

NATIVE TITLE - PERTH METROPOLITAN AREA

704. Mr P.D. OMODEI to the Deputy Premier:

I have a supplementary question. As this is a matter of great public interest, will the Deputy Premier table the legal advice; and when will the government end the uncertainty and tell the people of Western Australia whether it will appeal?

Mr E.S. RIPPER replied:

The Leader of the Opposition's question shows the perils of not listening to an answer before presenting a supplementary question. I have told the Leader of the Opposition that I do not have formal written legal advice. I have had briefings -

Several members interjected.

The SPEAKER: Order, members!

Mr E.S. RIPPER: Of course I have had briefings that contain legal advice, but a verbal briefing cannot be tabled. Secondly -

Several members interjected.

The SPEAKER: Order, members!

Mr P.D. Omodei interjected.

The SPEAKER: I call the Leader of the Opposition to order for the first time and suggest that continual verbal barrage is not the way to approach any sort of interjection.

Mr P.D. Omodei interjected.

The SPEAKER: I call the Leader of the Opposition to order for the second time.

Mr E.S. RIPPER: Secondly, remarkable as it might seem, the Leader of the Opposition was actually a minister in the Court government. He would know that it is not the usual practice of government to table legal advice. Legal advice is not tabled for the reason that it might compromise the position of the state in subsequent legal proceedings.

Mr P.D. Omodei: So you have got legal advice?

Mr E.S. RIPPER: Mr Speaker, how many times? I was trained as a teacher; part of the job of a teacher is to ascertain the level the class has attained. I have overestimated the Leader of the Opposition's state of education, his preparedness and his foundation knowledge to receive the advice that I am giving. The government has had verbal briefings. The government does not have formal written legal advice. On the basis of those verbal briefings, the government understands that there are inconsistencies between Justice Wilcox's decision and the way in which the High Court has handled this matter. The government is considering the matter and will announce a decision as soon as possible. I can well understand that it is a matter of considerable public interest and concern, and I want to reach a decision and make an announcement as soon as possible.

I object to the Leader of the Opposition's apparent decision to scaremonger and to raise the level of community concern and division on this issue. I have no truck with that; I have no truck with that at all.