

fact that this procedure will be denied, at least until the end of October, it is not unreasonable for the Minister to have to table the certificates together with explanations as to why he arrived at his decision.

Mr. Hartrey: I agree.

Mr. May: I have no objection if the Deputy Leader of the Opposition wants to move that way.

Mr. COURT: I cannot move an amendment to my own amendment.

Mr. Graham: You can withdraw.

Mr. COURT: I will seek permission to withdraw my amendment with a view to moving half of it.

Amendment, by leave, withdrawn.

The CHAIRMAN: I am not sure whether the Deputy Leader of the Opposition can speak again. He has already spoken three times.

Mr. Graham: This is a new amendment.

Mr. COURT: I move an amendment—

Page 3—Insert after subsection (3) the following new subsection to stand as subsection (4):—

- (4) Every certificate given under subsection (1) of this section shall be laid on the Table of each House of Parliament within seven sitting days of its being given together with a statement by the Minister of the reasons for the giving of the certificate.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

#### *Report*

Bill reported, with amendments, and the report adopted.

#### *Third Reading*

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

#### **ADJOURNMENT OF THE HOUSE: SPECIAL**

MR. GRAHAM (Balcatta—Deputy Premier) [1.01 a.m.] I move—

That the House, at its rising adjourn until 2.15 p.m. today, the 19th August.

Question put and passed.

House adjourned at 1.02 a.m. (Thursday).

## **Legislative Council**

Thursday, the 19th August, 1971

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

#### **QUESTION WITHOUT NOTICE**

#### **SNOWY MOUNTAINS ENGINEERING CORPORATION ENABLING BILL**

*Request from Prime Minister*

The Hon. A. F. GRIFFITH, to the Minister for Police:

In connection with the second reading speech he made yesterday on the Snowy Mountains Bill and his reference to the request which had been received from the Prime Minister, would he make available for my perusal a copy of that request?

The Hon. J. DOLAN replied:

I thank the Leader of the Opposition for giving me notice of this question this morning. I have procured a copy of the request made to Sir David Brand by Mr. Gorton, the then Prime Minister, and it is available for the Leader of the Opposition.

The Hon. A. F. Griffith: Thank you.

#### **QUESTIONS (6): ON NOTICE**

1.

#### **MILK BOARD**

*Albany Milk Supply*

The Hon. J. M. THOMSON, to the Leader of the House:

Will he please lay on the Table of the House the file containing correspondence and the document of agreement between the Albany Whole Milk Producers Association and the Milk Board, relating to their licences and quotas, prior to and at the commencement of the control by the Milk Board over the Albany milk supply?

The Hon. W. F. WILLESEE replied:

The Milk Board has controlled the Albany Milk Supply since 1946 under the authority of the Milk Act and regulations.

A treatment plant to supply pasteurised milk to the Albany market was first licensed at Albany in March, 1965. Previously raw milk was sold to consumers, either direct from local dairymen licensed also as milkmen, or from milkmen supplied by local dairymen.

An agreement between the Board and Albany dairymen is not required and does not exist.

With the establishment of a treatment plant a contract system of supply became necessary and prior to the introduction of that system the Board addressed Albany dairymen and milkmen at meetings in Albany in June 1964 to explain the operation of the new marketing system.

The history of the Albany milk supply is not contained in a single file. Specific information will be provided on request.

2. *This question was postponed.*

### 3. EDUCATION

#### *Carnarvon Primary School*

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

When will the Studio for the School of the Air at Carnarvon Primary School be completed?

The Hon. W. F. WILLESEE replied:

The Education Department intends to replace this building as soon as practicable, but, owing to limitations of finance, it cannot be included in the programme for the current financial year.

### 4. EDUCATION

#### *Erection of New Schools*

The Hon. J. HEITMAN, to the Leader of the House:

(1) Has the building of any new schools been abandoned through lack of finance or any other reason during the past six months?

(2) If so—

(a) where was it intended that these new schools should have been erected; and

(b) will the building of these new schools be placed on the estimates for this financial year?

The Hon. W. F. WILLESEE replied:

(1) At this date no new school buildings have been cancelled but certain works have been deferred until full details of loan allocations are known.

(2) (a) Dongara, Mundijong, Chidlow.

(b) The above schools have been listed on the estimates for this financial year but their erection will be dependent upon the availability of finance.

### 5. NATIVE FLORA PROTECTION

#### *Enforcement of Act*

The Hon. G. W. BERRY (for the Hon. I. G. Medcalf), to the Leader of the House:

(1) What personnel are available to enable the Minister to enforce the Native Flora Protection Act, 1935-1938?

(2) Have any appointments as honorary inspectors been made under Section 11A of the Act, and how many are current?

(3) What steps does the Minister take to police—

(a) the sale of wildflowers in florists' shops; and

(b) the export by air interstate and overseas of wildflowers?

(4) How many prosecutions have been brought during the last two years in respect of—

(a) the sale of protected wildflowers;

(b) other offences under the Act?

(5) In view of the importance of wildflowers both from the aspect of preservation and also as a tourist drawcard—

(a) does the Minister consider existing legislation to be adequate; and

(b) if not, will he give consideration to amending legislation as soon as possible?

The Hon. W. F. WILLESEE replied:

(1) All officers of the W.A. Police Force and Forests Department and persons appointed as Honorary Inspectors under Section 11A of the Act.

(2) 404 Honorary Inspectors have been appointed. Nine appointments have subsequently been cancelled.

(3) (a) Periodic inspections are made and reports of suspected irregularities are followed up.

(b) Difficulty is experienced in policing exports and the question of implementing tighter controls is currently under consideration.

(4) (a) Nil.

(b) Nil.

A number of warnings have been issued but it is most difficult to obtain sufficient evidence for a prosecution.

(5) (a) Certain limitations of the existing legislation are recognised and, as pointed out in (3) (b) above, this is currently under review.

- (b) If adequate control is not possible by proclamation or regulation, consideration will be given to amending the legislation.

6.

## HOSPITALS

### *Debt Collections*

The Hon. J. HEITMAN, to the Leader of the House:

- (1) What is the total annual amount owed to country hospitals by patients who have not paid their accounts?
- (2) What is the method used to collect unpaid accounts?
- (3) What is the percentage cost of collections in respect to moneys received?

The Hon. W. F. WILLESEE replied:

- (1) Total outstandings owing by patients to country hospitals at 30th June, 1971, was \$2,899,396.
- (2) Standard procedures are used, i.e. collection is made on the spot if possible, otherwise accounts are sent to the postal address of the person responsible for payment. A reminder is sent a month later and if no payment is received, legal action is commenced. Sometimes this is done by the Hospitals Collection Service and sometimes by the hospitals themselves.
- (3) No record is kept of the percentage cost of collections. However, the overall collection rate for country hospitals, excluding native patients, was 94%.

## MINING ACT AMENDMENT BILL

### *Standing Orders Suspension*

**THE HON. W. F. WILLESEE** (North-East Metropolitan—Leader of the House) [2.40 p.m.]: I move—

That so much of the Standing Orders be suspended as is necessary to enable the Mining Act Amendment Bill to pass through all stages at any one sitting.

**THE HON. A. F. GRIFFITH** (North Metropolitan—Leader of the Opposition) [2.41 p.m.]: The Leader of the House has moved that Standing Orders be suspended to enable the Mining Act Amendment Bill to pass through all stages at any one sitting. It is customary when the House is asked to suspend Standing Orders for some explanation, however brief, to be given. It happens that I know the reason, because I have been interested in what has occurred in another place. However, for the record of this House I think some

reasons should be given by the Minister—and by any Minister who asks for a suspension of Standing Orders—so that we may know those reasons.

In this instance—and in any instance—when Ministers in the Government consider a Bill is of such importance that a motion to suspend Standing Orders should be carried, I am always prepared to accept such a proposal. I do not want that remark to be construed in any way to mean that the Bill which follows the suspension of Standing Orders will be acceptable to me. I do not suggest for one moment that this is what Mr. Willesee would have in mind.

In matters of this nature it is usual to give some brief explanation to the House as to why the motion is desired. I support the motion.

**THE HON. W. F. WILLESEE** (North-East Metropolitan—Leader of the House) [2.43 p.m.]: The Leader of the Opposition is perfectly correct. From habit I think more than anything else I simply moved the motion standing in my name. I had in mind that explanations are mostly made when Standing Orders are suspended towards the end of the session. However, this is a suspension of Standing Orders.

The explanation is that this Bill is considered of very great importance to the Government and it is desired to get it through as expeditiously as possible. For this reason I have asked for the suspension of Standing Orders.

Certainly I will watch this situation in the future. I also accept the remarks made by the Leader of the Opposition when he said that he is not committing himself in any way to the future passage of the Bill.

Question put and passed.

### *Receipt and First Reading*

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

### *Second Reading*

**THE HON. W. F. WILLESEE** (North-East Metropolitan—Leader of the House) [2.44 p.m.]: I move—

That the Bill be now read a second time.

The Bill before members is for the purpose of amending the Mining Act, 1904-1970, in order that *inter alia* effect may be given to the Government's decision of the 26th June, 1971, to provide for the orderly and planned development of the iron ore resources of the Pilbara, to ensure long life to existing projects, to make maximum use of existing and planned infrastructure and to see that iron ore is available for the establishment of a major steel industry in Western Australia.

In addition, the proposed legislation enables the State to plan and co-ordinate development of iron ore resources throughout the State.

The Government's decision of the 26th June, 1971, followed its consideration of recommendations made by a committee set up by Cabinet.

This decision appeared to be generally accepted. However, difficulties arose which have resulted in litigation, the course of which could very easily extend over many years, thereby effectively bringing the Government's development plans to a standstill.

It would be intolerable to allow such a situation to exist. The development of Western Australia's iron ore resources must not be delayed or retarded; this is paramount in the Government's consideration. The State must be able to guide and control this development, not only in the first instance for the benefit of the people of Western Australia as a whole, but to uphold the high reputation already established on the international scene.

There must be no uncertainty or doubt in the minds of representatives of companies with whom the State negotiates, and to allow this state of affairs to develop would not only be prejudicial to the interests of Western Australia but would seriously reflect on our image abroad.

In its consideration of the committee's recommendations, the Government had regard to claims made. It did not arrive at its present conclusions until an exhaustive check was made of reports submitted to the Mines Department on work purported to have been carried out on certain temporary reserves.

To allow the proving options entered into by companies such as Texas Gulf Sulphur and M.I.M.-Goldsworthy, to continue unhindered, so that real proving work could proceed, new rights of occupancy were offered and have now been granted in respect of reserves known freely as Rhodes Ridge, McCamey's Monster, and Western Ridge. This action confirmed the Government's announced intention of the 26th June, 1971.

It is just as necessary to confirm the Government's announced intention of the same date that new rights of occupancy would not be granted in respect of other reserves until such time as the requirements, from time to time, of many other companies and organisations, submissions from whom are at present before the committee, have been thoroughly examined. It is essential that long life be given to existing projects otherwise the State will be faced with the spectacle of ghost towns and unproductive ports and railways.

It is unfortunate that there has been some opposition to the Government's stated objectives.

The Government indicated before it came into office that it did not intend to confiscate temporary reserves where *bona fide* rights could be satisfactorily established. There has been no departure from this stated intention.

The Government has, in fact, gone further—it has granted new rights in recognition of work carried out on certain reserves during a period of time after rights of occupancy had legally expired. Such action was taken because it was considered to be a realistic, practical approach to the development of our iron ore resources.

It is quite untenable that development be now held up, that undue delay to the development of our iron ore resources be passively permitted to proceed and the future of the State thus jeopardised.

For these reasons, the proposed legislation places control of temporary reserves back in the Government's hands so that it can properly achieve its stated objects of longevity to operating and near operating projects, maximum utilisation of existing and planned infrastructure, and the establishment of a major steel industry in Western Australia. In addition, we must be unfettered in our current negotiations with Armco, and other major companies concerned.

The Bill in the form that it comes to this House differs slightly from the original draft by reason of the Government accepting some amendments in another place.

These permit the Minister for Mines to certify in writing that an occupier had failed to satisfy him that payable quantities of iron ore had been discovered. Such certification is to be laid on the Table of both Houses of Parliament.

I shall now deal specifically with the clauses outlined in the Bill.

Clause 3: Subclause (1) enables the Minister to certify in writing to a person to whom a right of occupancy was granted before the 15th August, 1971, that that person has failed to satisfy the Minister that payable quantities of iron ore have been discovered prior to the expiration of the right of occupancy; such certification shall not be given on or after the 31st October, 1971.

The effect of such a certificate is that a person to whom the right of occupancy was granted, or a transferee or assignee of such person, is not entitled to negotiate for a mining tenement over such land or to take up and occupy such land by virtue of a miner's right. The Minister's determination is final and no cause of action may result.

Subclause (2), together with subclause (5), makes clear that the rights of occupancy granted prior to the 15th August, 1971, expire on the dates expressed by the Government at the time of the grant or renewal.

Subclause (4) requires the tabling in both Houses of Parliament of the written certificate within seven sitting days of its being given, together with a statement by the Minister of the reasons for the giving of the certificate.

Subclause (6) prevents persons obtaining mining tenements or other rights in respect of iron ore over land reserved from occupation under section 276, except in accordance with the terms and conditions of the right of occupancy, unless the consent of the Minister is obtained.

Subclause (7) exempts from the Bill agreements ratified by Parliament or to be ratified by Parliament in the future.

Debate adjourned until a later stage of the sitting, on motion by The Hon. A. F. Griffith (Leader of the Opposition).

(Continued on page 864)

## TOWN PLANNING: CORRIDOR PLAN

### *Appointment of Consultant: Motion*

**THE HON. G. C. MacKINNON** (Lower West) [2.50 p.m.]: I move—

That this House is of the opinion that—whilst prepared to accept the principle of an appropriate examination of the so-called "Corridor Plan for Perth", if the Government has reservations about it—the Government should be condemned for its action in appointing a Consultant whose hostile views towards the Plan were already known to the Government.

It is inherent in this motion that we accept the right of anybody to investigate any particular matter if there is a need for it. That is not in question. The question is the form that this investigation is to take. Indeed, I could go so far as to say there is only one appointment which would have surprised me more and that is if the Premier had asked Mrs. Gliddon to advise him of what the Government ought to do with regard to fluoride.

The Hon. J. M. Thomson: You know the answer to that.

The Hon. G. C. MacKINNON: That will give the House some indication of my feelings with regard to the choice of Mr. Ritter to report on the corridor plan.

I have nothing against Mr. Ritter; he appeals to me as a very pleasant sort of fellow from what I read in the newspapers. I know he does not appeal to everyone in quite that way. I do not cavil at his expertise in the field of town planning, but as I go along I will show that my statement about the appointment of Mrs. Gliddon is analogous to the choice of Mr. Ritter under these circumstances.

First of all I think we should understand what we are talking about when we discuss the planning of a city. I have here a copy of the corridor plan for Perth. The Metropolitan Region Planning Authority

was set up to plan Perth. It was not set up to plan Perth on a cluster system or a ring system, where there are rings of development, greenbelts, and occupied belts. Likewise, it was not set up to plan Perth on the corridor system. Successive Governments set the authority up and instructed it to plan Perth.

An authority setting out to plan Perth would have to consider a tremendous number of aspects. I suppose a simple analogy is that of a family setting out to plan a house. The sort of house a family ultimately decides to build will be governed by the forecasted income of the breadwinner; it will be governed to some extent by the amount of money they are likely to inherit or save; and the number of children they have or are likely to have. It is highly unlikely that two families of the same size with exactly the same material resources would come up with exactly the same plan. Indeed, a house which one might feel was ideal for one's own circumstances and tastes might be thought to be quite distasteful by one's friends. The same circumstances apply when planning a city.

In the plans presented by the Metropolitan Region Planning Authority it was stated that different methods had been considered. This is shown on page 2, which reads—

When the Australian Planning Institute held its Congress in Perth in August, 1968, and discussed the Metropolitan Region Scheme, it also had before it the MRPA publication "Perth; Region & People". This set out two possible concepts for urban growth: "clusters" and "corridors". They reflected some of the current thoughts which were beginning to emerge from the intensive review of the Region Scheme which was then in progress.

This was signed by Mr. Hamer as Chairman of the Board. As one studies this plan, it will be seen that different concepts were considered and discussed. On page 12 some of the aspects which govern the sort of plan considered necessary are given. For example, it says—

### *Climatic Base.*

Variations in climate in localities along the coast, the rivers, and in the hills have been a significant factor in urban development.

This would have some influence on the decision to design in corridors. We all know that because of our climate certain localities are preferred. It is also stated on page 18—

The Corridor Plan will build on the existing urban structure and capitalise on present uses.

Many of these corridors exist in different places in different forms. The corridor plan has been quoted by world authorities as

being an acceptable method of planning, and indeed, one can see reasons that this would be so. To my knowledge nobody has said it is the only method. It has not been quoted as the ideal method under all circumstances but this is not the issue.

It is not the purpose of this motion to try to prove that the corridor plan is the best plan for Perth. I am not competent in this field and it is reasonable that an independent and objective expert should be called upon to tell the Government whether it is the best method.

I believe there are certain formulae to be followed when an inquiry is instituted. This is particularly so when a Minister of the Crown intends to use the taxpayers' money in order to pay for an inquiry to determine whether any particular plan is the right one.

The necessary capabilities of the man chosen must be clear to anyone: He must have sufficient expertise and be accepted as having the expertise; he must know what the problems are and the different methods that can be used to solve them. I think above all we would want to know that this man was going to be objective and that there would be justice for the hard-working people who had spent a long time and taken a lot of trouble preparing the plan. In fairness to the very people whom the Government represents, a paramount consideration is that Government money is held in trust.

I do not know how much that plan represents in money—in sheer cash value—or in time, but I bet it represents a great deal both in money and in time. The plan does, of course, in its preparation represent a considerable amount in blood, tears, and sweat. So I have no doubt that from the taxpayers' point of view the plan does represent a considerable amount in money and it deserves a fair and unbiased judgment.

Let me reiterate, that I do not believe Mr. Ritter is an unfair man. I want to prove to the House, however, that the Government should be condemned for appointing Mr. Ritter—even if I do this out of fairness to Mr. Ritter—because in the light of the history of this whole matter as it unfolds, one will find it difficult to believe that in this case justice will be able to be seen to be done.

The first announcement of this matter was made on the 5th August. I do not usually use newspaper cuttings to substantiate what I am saying, but in this case I will do so, because one or two comments have been made to the effect that the tape was blurred, and so on, which make it appear that a lot of these newspaper cuttings were taken off tapes. The cuttings set out in chronological order exactly what took place. I am sure that members of this House—particularly those who have held executive positions—will know, as I men-

tioned earlier in this session, how easy it is for what one says to be misconstrued; how easy it is for one to be misquoted. It is certainly very easy for what one has said to be misconstrued. I think, however, we should make due allowance for that fact.

In *The West Australian* of the 5th August there is the heading, "Government gets Ritter to study corridor scheme." This article was written by D. B. Smith and states in part—

The State Government has appointed the controversial town planner, Mr. Paul Ritter, to make a study of the urban corridor development plan prepared by the Metropolitan Region Planning Authority.

The article sets out what Mr. Ritter said, and indicates that he did not have an attitude to urban development in the controversial Santa Maria area. That is one particular case. The article continues and points out that Mr. Ritter will be paid an amount to be negotiated and which will not be more than \$5,000. Mr. Hamer also had a bit to say for himself, in the following words:—

After long research, including overseas experience, the M.R.P.A. had agreed unanimously to recommend the corridor plan to the Government.

The M.R.P.A. believes that this method of guided development is more economically practical and beneficial to the community than peripheral growth or uncontrolled urban sprawl.

Both Mr. Ritter and Mr. Hamer talked about the quality of the environment. On the 6th August there appeared the following headline in *The West Australian*, "Ritter Condemns Corridor Plan." The article continues—

Cr Paul Ritter, the town planning consultant commissioned by the State Government to make an analytical study of the corridor plan for Perth, yesterday published a booklet showing that he is implacably opposed to the corridor concept.

The article states that when the booklet was published, Councillor Paul Ritter was quoted as saying that he endorsed the criticism which the Minister for Town Planning, Mr. Graham, had made of the corridor plan. Mr. Ritter continues, and says—

that politicians are at the mercy of departmentally-biased technical advisers, often to the exclusion of rational and useful information.

I again allow for the fact that this might have, to some extent, been misinterpreted by the Press, but I do feel it is a darned insult and something which I would not accept either from the previous Government or from the present Government,

I do not wish to include myself when I say that the State has been blessed with Ministers of a fine calibre—of a much better calibre than indicated in the article.

I do not think Ministers are at the mercy of departmentally-biased technical advisers. I had the pleasure of acting as Minister of this department for some three months and I found the department and its officers to be most efficient and obliging. Why has the newspaper told us so categorically that Mr. Ritter condemns the corridor plan? The reason for its having said so was evident when I was able to secure a little publication for myself at a cost of 30c—as a matter of fact I bought two copies, so it cost me 60c. I am sure Mr. Ritter will be delighted about this.

The booklet to which I refer states, "Perth—breakthrough or breakdown." These booklets are on sale and can be bought by anybody. I read the booklet very carefully on two occasions and have found it to be most enlightening. One of the most interesting aspects of the booklet is its cover. I wish to deal with that first, because the cover shows a picture of Mr. Graham, with his body contorted to represent the corridors. He is shown exclaiming, "Santa Maria!" I realise that the written word in *Hansard* will not show the full significance of these words, but according to Mr. Ritter the exclamation that Mr. Graham used was "Santa Maria", in the same context that it would be used by Italians when they strike their thumbs with a hammer!

The Hon. J. Dolan: Italians would not use that expression in the context you have mentioned.

The Hon. G. C. MacKINNON: Mr. Ritter has said that this is the way in which Italians use that exclamation. This is all very unusual and very surprising, because if there is one area of land in regard to which there has been a great deal of controversy, it is the area which has been known as Santa Maria.

Members will appreciate the implication of that remark when I come to the particular stage in another minute or two. It is surprising that we should find that there is a little contradiction, because Mr. Ritter says, and I quote from *The West Australian* of the 6th August—

that Mr. Graham approved the cover about five weeks ago.

The Minister was one of a number people who were given draft copies of the booklet before publication.

This is important because at this point I would like to stress something else as an aside. I know there have been one or two statements made by Ministers of the Government who have said they have made these statements as individuals. I

am aware that under the date of Friday, the 6th August, Mr. Tonkin is quoted in the *Daily News* as having said—

The State Government was not aware that town planner Paul Ritter had prepared a booklet criticising the corridor plan.

"So far as I know the government as a government was not aware. Although I do not rule out the possibility that some ministers might have been aware without telling me of it."

The article continued to refer to what was said by Mr. Tonkin as follows:—

He did not think that it was a mistake to appoint Mr. Ritter to study the scheme. Mr. Ritter's conclusions would have to be sustained by argument.

I simply cannot accept that argument of the Premier (Mr. Tonkin). In this concept the action of Mr. Graham is the action of the Government. It was made abundantly clear during the term of the previous Government that this was the attitude of the A.L.P. at the time; and that should remain its attitude. The Minister knows, because he is in charge of the department and appointed the consultant. He is in this respect, in fact, the Government; therefore the Government knows. Mr. J. T. Tonkin has sufficient experience to know better, and so have members of the present Government, because there have been occasions when they felt constrained to make statements like that. So, this was known to the Government.

Let me return to the booklet written by Mr. Ritter. It is a report, but not a detailed one, on the corridor plan. I suppose to some extent we are fortunate in being provided with this report at a cost of 30c a copy, instead of the \$5,000 it is going to cost the Government! In fact, I bought two copies, so it cost me 60c. I realise that this booklet is not as detailed as Mr. Ritter's report will be.

What it does—and this is disastrous in respect of any type of inquiry—is to prove conclusively and absolutely, as *The West Australian* pointed out, that Mr. Ritter condemns the corridor plan and that he is implacably opposed to it.

In the booklet Mr. Ritter makes some statements which are quite factual. In it he states—

The idea of zoning arose when industries spoilt residential areas two generations ago.

Some little businesses, or new clean industries, make less noise and nuisance than lawn mowers.

He stated that zoning was outmoded, old-fashioned, and no longer an applicable method of determining town planning. Taken on its face value we can agree with

those comments. In fact, the Metropolitan Region Town Planning Authority has agreed with him, because it developed one area out at Hamersley precisely under this method.

By the same token, what he has said is a half truth, because every factory does not "make less noise and nuisance than lawn mowers." Even a clean industry can be a nuisance, because of the traffic it generates. In any case, I would not like to see a big blank wall on each side of my house. So, what Mr. Ritter has said is not totally correct.

He develops the argument throughout his book and on page 3 he mentioned that—

The Corridor Plan is the climax of the crises in Region Planning. It shows the unbalanced use of effort: too much on a "data bank" and too little on creative use of the data.

The document lacks logic, clarity and imagination. Some of the inconsistencies, inadequacies, and dangers are described below.

He goes on to refer to the cluster type of planning. He regards as being ideal the type of planning which most of us know as the Radburn or the modified Radburn plan. I should point out that currently the State Housing Commission has developed an area at Withers, Bunbury, designed on the Radburn plan. This has engendered a fair amount of argument: some people like it, while others hate it.

It is not my purpose to criticise this book; my criticism is that Mr. Ritter envisaged the Government as being in the situation where it will send all the white men home to their native land, and start the development of the metropolitan area all over again. That is my impression of what is mentioned in the book. We cannot do that. Up to this point of time we have accepted development, and we have to live with it. I must admit that despite all the ballyhoo I am not greatly impressed by this booklet. On the contrary, what alarms me tremendously is not whether it is good, bad, or indifferent; to me it seems to remove from the M.R.P.A. and from the taxpayers of Western Australia the right to have an inquirer who gives every indication of being just, being balanced and being objective. In this respect I refer to what appears on the front page of the booklet. It reads—

- (1) The new Minister for planning and industrial development is right to question the logic of zoning and the "Corridor Plan".
- (2) The present system of planning has become crude and outdated. Better, workable methods are available. Safeguard, strategy, structure and performance planning have proved effective.

(3) "Corridor Plan" is a vague cliché. The report of that name is unrealistic, inconsistent, and unimaginative. Better planning is urgently required.

(4) The aim to limit the city workforce is a threat to the growth of the city, untenable and unnecessary.

(5) The M.R.P.A. led Australia with its Region Planning in the sixties. With initiative that lead can continue in the seventies.

It may be that Mr. Ritter is the type of man who can undertake a more detailed study, while eating the words he has uttered, and yet come out with a report in favour of the corridor plan.

Over the years some members of this House, in respect of matters of less consequence than the one with which we are now dealing, have inadvertently committed themselves in the corridors or in some public places, and then found themselves almost committed against their will. They have been faced with the dilemma of having to go against what they had stated when they did commit themselves. How very difficult is that? How often have we known of older members advising younger members to be careful on controversial subjects and not to commit oneself too soon? It takes a tremendous lot of courage for one not to seek arguments to justify and to rationalise what one has stated previously.

In his statement here, Mr. Ritter has been unequivocal; yet the Minister for Town Planning (Mr. Graham) appointed him. His services are to be paid out of public funds—the money of the taxpayers.

Let us see what the leader writer of *The West Australian* has had to say about this matter. In that newspaper of the 6th August the following appears in the editorial column:—

The State Government has made an incredible mistake in appointing Cr. Paul Ritter to examine the plan for corridor development.

Cr. Ritter makes no secret of his views on the plan: he published them in a 30c booklet yesterday. Those views are that the plan is unrealistic, inconsistent and unimaginative, that it is the climax of crises in regional planning, and that it is inadequate and dangerous.

He goes further. Present methods of planning are crude and outdated.

The leading article continues—

Cr. Ritter will not provide, as the Minister for Town Planning, Mr. Graham, said, another authoritative viewpoint: he has already made up his mind. He does not think that corridor proposals make sense. When he tells



the Government so in six months, for a fee up to \$5,000, the Cabinet will be no further advanced than it is now.

I daresay most members have read that leading article so I will not read the rest of it. The question one must ask is: Can Councillor Ritter give the Government a fair, objective, and authoritative report for which it is prepared to pay?

The history of events up to this point has been surprising enough, but in my opinion the most amazing occurrence was yet to take place. That occurrence took place in the form of an article which appeared in the *Daily News* of the 6th August when, without warning, we saw the headlines, "Planning Minister Says: 'Filthy' Lies."

No discussion has taken place in this House on the point raised and yet there appeared a full-page spread, except for a photograph of a couple of lads and another article—quite important—stating that the Premier was quitting his position in the anti-war campaign. The article states—

The Minister for Town Planning, Mr. H. E. Graham, today angrily attacked any implications that he had land interests in the corridor scheme.

Denouncing what he called "filthy insinuations," he said: "I have not an interest in a grain of sand in that area."

And so it goes on. What alarmed me about this article, of course, was that most people, when they read a paper, usually read the headlines and a dozen or so lines after that. Usually they do not go any further. The article continues—

"They have been saying some shocking things about me—that I have some sort of implication somewhere, that I have interests somewhere—these are a pack of lies, of course."

And so it goes on, but one has to read quite a long way before one finds that the Minister is referring to rumours in the market place, and not statements which have been made in Parliament.

The Hon. J. Dolan: The Minister did not insinuate that the statements were made in Parliament.

The Hon. G. C. MacKINNON: No, that is what I am saying; one has to read quite a long way through the article to find that the insinuations are being made in the market place.

Normally, one does not usually rush into print unless one is accused in this place. No-one in this place has accused Mr. Graham and, as a matter of fact, the only comment I have heard is that it was a stupid thing for him to do and that he must be silly.

That cannot be used as an excuse because Mr. Graham is not silly or stupid. He is a very competent politician and a long way from being stupid. I have an admiration for Mr. Graham's intelligence and his

ability to speak and express a point. He is not silly, so he did not do this for that reason. However, I cannot understand his rushing into print and talking about filthy lies and that sort of thing, particularly when he allowed his picture to appear on the cover of the little booklet.

After the publication of the book, and before anyone in this House had made any suggestions—to my knowledge—the Minister comes out with the statement headed "filthy lies". The article even goes over the page and, incidentally, this is where another controversy comes in. A question was asked of Mr. Graham, as follows:—

And yet he has published a book which makes his attitude to the corridor plan quite clear. He described it as unrealistic, inconsistent, unimaginative and in his brochure he totally rejected the plan. Why is it necessary to engage him?

Mr. Graham replied:—

For him to be more analytic—and more analytical and more precise. The little booklet that you quote from and which incidentally I saw for the first time only a matter of minutes ago—but I did see a little of the copy a few weeks ago—that is dealing with it in general terms.

Here I must refer again to the book. Mr. Ritter did make available a copy of the draft. I know Mr. Graham is a very intelligent and hard-headed politician, and a good one. I ask: Would he allow his photograph to go on a book that he had not studied? No. None of us would do that, and I do not think Mr. Graham would do it either. One gets the impression—which I cannot understand—that the Minister is protesting too much. His protest left me absolutely speechless.

Again, in *The West Australian* dated the 7th August another article appeared. It varies slightly from the previous article, but it must be remembered that it is a reprint. In *The West Australian* the heading appears "Graham: I do not own a grain of sand in corridors." The article referred to the "filthy rumours" which had been spread, and the Minister is reported to have said—

I don't think a person in public life should be forced to reveal his private business interests, but I am quite happy to say that I have no interests that would be affected by the corridor plan.

I do not think he has.

The Hon. J. Dolan: He has not; he said so.

The Hon. G. C. MacKINNON: I quite believe him. I do not know why he went to all this trouble. I move around Perth quite a bit and I have not heard any such rumours. On the 9th August another article appeared under the heading, "Tonkin: No Minister is big investor." That sort of

comment leaves a funny taste in my mouth. The article refers further to rumoured allegations, but one has to read to the end of the article before one finds that the rumours are being spread by John Citizen on some street corner, which is of no interest.

We are interested in the future inquiry, and that inquiry must be seen to be just, and must be seen to be reasonable. It must meet the criteria which we are entitled to expect when taxpayers' money is involved.

My reaction was not unusual. On the 13th August, a leading article appeared. I am not in love with people who write leading articles. I think it would be a good idea if there was less anonymity and names were put to articles. The leading article read as follows:—

So experienced a politician as the Premier, Mr. Tonkin, should not need reminding that Cabinet Ministers not only need to be scrupulously honest but also need to be seen to be transparently above suspicion.

Indeed, since his deputy, Mr. Graham, is complaining of "filthy rumours" being spread about him, the Premier should be ultra sensitive about keeping his ministerial team beyond the possibility of smear, rumour and gossip.

[Resolved: That motions be continued.]

The Hon. G. C. MacKINNON: My reaction was not a surprising one. In order to illustrate that my reaction—and the public reaction, in general, as expressed to me, led me to take this step in moving the motion—is not isolated, I again quote from a reporter who I have found, in my experience, to be extremely fair and objective. The name of the reporter is Don Smith. He is a conscientious, objective reporter who writes of things as he sees them—and writes very well. In a column entitled "The State Scene," on the 13th August he had this to say—

Much like a firefighter burning back against a bushfire, the Minister for Town Planning, Mr. Herbert Graham, has taken the bold but unusual step of tuning the public ear into rumours about himself.

He has done it, of course, to provide a basis for denial.

Only time will tell if his tactic of fighting fire with fire pays off: whether he will succeed in extinguishing the rumours, or whether he will get his own pants singed. Already, members of the Opposition are reaching for their matches.

However, the fact that Mr. Graham chose, without prompting, to raise the rumours during a television interview, is perhaps a measure of the concern that he and some of his colleagues feel about them.

Bluntly, the rumours allege (as Mr. Graham has put it) that he stands to make a packet from land zoning changes if a new urban corridor is created in the north-east sector of the metropolitan region.

Mr. Graham says he does not know who started the stories and is savage because no-one has confronted him directly with them.

But he is well aware that they have been going the rounds practically since the Government took office; that they are being retailed strongly in his own political party; and that they led a Federal politician to question the Premier, Mr. Tonkin.

Mr. Graham, too, recognises that his own actions might have given some impetus to the rumours—such as the fact that he specifically asked to be given the town planning portfolio; his subsequent criticism of the existing corridor proposals; and finally, his choice of Mr. Paul Ritter, who has publicly blasted the corridor plan to prepare an "anti" report on it.

To the cynical weighing these events, it must have seemed that Mr. Graham was recklessly going out of his way to feed suspicion. But such a proposition would imply that the Minister is a fool—which our Herbert certainly is not.

The same day that he announced the appointment of Mr. Ritter, Mr. Graham indicated with an off-the-cuff remark that he realised the whispers could grow louder. He said that he intended to keep treating them "with the contempt they deserve."

Little more than 24 hours later he changed his mind and his tactics and publicly drew attention to the rumours, giving them a circulation far greater than they could otherwise have achieved. His purpose, it appeared, was to try to make the rumours collapse under their own weight.

In the light of his party's socialist philosophy, Mr. Graham's attitude to town planning and development generally has been one of astonishing liberalism. His view is that if developers want to develop let them; if they go broke that's their problem.

Why did he ask to be given the reins to town planning?

"Because town planning generally was in a bureaucratic mess" is his reply. "Development projects which could inject millions of dollars into the economy have been denied at the stroke of a pen."

On the appointment of Mr. Ritter, the Minister has been frank. He makes it no secret that he expects Mr. Ritter to weigh in with an analytical condemnation of the corridor scheme.

"We have heard professional opinion in favour of corridors," he says. "Now let us hear professional opinion against them so that we can make a balanced judgment."

This takes my mind back some 13 years to the old T.A.B. argument, when the Liberal Party wanted the socialist show of the T.A.B. and the A.L.P. wanted the independent enterprise show of starting price bookmakers. We seem to be reversing our roles.

That article brings to a conclusion what I wish to say about this motion. I deny that Mr. Ritter has capacity. I do not care whether the corridor plan is good or bad; that is beside the point. In the context of this argument, I do not really care whether the accusations are true or false; and, incidentally, most of that article was news to me and I learned a great deal from it.

What I do care about very deeply is that an inquiry should be fair and objective, and should be seen to be just and equitable because the money that is being spent is taxpayers' money. The object of the inquiry is to obtain a report from conscientious men who have worked hard and long and who have been employed by the Government and paid for by the taxpayers. The taxpayers are entitled to a fair judgment. When experts have stated their opinions, it is not right to go out of one's way to choose a fellow just because he will say, "They are no good."

I repeat that this selection is about as sensible as would be the appointment by the Premier of Mrs. Gliddon to advise him on fluoride. I can see no justification whatsoever for this selection. I cannot accept that Mr. Graham did this unilaterally, off his own bat. In this context, Mr. Graham is the Government. I have had no hesitation whatsoever in moving the motion, the operative part of which is—

... the Government should be condemned for its action in appointing a Consultant whose hostile views towards the Plan were already known to the Government.

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the House).

## MINING ACT AMENDMENT BILL

### *Second Reading*

Debate resumed, from an earlier stage of the sitting.

**THE HON. A. F. GRIFFITH** (North Metropolitan—Leader of the Opposition) [3.38 p.m.]: I commence my remarks by saying this is a Bill which I do not like at all. I do not like to see a Bill of this nature introduced into Parliament, not only because of what it contains but also because of the reasons that led to its introduction and the fact that after it has been passed it will be too late to come

back to Parliament and say, "There were some mistakes in that Bill which we now seek to correct."

The Leader of the House has asked for a suspension of Standing Orders to deal with this Bill as a matter of urgency. Therefore, the majority of the members of the House have had scant opportunity to look at the measure. I know it could be said to me that on many occasions I introduced legislation of which very little notice had been given. That, of course, is true.

However, I have had the opportunity to look at the series of events in relation to the passage of the legislation through another place. As the Minister remarked when moving the second reading, the Bill we have before us now is not entirely the same Bill which was introduced into another place yesterday. In some slight way the Bill before us has been improved. It was improved by the Government accepting a couple of amendments put forward by the Opposition.

I think the facts which led up to the introduction of this Bill almost read like an interesting series. I think this series—and I might say it is a lamentable series—might have commenced with these words—

We shall continue to help the expansion and the production of iron ore by guaranteeing security of tenure of those companies which have genuinely explored and carried out their obligations on temporary reserves which have been or are granted to them in the future. Labor will honour all existing agreements and any new agreements made will be concluded on the principle of equality and justice and with fair rewards for enterprise and development.

That is a small extract from the policy speech of the Labor Party delivered just prior to the election held on the 20th February, 1971.

Since that time an interesting and lamentable state of affairs has occurred. I have in front of me a file containing various Press reports. I intend to read a number of captions because I think they tell the story—it is a very confused story—of what has taken place between the delivery of the Labor Party policy speech and the introduction of this legislation at the present time. We find headings like these: "Pilbara report ready this month"; "Guidelines awaited", under which it is stated, "The state government was expected to receive details on the development of the Pilbara iron ore fields within a few days, the Premier, Mr. Tonkin, said today." Then we have headlines such as, "Premier to get a Pilbara report"; "Court explains his Pilbara scheme"; "Looking for a way out of the iron-ore maze."

Under the caption, "Canberra wants quick W.A. move" it is stated that "The Federal Government will seek a quick decision from the W.A. Government on the

supply of Pilbara iron ore for a second steelworks in New South Wales." Other headings are "Tonkin looks at plan for Pilbara"—I think he is still looking—"It's McMahon not me' delaying Armco—Hancock", "Ministers to discuss ore."

The Hon. J. Dolan: Will the Leader of the Opposition tell us the dates of those headlines?

The Hon. A. F. GRIFFITH: Does the Minister want me to bore him with those?

The Hon. J. Dolan: I would like to know whether there is a period of hours, days, weeks, or months between the articles.

The Hon. A. F. GRIFFITH: The period is days, and I will make this file available to the Minister if he has time for a little light reading so that he may read the articles for himself.

The Hon. R. F. Claughton: Headlines are normally misleading enough without contributing to them.

The Hon. A. F. GRIFFITH: I have found that headlines are often misleading.

The Hon. R. F. Claughton: I am sure you have.

The Hon. A. F. GRIFFITH: However, I am not attempting to interpret what is in the body of these articles, so there can be nothing misleading about the headlines. Under the heading "Ministers discuss iron ore" it is stated that, "All State Government ministers and some senior public servants attended a special meeting yesterday to discuss requests by several companies for iron ore reserves in the Pilbara."

*Sitting suspended from 3.45 to 4.03 p.m.*

The Hon. A. F. GRIFFITH: I continue to relate this series of interesting events. For the guidance of the Minister for Police perhaps I should say that I have not bothered to quote the dates of these newspaper issues, but they are in sequence. They commence about the month of February and continue on until the present time. The next headline that attracts my attention is, "Tonkin May Seek Iron Ore Talks," and the article appearing underneath it reads—

The Premier, Mr. Tonkin, believes that it may be necessary to call together all companies seeking iron ore reserves in the Pilbara to discuss some form of joint operation for the development of the reserves.

He said yesterday that port and railway facilities in the Pilbara were limited.

"So, to get the best possible result from these iron ore deposits we need some rationalisation and co-operation," he said.

I then come to another heading which states that the Prime Minister denies he intervened. At this point I would mention that in another newspaper heading the Prime Minister was reported as having

said that Western Australia should make a quick decision. The next headline reads—

Pilbara policy ready soon, says Tonkin.

Things are beginning to warm up now. Another one reads—

Court suspects iron ore deal.

In that headline they are not referring to a court of justice but to Mr. C. W. M. Court. Another headline reads—

No pressure by mining firms—May.

The Minister for Mines, Mr. May denied yesterday that the big mining companies were putting pressure on the Government to make a decision on the future of the Pilbara.

Another headline reads as follows:—

Hanwright may lose some Pilbara reserves.

That is another interesting observation. This article continues—

The State Government is preparing to make a reallocation of 31 iron ore reserves held by Hanwright in the Paraburdoo-Wittenoom-Mt. Lockyer area of the Pilbara.

The next headline I have here reads—

Picture will be clearer—Hancock.

Underneath this heading the following appears—

When an agreement is signed between the government and Hamersley and Hanwright, it should give the first clear title on which a public company could be floated.

That was followed by this one—

No decision on Hanwright ore reserves.

Yet another headline reads—

No hints yet on Pilbara.

This is followed by—

Pilbara policy 'weeks away'.

So, according to that, instead of taking a step in the right direction apparently a step has been taken backwards.

Nevertheless, the position becomes warm again, apparently, because the following headline appeared in the Press:—

Decision on iron ore is imminent.

Another headline reads—

Battle of Pilbara . . . Round 3.

It is now becoming a most interesting contest. Yet another headline reads—

Hancock, Wright lose some Pilbara claims.

Now the position is really warming up. The article goes on to state—

The State Government has rejected the claims of the W.A. iron-ore partners, Hancock and Wright, to a group of ore deposits in the Pilbara which are expected to be the basis for Australia's second major steel industry.

The Government has eliminated the partners as middlemen and will now negotiate direct for the development of these deposits.

Another headline reads—

Confusion over decision on Pilbara claims.

The State Government's weekend decision on Pilbara iron-ore reserves took a confusing turn yesterday.

The Premier, Mr. Tonkin, said he hoped that the iron-ore magnates, Hancock and Wright, would continue exploring in the Angela group of reserves—even though the partners' claims to the reserves have been rejected.

Then we have a headline which reads—

Government to reconsider ore deposits offer.

The State Government was reconsidering its offer of the controversial Angela iron ore deposits to the giant Armco Steel Corporation, the Premier, Mr. Tonkin, said today.

The re-consideration follows a strongly-worded statement by partners Hancock and Wright in which they refused a Government order to quit the reserves.

Another headline reads—

Writ seeks to prove rights to iron ore.

Now we are really getting warm. This is followed by the headline—

Hanwright men get injunction.

Then we have the headline—

May gives iron ore assurance.

The Minister for Mines, Mr. May said yesterday that the Government would encourage talks with Pilbara developers for new areas once the present situation with Hancock and Wright had been settled.

Another headline reads—

Government scraps Hanwright meeting.

A meeting between the State Government and Hanwright and their associates scheduled for today was scrapped.

The Hon. J. Dolan: By whom?

The Hon. A. F. GRIFFITH: I am sorry; I am not making myself very clear, apparently. The headline reads as follows:—

Government scraps Hanwright meeting.

The Hon. J. Dolan: Because they would not meet.

The Hon. A. F. GRIFFITH: I thank the Minister for filling me in; it does not make the picture any less confusing to me. I think perhaps it was because the Government was on the receiving end of a

writ and thought it was unwise to meet the partners at that point of time, and I would concur in the decision it made if that were the reason for the meeting being called off. Another headline reads—

Hanwright-Government talks cancelled.

A proposed meeting between the State Government's iron ore committee and Hanwright representatives did not eventuate yesterday.

It was called off because of the issues likely to be involved in the Hanwright partnership's decision to take legal action on the matter.

So I would point out to the Minister that we are probably both right, but I was correct in saying that the Government called off that particular meeting because legal proceedings had been taken. Another newspaper headline reads—

Armco Given Green Light

The State Government has given the green light to the giant American mining group, Armco Resources Pty. Ltd., to go ahead with exploration plans for the Angela iron-ore reserves.

The Minister for Mines, Mr. May, announced this today after a one-hour meeting with Armco representatives.

The next headline I have reads as follows:—

Govt. gives Pilbara go-ahead to Armco

Armco has accepted the conditions laid down by the Government for occupancy of the ten reserves offered to the company.

However, the exploration work cannot proceed till the legal position is resolved.

Now, of course, we are really getting warm, because we find that the following headline appeared in the Press:—

New Pilbara grant for Hanwright

Mining partners Hancock and Wright have been granted new rights of occupancy for the huge iron ore deposits of McCamey's Monster, Western Ridge and Rhodes Ridge.

That is where I think the Government has made a great blunder. As I have indicated to the House in reading these headlines, the Government intended to renegotiate all these deposits so that it could further some plan of development for the Pilbara and, as pointed out in the leading article published in *The West Australian*, the Government's plan went so close to the plan enunciated by Mr. Charles Court that the two were almost inseparable. The words in the leading article were to that effect.

However, right in the middle of all this controversy the Government decides on two courses of action. One was that it would give the three deposits to Hancock and Wright under new conditions relating

to a temporary reserve. I take it the papers relating to the temporary reserves that were tabled in the House this afternoon probably included those three reserves to which I am referring. I am not sure of that because I have not had an opportunity to check. However, whether or not the papers relating to those temporary reserves are on the Table of the House this afternoon is not of any real consequence.

The point I am making is that in the middle of all this controversy the Government decides to grant three deposits to Hancock and Wright.

The Hon. J. Heitman: What would it do that for?

The Hon. A. F. GRIFFITH: I am blessed if I know. The worst thing that one can do if one wants to bargain with another party over a loaf of bread is to give away three-quarters of it before the talks begin, and, in my opinion, that is the way these negotiations have taken place.

The next move is that Armco is given rights over the Angela deposits. I am led to believe that this is the subject of legal action which is at present before the court. It again strikes me as being peculiar that the Government entered into arrangements with Armco before the legal action is settled. However, if there is any explanation forthcoming I would be pleased to hear it.

I will not go into the history of the matter any further. To say the least there has been a terrific wrangle and a great many words spoken and published in the Press; words between the Ministers of the present Government and those people who were previously in control. The Government, with this Bill, is removing the possibility of legal action being taken against it.

The Bill returns to the Government the right to allocate, negotiate, and deal with the land, the subject of these temporary reserves in the interests of a basic plan for the Pilbara for the future; and that was the very thing the previous Government set out to do. Therefore I think the Government is at one with the present Opposition, but what the Government ought to do, if it is gracious enough, is admit that Mr. Court, as Minister for Industrial Development, had a well-conceived idea of what should take place in the Pilbara, and that although the present Government has encountered legal difficulties, it is intending, as described in the notes read by the Leader of the House, to follow the same course the previous Government followed. Mr. Willesee said—

There must be no uncertainty or doubt in the minds of representatives of companies with whom the State negotiates, as to allow this state of affairs to develop would not only be

prejudicial to the interests of Western Australia but seriously reflect on our image abroad.

To allow the proving options entered into by companies such as Texas Gulf Sulphur and M.I.M.-Goldsworthy, to continue unhindered, so that real proving work could proceed, new rights of occupancy were offered and have now been granted in respect of reserves known freely as Rhodes Ridge, McCamey's Monster, and Western Ridge.

I repeat that if we are to negotiate an agreement and play a game of cards we should not give more than half our tricks away before we have even had an opportunity to talk to the people with whom we are to talk around the table. That is exactly what the Government has done, in my view, and it is now left with the rest of the problem. It has therefore come to Parliament and asked it to agree with the Bill.

As I said in my opening remarks, this is a Bill for which I have no liking whatever, but, by the same token, it is a Bill which must be passed or the Government might well find itself in a position much more difficult than the position in which it is at the moment.

We have one of two alternatives; we can either oppose the Bill, or we can pass it. I suppose this applies to every Bill presented to Parliament. We could, of course, adopt a third course; that is, amend the Bill. I am not going to talk about any other amendments because, as I have already said, two amendments of an important nature were accepted by the Government in another place and are now included in the Bill.

Perhaps I could consider the matter from another aspect. Let us assume that this House opposes the Bill and does not pass it. Then undoubtedly from what I know and from what I have been told in the introductory remarks of the Minister, the Government would find itself in extreme difficulties. Litigation might ensue for a very long time and then the development of the Pilbara could be delayed to the disadvantage of the people of the State. That is the alternative to passing the Bill. Subsection (3) of proposed new section 227A reads—

(3) A certificate given by the Minister pursuant to subsection (1) of this section shall not be liable to be challenged, appealed against, reviewed, quashed, or called in question by any court.

These words are quite repugnant to me and when I was thinking about this last night I just wondered what would have been the attitude of the members of the present Government had I still been on the other side—and during the last few days some members opposite have been anxious to get

me back there—and introduced this Bill. I can just imagine what members opposite would have said.

The Hon. J. Dolan: You would be more anxious yourself to get over here.

The Hon. A. F. GRIFFITH: Not at this moment, anyway. I have to deal with this Bill. I just wondered what would have been the attitude of members opposite.

The Hon. W. F. Willesee: Have I ever been anything but sympathetic to you?

The Hon. A. F. GRIFFITH: I believe Mr. Willesee personally might be very sympathetic to me, but on many occasions I have gone home with some skin off.

The Hon. G. C. MacKinnon: I can hear Mr. Ron Thompson's speech right now.

The Hon. A. F. GRIFFITH: So can I. My colleague just took the words out of my mouth.

The Hon. J. Dolan: He has achieved something then.

The Hon. W. F. Willesee: I have had blood pressure and gout since I met you.

The Hon. A. F. GRIFFITH: I am very sorry about that. I think we ought to return to the important matter which should be under discussion. The Minister said—

The Government indicated before it came into office that it did not intend to confiscate temporary reserves where *bona fide* rights could be satisfactorily established. There has been no departure from this stated intention.

What can members call this Bill? I know what I heard it referred to as in some other place, but I will not repeat it.

This Bill deals not only with the situation of Hancock and Wright, but also with the situation of all other temporary reserves, so it stops the process in midstream. Then the Minister must give a certificate when he is satisfied there are no payable deposits. He gives the certificate and that is that. We will see the certificate because it is to be laid on the Table of the House. I would have liked to see it the subject of a disallowance of regulations, but this probably would be more than a bit difficult for the Government, so I am prepared to concede that we will see the certificate only. The notes continue—

The Government has, in fact, gone further—it has granted new rights in recognition of work carried out on certain reserves during a period of time after rights of occupancy had legally expired.

What the Government has done in respect of Rhodes Ridge, McCamey's Monster, and Western Ridge is to grant temporary reserves with new conditions. The notes continue—

Such action was taken because it was considered to be a realistic, practical approach on development of our iron ore resources.

The Minister also said that the Bill will assist in the development of the Pilbara district, but I just cannot find that mentioned anywhere in the Bill. Of course I know the Government hopes that, by some rationalisation, it will be able to take this matter in hand, as Mr. J. T. Tonkin said.

I return to a point I made when I commenced my remarks. This is a Bill which unfortunately we cannot alter to rectify any mistakes we may make—mistakes we now do not know might have occurred. I do not know the area of McCamey's Monster because I have not had an opportunity to look at the plan; nor do I know the area contained in Western Ridge or Rhodes Ridge. I do not know what will be the effect of any reserves which may be granted in the future. This Bill may give the Government the opportunity to follow a different course when bargaining.

I, personally, find myself in a difficult situation. I hate a Bill of this nature, but I realise the predicament in which the Government is placed. The Government has asked Parliament for assistance in the matter and I think the proper thing for me to do in all the circumstances is to support the Bill; but I do so very, very reluctantly.

Other speakers may follow and an opportunity for further discussion will be afforded when the Bill is in Committee; but at this point I will conclude by saying that I think what the Government is now seeking to do is to follow a course very similar to that which the previous Government said it was going to adopt. Because of the litigation in which the Government is involved this Bill has become necessary. I believe that in future the Government will follow the course laid down and it would not hurt anyone if the Government admitted that a mistake had been made and that perhaps the previous Government was on the right track.

I was responsible for granting many of these temporary reserves and the granting of them has resulted in huge development of a most beneficial nature for Western Australia. Members who have spoken to the agreement Bills introduced from time to time have said that great benefit would follow the introduction of this or that particular agreement Bill. Those temporary reserves gave the holder the right to prospect for a particular mineral—in this case iron ore—and no other real right except to negotiate with the Government of the day, because a temporary reserve is not a mining tenement of any kind. It is purely a reserve and the expression "temporary reserve" suggests that it is an area of land granted to a company or individual in order that that company or individual might prospect—in this case for iron ore—and upon discovery the company or individual must approach the Government with a view to negotiating an agreement satisfactory to all parties.

In the greater number of cases—indeed in almost every case—the holders of those temporary reserves have returned to the Government of the day and negotiated; the negotiations resulting in very great benefit to the State. It is a great pity the Government finds itself in the position that it has to introduce legislation of this nature as a result of legal proceedings, of the type of which we are aware, instituted by the partners Hancock and Wright instead of those partners continuing to negotiate with the Government.

Having said that, I am prepared to support the second reading of the Bill.

**THE HON. W. R. WITHERS** (North) [4.29 p.m.]: It is my opinion that this Bill has been introduced to circumscribe the process of our law courts in order to protect those mining areas in the Pilbara which, in the opinion of the Minister and those in another place, could be used to greater advantage to this State; that is, if the current claimants were denied the areas.

I believe the principle behind this Bill is immoral. I know it has caused some concern to members of this Parliament. As a result of my belief in the immorality of the Bill, I oppose it.

**THE HON. R. J. L. WILLIAMS** (Metropolitan) [4.31 p.m.]: I had no intention of speaking to this Bill, but yesterday afternoon in another place I listened with interest for a long time. It was a pleasure to hear a Minister rise to his feet and say that he did not like the Bill.

In the process of democracy which evolved among the English-speaking nations over a number of years we have had such things as the Magna Carta. This was one of the greatest hoaxes ever. The British Government did very well when it sold a copy to the Americans, because they interpret it as they will and to suit themselves. We then had the Bill of Habeas Corpus. Behind all these steps in democracy there has been the one guiding light; the rights of an individual. I am not standing on a party political platform or pushing a political barrow up the road. There is no member in this Chamber who does not believe in the rights of the individual.

Without reservation, I say that had this Bill not been amended in another place I would have opposed it bitterly, because it denies the right of an individual to an appeal to a judicial authority, to the Privy Council, or even to Her Majesty the Queen. When we think of this aspect there is little doubt it is, as the Leader of the Opposition has said, a dangerous and repugnant principle.

I am not interested in the personalities involved. I do not suppose it will unduly worry the two partners concerned. I do not

think they will be visiting the Social Services Department tomorrow for any benefits. By the same token in respect of proposed subsection (3) which grants all-over power to the Minister, as it were, I am not quite satisfied that putting a certificate on the Table of the House is enough.

Having said that, perhaps we must realise that we are in a pincer grip and charged by the oath we took on the opening of this Parliament to do our best for the people of Western Australia and help the State progress. The Government of the day finds it is impossible to do this without bringing down this legislation.

As a Liberal I can have no part of this Bill, but I have to sink my political beliefs for what I believe is the good of the State. I agree with Mr. Withers; the Bill is immoral and repugnant, or any other term one likes to apply. The Bill must be supported for the benefit of Western Australia even though its provisions are repugnant to all members, no matter which side of the House they occupy.

**The Hon. S. J. Dellar:** You agree it is necessary?

**The Hon. R. J. L. WILLIAMS:** Without any shadow of a doubt, if we are to progress as a State. However, I could not let this opportunity pass, Mr Dellar, without stating my personal beliefs. If any other measure is ever introduced into this House which is so totalitarian in effect I will be standing on my feet and speaking for hours to protect the rights of the individual. It is unfortunate, but on this occasion I will have to give support to the measure.

**THE HON. I. G. MEDCALF** (Metropolitan) [4.35 p.m.]: I understand that from time to time comments have been made about the abolition of the Legislative Council. This is one occasion when I feel there is great justification for having a Legislative Council. We have before us today the spectacle of a Bill which is literally being rushed through Parliament. There may be good reasons for this, but in my experience I have found that we often make wrong decisions when we act impulsively and on instinct without having time for second thoughts.

I believe that, as members of the Legislative Council, it is our obligation to consider very carefully the Bill which has been put before us. I have done my best in the short time of approximately three or four hours since I became familiar with the terms of this measure to endeavour to find out what it is all about. I value my reputation as a private citizen of this State and I value my reputation as a member of Parliament. I take a very dim view of any action which causes this reputation to be sullied, where the action forces me to behave precipitately, on instinct, or on impulse without being afforded



a proper opportunity to consider what is put before me and to reflect on the true implications of what I am asked to do. I am not a person who believes that one should have unlimited time to consider matters because I am well aware that the more time one gives to considering something the further one can get from a solution. I am a great believer in executive action. I am a great believer in getting things done which have to be done and not messing about or dilly-dallying. I am also a great believer in making a decision, even if it is an unpleasant or difficult one. However, I do not believe one can make decisions properly unless one is properly informed.

Members of this Chamber are not elected because they are specialists in any particular subject. We are, nevertheless, elected because we are supposed to represent, to the average man and woman of Western Australia, what they believe is the thinking element of the community; people who will give some consideration to laws which are to be made and which will affect every man and woman in Western Australia. For that reason I have always opposed—and I will continue to oppose—legislation which comes before us in a tremendous hurry without any adequate explanation of what it is really all about.

Having said that, I realise I owe an apology to the Leader of the House, because I was not present and did not have the opportunity to hear exactly what he had to say on this Bill. I do apologise to him in case he takes exception to what I have already said. What I have said is in no way a reflection upon him. The only reason I was not present was that I was endeavouring to ascertain from various people who are interested in this very Bill which we are discussing and who have not had an opportunity to consider the implications of it, what their grievances are: for grievances they certainly have. I was trying to ascertain what their objections are to this legislation.

Now, Sir, having said that by way of introduction I want to say that if we refer to new clause 3 we will see that it will affect every temporary reserve in respect of iron ore which has been granted prior to the 15th August, 1971. It will affect those which are current, if any are current, and those which have expired. I understand quite a few have expired. I am told, although I have no definite knowledge of this, that none are current. That information may be wrong, because I have not had time to check it. When I say that none are current, I mean none other than those which were granted a week or two ago by Executive Council. Therefore, if this clause will affect every right of occupancy—or temporary reserve as it is commonly called—in respect of iron ore granted prior to the 15th August, this means we are passing legislation which

may affect the rights of every single person or company granted temporary reserves before this date; in other words, all temporary reserves which have ever been granted by the Government of Western Australia, regardless of its political colour. If I am wrong on that point I can be corrected. It seems to me that this clause relates to all temporary reserves granted before the 15th August, whether they are current or have expired.

The Hon. A. F. Griffith: But not including temporary reserves in agreements ratified by Parliament. I do not think they are included.

The Hon. I. G. MEDCALF: In any event it appears to me that all temporary reserves are covered. I would like to know how many interests are affected by this. Are there any conflicting claims in respect of these temporary reserves? Are any of the persons to whom temporary reserves were granted involved in current arguments in respect of boundaries, for example? Are any holders of temporary reserves, whose temporary reserves have expired but who nevertheless are currently in a state of negotiation with the Government, in the position of being involved in arguments with other people about their boundaries? If this is so, this legislation will put an end to all the arguments. The arguments will be terminated as a result of the passage of this measure. Henceforth, as soon as the Minister grants a certificate under this subsection, all those persons will be out of court and will have no further rights. If the Minister certifies that they have not discovered payable quantities of iron ore, that will be the end of all their claims, to put it in general terms.

I wonder how many persons or companies are in this category. What estimate has been made by the Minister responsible for the Bill as to the number of persons or companies that may be affected by this measure? Is there one person? Are there two persons? Is there one company? Are there two companies, or are there half a dozen? How many files exist in the Mines Department dealing with temporary reserves and disputed claims in relation to boundaries I do not know. I have reason to believe there is at least one. For all I know there may be more than one. I believe disputes are in fact pending at this moment; disputes which have not been settled and which, if this legislation is passed, may put all those claimants out of court.

I gather from one of the proposed subsections that certain temporary reserves are specifically referred to in the table to the Bill. However, as I read the Bill, all other temporary reserves are included, not only the ones particularly mentioned in the table. Many others have been granted in the past. How many current claims

are pending? What assurance can we get that there are no other people with actual *bona fide* claims negotiating for iron ore leases which may amount to millions of dollars?

I feel this is a matter of such grave importance that we, as members of this House, are entitled to have full particulars supplied of any other conflicting claims. I have in mind that conflicting claims have been made from time to time in respect of the same temporary reserves which are referred to in the table. In other words, the reserves named in the table are not necessarily the subject of undisputed leasehold or temporary reserve ownership, if I can apply the term "ownership." There are other claimants besides the occupants to the reserves named in the table whose claims will be put out of court as a result of the passage of this measure, if it is accepted by the House.

I ask the House to pause and consider for a moment what this means. With one stroke we are going to wipe out the claims of people who have an interest in these reserves. If I am wrong I shall be glad to be corrected.

The Hon. R. F. Claughton: That is after the Minister issues a certificate?

The Hon. I. G. MEDCALF: After the Minister issues a certificate that will be the end of all claims.

The Hon. R. F. Claughton: On a particular claim?

The Hon. I. G. MEDCALF: All claims on temporary reserves granted before the 17th August, 1971.

The Hon. R. F. Claughton: But he has to issue a certificate on a particular claim.

The Hon. I. G. MEDCALF: He has to issue the certificate before the new subsection takes effect, that is true. We are giving the Minister leave to issue a certificate in respect of all claims. If the Minister is given that power, surely it is reasonable to expect the Minister to exercise the power. Why should he not exercise the power? How can he discriminate between claims? He must exercise the power equally, otherwise he will be accused of discrimination.

I find this raises a very broad issue and I believe the House is entitled to an indication of the other people who may be affected by this. We should be told how much money, if any, is involved.

As I say, the legislation is hasty. There is sometimes good reason for hasty legislation. I am not disputing that occasionally it may be necessary to bring in legislation in a hurry. I can quite see there may well be reasons of national importance or reasons of State or Government which require legislation in a hurry and I would

not impede such legislation. If it is necessary for legislation to be brought in as a result of a national crisis, I would support it to the hilt.

The question I want answered is whether this legislation will put out of court every temporary reserve that has ever been issued once the Minister makes his decision. It is my belief that he cannot discriminate. Is it proper that legislation should be put in such broad terms without a proper consideration of all the people who might be affected? I have information which leads me to believe that there are other people who may be affected—not to the tune of a few cents, but to the tune of millions of dollars which they have invested in Western Australia.

I draw this matter to the attention of the Minister in all good conscience. I have not had the opportunity to do this in any other way than by speaking here today, as he will appreciate. I have not had an opportunity to discuss the matter with anybody else in the House. I value my position as a member of the Council very highly, as I am sure do other members, and I therefore feel it is my duty to speak now without waiting to confer with other members.

I would like the Minister responsible in another place to supply some information through the Leader of the House in relation to the questions I have raised. Is it not a fact that there are other temporary reserves which may be affected by boundary disputes in respect of the reserves named in the schedule or in respect of the reserves which were granted by the Executive Council during the last few weeks? If there are genuine boundary disputes, is it not a fact that this legislation is going to put these innocent people out of court? Is it not a fact that the Minister cannot discriminate between one reserve holder and another? He will have to treat all reserve holders equally and issue certificates if no iron ore has been discovered. That, of course, would mean an end to their claims. I believe that this is a matter which should be looked into by the Government before it proceeds further with this Bill.

I find the principle contained in new subsection (3) particularly odious. This subsection reads as follows:—

(3) A certificate given by the Minister pursuant to subsection (1) of this section shall not be liable to be challenged, appealed against, reviewed, quashed, or called in question by any court.

I do not hold a brief for any party or any court, but I believe that if a person has a right he should be able to ventilate that right in the proper place. We are saying here that if the Minister is satisfied prior to the date of the expiration of the right of occupancy that payable quantities of iron ore have not been discovered, he can issue a certificate and that concludes the rights of the temporary reserve holder.

This means that the Minister must satisfy himself; in other words, it is a case of a Minister being satisfied in his own mind. Normally a Minister cannot act arbitrarily in a matter such as this. He would have to exercise his judgment after receiving all the appropriate reports from the proper people. If he is satisfied after receiving these reports that no payable quantity of iron ore has been discovered in that area, he is quite entitled to exercise his judgment and say, "I am satisfied," and sign a certificate to that effect. I do not dispute that for a moment; I believe it is the prerogative, the right and the duty of a Minister. But what if he has not obtained a correct report, or if he has been misled by a statement which was prepared by some improper or insufficient means? Is it not correct that the person who is affected should have the right of appeal to a court? Of course one would normally say that he should.

There should be a right of appeal against what is otherwise an arbitrary decision of a Minister. As members of the House know, I have at all times taken the view that there should be a right of appeal against administrative decisions by Ministers. I do not believe these appeals should be unlimited, nor do I believe that the affairs of Government should be held up, and certainly not held up unnecessarily. However, I also believe that the Government should not ride rough-shod over the rights of private citizens. I believe that reserve holders should have the right and opportunity to appeal to a proper court.

It may be thought that allowing these persons a right of appeal will unduly delay the administrative process, and I am the first to admit that sometimes advantage is taken of this. However, I can suggest a way out. I suggest the right of appeal could be preserved, but it should be limited to an appeal to the Supreme Court of Western Australia. By this I envisage the Full Court of the Supreme Court could sit in judgment. If there are good reasons that the administrative processes should not be delayed, appeals could be limited to that court. It seems to me that is a fair and equitable way out of what is otherwise a difficult situation if the Government is held up in making necessary decisions.

If this right of appeal is taken away altogether, that is a disservice to the people concerned. It does not matter whether one dislikes a particular person, he still has his rights. Even if one feels a man is anti-social, his rights must be preserved. We have to fight to preserve them, because if we do not we may find our own rights taken away by somebody who does not like us. I believe if this right of appeal were restricted to a Full Court consisting of three judges, these disputes could be dealt with in a very short time, probably within two months. There would be no

long drawn-out legal appeals but this would ensure there was a necessary check on the Minister. He is a human being whether he be a Minister, a judge, or a member of Parliament. Everybody needs a check as it is very easy for a legislator, a Minister, or a judge, or any other public functionary, to live in an ivory tower and be guided by the views of people around them. It is easy to forget about the rights of the citizen. We were ordinary citizens before we assumed these roles and we are ordinary citizens when we leave the Chamber.

I do not believe this right of appeal should be taken away in the stringent terms of subsection (3) of this Bill. I believe it is proper that I should draw the Government's attention to this and ask it to give further consideration to proposed new subsection (3).

I also wish to ask the Minister in charge of this Bill if there are any conflicting claims which will be affected by the passage of the Bill and I further ask that the debate be adjourned for a reasonable period to enable inquiries to be made. I would be glad to supply any additional information I am able to.

The Hon. W. F. Willesee: Before you sit down, would you be happy with a short adjournment so that we can discuss this further? You have gone into far more detail than I could hope to answer off the cuff.

Debate adjourned, on motion by The Hon. G. C. MacKinnon.

*Sitting suspended from 5.00 to 7.37 p.m.*

**THE HON. W. F. WILLESEE** (North-East Metropolitan—Leader of the House) [7.37 p.m.]: The Leader of the Opposition commenced his speech by relying heavily on newspaper headings which he related to a story which tended to end after a bout of several rounds. I think one could say that the point of view presented by him was a fairly accurate description of the story that has been unfolded.

The situation in which the Government now finds itself is not pleasant when it has to bring forward legislation of this kind. I realise that a great deal of the criticism levelled against the Bill by those members who have spoken was done in good faith. The whole point at issue surrounds the three deposits that have been granted by the Government as a result of the statement made by it early last June, but I would advise that these deposits have been granted under new conditions.

The problem that faced the Government was that having made a statement in an endeavour to create some confidence in this State throughout the world, it was then obliged to adhere to what had been said. I will not take up the issue that such action might have been performed differently by another Government. The fact

remains that that was the way this Government undertook to handle the matter. As to the Armco situation, to which the Leader of the Opposition referred, I understand the offer to that company was made before any legal action was instituted and it was accepted by that company subject to the State being able to confirm the offer it made. The position now, of course, is in suspense because of the injunction that has been taken out against the Government; but the offer to Armco, I repeat, was made before the litigation commenced.

The Leader of the Opposition then went on to deal trenchantly with the disabilities of the Bill, and I was relieved when he said, at the conclusion of his speech, that he would reluctantly support it. This measure will give the Government a chance to get on with the allocation of the remaining reserves. That, in broad terms, is the reason the legislation is here.

Other speakers took advantage of the opportunity to speak on the situation as they found it and they were quite entitled to do so. At this point I can assure Mr. Medcalf that there was no need for him to make any apology as far as I was concerned, because I realise he would not have said anything in a personal vein.

The sitting of the House was suspended at the point where we had discussed in detail the various matters in connection with the Bill that had been raised by Mr. Medcalf. As a result of being able, prior to resumption, to have a discussion with him, in company with the gentlemen who are present in the Chamber, and with various other people, we are now, I think, in a position to allay to some degree the fears that were expressed by Mr. Medcalf.

As to the boundary dispute, I would say, briefly, that surveys will be arranged. I give an undertaking that I will take the matter up with the Minister in an endeavour to have it dealt with on a priority basis. The matter of new temporary reserves has been raised throughout the debate on the Bill, and I would point out that I have now discussed the policy to be followed by the Minister for Mines when certificates are issued by him in respect of new temporary reserves.

I have explained this to Mr. Medcalf, and no doubt he will avail himself of the opportunity in the Committee stage to let us know his reaction. Considerable thought has been given to the possibility of including an appeal provision in the Bill, and I have taken a great deal of notice of the argument in support of such a provision. However, the Solicitor-General has assured me that under section 73 of the Australian Constitution it is not possible to prevent an appeal from being taken in law and continued onwards. He quoted a 1904 High Court case, *Peterswald v Bartley*, in which it was held that notwithstanding a section in a State Act which provided that the judgment of the court

shall be final and conclusive, the High Court has jurisdiction under section 73 of the Commonwealth Constitution to hear and determine appeals from such judgment. That is a long-established rule of law.

Under those circumstances, I feel I have no alternative but to persist with the Bill as it is written. I hope that members who have raised the point I have mentioned will agree with me in this regard.

It is interesting to note how some people abroad are viewing the relationship between the Government and the mining companies in respect of this matter. I have before me a photostat copy of a telegram sent by the Western Australian Government representative in Japan to the Department of Industrial Development. This bears today's date. The telegram is as follows:—

For Ministers Graham and May urgently stop Some uneasiness has developed amongst iron ore buyers regarding litigation moves currently made in Perth by Hanwright to undermine orderly programme of future mine developments as outlined by you to these companies in Japan recently stop General consensus of opinion here is that failure by Government to implement its Pilbara plan completely including allocation of Angela deposits would undermine Japanese confidence and seriously jeopardise States future role as stable iron ore supplier stop Would appreciate latest details. Slade.

It is not necessary for me to say anything more. We are faced with the situation that something must be done, and this is the method which the Government has adopted; by introducing the measure before us. I hope the House will pass it.

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. W. F. Willesee (Leader of the House) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 277A added—

The Hon. A. F. GRIFFITH: This might be the appropriate clause on which I should make a few remarks in relation to the Minister's reply to the second reading debate. He told us that the three deposits in question—McCamey's Monster, Rhodes Ridge, and Western Ridge—had been issued under new conditions. I was aware of that. I repeat what I said in my second reading speech, and this is one of my complaints: the Government decided to deal with these three deposits in isolation, thereby giving away its bargaining powers and the powers which it is now seeking to regain under the Bill.

I ask: What about other people who have been granted temporary reserves which will be cancelled? What about the other people holding temporary reserves whose applications have not been dealt with in isolation? It is nothing short of remarkable when we consider what the Minister for Mines said in reply to questions asked on the 20th July in another place. The first question was—

Has the Government a clear understanding with Hancock and Wright that they have no claims directly or indirectly in areas other than those listed in (1)?

The other question was—

What specific conditions will apply to the new rights of occupancy which the Government has said it will grant to holders of expired rights over iron ore temporary reserves numbered 4326, 5003, 5004, 5006, 4192, 4193, 4266, 4267, 4737, 4881, 4882, 4883, 4884, and 4194?

The answer given was, "Yes." This refers to the Angela deposits and yet despite the categorical assurance by the Minister that there were no claims by them and that he had this clear understanding, the Government finds itself in receipt of a writ a few days later. I fail to understand this at all. The Government obviously felt it had a clear understanding. What was the date on which Armco was made an offer? Perhaps the Minister could tell me. It was obviously some date before the litigation took place.

The Hon. W. F. WILLESEE: I think we can give you that date.

The Hon. A. F. GRIFFITH: I just cannot understand the situation. The second part of the question was—

(b) If not, what is the Government's understanding of the position?

The answer to that was—

(b) Answered by (a).

Despite the fact that the Minister for Mines said that Hancock and Wright had no rights whatsoever to anything but the areas which had been granted, a few days later, subsequent to Armco being offered the reserves on certain conditions—and I am sure time would be granted for a rejection or acceptance of the conditions—the Government is faced with a writ. Some explanation of this peculiar situation should be given to the Committee.

The Hon. W. R. WITHERS: I wish to make an apology to the Minister for Mines, the Leader of the House, my own leader in this House, and all the other members of this Parliament. The reason is that I have received information and a proposal while the division bells were ringing.

I would like to point out that until an hour ago I was thinking as a fledgling politician and not as a businessman. Just under an hour ago I decided to drop the cloak and think as a businessman. I discussed this idea with a member in another

place and I rang Mr. Lang Hancock; and three minutes before the division bells rang I received an offer from Mr. Hancock. He is willing to negotiate with this Government to establish a steel mill—with an investment of \$130,000,000, compared with the \$30,000,000 offered by Armco.

Mr. Hancock has also said he will produce 1,000,000 tons of steel per annum if required as against the 100,000 tons offered by Armco. He will then surrender 86 per cent. of the Angela deposits to the Government for negotiation with Armco.

This Bill I suggest should now be thrown out and negotiations should commence between the Government and Mr. Hancock, and I request that this now be done.

The Hon. W. F. WILLESEE: I would first like to reply to Mr. Withers. I could not agree to the Bill being thrown out and I hope that members will not adopt that course. The contents of the statement of Mr. Hancock which Mr. Withers stated is known already, in somewhat similar terms. I do not know the details of the 86 per cent. of the Angela deposits, but I understand there has been some knowledge of that offer for some time. In fact, I could say that the offer repeated by Mr. Withers contains nothing new.

The Hon. W. R. WITHERS: Why has it not been known?

The Hon. W. F. WILLESEE: I think those who have been negotiating have known. The information has not been published.

The Hon. W. R. WITHERS: If it was known to the Government why did not the Government act in that way?

The Hon. W. F. WILLESEE: The Government does not agree that the offer is acceptable. I think that possibly the Government has never had any details, but only a broad statement similar to the one Mr. Withers repeated. However, the position is that I do not wish to have the Bill thrown out on the statement just made.

I can advise Mr. Griffith that the letter sent to Armco was dated the 30th July, 1971, and the writ was issued subsequently on the 13th August, so the offer was made before the Government had any knowledge of the writ.

I think the other statements made by the Leader of the Opposition are perfectly true. I think the Minister did believe he had the right to deal with the leases and that neither he nor the Government expected the writ. However it has been issued and that is the reason for the legislation.

The Hon. R. J. L. WILLIAMS: I am going to refer again to my original objection to this Bill. I have already indicated

why I do not like subsection (3) of proposed new section 277A. I have an amendment which I would like members to consider and decide whether, if it were made, it would give us the breathing space we need. Not one member in this place or in another place likes the Bill. It is a matter of necessity for the progression of Western Australia, and that objective must be paramount in the minds of those in this place even if it is not so in another place.

Whether my amendment could be incorporated as it is, or amended, I do not know, but all I am asking is that members think about it. I am certainly not going to press it because I do not wish to embarrass either the Government or my own party. I am concerned about the people of Western Australia and not with individuals; nor with this lease, that lease, or the other lease. If we do not pass this legislation Western Australia could stagnate.

In this day and age, and bearing in mind the messages which the Leader of the House has just read, we will lag behind not one, two, or three years, but 50 years. We cannot afford to do that in Western Australia. There are contained in this Bill, certain odious provisions which we do not like. The amendment which I suggest, and I would ask members to consider reads as follows:—

In subsection (3) a certificate given by the Minister pursuant to subsection

(1) of this section shall be subject to appeal to an *ad hoc* tribunal formed by one member of each party from each House of this Parliament presided over by a Justice appointed from the Supreme Court, from which there shall be no appeal.

It is not a question of justice being done, but justice being seen to be done. I have had no prior conversation with the Leader of the Opposition concerning my proposed amendment. If members consider the amendment is not appropriate, then I will not move it. However, I ask members to remember that we are dealing with the people of Western Australia and, as such, party politics should play no part.

The Hon. W. R. Withers: We will sell out the people if we pass this clause.

The Hon. R. J. L. WILLIAMS: We will not sell out the people of Western Australia at all. However, many people do object to the fact that one man can make a decision which is final and irrevocable—against which there is no appeal. I do not desire to be accused of making an emotional plea, but we must provide a right of appeal somewhere along the line.

The Hon. I. G. MEDCALF: I have had an opportunity to discuss these matters with the Leader of the House and as he has indicated, it was quite a lengthy discussion. The matters which I raised were brought forward in good faith. I believe

they are matters which should be considered by the Committee, and I believe they are quite appropriate for consideration.

However, I am very pleased the Minister has given an indication that the boundaries question, to which I referred and which concerned disputes arising over boundaries between temporary reserve holders, will be settled by way of surveys on a priority basis.

I am also satisfied that the gentleman holding the position of Minister for Mines is not likely to exercise his powers arbitrarily. I believe the Minister is above any personal reproach in that respect. My comments were not directed to any particular persons, but to the issue in general.

I am comforted by the fact that this Bill will expire—insofar as it relates to the ability of any Minister to issue a certificate—on the 31st October. Likewise, the other provisions of the Bill will have no validity after that date. In a sense, we are talking about a very temporary period and, perhaps, a very temporary situation.

It is against my principles to prevent any person from having the right of appeal under any circumstances. However, I have the impression that we may be facing a situation here in which the public interest is involved. I have never been prepared to stand in the way of what I believe is the public interest. In those circumstances I am not prepared to press any suggestions which I made for an appeal.

I was shown the letter, or the certificate, to which the Leader of the House referred; which he received from the Solicitor-General. I accept what has been said and I am certain the advice he received is quite sound. It may well be that an appeal will be made to the Full Court which will lead to a further appeal to the High Court. Whether it would go any further is doubtful because appeal to the Privy Council has now been abolished.

The Hon. W. F. WILLESEE: I thank Mr. Medcalf for his comments, and for his consideration during the discussions which took place in the interval. I am advised that the type of proposition put forward by Mr. Williams has already been considered. With such a proposition there would still be appeals from an *ad hoc* body despite the drafting of any Bill. That would result in protracted litigation which would be to the detriment of the State.

The Hon. A. F. GRIFFITH: I would like to make a few final comments on this clause. Firstly, I think it might have been a good thing had Mr. Williams been in the gallery of the House last year when I asked members to agree to a clause in the Mining Act Amendment Bill. The clause provided that I, or the Minister for Mines, should be given power to interrupt

the granting of mineral claims when somebody pegged a mineral claim on an area and the Minister for Mines considered it was not in the best interests of the State. What a hullabaloo that caused. Those members who now sit on the other side of the House decried the fact that this great power was to be given to one man. Those members almost had me in tears.

I ask: What have we now? A certificate given by the Minister, and that will be the end of it. In conclusion, I am most interested to hear the information just revealed by Mr. Withers in relation to the offer that was made. I am not really interested in the individual who made the offer, but the principle is this: Does the Government not think—bearing in mind the offer which has been made at this time: the last straw—that it would have been in a better position to negotiate the proper development of the Pilbara if it still had control of McCamey's Monster, Western Ridge, and Rhodes Ridge?

Would not the Government have been in a far better position if the temporary reserves listed in the schedule had included reserves which were the subject of questions asked in another place? Of course it would have been. However, the Government was prepared to give away its negotiating power in respect of those three reserves. Admittedly new conditions apply, but the Government does not have as much negotiating power now as it would have had if those three reserves had not been dealt with independently of the others.

It is not necessary for Mr. Willesee to reply to this comment. It is a matter of "silence is consent." I am sure that is the case, because the Government must know this.

The Hon. W. R. WITHERS: After hearing various members who have spoken after me, there is something that puzzles me. We are talking about the interests of the people, the interests of the State, the return to the State, the negotiations which have gone before and the negotiations which have not taken place. Yet, I have heard that people have been aware of the proposition put to me over the telephone this evening. I would like to know why members of this Chamber have not known of these negotiations. I may be a little slow. I may be new to this political game, but I do not think I am so dumb as not to have known that this was going on. Had every other member of this Chamber been aware of it, I feel sure that I, too, would have been aware of it. Perhaps one or two could have been aware of it without my being aware of it, but I wish to know why we were all not given this information.

The Hon. S. J. Dellar: You might be withering.

The Hon. W. R. WITHERS: In this particular case I will expand to wither the honourable member. Whether or not

members were previously aware of it, I wish to point out that the offer made tonight is worth \$100,000,000 more than the Armco offer. In all, 1,000,000 tons of steel per annum will be produced instead of a tiny, twitty, 100,000 tons of steel. I want to know why we did not know of this. Members of Parliament are supposed to make decisions—and this is an enormous decision—but we have not been fed this information.

I am not interested in whether a few people knew of this matter in the past; I want to know why we were not informed.

The Hon. L. A. Logan: Where is the market?

The Hon. W. R. WITHERS: Mr. Hancock pointed out that he would produce 1,000,000 tons of steel, if required. This would be through negotiation.

The Hon. S. J. Dellar: That is different from producing and selling.

The Hon. W. R. WITHERS: He would produce it and, I presume, negotiate with a responsible Government.

The Hon. S. J. Dellar: Which you have now.

The Hon. W. R. WITHERS: I certainly hope we have one now. If the Government is responsible it will throw this Bill out.

The Hon. R. Thompson: Has he put a firm proposition to the Government?

The Hon. W. R. WITHERS: I asked him whether he was prepared to be quoted tonight and he said that he was willing. I have quoted what he said. He also said he had put this verbally to the Government which was not very interested in negotiating. That is something else I would like to question.

Apparently an agreement was also signed at one stage, but as I do not know when this occurred I can only conjecture. I understand the agreement was between Hamersley Iron, Armco, Thyssen, and Kaiser who were given rights under the agreement. However, I have no proof. I am interested in the reason for this information not being given to us. We have to make decisions, but we have not been given the information.

If we do not throw the Bill out we will be doing the wrong thing by the State, because we will be reducing investment by \$100,000,000 and putting up with a small steel mill instead of one of a reasonable size.

The Hon. N. E. Baxter: What was the other side of the bargain for the expenditure of \$100,000,000?

The Hon. W. R. WITHERS: I do not know, but Mr. Hancock said he would return 86 per cent. of the Angela deposits to enable the Government to negotiate further with Armco. I certainly am

not in the position of being able to negotiate. I have had personal contact with one man who has given me certain facts and has said that I may quote them. This is what I am doing.

The Hon. S. J. Dellar: I could make an offer of \$200,000,000 tonight but I would not be able to substantiate it tomorrow.

The Hon. W. R. WITHERS: I could not take the honourable member's word on that.

The Hon. S. J. Dellar: That is a matter of opinion.

The Hon. W. R. WITHERS: I have said sufficient. I advise the Committee that the Bill should not pass tonight.

The Hon. W. F. WILLESEE: I do not know the form in which the offer to which the honourable member has just referred was made to the Government—either verbally or in writing—if, in fact, an offer was made at all. I have never heard of it. I have heard somewhere along the line of the 86 per cent. of the Angela deposits which was mentioned.

The Government decided against whatever Mr. Hancock had to offer on the advice of officers in the Mines Department. If the offer was in the terms stated by the honourable member, I do not know why it has not been made public; but, after all, offers made by other people have not been made public. This is a matter of business between the department and the firms concerned.

The honourable member's final remark was that the Bill should be thrown out. I can only urge the Committee to ensure that it passes. So far as the Armco offer is concerned, I am advised that the company has rights to prospect for only one year. The results will determine any arrangements for a steel industry entered into with Armco.

Clause 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. W. F. Willesee (Leader of the House), and passed.

## **NATIVES (CITIZENSHIP RIGHTS) ACT REPEAL BILL**

### *Third Reading*

Bill read a third time, on motion by The Hon. W. F. Willesee (Leader of the House), and transmitted to the Assembly.

*House adjourned at 8.21 p.m.*

## **Legislative Assembly**

Thursday, the 19th August, 1971

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

### **BILLS (4): INTRODUCTION AND FIRST READING**

1. Dried Fruits Act Amendment Bill.  
Bill introduced, on motion by Mr. H. D. Evans (Minister for Agriculture), and read a first time.
2. Mental Health Act Amendment Bill.
3. Suitors' Fund Act Amendment Bill.  
Bills introduced, on motions by Mr. Bertram (Attorney-General), and read a first time.
4. Government Railways Act Amendment Bill.  
Bill introduced, on motion by Mr. Bertram (Minister for Railways), and read a first time.

### **REPORT ON SHARE HAWKING**

#### *Printing*

MR. BERTRAM (Mt. Hawthorn—Attorney-General) [2.22 p.m.]: I move—

That the Sixth Interim Report of the Company Law Advisory Committee on Share Hawking, laid upon the Table of the Legislative Assembly on the 20th July, 1971, be printed.

By way of a brief explanation I would point out to members that normally these interim reports are printed and tabled in the Parliaments of the other States. The people concerned being aware that the Parliament of Western Australia was sitting sooner than those in the east, and it being their desire to have this interim report printed as early as possible, I was requested to move to have it printed; hence the motion.

MR. COURT (Nedlands—Deputy Leader of the Opposition) [2.23 p.m.]: I would appreciate comment from the Attorney-General as to the reason for this motion. Frankly I cannot see the import of it. Do I take in that action is being taken in this way to avoid the question of libel or something of that kind; hence its introduction into this Parliament to provide a medium through which the report can be printed and circulated as a public document, and also to have the protection of this House?

MR. BERTRAM (Mt. Hawthorn—Attorney-General) [2.24 p.m.]: The answer to that question is in the affirmative. I am striving as best I can to follow as nearly as possible the procedure adopted in other States.

Question put and passed.