The Hon. A. F. Griffith: Well, ask another question tomorrow.

The Hon. R. THOMPSON: I would like to refer the question back to the Minister, if I may.

The Hon. A. F. Griffith: The honourable member cannot make speeches on questions.

The Hon. R. THOMPSON: I am not making a speech on a question, but I specifically asked the question in eight parts. I received a completely untruthful answer.

The PRESIDENT: I would like to point out to the honourable member that he is at liberty, within 30 minutes, to place another series of questions on the notice paper for tomorrow.

The Hon. A. F. GRIFFITH: I must take exception to the use of the word "untruthful" and ask for it to be withdrawn. If Ministers give answers which are unsatisfactory it is up to members to ask another question. However, nobody gives untruthful answers. They may be unsatisfactory but not untruthful, and I ask for a withdrawal.

The PRESIDENT: The Minister asks for a withdrawal.

The Hon. R. THOMPSON: If you rule that way, Mr. President, I will withdraw.

The PRESIDENT: It is not a question of my ruling; it has been requested.

The Hon. R. THOMPSON: I do not feel disposed to withdraw because some of the statements are untruthful. I made representations to the State Housing Commission regarding the overcrowded conditions and the answer to that part of my question was as follows:—

> . . . no complaints of the nature suggested in the question have been received from tenants or other responsible authorities—

I have made personal approaches myself.

The PRESIDENT: Order! I am sorry but unless the honourable member desires to make a personal explanation he cannot carry on.

The Hon. R THOMPSON: I withdraw, and I will make my personal explanation tomorrow.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [11.43 p.m.]: I move—

> That the House at its rising adjourn until 11 a.m. tomorrow (Wednesday).

Question put and passed.

House adjourned at 11.44 p.m.

Legislative Assembly

Tuesday, the 12th May, 1970

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

BILLS (6): ASSENT

Message from the Governor received and read notifying assent to the following Bills:—

1. Workers' Compensation Act Amendment Bill.
2. Motor Vehicle (Third Party Insurance) Act Amendment Bill.
3. Taxation (Staff Arrangements) Act Amendment Bill.
4. Acts Amendment (Commissioner of State Taxation) Bill.
5. Superannuation and Family Benefits Act Amendment Bill.
6. Perth Mint Bill.

IRON ORE (CLEVELAND-CLIFFS) AGREEMENT ACT AMENDMENT BILL, 1970

Message: Appropriations

Message from the Governor received and read recommending appropriations for the purposes of the Bill.

Introduction and First Reading

Bill introduced, on motion by Mr. Court (Minister for Industrial Development), and read a first time.

BILLS (3): RETURNED

1. Port Hedland Port Authority Bill.
2. Eastern Goldfields Transport Board Act Amendment Bill.
3. Parliamentary Superannuation Bill.

Bills returned from the Council without amendment.

QUESTIONS (10): ON NOTICE

1. HEALTH

Non-European Infants: Mortality Rate

Mr. HARMAN, to the Minister representing the Minister for Health:

> How many non-European infants less than two years old have died in the Broome, Derby, Wyndham, Fitzroy Crossing, Halls Creek areas since the 1st July, 1969?

Mr. ROSS HUTCHINSON replied:

> As race is not recorded on death certificates, accurate figures are not available. The following, from the names of the individuals, are considered as likely to be non-European—
>
> Broome—1.
> Derby—6.
> Wyndham—4.
> Fitzroy Crossing—2.
> Halls Creek—2.

2. TRAFFIC

Guildford Road

Mr. HARMAN, to the Minister for Traffic:

(1) As Guildford Road will be declared a priority road, what traffic facilities; that is, traffic lights, overways, etc., will be provided and where?

(2) If any, when will such facilities be installed?

Mr. CRAIG replied:

(1) It is proposed that traffic signals will be installed at King William Street and Eighth Avenue, and a pedestrian overway constructed in association with the Shire of Perth at Sixth Avenue.

(2) These projects will be considered for inclusion in the Main Roads Department's 1970-71 programme of works.

3. MINING

Reserves: Acreages

Mr. GRAYDEN, to the Minister representing the Minister for Mines:

What acreage of temporary reserves, excluding coal and gold, were applied for and in force, respectively, in Western Australia during the years 1962-1969 inclusive?

Mr. BOVELL replied:

	Applied for	In force
1962	15,500,160	117,246,453
1963	33,372,160	151,360,160
1964	24,347,004	33,480,754
1965	217,289,440	103,536,000
1966	137,818,240	133,037,440
1967	55,101,910	68,569,043
1968	179,572,998	67,769,075
1969	Not yet available.	

The area "in force" is the total area existing and carried forward each year.

4. EDUCATION

New High School at Kalgoorlie

Mr. T. D. EVANS, to the Minister for Education:

(1) Does he agree that the eastern goldfields is entitled to have a high school building and appointments in keeping with modern standards and comparable with high schools in other centres?

(2) What plans are held by the department to provide a new high school at Kalgoorlie and when will a start be made on this project?

Mr. LEWIS replied:

(1) and (2) While it is appreciated that the Eastern Goldfields Senior High School is a timber framed structure, whereas most other high schools are of brick, in recent years there have been modern facilities provided and the school is in every sense sound and functional.

Proposals are at present under consideration for the provision of a library in a brick building. Any future additions or replacements could be of brick. Ultimately the school could be converted to a two or three storey brick structure.

5. EDUCATION

Hostel: Geraldton

Mr. SEWELL, to the Minister for Education:

(1) Is he aware that the recently-completed John Frewer Hostel for boys attending the Geraldton district high school and built by the school hostels committee has proved so successful that at the beginning of this school year it was over-crowded and students had to be turned away?

(2) As the Parents and Citizens' Association has asked for another wing to be added to the hostel building so that over-crowding will be eliminated and students from outside the district accommodated, will he advise if the school hostels committee will approve of the additional accommodation being provided?

(3) If not, what are the reasons that such necessary accommodation cannot be provided?

Mr. LEWIS replied:

(1) Yes.

(2) Information obtained by the Country High School Hostels Authority indicates that approximately 50 per cent. of the boarders at John Frewer Hostel come from the north-west of the State. The Education Department is at present conducting a survey to establish school hostel needs in north-west areas.

A decision concerning the building of additional accommodation at Geraldton must await the outcome of the survey.

(3) See answer to (2).

6. APPRENTICES

Building Trades

Mr. JAMIESON, to the Minister for Labour:

(1) Having regard to the answer to part 2 of question 38 on the 24th March, 1970, what is the

estimated desirable strength in each of the building trades apprenticeships?

(2) What is the estimated percentage increase necessary to accommodate the building industry in each of the next five years in respect of each of the building trades' apprenticeships?

Mr. O'NEIL replied:

(1) and (2) Although there is a prescribed allowable ratio of apprentices to tradesmen in each of the building trades classifications, information as to the number of tradesmen employed in each classification is not available.

It is not possible to estimate the percentage increase necessary to accommodate the building industry; however, in 1963, the proportion of building trades apprentices to all apprentices was 20 per cent., and in 1969, the proportion was 19 per cent.

From June, 1963 to December, 1969, total apprenticeships rose from 6,218 to 10,069, and during this period, metal trades apprentices increased from 33 per cent. of the total (2,059) to 35 per cent. of the total (3,537).

7. LAND

Memorial Park: Bunbury

Mr. WILLIAMS, to the Minister for Lands:

(1) Is the Memorial Park situated on the corner of Stirling Street and Parkfield Street, Bunbury, to be included, with the Parkfield hospital site, in the area of land to be vested in the Bunbury Town Council for local government administration purposes?

(2) What is the present vesting of all the land involved?

Mr. BOVELL replied:

(1) Yes.

(2) (a) Parkfield hospital Reserve No. 3768 is not vested.

(b) Memorial Park Reserve No. 18799 is vested in the Bunbury Town Council.

Crown Grant in trust for municipal buildings is to issue to the Town of Bunbury.

8. EDUCATION

Construction of Schools: Contracts

Mr. BERTRAM, to the Minister for Education:

(1) How many contracts, valued at $10,000 and more and being for the construction of schools or school buildings, were completed during the last two statistical years?

(2) How many of the aforesaid contracts were finished on the agreed date therefor?

(3) Of the aforesaid contracts which were not completed by the agreed date—

(a) what was the duration of default in each case;

(b) what damages therefor were recovered in each case; if none, why?

Mr. LEWIS replied:

(1) 214.

(2) 68.

(3) (a) Details of each case are not available but the delay ranged from two days to 451 days.

(b) In only 13 cases did the delay warrant imposition of damages. These ranged from $42 to $800.

9. MOTOR VEHICLE INSURANCE TRUST

Accidents: Claims and Litigation

Mr. BERTRAM, to the Minister representing the Minister for Local Government:

Referring to the answers given to questions asked on the 17th October, 1967, re "Accidents, Claims and Litigation with the Motor Vehicle Insurance Trust", can he now supply answers which will bring the detail up-to-date for the last financial or calendar year, as the case may be, in each instance?

Mr. NALDER replied:

(a) Contingent claims in pool years—

1966-67—6,511.

1967-68—4,965.

1968-69—6,960 (late reports will increase this figure).

(b)

Year	Liability and quantum	Liability only	Quantum only	Consent judgments	Total
23-10-1968 to 31-12-1968	4	Nil	17	41	62
1-1-1969 to 31-12-1969	19	10	55	401	485
1-1-1970 to 30-4-1970	Nil	9	19	145	173

(c) and (d) No records.

(e) As at the 30th June, 1969, the following claims were outstanding in the pool years shown—

	Number of claims	Estimated to cost $
1963-64	109	697,310
1964-65	162	675,018
1965-66	392	1,479,303
1966-67	981	4,102,469
1967-68	1,492	4,038,996
1968-69	4,885	8,585,397 (plus late reports)

(f) Total amounts paid to the 30th June, 1969, on account of claims for the past three financial years are as follows—

	$
1966-67	3,725,418
1967-68	5,008,068
1968-69	5,655,115

(g) the amounts paid to the 30th June, 1969, in the three preceding financial years are—

(i) and (ii)

	General damages $	Special damages $
1966-67	2,706,712	1,018,706
1967-68	3,053,506	1,354,562
1968-69	3,702,572	1,892,543

a) and (b)

	Wages $	Medical expenses $
1966-67	280,233	442,031
1967-68	414,484	573,909
1968-69	650,682	722,946

(h) Claims involving weekly payments prevent an accurate answer.

10. EDUCATION DEPARTMENT

Advisory Positions

Mr. BURKE, to the Minister for Education:

(1) How many advisory positions of a temporary nature have been created in the department in the last three years?

(2) How many are still in existence?

(3) What are they?

(4) By whom are they occupied?

(5) What special qualifications do the occupants of these temporary positions hold that they should have been appointed in the first place?

(6) Is it intended that any of these positions will be created on a permanent basis?

(7) If so, when is this likely to take place?

(8) Will these positions then be advertised to enable other suitably qualified persons to apply for appointment?

(9) Is there any limit on the time a person can be appointed to such a position?

Mr. LEWIS replied:

(1) Seven.

(2) Seven.

(3) (i) Advisory teacher grade II special duties (swimming classes).

(ii) Senior advisory teacher (social studies).

(iii) Senior advisory teacher (mathematics).

(iv) Advisory teacher (commerce).

(v) Advisory teacher (achievement certificate).

(vi) Senior advisory teacher (health).

(vii) Advisory teacher (French).

(4) (i) Mr. P. Oliver.

(ii) Mr. N. Tuckwell.

(iii) Mr. D. Buck.

(iv) Miss V. Waddingham.

(v) Mr. T. Downing.

(vi) Mr M. Walker.

(vii) Mr. D. Lelong.

(5) Special aptitude, experience and skill in the particular subject area.

(6) The department's policy in general is that purely advisory positions should be of a temporary nature to ensure a turnover of staff after three to four years. Permanent positions are only created when some administrative control seems desirable. This is not yet apparent in any of the above positions.

(7) to (9) Answered by (6).

IRON ORE (CLEVELAND-CLIFFS) AGREEMENT ACT AMENDMENT BILL, 1970

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [4.45 p.m.]: I move—

That the Bill be now read a second time.

In moving the second reading, I would like to apologise to the House for the need to introduce this Bill at such a late stage in the session. The Government has introduced it with reluctance and only because it believed that if it were not introduced it could result in the Robe River project, which has got thus far successfully, being delayed until at least September. In view of the economic situation, generally, it is feared that the project might be placed in jeopardy.

As members will gather from my notes as I proceed, it is also not practicable to issue a prospectus for the public issue—that is, for the general public at large—unless this particular hurdle is cleared. I hope members will appreciate that the Bill is, in fact, a formality to overcome a situation which is inescapable in all the circumstances.

I have been in touch with the Leader of the Opposition who was very gracious about the matter. I realise that he wants to have a look at the legislation, naturally, and that is only fair. He does appreciate, however, the situation in which the Government finds itself and the steps it must take if this project is to proceed on time.

The Bill now before members ratifies an agreement between the State and Cliffs International Incorporated. The agreement which appears as a schedule is a duplicate of the 1969 variation agreement

with two minor alterations. This re-enactment of the 1969 variation agreement is necessary—and this is the main point I want to get across to members—because approval under provisions of the Banking (Foreign Exchange) Regulations were not obtained to the 1969 variation agreement prior to the company executing it. This omission rendered the agreement invalid.

The legal advisers of the company at the time were aware of the Banking (Foreign Exchange) Regulations but believed that because Cleveland Cliffs was entering into an agreement with a State Government the regulations did not apply. Subsequently, it was found that the regulations did apply and every effort has been made to find ways and means to overcome the problem without the necessity to enter into a substitute agreement with ratification.

I should explain there is no question of the foreign exchange approval being withheld. It is merely a formality with which we are caught up—that the approval was given on a date subsequent to the date on which the Premier on behalf of the State, and the directors on behalf of the company, signed the agreement that we ratified last time.

With respect to this matter, whether it is a company to company agreement or a company to Government agreement, it now transpires that before such an agreement is signed its contents must be approved by the Reserve Bank under the foreign exchange regulations.

However, no solution or alternative has been found and the company has had to accept the fact that it is not possible to issue the prospectus for public subscription of capital and enter into final agreement with financial institutions and joint venturers until a substitution agreement is ratified.

Supporting the agreement which is now the subject of ratification is an agreement between Cliffs and the State, which explains the background in the preamble with the effective part of the agreement being limited to an acknowledgment by the parties that the 1969 variation agreement has no force and effect and has not been binding on the parties.

It is not necessary for this revocation agreement to be made part of the Bill or of its schedules, although it is referred to in the Bill. I felt it desirable, however, to bring a copy along, and with your permission, Mr. Speaker, when I have concluded my remarks I would like to table it so that members can see it if they desire. It is mainly preamble. There are very few operative clauses, because it merely declares an agreement between two parties null and void.

The Bill is short and straightforward. Clause 2 repeals the 1969 agreement, while clause 3 defines the variation agreement. The date from which the variation agreement shall have full force and effect is set out in clause 4.

Members might find it difficult to follow the reasons for the dates set out in clause 4. The proposed new section 3A incorporated in clause 4 reads—

> 3A. The variation agreement is approved on and from the thirty-first day of December, nineteen hundred and seventy, or on and from the sixtieth day after the commencement date referred to in subclause (3) of Clause 7 of the agreement, whichever day is the earlier.

It is expected that the commencement date will be fixed within the next few weeks and therefore the sixty days from that point will in practice be the operative date.

However, it was felt desirable—by the draftsmen on both sides—to fix a date beyond that in case there was any unforeseeable holdup in the fixing of the "commencement date." I should add that the company's proposals are, in fact, before the Government in draft form, and 95 per cent. of the work concerning the approval of the proposals has been done. When this is completed, the commencement date can, of course, be fixed.

The practical significance of this clause is to separate the provisions under the original agreement in respect of certain of the leases from any additional rights that might be obtained under the variation agreement when it comes into force.

Proposed section 5 is to ensure that Dampier Mining Company, which is co-operating with Cliffs by making ore available, is not prejudiced in any way by the Act.

The variation agreement follows the 1969 version until page 8, amendment 4 (3) (d). New paragraph (d) permits the State to issue leases either under the Mining Act or the Land Act, even though a survey of the subject land has not been completed. There are practical reasons for this which I will explain.

Last year's variation agreement provided that a mining lease could at the discretion of the Government be issued without a survey, but through an oversight it was omitted to provide the same facility in respect of leases issued under the Land Act.

The reason this is important to the company will be readily appreciated by members. To survey a large tract of land is very time consuming and if the company was forced to wait until ground surveys had been completed before a lease could be granted the project would be delayed. I think it will be agreed it is desirable to obviate anything that will defer commencement any longer than is absolutely necessary.

While the new subclause will permit leases to be issued immediately, boundaries of such leases will be confirmed by survey in due course. There are safeguards if errors are discovered. I might add that this practice has been followed in all agreements to overcome an impracticable situation, because if we enforced the original agreements before they were amended it could be two to three years before any of the projects could drive their first spike; and this is a practical way around it with appropriate safeguards.

Paragraph (e) is a repeat of paragraph (d) in the 1969 agreement with the addition of "and section 143 of the Land Act" in line 5. This paragraph in its original form was designed to obviate the necessity for multiple consents to the registration of charges and specifically referred to the Mining Act and the Transfer of Land Act. Members who have had any experience of the mining law will recall that it was necessary to obtain consents under different Acts to the same charge and this was found to be a great impediment when negotiating for large sums of international finance, especially when banking consortiums were involved. Parliament has already agreed to the principle of one certificate of consent. However, at the time it was only the Mining Act and the Transfer of Land Act which were specified. Subsequently, it was pointed out that the Land Act is also involved.

The principal agreement provides that the company must obtain the approval of the Government to any registration of charges, which ensures sufficient protection of the State's interests. Just by way of explanation, I would say that the company has to get the approval of the Government before it can register a charge. This is unlike an ordinary company, which can register its charge. For good reason we have provided in all the agreements that the companies cannot register a charge over their assets without the prior approval of the Government of the day.

The subclause as now amended sets out the position thought to exist, that only one overall consent to the registration of charges would be necessary. Without the new provision, financing of the deal is impracticable.

I can advise members that the financial negotiations—which have been extremely difficult for this project—are at a very advanced stage. It is hoped to issue a public prospectus for general subscription by the public, as distinct from the institutional part of the finance, within the next few weeks. It cannot be issued unless we get the revocation of one agreement and the reinstatement of the new agreement. From the Government's point of view, and the point of view of regional development, we believe, for two reasons, this project is one of the most important of all the projects we have had. Firstly, it processes right from the start the limonitic ore into pellets for export on a large scale; and, secondly, it taps a source of ore which otherwise might remain untouched for over 50 years.

I commend the Bill to the House. I would like permission to table the photostat copy of the agreement of revocation referred to in the Bill.

The agreement was tabled.

Debate adjourned until a later stage of the sitting, on motion by Mr. Tonkin (Leader of the Opposition).

(Continued on page 3910)

MINING ACT AMENDMENT BILL

In Committee

Resumed from the 23rd April. The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Bovell (Minister for Lands) in charge of the Bill.

Progress was reported after clause 3 had been agreed to.

Clause 4: Heading and section 116B added—

Mr. BOVELL: Members will know that the Minister for Mines has already stated that the Committee will be asked to delete a number of clauses, and the relevant amendments appear on today's notice paper.

The proposed exploration license was one of the main concepts of the Bill. There was nothing new about the use of such a license in Australia, because other States have used this form of mining practice for some time for areas up to 1,000 square miles. The Government believes there is nothing wrong, either from the point of view of the national interest or that of the interests of the people, in the proposals relating to exploration licenses.

However, the Committee is being asked to delete some of the clauses because of the widespread, what I would refer to as, misconceptions and misunderstandings throughout the State since the Bill's introduction. It was never intended that the small man would be pushed out. I believe that the intention of the Minister for Mines has been wrongly assessed.

The Minister for Mines has asked me to inform the Committee that he proposes to appoint a committee as soon as possible to report on the Mining Act, generally, and he has told me he will make an announcement regarding this as soon as possible.

Mr. T. D. Evans: Would the Minister indicate why the Minister for Mines would not accept the move by the Opposition for a Select Committee, which could have been turned into a Royal Commission, for this very purpose?

Mr. BOVELL: This Chamber has already rejected that proposal, and I am not going to comment on the desires of the Minister for Mines. This Chamber has dealt with the matter and therefore I do not think the interjection is appropriate.

Mr. Tonkin: It is most appropriate.

Mr. BOVELL: I would mention that we have already passed clause 2. However, I propose to ask the Committee to delete this clause. Therefore at the conclusion of the Committee stage I will ask the Committee to agree to a recommittal of the Bill in order that we might delete clause 2; and I intend to ask the Committee to oppose clause 4.

Mr. MOIR: I have listened intently to what the Minister had to say and, in view of what has transpired, I consider he offered a gratuitous insult to the intelligence of the mining people in the State who have been so loud in their protests against this measure when he quoted the reason given by the Minister for Mines for withdrawing the obnoxious clauses from the legislation. Personally it gives me a great deal of satisfaction to see that the protests inside and outside Parliament have forced the withdrawal of the clauses.

When the Bill was being debated at the second reading stage, the opposition voiced to the measure and the suggestion that a Select Committee be appointed to inquire into certain aspects of the Bill and the requirements of the mining industry, generally, were discounted by the Government.

It was quite apparent that, so far as the Government was concerned, the Bill would have passed this Chamber without amendment. There is no doubt that the Government intended to force the legislation through, willy-nilly, irrespective of all the protests, arguments, and logic expressed by members on this side of the Chamber and, indeed by back-benchers on the Government side. However, the proposed legislation raised such a furore in mining circles that the Government realised the provisions were outrageous and would have to be withdrawn. Competent mining men protested over the provisions.

The attempt on the part of the Government to introduce a measure such as this has made people in the mining community aware that they must be vigilant so far as their interests are concerned. Certainly, they are aroused at the moment and have formed associations, which did not exist previously, for the express purpose of keeping an eye on future proposed legislation and of looking after the interests of the industry, generally.

Many of the people in the mining industry are individuals who pursue the search for minerals in their own interests. Many people in the mining industry have spent a great deal of money on their activities and they have come to realise that they must be alert, not only in searching for minerals, but also with respect to legislation which may be brought down in the Parliament and which may adversely affect their interests.

I noticed in the Press that the Minister made the statement that he was agreeing to withdraw the legislation simply because it was misunderstood. The Minister for Lands, who is handling the Bill in this Chamber, has repeated that statement. I say it is an insult to the intelligence of the people in this State. There is no question whatsoever; the people have not misunderstood the legislation. The provisions are clearly stated and, if the Minister did not intend to put them into effect, why include them in the Bill which was brought to the Parliament? The provisions are there for everyone to read. Of course, it took some time for the news to reach outback areas and for people to fully consider the proposals. However, when they did this, a storm of protest arose.

In all my years as a member of Parliament I have never seen such strong protests as those which have been directed to me on this measure. For the benefit of the member for Murchison-Eyre, to whom the Minister referred as a competent authority on mining, I shall refer to the protests which have been made. The member for Murchison-Eyre made a statement at the second reading stage to the effect that he could see nothing wrong with the Bill. Further, he said that he had not received one protest from his constituents. I ask the member for Murchison-Eyre whether he can get up and say now that he has received no protests from members in his electorate. I have received protests from members in his electorate and it would be rather strange if the protests were directed to me instead of to him. I am sure he must have received many protests.

I have received many telephone calls and wires and, as a sample, I shall read out one which came from Leonora. It was addressed to me at my home in Kalgoorlie and reads—

> You have our full support in your stand against the Minister's proposed amendment to the Mining Act. Have contacted Amalgamated Prospectors Association.
>
> (Signed) Secretary, North-East Goldfields Prospectors and Leaseholders Association.

I have had numerous communications on those lines. A large meeting was held in Boulder, which unfortunately I was unable to attend, and another was held in Perth. People travelled hundreds of

miles to attend the Perth meeting to voice their opinions and their opposition to the obnoxious clauses in the Bill.

I only hope that the withdrawal of the clauses from the Bill does not mean that the Minister will pursue his objective by some other means; I hope he will not try to bring some of the proposals about through the granting of reserves. Already, there are far too many reserves granted in this State and they cover a very large area. The power to grant reserves is a wise provision and, to my mind, it has been exercised wisely in the past. At times there has been controversy over the granting of reserves, I must admit. At the moment, the granting of reserves has got completely out of hand.

I took note of the replies given to the member for South Perth when he asked questions last week about reserves. The information in the replies is absolutely staggering. One firm has been granted 3,706 square miles and another, 2,908 square miles. I do not know how long it would take a mining company to make even a cursory examination of a reserve of 3,706 square miles when looking for minerals. That sort of situation is simply impossible. In answers to questions asked by the member for South Perth, the information given was that over 11,000 square miles of Western Australia is tied up in reserves.

The Minister and the Government must look at the situation to decide where we are going. Are we going to tie up huge areas of the country to big mining companies which could not possibly prospect the areas sufficiently because they do not have the personnel? They simply do not have the personnel to do it and, in any event, it would take many, many years to prospect the reserves which they hold. The effect of this action at the moment is that vast areas of the State are being reserved for companies to prospect at their leisure. A strong stand must be taken on this question.

As I say, I am afraid that the Minister will try to put the proposals, which he is now withdrawing from the Bill, into effect through the back door of reserves. I advise mining people to watch that aspect closely and to make their protests as soon as they see that it is happening. As a matter of fact, the mining industry should carry on a campaign to reduce some of the large reserves and to ensure that no reserves of that size are granted again.

As I say, it is a source of great satisfaction to me to know that protests inside and outside the Parliament have been effective and have caused the Government to withdraw the clauses.

Mr. GRAYDEN: I want to say that I am delighted the Minister has taken this action, because it will remove one of the most iniquitous provisions in the Bill. The question of exploration licenses and the provision to make all available Crown land in the State into one great reserve, in which very little pegging could take place, are the two worst features of the Bill.

I consider there is no place in Western Australia at the present time for the granting of exploration licenses as envisaged by the Bill. Recently I asked some questions to try to find out what area of the State has been granted in respect of temporary reserves, because temporary reserves are exactly the same thing as exploration licenses in that an exploration license is simply another name for a temporary reserve. There is no place in Western Australia for either temporary reserves or exploration licenses, because this State is going through a period of intense activity so far as mineral exploration is concerned.

The provision of temporary reserves was put into the Mining Act years ago for the purpose of encouraging companies and large concerns to spend money in the remote areas of the State. Over the last few years the situation has been that prospecting companies have been falling over themselves in an effort to peg mineral claims. Whilst people are prepared to peg mineral claims and pay a relatively high rent for them, there is no justification at all for granting exploration licenses.

The member for Boulder-Dundas mentioned that I asked some questions last week about areas of Western Australia which were tied up under temporary reserves. I asked some questions today which go much further. I would like to indicate to the Committee the position with respect to temporary reserves which, I emphasise, are only another form of exploration licenses.

We find that in 1968 no fewer than 179,572,998 acres were actually applied for in Western Australia as temporary reserves. In addition, we find that the staggering total of 67,769,075 acres has actually been granted as temporary reserves. The position is that in 1968 67,000,000-odd acres in Western Australia were tied up under temporary reserves and 179,000,000-odd acres were applied for. If we add these figures together, we find that in the vicinity of 250,000,000 acres of Western Australia were actually tied up; because once an application is made for a temporary reserve it is not possible to peg a mineral claim on the area.

We know that the area of the State is approximately 1,000,000 square miles or 600,000,000-odd acres. Yet, on the 1968 figures, an area of approximately 250,000,000 acres had actually been applied for or granted. This huge area, in its entirety, is precluded from normal methods of pegging. This is extraordinary, and

we must remember that this vast area has been, or could be, granted by one man, the Minister for Mines. He has absolute power. He grants these areas in his absolute discretion. He arrives at his decision in secrecy and there is no appeal from his decision.

When introducing the Bill into this House the Minister spoke of the exploration license provisions and drew attention to the fact that there had been a spate of pegging in Western Australia in the last few years. He pointed out that almost 12,000,000 acres had been pegged as mineral claims; that is, 40,000 mineral claims. He spoke about this as if it were a terrible thing from the point of view of the Mines Department.

I point out that those 40,000 mineral claims, comprising an area of only 12,000,000 acres, returned to the Treasury each year the sum of $3,000,000. In the first year in which they were pegged they returned an additional $3,000,000 in survey fees, and as long as they are held they will return $3,000,000 each year. That is just for the 40,000. A temporary reserve is the same thing as an exploration license. In comparison with the 12,000,000 acres under mineral claims, temporary reserves to the extent of 67,000,000-odd acres have been granted at the absolute discretion of the Minister; the 67,000,000 acres would return a mere pittance to the State Treasury.

How in the name of fortune, in the face of evidence of this kind, can we justify a policy of granting exploration licenses? The Minister, in his speech, emphasised that he would reserve the right to grant contiguous 100 square-miles areas. In other words, he could grant twenty 100-square-mile areas to one company, if he so chose. He also mentioned that he would explore the possibility of granting additional temporary reserves in the future. This is what he is going to do —grant temporary reserves and these exploration licenses, and deprive this State of the revenue which rightfully belongs to it.

From time to time we raise taxes, we impose road maintenance tax, we claim we are short of money; and the Minister complains because there are 40,000 mineral claims pegged in Western Australia returning the Treasury $3,000,000 a year. He wants to substitute exploration licenses of 100 square miles for these mineral claims. One can imagine the anomalies that would arise. We could have a situation at, say, Norseman where there might be a big temporary reserve that had already been granted by the Minister. Fifty per cent. of a temporary reserve is supposed to be relinquished each year. When portion of it was relinquished the Minister intended that the right to grant that by way of exploration license would be reserved. We could have the situation where one individual got 100 square miles for $800 a year, while other individuals who had pegged mineral claims of 300 acres would be paying $16,000 a year for the same area of ground. What sort of a silly situation would that be? That is an incredible situation.

The Minister indicated that he was not going to grant these exploration licenses in areas of intense activity in Western Australia, and he defined the areas of intense activity as the major portion of the ultra-basics. The ultra-basics in Western Australia would not comprise one-fiftieth of the State. All we can conclude is that when the Minister spoke in terms of excising 240,000 acres from the great reserve he was going to create, he was going to include in the 240,000 acres huge areas of barren granite and other rocks of no consequence. He stipulated that he was not going to scour the State looking for ultra-basic areas; he was going to take the areas where the major portion of activity existed. That would have left three-quarters of the State in which he would have been able to grant exploration licenses and in which the only other tenement possible would be a prospecting area of 24 acres. This would have been an absurd situation.

Ultra-basic areas are relatively limited in Western Australia. There is a huge area extending from, say, Norseman to 100 miles past Leonora and across to the west, which virtually takes in the whole of the south-west portion of Western Australia. If one wants to find another area of ultra-basics, one has to go right up to the Pilbara, and it is not very extensive. There is a third area in the Kimberleys, but years ago the Minister granted a temporary reserve of 30,000 square miles in the Kimberleys which completely embraced the ultra-basic areas in that portion of the State. That reserve has since been split up and there are now two reserves which virtually take in the entire area.

This gives the Chamber an indication of what a Minister can do if he has the power to grant temporary reserves or exploration licenses. The mineralised areas of Western Australia are relatively limited. There is not a reason in the world why any Minister for Mines—not only the present occupant of the office—could not allocate all the mineralised areas of this State in a relatively short space of six months.

Now, in the year 1970, is this a reasonable way to allocate the mineral riches of the State? We are a mining State. We have permitted one man, the Minister for Mines—and the power is still in the Act as far as temporary reserves are concerned —to single out any part of the State and grant these licenses and reserves to whomsoever he may choose. This, I repeat, is

without any right of appeal. The decision is made in secrecy; there are no reasons given for his decision; but that is the situation that obtains.

The CHAIRMAN: The honourable member has one minute.

Mr. GRAYDEN: This is why I and many other members of this Chamber are opposed to the entire idea of temporary reserves and exploration licenses. I repeat that in a situation where there is intense activity in the exploration field it is the height of idiocy to talk in terms of granting huge areas to any one company or any particular, favoured individual.

Mr. BURT: I supported this Bill during the second reading debate and I have no reason whatsoever to change my mind now. In fact, I deplore the fact that the Minister has seen fit to withdraw the teeth of the Bill; in other words, the clauses which deal with the introduction of a new type of prospecting tenement—licenses to explore.

The misrepresentation that has taken place in the past two weeks has been fantastic, and the imagination of the member for South Perth is the cause of most of it. I wish I had his imagination to run completely riot and assume actions which the Minister might or might not take, and broadcast them far and wide.

I received a number of telegrams and protests from genuine prospectors and organisations that were perturbed at what they felt was a Bill which would injure and completely eradicate the small prospector. I also received a number of telegrams, all from one town—Esperance, which is far removed from prospecting, to my knowledge—and all with practically the same wording, to the effect that they opposed the Bill in its entirety, that they were all Liberal voters and from henceforth they would be Labor voters. I took not the slightest notice of those. I have replied to the genuine persons who are worried about the clauses in the Bill. I am having my second reading speech printed and will circularise it far and wide.

It is difficult to imagine the actions which might be taken by the Minister and, whether it is unfortunate or not, most of the actions regarding prospecting, generally, can only be taken under regulations. I know that in the history of mining in Western Australia the Minister for Mines has had tremendous powers, but I know of no case where those powers have been abused by that Minister. I feel that the introduction of licenses to explore would somewhat curtail the possibility of any Minister giving large tracts of land to what have been referred to as "the big companies."

Let me say this: The big companies are absolutely essential to the promotion of mining in this State but, at the same time, every big company owes its success to finds by prospectors. I cannot for the life of me see how this Bill would alter that position in any way. We have been told that there are now 40,000 mineral claims held in Western Australia; 300 acres is the maximum size of them. These would cover an area of 18,500 square miles. The member for South Perth has gone into this more closely than I have and he says that the actual area is something like 12,000 square miles.

The Minister stated in his speech in another place that he would throw open an area of 250,000 square miles as soon as the pegging ban was lifted. There is a vast difference between 12,000 and 250,000 square miles. In addition, we know there are some temporary reserves held in the ultra-basic areas within those 250,000 square miles, and in answer to a question we were told that temporary reserves totalled 33,000 square miles. Adding 33,000 and 12,000 gives a total of 45,000 square miles that would not be available to the small man or company, or the prospector. The Minister stated he would like to call applications for licenses to explore outside this area.

Surely the licenses to explore would be taken up by companies which had the know-how, the money, and the equipment to carry out exploration work in areas which would not be favourable or interesting to the small prospector. This is something we should all encourage. The barren lands in our mineral fields need men with modern prospecting equipment, aeroplanes, magnetometers, etc. At the end of every year they must give an account of what they have done. During the three-year period they may peg mineral claims whenever they feel like it and at the end of those three years they will find in some places that the whole of an area is completely barren, and after spending many thousands of dollars they will have to say there is nothing there.

I believe every company would desire that the whole of the State should be thrown open so that prospectors may engage in their operations. In my opinion the only way companies will be attracted to remote areas is by the finds that have been made by small prospectors. I know that any company with which I have been associated would, firstly, investigate an area in regard to which reports had been made that a prospector had found something interesting. I am sure that no company would lose any time in contacting a prospector who had made a good find. He would have the area held either under a P.A. or a mineral claim, and the company would soon enter into negotiations with him and draw up an agreement.

For the life of me I cannot understand why there is this great antagonism to a Bill which I feel was introduced only

to satisfy all sections of the mining industry. I think that had the member for South Perth not engaged in such histrionics and allowed his imagination to run riot, the Opposition would have passed the clause on the voices in the same way as it agreed to the second reading of the Bill.

Wherever I go in the future I will explain my feelings to those who live in my electorate. As I said I have not received any protest indicating there was anything in the Bill, when it was introduced, that would in any way deter the small prospector. I understand the Minister will appoint a committee, and when it is appointed I hope it will obtain evidence from all sections of the mining industry, following which perhaps a completely new Mining Act will be written. This I consider will satisfy most people within the industry.

Mr. T. D. EVANS: This clause was intended to introduce the concept of exploration licenses into the mining law of Western Australia. I am pleased to indicate to the Minister that I will support his move to defeat this clause, and I also point out to him that notwithstanding his intention to invite the Committee to do this, I would have voted against it.

The member for Murchison-Eyre, who has resumed his seat, indicated that the Opposition was prepared to pass the second reading on the voices. This is so; but during that stage the Opposition made it quite clear that it was agreeing to the second reading in the hope that the Government would agree to a Select Committee being appointed. If this had been done, of course, it would not have been able to complete its task by the end of this week, when Parliament will go into recess, and as a result the Government would have had to convert it into an Honorary Royal Commission.

The advantages that would flow from such a course, if the Government had agreed to it, were made quite clear by Opposition members during the second reading. At that time this move was also supported by the member for South Perth, but the Government defeated the move. The implication was that there is no need for such an inquiry. We now find the Minister saying that there will be an inquiry. Perhaps he is an athletic type and is capable of doing the twist. I am now referring to the Minister for Mines, because it was certainly a twist on his part.

Mr. Bovell: There is no twist at all.

Mr. T. D. EVANS: It has been said that the concept of an exploration license is not new in the mining laws of Australia. This is so. For some years Queensland has granted exploration licenses under its legislation. As a result, if a search were made of the Queensland electoral rolls—I have been told this by someone who conducted such a search—it would be difficult to find more than two dozen people throughout the whole of Queensland who are classed as prospectors, because in that State prospectors, as individuals, do not exist. I would point out that only names of individuals, and not companies, appear on electoral rolls.

In Queensland, prospecting is not carried on, because the whole area is given over to companies holding exploration licenses, and this right is enjoyed by only a small number of companies. I have read in the *Australian Miner* reports of natural persons who were engaged in prospecting in the Eastern States, and in Queensland in particular, travelling to this State because they had been suppressed by the Queensland mining laws; and this may be of some significance. They are only too glad to travel to another State where they can exercise their talents.

Throughout the provisions of the Mining Act, 1904, of Western Australia, is woven a golden thread: encouragement of the initiative of the prospector. The prospector was invited by the law to go out to search for a mineral, make application for the area he pegged, and develop it. This initiative, which has been sponsored by Governments of all complexions, was, in 1970, to be completely wiped out by a Government that classes itself as a free-enterprise Government.

I am pleased to join with the Minister in voting against this clause, but I repeat that I would have voted against it regardless of whether the Committee had approved of it.

Mr. Court: Before you sit down, what you say is not correct.

Mr. T. D. EVANS: It is correct.

Mr. Court: It is completely incorrect. There has been no interference with the 1904-type of prospector and it is in regard to this that many untruths have been told.

Mr. T. D. EVANS: Can the Minister who has just interjected guarantee that the natural person—I am not speaking of companies that are formed for the purpose of avoiding income tax—would not have been seriously interfered with if the provision in this Bill relating to exploration licenses had become the law?

Mr. Court: You know he has not been hindered even during the pegging ban.

Mr. T. D. EVANS: The Minister does not know what he is talking about; it is easily seen that he is not the Minister who initiated the Bill.

Mr. Court: He does, because the Minister in charge of the Bill explained it to you.

Mr. GRAYDEN: A previous speaker—the member for Murchison-Eyre—spoke in terms of misrepresentation, in that he said

I had misrepresented the case. I take exception to this, because anything I have said is factual. Instead of my misrepresenting the case, I find that the member for Murchison-Eyre is constantly misrepresenting the situation in respect of the legislation that has been placed before this Chamber and in respect of the intentions of the Minister. I find this disturbing in the extreme; that is, that a member should accuse others of misrepresenting the situation when he himself is misrepresenting it.

I also find it difficult to rebut statements of that kind, because the member making them has not been specific; he has only generalised. He said that the member for South Perth has misrepresented the situation. I say to the member for Murchison-Eyre that I would welcome an opportunity to debate the issue with him in the Perth Town Hall if he feels that I have a misconception about the Bill. I will even debate it in any town in his electorate. I would be prepared, at the drop of a hat, to go anywhere to debate it.

I have received many telegrams, half of which are from the electors represented by the member for Murchison-Eyre, in respect of this clause. One telegram, strangely enough, is from the members of the East Murchison Pastoralists District Committee. We have heard many pastoralists objecting to mining exploration being carried out on their properties. This group states in the telegram—

> We heartily support your opposition to the Mining Act Amendment Bill Carry on.

I have another telegram from some Sandstone prospectors in which they say—

> We heartily support you in your opposition to mining amendment Bill.

Another telegram from Yalgoo prospectors states—

> Oppose mining Bill on behalf Yalgoo prospectors.

Another one is from the West Australian Gold and Mineral Explorers Association in Kalgoorlie. There is another telegram from Mullewa which reads as follows:—

> Wish to register my disapproval of new mining Act amendments.

Another one is from the secretary of the North Eastern Goldfields Prospectors and Leaseholders Association, which reads—

> You have our full support in your stand against Ministers proposed amendments to Mining Act. Have contacted Amalgamated Prospectors Association.

I have another one from Mullewa signed by a group of individuals and it reads—

> Please voice our strong disapproval re new mining Bill.

I have yet another telegram which is much longer, but I will not read it to the Committee. It is from the North Eastern Goldfields Prospectors and Leaseholders Association and north country prospectors. They are, of course, only a handful of the telegrams I have received, but I mention them particularly because they are from those who are in the electorate of the member for Murchison-Eyre.

Mr. Burt: Why not speak in Coolgardie on May the 24th?

Mr. GRAYDEN: Unfortunately I will be in the north-west on that date, but perhaps we could arrange the meeting two days later. I would then be able to go there and put forward the true facts.

We have here a Bill that was introduced by a Minister in another place, and brought before this Chamber by the Minister for Lands, and what they said is in black and white and will remain in the records for the next hundred years or so. Any member who cares to read the Ministers' speeches can find out for himself precisely what is in the Bill and what was intended. It is arrant rubbish for the member for Murchison-Eyre to talk in terms of misrepresentation. If he wants to do this let him single out some statement of what I said on the matter and point to where it is wrong and not deal in general terms.

Mr. Burt: What I said is that the little man will get a fair go.

Mr. GRAYDEN: The member for Murchison-Eyre says that the little man will get a fair go. What I am saying is that under this legislation all the little man will be able to do in three-quarters of the State is the right to peg a prospecting area of 24 acres. This does not give him the right to mine; it is simply a right to prospect. He can convert the prospecting area into a mining tenement, but 24 acres would be absolutely useless to him.

The true worth of the Bill is shown in the fact that in the last few weeks only a handful of prospecting areas have been granted. No-one has applied for them. This is what we will do for the little man! He will be confined to pegging prospecting areas in three-quarters of the State, but we will be allowing the Minister to grant these exploration licenses.

The provisions laid down in the Bill in respect of applications for exploration licenses will not help the little man, because the particular clause reads—

> 116D. (1) An application for an exploration license shall—
>
> (a) be made in an approved manner and in accordance with an approved form;
>
> (b) be accompanied by a fee calculated at the rate of eight dollars for each square mile of land to which the application relates;

(c) be accompanied by particulars of—

(i) the financial resources available to the applicant;

(ii) the technical qualifications of the applicant and of his employees and the technical advice available to the applicant;

(iii) any other matter relevant to the ability of the applicant to explore the land effectively and to comply with the provisions of this Part relating to exploration licenses;

(iv) a detailed programme of the proposed operations for the exploration of the land to which the application relates; and

(v) the amounts of money the applicant proposes to expend in fulfilling the programme referred to in subparagraph (iv) of this paragraph.

(2) Every programme of proposed operations submitted with an application pursuant to subparagraph (iv) of paragraph (c) of subsection (1) of this section shall, unless in any particular case the Minister otherwise directs—

(a) provide for a geological, geophysical, geochemical or other survey of the land to which the application relates to be carried out to the satisfaction of the Minister under the direction of a person approved by the Minister; and

(b) specify the surveys and other operations, including drilling operations, which the applicant proposes to carry out, the periods within which all those operations are to be carried out and the sums of money which the applicant proposes to expend on the respective operations.

Those are the conditions laid down in the Bill, and no small man in Western Australia could possibly comply with them. In those circumstances how can the member for Murchison-Eyre maintain that we are looking after the little man?

Had these provisions relating to exploration licenses gone through, the Minister could have allocated all the available areas of mineral interest in Western Australia within six months. In that event the little man would have been frozen out completely. The position is as simple and ridiculous as that.

The member for Murchison-Eyre suggests that the prospectors of Kalgoorlie will be calling a meeting on the 24th of this month. Unfortunately members of this Chamber are already committed to a visit to the North-West just before that date. However, I will provide my own transport to attend a meeting at Kalgoorlie or anywhere else. A summary of the discussion could be made and sent to all interested parties in the State to let them know what is contained in the Bill, because I am perturbed to hear any member saying, "This is not the situation. The Minister does not intend that at all." Views of that type are absolutely rubbish.

We know what the Minister intended, because he said that he would, from the reserve, excise the ultra-basic portions of the State. I would point out that the ultra-basic portions do not amount to one-fiftieth of the area of the State. To verify that, I can produce a geological map, if members care to see it. The Minister knows what the ultra-basic areas are. Three-quarters of the State would remain in the reserve created by this Bill, and in this reserve no pegging could take place, except in respect of applications for prospecting areas. That is absolutely unacceptable. It means that in three-quarters of the State the little man will be frozen out.

We would also have the spectacle of pastoralists not being able to peg a 300-acre mineral claim; yet pastoralists might see their entire properties taken up with exploration licenses.

Mr. T. D. EVANS: One salient feature should be mentioned. It has been said that the Minister for Mines made certain statements or gave certain assurances when he introduced the Bill; he did that through the auspices of the Minister for Lands, who is acting for him in this House. He also gave the assurances in statements he made outside the House.

One of the statements he made has been mentioned by the member for South Perth; this was an assurance that on the passage of the Bill into law he would lift the pegging ban in a portion of the State which is substantially made up of ultra-basic rock structures, and that in this part of the State normal pegging of mineral tenements could take place.

If one were to examine the Bill one would find no reference to such an assurance. So, the assurance given by the Minister would be one which was morally binding on him personally, and not morally binding or legally binding on other Ministers.

Mr. Bovell: No Government or Minister would survive if it or he repudiated undertakings given inside or outside Parliament.

Mr. T. D. EVANS: That has been done in the lifetime of this Government, and unfortunately it has survived.

Mr. Bovell: Words, words, and words!

Mr. T. D. EVANS: It might be that the Minister gave the assurance in Parliament because he knew that his words would be recorded in *Hansard*; but let me point out that the reports in *Hansard* are not admissible in a court of law. So much for the assurances of the Minister for Mines; and in saying that I am not referring to the present incumbent of that office. We are bound by the provisions in a Bill which is passed by both Houses of Parliament, and not by the assurances given by the Minister for Mines or any Minister representing him. For this reason, as well as those I mentioned previously, I hope that the Committee will reject clause 4 and all the clauses associated with it.

Mr. MOIR: I want to comment on a remark made by the member for Murchison-Eyre, to the effect that the Opposition allowed the vote on the second reading to go through on the voices. I feel he was not honest in that remark, because he has sufficient knowledge of the Standing Orders to know that the first occasion on which a move for the appointment of a Select Committee can be made is after the second reading has been agreed to. I understand that under the Standing Orders of other places a move can be made for the appointment of a Select Committee at the Committee stage, but on this occasion the Opposition moved for the appointment of one at the appropriate time.

Having been a member of this House for so many years, I feel sure the member for Murchison-Eyre is familiar with our Standing Orders, and knows that the first opportunity to move for the appointment of a Select Committee is after the second reading has been agreed to.

Nobody has been in any doubt as to the attitude of the Opposition to this Bill, because we opposed it strenuously on account of this very clause, which is to be deleted. It was opposed strongly by every member on this side.

When the member for Kalgoorlie was speaking the Minister for Industrial Development interjected and said that the prospector and the small mining company would not be interfered with under this legislation. I would point out that is completely wrong. If that is the viewpoint of the Minister for Industrial Development, why does he not justify his remark and explain how it will not interfere.

Mr. Court: The Bill is in the very good hands of the Minister for Lands, and he has explained it to the Chamber.

Mr. Tonkin: He said it; he did not explain it.

Mr. MOIR: We heard many words from the Minister, and he told us about many of the things which will not be done under this legislation; but, as was pointed out to him, what is important is the contents of the Bill and not what the Minister says in Parliament. The law of the country is what is contained in the legislation passed by both Houses of Parliament. That is all the people and the courts are concerned with.

The provisions in the clause under discussion are so severe that they will preclude the small man and the small mining company from complying with them. They would have no chance of obtaining exploration licenses. If those people or companies do not apply, the Minister could come before us in 12 months' time and say that they had not applied for exploration licenses. However, the small man and the small mining company think it will be useless to apply. The only ones to apply will be the large mining companies which have the finance and the technical requirements.

In emasculating the Bill the Minister seeks to delete this clause and other relevant clauses. That shows what a complex measure it is. It is absolutely idle for the Minister for Industrial Development and the member for Murchison-Eyre to try to justify the Bill on the grounds that it will not push the small man and the small mining company out of the industry.

Mr. BOVELL: It was the intention of the Minister for Mines—and this would have been achieved—that the small prospector should not be jeopardised in any way.

Mr. Moir: You are joking.

Mr. BOVELL: I am not joking. He will exempt the prospecting areas from the mining tenements so that prospectors who derive their livelihood from this form of activity will not be affected.

The proposal of the Government is to delete this clause and associated clauses from the Bill, and therefore the remarks made by the various speakers on this clause—with the exception of the remarks made by the member for Murchison-Eyre—were unnecessary. We accept the comments that have been made. I have been assured by the Minister for Mines, and I said this in the second reading debate, that the small prospectors will not be adversely affected by the Bill.

In regard to the legislation in other States in respect of exploration licenses, in South Australia since 1927 a system of special mining leases has been in operation; in Queensland prospecting licenses have been in operation since 1930; in Tasmania legislation regarding exploration licenses—and this is what the clause refers to—has been in operation since 1958; in New South Wales it has been in operation

since 1963; and in Victoria and the Northern Territory it has been in operation since 1964. So I cannot see how a gratuitous insult has been levelled at the people of this State; because similar legislation has been working satisfactorily in the other States for many years.

Mr. Moir: That was in reference to the Minister's statement that the Bill was misunderstood.

Mr. BOVELL: Well, I think it has been misunderstood. That is one of the reasons we are asking the Committee to reject the clauses. During my second reading speech I said that consideration would be given to the appointment of a committee, and I can now say that Minister has undertaken to appoint a committee as soon as possible after the legislation we are now discussing has been passed.

Mr. Tonkin: Would it not be more sensible to appoint a committee before the Bill is passed?

Mr. BOVELL: No, because the Bill concerns some very vital matters which affect people other than those engaged in the mining industry. The Bill was sponsored because of the problems confronting farmers and people interested in conservation. One of the main objects of the Bill was to give fair treatment to all sections of the community, including those associated with the mining industry. The farmers were having problems with the intrusion of mining interests into their freehold lands, and the conservationists were complaining about the pegging and mining activity which was destroying the national and natural heritage of Western Australia.

Mr. Tonkin: We have a fair idea of what fair treatment is.

Mr. BOVELL: Do not let the Leader of the Opposition enter into this debate. The member for Collie went to Busselton because of certain activities associated with mining areas. The Leader of the Opposition played up to the conservationists, but we are doing something practicable.

Mr. Jones: Why were you not at the meeting; you were invited?

Mr. BOVELL: I was not invited; nor were the two Legislative Council members for the district—The Hon. F. D. Willmott, and The Hon. V. J. Ferry. They have assured me that they did not receive invitations. I did receive an invitation by telephone to attend a meeting to be held at Dunsborough, but only the day before the meeting. I was already committed and I could not attend. People have called at my home and discussed the matter with me; but I was not invited to that meeting. I was informed that a meeting was to be convened and held, but I was not invited and it was to my great surprise that the member for Collie went down to my electorate and attended that meeting.

Mr. Moir: Somebody has to look after it.

Mr. BOVELL: I will ignore that interjection from the member for Boulder-Dundas with the contempt which it deserves.

There has been a lot of comment on temporary reserves, but this system has been provided for by the Mining Act since 1904. I would say that because of the present system of temporary reserves, mining activity in Western Australia during the years of this Government has developed to a degree unparalleled anywhere else in the world. Some of the greatest mining ventures now operating are here because of the temporary reserve system.

Mr. T. D. Evans: Can you name one?

Mr. BOVELL: They are all through the north, at Mt. Newman and at Port Hedland. Those developments would not have occurred if the system of temporary reserves had not operated. It is eyewash for members to criticise the system of temporary reserves.

During this discussion some reflection was cast on the integrity of the Minister for Mines, in that he would grant temporary reserves so as to push out the small prospectors. The present Minister for Mines has held the position for over 11 years and he has had wide experience. No Minister for Mines would transgress to such a degree as to stop the small prospector. I agree that the small prospector is the foundation on which our mining industry has grown. I also believe the small prospector should be encouraged, and I am sure my colleague, the Minister for Mines, will continue to encourage him.

I make it quite clear that any reference to the Minister helping the interests of the large companies by granting mining reserves is completely erroneous. The Minister will, as always, subscribe to the interests of the small prospector. I ask the Committee to vote against the clause so that we can proceed with the other amendments which are on the notice paper. The member for Maylands had an amendment on the notice paper but, of course, if the clause is defeated there will be no necessity for him to move it.

Mr. GRAYDEN: The Minister has just made a few statements in respect of temporary reserves which I feel should be corrected. The Minister pointed to the iron-ore development in the north-west and said that it had been established because of the temporary reserve system. The Minister indicated that the deposits were found as a consequence of granting new areas; but that, of course, is not so.

Mr. Court: The Minister stated that the development took place because of the temporary reserves.

Mr. GRAYDEN: That is different. We know that Lang Hancock was supposed to have found his great iron ore deposit at Hamersley years before the embargo was

lifted, and years before the Government thought in terms of temporary reserves in that area. We know that Mt. Newman was found years before the iron ore embargo was lifted, and the same applies to the reserve at Mt. Goldsworthy, which was known to the Mines Department for years. And so one could go on. We can see why the granting of temporary reserves to the extent which has taken place, has hindered development of the mineral reserves of Western Australia to an alarming extent. That, without question, is the situation. For instance, 30,000 square miles was granted in the north-west of Western Australia to one company and only 14 men were employed to work that area.

Mr. Court: Did you ever see that company's magnificent programme for very modern and sophisticated exploration? In one camp alone there were 28 employees, of which six were graduates.

Mr. GRAYDEN: The 30,000 square mile reserve employed 14 men. We can go further and point out where a company went to court to contest a claim when an individual went on the reserve to peg a claim. The company admitted to the court that it had not been on the reserve for 15 months. And so we could go on from reserve to reserve. Under the system of temporary reserves, huge areas have been granted to companies which are incapable of carrying out prospecting work. Meanwhile, the legitimate prospector is not able to go onto the temporary reserves to prospect.

We talk about speculators. Surely a man who can get 5,000 square miles in Western Australia and then transfer it to a company is a speculator, and is undesirable in the mining industry. Many individuals are prepared to go out to take up the land under a mineral claim and pay 25c an acre per year. In the case of temporary reserves a company can get 30,000 square miles and pay a mere pittance. The company was going to pay 1¾c an acre a year under the provisions of this Bill, while people were falling over themselves trying to peg the ground under mineral claims and pay 25c an acre.

However, that is not the worst aspect. The exploration licenses are a most repugnant feature because the Minister has absolute power to allocate them. He will allocate them in secrecy and without any possibility of an appeal, and without giving reasons for his decisions. I think everybody would realise the importance of hearing those applications in open court. If we are to have exploration licenses at some time in the future at least the applications for them should be heard in open court. They should go through the normal process of an open court; or, alternatively, they should go before a board comprising representatives of the industry; people with the necessary technological background. I think any application should be made in public, such as in a warden's court. There should be an appeal to the Supreme Court. The member for Avon has suggested a board similar to a land board.

Mr. Bovell: There is no appeal against a decision of a land board.

Mr. GRAYDEN: But there should be in a case such as this. If it is good enough for the granting of a lease, it is good enough for the granting of an exploration license.

The CHAIRMAN: The honourable member has one minute.

Mr. GRAYDEN: This is an incredible situation to find in this State in 1970. One individual has the absolute power to allocate to whomever he pleases. Surely the Minister who is representing the Minister for Mines does not believe that this is a desirable situation. Surely he would go along with the proposition that if, at some time in the future, there are to be exploratory licenses, then applications should be heard in open court.

The CHAIRMAN: The honourable member's time has expired. I would point out to the Committee that the amendment is to delete clause 4. However, there is no motion to this effect and members will have to vote against the clause.

Clause put and negatived.

The CHAIRMAN: I will now open debate on clause 5. Considering that this clause covers most aspects of the Bill, if any member wishes to speak on the remaining clauses he will be kept very strictly to the wording of those clauses.

Sitting suspended from 6.15 to 7.30 p.m.

Clause 5: Section 116C added—

Mr. BOVELL: I want to indicate to the Committee that I intend to oppose clauses 5 to 12 inclusive, and I ask members to join with me in opposing them because all those clauses are associated with the one we have just dealt with and deleted.

Mr. HARMAN: I think members will be pleased that clause 4 has been deleted, because had the Government persisted with it they would have been placed in a difficult situation in deciding how they would vote on the amendment I have on the notice paper. Traditions of Parliament are not lightly set aside and members would have had the choice of following the Government blindly or upholding those traditions.

The CHAIRMAN: Order! The honourable member is referring to clause 4 and I cannot allow any debate on that clause.

Mr. HARMAN: I appreciate that. What I was saying was only a lead-in to my remarks on this clause. During the course of the second reading debate, the Minister

referred to the fact that since the Liberal-Country Party Government has been in office it has allocated for public use 12,000,000 acres of land in Western Australia. I want to have a closer look at that figure, because when it gets down to the question of "A"-class reserves, which were included, and would be included in clause 5 if it were not deleted, it will be seen that the Government is not greatly interested in conservation, despite what the Minister proudly claimed a few minutes before the tea suspension. If we take the recommendation of the committee I have mentioned on previous occasions—the committee of the Australian Academy of Science, which investigated various areas—

The CHAIRMAN: Order! I must draw the honourable member's attention to the fact that clause 5 deals only with the advertisement of available land. That is the only subject that can be debated under this clause.

Mr. HARMAN: My point is that "available land" would have included "A"-class reserves.

Mr. CHAIRMAN: I am sorry I cannot allow any debate along those lines on this clause.

Mr. HARMAN: Perhaps at a later stage I will be able to elaborate on this point.

The CHAIRMAN: Each clause can be debated only in relation to the subject matter of the clause under discussion. I allowed very general debate on clause 4, which I do not normally allow, because I thought that on this occasion it was the right thing to do.

Clause put and negatived.

Clauses 6 to 12 put and negatived.

Clause 13; Section 140 repealed and re-enacted—

Mr. GAYFER: I cannot allow this clause to pass without expressing my appreciation to both the Minister and the Government for the terms in which the clause is drafted. In particular, I refer to the protection that the clause affords to the farming community throughout the State and, in particular, that part of the State which I represent. As I explained during the second reading debate, farmers have been under a great deal of stress as far as permits and the right of entry onto farming properties are concerned. People interested in mining have been literally running amuck through the farming areas; helicopters have been landing on private property; and there has been a great deal of dissatisfaction, generally, over the looseness of the present legislation, which allows miners virtually to go where they like, when they like, and how they like.

I believe the provision now before us tidies the whole position up and the definition of "land under cultivation" is specific. We will all know where we are going, and I just wish to express my appreciation to the Minister and the Government for the inclusion of this provision.

Mr. GRAYDEN: I am sorry to have to disagree with the member for Avon, because I share his views on most things. Unfortunately I do not do so on this occasion. This clause, instead of helping the farmer, will, unfortunately, react to his detriment and it will be contrary to the interests of the State.

What does the Bill do in respect of private land? It virtually doubles the area of private land in Western Australia in which it is necessary to have the consent of the owner before a prospector can obtain a tenement of any kind.

The South-West Land Division of the State comprises approximately 100,000 square miles and of this area approximately 50 per cent. is actually cleared. Therefore, we can assume possibly 50,000 square miles of private land is not cultivated. Previously, it was not possible to touch private land or get a mining tenement for any minerals within 100 feet of the surface if the area was cultivated.

There is a section in the Act which provides that with cultivated land one has to get the permission of the owner before a warden's court will even look at an application. However, on uncultivated land, which in the South-West Land Division comprises about 50 per cent. of the area, a prospector could enter so long as he got the permission of the Mines Department. If the prospector could not reach an understanding with the owner of the land —and this is for uncultivated land—he could go to the Warden's Court and the court would fix what it regarded as fair compensation.

Mr. Gayfer: What if the owner did not want his land to be entered?

Mr. GRAYDEN: I am telling the honourable member what is the present situation.

Mr. Gayfer: I do not like it.

Mr. GRAYDEN: I will tell the honourable member why I think this new provision will act to the detriment of the farmer. The provision in clause 13 goes much further than the present provision in the Act, so much so that I do not think the average prospecting company will have a bar of prospecting in the South-West Land Division. This will react to the detriment of the farmer because it will mean killing the goose that lays the golden eggs.

Let us take an example of what can happen on private land. We have all heard of Poseidon. When that company first came to this State it went to a place called Bindi Bindi, which is about 100 miles north of Perth. The company thought there was a deposit of nickel in that area and it was virtually all private land. The company was going to landowners there and making this sort of proposition: "We will

pay you twice the ruling price for your property. We will not despoil it because our mining operations on a 2,000-acre property would cover only 10 acres. When we have finished with our mining operations we will give the land back to you and it will not be despoiled." However, the landowners would not agree to that proposition.

Poseidon had the experience of going to a property on the other side of the road—the mineralised area ran under the road—which was owned by a Mr. Lefroy. When the company representatives explained that the mining operations would be confined to a small area, that the property would not be despoiled, and that the land would be handed back to him when the company had finished, Mr. Lefroy flatly refused to take any compensation. The company insisted that he take £1 an acre, but he did not want to do so. Eventually the Poseidon executives foisted 5,000 shares on Mrs. Lefroy and, as members know, those shares eventually reached $280 each.

That is an instance of what happens with mining on private land. Prospectors would not go into the Bindi Bindi area, because of the situation I have just recounted, and with the passing of this clause we will reach the same sort of situation everywhere else, and it will react to the detriment of the farmers.

I do not suggest that when beach sands and bauxite are mined those operations will not despoil properties, or that it would be a fair thing to pay only the ruling price for farming land and, after the mining operations had been completed, to hand the land back to the original owners. The land would not be worth much after those mining operations had been completed; but I imagine that if thought were given to this provision it could be drafted in such a way that sufficient compensation could be paid to the owners of properties to make them welcome prospectors. We can afford to be generous in this connection. If a farmer were to get a royalty for everything that was mined on his property—a sizeable royalty—it would be infinitely preferable for him to go along with the miners instead of our writing into the Act something along the lines of this Bill.

That is why I say it will be to the detriment of the farmers, and I hope when the committee is formed to look into the mining industry it will go into this matter very seriously and come up with a much more satisfactory alternative.

I can point to the Esperance area where farmers are glad to have mining companies quarrying on their land and paying them 20c a ton for gravel. The mining of minerals would be of much greater benefit to property owners. On one of the Bindi Bindi properties to which I referred it would be possible to have a nickel deposit worth $500,000,000; and if the farmer got a 10 per cent. royalty it would mean $50,000,000 to him.

Mr. Burt: They can still go onto uncultivated land if the farmer gives them permission.

Mr. GRAYDEN: This is what I am saying. Prospecting companies are not going to muck around on farms if they have to go to the farmers and say, "Look, we think there are minerals on your property, can we come onto it?" They get a permit to enter—

Mr. Gayfer: You said a while ago they could not.

Mr. GRAYDEN: I am explaining the situation to the honourable member. Those men obtain a permit to enter from the Mines Department and go onto the land and peg it. However, they cannot obtain a mineral tenement unless they have the permission of the owner. After the prospector has acquainted the farmer that there is a mineral deposit on his property, the farmer can refuse him permission to mine, and can then turn around and peg it for himself.

Let us look at the position in other parts of the world. Scotland is a highly-mineralised country, and the rights to all minerals reside in the owner of the property. As a consequence, virtually no mining has taken place in that country. For years exactly the same thing happened in Ireland, because the mineral rights were owned by the property owners, as occurred in this State under the old system of Imperial grants. A few years ago Ireland changed its system and, as a consequence, in the last few years several notable discoveries have taken place. So we have exact parallels: Ireland and Scotland. Scotland is the more mineralised country, but no mining of consequence is carried on, simply and solely because of the system in that country.

It is a retrograde step to revert to the system which applied in this State—and I think in all States of the Commonwealth—prior to the year 1899. In that year—at the time of federation—it was realised that the system was absurd and would hold back the State. So the system of Imperial grants, under which titles all minerals with the exception of gold, silver, and other precious metals, belonged to the owner of the land, was done away with.

Now, in the year 1970, we propose to go back to that system. Exactly the same situation applies in New Zealand which, again, is a highly-mineralised country. Virtually no mining of any consequence has taken place because of the situation in that country. At the time of the colonisation by Europeans of New Zealand, huge areas were made available to the Maoris on the basis of the Maoris not only having the right to the land but also the right

to the minerals. Since then, the ownership of that land has, in most cases, changed hands many times. However, prospecting companies and exploration companies now find they can do nothing at all with the landowners and so I understand the New Zealand Government is looking at the situation with a view to rectifying it.

I think when the committee is formed it will take a good look at this question, and I can assure you, Mr. Chairman, it will come up with alternatives which will be infinitely better, from the point of view of the farmers, than the provisions contained in the legislation at present.

Mr. MOIR: We on this side of the House agree that there should be some type of protection given to the farmer or the owner of developed property. As I mentioned in my second reading speech, I consider some of the people who have gone onto private property in the manner I described did not follow the dictates of common courtesy and tell the people concerned what they were doing. They obtained a permit from the Mines Department and then went onto the property.

I instanced the case of a man in the great southern who saw a helicopter land in his paddock and scatter his stock. He found that a mining company man was examining the area, without his prior knowledge. That sort of thing is completely indefensible. I might say that that attitude applies also in the case of some temporary reserves. If a person goes onto a temporary reserve, even if he is not aware that it is a reserve, he is ordered off in a most peremptory manner by a mining official. We believe that such people should be protected.

The effect of this clause is to hand over the minerals to the property owner. There is no doubt about that. Since 1899 all land titles issued have specifically stated that the title does not confer mineral rights on the owner of the property, and everyone who has purchased property since that time well knew that was the situation.

We have now a complete reversal of that form. I agree with the remarks made by the member for South Perth when he spoke of what happens in other countries. I know that the Government of New Zealand finds the titles operating in that country today a great source of embarrassment, because they completely exclude mining operations. I think that in any country a prospector should have the right to look at the land to see whether mining can be carried out and to ask what is best in the interests of the country—whether it should be reserved for farming, or whether mining should take place. I can see nothing wrong with that proposition and I think it is sensible, provided the owner of the property is properly compensated and the industry which is to be established is of benefit to the country.

I feel there should be an appeal authority which can consider the position and weigh up the pros and cons in cases where property owners flatly refuse to allow their land to be mined. We see in the Bill that section 140 of the principal Act is to be repealed and re-enacted with amendments to provide for qualified exemption of certain private land, and I refer to proposed new subsection (1).

Mr. Burt: That part is exactly the same as the present Act.

Mr. MOIR: It is not exactly the same, it is slightly different.

Mr. Burt: Except for the consent of the owner.

Mr. MOIR: There is a difference. We know that under the present Act, where land is cultivated the case has to go before a warden and generally the practice is that a mining company finds minerals on a private property and then approaches the owner and offers either to compensate him or to buy his property. I had personal experience of this happening at Capel during my time as Minister for Mines. The mineral sands people discovered a deposit on the property of a dairy farmer and went through all the procedures laid down in the Mining Act. The property owner had the right under the Act to oppose the granting of tenements, and he did so before the warden. The warden upheld him; I think mainly on the grounds that he had been offered insufficient recompense.

The mining company appealed to me, as Minister for Mines, against the decision of the warden and I had the authority to uphold the warden's decision or to reverse it. The property owner came to see me in the department, as did representatives of the mining company, and he explained that he was willing to leave the property. However, dairying was the only occupation he knew and he needed sufficient money to buy a similar property. After looking at the whole position I upheld the warden's decision because I considered the company did not offer him sufficient recompense.

I believe a few months later the mining company increased its offer substantially, and the man accepted it. That example indicates that it does not matter how much a farmer likes his property or how long he has lived on it, he will be prepared to sell it provided he receives a fair price. I have no doubt that will happen in many of these transactions.

Here we have an altogether different situation. The property owner can refuse to agree in writing, and if he does so no mining can take place on his property, unless he wishes to mine it himself. There is nothing to stop him taking out mining

tenements on his property. Likewise, there is nothing to stop him from going to some other mining company and saying that minerals have been discovered on his property and asking what they will pay him for the mineral rights.

Mr. Gayfer: What about common law? Would that not apply?

Mr. MOIR: I do not know about common law, I am suggesting what will happen under this legislation. It is quite evident that could take place and I can well imagine it would. It has been projected by the Minister for Mines that a committee is to be set up to overhaul the whole of the Mining Act, and I think care should be taken in the composition of that committee to see which interests are represented, because we know that the report of the committee will be in accordance with its composition.

We could set up three committees from the three parties in this Chamber and they would all come down with different reports. I do not like the idea of there being no appeal authority from a decision of a property owner to refuse mining on his property. I think a right of appeal should be provided. Otherwise I am thoroughly in agreement with the clause, and I am pleased that property owners, farmers, and pastoralists will be given a greater degree of protection.

Mr. Nalder: Most of them are pretty reasonable people.

Mr. T. D. EVANS: In view of the change of heart on the part of the Minister in inviting the Committee to defeat certain clauses in the earlier portion of the Bill I find the retention of clause 13 rather perplexing. I view it as a sprat to catch a mackerel.

Mr. Bovell: Rubbish.

Mr. T. D. EVANS: The clause appears to be deliberately written into the Bill to ensure the support of Country Party members, because it does not guarantee any more protection to the freeholder—the farmer—than does the existing legislation.

Mr. Nalder: It is obvious you do not understand.

Mr. T. D. EVANS: It vests in the freeholder a far greater right than he had before, but it gives him no greater protection.

Mr. Nalder: To which he is entitled.

Mr. Court: That is a bit Irish.

Mr. T. D. EVANS: If the Minister for Industrial Development looks at section 146 of the Mining Act he will find that it gives adequate protection to the freeholder. This provision does not purport to amend section 146 of the Act at all.

Mr. Gayfer: It does in connection with cultivated land.

Mr. T. D. EVANS: It does not amend it at all in so far as protection is concerned.

Mr. Court: What do you mean by protection?

Mr. T. D. EVANS: Speaking in terms of mining legislation, if there is any mineral wealth with which the body politic has become endowed, we should frame legislation to ensure that the entire State benfits from such wealth. When we speak of the State we refer to the citizens of the State as a whole. We should get our priorities in order.

I share the fears of the member for South Perth and the member for Boulder-Dundas that the net effect of clause 13 is to vest in the freeholder complete mineral rights. This is completely foreign to the concept hitherto enjoyed in Australian mining law.

If we look at the Land Act—and most of us have a freehold title to land—we will find that a freeholder holds the right to anything that is 40 feet below the natural surface of the soil. Any royal metals which may lurk beyond the 40 feet belong to the State—to the body politic—and are to be mined in accordance with the Mining Act of the State.

We know that under the existing legislation no-one can mine on cultivated land. A person who wishes to do so must obtain —as he has always had to obtain—a permit from a warden.

Now, however, he is required to take that permit to the freeholder and obtain from him his consent in writing. If he does not get that consent in writing the permit is not worth the paper it is written on. If the freeholder is confronted by a person with a permit who says, "I believe you have deposits of X type of mineral on your land and I want your consent to mine it," the freeholder can say, "You go and jump in the lake. You are not getting my consent." Yet we find that the freeholder can mine it himself. This gives him an advantage. If he does not give permission for the mineral to be mined and does not want to mine it himself, a rich deposit could quite easily be lost to the State.

We know this provision affords full protection to the freeholder. If it is desirable for deposits of minerals below the surface of the freeholder's land to be exploited he should be compensated, and section 146 of the Mining Act does just that.

I regret this clause has been written into the Bill, because it serves no purpose whatever as far as affording protection and adequate compensation to the freeholder is concerned. It was put there to ensure that if the other obnoxious provisions were challenged there would be ready support from the members on the Government side. Now that the obnoxious clauses have been removed it is difficult to see why this clause is retained.

Mr. I. W. MANNING: The member for Kalgoorlie and the member for South Perth appear to be blissfully unaware of the situation in the South-West Land Division, where a very unsatisfactory state of affairs exists at the moment; because it is possible for a prospector with a miner's permit to enter land without telling the landholder he is on that land.

There have been a number of instances of land being pegged and of pegs being placed on adjoining properties, and of the landholder whose land is encompassed in the permit area of 300 acres having no idea his land had been pegged. Landholders have had to go to a lot of trouble to lodge objections to mining being carried out on their land.

The provisions of this clause and those that follow throw the onus on the prospector. It is he who must notify the landholder that he has a permit to enter the land. It also gives qualified exemption as to the land that shall not be explored. The clause is designed to tidy up a most unsatisfactory situation. This was referred to by the member for Avon and the member for Boulder-Dundas. I cannot see how the member for Kalgoorlie can say it is a sprat to catch a mackarel. It is nothing of the kind.

Mr. GRAYDEN: When the member for Wellington talks about farmers being subject to people entering their land, he is singling out minor aspects of the Bill. This will continue to be done under the legislation before us. If a permit is obtained from the Mines Department, a person can still enter such land and peg—even on cultivated land—for minerals which are more than 100 feet below the surface. Provision in this clause will not stop that happening.

A few years ago we granted the Esperance land company 1,500,000 acres of land at 4s. an acre. This was done by agreement, which was subsequently altered when a certain amount of land was taken away from the company. Let us assume the company has 1,000,000 acres of land; and the Minister can correct me if I am wrong.

Mr. Bovell: A lot of it is occupied by individual farmers. The agreement provides that 50 per cent. must be disposed of.

Mr. GRAYDEN: How much land does the Minister think the Esperance land company has?

Mr. Bovell: Put that question on the notice paper.

Mr. GRAYDEN: This amendment will mean that any prospector or exploration company can peg that land—as has always been the case—and advise the owner that a permit has been obtained; that there is no desire to mine the minerals within 100 feet of the surface, but the richer lodes which lie deeper. If the owner objects it would mean that these deeper lodes would have to be reached from a neighbouring property and this in turn could mean a drive several miles long. All the farms in Western Australia are not small. There are some extremely large ones.

Mr. Gayfer: They are uncultivated acres.

Mr. GRAYDEN: If stock is agisted on land, it becomes cultivated land. We propose to change the definition of uncleared land, and providing a farmer agists stock on such land—even though it is only one ewe on 1,000 acres—he is completely covered and it becomes cultivated land.

Mr. Gayfer: It says in the ordinary course of management of the farm.

Mr. GRAYDEN: The provision refers to land whether cleared or uncleared which is used for the agistment of stock in the ordinary course of management of the owner's land of which the land so used forms the whole or any part. In a 10,000-acre farm there may be 5,000 acres cleared and 5,000 acres uncleared. There may be a boundary fence running around such area and there could be stock running on the 5,000 acres of uncleared land, which immediately makes it cultivated land, within the meaning of the Act.

I suggest that in the South-West Land Division there is almost 50,000 square miles of such uncleared land. This is a tremendous amount of land and yet we seek to prevent exploration on it. A farmer could say to a company which is interested in carrying out such exploration, "I will not give you permission to peg on these deposits"; and, at the same time, he can give permission to some other mining company to do so, or carry out the exploratory work himself.

This is a silly state of affairs in this day and age. In 1899 it was decided that this provision was unreasonable. It was the provision existing under the old Imperial grant and it was considered detrimental to the farmer and the State. Yet now we are intending to go back to the situation which existed at that time, and some people are saying that this is a wonderful state of affairs. However, it is not: and I again express the hope that when this committee is formed it will be representative of the mining industry—

Mr. Gayfer: And the farming industry.

Mr. GRAYDEN: And definitely the farming industry. Let me interpolate here to say that of all the mining people I have encountered, I have never met one who has not had the greatest sympathy for farmers and who has not been prepared to bend over backwards in an effort to ensure the farmers are generously compensated for any mining which might take place on their properties.

Mr. Bovell: The pastoralists do not say that.

Mr. GRAYDEN: That is the situation. Therefore, when the committee is formed let us hope it will be representative of the farming community, the pastoral community, the mining companies, the exploration companies, and the technical services associated with the exploration companies. If it is such a representative committee no arguments will arise, because I have never heard arguments of any consequence in the sections about which I am speaking. We all have a common aim and I am quite certain that if the committee meets in the atmosphere I have described it will find solutions acceptable to all.

The CHAIRMAN: Order! The honourable member's time has expired.

Mr. BICKERTON: I am inclined to agree somewhat with the member for South Perth. The farming community should give some consideration to this clause. There is an idea abroad of miners *versus* farmers or miners *versus* pastoralists in the matter of pegging mineral claims; but if we were to analyse the situation we would find there are probably as many people in the farming and pastoral industries who are pegging mineral claims as there are in the mining industry. The farmer may think this clause is a very good thing for him; but suppose—

Mr. Nalder: It is a step in the right direction.

Mr. BICKERTON: —tomorrow he sees a decent mineral proposition on the farm next door? He would then be in the same situation as any other prospector.

To my way of thinking the minerals of this State belong to the State and they have to be found by someone in order to give the State any great benefit. If we restrict the area in which people can search for these minerals, to the extent envisaged under this clause, we also take from the State a mineral and a revenue which would otherwise be available to it.

This clause, in effect, actually gives the mineral rights to the freeholder of the land. Those who feel inclined to vote for the clause must make up their minds whether or not they think that is fair. When a person purchases land he does not pay for any mineral on it. He purchases it in order to run so many sheep to the acre, so many dairy cows to the acre, and so on.

During the second reading debate I said that should a mineral be found on a man's farm, that farm should not be wrecked by some mining company or some individual interested in mining. Surely some adequate compensation should be paid, or even an adequate royalty; but certainly the farmer should not be given the entire mineral rights to the property. As the member for South Perth said, the provision in this clause is the same as that under the old Imperial grants system. Just because a person has bought a property for one purpose, he should not be able to refuse permission to someone else who wants to mine the property for some mineral he believes exists on it.

I believe that the committee which will inquire into this legislation should give a lot of consideration to this aspect. No person should be in a position to refuse another person permission to mine a certain mineral on his property, and then mine it himself. If the farmer himself finds the mineral, that is fair enough. He then goes through the normal mining procedures. If someone else finds the mineral, the farmer should be compensated. The farmer should not be given the mineral rights to his property. That is absolutely wrong and is a backward step.

I agree with the member for Kalgoorlie that this provision was included in the first place for a very definite purpose, but I will not be rude enough to say what that purpose was. However, I think the member for Avon will agree with me when I say it had something to do with bending over forward, and not backwards.

Mr. Nalder: The member for Collie will not agree with you.

Mr. BICKERTON: For the reasons I have stated, I will not vote for the clause.

Mr. DUNN: Having listened to the debate, I desire to make a few remarks and ask the Minister for some guidance. It is quite clear that the idea of this clause is to overcome a problem which has manifested itself as the result of the tremendous interest in mining which is taking place throughout the whole of Australia. We are all conscious of the fact that people have abused, and will continue to abuse, their own rights, and those of others if they can. I cannot help but feel sympathy for people who have enjoyed the use of their land for a considerable time and then suddenly find themselves overrun by people who are obviously completely careless and inconsiderate in their efforts to prospect.

My concern is that if we pass this clause we will make a major decision with far-reaching effects. We must all realise that the problem involved applies not only to those engaged in rural industry. Evidence is available to support my contention that this is only part of the problem.

An instance which comes quickly to my mind is clay for bricks. I understand that Guildford is situated on a very valuable deposit of clay and as that town is fairly old by our standard, the owners of the properties could, under this clause, refuse entry to anyone who desired to extract the clay, and this would hold the building trade, and the populace, generally, to ransom. If this be the case, I believe we will be taking a very drastic step by going back to the conditions existing in 1899.

Let me remind members that all titles issued from that time onwards have very clearly stated that the owners of the properties concerned have the freehold to a depth of only 40 feet from the natural surface. Any minerals below that depth belong to the Crown, which is the public. I would like to ask the Minister whether he is satisfied that we are doing the right thing by reverting to 1899 and giving the freehold owners of property the right to say whether or not it can be mined.

Mr. Bickerton: The Minister would be much younger if you reverted to 1899.

Mr. DUNN: Yes; I might say that the Minister might even be as young as the member for Pilbara.

Mr. Bickerton: Not at heart.

Mr. DUNN: If the Minister is not satisfied that he can confidently, specifically, and without reservation answer those two questions, I ask him whether he will consider referring the questions back to the Minister for Mines to see if we can find some better way of overcoming a very definite problem which we all acknowledge.

Mr. BOVELL: It is true it has been said that an Englishman's home is his castle, and an Australian's land is his domain. There has been a great deal of walking and trespassing on an Australian's domain in recent times because of the mining boom in this State.

Mr. Bickerton: There is a difference between the size of a castle and 2,000,000 acres of land.

Mr. BOVELL: The clause is designed to give further protection to landowners who want to continue to use their land for their own purposes. With regard to the suggestion that we are reverting to 1899, this does not apply at all. Any action by landholders in respect of a mining tenement would have to take the normal course. Landowners are not given, under this clause, rights over minerals which applied before 1899. It is a ridiculous thing to imply.

The debate on this subject has been general and almost like a second reading debate. All I can say is that the clause is designed to assist landholders who have been inconvenienced through the enthusiasm of people engaged in the mining industry. I ask the Committee to support the clause.

Clause put and passed.

Clauses 14 to 16 put and passed.

Clause 17: Section 150 repealed and re-enacted—

Mr. GAYFER: I rise to support the clause. Three copies of a permit to enter farming property will now be necessary. One copy will be left at the homestead or given to the owner of the land on entering upon the farm. If the owner is not on the property, when the person leaves, he must attach one copy to the homestead and the owner will know who has been on his property and why he has been there.

In addition, when a miner is a certain distance away, within 48 hours he has to post to the last known address of the owner of the land a copy of the permit to enter.

This is an excellent idea. At least we will know who is crawling around our land and what is going on.

Mr. Bickerton: Miners do not crawl.

Mr. GAYFER: Perhaps miners do not crawl, but if they want to drive 100 feet underground, they might have to. When the member for Kalgoorlie spoke to clause 13 he referred to section 146 in the old Act, which reads—

> The holder of a miner's right who desires to search upon private land either for gold or any mineral, or to mark out a mining lease or claim, may make application in writing, to the warden for a permit to enter upon the land.

At the time the member for Kalgoorlie was speaking I tried to work out exactly what he was getting at, and I think that he was coupling together clauses 13 and 17 in a general way. I appreciate that he has probably covered everything he would want to in regard to the clause.

I support the clause and I think it is an excellent provision. At least we will have some rights to our land against trespassers who have had no respect for the individual or the farmer in the past, especially earlier this year.

Clause put and passed.

Clauses 18 to 20 put and passed.

Clause 21: Section 267A added—

Mr. T. D. EVANS: To any student of administrative law, clause 21 is extremely interesting inasmuch as the wording follows a well-known legalistic formula which, in past legislation which has been tested in courts of law, has been held, in the form in which it now appears, to remove the obligation that is on the person who has the right to exercise the power thereunder —in this case, the Minister—of displaying what is called natural justice.

A clear example of the operation of this form of legislation is to be found in a case decided in 1924 before the court of King's Bench in the United Kingdom. The case is cited by the title R. v. Electricity Commissioners. In that case, Atkin, Lord Justice, had this to say—

> Wherever any body of persons . . . .

I interpolate here to say that the plural would include the singular. To continue—

> . . . . having legal authority to determine questions affecting the rights of subjects, and having the duty to act judicially, act in excess of their legal

authority, they are subject to the controlling jurisdiction of the King's Bench Division exercised in these writs.

This may seem a strange lot of gabble but, bovrilised, it means that where legislation under which a person in authority is acting requires that person to act judicially and where that person, by an act on his part, affects the right which another subject has, then the person who is acting in this way is required to act judicially and, if he does not, a superior court has the right to review his action.

What is the result, one might ask, of failing to act judicially? The consequence is that a superior court can review the action of the person who has acted in this way.

In this instance, the Minister is given power under clause 21 to reject an application for a mining tenement, notwithstanding the fact that the application has been before the warden for consideration. The Minister is given the authority to reject the application, too, notwithstanding the fact that the application has not been considered by a warden.

Under the parent legislation the position in respect of mining tenements—exclusive of prospecting areas—is that where a person applies for such a tenement, the application must go before a warden. Anyone who wishes to object to the granting of that application has sufficient standing to appear before a warden to express his objections. In making a decision, the warden only makes a recommendation which is then passed to the Minister. Under the present legislation, the Minister has the final say. The Minister has always had the final say on mining tenements, exclusive of prospecting areas. Under the legislation, as amended, the Minister will still have the final say. However, now we are being asked to sanction the matter of giving the Minister the first say as well and the Minister will not be required to act judicially. In other words, he will not be required to obey the laws of natural justice.

I could give one instance of where the laws of natural justice could be seriously offended. I wish to make it clear that I am not talking necessarily in terms of the present Minister for Mines, but in respect of any Minister for Mines. The position could be that the Minister is confronted with an application. If there is an outcry from one section of the community and the Minister listens to the views of that section and then decides to reject the application without hearing the other side, that would obviously be a breach of the laws of natural justice. He would have heard one side without hearing the other.

However, I would have no objection to the Minister not bothering to hear either side when he is confronted with an application. I would only object if, within the terms of the proposed legislation, he listened to one side without listening to the other. Under this form of legislation he could do this and no court or anybody else could review his action. We hope that the Minister would act judicially in making these decisions and would not act capriciously.

I only seek to write into the legislation that the Minister will act judicially which means, purely and simply, that if the Minister does hear one side of the question he will be required to hear the other. If he does not bother to hear either side, no-one would be aggrieved. If the Committee accepts my amendment it will mean that the obligation to hear both sides will be imposed upon the Minister and that a superior court could review his decision if he acted in accordance with the wishes of one side without giving the aggrieved person any right to be heard. The court would not necessarily overrule the Minister's decision, but at least it could be reviewed in an open court.

Members should bear in mind that, under the terms of this provision, the Minister may reject an application even before it is heard in open court. Perhaps no consideration at all would be given to the pros and cons of the matter, because the clause specifically states that where the Minister is of the opinion that a tenement should not be granted, he may reject the application. I move an amendment—

Page 15, line 34—Insert after the word "made" the words "having acted judicially".

The clause would then read—

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

Mr. JONES: The previous speaker has indicated that he is opposed to the present wording of the clause. I approach the matter from a different point of view; namely, on the grounds of the opposition expressed in the south-west at protest meetings which were held in a number of centres in connection with the activities of mining companies which were pegging our beaches. I know I referred to this matter at the second reading stage. However, following the protests that took place, I hoped that the Minister in charge of the Bill would have another look at the question. Tonight he indicated his opposition to my presence at a meeting at Busselton to which he was not invited. With your permission, perhaps I could assure—

The CHAIRMAN: I do not think this is the place to bring that in.

Mr. JONES: I wanted to answer the Minister. The Chairman is more restrictive now than he was earlier in the afternoon. I appreciate his reasons.

Mr. Bovell: You are entitled to go where you like.

Mr. JONES: The Minister did express some concern this afternoon.

Mr. Bovell: No concern at all.

The CHAIRMAN: Order! We are dealing with this amendment.

Mr. JONES: Perhaps the Minister did not show concern. As I am not to be extended the same courtesy as was extended to the Minister this afternoon, I will proceed to refer to the Bill itself.

When the meetings were held in the lower part of the south-west, the Minister indicated through the Press that he was of the opinion that something should be done to protect our beaches. He even made a Press statement in *The West Australian* on the 5th December in the following terms:—

> No mining tenement could be granted over a yard, garden or cultivated land . . . .

This is the refinement referred to by the member for Avon. The Press statement continues—

> He was conscious of public opinion about the pegging of mining titles over beaches and other reserves.

If we look at the legislation we will see that what has been inserted is the provision which he acted upon when protests were made from Busselton and other areas.

The CHAIRMAN: I must draw the honourable member's attention to the fact that we are dealing with the insertion of the words "having acted judicially." That is the only thing I can allow him to speak on at the present time.

Mr. JONES: I appreciate the position. Perhaps I will postpone my remarks until another time.

Mr. BOVELL: I hope the Committee will reject this amendment moved by the member for Kalgoorlie, because the Minister, in refusing an application for a mining tenement in an area when he considers that in the public interest the area should not be disturbed, is exercising a discretion. Nobody knows better than the member for Boulder-Dundas and the member for Swan what a Minister is required to do. A Minister acts administratively, not judicially.

Mr. T. D. Evans: I want him to act judicially.

Mr. BOVELL: The Minister gives effect to the responsibilities imposed upon him by Parliament through the Act. A Minister does not act as a court; he does not act judicially. If this were inserted in the Bill it would create a precedent whereby a Minister would be required to act as a judge in every decision he made. I think the proposal is ridiculous in the extreme. The Minister is simply charged with the responsibility of administering the Act and his department. The matter of making judicial decisions is for a court.

If it were suggested that a Minister of the Crown should be a judge or a magistrate, there might be something in the proposal of the member for Kalgoorlie, but I am afraid that the honourable member might have been carried away with his legal attitudes. To expect a Minister to act as a judge in every administrative decision he makes would be ridiculous in the extreme. I must ask the Committee to oppose this amendment.

Mr. MOIR: I criticised this clause when speaking on the second reading. It appears to me to be lopsided legislation. The Minister who has just resumed his seat referred to the fact that two of us sitting on the front bench on this side had been Ministers and had had to make decisions. My colleagues and I never made a decision without having all the facts presented to us.

Mr. Bovell: That is what all Ministers should do.

Mr. MOIR: This provision does not say so. It says "when the Minister is of opinion." It does not say how he is to arrive at the opinion.

Mr. Bovell: Do you remember the ministerial oath you took when you became a Minister?

Mr. MOIR: Yes. That did not confer any special wisdom upon me. I always like to hear the other fellow's story.

Mr. Bovell: It certainly placed an obligation on you to administer your department and the Act without fear or favour.

Mr. MOIR: I made decisions in accordance with the evidence and representations I had before me.

Mr. Bovell: So do all Ministers; otherwise they would not be Ministers.

Mr. MOIR: If the Minister does not like what I am saying he can get up and reply.

I think this legislation is very one-sided. I quite agree there may be situations where, in the public interest, it is not desirable that some mining should take place. I could imagine the storm of protest there would be if mining were to take place in King's Park, for instance.

What is wrong in allowing a dispute to go before the warden first, as is done in all other cases? The warden hears the evidence and makes a recommendation to the Minister. At the present time the Minister has the power under the Act to veto the granting of a mining tenement

at any place at all, but this provision seeks to give him another power that he does not have at the present time; that is, before the parties are heard he may refuse the application. He may issue instructions to the warden before the warden hears any evidence at all. We pride ourselves on upholding the tenets of British justice. I do not think there is any justice in that.

I understand that the words which the member for Kalgoorlie wishes to have inserted will have some effect on the manner in which the Minister arrives at a decision. I am not fully aware of the effect of those words; he is a legal man and he knows the import of them.

I am quite opposed to bringing this piece of legislation into being. In my opinion, it does not follow the usual course of justice as we know it. The Minister is given dictatorial powers. He does not have to take any notice of anybody; he does not have to ask anybody for views or opinions. He has to arrive at an opinion himself and act accordingly. He can prevent a court that has been set up under the Mining Act, and has operated for many years, from hearing the parties to a dispute or an application. As the member for Kalgoorlie pointed out, the Minister has always had the last say and this provision purports to give him the first say as well.

Mr. BRADY: I support the member for Kalgoorlie in his objective of having the words "having acted judicially" inserted into this clause. The Minister for Lands implies that this is the way the Minister acts now. If the Minister acts in this way now, why not put it in the Bill and make it watertight for the future? Over the years there have been a number of cases in which it seemed that the Minister had not acted fairly and justly. For that reason I support the member for Kalgoorlie.

A case has been quoted of a mining tenement that was sought in the Marble Bar district. The Minister decided that mining tenement was not to go to a certain company or person and directions were accordingly given by the Minister. I recall a recent case in reverse in which the Minister decided that certain areas were not to be exploited for the Weebo stone. My sympathy was with the approach that was made on behalf of the natives who were greatly concerned about the exploitation of this area. At the same time, I had some sympathy for the man who was trying to exploit that area on a commercial basis. I believe it is fair that both parties should be heard.

In my own electorate several industrial establishments are using clay. I would not like to find that the Minister had given those establishments exclusive rights to use clay to the detriment of the people using the area for agricultural or grazing purposes. Here again, I think the Minister should act judicially.

There are some cases where this Parliament has virtually taken powers away from Ministers and given them to boards. The Minister has absolutely no say; the board makes the decision. I am quite certain the Minister would, in his own interests, welcome that. There are also people who go to extremes. The conservationists argue that this and that should not be done. If the conservationists put up a case to the Minister, the other side of the case should also be heard. Unless the Minister hears both sides of the case I do not know how he can make a decision. I support the member for Kalgoorlie and hope those three words will be inserted into this clause.

Mr. T. D. EVANS: Having listened to the Minister's explosive retort to this amendment, I wonder whether he is naive or deliberately trying to draw a red herring across the trail by saying that if this amendment were agreed to it would be expected that the Minister would have to don a wig and gown and act as a judge, or act in chambers as a magistrate. The intention behind the amendment is not that the Minister shall do any of those things. It only requires that the Minister shall abide by the laws of natural justice, and I take it that the Minister would be the first to say that in making any decisions in regard to the administration of his department he always abides by the laws of natural justice and listens to both sides of the question before making his decision. In doing this he acts judicially.

I consider that even in our humble occupations as members of Parliament we all act judicially, and I certainly hope the Minister would act judicially in any decision he has to make. The amendment merely seeks to spell out clearly that the Minister shall act in this particular form, which is not original. This form of legislation is in other Statutes, giving power to one man to make a decision in regard to the performance of an act that will deprive a citizen of a right. However, in acting judicially he has to abide by the laws of natural justice. It is a legal principle that there is an obligation to hear both sides of the question, and that is all the amendment seeks to do.

Mr. GRAYDEN: On second thoughts, and after consulting the various officers in his department, I am sure the Minister will reconsider his stand on this amendment. The amendment moved by the member for Kalgoorlie is quite innocuous and would go a long way towards removing the objections most people have to this clause. Everyone in this State is anxious to see places of public interest fully protected. There is not an individual engaged in mining exploration in Western Australia who would want it otherwise. There are many places of public interest that should be protected.

The interesting point is that the Minister, under the Mining Act, has absolute power to take action to protect places of public interest. The amendment in the Bill will not do anything to help the situation; the Minister already has this power in black and white. He can refuse to grant any application for a mining claim or mining tenement. Normally a man pegs a mineral claim or mining tenement and makes application to the Warden's Court and in due course the application is heard in the Warden's Court. The warden then makes his recommendation to the Minister, who has power to quash the application at will. If the clause is agreed to, instead of enabling the Minister to quash the application when it is submitted to him on the recommendation of the warden, he will be able to dispose of it immediately it comes before the warden and this introduces some undesirable features. It will mean that the application will not be heard in open court.

The Minister, under the provisions in this clause, could reject any application, and he would not have to give a reason. He could simply say, "As far as I am concerned that is a place of public interest and as soon as the application comes before the Warden's Court it shall be rejected." If we are to grant the Minister that power, why not insert the few words contained in the amendment moved by the member for Kalgoorlie? That would mean that the Minister would have all the power he seeks in that as soon as the application came before the Warden's Court the Minister, having heard the evidence from both sides, could make his decision; or, alternatively, he need not listen to any evidence before making his decision. The amendment would mean that if a request was made to the Minister to quash the application immediately it came before the Warden's Court, this would ensure that the Minister would hear both sides of the case. Otherwise he would have to make a decision without hearing any evidence.

We know a great deal of nonsense has been uttered in regard to people pegging places of public interest. For instance, some months ago a crank pegged in King's Park the land on which is situated the State War Memorial. That did not mean anything because he would have been unable to gain a title to the land; the Minister would simply have refused the application.

Mr. Burt: It would have had to go before a Warden's Court.

Mr. GRAYDEN: That is so, and if it got past the warden it would be rejected by the Minister. So at the moment the situation in regard to protected public places is completely covered. The amendment would enable any Minister for Mines to say, "That is a place of public interest and I do not desire the application to come before the Warden's Court; I will quash it immediately it reaches the Warden's Court." That is not a desirable situation and I strongly urge the Minister for Mines to confer with his advisers, because I am sure that if he does he will find they will have no objection to the amendment moved by the member for Kalgoorlie.

Amendment put and negatived.

Mr. HARMAN: This clause would appear to overcome a problem created by a person pegging a prospecting area in a place such as King's Park, or overcome the problem that was created recently north of Leonora where a person pegged some prospecting areas in the vicinity of Weebo Station. At the time it was considered that the Minister did not have power to refuse these prospecting areas and that in this case the warden had the sole right to grant them.

I agree to some extent with the member for South Perth on this issue, but I have never been fully convinced that, under the Mining Act, the Minister has the right to refuse to grant a prospecting area. He certainly has the right to go against the recommendation of a warden in regard to a mineral claim or mineral lease but I have never been convinced that the Minister has the power to refuse to grant a prospecting area, and clause 21 of the Bill would certainly grant this power to the Minister. I think this is the reason the clause was included in the Bill; namely, to overcome this problem.

At the same time, on reading the clause, it could be taken that the Minister can override the recommendation of a warden, or, before a recommendation is made by a warden, he could refuse an application for a mining tenement if he considers it is not in the best interests of the public.

I am thinking of the case where the land applied for is on an "A"-class reserve. I do not think it has ever been clearly determined whether national parks situated on "A"-class reserves are not Crown land under the provisions of the Mining Act.

Let us have a look at the guidelines the Minister for Mines would have followed in the past. By way of example I quote the Hamersley Range national park. This area of land was recommended to the Government in 1963 as an area to be set aside as a national park. The area was in the vicinity of 1,500,000 acres, and the recommendations made were based on an investigation of the area, which showed that at least it contained the highest mountain in Western Australia and was an area of scenic beauty. The investigation also revealed that much of the original flora was still evident and should be preserved.

As I said, this application was made to the Government in 1963 and at that time there were two temporary mining reserves covering some of this area. By the time

the Government made the decision to declare this area a national park, some 31 temporary mining reserves encompassed the area, these reserves comprising an area of approximately 376,400 acres, or, in other words, 25 per cent. of the 1,500,000 acres of the national park.

I can appreciate the situation in which the Government is placed. It proposes to establish a ministry of conservation. It will be faced with some difficult decisions in the future when it comes to considering questions of mining and conservation, particularly on "A"-class reserves. In the past it has always been recognised that "A"-class reserves are inviolate. The people in this State are led to believe that this is the situation; that is, that both Houses of Parliament must agree that some form of activity can take place on an "A"-class reserve.

In this case an impasse will arise. I know it will be difficult for the Government or any Minister to make a decision, but it will certainly be much harder for the proposed Minister for Conservation to make one, when the Minister for Mines —anxious to see mining development, and to ensure that certain areas which have potential for mining be reserved—wants a particular area to be reserved for posterity.

When I was developing this point the other night the Minister referred to the fact that in the 12 years of office of this Government it has set aside some 12,000,000 acres of land in Western Australia as reserves. When we scrutinise this area of land and relate it to "A"-class reserves we find there are only 3,500,000 acres classified as "A"-class nature or national parks reserves. The total area of Western Austraia is about 6,230,000,000 acres, and the 3,500,000 acres of reserves represents only .05 per cent. of it.

Mr. Bovell: Why not talk about all reserves? The "A"-class reserves are only a section of the total.

Mr. HARMAN: When the Minister referred to the 12,000,000 acres, we have to bear in mind that only 3,500,000 acres comprise national parks. The final point I want to make in relation to the conservation issue is that in the Napier-Oscar Range area a recommendation was made by a committee to the Government that 123,000 acres be set aside. The decision was made to set aside two reserves in this area: one in the Gleke Gorge area comprising 7,750 acres and the other in the Tunnel Creek area comprising 700-odd acres. So the Government has only reserved a very small portion of the 123,000 acres.

I am referring to these matters under this clause in order to bring to the attention of the Committee that many aspects are related to the Minister's statement of reserving 12,000,000 acres in Western Australia as reserves. We have to go into the details to appreciate that only .05 per cent. of the total area of the State is reserved for national parks.

Clause put and passed.

Clause 22: Section 270A added—

Mr. BOVELL: I move an amendment—

> Page 16, lines 14 and 15—Delete the words "serve a copy of the application on the pastoral lessee" and substitute the following words:— "post a copy of the application by pre-paid registered post to the pastoral lessee at his usual or last known place of abode or business".

This clause requires notice of an application for mining tenements to be given to the pastoral lessee, and is to be read in conjunction with the provision in section 304 of the principal Act which relates to the service of notices. That section provides for a notice to be served by pre-paid letter. It is desirable for the provision in the Bill to be spelt out specifically.

The clause, as amended, will make clear the obligation on the applicant to post a copy of the application by pre-paid registered post to the pastoral lessee at his usual or last known place of abode or business.

The member for South Perth has an amendment on the notice paper which comes after my amendment. I think my amendment will serve the purpose, and I ask the Committee to agree to it. Perhaps the member for South Perth will withdraw his.

Mr. GRAYDEN: There is no real clash between my amendment and the amendment of the Minister, because they both set out to achieve the same purpose. There is a flaw in the Minister's amendment in that it prevents a prospector from physically serving the notice on the pastoral lessee, whereas mine does not.

As the clause stands it is quite hopeless, because under the Interpretation Act we find the following provision in relation to the serving of notice by post:—

> In the case of service by post, whether service by post is required by the Act or not, the service shall be presumed, unless the contrary is shown, to have been effected at the time when, by the ordinary course of post, the letter would be delivered.

If the amendment is agreed to without alteration it will virtually mean that no pegging can take place on any pastoral property in Western Australia, because the applicant will have to serve notice within 48 hours of the lodging of the application.

In many cases the pastoral lease is 300 miles or more from the registrar's office. After lodging an application the applicant might rush out to the station to notify the owner; but the owner might hide on the property for a period of 48 hours. If that happened the application would

be invalid. In another instance the applicant might arrive at the station, only to find that the owner was in England or the Eastern States; and that being the case he could not serve the notice on him within the 48 hours. Under the Minister's amendment the applicant would have to post a copy of the application by pre-paid registered post to the pastoral lessee at his usual or last known place of abode or business. There is nothing wrong with that amendment provided that when the applicant has posted the letter that will be sufficient notice under the Interpretation Act.

In many instances it would be more practicable for a prospector operating in the Meekatharra area to make his application, and if the station owner concerned is in town then instead of posting the letter by registered mail he should be permitted to serve the notice on him personally. That would be the preferable procedure, and would obviate the necessity to send the notice by registered mail.

The amendment in my name will make provision for serving notice physically on the pastoralist, or posting it by registered letter, and the moment the letter is posted shall be deemed to be the time it is served. It is a straightforward amendment. The Minister's amendment provides for the service of notice by registered letter; whereas mine provides for either the serving of the notice physically, or by registered letter.

Mr. BOVELL: Under my amendment the statutory obligation will be to serve the notice by registered letter. We cannot have it both ways.

Mr. Moir: Why post it when it can be served physically?

Mr. BOVELL: That would be confusing. The applicant, under my amendment, will not be permitted to serve it personally. When the notice is posted it is sufficient evidence that the applicant has complied with the Act. In the case of physical service some doubt could be created.

Mr. MOIR: I am surprised that the Minister has refused to take notice of the remarks of the member for South Perth, and I am afraid he does not have much idea of the situation in the pastoral areas. A person might be operating 300 to 400 miles out of town on a pastoral property, and he might wish to serve the notice personally. What is wrong with that? Under the Minister's amendment it will be necessary for that man to go to the nearest post office to send the notice by registered letter.

Mr. Bovell: Invariably this would be the most expeditious way.

Mr. MOIR: This shows how little the Minister knows of our back country. It might be awkward for a man who is operating 100 miles from a post office to send a registered letter. Many of these people do not prospect in the immediate vicinity of towns. By agreeing to the amendment of the member for South Perth, there would be no quarrel with the provision. To prevent a person from serving notice personally, and to make it mandatory for him to go to the nearest post office and send the notice by registered letter, is foolishness in the extreme. I am surprised the Minister, in dealing with such a simple amendment, does not use the wisdom he possesses.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 23: Section 276A added—

Mr. BOVELL: I move an amendment—

> Page 18, lines 13 to 22—Delete the passage commencing with the word "unless" down to and including the word "section" and substitute the following:—"unless the land applied for in the application has ceased to be reserved from occupation pursuant to subsection (3) of this section."

This amendment is consequential on the deletion of the reference to an exploration license and brings the clause into conformity with the amendments that have already been agreed to by the Committee.

Mr. GRAYDEN: The Minister will have to give a lot better explanation on this particular clause, which contains the second most important provision in the Bill. We spent a considerable time discussing exploration licenses, and we are now on the clause which creates a tremendous reserve of nine-tenths of the State in which no pegging can take place except by means of a prospecting area of 24 acres, or by exploration license, unless we delete this provision.

That, of course, is completely repugnant to all who know anything about mining. We have to have an unequivocal assurance from the Minister that having agreed to this particular clause which creates a huge reserve throughout the State, he will nullify the provisions of a later clause. The Minister has stated that he wants the Committee to agree to this clause because it will validate the action he took in creating a reserve of all available Crown land in the State. His action will be validated and will permit the pegging of prospecting areas. Clause 23 of the Bill reads as follows:—

> 23. The principal Act is amended by adding after section 276 the following section—
>
> 276A. (1) In this section—
>
> "Reserve No. 5338H" means the reserve numbered 5338H made by the Minister on the third day of February, nineteen hundred and seventy under the provisions of section two hundred and seventy-six of this Act by which, *inter alia*,

all Crown land situated within the State, excepting those areas in respect of which a mining tenement had been granted or in respect of which an application for a mining tenement had been lodged on or before the date thereof, was expressed to be temporarily reserved from occupation;

"Reserve No. 5351H" means the reserve numbered 5351H made by the Minister on the twenty-fourth day of March, nineteen hundred and seventy under the provisions of section two hundred and seventy-six of this Act by which, *inter alia*, all Crown land previously so reserved by Reserve No. 5338H was expressed to be temporarily reserved from occupation;

"the relevant day" means the third day of February, nineteen hundred and seventy.

So we have the situation where the Minister banned the pegging of claims throughout the State by creating a reserve on the 3rd day of February, 1970. The Minister took that action under the provisions of section 276 of the Act. Then, on the 24th March, 1970, he agreed there seemed to be some doubt about the validity of what he had done, so he created another reserve. The subclause in the Bill reads as follows:—

(2) It is hereby declared—

(a) that all land which was expressed to be reserved from occupation by Reserve No. 5338H is hereby reserved from occupation by force of this section and is deemed for all purposes to have been reserved from occupation by force of this section on and from the relevant day;

The object of creating the reserve was to prevent pegging. The Minister made one exception by allowing that a prospecting area of 24 acres could be pegged.

The South-West Land Division covers 100,000 square miles, and there are 1,000,000 square miles in the State. So the available Crown land is actually nine-tenths of the State, and except for mining tenements within that area, this particular provision creates a vast reserve of nine-tenths of the State in which only prospecting areas can be pegged.

The Minister has indicated he will delete all provisions relating to exploration licenses, but unless the Minister excises the vast reserve I have referred to, prospecting areas only can be pegged. The Minister has indicated that he will excise the ultra-basic areas from the reserve but those areas are relatively minor. The Minister has also indicated he will lift the ban on pegging throughout the State and the only way to do this is to excise the reserve from the one he is apparently going to create.

The CHAIRMAN: Order! I will allow the honourable member to continue, but I cannot see that what he is saying has any application to the words to be deleted.

Mr. GRAYDEN: We are dealing with the clause.

The CHAIRMAN: No, we are dealing with the amendment moved by the Minister.

Mr. GRAYDEN: The amendment is to delete any reference to an exploration license. If we do that we will leave three-quarters of the State in which only a prospecting area can be pegged. I venture to suggest there is not an individual in this Chamber who would go along with that proposition. To make the provision acceptable it will be necessary to immediately nullify the entire provision. The Minister has indicated he will do this but we want an unequivocal assurance that this will be so. In those circumstances I have no objection to the amendment.

Mr. MOIR: I am in the same position as the member for South Perth and I would like an assurance from the Minister that this reserve is to be lifted. The position was admirably outlined by the member for South Perth.

Mr. T. D. EVANS: In participating in this debate I find the amendment moved by the Minister a strange one indeed. I share the concern of the member for South Perth, and I agree completely with the remarks of the member for Boulder-Dundas. I, too, support the amendment moved by the Minister for Lands.

However, we are being asked to write into this legislation the course which the Minister has already taken and which apparently, according to the Minister's assurance, he will continue to take. We are being asked to write into the legislation a provision which will validate the stand taken by the Minister previously in setting aside a huge reserve of Crown land in Western Australia.

The Committee is being asked to do more than that. It is being asked to validate what the Minister has done and to perpetuate it.

The amendment before the Chair is to delete from the provision a reference to exploration licenses. The Minister has moved to do this and I heartily agree it should be done. I would be extremely glad to see any reference to exploration licenses expunged from the Act altogether. I hope they never appear in the Act. However, before we write into the legislation a provision for the reserve to be perpetuated, we have a right to extract from the

Minister an assurance that he will excise a reserve from the huge reserve which the Committee is being asked to write into the Act. The Minister has said that he will do this when he lifts the ban, which he has said he will do.

If one analyses the situation, the Committee is being asked to write into the Act a provision relating to a huge reserve, but members of the Committee have been assured by the Minister that he will act under another power and take the land out of the reserve. When the Minister has acted in this way, the Mining Act will be cluttered with many words which will mean nothing at all.

Mr. BOVELL: I have not had the opportunity to discuss this matter with the Minister for Mines. The member for South Perth has already referred to the fact that the advisers to the Minister for Mines are in the precincts of this Chamber. It is true that I have had the opportunity to consult them and I am informed that the Minister himself has stated publicly that when the Act is passed and when the regulations relating to marking out, which are at present being drafted, are promulgated, the reservation in respect of Crown lands under clause 23 will be released by notice in the *Government Gazette*. That is what I am informed.

Mr. Burt: It was in the Press.

Mr. BOVELL: I do not doubt the information given to me by the advisers to the Minister for Mines. However, I could not categorically assure the Committee that it will be done, because I cannot recall having seen the statement. The member for Murchison-Eyre has interjected and his interjection confirms—if any confirmation is necessary—that the information which I have given to the Committee is correct. I hope the Committee will agree to the amendments I propose.

Amendment put and passed.

The clause was further amended, on motions by Mr. Bovell, as follows:—

Page 18—Delete proposed subsection (3).

Page 19—Delete proposed subsections (4) and (5).

Page 19, lines 32 to 37—Delete the passage commencing with the word "which" down to and including the passage "license," and substitute the following:—"which has been reserved from occupation pursuant to subsection (2) of this section".

Mr. GRAYDEN: Before the Committee passes the clause—and I do not think there will be any objection to it—may I say that this is one of the two clauses in the Bill which gave rise to most of the criticism. I would like to take the opportunity to make certain that every member knows precisely what is meant, because there has been a suggestion that some members have been confusing the situation by saying that the effect of the clause will be to create a huge reserve covering three-quarters of the State in which the only thing that could be pegged would be a P.A. of 24 acres.

The reason for saying that three-quarters of the State is involved is that the State is approximately 1,000,000 square miles in area. The South-West Land Division is approximately 100,000 square miles. Except for the South-West Land Division, the rest of the State is Crown land, which means that nine-tenths of the State is Crown land. The proposed reserve would have covered nine-tenths of the State. We have been saying that it would cover three-quarters of the State, only because the Minister gave an unequivocal assurance earlier on that he would excise approximately 240,000 square miles from the reserve created. If we add that area of 240,000 square miles to the area of 100,000 square miles in the South-West Land Division, we come to the figure of 250,000 square miles which has been mentioned.

Mr. Burt: In simple arithmetic it would be 350,000 square miles.

Mr. GRAYDEN: Yes, I am sorry. The point I am making is that three-quarters of the State would be involved. In actual fact, the 240,000 square miles referred to by the Minister would undoubtedly take in most of the South-West Land Division. Therefore, the situation would be that three-quarters of the State would have been covered by this provision. If anybody wants to dispute that statement, now is the time for him to do it.

Mr. Burt: It is only going over the same ground.

Mr. GRAYDEN: I have been making that statement, but the member for Murchison-Eyre has been disputing it. I am pleased to hear that he is apparently not disputing it at this juncture.

I mentioned that the only thing which could be pegged in the huge area of three-quarters of the State would be a P.A. of 24 acres. A prospecting area is not a right to mine, but is simply a right to prospect. Incidentally, an individual can peg only one P.A.; it is not a continuous process. The individual who had a P.A. could, of course, convert it to a mineral claim or lease.

Such a person was not afforded any protection at all. It is absurd to talk in terms of one 24-acre area these days. In the last few years very few prospecting areas have been granted, because nobody has applied for them. Areas of 24 acres are of no significance in the search for nickel; in fact they are completely ineffective. Therefore, people do not want them. This is the point we have been making.

That is all that could be pegged in the great reserve proposed. The Minister was going to go further and grant exploration

licenses which could be contiguous. However, there would be no pegging of mineral claims. The only way the Minister could permit the pegging of mineral claims would be to actually excise a portion from the great reserve proposed.

This is the situation and nobody can deny it. There is no justification for saying that we have misled the Committee. The intention of the Bill was to substitute the prospecting license of 100 square miles for mineral claims. The Mines Department was confronted with the problem and could not handle the myriads of claims which came forward, notwithstanding the fact that they were returning a huge amount to the Treasury each year. The obvious solution was to grant bigger areas, and somebody came up with the idea of exploration licenses. That is how it arose but the position is completely unacceptable to anyone engaged in mining.

Western Australia is in a period of intense mineral exploration. People are combing areas of the State where minerals exist and they are prepared to take up those areas as mineral claims. The limit is 300 acres, but they can be pegged contiguously and there is no limit to the number that can be pegged. People are prepared to do this and to pay 25c an acre a year for the mineral claims. The provision in question would have allowed companies to obtain areas for 1.25c an acre a year. That was a silly situation and we can all see the tremendous loss of revenue which would ensue to the State.

This was the main reason for the objection to the Bill. Those who were opposed to it said it would deny the small man the opportunity of carrying on as he has carried on in the past and of gaining the title to minerals which he may discover in the remote areas of the State. This is what was said, but it was denied by the Minister and others who said there was provision for the little man who could still peg a P.A.

What an absurd statement! Anyone who knows anything about mining will realise that this was not a satisfactory alternative. Therefore, we rejected statements to the effect that it was a satisfactory alternative. It was not acceptable to members of the Committee and it would not be acceptable to anyone on the goldfields.

It certainly would not be acceptable to pastoralists. The situation, particularly on the eastern goldfields, is that pastoralists have been harshly affected by the activities of some exploration companies. However, members have received telegrams from one of the pastoral committees to the effect that this provision, as well as other provisions, should be rejected.

The pastoralists can see what would happen. They could be in a remote part of the State—in the vast reserve of three-quarters of the State—and they may have resided on a pastoral property all their lives. In fact, their fathers and their grandfathers before them may have resided there all their lives. In the course of mustering, they might stumble upon a mineral deposit but, in consequence of this provision, they would not be able to peg it.

The CHAIRMAN: Order! The honourable member's time has expired.

Clause, as amended, put and passed.

Clause 24 put and passed.

Clause 25: Section 308 amended—

Mr. BOVELL: I move an amendment—

Page 20, lines 15 to 22—Delete the passage beginning with the word "paragraphs" down to and including "Act." and substitute the following:—

paragraph—

(40a) For any purpose for which regulations are required or convenient for giving effect to section two hundred and seventy-six A of this Act.

This is a consequential amendment relating to the previous deletions, and I ask the Committee to agree to it.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Bill reported with amendments.

Recommittal

Bill recommitted, on motion by Mr. Bovell (Minister for Lands), for the further consideration of clause 2.

In Committee

The Chairman of Committees (Mr W. A. Manning) in the Chair; Mr. Bovell (Minister for Lands) in charge of the Bill.

Clause 2: Section 1 amended—

Mr. BOVELL: As members are aware, we had dealt with this clause prior to the resumption of the Committee today. I ask the Committee to vote against the clause.

Clause put and negatived.

Report

Bill again reported, with a further amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr. Bovell (Minister for Lands), and returned to the Council with amendments.

IRON ORE (CLEVELAND-CLIFFS) AGREEMENT ACT AMENDMENT BILL, 1970

Second Reading

Debate resumed from an earlier stage of the sitting.

MR. TONKIN (Melville—Leader of the Opposition) [10.5 p.m.]: The Minister for the North-West very considerately conferred with me about the necessity which confronted the Government in regard to

this Bill. He made available to me somewhat in advance a copy of the proposed Bill and explained why the legislation was necessary, and so it has been possible for us to complete our consideration of the proposals in the time available since it was introduced into this House earlier today. We are able to say that we are prepared to support the Bill.

Difficulties such as this arise at different times despite the most careful consideration of proposals beforehand, and it is easy to see that the Government ran up against an insurmountable difficulty in the matter of lacking the approval of the Reserve Bank so far as the financial aspects of the legislation were concerned. Obviously this was a requirement precedent to any possible agreement between the company and the Government and, as the approval had not been obtained before the agreement was entered into, the agreement was not valid and therefore would not be acceptable to the company.

So the Bill is for the purpose of re-enacting a valid agreement, and it substantially follows the original agreement with the exception of the provisions mentioned by the Minister in connection with extending the charges which can be levied under additional Acts, which were not included in the original legislation.

On previous occasions when we on this side of the House have expressed opposition to provisions in these iron ore agreement Bills which enabled the Government to vary the agreements within hours, if necessary, of the passage of the Bills through the House, we have been charged by the Minister with being opposed to the establishment of the companies. I hope the Minister will now realise, from the readiness with which we have agreed to help him out of the existing difficulty, that he has been a little unfair in that criticism, and that this is an example of our desire to assist in the work of those companies and to enable them to go ahead to process the minerals of the State which they desire to bring into production. I think it might be as well that that should be noted by members opposite.

We believe we are entitled to protest, and we still do not accept that such provisions are necessary. However, we are entitled to protest against provisions in Bills which cut across the Interpretation Act and take away from Parliament the right to consider by-laws and, if found desirable, to disallow them. Also, we do not think it is necessarily good government to bring a Bill to Parliament for the purpose of ratifying an agreement, and for Parliament to know that within a matter of hours or days that agreement might be substantially changed under the variations clause if circumstances arise which make it desirable in the eyes of the Government that alterations be made. That is still our attitude.

We feel this is the place where alterations to agreements, once made, should be further considered; not by the Executive behind Parliament and without the knowledge of Parliament. I think it goes without saying that had the Government been able to use the variations clause in this agreement, Parliament would not have the Bill before it tonight. The Government would have used that clause and made any variation required to meet the existing circumstances. We might never have known anything about it at all. However, because the difficulty was insurmountable and had to be brought to Parliament, we are aware of all the circumstances and we are given the opportunity to say whether or not we agree.

I think that is as it should be. The amendments are reasonable and it will be obvious to anyone who has studied the Bill that they are absolutely necessary if this organisation is to proceed with the development it wants to follow. Therefore we on this side of the House are quite prepared to expedite the passage of the legislation so that no delay will be occasioned as a result of the matters which were not properly attended to when the Bill was originally introduced last year.

I suppose one might be excused for believing that what applies to individuals does not necessarily apply to Governments; but it is a fallacious type of reasoning to relate that absolutely, as has been proved in this case. The approval of the Reserve Bank in matters of capital issues is obviously most necessary and is a condition precedent to any agreement entered into involving such procedures. So, with those few remarks, I again indicate that we on this side of the House have no opposition to the Bill, and are prepared to support it.

MR. BICKERTON (Pilbara) [10.12 p.m.]: I would like to agree with the Leader of the Opposition that we have no objection to the Bill before us. The Robe River iron ore project has been somewhat of a stormy petrel, and it has had many problems. The type of mineral that has to be dealt with is such that it is not easy to sell, as the Minister has already pointed out. It has difficulties which are not associated with the hematite and so on at Hamersley, Mt. Newman, and Goldsworthy.

I happen to know that the Minister has had many difficulties getting this project off the ground and problems have arisen that probably would not have occurred in normal circumstances had the deposits been of the same nature as those being worked at Goldsworthy, Mt. Newman, and Hamersley.

I agree also with the remarks of the Leader of the Opposition that the Opposition has not at any time placed any obstruction in the way of this organisation.

Indeed, as each progressive agreement has come before us to be amended, we have endeavoured to assist as much as possible. I believe that if this project gets off the ground it will be a wonderful thing for the area concerned. It will give those at Lambert something they have never had before. It will open up an area—port-wise, anyhow—that will give us a line of ports from Port Hedland down to Dampier, and that is a good thing.

The objections we had to the agreement in the first place, as the Leader of the Opposition pointed out, were in regard to certain aspects that the Opposition considered were against the principles of the Interpretation Act, etc., which we have been into before and which, in any case, do not come under the Bill before us. However, I sincerely hope that with these amendments the Minister is able to get the project going. It is one that has dragged on for a considerable period of time. We have had our problems at Mt. Newman, and the project was delayed considerably over finance. It is now thriving.

The Robe River project has always proved to be difficult; there are so many complications associated with it, such as the difficulties in the processing of the ore, the matter of pelletising, and other factors which are not generally associated with hematite deposits.

I sincerely hope the Minister can give us some undertaking tonight when he replies that this will be the last time we will be asked to amend the Act. I can see the reasons for it. These have been well explained by the Minister and have been replied to by our leader on this side of the House.

I wish the project the best of luck. I know the Minister has spent a lot of time on it, probably more time than it was necessary for him to spend; but there are many people in the area who are relying on the success of the project.

I hope this is the last we see of the legislation and from now on I trust the project will get off the ground, if I might borrow an expression used by the Minister. I do know that he has at last reached the stage where he looks as though he might be successful with it, and I congratulate him for the work he has done in connection with it.

MR. COURT: (Nedlands—Minister for Industrial Development) [10.17 p.m.]: I thank the Leader of the Opposition and the member for Pilbara for their comments and their support of the Bill. I do not blame the Leader of the Opposition for taking the opportunity to indulge in some good-humoured banter about the agreements. But I can return the compliment, of course, by saying that the fact that we have had to bring in so many Bills for amendment of agreements only proves the point I have made from time to time: that the variation clauses are not as wide and as sweeping as the Leader of the Opposition seems to think they are.

The fact is that regardless of statutory requirements I find the best disciplinarians we have are the bankers, particularly when we try to get $280,000,000 from them! They generally run a fine tooth-comb through our agreements in their endeavours to check the Government's powers.

If it is any consolation to the Leader of the Opposition and quite apart from any opposition he might have shown and the rights he mentioned—and I have never denied his rights—there is always a third party which runs the rule over us. I daresay we would all do the same if we had to put up this sort of money.

The position mentioned by the member for Pilbara is a real one. He has been quite generous in his comments. It would be idle to deny that there have been forces operating which have not wanted the Robe River project to get off the ground. Some of these forces have also rubbished the Port Hedland project. I think, however, that we have surmounted these difficulties and I thank the House for its support. As far as I can see this is the last remaining hurdle we have to clear in connection with finance for what is probably the most important of our projects.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

House adjourned at 10.22 p.m.

Legislative Council

Wednesday, the 13th May, 1970

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 11 a.m., and read prayers.

QUESTIONS ON NOTICE

Postponement

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [11.6 a.m.]: In view of the early sitting I ask that questions on notice be taken at a later stage of the sitting.

The PRESIDENT: Very well.