would support the introduction of legislation to enable sellers to fulfil their obligations, and so the Minister has merely kept a promise made on the 9th December, 1970.

In this case the producer, as I indicated when speaking on the previous Bill, is the gatherer of gas and he will not be selling gas to the smaller consumers who are protected under this Act. As indicated by the Minister, this Bill proposes an additional amendment to give the Minister for Electricity authority to declare that the provisions of the Act do not apply to a gas undertaker who is the holder of a pipeline license under the Petroleum Pipelines Act of 1969.

I should remind the House that any company which uses in excess of 10,000 tons of fuel oil per annum does not deal with the undertaker in connection with the points raised under the other legislation. He deals with the pipeline operator who, of course, has a license under the Petroleum Pipelines Act.

Although I do not have a map to indicate the route which the pipeline follows, it traverses a route on the northern side of the metropolitan area and goes down through to the industrial area at Kwinana where it is used by big industry, and then proceeds to Pinjarra. The point I am trying to make is that under the Petroleum Pipelines Act the company can sell direct to big industry.

This Bill is intended to allow the Minister to exempt those who have this license from the provisions of the Act. In other words, to make the story quite clear, the undertaker sells to the small consumer. The pipeline authority, or the owners in this case—we have several under different names, but I think WANG owns the pipeline from Dongara through to Cavershan and then through to Pinjarra—with authority from the Minister, can opt out of the provisions of this Act. So everything links up to allow the situation which has been outlined to apply. Therefore, I have much pleasure in supporting the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

House adjourned at 10.58 p.m.

Legislative Council

Wednesday, the 3rd May, 1972

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.15 p.m., and read prayers.

QUESTIONS ON NOTICE

Postponement

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [2.19 p.m.]: I seek the permission of the House to deal with questions on notice later in the sitting, because I have not the replies available at this stage. The replies will be available later than usual, due to the fact that the other House will not be sitting until 4.30 p.m.

The PRESIDENT: Permission granted.

GREYHOUND RACING CONTROL BILL

Introduction and First Reading

Bill introduced, on motion by The Hon. R. H. C. Stubbs (Chief Secretary), and read a first time.

Second Reading

THE HON. R. H. C. STUBBS (South-East—Chief Secretary) [2.21 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to legalise the sport of greyhound racing in this State. At the present time Western Australia is the only State in the Commonwealth which does not allow greyhounds to be raced.

In the Bill, greyhound racing means racing between dogs in pursuit of an artificial lure. This sport was outlawed in 1927 when the Racing Restrictions Act came into operation. This Act made it unlawful for the use of any mechanical device or contrivance for the promotion of or in connection with racing by or between animals other than horses, at or in any place to which the public is admitted on payment or otherwise.

The Bill is divided into five parts and only seeks to allow for the establishment of the sport. No provision is made in the Bill for betting as it was felt that should Parliament approve the present measure a considerable amount of work will have to be done before the Government can move to provide for betting facilities, either by bookmakers or on the totalisator.

Members of Parliament will appreciate that a number of consequential amendments will be necessary to other Acts should this present Bill meet with the approval of Parliament, but beyond the introduction of the Bill to amend the Dog Act, 1903-1967, and the Prevention of Cruelty to Animals Act, 1920-1970, it is

not the Government's intention to move on Acts such as the Totalisator Duty Act, and the Totalisator Agency Board Betting Act until later.

Part 1 of the present Bill chiefly deals with the repeal of the Racing Restrictions Act which as I previously mentioned is the Act that prevents greyhound racing.

The second part deals with what I consider to be one of the most important features of the Bill; that is, the establishment of the greyhound racing control board.

As I stated earlier, greyhound racing operates in all other States of the Commonwealth and in many countries of the world. In some States the sport goes back many years, in others it has been introduced only in recent years.

I do not think I am being derogatory when I state that greyhound racing has not always enjoyed a high standing. Unfortunately, like so many other sports which operated in bygone days when controls were almost nonexistent many highly irregular occurrences did take place, including cruelty to animals and the rigging of races, etc. However, I feel I am perfectly safe in saying that this sort of situation was not completely confined to greyhound racing.

Times have changed, stringent controls have been legislated for, and, today, greyhound racing enjoys an excellent reputation throughout the other States of the Commonwealth.

Of course controls must be administered correctly and justly if they are to be successful and I am certain that no one aspect of control has played such a major part in re-establishing greyhound racing than the various boards of control set up by the States to administer the sport. Although they may differ in composition and even in powers granted them, they have proved to be the cornerstone of the sport.

Being the last State to become involved we have had the advantage of being able to learn by the experience of others and we are of the opinion that the composition suggested in this Bill will give the greatest efficiency. The Bill sets out to establish a greyhound racing control board which, subject to the Minister, shall be responsible for the administration of the Act.

It is visualised that the board shall consist of seven members who shall be appointed by the Governor. One shall be an officer of the department of the Public Service of the State known as the Chief Secretary's Department and one shall be a practitioner within the meaning of section 3 of the Legal Practitioners Act, 1893. Experience has shown it is desirable there be a link between the board and the Minister, hence the appointment of a departmental officer. Additionally, experience has shown that the board benefits considerably by the advice and influence of a legal advisor, particularly in the matter of appeals to the board.

The only other provisos are that one member shall be a person selected by the Minister from a panel of persons nominated in the prescribed manner by such body or bodies representative of owners, breeders, or the trainers of greyhounds, as are prescribed and that one shall be a person selected by the Minister from a panel of persons nominated in the prescribed manner by such registered greyhound racing club or clubs as prescribed.

As it is envisaged that one of the duties of the board of control will be to license or register owners, breeders, trainers, and clubs it is evident that it would be difficult to satisfy these two provisos if the board were completely elected prior to such registration. As a result the Bill makes it possible for only five members to be selected in the first instance and the other two after the board has been functioning and its registration established.

Power is given for the appointment by the Governor of a chairman of the board, but a person is not capable of being appointed chairman or of continuing in office as chairman, if he is, except in his capacity as chairman and member of the board, engaged or financially interested in the racing of greyhounds in any capacity as owner, lessee, breeder, or trainer, or if he holds any license issued by the Betting Control Board under the Betting Control Act, 1954, to carry on the business of a bookmaker.

Members of the board will be appointed for a term not exceeding three years and they shall be eligible for reappointment. Power is given to appoint deputies in respect of each member and guidelines are established as to how the meetings of the board are to be called, the constitution of a quorum, and the voting power of the chairman; that is, one deliberative vote, plus a casting vote.

In regard to the powers of delegation the board may, with the approval of the Minister, delegate to any member, officer, or employee of the board or other person, any of its powers and functions, except the power of delegation.

Dealing with the appointment of officers of the board it is laid down that the board may appoint a secretary to be its chief executive officer and such other officers and employees as the Minister approves as being necessary, and all persons so appointed are subject to the control and direction of the board.

Subject to any directions of the Minister, the functions of the board are—

(a) To control and regulate greyhound racing; and

(b) To exercise and discharge such powers, functions and duties as are conferred on the board by this Act or any other Act.

As to finance, the board shall establish and maintain a fund to be called the greyhound racing control fund and moneys paid to it shall include all fees for licenses or registrations granted or effected under the Act, and all other moneys that are received by the board under the Act or directed or authorised to be paid to the board by or under other Acts, and any moneys borrowed by the board.

The Hon. A. F. Griffith: What will the board do for money until it is in a financial position to stand on its own two feet?

The Hon. R. H. C. STUBBS: I suppose it will have to get an advance from the Treasury, to be repaid when it is functioning; but perhaps the next paragraph may answer the question.

As to borrowing powers the board is empowered within the approval of the Minister to borrow moneys on such terms and conditions as the Minister approves.

Conversely, all expenses including—

(a) the repayment of moneys borrowed by the board and the payment of interest thereon; and

(b) the payment of expenses in fees and wages incurred by the board in the exercise of or discharge of its powers, functions, and duties under this Act

shall be paid out of the fund.

It should also be noted that the board, when established, does not represent and is not an agent or servant of the Crown.

The general powers and functions of the board are dealt with in part III of the Bill and it is intended that subject to the Act the board may, in accordance with the rules—

(a) register or refuse to register and renew or refuse to renew the registration of the following:—

(i) any greyhound;

(ii) any lease arrangement or training agreement relating to a greyhound;

(iii) any owner, trainer or lessee;

(iv) any greyhound racing club or greyhound trial track;

(v) any other prescribed person or thing associated or connected with greyhound racing;

(b) prohibit from participating in greyhound racing, any greyhound that is not registered by the board;

(c) prohibit from participating in greyhound racing in any specified capacity any person who is not registered in that capacity by the board;

(d) impose fees for any registration or renewal;

(e) cancel or suspend any registration;

(f) disqualify any greyhound from participating in greyhound racing;

(g) disqualify any owner, trainer, lessee, or other person from participating in or associating with greyhound racing; and

(h) warn off any person.

Concerning decisions of the board in respect of (a)—the refusal to register or to renew the registration of any greyhound or person such as an owner, trainer, or lessee, any greyhound racing club, or trial track, etc.—(b), or its decision in regard to disqualifying any owner, trainer, lessee, or other person, etc., such decision shall be final and without appeal.

The Bill, as I have stated, makes provision for the registration of greyhounds. In some States of the Commonwealth this is a function of the national coursing association of the particular State. Upon advice this registration has been made a function of the board in this Bill. It is considered that the board should be the one body of control in all matters of registration concerned with greyhound racing.

In regard to the registration of a greyhound racing club the Bill bars any club unless the board is satisfied after considering the constitution, rules, or documents by which the club is formed, established, or regulated that the profits, if any, and other incomes of the club, are to be applied for the promotion of the purposes for which its members are associated and the payments of dividends and distribution of profits or income to or amongst the members of the club—other than by way of payment for services rendered or reimbursements of expenses incurred on behalf of the club—are prohibited. In other words the club must be a non-proprietory club.

The Bill gives power to the board, with the approval of the Minister, to make rules for and with respect to the control, conduct, and regulation of greyhound racing. These rules include rules for or with respect to the power, authorities, duties, and functions of stewards, graders, and other officers appointed by the board and also rules prohibiting—

(i) betting or wagering at any place where a greyhound trial or training race is held; or

(ii) the award in respect of any greyhound trial or training race of any money, valuable thing, or privilege.

In deferring the board's appellate jurisdiction the Bill allows the board, with the approval of the Minister, to make rules conferring on the board power to hear and determine appeals against the decisions of

stewards or committees of registered greyhound racing clubs in such classes of cases as may be prescribed by the rules, and also to prescribe the procedure of or in connection with such appeals, and for the payment of fees and costs in respect thereof.

Part IV of the Bill deals with the restrictions on race meetings. Firstly, it is stipulated that no race meeting shall be held on any race course unless the course is one licensed by the board and, secondly, that any registered greyhound racing club may apply to the board for the issue of a license. The board must have the prior approval of the Minister to issue a license authorising the conduct of a race meeting at a racecourse specified, or to revoke any license issued.

Licenses issued must specify—

(a) the days on which the club may conduct the race meeting;

(b) the hours during which the club may conduct the meeting; and

(c) the licensed course at which those race meetings may be conducted.

At this stage I feel I should point out to members that it is intended that the Minister give directions to the board as to the maximum number of race meetings to be conducted during any period and the days of the week on which, and the hours of the day within which, race meetings may, or may not, be conducted.

Penalties of $1,000 are provided for race meetings conducted at a place which is not licensed, or by persons not registered as registeredd clubs; and where any registered greyhound racing club conducts a race meeting on a day or during any hours of a day on which the club was not authorised the club's registration is revoked.

Part V, the final part of the Bill, deals chiefly with accounts and the audits of accounts, the tabling of annual reports to Parliament, and the powers given to the Governor to make regulations.

The Bill specifies that the Auditor-General shall at least annually audit the accounts of the board and that the board shall pay fees for such audit. It also lays down that the board must make and submit a yearly report of its proceedings to the Minister, together with a true copy of the audited accounts, copies of which shall be laid before both Houses of the Parliament.

The Hon. A. F. Griffith: Before the Minister resumes his seat, can he advise me of his programming for this legislation? What adjournment can I ask for; I would like a week.

The Hon. R. H. C. STUBBS: I am happy to allow an adjournment of one week, as long as it suits my leader. I think the Leader of the Opposition should have a good look at this proposed legislation because it is important.

The Hon. A. F. Griffith: In the event of this legislation being passed I take it that the Chief Secretary will have other legislation to follow? I would like to know the programme. How anxious is the Government to have greyhound racing?

The Hon. R. H. C. STUBBS: The Bill now before us is framed to commence negotiations. It is the foundation on which the control board will be established so that we can start to register the people concerned, and also the dogs. Therefore, we are anxious to get the legislation through during this session. If it is passed consequential Bills can follow. I commend the Bill to the House.

Adjournment of Debate

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [2.39 p.m.]: I first rise to ask you, Mr. President, to give a ruling as to whether or not this Bill requires a message.

I asked the Chief Secretary, by way of interjection, where the money was coming from to get this authority going and he indicated, at that point, the money might come from the Government. He later found, in his speech notes, that the board had power to borrow.

I would still like a ruling as to whether or not the Bill requires a message from the Governor, and I propose to ask for an adjournment of the debate until one week from today. Consequently there would be no hurry, Mr. President, for you to give your ruling, but I do ask that you give one. I move—

That the debate be adjourned for one week.

Point of Order

The Hon. R. H. C. STUBBS: To put it in order, Mr. President, I said that I thought the money might come from the Treasury.

Debate Resumed

The Hon. A. F. GRIFFITH: Mr. President, there is no room for the Chief Secretary to comment.

The PRESIDENT: Prior to moving that the debate be adjourned for one week, the Leader of the Opposition asked that I give a ruling before calling on the legislation. It will therefore be my intention to give a ruling on the facts that are before me now, prior to any further discussion of this legislation.

Motion put and passed.

Debate adjourned for one week.

PREVENTION OF CRUELTY TO ANIMALS ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by The Hon. R. H. C. Stubbs (Chief Secretary), and read a first time.

Second Reading

THE HON. R. H. C. STUBBS (South-East—Chief Secretary) [2.43 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to amend the Prevention of Cruelty to Animals Act, 1920-1970. It is another Bill consequential to the introduction of the Greyhound Racing Control Bill.

In my second reading speech on this last-mentioned Bill, I spoke of the bad old days of greyhound racing when there were allegations of cruelty being shown to animals. The R.S.P.C.A. and other similar organisations have done a great job to ensure that the sport is one in which there is no place whatsoever for persons who are cruel to animals. However, to do this humane work they must have legislative powers on which to act. This is, in fact, the purpose of the amendments in that they make it an offence for a person—

(a) to promote or take part in the coursing with a dog or dogs of any animal kept or released for the purpose of being coursed;

(b) to keep or have in his custody, possession, or control at any place any animal, not being a greyhound, for the purpose of using the animal in connection with the racing or training of greyhounds.

Debate adjourned for one week, on motion by The Hon. A. F. Griffith (Leader of the Opposition).

DOG ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by The Hon. R. H. C. Stubbs (Chief Secretary), and read a first time.

Second Reading

THE HON. R. H. C. STUBBS (South-East—Chief Secretary) [2.45 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this small Bill is to amend the Dog Act to allow for special provisions to be applicable to greyhounds.

The first provision deals with the necessity to have a greyhound muzzled when it is on land or within premises of which its owner is the occupier. The second provision is to ensure that at all times when a greyhound is in or on a public place it is under the control of a competent person.

The Bill stipulates that a greyhound shall be deemed not to be under the effective control of a person if that greyhound is one of more than four greyhounds under the control of that person at the one time or if that person is not controlling the greyhound by means of a prescribed type of chain, cord, or leash.

The Bill stipulates, however, that the provisions do not apply when a greyhound is being exhibited for show purposes or is participating in an obedience trial if at that time the greyhound is under the control of a competent person.

Finally, the Bill exempts a greyhound from having its registration disc attached to a collar around its neck while the greyhound is participating in a greyhound race or trial under the control of the Greyhound Racing Control Act, 1972. I commend the Bill to the House.

Debate adjourned for one week, on motion by The Hon. A. F. Griffith (Leader of the Opposition).

ALCOHOL AND DRUG DEPENDANTS: TREATMENT

Inquiry by Select Committee: Motion

THE HON. R. J. L. WILLIAMS (Metropolitan) [2.48 p.m.]: I move—

That a select committee be appointed to investigate and assess the present facilities and methods available, both Governmental and others, and to inquire into and report to the House on ways and means to develop, improve, and co-ordinate the treatment of alcohol and drug dependants.

I am grateful to the House for giving me the opportunity to move the motion standing in my name. I would like to make it clear at the outset, Mr. President, that I consider this a subject above party politics and a community problem which is well suited to the exercise of a Select Committee. I realise, too, it is up to me to convince the House that such a Select Committee is necessary.

Perhaps I could pay tribute at this point to a man who, some four years ago, in a public lecture and question session, really brought home to me the effects of alcoholism amongst the community. The gentleman to whom I now pay tribute is Mr. Jim Carr of the Health Council. He is extremely erudite, extremely learned, and extremely sensible in his approach to this problem.

During the Address-in-Reply I spoke on this subject, but I did not realise at that time that other investigations were being made by a Government officer who has produced an extremely good and readable report entitled, "Investigation into Drugs and Alcohol" as a result of a trip which he took.

The report was prepared by the Director of Mental Health Services following an overseas visit. Dr. Ellis knows more about this subject than most people, and in my previous speech I referred to the fact that he had one or two thoughts about this problem. While he was abroad he visited Israel, Sweden, Denmark, Holland, Czechoslovakia, Geneva, the United Kingdom, Jamaica, the Bahamas, and San Francisco,

and he also visited Wisteria House in Sydney. His report of some 43 pages is extremely readable and is useful to the community.

We as a Parliament must be sure—in point of fact, absolutely sure—that reports which, although short, are meaningful to the community receive the attention they deserve; and there is need for a great deal of follow-up of this particular report. What is more, it needs urgent follow-up. It cannot be just left to rot on a shelf or for one department to have a look at it and another department to pass comment on it.

I pose these questions to the House: To whom in Government circles does the alcoholic belong? To whom in Government circles does the drunkard belong? They are two different people. To whom in this community does the drug dependant belong? An adequate case could be made out to show that these people come within the province of the Minister of Health. An adequate case could be made out to show that these people come within the province of the Minister for Community Welfare. An adequate case could be made out to show that these people come within the province of the Minister for Police. An adequate case could be made out to show that these people come within the province of the Chief Secretary. Without exception, all those departments are implicated in this problem. The problem is of such magnitude that we observe only the tip of the iceberg.

I have long been of the opinion that imprisonment for drunkenness is not the answer. If any member of the Police Force were asked which of the many unsavoury tasks he has to face he liked least, I think he would say that of dealing with drunks—pure drunks who have committed no offence other than that of being drunk.

I wonder what would be the reaction of many people in the community if they went to an area of this metropolis and saw these people mixing a 29c bottle of metho with a bottle of Fanta or Coca Cola? Believe me, that is not only a frequent occurrence but it is also a common occurrence in this city.

The community is extremely conscious of the problem in so far as several departments are concerned in tackling the problem. Several voluntary organisations are tackling the problem. No-one can accuse any Government of this State of turning its back on this problem. Karnet is the pioneer of rehabilitation units in the Commonwealth. Another unit was recently opened at Byford. But these activities are fragmented. The whole operation needs to be drawn together and co-ordinated if the benefit is to be felt throughout society.

A conservative estimate of the cost of alcoholism in this State is $34,000,000 per annum. That is a conservative estimate of the direct and indirect costs to this State.

Let me say at this juncture that alcoholism is recognised as being a disease, and in this lies our problem. It is classified as an international disease. It has separate classifications of episodic excessive drinking, habitual excessive drinking, alcoholic addiction, and then other unspecified types of alcoholism. The classifications do not include alcoholic psychosis, which is another category altogether.

When I speak of alcoholism I couple with it drug dependence. I do not care whether the drug dependence is on marihuana, heroin, LSD, or even the common aspirin and proprietary powders which can be purchased at any grocery store.

If one looks at the figures for renal failure in the Commonwealth and the medical reports associated with it, it will be found that some drug dependants take anything up to 20, 30, and even 40 of these powders per day for the relief of pain. In point of fact, many of their pains are what might be called psychosomatic, but they finish up in the hospitals in the specialist units for kidney complaints. Renal failure as such is one of the greatest diseases in the Commonwealth. I therefore ask the House to bear with me when I state that I am including with alcoholism drug dependence in all its forms.

In this problem we have a multitude of things to do. Not only must we treat the people concerned but we must also have an extensive programme for educating the growing population. We must educate people to realise that dependence on one or more of these things is damaging to their health. All this information must be collected and collated and a decision must be made as to how the State can best deal with it.

No-one is suggesting that the appointment of a Select Committee and the tabling of its recommendations will solve the problems in this State overnight. What we are trying to do is co-ordinate these facilities and improve the treatment given to these people. In time, we will eradicate an international disease.

This State has a proud record for the eradication of tuberculosis. I say "eradication" because only a very small number of cases now occur. It could be that somewhere along the line, when alcoholism has been positively identified and it is positively known how to treat it, another wonder drug will be discovered, such as streptomycin was for tuberculosis.

If we ignore this problem the strain on our social services will become greater from year to year. I do not know how much money is paid from the Child Welfare Department to the dependants of people who are declared alcoholics. I do not know how much money is expended by the Police Department in dealing with drunken offenders. However, I firmly believe that prison, as such, is not the place for these

people. I believe we should strike from our Statute books the Convicted Inebriates' Rehabilitation Act. The title alone carries a stigma that these people have committed an offence against society and that they shall be punished for ever more.

I believe that a Select Committee could inquire into all aspects of the problem. It could hear expert evidence from various governmental departments and bring down to this House a reasoned set of recommendations for the future of this State.

The Chief Secretary is particularly worried about the overcrowding at Fremantle Prison. With an organised setup to help the alcoholics and drug addicts, he would find he has an abundance of room at Fremantle.

One of the problems with alcoholism is the stigma attached to it. Even a voluntary patient is committed to a mental health institution. It is not for me to labour the point of the stigma of mental illness. However, I noticed yesterday in one Bill we removed two offensive words from an Act—those words were "lunatic asylum." It is not 100 years since the mentally ill were incarcerated in these lunatic asylums like the Hospital of St. Mary of Bethlehem in London from where the term "bedlam" is derived. In those days it was considered to be a Sunday afternoon outing with the children to poke at the animals through the bars and watch their contortions. This same attitude is today directed towards alcoholics.

On a dark night very few people in this State would stop to help a figure lurching out of some hostelry, collapsing on the pavement, and vomiting. Not many people would rush into adjoining properties from which screams and shouts are emanating if the neighbours have warned them of a domestic problem. It may be a father ill-treating his children or his wife after his return from the hotel.

On Friday night it is quite common to see children waiting outside hotels for their fathers. I have seen cases of the mother sending the child in to the father in the fond hope of retrieving at least some of the wage packet. On looking into many of these case histories, it is found that a year, two years, or three years before the husband was a most loving husband and father. However, he has been overtaken by the disease of alcoholism and in truth is no longer responsible for his actions when he is under the influence of alcohol.

There are members in this House who could sit down and consume a large quantity of liquor and yet be relatively unaffected. And yet two small glasses of beer is sufficient to reduce many alcoholics to a most pathetic state.

The Hon. W. R. Withers: Well—

The Hon. R. J. L. WILLIAMS: I realise what I have just said, and I appreciate Mr. Withers' interjection.

If one visits a hospital, particularly a hospital for drug addicts, and sees a person looking about 70 years old lying on the bed but who instead turns out to be a girl of 17, one tends to sober up rather quickly. Most of us tend to be revolted.

Thank God drug dependence in this State is not far advanced. It is pathetic to see these heaps of skin and bone with no chance of recovery—they are beyond the pale and all the hospital staff can do is to hope to ease their last few hours on earth.

Members may have read a book called, *Bury Me in My Boots*. This book was written by a young girl, Sally Trench, who worked amongst the derelicts in London, and it makes us realise that we must take precautions to ensure that a similar situation does not arise in this State. Sally Trench helped these people at the price of her own health. She treated people who sat around fires on river embankments and gave them cups of coffee from a thermos flask donated to her by a coffee-stall proprietor. She scrounged medical equipment, bandages and the like, to dress burns they received when they fell into fires in a drunken stupor. Perhaps one of these men was conscious enough to kick his mates from the fire.

If we study the socialist medical service and realise what the service cannot do for these people, we are horrified.

I am deeply conscious of the fact that alcoholism is not generally advertised. A Select Committee to inquire into this problem is not the complete answer. It does not require only a Select Committee to bring down recommendations. We need to train social workers and doctors who are willing to enter this field. We will need the goodwill of the Press and the mass media. We must bring this disease to the notice of the public, and the public must face it. The public must let us know that they are willing to extend a helping hand because it is not the treatment of an alcoholic in a hospital bed which is important *per se*, it is the follow-up treatment and the sympathy and understanding of the community at large. All these actions are necessary for complete rehabilitation of the alcoholic.

We cannot hope to introduce grandiose schemes, and in his report Dr. Ellis does not suggest this. What he does suggest is that very gently, on an experimental basis, we should attempt to collect all the fragmented services in this State and see that the members work to the one end.

Perhaps if I quote from his report members will appreciate what I am trying to say. I quote from page 42 of the report as follows:—

> What is most urgently needed in this State, however, is an assessment of the present facilities available, governmental and other. Inter-professional and inter-departmental rivalries cannot be allowed to inhibit action on this problem. Like drug-dependency, alcoholism is a community social problem, and cannot be considered solely on a medical basis. The co-operation between medical, social, legal, correction, voluntary, and research agencies, which is so important, could be implemented by the setting up of the Committee suggested above.
>
> Such co-operation is well advanced in Scandinavia, Holland, England, and the United States, and with a little goodwill and energy could easily be undertaken here.

It is for this reason—to overcome inter-professional and interdepartmental rivalry—that I ask the House to support my motion. I feel that one of the major responsibilities of a Parliament in any part of the world is the care of, and concern for, all those who are sick; and alcoholics and drug dependants are really sick people.

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

GAS STANDARDS BILL

Receipt and First Reading

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

Second Reading

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [3.13 p.m.]: I move—

> That the Bill be now read a second time.

The purpose of this Bill is to introduce new legislation to provide for alterations which are brought about by the introduction of natural gas. This measure repeals the Gas (Standards) Act of 1947.

The Act now to be repealed deals with town gas of the type and standard being manufactured in 1947. It provides for a range of calorific or heating values from 475 to 550 B.t.u. to the cubic foot. In addition, under the provisions of the Act the State Electricity Commission is charged with the obligation of testing the purity of the gas, the pressure at which it is supplied, and its calorific or heating value. Penalties are prescribed to take effect should a supplier of gas, legally referred to as a gas undertaker, not maintain standards laid down in the Act.

The introduction of natural gas with a calorific value of 1,033 B.t.u. per cubic foot, and the availability of a wider range of gas—such as town gas, liquid petroleum gas, and natural gas—has rendered it necessary to revise the Gas (Standards) Act in order that it might encompass the varying conditions under which gas can be supplied to consumers.

With the increased range of types of gas available, provision has had to be made to measure and control fundamental parameters which affect the combustion of the gas in consumers' appliances. The likelihood of the current changes was not foreseen in 1947.

The measure now before members provides that where these parameters are required to be altered by the undertaker in such a way as to require changes being made to consumers' appliances the cost of these changes will be borne by the undertaker.

Actual limiting values for such parameters as heating value, flame speed, specific gravity, etc., have been omitted from the Act itself because the range of types of gas available now and which could become available in the future is so large and variable that their inclusion would make the wording of the Act cumbersome and could necessitate amendments to the Act from time to time to meet changes in types of gases.

The limits for these items, apart from heating value, will be fixed from time to time by regulation. Regulations will take into account the practical considerations and limitations of the design of the gas-burning appliances.

With the increased size and pressure of natural gas installations provision is required for checking of consumers' installations in the general interests of safety and efficiency.

It was proposed to amend the Gas (Standards) Act to provide for these features but upon establishing that most of the sections would require amendment, Parliamentary Counsel advice was to the effect that it would be more practical and less confusing to rewrite the Act entirely and this is what has been done. Because the necessary flexibility will be maintained by regulation the new Act is not of great length.

Clause 5 (1), for instance, exempts liquid petroleum gas not supplied by means of a reticulation system, the transmitting of gas through a pipeline by the holder of a pipeline license, and also the acts of gathering gas through a pipeline within the land comprised in an exploration permit.

These exemptions are understandable when we consider that the object of gas standards legislation is to control the supply of gas to the consumer and regulate its correct and safe domestic usage.

Under clause 5 (2) the provisions of proposed sections 8, 9, 10, and 11 relating to heating value, pressure, purity, and odour, do not apply to gas supplied directly by a pipeline licensee to a consumer for industrial purposes. With respect to clause 5 (3) the Governor may declare that all or any of the provisions of the Act do not apply to any gas which is not ordinarily used as a fuel.

Clause 8 requires that an undertaker shall not distribute gas until he has obtained the written approval of the Minister for Electricity, giving a minimum standard of heating value for the gas supplied. Provision has been made for alteration of this heating value and for the use of different heating values in different areas of supply, as for example in country areas which may rely on types of gases which are different from the natural gas to be supplied in the metropolitan area.

Larger undertakers will be required to maintain an instrument which will produce a continuous record of the heating value of the gas supplied; whereas with smaller undertakers a system of spot testing may be used. Penalties are provided for the supply of substandard gas.

Clause 9 provides that a gas undertaker shall meet the cost of conversion of appliances should the undertaker significantly alter the gas supplied by him.

This provides protection for the consumer against any alteration of gas parameters that will adversely affect the operation of his appliances.

Clauses 10 and 11 provide for the State Electricity Commission to test gas supplied by an undertaker to determine its heating value, pressure, purity, and odour. Any undertaker who knowingly fails to comply with any direction served upon him pursuant to this clause, or who falsifies records, shall be guilty of an offence.

When it is considered necessary by the commission, an undertaker may be required to instal instruments to measure and record such gas parameters as are specified.

Clause 12 provides for the commission to appoint inspectors and to authorise inspectors to enter into premises or works of an undertaker for the purpose of testing gas or equipment.

Clause 13 provides that an undertaker or a pipeline licensee shall not supply gas to a consumer's installation unless the installation meets prescribed requirements and where the consumer's installation is dangerous it authorises the inspector to disconnect the supply.

Regulations made under clause 14 may provide for the standard of odour, pressure, and purity of gas supplied. Testing fees and standards of installation, maintenance, and operation of pipes and other equipment and also standards of construction, installation, maintenance, and operation of consumers' appliances may be prescribed.

The new legislation superseding the old makes provision for recent advances in gas technology and for varying types of gas, and it is commended to the House.

Debate adjourned, on motion by The Hon. A. F. Griffith (Leader of the Opposition).

GAS UNDERTAKINGS ACT AMENDMENT BILL

Receipt and First Reading

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

Second Reading

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [3.22 p.m.]: I move—

> That the Bill be now read a second time.

The amendments to the principal Act which are contained in this measure have been formulated to enable the sellers of natural gas to fulfil their obligations under the proposed contract.

The Gas Undertakings Act was passed in 1947 and was intended to regulate the operation of gas undertakers who were selling gas to ordinary consumers with a view to making a profit.

The only undertaker affected at that time was the Fremantle Gas and Coke Company Ltd. which has a franchise to supply gas within a circle five miles in radius from the Fremantle Town Hall. The company enjoys a monopoly within its area of supply and the Act limits the company's dividends and reserves.

When negotiations were being conducted between the State Electricity Commission and the suppliers of natural gas, it was realised that the restrictions of the Gas Undertakings Act were not intended to apply to companies which explored for natural gas. The then Minister for Electricity advised Western Australian Petroleum Pty. Ltd. that the Government would support the introduction of legislation that would enable the sellers of natural gas to fulfil their obligations under the proposed contract between the commission and the producers of natural gas. These producers will not be selling gas to smaller consumers who are the persons to be protected under the Gas Undertakings Act.

The Bill proposes an amendment to give the Minister for Electricity authority to declare that the provisions of the Gas Undertakings Act do not apply to a gas undertaker who is the holder of a pipeline license under the Petroleum Pipelines Act of 1969.

Section 25 of the Gas Undertakings Act provides that the Minister may by notice published in the *Government Gazette* declare that the provisions of the Act shall not apply to a gas undertaker under certain terms and conditions. It is proposed to add a new subsection to that section, with effect that the Minister may by notice published in the *Government Gazette* declare that the provisions of the Act do not apply to a gas undertaker who is the holder of a pipeline license granted under the Petroleum Pipelines Act of 1969, as I have already indicated, in respect of gas which is supplied or distributed through a pipeline the subject of that pipeline license.

A further subsection establishes that any notice published under subsection (2) may be subject to such terms and conditions as are specified by the Minister and be varied or revoked by subsequent notice so published.

Debate adjourned, on motion by The Hon. A. F. Griffith (Leader of the Opposition).

SALES BY AUCTION ACT AMENDMENT BILL

Second Reading

THE HON. J. M. THOMSON (South) [3.27 p.m.]: I move—

> That the Bill be now read a second time.

A detailed explanation of the purpose of this Bill is perhaps not necessary on this occasion, because a measure containing similar content was before the House on a previous occasion, but owing to the fact that it needed some revision the House did not proceed with it.

However, I think it is necessary to repeat that the provisions in the Bill now before the House are, to some extent, similar to the provisions that appeared in the Bill that was previously brought before it. They seek to make an effort to protect the owners of cattle at sales by auction against the very questionable practices that have been indulged in and are still being indulged in at present by responsible people closely associated with auction sales of cattle, which practices result in financial gain to themselves at the expense of the vendor.

It will be noted that clause 3, appearing on page 2 of the Bill, seeks to amend the interpretation of "cattle," and also interprets the meaning of "stock inspector" wherever it appears throughout the Bill.

Clause 4 seeks to increase the penalties prescribed under section 3 of the parent Act which was proclaimed in 1937. That being some time ago, when the penalties were prescribed in pounds, shillings, and pence. It now seems necessary to increase the penalities and to prescribe them in dollars and cents, which is our existing form of currency.

Clause 5, on page 3 of the Bill, seeks to add two new sections to the principal Act; namely, sections 3A and 3B, and I wish to quote those sections. Section 3A reads as follows:—

> 3A. Every auctioneer who conducts sales by auction of cattle—
>
> (a) shall keep or cause to be kept a register or book in the form in the Schedule to this Act; and
>
> (b) on each day he conducts such a sale, shall, under the respective headings in the register or book that are applicable, make an accurate entry of the particulars in respect of all the cattle he has sold on that day or cause such an entry to be made and sign or initial it,

Proposed new section 3B is very important, because up to the present it has not been an easy matter for the police—and from now on for the stock inspectors who are to be charged with the authority—to make inspections of registers of sales of cattle. This proposed new section states—

> 3B. (1) Any member of the police force of the State or any stock inspector may, at any reasonable time, inspect a register or book that is required to be kept pursuant to section three A of this Act.

If the auctioneer fails to comply with this provision he shall be guilty of an offence and shall be liable to a penalty of not more than $100.

The power to inspect the register relating to cattle sales has an important bearing, particularly in attempts to prevent the occurrence of malpractices.

Clause 6 relates to increased penalties. Clause 7 relates to the restriction placed on the auctioneer and his employee in respect of the purchase of cattle. Proposed new section 4A (2) states—

> (2) An auctioneer shall not, whether directly or indirectly make a purchase on his own behalf of any cattle placed in his hands for sale by auction without having previously obtained the consent in writing of the vendor to the purchase.

Subsection (3) of proposed new section 4A states—

> (3) Any auctioneer who fails to comply with the provisions of subsection (2) of this section, shall be guilty of an offence and shall be liable, to a penalty of not more than one thousand dollars, or to imprisonment for a term of not more than one year and the court may order that any license to act as auctioneer held by him be suspended and that he be disqualified from obtaining a license to

act as auctioneer for such period as the court shall determine, and, in addition, the auctioneer shall be ordered by the adjudicating court to account for and pay over to the vendor all profits resulting from the purchase in respect of which he failed to comply with those provisions.

That provision also covers the employee of the auctioneer. In several cases which came before the court a few years ago it was found that the employee of the auctioneer in question was a party to malpractices.

Subsection (6) of proposed new section 4A states—

> (6) Any auctioneer who, whether directly or indirectly makes a purchase on his own behalf of any cattle placed in his hands for sale by auction, the purchase not being one that is prohibited under subsection (2) of this section, and charges commission in respect of the sale of the cattle shall be guilty of an offence . . .

This means that if with the consent of the vendor the auctioneer purchases cattle on his own behalf then he cannot charge the vendor a commission, because this is not actually a sale as the transaction is of benefit to the actioneer or his company.

Clause 8 seeks to amend section 5 which relates to a copy of the Act to be exhibited or read aloud at sales by auction of cattle.

Clause 9 seeks to add two new sections, 6A and 6B. The proposed new sections read as follows:—

> 6A. Nothing in this Act shall affect any civil remedy that any person may have against an auctioneer in respect of any matter.
>
> 6B. The Governor may make such regulations as may be necessary to give effect to the provisions of this Act.

Clause 10 embodies a schedule which becomes the register. The responsibilities of the auctioneer are clearly laid down. The particulars to be kept in the register include date of sale, pen number, name and address of vendor, number, description, stock brand, marks, price, name and address of purchaser, passed in price, sold by private treaty, and signature or initials of auctioneer. These particulars will be included in the register which is to be made available to police officers or stock inspectors from time to time.

I commend the Bill to the House, and trust it will receive favourable consideration and thus make the legislation a greater success.

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

CONSTITUTION ACTS AMENDMENT BILL

Second Reading

Debate resumed from the 27th April.

THE HON. A. F. GRIFFFITH (North Metropolitan—Leader of the Opposition) [3.37 p.m.]: It is not my intention to employ more than a few minutes of the time of the House in speaking to the second reading of the Bill. I think we are all very conscious of the fact that, when the Government of the day appointed the Public Accounts Committee, sooner or later some sort of provision would have to be made in relation to the expenses that might be incurred by the members of this committee in the execution of their duties. The Bill gives effect to that proposal by amendment to the Constitution Acts Amendment Act. I support it, and see no purpose in labouring the point.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [3.38 p.m.]: I thank the Leader of the Opposition for the remarks he made in connection with the Bill, and I am pleased with its reception.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

Sitting suspended from 3.40 to 4.16 p.m.

LEGAL CONTRIBUTION TRUST ACT AMENDMENT BILL

Second Reading

Debate resumed from the 2nd May.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [4.16 p.m.]: The principal Act is one of which I have some knowledge because it was introduced into this Chamber in the days of the previous Government and I am happy of course that it appears to be working quite well.

I am sure the intentions of the Act are known to everyone, and this Bill simply adds two provisions. It increases from 50 per cent. to 65 per cent. the proportion of the money held in trust accounts by solicitors which they are required to deposit to the credit of the trust. Furthermore, it authorises the trust to make interim payments on account of claims against the guarantee fund.

I see no purpose in spending a long time on the Bill and I therefore support the second reading.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [4.18 p.m.]: Again I thank the Leader of the Opposition for his support and assistance with this Bill; and I hope we can keep this co-operative spirit for the rest of the afternoon.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

ABORIGINAL AFFAIRS PLANNING AUTHORITY BILL

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. W. F. Willesee (Leader of the House) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Interpretation—

The Hon. A. F. GRIFFITH: I desire to move an amendment which should be moved before the one the Minister has on the notice paper. My amendment concerns the interpretation of "natural resources," but because some of the other clauses in the Bill may affect my amendment, I would like the Minister to postpone the consideration or completion of a number of clauses as we go through the Bill. I hope I have made myself clear. If we amend, say, clause 24 or clause 25, that amendment could have an effect on some of the clauses with which we have already dealt.

We can do one of two things: Ask for a recommittal of the Bill for the purpose of reconsidering those clauses, or ask for their postponement. It strikes me that a postponement is an easier and more simple method to apply.

Having said that, I express to the Minister my appreciation—and the appreciation of the other members involved—of the way we were able to reach agreement on certain matters. On other matters we were not able to reach agreement but that is to be understood. The final determination on the matters on which we failed to reach agreement must lie as the responsibility of the Committee. Of course, the whole Bill is the responsibility of the Committee but I do not think there will be much reason to debate the amendments the Minister has placed on the notice paper. I have not placed any amendments on the notice paper but I will be moving to delete certain clauses.

I again express appreciation of the co-operative attitude of the Minister. He desires this legislation to go through, and I desire it to go through. I have supported the second reading with certain reservations upon which I will enlarge as the Committee stage continues.

The CHAIRMAN: I believe the only action which can be taken is to recommit the Bill.

The Hon. A. F. GRIFFITH: The only answer, Sir?

The CHAIRMAN: I think so.

The Hon. A. F. GRIFFITH: I humbly disagree with your opinion. The amendment I would desire to make to clause 4 will affect lines prior to those which will be affected by the amendment proposed by the Leader of the House, and it would be the result of amendments to later clauses in the Bill. Surely it is competent to postpone clause 4?

The CHAIRMAN: Normally during the Committee stage we cannot go back. Never at any time have we been able to go back and amend a clause after an amendment has been made to a latter part of that clause.

The Hon. A. F. GRIFFITH: I am afraid your memory is very short, Mr. Chairman. There were provisions in the Liquor Bill —which is a typical example—on which I, as the Minister, required more time for consideration, and I gained that time by postponing consideration of the clauses concerned. We returned to them at the end of the debate.

The Hon. L. A. Logan: There were no amendments to those particular clauses.

The Hon. A. F. GRIFFITH: Yes, there were. I am interested in saving time, and the recommittal of the Bill will mean the loss of a day.

The Hon. W. F. Willesee: I think it should be made clear that we will not proceed with this clause. We will merely postpone it.

The CHAIRMAN: I understood Mr. Griffith to say that we would deal with the amendment and then postpone the clause.

The Hon. A. F. GRIFFITH: That is exactly what I did say.

The CHAIRMAN: If we deal with the amendment which is on the notice paper —whether or not we agree to it—we cannot go back to an earlier stage unless the clause is recommitted.

The Hon. A. F. GRIFFITH: Are you sure, Mr. Chairman, that is the advice which the Clerk would give you?

The CHAIRMAN: I have discussed the matter with the Clerk and he advises me this is so. This is also my own understanding of Standing Orders in this regard. It is no trouble to recommit the clause.

The Hon. A. F. GRIFFITH: I know that there is no trouble involved in recommitting the clause. However, if that is what you desire I do not mind.

The Hon. R. F. CLAUGHTON: We could overcome the difficulty if we do not consider the amendment to clause 4 until a later stage. I think that is what Mr. Griffith had in mind; the postponement of the clause entirely.

The Hon. W. F. Willesee: That is exactly what I said in the first instance—that we postpone the clause.

The CHAIRMAN: That is different from what Mr. Griffith desired.

The Hon. R. F. CLAUGHTON: If we follow this procedure, and a further amendment is proposed, it can be taken in its proper sequence.

The Hon. W. F. WILLESEE: Obviously if the Committee opposes some of the clauses of the Bill they will be deleted in the course of the debate. We want to facilitate the passage of the measure and it is for this reason that I ask for a postponement.

We have delayed discussion in Committee for a long time, the reason being to move to a definite end as quickly as possible when the Bill was actually discussed in Committee. I therefore move—

That further consideration of the clause be postponed.

Motion put and passed.

Clause 5 put and passed.

Clause 6: Inconsistency—

The Hon. A. F. GRIFFITH: The Minister knows that I want to ask for a postponement of clause 6. However, it would be inappropriate for me to give my reasons at this time. I wonder whether the Committee would be prepared in those circumstances to accept a simple postponement of the clause, because explanations will follow at a later stage.

The Leader of the House is in charge of the Bill and I do not want to presume in any way that I am. It is for this reason that I ask him whether he would be good enough to postpone clause 6.

The Hon. W. F. WILLESEE: I have no objections whatsoever. I move—

That the clause be postponed.

Motion put and passed.

Clauses 7 to 10 put and passed.

Clause 11: Commissioner for Aboriginal Planning—

The Hon. W. F. WILLESEE: During discussions by the informal committee of members who were interested in considering the Bill it was agreed that slightly better drafting would result if the amendments, appearing on the notice paper in my name, were accepted by the Committee. I move—

Page 6, line 7—Delete the word "whether" and substitute the word "when".

Amendment put and passed.

The Hon. W. F. WILLESEE: I move an amendment—

Page 6, line 7—Delete the words "or not".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 12 to 19 put and passed.

Clause 20: Aboriginal Affairs Co-ordinating Committee—

The Hon. W. F. WILLESEE: When discussions were held on the total effect of this clause I agreed to the deletion of paragraph (d), because it seems there is room for appointment under the previous three paragraphs (a), (b), and (c). For the time being at least paragraph (d) can be considered as superfluous.

To make for continuity between paragraphs (a), (b), and (c), it will be necessary to insert the word "and" at the end of paragraph (b). I move an amendment—

Page 11, line 18—Add after the passage "Council;" the word "and".

Amendment put and passed.

The Hon. W. F. WILLESEE: I move an amendment—

Page 11, lines 27 to 31—Delete paragraph (d).

Amendment put and passed.

Clause, as amended, put and passed.

Clause 21 put and passed.

Clause 22: Constitutional provisions of Aboriginal Lands Trust—

The CHAIRMAN: Before the Leader of the House deals with this clause, I wish to point out an error. His amendment on the notice paper should read, "Page 12, lines 28 to 30" instead of, "Page 12, lines 9 to 11."

The Hon. W. F. WILLESEE: Agreement was reached to amend clause 22 (1) in accordance with the wording of the amendment on the notice paper. This will remove any possibility of confusion over the definition of persons of Aboriginal descent.

The Hon. A. F. Griffith: Do you still have the words "and living in Western Australia" because they do not appear in the amendment?

The Hon. W. F. WILLESEE: They will not appear in 22 (1) but they will appear in the definition.

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

The Hon. W. F. WILLESEE: I move an amendment—

Page 12, lines 28 to 30—Delete subclause (1) and substitute the following:—

(1) The membership of the Trust shall be comprised of persons of Aboriginal descent.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 23 put and passed.

Clause 24: Functions of the Aboriginal Lands Trust—

The Hon. A. F. GRIFFITH: This is probably the first clause amongst those we have discussed so far—although not necessarily the most important and operative provision—upon which I can make some comment in connection with mineral rights, natural resources of the ground, royalties, etc. However, because the expression, "exploration, exploitation or development of the land or natural resources" occurs in clause 24(d) and to some extent again in paragraph (e), it would probably be appropriate to at least make some mention of these matters in this clause. It might result in a better understanding of the situation in relation to some of the other clauses.

It will be remembered that I said I accepted this Bill and supported the second reading in the light of the fact that it was a Bill for an Act to make provision for the establishment of an Aboriginal affairs planning authority, a commissioner of Aboriginal planning, and an Aboriginal affairs advisory council for the purpose of providing consultative and other services, etc. The last words in the title are words we so often see in parliamentary procedures, "and other purposes."

In accepting the principle contained in the Bill and in commending the Minister and the officers of his department for their efforts in bringing forward the Bill, I told the House that I felt some hesitation in the handing over of the exclusive authority to natural resources of the ground to one particular section of the community.

I would like to make it perfectly clear that there is no prejudice or antagonism in my mind. There is nothing but support for the general principles for the betterment of the Aboriginal people. However, I said in the second reading debate, and I feel I must say again, the minerals of the country in various forms of legislation are said to be the property of all the people—not the property of some of the people. The only exception to this rule is the case of a person holding land in fee simple alienated before the year 1898 who can hold the right to mineral ownership of the land.

If we turn the page to clause 18, we come to the important operative clause in the Bill in relation to handing over the minerals and the natural resources of the Crown. Upon reflection as I am now speaking I feel we should perhaps postpone consideration of this clause.

The Hon. W. F. Willesee: Yes, I said that as you stood up.

The Hon. A. F. GRIFFITH: We have the opportunity to introduce the real issue at this point and perhaps members of the community will appreciate the reason for not dealing with clause 24 at the moment. Will the Minister ask for the postponement of clauses 24 and 25?

The Hon. W. F. WILLESEE: The explanation of the Leader of the Opposition makes the situation obvious, and I have no objection to seeking the postponement of these clauses. I move—

That further consideration of the clause be postponed.

Motion put and passed.

Clause 25: Transfers from the Authority to the Trust—

The Hon. W. F. WILLESEE: I move—

That the clause be postponed.

Motion put and passed.

Clause 26: New lands may be reserved—

The Hon. W. F. WILLESEE: I move an amendment—

Page 15, line 24—Insert before the word "The" the subclause designation "(1)".

This was a development which emerged as we discussed the Bill. In the first instance there was agreement that on the handing over of a large reserve to the trust Parliament should be notified. The argument then developed that if any area of land were vested in the trust Parliament should also be notified.

We have now decided that the procedure should be clearly written into the Bill to cover such instances. Current procedure is that the Governor-in-Executive-Council signs an authority which is tabled in either House of Parliament. At that stage it could then be disallowed. This present legislation could be important in the development of fairly big projects. In order that the trust understands clearly its responsibilities, it would be better to lay the matter before Parliament and have its sanction before taking it to the Governor-in-Executive-Council. That is the purpose of this amendment.

The Hon. A. F. GRIFFITH: I am very pleased that the Government has agreed to the insertion of this subclause. However, I do not suggest that Parliament ought to apply this practice to all regulations. I can think of a number of regulations which the Government would want to become effective straight away.

However, where there is no need for undue haste and where, perhaps, the Minister feels that Parliament should have an opportunity to say something on the question of the creation of new reserves—as reserves might well be created under this Bill—and the proposal passes the surveillance of Parliament, the Minister of the day is then free to take it to the Governor. The reverse procedure is that the proposal goes to the Governor, and is then laid on the Table of the House for 14 days. During this time it could conceivably be disallowed. If it were, all the planning and the good work that went into such proposal might then be lost and that would certainly be an undesirable state of affairs. I think the Government would move cautiously when making a further reserve and, when it brought the proposal before Parliament, it would have a sound case for the creation of a reserve, bearing in mind that all these reserves are to be handed over to the land trust, or to be controlled by it.

So, to my mind, in the circumstances, this is a sound way of achieving this objective. I think we may find, in other forms of legislation and regulations that this could easily be a helpful and practical method to adopt.

Amendment put and passed.

The Hon. W. F. WILLESEE: I move an amendment—

Page 15—Add after line 29 the following passage:—

(2) (a) The power conferred by subsection (1) of this section shall not be exercised except as recommended by the Minister and the Minister before presenting a recommendation to the Governor on the exercise of the power shall refer the question to the Authority and shall cause the report of the Authority together with his proposed recommendation to the Governor to be laid before each House of Parliament.

(b) Either House of Parliament may pass a resolution rejecting the proposed recommendation, of which resolution notice has been given within fourteen sitting days of such House after the proposed recommendation has been laid before it, whether or not the fourteen days or some of them occur in the same session of Parliament or during the same Parliament as that in which the proposed recommendation is laid before the House.

(c) The Minister shall not present to the Governor a recommedation which—

(i) is required to be laid before each House of Parliament and has not been so laid;

(ii) is before either House of Parliament and is subject to rejection; or

(iii) has been rejected.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 27 put and passed.

Clause 28: Vesting and effect of reserves—

The Hon. A. F. GRIFFITH: This is really the clause I was referring to when I made some opening remarks on clause 24. Expressed in simple terms, the clause provides that the provisions of the Mining Act, the Petroleum Act, the Forests Act, and any regulation, notice, proclamation or other law made under any of those Acts, and the provisions of any agreement contained in, or ratified or approved by, or made in pursuance of any Act of the Parliament of the State, do not apply in so far as they purport to operate to deprive the Aboriginal inhabitants of the exclusive use and benefit of that land and the natural resources of the area. That is the crux of the matter.

My party simply believes that the minerals of the State belong to all the people. It would be unfair for the royalties from any land—and in this instance it is land which is offered for use by the Land Trust—not to be paid into Consolidated Revenue or that they shall not be paid to the State. I have no objection to the Aboriginal people on reserved land gaining benefit from minerals that may be extracted from that land, but I think it is undesirable, to say the least, for Parliament in 1972, or in any other year, to commit this Government and future Governments in regard to an area that is completely and entirely unknown.

I cite the Petroleum Act of 1967 as an example. Some years ago there was a hard fought legal issue to determine who owned the mineral rights in relation to petroleum in this State. I have forgotten the name of the case, but it might have been the Waddington case. That case certainly involved the Midland Railway Company, whereby the Government of the day had sold the land of the Midland Railway Company and the company claimed the rights to the minerals on that land.

Litigation followed, and it was subsequently held that the mineral rights of the land which was alienated after 1898 were in fact owned by the State for the people. Then the Petroleum Act followed in 1967. It was produced by the Government of the day with the idea of creating ownership of the petroleum of the country, together with petroleum gas, oil, etc. The hydrocarbon areas of this State cover a large volume of the total area of Western Australia, and the State is becoming more and more reliant on the amount of money produced from minerals to carry out the functions of government.

We will have other iron-ore agreements brought before us in the course of time. One of these indicates that a much greater royalty will be produced as a result of this agreement than was the case with previous iron-ore agreements. I read in the Press the other day that Burmah-Woodside, which has discovered hydrocarbon deposits off the Western Australian coast expected to gross $1,000,000 a day. I do not know what this will mean in profit to the company, nor can I work out what the royalties will be on that amount, but I think the Committee can imagine that any operation of that nature, apart from the capital cost that is employed in an industry to produce $1,000,000 a day, must be of importance to the State.

I know the hydrocarbon deposits are at sea, but should a large petroleum strike occur on ground that was reserved and handed over to the land trust, then under this Bill all the money received in royalties would go not to the State, but to the land trust. I repeat that this is projecting matters so far into the future I would be quite concerned about taking such steps when we were not fully aware of where we were heading. It does not worry me in the slightest what the Government of the day does in relation to paying royalties to the Aboriginal planning authority. I do not mind if the Government gives the authority all the royalties earned, but I think it would be an unwise step if we were to write into a piece of legislation that, forever and a day—and it is no use saying that we could change it because we could not—money derived from natural sources of the ground in reserved areas must go not to the State, but into this fund.

It would be very difficult for us to agree with that. I know the Government is activated by well-meaning thoughts in this matter, and I know that other parts of Australia have done this to some extent. However, I would not be acting as a responsible person if I did not express my views on this subject which was drawn to the attention of Governments in the past. I submitted the proposition then, as I do now, that only one ownership of minerals exists other than the classification I have mentioned. We have only one Mines Department and we should have only one royalty-collecting authority. Whether the royalty be collected under timber rights, the rights under the Mining Act, the rights under the Petroleum Act, or the rights under any other ratified agreement, it should go into Consolidated Revenue to form a common fund required for all the people of the State and for the administration and needs of the State. Subclause (2)(b) reads—

> (b) the provisions of any agreement contained in, or ratified or approved by, or made in pursuance of any Act of the Parliament of the State;

That paragraph could include iron and nickel agreements already introduced, and the iron ore agreements which will arrive here in due course from another place. If any mineral were found on land which is reserved land under this Bill, all the royalties from the production in that area must go to this fund. The Government would be unwise to accept a proposition of this nature.

A speech was made the other day in another place indicating that the iron ore royalties of the Nimingarra iron ore projects would increase from $21,000,000 a year to $32,000,000 a year, or some such figure. If such royalties were to be gained from an area which is at present a reserve or which will be a reserve in future under this Bill, the revenue would not be placed in Consolidated Revenue, but would go to one particular section of the community. The Ministers on the front bench know that what I am saying is perfectly true and that the economy of Western Australia is depending more and more as each year goes by, on the mineral production of the State.

It is probably not really an appropriate moment to say this, but the agricultural position being what it is, and conditions in the State in many respects being what they are, Western Australia would have been extremely hard-pushed if it did not have the mineral royalties it has, and ever-increasing royalties, on which to fall back.

I hope the explanation I have given will be accepted in the spirit in which it is given. I repeat that I have not made my comments with any prejudice or any ulterior motive in mind, but purely to submit what I think is a common sense point of view. The Treasury must retain to itself the Consolidated Revenue it earns for itself in all the several ways that money is earned, and the Treasurer may be as generous as he desires to a particular department. If the Treasurer believes the Aboriginal Planning Authority deserves generous treatment, he can treat it generously, by all means.

I have just been handed some information which confuses me a little. The following was asked of the Premier in another place:—

(1) Would he enumerate any circumstances under which his Government would agree to any royalties on minerals being paid into other than Consolidated revenue?

(2) Would he enumerate the circumstances under which his Government would agree to the unused amount of a Consolidated Revenue Fund vote being retained by a Government department?

The answer was—

(1) Under the provisions of the Constitution Act, all royalties on minerals have to be paid into the Consolidated Revenue Fund. As the law now stands there is no alternative to this course.

(2) The Audit Act provides that the unexpended balance of a vote shall lapse provided, if the Treasurer considers it expedient, any such balance may be transferred to an appropriate account for the purpose of meeting any relevant accrued unpaid commitment.

I hasten to say that in respect of part (2) of the question and answer, I am reliably informed that the Native Welfare Act has contained this provision for some time, and I would not attempt to suggest it should be removed. However, I am confused with the answer of the Premier because of the contents of this Bill.

Be that as it may, I still feel that in principle we should reject the major part of clause 28. I do not want to vote against the whole of the clause because I wish to retain the first portion of it. We must realise that the authority will have land vested in it. However, I do not believe that the exclusive rights to minerals should be given to one department of the Government. I therefore move an amendment—

Page 16, lines 9 to 32—Delete all words after the word "Authority" down to and including the word "force."

The Hon. W. F. WILLESEE: Let me say at the beginning that I consider the Leader of the Opposition has a right to disagree with legislation just as any Minister has a right to prepare and endeavour to put legislation through Parliament. Therefore, I respect his views.

I had not heard of the question quoted by the Leader of the Opposition, but I would assume it applies to the existing situation, and this Bill is by no means through Parliament.

The Hon. A. F. Griffith: But I doubt whether this Bill would override the Constitution Act.

The Hon. W. F. WILLESEE: Should this Bill be passed as it is printed, the Constitution Act would probably have to be studied, but I do not know for sure, and I do not want to go into that issue. This is the whole depth of disagreement on the Bill; that is, whether or not the words written into the Bill and referred to by the Leader of the Opposition to give full mineral rights to the Aboriginal people on land which is considered to be their own and which will be vested in a trust for their keeping, should be, as a principle, written into the law.

One cannot deny the probabilities in respect of our mineral fields of the future; but up to date no major mineral find has occurred in reserves in Western Australia. If they have, I am unaware of them. However, I could think of nothing better than that deposits of nickel, iron ore, or some such other valuable mineral should be found on the reserves in question.

I must ask the Committee to defeat the amendment. I was warned that members had doubts about this provision, but, if we desire the Aboriginal people to be raised quickly to a higher standard so that they can manage their own affairs then we must pass this Bill because this is one of the best ways we can achieve our desire.

Without dealing with the problems of the Treasurer, if some direct income were to be credited to the lands trust for use by the Aborigines, he would naturally not make the usual amounts available from his own resources and so the necessary adjustment would be made.

The principle of this Bill is to give all the royalties from minerals found on the land in question directly to the trust for the benefit of the Aboriginal people, and I ask members to vote against the amendment.

The Hon. R. F. CLAUGHTON: I think all members on our side appreciate the arguments submitted by the Leader of the Opposition and we respect his views. We are not establishing a separate race of people under this Bill because they must still abide by all the other laws of the country. This legislation has been introduced because the Aboriginal people believe their rights in this country have been usurped and that they are dispossessed people. This is an attempt to give back to the Aborigines a faith in themselves and the knowledge that they do have a stake in the country. It is time we restored their dignity and made them realise their worth. This is something which their own organisations have sought throughout Australia.

We of the Labor Party are sympathetic towards this request. Even though it is a serious step to take we should resolve to

take it. It is possible the Aboriginal people will obtain vast riches from us though I doubt whether this will be so. However, it is a possibility we should consider.

If it relates to minerals—those, of course, are unreplaceable resources—they will eventually vanish and, accordingly, if this is the only value contained in the particular piece of land it is necessary for us to make even more from the royalties to last us into the future.

It is not as though the Aboriginal people will become flushed with wealth, to the exclusion of the rest of the people in the country, when such a resource is found because no matter what is obtained, even in the long-term future, provision will have to be made for such an eventuality.

The Aborigines have been an underprivileged race ever since the Europeans arrived in this country; they have enjoyed much fewer of the material benefits the country has produced over that period of time.

Even if lands are vested in the trust provision is made in the Act which indicates it will be some time before these people achieve anything like equality in material wealth compared with what the Europeans have continued to enjoy. After all is said and done if something is discovered it will be something which we are not using at present and, accordingly, we will not be deprived of anything at all; even though the Aboriginal people may enjoy the benefits from such discovery.

Despite the strong arguments the Leader of the Opposition presented—and, like the Leader of the House—I hope the Committee will make its decision in favour of the long-term benefit and the general uplift of the Aboriginal people.

The Hon. G. C. MacKINNON: I have tried to follow Mr. Claughton's speech as closely as I can to link it up with the other speeches made on the various Bills which are tied to this particular measure.

All of us have said without equivocation that we admire the concept of the Bill which we feel is a step forward to the avowed policy of the integration of our indigenous people. As I said previously, this Bill is the complete opposite of that policy because it promotes separate development and the setting up of different sets of circumstances for a particular group.

I know Mr. Claughton's attitude on the particular question, as, indeed, do members know mine. We have espoused a policy of integration and yet in the provisions of the Bill which purport to further this policy of integration and acceptance we have the very thing which my leader has said will set up a special group within the community; a group which will be given special privileges.

I do not care how theoretical these privileges might be, the fact remains they are very special privileges indeed. It is of no use our saying that these privileges have been given in a country like America, because in America the mineral rights are the property of the person who owns the surface of the land. That does not apply in this country.

The arguments of dispossession are not worthy arguments to introduce into a Chamber such as this, because we should deal with legalities rather than emotive issues of this nature. I have no doubt had my predecessors not been dispossessed of their land through the machinations of the industrial revolution I would probably be a fisherman or a crofter in the Isle of Skye but I have no intention to go back and demand my rights.

The Hon. L. A. Logan: You would not get them.

The Hon. G. C. MacKINNON: Of course I would not. I believe we should deal with the proper legalities of the situation, and this matter has been ruled upon by justices of renown.

I believe Mr. Willesee's argument will work against the very people he desires to help. One of the problems has been to get sufficient money and the other to ensure that money is wisely and properly used. I feel we have fallen short on both counts.

The fact that the Aborigines might have mineral rights on their reserves and that they might strike it rich could in fact militate against obtaining the appropriate amounts of money which ought to be allocated to Aboriginal welfare and the general education, in all forms, of the Aboriginal people, to help make it easier for them to become an integrated part of our society.

Surely this is our aim; to front up to the various situations without prejudice or privilege. This, of course, is only a theory, because if a person is disadvantaged, be he white or Aboriginal, some assistance will be required.

I feel that the entire clause is a complete contradiction of the very principles that have been espoused and which have been spoken of by those who have addressed themselves to the Bill.

In this connection I believe my Leader has very properly enunciated the proper course of action with regard to the ultimate aims of everyone in this Chamber and, probably, of every Parliament in this country as it relates to a policy of integration and assimilation.

It is my belief that this sort of thing could quite easily evoke greater hatreds and greater dislikes and animosities than might anything else, because if the Aborigines did strike, and actually control the royalties of, a very rich deposit—something of which we do not know the

value at present—this in itself will create animosity, because we will have established a completely separate and privileged group in the community as a result of the very Bills which are supposed to aid their integration and assimilation.

For that reason I intend to support the amendment moved by The Hon. A. F. Griffith.

The Hon. A. F. GRIFFITH: I do not want to labour this matter because the Leader of the House has fairly expressed the situation. I would, however, like to tell the Committee—and the Minister and his officers are aware of this situation—that at the present time if somebody approaches the Mines Department with a desire to enter a native reserve the Mines Department—because of the arrangement which exists between that department and the Department of Native Welfare—will send the man or the company concerned to the Department of Native Welfare.

The purpose of this is that unless the person or company concerned produces to the Mines Department a permit indicating that the Department of Native Welfare has no objection to the person or the company entering this reserve it will not be possible for them to do so.

This could be for the purpose of mining a native reserve and the Minister knows that an example of this is the Warburton Ranges where a company has been looking for copper for some time.

I would also like to comment on the Wingelinna nickel deposit which was a native reserve though the area was excised. I noticed in the Press some time ago that about 8,000 acres have again become a reserve as a result of the action of the present Minister. The area in question contains some nickel, though I do not know how much. If we consider all the provisions that now exist in the Act and have a brief look at clause 33 of the Bill we will find that nobody can enter a native reserve without the permission of the department. If the arrangement I have mentioned between the Mines Department and the Department of Native Welfare continues to exist, the Mines Department will not issue any mineral rights to a person or company who might be prohibited by the Native Welfare Department from entering the land in question.

In the event of any mineral being discovered on a reserve—and I sincerely hope a discovery will be made—even if the discovery is small or immense the provisions in this Bill place the matter entirely in the hands of the Treasurer of the day to make whatever allocation he thinks fit to the Department of Native Welfare for that year and for the years following.

In my second reading speech I think I said that when a Minister of the present Government was a private member he told the Government of the day that he thought all royalties produced in the Pilbara should be sent back and expended in the Pilbara. The Government of the day, of course, realised it was not practicable to do such a thing, particularly when the economy of the State depended so heavily on royalties from minerals produced in the Pilbara. The Government of the day would, in fact, have been giving the concession to one section of the community and this would have been impracticable; even though it might not be as bad as it sounds.

While I am concerned about the principle of retaining for the State, in the right of the State, and for the people of the State the minerals in the ground and the wealth which these minerals produce the matter is, of course, entirely in the hands of the Government of the day.

The department administered by the Minister is in the hands of the Government of this day, as is every other department. The Native Welfare Department receives assistance from the Commonwealth, and I am glad to say it is receiving increasing assistance from the Commonwealth.

The Hon. W. F. Willesee: Not nearly quickly enough.

The Hon. A. F. GRIFFITH: That may be so. The Leader of the House was kind enough to ask me to attend a luncheon when Dr. Coombes was over here, and I was very interested in what Dr. Coombes said. I would not contradict the statement made by the Leader of the House. The fact remains that certain assistance is being given at the present time. If minerals are discovered on a reserve, I think without this clause and one or two others in the Bill it will still be possible for the Treasurer of the day, through Cabinet, to treat the department concerned generously.

The Hon. R. F. CLAUGHTON: I would like to correct some misconceptions that may have arisen from what Mr. MacKinnon said. We were speaking about the deletion of the words "for the exclusive use and benefit of persons descended from the Aboriginal inhabitants of Australia," etc. If those words were deleted and if the Leader of the Opposition proceeded with the other amendments he has foreshadowed, mineral rights would not go along with the reserved lands but the Aborigines would still have the land itself. I am arguing that they should have the minerals as well as the land.

This does not mean all the Aboriginal people will be set up on those reserves or that there will be a boundary between the Aboriginal people and the Europeans. I would say that is far from the intention of this legislation. I do not think it is intended to impose a European solution. I am sure the Minister hopes these people will arrive at their own solution, whether

it be integration, assimilation, or something else. I see nothing wrong with what Mr. Chipp, of the Liberal Party, spoke of as a multi-racial community. The Aboriginal people have in their background values and traditions that are worth preserving, as well as some they might prefer not to preserve.

I do not see why they should not retain their own identity or create a changed identity, if they choose to do so. This legislation is an attempt to give them an opportunity to do so. That is my attitude. I am not in favour of apartheid or assimilation; I am in favour of the solution the people concerned wish to adopt.

The Hon. W. F. WILLESEE: When dealing with this issue, I think we tend to get away from the fundamental question: Whether or not mineral rights should go with the land vested in the trust. That is the fundamental matter we are debating. Any member has the right to question whether I am going about it in the right way or whether I am going too far. That is the reason we are here this afternoon, and I think by now the Committee should have made up its mind whether it is in favour of the clause as drafted or whether it is in agreement with the arguments advanced by the Leader of the Opposition. If we dealt at great length with every little side issue that came up, we could get away from this principle on which we must vote. Of course, I am opposed to the suggested amendment.

Amendment put and a division taken with the following result:—

Ayes—14	
Hon. G. W. Berry	Hon. I. G. Medcalf
Hon. V. J. Ferry	Hon. J. M. Thomson
Hon. A. F. Griffith	Hon. R. J. L. Williams
Hon. J. Heitman	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. W. R. Withers
Hon. G. C. MacKinnon	Hon. D. J. Wordsworth
Hon. N. McNeill	Hon. F. R. White *(Teller)*

Noes—9	
Hon. S. J. Dellar	Hon. T. O. Perry
Hon. J. Dolan	Hon. R. H. C. Stubbs
Hon. Lyla Elliott	Hon. W. F. Willesee
Hon. J. L. Hunt	Hon. R. F. Claughton *(Teller)*
Hon. R. T. Leeson	

Pairs	
Ayes	Noes
Hon. C. R. Abbey	Hon. D. K. Dans
Hon. Clive Griffiths	Hon. R. Thompson

Amendment thus passed.

Clause, as amended, put and passed.

Clause 29: Revenue—

The Hon. A. F. GRIFFITH: In view of the fact that the major part of clause 28 has been deleted by the Committee, I think clause 29 must also come out. Paragraph (a) of clause 29 reads—

> (a) no rental, royalty, or other revenue derived from the use of the land or the natural resources of the area shall be payable to State;

It would be a complete waste of time for me to repeat what I said previously. I remind members of the answer given to a question relating to the Consititution which was asked in another place. I do not know the answer to that problem but I do not think it enters into this debate.

Paragraph (b) of clause 29 authorises the authority to levy any rental, royalty, etc., and paragraph (c) deals with exploration and mining rights. Therefore, the references in the three paragraphs conflict with the portion of clause 28 which was deleted, so I think this clause should also be deleted.

The Hon. W. R. WITHERS: I agree with my Leader's remarks in relation to clause 29 but I would like to say that if the Chamber accepted clause 29 I would be forced at a later date to move to the effect that all State revenue from the use of land and natural resources in the North Province be used within that province until such time as the Aboriginal and non-Aboriginal residents of that province are accorded the education, housing, and transport services, living costs, and other facilities that are considered to be the right of metropolitan citizens.

The precedence I would use in that event would be clause 29 of this Bill because it applies exactly the same principle to a larger area. The Aboriginal and non-Aboriginal people in the North Province are under-privileged as regards the services I have mentioned. I consider this Bill is extremely important and I will not let my consideration of this clause affect my overall consideration of the Bill. However, I do not think we should set this precedent because it would give me the right to move for the application of the same principle to an area such as the North Province, and I am sure the loss of the revenue from the North Province would be to the detriment of the State.

The Hon. W. F. WILLESEE: Mr. Withers is quite entitled to move any motion he wishes, as is every other member of the Committee. I do not intend to forecast the result of any such motion. I think the principle was demonstrated in clause 28, and I have always regarded clauses 28 and 29 as being complementary. In view of the decision of the Committee in regard to clause 28, I will not again call for a division. However, for clarification, I ask the Leader of the Opposition whether he intends to delete the whole of the clause.

The Hon. A. F. Griffith: I think I should suggest we do not delete all of it.

The Hon. W. F. WILLESEE: I intended to make that suggestion.

The Hon. A. F. GRIFFITH: Having had the benefit of advice, I think perhaps it would be a mistake to delete the whole

clause. I think the Minister has in mind the clause to which I referred a while ago; that is, clause 33, as it relates to paragraph (c) of this clause.

Paragraph (c) states that, subject to the provisions of section 33 of this Act, the authority may authorise any person or body to enter any reserved lands and to remain thereon for any purpose. Therefore, I move an amendment—

Page 16, lines 35 to 38—Delete paragraph (a).

As I have already said, this is a question of the State being not allowed to collect any royalty, rental, or other revenue. If one looks at the Constitution one will find that this provision is in conflict with it. This sort of thing has a habit of being tested in the Privy Council. It would be an undesirable state of affairs if we were forced into that prolonged and expensive litigation.

Amendment put and passed.

The Hon. A. F. GRIFFITH: I move an amendment—

Page 17, lines 1 to 7—Delete paragraph (b).

The Hon. L. A. LOGAN: This paragraph gives the authority the right to levy rentals, etc. Possibly some of the words should be deleted, but I do not think we should delete the whole paragraph until we have had another look at it. We may take away from the authority something it should have for the benefit of the Aborigines. It may be advisable to postpone this for the time being.

The Hon. A. F. GRIFFITH: What does Mr. Logan mean? We have already removed the principal part of clause 28, and now we have removed paragraph (a) of clause 29. Perhaps Mr. Logan means that we should delete the reference in paragraph (b) to any rental or royalty. A rental applies to mineral leases, so does a royalty. I do not mind if we leave in the other words.

The Hon. L. A. Logan: I think we should give the authority the right to rent.

The Hon. A F. GRIFFITH: If we leave in the word "rental" we will have to state that it refers to rentals other than for mineral purposes.

The Hon. L. A. Logan: I am merely saying we should have a good look at this.

The Hon. A. F. GRIFFITH: I had proposed to ask the Minister to have the Bill reprinted before the third reading so that we could reconsider it. I do not mind postponing consideration of this clause if the Minister is agreeable.

The Hon. W. F. WILLESEE: In view of the remark made by Mr. Logan, I think we could do with some time to consider this matter. My opinion is that paragraphs (a) and (b) are integrated. I move—

That further consideration of the clause be postponed.

The Hon. A. F. GRIFFITH: Mr. Chairman, paragraph (a) of this clause has already been deleted, and I have moved to delete paragraph (b). Can we still postpone further consideration of the clause?

The CHAIRMAN: Yes. Paragraph (a) has been deleted, and you have moved to delete paragraph (b). When we resume consideration of the clause that is where we will start.

Motion put and passed.

Clause 30 put and passed.

Clause 31: Right of control in reserved lands—

The Hon. I. G. MEDCALF: This clause states that no application for the grant of any title under another Act—such as the *Mining Act*, or the *Land Act*—shall operate unless the applicant who is nominated by the authority is successful. Take for example the Mining Act. If an application is made which has the approval of the authority, then no-one is entitled to refuse it. Without the consent of the authority there would be a stalemate, and nothing could take place unless the applicant nominated by the authority received the mineral claim or lease under the Mining Act. I have no objection to paragraph (b); I believe it should remain. I believe the authority should be consulted in connection with the processing of any application because it is important that the authority should know who is involved and what will be the effect upon the average inhabitants of the particular reserve.

Paragraph (c) really consolidates paragraph (a), because it states that no application shall be taken to be approved unless it has the approval of the authority and unless the conditions laid down by the authority are included in the grant. This means the authority must approve of applications for mining leases or other claims or privileges. I mention the word "privileges" because I have heard that the Government is putting forward a new Mining Bill, which deals with what is called a mining privilege. I understand that Bill will state that the final decision in these matters will rest with the Minister for Mines, but that he will consult the appropriate Minister—in this case it would be the authority—and he will listen to his recommendations. However, the Minister for Mines has the final say, and that is contrary to what is proposed in this clause.

The Hon. W. F. WILLESEE: This is a most important clause dealing with the right of control over entry onto reserves. I would hesitate to remove any part of it because the whole idea is that the authority should be able to refuse consent

to entry if it thinks fit. If we remove any part of this clause I think we would destroy a long-standing principle.

The Hon. I. G. MEDCALF: I am not talking about the right of entry; I am talking about the grant of any interest, license, right, title, or estate under any Act. This clause virtually states that a mining claim or lease cannot be granted in respect of the land in question unless it is granted to the person nominated by the authority. That cuts across the proposals as I understand them in the Mining Bill. Therefore, I believe it is contrary to the principle which has been put forward by previous Governments and by this Government. For obvious reasons I will not go into detail, but I have read the Mining Bill and this provision is contrary to it. That Bill says the Minister for Mines has the final say; this Bill states that the authority may say who will be approved as a mineral claim holder. Therefore I believe it is essential that paragraphs (a) and (c) should be removed.

I believe paragraph (b) should remain because the authority should have the right to be consulted. I believe that provision is fair and reasonable because the authority may want to lay down certain conditions. The authority may say, "We are doing certain things and we do not want you to enter upon the land for the time being." I move an amendment—

> Page 17, lines 30 and 31—Delete paragraph (a).

The Hon. A. F. GRIFFITH: Having listened to Mr. Medcalf's argument, I think the Minister must have regard for the fact that clause 31 was written after the concept of clause 28 was established. If clause 28 remained it would be necessary to say that in relation to the things authorised in clause 28, no application for any interest, license, right, title, or estate shall be refused without the prior consent of the authority. The authority would have all the control. I have already recounted the situation which prevails between the two departments, and I take it that will still prevail. Not only do I hope it will prevail, but I hope this clause will make it prevail because it will put into a Statute something which has never been in a Statute before.

The Hon. W. F. WILLESEE: I oppose the amendment. Paragraph (a) concerns the right of control of the authority over reserves. This is something which has been carried out within the department for years, and if the paragraph is deleted it would have a reasonably serious effect on the administrative actions of the department. I cannot see that any harm will be done by including the paragraph.

The Hon. A. F. Griffith: Give us an example of how this would work. I am sorry, but it is up to you to spell it out.

The Hon. W. F. WILLESEE: Recently a syndicate wanted to move into a reserve and commence prospecting the area. We approved of the action of the syndicate, and we had to lay down the terms and conditions before anything could be done by the syndicate.

The Hon. A. F. Griffith: That would be governed by proposed section 33. The syndicate would not be able to go onto the reserve without your authority.

The Hon. W. F. WILLESEE: We could not cover the position quite as easily under proposed section 33. This is a practice which has been adopted for many years.

The Hon. I. G. MEDCALF: To me this is a simple issue: Whether applications be granted by the Minister for Mines, or by the authority. As we have deleted the other clauses we should be consistent and delete the paragraph in question. If we do not we would make the Mining Bill look ridiculous. This is a Bill which the Government proposes to bring before this Chamber.

The Hon. A. F. GRIFFITH: The provision in clause 31 does not limit itself to the Mining Act. It applies to any Act, because it states—

> No application for the grant of any interest, license, right, title or estate under any Act . . .

The Hon. W. F. WILLESEE: In my view the three paragraphs in clause 31 provide the authority with the right of control over native reserves. I oppose any proposal to delete those paragraphs.

Amendment put and a division taken with the following result:—

Ayes—11	
Hon. G. W. Berry	Hon. I. G. Medcalf
Hon. V. J. Ferry	Hon. R. J. L. Williams
Hon. A. F. Griffith	Hon. F. D. Willmott
Hon. J. Heitman	Hon. D. J. Wordsworth
Hon. G. C. MacKinnon	Hon. W. R. Withers
Hon. N. McNeill	*(Teller)*

Noes—12	
Hon. S. J. Dellar	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. S. T. J. Thompson
Hon. Lyla Elliott	Hon. J. M. Thomson
Hon. J. L. Hunt	Hon. F. R. White
Hon. R. T. Leeson	Hon. W. F. Willesee
Hon. L. A. Logan	Hon. R. F. Claughton
	(Teller)

Pairs

Ayes	Noes
Hon. C. R. Abbey	Hon. D. K. Dans
Hon. Clive Griffiths	Hon. R. Thompson

Amendment thus negatived.

Sitting suspended from 6.06 to 7.30 p.m.

The Hon. A. F. GRIFFITH: Mr. Logan commented that the clause should stand as amended, but that is not right because we have not amended it as yet. We are now discussing paragraph (b) and I am sure that the paragraph has to be left in the Bill for the purposes already expressed. In my opinion paragraph (c) should come out of the Bill, for exactly the same reasons as those expressed by Mr. Medcalf.

The Hon. I. G. MEDCALF: I move—

Page 17, lines 34 to 38—Delete paragraph (c).

Not only can a mineral claim not be refused without the prior consent of the authority, but under the provisions of paragraph (c) no mineral claim can be approved unless the approval of the authority and the terms and conditions are referred to in the document. That means the authority must approve of any mineral claim granted, and this takes the matter fairly and squarely out of the provisions of the Mining Act.

We are aware that we are about to have a new Mining Act, subject to its being passed by Parliament. As a matter of fact, a number of us have advocated a new Act for some time. The former Minister for Mines (Mr. Arthur Griffith) set up a committee of inquiry. The Government has introduced a new Mining Bill and that Bill specifically gives the Minister for Mines power over the granting of mineral claims even in respect of reserves. The new Bill will give the Minister for Mines power to consult with any authority which is concerned, including the Native Welfare Department—or the department which will take it over, which will be the authority in this case. The Minister for Mines has to receive the recommendations of that authority but the ultimate decision will rest with him. Although the proposal has not reached this House, I believe we should take notice of its provisions. We should not pass legislation contrary to what we know is proposed.

It all boils down to the question of who will grant mineral claims in respect of these reserves: the Minister for Mines or the authority. To me it is not good enough to give this to the authority because it relates only to native reserves. That is completely contrary to the very principle of the Mining Act which has operated in this State during the last 70 years and perhaps longer, and it will also be contrary to the proposed new mining legislation. I can see no reason why this Committee should be asked to pass the clause.

The Hon. W. F. WILLESEE: The honourable member has moved to delete paragraph (c), which deals with the right of approval. I ask the Committee to leave the clause as printed and allow paragraph (c) to stand. I believe the clause is an essential part of the legislation. The three operative words of the clause are, "refused" in paragraph (a), "consultation" in paragraph (b) and "approval" in paragraph (c).

The Hon. A. F. GRIFFITH: I ask the Committee to have another look at the impact of clause 31. At present a mineral title is given by the Minister under the present Mining Act in relation to reserved land after consultation with the Native Welfare Department. In the first place, the Mines Department does not let anybody go onto the land unless he has a permit from the Native Welfare Department.

The Hon. W. F. Willesee: Yes, that is the position.

The Hon. A. F. GRIFFITH: The Committee has agreed to delete clause 28 and paragraph (a) of clause 29 from the Bill. The Bill will remain silent so far as royalties are concerned. If clause 31 is left in the Bill nobody will be able to go onto a reserve without the permission of the Minister. That is the first point. Next, paragraph (a) states that no application for the grant of any interest, license, right, etc., under any Act which would operate in relation to any land to which this part of the Act applies shall be refused. Those are the operative words. The Minister for Mines has no right to refuse an application. Paragraph (b) states that no application shall be processed except in consultation with the authority. Paragraph (c) states that an application shall not be taken to be approved unless the approval of the authority and the terms and conditions to which it may be subject are laid down by the authority.

Although the Committee has agreed to delete the relevant part of the Bill dealing with the exclusive right to land in relation to natural resources and mineral resources, we still find that we are in the position that the authority will be the licensing authority because it is stated that the Minister shall not fail to approve an application.

So the Minister for Mines, under the provisions of the Mining Act, has his hands completely and absolutely tied. That is an undesirable state of affairs. The situation does not exist at the moment and I do not see why it should be set out in statutory form.

The Hon. F. R. WHITE: I feel that the manner in which the amendments have been introduced has been unwieldy and unworkable. The situation which has been outlined could be covered by stating, "under any Act other than the Mining Act."

The Hon. A. F. Griffith: Of course it would not.

The Hon. F. R. WHITE: The proposals we are discussing were not on the notice paper and we have not had an opportunity to study them in conjunction with the existing Mining Act or the proposed new Act.

The Hon. W. F. WILLESEE: At the conclusion of my second reading speech on this Bill, and as a result of an offer I made, we had a general consultation on

the various clauses of the Bill. As a result of those talks I thought it was made clear that the amendments which I would place on the notice paper had been agreed to. It was agreed that any move taken apart from my amendments would be a straightout objection to a clause because it became clear that we had bogged down only on one principle. So far as I am aware we did not discuss this matter but I understand the situation which has developed. I do not think anyone can be taken to task for not putting amendments on the notice paper because, as yet, there has been no necessity for them. The principle of the amendment is to endeavour to delete something from the Bill. In general principle I believe in placing amendments on the notice paper but I do not think that applies in this situation.

I do not think I can go any further except to say that the provisions contained in clause 31 are something that have been carried out administratively and we think should be written into the legislation. I am told this is important to the department which would like to see the clause stand as it is printed. In simple terms, I ask the Committee to support clause 31 (c).

The Hon. A. F. GRIFFITH: I think I should accept some of the blame for this situation. The Minister said that we did not discuss this at the conference and, indeed, to the best of my knowledge we did not. However, it became obvious to me this evening when reading the Bill that there could be conflict if clause 31 (a) and (c) were left in the Bill. I conferred with my colleague, Mr. Medcalf, who confirmed that, in the light of other amendments, they should be taken out.

The Hon. W. F. Willesee: I am not objecting.

The Hon. A. F. GRIFFITH: I know, but nevertheless I must accept blame for this situation.

I, too, have complained about amendments not being on the notice paper, because of the difficulty this causes. Being fairly confident of my understanding of the Bill, I thought the position was acceptable. If the division which occurred before the dinner suspension was based on prejudice at the amendment not being on the notice paper—

The Hon. J. M. Thomson: Not at all.

The Hon. A. F. GRIFFITH: The honourable member seems quite annoyed.

The Hon. J. M. Thomson: Not at all.

The Hon. A. F. GRIFFITH: That is better. Most of the time Mr. Jack Thomson is a softly spoken gentleman and I thought he must be annoyed to bite at me like that. I was merely going to say that if this has been the case, I would hasten to put it right because that is not the atmosphere in which to call for divisions.

If there is any doubt at all about proceeding with the amendment on its merits, I will ask to postpone the clause and put the amendment on the notice paper. This would be only fair.

The Hon. L. A. LOGAN: Perhaps I should apologise to Mr. White. I was invited to the conference on the Friday afternoon and I did not pass on the information to Mr. White. Other members were in the country and I could not contact them in any case.

We did ask for a division before the dinner suspension but it should be borne in mind that this had been before us for only a few moments. Other members of my party were entitled to vote as they pleased, but I personally felt that not sufficient evidence had been put before me at that stage.

If one studies the Mining Bill which has been introduced in another place, one finds that there would be conflict with this measure. I want to know whether it is the Government's intention that the authority should have power to override the Government through the Minister for Mines.

During the tea suspension I studied the amendment and I find there is a definite conflict with the Mining Bill, as introduced elsewhere.

The Hon. J. Heitman: Did you make a mistake in the way you voted?

The Hon. L. A. LOGAN: I believe I did. I want to know the Government's attitude because of this conflict. Does the Government want the authority, as constituted under this measure, to have power to override the Government through the Minister for Mines? That is the question we must ask ourselves at the moment.

The Hon. R. F. CLAUGHTON: I believe that unless the Committee accepts the clause, we will only make a mockery of what we have said we are trying to achieve; we would only be pretending that we are placing reserve lands under the control of the proposed authority. How could they be under the authority's control if it is not given the right to say who can come onto the land or for what purposes? Clause 31 seeks to give this power. Logically I cannot see that we can do anything but accept the clause as it stands.

The Hon. V. J. Ferry: Do you want the authority to override the Mining Act?

The Hon. R. F. CLAUGHTON: I simply repeat what I have already stated: Unless we give the authority this power we will only make a mockery out of handing control of reserve lands to the authority.

The Hon. G. C. MacKinnon: Would clause 31 be giving those powers to the authority?

The Hon. R. F. CLAUGHTON: Is Mr. Ferry suggesting that the authority should not have control of the lands that are vested in it? This would be the effect.

The Hon. V. J. Ferry: I asked you whether you favoured the authority overriding the Mining Act.

The Hon. R. F. CLAUGHTON: I asked a question in turn.

The Hon. V. J. Ferry: That is not satisfactory.

The Hon. R. F. CLAUGHTON: The honourable member's remarks were not satisfactory to me, either.

The Hon. A. F. GRIFFITH: I want to make it perfectly clear to Mr. Claughton that I am not making a mockery out of this piece of legislation. In company with the Minister and other members of his department I have spent hours upon the Bill trying to get it into a shape acceptable to me and other members of my party. I am certainly not making a mockery of it and I do not appreciate that charge. I am very sorry that the honourable member has seen fit to introduce this kind of thing into the debate. We are trying to improve the Bill. It must be known what the situation will be concerning conflict with other Acts if we pass the clause as it is printed.

Forgive me if I am a little annoyed, but I become annoyed when I hear this kind of nonsense. I am sure the Minister has appreciated the co-operation he has received from me and my party on this Bill. It is certainly not for Mr. Claughton to try to draw a screen over this and make it appear to the contrary.

The Hon. F. R. WHITE: I made a suggestion previously but nobody has taken me up on it.

The Hon. A. F. Griffith: I took up the suggestion and said I would place the amendment on the notice paper.

The Hon. F. R. WHITE: I suggested that a simple amendment to include the words, "with the exception of the Mining Act" after the words, "any Act" in line 27 would possibly cover the objections of the Leader of the Opposition to the contents of the clause and would eliminate any conflict with the Mining Act. We are now dealing with clause 31 (c) as clause 31 (a) and (b) have been carried. I should like to hear an expression of opinion as to whether the small amendment I have suggested would overcome the difficulties seen by my own leader and the Leader of the Opposition if paragraph (c) is carried.

The Hon. R. F. CLAUGHTON: I regret that the Leader of the Opposition chose to adopt such a tone.

The Hon. A. F. Griffith: I have cooled down now.

The Hon. R. F. CLAUGHTON: I was merely pointing out the effect of the deletion of clause 31 (c). In fact, earlier this evening I remarked to my leader that I thought highly of the attitude and approach of members who attended the meeting at which changes to the Bill were discussed. I repeat that I certainly respect the co-operation that has been extended. I also regret the Leader of the Opposition took what I said personally, because it was not meant that way. I merely wanted to point out to the Committee the effect of deleting paragraph (c) from clause 31 would be to deprive the authority of control of the lands which we say we are putting under its control.

The Hon. A. F. GRIFFITH: I only want to know whether any member of the Committee wants me to put the amendment on the notice paper. Mr. Medcalf has moved the amendment and I am quite sure that he would put it on the notice paper if any member of the Committee desires it. If not, we can continue to debate the matter.

The Hon. I. G. MEDCALF: I wish to say I appreciate the frank comments made by the Leader of the House a little earlier when he explained the conference which led up to this. I also appreciate the sudden embarrassment of some members as a result of the amendment not being on the notice paper. I do appreciate this, because I was at the conference.

I believe the suggestion made by Mr. White is a good one. There is no intention, I believe, of preventing the authority from concerning itself with Acts other than those which deal with mining or petroleum. I am sure there would be no objection to the authority having some rights to make decisions on the surface of the land; for example, to decide who would have a pastoral lease over that land. I think it is desirable the authority should have all the powers of this provision so far as the Land Act is concerned.

The difficulty comes in relation to minerals and petroleum. I will not labour this difficulty any more because much has been made of it, but I think a simple amendment—

The Hon. A. F. Griffith: And the ratified agreement.

The Hon. I. G. MEDCALF: —would effect the desired result. We could include after the words, "any Act" words to this effect: "other than any Act which deals with minerals or petroleum". I am sure this would cover the point. This amendment could be put on the notice paper, but this is up to the Leader of the House as he may not be prepared to go further on this matter.

The Hon. W. F. WILLESEE: At this stage I do not want to put a simple amendment on the notice paper. We have negotiated at length with the purpose of dealing with the Bill in Committee at the one sitting if at all possible. Of course this does not mean that it must be dealt with at the one sitting.

I tend to favour the proposal put forward by Mr. White that we should allow clause 31 to stand as printed, with the addition of a few words.

The Hon. A. F. Griffith: In other words, the Leader of the House also accepts the suggestion put forward by Mr. Medcalf?

The Hon. W. F. WILLESEE: What was that?

The Hon. I. G. Medcalf: It was to the same effect.

The Hon. W. F. WILLESEE: Perhaps a member of the Committee could draft such an amendment fairly quickly.

The Hon. L. A. Logan: The Bill would need to be recommitted.

The Hon. W. F. WILLESEE: Why?

The Hon. L. A. Logan: We are dealing with paragraph (c) at the moment and the amendment would come before this.

The Hon. W. F. WILLESEE: I thought the addition would be after paragraph (c).

The CHAIRMAN: The amendment could be withdrawn and the clause postponed.

The Hon. L. A. Logan: The question before the Committee is to delete paragraph (c), and we cannot go backwards.

The Hon. W. F. WILLESEE: I thought the amendment would come after paragraph (c).

The Hon. R. J. L. Williams: Perhaps it could be framed in such a way that it comes after paragraph (c).

The Hon. W. F. WILLESEE: That would simplify it.

The Hon. A. F. Griffith: We could put it as a proviso after paragraph (c).

The Hon. W. F. WILLESEE: If we can reach agreement on this, I suggest that we should postpone consideration of the clause. The effect will be to allow clause 31 to stand as printed with a proviso added when the postponed clause is dealt with.

The Hon. A. F. Griffith: Mr. Medcalf will have to withdraw the amendment.

The Hon. W. F. WILLESEE: Would that be satisfactory?

The Hon. I. G. MEDCALF: Yes. I am quite happy to withdraw the amendment on the understanding that we postpone the clause.

Amendment, by leave, withdrawn.

The Hon. W. F. WILLESEE: I move—

> That further consideration of the clause be postponed.

Motion put and passed.

Clause 32: Compulsory acquisition—

The Hon. A. F. GRIFFITH: I assume that I may continue in the same manner, as there is no amendment to this clause on the notice paper.

I propose to vote against this clause. To say the least it is an unusual provision. Not many people like to accept the principle of compulsory acquisition by a Government. I would like to read this clause to stress the significance which I attach to it. It reads as follows:—

> (1) Where any mining tenement, or other interest in or title to land or the utilisation of natural resources, relates to land to which this Part of this Act applies and is held otherwise than by or exclusively on behalf of persons of Aboriginal descent, the Minister for Works, on the application of the Authority and at its expense in all things, may take under and in accordance with the Public Works Act, 1902, as if for a public work within the meaning of that Act, any such land or interest in land whether for the time being subsisting or not.
>
> (2) Subsection (1) of this section does not apply unless the Minister for Works is satisfied that the Authority, after making reasonable attempts to do so, has been unable to acquire the land or interest by agreement with the owner thereof.

It then goes on to state further the purpose for giving effect to this section.

This really means that if the authority wanted to acquire a piece of land upon which there was a mining tenement or other interest in or title to or the utilisation of the natural resources from some person or company and it was unable to acquire it by an approach which could be regarded as a peaceful negotiation, the authority could then approach the Minister and say, "We have made all reasonable attempts to buy this property and the owner will not sell. We want it so we ask you to put into effect the power and authority you have under this legislation and also under the Public Works Act to resume the land for us." I find this hard to accept.

If the owner of something does not want to dispose of it, unless it is totally in the public interest, there should not be provisions for the acquisition of the article by some other person or authority. This is surely the fundamental principle of the right of a person to own something.

I do not need to say any more about this clause, except to emphasise that I regard it as a violation of the principle of the right to own something and the right of the owner to say, "No, thank you, I do not want to dispose of it." This clause provides that if the Minister for Works is satisfied that the authority has made reasonable attempts to acquire the property, he can take it for the authority. It could be said that I am exaggerating the situation and that the authority would make all reasonable attempts to acquire the property under the normal terms of the law of contract—offer and acceptance.

If that is the case there is no reason for this clause. I find the clause an objectionable one in principle and I hope the Committee will vote against it.

The Hon. L. A. LOGAN: This is one of the clauses I referred to in the second reading speech and to which reference was made at the conference. I appreciate the fact that land can be compulsorily acquired under the Public Works Act and under the Industrial Development Act at the moment. I feel that if it is necessary to compulsorily acquire land, then it should be acquired under the provisions of the Public Works Act. In my submission this is making a farce of the Public Works Act as it is not a public work by any means.

During the second reading debate I said that there are ways to acquire land other than under this Act. A position can arise where the trust or the authority wishes to purchase land which, to a certain extent, is essential to its requirements.

This same sort of situation arises in everyday life and the person who does not wish to sell an article may put a ridiculous value on it. That is his right and without the right of compulsory acquirement a person can never purchase that article unless the owner sees reason and comes down to earth.

I return to my original argument that this is making a farce of the Public Works Act when it has nothing to do with public works. I suggest that some other way be found to acquire the land. As it is I am forced to vote against the clause.

The Hon. W. F. WILLESEE: I am just pondering over the word "farce." I did not intend by anything written into this legislation to use any instrumentality of the State in a farcical way. The Leader of the Opposition and I have spent a good deal of time on this clause. However, in view of the action of the Committee on clauses 28 and 29, I feel that practically all of the value of this particular provision is now lost. If the Committee feels this clause should be deleted, I shall not raise violent opposition to the suggestion.

The Hon. R. F. CLAUGHTON: I am wondering whether the Minister will satisfy a query. If there is activity on a reserve and access is acquired across private land, what would be the situation? This clause says that the Minister for Works may—in other words that the authority has to persuade him first of all that there is good reason to use the Public Works Act. Is this the purpose for the inclusion of this provision in the Bill?

The Hon. W. F. WILLESEE: To my knowledge this provision was included in the Bill to meet the situation of a deadlock on a reserve. If there is land adjacent to the reserve, then the normal procedure of resumption would apply and the Public Works Act would apply in its own right.

This clause was based mainly on the presumption that it would apply to minerals at some time in the future—bear that in mind, in the future. Therefore, with the clear knowledge that mining royalty issues are now deleted from the Bill, I feel that much of the merit of this clause is lost.

The clause was included for no greater purpose than to alter the machinery where there is a deadlock. Of course, at the moment there is no possibility of such a situation arising but it was included to cover the possibility of minerals being found in the future. If the trust wished to purchase land and the owner did not want to sell at a satisfactory price this provision would be available for adjustment.

Clause put and negatived.

Clauses 33 to 48 put and passed.

Clause 49: Presumptions—

The Hon. W. F. WILLESEE: I move an amendment—

> Page 27, line 4—Delete the word "whether".

After discussion with the people who attended our conference, I was convinced that the deletion of the word "whether" and the words "or otherwise" in the next amendment would not mean very much as they did not appear to me to be essential in the general overall principle of the Act. I believe the clause is still operative without these words.

Amendment put and passed.

The Hon. W. F. WILLESEE: I move an amendment—

> Page 27, line 5—Delete the words "or otherwise".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 50 to 53 put and passed.

The CHAIRMAN: We will now deal with postponed clauses.

The Hon. W. F. WILLESSE: Mr. Chairman, could I suggest that you leave the Chair for a few moments until we straighten out the additional amendments we wish to move? If this is done it will put us in a position to expedite the business of the Committee when we resume.

Sitting suspended from 8.16 to 8.37 p.m.

The CHAIRMAN: In dealing with amendments in Bills we apply the provisions of Standing Order 195 which prevents going back beyond the point where an amendment has been made.

Therefore, postponement after amendment would not achieve the result desired by The Hon. A. F. Griffith as upon reconsideration of the clause we resume at the stage reached at postponement.

Standing Order 261 covers postponement when an amendment has been made, but in this case further amendment would be possible only to a part of the clause which came later than that previously amended.

To reach a point in a clause which comes before one that has been amended, a recommittal is the proper course. We will now deal with the postponed clauses.

Postponed clause 4: Interpretation—

The Hon. A. F. GRIFFTH: I thank you for your explanation, Sir. In view of what has taken place in other clauses, it is necessary for the Committee to delete the interpretation of "natural resources." I therefore move—

Page 2, lines 32 to 35—Delete the interpretation "natural resources."

Amendment put and passed.

The Hon. W. F. WILLESEE: I have on the notice paper an amendment to clause 4 dealing with a person of Aboriginal descent. This question of definition is difficult. Some definitions are adopted because of usage, but we believe the proposed definition is better than the one in the Bill. I therefore move an amendment—

Page 3, lines 1 to 3—Delete the interpretation "person of Aboriginal decent" and substitute the following:—

"person of Aboriginal decent" means any person living in Western Australia wholly or partly descended from the original inhabitants of Australia who claims to be an Aboriginal and who is accepted as such in the community in which he lives.

Amendment put and passed.

Postponed clause, as amended, put and passed.

Postponed clause 6: Inconsistency—

The Hon. A. F. GRIFFITH: This clause plainly and simply provides that if there is any inconsistency between this Act and any other Act the provisions of this Act shall prevail. This clause was included largely because it was thought that some of the other clauses deleted by the Committee would have been included. Under this clause this legislation becomes paramount over all other Acts mentioned in the other clauses. Quite apart from the fact that I do not like this type of clause, it now becomes unnecessary.

The Hon. W. F. WILLESEE: I believe the Leader of the Opposition has stated the case plainly. In view of the amendments which have taken place in later clauses, this clause is no longer necessary.

Clause put and negatived.

Postponed clause 24: Functions of the Aboriginal Lands Trust—

The Hon. A. F. GRIFFITH: I have two amendments to this clause. Will you allow me to move them together, Sir?

The CHAIRMAN: Yes.

The Hon. A. F. GRIFFITH: I move the following amendments—

Page 14, line 30—Delete the words "exploration, exploitation or".

Page 14, line 31—Delete the words "or natural resources".

The Hon. R. F. CLAUGHTON: Do we really need to remove these words? We should not deny the trust power to take this action, or to do the things mentioned in the clause. Must we wait for somebody else to come in and initiate the development of these resources?

The Hon. W. F. WILLESEE: The removal of these words is, I feel, consequential upon the relationship to the mining functions that are within the Bill now. I think there is sufficient coverage bearing in mind that we are not now specifically dealing with mineral rights within this Bill.

The Hon. R. F. CLAUGHTON: I feel that if Parliament removes the words in question it is tantamount to saying to the authority, "We do not think you have the right to do these things."

The Hon. J. Heitman: Everyone else has the right on freehold land to do these things.

The Hon. R. F. CLAUGHTON: Any person has the right to consult and negotiate with other persons and enter into financial arrangements with other persons. This paragraph sets out the functions of the trust and I feel there would be no harm in giving the trust this power. I do not think the removal of these words is consequential upon the other amendments which have been made.

The Hon. A. F. GRIFFITH: The Committee has already decided on the principle that the State retains ownership of the minerals in the ground and the natural resources of the ground. That is the first principle. If that is the case it is quite superfluous to include the words I wish to remove.

It is necessary for one to obtain a permit to enter private land. One cannot enter private land because one merely wishes to do so. I recall that I smarted for weeks under the attacks from the Press on questions of the Mining Act. If Mr. Claughton wishes to possess himself of a miner's right the only way he can do anything about mining under the law as it stands is to do certain things in respect of my land. I do not own the minerals on my land unless the title was alienated before 1898. This also applies to the land trust as it relates to minerals in the land.

When we get to clause 29 we will find the Minister has an amendment he proposes to move which will make the matter a little clearer. We are certainly not saying that the right to explore and exploit is one held exclusively by the authority. We are in fact retaining the lawful effect of all minerals in the State being owned by the Crown. It is necessary to take out the words I have suggested.

The Hon. R. F. CLAUGHTON: I accept what Mr. Griffith has said. There would be nothing to prevent me, however, on my quarter-acre block from consulting, negotiating, or entering into a financial arrangement with any person or a company for the exploration of minerals that may be there, as long as I comply with the other processes of the Act.

The Hon. A. F. Griffith: You do not think your knowledge of the Mining Act is lamentable?

The Hon. R. F. CLAUGHTON: The Leader of the Opposition is suggesting I would need to obtain authority to do what I have mentioned. I take it that the honourable member's objection is that we are giving authority to the trust to do these things without first approaching the Mines Department.

The Hon. A. F. Griffith: I did not say that at all.

The Hon. R. F. CLAUGHTON: I am not being critical, I am merely trying to understand the import of the words.

The Hon. A. F. Griffith: Let me put it this way: We are giving the authority the right to consult, negotiate, and do all these things in relation to land for which the trust is responsible. One of these responsibilities does not include the mineral rights.

The Hon. R. F. CLAUGHTON: That is so.

The Hon. A. F. Griffith: So we must take out the reference to exploration and exploitation of natural resources.

The Hon. R. F. CLAUGHTON: I accept that explanation but I still do not think it is necessary to remove these words.

Amendments put and passed.

The Hon. A. F. GRIFFITH: I move an amendment—

Page 14, line 39—Delete the words "and natural resources".

Amendment put and passed.

Postponed clause, as amended, put and passed.

Postponed clause 25: Transfers from the Authority to the Trust—

The Hon. A. F. GRIFFITH: I move an amendment—

Page 15, line 5—Delete the word "exclusive".

In fact the Aboriginal land trust will not have the exclusive control. It will have control but not in relation to mineral resources in the ground. This amendment is purely consequential.

Amendment put and passed.

The Hon. A. F. GRIFFITH: I move an amendment—

Page 15—Delete subclause (2).

Amendment put and passed.

Postponed clause, as amended, put and passed.

Postponed clause 29: Revenue—

The CHAIRMAN: The honourable member has already moved an amendment to delete paragraph (b).

The Hon. A. F. GRIFFITH: If I have moved such an amendment, Mr. Chairman, I would like permission to withdraw it because of a proposal the Minister wishes to make to the Committee.

Amendment, by leave, withdrawn.

The Hon. W. F. WILLESEE: It will be recalled that I asked the Leader of the Opposition to defer any action on paragraph (b) of clause 29 in order that we might reach some conclusion which would not necessarily involve deleting the entire clause. As a result, I move an amendment—

Page 17, line 3—Delete the word "levy" and substitute the words "receive subject to the approval of the Treasurer".

The clause would then read—

(b) the Authority, for the benefit of persons of Aboriginal descent, either generally or in specific classes of case, may receive subject to the approval of the Treasurer any rental . . .

Amendment put and passed.

The Hon. A. F. GRIFFITH: As a consequential amendment, it will be necessary to delete the words "including exploration and mining purposes" in paragraph (c). The clause would then read—

(c) subject to the provisions of section 33 of this Act, the Authority may authorize any person or body to enter any reserved lands and to remain thereon for any purpose, which, in the opinion of the Minister, will or may be of benefit to the Aboriginal inhabitants.

I move an amendment—

Page 17, line 12—Delete the words "including exploration and mining purposes".

Amendment put and passed.

Postponed clause, as amended, put and passed.

Postponed clause 31: Right of control in reserved lands—

The Hon. W. F. WILLESEE: This clause was postponed on the understanding that we would endeavour to frame a proviso, to be added at the end of the clause, which would cover the control and operation of the Mining Act, the Petroleum Act, or any other Act relating to minerals or petroleum. I move an amendment—

Page 17—Add after line 38 the following proviso:—

provided that nothing in this section shall affect or be construed to derogate from the operation of Mining Act, 1904-1971 or the the Mining Act, 1904-1971 or the Petroleum Act, 1967 or any other Act relating to minerals or petroleum.

The Hon. A. F. GRIFFITH: I want to make sure I understand what this means. With this proviso, any activity by anybody in relation to clause 31, under the Mining Act, the Petroleum Act, or any other Act relating to minerals or petroleum, will come within the province of the Minister for Mines, and the relationship between the two departments as regards entry, granting of titles, and so on, will remain as it is at the present time. If that is intended to be the situation, I am quite satisfied.

The Hon. W. F. WILLESEE: That is how I understand the situation. We do not want the lands trust to lose the right of entry, but when entry in relation to minerals has been granted it is for the Mines Department to say whether that person can operate.

The Hon. A. F. GRIFFITH: I am not sure the explanation given by the Leader of the House is consistent with the amendment that has been moved. The amendment says that nothing in this section applies to these Acts. Therefore, the right of entry is given under section 33, but when something shall not be refused, shall not be processed, or shall not be taken to be approved, these things have no application to the Acts mentioned in the proviso.

The Hon. W. F. Willesee: That is how I understand it.

Amendment put and passed.

Postponed clause, as amended, put and passed.

Schedule put and passed.

Title—

The Hon. A. F. GRIFFITH: I have a suggestion to make to the Minister. I have taken this for granted but I would like to suggest that he do not adopt the report tonight and that he obtain a reprint of the Bill to give us an opportunity to course through it and make sure we have not left undone anything we should have done. A reprint must be obtained in any case. The third reading could be dealt with tomorrow, when we have had an opportunity to look at the reprinted Bill.

The Hon. W. F. WILLESEE: I almost thought it unnecessary to reply. I have implied right throughout the evening that I would adopt that course. In fact, I thought I said so on one occasion. To make it abundantly clear: Yes.

The Hon. A. F. Griffith: As far as I am concerned, the report could be adopted but the third reading could be postponed until tomorrow.

Title put and passed.

Bill reported with amendments.

BILLS (3): RECEIPT AND FIRST READING

1. Justices Act Amendment Bill.
2. Criminal Code Amendment Bill.
3. Public Trustee Act Amendment Bill.

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

QUESTIONS (7): ON NOTICE

1. NATIONAL SECURITY

Garden Island

The Hon. V. J. FERRY (for the Hon. W. R. Withers), to the Minister for Police:

(1) Is there close liaison and co-operation between the State police and any Federal Department on matters of National Security?

(2) If so—

(a) is any surveillance made on the movement of lighters and small craft operating from foreign ships in West Australian ports;

(b) has the Minister been advised of the possible security arrangements for Garden Island?

(3) Is the Minister aware that a party of approximately ten people landed on the North West coast of Garden Island on Saturday, the 22nd April, and returned again to the island on Sunday, the 23rd April, 1972, and that the party used a small vessel from the Russian ship *Novomirgorod*?

(4) Is he also aware that the party navigated through a complicated reef system to land on that part of the island known as Herring Bay?

The Hon. J. DOLAN replied:

(1) Yes. There is a liaison between the W.A. Police Force and the Commonwealth on certain matters

affecting National Security, but unless requested, this would not extend to surveillance of small craft operating in local water.

(2) (a) A security surveillance is not made by State Police.

(b) No.

(3) No.

(4) No.

2. COLLIE HIGH SCHOOL

Canteen

The Hon. N. E. BAXTER (for the Hon. T. O. Perry), to the Leader of the House:

In view of the assurances given by the Minister for Development and Decentralisation when addressing an audience at Collie in the matter of public works, preference would be given to Collie contractors if their tender price was not the lowest, but close to the lowest, why was the contract for the Collie High School canteen not let to a Collie contractor whose tender was within 2½% of the successful tenderer?

The Hon. W. F. WILLESEE replied:

Government policy for preference for local tenders applies only to supplies of materials and services and specifically excludes Public Works' building contracts.

3. *This question was postponed.*

4. RURAL RECONSTRUCTION

Payment of Shire Rates

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

In view of the difficulties being experienced in many rural shires with the collection of rates, would the Government make available to shires the number of applicants within their shires who have proved to be insolvent by their being refused rural reconstruction, so that these shires can estimate the extent of their future collections?

The Hon. W. F. WILLESEE replied:

No. Records are kept by the Authority in Statistical Districts and not as to Shires.

5. LAND

Reserve No. 14163

The Hon. F. R. WHITE, to the Leader of the House:

Would the Minister ascertain from the Minister for Lands whether—

(a) any applications have been made by private individuals to lease or purchase Reserve No. 14163 (Parkerville Lot 336);

(b) these applications have been rejected, and, if so, for what reasons?

The Hon. W. F. WILLESEE replied:

(a) Yes, from an applicant, who desired to develop the Reserve for grazing purposes.

(b) The application was refused in the public interest, in order to conserve the vegetation growing on this attractive piece of bushland.

6. POLICE

Appointments

The Hon. G. W. BERRY, to the Minister for Police:

(1) How many applications for the Police Force were received in 1971, and the first quarter of 1972?

(2) How many were accepted in each case?

The Hon. J. DOLAN replied:

(1) and (2)—

		Recruited	Accepted
(a)	1/1/71-31/12/71	748	184
(b)	1/1/72-31/3/72	335	Nil

7. WHEAT QUOTAS

Review: Report

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

In view of the importance of quotas to the farming community, will the Minister Table the Wheat Quota Review Report, 1971-72?

The Hon. W. F. WILLESEE replied:

A copy of the Report was Tabled by the Minister for Agriculture on the 20th April, 1972. However, a further copy is submitted for Tabling. I would add the Report has not been Tabled previously in this House.

The report (Paper No. 119) was tabled.

HOUSING LOAN GUARANTEE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 20th April.

THE HON. V. J. FERRY (South-West) [9.21 p.m.]: This Bill seeks to amend the Housing Loan Guarantee Act, 1957-1968. May I say at the outset that it is my intention to support it. I regard it as more or less a machinery measure, although perhaps it is not really. In effect, it increases the total advances which may be made under guarantee as provided for in the Act. The advances are made to the purchasers of homes in three zones throughout Western Australia.

The measure is important because since the inception of the system a total of $19,738,000 has been guaranteed to the benefit of 2,598 purchasers of homes. In 1968-69, 170 purchasers benefited; in 1969-70 the number was again 170; in 1970-71, 125 people received this benefit; and during the course of the current financial year further benefits are being made available to new applicants.

The principles of the Act are to enable funds which are made available through lending institutions to building societies to be protected totally by a State guarantee. Furthermore, building societies are indemnified against default on the part of borrowers of funds for housing. So the legislation serves a most useful purpose. It serves to assist people to purchase their own homes and to raise the appropriate finance within certain limits defined in the Act. It also assists the lending institutions to make available funds in the sure knowledge that loans which are guaranteed with the approval of the Treasurer are safe loans as far as their business commitments are concerned.

I would like to refer to a feature mentioned during the second reading speech of the Minister when he said—and I quote—

> The last amendment to the Act was in 1968 when maximum advances and house values—excluding land—were prescribed for certain areas.

Later, he went on to say—

> Land costs have risen sharply.

I rather fail to see the relevance of that comment regarding land costs because loans are made available for the house itself, and as I understand the Act the cost of the land has no application whatsoever. So I feel the reference to land costs in the Minister's speech was quite unnecessary.

I feel the House would be well advised to support the measure. The principle is a proven one, and the legislation serves a useful purpose, enabling many Western Australians to purchase their own homes in cases where otherwise they would not have the opportunity. With those remarks, I support the Bill.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [9.25 p.m.]: I thank the honourable member for his succinct remarks and his support of the Bill. I think his only comment was a mild criticism, and I accept it as such.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

STAMP ACT AMENDMENT BILL

Second Reading

Debate resumed from the 26th April.

THE HON. I. G. MEDCALF (Metropolitan) [9.29 p.m.]: I wish to comment on this Bill, particularly in relation to clause 3; I wish to make further comments regarding other clauses, but my main interest is in clause 3.

Clause 3 provides that stamp duty will be payable on collateral securities. I should explain that a collateral security is not the principal security; it is one which is subsidiary to the principal security. We are really referring to mortgages and securities for the payment of money.

Under this heading it is sought to amend the provisions of the Act so that in all cases collateral securities will pay duty at the mortgage rate if the principal securities do not bear the full stamp duty at the mortgage rate.

There are two rates of duty. There is, firstly, the duty on the principal security or mortgage which is at 25c per $200, so that stamp duty on a mortgage is payable at 25c per $200. There is, secondly, stamp duty payable on a collateral security, which is a subsidiary security given to reinforce a mortgage. It is something like a guarantee or some other document in support of a mortgage. This duty is payable at the rate of 5c per $200 or, one-fifth of the rate that is payable on mortgages.

It so happens that sometimes the principal security does not bear duty at the mortgage rate; and where the principal security does not pay duty at the mortgage rate the Commissioner of State Taxation is seeking by this Bill to provide that the collateral security will pay at the mortgage rate.

On the face of it this is a simple and reasonable proposition; in other words, if the principal security does not pay duty at the mortgage rate of 25c per $200 then the collateral security will pay stamp duty at the full rate of 25c per $200, instead of the 5c per $200.

However, when one recalls the details of how this situation comes about in particular cases it becomes apparent that if we accept the proposal in the Bill we will perpetrate an injustice on a class of people who are least able to afford to pay the duty; namely, the purchasers of a farm, a house, or some other property under long terms. These people will be forced to pay more stamp duty if the amendment in clause 3 of the Bill is agreed to.

The way in which this situation came about was rather curious. Since 1882 when the Stamp Act was passed in Western Australia the law has remained much the same. It was much the same in the 1921 Act, which has been in force since that year; and in this respect the Act has not been amended at all. It followed the English provisions which date back to 1870 or earlier; therefore we are dealing with a time-hallowed provision of the law which prescribes that mortgages pay stamp duty at a certain rate, and collateral securities pay stamp duty at a lesser rate.

However, in 1963, the House of Lords in England decided a case based on the same provision: that where there was a contract of sale between two people, and subsequently there was another security —actually a guarantee—to secure the payment of the purchase price, then the contract of sale was the principal security and the mortgage taken out to secure the purchase price was the collateral security.

That was where the problem arose. When the House of Lords made that decision it upset the ruling that had been given by the Commissioner of Stamps—and which had been acted upon for many years, whereby the contract of sale was not regarded as the principal security. It was separate, and it was stamped as a conveyance at a much higher rate.

When the House of Lords gave that decision it meant that any mortgage which followed a contract of sale had to pay stamp duty at a lesser rate, as it was deemed to be a collateral security instead of a principal security; so, instead of paying 25c on every $200 of the value of the mortgage following a contract of sale, it only paid 5c per $200. That made a lot of sense to people, because they were paying at the higher rate on the contract of sale, but on the mortgage they would then only pay 5c per $200 under the decision of the House of Lords.

What the House of Lords said was that the revenue commissioner had been making a mistake since 1870, and it would correct the mistake in the particular case before it; so, the House of Lords corrected the mistake, but in the following year the Parliament of the United Kingdom passed legislation to restore the stamp duty, so that the full amount was paid not only on the contract but also on the mortgage. By an Act of Parliament the decision of the House of Lords was reversed.

When the Minister said in the introduction of the second reading that the Bill breaks no new ground, I do not agree with him in the light of what I have just mentioned, because what we are doing is that 10 years after the events took place we propose to reverse the court's decision. It may be that had we done this in the year following the decision, just as was done in Britain, people might have objected but they would have accepted the position. The new situation has applied for the last 10 years: that on a terms contract which is followed by a mortgage, the duty payable on the mortgage is at the lower rate. This is well understood by people who deal in properties; by purchasers of farms, houses, and other types of properties; by agents; by bankers; and by the legal fraternity.

The Commissioner of Stamps is saying rather belatedly, "We will revert to what we thought the position was before 1963, and insist that in these cases the mortgage as well as the contract of sale bears the full rate of stamp duty."

It is not easy to understand these matters. However, as the Minister is desirous of proceeding with the debate on the Bill I am quite happy to oblige him. We will have a further opportunity to discuss the ins and outs of this matter.

I do believe that in some cases there is justification for the Commissioner of Stamps to claim full duty on these mortgages. The Minister has instanced a couple of cases. He spoke, or I think he spoke, about a case where no duty was paid on the original contract. For some reason or other that contract was exempt from stamp duty, and the mortgage was a collateral security. I agree in that case the mortgage should bear the full duty.

There is the other case where the original document is not within the State, and therefore the commissioner cannot collect stamp duty on it and he has to accept the lower rate payable on a collateral document. Here again full duty should be paid. I have placed on the notice paper an amendment which will cover the one case of a *bona fide* purchaser of a property who has signed a contract of sale and paid full duty at the high rate of $1.25 per $100 for the first $10,000 and $1.50 per $100 on the balance. As this purchaser has paid duty at the higher rate on the contract of sale he should only pay stamp duty on the mortgage at the lower rate of 5c per $200, instead of 25c per $200. That is the only point of my amendment. Where duty has been paid at the higher rate on the contract of sale then the mortgage should bear duty at the lower rate, and people in this State have been working on that basis for the last 10 years. I believe it is reasonable to extend this to cases of *bona fide* purchasers of properties.

If a person purchases a property under a contract of sale then he is least able to pay the stamp duty, because if he had the cash he would not be buying the property under a contract; therefore, in this case we are dealing with people who have the least amount of money available —the purchasers of properties on terms under contracts of sale. I will discuss the details of my amendment more fully on a later occasion.

I refer to the provisions which appear in clause 4. They relate to exemptions on the discharge of mortgages where the original mortgage is exempt, such as for charities. I subscribe to this and agree that it is a worth-while amendment.

Clause 5 deals with the insurance policies which are now to be liable for duty—not only policies over properties, but policies on risks for loss or damage as a result of loss of profits, and various kinds of insurance policies not related to property. It has been suggested that when the Government of the day brought in the last amendment to the legislation in 1968 it intended to include policies over the kind of risks I have mentioned, as well as policies over properties.

I have read the debate on that Bill, and in particular the speech of Mr. Griffith who introduced the measure in this Chamber. The debate is recorded on page 2293 of the 1968 *Hansard*. On page 2294 Mr. Griffith is recorded as having said—

> In the matter of insurance cover, cover on assets in this State . . .

Later on he said—

> With a view to overcoming this situation and removing any doubts as to the liability to pay duty on insurance policies covering assets in this State . . .

Again, further on he said—

> One of these sections will provide for persons resident in the State, who insure Western Australian property . . .

Once or twice more in the debate he referred to Western Australian property.

I therefore find it hard to follow the reference to the fact that the Minister in introducing the Bill in 1968 intended to include other policies besides policies in relation to property. It may well be that the department intended to include them, but the Minister did not, otherwise he would have said so. However, I am not opposing this particular amendment in the Bill; I am only drawing attention to the comment in the second reading speech of the Minister.

For the reasons I have given I support the Bill, with the exception of clause 3. I support that clause in principle, but I propose to move an amendment which will affect one small area only of the stamp duty which the commissioner hopes to collect under the amendment.

Debate adjourned, on motion by The Hon. J. Dolan (Minister for Police).

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [9.44 p.m.]: I move—

> That the House at its rising adjourn until 2.15 p.m. tomorrow (Thursday).

Question put and passed.

House adjourned at 9.45 p.m.

Legislative Assembly

Wednesday, the 3rd May, 1972

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

ADDRESS-IN-REPLY

Acknowledgment of Presentation to Governor

THE SPEAKER (Mr. Norton): I desire to announce that, accompanied by the member for Merredin-Yilgarn (Mr. Brown), the member for Karrinyup (Mr. Lapham), the member for Blackwood (Mr. Reid), and the member for Murchison-Eyre (Mr. Coyne), I attended upon His Excellency the Governor and presented the Address-in-Reply to His Excellency's Speech at the opening of Parliament. His Excellency has been pleased to reply in the following terms:—

> Mr. Speaker and Members of the Legislative Assembly: I thank you for your expressions of loyalty to Her Most Gracious Majesty The Queen, and for your Address-in-Reply to the Speech with which I opened Parliament.

PARLIAMENTARY COMMISSIONER

Oath of Office: Administration by Speaker

THE SPEAKER (Mr. Norton): I desire to announce that in the presence of the Premier (Mr. J. T. Tonkin), The Hon. A. F. Griffith, M.L.C. (representing the Leader of the Opposition, Sir David Brand), the President of the Legislative Council (The Hon. L. C. Diver), and Mr. W. R. McPharlin (representing the Leader of the Country Party, Mr. Nalder), I did this day, in accordance with section 8 of the Parliamentary Commissioner Act, 1971, administer the Oath of Office under that Act to Oliver Francis Dixon. The oath administered by me was as follows:—

> I, Oliver Francis Dixon, sincerely promise and swear that I will faithfully and impartially perform the duties of my office and that I will not, except in accordance with the Parliamentary Commissioner Act, 1971, divulge any information received by me under that Act. So help me God.

The oath was signed by Oliver Dixon in my presence.