schools in the metropolitan area specialise in various subjects. The students usually remain at school until 5 p.m. on two or three days a week. Motorbikes do not have lockers in which students can place their safety helmets. One young man who attends a special art class at Applecross High School has had his helmet stolen on several occasions. It is impossible for him to cart the helmet around from class to class during the course of the day, so he leaves his helmet on the handlebars of his motorbike. He lost two helmets in one week. Some of them have been recovered. Practical-jokers throw the helmets into tall trees, where they cannot be found.

These students ride motorbikes because they come from all sections of the metropolitan area. The young man I was referring to would have to catch three buses to get to Applecross High School; therefore he has a Yamaha, which is a small motorbike. Some recognition should be given to the person who is placed in the situation where someone steals his helmet or a practical-joker throws it into a tree and he cannot find it. Under these circumstances, should such a person leave his vehicle on the side of the road? If a vehicle is left in a deserted place, it is usually stripped or stolen. We should provide a safeguard for people who are placed in this position. The institutions concerned are the Institute of Technology, the university, and the high schools that have special classes in certain subjects, where the students attend six days a week and remain until 5 p.m. Perhaps some provision could be made in the regulations to cover this situation. It is unfair to prosecute a person who, through no fault of his own, is not wearing a helmet, and when transport is vital to enable him to get to his place of work or school.

I would like the Minister to consider that particular aspect.

The point raised by Mr. Dolan I feel deserves some comment; that is, a school for motorcyclists. I would point out that the larger establishments that trade in motorcycles advertise that they will teach any purchaser of a motorcycle how to ride it. This is quite common, because such advertisements can be seen in the newspapers. One firm that trades in motorcycles and teaches purchasers how to ride is that of Ken George.

I think that, generally, we should congratulate the motorcyclists in a way, because if we cast our minds back a few years we will recall that when the first batch of immigrants came to this State they were commonly referred to as temporary Australians. Because of the high cost of motorcars the majority of these people purchased motorcycles as a cheaper form of transport. I think it would be safe to say that many hundreds of motorcyclists were killed over a period of years. However, as they gradually got on their feet migrants purchased motorcars and we saw a lessening of the motorcycle accident rate.

The point I am making is that I consider anyone who learnt to ride a motorcycle prior to becoming the driver of a motorcar is, in my opinion, a far better driver than a person who can drive a motorcar only, because the person who learns to ride a motorcycle initially must be conscious of traffic at all times whilst he is riding on the roads. I think it can be proved that when a motorcyclist does become the driver of a motorcar he is conscious at all times of the hazards that can occur on the roads.

I repeat that I am concerned about those people who ride motorcycles for the purpose of travelling to their place of employment or attending a class at a high school or some other place of learning. In view of the fact that at such times they have no safe place to park their motorcycles, I think it would be wrong to penalise any one of them who had his safety helmet stolen and who was caught without a helmet whilst riding home.

The Hon. L. A. LOGAN: The point raised by Mr. Ron Thompson is important. I think this question has already been raised in certain quarters; that is, in what position is a motorcyclist placed when his safety helmet is stolen whilst he is attending a class or is at his place of employment? I do not think anyone has come up with the answer, but I will certainly bring the matter to the attention of the Minister for his consideration. It could be that when the members of the Police Force begin to police the Act fully they will take cognisance of the situation that has been outlined by the honourable member tonight.

Clause put and passed.

Clauses 6 and 7 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

House adjourned at 8.35 p.m.

Legislative Assembly

Wednesday, the 21st October, 1970

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

PHYSICAL ENVIRONMENT PROTECTION BILL

Introduction and First Reading

Bill introduced, on motion by Sir David Brand (Premier), and read a first time.

QUESTIONS (41): ON NOTICE

1. *This question was postponed.*

2. HOUSING

Rental Accommodation: Kimberley Electorate

Mr. RIDGE, to the Minister for Housing:

(1) How many rental homes does the State Housing Commission propose to build at—
(a) Kununurra;
(b) Wyndham;
(c) Hall's Creek;
(d) Derby;
(e) Broome,
during the 1970-71 financial year?

(2) What number of applicants are listed for assistance at each of the towns referred to in (1).

Mr. O'NEIL replied:

(1)—

	Programme 1970-1971	Completed 1/7/1970-21/10/1970
Kununurra	—	—
Wyndham	3	1
Hall's Creek	—	2
Derby	—	—
Broome	5	2

Tenders have been accepted for the eight houses programmed for 1970-1971.

(2) Applications from families are as follows:—
Kununurra—34.
Wyndham—8.
Hall's Creek—1
Derby—19.
Broome—29.

3. LAND

Army Quarters: Acreage

Mr. FLETCHER, to the Minister for Lands:

What acreage is occupied by the Army—
(a) at Swanbourne;
(b) in the Karrakatta area;
(c) at other locations in the metropolitan area, including headquarters in Perth and Fremantle?

Mr. BOVELL replied:

The information is not available from the records of the Lands and Surveys Department. I might add that this is purely and simply a Commonwealth matter as it refers to defence. I do not know my authority under the National Defence Act.

4. LAND

Garden Island: Acreage

Mr. FLETCHER, to the Minister for Lands:

(1) What is the—
(a) length; and
(b) breadth, at broadest point,
of Garden Island?

(2) What is the approximate total acreage?

Mr. BOVELL replied:

Here again this is a Commonwealth matter, but, in an endeavour to assist the member for Fremantle, I advise as follows:—Garden Island is held by the Commonwealth Government in freehold and consequently is outside my jurisdiction. However, the following information in answer to the question is available from survey records of the Lands and Surveys Department—

(1) The approximate distances are—
(a) 6 miles 15 chains;
(b) 1 mile 20 chains.

(2) 3,026 acres.

5. "NORWHALE"

Sinking: Cause, and Prevention of Recurrence

Mr. FLETCHER, to the Minister for Works:

(1) What circumstances caused the sinking of the *Norwhale* in Fremantle Harbour when moored alongside H.M.S. *Eagle* when oil pollution of harbour and river resulted from the incident?

(2) What installations have been effected in order to prevent a recurrence of upriver oil pollution?

Mr. ROSS HUTCHINSON replied:

(1) The circumstances which caused the sinking of the *Norwhale* in Fremantle Harbour when moored alongside H.M.S. *Eagle* have not been definitely established.

Inspection of the lighter by a harbour and light surveyor after it was eventually raised failed to establish the cause of the sinking. Several possible causes have been advanced, including—
(a) That the lighter was holed while alongside *Eagle* at some time between 4 p.m. on the 17th February, 1968, and the time it sank at approximately 6.30 a.m. on the 18th February, 1968.
(b) Water discharged from H.M.S. *Eagle* on to the deck of the lighter flooded the lighter.

(c) Wash created by numerous passing small craft flooded the lighter.

The owners of the *Norwhale*—John Franetovich & Company—are still pursuing the possibility of a claim against the Royal Navy in relation to (b) above.

(2) An air bubble barrier has been installed at the eastern end of the inner harbour just downstream from the railway bridge and it is expected this will prevent a recurrence of upriver oil pollution. The barrier is operated by compressed air being pumped through a plastic pipe laid on the bottom of the stream and expelled through a series of nozzles to create a continuous air bubble screen to prevent the passage of spilled oil beyond that point.

The barrier is capable of being activated at a moment's notice from the port authority signal station. Currently tests and modifications are being undertaken to ensure its complete effectiveness.

6. *This question was postponed until Tuesday, the 27th October.*

7. MIDLAND RAILWAY COMPANY LTD.

Employees: Gratuities

Mr. BRADY, to the Minister for Railways:

(1) Were Midland Railway Company Ltd. employees entitled to gratuity payments under Act No. 47 of 1963?

(2) Were gratuities not paid out at the time of acquisition held in trust at £4½ per centum?

(3) In view of increased rates of interest paid by banks and other financial institutions are Midland Railway employees to be allowed higher interest rates?

Mr. O'CONNOR replied:

(1) Yes.

(2) Yes—compound interest.

(3) I will have this matter examined and the honourable member will be advised as soon as possible.

8. HOUSING

Wandana Flats: Rental Rebates

Mr. GRAHAM, to the Minister for Housing:

Will he supply a copy of the report submitted to him by the State Housing Commission in relation to the decision to continue refusal to grant rental rebates to tenants of Wandana flats?

Mr. O'NEIL replied:

Wandana flats were planned for the accommodation of families employed in city areas. It was approved subject to its being maintained as an economic rent project.

At its meeting on the 25th June, 1970, the commission considered the background and other relevant information available to it concerning the project, and decided not to alter the position which has always obtained; that is, that rebates be not granted.

On the 30th June, 1970, the honourable member was informed of this decision and the reasons therefor; these were—

The commission is now, and will be in the future, expected to meet the housing needs of low income city employees, particularly those who are, or will be required to work broken shifts or provide special off-hour services—bearing in mind the close proximity of the project to the city centre.

The honourable member was also advised that the commission was mindful that a tenant requiring a rebate could be transferred, at the cost of the commission, to pensioner type accommodation in either the suburbs or Graham flats, West Perth.

In regard to the report, this is considered to be an internal administrative document.

9. FRUIT FLY

Control: Fruit Sales Along Albany Highway

Mr. W. A. MANNING, to the Minister for Agriculture:

(1) Is fruit fly being controlled in the metropolitan and adjacent growing areas now and during the approaching fruit season?

(2) If so, can it be assumed that fruit on sale along the Albany Highway will be free of fly?

(3) If "No" why should the sale of such fruit be permitted?

(4) If (2) is "Yes" why should—

(a) possible sales be lost by knowledge that fruit must be disposed of at 93 miles;

(b) sales be made to travellers who have no knowledge of the restrictions until they reach the disposal point?

Mr. NALDER replied:

(1) Fruit-fly control measures are obligatory for persons producing, selling or transporting fruit. Regulations will be policed as in previous seasons.

(2) No.

(3) It would be unreasonable to prohibit fruit sales from stalls along Albany Highway while permitting fruit sales in the metropolitan area generally.

(4) Answered by (2).

10. RAILWAYS

Kalgoorlie Station

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

(1) Is the programme for painting the Kalgoorlie railway station at present being effected, part of a project to renovate and repair the station building and its environs?

(2) What is the scope of the work to be undertaken?

Mr. O'CONNOR replied:

(1) Yes.

(2) Consideration is being given to alterations to the approach to the station, removal of some hoardings and general improvement to the appearance of the platform and building. A timetable for the work is dependent on removal of the 3 ft. 6 in. gauge railway alongside the platform.

11. TRANSPORT

Fares: Carnarvon and Exmouth Students

Mr. NORTON, to the Minister for Transport:

Over the past 12 months, how many return and single—

(a) air fares;

(b) bus fares,

have been granted to students from—

(i) Carnarvon;

(ii) Exmouth,

who are receiving their schooling south of Carnarvon?

Mr. O'CONNOR replied:

During the 12 months ended the 21st October, 1970, children resident in Carnarvon have been granted free travel to or from schools in the south as follows—

By air—8 single tickets and 85 return tickets.

By bus—1 single ticket and 30 return tickets.

During the same period the figures for children resident at Exmouth and Learmonth were as follows—

By air—3 single tickets and 24 return tickets.

By bus—1 single ticket and 1 return ticket.

12. EDUCATION

Cluster and Conventional Classrooms

Mr. NORTON, to the Minister for Education:

What was the average cost per child place of—

(a) the 111 conventional; and

(b) the 74 cluster-type,

classrooms which were built during the 1969-70 financial year?

Mr. LEWIS replied:

It is not possible to determine an average cost per child place on the basis of classrooms erected. In many cases the contracts for additional rooms, replacement rooms and new high school buildings include other facilities such as toilets, storage, administration areas and circulation space.

Furthermore, the pupil capacity of the classroom varies in conventional primary and secondary schools. The new cluster schools provide a number of spaces of varying sizes which cannot be assessed in terms of pupil capacity.

The total cost of the 111 conventional classrooms with attendant facilities and earthwork was $2,273,853 while the 74 cluster-type with all facilities including earthworks, cost $1,565,135. There are, however, many educational advantages in the cluster-type school.

13. COUNTRY HIGH SCHOOL HOSTELS AUTHORITY

Hostels: Number and Accommodation

Mr. NORTON, to the Minister for Education:

(1) How many hostels are now under control of the Country High School Hostels Authority?

(2) What is the total number of children that they can accommodate?

Mr. LEWIS replied:

(1) 12.

(2) 1,022.

14. *This question was postponed.*

15. RAILWAY SLEEPERS

Western Australian and Malaysian: Landed Costs at Paraburdoo

Mr. H. D. EVANS, to the Minister for the North-West:

What is the cost of railway sleepers, landed on site at Paraburdoo, and coming from—

(a) Western Australian sources;

(b) Malaysian sources?

Mr. COURT replied:

These sleepers involve no cost to the State Government and therefore the requested information would not normally be available to the Government.

However, as is the practice in such cases, the company liaised closely with us in respect of the purchase of the sleepers and, in my opinion, took a generous attitude in awarding the major part of the order to Western Australian companies.

In any case, as international tendering is involved, it would be undesirable to divulge publicly the relative prices.

I would like to add that it would not be in the interests of the local industry to give this information.

16. MINERAL LEASES

Reserves: Peaceful Bay Area

Mr. H. D. EVANS, to the Minister representing the Minister for Mines:

(1) Have any reserves in the Peaceful Bay area been pegged for mineral leases?

(2) If so, which reserves are included, and what areas have been pegged?

(3) Will he supply a map indicating the exact location of such mining claims?

Mr. BOVELL replied:

(1) Yes.

(2) About 10 acres of Common Reserve 17735. About 120 acres of Camping and Recreation Reserve 24510.

(3) Map herewith.

The map was tabled.

17. TRAFFIC ACT

Amending Legislation

Mr. BERTRAM, to the Minister for Traffic:

Will he introduce during this session legislation to amend or improve on subsection (2) of section 57A of the Traffic Act which relates to the parking, unless authorised, of vehicles on land which is not a road?

Mr. CRAIG replied:

It is not intended to amend section 57A of the Traffic Act, but legislation will be introduced this session to amend the City of Perth Parking Facilities Act and the Local Government Act, to give greater control over vehicles parking on land other than roads.

18. STATE GOVERNMENT INSURANCE OFFICE

Youth Clubs: Policies

Mr. BERTRAM, to the Minister for Labour:

Does the State Government Insurance Office issue any insurance policy to protect individuals conducting youth clubs, gymnasiums, and the like, from claims for damages for negligence for injuries sustained by members in the course of their activities in such clubs, gymnasiums, and the like?

Mr. O'NEIL replied:

No. However, the public risk policy of the Boyup Brook Shire has been extended to indemnify the Upper Blackwood Youth Club which it sponsors.

19. MOTOR VEHICLE SPARE PARTS

After-hours Permits

Mr. BERTRAM, to the Minister for Labour:

(1) Are permits issued allowing certain persons to supply motor vehicle spare parts after hours in cases of emergency?

(2) If "Yes"—

(a) to whom in the metropolitan area have such permits been issued;

(b) is it mandatory for persons to whom permits have been issued to supply spare parts after hours in cases of emergency?

Mr. O'NEIL replied:

(1) Yes.

(2) (a) Permits issued to:—

Armstrong Dimmit Ltd., 379 Murray Street, Perth.

Coventry Motor Replacements Pty. Ltd., 878 Hay Street, Perth.

Raphaels Pty. Ltd., 891 Hay Street, Perth.

Dover Leeds Auto Suppliers Pty. Ltd., 915 Hay Street, Perth.

Sydney Atkinson Motors Ltd., 20 Terrace Road, Perth.

Sydney Atkinson Melville Motors Pty. Ltd., 532 Canning Highway, Melville.

Attwood Motors Pty. Ltd., 22 Stirling Street, Perth.

M.S. Brooking Pty. Ltd., 138 Mounts Bay Road, Perth.

City Motors Pty. Ltd., 505 Newcastle Street, Perth.

James Clay Motors Pty. Ltd., 83-85 Stirling Highway, Nedlands.

Dependable Motors Pty. Ltd., 803 Wellington Street, Perth.

Diesel Motors Pty. Ltd., 1091 Albany Highway, Bentley.

Duncan Motor Co. Pty. Ltd., 701 Wellington Street, Perth.

Faulls Pty. Ltd., 498 Hay Street, Subiaco.

Houghtons Motor House, 1006 Albany Highway, Victoria Park.

Lloyd & Co. Ltd., 121 Hay Street, Subiaco.

Lynas Motors Pty. Ltd., 960 Hay Street, Perth.

Maison Motors Ltd., 210 Adelaide Terrace, Perth.

Moore Road Machinery Pty. Ltd., 80 Great Eastern Highway, South Guildford.

Auto Parts, 63 Adelaide Terrace, Perth.

Shack Motors, 59 Queen Victoria Street, Fremantle.

Skipper Bailey Motor Co. Ltd., 87 Adelaide Terrace, Perth.

Western Motor Co. Ltd., 789 Wellington Street, Perth.

Webster Motors Pty. Ltd., 37 Great Northern Highway, Midland.

Youngs (W.A.) Pty. Ltd., 529 Albany Highway, Victoria Park.

Kenyon & Co. Pty. Ltd., 517 Murray Street, Perth.

Soltoggio Bros., North Lake Road, Melville.

Attwoods of Fremantle, 12 Collie Street, Fremantle.

Skipper Baileys (Truck Division), Great Eastern Highway, Redcliffe.

Atkins Automotive Replacements, 474 Murray Street, Perth.

Gregorys Pty. Ltd., 59 Albany Highway, Victoria Park.

International Harvester Co. of Aust. Pty. Ltd., Jones Street, O'Connor.

Winterbottoms Dist. Pty. Ltd., Bishop Street, Jolimont.

Mortlock Motors (Fremantle) Pty. Ltd., Hampton Road, South Fremantle.

Premier Motors Pty. Ltd., 999-1011 Hay Street, Perth.

Wigmore's Tractors Pty. Ltd., Great Eastern Highway, Guildford.

Pacific Motor Co. Pty. Ltd., 130 Adelaide Terrace, Perth.

Bob Whites Auto Spares, 49 Spencer Street, Bunbury.

Master Motors Pty. Ltd., 359 Oxford Street, Leederville.

West End Motors Pty. Ltd., Hay Street, Jolimont.

Amcap Pty. Ltd., 171 Welshpool Road, Welshpool.

British Leyland Motor Corp. of Aust. Pty. Ltd., 565 Hay Street, Subiaco.

(b) No.

20. EDUCATION ACT AMENDMENT BILL (No. 2)

Annual Grants to Independent Schools

Mr. TAYLOR, to the Minister for Education:

With reference to his speech on Thursday, the 15th October, when introducing the Education Act Amendment Bill (No. 2), 1970, and his reference to a scale of direct annual grants to independent schools ranging from $300 to $700 per annum, will he advise details of the scale, in full?

Mr. LEWIS replied:

The following scale of grants will apply:—

Category A.

(i) Secondary schools with more than 300 students.

(ii) Combined primary-secondary schools with more than 300 students of whom at least 150 are secondary students.

Grant = $700.

Category B.

(i) Secondary schools with more than 150 but less than 301 students.

(ii) Combined primary-secondary schools with more than 150 but less than 301 students of whom at least 25 are secondary students.

(iii) Primary schools with more than 400 students.

Grant = $600.

Category C.

(i) Secondary schools with more than 100 but less than 151 students.

(ii) Combined primary-secondary schools with more than 100 but less than 151 students of whom at least 25 are secondary students.

(iii) Primary schools with more than 250 but less than 401 students.

Grant = $500.

Category D.

Primary schools with more than 100 but less than 251 students.

Grant = $400.

Category E.

Any school with 100 students or less.

Grant = $300.

21. COUNTRY HIGH SCHOOL HOSTELS AUTHORITY

Swimming Pools: Finance

Mr. NORTON, to the Minister for Education:

(1) Is there any financial assistance available to country high school hostels committees for the constructing of swimming pools for the use of their boarders?

(2) If "Yes" what is the amount, and to whom are applications made?

Mr. LEWIS replied:

(1) No.

(2) See answer to (1).

22. ELECTRICITY SUPPLIES

Power Lines and Guy Wires

Mr. CASH, to the Minister for Electricity:

(1) What is the minimum height for the erection of State Electricity Commission power lines and ancillary guy wires in the metropolitan area?

(2) What was the cause of the accident on the 16th October, 1970, involving S.E.C. installations at the intersection of Blythe, Woodrow, and Thurlow Avenues, Yokine?

(3) What steps are being taken to prevent any further accidents of this nature?

(4) Where does the responsibility rest for compensation to the owner of the house damaged by the S.E.C. property which struck the building?

Mr. NALDER replied:

(1) Power mains—20 feet.
Service mains—18 feet at road centre.
Stay wires—16 feet.

(2) Believed to be the driving of a vehicle over 14 feet in height along road. Contrary to Traffic Act regulations.

(3) The continued policing of this traffic regulation.

(4) This is a matter for legal determination.

23. *This question was postponed.*

24. EDUCATION

Teachers: Overseas Recruitment

Mr. BATEMAN, to the Minister for Education:

Will he table copies of all brochures and newspaper advertisements and other advertising media used during the last two years in connection with the recruitment of United Kingdom teachers to serve in the Education Department of Western Australia?

Mr. LEWIS replied:

Newspaper advertisements for recruitment in the United Kingdom are arranged through the office of the Agent-General in London and are not immediately available.

I will table brochures issued to all prospective recruits in the United Kingdom.

The brochures were tabled

25. DRAINAGE

Yule Brook

Mr. BATEMAN, to the Minister for Water Supplies:

(1) Is Yule Brook recognised as a main drain by the Metropolitan Water Supply, Sewerage, and Drainage Board?

(2) Is he aware of the effect the construction of the Kewdale marshalling yards has had on the excess flow of water into Yule Brook?

(3) Is it the intention of the Metropolitan Water Supply, Sewerage, and Drainage Board to widen, deepen, and fence this brook to carry the excess water from the marshalling yards?

(4) Because of the increased flow which results in silting, flooding, and other inconveniences to property owners further downstream, is it the intention of the board to purchase land affected or to pay compensation where land owners' proposals for subdivision are being affected?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) The construction of the drainage system from the Kewdale marshalling yards does not greatly increase peak flows because of the major retarding basins constructed in the Kewdale area.

(3) Subject to satisfactory arrangements being made with the Shire of Gosnells and owners affected to provide matching funds and land as in (4) below, the Metropolitan Water Board will improve Yule Brook from the standard gauge railway to the Canning River and Woodlupine Brook from Bickley Road to its junction with Yule Brook.

(4) No. Drain reserves will be required in the normal way as a condition of subdivision.

26. COUNTRY HIGH SCHOOL HOSTELS AUTHORITY

New Hostel: Albany

Mr. COOK, to the Minister for Education:

(1) Is a new hostel for senior high school students planned for Albany?

(2) If so, what is the proposed commencing date?

(3) What is the anticipated total cost?

(4) Where will it be located?

(5) How many students are to be accommodated?

(6) Will teachers also be accommodated?

(7) If (6) is "Yes" has the department given any consideration to using teachers to give tuition to students outside normal school hours at the hostel?

Mr. LEWIS replied:

(1) The possibility of the erection of a new hostel is under discussion by the hostels authority but no firm decision has yet been reached.

(2) to (7) Not known at present.

27. SEWERAGE

Albany

Mr. COOK, to the Minister for Water Supplies:

What were—

(a) the total funds allocated to; and

(b) actual amounts spent on,

sewerage works in Albany in each of the past five years?

Mr. ROSS HUTCHINSON replied:

		$
(a)	1965-66	84,000
	1966-67	128,000
	1967-68	123,000
	1968-69	122,000
	1969-70	132,000
(b)	1965-66	103,065
	1966-67	127,528
	1967-68	112,309
	1968-69	124,235
	1969-70	137,452

28. DESERTED FATHERS

Assistance

Mr. COOK, to the Minister representing the Minister for Child Welfare:

What financial and/or other assistance is made available to deserted fathers who have the custody of their children?

Mr. CRAIG replied:

If the father has to cease work to care for his children assistance is rendered on the same scale as that applying to a woman with dependent children. In some cases the father would be eligible for special benefit from the Social Services Department. If the father engages a housekeeper and continues working, assistance would depend on his earnings and commitments. Each case would be judged on its merits.

29. RAILWAYS

Iron Ore Projects: Government Finance

Mr. DAVIES, to the Minister for the North-West:

(1) Was any Government finance in any way used in connection with the establishment of railway lines associated with iron mining projects in the north-west?

(2) If so, how much, and in what direction?

Mr. COURT replied:

(1) No.

(2) See answer to (1).

30. *This question was postponed.*

31. EDUCATION

Provision of Pianos and Tape Recorders

Mr. TAYLOR, to the Premier:

With reference to his Budget Speech presented to the House on Thursday, the 24th September, 1970, and in particular to his advice that certain items of equipment, such as pianos, tape recorders, etc., will henceforth be supplied, does this mean that a school

will be supplied with one only of each item but will have to purchase any additional units from parents and/or school funds, or will there be provision for the supply of more than one unit from departmental stocks, if a school so requires?

Sir DAVID BRAND replied:

It is intended that every Government school will be adequately equipped with items such as pianos, tape recorders, duplicators, etc., to standards determined by the Education Department. Generally this will mean the supply of one of each of these items to schools where they are warranted. However, more than one of some items may be issued in the case of high schools and primary schools in special circumstances.

Consideration is also being given to the matter of replacing obsolete equipment.

32. EDUCATION

High Schools: Upgrading

Mr. MAY, to the Minister for Education:

(1) How many prospective fourth-year students are considered necessary for upgrading a high school to senior high school?

(2) What was the enrolment in fourth year in the year upgrading took place at each of the following schools—

(a) Kwinana;

(b) Cannington;

(c) Hampton;

(d) Rossmoyne; and

(e) Hamilton?

(3) Does zoning apply to students enrolling in fourth year, or is there a free choice of senior high schools?

(4) What is—

(a) the total enrolment;

(b) the lower school (i.e., first to third year) enrolment;

(c) annual first-year intake,

at Hollywood and Melville senior high schools?

(5) What percentage of the enrolment in first year and fourth year at the schools mentioned is from outside their normal intake areas?

Mr. LEWIS replied:

(1) A prescribed number of students is not stipulated. The determinant is whether there are sufficient students to offer a full range of enriched courses. This may be modified by the availability of existing educational facilities.

(2) Kwinana—89 (February figures).

Cannington—144 (February figures).

Hampton—115 (February figures).

Rossmoyne—Fourth year commences in 1971.

Hamilton—57 (February figures).

(3) No. Students have a free choice at fourth year level.

(4) (a) Hollywood—Total 870; Lower School 626; 1st year 224.

(b) Melville—Total 1,300; Lower School 1,103; 1st year 388.

(5) All first year enrolments are from the normal intake areas. However, in 1970, 14.8 per cent. of students in fourth year at Hollywood and 6.5 per cent. at Melville attended third year at another school.

33. EDUCATION

Achievement Certificates

Mr. MAY, to the Minister for Education:

(1) Is it anticipated that achievement certificate studies will be extended into fourth and fifth year?

(2) If so, when is the anticipated commencement date?

(3) Is it expected that achievement certificate students will be at a disadvantage in moving into fourth year in a school where the other fourth years have studied for the Junior?

(4) If so, how is it proposed to offset such disadvantages?

Mr. LEWIS replied:

(1) Yes, but not in the immediate future as much planning must be done beforehand.

(2) Not yet known.

(3) No.

(4) See answer to (3).

34. RAILWAYS

Advertising Contract

Mr. DAVIES, to the Minister for Railways:

(1) Has a contract been finalised in regard to railway advertising?

(2) If so—

(a) to whom was the contract let;

(b) for what period;

(c) under what terms?

Mr. O'CONNOR replied:

(1) No.

(2) Answered by (1).

35. BURNBRAE

Staff and Acreage

Mr. RUSHTON, to the Chief Secretary:

(1) When is it expected to accommodate the trainees in the inebriates section at Burnbrae, Byford?

(2) Will the complete treatment by resident professional staff be available?

(3) What will be the capacity for male and female trainees and the professional and non-professional staff required at the centre?

(4) How many staff will reside at the centre and/or the neighbouring township?

(5) What is the acreage of the property and the capacity of the buildings purchased?

(6) What buildings are to be added to make a viable unit?

Mr. CRAIG replied:

(1) Within 12 months.

(2) It is intended to keep resident professional staff to a minimum but it is the intention to use consultant professional staff freely.

(3) The first stage is for 60 male patients with provision to expand to 120 male patients. The female section will be built on the other side of a dividing road that runs through the property and initial plans are for 20 female patients.

(4) A resident superintendent and other staff may be recruited from the district for training.

(5) 122 acres. The present accommodation is being renovated to provide medical treatment facilities, administration, and sick bay to provide for "drying out" of patients during their initial admission period.

36. POLITICAL MEETINGS

Forrest Place

Mr. CASH, to the Minister for Police:

(1) Has his department received any applications requesting permission to hold political meetings in Forrest Place during the month of November?

(2) Who were the applicants?

(3) Have any permits been granted, and to whom?

(4) In view of the changing pattern of political meetings throughout the world, the risk of interference to the rights of the individual within the community, and possible injury to members of the public, should serious disorder occur in the restricted confines of Forrest Place and adjacent sections of Murray Street, would he give consideration to—

(a) refusing applications for permission to hold political meetings in Forrest Place;

(b) advising applicants that the use of the Esplanade for political meetings would better serve the public interest than the continued use of Forrest Place for this purpose?

Mr. CRAIG replied:

(1) Yes.

(2) (a) The Liberal Party.

(b) The Australian Labor Party.

(c) The Country Party.

(d) The Democratic Labor Party.

(3) Yes, as follows:—

NOVEMBER		PARTY
Thursday	5th	Liberal
Friday	6th	D.L.P.
Monday	9th	A.L.P.
Tuesday	10th	Liberal (Mr. Gorton)
Wednesday	11th	A.L.P.
Thursday	12th	D.L.P.
Friday	13th	C.P. (Mr. McEwen)
Monday	16th	A.L.P. (Mr. Whitlam)
Tuesday	17th	Liberal
Wednesday	18th	D.L.P.
Thursday	19th	A.L.P.
Friday	20th	Liberal

(4) (a) and (b) Not at this stage.

37. *This question was postponed.*

38. ELECTRICITY SUPPLIES

Guilderton

Mr. GRAHAM, to the Minister for Electricity:

(1) Is there any likelihood of the State Electricity Commission providing a power supply to Guilderton (Moore River) in the near future and, if so, when?

(2) If not in the near future, approximately when?

Mr. NALDER replied:

(1) No.

(2) Impossible to predict. Dependent on the rate of acceptance of the contributory extension schemes westward from Gingin.

39. GOVERNMENT EMPLOYEES' HOUSING AUTHORITY

1966-67 Building Programme: Collie

Mr. JONES, to the Premier:

(1) In view of a reply to a question asked in 1966 wherein he advised that the Government Employees'

Housing Authority intended to build three houses in Collie under its 1966-67 programme, would he advise if the houses have been built?

(2) If "No" what are the reasons for the change in policy?

Sir DAVID BRAND replied:

(1) No.

(2) Because there were vacant State Housing Commission homes in Collie, the Government Employees' Housing Authority considered it would be inadvisable to build new houses in the town.

Since 1966 three State Housing Commission houses have been purchased by the Government Employees' Housing Authority and up-graded. Each is occupied by teachers.

40. ROAD MAINTENANCE TAX

Abolition: Financial Result

Mr. GRAHAM, to the Minister for Works:

(1) In the event of the road maintenance tax being abolished, what would be the total financial result?

(2) What would be the loss of additional assistance from the Commonwealth?

(3) What is the minimum annual amount required in order to qualify for maximum Commonwealth assistance?

(4) When does the agreement embodying the present formula expire?

Mr. ROSS HUTCHINSON replied:

(1) It is not possible to say with any certainty what the total financial result would be if the Road Maintenance (Contribution) Act was repealed. To ascertain the total loss until June 1974, when the Commonwealth Aid Roads Act, 1969, terminates would involve a forward estimation of State road revenue up to that date. However, an estimate for 1970-71 indicates that the State would stand to lose about $5,450,000 in road funds this financial year. It is further estimated that this loss would escalate to $6,332,000 in 1971-72 and the annual loss would continue on an increasing scale in the following years.

(2) The Commonwealth Aid Roads Act, 1969, does not provide for additional assistance from the Commonwealth in the same terms as in the previous legislation. The road funds available under the Commonwealth Aid Roads Act, 1969, are paid to the State on condition that the State will raise from its own resources sufficient road funds to meet the matching requirements in the Act. Repealing the Road Maintenance (Contribution) Act would result in the State being called upon to pay back to the Commonwealth Treasurer about $1,650,000 in 1970-71. It is estimated that this figure will rise to $1,932,000 in 1971-72 and further escalate each year to June, 1974.

(3) The estimated minimum annual amount for 1970-71 is $14,400,000. It is estimated that this would rise to $15,754,000 in 1971-72 and would further escalate to June, 1974.

(4) The Commonwealth Aid Roads Act, 1969, expires on the 30th June, 1974.

41. *This question was postponed.*

QUESTIONS (3): WITHOUT NOTICE

1. NATIVES

Housing: Provision by State Housing Commission

Mr. HARMAN, to the Minister for Housing:

(1) Is the Minister aware that the Department of Native Welfare is now the owner of some 250 conventional homes largely as a result of the injection of Commonwealth finance for the purpose of Aboriginal housing into this State?

(2) Is the Minister also aware that the department has had to increase its administrative services in order to control and manage those homes; services which are a duplication of those provided by the State Housing Commission?

(3) Is the Minister also aware that following the decision of the Commonwealth to inject funds into New South Wales for the purpose of Aboriginal housing the housing commission in that State has undertaken complete responsibility for the management of conventional homes?

(4) Is he aware that that is being achieved with a great deal of success?

(5) If so, is it the intention of the Government to follow the example set by New South Wales?

Mr. O'NEIL replied:

(1) to (5) Apart from being aware that the Department of Native Welfare has done a sterling job in

the provision of housing for natives in the last few years, I am afraid that I am unaware of the facts mentioned by the member for Maylands. If the honourable member wants a considered answer to his question I would suggest he place it on the notice paper.

2. INDUSTRIAL DEVELOPMENT

Mr. Alan Bowden: Trip to New South Wales

Mr. GAYFER, to the Minister for Industrial Development:

Concerning Dowerin Field Day—

(1) Was the article in essence correct as appeared in *The Countryman* earlier this year and as quoted—

> This year, the top entry will be sent to the well known Orange Field Days in New South Wales (and also the inventor) by the Department of Industrial Development. A fine gesture on the part of this Department aimed at promoting Western Australia and its industries.

(2) If so, why has the winner, Mr. Alan Bowden of Bullaring, been informed that the fine gesture referred to only applied to his invention and not to him personally?

(3) Because of the disappointment of Alan Bowden and the residents of the districts in which he is so well respected, would not the Minister ascertain if the reward of success could be reinstated as understood and publicised?

Mr. COURT replied:

I have received some notice of this question from the honourable member and I give the following answers:—

(1) Yes. However, different arrangements were subsequently made with Mr. Bowden's knowledge and consent. I will make available to the honourable member information concerning the interviews with officers of my department when Mr. Bowden advised that because of his farm commitments he may not be available to go.

(2) See (1).

(3) The matter will be considered but I invite the honourable member's attention to the answer to (1).

I also seek permission to table Press statements dated the 15th July and the 24th September, which will, I think, be of some assistance to the honourable member.

The Press statements were tabled.

3. SMALL POTATOES

Availability to the Public.

Mr. MITCHELL, to the Minister for Agriculture:

(1) Are small newly dug potatoes available from the crop now being harvested?

(2) If "Yes" does the Potato Marketing Board make them available to the public?

(3) If not, why not?

(4) If they are marketed, what quantities can be expected on the market and for what period?

Mr. NALDER replied:

I thank the honourable member for prior notice of this question the answers to which are as follows:—

(1) Yes.

(2) The board has offered them in the past but the demand has not been encouraging. They are at present being offered in the size range of 1½ oz. to 2 oz. I would, however, like to check this figure with the Potato Marketing Board because it could well be 3 oz. I will have that matter clarified and the information made available to the honourable member later.

(3) Answered by (2).

(4) The quantities are governed by crop yields and all supplies delivered by growers will be marketed.

For the information of the House I would like to lay this package of potatoes on the Table of the House for two days.

The package of potatoes was tabled.

ROAD MAINTENANCE TAX

Prosecutions: Correction of Answer.

MR. O'CONNOR (Mt. Lawley—Minister for Transport) [5.02 p.m.]: I seek the permission of the House to make a personal explanation in connection with a question I answered yesterday.

The SPEAKER: There being no dissentient voice leave is granted.

Mr. O'CONNOR: Yesterday I was asked a question by the member for Perth—it was question 29 on the notice paper.

The eighth part of the honourable member's question asked how many persons are at present serving prison sentences for breaches of the Act. The honourable member was referring to the Road Maintenance (Contribution) Act. The answer I gave was that there were 19 such persons, but this is not actually the number at present serving prison sentences for breaches of the Act, but the number which have served sentences since the Act was introduced five years ago. The number of such persons should have been two and not 19.

BILLS (3): RETURNED

1. Western Australian Institute of Technology Act Amendment Bill.
2. Railways Discontinuance and Land Revestment Bill.
3. Builders' Registration Act Amendment Bill.

Bills returned from the Council without amendment.

NATIONAL TRUST OF AUSTRALIA (W.A.) ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr. Ross Hutchinson (Minister for Works), and read a first time.

CRIMINAL INJURIES (COMPENSATION) BILL

Third Reading

MR. COURT (Nedlands—Minister for Industrial Development) [5.06 p.m.]: I move—

That the Bill be now read a third time.

In moving the third reading of the Bill I wish to report to the House that the various matters under consideration which I promised would be researched by the Crown Law Department were, in fact, taken up with that department this morning, and I have really nothing to add to what I said last night, because the department concurs with the comments which I made and which I submitted to it for advice.

The Bill, however, is of course one that has been prepared and submitted, and is to be administered by another Minister who happens to be out of the State at the present time. I propose to discuss further with him the points brought forward by members, though I want to make it quite clear that this does not foreshadow any amendments but only the honouring of a promise to make sure that information is available on all the points that were raised to which I could not agree last night.

I do not propose to weary the House with detailed explanations of the matters raised with the Crown Law Department—matters on which it has commented—but I do want to refer to one point which I could not find the chance to bring into the Committee debate last night without transgressing Standing Orders.

This concerns the fact that in fixing the level of compensation and working out the payments to individuals the Government of the day and the administration—in the form of the officers who would be administering the legislation—have to be careful to watch a number of other sources of possible money that will flow to the person who is to be compensated. I have had a look, for instance, at a table prepared by New South Wales and it is quite interesting to see the number of sources of money that flow from a number of channels to the person who is to be compensated.

In compensating such a person it is very important that proper regard be had for these factors, so that we do not finish up by merely saving the Commonwealth Government from paying something under one lot of social services because the State Government has stepped in under another.

This is quite a real factor. It is possible for the person concerned to receive payments from other sources. For instance he could receive such payments from the Hospital Benefit Fund, and other sources which I could name. Indeed, there is an interesting list of such sources. There could be recoupment from social services, from workers compensation, and from a number of other lesser items, such as private funds to which the person may have subscribed.

The fact is, however, that in making compensation payments the Government, through its officers administering this matter, must have some regard for this fact and this has been taken into account.

The other point I wish to mention relates to clause 7 and the amendment the member for Mt. Hawthorn brought forward to clarify the situation concerning the amount or amounts of compensation. I have explained as faithfully as I can the logic and reasoning in connection with this matter. The department is emphatic that no amendment is necessary to meet the situation. It is of the opinion that the wording, as at present drawn, legally does all that it was intended to do and achieves all the honourable member was seeking to clarify.

Here again, however, I have asked the department to study the matter further, and if there is any doubt about the clarity of the present Bill, it would be quite simple to introduce the necessary words in another place. I cannot go beyond that at the moment.

Question put and passed.

Bill read a third time and transmitted to the Council.

CHIROPRACTORS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 23rd September.

MR. DAVIES (Victoria Park) [5.11 p.m.]: This Bill has been on the notice paper for some considerable time and, accordingly, I might take the opportunity to remind members of its provisions which are very simple.

The first provision to which I refer seeks to amend slightly the conditions under which a person may be accepted for registration as a chiropractor. There is a further desirable amendment included in the Bill which provides for a right of appeal should the Chiropractors Registration Board not see fit to register a person who believes he should be registered because of his qualifications. Indeed, there is a right of appeal provided for anyone who is already registered as a chiropractor but who finds that the board, for some reason or another, wishes to take his name off the list.

These are two relatively minor but important amendments; indeed they are amendments which have been accepted by this House in the past when dealing with similar legislation.

I have seen no sound reason advanced by the Government as to why the amending Bill should not be accepted in its entirety. Indeed I thought I detected a degree of petulance—which we see often from the Government when a matter is advanced from this side of the House. I have seen this so often during my nine years in this Chamber. When legislation has been suggested by the Opposition it has been ridiculed by the Government, thrown out of the window, and subsequently brought back by the Government the following year with the implication that the matter had only been thought of at that moment.

There is already an established precedent for this legislation, and if we consider the proposed amendments to the Chiropractors Act and look at the amendments made by the Government in 1967 to the Chiropodists Act it would be difficult to find any just reason for not accepting the amendments before the House. There seems to be some concern in the Government's response that action is being taken to meet the needs of only one man.

If this is so, I cannot see anything wrong with it. There is one man of whom I am aware, only through Press reports and as a result of talking to the member for Mt. Hawthorn, who has oustanding ability in the field of chiropractic. The man in question is of impeccable character and he has been practising chiropractic for some time. He has been fined for doing this and for calling himself a chiropractor.

Apparently the official attitude is that he can continue to indulge in chiropractic providing he does not call himself a chiropractor. That is quite ridiculous. This was the attitude of the member for Narrogin, who said there was nothing to stop such a man calling himself anything but a chiropractor. In fact the honourable member said several strange things.

Mr. W. A. Manning: Strange to you, perhaps.

Mr. DAVIES: I suggest the member for Narrogin look at the report of the Honorary Royal Commission which investigated this matter. The honourable member was a signatory to that report, which contained a unanimous finding in this regard. The honourable member seems to have forgotten.

Mr. W. A. Manning: He has forgotten nothing.

Mr. DAVIES: I think the report of the commission was published in 1961. The honourable member seems to have forgotten both what he agreed to on that occasion and the attitude he expressed on this matter. I suppose an attitude is adopted to suit the circumstances at the time, and no attention seems to be paid to precedence or need. None of those aspects have been looked into on this occasion.

I said there was a distinct similarity between the Chiropodists Act and the Chiropractors Act. I pointed out there was a need for the introduction of an amending Bill when the Chiropodists Act was amended by this House in 1967. Both the Chiropodists Bill then and the Chiropractors Bill now extend the conditions under which persons may be accepted for registration and include the right of appeal where a person is dissatisfied with the action of the registration board. The Chiropodists Act went further than that; it extended the definition of "chiropody." As a matter of fact a far-reaching alteration to the definition was made by deleting the words "proclaimed method" in various sections. I am not arguing against what was done in that instance; all I am doing is to draw the attention of the Government to the two Acts.

Let us deal, firstly, with the extension of the conditions under which a person may be registered as a chiropractor. The existing provisions in this regard are to remain in the Act, and there is to be no alteration. The only amendment is that some extended conditions under which a person may be accepted for registration have been included; and provided he can comply with these conditions the board has no right to refuse him registration. In the Bill it is proposed to do that by adding a provision to section 20 of the Act.

If one looks at the Act and the Bill one will see that subsections (1) to (3) of section 20 are to remain, and two new subsections, (4) and (5), are to be added. So, there is no danger. If this amendment is to be made to the Act to suit the requirements of one person, what does it matter? Here I would ask this: What did the Government do in 1967 when it extended the conditions under which chiropodists may be registered?

I am sure that you, Mr. Speaker, will recall that on that occasion the matter was of concern to you as the member for Subiaco, because one person who had outstanding qualifications as a chiropodist was practising as a chiropodist, had been accepted as such, but could not obtain registration as the board contended that she had to be practising in this country for two years before the Act was proclaimed. I think on that occasion the Act was amended to provide that a person could be registered if he had been practising within a three-year period. I imagine this enabled the particular person in question to obtain registration.

That is exactly what is to happen in the case before us. One person has proved himself to be capable of practising as a chiropractor and carrying out all the duties entailed, such as giving the treatment which is laid down under the Act.

Mr. Ross Hutchinson: But he is not a chiropractor.

Mr. DAVIES: He has been accepted as a chiropractor and has been able to broadly meet the conditions laid down under the Act.

Mr. Ross Hutchinson: He has not.

Mr. DAVIES: Is the Minister deciding this matter, or is the board deciding it?

Mr. Ross Hutchinson: He just does not, under the terms of the Act. He does not fit into the definition of "chiropractor."

Mr. DAVIES: Is that so? I am trying to draw an analogy and to point out that with the passing of the amendment in the Bill he can be accepted as a chiropractor, just as the Government was willing to amend the Chiropodists Act to meet the position of one person in 1967.

Mr. Ross Hutchinson: He can call himself a naturopath or an osteopath, but not a chiropractor.

Mr. DAVIES: How ridiculous is that!

Mr. Ross Hutchinson: The ridiculous state of affairs is on your side.

Mr. DAVIES: He is able to meet the requirements—

Mr. Ross Hutchinson: He is not.

Mr. DAVIES: —by reason of the fact that over a period he has been practising as a chiropractor. We are trying to extend the definition, because he has been accepted as such and he can do the work. If we went to two chiropractors, one being the person in question, not knowing who was registered and who was not, we would find that both could give exactly the same treatment. The Minister would not know the difference between the two, because the registered person and the unregistered person could both give the same treatment. Because of the conditions laid down in section 20, the person in question is prevented from obtaining registration.

Mr. W. A. Manning: You are completely off the beat.

Mr. DAVIES: I have told the member for Narrogin that he cannot even remember the unanimous decision set out in the report which he himself signed. How then can he remember anything else which happened in 1964? If this is the only contribution the honourable member can make he will not get very far. It appears the Government is willing to make special provision on one occasion, but not on another.

Mr. Ross Hutchinson: The two are not comparable.

Mr. DAVIES: The person in question can perform the work of a chiropractor, but he is not allowed to call himself a chiropractor. He can call himself an osteopath or something else.

Mr. Ross Hutchinson: I think the term "naturopath" is the closest one to describe him.

Mr. DAVIES: But this person can do the work which any chiropractor does.

Mr. Ross Hutchinson: Some bricklayers can do the work of carpenters.

Mr. DAVIES: Is that really an analogy? I do not know the ability of the person concerned, but I can read in the proposed amendment in the Bill some sense of justice which the Government does not accept. It is prepared to prevent this person from acting as he is reasonably entitled to act, and as he has been acting over the years.

I make reference to the statements which were made by the Minister and by other members of the House in 1967 when the Chiropodists Act was amended. Because my voice is almost gone—no doubt this will delight the Minister—I will not say very much more on that aspect, because I feel I have made my point. I for one am quite willing to give this person a go. He has yet to pass through the rigours of the registration board, but the amendment in the Bill will provide him with a fair go. At the present time the board is not interested in listening to him.

Lastly I refer to the right of appeal. Who in this Chamber would deny anyone the right of appeal if the livelihood of the person was in jeopardy? If any member does, let him speak up, stand up, and be counted. Surely no-one suggests that any

person should be deprived of his livelihood by being refused the right of appeal! That is a tenet of democracy under which we act or, at least, pretend to act.

I want to say a few words in regard to the attitudes that have been expressed by other members in regard to the right of appeal. It is certainly not a novel provision which the member for Mt. Hawthorn seeks to include in the Act. Such a right has been accepted in countless pieces of legislation and under countless conditions.

Once again I draw an analogy between the Chiropodists Act and the Chiropractors Act. On the 21st November, 1967, the Minister for Works, who was also the Minister for Works at that time and represented the Minister for Health in this Chamber, said when he introduced the second reading of the Chiropodists Act Amendment Bill—and this is recorded on page 2254 of the *Hansard* of that year—

> Clause 4 also seeks to add a subsection (2) to section 10 of the Act. The purpose is to establish a right of appeal to a court of petty sessions whenever the board refuses to register an applicant, or removes the name of a chiropodist from the register. This would also apply where the board refused to restore the name of a person to the register in any case where the name had been removed and also where the board refused, or cancelled, a license to practise. Appeals under this provision would have to be made within three months of the board's decision.

If we look at the amending Bill before us and at the Bill which was passed in 1967 we will see that the clauses are practically identical. On that occasion the Minister was proud to declare on behalf of the Government that it was only fair and just that the right of appeal should be provided. In that debate I agreed with him, and I said I was in favour of the inclusion of the right of appeal. On page 2375 of the 1967 *Hansard* I said—

> . . . I would like this to be extended to the Chiropractors Act.

At that time I thought it was unfair that there was no right of appeal in the Act.

You, Mr. Speaker, will no doubt recall that on that occasion you were able to say that you would possibly agree with me on the inclusion of the right of appeal for chiropractors. You said—

> . . . I am fairly certain that Act does not prevent anyone from practising chiropractic.

Of course, it did not prevent them from practising chiropractic, but it did prevent them from calling themselves chiropractors. How the Government can justify its stand, I do not know.

One or two statements which were made in that debate could well be mentioned in this debate. Firstly, I refer to what you, Mr. Speaker, said on the question of the right of appeal. On page 2376 of the 1967 *Hansard* you are recorded as having said—

> As the member for Victoria Park said, the right of appeal is always essential in these cases. It always strikes me as most amazing that a Parliament which can provide a penalty, which might be a fine of only $1 and which will then permit the right of appeal to the normal courts, could ever pass legislation which gives to some hidden body the right to take away from a person the right of livelihood, and deprive that person of the right of appeal. Such a provision and proposition is completely foreign to all the principles I have understood.
>
> As I have said before when debating other professional Bills, the very existence of a right of appeal is one of the things which keeps the boards concerned on the straight and narrow path.

Your legal training enabled you to put very succinctly my feelings on this matter. You were able to draw an analogy in relation to the right of appeal granted in the Traffic Court and other courts where, perhaps, a fine of only $1 was inflicted; yet the right of appeal in regard to a person's livelihood can be denied in the case now before us.

On page 2379 of the 1967 *Hansard* the Minister for Works in replying to the debate said on the question of qualifications—

> It is a fact that the Bill does widen the provisions of the parent legislation to enable persons to have an easier entry to the profession of chiropody. I appreciate this matter and I appreciate, too, the feelings expressed by members. Indeed, it is not undesirable that this should be the position, and consequently we are agreed on this point.

That is precisely what the member for Mt. Hawthorn is trying to do.

Mr. Ross Hutchinson: It cannot be precisely what he is trying to do.

Mr. DAVIES: The Minister shakes his head and says that this person can practise chiropractic, and do the things that a chiropractor does; but because of the provisions under which registration is maintained he is not allowed to call himself a chiropractor. That is exactly as I see it.

Mr. Ross Hutchinson: Why have an Act unless chiropractic is defined?

Mr. DAVIES: I believe the definition can be wrong. This may be a case where it is wrong.

Mr. Ross Hutchinson: There is no attempt to amend the definition.

Mr. DAVIES: The definition is not amended because the fellow concerned is complying with the definition. The Bill is to amend the terms of registration. Surely the Minister would appreciate that if we wanted to alter the definition then advantage of the opportunity to do so would have been taken. However, there is no need to amend the definition, because the fellow is operating within the definition.

Mr. Ross Hutchinson: This chap appears to be in the neurological field, and not in the field of common practice.

Mr. Lapham: Surely he is at least entitled to an appeal.

Mr. Ross Hutchinson: We are not talking about that at the moment. It is a pretty poorly drawn Bill.

Mr. DAVIES: I have now located the definition of chiropractic, and it is as follows:—

> "chiropractic" means a system of palpating and adjusting the articulations of the human spinal column by hand only—

Not elbow, or toe, or nose, or ear, but by hand only. To continue—

> —for the purpose of determining and correcting, without the use of drugs or operative surgery, interference with normal nerve transmission and expression;

That is the definition which is contained in section 4 of the Act, and it appears on page 77 of the *Statutes of Western Australia*, 1964.

The definition of "chiropractic" covers just what is occurring in the case of the person who has been mentioned. However, for some unknown reason that person is denied the right to call himself a chiropractor. I would like to point out what was said by the Minister in 1967 when the Chiropodists Act was amended to make entry into that profession easier. The Government was prepared to make entry easier on that occasion, but it is not prepared to do so now.

Mr. Ross Hutchinson: The two things are not comparable.

Mr. Bertram: There was a right of appeal included too.

Mr. DAVIES: The Minister had the following to say:—

> There was some discussion on the grandfather clause. I think it is improved and it will assist certain people who have been excluded from the opportunity to be included as chiropodists.

At that time I mentioned the need to differentiate between the Chiropractors Act and the Chiropodists Act, and the Minister concluded by saying—

> At present we are dealing with the Chiropodists Act and not the Chiropractors Act. Occasion can be taken when opportune to amend other Acts in a similar fashion.

That is just what we are doing: we are taking advantage of this opportunity to amend another Act in a similar fashion, just as the Minister suggested, at page 2380 of *Hansard*, 1967. However, the Government does not like this move. The Government has forgotten what occurred on that occasion, and it has forgotten that it was prepared to grant the right of appeal. On this occasion the Government does not feel disposed to grant that right of appeal. Let us have one reasonable argument why any person who feels justified in seeking registration as a chiropractor should be refused registration, and, having been refused, why he should not have the right of appeal.

An appeal would not be made lightly. It is not a cheap business to go before a court and present an appeal. I handled hundreds of different appeals in different courts during my previous occupation, and I know the money and time involved. A person would only seek the right of appeal if he felt an injustice was done to him. He would not use that right capriciously, and if he did want to be capricious he would find it a fairly expensive procedure.

As I said, let us have one reasonable suggestion why any person whose livelihood is jeopardised should not be given the right of appeal. The Chiropractors Registration Board could take a dislike to a person, and cancel his registration. The person concerned would then be without work in the field in which he was trained and, no doubt, best qualified. There could be a number of reasons for the board to cancel a registration, but there is no right of appeal. One is finished if the board says so.

Surely that is most undesirable. I am sure that the Minister, when replying to the debate, did not remember the provisions which had been put into other Acts. There is a right of appeal in the Optometrists Act, and all kinds of other Acts.

Mr. Graham: And in the Painters' Registration Act.

Mr. DAVIES: As the Deputy Leader of the Opposition has reminded me, the right of appeal is contained in the Painters' Registration Act. Where a man's livelihood is in jeopardy there is usually a right of appeal. The right of appeal has probably never been exercised under the Chiropodists Act, and it has probably never been exercised under the Optometrists Act.

I think it is worth quoting, once again, from a speech made by you, Mr. Speaker, in regard to the Chiropodists Act. You were speaking about the necessity for the right of appeal, and you had the following to say:—

> . . . but the board, in its wisdom, refused her registration. One short line in the letter told her she had not satisfied the board she was competent in her profession. When pressed in writing by her and by me in a personal interview with the registrar, the board bluntly refused to give one single reason why she was incompetent, and there was no right of appeal.

If the board established under the Chiropodists Act can bluntly refuse to give any reason or indication why a person is not given the right of registration, then surely similar boards can adopt the same attitude and refuse to give a reason.

The Minister for Works does believe in justice. When speaking to the debate he said he thought there might be some justice in the move, but unfortunately the Government would oppose it. That was probably because the Bill came from this side of the House. That is no way to approach legislation. Goodness gracious me, we could adopt this attitude towards many Bills put up by the Government. However, the Government knows which side has the numbers, and we know which side has the numbers, so what does one do? However, that is not the attitude to be taken by any reasonable and responsible Minister. It is unbelievable to me. I do not know whether or not the decision was at Cabinet level, or whether it was a decision by the Minister who controls the Act. I do not know whether the department decided what action was to be taken, or whether the Chiropractors Registration Board made the decision. No doubt the Government sent the amending Bill along to the board and sought its opinion. Of course, the board would say that it did not want to give the right of appeal, and the Government is stupid enough to adopt the board's decision.

There is no justice in the Minister's attitude whatsoever, and there is no justice in the Government's attitude. I repeat: On another occasion the Government felt there was every need for the right of appeal to be given. The debates which took place clearly show that both sides of the House thought the right of appeal was desirable, but on this occasion the Government is acting incorrectly, unjustly, and unfairly. It has not shown the slightest regard for a person who may be deregistered.

I can only express surprise and request the Government to reconsider this matter. There is nothing wrong with the right of appeal. The Minister can look disgusted, turn around, rest his chin in his hands, straighten his tie, and look bored. The Minister is able to do those things. He now scratches his ear, and he will give us another performance in a minute or two. The Minister is able to give the impression that this Bill is of no consequence, and yet in 1967 he was prepared to defend the action of the Government. I ask: Where are we going with this type of Government?

Mr. Ross Hutchinson: Wake up!

Mr. DAVIES: I repeat: Where are we going?

Mr. Dunn: Goodness gracious me!

Mr. DAVIES: What we are waiting for, of course, is the appointment of a team of management consultants.

Mr. Ross Hutchinson: You demean yourself by talking like this. You spoil yourself for the occasion when you have a good case.

Mr. DAVIES: If I have a good case the Government should agree to the granting of the right of appeal. I suppose we will have a team of management consultants to inquire into the position to see whether a recommendation should be brought down for the Government.

Mr. Ross Hutchinson: Very funny!

Mr. DAVIES: That seems to be the attitude of the Government. I will not say any more because my voice has nearly gone, and I do not have anything more to say, anyway. Even at this late stage, and in view of the words I have quoted tonight, the Government should agree to the amending Bill, or at least to the right of appeal. I support the Bill.

DR. HENN (Wembley) [5.42 p.m.]: This amending Bill contains two main points. Firstly, it endeavours to obtain the right of appeal for anybody who has been practising chiropractic, and other things, should he be rejected by the Chiropractors Registration Board from being called a chiropractor. Secondly, the Bill endeavours to place into the Act a grandfather clause which I would think—having read the Bill—is similar to grandfather clauses which have been included in similar Acts by this Parliament. The Bill recalls to my mind the report of the Royal Commission which was held in 1961 and the Bill which was discussed in this House in 1964.

I would like to deal with the right of appeal because that provision appears to be simple to me, as a member of a party which is keen on the rights of individuals. There should be an avenue of appeal should a person be dissatisfied with a decision made against him. In this case, the decision would be made by the Chiropractors Registration Board.

I like the idea of the right of appeal, and I clearly remember having to disagree with my party, a few years ago, and cross the floor of the House in order to include the right of appeal in the Motor Vehicle (Third Party Insurance) Act Amendment Bill. On that occasion it did not suit me that there was no redress from a decision which may even have been made in good faith. We all know that magistrates' courts, and the Supreme Court, make decisions from which those who are affected are able to appeal. Sometimes those decisions are altered in a higher court. To me, it seems quite natural that this Act should have a right of appeal inserted into it.

I now refer to the Honorary Royal Commission in 1961, of which you, Mr. Speaker, were the Chairman. I would like to mention the names of the signatories to the report of that Royal Commission. They were: J. J. Brady, W. A. Manning, Hugh Guthrie (Chairman), Guy Henn, and John T. Tonkin. I would be very surprised if any of those people whose names I have just read out would not agree to and welcome the suggestion contained in this amending Bill that a right of appeal should be given.

I now wish to quote from the report, which was published in 1961, of the Royal Commission appointed to inquire into the provisions of the Natural Therapists Bill. You, Mr. Speaker, are the author of the words I shall quote, because you were the chairman—and, if I may say so, you were an excellent chairman—of this very difficult Royal Commission. We had great difficulty in obtaining evidence because of distance; we could not incur any expense. We would have liked more people to give evidence before the Royal Commission, but it was not possible, and we had to rely greatly on correspondence, and so on. Paragraph (iii), on page 15 of the report, recommends that—

> Any person dissatisfied with the refusal of the Board to register him or whose registration may be cancelled or suspended at any time by the Board should have the right of appeal to a Judge of the Supreme Court.

Mr. Speaker, you were the Chairman of the Royal Commission, and you are a lawyer; you thought that any person should have a right of appeal to a judge of the Supreme Court. Obviously, you thought that was very important and should be recommended. All the signatories to the report—whose names I have read out—must have agreed with that recommendation, but the member for Narrogin, owing to the effluxion of time, or for some other reason best known to himself, has apparently decided that there is no necessity to provide a right of appeal. He is entitled to change his mind; but I am surprised, after reading his speech.

I cannot understand why people should not have a right of appeal in this sphere of paramedical services or healing art, just as there is a right of appeal in other branches of medical and paramedical skills. I have no difficulty whatever in supporting the insertion of a right of appeal into the Chiropractors Act, and I would be very surprised if anyone on this side of the House were to oppose it. I think the only reason why anyone would oppose it would be on party lines, which is one of the unsavoury aspects of party Government. There is no suggestion of party politics in this important Bill, and party politics should not interfere in it because chiropractors are practising their art on the public of Western Australia.

The only reason I can think of why anybody on this side of the House would oppose a right of appeal is that it has been put to the House by the Opposition. I have noticed that this has happened before, and indeed I have probably been guilty of supporting this side of the House, possibly when I did not know very much about what the Bill indicated. However, on this occasion I do know what the Bill indicates, and I do know what the Chiropractors Act is all about, because I was a member of the Royal Commission and the Act is operative in the field of medicine.

I think we have been very generous to the chiropractors in Western Australia since 1961. We looked at the whole setup in a very broad manner and we did our best to do so objectively. We came to the conclusion that it would be to the benefit of the people of Western Australia if chiropractors were registered. I must admit that when I spoke on the Bill in 1964, although I made certain remarks, I did not speak strongly enough, I suggest, about this right of appeal; nor, apparently, did I speak strongly enough about who should and who should not be accepted on the board of chiropractors.

I will leave the right of appeal now, because it has been recommended by the Royal Commission, and I have not changed my mind. This Bill has been prompted by an incident concerning one man. I might say that two years ago I was approached by a Minister of this Government and asked if I could do anything on behalf of this gentleman, who has so far remained unnamed. I looked into his case—there was a thick file about him. This matter was brought up by the former member for Mt. Hawthorn, The Hon. William Hegney. I was interested to read the file and note many good reports and letters from doctors who had been treated by this man and who had sent patients to him. I discussed the matter with the Minister for Health—who I do not think was really against the man—and we came to the conclusion that the only way to help him was to alter the law as it stood.

This gentleman lives in Leederville, and at the time I am speaking about I was the member for Leederville. I would have introduced this amendment, having gone so far in my inquiries, but the gentleman lives in the Mt. Hawthorn electorate, and so it happens that the member for Mt. Hawthorn has introduced the amendment.

It is said that this man is not a chiropractor. Who is a chiropractor? I do know something about what chiropractors do, because many patients have come to me before and after they have been to chiropractors. I do not quarrel with this; I like it. I do not mind who cures people, as long as somebody does. If orthodox medicine cannot cure people, it is to their benefit if someone else can do so. Many chiropractors have effected good and quick cures, and we know the areas in which they can do this. For that reason I supported the suggestions of the Royal Commission and I supported the Bill in the House.

I will quote the definition of "chiropractic" from my speech during the second reading of the Bill in 1964. The definition reads—

> "chiropractic" means a system of palpating and adjusting the articulations of the human spinal column by hand only, for the purpose of determining and correcting, without the use of drugs or operative surgery, interference with normal nerve transmission and expression.

I went on to make some remarks about the definition. I was not happy with it because, grammatically, it is a very unwieldy and unhappy sort of phrase. I do not think it means anything, because nobody can possibly adjust the spinal vertebrae, one on the other, without getting a sledge hammer to do it with. A patient can be asked to bend forwards, backwards, and sideways, when the articulations of the spine will move one on the other, as nature made them; but it is not possible to get hold of a patient when he is on the table and actually move one vertebra on top of the other. The patient may be able to make them move, but it is not possible to get them out of position with the hands. So if one wants to be honest, this definition is absolute rubbish, in point of fact. It means absolutely nothing. However, many things in life mean nothing on the face of them, and when we look into them they turn out to be not so bad.

I did quarrel with that definition and I quoted another one, which I preferred because it gave more latitude. That definition was—

> is that science and art which utilises the inherent recuperative powers of the body and the relationship between the muscular-skeletal structures and functions of the body (particularly of the spinal column and the nervous system) in the restoration and the maintenance of health.

Finally, I suggested another short definition, which I thought was the best of all. That definition reads—

> Chiropractic is the science of treating diseases by removing structural derangement by manipulation.

I think that is a very good definition, but it is not for me to say. It is for the board of chiropractors to select their own definition. The board chose the one that is now in the Act. I think that chiropractors have hemmed themselves in and constricted their actions in choosing that definition, but perhaps they had very good reasons for doing so. It is so much gobbledygook that nobody knows what is going on.

The gentleman I have been referring to has, after many years, been thrown out of the chiropractic profession. He was called up for an examination before some members of the board, as I suggested in my speech. My information is that the examination was, on a number of grounds, very unsatisfactory. I will not say any more about that.

The Minister who is at present leading the opposition to this Bill said that that gentleman was not a chiropractor. I ask: Who is a chiropractor? Which chiropractor, in Perth or in the metropolitan area, only touches the spine with his hands? I would like to know. No doubt chiropractors would say they only manipulate the spine, but they would not do so if someone came in with a swollen knee. Does the chiropractor fiddle with the spine or with the knee, saying, "You will be better tomorrow—you have to play for Subiaco on Saturday."

Mr. W. A. Manning: Is that chiropractic?

Dr. HENN: I am asking you, Mr. Speaker. I am hoping that the member for Narrogin will dress up in a disguise and go to see a chiropractor in order to find out what the chiropractor would do to him.

Mr. Jamieson: He would manipulate his head.

Dr. HENN: If I were to go to a chiropractor because of a bad ankle, my spine would not be tickled. I think the ankle would be dealt with; I would hope it would be.

With due respect to you, Mr. Speaker, I think this is where the Royal Commission fell down. I said at the time that we should have tried to get some information about osteopaths in Britain, but we did not do so. That is past history.

I think the chiropractors constricted their progress when they added this definition, and I am sorry they have not

seen fit to alter it. Since they have not done so, I will do all I can to ensure that people who have built up a reputation and who have performed a tremendous amount of good work for the people in the Leederville district, and in other parts of the metropolitan area, will have the right to continue in practice as chiropractors and will be able to do what other chiropractors are doing; that is, fiddling with a big toe, if necessary, and with the elbow when those parts of the body are giving trouble; because I do not think any honourable member would think a person could cure synovitis of the knee joint that became twisted in a football match by fiddling, in fact, with the spine.

So I do not think the argument that the gentleman in question is not a chiropractor carries too much weight, and of course this is why the second part of the Bill has been introduced. I think the members of this House meant to be generous when the original legislation was passed, but we are all guilty in not ensuring that we made it watertight by inserting the grandfather clause that operates in other similar legislation. When the Dentists Act was introduced many years ago, anybody who had been drilling holes with any antique device—whether it was held in the right hand or in the left hand, or whether the dentist stood on the right hand side of the patient, or used a drill between his toes—was accepted in the dental field.

I am sure that not only the Honorary Royal Commission, but also members of this House, intended that a grandfather clause should be inserted in the legislation, because we all knew some teething troubles would be encountered. I will not quote the report to the House because it is boring, but I have read a column and a half of printed remarks made by me setting out the difficulties of the commission, and I am not in any way blaming the commission, because, goodness knows, anybody who was a member of it would have experienced difficulties.

We should be thankful that the chairman of that Honorary Royal Commission was a lawyer, because he kept the proceedings on a straight and narrow path on legal points, but we could not expect a lawyer to give advice on the practice of the art of a chiropractor, because chiropractic is not a science as yet. It is an art, and a great art, and we want to further it. It is for that reason that in the speech I made in 1966 I expressed the hope that the chiropractors' board would try to have some of the preliminary training of a chiropractor done in Perth. There is no reason why the board should not have done so by this time, as six years have passed since the introduction of the legislation. A new Institute of Technology is now functioning, and I have no doubt the board could have taken steps to institute in Western Australia a course for the basic training of chiropractors in such subjects as physiology and, perhaps, anatomy.

There is no harm in having a Western Australian trained chiropractor. In saying that I am not decrying the degrees or diplomas obtained by people in other places, but we must move with the times and, as yet, nothing has been done to start a course for the training of chiropractors; because I asked many questions of the Minister on this subject last year.

To those interested in the study of chiropractic, the commencement of such a course in Western Australia would be of great benefit, because it is a long way to travel to the United States of America to study chiropractic. Over the years dentists and other professional people have established schools of training to further their professions. Therefore I would still like to see chiropractors institute a course for the study of the subject in Western Australia, instead of expecting people to travel many miles distant to take such a course. So much for the grandfather clause.

I hope the House will seriously consider this amending Bill, because I think everyone of us would like to see this man we are talking about—and there may be others—registered. Despite the fact that this amending Bill has been put before the House by a member of the Opposition, I hope that, in the circumstances, some magnanimity and generosity will be displayed by the Minister, who has always shown this trait in other ways and by other means. I hope he will be able to see his way clear to agree to both the main points in this Bill.

Having said that, I wish only to reiterate that this Bill is an example of where party Government falls down, because it has nothing to do with the policies of the Liberal Party, the Labor Party, or the D.L.P. In my opinion party politics could be played less often, and when we are presented with an occasion such as this we should forget about party politics because it is the sort of thing that is inclined to make members of Parliament resign from blue-ribbon seats when they could otherwise continue to serve.

MR. BERTRAM (Mt. Hawthorn) [6.07 p.m.]: First of all I sincerely thank those members who have supported the Bill during the debate on the second reading. The member for Karrinyup, the member for Victoria Park, and the member for Wembley have spoken to the Bill and, of course, their contributions have made my task of replying to the debate very simple.

I think the contribution made by the member for Narrogin has already been adequately demolished. I simply remind the House that he was a signatory to the

recommendations that were made in the report of the Honorary Royal Commission that has already been referred to and, among other things, there was a recommendation that there should be a right of appeal to those persons who were dissatisfied with the refusal of the chiropractors board to register an applicant. It is interesting to note that, whilst the member for Narrogin was speaking to the second reading of the Bill, I interjected—

> The appeal provision is there for all chiropractors and the public.

The member for Narrogin replied—

> The appeal provision would be of no value to him because he is not a chiropractor.

The "him" referred to is the person with whom I am primarily concerned in respect of this Bill. The appeal provision does avail to that person. If one looks at the amending Bill it will be seen that it avails to any person, because proposed new section 21A in clause 5 of the Bill reads—

> (1) Whenever the Board—
>
> (a) refuses to register any person as a chiropractor;

So the appeal provision does avail to him.

The Minister has misdirected his thinking in that, so far as I am concerned, he stated that the right of appeal in this Bill was designed to assist one person only. That is not so; far from it! That was never the intention. On looking at the parent Act one sees a gaping hole in it; that is, there is no right of appeal by a man who is liable to have his livelihood taken away from him.

Mr. Ross Hutchinson: He does not have his livelihood taken away from him.

Mr. BERTRAM: It does more than that, but I will refer to that in a moment. The right of appeal is included in the Bill. It is available to anybody who has some grievance under the Chiropractors Act. Let us review that for a moment. It will be known that the chiropractors board has power under the Act to make rules, and it has exercised this power by drafting two fairly comprehensive sets of rules. At page 3332 of the *Government Gazette* dated the 12th November, 1968, all sorts of rules can be seen. They are contained in new rules 10A, 10B, and 10C, which comprise the best part of two foolscap pages of fairly small print. These are the rules with which chiropractors must comply. For the information of members I will read a few of these rules. One reads as follows:—

> Every advertisement by a chiropractor shall be continuous without spacing or display and shall be in the type not larger than that used for the regular articles of the newspaper in which the advertisement is inserted and no more space shall be given to the advertisement than that required for its printing.

At another place in these rules the following appears:—

> The number of insertions of any advertisement which may be inserted pursuant to this regulation shall not exceed the following unless the Board otherwise approves—
>
> (a) commencement of practice—twenty insertions;
>
> (b) change of address—ten insertions;
>
> (c) resumption of practice—after an absence therefrom of not less than four weeks—six insertions.

I will now quote from rule 10C as follows:—

> (1) A chiropractor shall not describe himself by—
>
> (a) the title "Doctor" or use any abbreviation of that title; or
>
> (b) in any other way describe himself or hold himself out to be other than a chiropractor, except with the consent of the Board.

Paragraph (6) of rule 10C reads as follows:—

> Modesty of patients must be respected at all times. Where it is necessary for female patients to undress, facilities must be provided for this to be done in private. Gowns opening down the back must be used for female patients if it is necessary for any clothing to be removed.

I am not arguing as to whether these rules are worth while or not. The rules are quite numerous and I do not mind that, either. However, the fact of the matter is that if there is a transgression of the requirements the chiropractor could find himself charged with misconduct, because we find that another rule which appears on page 1169 in the *Government Gazette* dated the 9th May, 1966, reads as follows:—

> 11. (1) A complaint, or allegation of misconduct, against a chiropractor may be made by any person or by the Board upon its own motion.
>
> (2) A person making a complaint or allegation against a chiropractor shall furnish the Board with a statement in writing setting out the grounds of complaint and the matters alleged.
>
> (3) The Board shall consider any complaint or allegation made by a person pursuant to this rule and shall . . .

It then sets out that the board shall do certain things upon receipt of the complaint. Rule 14 on page 1170 of the same *Government Gazette* reads as follows:—

> (1) Where, after holding an inquiry in pursuance of these rules, the Board is satisfied that a chiropractor is guilty of misconduct to the prejudice of other persons registered under the Act, it may—
>
> (a) reprimand the chiropractor;
>
> (b) order that his licence to practise chiropractic be suspended for such period as it thinks fit; or
>
> (c) order that his name be removed from the register . . .

Sitting suspended from 6.15 to 7.30 p.m.

Mr. BERTRAM: Just prior to the tea suspension I was seeking to show, and I think members now readily appreciate—if in fact there were some who did not appreciate it before—that the appeal provision contemplated in this Bill is designed for the benefit of all chiropractors, and not for any single individual, whether he be at present a chiropractor or merely one who may become a chiropractor under the Bill before us.

I think enough has been said already to show that provision for appeal under an Act of this type is absolutely essential. I can remember a very distinguished lawyer of this town who, as part of his practice, used to work some unusual hours. Incidentally, he used to give advice to certain insurance organisations as to the amounts of damages that should be paid to certain people. From time to time he had to see women; he had to examine scarring of faces, and this type of thing. Because of the hours he worked these people would come into his office, sometimes in the early hours of the morning, and the only people there would be the lawyer himself and the person he was examining. After he had conducted the examination the person being examined would continue on her way.

I can remember on one occasion he expressed great concern that this should be so. He said that some odd person could complain that certain things had happened in the office and there would be only his word against that of the person concerned. In such a case he could be in difficulties. Medical practitioners will appreciate this situation and sooner or later chiropractors will come to realise some of the hazards that are within their profession which could be instrumental in having their names struck off the register. Hence the necessity for some appeal provision, but whether it is put into the legislation tonight or not, there is one thing certain: it will be put into the Act sooner or later—it is a question of whether it is done before the turn of the century or not. It is inevitable that it will come, as I said, sooner or later, and now, in my opinion, is the time to do the job.

The only other provision, apart from that relating to appeals, is the grandfather provision. The Minister did not really attempt to get to grips with this; he made certain most extravagant comments but really did not set about establishing a case. One of the things he said was that the Minister for Health had informed him the board believed that at least three other people could come in under this particular redefinition.

That could be so, although so far as I am aware only one person could come in. However, I think members should be reminded that before any person can be registered under the clause in the Bill he must have been practising for a period of five years immediately preceding the commencement of the parent Act, had held himself out as a chiropractor, and had treated members of the public. This means that he must have been practising for a period of five years before 1964.

Now let us concede for a moment that as well as the one individual with whom I have been primarily concerned, another three are registered. That makes a total of four; but it does not mean to say that any or all of them will stay in the profession irrespective of the way they behave themselves, conduct themselves, or practise their profession. It does not mean that for a moment. As I say, already there are ample provisions in the rules to provide for the deregistration of any person who does not measure up. So if the Bill is designed primarily to give some proper and fair relief to one, and in fact four creep through the mesh, they will not be in the profession for long because, I should imagine, the board would deregister them if they were not practising in a proper manner.

So I argue along that line to push aside in a few words what the Minister said in the second column on page 928 of *Hansard* No. 8—

> Why have legislation at all if you are going to open the door to everyone?

Of course that is not contemplated. As a matter of practical fact it simply will not occur. For the reasons I have given already, which have been so ably added to by other speakers, I hope the Bill will be read a second time.

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

Ayes—21

Mr. Bertram	Dr. Henn
Mr. Brady	Mr. Jamieson
Mr. Burke	Mr. Jones
Mr. Cook	Mr. Lapham
Mr. Dunn	Mr. McIver
Mr. H. D. Evans	Mr. Moir
Mr. T. D. Evans	Mr. Sewell
Mr. Fletcher	Mr. Taylor
Mr. Graham	Mr. Toms
Mr. Grayden	Mr. Norton
Mr. Harman	

(Teller.)

Noes—20

Mr. Bovell	Mr. Mitchell
Mr. Cash	Mr. Nalder
Mr. Court	Mr. O'Connor
Mr. Craig	Mr. O'Neil
Mr. Gayfer	Mr. Runciman
Mr. Hutchinson	Mr Rushton
Mr. Kitney	Mr. Stewart
Mr. Lewis	Mr. Williams
Mr. W. A. Manning	Mr. Young
Mr. McPharlin	Mr. I. W. Manning *(Teller)*

Pairs

Ayes	Noes
Mr. Tonkin	Sir David Brand
Mr. Bickerton	Mr. Ridge
Mr. Bateman	Mr. Burt
Mr. Davies	Mr. Mensaros

Question thus passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Bertram in charge of the Bill.

Clause 1 put and passed.

Progress

Progress reported and leave given to sit again, on motion by Mr. I. W. Manning.

SMALL POTATOES

Availabality to the Public

MR. NALDER (Katanning—Minister for Agriculture) [7.42 p.m.]: Earlier in the afternoon, in answer to a question asked by the member for Stirling, I indicated that I would check on the weight of the potatoes that I asked for leave to lay on the Table of the House. The weight is 1½ to 2 oz. in the pack, and they will be available for sale in the metropolitan area as from tomorrow.

ABORIGINES: LAND RIGHTS

Inquiry by Select Committee: Motion

Debate resumed, from the 16th September, on the following motion by Mr. Harman:—

> That a Select Committee be appointed to inquire into all aspects of land rights for Aborigines and report to Parliament with recommendations.

MR. LEWIS (Moore—Minister for Native Welfare) [7.44 p.m.]: In introducing his motion on the 16th September the member for Maylands, in referring to the situation, said there are obvious and increasing signs among Aborigines of despair, disappointment, despondency, and degeneration. I claim that those terms were grossly exaggerated.

Only a week or so ago the member for Northam and I attended a welcome home party for a team of Aboriginal footballers. Those footballers had journeyed to the Eastern States and had beaten a South Australian team by 32 goals 11 points to 6 goals 6 points, and they followed that up the next day by beating a Victorian team by 26 goals 13 points to 4 goals 3 points. They came back anything but despondent. They represent one—admittedly very small—section of the Aboriginal population and I can assure members that they and their supporters were anything but despondent.

It is true that always there are perhaps some members of the community who regardless of race, fit the description of despair, disappointment, despondency and degeneration. However, having been associated fairly closely with this portfolio since April, 1962, I deny that that description would have a general application to our Aboriginal population.

What do we mean by the term "land rights"? It appears to me that many people put different constructions on it. "Aboriginal land rights" has been interpreted as being the right of the Aborigines to have returned to them the land which has been taken from them, or the right to compensation. It is true that Aborigines, in common with the rest of the community, have the right to purchase and own land and to lease land.

On the 30th April, 1969, I received a deputation of Aborigines which submitted claims on land rights. I asked those present precisely what they meant by "land rights." I asked them whether they meant, as others have indicated, that the whole of Western Australia should be handed back to them with all the development with it—and at what price. I also asked them to whom it should be handed over because the original inhabitants have long since passed on, and many of their descendants have intermarried and are completely assimilated, and are indistinguishable from the rest of the community. I also wanted to know whether in any compensation or appointment of land rights these people were to be left out of the distribution.

I was informed that they did not ask for rights to land, but for rights to annual grants of money as compensation for loss of former tribal lands. Many Aborigines, and particularly part-Aborigines, would today not know the name of their ancestors' tribe. Many of them are completely detribalised and have forgotten all about such matters.

What does the member for Maylands mean when he talks about land rights? The honourable member has not interpreted very precisely what he means, but he suggests that we should establish a Select Committee to inquire into the question of land rights in all its aspects and to make recommendations. He went on to suggest matters such a Select Committee might consider. Among other things he suggested that we should establish one trust, or more, composed of Aborigines

with power to the trust to determine land use, subject to the Minister if deemed necessary. He suggested the trust should deal with such things as consultations with experts on mining and consultants of companies operating on reserves, and so on. He mentioned other minor matters as well.

Then the honourable member went on to refer to certain reserves and missions which have been established in Western Australia, and in the course of his remarks he asked a few questions about them. I want to inform the House a little more precisely about the present situation.

The honourable member said there were 23,000 Aborigines in this State. I am not going to quarrel with that remark very much. My information is that the number is 27,500. The number in Queensland is 50,000; in New South Wales, 27,500; 21,000 in the Northern Territory; 8,250 in South Australia; and 5,000 in Victoria, making a total in Australia of 139,250. I might add that I have quoted the figures to the nearest 250.

The honourable member went on to talk about the reserves in Western Australia—those reserves which are of an area of over 200 acres—and he stated that they totalled 34,000,000 acres.

The Australian position with regard to reserves is that in the Northern Territory there are 60,000,000 acres; in Western Australia 42,000,000 acres—these are all reserves of over 200 acres—in South Australia, 19,000,000 acres; in Queensland, 6,500,000 acres; 5,506 acres in New South Wales; and 4,600 acres in Victoria—a total altogether in Australia, in round figures, of 127,500,100 acres. This gives 1,527 acres for each man, woman, and child who answers the description of a native.

Let us turn to a consideration of the reserves in Western Australia comprising precisely 42,382,566 acres. Of these reserves 23 are categorised as sanctuaries, and they represent a total of 38,000,000 acres. I am now quoting to the nearest 1,000,000 acres. Twenty missions account for 4,000,000 acres; five historical and art reserves cover 60,540 acres; and nine reserves are set aside for land settlement, some of which are occupied, and these represent 41,250 acres. So there are 57 reserves in Western Australia covering an area of more than 200 acres. Of the 57, there are 16 unoccupied, seven are as sanctuaries, one historical and art, and one land settlement, which is a total of 1,690,000 acres, and a further 14,000,000 acres are not occupied permanently.

At the request of Aborigines themselves, we established consultative councils which stem from local meetings of Aborigines. From the local meetings they sent delegates to district meetings, and these were later recognised as district consultative councils. Then there was a central conference called consisting of delegates from the several consultative councils. At the initial meeting, which I opened in Perth and which was held on the 11th and 12th June, 1969, the conference presented to me a resolution as follows:—

> Establishment of a National Aboriginal Trust Office:
>
> The Council advocates that serious consideration be given to the Aboriginal peoples claim as embodied in the following pamphlet issued by the Western Australian Aboriginal Association of Perth.

Then it goes on to say—

> The Aboriginal people seeks:—
>
> (a) Acknowledgment by the Commonwealth Government of the validity of the Aboriginal people's claim to ownership of the Australian continent.

I understand that this has been rejected out of hand by the Commonwealth.

I now revert to the interpretation of "land rights" presented to me by the Aborigines themselves when they disclaimed any intention of applying for the right to the land itself. They claimed they were seeking compensation for having been dispossessed of their land, or, to put it more correctly, they were claiming compensation for the fact that their forefathers had been dispossessed of the land by the European race.

It is true that in the early days of the settlement of this State the British Government's policy was to allocate 1 per cent. of the revenue of the Colony for the benefit of Aborigines. In 1886 the British Government enacted the Aboriginal Protection Act which established the Aboriginal Protection Board and provided for a retention of 1 per cent. of the revenue for the benefit of the Aborigines.

In 1897 the State Government legislated for an annual allocation of $10,000 for the Aboriginal Protection Board. In 1898, however, the board was replaced by a subdepartment with no fixed allocation. Nevertheless, it is true that even today we spend on Aborigines much more than 1 per cent. of the revenue of this State. Members will recall that a week or so ago when the Treasurer introduced his Budget he referred to the greatest estimated revenue this State has had, which is, to the nearest million dollars, $356,000,000. One per cent. of that is $3,600,000. However, the total amount to be spent on Aborigines in the current year is $5,329,000, which is much more than 1 per cent.

This is not a new procedure. Last year the figure was $4,645,000; the year before that it was $3,900,000; while for the year before that again it was $2,117,000. In other words, the amount has been increasing year by year so that we have indeed honoured the financial obligation to these people under the terms stipulated by the British Government in the latter part of the 19th century.

Referring to the consultative councils I mentioned a moment ago, these still operate in various parts of the State. This move was followed by the appointment of an advisory council which keeps the Minister informed. It is not a statutory body, but it does advise the Minister, and it consists of six officers from the Department of Native Welfare and six Aborigines chosen by themselves. This advisory council does the very things the member for Maylands is asking that a trust do; that is, advise or make recommendations to the Minister on what should be done, not only with regard to reserves, but also with regard to any other matters involving Aborigines. The council is also a body to which the Minister himself can refer for suggestions or recommendations. From this information members must realise that we have conferred more and more with Aborigines when deciding what should be done on their behalf.

The member for Maylands went on to talk about the various reserves. He mentioned Admiralty Gulf where 47,000 acres was excised. A condition of the excision of the area was that the whole of the royalties derived from mining on the excised portion would be used for the benefit of Aborigines. On other Aboriginal reserves it has also been a decision of the Government that a portion of the royalties derived from mining thereon shall be allocated for the benefit of Aborigines. I will be quite frank in saying that the proportion is to be determined by the Treasurer of the State. I personally think that is fair enough. After all, it does not matter whether money used for the benefit of Aborigines is derived directly from royalties or whether it is taken out of the Consolidated Revenue Fund. The point is that an amount must be allocated from time to time for the benefit of Aborigines. I fail to see that the Aborigines themselves would be concerned over the source of the income.

I have some information on some of the reserves to which the honourable member referred. After briefly reviewing the position in the different States, he talked about the situation in South Australia. He said that the South Australian position was the one which met his desires more than anything else. I am informed that despite the fact that the South Australian legislation has been in force for over four years, there is less than 6,000 acres vested in the trust as against a total in South Australia of Aboriginal reserves of 19,000,000 acres. It is also clear that substantial capital is required for developmental purposes and this is the prime obstacle being encountered by the South Australian Trust. I might add that it is the prime obstacle encountered anywhere; namely, to obtain sufficient finance to do all the things which one desires to do. Consequently South Australia has not been able to proceed any further than Western Australia in this regard.

The Commonwealth Office of Aboriginal Affairs has to date shown a marked aversion to providing this type of developmental capital, as it views propositions purely as a business venture. I have to confess that this is the situation in Western Australia. Up to date, the Commonwealth Office of Aboriginal Affairs, in assessing what it calls the economic potential of any proposition, has referred it to the rural officer of the Commonwealth Development Bank and he appears to have judged a proposition purely from an economic point of view, not from a socio-economic point of view. The result is that most of the propositions have never got off the ground because Aborigines do not have any capital of their own and an assessment shows that many of the propositions are dubious economically and therefore they fail to attract Commonwealth finance.

Nevertheless, Western Australia has incurred quite considerable financial obligations in starting some Aborigines off on farming properties. There are two at Esperance who appear to be going along extremely well. In common with most other farmers nowadays, they are suffering some economic difficulties but, nevertheless, their properties appear to be in fairly good shape. I visited them only two or three weeks ago and saw new houses on the properties. Certainly the Aborigines themselves appeared to be in quite good morale. I have no doubt that given some assistance, advice, and sympathetic encouragement by their neighbours they will eventually make good.

The member for Maylands would be familiar with the central desert area which takes in the Warburton Range and runs back to Mt. Margaret and Cosmo-Newbery. Some time back the Government initiated research into this area and engaged W. D. Scott Pty. Ltd. to carry out the research. I have just received that company's report but I have not yet had time to thoroughly digest it. The company has reported on the economic potential of the area. Whether it is favourable to economic development I have not yet been able to determine. I repeat that I have not yet fully read the report. In any case, even if it is favourable, we will still be obliged to go to the Commonwealth Government to see if we can obtain finance for further economic development. Whether we will be successful, I know not.

However, all the Select Committees in the world could not improve the situation in this respect.

The Forrest River Mission was conducted by the Forrest River Mission Board which deemed it wise to withdraw from Forrest River when it found itself in economic difficulties. The Aborigines were not simply taken back to Wyndham, willy-nilly, as the honourable member perhaps conveyed to the House. They were given the option of staying or of going to Wyndham. They were informed that they would be left unattended at Forrest River, if they elected to stay, because the mission board was withdrawing from the area. Consequently the Aborigines there decided themselves that they would repair to Wyndham. Some were taken back by boat and others decided they would walk. The decision was entirely up to them. Perhaps it might be true that many of them desire to go back. This is only natural, because some lived there for many years.

The Department of Native Welfare has been negotiating for some weeks now with another business concern which has shown interest in the Forrest River Mission. Negotiations are not complete, but the concern has put up a programme for development of the area and incorporated with the programme is a proposal that it will not only employ Aborigines but will enter into a scheme to train Aborigines. It has said that it would not only train stockmen and managers on the mission, but would train them for eventual management of the property. Negotiations are not quite complete, as I have said. Nevertheless, the prospects of the area appear quite good.

At Mowanjum a number of elders are looking around for a suitable cattle property north of Derby but have so far produced no viable proposition. This comes back to the old criteria of having something that is viable in the eyes of the Commonwealth Office of Aboriginal Affairs. All proposals at Mowanjum have been examined by the Department of Native Welfare which is unable to encourage a venture which is obviously not going to be viable.

The Yandeyarra proposal has been examined by experts of the Commonwealth Office of Aboriginal Affairs who are at present carrying out a feasibility study before deciding whether funds should be made available to the group.

A proposal has also been submitted to the Commonwealth Office of Aboriginal Affairs for the development of Jigalong reserve. Here again, the mission withdrew from Jigalong and the Department of Native Welfare has officers there in a caretaking capacity until some decision is made about its future. Discussions are currently taking place.

I consider that the member for Maylands has failed to establish a case for the appointment of a Select Committee. What results, what decisions, or what conclusions could a Select Committee produce? It may produce recommendations for one or more trusts. However, I put it to the House that setting up a trust does not get us anywhere unless we have the wherewithal to do something so far as development of the area is concerned. On the other hand the Government out of its own moneys and with the assistance of Commonwealth moneys which are provided for housing and education, and for which we are extremely grateful, this year has the sum of over $5,000,000 to spend on Aboriginal affairs.

The amount available has been increasing year by year and there is no reason to believe that the same amount, at least, will not be forthcoming in the future. With this money, and in consultation with the Aborigines themselves, we are developing housing, training institutions, and hostels to accommodate working Aborigines, both men and women; and we have developed hostels to accommodate school children, particularly those who go into secondary education.

There is nothing at all which a trust, set up for a particular reserve, could do which is not being done much better and much more efficiently by the Department of Native Welfare; and, I repeat, what it is doing is being undertaken in full consultation with the Aborigines themselves, elected by themselves, who are representatives of their own areas. Without further ado, I oppose the motion for the appointment of a Select Committee.

MR. BRADY (Swan) [8.12 p.m.]: Tonight I want to support the proposition of providing land for Aborigines which was put to the House by the member for Maylands. The member for Maylands moved—

> That a Select Committee be appointed to inquire into all aspects of land rights for Aborigines and report to Parliament with recommendations.

As an ex-Minister for Native Welfare I know that the present Minister does not face an easy task in trying to do what he would like to do on the question of land rights.

We must appreciate, however, that Aborigines are on the move. This is very evident in Western Australia and throughout Australia generally. We have to do something to give them a stake in this country, to which they are entitled.

I would readily agree with the Minister or his departmental officers that some adult natives will never make the grade. However, that is not to say that this position will continue, because right throughout Western Australia, from one end of the State to the other and from the sea coast

to the Warburton Range Mission, Aboriginal children are being educated in schools in the same way as white children. Some Aborigines are becoming extremely efficient. We find them in various walks of life. We see them in various Government departments. In fact I know of one shire which has 11 members on its outside staff and they are all natives. This being the case, sooner or later we will have to do a great deal more than has been done in the past, because in former days natives were uneducated. They did not have a clue about anything except a natural instinct to get somewhere as individuals. I can quite believe that these people feel they are not getting a fair go at the moment.

I wish to refer to another angle before getting down to a few details. A Federal referendum was held some time ago and it proved to be one of the few occasions when the people of Australia have voted in favour of the Commonwealth Government having jurisdiction over natives and their welfare.

Mr. Lewis: They didn't say that.

Mr. BRADY: They said almost the equivalent of it.

Mr. Lewis: They gave the Commonwealth power to pass laws specially related to natives.

Mr. BRADY: That is right; to pass laws and to do something worth while for natives. That was the intention behind the referendum. The point I wish to make is that I honestly believe there are more natives in Western Australia than in any other part of the Commonwealth. For that reason we should receive a great deal of finance from the Commonwealth Government for all the activities in regard to native welfare—housing, education, mining, pastoral, industrial, commercial, and every other means of lifting the standard of the natives. The Commonwealth should provide the finance for this assistance. It is for that reason I felt I should speak on the subject tonight. I do not believe that we in Western Australia are receiving the consideration to which we are entitled having regard to the fact that we have 27,000 natives in this State. That is the figure mentioned by the Minister; the member for Maylands said the number is 23,000.

However, the fact remains that there are only about 100,000 natives in Australia and the bulk of them are in Western Australia. We have been looking after the bulk of the Australian natives for a long time. At one stage the Minister set out to say the Imperial Government agreed to our taking over activities in regard to native welfare only on condition that we set aside 1 per cent. of our revenue for that purpose. The Minister, quite rightly, was able to show that over the last four or five years 1 per cent. of our revenue has been spent on natives. However, I challenge the Minister to go back 20, 25, or 30 years to see whether 1 per cent. of our revenue was then spent on natives.

Mr. Lewis: This Government was not in office then.

Mr. BRADY: The Minister says that his Government was not in office then. But the fact is that in the past 1 per cent. of the revenue of this State was not always spent on natives. The Governments of the past, whether Liberal or Labor, did what they thought at the time was the right thing to do, but they did not do what was intended or implied by the Imperial Parliament when it handed over the jurisdiction in regard to natives.

I wish to point out that section 9 of the Native Welfare Act—and it is a most comprehensive section—reads as follows—

> (1) The Minister may—
>
> (a) acquire, whether by purchase, exchange, lease or otherwise, land with or without improvements referred to in paragraph (b) of this subsection for the purpose of sale or lease in accordance with the provisions of this subsection; and
>
> (b) effect to or upon the land acquired such improvements, including clearing, drainage, fencing, sowing, and the provision of livestock, machinery, houses and buildings, and until the land is sold or leased maintain and repair such improvements, including those already effected to or upon the land at the time of the acquisition thereof, as the Minister thinks fit.

So it goes on. The section has another three or four subsections which indicate that the improvements can be sold for cash or under a contract of sale. It also indicates many other things that the department may do with the approval of the Minister.

I believe that in recent years Governments, both Labor and Liberal, have had the feeling that we should do something like this. We must try to get a Select Committee to inquire into the problem and come up with findings on all aspects of land rights for natives so that a report may be submitted to the Commonwealth Government which that Government would find hard to dodge or avoid, and so that our Western Australian natives, above all others, would receive those rights.

Mr. Lewis: We have done the things you have mentioned.

Mr. BRADY: Yes, in a very small way. In one sense I am grateful to the Minister for not quoting the annual report of his Commissioner of Native Welfare because

I think the report indicates that the Minister has done much for natives. However, the fact remains that the Minister has not done enough.

I would like briefly to quote some extracts from the 1969 report of the Commissioner of Native Welfare. I asked for the 1970 report, but I understand it has not yet been tabled and so it is not available. Under the heading of "Economic Development" the following was stated:—

> Last year it was noted that of the male Aboriginal work force only 26.8 per cent. were engaged in the agricultural industry, as compared with 30.7 per cent. five years earlier. This year rural employment accounts for only 20.4 per cent. . . .

The report goes on to explain that there has been a falling off. Further on the report continues—

> Two agricultural training schools are conducted jointly by mission bodies, the Education Department and this Department at Mogumber and Tardun and a third completely Government School operates at Gnowangerup.

It would seem that, with the co-operation of the Government departments, these people are being trained in agricultural activities at the various missions. I think we should go further than that and show the natives that we are prepared to help them go onto the land in their own right. In my opinion this can be done only by appointing a Select Committee to inquire into all the aspects of what the natives can do on the land, which land would be available, and what could be done with it.

Mr. Lewis: They don't want to go on to the land.

Mr. BRADY: The Minister may be right, but the fact is that some natives are already on the land. The Minister himself quoted two cases in the Esperance area. If two can make a success of agricultural pursuits then the others will want to do likewise. The following paragraph also appears in the annual report:—

> This year a total of 80 lads received training at these three schools and at the independent course operated at Wongutha Mission Training Farm, Esperance.

So it can be that there are 80 young men trained in the activities and economics of farming and equipped to make a success of it. I remember calling into the Wongutha Mission Training Farm some time ago. I noticed that the young people worked on the farm for most of the day and attended night school during the evenings. They received the best of training that could be given to them by those who were in charge. The people in control of the mission were making a particularly good job of their activities. However, very few natives have their own land.

Under the subheading of "Aboriginal Enterprises" the annual report goes on to state—

> A small increase is noted in the number of Aborigines who are self-employed, although they only comprise some 4.8 per cent. of the total Aboriginal male work force. Their activities cover a wide range of work from station contracting to the making of artifacts.

So a small increase has been noted; apparently they are trying to improve themselves. Now let us look at what the missions are doing, and I will briefly quote one or two lines from the report of each mission. The Amy Bethell Hostel has nine natives over the age of 16 years and they are mostly receiving training in domestic work. Aboriginal members of the staff comprise three women and two men who are employed in the kitchen, laundry, and garden. Five boarders are employed locally in various occupations.

The next mission is that at Balgo Hills—probably the most remote mission in Western Australia. It is conducted by the Roman Catholic Vicar Apostolic of the Kimberleys, and the manager is Father John McGuire. The report indicates that the mission has 138 natives over the age of 16 years and they are employed in vehicle maintenance, vegetable gardening, sheep shearing, and herding goats, cattle, and horses. The mission has approximately 1,700 cattle, 330 sheep, 400 horses, 130 goats, 30 pigs, and 150 chickens. The natives on that mission receive a grounding in all aspects of pastoral work and also other things such as vehicle maintenance, and so on.

I come now to the Beagle Bay Mission which has 85 natives over the age of 16 years. A wide range of employment is available for the natives in cattle, pig, and poultry farming; a soft drink factory; and a vehicle workshop.

The Carnarvon Mission is run by the Federal Aborigines Churches of Christ Mission Board. It has only one native over the age of 16 years, and the children are engaged in vegetable gardening, the production of citrus fruit, poultry produce, and milking, and there is also a small flock of sheep.

I refer now to the Cosmo Newbery Mission which was mentioned tonight. It is run by the United Aborigines Mission Organisation, and perhaps I should read an extract from the report. It states—

> The Mission is conducted as a pastoral property which runs sheep and cattle. Aboriginal men are employed on shearing, fencing, windmill maintenance and general station work.
>
> Considerable mining exploration activity has been in progress in the latter part of the financial year on

the Mission which has resulted in a number of Aborigines benefiting directly through option agreements and employment with mining companies.

The report goes on to deal with each of the 20 or 30 missions, and it indicates that the natives are being trained in pursuits which would be most valuable to them if they had their own land. But the fact remains that they have no land and that is why we want an inquiry into what land should be made available, what are the pitfalls, what can be done to assist the natives, and so on.

I have visited the Cosmo Newbery Mission when the workers were in the throes of shearing. It was being done by the Aborigines and they were very slow. However, practice makes perfect and by now those people are probably making a good job of shearing, because it is 10 years since I was there. I noticed that at one of the missions in recent years a co-operative concern was established in order to grow vegetables. I think over 6,900 lb. of tomatoes, as well as other fruits and vegetables, were sold to residents of the north-west. The mission concerned was the La Grange Mission, and the natives worked on a co-operative basis.

I believe that we might get somewhere if the Government made land available to the natives on a co-operative basis. I feel it would be wrong to give land to the natives on any other basis at this point of time. I think that if the natives worked together on a co-operative basis with the assistance of the whites such an arrangement would be satisfactory to both the natives and the whites and something really worth while would be done for the natives. Mr. Speaker, you may not believe this, but the best kitchen gardens I have ever seen in my life were in gaols and they were maintained and looked after by Aborigines.

Mr. Jamieson: They have plenty of time to tend them.

Mr. Graham: I would like to know what the honourable member was doing inside the gaol.

Mr. BRADY: They do have a lot of time, but the fact remains that they are well trained. Let us take this a step further. We know that every year in the Swan district natives come from areas around Geraldton, Mullewa, and the Wongan line, to do what is called contract work; they work on the vineyards gathering grapes. In Geraldton natives are often engaged in pea and tomato picking.

This has been going on for 20 or 30 years and the natives in question have acquired a great deal of information and ability and have shown what can be done in such projects if only they are given the opportunity. An ideal area in which to set land aside for growing vegetables such as tomatoes, beans, or peas, would be in the Geraldton district.

It would be a distinct advantage if Aborigines could have a district set aside in the Geraldton area for this purpose. There could, of course, be an officer in charge. I might also point out that I have seen vegetables growing at the Seventh Day Adventist Mission at Wiluna and I believe that natives are being well trained in agricultural, vegetable, and pastoral pursuits, at the Mogumber Mission.

Mr. Lewis: It does not take a Select Committee to find that out.

Mr. BRADY: A Select Committee could, however, decide what might be the best type of land on which to put these people so that the proposition might be feasible and economic. I cannot help but think that the best type of land for such people would be within the vicinity of the existing missions.

Let us for a moment consider the Church of Christ Mission at Carnarvon. This would be a marvellous opportunity for land to be made available in that area so that when the natives were trained they could carry on with the good work. The same thing also applies to other missions; and the missionaries could help in getting these people over the stile, particularly in connection with the initial difficulties which might be associated with such a proposition.

In some cases, however, the natives in question would not want to be helped over the stile; they might feel they would like to work under their own steam. They would, however, require special encouragement, particularly in matters of finance and land, to enable them to carry out this type of work.

When moving his motion the member for Maylands referred to the fact that an area of 47,000 acres on a reserve at Admiralty Gulf was taken over for mining activities. This is a lot of land and, what is more, it is not a great distance from the mission in that locality. Sooner or later it could well be possible for natives to be carrying out pastoral or agricultural activities in that area.

The Government should agree to an inquiry by a Select Committee so that something might be done for these people. The time is now ripe. The day is gone when natives were totally uneducated, when they were illiterate, and when they were without any knowledge of farming or pastoral activities. The sooner we realise this fact the better.

The Minister referred to the Mowanjum Mission out of Derby. I recall that the Mowanjum Mission was assisted by a Labor Government to the tune of $10,000 to help it in its cattle and pastoral activities.

I have since learnt that this was not a great success but, at the time, the Labor Government recognised that, given the opportunity, it could be a viable proposition. The money was accordingly made available.

Some of these natives receive very good training from the kindergarten stage up. I have been to the Mowanjum Mission several times. There is a kindergarten there with capable teachers. On occasions the natives from that mission go into Derby to work.

A number of these people have been brought up on cattle stations; they have received a good education and their children have also been well educated. In referring to the Mowanjum Mission which, I think, is run by the Presbyterian Church, I understand a resolution was carried at one of the conferences held by the church which resolved that land should be handed over to the natives. This is a step in the right direction.

If natives could work on these missions under their own steam—possibly in conjunction with the local missionaries—I think it would be a very good thing for them. From one end of the State to the other natives have been trained by missions in all types of pastoral and agricultural activity. Even though this is so, land is not made available to them when they want to act on their own initiative.

The member for Maylands is on the right track. A further aspect which must be considered is that in many cases at the moment natives are receiving full union wages. I understand they are receiving these wages under the pastoral award for the north-west when working on cattle stations.

Instead of giving millions of acres of land to overseas companies it would be a very good thing if the Government could make available to the natives a few 500-acre blocks in order that they might carry on their own agricultural and pastoral activities.

I recall visiting the Seventh Day Adventist Mission at Wiluna in 1957. I met there a native of 35 years of age who was a contract fencer. At that time he told me it was possible for natives to run stations just as efficiently as the white people if they were given the opportunity to do so.

Whether we like to believe it or not, the fact remains that in some cases the white owners of pastoral stations leave their properties for three or four months at a time; they leave the entire enterprise in the hands of the natives, who run it on their behalf.

If this can be done in the north-west and in other parts of the State, there is no reason why the natives cannot carry out these activities to their own advantage. If natives could be encouraged in this direction it would enable them to save money; and if they worked as a co-operative they could be taught the benefit of co-operating with those who want to help them.

I believe that at the moment 38 per cent. of the natives of Western Australia are engaged in pastoral pursuits and if they are receiving their due deserts they will be getting union wages. Only 4.8 per cent. of the native people are self-employed in Western Australia, though the number is creeping up.

According to the Department of Native Welfare, 42 young apprentices are learning a trade. I believe that in some of these mission areas up to $1,000,000 has been set aside as payment for options in the event of local mining companies striking valuable minerals.

The fact that there are 42 young Aboriginal apprentices indicates that these young people will eventually attain abilities and skills which will enable them to run pastoral properties.

While I was in Queensland in 1956 I saw an entire pastoral company which was run virtually by natives. Segregated schools were established at different times of the year for different purposes. The natives were running their own timber mill and they even appointed their own policemen on the pastoral station to curb anybody who might kick over the traces. I saw men, women, and children working on this project about 250 or 300 miles west of Brisbane.

The fact remains that in many cases the Aborigines are conducting the businesses, but the ownership is not in their hands. I understand that in other parts of Australia the Governments have agreed to the setting up of trusts and to the appointment of natives to run those trusts. In some cases the natives have the majority vote. I have in mind the position in South Australia where I believe land has been set aside for the natives, who are in a position to decide whether or not that land be sold.

Mr. Lewis: Subject to the consent of the Minister.

Mr. BRADY: That is correct. I would like to see the same thing in Western Australia. I am not unmindful of the fact that there could be outright failures in getting this type of project off the ground; but whilst there could be failures there could also be successes. I believe that now is the time to get these projects going.

Just as the Warburton Range Mission is engaged in pastoral activities, so is the Cundeelee Mission in its own area. The young Aborigines could be brought into similar pastoral projects. With the assistance of white people, who are dedicated to the welfare of the natives, viable propositions could be evolved which, in the long run, would pay for themselves.

Gradually the charitable organisations will have to be phased out, and the present undertakings could be converted into economic units to be run by the natives themselves. They would do the work and they would reap the benefits through co-operative effort.

I can readily understand the reason why natives do not want to go onto mission stations if they are not reaping the benefits from the pursuits. The fact remains that the natives comprise 38 per cent. of those who are engaged in pastoral activities, and this indicates that a large number of them follow these pursuits.

Earlier this evening the Minister referred to a young native football team which went to South Australia and Victoria. In the match against South Australia it won by 32 to 16 goals, and in the match against Victoria it won by 26 goals to 4 goals 3 behinds. I am pleased to hear the Minister say that in company with the member for Northam he offered the team his congratulations. I would much prefer the Minister to say to those people that the Government had set aside 500,000 or 1,000,000 acres of agricultural land for them; and that besides playing football they should now take up a more responsible position in life by engaging in agricultural, pastoral, or market gardening pursuits.

Mr. Lewis: Are you aware of many of the problems which some farmers today are facing?

Mr. BRADY: The Minister has referred to a very important subject. I believe that some natives could get into these difficulties if they were engaged in similar pursuits. The fact remains that the natives have to be educated and to be shown the economics of conducting such pursuits either as individuals or as co-operatives. I realise what the Minister has said: that this might not be the best time to make available large areas of land to natives individually to enable them to farm in their own right. However, under a Government cum co-operative scheme these projects could get off the ground. This is worth attempting, particularly in mission areas where the natives are, in fact, doing the work.

In the Broome-Wyndham area the natives make up 30 to 35 per cent. of those who are engaged in pastoral activities. In some cases the managers or the owners of the stations go away for three or four months at a time, and leave the natives to run the stations. At La Grange Mission the natives are growing vegetables and selling them. I understand this is done on a co-operative basis.

Mr. Lewis: More and more of these people now desire to go into secondary industries rather than into pastoral industries.

Mr. BRADY: I understand that. Many of those who are engaged in farming are now leaving the farms to work in the metropolitan area, because the economics of farming do not pay. However, not all farmers do that; it is only a percentage.

I am glad to hear that industry and commerce can, in many cases, provide employment opportunities for Aboriginal people. I know that in recent months three or four families from the country have come to the metropolitan area to work and live. They return to the farms once a month, or every two months, because the economics of farming at the present time are such that they cannot make a living off the farms. Just as that can be done by white people in the farming community, so the same can be done by the natives who engage in pastoral pursuits adjacent to the missions.

There are between 25 and 30 missions in Western Australia. If the Government can make land near those stations available to the Aboriginal people it will serve the dual purpose of enabling the natives to gradually work up their own enterprises, and at the same time to obtain help from the missions in solving their problems.

The missions will not fold up overnight. Whether they be run by the United Aborigines Mission, the Roman Catholic Church, the Federal Aborigines Mission, or the Cundeelee Mission, they will keep going. It could be that the native people who are working in those missions would be the best ones to develop the projects around the missions.

Let us take the Carnarvon area where thousands of acres of land have been developed under intensive cultivation for the growing of vegetables. Some natives are working on those projects. Similar land could be set aside for the native people, and the Select Committee could determine what is the best type of pursuit that could be developed on it. Some people say they are prepared to give the natives 1,000 acres or 2,000 acres of arid desert, but in my view that would be an absolute waste of time. I would not like to see any Government department working on that basis.

I believe that just as young Aboriginal people are being trained to acquire skills in various activities—and these are fairly comprehensive—they can also be trained in agricultural pursuits. As I said previously, one family at Esperance has for many years been trained in the finer points of agriculture and farming.

I think that the time is now ripe for a full-scale inquiry to be conducted in order that the pitfalls as well as the successes of ventures conducted by Aborigines could be looked into.

Another avenue which the Government could explore is the employment of natives on the research stations. They could work in conjunction with the white officers in

carrying out research. There are research stations in the Esperance area, Wongan Hills area, and other parts of the State. Aborigines could be employed on them to carry out research. If an Aboriginal football team can visit other States and win football championships, it indicates that they have intelligence which could be channelled into other avenues. I give the member for Maylands full marks for bringing this matter up.

At a recent Labor conference the Labor Party agreed that the time was overdue when farmlands, reserves, native trusts, and such things should be brought into being in order that the native people could be encouraged to run their own affairs.

I believe that in Queensland the co-operative movement is functioning reasonably well. In New Guinea the natives run their own projects. In some cases these projects are run solely by the natives, who have been trained in co-operative methods at the schools.

In New Guinea, schools of 40 or 50 natives are trained in the management of co-operatives and co-operative enterprises. I believe we could adopt this procedure in Western Australia.

However, above all, we must present something concrete to the Commonwealth Government to indicate that we can do what is required for Aborigines if the Commonwealth will give us the money with which to do it. It is quite obvious, following the referendum on this subject, and in view of the fact that the Commonwealth Minister (Mr. Wentworth) and others are enthusiastic about helping natives, that we could obtain something for these people in the way of land that they could farm in their own right or as a co-operative.

I do not think we should waste any more time. We should appoint the Select Committee, which would take evidence and establish a case, after which we could attempt to get the Commonwealth Government on our side. At this stage I believe the Commonwealth Government has not been as liberal as it might have been in regard to housing and education.

It is necessary to point out that recently four Aborigines from Australia went to the United Nations where they said they felt they were entitled to $6,000,000,000 to compensate them for land taken from them.

Mr. Lewis: Did they say on what they were basing that figure?

Mr. BRADY: I did not see the details. However, I worked out a figure myself tonight. They said that every native in Australia should get at least $15,000 each. Whether they multiplied the 150,000 natives by $15,000 to arrive at the figure of $6,000,000,000, I do not know.

Mr. Lewis: It would not work out to that amount.

Mr. BRADY: The Aborigines will get people to back them and this might create a small black power organisation in Australia. We must not forget that educated people in universities throughout Australia—including Western Australia—are now advising these people. In order to avoid any difficulties in the future, we must now get this project under way by appointing a Select Committee to ascertain the desires of the Aborigines, the best areas to set aside for them, and the best way to handle those areas—whether by co-operatives, trusts, or by any other means. I therefore support the motion, with which I hope the Government will agree.

MR. GRAYDEN (South Perth) [8.53 p.m.]: This is a motion for which I have a lot of sympathy, and I congratulate the member for Maylands for having moved it. However, I would hasten to tell him at the outset that I intend to oppose it. I am taking this course for this reason: within about four weeks this session of Parliament will conclude, and I do not believe that in four weeks we would have time to carry out an investigation such as the one which has been suggested. As all members know, unless a Select Committee can complete its investigations by the end of the session, the Select Committee lapses.

Mr. Graham: What do you think about amending the motion in order to move for the Government to appoint a Royal Commission to do these things?

Mr. GRAYDEN: The point is that the member for Maylands has moved for the appointment of a Select Committee and I am simply pointing out that a Select Committee must conclude its investigations by the end of the session, which is scheduled for about four weeks' time. This is too important a subject to deal with in that time.

The second reason I am opposing the motion is because we already have a stack of legislation which will enable the Government, if it so desires, to do something for Aborigines in Western Australia in respect of land rights. The honourable member who has just resumed his seat emphasised the fact that section 9 of the Native Welfare Act specifically provides for the acquiring of land under these circumstances.

That is only one Act, but there are others. For instance, a section in the Mining Act enables individuals to claim homestead leases on available Crown land throughout Western Australia; and I would point out that approximately three-quarters of the land in Western Australia falls into this category. This would make available for this purpose three-quarters of the 1,000,000 square miles which exist in this State. A native or anyone else can apply for a miner's homestead lease in any of this area. He simply makes application to the

warden's court which, in turn, makes a recommendation to be approved or otherwise by the Minister for Mines.

I am not suggesting that Aborigines have only to apply under these Acts in order to be automatically granted a lease. I am simply saying that the legislation is provided; whether it is put into operation is left to the discretion of the Government.

Those are two Acts which make specific provision for Aborigines. However, there is yet another one; that is, the Land Act. That Statute also has a section which makes specific provision for Aborigines in respect of land. It is section 9, which I would like to read because it will emphasise the type of legislation which already exists in Western Australia.

The point I am making, of course, is that there is really no need for the appointment of a Select Committee in these circumstances, when in fact no fewer than three Acts of Parliament already specifically provide for the allocation of land to Aborigines should the Government so desire to grant it. Section 9 reads—

> Without prejudice to the provisions of this Act relating to the right of any person descended from the original inhabitants of Australia to apply for and acquire land as a selector under the provisions of this Act, the Governor may——
>
> > if of opinion that any such person is or is liable to be at any disadvantage with respect to an application for or the acquisition of land under the provisions of this Act because of his descent—
>
> grant or lease to any such person, upon such terms and conditions as the Governor thinks fit in the best interests of any such person, any area of Crown land not exceeding the area prescribed for a selector by the provisions of section forty-seven of this Act.

I might explain that section 47 makes provision for an area of 5,000 acres to be granted. It also contains a special provision for 10,000 acres to be granted if it is necessary to make the proposition economic.

Therefore members can realise that the drafters of the Land Act went out of their way to foresee conditions which are existing at present in Western Australia, because that Act enables the Government to grant Crown land in Western Australia to Aborigines; and I repeat that three-quarters of this State is Crown land.

In all, no fewer than three Acts already make provision for land to be made available to Aborigines. Therefore there is no need for the appointment of a Select Committee. The provisions already exist. All that is required is for the Government, the Minister for Native Welfare, or his department, to have the will to grant the land to the Aborigines.

It is unfortunate that those authorities have failed, first of all, to recognise the need for land to be granted to Aborigines in certain circumstances—and I repeat "in certain circumstances." I am not suggesting that land should be granted willy-nilly to anyone who wants it. As I say, the Government has, first of all, failed to recognise that the need exists for the land to be granted. If it did recognise this need, it could remedy the situation extremely quickly.

We know the general situation in Western Australia. It will be recalled that about 15 years ago there was a large native settlement at Moola Bulla Station in the north-west. It was a 1,000,000-acre cattle station and it was sold notwithstanding the fact that most of the natives who lived on the station had been brought up there. Immediately the new owner took over he ordered all the natives off the station. So that was a flagrant case of natives being deprived of what was, in fact, their tribal land. However, that was only one instance.

Mr. Bertram: When did that occur?

Mr. GRAYDEN: About 1956. In more recent times a new pastoral award has been introduced and it is now incumbent on pastoralists to pay natives award wages. In many instances the pastoralists are simply ordering the natives off the properties and the natives are congregating in the north-west towns. This is another case of natives being deprived of their land, because in many cases they have lived on the stations all their lives, as did their forebears before them.

Another horrible aspect is that natives are now being told they must not trespass on north-west stations—areas which were formerly their tribal lands. Not many months ago a deputation from the Port Hedland Shire approached the Under-Secretary for Lands and discussed with him the question of trespass on pastoral properties. The Under-Secretary for Lands made perfectly clear the rights of the pastoralists, and I will quote an article which appeared in the *Northern Times*. It was headed, "Trespassing on Pastoral Leases" and read as follows:—

> At the last meeting of the Port Hedland Shire Council the clerk said he discussed the problem of trespassing on pastoral leases with the Under Secretary for Lands.
>
> He stated that lessees of pastoral leases had the right and the power to prevent trespassing on their leases and this included persons using or attempting to use mill runs and station roads as an access to fishing spots.

And so it went on. That article appeared in the *Northern Times*, and the point is that the Under-Secretary for Lands made it clear to pastoralists that notwithstanding the huge areas under their control—in some cases 1,000,000 acres—they have the right to prevent individuals trespassing.

Mr. Bertram: A pretty ineffectual right.

Mr. GRAYDEN: The point is the Under-Secretary for Lands has assured the pastoralists that this is the situation.

So we find instances of natives being ordered off those properties on the basis that they are trespassing on pastoral leases. There were many instances of Aborigines being dispossessed of their tribal lands throughout the pastoral areas of Western Australia. As I have mentioned, legislation exists on the Statute book of Western Australia to enable people to obtain land in this State. Last year I asked the Minister representing the Minister for Mines the following question:—

(1) How many applications have been received for Miners Homestead Leases under section 196 of the Mining Act during the years 1963 to 1968 inclusive?

(2) How many of such applications have been approved?

In reply to the first question, the Minister said that 61 people had applied for homestead leases under the Mining Act. In reply to the second part of the question the Minister answered "10."

So, of 61 applications lodged, only 10 were successful. We do not know whether the successful applicants were white or black because under the Mining Act both can apply for a homestead lease. However, there have been some glaring instances which emphasise that when an Aboriginal of this State applies under that provision of the Act he often gets pretty short treatment from the Minister for Mines.

I can recall a situation which occurred not very long ago when Don McLeod of Port Hedland, who has been living with the natives for many years trying to do something for them by engaging in mining pursuits, fishing, and those sorts of things, applied for 500 acres of land under the section of the Mining Act I have referred to. McLeod had to go to the Warden's Court, because that was the procedure in respect of that sort of application, but the warden felt the area was too large.

The warden suggested that an area of 50 acres be recommended. McLeod wanted the land so that he and his Aborigines could grow vegetables in the vicinity of Port Hedland. The warden recommended the application and it then went to the Minister for Mines. Mr. McLeod received a letter from the Mines Department, dated the 11th February, 1970, which read as follows:—

> Dear Sir,
>
> Re: Mineral Lease 375.
>
> I wish to advise that the abovementioned lease was refused by the Hon. Minister on the 29th October, 1969 and confirmed in Executive Council on the 26th November, 1969.
>
> Refund vouchers have been prepared and forwarded to the Mines Department Perth, and payment will be made in due course.

Here we have the case of a chap with a group of natives—not isolated individuals, but a group—who has been trying to do something for as long as I can recall. I first met the natives in about 1950, and they have been with McLeod ever since and have been trying to help themselves. They have not been dependent on Government help.

Because of the boom conditions experienced in Port Hedland they wanted to grow vegetables, so they made an application in the way I have described. However, the Minister refused the application. The group also made many applications for four-acre blocks on which to grow vegetables in the vicinity of Port Hedland. Again, the group was unsuccessful.

The stupidity of the whole thing is emphasised by the fact that while, in this instance, we are preventing the Aborigines from growing vegetables, the State Government is paying a subsidy on freight on perishable goods transported to the north-west. I do not know what the situation is at the moment, but until recently—for about eight months of the year—the State Government subsidised the freight on perishables to Carnarvon to the extent of 6c a lb. The subsidy on the freight for goods going to Kununurra was about 16c a lb.

Whilst the Government is subsidising the freight on perishables, we have the situation where Aborigines are being refused land on which to grow vegetables. I do not know whether it is the policy of the Department of Native Welfare or some other department.

Mr. Graham: The Minister for Industrial Development, I would guess.

Mr. GRAYDEN: We have the situation where the Government is not prepared to grant land to Aborigines.

Mr. Bertram: Was any reason given for that refusal?

Mr. GRAYDEN: None at all. There cannot be any good reasons.

Mr. Court: Which group of natives was that? Was it the McLeod group?

Mr. GRAYDEN: Yes.

Mr. Court: That answers itself.

Mr. GRAYDEN: No it does not.

Mr. Court: It answers members on the other side of the House who know McLeod.

Mr. GRAYDEN: The group has been mining in the north-west since 1950 and trying to help itself. For 20 years those people have been trying to remain independent. They saw an opportunity to grow vegetables in the vicinity of Port Hedland. Surely there should be a small area of land in the vicinity of Port Hedland which could be made available to a group which has remained intact for 20 years. That is the situation. It is as simple as that.

Mr. Bertram: Is there any right to take away the lease once it is given?

Mr. GRAYDEN: It is not given. It is recommended by the warden and must be approved by the Minister before anything is granted.

Mr. Bertram: It could be lost if there were breaches?

Mr. GRAYDEN: Certain conditions are imposed. They must reside on the area, fence it, and do certain other things which are laid down in the Mining Act.

This is a situation which applies, and I might add it is what usually happens when Aborigines apply for land in Western Australia. There seems to be an attitude that they should not be granted land notwithstanding that it is pastoral lease and Crown land, and that there are provisions on our Statute book for this very purpose.

We know the situation with pastoral land in Western Australia. I asked a question recently which sums it up. My question read in part—

> (1) What was the total area of Crown land leased for pastoral purposes during the years 1965-1970, inclusive?

I will not go back over all the years, but the answer given for 1970 was 240,763,082 acres. I then asked—

> (2) What was the total amount of lease fees paid by pastoralists during each of the years referred to?

The answer given for the same year, 1970, was $271,488. This means that all the pastoralists in the whole of Western Australia paid a mere $271,488 for a huge area of land of over 240,000,000 acres. Despite this, the Government is not prepared to give a small area of land to Aborigines in the circumstances I have just described. This being so, how can we say we are conscious of the need for Aborigines to possess land? How can we say we are doing as much as possible in this direction?

We could turn from this item to some of the great reserves in Western Australia. The Minister made reference to these reserves as well as to other reserves throughout the nation. I would like to tell him the situation which obtains in respect of the Great Central Reserve, known as the Warburton Reserve. The Minister referred to it but not very fully. Recently I asked a question of the Minister for Native Welfare—

> What area of the Warburton native reserve is taken up by temporary reserves and other mining tenements?

The Minister replied—

> There are no temporary reserves on the Warburton native reserves. However, out of the total area of 15,660,700 acres comprising the Warburton Mission Native Reserve and the Central Australian Native Reserve 10,400 acres have been applied for as mineral claims.

On the surface it sounds a good answer. Anyone who heard it would have thought that very little of a huge area of native reserve of over 15,000,000 acres had been excised for mining purposes or was being used for mining purposes.

I am quite sure it was not the Minister's intention to make a misleading statement. This came about partly through the way in which the question was framed and partly from the fact that he gave an answer which came from the Department of Native Welfare. Had the department set out to give an answer which would sum up the situation it would have been very different from that one. On going into it I find that the reason the areas which have been set aside as temporary reserves on the Great Central Reserve are not included in the Minister's figures is that they were excised from the reserve and, therefore, are no longer on the reserve.

We have the situation where one individual, E. P. McClintock, made application for a section of the Great Central Reserve and was fortunate to the extent of being allocated 1,728,000 acres. I repeat that this was all part of the Warburton native reserve, as it is loosely called; that is, the Great Central Reserve.

Mr. Graham: What does the honourable member mean by saying that it was allocated? For what purpose?

Mr. Lewis: It was not on the part excised.

Mr. GRAYDEN: This portion was on the native reserve and excised from it. As I say, it comprises 1,728,000 acres.

Mr. Lewis: When was it excised?

Mr. GRAYDEN: I do not know, but I can tell the Minister the temporary reserve number.

Mr. Lewis: There has been nothing excised since 1955.

Mr. GRAYDEN: It must have been excised. Possibly it was excised in 1955, but I think it must have been later than that. The number of the temporary reserve is 4204H and it comprises 2,700 square miles.

Mr. Lewis: The information which I gave the honourable member would have come from the Mines Department.

Mr. GRAYDEN: I have taken these figures off the map of temporary reserves superimposed over the Warburton native reserve. As I say, Mr. McClintock was allocated an area of 2,700 square miles which had been excised from the reserve. He carried out exploration for vanadium, titanium, and chromite.

Another temporary reserve, No. 2661H, was also excised from the Great Central Reserve. When I talk about the Great Central Reserve I am referring to the portion in Western Australia. This tempory reserve covered an area of 3,000 square miles; in other words, 1,920,000 acres. After that area was excised from the reserve it was allocated to South West Mining Ltd. so that the company might explore for nickel. Further, temporary reserve No. 4171H of 1,077 square miles—in other words, 689,280 acres—was excised from the Warburton native reserve and allocated to South West Mining Ltd. to allow it to explore for nickel and other minerals.

Again, temporary reserve No. 3870H of 250 square miles, or 160,000 acres, was allocated to the Western Mining Corporation to allow it to explore for copper and nickel. I also found that Westfield Minerals was granted an area of 195 square miles, which is equal to 121,600 acres, to allow it to explore for vanadium. All this adds up to 7,222 square miles of the Warburton reserve which has been excised and handed to exploration companies or individuals; in other words, a total area of 4,622,080 acres.

It is not possible to grant temporary reserves on native reserves. The area must first be excised; otherwise it is not legal. I presume, therefore, the area has been excised. We had a recent example of a temporary reserve being granted which overlapped a stock route. After spending several hundred thousand dollars on the stock route it was found that the temporary reserve did not include the route, because it had been allocated under the Land Act for specific purposes. The same thing applies in respect of native reserves. To be legal, the land apparently has to be excised, but these are the areas of the Warburton native reserve which have been allocated to individuals or companies.

We know what happens in these circumstances. People are coming from all over Australia, by aeroplane, by vehicle, and by other means, and they can introduce such diseases as measles, mumps, anything. These Aborigines are living in the most primitive conditions. Many of them are naked, and they sleep naked at night —and the nights can be extraordinarily cold in the central area. The white people are mingling with them and introducing all sorts of diseases, against which they have no immunity.

In these circumstances, anything could happen, and I would say that anything is happening at the present time. When we speak in terms of the wonderful reserves we have set aside for Aborigines, it does not mean anything at all if we are not prepared to ensure that they are kept inviolate for Aborigines.

Some reference has been made to the Warburton Range Mission. I would like to read from the annual report of the Commissioner of Native Welfare for 1968, to indicate the position that obtains out there. This is an area which was investigated by a Select Committee in 1956. The Select Committee recommended that pastoral property be established in the vicinity of the Warburton Range in order that Aborigines should have land rights and be able to follow pastoral pursuits. A considerable time has elapsed since 1956—14 years, to be exact—yet nothing has been done. If anything, the situation at Warburton is worse than it was 14 years ago.

Let us look at the 1968 report. In a section dealing with the "Warburton Range Mission," there are various headings: "Controlling Authority," "Manager." Under the heading "Location" the report states—

> 360 miles north-east of Laverton.

Then there is a heading "Communications." Under the heading "Population" the report states—

> 211 under 16 years.
>
> 216 over 16 years.

That makes a total of 427 Aborigines at the Warburton Range Mission. Then there is a heading "Health and Hygiene." It is quite obvious that the Government is doing a great deal for the Warburton Range Mission in this respect. Under the heading "Education" the report states—

> 118 children attend a four teacher Government School at the Mission.

I have no criticism of the Government in respect of health and hygiene, and the educational facilities which are provided. Then there is a heading "Industry and Employment." Under that heading the report states—

> The main sources of employment during the year have been—
>
> | | $ |
> |---|---|
> | Western Mining Corporation .... | 6,906 |
> | Mission .... | 5,600 |
> | Education Department cleaners and gardener .... | 1,000 |
> | Artifact making .... | 2,788 |
>
> Limited mining activities were also conducted under the supervision of the Department's projects officer.

The figures I have given add up to $16,294. The mission receives a little more assistance. It receives financial aid from the

State by way of an inmate subsidy of $15,277; from the Federal Government it receives child endowment of $11,944, and pensions of $32,141. When those items are added to the $16,294 that I mentioned earlier, a total of $75,656 income is received by the mission. On that income the mission has to support 427 Aborigines, which works out at about $177 each.

I emphasise that, as was the case 14 years ago, the children out there are being educated until they are 14 years of age; they then go back into the bush, far less fit than formerly to fend for themselves, because there is no employment out there.

Mr. Lewis: The post-primary children are taken into the hostel at Kalgoorlie.

Mr. GRAYDEN: I am extremely pleased to hear that. Let us see what happened last year. When we look at the report for 1969, we find that the situation has deteriorated. The number of children has increased rather substantially. In 1968 there were 211 under 16 years; in 1969 there were 231 under 16 years.

Mr. Bertram: Are they all Aborigines?

Mr. GRAYDEN: Yes. In 1968 there were 216 over 16 years; in 1969 there were 170 over 16 years. The total number in 1969 was 401 Aborigines. When we come to the heading "Industry and Employment," we find this statement—

> A Departmental Projects Officer was appointed during the year and is endeavouring to increase the production of artifacts which are purchased by the Department through the Native Trading Fund. He has also been investigating the possibility of entering the sandalwood industry and encouraging prospecting.

Under the heading "Financial Aid" we find that the inmate subsidy is $13,752, and there was a grant in aid of $6,500; Federal child endowment amounted to $15,453; making a total of $35,705. The income of the mission in 1969 is less than half of the income in 1968.

Mr. O'Neil: What happened to the pensions?

Mr. GRAYDEN: The only Federal financial aid that is mentioned is child endowment. I presume it is all lumped under child endowment.

Mr. O'Neil: You mentioned a figure of $32,000 for pensions in the previous year.

Mr. GRAYDEN: In the 1969 report reference is made to child endowment only. Under the heading "General" the report states—

> The employment situation deteriorated during the year due mainly to the fact Western Mining Corporation ceased to operate. An increasing number of tourists have passed through the Mission whilst travelling from Laverton to Alice Springs. The possibility of Aborigines at Warburton Ranges providing tourist facilities, of economic benefit to themselves, is being explored.

These figures might be wrong—there might be something amiss—but that is the fault of the Department of Native Welfare. On those figures, the income of the Warburton Range Mission has dropped by a huge amount; it is down to $35,705. If that figure is correct—and I am not suggesting that it is—that amount, divided by 401, would mean that each Aboriginal received only about $90 in financial aid for the entire year. As the Minister for Housing has pointed out, a figure for pensions might have been omitted. If there were a figure for pensions, however, and it were added to the other financial aid, it still would not mean very much at all.

Mr. Young: If you added the pensions to that it would almost double the figure.

Mr. GRAYDEN: Yes, that is right. The point I am making, of course, is that the situation in the Warburton area has not changed very much during the last 14 years and I am disturbed to find that the Department of Native Welfare is not showing more initiative and trying to develop some sort of viable industry in that area. I think there are many avenues which could provide employment. We constantly hear that the pastoralists in Western Australia are plagued by kangaroos, etc.

Mr. Lewis: This is the report I was waiting on. The economic survey.

Mr. GRAYDEN: I am pleased to hear that. The pastoralists are plagued by kangaroos mainly because watering points for sheep and cattle are installed on pastoral properties and these enable the kangaroos to breed. Some pastoralists are talking in terms of farming kangaroos. The whole of this desert area—or much of it, anyhow—is ideal from the point of view of grazing. If satisfactory watering points were installed throughout the area, kangaroos would be encouraged and a tremendous increase in their numbers could be expected. I might say that in many cases it would not be necessary to install windmills because the water is so close to the surface that it would be simply a matter of excavating dams down into the water table.

Such dams, of course, would require no maintenance and they would encourage the kangaroo population. There is nothing the Aborigines like better than hunting kangaroos. They would be able to provide their own food and also establish a leather industry.

Mr. Lewis: It would have to be a pretty big dam.

Mr. GRAYDEN: Not at all; there are points in that area where virtually the water is just below the surface. On many occasions when I was mining in the Pilbara we put down dams in such a fashion.

Mr. Lewis: But you are talking about the Warburton area.

Mr. GRAYDEN: Yes; but I am saying that when we wanted water for mining purposes we put down dams into the water table. I know of many places in the Warburton Range Reserve where this is quite feasible and I say it would encourage the kangaroo population. Of course, the kangaroos could be farmed without fences of any kind. Fences are not required out there, because the kangaroos would be largely confined to the places where water is available. That is one possible industry that could be undertaken with a little initiative.

We all know the situation in regard to the exporting of birds. There is an embargo on the exportation of birds from Australia. I think that is a very good thing and I would hate to see it changed so far as wild birds are concerned. But when we realise that even the galahs which are poisoned in huge numbers in the wheatbelt are worth $200 each on the overseas market it becomes obvious that it would be relatively simple to establish an industry. Aborigines at a central mission could breed birds—not merely galahs, but all types of birds, some of which are worth many hundreds of dollars each on the overseas market. Surely special permission could be obtained from the Federal Government to enable an industry of that kind to be carried out in the area.

The DEPUTY SPEAKER: The honourable member has five more minutes.

Mr. GRAYDEN: If birds are bred in those circumstances they would owe their existence to the fact that they were bred. I repeat that it would not be a question of trapping wild birds. Sulphur-crested cockatoos are worth up to $1,000 overseas, and they would be extremely well looked after in other countries. I have mentioned only two ways in which something can be done to establish industries in this region.

I cannot say much more because I have only a couple of minutes remaining. However, I want to say that I have hesitated to criticise the Minister for Native Welfare in all the years he has been the Minister. I have refrained deliberately because I am convinced, and always have been, that he is doing a fantastic job for Aborigines in Western Australia. He is one who is subjected to all sorts of pressures because of his insistence that Aborigines be satisfactorily assimilated into our community.

Therefore, I do not want to be critical of what the Minister is doing. I am most appreciative of what he has done for the Aborigines of Western Australia. The point I wish to make is that I am convinced the Government is not cognisant to a sufficient extent of the need to grant land rights to Aborigines—not willy-nilly, not huge sums of compensation being paid to them for being dispossessed, but granting land rights to Aborigines where it is obviously the logical thing to do, such as in the instances I have mentioned at Port Hedland and at the Warburton Range Mission. In those places the natives could conduct their own industries.

As I mentioned earlier, I do not intend to support the move for a Select Committee, although I commend the motives of the member for Maylands who brought forward this motion. I will not support it simply because I do not believe there is time for a Select Committee to bring down findings before the end of the session. Also, I doubt the need for such a committee because we already have so much legislation on our Statute book which enables us to help Aborigines if we have the desire to do so.

MR. HARMAN (Maylands) [9.37 p.m.]: I would like to thank the members for Swan and South Perth for their contributions to the debate and also the Minister for Native Welfare for replying to my motion on behalf of the Government. At one stage in the Minister's speech I thought he intended to support the motion because he asked the questions: what are land rights? What does the expression mean? How will Aborigines be affected?

Of course, that is the very purpose of this motion—to set up a Select Committee to examine all aspects of land rights. I hoped that by a move such as this we could sort out all the questions involved in the whole issue of land rights. However, later on in his speech the Minister completely dashed the hopes I held by saying that under no circumstances would he or the Government support the motion. I am disappointed that the Minister could not do so.

This leads me to mention something which I have witnessed here over the last three years. When the Cabinet—the Executive of this State and of this Government—makes up its mind to oppose something, no move by a member of Parliament to establish a committee of parliamentarians to look into a problem in Western Australia will succeed. If the present Executive continues in this fashion —if by some misfortune it is re-elected next year—then it is bent on a course which eventually will bring about its own destruction because if it follows this course of action members of Parliament will become frustrated. Back-bench members in particular, from both the Government and Opposition sides, will feel less interest in Parliament and less interest in their functions in Parliament, no matter how involved they are in their electorates. If they

do not have the opportunity to become involved in studying problems that affect Western Australia, they will find themselves overtaken by frustration and disappointment.

If we study the workings of the Commonwealth Parliament and the Parliaments in other States of Australia, it will be found that on a number of occasions these Parliaments have agreed to the appointment of Select Committees and standing committees so that backbenchers can become involved in the study of certain problems. Reference need only be made to the State of Victoria which has a Meat Industry Committee, a Road Safety Committee, a Statute Law Revision Committee, a Public Works Committee, and a State Development Committee. Similar committees have also been appointed by some of the other State Parliaments.

The appointment of such committees involve not only members of Parliament, but also members of the general public, because they are called on to give evidence before the committees. This means that Parliament is brought much closer to the people as a result of the working of these committees which ultimately must be of benefit not only to the general public, but also to members of Parliament themselves. So on that score it is disappointing to me that during the three years this Parliament has been sitting, not one opportunity has been presented for a parliamentary committee to be appointed which would involve the backbenchers on both sides of the House. In my opinion this is a disgrace to this Parliament and to the Executive of the Government.

Returning to the motion itself, the Minister seems to take the view that there is no need for Aborigines to have any real ownership of land in Western Australia. This is contrary to the view held by the Minister for Aboriginal Affairs in the Commonwealth Parliament, because only this evening on the news broadcast he made the statement that the Commonwealth Government is considering ways and means by which Aborigines, as groups, can have ownership of land, which, traditionally, is their country. So the Minister is out of step with his counterpart in the Commonwealth Parliament.

Mr. Lewis: That, in itself, is no button off my shirt. We often find ourselves out of step with the Commonwealth Parliament.

Mr. HARMAN: The Minister made some comment about the figures I quoted in relation to the Aboriginal population. He claimed that, in Western Australia, there were some 27,000 Aborigines. I do not know where he obtained his figures, but mine were obtained from page 40 of the annual report of his department which states—

> The Aboriginal population as at the 30th June, 1969, was 23,427.

Mr. Lewis: I repeat that the definition in the annual report is the definition in accordance with the Act.

Mr. HARMAN: Why is it headed "Aboriginal Population"?

Mr. Lewis: That is in accordance with the definition of "Aboriginal" set out in the Native Welfare Act.

Mr. HARMAN: There is no such word as "Aboriginal" in the Native Welfare Act.

Mr. Lewis: Well, "Native", then.

Mr. HARMAN: This is the point I am making.

Mr. Lewis: Are you arguing about the name or the number?

Mr. HARMAN: I am making the point concerning the Aboriginal population in Western Australia.

Mr. Lewis: There is no Aboriginal population in Western Australia. It is the native population, to be precise, and to go along with your argument.

Mr. HARMAN: To follow the Minister's conclusion, this is wrong.

Mr. Bertram: How many are there?

Mr. Lewis: In accordance with the definition of "Native" in the Native Welfare Act, the number of natives is less than the number I gave; but to ensure that we get our fair share of Commonwealth money on a *pro rata* basis, our definition of a native has been made consistent with the definition in the Eastern States. Therefore, any person with part aboriginal blood is considered to be an aboriginal or a native according to the wording of our legislation.

Mr HARMAN: The Minister has his figures and I have mine. I can appreciate the reason for his figures, but I think in fairness to me, when speaking to the motion he should have stated the reason for the difference in our figures, but he preferred to imply that my figure was incorrect.

Also, on the question of acreages in reserves, the Minister stated that in Western Australia there is a total of 42,000,000 acres reserved comprising reserves of over 200 acres. I do not know what his authority is for that figure.

Mr. Lewis: The authority is the Department of Native Welfare.

Mr. HARMAN: The Minister implied that my figures were wrong.

Mr. Lewis: They were wrong.

Mr. HARMAN: The authority for my figures is a publication called *Australian Aborigines* which was issued by the Department of Territories. The figures appear on page 72 of that publication.

Mr Lewis: I accept the figures given by the Western Australian Department of Native Welfare before the figures given by that publication.

Mr. HARMAN: The implication is that, somehow or other, I cooked up my figures, and I certainly did not. The Minister seemed to take the stand that the land rights question was in no way related to those Aborigines who are less than full bloods. Possibly it is not, but he did not refer to the other side of the argument; that is, to define the extent to which full bloods are involved. As the member for South Perth said, the Minister very conveniently glossed over the situation at Warburton Range; he touched on the situation at Forrest River, Mowanjum, and Yandeyarra, and this is where the Minister missed the point.

Aborigines are human beings with the same hopes and aspirations that we have. They have intelligence and they want to be consulted and placed in a position of some kind of authority so that they can make a decision on how the land shall be used. It is all very well for the Minister to say that they are being consulted, but they are not making decisions. My aim is to place them in a position where they will actually be making a decision on how the land will be used and not be consulted by somebody who has already made up his mind as to how it shall be used. That is the point that was missed by the Minister when speaking to the motion.

He touched on the question of royalties which will be paid by those companies which mine on Aboriginal reserves. This was established as far back as 1966 by the Premier who, in March, 1966, announced that a portion of the royalties received for the mining of minerals on reserves would be paid into a special fund which, in turn, would be used for the benefit of Aborigines throughout Western Australia. But, of course, since 1966, no determination has been made of what portion of such royalties will be paid into that fund. One can only guess what the figure will be.

At the same time the Premier announced that an inquiry would be held by the Government into the payment of royalties. We are now in 1970 and so far no change has been seen in the royalties that are being paid by companies mining in this State. I remind the Minister that on Groote Eylandt, situated in the Gulf of Carpentaria, the Aborigines have entered into an agreement with B.H.P. to the effect that certain royalties resulting from the mining of manganese will be paid into a special fund which will be administered by the Council of Aborigines at Groote Eylandt.

In other words, they have made a contract with the mining company which has agreed to pay royalties to the Council of Aborigines and this council will determine how the royalty will be spent. This will not be determined by the Federal Treasurer or by the Director of Social Welfare in the Northern Territory; it will not be determined by the missionaries on Groote Eylandt: it will be determined by the Council of Aborigines.

I understand that some of this money is to be spent on the purchase of launches to enable these people to further their fishing activities and to promote that industry. That is why I suggest the Aborigines should have the right to make a decision as to how a mining company should operate on their particular reserve. The decision would be made by a council or a trust of Aborigines. This could be superimposed on their own tribal structure, because when they make a decision involving a tribal matter it is made by a group of senior Aborigines in the area.

It would be simple and quite in keeping with the customs and traditions of the Aborigines to superimpose this type of arrangement onto their tribal structure. In the past the practice has been to make a decision in relation to a particular reserve; explain the position to the Aborigines; hope that they will agree to it, and then to go ahead and carry out the decision.

This sort of thing tends to break down their authority; it indicates to other Aborigines of the area that the senior group of Aborigines—who would be the leaders in the particular area—have no authority in their own country. To some extent this breaks down the traditional type of life which these people live. This is particularly so in the Warburton Range.

The Minister referred to legislation in South Australia. This, of course, was introduced by a Labor Government some four years ago. There was then a period of government by the Liberal Party in that State. It was opposed to this legislation when it was introduced by a Labor Government, and the fact that it has not progressed to the extent desired could probably be attributed to the attitude of the Liberal Government during its two years in office. From inquiries I made in South Australia recently, I understand the Minister has some plans to ensure that the trust does work, and over the next three months or so I think we will see these plans being implemented.

At no point in my motion have I suggested that the Select Committee should involve itself with financial arrangements. I have merely suggested the appointment of a committee to inquire into the problem in order that it might obtain suggestions and ideas from people concerned and make recommendations accordingly.

We would naturally be concerned as to how these matters would be financed, but at no time did I suggest that the committee should look at ways and means of financing such ventures which may arise

in the future. My purpose was to have the basic problem discussed; to have evidence brought to Parliament so that we could decide the best course of action to take, and allow the future to take its own course. If this were done we would, at least, have looked at the basic problem in an endeavour to solve it.

The member for South Perth referred to ways and means by which Aborigines could obtain land, and he talked about miners' homestead leases. My information is that the Minister for Mines has placed an embargo on miners' homestead leases. It is impossible to get a miner's homestead lease in this State. Even so, miners' homestead leases can only be granted in a goldfield or in a mineral field. The areas to which I have been referring—the large reserves like the Warburton reserve, the Central Reserve, and the Kimberley reserve—are probably not in a goldfield area, much less in a mineral field—at least this is the case with the Warburton Range. I wonder how it would be possible to secure a miner's homestead lease on a recognised reserve which is not Crown land.

The other point raised by the member for South Perth referred to section 9 of the Land Act. It is true that a person can apply to the Lands Department for a portion of Crown land—but that refers only to a person. When it involves a group of people at the Warburton Range, or in some other area, the Lands Department would not be able to grant land to a group of, say, 40 or 50 persons; they would have to become a corporate body and this would involve all sorts of legal expenses for the persons concerned. So the position is not as easy as the member for South Perth would have us believe.

I was amazed to hear the honourable member quote all sorts of reserve numbers and areas of land that had been excised from the Central Reserve and the Warburton reserve.

I think the Minister will agree that the last excision made in this area was in 1955. I would be horrified if any further excisions had been made in recent years; if further areas of the Central Reserve had been excised for mining purposes. I do not know whether the Minister will deny that this has been done, but I would be horrified if it has.

Mr. Lewis: There have been no excisions since your Government did it in 1955.

Mr. HARMAN: So what the member for South Perth is saying is not actually factual?

Mr. Lewis: I am telling you what the position is.

Mr. HARMAN: Some comment was made about the Warburton Range. The Minister says he has a report from a firm of consultants. I do not know whether this will solve anything, but I do know that this area has been the subject of many reports. The member for South Perth said that in 1956 it was the subject of a report by a Select Committee, and since then it has been looked at by various people.

So far as I can see there is only one solution in the case of the Warburton Range and that involves a greater participation by the Government. It would be necessary to set up a settlement of the type that exists in the Northern Territory where there are departmental officers who control the maintenance and management of the particular area. The mission people could remain to carry out their spiritual and welfare work amongst the Aborigines.

This, I think, is the only solution for the advancement of the people in that area. It will be of little value, however, if this were to happen without giving the people concerned some recognition that they actually own the land in question; some recognition that they can make a decision as to how the land is to be used; some recognition that they can barter with the mining companies which wish to enter their particular area; some recognition that they have the right to raise a royalty and the right to insist on the mining company providing employment and some form of technical training.

It is at the time when these things have been established that the Aborigines of the area and of other areas can begin to become part of the community of Western Australia, and not be treated—as they have been—as second-class citizens for whom decisions are made, and of which they have no part in the making.

I regret to think that this motion will be defeated, and I am not so naive as to think it has any chance of success. Perhaps if by some mischance we find ourselves in the same position in this House next year I may endeavour to make a similar move; and as there will then be sufficient time some members opposite may be prepared to support such a motion. As parliamentarians we would then be able to look at a particular problem which exists in Western Australia.

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

Ayes—17

Mr. Bertram	Mr. Jamieson
Mr. Brady	Mr. Jones
Mr. Burke	Mr. Lapham
Mr. Cook	Mr. May
Mr. H. D. Evans	Mr. McIver
Mr. T. D. Evans	Mr. Taylor
Mr. Fletcher	Mr. Toms
Mr. Graham	Mr. Norton
Mr. Harman	*(Teller)*

Noes—21

Mr. Bovell	Mr. McPharlin
Mr. Cash	Mr. Mitchell
Mr. Craig	Mr. Nalder
Mr. Dunn	Mr. O'Neil
Mr. Gayfer	Mr. Runciman
Mr. Grayden	Mr. Rushton
Dr. Henn	Mr. Stewart
Mr. Hutchinson	Mr. Williams
Mr. Kitney	Mr. Young
Mr. Lewis	Mr. I. W. Manning
Mr. W. A. Manning	*(Teller)*

Pairs

Ayes	Noes
Mr. Tonkin	Mr. Mensaros
Mr. Bickerton	Mr. Ridge
Mr. Davies	Sir David Brand
Mr. Bateman	Mr. Court
Mr. Sewell	Mr. O'Connor

Question thus negatived.

Motion defeated.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 4)

Second Reading

MR. GRAHAM (Balcatta — Deputy Leader of the Opposition) [10.06 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to place restrictions upon the land which is sold by local authorities; perhaps a better word to use would be "conditions" instead of "restrictions."

This system has been employed in several spheres, and I think it is high time that it applied in respect of land owned by a public authority; namely, a local authority, which seeks to dispose of the land it owns. I hasten to mention that this Bill applies to residential land only.

The prime purpose is to encourage the early erection of houses on the land, and to shut out land speculators. By shutting them out it will mean that the genuine home builder will be able to acquire land at a lower price than he can at the present time—not as a gift or by way of subsidy, but in competition with others who are genuine home seekers, and who desire to acquire land upon which to erect homes for themselves and their families.

It will be appreciated that very largely the Bill is based on the principle or belief that local authorities have some responsibility in the housing of the community; and that where they dispose of land the prime purpose should be the development of that land and the settlement of people in homes on it—and not to provide a picnic for speculators.

I want to insist that this Bill does nothing in the way of creating an artificial ceiling. It merely seeks to exclude those who desire to purchase land from a semi-government authority for the purpose of enriching themselves, rather than of providing shelter for themselves and their families.

There will still be competitive prices. We are aware of the situation which exists at the present time—and this has been highlighted in the Perth City Council area, but it also applies elsewhere—where many genuine buyers of land are shut out by the actions of speculators who are able to outbid them; and then, within 24 hours of the sale, the speculators put up "For Sale" notices on the blocks. I repeat that the Bill is designed to offset and to eliminate that sort of procedure.

I hope and trust the Government will not be negative in its approach to this Bill by suggesting there is no need for it as a result of what appears to be a flattening out of land prices, generally, over the last 12 months, because anyone with eyes to see will appreciate that two factors have been mainly responsible for this, and neither of them is within the ken of this Government. One is, of course, that earlier this year and towards the end of last year there was such a boom in mining investment that people everywhere were putting their money into mining shares.

Mr. Craig: I won't have that.

Mr. GRAHAM: The Minister for Police, perhaps, will not have it, but it is true; whereas previously syndicates were formed in offices and work places for the purchase of land—and this was going on everywhere—there was a change as a result of the dramatic rise in the price of Poseidon shares and this had an effect upon other shares. Syndicates were formed everywhere throughout the length and breadth of Western Australia, including Parliament House itself—

Mr. Craig: Are you a member?

Mr. GRAHAM: That is peculiar to myself and my business and would have no bearing whatever on this Bill. However, what I said is a fact, nonetheless. Of course, during more recent times, because of the credit squeeze and the increase in the rate of interest, there has been a dampening on the economy generally and so there is not the demand for land today which existed 12 months ago, and in the preceding years.

What this Bill proposes is to follow a process which has been worked eminently satisfactorily by the Rural and Industries Bank and by the Government itself. In this regard I regret that certain questions upon the notice paper were not answered today, although I do not criticise the Government for this, as probably quite a deal of time will be required to collate all the information necessary to supply the answers. However, the information would have been handy for members and, indeed, for me to use this evening to indicate the extent to which the Government itself believes the correct policy is to apply conditions in order to give home seekers an opportunity and to shut out speculators as far as possible.

At this stage I would like to quote from a brochure isssued by the Rural and Industries Bank of Western Australia in repect of a sale of land on the 13th December, 1969, as follows—

> Conditions are to the advantage of genuine home seekers and are briefly summarised.
>
> Not more than one person and no limited company may purchase any lot and no person may purchase more than one lot.
>
> A person who has purchased land with or without a house thereon, sold by the Bank within 4 years preceding 13th December, 1969, may not purchase a lot.
>
> A person who purchases a lot may not purchase other land for sale by the Bank, whether with or without a house thereon before 13th December, 1973.

In other words, a period of four years. To continue—

> A person being the owner of more than one residential block of land, dwelling house or dwelling unit in the Metropolitan Area, may not purchase any lot.

The brochure goes on further down—

> Each purchaser shall build a house on the lot purchased, to wall plate height before 13th December, 1973 (4 years).
>
> No purchaser shall sell, transfer, or otherwise dispose of the land purchased, before the 13th December, 1973 (4 years).
>
> The Bank shall have the right at any time within 4 years, from the day of sale to re-purchase from the purchaser, the lot purchased at a price equal to the price paid for the lot, at this auction, plus the rates and taxes paid since plus the cost of improvements effected to the lot by the purchaser.

That is the procedure which, incidentally has been blessed by Ministers of this Government. The following appeared in *The West Australian* of the 19th of this month:—

> A Lands Department auction of 42 quarter-acre blocks in Kalgoorlie and Boulder on Saturday brought $64,300.
>
> The highest price was $2,500 and the lowest was $250.
>
> The 200 people who attended bid briskly in $100 bids, though there were stringent conditions of sale.

Here I interpolate to indicate that these conditions were imposed by this Government, and I commend it for this, not criticise it. The article continues—

> Each person was allowed to buy only one block and the blocks could not be resold before building started on them.
>
> Blocks had to be built on in two years.

It will be appreciated, therefore, that my Bill is not seeking to break new ground. It is merely seeking to require in certain circumstances that local authorities conform with the policy adopted by this Government and pursued by the Rural and Industries Bank of Western Australia, a Government instrumentality.

This Bill does not lay down any hard and fast rules. Indeed, it can be criticised for not going far enough. However, I have been here long enough and have had sufficient experience to know that if one is to stand any chance of legislation succeeding when it is confronted by this Government, one must hasten very slowly indeed. As a consequence, my Bill provides that when land is sold by a local authority—that is, vacant land for residential purposes—a council shall impose certain conditions unless the Governor—in other words, the Government of the day—decrees otherwise. I have included this escape because one can envisage that in certain places or on certain occasions there would be no requirement for this, and, in this regard, perhaps there is no need to particularise.

The Bill also provides that the local authority, on the sale of land, shall take an option of repurchase of all the lots sold. Again, this is not compulsory. It is compulsory that the local authority take the option, but it is not compulsory for the local authority to exercise the option if the purchaser does not conform with the conditions stipulated. However, there is an assumption that both the Government and local authorities will act responsibly.

The spirit and intention of Parliament is to protect the interests of the public, and it is in this spirit that this legislation has been introduced and will be applied by the local authorities.

I want to say here and now that whilst certain periods are laid down in the Bill I am not irrevocably tied to them. If members feel that instead of the requirement that a house be constructed within a period of three years, the period should be two or four years, or some other period, I would be found to be flexible in that regard. The idea is that the people who buy these blocks which are sold by local authorities—and it deals only with local authorities—shall be subject to certain building conditions. A house must be erected within a period of three years of the date of purchase, and the local authority has the right to exercise an option of repurchase over a period of four years.

In other words, there is a 12-month period for the local authority to make up its mind, or do some prodding of the purchaser to insist that he gets on with the job. The Bill is fair in that regard.

The idea of the option which, of course, will be given by way of *caveat* lodged with the Titles Office, is that the title is still in the hands of the purchaser—which is very necessary for him to raise money for the erection of his home. In addition, it is a protection to any other would-be purchaser because it will be shown on the title deed that there are certain requirements attaching to it.

It is therefore felt that this procedure is the most equitable to all concerned: to provide for an option to be expressed by way of a *caveat* lodged with the Titles Office, and endorsed on the title deeds. The price shall be on identical lines with the requirements of the Rural and Industries Bank. In other words, the price received by the council on the sale, plus the rates, water rates, and land taxes paid in respect of the land since the sale by the council, plus the value of improvements effected to the land by the purchaser from the date of purchase to the date that the council decides to exercise its option.

Perhaps my legal adviser is able to express more clearly than I have endeavoured to do the theory on which the Transfer of Land Act operates. In a communication addressed to me, and dated the 11th May, 1970, it is set out as follows:—

> The theory on which the Transfer of Land Act operates is that the registered proprietor takes free of all encumbrances save those appearing on the title. If that provision is maintained by requiring the council to lodge a caveat, the possibility of an innocent purchaser becoming involved is avoided. On the other hand the council would not be protected unless and until it lodged a caveat, a very simple matter.

That is the process which has been followed, and no doubt the process that has been adopted by the Rural and Industries Bank.

It will be appreciated that the Bill is simple in itself, and that it has certain aims which I trust will appeal to all members as being correct and commendable. It is designed to assist those who genuinely seek to establish homes for themselves. It does nothing but lock out those whose presence at an auction sale is to acquire land for the purpose of profit, and in the process of so doing force the price of the land either beyond that which can be afforded by the genuine home seeker, or forcing him to pay prices which are ridiculous in the extreme and involving him in all sorts of financial difficulties when he sets about the task of endeavouring to have a house built.

I cannot emphasise too strongly that it is possible for land to be sold and the proposed option not exercised. In other words, there is nothing harsh or unconscionable in the proposition which I am asking this House and, I trust, this Parliament to consider. It is not my intention to quote the figures which have been obtained for land in various sales. There has been a steep upward spiral and we find that certain lots have attained the tremendous price of $17,000 for virgin land. That land was owned by the Crown, if I can use that term in its broadest sense; in other words, a public authority created by Statute passed by this Parliament. Surely it has a responsibility to the public! It is not there as a first priority to fill its coffers, but to render a public service. The public authority has not been asked to sacrifice land at less than its worth, but to make the land available to those who are *bona fide* purchasers.

After all, there is nothing new and novel about this proposition because, for instance, taxi plates are available to *bona fide* taxi operators, and are not available to the public at large. I think this Bill has something to commend it, and I conclude on this note: There is nothing new and novel about it. It follows the pattern that has been set by this Government and approved by this Government. Indeed, approaches have been made to me by a certain Perth city councillor for action along these lines. I acknowledge here the work and effort and the attempts of that councillor to provide a better crack of the whip for young people and, indeed, people of all ages who seek to establish homes for themselves.

My final word is to express my appreciation to the Premier to whom I appealed last week for an opportunity to be given, if possible on what was normally a private members' day, to proceed with such business as private members already had on the notice paper. Whether that opportunity has been as a result of my prompting, I know not and neither do I care. However, I am grateful for this opportunity, and I am also grateful to the member for Victoria Park for giving notice of this Bill during my absence abroad. I commend the Bill to the House.

Debate adjourned, on motion by Mr. Nalder (Minister for Agriculture).

House adjourned at 10.29 p.m.

Legislative Council

Thursday, the 22nd October, 1970

The DEPUTY PRESIDENT (The Hon. N. E. Baxter) took the Chair at 2.30 p.m., and read prayers.