

## Noes—24

Mr. Bovell	Mr. Mensaros
Sir David Brand	Mr. Mitchell
Mr. Burt	Mr. Nalder
Mr. Cash	Mr. O'Connor
Mr. Court	Mr. O'Neill
Mr. Craig	Mr. Ridge
Mr. Gayfer	Mr. Runciman
Dr. Henn	Mr. Rushtou
Mr. Kitney	Mr. Stewart
Mr. Lewis	Mr. Williams
Mr. W. A. Manning	Mr. Young
Mr. McPharlin	Mr. I. W. Manning

(Teller)

## Pairs

Ayes	Noes
Mr. Davies	Mr. Hutchinson
Mr. Taylor	Mr. Dunn

Question thus negatived.

Motion defeated.

*House adjourned at 10.38 p.m.*

## Legislative Council

Thursday, the 16th April, 1970

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

### QUESTION WITHOUT NOTICE

#### HEALTH

#### Number of Approved Public Hospitals

The Hon. F. J. S. WISE, to the Minister for Health:

I desire to ask the Minister for Health a question without notice. I would preface my question by saying I appreciate the attitude of the Minister in inviting me yesterday to ask another question because I was not satisfied with the reply he gave yesterday. My question today is—

Will the Minister advise whether the list of hospitals given in reply to my question of yesterday's date contained all those which have been declared by him or his predecessors to be public hospitals on the recommendation of the Commissioner of Public Health with the consent of the institutions and by notice published in the *Government Gazette*?

The Hon. G. C. MacKINNON replied:

Yes. So far as our research can disclose, only one hospital has been so declared.

In our research the only one we could find was the old Armadale-Kelmscott War Memorial Hospital. To take the physical structure, this is still being used as a hospital, now containing a maternity section, and it will continue to be used until the present extensions to the Armadale-Kelmscott hospital are completed.

### QUESTIONS (7): ON NOTICE

1. *This question was postponed.*
2. POINT PERON DEVELOPMENT

#### Removal of Holiday Facilities

The Hon. J. DOLAN, to the Minister for Mines:

With reference to the Alfred Hines Seaside Home for Crippled Children at Palm Beach—

- (1) (a) Will this home be affected by the Government's development intentions for the Point Peron area; (b) if so, to what extent?
- (2) Should replacement be necessary, will the Minister advise—
  - (a) If the home will be replaced elsewhere by the Government;
  - (b) if not, what form of replacement help will be provided by the Government?

The Hon. A. F. GRIFFITH replied:

- (1) (a) Yes.
  - (b) The whole of the site will be required for public purposes.
- (2) (a) The Government has no plans at present to re-locate the Alfred Hines Seaside Home.
  - (b) The Government would be prepared to consider a submission from the Home for replacement help.

### 3. MILK BOARD

#### Deliveries to Noalimba Migrant Centre

The Hon. CLIVE GRIFFITHS, to the Minister for Mines:

Further to my questions on Tuesday the 14th April, 1970, concerning the illegal delivery of milk to Noalimba, would the Minister advise—

- (1) Has the Milk Board precipitated action similar to that mentioned in the answer to part (5) of my previous question thereby causing the Tender Board to release Sunny West Co-operative Dairies Ltd. from its contract with Noalimba?
- (2) (a) Does the Minister consider that the present procedure which permits the unlawful delivery of milk should be condoned; (b) if not, what steps are being taken to ensure that the practise ceases?
- (3) (a) Did a milk vendor licensed for Melville district 98 deliver milk to Noalimba

prior to the tender submitted by Sunny West Co-operative Dairies Ltd. being accepted on the 20th February, 1970;

- (b) if so, for what period did he make the deliveries?
- (4) When did Noalimba commence having milk delivered?

The Hon. A. F. GRIFFITH replied:

- (1) Yes, but Sunny West Co-operative Dairies Ltd. still hold the contract.
- (2) (a) No.  
(b) Legislation is being considered.
- (3) (a) Yes.  
(b) The 5th December, 1968 to the 27th February, 1970.
- (4) The 5th December, 1968.

#### 4. MINING ACT

##### *Contemplated Amendments*

The Hon. J. J. GARRIGAN, to the Minister for Mines:

Is it the intention of the Minister to introduce any further amendments to the Mining Act during the next session of Parliament?

The Hon. A. F. GRIFFITH replied:

With a further review of the Act in mind, it is possible.

5. *This question was postponed.*

#### 6. MINING

##### *Exploration on Native Reserves*

The Hon. R. H. C. STUBBS, to the Minister for Mines:

- (1) How many Temporary Reserves are there in Western Australia on which native missions or reserves are situated?
- (2) What are the names of the companies or syndicates which have pegged mineral claims or been granted the right to explore for minerals on these reserves?

The Hon. A. F. GRIFFITH replied:

- (1) None.
- (2) None on Temporary Reserves but assuming the question relates to Native Reserves, the information will be obtained and made available to the honourable member.

#### 7. FISHERIES DEPARTMENT

##### *Salmon Fishing Industry*

The Hon. V. J. FERRY, to the Minister for Fisheries and Fauna:

With regard to the report of the State of the Fishery of Western Australia 1968-1969, which shows

annual production figures of salmon as 10,501,627 pounds live weight in 1967-68 and 5,467,399 in 1968-69, would the Minister please comment on—

- (a) the reasons for production dropping by almost half in 1968-69,
- (b) what is the indication of production figures for the current season,
- (c) what are the limiting factors in the expansion of the salmon fishing industry,
- (d) what research methods are being employed by the Department of Fisheries with a view to assisting the salmon fishing industry?

The Hon. G. C. MacKINNON replied:

- (a) The fall in the 1968-69 salmon production compared with those of the two previous years was caused by a natural fluctuation in abundance.
- (b) It is estimated that the current season's production will approximate 5.5 million lb.
- (c) The factors limiting expansion in the salmon fishing industry are:
- (i) The availability and behaviour of salmon schools in which the weather plays a part;
  - (ii) The ability of the factory to process and market the catch;
  - (iii) The limited number of suitable beaches.
- (d) The Department is monitoring the salmon fishery in W.A. by sampling catches to determine size and age composition of the catch. Examination of the recruitment pattern is being undertaken from this data to provide indications of changes in the salmon recruitment pattern.
- Tagging and salmon egg distribution studies have been made by C.S.I.R.O. to elucidate migrations and recruitment.

#### CLOSING DAYS OF SESSION: SECOND PERIOD

##### *Standing Orders Suspension*

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [2.42 p.m.]: I move—

That during the remainder of the session so much of the Standing Orders be suspended as is necessary

to enable Bills to be passed through all stages in any one sitting, and all messages from the Legislative Assembly to be taken into consideration forthwith.

In doing so, I merely wish to say that this motion is customarily moved by the Leader of the House at approximately this time of the session. The agreement to the motion facilitates action on messages from the Legislative Assembly and, in particular, first and second readings of Bills. As I have said so often over the years, when asking the House to agree to this motion, its agreement will not bring forth action in any other way than that which is customarily taken; that is, that while certain matters are short-circuited—if I can use that term—ample opportunity will be given to members to participate in the debates.

**THE HON. W. F. WILLESEE** (North-East Metropolitan—Leader of the Opposition) [2.43 p.m.]: We accept the motion in the terms outlined by the Leader of the House. It will facilitate Government business to a certain extent and we will co-operate as much as possible to bring that about. Basically, I agree with the Minister that the House will not be unduly inconvenienced by the motion, but that it will present an opportunity to facilitate the handling of Government business in some directions.

Question put and passed.

### NEW BUSINESS: TIME LIMIT

#### *Suspension of Standing Order No. 116*

**THE HON. A. F. GRIFFITH** (North Metropolitan—Minister for Mines) [2.44 p.m.]: I move—

That Standing Order No. 116 (limit of the time for commencing new business) be suspended during the remainder of the session.

As you are aware, Mr. President, Standing Order 116 fixes the time limit for the commencement of new business at 11 p.m. and there may be necessity to take advantage of the suspension of this particular Standing Order during the remainder of the session. Members know, I think, that I am not anxious to keep them here late at night. Ministers do not do this unless it cannot be avoided, and therefore the principle that has applied in the past will apply for the remainder of this session.

Question put and passed.

### LOCAL GOVERNMENT ACT AMENDMENT BILL, 1970

#### *Third Reading*

**THE HON. L. A. LOGAN** (Upper West—Minister for Local Government) [2.45 p.m.]: I move—

That the Bill be now read a third time.

Before the question is put I would like to deal with two matters raised by members who spoke to the second reading. One had relation to the question of whether the word "is" should be substituted for the word "are," which is the purpose of the amendment contained in clause 2. I asked Mr. Dolan to make some inquiries on the question at the end of the proceedings yesterday evening. He has now said that the word should be "are" and the Parliamentary Draftsman has confirmed his opinion. Arrangements have therefore been made for the appropriate amendment to be made in another place.

Mr. Cloughton also raised the question of why it was necessary to repeal subsection (8) of section 41 and re-enact it with a proposed new subsection set out in paragraph (a) of clause 2 of the Bill. Subsection (8) of section 41 now reads—

When in a district the order of retirement of any member will not be in accordance with the provisions of this section, . . .

I do not know why this subsection was included in the Act. In the circumstances can anybody be elected as a councillor if the election is not conducted in accordance with the subsection? The subsection continues to provide that the Governor may, by proclamation, correct the order. At present what happens is that, in effect, the councillors are elected in accordance with the Act, but not in accordance with what we thought was in the Act. Therefore a proclamation cannot be issued in those circumstances.

Because of the wording in the Act, the court ordered, as far as this particular council was concerned, that an election would be set for this year instead of next year which meant that there would be no election in 1972. Therefore it was necessary to amend the Act to cover that situation.

If we do not repeal the present subsection and re-enact it, it will be found that a situation could arise whereby a council would not have any election. The award of the court was that seven councillors of this particular shire should retire this year and six shall retire the following year, but there is no provision for the future. What will happen now is that seven councillors will submit themselves for election this year and the order which I am hoping I shall be able to make will lay down the order of the retirement of the seven councillors from then on. The other six councillors will then come up for re-election at a later stage. The same order of retirement will then be followed in future years. In accordance with the Act the order of retirement is that, as near as possible, a third of the councillors shall retire every year.

Therefore I hope Mr. Cloughton can appreciate why the existing subsection in section 41 does not cover the situation and why the re-enactment of a new subsection is necessary. It would appear to be very simple, but unless we incorporate the new provision in the Act to overcome the problem that now exists we would never be able to rectify the position so that a situation would be created whereby it would be in accordance with what we thought the Act provided. Other amendments have been included to ensure that the situation with which we are now faced will not occur again. It will ensure that nobody can be elected in the future unless the election is held in accordance with the provisions in the Act; that is, that approximately one-third of the councillors will retire each year.

**THE HON. R. F. CLAUGHTON** (North Metropolitan) [2.49 p.m.]: I thank the Minister for the explanation he has given. There are still two small matters that concern me, no doubt unnecessarily. Nevertheless I will still bring them to the attention of the Minister and perhaps at a later stage he can give some further explanation in regard to them.

The Minister has said that the intention of the amendment is not to vary the judgment of the court that had been made in regard to the Shire of Perth; that is, for seven councillors to retire this year, six to retire next year, and none to retire in 1972. The fact that none would retire in 1972 was also part of the judgment made by the court. Therefore, by the amendment providing that there shall be no retirement of any councillor in 1972 this does, in itself, vary the judgment of the court. It might not be possible then to adjust the order of retirement until 1973.

I do feel that subsection (8) gives wider powers than does the amendment. Although it might be difficult to envisage what type of situation that subsection might cover, it does not mean that the circumstances which I have outlined will not arise. For instance, the returning officer pointed out that one of the difficulties he faced was in determining what was one-third of the total number. If we take the number of 13, the nearest to one-third of 13 is four; which means four councillors will retire each year. However, there are 13 of them, and if four retire in each of the first two years, then five will have to retire in the third year. This is a matter which can be determined under subsection (8), as to the particular order in which the thirteenth councillor should retire. I accept the Minister's explanation, and hope that no situation will arise which cannot be covered by the amendment.

Question put and passed.

Bill read a third time and transmitted to the Assembly.

## EDUCATION ACT AMENDMENT BILL, 1970

### Third Reading

**THE HON. L. A. LOGAN** (Upper West—Minister for Local Government) [2.51 p.m.]: I move—

That the Bill be now read a third time.

**THE HON. J. DOLAN** (South-East Metropolitan) [2.52 p.m.]: I regret that at the third reading stage I have to take up the time of the House on a matter to which I wish to refer. It was only drawn to my attention this morning; consequently, while this opportunity is available for me to deal with this particular matter, I will take advantage of it. It relates directly to section 7A which is being repealed, and this involves the recruitment of teachers.

I merely wish to mention this case. I have no intention of debating the pros and cons of it; but I do want the information to be recorded so that the case can be taken up by the parliamentary representative of the person concerned. I shall give the particulars so that they will be placed on record, and I can make them available to anyone who desires to look at them.

The person concerned is a Mr. Howlett who is 38 years of age. He is married and has three children. He is a teacher in manual arts at the Applecross High School. This is his case history: Mr. Howlett served a five-year apprenticeship in England as a commercial motor body builder, and he received a technological certificate from the London City and Guilds, as well as a first-class final certificate from that body. He has also received a first-class intermediate certificate; then he trained for 12 months at the Bolton Technical School Training College in this particular subject.

On the conclusion of that training, and after taking an examination, he received from the Institute of Industrial Administration a certificate in works management and foremanship. When he finished training at the Bolton training college he received a teacher's certificate from the Victoria University of Manchester. Then he was recruited by Mr. Palmer, the Deputy-Director of Primary Education of Western Australia, and he came to this State on the 15th April, 1967. So yesterday he had been in the State for three years.

He was given to understand by Mr. Palmer that provided he took the Teachers' Higher Certificate when he arrived here there was no limit to his promotional opportunities. Being a young man with a young family he came here anticipating that it would not be long before he would be given a good position in higher grades and at higher salaries.

Since coming to Western Australia he has been associated with what is known in the department as inservice courses. The first one was a general course for manual art teachers in 1968; and he was one of the lecturers instructing the teachers. Two other such courses were held last year, one in July for senior masters in the city, and the main subject dealt with wood sculpture; and the other in December, and he was the person responsible for the course. This was for senior masters from the country manual centres.

At the Applecross High School he runs a special manual arts group. In this high school special classes for children with higher qualifications—they are children who show a special aptitude, whether it be for English, languages, mathematics, or manual arts—are conducted. These special classes do not cover wood sculpturing only, but also specialise in copper enamelling. Mr. Howlett is responsible for these classes.

The Education Department has asked him to work out a scheme in manual arts for introduction to high schools. He also works at night classes with the Adult Education Board. In 1969 he was asked to submit his students' work for the Education pavilion at the Royal Show; and he has just been asked to prepare another display for the Homes Exhibition, which is currently being prepared.

In connection with the Higher Certificate—and this is really his bone of contention—in order to obtain it he has to pass successfully one compulsory area and two optional areas. The department has granted him an exemption from one of the optional areas, but he feels that by comparison with the people who are being trained locally he is placed at a considerable disadvantage.

The department is currently running courses for tradesmen who have had five years industrial experience. In this training they do two and a half days of lectures and also two and a half days of practical work a week in various centres. Most of these people have not even obtained the Junior Certificate; and I would think that very few of them have obtained the Leaving Certificate. When they finish these courses they will be classified as three-year trained teachers, and they will be exempt from the two optional areas. However, Mr. Howlett, with all his qualifications and after having been recruited on the understanding that he would be placed in the same position as the others, is exempted from one optional area only. The reason given by the department is that it considers his British training which I have outlined entitles him only to be classified as a teacher with two years' training.

It seems to me that the position is ridiculous, and that people not nearly as highly qualified as Mr. Howlett are exempted from the two optional areas. I

feel the position needs to be looked into carefully so that he can be placed on the same basis as the other teachers. I again express an apology for taking up the time of the House.

**THE HON. L. A. LOGAN** (Upper West—Minister for Local Government) [2.58 p.m.]: I am not too sure that Mr. Dolan is not arguing against the case which he presented on the second reading of the Bill, because he then asked for an assurance that the locally trained teachers will not be placed at a disadvantage compared with those from overseas. Now, he is putting up a case for one of the overseas teachers which, on the face of it, seems to give preference to the overseas trained people.

**The Hon. J. Dolan:** He wants equity.

**The Hon. L. A. LOGAN:** The other evening Mr. Dolan presented a case to show that a person with substantial qualifications got a job, but when she got it it was found that she was not qualified to do it. That could be the same in the case he has just presented. In that event he could be arguing against the case which he presented last evening. However, the fact that he has presented the case will be noted, and it will be forwarded to the authorities for examination. If what Mr. Dolan has said is correct the case will be looked into. I gave him an assurance that the locally trained teachers would be given an advantage. On the basis of promotion it could be that some person with the requisite qualifications could be disadvantaged, and in this respect the case could be looked at.

**The Hon. J. Dolan:** None of these people have completed their training.

**The Hon. L. A. LOGAN:** But there are others in the department doing this kind of training. If we give this man higher qualifications which will give him a lead to a higher range of salary, and a more senior job somewhere else, we might be disqualifying one of the local people. The honourable member cannot have it both ways. However, the case he has presented will be put before the proper authorities who will have a look at it.

**The Hon. J. Dolan:** Thank you.

Question put and passed.

Bill read a third time and passed.

#### **METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT AMENDMENT BILL**

##### *Third Reading*

**THE HON. L. A. LOGAN** (Upper West—Minister for Local Government) [3.2 p.m.]: I move—

That the Bill be now read a third time.

It would be quite easy simply to move that the Bill be now read a third time; but, to put the record straight, I think I should make a few comments. Last night we had a debate on the appeal provision in this Bill and whether it should be the right of an appellant to go to the Supreme Court. I had an examination made of the position and one of the Clerks was good enough to point out to me immediately after the debate what the position really was. I have discussed the point with Mr. Ron Thompson who raised the issue and he has agreed with the point of view I now intend to express.

If we look at the part of the Bill in question we see that it refers to a decision of the Local Court on any appeal under that section as being final. However, that provision in the measure relates only to dispensation—nothing else. Because a man has been granted a dispensation for some extraordinary reason is no reason why the fellow alongside him, who does not have the same problems but claims dispensation also, should be granted the right to go to the Supreme Court if the Local Court refuses his application. As the provision in question relates only to dispensation I feel that the Local Court's decision ought to be final.

I had discussed the matter with Mr. Ron Thompson and he agrees with my views on it. However, I felt I should put the record straight otherwise the *Hansard* report would be incomplete because it would not show an answer to the question that was raised.

Question put and passed.

Bill read a third time and passed.

## **BUILDING SOCIETIES ACT AMENDMENT BILL**

### *Report*

Report of Committee adopted.

### *Third Reading*

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and returned to the Assembly with amendments.

## **BANK HOLIDAYS BILL**

### *Second Reading*

**THE HON. L. A. LOGAN** (Upper West)—Minister for Local Government [3.4 p.m.]: I move—

That the Bill be now read a second time.

This Bill, as its title implies, is for an Act to consolidate the law relating to bank holidays.

The Bank Holidays Act takes us back to the early days of the colony when the Legislative Council was the sole legislative House in the State, established to make

all necessary laws. Sometimes I think it might not be a bad idea if we were still the only one.

The parent Act was passed in 1884 to make provision for bank holidays and also in respect of the obligations to make payments and do other acts on such bank holidays.

As may well be imagined, the original Act has been amended on several occasions during the intervening years. For instance, section 10 of the Public Service Act of 1902, deleted from its provision section 4, which aligned the officers of Land Titles and the Registry of Deeds with the Act's holiday provisions.

The Commonwealth Bills of Exchange Act of 1909 superseded parts of section 1, sections 2 and 3, and part of section 5 of the Bank Holidays Act. Those sections dealt with the obligation to make payments and do other acts on bank holidays. Resulting from these deletions, we find that the Act eventually deals only with bank holidays.

The amendments which have been made progressively serve as a reminder of some of the memorable events in the history of the State and of this country.

For instance, in 1888, Foundation Day, the 26th January, was named to commemorate the commencement of the settlement of Australia in 1788. An amendment in 1899 deleted Whitsunday and made certain bank holidays applicable to the Civil Service. The 1919 amendment recognised Anzac Day, the 25th April. In 1921, Labour Day, the 1st May, is recorded and given preference to the proclamation of Self-Government Day, the 21st October, which was deleted. In 1948, Labour Day was changed to the 1st March and this is recorded in the Act, while in 1953, amendments were made to permit variation by the Governor of previous proclamations of bank holidays.

Most members will recall the overflowing public galleries in 1961 when the debate on the amending Act to make Saturday a public holiday for bank officers was in course. I vividly remember speaking on that very measure when about 200 bank officers were sitting in the gallery. On that occasion, the Bill made provision for the deletion of two of the older Imperial holidays; namely, Coronation Day, and the Prince of Wales' Birthday.

The parent Act has not been amended since and taking into consideration the fairly large number of amendments made to the principal Act, some of which, in effect, indirectly affected its title, it is considered desirable at this point to introduce this consolidation Bill, which places at the disposal of the public generally a concise piece of legislation setting out clearly the bank holidays currently in operation in this State and the powers accorded the Governor to proclaim from time to time any special

day to be observed as a bank holiday, or, alternatively, to vary or cancel a previous proclamation in that regard.

There is the further provision, similar to that existing in the parent Act, enabling the Governor to proclaim that any day appointed for a bank holiday in any year under the Act shall not be a bank holiday for that year but he may appoint another day to be a bank holiday instead.

In consolidating the law relating to bank holidays in this manner, opportunity is provided to repeal quite a number of Acts which members will find listed in the first schedule. The Bill is commended to members.

Debate adjourned, on motion by The Hon. R. Thompson.

## MINING ACT AMENDMENT BILL

### *Second Reading*

Debate resumed from the 9th April.

**THE HON. W. F. WILLESEE** (North-East Metropolitan—Leader of the Opposition) [3.8 p.m.]: This Bill was introduced by the Minister for Mines last Thursday afternoon. It is an important piece of legislation in the proposals it puts forward, and immediately after its introduction there was considerable comment in the Press as to the reaction gained from those interested in the measure. I propose to read some excerpts from what was said following on the introduction. Under the subheading of "Approval," Mr. R. C. Buckett, the President of the Chamber of Mines, is reported as follows:—

The president of the Chamber of Mines, Mr. R. C. Buckett, said that he was generally in favour of the provision in the Bill that clarified the point that no mining tenement would be granted on farms, grazing land, gardens, orchards, vineyards, nurseries or plantations without the written permission of the owner.

He went on to clarify that by saying—

However, a miner should be allowed access through private land to his mine, which under the Act could be worked without the owner's consent as long as it was at least 100 ft. below the lowest part of the land.

The Minister's proposed power to refuse an application for a mining tenement when this was in the public interest, in such cases as national parks, would be quite safe.

In connection with the creation of exploration licenses, he went on to say—

The creation of exploration licences, which gave the holder exclusive rights of exploration to areas of up to 100 square miles declared by the Minister, was in line with Chamber of Mines thinking as a logical alternative to the temporary reserves system.

Mr. Buckett disagreed with a section of the Bill that authorised a mining warden to order the applicant for a mining tenement on private land to pay the objector an amount that he could specify, if the warden agreed.

The article goes on to quote remarks made by Mr. Lang Hancock who was critical of the legislation. It says—

He said that in general the tone of the proposed amendments to the Act seemed to be aimed at giving the Minister further dictatorial powers.

"I believe this to be dangerous in the extreme," Mr. Hancock said.

He said that one instance could be seen in the issuing of licences to explore, in which the Minister wanted the power to "change the rules once the ball has been bounced."

A company could undertake to spend \$1 million in tests under a licence to explore, lodging test results with the Mines Department, only to find that the Minister could suddenly raise the conditions and tell the company to spend \$4 million or he would terminate its licence.

This could hardly be said to generate confidence with big-scale suppliers of capital, whether they were overseas or Australian companies.

An article appeared in *The West Australian* of the 11th April, 1970, which states that views are varied on the Mining Act Amendment Bill. It says—

The Bill to amend the Mining Act introduced by Mines Minister Griffith in the Legislative Council on Thursday has met with mixed reaction from people concerned with the mining industry.

The secretary of the Pastoralists and Graziers' Association Mr. N. O. Munns, said yesterday that while some of the amendments were in line with association requirements, submissions to the Minister were being prepared for further amendments considered necessary.

He hoped that these submissions would be covered by Bills in later sessions. Mr. Griffith had indicated that the review of the Mining Act would be continued.

Mr. Munns said that he welcomed the provision that a copy of an application for a mining tenement on a pastoral lease should be given to the occupier of the lease within 48 hours of its being lodged.

One aspect not covered by the Bill was compensation to the lessee for damages due to mining activities, such as the loss of grazing areas resulting in diminished earning capacity.

On the 11th April, Mr. D. B. Smith commented on the legislation and said that the Minister would dictate the pace of the mineral search. He said—

The real teeth of the Government's Mining Act amendments are not in the Bill itself, but in the words used by Mines Minister Griffith to introduce it. I will not quote from all of the article, but he went on to say—

What is not clear is whether the pace will be geared to a desirable level of exploration activity, or merely to the ability of the Mines Department to keep up.

The Minister already has considerable power to control the mineral search and the new Bill does not increase it greatly.

An article which appeared in *The Independent* of the 12th April, 1970, was headed, "Parliament Must Throw Out Mining Act Amendments."

You can see, Mr. President, that a variety of views on this legislation have been expressed. I intend to oppose the Bill because of one important aspect: I believe the Minister is taking far too much responsibility upon himself. In saying that, I take nothing from the Minister for Mines by way of his integrity, his ability, or his knowledge of this subject. However, on his own admission, there were 40,000 claims at the time he suspended operations and those claims covered 12,000,000 acres of country. This is a gigantic project.

If the Bill were to pass the Minister would take the complete responsibility of deciding those matters upon his own shoulders. He has a great knowledge of the subject because of the length of the term he has been Minister for Mines and the time that he has put into his portfolio. However, there could be a successor to the present Minister who would not necessarily have the same capacity, ability, or knowledge which the present Minister has obviously accumulated over the years.

The Hon. A. F. Griffith: I will try to remember that prior to the next election.

The Hon. W. F. WILLESEE: Let us take one thing at a time. I would prefer to see a provision written into the Bill to set up an authoritative board or trust. The members of the board would have an objective in mind similar to the one envisaged by the Minister, but they would have the continuing task of interpreting the legislation. The setting up of such a board would mean that questions were decided in an authoritative way without forcing the Minister into giving a personal and decisive reply on almost every single issue which, under the present Bill, would come before him.

Generally, I approve of the exploration clauses of the Bill. With the almost hysterical generation of interest—one

might say, in some instances—in mining, I cannot see that we can allow the machinery of government to do anything else but dictate the pace of exploration. I consider the Bill covers this factor very efficiently. My quarrel with the legislation is that it places far too much responsibility on the Minister. Under one of the clauses of the Bill, for example, the Minister has the right and the obligation to decide whether he will renew a permit and allow people who have been exploring to continue to do so. That must be a tremendous decision.

Having declared an area of land open for selection, how would the Minister weigh up the different attitudes of people who desire to explore? He would be dealing with individual prospectors, small syndicates and big mining companies. The right to explore would rest on the personal decision of one individual, and if the present pace of mining is maintained, it would be a gigantic task.

I notice the Minister said that he was preparing further legislation to amend the Mining Act. In fact, one could gather from his remarks that the parent legislation would be almost rewritten.

The Hon. A. F. Griffith: No; the Leader of the Opposition has gathered incorrectly from my remarks.

The Hon. W. F. WILLESEE: Let me say I hoped that would be the case.

The Hon. A. F. Griffith: Not altogether.

The Hon. W. F. WILLESEE: No, not altogether. Certainly not all the legislation would be rewritten but let me go so far as to say that, in principle, I believe the original Mining Act is outdated. It came into being at the time of the goldrush, to state it simply, but now the search for many minerals is being undertaken over the entire area of the State. Therefore, the concept of mining must have changed greatly. I thought I was helping the Minister when I said I thought the Act would be rewritten.

The Hon. F. J. S. Wise: The honourable member intended to help him.

The Hon. W. F. WILLESEE: It has been my unfortunate experience through life to offer assistance in the wrong places most of the time.

The Hon. A. F. Griffith: The honourable member does not do too badly.

The Hon. W. F. WILLESEE: I do not intend to delay the House by reiterating what the Minister said when he introduced the Bill. His remarks were lucid, detailed, and very easy to follow.

I oppose the Bill because I believe it will not do any harm to oppose it. If it is defeated now it could be incorporated in the legislation foreshadowed by the Minister, and it would not create any problem with regard to the ban imposed by the Minister.

because he can extend it, lift it, or reimpose it. The basic exploration factor included in this Bill is a substitution of the ban and the position will be geared to the capacity of the department to handle applications.

I oppose the Bill on the basis that the responsibility is far too great for one individual to take upon himself. This is a continuing responsibility upon all Ministers for Mines in the future and is therefore unfair on those who are to come. If the Bill is passed I think the Minister as the titled head of the department—as he is, and is entitled to be—will need to have a board under him with objectives similar to those of the Metropolitan Region Planning Authority. That authority has objectives to which it adheres. In this manner the Minister could relieve himself of much difficulty involved in having to make personal decisions in many instances. At present the Minister for Local Government is involved in making such difficult decisions, but the Minister for Mines would have many more problems which would be infinitely more difficult. This would be a most onerous task and one which I certainly would not like to undertake. For those reasons I oppose the legislation.

**THE HON. R. H. C. STUBBS** (South-East) [3.22 p.m.]: I must express my abhorrence of the Bill before the House. I think in many respects it will do exactly what the Minister has tried to avoid. When the ban is lifted and a certain amount of ground is excised for exploration licenses, there will be an unholy rush by people looking for lots, and we will be in the same position as we were previously.

I wish to refer briefly to the petition I presented last night which contained 248 signatures. Those signatures were obtained from all over Western Australia, from people in all walks of life—prospectors, businessmen, and professional men all sent in their signatures. The number of signatures is not great but these people must be interested in order to send them in. They did so voluntarily; not one of them was coerced; not one had a petition stuck under his nose, even though people do go around with petitions and do that sort of thing. Others sign petitions without thinking.

However, the persons who signed this petition must have thought about it, because they voluntarily signed it, placed it in an envelope, and paid for a 5c postage stamp. So they were certainly interested. I have received telephone calls in my home town and also telegrams and letters. I am sorry to say that I had some further signatures but I came away in a hurry and left them at Norseman. Unfortunately they were not presented with the petition.

**The Hon. A. F. Griffith:** How many more signatures were there?

**The Hon. R. H. C. STUBBS:** About 25; that is not a bad number for a small town like that.

**The Hon. A. F. Griffith:** I was not questioning that; I merely asked.

**The Hon. R. H. C. STUBBS:** Many people have expressed their fear of the power of the Minister for Mines. Those people are dealing with the Mines Department and do not want to show themselves because they seem to think—and, perhaps, unfortunately—that it might react against them later. For this reason many refused to have anything to do with it. Some of those who telephoned me told me that, and I think it would be the case in many respects.

**The Hon. A. F. Griffith:** You ought to be ashamed to say that.

**The Hon. R. H. C. STUBBS:** I am not ashamed for one minute. I am telling the House what some of the people said and I am not a bit ashamed of that.

**The Hon. A. F. Griffith:** I think you ought to be ashamed for saying that you think that could be the case.

**The Hon. R. H. C. STUBBS:** What does the Minister mean? There must be some mistake here.

**The Hon. A. F. Griffith:** I thought I heard you say that that could be the case.

**The Hon. R. H. C. STUBBS:** I think the people concerned thought that; yes. But not me.

**The Hon. A. F. Griffith:** I am glad you didn't think it.

**The Hon. R. H. C. STUBBS:** I do not think that; but that is what was expressed to me and it is what I am stating. The Minister has always had the last word in regard to this business. He has a say in mining tenements and mineral claims. We all know that these matters go to the warden who makes a recommendation to the Minister, and the Minister has the final say. Some people now fear that the Minister will have a totalitarian and dictatorial power under the Act if this legislation comes into being. If this Bill becomes law some people will be afraid of the consequences. We must remember, also, that Mr. Griffith will not always be the Minister for Mines. There will be other Ministers soon, and I think very soon.

**The Hon. L. A. Logan:** Yes; I might be the Minister for Mines.

**The Hon. R. H. C. STUBBS:** I think the situation of the pegging of mineral claims being banned could have been avoided. It seems peculiar to me. I do not wish to pass a reflection upon the officers of the department because I have dealt with them and found them to be most efficient and courteous. Just the same, we hear a lot about private enterprise, and surely the private enterprise people could foresee this sort of thing. I think there was plenty of

warning, and even if there was a shortage of staff, many men have retired from the Mines Department and other departments, and surely they could have been called back to hurry up the applications.

Mining companies are also at a loss with regard to the ban. They have hired expensive plant and machinery, such as helicopters, planes, and diamond drilling rigs, and they have highly technical men in the field. If those companies were drilling near the boundaries of their leases, naturally they would want to peg to cover their interests, but they could not do so.

Small mining syndicates have been hit badly. These people go looking for likely country, and spend money in the process. However all of a sudden they find they cannot peg what they are looking for. The expense involved is not chicken feed to a small operator. He has to have a Land Rover, a magnetometer, compass, and all that sort of gear to help him to peg. He also has to employ a competent man to go out and do the work. I do not think the present situation would have occurred had the administrative procedures been up to date.

One thing which worries me is that some people seemed to know the prior intentions of the Government with regard to amending the Mining Act. It seems to me to be a pity if some people are in a position to know and others are not. I quote from *The Australian Miner* of Monday, the 9th February, 1970—

Information leaks on proposed alterations to the Mining Act have angered sections of the mining industry. An interview on Tuesdays ABC Country Hour is an example.

Farmer Mr. Alec Nalder, of Duranillin, brother of the Parliamentary Leader of the Country Party, Deputy Premier and Minister for Agriculture, Mr. Crawford Nalder, was being questioned about pegging on his farm by a mining company.

One question was: I am led to believe there is a possibility it is not allowed for them to mine land that is under pasture. Have you chased this up at all?

Alec Nalder: Yes. We have had discussions on that and I understand Parliament when they sit in March is going to class cultivated land as agricultural land where you have clovers on your property.

The ABC claims a metropolitan audience of 27,000 for its Country Hour apart from country listeners.

Mining men want to know how information about alterations to the Act is available to some people but not to all. They say if some alterations can leak out, why not all, and give everyone a chance?

The industry to be most affected by the alterations in the Mining Act is the mining industry. Its greatest

worry is that there will be a leak when the ban on pegging will actually be lifted.

No one believes it will be on March 31 as stated.

History has proved that to be right. The article goes on to mention other things. However, I wonder how some people can get information that is apparently not available to others. From the amendments in the Bill we can see that this is just what is happening.

The Hon. A. F. Griffith: You think this sounds rather suspicious.

The Hon. R. H. C. STUBBS: I do not know what the Minister would call it; he can give it any name he wishes. I have merely quoted what was contained in *The Australian Miner* of the 9th February, 1970.

The Hon. A. F. Griffith: Seeing that I said it all over the country I do not know what suspicion it should create.

The Hon. R. H. C. STUBBS: I do not know whether the Minister said it on the 9th February.

The Hon. A. F. Griffith: No, but you are trying to make out that there is something suspicious about it.

The Hon. R. H. C. STUBBS: I do not like what the prospector is likely to receive under the provision dealing with reserves. It will be necessary for him to give details of his finance, of his technical qualifications, of the technical qualifications of his employees, and a detailed programme of the money he proposes to spend.

How many thousands of dollars would that involve? As we all know, the prospector will be up for expenses connected with geological and physiological surveys and I wonder how many prospectors would have that sort of money.

The man who operates in a big way could spend a great deal of money on a reserve and then, being confronted with certain conditions with which he cannot comply, he will find he has no right of appeal to anyone. I think this is a terrible state of affairs; it is dictatorial in the extreme.

It has been customary in the mining fraternity all over the world to accept that the minerals belong to the finder, but in Western Australia all minerals are the property of the Crown, whether they be found on Crown land or on private land. This has always been so except, of course, when certain Imperial Acts were in force many years ago. The amendments in the Bill will virtually stop prospecting on private land.

The Hon. A. F. Griffith: You know that is not so.

The Hon. R. H. C. STUBBS: That will be the case. I gave the Minister a good go and I would like him to listen to me. The amendments in the Bill will virtually stop

prospecting on private land. It will be necessary for a prospector to obtain permission from the owner before he enters, whether the land is cleared or uncleared.

The Hon. A. F. Griffith: Where can you find that in the Bill?

The Hon. R. H. C. STUBBS: I am giving my opinion.

The Hon. A. F. Griffith: Can you find it in the Bill?

The Hon. R. H. C. STUBBS: I will make my speech in my own little way and leave the Minister to make his in his little way.

I would now like to make some reference to clause 21 of the Bill. As I have already said, the Minister will have first say and he will make the final determination. There is no appeal. A proposed new section 267A in clause 21 reads—

267A. (1) Where the Minister is of opinion that an area to which an application for a mining tenement relates, should not, in the public interest, be disturbed, he may, by notice served on the warden to whom the application has been made, refuse the application irrespective of whether the application has been heard by the warden.

I think that is most dictatorial.

I would now like to refer to clause 13 which deals with the qualified exemption of certain private land. Again, as I have said, the owner is required to give his consent for a person to enter. If it is forest land it will only be necessary for him to put a few sheep on it to claim that the sheep are there for agistment purposes and he will thus be able to keep people away. That is how I interpret the provision.

The Hon. A. F. Griffith: Where does it say that the owner has to give permission to enter the land?

The Hon. R. H. C. STUBBS: It is in the Act.

The Hon. A. F. Griffith: Where does it say that in the Bill?

The Hon. R. H. C. STUBBS: It is necessary to obtain a permit to enter any land.

The Hon. A. F. Griffith: You said that a miner may not enter any class of land without permission.

The Hon. R. H. C. STUBBS: We will talk about this in Committee.

The Hon. A. F. Griffith: Do not forget.

The Hon. R. H. C. STUBBS: Clause 14 of the Bill seeks to amend section 145 of the Act and when it is amended it will read—

It is unlawful for any person not being the owner in occupation of the private land concerned to enter or remain upon the surface for any of the purposes of this part of this Act, except in pursuance of a permit in that behalf issued by the warden or by virtue of the occupation of a registered mining lease or claim.

Section 136 of the Act defines an "owner" as—

The owner or registered proprietor in fee simple of any private land, or the person who for the time being is entitled to receive the rent of any private land, or who, if the same were let to a tenant at a rent, would be entitled to receive the rent thereof; the term includes the person who is the licensee or lessee of private land under any Act relating to Crown lands with or without the right of acquiring the fee simple thereof.

I wonder what would happen if the owner were in Perth and had a lessee. He would not be the owner in occupation. I also wonder what a lessee or a tenant could do. A tenant is not an owner. The cost of an exploration license is \$8 for each square mile—that is 640 acres. Under the present set-up it is equal to two mineral claims. Using the old method of 300-acre mineral claim would return the Treasury \$375, but under the new set-up a square mile would return only \$8. There is a considerable difference in the return to the department and it seems there will be a tremendous loss of revenue. This seems a peculiar set-up, particularly when taxes and all other charges are being increased.

The worst aspect is that the land to be released will be thrown open by an advertisement in the *Government Gazette*. It will create chaos because everyone will be after it when it is excised.

A few years ago a tract of land was being released near Eyre Highway and this was advertised in the *Government Gazette*. The people who lived there did not get the *Government Gazette*, however, until some time after the land was advertised because the communications were not too good. What would be the position of the people in the outback?

The Hon. A. F. Griffith: What do you suggest I do?

The Hon. R. H. C. STUBBS: The Minister should declare a date. If I were Minister for Mines I would probably solve the problem, but this is a job which the present Minister must tackle.

I oppose the Bill. There is nothing in it for the little man and I will certainly vote against the measure.

THE HON. J. J. GARRIGAN (South-East) [3.39 p.m.]: I am afraid there is not very much left for me to say because Mr. Willesee and Mr. Stubbs have covered the position very well indeed. Accordingly, I will make only a brief contribution. I regret I am having one of my off days because I am feeling rather distressed as a result of a condition brought about by an industrial disease I contracted some time ago. It is unfortunate that I should be so affected when the Bill is before us.

I am rather concerned that the contents of the Bill have not been sufficiently advertised throughout Western Australia. They should have been advertised from Wyndham in the north to Esperance in the South; from the South Australian border down to Fremantle, because in that vast area there are very many minerals.

In the last few years our beach sands have become a great money spinner for Western Australia. Bauxite has been found in the hills and there have been discoveries of iron ore, coal, and copper, quite apart from the tremendous discoveries of nickel in the State. There are still, however, many more minerals waiting to be found.

I raised a query last night and perhaps I could elaborate a little on it now. I thought that if there were to be other amendments made to this Act during the next session of Parliament those contained in the present Bill could be dealt with then. In the meantime the general public and those interested in minerals in Western Australia would have an opportunity to study these amendments and express their views through their members of Parliament. However, apparently that is not to be, and we will have to put up with the consequences.

While at home in Kalgoorlie at the weekend I spoke to a number of prospectors for whom I have a great admiration. These were the people who were the very foundation stone of Western Australia, people who in the real depression years enabled the State to develop the agricultural industry to the stage it has reached today. However, the prospectors to whom I spoke had no idea of the contents of this Bill.

I took three or four copies of it with me and I believe that some photostat copies were made of them. A good deal of talk ensued, and it was certainly not in favour of the Minister or the person who drafted this Bill.

As I have already stated, Mr. Stubbs and Mr. Willesee covered the measure in their usual very excellent manner, but I wish to deal with one particular provision with which I do not agree. Actually, I am not in favour of many of the Bill's provisions, but this one in particular deals with the 100 square miles of country which will be granted to those who can afford to apply. This provision will absolutely eliminate the little man. The prospector will be a person of the past. He will be unable to exist because he will be unable to take up 100 miles of country.

I am sure the Minister will agree with me on one point; that is, the decline of the goldmining industry. This is a reason the prospector should be encouraged and not discouraged by the provision relating to 100 square miles.

With your kind permission, Mr. Deputy President, I will read an extract from

*The West Australian* dated the 14th April this year, as follows:—

#### N. Kalgurli to stop gold production

North Kalgurli (1912) Ltd. is to suspend its goldmining operations, the directors announced yesterday.

The directors say goldmining is no longer economic.

Development work will virtually cease.

Operations will be confined to extracting broken ore reserves and producing ore from a limited number of better-grade stopes.

Great Boulder recently discontinued goldmining operations, and Lake View and Star is tapering off its gold operations.

The North Kalgurli directors say they will try to give employees work as the company's nickel operations expand.

That article expresses the position of the goldmining industry and it certainly does not paint a very rosy picture for the future. I cannot see any improvement under this Bill when so much land will be made available for the big man and not enough for the little man. There would not be one goldmining town in existence in this State if it were not for the prospector. Because of my own observations and those made by my colleagues, I have no option but to oppose this Bill.

**THE HON. CLIVE GRIFFITHS** (South-East Metropolitan) [3.45 p.m.]: I will not delay the House for more than a couple of minutes, but I do want to take the opportunity to record one or two of my views on this Bill.

Firstly, I would say the Minister should be commended for the work which has gone into producing the measure, particularly from the point of view of conservation which is something which is very much on everyone's mind these days. The Minister has taken great care of this particular aspect. He has also taken care of the pastoralist and the farming community. Great distress has been experienced by many of those people over the last year or so, during the hurly-burly of all the pegging of claims throughout Western Australia. Therefore from all those points of view the Minister ought to be commended for the action he has taken.

*Sitting suspended from 3.46 to 4 p.m.*

**The Hon. CLIVE GRIFFITHS:** In many respects the Minister will overcome most of the difficulties which have been facing people over the past year or so with regard to the avalanche of pegging which has occurred throughout the State. I think the Minister has made a very good move indeed and the majority of people will applaud him for his approach.

The Minister said that he intended to alter the method of pegging when the present ban is lifted. That is a very good idea in view of the fact that many people—as is well known—have continued to peg land notwithstanding the ban. Those people have been anticipating that as soon as the ban is lifted they will take the necessary action and submit their claims. The Minister is to be commended for giving notice that he intends to make an entirely new approach to that particular aspect of mining.

One part of the Bill has worried me, and I have mentioned the particular matter to the Minister on several occasions. Indeed, the Minister has been fairly patient and has endeavoured to convince me that my worry is unfounded. However, it would be very lax on my part if I did not take the opportunity to record my view during the second reading debate. Contrary to the view expressed by Mr. Stubbs, I do not think people will rush in to peg claims in outer areas. Mr. Stubbs suggested that immediately the Minister lifts the ban and accepts applications for exploration licenses there will be a spate of people rushing in to peg.

In that case, he said, the same situation as that which existed before the ban will prevail. But I cannot see that this will happen. The Minister has already stated that he will lift the ban in the areas known as the ultra-basic portions of the State. Those are areas of intense activity, and when the ban is lifted people will rush in to peg claims. It automatically follows: What is the point in putting a blanket over those other areas because nobody will go out there anyway?

To my mind exploration licenses will not alleviate the problem of over pegging and intense pegging. There will be a blanket over the part of the State which nobody wants to peg. What is the point of placing a blanket on the rest of the State where, to all intents and purposes, there is nothing for people to race madly after?

If an odd deposit or two happens to be found surely it will not create the sort of situation which the Minister has in mind, which has caused him to impose the ban. I think I have made my point and I am sure the Minister will make another attempt to assure me that my fears are unfounded. I hope his explanation, on this occasion, satisfies me but at this stage I cannot see that it will. However, I have given the Minister an opportunity to record his explanation in *Hansard* when he replies to the debate.

I support the Bill and I feel that the Minister ought to be commended for the work and effort he has put into it.

**THE HON. R. THOMPSON** (South Metropolitan) [4.7 p.m.]: I intend to take a completely different line from that taken previously because I know very little about mining and mining activities. However, I

am concerned about the manner in which people can peg land within the metropolitan region scheme. It is a costly process for people to contest the right to a claim which has been pegged.

I think the Minister for Local Government should have a close look at the Mining Act from time to time as it affects the metropolitan region scheme. In the past we have seen instances where claims have been lodged for silica sands. These claims have been contested in the wardens' court but it is a costly process for the landowners to appear or to engage council to appear for them.

Approximately two years ago a group of nine landowners in Spearwood—in an area which the Minister knows very well because he inspected the land approximately 12 months previously—had their land pegged by a company. The land was pegged for the extraction of limestone. Limestone, under the definitions in the Act, is a mineral used for the purpose of lime-making. However, the limestone was not required for the purpose of making lime; it was required as rubble for road construction.

In that case the nine landowners, living within five miles of the City of Fremantle, had to engage Counsel and go before the warden's court to contest the case. The claim was ultimately disallowed, but the costs amounted to \$1,000. The landowners have been waiting for over 18 months to receive their costs which they estimate will be about \$50 each. So it can be seen that it is an expensive procedure to contest mineral claims on land which has no mineral bearing. In this instance the Mining Act was being used as a ruse, for the purpose of making a company rich.

The landowners to whom I have referred bought the land so that they could develop it as market gardens. I think it was a spiteful move on the part of the company to lodge a claim which cost the nine landowners \$117 each.

The definitions of different minerals should be set out in the Mining Act, and in the case of lime sands the definition should apply only where those sands will be used for the purpose of making lime.

**The Hon. A. F. Griffith:** Have you had a close look at clause 20 of the Bill? I wonder if you think that is a valuable clause, and whether it will assist people.

**The Hon. R. THOMPSON:** I have not studied the clause since the Bill was introduced but I did not see any benefit to these people in the clause when I did read it.

**The Hon. A. F. Griffith:** It gives a ward- en power to award costs, which power he does not now have.

**The Hon. R. THOMPSON:** I did hear that during the second reading of the Bill. I realise that the warden will have the

power, and I agree with the Minister on that point. However, I think the Mining Act and regulations are being misused when a mineral claim can be pegged within the area of the metropolitan region scheme. Mineral claims could tie up the land for 20 years if they were granted. Within the next three or four years the land to which I have referred will be released for housing. If the warden had agreed to the claim the land could have been tied up for 20 years. Of course, I understand that there could have been a claim for royalties.

I think the Minister for Local Government should include a provision in the Local Government Act so that local authorities would have the final say with regard to the issuing of permits for mining within their areas. It is ridiculous for us to have a multiplicity of Acts setting out what can be done in the metropolitan area. Let us reserve land for certain purposes. At the moment land can be reserved but someone can come along and peg a claim and upset the whole plan. Likewise, the Town Planning and Development Act should have a provision to control the issue of permits. A town planning authority could spend countless thousands of dollars preparing a scheme and an area could be pegged which would upset the scheme. It would have to be pegged on private land, of course, because railway reserves and road reserves are automatically excised.

So I enter my protest by saying that the local authorities should have a say, in conjunction with the owner of land, with regard to the pegging of claims for any type of mineral within the metropolitan region scheme.

**THE HON. T. O. PERRY** (Lower Central) [4.14 p.m.]: I rise to support the Bill and I would like to congratulate the Minister and his officers for their efforts. I have attended several large meetings of farmers, and the farmers have been concerned by the manner in which some of the mining companies have pegged farming properties. There has been no attempt to notify the farmers that the property was being pegged, and there have been accusations of gates being left open and fences damaged.

Most of the criticism was directed against the present Government and the Minister for Mines and his department. Statements were made that the Government had one rule for the rich and another for the poor.

As the Mining Act has been in force for nearly 70 years, it is very difficult to see how the blame can be put on the present Government.

Many of the anomalies in the Act did not become apparent until the mining companies moved into freehold land. I know that the Minister received deputations from farmers in my area, and part of the result

of one of them was quoted in this Chamber today; farmers asked the Minister to define "cultivated land" very clearly. In the Act as it exists at the present time there is no clear definition of "cultivated land." This amendment will cover land under pasture and land on which stock is grazed. At least one member has taken exception to this. I think the undeveloped part of a property on which stock is grazed is very important property, and in a year such as this, when drought conditions exist, many farmers have made much use of the undeveloped portions of their properties. Today, when we are told that farmers have to get big or get out, I think it is very important that they should have some land which they can develop further and provide for their sons, or perhaps provide for extensions to their farming operations.

I am also pleased that the Minister has seen fit to include in this Bill a provision whereby the warden can award costs. When a farmer is practically forced against his will into litigation to protect or retain his property, the litigation can be very costly, and under the existing Bill there is no provision for a warden to award costs in a case like that. A court case could be very embarrassing to some of our young farmers who are starting off with freehold land. I would like to establish my support for the Bill, and I congratulate the Minister on the steps he has taken.

**THE HON. C. R. ABBEY** (West) [4.18 p.m.]: I join with the previous speaker in expressing very strong support for this Bill. The Minister for Mines and his departmental officers have obviously spent a great deal of time in the preparation of the Bill, and I congratulate them on the result that has been achieved.

Mr. Clive Griffiths briefly mentioned the conservation angle, which is extremely important and has caused a great deal of concern throughout the length and breadth of the State; and very rightly so. It has made us all more conscious of the importance of conservation. I am sure that if this Bill is passed it will strengthen the hand of the Government in future years in dealing with conservation generally.

The Premier has announced that a Minister for Conservation will be appointed. In this Act there are very strong measures which will allow the Minister and the Government adequately to cover conservation of our forests, our reserves, and our beauty spots. At Mundijong, where Alcoa is mining bauxite, we already have a good example of what can be done to preserve our beauty spots and forests. On several occasions I have had the opportunity to inspect this area and see the mining operations and the result of the rehabilitation of the area after it has been mined. With the co-operation of the Forests Department, Alcoa is doing a very good job of replanting. Within a few years the scars

of the countryside will be healed, and there will be the situation that, the State having had the opportunity to make full use of this mineral, the area will almost be back to its original state.

Another example is the measures that have been taken, mainly by shire councils, when leases have been given to companies to take gravel for road-making, and so on. Some of these companies, at the behest of shire councils and under the leases granted to them, have levelled off and replanted the sites after having made full use of the gravel for road-making purposes, and the areas have been restored almost to their original condition.

Of course, there are also instances of gravel pits which have not been reconditioned, and they are certainly an unsightly mess. I am sure the Minister has this sort of thing in mind when he seeks this power which will enable him to set conditions under the Mining Act to overcome a lot of these problems. We must be realistic. Wherever possible we have to take advantage of the minerals which exist so extensively in this State. It is a matter of great concern to the community that we take this advantage.

I join with Mr. Perry in expressing to the Minister our appreciation of the measures which clearly define the situation in regard to freehold and pastoral lands. As members of Parliament, everywhere we go in the country areas we find ignorance of the existing provisions of the Act. The Minister has now taken steps to define the situation clearly in relation to pegging on freehold and pastoral lands, and it is well that he should do so.

The main alteration is that the prospector must give adequate notice to the owner that he intends to go onto the property for prospecting purposes. That is a very good section of the Act. Those who have enjoyed the tenancy of those areas should not be unduly disturbed, and I hope that landholders will not mischievously attempt to hold up genuine mining on their land. It is evident that under the Act it is competent for owners to reach full agreement with those who wish to mine on their land and make adequate compensation, and I hope that this type of agreement will be reached in all cases. It has been pointed out, of course, that the Mining Act allows miners to go under the surface below 100 feet and take the minerals out.

I see this Bill as one that is going to be of great future benefit to our State and our people. It has tidied up many things which have worried a large number of people. If any anomalies remain, I have no doubt the Minister will remove them in the future. Acts are constantly coming before us to be improved, and I am sure that will happen with this Act in the future because of the great activity that is taking place in the State.

I again express my appreciation to the Minister, and I most certainly support the activity that is taking place in the State. I again express my appreciation to the Bill.

**THE HON. F. R. WHITE** (West) [4.25 p.m.]: I do not wish to delay the passage of the Bill through this Chamber, but I do feel that in fairness to the Minister I should rise on this occasion to express a few thoughts. In the past, I have been very critical of certain sections of the Mining Act. I was critical of the fact that people could enter private land, particularly in the metropolitan region, and peg without advising the owners. I am very grateful that the Minister has overcome this problem by making it essential that prospectors who enter land and peg it must advise private owners that they have entered. I think this will go a long way towards improving public relations with the populace throughout the State. Previously public relations have been very poor. Prospectors have gone on to property and pegged it without the owners knowing anything about it until a later date. The owners have felt that their democratic rights had been infringed.

Perhaps as a result of a deputation I led to the Minister from the Mundaring Shire Council, the Minister has included in the Bill a clause whereby the shire clerk of the local authority will be advised of any application for a mining tenement on a private property. This was one of the points made in the deputation to the Minister, and I would like to express to the Minister my thanks and the thanks of the deputation for the inclusion of this clause.

As the Minister indicated to Mr. Garrihan this afternoon, when he introduces further amendments he will endeavour to clarify the meaning and interpretation of the word "minerals." I personally feel that a very loose interpretation is placed upon that word at the present time. I hope that in the future the Minister will give this matter very serious consideration and make suitable amendments.

I support the Bill. I am not competent to refer to clauses 4 to 12 inclusive, which deal with exploration licenses. I feel competent to refer to clauses 13 to 22, which deal with the public relations problems in my electorate. Some members have today expressed objection to clauses 4 to 12. I shall be very interested to hear what takes place during the debate in the Committee stage.

**THE HON. G. W. BERRY** (Lower North) [4.28 p.m.]: I support the Bill. I preface my remarks by saying that while the ability of Ministers of the Crown may sometimes have been in question, their integrity has always been beyond reproach. Ministers make decisions; they have all the relevant information, facts, figures, and proposals at their disposal on which to

make decisions, and, having made them, they accept the responsibilities that go with them.

I think this legislation is a genuine attempt to get some degree of order into the mad scramble that has been sparked off by the current world shortage of nickel and the finding of rich deposits of that mineral in this State, and by the discovery of large deposits of bauxite and mineral sands. The Bill will also give much greater protection to the farmer and the private landowner. I commend the Government for its action in bringing this Bill before the House, and I give it my full support.

**THE HON. I. G. MEDCALF** (Metropolitan) [4.30 p.m.]: I support the Bill. I would say I feel the Minister has had an extremely difficult task in trying to produce a measure that will satisfy all the various parties who are interested in the operation of the Mining Act. It is almost impossible to satisfy all of them fully, and therefore, in the public interest, the Minister has had to take certain steps by way of compromise in this legislation. In my opinion he has done this very well, especially with the provisions in the Bill which seek to amend those sections of the Act which relate to mining on private property. With those provisions he is seeking to protect the rights of farmers.

The relevant provisions seek to provide that farmers shall be given copies of permits applied for. The farmers do not necessarily have to consent to the granting of such permits. The permits are issued by the warden, but under the proposal in the Bill farmers and landowners will be given notice in the form of permits to make them aware of what will take place in regard to their land.

The Minister, by certain amendments in the Bill, seeks to simplify the administration of the Act considerably. I also feel that he is seeking to protect the public interest in that he is trying to ensure that those interested in mining will be looked after, be they prospectors or large companies. In regard to this, one should bear in mind that the Minister does face a considerable problem in respect of the land he proposes to reserve. It is quite apparent that he will not please everybody in taking such action, and yet, were he to open up the whole State to enable people to peg claims unreservedly, I feel certain he would bring down upon his head the wrath of many people; those who believe that certain parts of the State should be reserved for future generations and for the use of people in future years. They take the view that the whole of the State cannot be opened up willy nilly for the benefit of those who wish to make use of it now.

Therefore, I think this Bill will provide a solution to such problems. The Minister has taken into consideration the need for

conservation, but still keeping in mind the interests of those connected with mining which, of course, we must foster, because so much of the industry in our community and so much of our prosperity depends upon the continuance of mining and good conditions fostered by the Government.

I noticed, with great appreciation, a remark by the Minister that, at a later stage, he proposes to introduce a comprehensive review of the Mining Act. I am indeed pleased to hear this and I would like to suggest to the Minister that he might give consideration to doing what has already been done by the Crown with some other Acts; namely, to appoint some responsible person skilled in this type of work to conduct a thorough investigation into the possibility of formulating comparative legislation and to consult with the representatives of different sections of the community with a view to producing a new Act. Such a person would confront many problems of a major nature, would deal with the representatives of the mining industry and would try to produce a more comprehensive Act. This would seem to be a fitting subject for some sort of inquiry by a person who would be directly responsible to the Minister.

I will not particularise the areas which might be covered, except to say that the registration of claims and leases under the provisions of the Mining Act was based upon the Torrens system of title registration. Basically, that is exactly the same general arrangement that applies to transfers, *caveats*, mortgages, and leases, and that part of the Act is probably quite adequate.

**The Hon. A. F. Griffith:** It still stands in good stead.

**The Hon. I. G. MEDCALF:** Yes, and probably the system will continue to be followed in view of the fact that the Transfer of Land Act has stood the test of time. However, there are various wide issues which I believe will require early consideration and I feel sure the Minister will have these in mind when he arranges for this review to be undertaken. Before closing, I would like to congratulate the Minister and the departmental officers who have assisted him for this very substantial effort in producing, in such a short time, these amendments to the Mining Act.

**THE HON. G. E. D. BRAND** (Lower North) [4.35 p.m.]: I, too, express my support of the amendments contained in this Bill. Firstly, I would also like to congratulate the Minister and his staff for the great amount of thought that has been put into, and the work that has been done on, the amendments. In view of the fact that some Opposition members have stated that they do not agree with certain parts of the Bill, I feel sure that the Minister will listen to any suggestions they wish to put forward.

The introduction of the Bill does give me an opportunity to congratulate some of the wardens and mining registrars who have borne the brunt of the great amount of administrative work that has been created by the large volume of applications for claims that have been lodged at the offices of the mining registrars in many of the mining districts in my province, which extends through the Murchison-Eyre and Gascoyne electorates. Many complaints have been made about people entering pastoral land unannounced and causing a great amount of damage. On the other hand, I would point out that on many occasions those who have been seeking minerals, and whilst conducting drilling operations, have been good enough to ask the pastoralists whether they could put down a couple of drills for them with a view to finding water, and this has been greatly appreciated by the pastoralists concerned.

I believe that in many instances harmonious relationships have been built up between prospecting companies and the pastoralists on whose land they have been working, and very often the bigger the company the greater the consideration it has for the pastoralists on whose land it is conducting operations.

Whilst in Kalgoorlie a few weeks ago, in company with the Minister for Health, I was pleased to hear the many compliments that were paid to mining registrars stationed at Kalgoorlie, Leonora, and Norseman, which is situated in the province represented by Mr. Stubbs. Whilst speaking to Mr. Anton, the warden in Kalgoorlie, he expressed grave fears that many more officers of the Mines Department who had a wide knowledge of the Mining Act and the workings of the department could resign to accept better jobs probably at salaries double the amount they were now receiving.

By that he meant that officers upon whom he placed such a great deal of responsibility would not be available to assist him in carrying out his duties as warden. Mr. Anton even suggested that when the mining industry returns to normal, and the backlog of claims is cleared, some recompense should be given to the officers of the department in return for their wonderful loyalty and devotion to duty displayed in carrying out their work during such difficult times.

The principal provisions of the Bill have been covered fairly extensively by other speakers, but before concluding I wish to repeat that should any member of the Opposition have any suggestion to put before the Minister I am sure he will be prepared to listen to it and act upon it if he considers it worth while.

**THE HON. E. C. HOUSE** (South) [4.38 p.m.]: I wish to express my support of the principle contained in the Bill which seeks to amend the Mining Act. I very much doubt whether we have had any Bill which has sought to make extensive amendments to the principal Act which has proved to be perfect. On many occasions, after the amending Bill has been passed, it has been discovered that it could have been greatly improved if another clause or clauses had been included in it; and probably the same will occur with this Bill.

In a measure with such wide ramifications it is almost impossible to achieve perfection, irrespective of how hard the Minister may have worked to draft the Bill and how sincere he may have been in regard to its objectives. However, in this instance we are extremely pleased that he intends to give greater protection to those engaged in farming activities, and also to those parts of the State which need to be conserved, as has been pointed out by Mr. Abbey. In pointing this out, members should bear in mind that it was not so long ago that an application was made to the Mines Department to peg a claim in King's Park upon which land stood the State War Memorial. This application was made in protest against what was being done in areas close to the City of Perth.

In view of the fact that our mining industry has been in existence for many years—particularly the goldmining industry—there would be many people who would have a wide knowledge of what should be done in the mining field. Such people could be appointed to ensure that those who are granted mining rights in the future do not perform any objectionable act.

In referring to the protection the Minister proposes to grant to farming areas and to cultivated land, one's mind is brought back to the articles which appeared in *The Sunday Times* and various other newspapers which reported on the devastation that had occurred on some of the pastoral stations without the owners having any redress. Gates were left open, and people washed themselves in the sheep troughs, leaving behind soapy water for the sheep to drink. Great ravines were bulldozed through the property and, virtually they were traps for the stock to fall into.

Earlier in the debate the word "hysterical" was used by one speaker, and this is the only word that could be used to describe what happens when there is a great deal of money to be gained by pegging a lease that has great potential. There is no doubt that man, with his greed, has no concern whatsoever for his fellow men, or for the conservation of the sacred tribal grounds of natives, parklands, or anything

else. Therefore it is very necessary to introduce a Bill of this nature which seeks to prevent any objectionable action by such people.

With the passing of the Bill we may be able, in the future, to witness the Act being administered more efficiently than it is at present. Therefore, with those few remarks, I support the measure and I can only express the hope that a close watch will be kept on the overall position so that from time to time when there is need to afford protection to those who are overwhelmed by the excessive enthusiasm of others who are searching for minerals, such protection will be granted to them.

**THE HON. A. F. GRIFFITH** (North Metropolitan—Minister for Mines) [4.42 p.m.]: Firstly I want to take the opportunity to thank those members who have spoken to the Bill and for the generous remarks that have been made by some members of the Government parties. I am somewhat appreciative of the compliments they have paid to me and it gives me great pleasure to hear that in the minds of some Government members there is some appreciation that the Government, in bringing down amendments to the Mining Act, has had regard for the problems I have had to face in relation to conservation, national interest, and the conflict which undoubtedly must occur when, on the one hand, one is anxious to promote the mining industry and, on the other hand, is conscious of the fact that, in doing so, objection will be raised among other sections of the community.

Therefore in regard to the remarks that some members have made, I appreciate being a little close to the ground myself. I even appreciate the benign criticism of the Leader of the Opposition in his approach to the Bill.

**The Hon. W. F. Willesee:** Benign? Where did you get that word?

**The Hon. A. F. GRIFFITH:** It is a word which, generally speaking, fits the Leader of the Opposition quite well, particularly in relation to the remarks he has made on this Bill. If the Leader of the Opposition will consult the dictionary I am sure that after he ascertains its meaning he will feel a great deal better.

**The Hon. W. F. Willesee:** You know I have a weak heart!

**The Hon. J. Dolan:** Beware of the Greeks!

**The Hon. A. F. GRIFFITH:** In contrast, I thank Mr. Stubbs for his trenchant criticism of the Bill, and he was joined by Mr. Garrigan, in the interests of the goldfields area—which area I am well aware they represent. I want them to know that whilst mining, and the exploration and exploitation of the mineral re-

sources are my chief responsibility, it does not end there. I have to take other matters into consideration.

I want to make a few comments in relation to the petition that was presented to the House by Mr. Stubbs yesterday. I draw attention to the fact that the petition was apparently authorised by Lloyd Marshall, of No. 3149 Albany Highway, Armadale. I understand that it started in *The Independent* newspaper. This gentleman called upon the people who have a voice in the community to show their annoyance with the action which the Government has taken on the banning of the pegging of mineral claims.

It is the inherent right of the people of the Sovereign to express their views and to present their complaints, and this has been done in the history of our Parliament for a long time. From my recollection of these things, the amount of annoyance shown by the public can be measured by the petition that is produced. We often hear members of Parliament who present petitions emphasising there are so many thousand signatures, and the Government should have regard for them. This also brings me back to my days as a youth when the then Labor Government intended to nationalise the banks; on that occasion the petitions which were signed by the citizens of the country were so many that they could not be placed on the Table of this House because it was a real issue with the people. They felt very sore about the intention of the Government and they reacted strongly.

**The Hon. F. R. H. Lavery:** You know—

**The Hon. A. F. GRIFFITH:** I know the honourable member is wanting to interject. The petition presented by Mr. Stubbs contains 248 names.

**The Hon. R. H. C. Stubbs:** Did you count them or take my word for it?

**The Hon. A. F. GRIFFITH:** In addition to taking the word of the honourable member, I counted the signatures.

**The Hon. R. H. C. Stubbs:** For once we agree.

**The Hon. A. F. GRIFFITH:** No. As a matter of fact, I counted more than 248 signatures last night. I reached over the 250 mark.

**The Hon. R. H. C. Stubbs:** There are 248 signatures. We must agree.

**The Hon. A. F. GRIFFITH:** And 25 which the honourable member left at his home; this makes 273 signatures in all. So, there are 273 people in this State who have appended their names to the petition. They said: "As a result of the ban, prospectors and miners engaged in the examination and exploitation of mineral prospects throughout the State of Western Australia have been arbitrarily prevented

from exercising their rights to apply for mining tenements over areas prospected by them."

I draw attention to the words "mineral prospects throughout the State of Western Australia." So the originator of this petition must have known—if he knew anything at all about it—that the words "throughout the State of Western Australia" are not correct, because there has been much pegging on private land despite the fact that in respect of Crown land I, on behalf of the Government, exercised my right under section 276 of the Mining Act and declared a temporary ban.

The amount of coupon reaction to the newspaper I have mentioned must have been very small, because the names of the people concerned are hidden at the back of the petition and they number a dozen or so. I am sure that they are the signatures of people with feeling from City Beach, Dalkeith, Laverton, and down to Kalgoorlie. They must have been working very hard since the 8th February when the matter was published in *The Independent* to collect 248 signatures.

If we can take this effort as an indication of how the people of the State have reacted then I do not think it is worth spending much time on the petition, except to say that the author has been sniping at me through the newspaper which employs him ever since I imposed the ban.

The Hon. F. R. H. Lavery: He was a very good supporter of your Government for a number of years.

The Hon. A. F. GRIFFITH: I am not saying anything about that.

The Hon. F. R. H. Lavery: My word he was!

The Hon. R. H. C. Stubbs: You did something once for 30 seed producers, and you thought it was very important.

The Hon. A. F. GRIFFITH: This is very important. What I am doing is for the people of Western Australia. I will tell the honourable member a little more about it. The people who have signed the petition are not the only ones interested in the mining industry. I venture to suggest some of those who have signed are not interested in this industry.

The Hon. R. H. C. Stubbs: This is probably politics!

The Hon. A. F. GRIFFITH: This petition is in some respects not worth the paper it is written on, because of the people who signed it there are some who have no interest in the mining industry. Let me develop the theme further. People from the goldfields and those who are interested in the mining industry know it would have been a relatively simple matter for me, in the administration of my department, to

have allowed the situation that had arisen in the last nine months to a year to continue to prevail; for me to sit down and wring my hands; and for me to worry about it if I wanted to, or do nothing at all. The alternative was for me to try to do something about the matter. I can assure everyone that it was not without a great deal of care and not without a great deal of worry I recommended to the Government that something should be done.

We all know that prospecting has extended as far as your province, Mr. President. It is history that prospecting in Western Australia had been limited for years and years to the goldfields area. For how long have we known that nickel existed in this State? Has it been years? Of course, it has not been years.

The Hon. J. Dolan: Yes, for years it has been known, but it has not been developed.

The Hon. A. F. GRIFFITH: Not a long period of years. Let us consider the development of nickel at Kambalda. We find that two prospectors—I have the greatest respect for all prospectors—discovered the Kambalda nickel deposit when they did not know it was there.

The Hon. R. H. C. Stubbs: There is a map drawn up in 1911 which shows the existence of cobalt at Kambalda. Is this metal not associated with nickel?

The Hon. A. F. GRIFFITH: I am not a geologist, but I think it can be associated with nickel. The point I want to make—whether or not the honourable member wants me to—is that the present upsurge in the mining industry, so far as nickel and allied minerals are concerned, has been taking place substantially in the last two or three years, and particularly in the last 10 months. I demonstrated the other night that since the 1st January, 1970, the Mines Department has received something like 8,000 applications. I told you, Mr. President, when I introduced the second reading of the Bill that the situation became so acute with the pegging on Crown land—and this includes pastoral land—and on private land that it was not humanly possible for the officers of my department to cope with the situation. It was not humanly possible.

It might be said that I or the officers of my department should have known; but nobody could have foreseen the situation. We had some information, and a decision had to be made, or one should be made. The question was: Should this situation be allowed to continue? As the responsible Minister I had to decide whether I should allow the great upsurge of pegging to go on, or whether I should try to do something about the matter. And we did something.

The Government decided that temporarily a ban should be placed on the pegging of mineral claims on Crown land.

I said that I wanted to impose the ban in respect of other land in order to attempt to restore some common sense to the situation. This afternoon I heard the mining activities being referred to as hysterical pegging; and a lot of it has been. I could not extend the ban to other land, and my legal advisers told me so.

Shortly after declaring that a ban was to be imposed, I picked up a newspaper and read an article by a firm of geologists. This firm said, "Do not take any notice of the Government; do not take any notice of the Minister for Mines; you go out and peg." I did not take very kindly to this article, because it was very bad advice to the people.

Section 276 of the Mining Act has been in use for a long time, not only by me in the last 10 or 11 years but also by Ministers before my time. As I have indicated, in certain circumstances I propose to continue to use the section.

I will make some comments in relation to the remarks made by some members. Mr. Willesee said that the Bill was an important one, and he is correct—it is important. With the passage of this Bill I hope to be able to introduce some saner approach to mining in this State.

I cannot possibly subscribe to the statement published in *The West Australian* which stated that I intended to dictate or determine the rate at which mineral development would take place in Western Australia. That was not my purpose or my intention in this exercise. One of my prime aims was to reach the point where we could say to people who wished to examine our plans, "You can look at the plans with a reasonable knowledge that they will reveal to you that so many mining tenements have been pegged in the area concerned."

Because of the terrific barrage of applications for claims we could not produce such a plan. As I have said previously, the officers of my department have worked diligently, and have worked long hours to bring the plans up to date. I thanked those officers when I made my second reading speech, but I take the opportunity to thank them again for their efforts. I am very grateful to them.

Mr. Willesee spoke about the Press reaction. Well, the Press reaction has been very interesting to me. I refer to the reaction of the farmers who formerly found themselves in an uncertain position so far as certain aspects of the law were concerned. The farmers appreciate that the Government is trying to do something to bring the miners and the farmers closer together through a better understanding of the Act. Mr. Stubbs was wrong when he said that the Act would stop a miner going onto a farmer's property.

The Hon. R. H. C. Stubbs: I mentioned the word "permit."

The Hon. A. F. GRIFFITH: I understood the honourable member to say that no person could enter without the permission of the farmer.

The Hon. R. H. C. Stubbs: I am well aware that a person would have to get a permit.

The Hon. A. F. GRIFFITH: He does not, and if the honourable member is going around his electorate telling his electors that sort of story I am terribly sorry.

The Hon. R. H. C. Stubbs: A person would have to get permission from the owner.

The Hon. A. F. GRIFFITH: I am sorry that Mr. Stubbs is supplying that sort of information.

The Hon. R. Thompson: I think the Minister missed the first part of what Mr. Stubbs said. He said that a person must get permission from the registrar and convey it to the owner.

The Hon. A. F. GRIFFITH: No, Mr. Stubbs did not. We will check back from *Hansard*.

The PRESIDENT: Order, please.

The Hon. A. F. GRIFFITH: I think Mr. Stubbs said a person had to get permission from the owner. What I have attempted to do in section 140 of the Act is to make the position clear. One has to reach the end of section 140 before one reads the words, "with the consent in writing of the owner of the land in question."

All I have tried to do is to get the section rewritten so that it commences with the words, "except with the consent in writing of the owner and the occupier of the land, no mining tenement shall be granted or occupied comprising private land" etc. So it will be within the certain knowledge of the man who owns the land. The amendment then goes on to state the position more clearly.

Another section of the Act deals with permits, and before one goes on to private land one has to get a permit under the Mining Act. Otherwise, one is guilty of trespassing.

The Hon. F. R. H. Lavery: Mr. Stubbs said that.

The Hon. A. F. GRIFFITH: Then I am glad he is not giving his electors a lot of wrong information.

The Hon. R. H. C. Stubbs: Is the Minister referring to section 146 of the Act?

The Hon. A. F. GRIFFITH: Section 140.

The Hon. R. H. C. Stubbs: Section 146 deals with private land.

The Hon. A. F. GRIFFITH: I am quoting from section 140. However, I want to return to the question raised by Mr. Willesee on the reaction both by the Press and by the people. The reaction which has

been relayed to me, personally, has been very favourable. I am not going to say that the reaction has been completely favourable because that would not be telling the truth.

Mr. Hancock expressed a view. That is all right, and I have no objection; except that I heard Mr. Hancock express a very irresponsible view in respect of mining tenements. He said I ought to grant them all; "Why not grant them all?" he said. He finished his comments by saying, "It does not matter. He has granted ours anyway." So much for that; I leave it on that point.

The Chamber of Mines has indicated some support for the clauses dealing with exploration licenses. Mr. Lloyd Marshall said last week in *The Independent*—

Now he seeks to establish a modified reserves system of a maximum 100 square miles.

Maybe this is fair enough. It does appear to give the little guy a chance. But, little or big guy if he finds anything on this reserve and wants to sell it, the Minister has to give permission.

I am hoping to introduce into the Act a new section to cover exploration licenses. It will take the place, very largely, of the present exercise which is carried out under section 276 of the Act. It is a more modern method of giving people the right to prospect. It will give the Minister of the day an opportunity to call for applications for certain land. I do not suggest that because applications may be called they will be granted. However, it will be possible to examine whether the people concerned are capable of carrying out the investigation which they want to carry out. It will not stop the little man.

The Hon. R. H. C. Stubbs: That is the part in which I am interested. Would the Minister please explain it?

The Hon. A. F. GRIFFITH: I am trying to explain, if the honourable member will give me a chance.

The Hon. R. H. C. Stubbs: I am patient.

The Hon. A. F. GRIFFITH: Well, be patient and let me continue without interruption so that I will not become muddled in my thoughts.

The Hon. W. F. Willesee: I am becoming a little restless listening.

The Hon. A. F. GRIFFITH: The Leader of the Opposition must appreciate that I feel fairly strongly on the subject. This is something I have lived with and exercised my mind upon for some 10 or 11 years. Mr. Wise said he thought that any man who has been Minister for Mines in this decade has been fortunate.

The Hon. W. F. Willesee: We have paid you that tribute.

The Hon. A. F. GRIFFITH: The small man will be given every chance under this legislation. The exploration license of

100 square miles is not a minimum; it is a maximum. Consequently, areas of less than 100 square miles may well be given.

Mr. Willesee says that he intends to oppose the Bill, because the Minister will be giving himself too much responsibility. What an idea that is! I have the responsibility now and I have had it ever since I became Minister for Mines. If the House throws out the Bill that will not take any responsibility from my shoulders. None whatsoever! It will still leave me with the same responsibility which I am prepared to continue to undertake.

A suggestion has been made that there should be some board or trust set up to decide matters which I now decide. If this is done, I might as well move over. I have responsible officers in my department. Admittedly they are short in number, regrettably, because of the attractive offers that are being made to them by mining companies. Nevertheless, I have professional, commercial, and administrative officers who are able to advise me and who have advised me to the very best of their ability, in the same way as advice has been given to Ministers before me since 1904 when the Act became law. I am not concerned about that aspect.

However, I can imagine the fear and trepidation which an incoming Minister in a Labor Government might feel if he did not want to accept the responsibility which I have had for the past 10 years. What a great start for him! He would find himself in the position of having to accept the responsibility.

Mr. Willesee said that he has no quarrel with the Bill except that the Minister is to have all the responsibility. He did not mention anything at all in connection with the petition, nor did Mr. Garrigan.

The Hon. F. J. S. Wise: That is not in the Bill.

The Hon. A. F. GRIFFITH: No, but it is still capable of being mentioned, because it is a public document lying on the Table of the House. I say this only in passing.

The Hon. W. F. Willesee: I dealt entirely with the Minister's Bill.

The Hon. A. F. GRIFFITH: Mr. Willesee may have dealt entirely with my Bill, but there are many provisions in it about which he and his colleagues said nothing. I ask him and his colleagues in the Labor Party, "Where do you stand on conservation? Where do you stand on pollution? Where do you stand on all these matters?"

I must have some sense of responsibility for all these matters. Where does the Opposition stand when it comes to the farmer; or to some company pegging out a beach resort, or another area which is frequented by the public? I will tell Parliament where the Opposition stands, according to the speeches that have been made. The Opposition would oppose

clause 21 and would say, "Do not give the Minister for Mines that power." What does clause 21 say? It says that where the Minister is of the opinion that an area to which an application for a mining tenement relates, should not, in the public interest, be disturbed, he may by notice in writing, etc., put an end to its career, or words to that effect.

The Hon. W. F. Willesee: Refuse the application.

The Hon. A. F. GRIFFITH: Yes, the Minister may refuse the application. I would like to spend a few minutes on this clause. I shall single out King's Park to illustrate my argument, because members know it was, in fact, pegged. Somebody walked into the foyer of the Mines Department to fill out an application. A message was sent to me asking whether I minded if the television cameras came in to photograph the person while he was filling out the application in support of his pegging of King's Park as a mining tenement. What an absurd situation it is that the Minister for Mines, because of *sub judice* rules of law, should have to sit down and say nothing in relation to the actions of that man in respect of an area of the State which, in fact, is the heritage of the country. I had to say nothing.

The Hon. F. R. H. Lavery: It is sacrosanct.

The Hon. A. F. GRIFFITH: Yes, sacrosanct. As I say, I had to say nothing. Is it unreasonable to suggest that the Minister for Mines, who is responsible for the administration of the Act, should be able to state his views? He should be able to say, "That is a public place. Whether or not you are doing this for a joke, you know you cannot move into that area."

I feel prompted to say that a land development company pegged some mineral claims at the Yunderup Inlet, and there was a great hue and cry about the fact that mining would take place there. When the mining claims were called on by a warden's court the applications were withdrawn, and everything was nice and quiet and happy again.

The Hon. F. R. H. Lavery: Would they have been withdrawn—

The Hon. A. F. GRIFFITH: I have not been down there but I have seen the area on television. The whole place is being pulled up by bulldozers and dredges, mud is being cast to one side, and it is being turned into a real estate development. Nobody says anything about that. I cannot stop that; that does not come within my control.

A company pegged mineral claims on the foreshore at Busselton, where thousands of people go in the summertime. There were protest meetings, in which the

member for Collie participated, and I understand that he said, "My word, we'll do something about this!" I would expect him to say that.

The Hon. J. Dolan: That is right.

The Hon. A. F. GRIFFITH: I have done something about it; and what do I get? Opposition to the proposal in this House. I wonder what the member for Collie will do when he sees this clause, because, to be consistent with the thoughts he expressed at that meeting at Busselton, he should support this.

The Hon. J. Dolan: That section.

The Hon. A. F. GRIFFITH: That clause.

The Hon. J. Dolan: He probably will.

The Hon. A. F. GRIFFITH: I hope he will. On the other hand, Mr. Willesee intends to oppose the Bill.

The Hon. W. F. Willesee: That is right—on one principle.

The Hon. A. F. GRIFFITH: The whole Bill has to go out because of the one principle. Forget all the good things that are in it, and let it go.

The Hon. F. J. S. Wise: You do not think it will go out.

The Hon. A. F. GRIFFITH: I think it is worth while defining the situation as far as I am concerned. I think it would also be worth while if the Press were to inform the people of this State. Mr. Gargigan complained, with some justification, that people did not get to know about these things. I think it would be a good idea to have this debate publicised so that the people would be told where some of the Labor members stand on this part of the Bill; they would throw all this out because of one point. I have tried to provide protection for farmers, for conservationists—for people who have an interest in the national heritage of the country.

The Hon. W. F. Willesee: Have you forgotten that I qualified it by saying you had said you were going to introduce a further Bill?

The Hon. A. F. GRIFFITH: I have indicated that I shall introduce a further Bill. Mr. Medcalf has made a suggestion to me which I shall certainly examine. Is Mr. Willesee so irresponsible that he would say to me, "Throw this Bill out, tear this Bill up, and let the rest of May, June, and July pass, and wait until we get back into the House to introduce another Bill"? Would that be his attitude? If it is, what would happen to the mining industry in the next three months? Would the honourable member tell me what would happen?

The Hon. W. F. Willesee: What difference would it make to what you have done up to now?

The Hon. A. F. GRIFFITH: Would the honourable member tell me what would happen? When I asked Mr. Stubbs what he would do, his reply was "You are the Minister; you make up your mind." I am making up my mind, and when I make up my mind to introduce a Bill it is suggested that it should be thrown out—"Let us chuck it out."

The Hon. R. H. C. Stubbs: We did not say, "No Bill."

The Hon. A. F. GRIFFITH: I will not do that because I believe that basically the contents of this Bill are sound. Perhaps there are things in it with which there might be disagreement, but not by and large.

"The prospector will not get a fair go," it was said. I am conscious of the prospector. I know what the prospector does in many respects. I know that he found certain iron ore deposits in this State. I know that he found Kambalda. Prospectors serve a very useful purpose, and I have helped them a great deal in this Bill.

The Hon. R. F. Hutchison: What have you done for them?

The Hon. A. F. GRIFFITH: Hang on! Be patient!

The Hon. R. F. Hutchison: Go on. Tell me.

The Hon. A. F. GRIFFITH: In respect of this Bill, I excluded the pegging of P.A.'s on the ministerial reserve. My legal advisers told me I might have thrown some doubt on the validity of the reserve, and I now have to ask Parliament to validate my action in this respect. There is no other reason. I could have exercised my authority, under section 276, over all the Crown land in this State, full stop; and nobody could have done anything about it. The validity of that would not be in any doubt, but I think it is reasonable, because I was thinking of the prospector, and saying, "You can still go on and peg your P.A."

The Hon. R. H. C. Stubbs: I would like you to enlarge on that, if you would. How much can the prospector peg?

The Hon. A. F. GRIFFITH: At the present time or in the future?

The Hon. R. H. C. Stubbs: Right now.

The Hon. A. F. GRIFFITH: With all the honourable member's experience, he knows that a P.A. is 24 acres. He has the advantage over everyone else at the moment.

In connection with this petition, and remarks that have been made to the effect that I have stopped mining in Western Australia, let me say this: There are more than 40,000 mineral claims in existence. There are considerable areas of temporary reserves still in existence. We have all the private land in this State. We have all

the Crown land which is not Crown land under the Mining Act, reserves, etc., on which people have been able to peg.

As I said the other night, people have even pegged on native reserves. That did not make me very happy at the time, and I asked my colleague, the Minister for Native Welfare, not to give any more permits in those areas until these amendments were passed. Far from stopping mining throughout the State, there is plenty of work to be done, and, as I remarked when introducing the Bill, I am anxious to see the people who have pegged mineral claims get on with the job they are entitled to do when their claims are granted.

It has been said that I am throwing State money away. A mineral claim costs about \$180. Approximately half of that amount goes to the surveyor; it does not go to the Crown. If the mineral claim is surveyed, the surveyor's fee has to be paid. There is a maximum area of 300 acres for a mineral claim. If the small man applies for an exploration license at the appropriate time, he may hold two square miles for \$16, which will give him the right to explore and prospect that area, and peg his ordinary mining tenement in the normal way.

Mr. Clive Griffiths said that I proposed to alter the method of pegging. I shall not enlarge on that any further, except to say that if a temporary ban were imposed for the purposes I have mentioned, there are two alternatives that may be followed: One is to say, "The ban is now lifted," and allow matters to run wild, as they did before. I do not think that is a good idea.

I repeat what I have previously indicated, that with the passage of this legislation, and as soon as it is possible to give an effective date, the ultra-basic areas of the State will be released. Anybody who was prospecting those areas before the ban was imposed would have pegged the areas. The small man, the large man, anybody who may have been caught on the hop, can return and peg those areas later on.

I do not think anybody would subscribe to the subterfuge that some people have apparently engaged in—marking out these claims, hiding among the bushes, I am told, doing all sorts of things to gain an advantage, and taking the advice of the geologist who said, "Don't take any notice of the Minister for Mines. You go on pegging, because what he has done is unlawful."

The honourable member would not support those people, so I think it is only right that when the ban is lifted and pegging can be resumed in that area the rules should be fair to all and no advantage should be gained by people who have entered into nefarious dealings in order to obtain an advantage over somebody else.

The Hon. Clive Griffiths: I said I supported that.

The Hon. A. F. GRIFFITH: Yes.

The Hon. Clive Griffiths: You didn't sound like you were saying that.

The Hon. A. F. GRIFFITH: Perhaps I should look in the direction of the honourable member and smile, and then he will know. I do not think I need say more. I have endeavoured to answer the points that have been raised. I think I should make a remark to Mr. Ron Thompson who, obviously, from one or two of his comments has an appreciation of the difficulties in the metropolitan region town planning area. I have, too.

If a matter comes within the ambit of section 21, I will not hesitate to exercise authority under that section if it is given to me by Parliament. I know of the difficulties of which Mr. Thompson spoke and in contrast some of his colleagues do not want a provision which gives wardens the power to order costs.

The situation is this: Where a warden makes a judicial decision he has power under the Act to award costs in an action; but where he makes a recommendation to the Minister which is not a judicial decision then my advisers tell me that no award for costs can be made.

The Hon. R. Thompson: My main complaint is that this person pegged contrary to the meaning of the Act.

The Hon. A. F. GRIFFITH: If he did that, of course, the pegging may well be out of order.

The Hon. R. Thompson: It was not out of order, it was upheld.

The Hon. A. F. GRIFFITH: If the pegging is on private land then it is reasonable that the man he puts to expense—I know the Chamber of Mines does not agree with this, but I think it is fair—may have costs awarded to him.

The Hon. R. Thompson: This man pegged for limestone for the purposes of road-making, and that is not a mineral.

The Hon. A. F. GRIFFITH: The honourable member is saying that he pegged it for one purpose and used it for another? When pegging takes place on private land the local authority has the final say, which is subject to an appeal to the Minister for Local Government. A mineral claim is recommended to me, subject to survey, conservation, and all sorts of conditions regarding roads, reserves, etc.; and it is also subject to the local authority's granting permission to extract the mineral involved. Then, if necessary, it is subject to an appeal to the Minister.

Local authorities now have considerable control in respect of private land and this Bill will help them know when an appli-

cation has been made, because I have arranged for the local authorities to be provided with copies of the notices.

The Hon. R. Thompson: But didn't you override one local authority which objected in respect of silica sands?

The Hon. A. F. GRIFFITH: I cannot pinpoint the particular case; however, I cannot easily override local authorities. We confer with local authorities and with every Government department that may be affected.

Finally, I think I should make some remarks regarding the suggestion by Mr. Stubbs that some people seemed to be in a position of having information relating to this Bill whilst others did not. I do not think that was intended to be an innuendo, and I will not take it that way. I have travelled throughout the State in recent months and visited the various regions where this clamour has occurred as a result of people acclaiming their resentment to certain mining companies being in certain areas. I have been to the local authorities; I have received deputations introduced by members of Parliament; and I have talked to various people. When they ask me, "Are you going to do anything about this?" I simply say, "Yes, I am going to ask the Government to allow me to take a Bill to Parliament to put some of these things in order."

Now if there was any intention on the part of Mr. Stubbs to suggest that perhaps some people received information and others did not, and if there was an innuendo in his remarks, then I can tell him he is quite wrong. I have been happy to tell people my intentions when they asked, particularly in relation to private land, pastoralists, and the work of the Mines Department in association with local authorities.

Finally—if I may use that word again—I wish to take up a remark made by Mr. Clive Griffiths; that is, I am prepared at all times to listen willingly to any suggestions made by people engaged in the mining industry or by members of Parliament which will help me improve the administration of the Mining Act. However, I do not think it is necessary to suggest that this Bill be tossed out the window and that I wait three months and introduce another Bill in July. If I did that I feel I would come back with the same measure because I am sure given an opportunity, the provisions contained in this legislation will prove to be worth while. If mistakes are found I will seek, when Parliament comes back into session in July, to rectify them. But rather than wait until that time I would ask the House to agree to this Bill now.

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. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clauses 1 to 12 put and passed.

Clause 13: Section 140 repealed and re-enacted—

The Hon. R. H. C. STUBBS: I want to make it clear to the Committee that, during my speech on the second reading, I was quoting section 146 of the Act from memory, and I coupled that with section 140 to amplify the point I was trying to make.

The Hon. A. F. GRIFFITH: There is no distance between us and if I misunderstood the honourable member I apologise. I thought the honourable member said that consent had to be given by the owner before another person could enter his land. One of the members of my own party had the same misconception, and I thought Mr. Stubbs had also gained the wrong impression. The rule relating to that provision has not changed. I think it is most important to explain that what has changed is that at the present time a mining company, or a miner—to use that expression—can obtain from a warden a permit to enter private land. He can then enter that private land and mark out a mining tenement.

It is possible for land to be marked out without anyone entering upon the land. If the area is 100 acres and it happens to be bounded by a road on three sides the peg can be left on the roadway, and in fact this has been done. However, if the amendments are agreed to the important factor will be that the miner who has first entered onto the land will have to supply the owner with a copy of his permit. If the owner is not present, the miner can place a copy of his permit on the building; that is, if there is one. In any event, he leaves the spot and then forwards a copy of the permit to the owner of the land.

The miner follows the same procedure with his application. Many people have complained to me that the long lists of applications for mining claims published in the newspapers make it extremely difficult to find a particular application, and I can understand that point of view.

The Hon. F. J. S. Wise: That particular condition also applies to pastoral leases.

The Hon. A. F. GRIFFITH: I also intend to provide that a copy of an application for a mining tenement shall be served on a pastoralist. If one checks the appropriate section in the Act one will find what the word "served" means. The object is to bring the miner and the property owner closer together. It is not designed to restrict mining, because we must not overlook those instances where property

owners may be quite willing to have their land mined; the mineral deposits on it may be of greater value to them than what they can get from the land as a pastoral lease.

Clause put and passed.

Clauses 14 to 20 put and passed.

Clause 21: Section 267A added—

The Hon. R. H. C. STUBBS: I want to clear up a doubt in my mind about this clause. A prospector can peg a prospecting area and after a certain time he is able to convert it into a lease. What I am concerned about under the amendment proposed in the Bill is that a prospector can hold only 24 acres. Therefore, is it the intention of this provision that a prospector shall be restricted to one prospecting area, or will he still be able to peg further claims?

The Hon. A. F. GRIFFITH: Bearing in mind section 276, I have, two or three times, particularly excluded prospectors so that the ban will not affect them in relation to the pegging of a P.A. on Crown land. In these times I have some difficulty, as the Mines Department has granted about 5,000 miner's rights in about the last 12 months, in differentiating between a genuine prospector and a so-called prospector. Nevertheless, there is nothing wrong with a person holding a miner's right.

However, I have indicated that if the Bill becomes the law the ultra-basic areas of the State will be released. Perhaps I should point out that the reservation was declared on the 3rd February. Reservations 5338H and 5351H are referred to in the Bill. Reservation 5351H was granted when it appeared that 5338H might run out. By placing reserve 5351H in the Bill, this legislation then becomes the machinery for releasing that area. I can do several things: I can call applications for a prospecting license; I can open up certain ground for the pegging of a mining tenement. I have indicated that an earlier release will be made of the ultra-basic areas.

There is no need to make it clear to a geologist what the ultra-basic areas are, because he knows, and if I gave him a map and a pencil he could probably draw a line just as efficiently as my own departmental geologists. I am not suggesting that all of the 240,000 square miles of Crown land will be ultra-basic areas, because there will be sections of it that will not come within that category. There are three sections; one in the goldfields; one in the Pilbara, and one in the Kimberley. As soon as the ultra-basic areas are released anyone will be able to peg within them; that is, a prospector or a company that holds a miner's right.

The next area that would be released—and it is fair to give an indication of this to people in the industry who might be interested—is one contained in a line

drawn from about Geraldton to a line of the ultra-basics and down to that portion of the South-West Land Division.

That area, to a large extent, contains private land, though there are pockets of Crown land in it which probably would not be large enough for consideration as prospecting areas. Anyway, I doubt whether they would be large enough.

I will confer with my officers further on this question but on my present thinking that might be the next area to be released. I will be anxious to do that as soon as I can. I am not going to hold up the development of mining in this State, but at the same time I do not want things to go mad again in the rest of the area which is Crown land and which is reserved under this Bill.

As I indicated in my second reading speech, this release will be done progressively and as reasonably quickly as possible. Wherever I call for and consider applications for an exploration license the granting of such a license will mean an exclusive right to search in the particular area of 100 square miles. It will be an exclusive right to the company which accepts the responsibility under the terms of the legislation to explore that area; and this will be for a period of three years. This right comes to an end after a period of three years.

Nobody will be able to peg a mining tenement in such area during that period, but there will be lots of other areas available. As time goes by I may consider opening up certain areas for pegging but we must bear in mind that the first release is a quarter of the area of the State in total size.

There will be nothing to stop people from prospecting and, as Mr. Stubbs knows, a good deal of this goes on now. But in relation to the 100-square-mile area, no other tenement will be able to be pegged. That will be the only preclusion so far as the prospector, in the broadest sense of the word, will have imposed on him.

I may call applications for an exploration license in certain areas and I may not get satisfactory applications; or possibly I may get no applications at all. For instance, Mr. Clive Griffiths thinks that much of the State may not be as readily peggable as people imagine. If that is the case, I will probably again open up the area in question for pegging. I do not, however, want to lose the elasticity that the Minister for Mines has had for the last five years in dealing with these matters. There must be some flexibility in the administration of a department of this kind. We are, after all, dealing with tremendous assets; they are the people's assets.

I do not want to be bulldozed into opening up the whole of the State so that things can go completely mad. I will do

it as systematically and as sensibly as I can with the advice available to me from my professional and administrative officers.

Clause put and passed.

Clauses 22 to 25 put and passed.

Title put and passed.

#### *Report*

Bill reported, without amendment, and the report adopted.

#### *Third Reading*

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and transmitted to the Assembly.

#### **WILLS BILL**

##### *Returned*

Bill returned from the Assembly without amendment.

#### **METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT AMENDMENT BILL**

##### *Assembly's Message*

Message from the Assembly received and read notifying that it had agreed to the correction made by the Legislative Council of the typographical error.

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

1. Metropolitan Region Town Planning Scheme Act Amendment Bill, 1970.
2. Interpretation Act Amendment Bill.
3. Coal Mine Workers (Pensions) Act Amendment Bill.

Bills returned from the Assembly without amendment.

#### **TERMINATION OF PREGNANCY BILL**

##### *Second Reading*

Debate resumed from the 15th April.

**THE HON. N. E. BAXTER** (Central) [5.48 p.m.]: At the outset I would like to commend Dr. Hislop for once again introducing a Bill to help clarify the situation in regard to the termination of pregnancy. In other words, this is an attempt to clarify the provisions of section 259 of the Criminal Code.

In his speech the Minister implied that there should be some clarification and said the department had for some time been attempting to do something towards clarifying section 259 of the Criminal Code. The forerunner of this Bill was introduced by Dr. Hislop in 1966 and left on the notice paper for a certain period to enable the public of Western Australia to consider the pros and cons of the subject and to give Parliament an opportunity to assess public reaction.

An opportunity was also afforded the Crown Law Department to have a look at the Criminal Code on that occasion to see whether something should be done about the matter. That was almost four years ago; and nothing has been done except for the introduction of the Bill in 1968 by Dr. Hislop and the introduction of the Bill now before us.

Looking at section 259 of the Criminal Code the position of a medical practitioner who terminates a pregnancy is not very clear, because the section states—

A person is not criminally responsible for performing, in good faith and with reasonable care and skill, a surgical operation upon any person for his benefit, or upon an unborn child for the preservation of the mother's life, if the performance of the operation is reasonable, having regard to the patient's state at the time and to all the circumstances of the case.

The Hon. L. A. Logan: Is there a definition of an unborn child in the Code?

The Hon. N. E. BAXTER: To my knowledge there is none. If we turn to section 269, which comes under the heading of "Homicide: Suicide: Concealment of Birth," we find that the following appears:—

A child becomes a person capable of being killed when it has completely proceeded in a living state from the body of its mother, whether it has breathed or not, and whether it has an independent circulation or not, and whether the navel-string is severed or not.

That answers the Minister's question.

The Hon. L. A. Logan: Not entirely.

The Hon. N. E. BAXTER: It does to a large degree. As far as I can see there is no definition of an unborn child, but there could be. Section 259 of the Criminal Code offers very little protection to a medical practitioner in circumstances where he finds it necessary to perform an operation to terminate a pregnancy. He could perform such an operation in good faith, but if he was charged under the Criminal Code I think it would not only be the responsibility of the Crown to refute, but also the responsibility of the medical practitioner to prove, that he performed the operation in good faith. That is how I interpret the section.

For that reason we should give grave consideration to the principles that are laid down in the Bill before us. Even if we do not agree with all of them, we should try to mould the Bill into something worth while, in place of the very unsatisfactory section that is now in the Criminal Code.

I will not deal again with the pros and cons of the question, because I expressed my views in 1968. I support this Bill in

principle. I believe it is desirable that in our community in these days there should be some legislation to allow medical practitioners to perform operations to terminate pregnancies in circumstances where the life, the mental health, and the future health of expectant mothers are affected, and where there are no strong objections to operations of that type being performed.

Last night we heard a very impassioned speech from Mr. Dolan. He went from country to country, and referred to the Act which is in force in England. From memory I think he said some 40,000 abortions were performed in a period of 12 months; he can correct me if I am wrong. I ask Mr. Dolan whether he has considered what this number of 40,000 abortions includes. Are they all termination of pregnancies, or abortions as he and other people view them; or does the number include operations in cases where a woman was carrying a child, and had sustained an injury and lost the child? There are other reasons to be taken into consideration. If we took into consideration the 40,000 abortions mentioned we would, I am sure, find that the actual number performed by the medical profession, along the lines laid down in the Bill before us, was half or less than half of the 40,000 quoted.

Mr. Dolan also referred to the situation in Victoria. In saying what he did I think he put up a very good argument in support of the Bill. We have read in newspapers of what happened in Victoria, from the evidence that has been given at the inquiry that is taking place. We have heard of graft and corruption on a wholesale scale in that State. Do we want that sort of thing to happen in Western Australia? If we do not do something about the matter in Western Australia I am sure we will find those practices taking place here.

If things can happen in one State, then they can occur in another. I do not think we should face the possibility of their occurring in Western Australia. In this respect what Mr. Dolan said last night was a good argument in support of the Bill. It should be allowed to pass the second reading stage; and then, if members do not feel satisfied, they can have it amended in the Committee stage.

In his speech Mr. Dolan mentioned the name of Captain Cook, and he referred to the celebrations which are taking place to commemorate the landing of Captain Cook in Australia. He said that the family to which Captain Cook belonged was quite a large one, and if his parents had decided that the pregnancy was to be terminated before he was born we in Australia would be affected, and there might not be an Australia. He made a wrong presumption. Captain Cook was not the only person who could have captained the *Endeavour*. If he had not been born who

could say that another captain would not have gone on the same course and discovered Australia. It just happened that Cook was the captain of the vessel, and he discovered Australia.

To follow Mr. Dolan's suggestion to its conclusion, would not the world have been much better off if termination of pregnancies had been performed to prevent the birth of people like Hitler and other warmongers? What a better world we would have without such people?

The Hon. Clive Griffiths: It is difficult to pick them out at that stage.

The Hon. N. E. BAXTER: It is. I was talking to the Minister for Health last night and he told me that the medical profession in Western Australia was very far advanced in the science of picking out before they are born the type of people such as the ones I have mentioned, and the children who will be unfortunate to suffer from muscular dystrophy and others who will become slow learners. Perhaps if this method of detection had been in use at the time Adolph Hitler might never have been born, and in that event it would have saved a great many lives, a lot of distress, and much loss in the world. We have to consider many of these things, and we have to decide whether children, who will not be normal and who will be a burden not only to their parents and the State but to others, should come into the world. Nobody likes a child who cannot have a full enjoyment of life to come into the world.

The Hon. R. Thompson: How can you determine that before birth?

The Hon. N. E. BAXTER: The Minister for Health told me last night that with the advanced medical knowledge that is available many of these cases can be determined before birth. We all agree with that. Medical science might not be able to detect all of these unfortunate cases—

The Hon. L. A. Logan: Have a look at some of the cases which have been detected.

The Hon. N. E. BAXTER: Medical science would detect a percentage of these cases. Let us consider the unfortunate people in our community today who cannot live a normal life.

Let us have a look at this legislation to see if we cannot do something to eliminate this type of thing. This is only one aspect. The other is the suffering of the mothers and the mental and physical breakdowns they undergo because they have to go through with a pregnancy which results in some abnormality. The mother could even find herself in a mental institution and be a burden not only to herself but to her relatives as well.

I do not wish to speak for very long on this Bill. I do not think I will change very many opinions. However, I would

like to impress upon members that they should have a good look at this measure. If they do not like it exactly as it is, and they feel that certain clauses are not right, they can move for their amendment or deletion as the case may be. Perhaps there is no necessity for the clause which provides for a period of residency. One might say we could delete that provision and it would not make any difference. Perhaps one or two other provisions could be deleted; but the principle is what we must consider, and consider very carefully. All members should study section 259 of the Criminal Code to see whether it does wholly cover what we desire in Western Australia to place this type of legislation on a sensible, sound, and humane basis. With those words I support the Bill.

*Sitting suspended from 6.3 to 7.30 p.m.*

**THE HON. CLIVE GRIFFITHS** (South-East Metropolitan) [7.30 p.m.]: I would like to take this opportunity to restate my attitude in regard to the Termination of Pregnancy Bill which is now before us. In 1968 I said that I sincerely believed that in a situation where there was substantial risk to a woman's life the woman should be able to have her pregnancy terminated with no doubt as to what the legal position was. I am still of that opinion.

I also said that I was violently opposed to abortion on demand, and I am still of that opinion. In 1968 the Bill which was passed in this House was, as has already been mentioned, substantially different from the measure which was introduced. However, even when the Bill was passed I was not completely happy with one part of it, and that particular part is in the measure which is presently before us. I am a little less happy with the provision now.

I have also had new thoughts on another proposal which I will explain as I discuss the legislation. On many occasions it has been suggested that opposing this sort of legislation will not stop the backyard or other illegal abortions which are now being performed, apparently. In principle, I would agree with that view because if it were not so the legislation would have to provide for abortion on demand. I certainly will not support any suggestion of abortion on demand and I certainly hope that no other member in this Chamber will support abortion on demand.

The Hon. L. A. Logan: What has it to do with you? Is it your body or their bodies? Don't you think they have a right to do what they like with their own bodies? Why should you take an interest?

**THE PRESIDENT:** Order! Order!

The Hon. CLIVE GRIFFITHS: The suggestion that there will be no reduction in backyard abortions is substantially correct.

Unfortunately, I do believe that the Bill, as presented, does provide for abortion on demand and, as such, I shall oppose it. However, if the suggestion of abortion on demand is removed, and we restrict the Bill simply to clarifying the law with regard to the position prevailing when a woman's life is in grave danger, then I shall support it.

I will deviate for a moment and say that it was recently suggested to me that the point of view I was taking on this Bill was equivalent to having two bob each way. If my feelings do suggest that, I am very sorry indeed. I can only repeat: As far as I am concerned I am violently opposed to any suggestion that we ought to allow abortion on demand. I am equally emphatic that in the case of a situation where a woman's life is in danger she ought to be able legally to terminate her pregnancy.

I have already mentioned that in my opinion the Bill, as it has been presented to us, provides for abortion on demand and as such I have absolutely no intention of supporting it. I will give Dr. Hislop—the honourable member who introduced the Bill—some idea of the particular clauses of the Bill which I feel contribute to abortion on demand. If Dr. Hislop is prepared to amend the Bill to clarify the position I will be prepared to go along with it.

I believe that clause 4(1)(a) makes provision for abortion on demand. In my opinion the clause, in its entirety, provides for abortion on demand and as such it will need to be amended considerably before I will be prepared to support it. Clause 4 is divided into many subclauses and several paragraphs.

The Hon. R. F. Cloughton: Would you explain how clause 4 permits abortion on demand?

The Hon. CLIVE GRIFFITHS: I believe the clause provides for that situation.

The Hon. R. F. Cloughton: Who decides? The doctor or the woman?

The PRESIDENT: Order! The honourable member will have an opportunity to make his speech.

The Hon. CLIVE GRIFFITHS: I believe that what I am about to read from the Bill is nothing more nor less than abortion on demand. Clause 4 reads as follows:—

4. (1) Subject to the provisions of this section, a person shall not be guilty of an offence under the law relating to abortion—

(a) if the pregnancy of a woman is terminated by a medical practitioner in a case where he and one other medical practitioner are of the opinion, formed in good faith after both have personally examined the woman—

(i) that the continuance of the pregnancy would

involve greater risk to the life of the pregnant woman or greater risk of injury to the physical or mental health of the pregnant woman than if the pregnancy were terminated;

That, in my opinion, is simply abortion on demand because I believe that in every pregnancy there is some risk to the woman's life—a risk which is greater than if she were not in that condition.

The Hon. L. A. Logan: That is only your opinion.

The Hon. CLIVE GRIFFITHS: I am suggesting this as my opinion.

The Hon. L. A. Logan: You could be wrong.

The Hon. CLIVE GRIFFITHS: I have given a great deal of thought to this matter and I have no doubt the Minister will shortly explain to me why he considers that this is not so. I will be very interested to listen to the Minister if he is prepared to speak at all. He may even come up with the suggestion that he made in his remarks a couple of years ago and this should preclude him from the necessity to speak. If the Minister does come up with his views I shall accept them; but if he continues to interject while I am speaking I will certainly insist on interjecting when he speaks—at the appropriate time—and spells out the provisions of the Bill so that there is no doubt in my mind that the interpretation I am placing on the clause is incorrect.

The Hon. A. F. Griffith: Interjections are highly disorderly.

The Hon. CLIVE GRIFFITHS: If the Minister is capable of convincing me I will accept his explanation. However, his explanation to me will have to be a lot better than those he has given in the past when speaking to other Bills.

The Hon. L. A. Logan: Can you mention them?

The Hon. CLIVE GRIFFITHS: I will not mention them. If the Minister continues to interject I can carry on here all night.

The PRESIDENT: Order!

The Hon. CLIVE GRIFFITHS: The Minister's interjections will not affect me in the slightest. I am simply putting my view forward after having given very grave and conscientious consideration to the many aspects of and the many ramifications in a Bill of this nature.

I have already told the Minister and the House that I wholeheartedly support the principle of providing for a termination of pregnancy when a woman's life is in grave danger. However, I contend that the wording of the clause provides for abortion on demand. I will leave it at that.

I refer now to clause 4 (1) (a) (ii) which reads—

that there is a substantial risk that, if the pregnancy were not terminated and the child were born to the pregnant woman, the child would suffer from such physical or mental abnormalities as to be seriously handicapped,

As I mentioned earlier, I have had some further thoughts on this provision, which I supported on a previous occasion in 1968. I have listened to arguments for and against, but there is a considerable doubt in my mind about the ability of the medical fraternity to determine with absolute surety that a child which would subsequently be born would suffer from these abnormalities. I am not at all sure at this stage that we should interfere in this way. I do not know that Parliament would be doing the right thing if it decided, out of hand, to include the provision on the off-chance that it may occasionally prevent a woman from producing a child which was physically or mentally handicapped.

The Hon. R. F. Claughton: Who should decide? The honourable member or the doctor?

The Hon. CLIVE GRIFFITHS: The doctors should decide; that is the very point. The investigations which I have undertaken indicate that doctors are not at all sure that they can do this. Indeed, there is a very wide divergence of opinion on this subject. This feature of the Bill has caused me considerable worry. I did not query the provision on the last occasion because at that time I felt I was justified in the action I took. I have had further thoughts on the matter, nonetheless, and I mentioned earlier that I am not happy with this provision.

Clause 4 (1) (b) reads—

if the pregnancy of a woman is terminated by a medical practitioner in a case where he is of the opinion, formed in good faith, that the termination is immediately necessary to save the life, or to prevent grave injury to the physical or mental health, of the pregnant woman.

Under those circumstances, the Bill proposes it would be perfectly in order for a doctor to terminate a pregnancy.

I am not quite sure but, when the Minister for Mines spoke, I think he mentioned that this provision represents a deviation from the provision of the 1968 Bill which was passed in this House.

The Hon. A. F. Griffith: There are many deviations.

The Hon. CLIVE GRIFFITHS: I could not agree more. I think the Minister probably did mention it, but I refer to it now because it is worrying to me. What is the reason for the difference? It is only

a slight difference in that the word "permanent" is omitted. Despite the slight difference, in terms of words, I think the omission gives an entirely different meaning to the clause. Previously it was worded in such a way that abortion would be permitted if it were necessary to save the life of or to prevent grave permanent injury to a woman. Now, the doctor only has to satisfy himself that it will prevent grave injury to the physical or mental health of a woman. Consequently the omission is very important and I wonder why it has been left out. Perhaps Dr. Hislop will tell me later on why he has seen fit to omit the word "permanent" from the clause. To my mind there is a loophole here, too, for abortion on demand. For that reason I would not be prepared to accept the clause as it stands.

I refer now to clause 4 (2). If I had any doubts previously on the Bill the subclause in question really puts the seal on my views. I have mentioned this on several occasions when I have been asked to express an opinion on the Bill.

The residential qualifications are stated in this subclause. I do not oppose it on the same grounds as Mr. Dolan who mentioned that there could be a constitutional reason for it not being legally possible in any event.

I oppose it on a point of principle. If we are prepared to permit termination of pregnancy if a woman's life is in serious jeopardy we cannot, on principle, include in the legislation a provision which states that the woman must have resided in Western Australia for a period of two months. If we concede the first principle, we cannot include this qualification, because it is tantamount to saying that we do not care if a woman dies if she has not lived here for a period of two months. This is what this subclause implies.

The Hon. J. G. Hislop: No, it does not.

The Hon. CLIVE GRIFFITHS: I think it does. As far as my speech is concerned, that is the point I am making and I think it is important. I certainly accept the principle that a woman ought to be able to have a pregnancy terminated if her life is in danger. However, I certainly could not go along with a provision which would preclude a woman from having a pregnancy terminated even if her life were in danger, because she had not lived in Western Australia for two months.

The Hon. R. F. Claughton: What about clause 6 (3)?

The Hon. CLIVE GRIFFITHS: I suggest the honourable member should state his views when I resume my seat. If I had any reasons to support the Bill previously, the subclause I have mentioned has certainly severed my thoughts on that subject. I believe it reeks of insincerity and, as such, I will not have a bar of it. The provision will have to go.

The Hon. N. E. Baxter: Is that a reflection on the doctor?

The Hon. CLIVE GRIFFITHS: Not at all. I consider it reaffirms my belief that the Bill provides for abortion on demand, but perhaps that is what he wants.

The Hon. N. E. Baxter: You know very well he does not.

The Hon. CLIVE GRIFFITHS: Tell me about it.

The Hon. J. G. Hislop: I will tell you.

The PRESIDENT: Order! The honourable member will continue his speech.

The Hon. CLIVE GRIFFITHS: I will not have a bar of the Bill while it includes that provision. I now refer to clause 4 (3). I violently opposed this provision in 1968 and I intend to oppose it just as violently on this occasion. It proposes that we should take into consideration, along with the other points I have mentioned, a woman's actual or reasonably foreseeable environment. Again, I believe this leaves the way open for abortion on demand and I am not going to have any part of it.

If the provisions to which I have objected are deleted from the Bill, I would be prepared to accept it.

I should like to refer finally to clause 5 (2) which reads—

In any legal proceedings the burden of proof of conscientious objection rests on the person claiming to rely on it.

This is an addition to the 1968 Bill and I wonder why it has been included. Certainly, I do not consider that it is just to write into the Act that the burden of proof rests on the person claiming to rely on it. There are many people who do not want to participate in this.

This is what we are always saying: that people who do not want to participate do not have to. If this Bill is passed, anyone who does not want to have a bar of it does not have to. I certainly agree that this ought to be the case; and I say that, similarly, if a person does not want to participate in an abortion he ought to be able to say, "I strongly object to the principle of it and I do not want to be in it," without having to bear the onus of proof.

If Dr. Hislop or the House could come up at the conclusion of the Committee stage with a Bill that amends this part of clause 4 to make it similar to what it was in 1968, I shall give some consideration to supporting it. If Clause 4 (1) (a) (i) is taken out, I shall give some thought to supporting it. If Clause 4 (1) (b) is taken out also, I shall give some thought to supporting it. If clause 4 (2) is taken out it will help. If clause 4 (3) is taken out—

The Hon. R. Thompson: You will agree to the short title, in other words?

The Hon. CLIVE GRIFFITHS: I am not even happy with the title. I have made some pencil marks on the Bill, and I have even crossed out the title. I would like an Act to clarify the law, not to amend it, and put in other reasons, abortion on demand, and those sorts of things.

I have spoken to people from all religious organisations, and I have spoken to people who are not connected with religious organisations but who have violent objections to abortion under any circumstances for anybody. I have spoken to people who have equally violent views in relation to providing abortion on demand. I have read everything that has been available to me on these subjects. As I have said before, the final decision as far as I am concerned, rests on my shoulders, and I am the one who has to cast this vote.

I repeat that I cannot chop myself into two pieces and put a piece over there to support the violent opposition and leave another piece somewhere else to vote with those constituents of mine who have the other point of view. There is certainly not enough of me left to support the people who have the middle-of-the-road view. So the lonely decision comes back to me.

I believe that I must act in the way my conscience tells me to act. To the best of my ability I have to ensure that I make the right decision. I do not profess to be an expert. I do not profess to be able to see into the future and determine whether what we do with this Bill will be right or wrong. We could well be proved to be wrong whatever decision we made. I believe that what my conscience dictates is the line that I must take in a situation such as this, bearing in mind what the experts have to say about it.

If we could come up with a piece of legislation that would clarify this law and put it beyond doubt that in a situation where a woman's life was in grave jeopardy she could have her pregnancy terminated, I would be delighted to support it, and indeed I would go out of my way to support it; but until that is produced I am afraid I am unable to do that. I suggest that we might have gone about it the other way and made the amendments to the Criminal Code. That would be much simpler and more to the point. I think that if this Bill is subsequently defeated an amendment to the Criminal Code would be the obvious answer.

In the meantime, I shall listen with great interest to the other speakers, and particularly to the members who have been endeavouring to instruct me as to what I should say during the course of my speech. I shall be interested to hear what they have

to contribute. I do not say that I will not interject and give them a few instructions on the way, because I know I would not be able to keep that undertaking.

The Hon. A. F. Griffith: Interjections are very disorderly, you know that.

The PRESIDENT: Order! Order!

The Hon. CLIVE GRIFFITHS: As the Bill stands at the moment, I intend to oppose it. Unless Dr. Hislop gives me an undertaking in his reply to the second reading debate that he intends to introduce some amendments that will satisfy me, I will oppose the second reading.

**THE HON. R. F. CLAUGHTON** (North Metropolitan) [7.57 p.m.]: Mr. President, the Minister for Mines questioned a number of the provisions in the Bill before us, and suggested that there was a need to amend them. I hope that members will allow this measure to pass to the Committee stage so that the problems he raised can be amended at that time.

The term "abortion on demand" is a cliché; it is an excuse for not thinking about things. It has no relevance at all to the Bill before us. Clause 4 of the Bill states that a pregnancy may be terminated on the advice of two doctors in consultation, and under certain conditions.

The Hon. Clive Griffiths: It was only the condition that I was surprised at.

The Hon. R. F. CLAUGHTON: It certainly does not provide that a woman can go to a doctor and say, "You must give me an abortion." This term "abortion on demand" has no relevance at all to the legislation that is before us.

The Hon. L. A. Logan: That is only an excuse.

The Hon. R. F. CLAUGHTON: That is right. The other matter I would like to take up is the objection raised by Mr. Clive Griffiths to the omission of the word "permanent" from the expression "grave permanent injury."

I would suggest that grave is grave, no matter whether it is permanent or not; and with the progress being made in medical science who can say that what appears to be permanent now will in fact be permanent in the future. How can a doctor determine at a particular time whether an operation will cause an injury that is not only grave now but will also be grave in the future? Surely grave injury in itself is enough reason to permit a doctor to bring about the termination of a pregnancy. Dropping the word "permanent" from the legislation is not at all to be lamented.

I would like to pay a tribute to Dr. Hislop who, despite the extreme disappointment he must have felt after his previous Bill was passed through this Chamber and disallowed in another place, has courageously brought this new Bill before us.

When his first Bill was defeated Dr. Hislop expressed the view that he would not be prepared to introduce another. I am glad that he changed his mind and has given us another opportunity to bring about this reform.

Moreover, despite what has been said, or may be said, about his motives, I do not believe that his Bill will allow women to have abortions under all conditions. This legislation has been brought to us by a man who has had a great deal of experience in this field. I am sure he does not feel like a white knight rushing to the aid of distressed damsels. Instead, I am sure he realises from his long practical experience in medicine that adverse consequences can flow from the existing legislation.

If, however, his action also stems from an idealistic view of the fundamental liberties and rights of women to control what happens to their own bodies, then this should increase our respect for his motives in introducing this reform. As this will no doubt be the last opportunity Dr. Hislop has to present a Bill of this nature, I hope that his pioneering efforts for abortion law reform will be successful. I do not think there can be any doubt that if this legislation is not successful now, it will be in the not-too-distant future; and to delay the reform will mean only that we cause unnecessary distress to countless numbers of women.

To Dr. Hislop I would say that I hope his Bill will pass through both Houses largely in its present form. However, even if it does not, I think he can take comfort from the knowledge that his efforts will have certainly brought the day closer. So that there will not be any misunderstanding I mention that I am not suggesting we should pass this Bill merely to please Dr. Hislop. It is our duty, of course, to examine critically the provisions in this legislation and weigh the arguments and make our decisions in the light of this.

When Mr. Dolan spoke last night I asked him for a reference he quoted. I would like to make it quite clear that I did not doubt his accuracy. I think we all know that anything Mr. Dolan brings before us is well researched and is accurate to the last detail. I myself missed the item and I was anxious to study it. The item in question was taken from the *Daily News* of the 16th March under the heading, "U.K. clamp-down on 'factory' abortion." This in itself is a most emotional term and, despite the line taken by the honourable member I would say it is not an item that would cause us to vote against this legislation. The article dealt mainly with the conditions under which abortions are taking place, and these are matters of procedure and supervision. It will be necessary, if this Bill becomes law in our State, to see that regulations are laid down so that similar conditions cannot apply.

When the Minister for Mines spoke he also referred to what was happening in England and I think here again this is really a situation similar to that when people talk of abortion on demand. The reports I have seen have been in connection with the conduct of the clinics and not the question of whether the liberalisation of the law is required. The reports are more concerned with the conditions under which abortions are taking place.

I wish to quote one or two references. The first is taken from *The West Australian* of the 30th March, 1969. It is headed, "Abortion clinics warned" and states—

The government today took action against poorly-equipped private abortion centres in London.

It ordered one clinic to halt operations and threatened similar action against seven others unless they improved their medical standards.

The moves announced in parliament by the Social Services Minister, Mr. Richard Crossman, came after widespread criticism of the lack of proper equipment in some British clinics and the risk to patients.

Again, on the 18th March, 1969, under the heading "Abortions—'Grave Alarm'" Mr. Crossman makes a statement about a similar situation. This, then, is the situation that is referred to in England. When we look at the number of abortions that have taken place in that country, the situation does not exceed what we would expect to happen, especially when we judge it against the previous estimates of illegal abortions in that country.

I wish to quote from a book called *The Nameless* by Paul Ferris which deals with abortion in Britain today. The following is to be found on the flyleaf of that book:—

Paul Ferris sets down—

The PRESIDENT: Order! Will the honourable member please quote the page number.

The Hon. R. F. CLAUGHTON: This is on the flyleaf, Mr. President, and it says—

Paul Ferris sets down the ascertainable facts clearly. He reckons that each year in Britain between 100,000 and 200,000 women have abortions.

This matter is mentioned again in the book, but it is more readily available on the flyleaf. Mr. Ferris is a reporter and he also writes fiction. I might add that perhaps we should treat his remarks a little conservatively. In another book called *Abortion and the Law* written by Bernard M. Dickens—a much more reputable gentleman who examines the situation in England extremely carefully—we find at page 81 he refers to a report of an inter-departmental committee in 1939, which was some considerable time ago. Mr.

Dickens said that at that time the committee estimated the abortions were between 44,000 and 60,000 a year. Considering the growth in population since that time perhaps Mr. Ferris' estimates were not far out.

Here again, the situation in Britain is no more than one would expect, and if there is cause for concern it is due to the conditions under which these abortions take place. As I said previously, if the Bill is to become law, we should ensure, by having proper supervision of what is done, that a situation similar to that which has arisen in Britain does not occur here.

I now wish to refer briefly to some clauses of the Bill. Clause 4 (1) (a), which I mentioned previously, provides that two doctors must examine a woman before a pregnancy is terminated. I think Mr. Griffith referred to that fact. This is the accepted procedure throughout Australia today.

The Hon. A. F. Griffith: I think you have mistaken me for somebody else. I did not say anything of that nature.

The Hon. R. F. CLAUGHTON: The Minister referred to the need for this clause in the Bill.

The Hon. A. F. Griffith: I said that I saw no reason to have this provision in the measure, because the examination would surely be part of the diagnosis.

The Hon. R. F. CLAUGHTON: If I misunderstood the Minister, I apologise. I thought he was referring to a situation where two doctors were required to carry out an examination of a patient.

The Hon. A. F. Griffith: I prefer you to make your own speech.

The Hon. R. F. CLAUGHTON: I prefer to make mine, too. The clause provides in paragraph (a) (i)—

that the continuance of the pregnancy would involve greater risk to the life of the pregnant woman or greater risk of injury to the physical or mental health of the pregnant woman . . .

In the previous Bill the words "substantial" and "serious" were included in the text. On further reflection, I considered we had not acted wisely in adding those words, because of the different interpretations that could be placed upon them, which could mean that women could still be subjected to injustices when such an operation was performed. I much prefer the clause that appears in the present Bill.

The Hon. Clive Griffiths: In other words, it widens the scope.

The Hon. R. F. CLAUGHTON: Yes, that is so. I consider it needs to be widened. If the words in the Bill are "substantial risk" then that means that there is a substantial risk. If a risk still exists, even though it may be a little less than substantial, and the woman may face a

most unpleasant experience afterwards, the doctor would not be able to perform the operation. Therefore it is necessary that the clause in the Bill should remain as printed.

I will say only a few words on subparagraph (ii) of paragraph (a) of clause 4 (1), because I will simply be repeating what I said on a previous occasion; namely, that a decreasing number of abortions will be performed where there is the risk of abnormality to the child. This will be so because of the rapid advances that have been made in medical science. By the same token the clause should still remain in the Bill. Paragraph (b) of subclause (1) of clause 4 reads as follows:—

(b) if the pregnancy of a woman is terminated by a medical practitioner in a case where he is of the opinion, formed in good faith, that the termination is immediately necessary to save the life, or to prevent grave injury to the physical or mental health, of the pregnant woman.

There is evidence that this provision needs to be in the Bill.

The Hon. Clive Griffiths: Once again it will widen the scope.

The Hon. R. F. CLAUGHTON: Why not? I will return to that point in a moment. Subclause (2) of clause 4 deals with residential qualifications, and, like other speakers, I cannot see the necessity for this provision in the Bill. I think the intention of the provision is covered in subclause (3) of clause 6, which appears on page 4 of the Bill. That subclause provides that sections 259 and 290 of the Criminal Code shall still apply. If that is not so, perhaps we will be able to obtain some legal advice on the question.

Objection has also been raised to clause 5(2) which states that the burden of proof of conscientious objection shall rest on the person who is claiming to rely on it. I saw no reason why this provision should have been included in the previous Bill, but if it has been decided that it should not remain in this measure, once again I have no objection.

The Hon. F. R. H. Lavery: Do you believe there is no need for that provision in the Bill?

The Hon. R. F. CLAUGHTON: Not being versed in legal procedure, I am not in a position to know. We had extremely good advice on this point on the last occasion the Bill was before us, and I think we should probably accept the same advice on this occasion.

When new legislation is introduced one of the questions that generally arises is: Is there a need for it? I do not really know what the criterion of need is. However, I will offer one or two suggestions which may help members to decide that there is a need for this legislation. For

example, public demand must be taken into consideration when determining the need for any legislation. This demand is exemplified in a report which appeared in the *Daily News*, of the 7th April, 1970. In this report the results of a Gallup poll taken in 1970 are shown, and they are as follows:—

	1970 %
Abortion should NOT be legal in any circumstances .....	11
Abortion should be legal ONLY if the mother's life is in danger .....	29
	40
Abortion should be legal in cases of exceptional hardship, either physical, mental or social .....	41
Abortion should be legal in all circumstances .....	16
	57
No opinion .....	3
	100

I would also point out that the Abortion Reform Law Association of W.A. conducted two surveys. The first of these surveys was carried out in Floreat Park and it showed that, of the people asked, 1,385 expressed an opinion in favour of reform and only 245 expressed opinions against reform.

A survey was also conducted in Subiaco in September, 1969, and the results again were very substantially in favour of reform. There were 585 people who wanted reform and 131 who were against any reform of this nature.

The Hon. Clive Griffiths: What were they asked?

The Hon. R. F. CLAUGHTON: They were not asked to state the degree of the reform of which they would approve. Their reaction, however, does indicate that there is a very substantial demand for some reform of the existing law.

Another method by which we can determine the necessity for this is to consider the experiences of various people. I would like members to bear with me for a few moments while I relate some of these experiences which have been conveyed in letters that have been received. I think these letters bear significantly on the question whether we should approve this legislation and accept its provisions. I do not propose to quote any names. I have the correspondence with me and should any member wish to examine any of the letters he may do so. The first letter reads—

I am sending you an account of my daughter's experience in which my husband and myself were involved.

She was always a very self-conscious girl and had a shocking inferiority complex and when she left

business college we had difficulty in getting her to stay in a job. She didn't want to take on any responsibility but we had a very good doctor who persevered with us to help her overcome these difficulties and she got a good job and started to go out with boys. By this time she was eighteen and we thought responsible so you can imagine how we felt one day when she became very sick and on calling the doctor we found not only was she pregnant but had taken some tablets given to her by the boy responsible. Our doctor thought the pregnancy should be terminated but his hands were tied, also she threatened to take the rest of the tablets she had hidden. So he sent her to a Psychiatrist with an account of her case history but after half an hour he decided that there was no guarantee that she would do anything desperate and he thought that if she went through with it the responsibility of having the baby and looking after it would help her.

Despite what has been said about the value of psychiatrists! To continue—

This advice cost \$13, so we were left no alternative but to seek an illegal abortion for her. We inquired around and were given a few names with a particular man's name at the top who we contacted first. He told my husband he preferred to make arrangements with the girl's mother so it was agreed he would come and see me the next day, but as my husband worked shift work he was at home and he was in the next room unbeknown to the man. Well the sum of \$200 was the price. Then he said he was only doing it as a favour to me because he was attracted to me. He put his arms around me and tried to force his attentions on to me. Needless to say my husband rushed in and threw him out the front door, but what could we do. We couldn't report him to the police. We were conspiring to break the law with him and I've often wondered how many desperate mothers who did not have a husband at all would do in the circumstances, so we managed to contact a woman who performed the abortion but my daughter was very sick and hospitalised for some time, my worry is not so much who has an abortion but who does it.

Obviously this was not done by a qualified person. A further letter reads—

I had an illegal abortion 12 years ago when I was 18 years old. This was against my will, but my parents insisted, because the man responsible was not of good character and they forbade marriage between us. The price involved was £25 (\$50.00) in those

days. There was about 4 women there on the morning I was attended to, and the waiting room had 6 people waiting the day previous when I was interviewed and told to come the next day. When I was nursing at one of our training hospitals the year before this, a married woman expecting her 6th child was brought in with blood poisoning—she'd pushed a table fork into herself to try to abort the child she could not afford, she almost lost her life.

I read these letters to indicate that situations such as these do exist in our State. We are not merely dealing with hypothetical cases. If the law were wide enough in its scope to cover these cases why do we find such things taking place? It is quite obvious that the law is not adequate enough to cope with circumstances such as these. Another person writes—

I would very much like you to see a very bad case I am nursing at present. She is my niece only 38 years of age talented and well educated. She had 4 lovely children youngest 6 and the oldest 19 but the last one was a very bad breech birth and was followed by a very bad nervous breakdown. The Dr. wanted to terminate the birth but at the time I do not know what took place but all the drugs in the R.P.H. failed to help her. At last when all else failed Dr. . . . performed the "Leucotomy" operation on her. Consequently when she recovered she was not wanted by her husband or her family so she ran away because there were so many rows in front of her little girl. Now today she is no use to anyone, her husband passed away and her in-laws stepped in and took her family whom she has never seen until her daughter was married.

I will not read the rest of the letter but it continues in the same strain. Another short letter reads—

As I had to have an abortion myself about four years ago in England and have been grateful for the help and sympathy I was shown at that time and feel it is every woman's right to have the same understanding as I had.

This again shows that some women are very grateful after having abortions done, as was the woman who wrote the letter above. We cannot deny, of course, that there are cases which should not be aborted. I have another letter which reads—

I have had experience of extreme distress caused by unwanted pregnancy. I have death certificate and a large file re medical illness, as a direct result of a pregnancy that should have been terminated.

The final letter states—

For fourteen years I suffered mental anguish of fear of another pregnancy. The Dr. who delivered our 3 last children through rather difficult pregnancies and confinements advised my husband and self a further pregnancy could be fatal to one i.e. mother or baby or both. He said it would be impossible to save both. Finally a hysterectomy. Imagine my worry with 6 children, the fear of what could lay ahead and try and imagine what this worry caused physically as well as mentally. Not good for any home. Had legalised abortion been possible what a relief it would have meant to me had I needed help.

At the present time I am concerned for our daughter who has 2 wee girls both caesarean births. Now denied the contraceptive pill. Through or because of thrombosis at present she has one leg bandaged and this at the age of 25 years. When she asked her Dr. would he terminate (or abort) her pregnancy should she become pregnant, she was told No. Her baby is under 2 years. Also there is talk of stripping her leg vein. As for other means of contraception her Dr. told her no other method was 100 per cent. safe.

I thank God that we have 6 children. All were treasured, all grown up women and men. For sure I am grateful.

Here was a woman for whom pregnancy was a serious risk, yet she was told her circumstances were such that she could not avail herself of a legal abortion.

It has been said that these are hard cases, and that hard cases do not make good law. I suggest the same applies in the opposite direction, because there may be hard cases on the borderline in which the women were aborted, but these are rare. However, that should not prevent us from dealing rationally with these matters in accordance with our conscience and our sense of duty.

Large numbers of people are in the situation where they cannot afford to pay the high charges demanded by doctors who are prepared to take the risk. If members wish to read about these cases there is a book entitled *The Hidden People* by John Stubbs which covers these classes of people in Australia. A significant section of our community are earning up to \$50 a week and are paying \$25 a week in rent, and they cannot afford to contribute to medical benefits schemes. Certainly they are not in a position to pay the high fees demanded for abortions. What are these people to do? If they cannot avail themselves of the services of legal abortionists they will have, just as the other woman who has been described in the letters I read out and who

very nearly lost her life had, to turn to somebody else. These are the matters which cause concern. This concerns not only women who run the risk of losing their lives through pregnancy, but also those whose capacity to experience life to the full is lessened.

In his contribution to this debate Mr. Dolan mentioned—and I was interested to hear this—psychiatric cases, and he doubted whether many of those abortions were necessary. He referred to Professor Donald, and the figures he quoted to substantiate his case were good; in fact, it gave me the impression that they were almost too good.

In this connection I would draw attention to the comment made of Dr. Myre Sim on the same subject. The comment was made in about 1963, and appears on page 128 of the book *The Nameless* by Paul Ferris. Dr. Sim is quoted as saying—

Similarly with abortion, there is considerable pressure to make it easier, if not legal, and psychiatrists are expected to disregard the clinical facts in order to satisfy a desire for a social reform. It cannot be to prevent mental illness, for abortion is not a prophylactic against psychosis but rather a precipitant. It is essentially a socio-economic problem with a psychiatrist being exploited, for he at present provides the most convenient way round the legal situation.

That was the point of view of Dr. Myre Sim. He has been attacked on two grounds: Firstly, it is suggested that the data which he collected over 12 years is too restricted; and, secondly, he is accused of being concerned only with mental illness of the psychotic, and more severe type, and not at all with neurotic conditions, which are far more common. Dr. Sim merely replies that he does not believe neurosis counts in the matter. Much will depend, Dr. Sim said in a letter to the *British Medical Journal*, on the definition of "wreck" in the context of the famous phrase from the Bourne case, and on "mental or physical wreck." Dr. Sim insists that temporary and/or remediable illness of a neurotic nature does not, in his opinion, qualify.

The cases described by Dr. Myre Sim may be quite true, but what about the cases involving the other lesser conditions which it is considered should not apply? How will those people fare? If we tighten up the Bill before us, as we tightened up the previous Bill, and express the provisions substantially and seriously then we will not change the situation. What we might do is to make the position worse; and instead of liberalising or clarifying, perhaps we will clarify to too great an extent. In that event the doctors might be permitted to operate in fewer cases, and

not more cases. This is what we should watch very carefully: the terms in which we express this legislation.

It is all very well feeling concerned about these people, but it will not achieve much good if we change the legislation to something which is much more severe. Even if the position is eased slightly, it will not do anything for these people. All the other circumstances will continue to arise. At the present time under certain circumstances women can be aborted in hospitals, and we have already been given information on that. What we want to do is to help the people who are not being helped. If we are only to clarify the law in respect of the people who are now able to resort to abortions legally, why do anything at all? Let us leave the position as it is.

The Hon. E. C. House: A good suggestion.

The Hon. R. F. CLAUGHTON: I feel that members will have to decide where they stand on this question. If they believe that to undergo an abortion is to take life and that there should be no abortion except in the most extreme circumstances, then they should have no part of this legislation. In fact, they should make the existing law more stringent. If it is the view of some members that it is murder to cut short the existence of a foetus then they should stick to that view; but if they do not believe that then they must ask themselves, "What am I trying to do?"

If we do not believe that to terminate a pregnancy is to commit murder, then we should not consider the foetus at all, but the mothers, their families, and the conditions under which they are living. Then we should try to introduce legislation to correct the injustices which obtain in the situation existing at present.

Those members who have spoken against the Bill can feel very moral and also that they are justified and are acting as responsible citizens—but responsible in what way? They want to make the decision for these mothers. In effect, they are saying, "You cannot make decisions for yourselves. You are not responsible adult people. You cannot make the decision concerning whether or not your pregnancy should be terminated. You are not to be trusted. How do you know whether your pregnancy is desirable? Even if your economic conditions are poor, what difference is another baby going to make? You will still all go on living. You might have to share what you have with yet one more person and you might not be able to give your children a decent education or a pair of shoes to wear to school. Nevertheless you cannot make this decision. You are not responsible enough. We must make it for you."

This, in effect, will be the result if we do not pass this legislation. Members must decide where they stand. Do they believe that abortion is murder in every

instance, or do they believe that it is not murder? Do they believe that the foetus is something which can be aborted and it is the living people and the lives they live and the conditions under which they live which we must consider? This is the decision we must make.

The passing of this Bill would not mean that abortion was available on demand. If that were the case it would mean a woman could go to a doctor and say, "You give me an abortion," and he would have to do so. This Bill does not provide for that at all. But it does allow a woman to go to a doctor and tell him the circumstances in which she is situated and ask for his advice and help. If this Bill were passed, a doctor would be free to give what he considered the best advice in each particular instance even if it meant the termination of the pregnancy.

A woman should not feel that she has to skulk around in back lanes and go to an unpleasant person who is prepared to carry out an abortion illegally. That is not the sort of legislation we want in force. I therefore hope members will consider carefully what they intend to do about this Bill and act justly for those people in the predicament for which the Bill caters.

THE HON. E. C. HOUSE (South) [8.44 p.m.]: I compliment Dr. Hislop for at least being consistent. I believe it is about the third time that he has introduced a Bill of this nature.

I believe it would be wise to look back a little over the events which occurred when the last Bill was before us. I think practically every member in this Chamber spoke to it and eventually it was passed after amendments had been made. It was sent to another place where it was ruled out of order.

That ruling brought about a violent reaction from many people who said that members of Parliament did not have the courage to debate the subject. This, I feel, is quite contrary to the truth inasmuch as those members were never given the opportunity to do so. I would be pretty correct in saying that the ruling given by the Speaker at the time virtually gave the subject a new lease of life because had that Bill been debated and voted upon then, as the numbers counted, it would have been defeated. I think that is worth mentioning because of the criticism levelled at the members of another place especially, and members of Parliament in general, at the time.

I feel very unhappy with this particular Bill. It is far different, I feel, from the one we passed last time. What is more, quite a number of things have occurred since then and much more evidence is available to us from England, South Australia, and Japan, and this evidence possibly makes one stop to think again.

I believe that each member of Parliament representing each and every person in his electorate and all people in the State, generally, must have a definite sense of responsibility. He has not the right to act irresponsibly and decide matters merely according to his own line of thinking. On the other hand, I would say it would be very difficult to do otherwise in regard to this legislation because public opinion is quite definitely divided right down the middle. Therefore if a member of Parliament does not decide according to his own convictions, which side does he take?

The general consensus of opinion is that we believe in democracy and majority rule. However, we have always more or less accepted the principle that if the opinion on a certain subject is divided in such a way that it is divided evenly, or almost evenly, then we leave it well alone.

I believe, too, that we are ill-equipped to give an opinion on this particular subject. After all, what do we, as men, know of the feelings of a woman during this very delicate and important time of pregnancy? I think we know enough to realise that pregnancy has a very distinct and marked effect on a woman's outlook, nature, and feelings generally. I think that if any man believes he knows enough about this subject to make a decision like this, then he does not know what he is talking about.

The Hon. R. F. Hutchison: I agree with you.

The Hon. E. C. HOUSE: It is all very well, too, for a woman to go to a psychiatrist and tell him that if her pregnancy is continued she is likely to commit suicide or take some other drastic action. However, I know specific cases where the same situation has occurred in reverse. A woman has had an abortion and then gone through years of anguish wondering why she did so. In many cases this anguish has resulted in a nervous breakdown.

It is a rather interesting point to note, too, that many of the abortions carried out have been as a result of pressure by the man responsible for the pregnancy, because he does not want his illegitimate child born into the community. This is why quite a number of women, and especially girls, go to abortionists. The males concerned have a guilt complex and more or less talk the girls into having an abortion.

I think everyone realises that abortions have been carried out over the centuries and, like many other things, whatever one does one will not prevent abortion. It is just like prostitution; it is the same sort of thing. This does not mean that the public are ready to accept this sort of thing or that they want it, or that they believe that the time has come

and society is in the right frame of mind to accept abortion as a legalised matter.

If we could cut out backyard abortions, I would feel fairly sympathetic towards the measure. However, we cannot because each and every speaker to date has said that he will not have abortion on demand. The only way to help those people who really require assistance is to eradicate this one single factor. I refer to backyard abortions.

The Hon. R. F. Cloughton: It cannot be eradicated if people cannot afford to go to a doctor.

The Hon. E. C. HOUSE: I do not think there is any definite evidence that abortions are necessary other than where it can be proved definitely that an abnormality will result, or it can be proved that the life of the woman is in danger. Therefore, the cost factor does not come into this argument. It would come under hospital benefits. Otherwise, we would be getting back to what we all objected to: abortion on demand.

The Hon. Clive Griffiths: We have already been told that backyard abortions cost up to \$200.

The Hon. E. C. HOUSE: No-one has shown that this Bill, or any other Bill, will do away with the backyard abortionist. I ask: What member who has spoken has said other than that he will not have abortion on demand? I also ask: Did any member express other than that view when the Bill was last debated?

The Hon. L. A. Logan: Yes; look at what I said.

The Hon. E. C. HOUSE: I am glad the Minister has woken up. He was peaceful when anyone spoke in favour. I get the Minister's point. I take it that the Minister was talking about the children with whom he comes in contact through his portfolio of child welfare, and the tragedies which he sees in that field. Am I right?

The Hon. L. A. Logan: You are right.

The Hon. E. C. HOUSE: I would go so far as to say that I doubt very much whether there are many cases where one could detect a tragedy within the period during which an abortion can be carried out. I understand it is within the very early months of pregnancy.

Has the Minister given thought to the number of deformities which are caused by drugs during the later stages of pregnancy? We know there have been court cases on this subject. Has the Minister ever given thought to the number of deformities caused through car accidents, falls, and so on? I think those incidents would cause a terrific proportion of the deformities, to say nothing of the tragedies which are caused by doctors experiencing difficult presentation. That is a well-known fact, but at that stage it is a bit

late for an abortion. Do those incidents not cause the biggest number of deformities?

When Dr. Hislop introduced the last Bill he said that new techniques had been developed so that it was possible to determine some deformities in the early stages of pregnancy. The mongoloid child can be detected, but an abortion Bill or a termination of pregnancy Bill is not required to handle that situation. That would be purely a medical matter and I could not imagine any police officer or any court committing a doctor who terminated a pregnancy under those circumstances.

I think the critical point at this time is our lack of knowledge of what might happen. I do not think anyone is very happy with what has happened in Britain. I think many problems will be experienced in Britain and in South Australia. It is a well-known fact that the birth rate in Japan fell by 1,000,000 in the first year after abortion on demand was permitted. Perhaps the Japanese wanted it that way.

We have an opportunity to observe what is happening in other countries and other States where abortion legislation has been introduced. During one speech reference was made to the number of prosecutions against doctors for carrying out illegal abortions in this State. I do not think there were very many prosecutions. It would be very difficult to police this sort of thing. I cannot see why we cannot leave well alone.

In my opinion we are more or less bowing to a demand. There is an atmosphere of lack of discipline and we have the beginnings of a society where people will do as they want to do regardless of the feelings of anybody else. I am sure that the public in this State are not ready to accept this sort of thing. I have not been influenced by any letters I have seen, any petitions, or religious bodies. Whether or not those organisations object, I am trying to look at the measure as a member of Parliament should look at it, and that is with a great deal of responsibility and without worrying about pressure from outside influences. We have to go about our job with the sure knowledge that we have done all right up until now with the cases that required medical treatment. There is no doubt that abortions are carried out when necessary, and they will continue to be carried out. It would be foolish for anybody to try to argue the point in the courts and say there were not good enough medical grounds for such abortions.

It has been admitted that the backyard abortionist cannot be eliminated. If it is not intended to eliminate the backyard abortionist; then not one single thing can be done about it. There are more commonsense ways of getting over the problem. Legislation can be altered to clarify

matters and to protect doctors. However, I do not think we should complicate the matter with this particular Bill.

I think Mr. Claughton made a good point when he read from some of the letters he has in his possession. I refer to the public attitude to a woman who becomes pregnant out of marriage.

Surely, members of the public should look at their own consciences and realise that this is not, in all probability, the disgraceful thing it was thought to be a number of years ago. A stigma should not be attached to a girl who has a baby out of marriage. It is only the unfortunate girls who have babies. We all know that permissiveness exists amongst girls from respectable families, and otherwise, and frequently nothing happens. However, if the poor girl happens to get caught—I think that is the way it is described—then she is more or less branded.

Surely we should try to get the message through that it is necessary to help such girls. We should not continue to instil into the minds of children the idea that this stigma can never be removed. I suppose many parents do this, because they try to frighten their children so that they will not get into this sort of situation. The modern child of today is fairly well educated. Because children are not fools, a different approach could be taken. If this were done many of the girls would have the babies and would probably be quite happy to give birth to them.

The proposal that two doctors should decide whether a woman needs to have her pregnancy terminated could surely lead to collusion between doctors. I do not think anyone is so naive as to believe that two doctors could not get their heads together and perhaps start a racket, if they wanted to do so for monetary gain or otherwise. I think Dr. Hislop would agree that there must, even in the medical profession, be odd-bods who do not maintain the high codes of the profession. If this is so, the situation could not be avoided.

I do not believe we should relax the present standards, at least until the public demand is much stronger than it is. If the Parliament does not allow abortion on demand, we must adhere to the existing standards. We would be doing the right thing if we waited until the public was ready to request it or until another generation grew up. It will probably be necessary to wait that long before the public will accept it.

I have lived in other countries in which a similar state of affairs existed. Everyone talks about these things and, even during the depression, the cost of an abortion was £30. As I say, it is talked about; everyone knows it is happening; everyone knows who does it, and all the rest. This sort of thing cannot be avoided.

I have said all I want to say, Mr. President. I am not prepared to support the Bill in any shape or form. I do not consider it is at all wise. I emphasise the point that I oppose the Bill for no other reason than that I believe we have a responsibility to the community which we represent, and I am quite convinced that public opinion is divided right down the middle. For this reason, I cannot support the Bill.

Debate adjourned, on motion by The Hon. F. J. S. Wise.

# **ELECTORAL ACT AMENDMENT BILL** *Second Reading*

Debate resumed from the 14th April.

**THE HON. W. F. WILLESEE** (North-East Metropolitan—Leader of the Opposition) [9.5 p.m.]: The Bill seeks to amend the Electoral Act and it is, in the main, a machinery measure to enable, in the future, the computerisation of the records kept by the department. It also deals with non-enrolment penalties and brings them into line with those of the Commonwealth. Thirdly, it seeks to change the system of nomination by telegraph and to substitute instead nomination by writing.

The most important feature of the Bill, to my mind, lies in the fact that it will alter the existing situation of alphabetical nomination on a ballot paper. Instead, a position on the ballot paper will be drawn by the registrar; in other words, it will be done by ballot.

Again, we are adopting the Commonwealth line. This system possibly had its beginnings in the celebrated case of the Senate team of Aylett, Armour, and Armstrong, who were successful in the venture. Personally, I rather favour the idea of a draw, because I could not be any worse off under a draw than I am under the alphabetical system. Perhaps I could support this Bill for selfish reasons, if for no others.

I consider that to fall in line with the Commonwealth electoral arrangement is a good feature of the Bill. I would have liked to see the Bill provide for the filling in of only one card and for only one roll for both the State and the Commonwealth.

**The Hon. A. F. Griffith**: There are real difficulties in doing that.

**The Hon. W. F. WILLESEE**: There must be, because the machinery has been established but it has not been put into effect.

**The Hon. A. F. Griffith**: The principal difficulty is the question of boundaries between the State and the Commonwealth. We are bound to move when the Commonwealth moves. We lose our individualism and I am not happy about that,

**The Hon. W. F. WILLESEE**: I thank the Minister for his explanation. Perhaps I am a simple person, but I like the simple idea of one card. To my mind, to make the elector fill in so many forms and cards is only pestering him. If a person shifts from one locality to another, he has to fill in a new card.

It is obvious that there is a difficulty, because the Minister has pointed it out; but if we make an approach towards the one-card system, perhaps it will not be as difficult to put into operation as we might think at first. I do not know whether it has ever been attempted or how many problems the question of State and Commonwealth boundaries would cause. However, we change the boundaries in the State from time to time and we get by. Perhaps there are some difficulties at times with a boundary change, but this is only on the fringes, in any event.

The principle would be the simplicity of the one card. I would like to see the abolition of how-to-vote cards on election day—

**The Hon. L. A. Logan**: So would I.

**The Hon. W. F. WILLESEE**: —for all parties, of course; and a designation on the ballot paper. Those are not items in the Bill, but I make the comment that I would have liked to see them in the Bill.

The other point I wish to make is not particularly important perhaps. It concerns clause 16. Paragraph (c) seeks to increase the amount of 10s. to \$2; paragraph (d) substitutes \$10 for £2, and paragraph (e) again substitutes \$10 for £2. In the first instance we increase 10s. to \$2; then we increase £2 to \$10. I do not know whether there is any particular reason for not making them all \$10, or whatever it might have been.

With those remarks, I support the Bill.

**THE HON. F. R. H. LAVERY** (South Metropolitan) [9.12 p.m.]: I would like to make a comment in regard to this Bill. The department and the Government have given consideration to the amendments provided in it, and I think some of them are brought about by the computerisation of the rolls. These rolls have been shown to me by the Chief Electoral Officer (Mr. Wheeler). I think the system is a very good one.

To refer to a matter raised by my leader, in regard to the non-use of loud-speakers on election day, I would agree that this is a very good point. On the other hand, I do not agree with the attitude of some shires in refusing to allow candidates to erect election signs. In the Melville area we pay a deposit of \$10 and the shire allows us to erect a sign. It expects us

to take the signs down in seven days—we usually take them down in two days. The \$10 deposit is then returned. The City of Fremantle, East Fremantle, and Cockburn raise no objection at all.

The Hon. R. Thompson: Fremantle has barred them completely.

The Hon. F. R. H. LAVERY: I am sorry. That has happened since the last election. I suggest that the Minister for Local Government and the Minister controlling this Act might discuss this matter. I feel that signs educate the public, letting them know, first of all, that there is an election on. To advertise in the Press, as some candidates do, is very costly, and not many people take notice of Press advertisements until the day before an election, or something like that. The sign out on the road draws the attention of the public to the fact that there is an election on.

I think that in shires where signs are permitted a time should be stipulated within which the signs should be retrieved. Only today I was out in an area—which I shall not mention—where I saw five signs left in position from the last Federal election. In some country districts I have seen signs 12 months after an election. I do not think that is right. I think when a shire has allowed them to be put up we should not desecrate the scenery by leaving them there. I suggest that the Minister for Local Government and the Minister controlling the Bill might have a discussion on this matter.

**THE HON. A. F. GRIFFITH** (North Metropolitan—Minister for Justice) [9.15 p.m.]: Mr. Deputy President, in reply to one of the points that have been raised, as I indicated when I introduced the second reading, the principal purpose of the Bill is to improve the facilities for elections in some respects. Some of the changes have been made necessary by the computerised rolls.

In regard to clause 16, which was mentioned by Mr. Willesee, I simply brought the penalties into line with the Commonwealth. There seems to be a tendency in this Bill to bring some things into line with the Commonwealth.

With your permission, Sir, although it is not in the Bill, I think it would be of interest to members if I made some comment about the matter of the keeping of the rolls. I am not in favour of the Commonwealth keeping State rolls. We have been asked by the Commonwealth whether we would agree to this. I prefer to maintain for Western Australia the individualism that we have in relation to our rolls. It has been argued that it would be cheaper to have the Commonwealth keep the rolls, and there is probably something in that, but as long as I administer the Electoral Department I want to feel that we are not

dependent upon the moves that the Commonwealth makes in respect of its boundary changes, and that we do not have to wait for action by the Commonwealth.

We have a by-election coming on very shortly, owing to the resignation of a member of the Legislative Assembly. It so happens that in this particular case it would be all right, but there may be cases where we would have to get the Commonwealth to do something in relation to printing a roll. Why should we have to do that? I know this situation exists in some other States and it appears to work well, but until I am given better reasons for it I prefer that Western Australia should be in the situation that it can control the preparation of its own rolls.

The Hon. W. F. Willesee: Do you think it is necessary to have two cards?

The Hon. A. F. GRIFFITH: There is talk of reducing the voting age to 18, and a move was made in this direction in the Legislative Assembly last year. I think this will probably come. Let us assume that we had only one card and that that Bill had been successful at that time. What a chaotic situation that would have created! The people in Western Australia would have voted at the age of 18 for the State Parliament and at the age of 21 for the Federal Parliament. We would immediately have been in difficulty.

I have made it clear, as I think the Premier has, that the Government's approach to the voting age is that when this is done on an Australia-wide basis we will be in a position to give this matter favourable consideration.

The Hon. R. Thompson: The other advantage of the Commonwealth is that it canvasses its areas regularly and keeps its rolls up to date, which the State does not do.

The Hon. A. F. GRIFFITH: I do not think it canvasses them regularly, but whenever it does there is close liaison between the Commonwealth and the State officers. We get the benefit of their ideas, etc., and follow them up. The Chief Electoral Officer has machinery for doing this sort of thing.

The Hon. R. Thompson: In some areas they do not fill out the enrolment cards.

The Hon. A. F. GRIFFITH: We do not canvass in State electorates for enrolment cards. It was done on one occasion in a certain Legislative Council area, but I will not go into that; it is history now.

The Hon. R. Thompson: I realise what you are saying, but this does not educate the public so that they know they should be on the roll when the canvass is taking place.

The Hon. A. F. GRIFFITH: By now the public should be educated in that regard because in every post office and

almost in every place one goes to throughout the country one sees notices telling people this is their duty.

The Hon. R. Thompson: You know and I know; but you can give them the cards and they will merely put them in a drawer.

The Hon. A. F. GRIFFITH: The people in my province are much more intelligent. I am glad to see that the proposal for the abolition of the practice of using loud speakers or public address systems on polling day will receive support. So far as I am concerned, I would not mind seeing how-to-vote cards dispensed with on polling days, but I could never go along with the suggestion that they should be replaced by putting the party name on the ballot paper. Democracy has it that one does not elect parties to the Parliament, one elects members.

The Hon. R. F. Claughton: That is a fiction.

The Hon. A. F. GRIFFITH: I believe it is not a fiction. The honourable member might tempt me to say something else if he takes this too far. However, I will not say it. If we place notices inside polling booths and insert the names of the parties on a ballot paper, then we would destroy the objective of a democratic Parliament. One should elect a person and not a party.

The Hon. V. J. Ferry: This is a fundamental principle.

The Hon. A. F. GRIFFITH: Yes, that is so.

The Hon. F. J. S. Wise: What do you think would be the effect of doing away with how-to-vote cards?

The Hon. A. F. GRIFFITH: I would not like to see them abolished altogether, and here again I am expressing my personal point of view. However, I think how-to-vote cards need not be used on polling day. Sometimes I think a method of doing this would be to allow the distribution of election literature up until 6 p.m. on the day before the ballot, thus allowing people to go to the poll on polling day with a bit of peace and quiet.

The Hon. Clive Griffiths: I know a printer who would not agree with you.

The Hon. A. F. GRIFFITH: I suppose the honourable member would also know some signwriters who would not agree with me if I suggested that signs should not be part of the election process. Signs are indeed an expensive item and they are becoming more expensive for candidates all the time. There again, the Commonwealth has some limitation on the size of election signs. I would not mind this, but I am expressing purely a personal point of view.

In relation to the attitude of some local authorities, the only way we could do this would be to introduce a State law laying

down what a local authority must do in regard to signs, and such a law would not be at all popular among local authorities which are jealous of their position and their authority within their districts. I think more and more of them are insisting upon permits for signs and I can see the day when the use of signs will be much less than it is at the present time. In my own case, during the last election my signs were plastered from South Perth to Scarborough.

The Hon. F. J. S. Wise: It is as well you do not contest the province with Mr. Clive Griffiths.

The Hon. A. F. GRIFFITH: I once represented South Perth, and I now represent the Scarborough area. During the last election some of my supporters thought that not only was I doing a great deal of work but also that my name was well advertised.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Justice), and transmitted to the Assembly.

## CONSTITUTION ACTS AMENDMENT BILL, 1970

*Order Discharged*

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [9.28 p.m.]: I move—

That Order of the Day No. 14 be discharged from the notice paper.

Question put and passed.

Order discharged.

*House adjourned at 9.29 p.m.*

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## Legislative Assembly

Thursday, the 16th April, 1970

The SPEAKER (Mr. Guthrie) took the Chair at 2.15 p.m., and read prayers.

### LOWERING OF DRINKING AGE

*Referendum: Petition*

MR. YOUNG (Roe) [2.17 p.m.]: I have a petition addressed as follows:—

To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia, in Parliament assembled.