complementary to the Criminal Code Amendment Bill and I could not find any objection to this measure. In fact, I would remark that in this measure it is proposed to amend the third schedule to the original Act so that it will come into line with the proposed amendments in the Criminal Code Amendment Bill. Certain amendments to be made to sections of the Criminal Code make it compulsory for it to have a different title. One example is that when someone is charged with intent to commit a crime this has become a charge of intent to commit an offence, and consequently the title in the Act should have been changed.

Sections 183 and 184 of the Criminal Code referred to in the Child Welfare Act are two of the sections that are affected. I have not placed any amendment on the notice paper to give effect to this change in the Bill amending the Criminal Code, but I ask the Attorney-General to consider this because obviously it would make the drafting more tidy.

MR. T. D. EVANS (Kalgoorlie—Attorney-General) [10.00 p.m.]: I would like to thank the member for Floreat for his brief and supporting remarks in respect of this Bill. As indicated by him, the measure being much shorter in content does differ in so far as it bears the hallmark of, perhaps, a different draftsman from the one who drafted the Criminal Code Amendment Bill and the Justices Act Amendment Bill.

I will obtain a copy of the speeches of the member for Floreat in relation to the Criminal Code Amendment Bill and the Justices Act Amendment Bill, and make the appropriate remarks at the Committee stage of those Bills. I thank him for his support of the measure before us.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Bateman) in the Chair; Mr. T. D. Evans (Attorney-General) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Amendment to section 20B—

Mr. HARTREY: I draw attention to the wording in proposed subsection (4) (b) on page 3 which states—

> (b) if he elects to have the charge dealt with summarily, the court is required to reduce the charge to writing and to read it to him, and then to ask him whether he is guilty or not guilty of the offence; and if he says he is guilty the court is to convict him of the offence, but if he says he is not guilty the court is required to hear his defence and then deal with the charge summarily; .

It is fair enough that if he says he is guilty the court is to convict him of the offence; but if he says he is not guilty the court is required to hear his defence and then deal with the charge summarily. In my view the words "to hear his defence and then deal with the charge summarily" should be deleted. The accused should not be required to give his defence before the case is heard, but if he does not give a defence he can be found guilty. This is quite an irregular way of saying how the matter shall be dealt with. I move an amendment—

> Page 3, lines 11 and 12—Delete the words "to hear his defence and then deal with the charge summarily" and substitute the words "to deal with the charge summarily."

Mr. T. D. EVANS: I have no objection to the amendment. Perhaps it spells out in a more orthodox way the procedure which is followed by the court. I do not find any objection to the wording which is sought to be deleted. Obviously when a person says he is not guilty there is some defence, and if there is a defence the court is required to hear the defence and deal with the charge summarily. However, I have no objection to the amendment at all.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 5 and 6 put and passed.

Title put and passed.

Bill reported with an amendment.

House adjourned at 10.08 p.m.

Legislative Council

Wednesday, the 12th April, 1972

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

QUESTIONS ON NOTICE

Postponement

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [4.32 p.m.]: I have only the answers to two questions at hand and I therefore ask the permission of the House to deal with all questions on notice at a later stage of the sitting.

The PRESIDENT: Permission granted.

MINING ACT

Disallowance of Regulations: Motion

THE HON. W. R. WITHERS (North) [4.35 p.m.]: I move—

> That regulations made under the Mining Act, published in the *Government Gazette* on the 3rd December,

1971, and laid on the Table of the House on the 9th December, 1971, be, and are hereby disallowed.

In doing so I acquaint the House that the regulations I wish to have disallowed are as follows:—

Reg. 54(7) amended. 2. Subregulation (7) of regulation 54 of the principal regulations is amended by substituting for the words "twenty-five cents", in line two, the words "fifty-cents".

Reg. 55(10) amended. 3. Subregulation (10) of regulation 55 of the principal regulations is amended by substituting for the words "twenty-five cents", in line two, the words "fifty cents".

Schedule amended. 4. Form No. 57 in the Schedule of Forms and Fees to the principal regulations is amended as to the items and charges under the heading Rents and Royalties by substituting for the charge of "$0.25", shown in relation to the items "Mineral Claim" and "Dredging Claims", respectively, the charge of "$0.50".

These regulations are inflationary in view of the fact that they seek to increase fees payable on mineral claims by 100 per cent. In this day and age it is said that Governments are endeavouring to halt the inflationary trend, yet here is a case where the Government is taking action to increase fees on mineral claims by 100 per cent.

It could be said that no increase in these charges has been made for some years and that, because it was a small charge initially, nobody has bothered to increase it by a small percentage over the years and therefore a 100 per cent. increase is justified now. However, I would point out that in paying fees on large acreages of mineral claims a 100 per cent. increase amounts to a good deal of money. It is an increase of 25c on every acre. Therefore, a man holding hundreds of acres of mineral claims or mineral leases would be hit hard by this increase in fees.

It could also be said the Government needs to effect this increase in charges to allow the Mines Department to operate; that it needs the finance so that the department can be efficiently administered. If this is the reason it is a very foolish one, because, in my view, such a move will not increase the revenue of the department but tend to bring about a decrease. By increasing the charges it will be found that holders of mineral leases and claims—especially those small men holding only 1,000 or 1,500 acres of claims —will pass in their holdings because they cannot afford such increases in rental.

I know of a small group who will be handing in 1,500 acres of claims because they cannot afford to pay the $750 per annum rental that will be charged. Therefore, this proposed move to increase the charges for mineral claims will mean a decrease in the revenue paid to the department and, if it does, as a result of these regulations, to me, the acceptance of them would just not make any sense.

I think the motion is fairly simple and I do not think I need add anything further. There is no doubt that the passing of these regulations will only create further inflation and will decrease the revenue to the department. Therefore, I think the regulations should be disallowed and I ask members to give favourable consideration to the motion.

Debate adjourned, on motion by The Hon. R. H. C. Stubbs (Minister for Local Government).

GUARDIANSHIP OF CHILDREN BILL

Third Reading

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [4.40 p.m.]: I move—

That the Bill be now read a third time.

I would like to reply in brief to some queries made last evening. With regard to clause 21 the query concerned an order for payment of money being enforced by attachment to pension or income. The answer to that query is that pension or income payable to the person against whom the order is made can in this Act be attached by order of the court only after the person has had an opportunity to be heard. This clause may allow for regular payments to be made against court orders so that arrears do not accrue. It is anticipated that some debtors would readily agree to attachment of wages in order to ensure regular payments and so prevent accrual of arrears which may lead to imprisonment in default of payment.

With regard to the specific term "garnishee order" I am advised that this is no longer in general use. The Director of Child Welfare does not know of a current case.

The Hon. A. F. Griffith: Then what I said was correct; that it is not in general use.

The Hon. W. F. WILLESEE: Yes. The garnishee order is outmoded.

The Hon. A. F. Griffith: I take it the department will not avail itself of the use of this clause.

The Hon. W. F. WILLESEE: It is not in general usage which would indicate that the department does not use it and the fact that there is no current case indicates the first statement is substantiated.

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

The Hon. W. F. WILLESEE: With regard to clause 24 (3) the question raised was—

> What happens prior to court action where the welfare of the child is not being considered—
>
> (a) where a person has abandoned or deserted his child;
>
> (b) where he allows his child or children to be brought up by another person at the expense of that person?

The reply to that question is that in each of these circumstances there exists, already, statutory provision to safeguard the welfare of the child. The Minister can extend financial assistance under the Welfare and Assistance Act, and the Child Welfare Act allows for adequate financial and emotional support where neglect or destitution is evident. The situation may be compared with circumstances preceding court action in divorce or separation, where in certain cases the Child Welfare Department is called upon to provide for the welfare of the child pending satisfactory court action.

A further question was raised to me privately regarding the penalties in the Bill. My reply to the query is that in general the penalties in the Bill for one who does not comply with a court order are prescribed by the Justices Act. In particular a person against whom an order is made is obliged to notify any change of his address. This is important in order to ensure that orders are complied with so that the rights of those concerned are protected.

Prompt notification of change of address saves the time of the courts and of the police when enforcing orders. The maximum penalty is set at $200 or imprisonment not exceeding three months. The court will decide the penalty within these limits on the individual circumstances, but the maximum is set high as a deterrent.

Question put and passed.

Bill read a third time and transmitted to the Assembly.

POLICE ACT AMENDMENT BILL

Third Reading

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [4.46 p.m.]: I move—

> That the Bill be now read a third time.

I wish to refer to a query raised by Mr. Heitman yesterday with regard to property that had been stolen or found. I think what I have to say will be of general interest to all members. The procedure of handling lost, found, and stolen property is very strict at all police stations. Separate books are kept, properly and uniformly ruled for stolen property and for lost and found property.

Stolen Property: When a person hands in stolen property or property suspected of being stolen, a receipt is given to the finder and details of name and address are entered in the book. The property is labelled and identified with a folio number, etc. Stolen property or property suspected of being stolen is not returned to the finder.

Found Property: It is entered in a separate book and identified as to folio, finder's name and address, and a receipt is given. On the receipt it is shown that the finder may claim the property after three months if the owner has not claimed it or if the owner cannot be found.

If the property is returned to the finder, his signature is obtained and an indemnity is signed by him that he will give up the property if the rightful owner is located.

The decision as to whether property is lost or stolen or suspected of being stolen is usually the decision of the police officer based on where it was found and the other circumstances relating to it.

Stolen property is not returned to the finder because it is often the subject of further court action as exhibits, and courts determine what is to be done with it.

Question put and passed.

Bill read a third time and transmitted to the Assembly.

PRESBYTERIAN CHURCH OF AUSTRALIA ACT AMENDMENT BILL

Second Reading

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [4.49 p.m.]: I move—

> That the Bill be now read a second time.

The Presbyterian Church of Australia Act, 1970, was introduced in this Chamber by The Hon. A. F. Griffith, at the request of the then Moderator of the Presbyterian Church in Western Australia, to give effect to proposals for a new constitution governing the Church in Australia. It is customary for legislation of this type to be introduced by a Minister of the Crown, at the request of the church authorities.

This amending Bill was introduced in another place by the Attorney-General and its introduction arises from subsequent advice received from the present Moderator that their Federal committee in Melbourne had drawn attention to the need for certain minor amendments to the Act.

It will be obvious to members on their reading the Bill that the proposed amendments are in fact quite minor and of a machinery character. I commend the Bill to the House.

Debate adjourned, on motion by The Hon. N. McNeill.

ABORIGINAL AFFAIRS PLANNING AUTHORITY BILL

Second Reading

Debate resumed from the 10th December, 1971.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [4.50 p.m.]: At the outset I wish to say that my party considers this Bill to be a creditable effort on the part of the Minister to do something for the welfare of Aboriginal people in Western Australia. We go along with that sentiment and offer our congratulations to Mr. Willesee for the presentation of the legislation.

I do not propose to go through the Bill clause by clause, but I shall deal with those clauses which I think require explanation. In doing so I do not want any queries I may raise to be regarded in any shape or form as political criticism of the legislation. Instead, I hope the Minister will accept my comments and those of my colleagues who may follow me in the spirit in which they are offered; namely, as well-intended and constructive in approach. I also hope the Minister will examine the points of view we put forward.

In the hope that my remarks will be accepted in that way I will go forward and point out to the Minister certain matters which have come under surveillance so far as I am concerned.

Initially I refer the Minister to page 3 of the Bill where the definition of "person of Aboriginal descent" is given as—

> "person of Aboriginal descent" means any person wholly or partly descended from the original inhabitants of Australia;

I ask the Minister why words such as these have been selected, because I feel they may cause embarrassment to some people of Aboriginal descent. A literal interpretation of the definition means that there would be no end to how far back one could go in tracing the descendants of a person of Aboriginal descent.

I am sure all members support the principle that assimilation is the best method of treatment so far as Aboriginal people are concerned. If it is our intention to put this principle into practice I do not think we should put any obstacle in the way to prevent ultimate assimilation of Aboriginal people among the white people. A person who is removed by a number of generations from a full-blooded Aboriginal may not, in fact, want to claim that he is of Aboriginal descent, but he may find himself caught up under this provision.

The Commonwealth takes a different view as is obvious from its definition—

> a person of full or part Aboriginal descent who claims to be Aboriginal and who is accepted as such in the community in which he lives.

This definition leaves some freedom of choice to the individual concerned in a way in which the present measure is not inclined to do.

I have made this comment for the Minister's consideration and examination. Perhaps he has a very sound reason for wording the definition in this way and I am sure he will tell us his reason if he maintains that opinion.

As I have said, I do not propose to go over each clause because many are of a machinery or administrative nature. I turn now to clause 11, the marginal note to which reads, "Commissioner for Aboriginal planning." As members know, when in Government we set up the authority, council, committee, and trust, which is referred to as the lands trust.

I think the wording in clause 11 (3) on page 6 of the Bill is somewhat unusual. It says in part—

> (3) Subject to subsection (4) of this section, the Governor may appoint a person to be the deputy of the Commissioner and that person when so appointed is authorized to exercise any power and perform any duty that the Commissioner may exercise or is required to perform under this Act, whether the Commissioner is absent or not;

I query the words "or not." If the commissioner is in attendance surely he would exercise the authority bestowed upon him under the legislation and, if not, his deputy would do so. One cannot have two people with the same authority being present at the same time. This is, I feel, a small matter of drafting which the Minister may wish to look at.

I have another drafting query in relation to page 9 of the Bill. I hasten to add that I do not set myself up as a draftsman; indeed on many occasions in a different situation in the House I have defended draftsmen. Nevertheless I reserve the right to ask questions of the draftsman and I am sure the Minister will obtain the information for me. Clause 16 (2) says in part—

> (2) The Minister may engage, under contract for services, such professional and technical or other assistance as may be necessary to enable the Authority to carry out effectively its functions under this Act and may enter into arrangements with—
>
> (a) a Minister of the Crown of any State of the Commonwealth, a Minister of State of the Commonwealth, a department or an instrumentality of the Commonwealth or any State of the Commonwealth; or

(b) a university or other tertiary institution; or

(c) any other body or person,

with respect to the conduct of any investigation.

It seems the Minister is left with an alternative of perhaps being able to consult or engage only one of those people whereas the intention could well be that he may consult or engage all those listed in (a), (b), and (c) if he so chooses.

We now come to page 10 of the Bill and clause 19 reads as follows:—

> There shall be established a council to be known as the Aboriginal Advisory Council, for the purpose of advising the Authority on matters relating to the interests and well-being of persons of Aboriginal descent.

The next subclause points out that the council will consist of persons chosen by the Minister. However, the Bill does not definitely lay down the composition of the council—it is left to the Minister to make this decision.

I recently read the Christmas 1971 edition of the newsletter circulated by the Department of Native Welfare. I observed that under the heading of Comment on page 2 were these words—

> Of primary interest and importance was the first meeting of the newly formed twelve strong all Aboriginal Advisory Council which now takes the place of the Advisory Council for Aborigines, which was made up with six Aboriginal delegates and six Departmental officers. The twelve delegates are selected by the six regional Consultative Committees and will meet twice a year in Perth. The resolutions and recommendations from the Council will be passed directly to the Minister for Community Welfare for his consideration and the senior Departmental officers who, previously, were members of the Advisory Council for Aborigines, will be present, by invitation, in a consultative capacity.
>
> The inaugural meeting of the new Council took place on 6th and 7th October and Mr. W. F. Willesee, Minister for Community Welfare, opened the proceedings and wished the delegates well. The machinery for effective consultation is now well established and we wish the Chairman, Mr. K. G. Winder, and Council every success in their future endeavours.

I read that to the House because it suggests to me that the Minister already has a preconceived idea of the composition of the council. I volunteer to suggest that, to a considerable extent, the council has been already set up in its administrative capacity. If this is the case it would be preferable for this to be clearly spelt out in the legislation. Let us have some idea of the representation on this council.

I will go a little further and make this recommendation: On the back of this publication members will see a map showing the various divisions. I am sure the Minister has seen this.

The Hon. W. F. Willesee: Only once.

The Hon. A. F. GRIFFITH: The regional councils are described in this publication —I think there are six of them—and they cover the State. Referring to them from the top, there is the north, the north-west, the north-central, the eastern, the central, and the southern regional councils. Consideration should be given to the establishment of these regional councils under the legislation. Also, it would be preferable if the members were elected and not appointed. The council is to consist of 12 members, and could be made up of two representatives from each regional council who would participate in the Minister's advisory council. This would ensure that the representation covered the whole of the State, and it must be remembered it is a very big State.

It would be undesirable for all the delegates to come from one particular section of the State to the complete exclusion of other portions of the State—maybe the north-west or the northern area.

The Hon. W. F. Willesee: I think I could give the assurance at this stage that that would not be so.

The Hon. A. F. GRIFFITH: I thank the Minister. However, at this stage of the proceedings I am not looking for assurances.

The Hon. W. F. Willesee: Your comment is quite fair.

The Hon. A. F. GRIFFITH: As I said, I am offering these comments in an endeavour to be helpful in regard to the legislation. I feel sure that the Minister will take my remarks in this way.

The Hon. W. F. Willesee: I will be equally helpful and I will not interject again.

The Hon. A. F. GRIFFITH: I do not mind the Minister interjecting. He often helps me, particularly on matters of which he knows so much.

I will make some further remarks later about the functions of the advisory council but I will now move on to clause 20. This clause provides for the establishment of the Aboriginal affairs co-ordinating committee. Members will see upon reading the Bill that, unlike the previous committee, the composition of this committee is spelt out. The representatives of the committee are set out in paragraphs (a), (b),

(c), and (d). However, it seems to me that one important State department is missing on a co-ordinating committee of this nature—the Police Department. It is correct and proper to say that the police have a great deal to do with the problems of the Aboriginal population, and they also have considerable experience of those problems. It would be to the advantage of the co-ordinating committee to have a representative of the Minister for Police on the committee.

I would submit that paragraph (b) could be amended to read, "The chairman and two other members for the time being of the Aboriginal Advisory Council." This would allow better representation on the council.

I now refer to clause 21 which deals with the lands trust. The legislation grants considerable responsibility to this body. Perhaps I could say at the outset that the Minister was good enough to table plans as a result of a question I asked him following his introduction of the Bill. I asked what area of land was already reserved and the Minister indicated that a total of 46,840,779 acres of land is reserved for one purpose or another. The map gives the details of the land so reserved. This represents roughly 73,000 square miles of Western Australia and members will agree this is a very large area.

I do not suggest that all this land is handed over to the lands trust under the legislation. I know this is not the case from my reading of the Bill. However, I will deal with the responsibilities of the lands trust in relation to the overall scheme. The management of the lands trust should be entrusted to the advisory council because the representatives on this council have a wide scope of power and the experience to operate the trust.

I do not intend my remarks to be in any way derogatory of the people who will comprise the lands trust. However, bearing in mind the weight of the responsibility of the trust, it is desirable—and this is up to the Minister—to have people of wide experience to operate a trust of this nature. My suggestion is that the controlling body should be the council itself in some delegated form. This land is held in trust and the operation of the trust should be in the hands of the most experienced people available. To sum up, we feel that some deviation from this wording would be of advantage to the legislation. An advisory council composed of members of the proposed regional councils would be the best authority to handle the lands trust. This would provide wider representation than is provided in the legislation as it now stands.

I move forward now to clause 24, and once again I reiterate that the lands trust will have considerable authority. Clause 24 commences with these words—

> Subject to this Act, the functions of the Aboriginal lands trust are—

And these functions are set out in paragraphs (a) to (e). Paragraph (d) reads as follows:—

> to consult, negotiate, enter into financial arrangements, contract, and to undertake or administer projects, either directly or in association with other persons or bodies, as may be necessary or desirable for the exploration, exploitation or development of the land or natural resources for which the Trust is responsible;

Now, Sir, we know that the words, "exploration, exploitation, and development of the land, or natural resources," include, amongst other things, the mineral rights of that land. I can foresee difficulty here if two authorities have the right to extend mineral titles and mineral rights. I have always firmly held the view that one authority should have the right to lease lands for the purpose of exploration—that is the Mines Department. It cannot be said that any criticism can be levelled at the present liaison which exists between the Department of Native Welfare and the Mines Department. I agree that the liaison depends very considerably upon the extent of co-operation extended by one department to the other. From my personal experience I believe that this co-operation is exchanged between the two departments at the present time.

I hope this situation will continue because as I read on in the Bill the question of mineral rights rises further to the surface than it does in clause 24.

I turn now to clause 25 which says—

> (1) The Governor, on the request of the Authority, may by proclamation, and subject to such conditions as may be expressed therein, place any land to which Part III of this Act applies under the exclusive control and management of the Aboriginal Lands Trust.
>
> (2) The control and management of any land which is the subject to a proclamation made under subsection (1) of this section extends to the exclusive right to the exploration and utilisation within that area of all natural resources.

This really means that the Governor-in-Council can proclaim an area of land out of that 73,000 acres or other land which may be reserved at some later date, to be placed under the control of the lands trust. The lands trust then has the task of administering that land in its entirety and this includes the exclusive right to all

things, including the exploitation and the utilisation of all the natural resources in the area.

So it gives to the lands trust the freehold of the land and it extends to that trust a right, so far as the natural resources of the land are concerned, that no other person in the community possesses, unless he has a title alienated before the year 1899 in which the mineral rights are given to the owner.

The basis of ownership of minerals in Western Australia is, however, that they are owned by the Crown for and on behalf of the people. Accordingly this provision would extend to one section of the community—and I prefer to use the expression, one section of the community, bearing in mind the total objective all the time about which people generally talk and which we all should have, of assimilating the Aboriginal people with a view to making them Australians—which is not possessed by another.

I do not think we should do anything which will set up any form of segregation or treatment which is applicable to one section of the comunity but not to any other person in the land. This is the very point I would like to make in connection with the responsibility of the lands trust, because we are giving to the lands trust the very great responsibility of saying, "You will administer this land in relation to all these things including the natural resources."

I contend that whatever responsibility we give to the lands trust that responsibility may be better handled by the council than is envisaged in the legislation. Clause 26 of the Bill states—

> 26. The Governor may, by proclamation,
>
> (a) declare any Crown lands to be reserved for persons of Aboriginal descent;
>
> (b) alter the boundaries of any reserved lands;
>
> (c) declare that any land shall cease to be reserved for persons of Aboriginal descent.

In principle I do not think there is anything wrong with that, because over a long period of time the Governor-in-Council has reserved land for various functions. This is contained in the main in the Land Act.

But I have often thought in regard to the new resources created, that it would not be a bad idea—and I have heard these sentiments expressed previously in this House—if such proposals were brought to Parliament and laid on the table of the House, so they could be seen by every one of us and be subjected to question or possible disallowance by either House of Parliament if members saw fit to do so.

Accordingly I suggest that it would be a good idea—particularly in relation to new reserves—if the intention is to reserve, or even after the Governor has reserved the land, that the documents be placed on the table of the House and that we be given an opportunity to discuss the matter in the House itself. I now turn to clause 28 which says—

> 28. (1) Any land to which this Part of this Act applies is by force of this section vested in the Authority for the exclusive use and benefit of persons descended from the Aboriginal inhabitants of Australia, and, except as is in this Act provided, shall remain reserved from alienation or from being otherwise dealt with.

It continues—

> (2) Where any land is vested in the Authority by force of this section—
>
> (a) the provisions of—
>
> (i) the Mining Act, 1904;
>
> (ii) the Petroleum Act, 1967;
>
> (iii) the Forests Act, 1918;
>
> (iv) any regulation, notice, proclamation or other law made under any of those Acts; and
>
> (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;
>
> 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, or to limit the enjoyment of that right, but in all other respects continue in full force.

The way I read that provision is that if a mining venture falls on the area reserved under the Mining Act the provisions of the Mining Act do not apply. This would also be the case if the mining venture fell on an area reserved under the Petroleum Act, or under the Forests Act. Also any agreement that has been ratified by this Parliament—and I refer to iron ore and nickel agreements—that might perchance relate to an area vested in the Crown, will thenceforth lie under the authority which this legislation provides. I do not know whether the Minister realises the extent to which this might go.

It is now some time since I was removed from the scene but from memory practically the whole of the hydrocarbon areas of Western Australia are under permits to one company or another. The Petroleum Act operates, to this point in time anyway, separately from any other mining Act. It certainly operates separately from the Mining Act of 1904.

Under the Petroleum Act the royalty rights lie with the Crown. This was determined as a result of a very important case in the history of things; it is a case about which Mr. Medcalf would know a great deal more than I do. It is a case under which a challenge was made by the Midland Railway Company in relation to mineral rights on the land in question, and the previous Petroleum Act was brought into force following that great case. It reserved these rights, because the rights were under challenge, and stated that the rights lay with the people of Western Australia.

Accordingly in the event of one of these mining operations falling within that category, the provisions in this particular clause would hand over the control of that venture, conceivably, to the authority under this Act.

Clause 29, to which I have already referred, says—

> 29. In relation to any land to which this Part of this Act applies—
>
> (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;

This is a very great departure from previous practice. Once again I have always held strongly to the view that a Government can only afford to have one Consolidated Revenue Fund, and that the income of the State must be placed into one Consolidated Revenue Fund in order that a proper division of those funds can be made by the Treasurer and the Government of the day.

If, however, we set out to say that no rental and no royalty or other revenue derived from the use of the land or the natural resources of the area shall be payable to the State, then nothing whatever which comes from these lands which are reserved as trust lands under this legislation will be paid to the State. The clause then goes on to say where that money will be paid.

I do not want my remarks to be interpreted to mean that I am in any way suggesting that the Government of the day should be mean in its approach to this particular department. Having had a good deal of experience of what it is like to try to cut up a relatively small Consolidated Revenue cake and a relatively small Loan Fund cake, and the difficulties the Treasurer has in his endeavours to satisfy the demands of his Ministers as a result of pressure brought on the particular Ministries by members of this House and of those in another place—who want roads, schools, hospitals, etc. placed in their electorates—I know it is sometimes very difficult for the Treasurer to give his Ministers as much as they demand for their departments.

The Commonwealth Government does not approach this question in the manner in which it is approached by the legislation before the House. The Commonwealth has a slightly different approach. This is rather an interesting document and if I may I would like to read it. It reads as follows:—

> Mining on Northern Territory Aboriginal Reserves. While reserving mineral rights to the Crown in the new leases—

And this is the principle to which the Commonwealth apparently holds—

> as in leases granted to other Australians—

And I emphasise that because the Commonwealth does not differentiate between one and the other—

> The Government considered whether mineral prospecting and development on such lands should, for the present, be prohibited.
>
> The Government has concluded that it was in the national interest, as well as largely in the interest of the Aborigines themselves, for mineral exploration and development on Aboriginal Reserves to continue.
>
> However, the Government will consult with any Aboriginal communities who might be affected by such activities so that their welfare can be taken into account when applications for exploration and development rights are being considered.
>
> Exploration rights will be granted on the basis that development rights may be deferred if in the Government's view they would be detrimental to the interests and well-being of an Aboriginal community in the area.
>
> The Government has also decided that:
>
> (a) In the granting of exploration licences a degree of preference may be granted to Aboriginal applicants with a particular interest in the area concerned. The applicants would need to justify the area applied for on the basis of ability to carry out an exploration programme though their exploration techniques need not be sophisticated.
>
> Licences issued to non-Aboriginal companies will provide that such companies will train, equip and employ resident Aborigines for surface exploration and will employ Aborigines wherever practicable in other aspects of the exploration programme.
>
> (b) If mining development follows on successful exploration it will be subject to

special terms and conditions relating to the employment of Aborigines, the protection of their interests and welfare and the opportunity for their effective participation in the enterprise.

A code has been evolved which sets out for holders of exploration licences and for those engaged in mining development the obligations which the Government expects them to accept towards Aboriginal communities affected by them.

This code is contained in the Attachment to this statement.

Mining enterprises on Aboriginal Reserves are required to pay double royalties to the Crown. These royalties are paid to the Aborigines Benefit Trust Fund which is available to assist Aboriginal communities primarily to establish enterprises and to improve their community facilities.

The Government has decided that 10 per cent. of the royalties paid by the Nabalco operation at Gove shall be made available from the Trust Fund to the Aboriginal community at Yirrkala.

This meets another request from the people of that area. I point this out to show the sort of approach the Commonwealth has adopted. I repeat that I do not at all suggest that the Treasurer in fact should not be as generous as he would wish to be to this particular department bearing in mind the difficulties the department has.

Further on in the legislation we find that the administration of the department is to rest with the Minister and his department; and that very largely he will obtain his financial support from the moneys that are made available to him out of Consolidated Revenue. I simply say, whilst I consider it undesirable to spell it out, that nothing which is received from land held under trust shall go into the coffers of the State at any time, but perhaps there is some way to achieve a compromise. If desired we could spell it out in the legislation in some directive form to the Treasurer, in relation to moneys earned on land trusts, that he shall give consideration to the area from which the money has come.

That is preferable to bringing about a situation where the economy of the country could conceivably be affected; it might turn out that we have one very wealthy department as a result of this provision in the Bill, but due to a set of circumstances the State might be lamentably short of funds in another direction. Of course, the trust is not concerned in any way with the set of circumstances that has brought this situation about.

I do believe that as a basic principle moneys earned by the Crown and by Government departments should be paid into Consolidated Revenue for the general disposition of all departments for which the Government is responsible. I am sure that after being in office for a little more than a year the Ministers on the front bench are beginning to learn about some of the difficulties that are attached to a Government which is short of funds. I will not mention the quick thought that has come up in my mind, because I said I wanted to keep this debate as brief as possible. I make the suggestion that the Minister might take a different view in respect of this particular matter.

I would ask the Leader of the House what is meant by the wording appearing in clause 32. The marginal note is "Compulsory acquisition." The clause states—

> (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.

The clause goes on to provide in subclause (3)—

> (3) For the purposes of giving effect to this section—
>
> (a) the word "land" in the Public Works Act, 1902, shall be construed as including any interest in or title to land or the utilisation of natural resources within an area to which this Part applies;
>
> (b) all proceedings for the purposes of the Public Works Act, 1902, shall be taken against the Authority who shall be deemed to be the respondent and shall be liable in respect of the taking to the same extent as the Minister for Works would have been liable if the taking had been for the purpose of a public work.

I will not spend any more time on that except to ask: What does the wording mean? Does it mean the authority can request the Minister for Works to acquire the land, if it wants the land for a specific purpose? Does it mean the authority can say to the Minister for Works, "We have attempted to acquire this piece of land for a particular purpose under this section of the Act, but have been unable to do so. We want you to resume it." If the provision enables the authority to do that I am very apprehensive of it.

If the Leader of the House and I decided to join forces in some venture—and I am sure we would make very good partners—and we approached a company, which was controlled by Europeans, and asked them to sell out to us, they could refuse because they did not like Mr. Willesee, myself, or our partnership. It seems that under this provision if we go along in the capacity of the authority and put the same proposition to the company, and the company refused our request, then we as the authority can approach the Minister for Works and say, "We cannot acquire this land in any other way than to have it resumed by you." This seems as though it would have a very far-reaching effect. I see Mr. Medcalf looking at me above his glasses, but I do not know what he is thinking. I would ask the Leader of the House to give some consideration to the contents of clause 32, and tell me whether or not my comments are correct.

I now turn to part IV of the Bill which deals with estates and property of Aboriginal persons. I do not want to stress this matter to any great extent, but I do question the need for the phraseology appearing in the relevant clauses of that part. Clause 35 states—

> The provisions of this Part of this Act apply to and in relation to a person of Aboriginal descent only if he is also of the full blood descended from the original inhabitants of Australia or more than one-fourth of the full blood.

In this case we are departing from the original interpretation of a person of Aboriginal descent. I am sure there is a reason for such departure.

I turn to clause 36 which deals with testate estates, and to clause 37 which deals with intestate estates. These two clauses set out what shall be done in respect of persons of the category described in clause 35, and they deal with testate estates and intestate estates. Clause 37 lays down certain rights of the Public Trustee in relation to these estates.

I wonder why there is need to have two different laws. I get back to the comment I made originally: Assimilation is one of our objectives, but when it comes to certain persons defined in this legislation we say the Public Trustee shall step in and do certain things which he would not be able to do if the person were not in the category enumerated in clause 35. Why cannot we allow the ordinary law relating to property to apply? I draw attention to the following wording which appears in clause 37 (3)—

> . . . the Governor may, on application, and notwithstanding the provisions of any other Act, order that such balance be distributed beneficially amongst any persons having a moral claim thereto but where no such order is made or is made in respect of a portion of the balance of the estate only, the Public Trustee shall thereupon vest the property of the deceased in the Authority upon trust that it shall be used for the benefit of persons of Aboriginal descent.

I expect to receive an explanation from the Leader of the House in relation to that matter. I simply stress the point that we are making different laws to apply to different people in the State.

We find under clause 37 (4) that a certificate under the hand of the Director of the Department for Community Welfare shall be conclusive evidence as to the person or persons entitled under the regulations to succeed to the estate of any deceased or missing person of Aboriginal descent or alternatively that there is no person so entitled. In this case even if the director makes an unintentional mistake, no alteration can be made because he has made a determination which is conclusive evidence. If the original heir to the money turns up a little later then I question whether he could be deprived of his right to it. Once again I ask: Why should not the ordinary law apply in cases of this nature?

I now turn to clause 38 which deals with wages due to a person of Aboriginal descent. The following appears in subclause (3)—

> (3) In the case of a person of Aboriginal descent who cannot be found, and in the event of no claim being made within a period of three years, the Public Trustee shall hand over any such money or property to the Authority to be applied for the purposes of this Act and shall thereupon be discharged.

I think in this instance we are making a separate set of laws. If another person who does not fall within this category dies, then when the due processes of the law have followed their course the money goes to Consolidated Revenue. Under this subclause such money does not go to Consolidated Revenue, but directly into the fund.

I pose the same query in relation to clause 39 under which property may be vested in the authority in very similar circumstances.

I draw attention to part V which deals with financial provisions. It states that the account which was kept in the Treasury under the provision of section 24 of the repealed Act immediately prior to the date of commencement of this legislation shall continue so to be kept, but shall be known under the name of the Aboriginal Trading Fund. Purely as a matter of interest I would like to know what is the state of that fund. I am sure the information would be of interest to members also.

Part V then sets out the establishment of the Aboriginal Trading Fund, and mentions the purposes for which it may be used. I do not raise any query in respect of the next few clauses; but I do raise a query in relation to clause 45 which deals with financial provisions. In subclause (4) the following appears:—

> (4) If in any year the whole of the annual sum appropriated by Parliament for the purpose of the Authority is not expended, the unexpended balance shall be retained by the Authority and expended in the performance of the duties of the Authority in any subsequent year.

In my experience I do not think this is standard practice. I do not think I am divulging any Cabinet secrets when I say that in the life of the Government of which I was a member there were times when the Treasurer called us together and questioned the expenditure of Loan funds. If for some reason we had not been able to expend fully the amount made available to us, it was not uncommon for some of that money to be redirected. I am not sure of this, but I think that even in the short life of this Government money has been redirected from one department to another, because of an urgent need. It is an unusual practice to say that a department which has not expended all its funds should be able to retain the balance in the following year.

I wish the very best of luck to any explorer of, or any person who has a right to explore for, minerals, but it is conceivable that a situation could arise where the authority has an unexpended balance at the end of the financial year, and is receiving a considerable sum of money from royalties. It would be the envy of other departments, and the retention of unexpended funds by the authority could be disadvantageous to other departments, especially at a time when the State might be crying out for assistance in other directions.

Perhaps the Minister could tell us why it is purposely designed that any unexpended balance will be permitted to be carried over from one year to the next.

Under the heading of, "Miscellaneous" clause 49, in part, reads as follows:—

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

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

Although I do not question the contents of clause 51, some people might do so. The clause reads as follows:—

> (1) In any proceedings in respect of an offence which is punishable in the first instance by a term of imprisonment for a period of six months or more the court hearing the charge shall refuse to accept or admit a plea of guilt at trial or an admission of guilt or confession before trial in any case where the court is satisfied upon examination of the accused person that he is a person of Aboriginal descent who from want of comprehension of the nature of the circumstances alleged, or of the proceedings, is or was not capable of understanding that plea of guilt or that admission of guilt or confession.

The clause provides that the court shall not accept a plea of guilt in certain circumstances, and I am perfectly satisfied with this provision. I have no query to raise on clauses 52 and 53. However, I do have a query in relation to the schedule to the Bill, which seems to me to be an unusual procedure. The obligations of the trust are set out in the Bill, but when it comes to some other obligations referred to in the Bill they are set out in the schedule. I do not know why this has to be so. This is not a very important point and I am sure the Minister will be able to give us some explanation.

At the risk of being repetitive, I say again that the remarks I have made in relation to the Bill are intended to be of a constructive nature, and certainly not intended to be of a critical political nature. This is a piece of legislation which should be removed entirely from political consideration, and I offer by contribution to the debate exactly in those terms. I am sure that when my colleagues have something to say their comments will be similar.

It will be noticed that I have not put any amendments on the notice paper although I have suggested that certain alterations be made. I have done that purposely because, as I have already said, I do not think this is a piece of legislation over which we should have any heated debate during the Committee stage. I invite the Minister to give consideration to what I have said, and what might be said by other members. I am not sure how many of my colleagues will speak, but I feel sure that Mr. Withers, having a distinct interest in the north, will offer a contribution, as will other members.

If the Minister will examine our comments before we move into the Committee stage I would like an opportunity to consult with him with a view to discussing any merit which he might see in the suggestions we put forward. Perhaps we could then come forward, during the Committee stage, with some amendments which would be acceptable to the Government and also acceptable to me.

This might be regarded as an unusual approach but I personally think that if a little more of this type of approach were made now and again it would be a good idea. I offer my suggestion in a well-intentioned manner hoping that we will be able to produce a piece of legislation which will be of assistance to the Aboriginal people of this State.

I would go so far as to say, it is possible that future Governments might find that the legislation which the Legislative Council originated in the first place is of such a helpful nature to the people concerned it will not be necessary to amend it for some time to come.

I thank the Minister for listening to me as intently as I am sure he has done. I offer by comments in the manner I have put them forward, and I support the second reading of the Bill.

THE HON. W. R. WITHERS (North) [5.51 p.m.]: I agree with my leader, The Hon. A. F. Griffith, when he says this Bill should not be argued on a political basis. The Bill will be of benefit not only to the Aboriginal Western Australians, but to all Western Australians. However, I suggest that many amendments are required to the Bill before it will benefit all Western Australians.

Firstly, I will refer to the definition of "Aboriginal." Mr. Griffith read to us the definition of an Aboriginal as it appears in the Bill, but it conflicts with the Commonwealth definition. That is extremely dangerous. If we have a definition of any Australian who has to abide by State and Federal laws, and that definition is in conflict in the State and Federal legislation, then we are in trouble. Unfortunately, that will be the case if this Bill is passed in its present form.

I will not read out the definition quoted by Mr. Griffith, but the Commonwealth definition of an Aboriginal is as follows:—

> A person of full or part Aboriginal descent who claims to be Aboriginal and who is accepted as such by the community in which he lives.

That reference appears at page 2358 of the 1969 Senate *Hansard*. I would point out, as I have done previously in this House, that an allowance is applicable to Aborigines for the purpose of secondary education and it is known as the Commonwealth Aboriginal Secondary Grants scheme. There are people in Western Australia—and I could name some of them —who take advantage of that grant, because under the Commonwealth definition they qualify for it. However, under the definition referred to in this Bill they would not qualify for that grant. As I have said, such a situation would be extremely dangerous. For that reason I ask the Minister to accept—and include in this Bill—the Commonwealth definition of an Aboriginal.

My leader has covered most of the points I intended to mention.

The Hon. W. F. Willesee: One cannot do much better than use a fine-tooth comb.

The Hon. A. F. Griffith: Despite what I have said, you have your say.

The Hon. W. R. WITHERS: I will refer to the newsletter quoted by my leader. The advisory council mentioned therein was quoted as having consultative councillors in its membership. Although my next point is not contained in the Bill, I think it is extremely important that we have area representation for the Aborigines. A check of Australian Aboriginal culture will show there is a diverse language problem with the Aboriginal population right throughout Australia. There are many regions with different outlooks, different dialects, and different customs. Some of the customs tie in, but because the natives live in different tribal groups they are suspicious of each other, even in this day and age.

The Hon. R. Thompson: Many white people are too.

The Hon. W. R. WITHERS: I agree, but we have to help the Aboriginal people. They may not even know why they are suspicious of each other. For that reason we should ensure that as these people reach the stage of self determination we can assure them that they are represented to the best of our ability and to the best of their ability.

The difference which exists between the groups within Australia is so great that it is necessary to have a widespread representation in the consultative councils mentioned in the newsletter previously quoted. A consultative council in the East Kimberley, in the West Kimberley, in the Pilbara, and so on would provide fair representation. However, if the representatives on the advisory council are elected from large areas, or appointed by the Minister, it will be found that the council will not be a true representation of the Aboriginal people.

I therefore stress that it is very important that we have consultative councils throughout the State, and representatives from the consultative councils should make up the membership of the advisory council.

If a consultative council, which represents a particular group of Aborigines, elects one man to represent that group on

the advisory council, it will be found that the same man will be elected to represent the group on the trust. I am sure that members will agree that the best man will be elected to represent the group on the advisory council, and for that reason the group will want him on the trust.

I suggest to the Minister that the advisory council could be made up of those people from the consultative councils, and that the same people could perform the work of the trust. I notice that the trust will comprise all Aborigines, and that is a fine ideal. I believe this will lead towards self determination. However, it would be very necessary to have advisers, who could be in attendance at trust meetings, for fiscal and legal matters.

I cannot agree with the provisions of clause 28 of the Bill. Subclause (2) in part, reads as follows:—

> Where any land is vested in the Authority by force of this section—
>
> (a) the provisions of—
>
> (i) the Mining Act, 1904;
>
> (ii) the Petroleum Act, 1967;
>
> (iii) the Forests Act, 1918;
>
> (iv) any regulation, notice, proclamation or other law made under any of those Acts; and
>
> (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;
>
> do not apply . . .

Under clause 28 apartheid would be set up. It would automatically be set up within the country in our legislation. We would have two sets of laws: one for Aborigines and one for non-Aborigines. I cannot go along with that. We should give the Aboriginal people every assistance we possibly can but we should not set up apartheid under our legislation.

Clause 29 reads, in part—

> In relation to any land to which this Part of this Act applies—
>
> (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;

This is a shocking suggestion. I hope it is only a suggestion in the Bill at this stage. I know we must help the Aborigines financially, and we can do it in such a way that the money is paid to the State in the same way as for any other person who derives revenue from mining claims. Revenue should be paid to the State and, when it is considering chopping up the cake, the State Treasury should consider the income or revenue from these areas and say, "We will give all of this," or, "There is not quite enough to administer the particular area; we will give more," or, if there is a huge amount of finance coming out, "These people can contribute a little towards social services." But they should nevertheless be given a large slice of the cake.

Clause 51 was mentioned by my leader. It concerns the nonacceptance of a plea of guilty when a person is on a charge that might carry a term of imprisonment for six months or more. I have had some experience as a justice of the peace on a bench in the north when Aborigines have come before the bench, and I would say this seems to be fair enough; but I do not see why it should be mentioned in the Bill. I think most justices or magistrates probably do this, anyway. Perhaps the Minister has inserted this provision to ensure that the plea of "not guilty", which is handwritten in a trial, is actually recorded. A plea of "guilty" is not recorded in this manner. Perhaps Mr. Medcalf will comment on this matter.

The Hon. W. F. Willesee: I think he will.

The Hon. W. R. WITHERS: I would like to compliment the Minister for bringing forward a Bill to help Australians, both Aboriginal and non-Aboriginal, and I repeat what I said in speaking to the Address-in-Reply in July, 1971. I offered my sympathy to the Minister for the portfolio he held. When and if this Bill, modified or otherwise, becomes an Act, there will be many who will not be pleased with the final result. The Minister will be accused of paternalism in some respects and of giving the Aborigines too much or not enough. We will all be criticised, regardless of whether or not the Bill becomes an Act.

Sitting suspended from 6.05 to 7.30 p.m.

THE HON. L. A. LOGAN (Upper West) [7.30 p.m.]: I hope I can be excused for classifying this as an extraordinary piece of legislation. To make my point I would like to refer back to the introduction of the Community Welfare Bill by the Minister, and to refer to some remarks he made. These remarks are to be found at page 1185 of *Hansard* of the 10th December, 1971. When speaking on the Community Welfare Bill he said—

> From that time onward, Aboriginal persons requiring any form of viable welfare service or benefit, will be served by the department for community welfare alongside all other persons or groups in the community. There will no longer be a special welfare service exclusively for Aborigines.

Later, he went on to say—

> For the reason that it is no longer seen as necessary to cater exclusively for Aboriginal welfare through a

> separate department, it is also considered unnecessary to specify Aborigines as a special group automatically entitled to welfare simply because of their ethnic identity.

I think I need go no further. Having decided to do away with the Native Welfare Department by absorbing it into the department of community welfare, and repealing the Native Welfare Act, the Minister immediately introduces a further Bill, to become an Act of Parliament, which once again separates one from the other.

I agree with Mr. Griffith. I thought the intention throughout the whole of Australia was to assimilate Aborigines; but under the proposed legislation that cannot possibly occur—not in a period of thousands of years. If we are to press on with legislation such as this we will get nowhere. The Bill includes one or two other clauses which I also find to be extraordinary.

I have already mentioned the remarks of the Minister in regard to the Community Welfare Bill wherein he said that Aborigines would come under that legislation; but the purpose of this Bill, amongst other things, is to provide consultative and other services, and to provide also for the economic, social, and cultural advancement of persons of Aboriginal descent in Western Australia. So immediately it sets up a separate organisation, once again splitting the community into two parts. I would like some clarification of the definition of "Aboriginal." The definition states—

> "Aboriginal" means pertaining to the original inhabitants of Australia and to their descendants.

I do not know whether anybody has ever defined who were the original inhabitants of Australia. In last night's edition of the *Daily News* it was reported that a fossil 200,000,000 years old was found in Australia, or what we know as Australia today. Some archaeologists also found something which is a lot younger—only 30,000 years old.

However the questions exercising my mind are: Who were the original inhabitants of Australia, and when did Australia become Australia? I would like to know the answers, because long before Australia became Australia many white people lived in this country. It was then called by other names such as New Holland, Van Diemen's Land, and New South Wales; and probably many other names. When we refer back to those days we find that many white people lived in Australia at that time. Are we to call them the original inhabitants of Australia, or are we to call only the dark people the original inhabitants? I think those points should be cleared up because they are important.

When we look at the definition of a "person of Aboriginal descent" we find that it really means any person wholly or partly descended from the original inhabitants of Australia. Remembering that the word "Aboriginal" means the original inhabitants of Australia, we find that every person who has any Aboriginal blood whatsoever—even 1/32 or 1/64—is to be classified as an Aboriginal.

I think this is going too far. How ever do we get over the problem of having the people in our community classified into two sections? Under this definition we will never be able to amalgamate those two sections; we will have two classifications for all time.

I refer now to clause 49. I realise I have jumped a little, but I think it is worth while. Clause 49 is in part VI—Miscellaneous, and deals with proof of averment. Having read the clause I want to know how on earth one could ever get proof to the contrary, in proceedings such as this, whether or not a complaint is made, because the clause finishes up by saying—

> all courts and persons acting judicially shall presume the averment proved.

Nobody can prove otherwise under those circumstances.

I do not wish to go through all the clauses, because The Hon. A. F. Griffith has done that fairly thoroughly, and I see no need to repeat all he said. However, I would like the Minister to consider clause 26, which states that the Governor may, by proclamation, declare any Crown lands to be reserved for persons of Aboriginal descent. I have always been under the impression that an "A"-class reserve was classified as Crown land. I have always been under the impression that before the classification of an "A"-class reserve could be changed the approval of both Houses of Parliament had to be obtained. However, under this clause that power and authority is to be taken away from Parliament and placed in the hands of the Governor. Any "A"-class reserve in Western Australia may be classified a reserve for the purposes of this legislation. I do not think that is right. I think Parliament should have a say in this. If "A"-class reserves are not Crown land, then I will be proved wrong; but I have always been under the impression that they are.

Mention has also been made of clauses 28 and 29, to which I take strong exception. If those clauses do not apply discrimination in reverse, I do not know what does. I think it is discriminatory to say that any reserves controlled by the trust shall not be subject to the provisions of the three Acts mentioned in the clause. This is granting privileges to Aborigines far in excess of those the white man enjoys. I think clause 28 goes entirely too far. Clause 29 then states that no royalties will be paid. What will happen if an oil gusher is struck, or uranium or some other extremely valuable mineral worth millions of dollars is found on this land?

No royalty will be paid. I think the legislation goes too far in this regard and we should have another look at it.

I hope the Minister does not misunderstand me. I hope he does not think I am denying Aborigines their just rights. I am one of those who believe that the people who claim there should be equality just do not know what they are talking about because, even though we may grant them equality, for ever and anon the Aborigines will need assistance. They will need assistance over and above that given to the ordinary white man because there is no possible hope of Aborigines living under our conditions unless we assist them.

Many people say that if we give them equality and take away discriminatory laws, they will live in the same manner as you, Mr. President, or I; but this is not possible. Therefore, it is essential that we get it clear in our minds that for all time we will have to provide assistance to Aborigines over and above that provided to the ordinary people of Western Australia. We must accept this responsibility, and it is one I do not mind accepting.

Mention has been made of clause 32. My interpretation of this clause is that if the trust wishes to buy an area of land which is owned by a person and the person does not wish to sell, then the trust may resolve the difficulty by using subterfuge—by the use of the Public Works Act. The trust may declare the land to be a public work under the Public Works Act so that resumption may take place.

However, under no circumstances could the land be called a public work. I do not think this is the right method in which to go about things. Let us be more honest and open in our approach. If the land must be purchased for the purposes of this legislation, then let us do it in a better way than that embodied in the Bill, because by no stretch of the imagination could the land be called a public work.

Clause 37 (3) creates a situation where in the distribution of the estate of an intestate person of Aboriginal descent, the Governor may order the balance of the estate to be distributed beneficially amongst any persons having a moral claim to it. Who is to decide whether a person has a moral claim or otherwise? I think that is an impossibility, yet it is included in the legislation. I do not know how one can have a moral claim to something which did not belong to one in the first place.

We then turn to clause 43 which, in effect, is setting up a land settlement scheme for one section of the community only. I do not know of any land settlement scheme in Western Australia which has been established purely for Western Australians. We have had land settlement schemes organised by the Commonwealth for the benefit of people living in the Commonwealth. However, this scheme is for only one section of the community in Western Australia—something which has been denied the rest of us up to this time. If I am wrong in my assumption I stand open to correction.

The Hon. Clive Griffiths: Did you not just say we had to do more for these people?

The Hon. L. A. LOGAN: Yes, but not in this manner.

The Hon. Clive Griffiths: Not that much more.

The Hon. L. A. LOGAN: No, in an entirely different way. I do not mind a land settlement scheme, but why not for all of us?

The Hon. Clive Griffiths: Then you are not giving them any more.

The Hon. L. A. LOGAN: There are many other ways in which we can assist them. So much has been said regarding the rights of Aborigines to the land which they presumably owned, the land which was taken away from them; as a result of that we are now going to great lengths to give it back to them. I think we should look at some of the actions of our own people throughout Western Australia over the last 50 years. Many have become squatters and have taken up a piece of land and have squatted on it for 50 years.

In their own right they thought they owned the land, too, but they have found out that they do not own it, and they certainly did not have any claims to it in the first place. Today, of course, they are being told to get off the land despite the fact that they have occupied it for the past 50 years.

Surely these people must be subject to the same circumstances. We should find out who the owner of the land was and what right these people have to make all these claims. So I hope the suggestion made by Mr. Griffith does bear some fruit, because I do not want to knock the Bill. I want to see something worth while done, but it should be done in a fair and equitable manner and in a way in which we can be proud of this legislation.

I would be only too happy to see something arising out of these claims. So I will not oppose the Bill, but I repeat that I make these points in the hope that something better will arise from our deliberations.

THE HON. I. G. MEDCALF (Metropolitan) [7.46 p.m.]: I have listened with great interest to the remarks of other members on the Bill, and I know that Mr. Griffith has dealt with the measure very closely and has been through it clause by clause. Therefore, I do not propose to go over a great deal of the ground which already has been effectively covered by him. I do propose, however, to refer to

some of the clauses which I think are quite significant. Before doing so I would like to say that this is a very difficult subject for the Minister to tackle. I know we have some difficult subjects before us from time to time in this Parliament. We have had some problems which have caused all of us to do quite a deal of soul-searching at times and we have had to face up to them.

I believe that some of the questions raised by this Bill are very profound and may well cause a great deal of misgiving, because I consider most members are motivated by the honest desire to do the right thing by the Aboriginal population; and by the "Aboriginal population" I mean those Aboriginals who cannot help themselves. I believe that most members would want to see the right thing done and I commend the suggestion Mr. Griffith has made to Mr. Willesee and I hope the Leader of the House will be able to see fit to deal with it in the way that has been suggested.

The reason is simply that, as I have said, I believe that most members would want to see substantial justice done to the cause of the Aboriginal people. Having said that, I feel we must not blind our eyes to some of the things which, in my opinoon, we might be doing by agreeing to the passage of one or two clauses in this Bill.

I do not profess to be an expert on Aboriginal affairs and I do not doubt that in the department which advises the Minister there are many people far more expert on it than I and who probably understand the Aboriginal people much better than I do. Indeed, there are probably other members of Parliament who understand them better than I do. Nevertheless I feel it is my function, as a member of Parliament, to draw attention to some points which I consider are important.

In the first place I draw attention to part III of the Bill which deals with reserved lands. Clause 27, the first clause of this part provides that the lands will be vested in the authority which is to be set up. Of course, the authority is really the department. Clause 27 provides that the lands to which this part refers will be lands which are already Aboriginal reserves, and those lands which will be declared to be Aboriginal reserves. That second part is important because it deals with land which has not yet been declared to be an Aboriginal reserve.

Land may be declared to be an Aboriginal reserve under clause 26—the clause immediately preceeding. This provides that the Governor may, by proclamation, declare any land to be reserved for people of Aboriginal descent, and may also alter the boundaries of any reserved land. So, on the passing of this Bill, the Governor will have the power, by proclamation, to declare that any land in the State shall be an Aboriginal reserve. I am not really objecting to that, but I am saying that any land which the Governor, acting on the advice of Executive Council, declares to be an Aboriginal reserve, will be subject to clause 27 of part III of this Bill. That means that that land will be vested in the authority by virtue of clause 28 because that clause provides—

> Any land to which this Part of this Act applies is by force of this section vested in the Authority . . .

There is a trust attaching to this land and I will read out what the trust is. It is for the exclusive use and benefit of persons who are descendants of the Aboriginal inhabitants of Australia.

Mr. Griffith has already indicated that that phrase is different from the definition used in clause 4 of the Bill relating to a person of Aboriginal descent, but I will not go into that any more. However, members will note that any land which has not been an Aboriginal reserve or which may, in the future, be declared to be so by the Governor-in-Executive-Council, will, by virtue of this legislation, be vested automatically in the authority, and it will be for the exclusive use and benefit of persons who are descendants of Aborigines of Australia.

Who are those persons? They are not defined. We are not talking of the people defined in the earlier clause; we are talking about persons who are descendants of the Aboriginal inhabitants of Australia. That means, of course, any persons anywhere in the world, who are descendants of the Aboriginal inhabitants of Australia—they do not have to be in Western Australia; they could be in Queensland or they could be abroad. I do not know whether that is intended or not. If we intend the words to apply to the Aboriginal inhabitants of Western Australia I think we should say so, but on the face of it, that does not appear to be the case. I draw the Minister's attention to that, because I believe it merits some further study. That is, who, in fact, are we intending to benefit?

The second part of clause 28 provides that where any land is vested in the authority by force of this proposed section then the Mining Act, the Petroleum Act, the Forests Act, and all the Acts which Parliament has passed ratifying agreements with various individuals or companies, have no effect in so far as they deprive the Aboriginal inhabitants of the right to minerals and petroleum. The clause states that these Acts and the provisions of any agreements ratified or approved in pursuance of any Act of Parliament 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, which are defined to include all minerals and other items; but the minerals are the important part.

The minute the Governor, acting through Executive Council, proclaims a new Aboriginal reserve anywhere in the State it is automatically vested in the authority and, in turn, it automatically divests any lands which, under any agreement ratified by Parliament or any of the provisions of the Mining Act, the Petroleum Act, the Forests Act have been granted to other persons. The lands are automatically expropriated from the mining tenement or the agreement for the use of the land in so far as the holders of the lands are depriving the Aboriginal inhabitants of the exclusive use and benefit of the natural resources.

At this stage I would point out I am not being critical; I am trying to be constructive. This provision does not mean that the Aboriginal inhabitants must be using those minerals. It does not mean that there is a competition between a mining company or the individual who holds a temporary reserve and the Aborigines as to who shall get the minerals. It merely states that those agreements entered into by certain people will no longer apply so far as they purport to operate to deprive the Aboriginal inhabitants of the exclusive use of those minerals. To me that seems to be expropriation in the guise of protecting existing Aboriginal rights, but it is not protecting existing Aboriginal rights, as I have stated, because we are talking about future reserves that may be created. We must get this clear in our minds; that is, we are giving to the Governor the power to expropriate property which we, as members of Parliament have already conferred by previous Acts and we will expose the Crown to the accusation that it is not keeping its word. I draw attention to that, because I believe it was probably never intended. I cannot believe it was intended, and if the Minister considers I am wrong he will no doubt tell me so, and I would be happy to be proved wrong.

I feel I must also draw attention to clause 29 in so far as it provides that no rental, royalty, or revenue shall in future be received by the State. It was not so very long ago in the history of our country that the State had to take all sorts of action to ensure that it did protect the land for all the people of the State, of whatever race or creed. Whether the people were Aboriginal inhabitants or others, the Crown had to preserve the assets of the country so as to ensure, for the future, that the Crown would be in control.

Prior to 1899 when a person acquired a title to land he acquired all the mineral rights, and if a person were granted land he was granted the minerals within the land and, earlier than that, he was also granted any petroleum which might be on that land. In the wisdom of this Parliament, in 1899 an amending Act was passed which took away from the future citizens of the State, all future rights to minerals and that Act provided they would stay with the Crown until the Crown, in its wisdom, and through the proper channels, decided it would grant them out.

That is what we were all brought up to believe. The Crown, which is the State or the people, ultimately has the control and disposition of the assets of the State and when those in control grant them out to someone they grant out a specific right or a freehold which does not include the minerals, or a mineral claim which does include some minerals, or another which includes petroleum or gas, and so on. The Crown fixes its price on each occasion and it makes sure it grants these rights to the people who are entitled under the various Acts to ensure it is parcelled out in the proper manner. If from time to time we feel it is not, we change our laws, and we changed the Mining Act last year.

It is a very serious step, and one which Parliament should consider, to decide—which will be the case if this Bill passes—that henceforth any land which is proclaimed to be an Aboriginal reserve by act of the Executive Council will be taken out of the normal law to which I have referred and henceforth all the mineral rights and other rights which are defined in this Bill will all go to the authority and no rental, royalties, or other revenue will go to the Crown—none, not even a secondary or compensation payment; nothing.

I believe that is contrary to principle and that it demands a very serious explanation and perhaps a little more consideration.

The next point I wish to discuss is contained in clause 29 (c) which reads—

> (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, including exploration and mining purposes, which, in the opinion of the Minister, will or may be of benefit to the Aboriginal inhabitants.

I fully appreciate that the Minister must be satisfied that by letting people onto this reserve it will be to the benefit of the Aborigines. I subscribe to that. I believe the Minister should have the say, and perhaps the ultimate say, as to whether people are allowed onto this reserve because they may well upset the Aboriginal inhabitants and we could spoil everything by allowing people onto reserves in an uncontrolled manner or group. I believe the Minister must have some control, but what concerns me—and this is perhaps a drafting matter—are the words "and to remain thereon for any purpose, including exploration and mining purposes."

If it is intended that people are to obtain a mineral claim or a mineral right in the customarily understood manner under the Mining Act I do not believe there is any method laid down by which they can do this because the Minister in charge of

Aboriginal affairs cannot administer the Mining Act. While I can realise that the Mining Act still applies, and it still applies to this land as long as we do not deprive the Aboriginal inhabitants, nevertheless I believe that provision will require some study because I do not see how the Minister or the authority can grant exploration and mining licenses. No doubt that matter can be tidied up in a proper way, but I think it will require some attention because the question of what title can be granted to anyone authorised by the Minister to go onto this reserve is not very clear. Otherwise no-one but the Minister will be able to deal with it and no doubt it will be desirable for the Minister in certain selected cases to grant rights.

Compulsory acquisition is referred to in clause 32, and this is, of course, quite a serious inroad. In fact this clause is entirely complementary to the earlier clauses to which I have referred because it enables the authority to actually acquire property when someone is on an Aboriginal reserve and the authority wants to take over the mining tenement or the interest they have. It may or may not be necessary, but no doubt for good reason the draftsman has thrown this in.

I say "it may or may not be necessary" because clause 28 vests the land and excludes all the original owners automatically. However, clause 32 is probably a complementary provision to ensure in the last resort that the authority will be able to compulsorily acquire the property.

I draw attention also to clause 24(e) which deals with the functions of the Aboriginal lands trust and states that the trust can in the interests of the Aboriginal inhabitants of the area to which the matter relates take certain action to develop the natural resources. Here we are talking about the Aboriginal inhabitants of the area; that is of the particular Aboriginal reserve or of the particular section of the Aboriginal reserve. So it appears the Aboriginal lands trust will be acting only in respect of a particular group of Aborigines, if I read clause 24(e) correctly. In other words, the trust will not be acting generally, but only in respect of a section or group of Aboriginal inhabitants in a particular defined locality. I take it that is what is intended.

Clause 25 provides that the Governor may transfer reserves from the authority to the trust. This is a fairly wide clause and states that he may make conditions. We should not overlook the fact that the Aboriginal lands trust may have conditions imposed upon it by the authority—and probably will—so that the trust would be restricted in some way by the authority on the transfer of the property. Of course the trust can, in addition, have its own power revoked by the authority under clause 25.

The only other matter to which I wish to draw attention has already been raised. It concerns the separate laws appearing under part IV. I will be quite frank. This part has puzzled me a great deal because I was one of those who believed we were trying to integrate the Aborigines.

I recall a conversation I had in Derby some years ago with some of the officers of the then Native Welfare Department. At that time the Aboriginal stockmen not required were leaving the stations and going into the towns, and I expressed my concern to the departmental officers at the policy being followed. I said that it seemed to me many Aborigines were happier and better looked after in the comparative isolation of some of the station properties than they would be if they went into the towns. These gentlemen said that this might be so. They did not actually express any particular opinion on the point, but they did say that if these Aborigines went into the towns their children would perhaps have more chance to grow up with white children and be given the same education opportunities as the white children, which opportunities were not available on the station properties. It was pointed out to me that although the older generation—the parents—might run into trouble, the children would be all right because they would grow up in an integrated society.

I must say I was fairly convinced by this argument. In fact the argument overcame the objection I raised concerning drunkenness. I referred to the state of affairs which would occur when many Aboriginal people, who were not used to drink, were exposed to it in the towns. They said that we just had to accept this although it was unfortunate. The Aborigines would just have to learn that they must subscribe to the laws. I was told it would be hard on the older generation, but the younger ones would be all right.

I accepted that argument and that is why I am puzzled now concerning part IV, because under that part is a separate code for Aborigines. It states that if an Aboriginal leaves a will his property will pass in accordance with his will. That does not happen with regard to any of us. If we leave a will, it is not necessarily adhered to. It can be attacked under any number of provisions and conditions; for instance, the Testator's Family Maintenance Act and other administration provisions which we dealt with last year. But this clause states that the property will be distributed in accordance with the terms of the Aboriginal's will. I do not want to raise difficulties, but I draw the attention of the House and the parliamentary draftsman to this provision. If it is intended that the Aboriginal inhabitant's estate will be distributed or dealt with in the same way as is the estate of a non-Aboriginal, this provision may have to be altered.

I would like that point studied because it seems to me that if we include a code to cover estates of Aboriginal persons, and say that they must be dealt with in accordance with the terms of the will involved, we might find we exclude the other provisions of the law which apply to non-Aboriginal inhabitants.

Dealing with the intestate estates, where there is no will, we find a number of clauses which really say that a paternal Government will try to distribute the estates of people who are perhaps illiterate or uneducated in accordance with the customs and the moral claims they believe might apply. I do not actually quarrel with this at all because it may well be the only way to deal with some of these problems. I am not quarrelling with this. I am expressing my wonderment because it does not seem to me to be in accordance with what I understood to be the procedure of integration.

It seems we are creating a separate code and if that is the case many of us may have to revise our ideas. I wonder whether this was intended. I am, frankly, puzzled. If we are to deprive the Aboriginal persons of the ordinary rights which apply to white people and substitute this code in an effort to be paternalistic and try to help them, that may be very laudable; but I think we should be aware of the fact that it is not conducive to integration.

I have already indicated that this puzzles me and that is as much as I propose to say about it. I will be grateful if the Leader of the House is able to accept the suggestions put forward by Mr. Griffith.

THE HON. J. HEITMAN (Upper West) [8.15p.m.]: I do not intend to speak for very long on this measure. I congratulate the Leader of the Government in this House for trying to do something for natives which I think every member here as well as the department have been trying to do for many years. This is one of the most complex problems which we face in this State or in any other part of Australia.

Aborigines seem to be a shy, backward type of people and, even if they are given tracts of land and everything else that is proposed in the measure, I am sure they will still need a tremendous amount of help to steer them along the right lines. This includes teaching the right type of hygiene, the right way to conduct themselves, and assimilating the younger Aborigines into our way of life, thereby eliminating the problems of two completely different races.

In one way the legislation goes to the trouble of setting things up right for them and, in another, of putting them in a place where they will be more or less on their own. This is where I think most of the problems will be found. I do hope it will be possible to get them to look after themselves. Unless they strike a bonanza in some of the areas I feel there is little they would do to help themselves along. I know some people do not agree with me on this. I speak only of the Aborigines I have encountered in the lower parts of this State. On a previous occasion Mr. Hunt told us that he understands Aborigines in the northern areas and feels sure that if all of them were given housing and jobs that would be the end of the problem. If Aborigines in the lower part of the State were given housing and good jobs, I can say that would not be the end of the problem.

The Hon. J. L. Hunt: It would be far from the end of the problem, but it would be a start.

The Hon. J. HEITMAN: I believe the Native Welfare Department has done excellent work. The department has grown and grown since I first came into contact with it. There is still a tremendous amount of work to be done towards helping to assimilate Aborigines and encouraging them to do the right thing. By this I mean what is right for them, wherein they have self respect and other people can respect them in every stage and phase of their life.

When I commenced speaking I said that I congratulate the Leader of the Government in this House for bringing forward the measure. I know, as he does too, the tremendous job ahead of him, to try to establish a community welfare department which will look after all human beings in Western Australia, irrespective of colour or creed.

I do not like a few of the provisions in the measure but, if the Leader of the Government decides to follow the line proposed by the Leader of the Opposition, I am sure many of the difficulties can be overcome. For my part if I can do anything at all to help I will be only too pleased to do so in an effort to arrive at a workable solution of the problems that face all of us in this field.

The Hon. W. F. Willesee: Thank you.

Debate adjourned, on motion by The Hon. L. D. Elliott.

QUESTIONS ON NOTICE

Consideration

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [8.20 p.m.]: With your permission, Mr. President, I would like to take questions now.

The PRESIDENT: Permission is granted.

QUESTIONS (5): ON NOTICE

1. TOWN PLANNING

Corridor Plan

The Hon. L. A. LOGAN, to the Leader of the House:

In the light of the statement on page 7 of the *Western Suburbs* Supplement of *The West Australian* of the 6th April, 1972, will the Leader advise the House—

(a) is Mr. George Clarke, who supported Mr. Ritter in his presentation to Parliament of the Ritter report, employed by Mr. Alan Bond, the Bond Corporation, or W.A. Land Holdings, or any of Mr. Alan Bond's associated companies; and

(b) is Mr. Ritter employed by any of the above, or by Mr. G. Clarke, or Urban Systems Corporation?

The Hon. W. F. WILLESEE replied:

As the question relates to private activities and not public or governmental functions, it is suggested that the Honourable Member may be able to ascertain the information he seeks by directly approaching the parties concerned.

However, the Minister for Town Planning has been informed by Mr. Ritter that he is not employed by any of the firms mentioned.

2. TELEVISION

Provision at Carnarvon

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

When is it anticipated that A.B.C. television will be available to residents of Carnarvon?

The Hon. W. F. WILLESEE replied:

The Postmaster General's Department has advised that subject to the availability of equipment, completion of installation and satisfactory commissioning, facilities should be available for the Australian Broadcasting Commission for a television channel in Carnarvon some time in the second half of this year.

3. DRUG OFFENCES

Convictions

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

(1) How many persons have been convicted in this State in the past two years for—

(a) taking of drugs;

(b) trafficking in drugs?

(2) What were the penalties in each case?

(3) What were the ages of the persons convicted in each case?

The Hon. J. DOLAN replied:

(1) (a) 97;
(b) 13.

(2) Penalties—
23 placed on probation.
Fines ranged from $40.00 to $1,000.00.
Imprisonment—2 months to 12 months.
One person imprisoned for 2 years for trafficking.

(3) Ages ranged from 17 to 34 years of age, most of whom were in the mid 20's. Four juveniles appeared in the children's court.

Detailed information requested for (2) and (3) is not recorded but if the Honourable Member so desires, it could be extracted and he would be advised when the information is available.

4. ABATTOIRS

Government Guarantee

The Hon. L. A. LOGAN, to the Leader of the House:

As, in page 4 of *The West Australian* of the 6th April, 1972, the Minister for Development and Decentralisation is reported to have agreed to the Government guaranteeing a loan of $1.3 million (41%) for the Esperance Abattoirs, providing the company provided the balance of $1.9 million (59%), will the same conditions be demanded from the U.F.G.A.-T.L.C. in their proposals for finance for three new abattoirs, that is the U.F.G.A.-T.L.C. to raise 59% of the capital required, and the Government giving a loan guarantee for the balance of 41%?

The Hon. W. F. WILLESEE replied:

No decision has been made on the application from U.F.G.A.-T.L.C. to finance the construction of three new abattoirs.

If, in due course, a favourable decision should be made, the conditions governing such assistance would be determined at that time, and would have regard for all factors, including assistance granted to other abattoirs.

5. SALT

Export

The Hon. W. R. WITHERS, to the Leader of the House:

(1) Will the Minister advise if there are any clauses in the agreement between the State and Texada Mines Pty. Ltd. limiting the export of salt?

(2) If so—

(a) what are the conditions to export;

(b) have Texada Mines Pty. Ltd. kept within their agreement in this regard?

The Hon. W. F. WILLESEE replied:

(1) There are no such clauses as the Honourable Member would be able to check by a study of the Evaporites (Lake MacLeod) Agreement Act.

(2) See answer to (1).

WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 11th April.

THE HON. G. C. MacKINNON (Lower West) [8.23 p.m.]: I am sure the Minister will be relieved to know the Opposition has every intention of supporting this Bill. A measure such as this which, in effect, protects people against their own foolhardiness, often incites a number of people to ask, "Should we really do it? If people are silly enough to go out in a boat without a radio, is that not their concern?" The problem inevitably is that if people do land themselves in trouble it becomes an expense upon the State to render assistance to them. It is necessary to send out boats and often aircraft to assist.

As the Minister explained, the crux of the whole matter is that some areas which are designated "harbour" are, in fact, terribly large. A person could go out into quite dangerous waters which happen to be designated a harbour. Under law he would not need to have radio-telephone equipment. On the other hand, the same boat could be taken out into relatively safe waters, which were not designated a harbour, and a person would find himself compelled by law to have this equipment.

I believe the measure is sensible and, as the Minister pointed out, section 69 provides the power to exempt people from this provision. This power I believe is perfectly adequate for the odd occasion when an exemption may be required. Therefore, I support the measure.

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [8.25 p.m.]: I thank Mr. MacKinnon for his support of the Bill. As he has stated, it is a simple measure but it will serve further to protect people who go out into these areas in boats. I commend the Bill to the House.

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.

House adjourned at 8.28 p.m.

Legislative Assembly

Wednesday, the 12th April, 1972

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

QUESTIONS (54): ON NOTICE

1. BUS SERVICE

Perth-Exmouth

Mr. COURT, to the Minister representing the Minister for Transport:

(1) Is the license to operate a road passenger service from Perth to Exmouth about to be relinquished by the holder?

(2) Is there dissatisfaction in the area about the standard of service?

(3) Has this license been the subject of more than one transfer?

(4) Is there more than one experienced and capable operator available and willing to replace the existing service?

(5) Will he indicate on what basis the choice of the new license holder will be made?

(6) Will the opinion of local residents at Exmouth on this matter be taken into account?

Mr. JAMIESON replied:

(1) The standard of service deteriorated so badly that it has been decided to license another operator. It is anticipated that the previous licensee will not continue operating.

(2) Extreme dissatisfaction has been expressed both on behalf of people in the area as well as by visitors.

(3) The service was inaugurated on 16th May, 1967, by Mr. L. Dargie using the name "Exmouth Express". The license was transferred to Messrs. H. W. Denford and Son (trading as Western Coach Lines) on the 14th January, 1970.