

The conditions relating to application for the issuing of a protection order have been laid down carefully with three main objectives in mind. The three objectives are, firstly, fairness to the applicant so that he is not denied consideration in any way; secondly, fairness to the creditor, who should not be held up for an unnecessary time; and thirdly, to have full regard to the need to stabilise the normal avenues of credit in country areas.

This approach to protection orders is much more discriminatory than the procedure that was followed previously, and I do not think any objection could be taken to it. Members will be well aware of the previous complications in the issuing of stay or protection orders under the Bankruptcy Act, 1970. Amendments to that Act, under part XIA—farmers' debts assistance—which were assented to on the 11th November, 1970, clarified the position. The Rural Relief Fund Act is to be proclaimed under section 253B of the Bankruptcy Act, and there is nothing in the Bill now before the House which is likely to prevent its being similarly accepted and proclaimed upon application.

The problem of the rural industries is not just the concern of farmers. I think it was the member for Avon who said that if farmers are in trouble we are all in trouble. There is a great deal in what he says. Western Australia is most reliant on maintaining as many farmers as possible on the farms and this is the hope and the intention of the present Government. The future of many country towns depends on the survival of the farmers and on their being able to pay their bills. The future of much employment in the cities also requires that agriculture must survive and this is something we should all remember and of which we should be conscious.

I commend this Bill to the House and ask that it receive ready acceptance, because the need for the quickest possible functioning of the authority under the provisions of the legislation does not require elaboration. It is indeed most desirable.

Debate adjourned for one week, on motion by Mr. Nalder.

House adjourned at 5.02 p.m.

Legislative Council

Tuesday, the 17th August, 1971

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

ADDRESS-IN-REPLY

Acknowledgment of Presentation to Lieutenant-Governor and Administrator

The PRESIDENT (The Hon. L. C. Diver): I have to announce that I have, in company with several members, waited

on His Excellency the Lieutenant-Governor and Administrator and presented the Address-in-Reply to the Speech of His Excellency the Governor, agreed to by this House, and His Excellency has been pleased to make the following reply:—

Mr. President and Members of the Legislative Council, I thank you for your expressions of loyalty to Her Most Gracious Majesty The Queen, and for your Address-in-Reply to the Speech with which His Excellency the Governor opened Parliament.

QUESTIONS (4): ON NOTICE

EDUCATION

Kewdale High School

The Hon. LYLA ELLIOTT, to the Leader of the House:

- (1) What plans are there for increased accommodation at the Kewdale High School?
- (2) Will these extensions interfere with the existing sporting facilities in the grounds?
- (3) If so, will the Department be responsible for replacing these facilities?
- (4) Will any new building be constructed in such a manner as to allow a gymnasium to be included in the undercroft?

The Hon. W. F. WILLESEE replied:

- (1) A Commonwealth science block is to be built during the 1971-72 financial year.
- (2) Yes.
- (3) Yes.
- (4) It is not planned to include a gymnasium in the present or future additions.

2.

WATER SUPPLIES

Mount Barker Region

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

In view of the particularly dry season, and the shortage of water for country towns in the South, such as Mount Barker, Tambellup and Cranbrook, will the Government—

- (a) speed the survey for a pipeline from the Denmark River to Mount Barker; and
- (b) give serious consideration to include the cost of this water scheme in its next budget?

The Hon. W. F. WILLESEE replied:

- (a) The survey is already in course and will be complete in a few weeks' time.

- (b) Until the survey and design of the pipeline is complete it will not be possible to estimate the cost but as it is anticipated that it will be well over \$1,000,000 it will need to be financed over more than one financial year. It is unlikely that construction would commence this financial year. May I repeat: It will need to be financed over more than one financial year. It is unlikely that construction would commence this financial year.

3. EDUCATION

Insurance Cover

The Hon. Lyla Elliott, to the Leader of the House:

- (1) Is it the practice of the Education Department to require parents to sign a statement indemnifying the Department and school staff when children's school activities require them to spend a night away from home?
- (2) If so, would it be possible for the State Government Insurance Office to extend cover for such periods?

The Hon. W. F. Willesee replied:

- (1) No. This requirement was deleted recently.
- (2) Answered by (1).

4. RAILWAYS

Road Services

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

- (1) Is the Government considering reducing country freighter bus services such as the one which runs to Hopetoun?
- (2) If the answer is "Yes", does the Government realise that reduced patronage is not indicative of the importance of these services for the cartage of mail, perishables and spare parts, but that it is only indicative of the financial difficulties which farmers, particularly those in isolated districts, are experiencing?

The Hon. W. F. Willesee replied:

- (1) and (2) There is no intention to reduce the country freighter bus services to Hopetoun at the present time.

FIREARMS AND GUNS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th August.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [4.40 p.m.]: I do not think the nature of this Bill is such that it can be regarded as world shattering. The Bill contains two clauses. The principal clause seeks to delete subsection (3) of section 8 of the parent Act. When the Minister introduced the Bill he said—

The Department of Labour has written to the Commissioner of Police concerning the I.L.O. Convention No. 111 "Discrimination (Employment and Occupation) 1958", pointing out that sections 8(3) and 10(3) of the Firearms and Guns Act appear to discriminate against the Asian and African races inasmuch as these individuals are required to have specific approval from the Commissioner of Police before the issue of a firearm license can be made.

We were left to find out for ourselves how I.L.O. Convention No. 111 reads. I think it is appropriate for me to tell the House how it does read. It says—

No. 111—DISCRIMINATION (EMPLOYMENT AND OCCUPATION), 1958

Ratifications:

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Provisions:

This Convention requires each ratifying country to declare and pursue a policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any such discrimination.

Discrimination is defined as including any distinction, exclusion or preference, other than those based on the inherent requirements of a particular job made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation. The terms "employment" and "occupation" include access to vocational training, access to employment and to particular occupations and terms and conditions of employment.

Special measures of protection or assistance provided for in other I.L.O. Conventions and Recommendations are deemed not to be discrimination. This applies also to measures affecting an individual justifiably suspected of, or engaged in, activities prejudicial to the security of the State, and to other special measures, determined after consultation with representative employers' and workers' organisations,

designed to meet the particular requirements of persons who, for reasons of sex, age, disablement, family responsibilities or social or cultural status, are generally recognised to require special protection or assistance.

Australian Position:

Australian law and practice are substantially in accord with most of the provisions of the Convention, and action has already been taken, or is contemplated, to remove from State legislation provisions which discriminate on the basis of race and colour. There are still a few State awards which do not appear to conform with the Convention in this regard.

An impediment to ratification is the existence of distinctions based on sex, in relation to access to employment and to wage and salary rates. While some of the discrepancies between Australian law and practice and these provisions of the Convention have been removed and there have been other steps toward closer conformity, the present position does not allow ratification.

Whilst the legislation under discussion is not world shattering, it makes me wonder what the Government proposes to do with other existing Statutes, in which we find the same sort of discrimination. So far as I can see, I.L.O. Convention No. 111 does not talk about discrimination against Asians or Africans on the question of holding a firearm license. Apparently all the Minister has been able to discover to date is that this particular discrimination should be removed. I am more than interested to know what the attitude of the Government is in respect of other discriminatory legislation.

Furthermore, after looking at the principal Act, I am prompted to make certain other observations. If the Minister will refer to section 4 of the Act, he will see that it reads as follows:—

This Act shall have the following application:—

- (1) It shall apply throughout the State to pistols.
- (2) It shall apply throughout the State to any person who is an Asiatic or African alien, or who is an Asiatic or African alien claiming or deemed to be a British subject.

Until 1963 section 4(2) also included these words—

and to every person who is a native within the meaning of the Native Administration Act, 1905-1936.

The words were taken out in 1963. In subsection (2) of section 4 to which I have referred, discrimination does appear to exist. Perhaps the Minister's advisers did not look at this section of the Act.

The Hon. J. Dolan: Did the Leader of the Opposition see amendment No. 46 of 1966?

The Hon. A. F. GRIFFITH: On what page?

The Hon. J. Dolan: Perhaps my copy is different from yours.

The Hon. A. F. GRIFFITH: It may be; what does it say?

The Hon. J. Dolan: It simply says that section 4 is repealed.

The Hon. A. F. GRIFFITH: Perhaps my copy has not been brought up to date. If that is the case, I am sorry I raised it, but, similarly I am glad the legislation is stated more correctly.

The Hon. J. Dolan: I will check it to make absolutely certain. My copy indicates it has been repealed.

The Hon. A. F. GRIFFITH: I intend to make a suggestion to the Minister. I do not necessarily want to hold up this piece of legislation, but I consider it would be worth our while to find out what the Government's attitude is in relation to discrimination generally. The Minister took my colleague, Mr. MacKinnon, severely to task the other day because of his views on a certain matter which I will not go into on this Bill.

I wish to know whether there are any other statutes in Western Australia which discriminate in the same way—or even in a different way—as does this legislation. I also wish to know whether such discriminatory sections will be deleted from other Acts, seeing they are to be deleted from the Firearms and Guns Act.

I think some care should be taken in this respect, because I remember being taken very heavily to task myself about six years ago when I tried to remove the discriminatory provision in section 291 of the Mining Act. Some members who are now on the other side of the House tried to tell me I had an ulterior motive in seeking to do this and that thousands of Japanese would come to Western Australia to work, thereby taking jobs away from our own people. Of course nothing was further from the truth. The whole purpose of removing the discriminatory provision was to bring the Mining Act into line with other Mining Acts in Australia. No Mining Act in any other State contained discriminatory provisions. Also, the Japanese, as a nation, were the very people who wanted to buy our ore, but, as the Act then stood, they could not even go onto a mine or in and about a mine to have a look at the product they wished to buy. I sought to remove the provision so that this restriction would not apply. You will remember, Mr. President, that we compromised and left in the principle preventing them from going into, on, or about a mine—I have forgotten the exact terminology—and

added the words, "without the consent in writing from the Minister and that consent can be withdrawn."

That piece of discrimination still exists. I do not want to be misunderstood as I was on that occasion, because I have not changed my attitude from those days. In 1963 I put forward reasons for asking the House to take that particular section out rather than alter it. I think in dealing with this particular Bill, small as it may be, we must look for other statutes similarly affected where discriminatory provisions may well exist. I think the Minister ought to instruct the Crown Law Department to make a thorough search; after all, if it is the Government's desire to remove discriminatory sections from the legislation on our Statutes, it could be done by a Bill covering them all. A reference to discrimination in any statute in Western Australia could be removed by legislation.

The Minister may find, on examination, there is not a great deal of discrimination but I think we are entitled to some particulars and to be told that an examination has been made. We are entitled to know whether there are discriminatory sections in other statutes and the reason they are to be left there if this is to be the case. In fact there may be good reason for leaving these sections in, but I think it is proper that the House should know of the others before passing this tiny little Bill. I do not think the Bill is of very great consequence. As the Minister said, he did not know of an occasion—I have forgotten his exact words—where the Commissioner of Police had refused to grant a license when a reasonable application had been made.

It occurs to me, and I do not say this in any critical sense, that the Department of Labour has written to the Police Department and said, "Look here, you have a discriminatory section in the Firearms and Guns Act against Asiatics and Africans; you ought to take it out." The Police Department has probably replied, "Yes, we ought to take it out." I do not know whether there are discriminatory sections in any other Statutes.

That is my suggestion; I do not know whether the Minister wants to reply now, but I feel it would be better if the Minister were to get the advice I have suggested.

The Hon. J. Dolan: It might take too long.

The Hon. A. F. GRIFFITH: What is the urgent necessity to rush this Bill through? The Firearms and Guns Act has been on the Statute book since 1933. I cannot accept that it will take too long. The Minister does not know how long it will take. The Minister should at least seek advice on this and if it will take a long time he should tell us later. I repeat, I am interested to know: (a) What other Statutes discriminate; and (b) are they going to be removed, and if not, why not? I reiterate, there may be some good reason for leaving them as they are.

THE HON. J. DOLAN (South-East Metropolitan—Minister for Police) [4.54 p.m.]: I would like first of all to thank the Minister for drawing attention to the fact that I did not tell the House the contents of the I.L.O. Convention No. 111. I give him an assurance that I will have the necessary investigations made to find any Act in which there is discrimination against any race or creed. However, I do not think it is reasonable for the Minister to wish to hold up the Bill if he agrees with the principle that there should be no discrimination. I do not see why this legislation should be held up in these circumstances. I feel it should be passed. I give the honourable member an undertaking that after the necessary inquiries are made I will inform him in writing where there is discrimination in existing legislation and what action we will take to see that the discrimination is removed or, alternatively, whether the legislation should remain.

I do not feel this legislation should be held up. It is always good to know where the Government is going. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. J. Dolan (Minister for Police) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Amendment to section 8—

The Hon. R. THOMPSON: After listening to the debate, I think there is one salient point to be taken into consideration. People who will be accorded licenses under this amending legislation are residents of Australia.

If I can hark back to the arguments which took place previously in respect of this matter: these referred to a form of indentured labour. It was envisaged that the relevant provisions of the Mining Act would be repealed. I am not saying this was the Minister's intention, but the compromised amending legislation actually covered this situation. The discrimination we are now talking about is not against people who do not reside in Australia. Those people are not entitled to a license for firearms or guns in Western Australia. This legislation is to cover people who reside in Australia and who could be precluded from a license under the Act. I do not think they have been precluded, but they could be. I think this is tidying up the legislation to allow equal opportunity for all citizens of Australia.

The Hon. A. F. GRIFFITH: I think we should get one thing clear: it may be very difficult for members of the Government to understand this, and although it may only be for a short time, I am not a Minister now. The honourable member kept referring to me as the Minister.

The Hon. R. Thompson: Did I say that?

The Hon. A. F. GRIFFITH: The honourable member did.

The Hon. R. Thompson: My apologies, I hope you are never a Minister.

The Hon. A. F. GRIFFITH: For 12 years I listened to the honourable member's statements that he was hoping for the day when I would not be a Minister. Now the honourable member seems anxious to get me back there.

The Hon. R. Thompson: That is furthest from my thoughts.

The CHAIRMAN: Order!

The Hon. A. F. GRIFFITH: Of course, the way things are going I see what the honourable member means.

There was no question of indentured labour in 1963—that is a figment of the imagination of people such as the honourable member, who seems to feel that the reason for the intention to take out the offending words in the legislation was that they were discriminatory. That was not so.

The Hon. R. Thompson: Did I speak on that?

The Hon. A. F. GRIFFITH: I do not know; the honourable member just mentioned this very briefly.

The Hon. R. Thompson: I did not say that at all.

The Hon. A. F. GRIFFITH: The honourable member said that the nature of the legislation in 1963 was dealing with the possibility of indentured labour.

The Hon. R. Thompson: Do not twist what I said. I said if we hark back to discussions that took place at that time; that is what I said.

The Hon. A. F. GRIFFITH: That is the basis of the objection. In that instance there was a complete preclusion of any Asian or African from entering a mine. I do not know whether that means South African?

The Hon. J. Dolan: Anybody in Africa. When you use the word "African" you do not discriminate between north, south, east, or west.

The Hon. G. C. McKinnon: It could be an Egyptian.

The Hon. A. F. GRIFFITH: I was merely trying to get my sense of humour on record.

The Hon. J. Dolan: I am with you.

The Hon. A. F. GRIFFITH: Section 291 of the Mining Act prevented an Asian or African from going into a mine at all. Under that section he was completely forbidden to go into a mine. The policies of the previous Government are held fast by the present Government. The Japanese are going to trade a lot with us.

They put forward the proposal to me that they could not be expected to buy our ore without the opportunity to first look at it. All I sought was to enable them to enter the mines so they could examine the ore, to see what they were buying. So the two situations should not be confused. I well remember the debate and the red herrings that were hauled across the trail at the time. I merely mention that the two situations were entirely different.

I repeat, I am prepared to accept the assurance given by the Minister that the Government will examine the other Acts in question to see whether there are other forms of discrimination that should be removed. If it is considered they should not be removed, we can leave them where they are.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

BILLS (3): RECEIPT AND FIRST READING

1. Stamp Act Amendment Bill.

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

2. Snowy Mountains Engineering Corporation Enabling Bill.

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

3. Bulk Handling Act Amendment Bill.

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

STANDING ORDERS COMMITTEE

Consideration of Report

Report of Standing Orders Committee now considered.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair.

The Hon. N. E. BAXTER: Before moving that the recommendation of the Standing Orders Committee be agreed to, I would point out that members will find a copy of the Committee's report in the drawers under their benches. I mention this for the benefit of new members particularly, as they may be unaware of the fact. The first recommendation of the Standing Orders Committee is—

- (a) To insert a new Standing Order to stand as Standing Order No. 15A, as follows—

15A. Bills may be introduced, or received from the Assembly, and the motion "That the Bill

be now read a second time" may be moved before the Address-in-Reply has been adopted; but this motion may not be debated except in accordance with Standing Order 15.

I move—

That the recommendation be agreed to.

The Standing Orders Committee made this recommendation to facilitate the business of the Council during the debate on the Address-in-Reply so that Bills introduced by the Government or Bills of an urgent nature that are required to be dealt with by the Council can be introduced and brought to the second reading stage without the need for a special motion.

As Standing Order 15 stands at the moment, this cannot be done, but the amendment will alter that situation and permit a Bill to be brought to the second reading stage. But that is as far as the Bill will go. I give this brief explanation so members may understand the purpose of the committee's recommendation.

The Hon. A. F. GRIFFITH: First of all I thank the Standing Orders Committee for its attention to a matter which, if I remember rightly, I suggested last year. In future years—not this year, of course—the amendment will be of great help to members on this side of the Chamber; more so than to those on the Government side. If the Government has several Bills ready for introduction during the period the Address-in-Reply is being debated, it can give notice of the Bills to be introduced and bring them to the second reading stage. The members who do not support the Government will then be enabled to have a longer period in which to examine the legislation.

When I made the suggestion last year, I had in mind not only my own experience but also that of my ministerial colleagues—I refer to the fact that while sitting on the other side of the Chamber, there were times when we could have introduced a number of Bills had the proposed amendment been made. I am afraid the Government's legislative programme is not very far forward this year; because we have not had the early session of Parliament we were to have had. However, be that as it may.

When I first looked at the committee's recommendation I thought something had been left out, because the Legislative Assembly's Standing Order, which is equivalent to this one, goes on to state—

Provided, however, that the introduction of Bills under this Standing Order shall not prevent any discussion on the subject matter of any such Bill during the Address-in-Reply debate.

I think the committee of which you are a member, Mr. Deputy Chairman (The Hon. F. D. Willmott), wisely left out this proviso. With respect, I think the

Assembly Standing Order goes too far; because "subject matter" is mentioned and the Legislative Assembly's Standing Order 36, as now printed, would enable a member in that Chamber to discuss a Bill whilst the motion for the adoption of the Address-in-Reply is being debated.

I am sure that was not intended in another place and it is not what the committee of which you are a member, Mr. Deputy Chairman, intended. So I think your committee has rightly stopped at the proper place. It is not for us to suggest anything to the Legislative Assembly; but who knows, the Legislative Assembly may read these remarks and be prepared to have a look at its own Standing Order. If it does it will certainly find there is something wrong; because if a member, when speaking to the debate on the Address-in-Reply in that Chamber, decided to go on and discuss the subject matter of a Bill, he could do so from clause 1 to clause 100, if there were as many clauses in the Bill. In other words, he could discuss the whole Bill.

The Hon. W. F. WILLESEE: Speaking to the motion, I think this confirms our submission that the Standing Orders Committee should look at the situation. I agree with the Leader of the Opposition that, where possible, we should give the opponents of the Government every opportunity to study proposed legislation when time can be made available. Time can be made available during the debate on the Address-in-Reply which generally goes on for some time.

I can assure the Leader of the Opposition, if he is disappointed with the Government's legislative programme this session, that we hope to do much better next session.

I agree that if this new Standing Order is agreed to it will facilitate the passage of legislation through the Council. It will be of benefit, because when the debate on the Address-in-Reply is finished we will have on hand legislation which can be proceeded with constructively and efficiently.

The Hon. R. F. CLAUGHTON: I think it is only reasonable that the motion should be framed in the terms suggested. As it stands the Standing Order places no restriction as to what a member may speak on. To have placed a limitation on the Standing Order would have put the Government in the position of being able to limit, by the introduction of Bills, matters on which members may speak. On the other hand, had the suggested amendment been taken to the point referred to by the Leader of the Opposition—that a member could debate a Bill of, say, 100 clauses—the Government obviously would retaliate by not granting him the privilege of an early consideration of Bills by introducing them during the debate on the Address-in-Reply. I think the move is a sound one, and I hope the Committee supports it.

Question put and passed; the recommendation agreed to.

The Hon. N. E. BAXTER: The other amendment recommended by the Standing Orders Committee reads as follows:—

- (b) To amend Standing Order 46 by deleting the words "two consecutive months in any" in lines 2 and 3, page 17, and substituting the words "one entire".

I move—

That the recommendation be agreed to.

In doing so, I would like to point out that in 1969 when we had two periods in the one session of Parliament it was found that a special motion had to be moved during the first period to enable members to retain their seats. Later in 1969 this was covered by an amendment to the Constitution Acts Amendment Act. If members would look at the small volume titled *Acts, Etc., relating to Parliament, 1969*, they will find that section 38(5) of the Constitution Acts Amendment Act reads—

Fails to give his attendance in the Legislative Council or in the Legislative Assembly, as the case may be, for one entire session thereof without the permission of the said Council or Assembly, as the case may be, entered upon its journals.

That was after the amendment was made in 1969.

Prior to that the wording of section 38(5) of the Constitution Acts Amendment Act was "... for two consecutive months of any session thereof" in the one session of Parliament, and the amendment was made to cover the two periods of the one session of Parliament. To conform to the amendment made to that Act, the Standing Orders Committee found it would need to amend Standing Order 46, because at present that Standing Order reads—

If a Member fails to attend the Council for two consecutive months in any Session without the permission of the Council (such permission being entered in the Minutes) his seat thereupon becomes vacant.

Members can readily understand that if this Standing Order is not amended it will not conform with the Constitution Acts Amendment Act; and the intention was, at the time the amendment was made to that Act, to cover the two periods of any one session, so that if Parliament adjourned in November and did not sit again until March a member would not become ineligible to retain his seat.

The Hon. A. F. Griffith: More correctly, is it not intended to cover the break between sessions?

The Hon. N. E. BAXTER: Yes, it is intended to cover the break between the July sitting and the March sitting, because

since the House will not be sitting it will not be possible for members to conform to the Standing Order in question.

The Hon. W. F. WILLESEE: I am a little concerned about this amendment, though I daresay the Standing Orders Committee has had a good look at it. If we had a short session of Parliament and a member happened to be on an overseas trip, I would like to know how he would be covered if we agreed to an absence of only one entire session.

The Hon. N. E. BAXTER: It is a little difficult to hear the Leader of the House, but I shall try to explain the position.

The Hon. W. F. Willesee: How would a member be covered if he were on an overseas trip and we had a short session of Parliament, and the absence was for one entire session?

The Hon. N. E. BAXTER: In the case of a member in such a situation, the normal leave of absence would have to be moved. I do not think any problem arises.

The Hon. A. F. GRIFFITH: From memory I think we amended the Constitution Act along these lines and now the Standing Orders Committee has picked up the disparity. At present Standing Order 46 states—

If a Member fails to attend the Council for two consecutive months in any Session, etc.

In the event of there being two sessions of Parliament we might adjourn in November and not sit again till March.

The Hon. W. F. Willesee: The operative word is "session."

The Hon. A. F. GRIFFITH: Yes. In the adjournment to which I have referred, it will mean the Council will not be sitting for a period of four or five months. If the Council is not sitting none of us, whether he be overseas or in Australia, will be able to obtain permission to be away. If we do not accept the suggestion of the Standing Orders Committee we would all be in trouble, because in the case to which I have referred we would be failing to attend for two consecutive months without the permission of the House—that is, if the adjournment lasted for over two months.

The Hon. L. A. LOGAN: I rise to seek clarification. In the event of the words being included, as suggested, does it mean that a member need not obtain leave of absence if he turns up on any one day during the two sessions, even though he might fail to attend the Council for the remaining part of the sessions?

The DEPUTY CHAIRMAN (The Hon. F. D. Willmott): I think this is an entirely different Standing Order.

The Hon. L. A. LOGAN: I am talking about Standing Order 46.

The Hon. G. C. MacKINNON: Might I direct the honourable member's attention to Standing Order 47 under which—if we did as suggested by Mr Logan—we would be guilty of contempt. This, of course, is different from losing one's seat. But under Standing Order 47, if a member is absent for more than six consecutive sittings without leave he is guilty of contempt of the House and would be accordingly liable.

The Hon. N. E. BAXTER: Provision is now made that a member's seat shall become vacant if he does not attend one entire session. That would be the case under the amendment. Previously his seat was declared vacant if he were away for two consecutive months without leave. As explained by Mr. MacKinnon, under Standing Order 47, a member can be called before the House for contempt if he misses six consecutive sittings without leave.

Question put and passed; the recommendation agreed to.

Report

On motion by The Hon. N. E. Baxter, report adopted.

BILLS (4): RECEIPT AND FIRST READING

1. Clean Air Act Amendment Bill.

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

2. Anatomy Act Amendment Bill.

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

3. Vermin Act Amendment Bill.

4. Noxious Weeds Act Amendment Bill.

Bills received from the Assembly; and, on motions by The Hon. R. H. C. Stubbs (Minister for Local Government), read a first time.

NATIVES (CITIZENSHIP RIGHTS) ACT REPEAL BILL

Second Reading

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [5.26 p.m.]: I move—

That the Bill be now read a second time.

For the past several years the sole remaining function of the Natives (Citizenship Rights) Act has been to provide a means of granting liquor rights to socially advanced Aborigines living in those areas where restrictions against the sale of alcohol to the general Aboriginal population still obtained.

When these restrictions were lifted on the 1st July, the Act became virtually redundant, and this Bill has been brought down to remove it from the Statute book.

The repeal of the Natives (Citizenship Rights) Act will leave only one minor piece of Western Australian legislation which discriminates against Aborigines.

The Native Welfare Act still requires that the approval of the Commissioner of Native Welfare be obtained before an Aboriginal can be taken outside the State.

This provision, which was originally enacted to ensure that unsophisticated Aborigines were not taken away from their home State without some adequate provision being made for their return is little used now and since there are other ways to meet the situation it is my intention to seek Parliament's approval to its repeal when I bring down major welfare legislation, possibly later in the session.

With the passage of this Bill, statutory discrimination—to all intents and purposes—will be a thing of the past; although, unfortunately, because of their depressed social status, our Aboriginal citizens will still be subject to other forms of discrimination.

Debate adjourned on motion by The Hon. F. D. Willmott.

House adjourned at 5.28 p.m.

Legislative Assembly

Tuesday, the 17th August, 1971.

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

POWER LINES

Foothills Route: Petition

MR. BATEMAN (Canning) [4.32 p.m.]: I have a petition duly signed by the organiser which I wish to present. It is addressed as follows:—

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

We, the signatories to the petition would like to place on record our disapproval of the plan to bring high voltage State Electricity Commission power lines/towers through the Foothills of the Seaforth Area.

Your petitioners therefore humbly pray that your Honourable House will give immediate consideration to the realignment of the Tower Foothills Route and your petitioners, as in duty bound, will ever pray.