.

The third amendment seeks to provide a new section 23E, the purpose of which is to reduce from $3 to $1 the fee payable per annum by a pensioner for a driver's license. The Minister explained that it was preferable to reduce the driver's license fee for pensioners rather than attempt in some way to reduce the vehicle license fee payable by them. I do not fully agree that a reduction in the driver's license fee will compensate a pensioner for the increased vehicle license fee. It is probable a pensioner couple would have only one driver's license and one vehicle between them, and a concession on the vehicle license may have been a better way to provide relief.

However, the amendment does make a concession for pensioners and it is an attempt to help compensate for the recent increase in vehicle license fees.

The fourth amendment, explained rather fully by Mr. Medcalf, provides that a driver, who has for some reason had his license suspended or been granted a conditional license, may appeal to the court to have the suspension or conditions varied.

This is a good idea because in some cases there has been no provision for the conditions imposed to be varied by anybody. When this amendment is incorporated in the legislation it will allow a person who, perhaps, has been convicted of drunken driving and subsequently granted

a conditional license to carry on his employment. A person may be employed by Bell Bros. or another transport firm, but the condition on his license may preclude him from driving a certain class of vehicle. He may be granted a conditional license to drive, say, a two-ton vehicle between sunrise and sunset or between 6.00 a.m. and 6.00 p.m., Monday to Friday. It could happen that a person is being considered for promotion, a qualification for which may entail the driving of a larger vehicle; or he could be given the opportunity to earn extra overtime with trips to the north or other parts of the State.

Up till now it has not been possible for the conditions on a license to be varied and this has imposed hardship. The amendment could enable a person to obtain better employment. For these reasons I believe this amendment, as well as the other three which I have mentioned, is sensible. I support the Bill.

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [4.51 p.m.]: I thank members who have taken part in the debate which proved to be longer than I anticipated when I introduced the Bill. Mr. Medcalf, Mr. Logan, and Mr. Dellar have all spoken to the measure. Mr. Medcalf, in particular, asked whether I would study the Bill once again. I have done just this in collaboration with my traffic liaison officer and I have spent a few hours on it. Since I have a full report prepared on the matter raised I think I should give the House the benefit of the research.

This Bill seeks to do no more than permit the appointment of traffic inspectors by the local authority in the metropolitan area—in this case the Commissioner of Police—and to impose on them the duties as are vested or imposed by the Act under the direction of the Commissioner of Police.

The duties of any traffic inspector appointed by him would be subject to his direction to the same degree as are police officers. Duties now performed by crosswalk attendants and vehicle examiners are duties which formerly were carried out by police officers under the direction of the Commissioner of Police but because the police can be better and more gainfully employed on duties within the realm of police work, it has been the practice to employ suitable persons to take over these duties and apply them to specific tasks.

The proposed subsection (6) differs from the present subsection (6) only to the extent that the words "Commissioner of Police" are substituted for the word "Minister." It is felt that, with the appointment of at least 141 crosswalk attendants —with eight reliefs—and approximately 18 vehicle examiners, with the possibility of these numbers being extended, the encumbrance of appointing, cancelling, transferring, and designating duties can better be controlled by the Commissioner of Police.

I would suggest that probably the commissioner would place this under the jurisdiction of one of his inspectors who, in turn, would probably designate an officer who would have this task as one of his duties.

Time is another factor which has prompted this suggested change. Quite often appointments of traffic inspectors have to be made hurriedly because the type of person appointed is usually getting on in years and, therefore, is more susceptible possibly to feeling "off colour." The delay in having another inspector appointed by the Minister means that a traffic patrolman, usually, or a police officer from the local station, is taken away from other duties until an appointment can be made.

I have seen both a traffic patrolman and a police officer performing these tasks. It is not unusual to see an ordinary patrolman pull up at a crosswalk, park his bike on the side, and take over duties between 8.00 and 9.00 a.m. Once the kiddies are in school he resumes his duties. Some local police stations cannot delegate a patrolman to this task and often a local constable takes over as crosswalk attendant until the crosswalk is manned by the usual appointee.

There can be several days' delay at times while the application and recommendation are travelling through normal channels.

It is felt that there is quite sufficient specific description as to the duties that they would be required to perform. Subsection (6) mentions "such duties as the Commissioner may from time to time direct." After all, these are the words existing in the present Act. Inspectors are appointed by the Minister to perform specific duties as recommended by the Commissioner of Police.

In addition, there is a further control exercised as to specific duties by virtue of regulation 36(4) of the Traffic (Licensing Authorities) Regulations. Incidentally these regulations form a document of formidable size. The regulation mentions "an inspector appointed for a limited part of the metropolitan area . . ." by the Minister.

Consequently, the powers of traffic inspectors would still be controlled by the words contained in the present subsection (6) and the proposed subsection (6) also by virtue of regulation 36(4) of the Traffic (Licensing Authorities) Regulations.

It is true that section 22(4) authorises the Commissioner of Police to vest in police officers the power to perform such

duties as inspectors, by special order published in the *Government Gazette;* but as to imposing those requirements on officers, this is not correct. It is not an imposition, but an extension of authority for police officers to act as traffic inspectors in certain circumstances. I have already outlined one or two. That extension of authority is not envisaged for traffic inspectors appointed by the Commissioner of Police nor does the Bill provide for it.

As I have stated before, those duties are specified by the Act and the regulations so that section 22(4) is still quite valid and secure. It means, in other words, that the Commissioner of Police may extend the authority of police officers to act as traffic inspectors, but any traffic inspector appointed by the Commissioner of Police would be confined to a limited part of the metropolitan area by virtue of Traffic (Licensing Authorities) Regulation 36(4).

Mr. Medcalf drew attention to subsection (5) which states—

> Every such member of the police force and every such inspector may exercise all such powers and shall perform all such duties as are vested or imposed in or upon him by this Act in respect of any road open to public traffic.

The obvious reference here is to traffic inspectors appointed under section 22(1) by local authorities, and to police officers whose authority to act in certain cases is extended by the special order published in the *Government Gazette* in accordance with subsection (4) but does not extend, and was never meant to extend, to an inspector appointed by the Mininster as at present, since such a traffic inspector is appointed for a limited part of the metropolitan area and he would still be so appointed.

In other words, it names the particular part of the metropolitan area for which he is appointed.

Mr. Medcalf queried the means by which an inspector will know what his duties are unless they are laid down and described in a certain manner. I submit that the inspector will know because he will be directed within the terms of subsection (6) —such duties as he is required to perform —and then only to a limited part of the metropolitan area by regulations. They would be prescribed for him as they are now by the Minister.

To amend the Bill to specify crosswalk attendants or vehicle examiners could restrict the appointment of some other type of person to be appointed. What if the Commissioner of Police decided to appoint some other traffic inspector for the metropolitan area to perform some other type of duty apart from the two mentioned? I instance, for example, traffic inspectors to test applicants for drivers' licences. It would require a further amendment. As I said earlier, much legislation is left to its administration because not all formalities can be accounted for, and this is one of the formalities of administration.

A traffic inspector, as we know him, does not know what his duties are until he is told; a police officer does not know until he is told; and a traffic inspector appointed by the Commissioner of Police would not know until he was told, and then he would do as he was told within the metropolitan area. To carry Mr. Medcalf's idea to its extreme would be to have some method described on how to instruct an inspector to direct traffic, how to direct children across a road, how to lift the bonnet of a car, and so on. These are formalities left to the administration of legislation.

Section 22 (8) refers to the regulation and control of traffic within the metropolitan area being administered solely by the Commissioner of Police and the members of the Police Force, with provisions that permit joint and several control by the Perth City Council and Main Roads Department with the Commissioner of Police. But it could not be said by the greatest stretch of the imagination that the appointment of inspectors by the Minister, as now applies, has been for the regulation and control of traffic in the metropolitan area. A person standing at a crosswalk to assist children across the road, or someone else examining the mechanical soundness of a vehicle at a testing station would not be carrying out duties which constitute the regulation and control of traffic.

The duties of a policeman arresting someone for dangerous driving or attending the scene of an accident appear to me to constitute the regulation and control of traffic. They would not be doing these specified duties if appointed by the Commissioner of Police. It is considered that the provisions of the Bill are not inconsistent with subsection (8) for the reason that the inspectors would not be regulating and controlling traffic as we know it.

The purpose of the Bill is to allow the Commissioner of Police to appoint traffic inspectors with limited powers as they are now appointed by the Minister within the terms of Section 22 (6), that is, to perform such duties as may from time to time be directed, within the existing framework of the Traffic (Licensing Authorities) Regulations, to a limited part of the metropolitan area. Nothing changes except the name of the person making the appointment.

Mr. Logan's statement, that a traffic inspector appointed by the Commissioner of Police will be a traffic inspector within the meaning of the Act, nothing more and nothing less, is incorrect since inspectors appointed now by the Minister are, surely, something less than inspectors appointed under section 22 (1) by the local authority

and they are all appointed under subsection (6) to perform a task that is specified —nothing more and nothing less.

If the Commissioner of Police desired to appoint an inspector or inspectors for general purposes, then I daresay authority exists under Section 22 (1) as it does for any local authority. The Commissioner of Police acts as the local authority within the metropolitan area. However, because only limited duties are required of these people, an appointment under section 22 (6) is considered to be more appropriate.

I again thank those members who took part in the debate.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. J. Dolan (Minister for Police) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 22 amended—

The Hon. I. G. MEDCALF: I thank the Minister for his lengthy and detailed reply. However, I regret to say I cannot agree with many of his arguments.

I do not think the Minister quite appreciated the point I made. I did not criticise section 22 (4), nor did I criticise any other part of section 22, with the exception of subsections (6) and (8). I am quite prepared to admit I may not have expressed my objections to these subsections clearly, but I hope I can make my meaning clear now.

If subsection (6) of the Act is repealed, the power to appoint inspectors under the Act will be transferred from the Minister to the Commissioner of Police. The Minister gave reasons for this alteration and they may well be good reasons. He said there were many appointments and they were only minor because they related to crosswalk attendants and vehicle examiners. This may be a good administrative reason, but I feel if the power to make the appointments is transferred from the Minister to the commissioner the duties of the inspectors should be prescribed by regulation. If the commissioner appoints an inspector under an earlier section, the inspector's duties must be prescribed by regulation.

My contention is that the duties of crosswalk attendants and vehicle examiners, who are called inspectors in this particular subclause, should be prescribed. The Minister indicated that these people are only crosswalk attendants and sometimes they are very elderly, but this does not alter the situation. The Minister also said difficulties could arise because all details would have to be prescribed including such things as the way the inspector lifts up the bonnet of a car. No Crown Law draftsman in his right mind would prescribe such a thing. However, the legislation should prescribe an inspector's powers to ask a person his name and address.

As an example let us take the situation of a crosswalk attendant who holds up his flag to stop the traffic. A car might keep going for some distance but the crosswalk attendant finally manages to stop it. Has the crosswalk attendant any power to ask the driver for his name and address? Can he ask to see a driving license if he suspects a driver is under age or under the influence of alcohol?

The Hon. A. F. Griffith: If he is under the influence of alcohol, can he arrest him?

The Hon. I. G. MEDCALF: These powers should be prescribed by regulation. I can imagine many difficulties arising if the inspectors' powers and duties are not prescribed by regulation. Nothing I have heard has persuaded me to come to a different conclusion at this stage.

The Hon. L. A. LOGAN: I am afraid the Minister has not satisfied me on the points I raised in regard to the appointment of inspectors. Clause 4 (a) transfers the power to appoint inspectors from the Minister to the Commissioner of Police. In his second reading speech the Minister said that his intention was to control the appointment of crosswalk attendants and vehicle inspectors. However, there is no definition of a crosswalk attendant or a vehicle inspector in the Act. If the crosswalk attendants and vehicle inspectors are not named in the Act, their duties cannot be controlled because they will be *ultra vires* the Act.

The Commissioner of Police would have the power to appoint anybody as an inspector. However, a vehicle examiner may exercise all such powers and shall perform all such duties as are vested or imposed on or in him by this Act. Therefore, a vehicle examiner could have the same powers as an inspector. We cannot regulate to take this power from the inspector as it is provided for in the Act. This legislation will give the full power of an inspector to a crosswalk attendant.

I do not object to a fully-qualified crosswalk attendant doing his job. However, I do object to a crosswalk attendant or a vehicle examiner having all the powers of an inspector. Under these circumstances I see no option but to vote against the clause. I am sure it was not intended that crosswalk attendants and vehicle examiners should be given the power of an inspector, but this would be the result if this legislation were agreed to.

The Hon. J. DOLAN: I am a little surprised that all these difficulties should have suddenly arisen because the power to appoint inspectors has been transferred from the Minister to the Commissioner of

Police. Nothing else has been altered in this subsection, but for some unknown reason all kinds of difficulties have arisen. The Minister has more than enough to do without worrying about duties which can easily be performed by the Commissioner of Police.

Any appointments already made by the Minister will continue until they are revoked. As Minister for Police I revoke appointments every week. Some appointments are revoked because of ill health or age, and new appointments must be made. As I have indicated, time is often very important. This same procedure has been followed from the inception of the licensing of crosswalk attendants.

During my period of office I have appointed 18 inspectors. I feel the provision is desirable, and I see no objection to the commissioner making the appointments. Policemen are specially trained for police work and they are better employed in doing that work than examining vehicles.

These vehicle attendants have been appointed because of their particular skill. This was something envisaged and invoked by the previous Government. Apparently there were no difficulties associated with it at the time, but because one name is now changed and the duties are to be given to the commissioner who is as capable of carrying them out as I am, all sorts of difficulties appear to exist. The commissioner sends me his recommendations and I read them through and if the man is in good health, is aged about 67, or so, and is capable of doing the job I agree to the recommendation that has been made.

The duties which the commissioner would delegate to an inspector would be carried out just as well by him. There is no difference at all in this provision. It is the same as when it was first introduced.

While I appreciate the necessity to prescribe certain things, I feel there should be a limit. Every appointment made by the commissioner through his appropriate officer states certain things that must be done. The man concerned must attend at a certain time; he shall wear a certain uniform, and so on. His powers are often very limited. An inspector appointed for a limited part of the metropolitan area—a part which perhaps traverses Stirling Highway or outside a school—shall wear the prescribed cap and dust coat etc., authorised by the Minister.

This is done to give the man some prestige while carrying out his duties. These people need something to enable them to cope with belligerent motorists who might be stopped at a crosswalk, because while the inspectors concerned may be quite capable of stopping traffic and helping children over the road, they are not always capable of entering into arguments and pacifying recalcitrant motorists. Seeing the system has worked so efficiently and well and as the inspectors concerned have done such a good job I do not think any objection should be taken to the provision in question.

Accordingly I appeal to Mr. Logan not to persist in his attitude, because the practice is in no way deleterious to the correct operation of traffic duties.

The Hon. J. HEITMAN: What the Minister has said might have a lot to commend it, but he must appreciate that in the past the previous Government did not decide that the Police Force should take over duties in the entire State. Under what regulations would the Minister have the traffic inspectors police our State?

I always imagined that an inspector had a little more prestige than a crosswalk attendant. Why not call them crosswalk attendants? This is all the Minister needs. In the past there was no thought of the police taking over traffic duties throughout the State.

The Hon. J. Dolan: Yes, there was.

The Hon. J. HEITMAN: It is one of the planks of the Labor Party platform, but as a country member I get distrustful when I see this sort of thing introduced; when such people are called inspectors under certain regulations. Are they in fact inspectors? Of course, they are not.

The inspectors employed by local authorities in the country districts are traffic inspectors and they have authority to deal with motorists who do not toe the line, a power which, of course, the crosswalk attendants do not possess. These attendants have authority to stop traffic and conduct children across the road, but are they inspectors?

The Hon. J. Dolan: It is just a name given to them.

The Hon. J. HEITMAN: Why confuse the issue and call them inspectors when they are not? A traffic policeman is not really an inspector.

The Hon. J. Dolan: Your Government gave them that name; we are merely perpetuating it.

The Hon. J. HEITMAN: This is the sort of thing about which I am distrustful.

The Hon. J. Dolan: You should not be, because it was done by your own Government.

The Hon. J. HEITMAN: This sort of thing could be perpetuated without its being referred to Parliament and it appears to be some sort of trick by which the Minister would like to take over traffic matters in all country areas.

The Hon. J. DOLAN: I do not want to get resentful at what Mr. Heitman has said. This is certainly no trick and it is rubbish to say it is. If it is necessary to bring forward legislation to provide for the things about which the honourable

member is worried, I can assure him that the legislation will be quite straightforward. If he does not find himself in accord with such legislation he has a perfect right to express his views.

I certainly have no thought of doing in the Bill before the Commitee what has been suggested by the honourable member, and what he thinks might be done in the legislation he has anticipated. I speak sincerely and honestly on this matter. All that has been done is to change a word in two or three places.

The Hon. A. F. GRIFFITH: All I can say is that I wish the Minister for Police had been in this Chamber two or three years ago when I tried my best to provide for the appointment of these elderly people, because I thought they would be ideal to man crosswalks and thus provide a measure of safety for the children concerned. Members opposite violently opposed this move of mine, but I am glad they have since had a change of heart.

The Hon. J. Dolan: On my suggestion the previous Minister for Police in your Government appointed women to operate the crosswalks.

The Hon. A. F. GRIFFITH: That is another good thing. While I was overseas I saw elderly people in England shepherding children over crosswalks. I felt this was a wonderful idea and I accordingly moved that we adopt something similar. My move was opposed, and I found myself in conflict with the parents and citizens association who told me that such a move would make the children dependent on crosswalk attendants and that when an attendant was not present all sorts of difficulties would arise. The approach of the association was quite dramatic and with the assistance of a couple of members who were not members of the Labor Party my motion for a Select Committee was defeated. It is therefore a comfort for me to see that the present Government has decided to embark on this project, because firstly it will provide the necessary protection for children, and, secondly, it will provide an avenue of appointment for the elderly people concerned. I am glad that the Minister is in accord with me on this.

The Hon. J. Dolan: I have been ever since.

The Hon. A. F. GRIFFITH: Mr. Medcalf and Mr. Logan are not opposing the principle of the job that is being carried out so successfully by these elderly people who man the crosswalks at the moment. We all appreciate that the success of their job depends on the co-operation of the motorists and I have found, by and large, that when motorists are held up they are generally most co-operative in this direction. I feel sure the Minister would not deal with too many prosecutions in connection with this matter.

What Mr. Logan and Mr. Medcalf object to is that there appears to be some doubt about the legality in relation to the manner in which the Minister is attempting to achieve his objective. The Minister said he received advice from his liaison officer.

The Hon. J. Dolan: He has the benefit and experience of the Traffic Department behind him.

The Hon. A. F. GRIFFITH: Did the Minister refer to the Crown Law draftsman the points made by Mr. Medcalf?

The Hon. J. Dolan: No.

The Hon. A. F. GRIFFITH: I think the Minister should have done so, because with respect I feel his liaison officer would not know as much about the law as would the Crown Law officers. I would have been more satisfied had the Minister said that the points raised by members in connection with this Bill had been referred to the draftsman in the Crown Law Department and that he had assured him that the Bill is not in conflict with the Act as it now stands. I am no lawyer, but Mr. Medcalf certainly is. I do not want to do anything which might prevent the continued and satisfactory operation of these crosswalk attendants, but I am prompted to say that if all the Minister wants to do is take out the word "Minister" and replace it with the word "Commissioner" then why does not he delete the word "Minister" and insert the word "Commissioner"?

The Hon. J. Dolan: There is nothing more to it than that.

The Hon. A. F. GRIFFITH: If that is so why should the Minister spell it out in so many extra words?

The Hon. J. Dolan: The words were included by the Parliamentary Draftsman.

The Hon. A. F. GRIFFITH: Exactly, and the Minister should be good enough to go back and ask him—as I have done on many occasions—whether or not the members in this Chamber are correct in their assumptions. If the members are incorrect then let us be given legal advice to the effect that they are incorrect. I suggest the Minister consult his legal advisers on this point.

The Hon. L. A. LOGAN: I have no objection to the appointment of crosswalk attendants or inspectors by the Commissioner. I appreciate that it was our Government who first appointed these people. But if there exists a mistake along the lines I have suggested it is time it was corrected. When introducing the Bill the Minister said—

> In view of the numbers of such appointments it is now desired to give the Commissioner of Police authority to appoint these persons as traffic inspectors, at the same time limiting their powers to the duties related to their position.

The powers of the traffic inspector cannot be altered because they are laid down in the Act. This is provided for by section 22 (5) of the Traffic Act to which I would again refer members.

We cannot take those powers away from the inspector. If we look at clause 4 which seeks to amend section 22 we find that every such inspector may by virtue of his office and without receiving express authority from the local authority, and under the Bill from the Commissioner of Police, institute or carry on proceedings against any person for an alleged offence against the Act. This is to be the power given to crosswalk attendants and vehicle inspectors; and I am objecting to it. If that were done in the past, it is wrong.

What I have referred to are the duties laid down in the Act relating to the traffic inspector. He can carry on proceedings against any person for an alleged breach of the Act or regulations.

The Hon. J. Dolan: Would you indicate what you would like me to take to the parliamentary draftsman?

The Hon. L. A. LOGAN: I have said that several times.

The Hon. J. Dolan: Will you pinpoint it?

The Hon. L. A. LOGAN: To my recollection I have said it three times. In introducing the second reading of the Bill Mr. Willesee said—

> In view of the numbers of such appointments it is now desired to give the Commissioner of Police authority to appoint these persons as traffic inspectors, . . .

The Hon. J. Dolan: To appoint any person to be an inspector. There is no mention of the word "traffic."

The Hon. L. A. LOGAN: Under the definition in the Act an inspector includes a traffic inspector. I am pointing out that the duties of a traffic inspector are laid down in the Act. Why did not the Minister introduce a Bill to separate the inspectors into two categories—crosswalk attendants, and vehicle inspectors? If he had there would not be any problem.

I maintain that we cannot take away from the traffic inspector the powers that are laid down in the Act. If the Bill is passed a crosswalk attendant will be able to carry out the functions enumerated in the Act, and no-one will be able to prevent him from so doing.

The Hon. I. G. MEDCALF: I thank the Minister for indicating that he has submitted this question to an officer of his department, but I do not believe a proper answer has been given to the points I have raised. One point I raised was that within the metropolitan area these officers will not be able to exercise their functions at all; and I asked the Minister to look into that aspect. He replied that the duties of a crosswalk attendant could not be construed as meaning the regulation and control of traffic. I would have thought that the stopping of cars meant the controlling of traffic.

It seems to me that the parliamentary draftsman should have another look at that matter. On further reflection it may be agreed that a crosswalk attendant who holds up a red flag is controlling traffic, and therefore is performing the duties in the regulation and control of traffic, although the Act provides that in the metropolitan area the regulation and control of traffic shall be administered solely by the police. If we want good legislation this aspect should be re-examined. If I am wrong I would like to have an adequate answer. I do not believe anyone can say that the holding up of a red flag by a crosswalk attendant is not regarded as controlling traffic.

In trying to help the Minister in this matter I want to make it quite clear that what Mr. Griffith has said is quite right. I am not in any way opposed to the principle of this arrangement, and I am quite agreeable to crosswalk attendants and vehicle examiners being appointed. I go so far as to regard them as inspectors, but I believe their duties should be prescribed for the reason that if we appoint a traffic inspector his powers are laid down in the Act; and the Act means the regulations.

This means his powers are approved by Parliament. Some of his powers are set out in the Act, and the rest are set out in the regulations. By looking at the regulations we can tell what are his duties. Can the Minister tell me, if not now then when he obtains further advice, whether a traffic inspector has the power to arrest a person? It is important to know whether traffic inspectors have the powers of arrest, and whether the people who are to be given the powers of inspectors are also to have the powers of arrest. Once we pass this Bill, are the people appointed as inspectors to get such powers automatically?

The Hon. J. Dolan: They had those powers all along.

The Hon. I. G. MEDCALF: Under this legislation they can launch a prosecution for an offence. I want to know whether traffic inspectors have the powers of arrest; and this point ought to be clarified. I would also like to know whether crosswalk attendants are to be given the powers of arrest. Furthermore, I would like to know the powers that are to be given to a person who is charged with controlling traffic. I admit that in a way this is an administrative matter, but Parliament should be the body to decide whether the powers of arrest should be given to these inspectors, and whether they should be authorised to apprehend motorists, and to demand their licenses and names and addresses.

If we look at the Act we will see that when the last amending Bill was introduced, Parliament was very careful to say that an inspector shall have the powers as laid down under the Act. That includes the powers laid down under the regulations. At that time Parliament said the police would assist the inspectors, and that appeared in clause 4 of that amending Bill. This seems to indicate that Parliament was not prepared to give full powers to these inspectors, but agreed that if certain things had to be done the police would come in and do them. Members who were in this Parliament when that amending Bill was passed might be able to tell me whether there was any suggestion that the powers of traffic inspectors should be limited. I think I recall Mr. J. T. Tonkin saying in no uncertain terms that the powers of traffic inspectors should not be excessive.

I do not object to the appointment of inspectors or crosswalk attendants, or to the Commissioner of Police making the appointments. If the commissiooner is to exercise this function, the regulation should prescribe the duties so that Parliament will know what powers are to be given to such officers. We should not give people the power to arrest citizens, without knowing what the power relates to. I appreciate the fact that the Minister might like to be given time to look into the matter.

The Hon. J. DOLAN: I would like time to look into the points that have been raised. I cannot see why I have to defend a practice which has been in existence ever since the appointment of these inspectors, because they retain today all the powers they had when they were appointed by the previous Government. No powers are to be taken away from them under the provisions of the Bill. All that the Bill seeks to do is to change the administration of the appointments. Whatever powers they had before they will still retain.

One matter that has been raised relates to the duties of traffic inspectors, and it is suggested that they be prescribed. Mr. Medcalf would like to know whether they have the powers of arrest in instances where they find a motorist is, say, drunk; and whether they have power to apprehend the motorist and demand his name and address. At present these inspectors attend to the safety of children and others at crosswalks before and after school. If, as has been suggested, when holding up traffic they are to perform the other functions of apprehending motorists or demanding the production of licenses and particulars of names and addresses, they would not have time to ensure the safety of the children.

I would point out that it is the duty of every police officer to assist these inspectors when an emergency arises. I suppose that the inspector would take the number of the car which an offending motorist was driving, and when a police patrolman came along he would tell him that that motorist had driven through the crosswalk and had not stopped. No doubt the patrolman would then pick up the motorist concerned and check on the facts.

However, I am prepared to refer the comments that have been made to the Parliamentary Counsel to obtain an opinion on whether what is being done is sufficient to ensure that these inspectors will continue to carry out their duties; whether the powers they are exercising should not be exercised by them; and whether their powers should be prescribed.

I cannot understand why some members think the position has changed suddenly. No-one has expressed a desire since the legislation was introduced to effect a change. However, I undertake to have the matters examined before the next session of Parliament, so that, if necessary, the legislation may be amended.

Progress

Progress reported and leave given to sit again, on motion by The Hon. J. Dolan (Minister for Police).

BILLS (2): RECEIPT AND FIRST READING

1. Education Act Amendment Bill.

   Bill received from the Assembly; and, on motion by The Hon. J. Dolan (Minister for Police), read a first time.

2. Parks and Reserves Act Amendment Bill.

   Bill received from the Assembly; and, on motion by The Hon. W. F. Willesee (Leader of the House), read a first time.

MAIN ROADS ACT AMENDMENT BILL

Second Reading

Debate resumed from 13th April.

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [5.44 p.m.]: I have quite a number of long comments to make on some of the matters that have been raised by Mr. McNeill, Mr. Clive Griffiths, and others. As Mr. Clive Griffiths is not in the House at the present time I will proceed with my comments on the points raised by Mr. McNeill in the hope that Mr. Clive Griffiths will be present in the Chamber before I conclude.

The Hon. G. C. MacKinnon: He is out on parliamentary business.

The Hon. J. DOLAN: He will not be back?

The Hon. G. C. MacKinnon: I think he will be back. He is out of the House on parliamentary duties.

The Hon. J. DOLAN: The Hon. N. McNeill asks whether the Main Roads Department will accept full financial responsibility for all works previously carried out in conjunction with local authorities and landowners. He refers particularly to culverts, crossings, and accessways serving private properties, and the widening of main roads through country towns.

Under the provisions of the legislation it is intended that the commissioner will accept full financial responsibility for the tidying up and improvement of main road verges along main roads in rural areas. The previous arrangements whereby the landholder and the M.R.D. Divisional Engineer have worked in co-operation for the provision of accessways serving private properties will continue. In country towns as distinct from rural areas, the commissioner's financial responsibility will remain as at present within the normal pavement width of 24 feet or in special cases 32 feet of the main road. Local authorities in country towns will still exercise their powers and financial responsibilities outside of this normal pavement width for the provision and upkeep of verges and footpaths.

Mr. McNeill refers to powers under the Bush Fires Act, particularly the burning off on the verges of main roads, and the responsibility the commissioner will accept. I would like to make it clear to members of the House that no restrictions will be placed on officers of the Bush Fires Brigade when they are acting in emergency situations to contain a bush fire in a main road reserve.

Property owners who wish to carry out "control burning" on a main road reserve will, in accordance with the present arrangements, continue to seek the approval of the respective local authority. The local authority will refer the application to the Divisional Engineer of the Main Roads Department. This is to ensure that areas of natural flora within a road reserve are not endangered by such "control burning". The Divisional Engineer, in order to preserve a stand of natural flora, may decide to use his own organisation to carry out the "control burning".

In regard to the matter of P.M.G. lines and S.E.C. installations, this equipment will continue to be vested in these authorities under their own enabling Acts.

Mr. McNeill has made a reference to control and clearing up of litter on main road reserves. The removal of litter and the tidying up of main road reserves in rural areas will be the entire responsibility of the Commissioner of Main Roads. To this end the Main Roads Department has already placed about 500 litter bins at suitable points on declared main roads. It is appreciated that public-spirited local service organisations have, on more than one occasion, accepted the task of cleaning rubbish from road reserves. The department has co-operated and will continue to co-operate with these groups and has made available, when requested, motor trucks for the removal of litter.

I pause to interpolate because a question was asked as to whether a person should be allowed to clear a branch which might have fallen onto the road or a tree which might have fallen across a fence. In my briefcase I have a Gospel which I was reading. The particular story was about Christ when He was on earth, and on the Sabbath day a man suffering from paralysis was brought to Him to be cured.

The Pharisees were gathered together to see whether Christ would cure the man. It must be remembered that there were very strict rules and laws applying to the Sabbath in those days, and Christ was, of course, the greatest of law givers. However, on that occasion He caused the man who was suffering from palsy to be cured. Christ was provoked to turn to those gathered around Him and ask which of them, whose ass or ox had fallen down a pit on the Sabbath, would not remove it immediately. After Christ had said that, they could find no answer.

The Hon. L. A. Logan: That was not done by an Act of Parliament.

The Hon. J. DOLAN: Any public-spirited citizen—Mr. Logan or anybody else—who found a branch of a tree had fallen across a main road, and considered that it presented a traffic hazard, would remove it. I think it is only begging the question to say that under an Act of Parliament a person would have to get permission to remove that branch.

The Hon. L. A. Logan: I repeat: This is an Act of Parliament.

The Hon. J. DOLAN: I was referring to the words used and I think if Mr. Logan gives them a little thought he will, in future, bear in mind what I have said.

The Hon. G. C. MacKinnon: Does this argument not tend to indicate that the Minister is giving his views, and not legal opinions? This Bill will override a lot of other Bills and I feel the Minister is giving his views and not legal opinions.

The Hon. J. DOLAN: I will continue to give the opinion of the authorities on these matters. To continue: Mr. McNeill has also brought up the matter of preservation of flora on the verges of main roads and the control of foreign vegetation, particularly veldt grass.

The Hon. N. McNeill: It was not veldt grass; it was *Eragrostis curvula* or African love grass.

The Hon. J. DOLAN: It is agreed that some vegetation is unavoidably destroyed by the operations of roadmaking plant. However, the department rigidly controls these operations with a view to preserving as much natural flora as possible.

The Hon. N. McNeill: I must correct the Minister. It was not veldt grass; I made this particular point. It is a species known as African love grass.

The Hon. J. DOLAN: There has been talk about love shops, sex shops, and now there is reference to love grass. To continue: The policy has been adopted and is being pressed on with quite vigorously, of bringing in topsoil containing the seeds of natural flora and spreading this soil over denuded or damaged areas. This is materially assisting in replacing natural growth and regeneration. It is agreed that non-indigenous vegetation such as veldt grass, or love grass, or any other form of growth along the verge, is a major problem to conserving natural vegetation and it is anticipated that the profusion of this species will be checked by greater control of burning-off operations. The Main Roads Department is investigating this problem and has had discussions with representatives of several local chemical companies with the object of producing a spray which will destroy imported vegetation, while at the same time causing little damage to the native vegetation. There are strong hopes that such a spray can be produced.

Mr. McNeill in referring to the section of the Bill dealing with the control of advertising signs has stated that this section contains wide powers. However, I would like to point out to members that these powers to make regulations for the control of advertising signs are absolutely necessary for the effective control of advertising signs along main roads and they are similar to the powers possessed by the State road authorities in Victoria and Queensland.

I will interpolate again and refer to a report which appeared in the *Daily News* within the last two or three months. The report was to the effect that the United States Government had spent between $17,000,000 and $18,000,000 in removing 30,000 signs from the verges of the roads. The signs were despoiling the landscape. If the United States is prepared to do that sort of thing surely it must be obvious to all members that now is the time for us to control such things. To continue: Also, these powers are no stronger than those possessed by those local authorities in Western Australia which have adopted the local government model by-law for the control of advertising signs in the vicinity of local authority roads.

A further important point is that not all advertising signs in the vicinity of main roads in rural areas will be controlled by the Commissioner of Main Roads. It is proposed that the regulations will exempt the smaller types of signs such as "property for sale" signs, or signs indicating the names of occupiers of business premises, from the advertising controls. Similar exemptions are provided in the model by-law which has been adopted by some local authorities.

A further point which has been mentioned by several members is the need to make provision in the Bill for appeals against the decision of the commissioner. In this respect, I wish to report to members that this point has been accepted and an amendment will be introduced to the Bill to provide for appeals. I have already put the amendment on the notice paper.

Mr. McNeill refers to a Government committee charged with the responsibility of preparing certain draft regulations for local authority control of advertising. This committee comprises a very wide range of interests including the Outdoor Advertising Association. It is chaired by Mr. R. Paust, Secretary of the Local Government Department. The Main Roads Department is a member.

One important resolution adopted by this committee stated that the control of advertising should rest with the authority which was responsible for the control of the road reserve, which is the Main Roads Department in the case of main roads and the local authorities as it concerns local authority roads. This resolution was passed by a large majority of the committee and the Outdoor Advertising Association was represented at the meeting.

The Hon. N. McNeill: Does that mean the Minister will support my first amendment?

The Hon. J. DOLAN: It means nothing except what I am telling the honourable member. It can be seen that the recommendations of Mr. Paust's committee are in line with the principles of this Bill which are that the Commissioner of Main Roads will be responsible for advertising along controlled-access roads and declared main roads and the local authority along all other classes of roads. This surely clearly states areas of responsibility and will not cause any confusion at all. The principles of this Bill are complementary to and are not in conflict with local authority powers for the control of advertising signs.

Mr. McNeill refers to section 58 of the Traffic Act. He states that this section of the Traffic Act gives the commissioner power to exercise control over all signs and advertising proposed to be covered by the Bill.

It should be noted that the powers conferred under section 58 of the Traffic Act to the commissioner in this context means the Commissioner of Police. However, these powers are restricted to illuminated signs only and they do not provide any powers to control hoardings or other types of signs at all. Also, the powers under section 58 of the Traffic Act are only for the removal

of offending illuminated signs which can be a costly business; they do not provide for the approval of signs or hoardings prior to erection.

In practice, the Main Roads Department, on the request of the Commissioner of Police, has worked in close liaison with the Police Department in an advisory capacity regarding the suitability of certain illuminated signs. However, it can be seen that the control exercised by the Commissioner of Police only extends to the removal of offending illuminated signs and falls far short of the measures necessary for the effective control of advertising along main roads.

Mr. McNeill has stated that additional powers for control of advertising are contained in section 218 of the Local Government Act. He makes the point that in the view of the association—presumably the Outdoor Advertising Association—control is already being satisfactorily exercised.

While section 218 of the Local Government Act gives a council authority to make by-laws to control various types of advertising it should be pointed out that a count made late last year showed that of the 140 local authorities in Western Australia, only 63 had adopted by-laws for the control of advertising—less than 50 per cent. It follows therefore that in all the other councils there is no form of control of advertising whatsoever. This must surely be considered as an unsatisfactory state of affairs—

The Hon. G. C. MacKinnon: It would not matter.

The Hon. J. DOLAN: —for the control of advertising signs along local authority roads—leaving aside the more important matter for the control of advertising signs along main roads.

Mr. McNeill quotes from correspondence between the Main Roads Department and the Perth City Council, and a letter addressed to Mr. Glasson, Manager of Claude Neon Pty. Ltd. He goes on to say—"The Commissioner will have the powers not only to prohibit signs but also to remove signs. I do not need to remind members that a tremendous investment is involved in this kind of advertising in Western Australia."

I have referred to what has happened in America where that country is prepared to spend $18,000,000 to remove 30,000 advertising signs. It is acknowledged that advertising is a necessary adjunct to commercial enterprise but commercial interests must surely have regard for the safety factor whether they have in mind to erect illuminated signs or non-illuminated signs in any part of the State.

In any case, the Bill confines the authority of the Commissioner of Main Roads to the control of advertising only on or in the vicinity of controlled-access and main roads; and, as pointed out in the second reading speech, the commissioner's powers will be applied mainly in rural areas along main roads between country towns. Informative advertising in the rural areas will not necessarily be inhibited; it may in fact be encouraged by the extension of the department's policy for the provision of tourist information bays. This facility, which is being provided in conjunction with the respective local authorities, will consist of a drive-off area on the outskirts of the larger country towns. Members may have seen these tourist information bays. There is one at Gosnells and another on Great Eastern Highway. I have seen several of them.

Tourist information bays are designed to provide space for local advertising as well as information on tourist facilities such as accommodation, fuel, caravan parks, etc. The department is meeting the cost of the hardstanding and drive-off area while the local authority is responsible for the layout and design of the advertising signs and general maintenance of the bay. Several bays have already been constructed. These are at Narrogin, Broome, and Norseman, and plans are well forward for similar facilities at Manjimup, Esperance, Albany, and Busselton. It is proposed that the local authority will exhibit a large-scale map of the district showing points of suitable tourist interest.

Surely the grouping of these advertisements in an area in which they can be observed without hindrance or danger from passing traffic is much superior to the indiscriminate placing of roadside advertising signs. The installation of these bays will encourage advertising rather than discourage it. It should also be repeated that the smaller types of advertising signs such as "for sale" signs will be exempted under the regulations.

Mr. McNeill went on to say that the overriding point is the need for uniformity of control. As has already been stated, if this Bill is passed and the Government committee's proposals on advertising are accepted, then uniformity will be achieved; that is, the Commissioner of Main Roads will control advertising on or in the vicinity of controlled-access roads and main roads, and local authorities will control advertising on or in the vicinity of all other classes of roads. This will not inhibit the powers of the Commissioner of Police under section 58 of the Traffic Act because he will not need to exercise his authority unless some form of traffic hazard is clearly indicated for which urgent action is required.

Mr. McNeill then suggested an amendment to the Bill by seeking to delete the words "in the vicinity." Such an amendment would totally inhibit the effectiveness of the Bill in respect of the control of advertising and would deprive the Commissioner of Main Roads of the powers which are possessed by other State road authorities and by those local authorities in Western Australia which have passed by-laws for

the control of advertising signs. It would permit the erection on private property of advertising signs of all descriptions and would no doubt produce objectionable results. Perhaps the principal point, however, is the potential danger to traffic by diverting the attention of the vehicle driver.

I remind members that on country roads people often drive at 65 miles an hour, compared with varying speeds in the vicinity of 35 miles an hour in the metropolitan area, and the distraction of a driver's attention could result not only in a serious accident but also in death. It would be interesting to know whether any of the unexplained road fatalities have been caused by distraction of the driver's attention—not necessarily distraction by an advertising sign.

The Hon. G. C. MacKinnon: That has never been suggested in any of the reports I have read.

The Hon. J. DOLAN: Anything which would tend to take a driver's mind off the job of driving, particularly when he is doing 65 miles an hour, is a source of danger.

The uniform by-laws being prepared by the Paust committee, which will apply to the control of advertising by local authorities, contain a clause which reads, in respect of advertising—

> . . . so as to be visible from a street, other public place or reserve.

It will be noted that this control is somewhat wider than that being sought for the Commissioner of Main Roads in respect of roads for which he is responsible.

Mr. McNeill then advised that he proposes to seek to amend the Bill to provide a right of appeal, but, as I have said, my Government has already accepted the principle of a right of appeal and an amendment containing appeal provisions will be introduced.

Mr. MacKinnon expressed doubt whether road verges could be retained with a natural cover of indigenous flora. He said that any reserve of less than 50,000 acres was not viable.

While we have acknowledged that imported species such as veldt grass have created problems in conserving natural vegetation along road reserves, we have indicated the steps which will be taken in an effort to deal with this problem, and members who have seen the good work already done by the Main Roads Department in conserving natural vegetation and wildflowers will agree that by the judicious management of the road reserve it is possible to maintain a healthy growth of natural vegetation.

Mr. MacKinnon has been somewhat critical of the proposal to vest control of advertising signs in the Commissioner of Main Roads, claiming that the regulation will be the toughest in Australia and that towns like Bunbury should have the opportunity to advertise the services available in the town.

When going to Bunbury I have noticed that as one approaches the town there is no sign indicating the way to Busselton. The sign is situated well past the turnoff.

The Hon. G. C. MacKinnon: You must have been reading too many files.

The Hon. J. DOLAN: As one approaches a turnoff to another town one usually finds a large sign indicating the way. I do not know whether the sign indicating the turnoff to Busselton has been deliberately placed to dissuade a motorist from turning around and encourage him to continue through Bunbury.

The Hon. Clive Griffiths: It was probably erected by the person who put up the signs I mentioned.

The Hon. J. DOLAN: I will tell the honourable member how little he knows about it, when I get a chance.

However, I would like to draw Mr. MacKinnon's attention to the statement that I have already made in replying to the speech made by Mr. McNeill; that the powers contained in the Bill are similar to those possessed by some State road authorities in the Eastern States and are also similar to the powers of those local authorities in Western Australia that have adopted the model by-law on advertising signs. It should also be repeated that the commissioner's powers for the control of advertising signs in country areas will mainly be confined to the open stretches of main roads outside town boundaries, and that the legislation is complementary to and not in conflict with local authority powers and has been accepted in principle by local authority representatives.

I reiterate that tourist information bays could provide the type of service envisaged by Mr. MacKinnon and, furthermore, they will be positioned where the message of the advertisement can be readily assimilated and without danger from passing traffic. I also repeat for the benefit of the honourable member that the smaller types of advertising signs, such as "for sale" signs and electoral signs, will be exempted under the regulations. I suppose it will depend upon their size.

The honourable member's reference to the removal of branches of trees from the road pavement should not be taken too seriously. As he must be well aware, the provisions of this clause are meant to apply to trees and vegetation on the road reserve beyond the road pavement, in the interests of conservation of this vegetation.

The Hon. G. C. MacKinnon: I thought it was a badly drafted clause.

Sitting suspended from 6.10 to 7.30 p.m.

The Hon. J. DOLAN: Before the tea suspension I was referring to Mr. MacKinnon's remarks about the removal of branches of trees from road pavements and I said that they should not be taken too seriously.

The Hon. G. C. MacKinnon: I think you said that about five minutes before we suspended.

The Hon. J. DOLAN: I do not think so. The honourable member spoke about the erection of electioneering signs. However, there should be no problem with them. There would be no objection to the erection of reasonable-sized temporary electioneering signs which are properly positioned and erected, provided they are placed in position a short time before the election and removed immediately after.

The Hon. A. F. Griffith: What is a short time before the election?

The Hon. J. DOLAN: That would be in the honourable member's judgment.

The Hon. G. C. MacKinnon: You are the Minister upon whose judgment we depend.

The Hon. A. F. Griffith: You know as well as I do that it would not be in my judgment.

The Hon. J. DOLAN: In parts of my electorate there are still signs which were erected by a candidate about seven or eight years ago. One of these days I will get up enough energy to climb the trees and pull the signs down. I might mention that the candidate does not belong to my party. The objectionable practice of sticking posters on the road furniture, such as guide posts, is to be deprecated.

The Hon. G. C. MacKinnon: That is illegal, anyway.

The Hon. J. DOLAN: Other forms of temporary advertising by voluntary charitable organisations would be acceptable provided the signs did not cause a hazard to traffic and were promptly removed at the conclusion of the particular function.

We see plenty of signs which are erected by organisations which might be holding a fete or some similar function. There is no objection to these as long as the signs are put up, say, one week before the function and removed shortly after.

The Hon. L. A. Logan mentioned the situation which arises when trees and branches are blown across boundary fences. I would like to point out to the honourable member that as the tree, or at least part of it, is then lying on the farmer's property, the provisions of the legislation would not prevent the farmer from removing the obstruction and repairing his fence. In any case, in these cases, common sense will continue to prevail as it has in the past.

Mr. Logan also asked a question regarding the control of noxious weeds. Most of the work of eradicating noxious weeds along main road reserves is at present carried out by officers of the Agriculture Protection Board. Under the proposed new arrangements, the Commissioner of Main Roads will meet the cost of this work, and this will be of great benefit to the local authority or the neighbouring farmer as they will be relieved of the financial responsibility for carrying out this work. The same principle will apply in the case of vermin control so that if this Bill is passed farmers will be relieved of financial responsibility for vermin control measures in adjacent main road reserves. Surely this point will be well taken by members representing country areas.

Dealing with the question asked by Mr. Logan as to whether a regulation made under the provisions of this Bill will overrule a by-law made by a local authority for the control of advertising signs, I would like again to point out that the powers under this Bill are complementary to, and not in conflict with, local authority powers. This important point will be covered in a regulation to be made under the legislation which will provide that an application for an advertising sign to be considered by the Commissioner of Main Roads must first meet any by-law requirement for advertising signs of the local authority in that area.

The Hon. D. J. Wordsworth asked a question regarding the manner in which those provisions of the Bill dealing with noxious weed and vermin control in main road reserves will be administered. The principles relating to the subject of these questions have been dealt with in my answers to the questions asked by Mr. McNeill and Mr. Logan. However, on the subject of the administration of the provisions of the legislation relating to noxious weed and vermin control, I have pleasure in informing Mr. Wordsworth that, as the Main Roads Department has a decentralised system of administration, these provisions will be administered at the divisional engineer level in the divisional offices of the department.

The Hon. D. J. Wordsworth: I thought the commissioner had to give approval.

The Hon. J. DOLAN: Any of these high-ranking officers can designate approval.

The Hon. D. J. Wordsworth: At divisional level?

The Hon. J. DOLAN: I have just told the honourable member that. If he does not accept my word I will not repeat it. As will be appreciated by members, Main Roads Department divisional engineers have a sound knowledge of local conditions and are readily available to offer advice and guidance at the local level. Also, to place some of these questions in their proper perspective, it should be remembered that the Bill will apply to only 7,660 miles of main roads, out of a total of 99,000 miles of roads in this State.

I thank Mr. Claughton for his remarks in support of the Bill. I turn now to the remarks of Mr. Clive Griffiths.

The Hon A. F. Griffith: Take a deep breath now.

The Hon. J. DOLAN: He used a peculiar word—I think it was "fantastical."

The Hon. Clive Griffiths: "Fantastical"?

The Hon. J. DOLAN: Yes, the honourable member will find it in the report of his comments.

The Hon. A. F. Griffith: You are not going to give him a lesson in grammar!

The Hon. J. DOLAN: I am not; but but that could well apply to the remarks he made. He might have deleted that word from his speech. The honourable member also said—

> I am quite sure the Main Roads Department is not the appropriate body to make decisions about where signs should go.

Of course, the Main Roads Department does not erect the type of signs we have been talking about. Mr. Clive Griffiths continued—

> I believe the Main Roads Department is not competent to do so, and there are numerous examples around the metropolitan area which lead me to believe that the Commissioner of Main Roads or his department has not much idea what a sign should indicate to people.

He went on to refer to a particular road sign. I take it he was referring to—

The Hon. Clive Griffiths: I told you the specific sign to which I was referring.

The Hon. J. DOLAN: That is right. Do not be impatient; I will come to that in a moment and prove to the honourable member that he was talking nonsense.

The Hon. G. C. MacKinnon: I went down and checked the sign and it was exactly as he described it.

The Hon. J. DOLAN: Mr. MacKinnon must have been brainwashed if he saw exactly what Mr. Clive Griffiths saw, because in a moment I will indicate that he did not see what a normal driver would see in a normal situation.

The Hon. G. C. MacKinnon: Are you referring to me as subnormal, abnormal, or supernormal?

The Hon. J. DOLAN: I said no such thing. I will tell the story truthfully to the House. At lunch time on Friday, the day after Mr. Clive Griffiths addressed the House on this subject, I said to two of my officers—I think they are both normal people—"I want you to come with me to see these road indication signs and to be as critical of them as you can." I told them that we would travel along King Street, down Hay Street, into Milligan Street, down the Terrace past the Parmelia, and around into William Street, which is where the story starts in relation to the sign Mr. Griffiths mentioned. One can travel the way I did, or else go down William Street or Barrack Street.

As soon as one turns out of William Street and gets onto the roadway, one sees not the sign to which Mr. Griffiths referred but the first sign the average motorist sees. It indicates that the left lane takes drivers to Stirling Highway. That is the first sign the driver sees, and he would be about 80 yards away from it when he first sees it.

I specifically asked my officers to be very careful, and every time they saw a sign to read it thoroughly and be as critical as they could. The first sign made it very clear to me that if I wished to travel to Stirling Highway I should take the left-hand lane. Then, 80 yards past that sign we came to the sign referred to by Mr. Griffiths. The sign is of the same size as the other signs—I would say somewhere around seven feet by four feet.

The Hon. G. C. MacKinnon: It is eight feet by four feet.

The Hon. J. DOLAN: Well, the honourable member is making it a little bigger. It is a big sign, and it is placed where the traffic divides. On the sign a large arrow indicates that traffic should go to the right to get to the Narrows Bridge, and another arrow indicates that traffic should go to the left to get to Stirling Highway. There is a post in the centre of the sign. I had the impression—and that is why I checked—that the post must have obstructed the view of motorists. Members can imagine a traffic sign measuring eight feet by four feet with a steel post, at the most six inches in diameter, in the centre of it, and they will understand that the post does not obstruct the view.

At, say, 5.00 p.m., the average motorist would be travelling at about 10 miles per hour, and he has about 160 yards in which to make up his mind which way to go. It is not as Mr. Griffiths stated; that he is abreast of the sign before he sees it and has to turn around and come back. I challenge any member to go there to inspect the sign, and he will see exactly what I and my two officers saw.

The Hon. Clive Griffiths: Did you say that you went past the Parmelia, or that you went in?

The Hon. J. DOLAN: I do call in there occasionally, but not for the same purpose for which the honourable member probably calls in. I continued on and drove down the freeway to ascertain what credence I could place on the remarks of Mr. Griffiths. As soon as I travelled over the Narrows Bridge I was confronted with a

sign which directed me to Mill Point Road in South Perth. The next sign indicates that one cannot make a left turn. In other words, the driver cannot turn off the freeway at that point. As I went along I found three signs, one indicating the turnoff to South Terrace, another indicating the turnoff to Alston Avenue, and the third indicating the turnoff to Cale Street. In each case the distance to the turnoff is indicated. The sign before the turnoff to South Terrace indicates that the turnoff is 160 yards ahead. It is a big sign and one cannot miss it. The same applies to the sign indicating the turnoff to Alston Avenue.

In regard to the third sign—and this is where Mr. Griffiths is confused—before one reaches it one sees a sign indicating the turnoff for Como and Manning. If the driver wishes to travel to those suburbs he must cross the highway, and the sign indicates where he should turn. The next crossing is at the point where traffic comes onto the freeway, and the sign warns drivers to beware of traffic coming onto the freeway. Of course, any cautious driver would take care even though the freeway is protected by "Give Way" signs. In this case, we turned off into Cale Street in order to return to the city.

To show that there is very little value in what Mr. Griffiths said, I would mention that, on the way back, the first sign we saw on our left indicated that the Narrows Bridge was a half mile away. The sign was in large letters which I could read with ease from 80 yards away—probably those with eyesight better than mine could read the sign from a greater distance.

A little further there is another large sign which indicates where a person would turn off if he wished to go to South Perth. Then there is another sign indicating that as soon as a person gets over the Narrows Bridge he can either go straight ahead to take him to the city or turn left to take him either to Mounts Bay Road or to the road that links up with Stirling Highway. There is a further sign when he reaches that point. Therefore, there is no possibility that a driver can go wrong.

That is some explanation of the traffic signs that one sees around the city. They were put there by the Main Roads Department. So to the honourable member who has been so critical, could I say that for over 30 years not only has the Main Roads Department built roads, but it has maintained them? The signs which it has erected must have saved thousands of lives and must have assisted every driver of a motorcar in this State whenever he visited the country. If the driver of a motor vehicle follows the signs religiously there is not much danger of his getting into trouble.

The Hon. N. E. Baxter: Were you driving the car or were you a passenger?

The Hon. J. DOLAN: I was the driver, and I might say that I was at an advantage because I travel over the freeway practically every day.

The Hon. Clive Griffiths: That is quite correct; you are fully acquainted with it, but I was speaking of people who would not be aware of the situation.

The Hon. J. DOLAN: The honourable member quoted an example of a person who was looking for some indication that would lead him onto Stirling Highway, and in reply I would say that any person who gets himself involved, at 5 o'clock in the afternoon, with traffic travelling over and around the Narrows Bridge, should not hold a license. He is a menace and he is a danger.

The Hon. A. F. Griffith: You have now spoiled a very good case. It is absolutely ridiculous to say that because a man finds himself in the city at 5 o'clock in the afternoon he is not fit to hold a driver's license.

The Hon. J. DOLAN: From the example given by Mr. Clive Griffiths there is every indication that the driver was in more trouble than Brick Bradford. I will now return to what I was saying, before I was put off the track. I was both amazed and disappointed with the contribution made by Mr. Clive Griffiths to this debate. His criticism of traffic signs erected by the Main Roads Department is without substance and is therefore irresponsible. Most members of this House would know that the Commissioner of Main Roads has been for many years the authorised traffic sign erecting authority under the provisions of the Traffic Act for the metropolitan area, and for roads under his control in country areas, and that the erection of traffic signs in this State has been praised in many quarters as being amongst the best in Australia. Having seen them and driven along the roads for a very long period of years I can endorse every word I have just said, although self-endorsement, I admit, is no recommendation.

I can assure the members of this Chamber that the criticisms made by Mr. Clive Griffiths are without foundation, and I can only think that they have been introduced to distract the attention of members from the main issues being debated which deal with advertising signs and not traffic signs.

As a fitting conclusion to my comments, I must reiterate, for the benefit of members, that the far-sighted legislation as represented by this Bill will make a positive contribution towards the conservation of natural vegetation and wildflowers, to the tidying up and beautification of our main roads environment in this State, and, above all, to an improvement in road safety. Therefore the question which must be squarely faced by all members of this House is: Is the introduction of these worthwhile community benefits, which this Bill will provide, to be frustrated because

of the pressures exerted by a small group of vested interests? This is the question which we must all surely face in considering the passage of this Bill.

Question put and passed.

Bill read a second time.

ABORIGINAL AFFAIRS PLANNING AUTHORITY BILL

Second Reading

Debate resumed from the 12th April.

THE HON. L. D. ELLIOTT (North-East Metropolitan) [7.50 p.m.]: I strongly support the Bill. I have discussed it with different sections of the community, both Aboriginal and non-Aboriginal, and there appears to be wide acclaim for the provisions contained in it; particularly those dealing with the land trust and the rights to mineral and other natural resources. It is those parts of the Bill to which I wish to devote my remarks and, in particular, to clauses 24 to 29.

I hope to establish the importance of those clauses by dealing firstly with the position of Aborigines in Australia; and, secondly, by dealing with the recognition of the rights of indigenous people in other countries. More and more people in Australia, I think, are beginning to realise the justice of the claim of the Aboriginal people for land rights and for compensation for the past wrongs that have been done to them, and for land that has been taken from them from 1788 right up to the present day.

The Hon. I. G. Medcalf: You say it was taken from them by different people?

The Hon. L. D. ELLIOTT: I say right up to the present day, because only last year we heard reports of the case of the Yirrkala Aborigines. They were fighting for their land in the Gove Peninsula in the Northern Territory from Nabalco. We have also heard the reports of the claims of the Gurindjis for part of the Wave Hill cattle station run by Vesteys on land which was occupied by the forefathers of the Gurindjis from time immemorial. On both occasions the Aboriginal people were fighting large and wealthy overseas companies and on both occasions they lost.

The history of European dealings with Aboriginal people is indeed a sad and shameful one. Because of their simple technology and apparent lack of material possessions, the Aborigines were not accorded the respect they deserved as a race of intelligent people with laws, traditions, a culture, and with a claim to the territory they were occupying. It is estimated that in 1788 Australia was inhabited by about 300,000 Aborigines, comprising 500 tribes. One of these tribes, the Aranda, had a vocabulary of 40,000 words. According to our anthropologists they were not a primitive people. They had a highly-complicated social organisation with a culture rich in art and religion. Their way of life was intelligently adapted to the harsh environment in which they had their existence. Essential to that existence was the land, which provided the very basis of their material needs and their religion.

There was a definite system of land occupation. Although boundaries were not drawn as precisely as we expect ours to be, they still existed. Each group with religious and totemic ties held certain territory in trust, collectively and in perpetuity. If there was need to go beyond the boundaries of their recognised territory, there were strict rules and conventions that had to be observed. In other words these people had respect for the territorial rights of other groups.

The Hon. G. C. MacKinnon: I would recommend to the honourable member that she should read a book titled, *Territorial Imperative*, by Robert Ardrey. Even mice have those rules.

The Hon. L. D. ELLIOTT: I thank Mr. MacKinnon for his suggestion. Compared with European society, the Aboriginal society had many material disadvantages, but it also had advantages. For example, it had universally accepted social values which resulted in a certain orderliness and trust and a strong group cohesion.

It is now 184 years since the first shipload of European settlers arrived at Botany Bay, and I think when we are considering legislation directed towards advancing the Aboriginal people, we have to examine whether the provisions in that legislation will provide adequate compensation for any wrongs done to them or for any assets that have been taken from their race over that period.

Let us examine what has happened in that time and whether the coming of the white man to this country has helped the Aboriginal race or not. Because there was no recognition of their traditional occupation of the land, there were no treaties or trading and the land was forcibly taken from them. The inevitable clashes with the white settlers resulted in wholesale slaughter of the Aborigines, whose weapons were inferior to those of the white man. Those who remained were pushed farther and farther back into areas which could not sustain them. The loss of their land, which was so essential to their material and spiritual existence, resulted in the disintegration of their society. They were reduced to beggars dependent on the charity of missions or forced to work on the stations which took over their land.

Their contact with white society introduced this once proud, independent race to disease, alcohol, and prostitution. For a large number of them today, their way of

life is characterised by ill health, unemployment, inadequate housing, and a general inability to cope. This leads to a feeling of frustration and hopelessness which, in turn, leads to alcoholism and delinquency.

An article in the *Medical Journal of Australia* under the heading of "Mortality and Morbidity in Australian Aboriginal Children" listed some of the diseases and illnesses suffered by the children, such as worm infestation, iron deficiency, and nutritional anaemia, chronic middle ear disease, recurrent bronchitis, recurrent skin sepsis, and repeated episodes of gastro-intestinal infection. The author of the article said—

> Each of these would be a cause of concern to the parents and medical adviser when present in a white child; most and frequently all of them occur together in an Aboriginal child between the ages of about 1 and 15 years.

So if we concede, firstly, that we took away the Aboriginal's land which was vital to his existence, and, secondly, that his contact with our society has destroyed his culture, his health, his pride, and his purpose in life, then I think we must agree that our debt to that race is enormous.

I would say that many people in this country reject the idea that we owe the Aboriginal anything. They treat as a joke the suggestion that the indigenous people in this country or their descendants have a right to receive compensation for the land that has been taken from them. What they overlook is that the rights of indigenous inhabitants of other countries to land or compensation have been recognised by those countries.

I have here before me a map showing areas in Canada which were subject to a treaty between the Crown and the Indians. To my knowledge I think it is about the only copy in Australia and it has just come into my possession. If members will look at this map they will see that all the treaty areas cover about two-thirds of the total land space of Canada. I also have here a chart which contains a list of the details of those treaties. I would like, briefly, to go through one of them so that members might have some idea of what is contained in them. This treaty, No. 7, called the Blackfoot Treaty, was signed in September, 1877.

The Indian peoples concerned were the Blackfoot, Blood, Piegan, Sarcee, and Stony. The purpose of the treaty was to open up the land for settlement and such other purposes. There are two headings—"The Indian People Agree To" and "The Sovereign Agrees To." The Indian people firstly agreed to cede, release, surrender and yield up specified lands to the Crown forever. They agreed to conduct and behave themselves as good and loyal subjects of Her Majesty; not to sell or alienate reserve lands, and so on.

Under the heading "Once-for-all Expenditures" "the Sovereign agreed to pay $25 per chief, $15 per headman and a rifle; $12 per Indian, tools, farm stock or equipment; flag and medal". Under the heading "Recurring Incidental Expenditures," "the Sovereign agreed to pay $2,000 per year for Ammo or otherwise for the benefit of Indians; and triennial clothing. It agreed to annuities by census—$25 per chief; $15 per headman; and $5 per Indian." The Sovereign also agreed to pay school teachers as advisable, when requested by the Indians.

In connection with reserve lands, the Sovereign agreed to one square mile per family of five, additional land to Blood, Blackfoot, and Sarcee for a 10-year period; and compensation for Indian lands taken for public works. The control of reserve resources was not mentioned. Finally, under the heading "Ceded Lands" the Sovereign agreed to permit hunting, except on tracts taken up for settlement, mining, trading or other purposes and subject to Federal "regulations."

Perhaps these provisions might not be as generous as they should have been, but the point I am trying to establish is that at least the rights of the Indian people as indigenous people in Canada to the land on which they were living were recognised. The authorities did not just walk in and say that they were going to take the land because the Indians were not using it to the best advantage; and the Indians were paid some compensation.

The Hon. W. R. Withers: Did those people pay anything to the State by way of royalties?

The Hon. L. D. ELLIOTT: However, the Canadian Government was not satisfied, and in 1969 it presented to the Canadian Parliament an official statement on Indian policy which foreshadowed an Indian Lands Act which was to grant full Indian control and ownership of reserve lands. Among other things, it said—

> The Indian people do not have control of their lands except as the government allows and this is no longer acceptable to them. The Indians have made this clear at the consultation meetings. They now want real control, and this Government believes that they should have it. The Government recognises that full and true equality calls for Indian control and ownership of reserve land. The Government is prepared to transfer to the Indian people the reserve lands, full control over them, and subject to the proposed Indian Lands Act, the right to determine who shares in ownership. The Government proposes to seek agreements with the bands and, where necessary, with the governments of the provinces. Discussions will be initiated with the Indian people and the provinces to this end.

I am told that recently the Director of Red Indian Affairs visited Canberra. While there he said that negotiations were in progress between different municipalities and the Indians for land affected as a result of the encroachment of the cities. He said that one municipality was offering $7,000,000 to the group of Indians involved.

What is the position in the United States? Following the American War of Independence one of the first acts of the American Congress was to pass the North West Ordinance of 1778, which stipulated that Indian lands and property shall never be taken from them without their consent. While our knowledge of American history may indicate that this was not honoured, it is a fact that by 1945 approximately 95 per cent. of the public domain of the United States was purchased from the Indians for a total of about $800,000,000.

In 1946 the Indian Claims Commission was established in the United States to settle claims by Indians arising from the taking by the United States, whether as the result of a treaty or cession or otherwise, of lands owned or occupied by the claimant tribe or group without the payment for such lands of compensation agreed to by the claimant. Many millions of dollars have been paid out on land claims to Indian Tribes.

The New York Times of the 20th December, 1971 carried a report of the United States Congress approval of a Bill giving Alaskan Eskimos, Aleuts, and Indians $962,500,000 plus 40,000,000 acres of land in compensation for land expropriated by the State of Alaska.

The question probably arises in some minds as to whether the American Indians are putting their land and money to good use. As I think the same question will arise concerning the Aborigines, I would like to quote from a book by Lorna Lippman who has made comparative studies of ethnic minorities in the United States, New Zealand, India and Australia. In her book *To Achieve Our Country* she says—

> Indians own their reservations—whereas the Crown owns Aboriginal reserves—and derive from them substantial mineral and timber rights and income from businesses, white or Indian, set up on the reservations. There is, too, a large revolving credit fund made available by the federal government.
>
> The Bureau of Indian Affairs and other government agencies in the United States inform the tribes of general community services which are available on demand and also provide innumerable courses in trade training, in business management and in agricultural pursuits. The objective, as stated by the Secretary of the Interior, is 'to provide opportunities for development and growth so that Indians can take whatever place they choose in the national life, not to mould them into what we think they ought to be.'
>
> In different areas of the United States I have seen this policy put into practice. Far from creating an inefficient muddle (as white administrators gloomily predicted), the Indian people, despite their generally low educational standard and lack of all-American hustle, have managed to run their affairs in an orderly, business-like fashion. One such project was 'It Must Happen', a most ambitious eighteen-month plan put into operation by the 6,000 inhabitants of the Gila River Indian Reservation in Arizona. Faced with the chronic Indian problems of poverty, unemployment, lack of education and resultant hopelessness, the Director of Economic Development (a full-time employee of the tribe, not of the government) formulated a plan for massive economic, community and social development, all to be achieved in an impossible eighteen months. Miraculously, most of it *was* completed in less than two years by a full-time Development Board of five, backed by clerical staff employed by and working under the Tribal Council. Light industry was attracted onto the reservation by the establishment of industrial parks, tribal farms were set up, and housing was improved under a self-help scheme. Beautification plans were put into operation and an arts and crafts centre built. All this was accomplished by the Tribal Council and its paid staff, lustily supported by the Indian people of the reservation. Pride in achievement generated an enthusiasm that they had not felt before. Many who had never known what it was like to do a full day's work took pleasure in building up their own reservation, and found themselves subject to the scorn of their fellows if they did not work diligently. In all these activities, the government agency (the Bureau of Indian Affairs) kept at a discreet distance. It had supplied some of the initial ideas for discussion, it was available for consultation when requested by the tribe, it sometimes made the preliminary contracts with private firms or other government agencies but it never interfered with the autonomy of the tribe. In order to get away from the concept of the Great White Father and to leave the people free to manage their own affairs, the non-Indian employees of the Bureau live off the reservations and come in to work each day as technicians.

I thought that could so easily be applied to the situation in Australia.

The Hon. W. R. Withers: Are you still offering evidence in support of clause 29?

The Hon. L. D. ELLIOTT: I am supporting the general principles contained in clauses 24 to 29. The policy of all Australian Governments has been for the ultimate assimilation or integration of the Aborigines. Up to date this is being achieved to a certain degree, but the scheme has not been entirely successful. A similar situation existed in America where they had the same policy of the ultimate assimilation of the Indian people.

When a survey of assimilationist policies in the United States revealed a failure of these policies, it led to the Indian Reorganisation Act of 1934 which introduced a policy of cultural revival with a strengthening of tribal autonomy and an increase in the Indians' economic base, including land holdings.

The Hon. G. C. MacKinnon: Separate development.

The Hon. L. D. ELLIOTT: Dr. Barrie Pittock, a Fullbright Scholar who spent three months touring American Indian areas in 1963 with workers in Indian affairs, including John Collier who was responsible for the Indian Reorganisation Act, had this to say in a lecture entitled "Toward a Multi-racial Society"—

> It is perhaps an ironical twist that the very success of the development under the Indian Reorganisation Act has raised the educational and material standards of some Indian groups to the point where individual Indians from those groups are now much more readily assimilated than would have been the case without an initial strengthening of the group. Now that their group identity is no longer under such strong attack, these Indians have lowered their defensive barriers and are more open to the modernising influence of the outside world. Perhaps they also have more chance of influencing it.

I come now to New Zealand which is another country which has recognised the rights of its indigenous people. The Treaty of Waitangi signed in 1840 established the rights of Maoris to "the full, exclusive and undisturbed possession of their Lands and Estates, Forests, Fisheries and other properties . . . so long as it is their wish to retain the same in their possession." But at the same time it established that "all rights and powers of sovereignty . . . were ceded to Her Majesty . . . absolutely and without reservation" and that Her Majesty had "exclusive right of Pre-emption over such lands—" and these are the important words—"as the proprietors thereof may be disposed to alienate, at such prices as may be agreed upon."

Here was another country which was not just ignoring the fact that its indigenous people had some rights to the land they had been occupying for centuries.

Closer to home, legislation has recently been passed in Victoria and South Australia. Victoria granted titles to Aborigines to the Lake Tyres and the Framlingham Reserves. In South Australia, the Aboriginal Lands Trust Act, 1966, aims to give Aborigines titles to reserves and mineral rights beyond those normally related to freehold titles and to provide compensation machinery to atone for failure to carry out the Letters Patent of 1836.

The Hon. W. R. Withers: Will they pay royalties to the State on any of these minerals?

The Hon. L. D. ELLIOTT: I do not know and could not answer that question. The information I have states that it will give them mineral rights beyond those normally related to freehold title.

We can do no less for the descendants of our indigenous people than what has been done in other countries. Having regard for the whole sad history of Aborigines and past injustices our debt is greater. We will go a long way towards erasing that debt if we adopt the provisions of this Bill.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [8.16 p.m.]: In the first place let me thank all members who have spoken to the Bill. I particularly thank my colleague who has just resumed her seat. Miss Elliott, in her contribution, gave full support to the Bill as submitted to the House.

This legislation has not been presented lightly. The practicalities of amalgamating two big State departments in accordance with the concept outlined by the present Premier in his policy speech has, believe me, taken a great deal of effort. It is certainly an achievement to have reached the point of presenting to Parliament the composite thoughts of the officers responsible for preparing the measure which I had the honour to introduce to this House. They travelled throughout all the States, not only in Western Australia or South Australia. These men conferred with Commonwealth officers on the basic principles of the issues involved.

Within this parliamentary forum I accept the remarks that have been made to the Bill in the spirit in which they were intended. I now propose to reply in some detail to the various queries raised. After making this one comment, out of sequence as it were, I will try to be orderly and deal with the remarks of the Leader of the Opposition in the first instance. However, to digress for a moment, Mr. Logan took me to task for saying that I wanted to do away with the term "native" and then prepared an Aboriginal affairs Bill of some magnitude. At least we will obliterate the term "native" from the Western Australian vocabulary with the passing of this legislation.

To give rights of land to people of Aboriginal descent and to institute projects by which to help them we found that there must be a further form of legislation, which is the Bill before the House. To this comment I must add that the organisation concerned will work in close liaison with the Commonwealth which has adopted the term "Aboriginal" as a basis in dealing with the affairs of Australian Aboriginal people. Consequently we adopted the term "Aboriginal" as closely as we could to the Federal concept and we have produced something which we believe will work in with the Commonwealth for the benefit of Aboriginal people.

Without dealing with the side issue of a subsequent Bill this is the most straightforward way to promote Aboriginal development in this State. The other Bill is secondary to this one which deals with the problems encountered within our everyday lives.

This is the point I make in reply to Mr. Logan: Any term of colour whatsoever will be made to disappear under the Community Welfare Department. We will deal with individuals irrespective of colour. However I make no apology for the presentation of this legislation because I believe it is essential to the welfare of the Aboriginal people of Western Australia far beyond the term of my transient position in this seat.

I am indebted, as I so frequently am, to the Leader of the Opposition for putting forward such a constructive case to the points of view presented to him. Obviously this legislation has not been treated lightly by members of the Opposition in this Chamber. In fact members have treated the measure with great forethought and at depth which gives me the opportunity to reply at that level.

I refer firstly to the definition of "person of Aboriginal descent" on page 3 of the Bill. I shall use these words within a rather precise meaning as we will be looking for definitions for most terms shortly when the Bill is discussed in Committee.

In choosing the words used there certainly was no intention to embarrass anyone. The provisions of the Bill are not restrictive in any way and the purpose of the Government is to extend its provisions to all persons of Aboriginal descent who want them. Thus it is intended that the provisions of the Bill will be applied along the lines indicated by the Leader of the Opposition. If it will clarify the position I will have no objection at all to the addition of the words, "who claims to be an Aboriginal and is accepted as such in the community in which he lives." I think this would, to some degree, cover the point raised by Mr. Withers.

Clause 11(3) on page 6 of the Bill, which the Leader of the Opposition questioned, was first inserted in the relevant Act in 1911. It was deleted in 1954, but was reinserted in 1960 and is included in the current Native Welfare Act of 1963. It has served a useful purpose for many years and it is my endeavour to propose to continue it unless it can be demonstrated that there is some specific reason why it should not be continued. I think that the difference we are talking about is that between "automatic delegation" and "detailed delegation."

The Hon. A. F. Griffith: I apologise, because by attention has been distracted for a moment. I would like to follow the Leader of the House if he would tell me what clause he is dealing with.

The Hon. W. F. WILLESEE: I am dealing with clause 11 (3) which deals with the power of delegation. Apparently over the years the Native Welfare Act has included the power of automatic delegation. Having regard to all the paraphernalia involved when a Minister has to delegate authority to a deputy, this principle is far in advance of the usual procedure. Simply stated, when the No. 1 member of the department is out of the State the provision allows automatic delegation whereas, in most cases the Minister must sign a minute for delegation. The operative effect of delegation is no different under any circumstances.

The Hon. A. F. Griffith: Again I apologise. Did you take up the point I made? You are now talking of the deputy commissioner. The only query I raised is that the deputy commissioner will have as much authority as the commissioner, whether the commissioner is present in his office or not.

The Hon. W. F. WILLESEE: No.

The Hon. A. F. Griffith: The Bill states that he will have.

The Hon. W. F. WILLESEE: This is a point on which we disagree and perhaps we will have to deal with it further. This has been the practice of the native welfare administration up to date and it has been taken from one piece of legislation and incorporated in another. It is unusual to have automatic delegation.

The Hon. A. F. Griffith: We do not find the deputy head of one department with as much authority as the head, if the head of the department is present.

The Hon. W. F. WILLESEE: The deputy head will have no more authority when the head is present than any other deputy would.

The Hon. G. C. MacKinnon: The Bill says "absent or not."

The Hon. W. F. WILLESEE: Yes.

The Hon. A. F. Griffith: It is conceivable a man could go to the head of a department and put a proposition to him. The head could refuse and the person could then go to the deputy head who, not knowing what his chief has said, could agree. He has that authority.

The Hon. W. F. WILLESEE: No he has not and if he did this he would get the sack.

The Hon. G. C. MacKinnon: That is a succinct answer. I do not know whether you would get away with it under the Public Service Act, but it is a good try.

The Hon. W. F. WILLESEE: I suggest we leave it at that until some further opportunity arises. I now refer to clause 16 (2) on page 9 of the Bill. I think the Leader of the Opposition raised a query connected with drafting procedures.

The Hon. A. F. Griffith: I just wanted to know about the words "and/or."

The Hon. W. F. WILLESEE: Yes. The Parliamentary Counsel has been consulted and he says that under the provisions as outlined in this clause, the Minister will be free to engage at the same time any number of the persons nominated.

The Hon. A. F. Griffith: I am glad you went to the Parliamentary Counsel and I am happy to accept his word.

The Hon. W. F. WILLESEE: I think we are getting along much too well for the future.

The Hon. G. C. MacKinnon: We will make it a House of Review yet.

The Hon. W. F. WILLESEE: The Leader of the Opposition referred to clause 19 on page 10 of the Bill and deduced that the Aboriginal Advisory Council already exists and, as it is functioning quite effectively, the purpose of this clause is to give it statutory authority.

The present Aboriginal Advisory Council comprises 12 members all of whom are Aborigines. They are elected by six Aboriginal consultative committees, one for each administrative division, which meet twice a year within their own divisions. The committees are made up of representatives of Aboriginal communities within the division. They are chosen by those communities and they, in turn, elect their two representatives to a State-wide Aboriginal Advisory Council, which also meets twice yearly.

Thus, the Aboriginal Advisory Council is representative of the whole State and is made up of Aborigines chosen by other Aborigines. The chairman of the Aboriginal Advisory Council is elected by the council from among its own membership and he thus represents the Aborigines of the whole State.

It will be possible to formalise these arrangements in regulations made under the proposed Act.

The only change proposed is that the Kimberley area will be divided into two sections instead of one as at present. This is considered necessary to give fair representation to the very substantial Aboriginal population of the area. The result will be that the Aboriginal Advisory Council will be composed of 14 members instead of the present 12.

The Hon. N. E. Baxter: Have you any idea of the method which will be used to appoint this advisory council? The Bill has not mentioned the method.

The Hon. W. F. WILLESEE: The honourable member is speaking of the Aboriginal Advisory Council I have mentioned?

The Hon. N. E. Baxter: Yes.

The Hon. W. F. WILLESEE: It will not be altered. The council will meet as it does now and it will discuss matters raised by the representatives.

The Hon. N. E. Baxter: By whom will the council be elected?

The Hon. W. F. WILLESEE: The people of the area will nominate representatives to us and we will accept them.

The Hon. N. E. Baxter: Nominated as a result of a vote?

The Hon. W. F. WILLESEE: Yes, by a vote of some sort. We will be told that so-and-so is the representative of the area. The council has an agenda and in fact I would be prepared to table the agenda of the next meeting as an example of the items which are dealt with. It is an independent group, subject to change, and it may not fit into the format of this legislation, as the secretariat is part and parcel of the advisory body which is now the Department of Native Welfare.

We will not cut into the rights of these people. This is not an association under the direction of the other two portions of people. This is not an association under the subsidiary advancement council—that is, the co-ordinating committee and the lands trust, although some members could be common to both.

So whilst the Aboriginal Advisory Council is representative of the whole State and is made up of Aborigines chosen by other Aborigines, the chairman of the Aboriginal Advisory Council is elected by the Council from among its own membership and he thus represents the Aborigines of the whole State.

I have already touched on this point, but I intended to say that I thought this information might satisfy Mr. Withers in view of his remarks in this regard. The two authorities will not merge into one because they have a separate function in this administrative situation.

When speaking of clause 20, the Leader of the Opposition has proposed that the Police Department be represented as a permanent member of the proposed Aboriginal affairs co-ordinating committee. I thought this was a very good point and it had exercised our minds for some considerable time when formulating the legislation. However, we feel that the welfare situation, as applicable to Aborigines,

does not warrant the inclusion of representatives of the Police Department. The committee should not be inhibited in its freedom to act once a law is broken. These are our reasons for not including representatives from the Police Department or the Department of Correction.

In drafting the legislation, a great deal of thought was given to the composition of the committee and both the Police Department and the Department of Correction were considered because, as the Leader of the Opposition said, both departments certainly have extensive contact with Aborigines. However, it should be borne in mind that under the provisions of the Community Welfare Bill, it is the proposed community welfare department and not the Aboriginal affairs planning authority which will be dealing with Aborigines as individuals. I therefore came to the conclusion that neither representatives of the Police Department nor the Department of Correction should be permanent members of the co-ordinating committee. I have no doubt, however, that under the provisions of subclause (2), representation from those departments will be invited from time to time to confer on any particular deliberation.

The Hon. A. F. Griffith: You made a comment a little while ago and said that with the passing of the Community Welfare Bill discrimination would disappear. Now you say that in fact discrimination will not disappear because the committee will be dealing with people of Aboriginal origin.

The Hon. W. F. WILLESEE: I may have misled the Leader of the Opposition. The point I was trying to make, under the Community Welfare Bill, was that the function of the police will be the same to all people.

The Hon. A. F. Griffith: That is right.

The Hon. W. F. WILLESEE: This particular piece of legislation does not deal with individual people as such. It deals with a group of people on a project basis. If an individual offends against the law, he is dealt with according to law.

The Hon. A. F. Griffith: I know that.

The Hon. W. F. WILLESEE: This has no relationship to the legislation.

The Hon. A. F. Griffith: You apparently feel the police could not give any useful advice to the Aboriginal co-ordinating committee.

The Hon. W. F. WILLESEE: Indeed I do not. We have arranged that representatives of the Police Department can be co-opted to the authority. However, the department is not represented on a permanent basis.

The Hon. A. F. Griffith: If this is your intention, could it not be included in the legislation?

The Hon. W. F. WILLESEE: When an applicable situation arises, we will call on these representatives for advice. Community welfare is a fairly large field and departmental considerations will apply.

The Hon. A. F. Griffith: I think you would be well advised to have them on the committee all the time. This would be of great assistance.

The Hon. W. F. WILLESEE: I beg to differ at this stage. Under the provisions of subclause (2), representatives from the two departments may be called on from time to time.

In regard to the Leader of the Opposition's second suggestion regarding this clause, I am of the opinion that it is the chairman only of the Aboriginal Advisory Council who should be represented on the co-ordinating committee. Certainly he will carry an onerous responsibility, but it is he who, by due process of selection, represents the State's Aborigines.

I take note of the Leader of the Opposition's remarks on clause 21, but I cannot agree that the Aboriginal Advisory Council would be the most suitable body to administer the proposed Aboriginal lands trust. By its very nature, the advisory council changes its membership from meeting to meeting, and it seems to me that this would be a very real disability if it were to be charged with the responsibility of administering the lands trust. My present proposal, as indicated in the Bill, is that the trust will be composed of seven members chosen by the Minister for their demonstrated ability and sincerity in the interests of their fellow Aborigines. I would, of course, be prepared to consider any nominations made to me by the Aboriginal Advisory Council and such nominations might well include members of the advisory council itself. I have already dealt with this point in my answers to interjections.

Again I have taken careful note of the remarks of the Leader of the Opposition when dealing with clauses 24 and 25. These clauses propose that the Aboriginal lands trust shall have the right to derive benefit from the natural resources of land put under its control. This proposal was made quite deliberately in the sincere belief that such action would compensate Aborigines to some degree for the loss of lands which they originally held, and for the fact that those areas which are now Aboriginal reserves are, by and large, in arid or inhospitable localities offering little in the way of developmental opportunities. However, if the Opposition is adamant on this issue I am prepared to confer with Opposition members with a view to seeking a compromise to avoid jeopardising the passage of the whole of this Bill.

My suggestion is that we meet for round-table discussions rather than persist adamantly with our own views. Again I

would mention that I feel my reply has incorporated answers to Mr. Withers' comments, as he associated his remarks with those of the Leader of the Opposition.

The Hon. A. F. Griffith raised the point in discussing clause 26 that when the Governor intends to reserve land under this clause, the documents should be tabled in Parliament. That is a fair enough proposal and I would add also that when we close a reserve or hand a reserve over, documents should be tabled. This would be a two-way process and Parliament would know exactly what was happening.

The Hon. A. F. Griffith: That is what I intended.

The Hon. W. F. WILLESEE: Mr. Logan also referred to the Governor being empowered to declare "A"-Class Reserves as being reserved for persons of Aboriginal descent. I have been assured that this is not the case. "A"-Class Reserves are not considered Crown land and any decisions of this nature would be referred to Parliament.

The Hon. L. A. Logan: The Bill does not say so.

The Hon. W. F. WILLESEE: This is the law. It need not be stipulated in the Bill.

Clauses 28, 29, and 32 are the most contentious clauses in the Bill. They all relate to the question of the right to natural resources on reserves. I will do no more than say I am prepared to confer on this issue.

Mr. Medcalf made pertinent remarks in connection with the trust attached to these provisions. I would like to discuss the items he raised with a view to reaching agreement on the implications. Possibly we can then also discuss Mr. Medcalf's remarks on the embracing factors of these clauses.

The provisions in clauses 35 to 37 are virtually identical with those already in effective operation in the Native Welfare Act of 1963. They are intended to continue a simple and equitable means of distributing the estates of Aborigines who still observe a traditional way of life to a degree. To remove these provisions at present would involve a great deal of additional work for the Public Trustee, and in any case in many instances it would preclude the settling of estates in accordance with the traditions of Aborigines. This is an important factor which has almost become a basis for common law.

The Hon. A. F. Griffith: Are you now speaking of a testacy or an intestacy?

The Hon. W. F. WILLESEE: I am speaking generally about clauses 35 to 37. I will continue.

The departure, under clause 35, from the early definition of an Aboriginal in the Bill, is to ensure that these provisions cannot be applied to any person of Aboriginal descent who is not subject to the Native Welfare Act of 1963 at the present time. It is important to note here that this is in connection with an aboriginal estate. Where there is no will—in other words, an intestacy—a right of moral claim is recognised. This is generally handled by the department. This could be akin to a case referred to the other night when the next friend spoke in a court in order that a mother could have control of a child.

Basically, the provision refers to an illiterate person who, it is considered, has taken care of or looked after someone for many years, in the orbit of their home. That person would have a moral claim to the estate. This is the purpose of these clauses.

As the Leader of the Opposition has pointed out clauses 38 and 39 provide means whereby small amounts of money, which would in the ordinary community pass to revenue, may be used for the benefits of Aborigines.

The Hon. A. F. Griffith: Not necessarily small amounts.

The Hon. W. F. WILLESEE: They are small amounts at the moment. The small amounts we hold at the moment we spend generally on associate welfare organisations, such as NEAF and the like. These organisations are generally staffed by volunteers and the yardstick is that they should be volunteer organisations. We allow this trust money to go to them without any dependency so that they might look into a field which we do not, by virtue of our strict approach to the Treasury concerning statements of say A, B, C, and D of the money that we are going to expend. By retaining this right of expenditure we hope to be able to control the money in this field.

The Hon. A. F. Griffith: I do not contest the point, but it is possible that these will not always be small amounts.

The Hon. W. F. WILLESEE: That is true. We are looking very much into the future when we talk about small amounts. This has direct application to the situation at the moment.

The Leader of the Opposition referred to clause 41 in part V. The Aboriginal trading fund mentioned by the Leader of the Opposition is financed by a Treasurer's advance of $7,000. As of today's date the balance of expenditure in that fund is $5,549.29. I felt the House was entitled to the courtesy of being told the current figure.

Clause 45 continues the principle of a trust fund which has been the basis of financing the department, or its earlier equivalent, right back to colonial days. In the absence of any indication of changes needed, I do not feel justified in altering such a long-established principle. In practice the balance carried forward each year is quite small and in many years there is no carry-forward at all. I might add that

the Treasurer had a draft of this Bill and when the clause was put to him he raised no objection to it.

When referring to clause 49 in part VI the Leader of the Opposition, in the concluding part quoted the following words:—

> In the absence of proof to the contrary, where in a complaint made or in an indictment or information presented, in any proceedings whether under this Act or otherwise an averment is made—

and said—

> I wonder why we need the words "or otherwise" which would cover other forms of legislation. I would like an explanation as to why it was necessary to include those words in the drafting.

The reply I have states that the words "or otherwise" have been included in case this provision has relevance to other legislation.

The Hon. A. F. Griffith: That is the point I mentioned.

The Hon. W. F. WILLESEE: For example, it may have relevance to the Aboriginal Heritage Bill which has since been introduced into this House. It seems to me to be a useful safeguard in case it has relevance, but if there is any real objection to it I am prepared to remove it.

The Hon. A. F. Griffith: I think it should be clarified.

The Hon. W. F. WILLESEE: In reply to the point taken by Mr. Logan, I assure him that this is a normal averment provision which holds good unless the court is given satisfactory evidence to the contrary. To finalise that point I would say it could apply to proof under the Justices Act. This however is something we could talk over.

Mr. Logan pointed out that clause 43, in effect, sets up a land settlement scheme for Aborigines. That is quite correct and it continues the principle of section 9 from the existing Native Welfare Act, 1963. Although it is a provision which has not been greatly used, some farms have been set up under it and, in addition, a number of houses have been erected. When speaking to the schedule, the Leader of the Opposition said—

> I have a query in relation to the schedule to the Bill, which seems to me to be an unusual procedure. The obligations of the trust are set out in the Bill, but when it comes to the obligations of the other authorities referred to in the Bill they are set out in the schedule. I do not know why that has to be. This is not a very important point and I am sure the Minister will be able to give us some explanation.

The explanation I have is written in the language of the Parliamentary Draftsman, and I present it as it was given to me. The explanation is that this method of presentation is no more than a drafting device to avoid breaking the continuity of the substantive part of the Bill relating to the Aboriginal affairs co-ordinating committee with a somewhat extended schedule of minor provisions.

The Hon. A. F. Griffith: I may have missed it, but you seem to have gone over clause 45 which relates to the appropriation of money by Parliament and the unexpended balances at the end of the financial year. This is where the Bill will authorise the unexpended balance to be carried forward to the next year. From my inquiries it appears that this department will be singularly privileged. I was never able to get balances carried forward to the next year.

The Hon. W. F. WILLESEE: Speaking off the cuff I think this has applied in the Native Welfare Act since its inception. It is a very good thing because it enables continuity in our building programmes, as we can hold a balance and keep on feeding it out every year.

As an example I would point out that we are calling tenders shortly for the Port Hedland training scheme. This involves a considerable amount of money. In round figures the total scheme will be worth $250,000. There has been some money held in the trust for some time whilst we negotiate with the Lands Department and the people who will contract to do the clearing, and so on, until we reach the stage where we can call for an overall contract and set the date for the commencement of the scheme.

While all the negotiating was going on the money was held in trust in this department. As Mr. Griffith has said, in the normal set-up this would be taken up. There will be a great deal more of this type of thing in connection with the co-ordinating committee, because in my concept we might go to the Commonwealth and say, "This is the proposal;" and if the Commonwealth agrees and gives us the go-ahead with regard to the money we can then call in the co-ordinating committee and say we want land for this purpose and therefore there must be someone from the Lands Department on the committee; that we want trainee teachers and accordingly we must have someone from the Education Department. We would continue to enumerate the particular departments concerned and call them in as a co-ordinating committee. In the meantime, however, we would have the money in trust and when the blueprint was ready we could move a lot; we could move infinitely more quickly because we could deal with only one body at a time.

The Hon. A. F. Griffith: I was not questioning the money you would be fortunate enough to get from the Commonwealth, but the appropriation of moneys from the State Treasury. You will continue to be the envy of the other departments.

The Hon. W. F. WILLESEE: We will not be in the field to get very much money. It is possible that we might be the envy of the other departments but we will not get much money because we do not receive loan funds for this purpose.

The Hon. A. F. Griffith: If in any year the whole of the annual sum appropriated by Parliament for the purposes of the authority is not expended, the unexpended amount may be retained for the next year. That is State revenue, not Commonwealth.

The Hon. W. F. WILLESEE: This has been so throughout the history of the Native Welfare Department and we are writing it into this legislation, because whatever it might have been previously it will not be anything like that under the new scheme.

I again repeat my appreciation of the response given to this legislation. We have a long way to go in deliberating the various points raised. I hasten to say they were not lightly raised; they were given serious thought and I believe it will be a step in the right direction if we can write the principle into the Statute book on this occasion. I hope that we will obtain the agreement of Parliament to this aspect bearing in mind that something like 1,000 civil servants are involved in the amalgamation of the services alone apart from all the declensions—if that is the right word —that are part of the set-up.

If we can achieve this we will have secured a blueprint from which to work. I do not say the legislation is perfect, but it does provide guidelines along which we could work for a considerable period of time; certainly until destiny provides otherwise.

However, I would not like to see this legislation go through and for there to be dissentient voices; and that if there happens to be an election due for it to be said that this is not the sort of thing we wanted on the Statute book; that we wanted something else. Let us write into the Act something that is composite; something on which we can build; something to which we can add or subtract. In the main we are going down the centre so far as it concerns the provisions we have written into the amalgamating Bill.

A great deal of work has gone into this legislation. Some of the most senior officers of the departments have had several conferences in an effort to protect the transfers of individuals who might be concerned. We believe that in the ultimate this legislation will be for the betterment of all concerned and to achieve this end and for it to be a success the approval of Parliament is necessary.

Question put and passed.

Bill read a second time.

COMMUNITY WELFARE BILL

Second Reading

Debate resumed from the 10th December, 1971.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [8.59 p.m.]: When we discuss this Bill it is difficult for us to shut our minds to the remarks we heard made by the Leader of the House on the previous Bill—the Aboriginal Affairs Planning Authority Bill. I say that because the Community Welfare Bill, as the Minister explained, amalgamates two departments. It brings together the Child Welfare Department and the Native Welfare Department and places them both under the one authority.

The long title of the Bill before us reads as follows:—

> An Act to make provisions for the establishment of a Department for Community Welfare, to promote individual and family welfare in the community, and for incidental and other purposes.

I do not think we can cavil—for the want of a better word—at the proposition put forward by the Government. As the Minister said, this proposition was foreshadowed in the policy speech of the Labor Party. The Bill now before us brings this about and in principle I support it.

As I said earlier it brings about the amalgamation of two departments. As far as I can see the Director of Child Welfare will become the Director of Community Welfare; and the Director of Native Welfare under the present legislation will assume the position of director in relation to the Bill dealt with before this measure.

As a passing reference I hope the Government has been able to keep all those officers who are at present employed in the two departments contented. I feel sure the Government will look after the occupations and the classifications of those officers, bearing in mind there is to be segregation of some of the responsibilities. I hope this has reached a happy conclusion, because in an amalgamation of this nature I suggest there is likely to be a proposal put forward to bring about the state of affairs I have mentioned.

Having said that, I support the principle of the Bill. All that is left for me to do is to deal with the Bill in a similar manner as I dealt with the previous Bill; that is to say to the Minister that I find it difficult to understand some provisions in the measure, and there are one or two with which I cannot agree. I feel sure that in

his reply he will adopt the same attitude as he did when replying to the debate on the Aboriginal Affairs Planning Authority Bill.

I turn to clause 7 which relates to the Director of Community Welfare. I have foreshadowed the situation that will arise in regard to this matter. Subclause (2) states that the person who is to be appointed to the office of director shall be chosen from amongst persons who have attained tertiary level qualifications in a recognised field of the behavioural sciences relevant to the administration of social and community welfare services, etc. I accept that as a qualification for the director.

I draw attention to clause 9 on page 4 of the Bill, where we find a slight conflict. Having provided in clause 7 that the director shall be a person who has attained some tertiary level qualifications, it is provided in clause 9 that the present director shall be appointed to the position of Director of Community Welfare. I do not want it to be said or thought that the comments I have made are intended to be degrogatory to the present Director of Child Welfare; the contrary is the case, because not only is he highly qualified, but he has had a great deal of experience in his present position. However, clause 9 conflicts slightly with clause 7 (2).

Whilst the Bill provides that the director shall have some tertiary level qualifications, nothing is provided in respect of the deputy director in this regard. However, we find that the deputy director is to be given the same authority as the director. I do not know whether in the existing child welfare legislation or the native welfare legislation the words "whether the Director is absent or not" appear. This relates to the delegation of authority.

The Hon. W. F. Willesee: They are totally different.

The Hon. A. F. GRIFFITH: They are two different persons.

The Hon. W. F. Willesee: The procedures are different.

The Hon. A. F. GRIFFITH: They are two different persons. From the provision in clause 9 of the Bill it appears that the present Director of Child Welfare will be the Director of Community Welfare. Then we turn to clause 7 to find his qualifications, and presumably it could relate to the present holder of the office. Turning to clause 8 we find that the Governor may appoint a person to be the deputy of the director, and that person when so appointed is authorised to exercise any power and perform any duty that the director may exercise or is required to perform, whether the director is absent or not.

The first point I make is that whilst the Bill lays down that the director shall be a person who has attained tertiary level qualifications, no similar qualifications are required of the deputy director. However, it does provide that the deputy director shall have the same authority as the director to act, whether or not the director is absent. So we find two officers with the same authority to act. I think this aspect needs to be examined further.

In the delegation of authority it is a common practice to delegate authority to the deputy when the principal is absent. For instance, we often have the manager and the deputy manager of a concern, but the deputy manager only assumes the responsibility of the manager when the latter is absent. In exactly the same way the Deputy Premier assumes the responsibilities of the Premier, when the latter is absent. I am sure there would be a very displeased Premier if he found that the Deputy Premier was given exactly the same authority as he had. The Minister should look into that aspect, and also into the comment I have made that it appears no tertiary level qualifications are required of the deputy director.

Clause 8(3) deals with the same sort of provision as appears in the Aboriginal Affairs Planning Authority Bill; that is, the power of the Minister to engage the services of the persons enumerated in paragraphs (a), (b), and (c). The explanation that has been supplied by the parliamentary counsel satisfies me. I am not prone to argue with such advice, because it is usually very good.

There are some amendments appearing on the notice paper in the name of the Minister. They are merely drafting amendments. Obviously since the Bill was drafted other thoughts have been expressed on the wording. It is proposed that some words now apearing in the Bill be deleted and others substituted. It appears that the draftsman, upon reflection or in conjunction with the department, regards the words proposed in the amendments on the notice paper as being better than those appearing in the Bill. To my mind there is nothing wrong in taking such a step. If after a second look at the legislation the draftsman is able to come up with better words, I am happy to accept his advice to make an alteration.

I shall spend a little time on clause 13 which concerns me quite a deal. This relates to the power of the director to assist disadvantaged individuals in employment. The clause states—

> Where a person who is, in the opinion of the Director, a disadvantaged individual is employed, or engaged as an independent contractor, any officer of the Department, or any person generally or specifically authorized in writing by the Director for that purpose, shall be permitted to have access to that individual and to any place in which he may be, for such inspection and inquiry as may be necessary for the purposes of this Act.

The amendment on the notice paper proposes to substitute for the words "a disadvantaged individual" the words "an individual who is disadvantaged."

Whilst it is appreciated that the director has more knowledge of this sort of thing than anybody else, we cannot read the clause simply in the context that the director is having regard for Aboriginal persons, because according to the words of the Minister the objective is to have a Department of Community Welfare to deal with all the people in the community, so that there is no segregation. I think that is a very desirable objective.

The director may find that a person is in his opinion disadvantaged, but in the Bill it is limited to a person who is under 18 years of age unless a person who is over 18 years of age consents to action being taken. There is no definition of what "disadvantaged" means. One could imagine all sorts of things to which this term could relate. Someone might employ a young person under the age of 18 years, and take advantage of him by not paying him enough, or by treating him in such a way as to cause the director to say that he is being disadvantaged. In that event the director could step in and declare that person to be a disadvantaged person.

Further on in the Bill it is laid down that the word of the director shall be law, because clause 17 states—

> Production of a certificate in the prescribed form is conclusive proof in any court that in the opinion of the Director the person to whom that certificate relates is a disadvantaged person . . .

So no court can question the declaration that a person is disadvantaged because the director is of the opinion that he is disadvantaged.

I pose a number of questions to the Minister. The first is that there is no interpretation of a disadvantaged person. This is left entirely to the discretion of the director or the deputy director to decide, whether or not the director is absent. Once that is done the Bill provides that in regard to the right of representation in proceedings any officer of the department, or any person generally or specifically authorised, may appear.

The point I make is this: Where the director has occasion to certify that a person is disadvantaged he ought to appoint someone specially authorised for this purpose, and not merely an officer of the department, to carry out what clause 14 states shall be carried out in relation to disadvantaged individuals. Somebody should be charged specifically with the responsibility of dealing with people whom the director considers to be disadvantaged persons.

I will give the reason for saying this. If we read clause 14 we find that a person may be declared to be a disadvantaged person, and the director may undertake the general care, protection, and management of the property of that person. Furthermore, the director may do the other things set out in paragraphs (a) to (e) of clause 14 (1).

It is conceivable that the director might see that a young man has apparently done pretty well for himself and has bought quite an expensive motorcar, and he might say, "I do not think you should do this. You have been disadvantaged by someone who sold you this car. I declare you, and I will sell your car." That may be stretching it a bit, but that sort of thing could take place.

I am also concerned that in addition to taking possession of property of a disadvantaged person, the director may sell it or otherwise dispose of it, whether the property is real or personal. Also, in his own name, he can sue for, recover, or receive any money or other property due to the disadvantaged person, or held in trust for him. The director assumes an authority, bearing in mind that this pertains to all people and not merely to people of Aboriginal descent, which seems to me to be beyond the purpose of the Bill.

I would not mind so much if the disadvantaged person had an opportunity to prove that, in his opinion, he was not disadvantaged. I refer to a person who is employed, or who is an independent contractor. We know there are many young people 17 years and 18 years old who could be classified as independent contractors and who may not want to be interfered with at all. Such a person might want to say that he is not disadvantaged and that he is doing all right. I would feel happy if such a person had somebody to whom he could go, by way of appeal, to prove that he did not need assistance and did not need to be classified as being disadvantaged. If the Minister reflects on this point I think he will see the provision could act to the very great disadvantage of at least some people, though perhaps not to a great number.

Another matter is that there are those who, in the course of their employment, are bound to maintain trade secrets and confidential information relating to their employment. However, the present legislation gives the person authorised by the director the authority to go to a place of employment and ask questions, not only of the person concerned, but also of the employer. If the employer, or any other person, wilfully obstructs any person acting in the execution of the Act he commits an offence and is liable to a penalty of $200.

For that reason I think there should be some saving clause to the effect that a person be not obliged to divulge confidential information relating to his employment where, in fact, his employer

might be considerably embarrassed. In relation to clause 14, I think there is a saver in clause 15. Clause 15 states that the director shall keep proper records and accounts of all moneys and other property received or dealt with by him under the provisions of this part of the Act, and in relation thereto is deemed to be a person subject to the provisions of the Audit Act of 1904. That is a very important saving clause in relation to the conduct of the director when he declares a person to be disadvantaged.

Of the other four clauses in the Bill, two or three deal with the right of representation in proceedings. Clause 16 states that any officer of the department, or any person generally or specifically authorised in writing by the director for that purpose, may in any legal proceedings in any court concerning a person who is, in the opinion of the director, a disadvantaged individual, or in which such a person is indicted for or charged with any crime, misdemeanor, or offence, address the court or the jury on behalf of that person and examine and cross-examine witnesses.

This is a departure from the normal court procedures and laws of evidence, and I wonder if it is a good departure. We seem to be inclined to say—or we want to say—that with the passing of the legislation there will be no segregation. However, having said that, we seem to slant the legislation—perhaps unintentionally—and say there is a certain section of the community to which we want to give special treatment. In fact, we are saying that the community is made up of Aboriginal people as well as the rest of the people.

Some Aboriginal people are just as capable of taking care of themselves in employment and business as are other people in the community. Not only must we talk about the lack of segregation, but we must also try to practice it. I wonder whether or not we should be doing this sort of thing. I have already mentioned that clause 18 provides that any person who obstructs inquiries authorised by the director becomes liable to a penalty of $200.

The final clause gives the Governor the authority to make regulations not inconsistent with the Act. This is machinery legislation to permit the making of regulations.

I have no further comment except to say I would like the Minister to do what he did with the other Bill, and ask his departmental officers to look into the points I have raised. Perhaps the Minister will have an opportunity to answer me, not necessarily before the Committee stage of the Bill. I understand there is a certain desire on the part of the Minister to see this Bill go through the House as soon as reasonably practicable. I can understand that desire because, no doubt, he will have the problem of arranging and re-arranging the new department as it relates to the two older departments.

I do not see any reason to hold up the passage of this Bill, but I am sure the Minister will want to deal with it, or think about it, in conjunction with the previous measure. We might like to think it is not part and parcel of the previous Bill, but really it is. That is the way I see it, and my comment is not made in any critical sense at all.

I have satisfied myself by pointing out a few points which, in my opinion, deserve some explanation in some respects. I am certain the Minister will confer with his departmental officers and legal advisers and answer our queries on the points raised. In that spirit I give my support to the second reading of the Bill.

Debate adjourned, on motion by The Hon. L. A. Logan.

House adjourned at 9.23 p.m.

Legislative Assembly

Tuesday, the 18th April, 1972

The SPEAKER (Mr. Norton) took the Chair at 4.30 p.m., and read prayers.

MINING BILL

Availability of Mines Department Officers

THE SPEAKER (Mr. Norton) [4.31 p.m.]: I have been asked to remind members that between 2.15 and 3.30 p.m. tomorrow officers of the Mines Department will be available in the Ministers' writing room to answer queries and to supply information to members on the Mining Bill; and on Wednesday, the 26th April, they will be there from 9.30 until 11.30 a.m.

QUESTIONS WITHOUT NOTICE

Practice: Statement by Speaker

THE SPEAKER (Mr. Norton) [4.32 p.m.]: No doubt most, if not all, members will have read the article on page 14 of the *Daily News* of last Thursday containing statements alleged to have been made by the member for Darling Range outside the House. To say the least, these were in very bad taste and were, in my opinion, contempt or verging on contempt by the honourable member and the Press. This point I will deal with later.

As it appears that some members are not conversant with the Standing Orders in respect of questions, and the powers and duties of the Speaker—or at least one member is not—it is now my intention to bring before the notice of members the relevant Standing Orders relating to questions. I will also draw their attention to