Legislative Assembly

Tuesday, 9 September 1980

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

MINISTER FOR CULTURAL AFFAIRS

Allegations against Member for Maylands: Personal Explanations

MR HARMAN (Maylands) [4.32 p.m.]: I seek leave of the House to make a very brief explanation.

Leave granted.

Mr HARMAN: Last Wednesday afternoon the Minister for Cultural Affairs made some allegations against me, and I wish to quote them. The first allegation reads—

> The member for Maylands went to an area where there were 60 starving Aborigines. I visited the area with Pastor Doug Nicholls who later became the Governor of South Australia. The Labor Minister at that time and the member for Maylands drove away and left 60 starving Aborigines.

The second allegation made by the Minister appears in the same speech, and I quote as follows—

> The film shows Pastor Nicholls helping a woman who has a sick child. The child is skin and bone. Pastor Nicholls is helping the woman and her child into the back of our truck because the Labor Minister and the member for Maylands drove off and left them to walk 60 miles to the mission. When the woman could not stand up we carefully took her and her child back to Warburton Mission. It was obvious the baby was dying. I can show the photographs of the baby with a spoonfull of jam and a spoonfull of powdered milk on a piece of bark alongside it. The baby died the next day.

At a later stage of the same speech the Minister for Cultural Affairs, referring to the member for Maylands, said—

> He did nothing for that baby. We took the mother and the baby back to the mission after the Minister and the member for Maylands had driven away. Of course, we made sure that the people were supplied with sufficient food to get back to the mission and we took back those we could.
>
> I am saying how callous the member for Maylands was and he is trying to give the impression that the Labor Party is concerned about Aborigines.

Those are the allegations about which I wish to make this personal statement. Firstly, I want to say to members in this House that I absolutely deny driving away and turning my back on 60—or whatever the number was—starving Aborigines at Mittiga waterhole. I absolutely deny driving off and leaving a woman with a sick baby.

It is important that I refer to the time perspective. The incident occurred in 1957. At that time I was an officer of the Native Welfare Department, and I accompanied my senior officer (Mr B. A. McLarty) and the then Minister for Native Welfare (Mr J. J. Brady) to the Warburton Range and other locations in the general area. The visit to the area resulted from a decision by the then Minister following the tabling in this House of a Select Committee report. The Select Committee was headed by the member for South Perth (Mr Grayden). The ministerial party was accompanied by Dr Davidson from the department—who eventually became the head of the Public Health Department—Professor Ida Mann, a woman acknowledged all over the world for her treatment and knowledge of eye diseases, several other public health employees, and two people from *The West Australian* newspaper, Mr Fred Morony, a journalist, and another person who was a photographer.

At some time the Minister gave approval for Mr Grayden to accompany the ministerial tour of the Warburton Range. Mr Grayden was accompanied by other persons including a Sergeant Anderson, his brother Dave, and Mr Stan Lapham, M.L.A. In February 1957, the ministerial party and the Grayden party arrived at the Warburton Range. On arrival we learnt that there was a group of Aborigines at a waterhole called Mittiga some 60-odd miles to the north of the Warburton Range.

We went to the waterhole at Mittiga; it took some time to get there because of the terrain. We arrived before the Grayden party which arrived some time later. Included in the party which visited Mittiga was a senior officer, Mr McLarty, an officer from the Commonwealth, Mr MacDougall, the Minister for Native Welfare at the time (Mr J. J. Brady), myself, and the two people from *The West Australian*.

On arrival at Mittiga we made an assessment of the situation. I can remember distinctly—even

though it took place 23 years ago—walking around the environs of that waterhole and having pointed out to me by an interpreter the existence of native food in the way of fruit, berries, and seed. I can remember distinctly seeing a woman in the Mittiga environment grinding flour from some seeds.

I can remember distinctly also that one of the male members of the community brought in a kangaroo during the time we were there. We made an assessment that although probably the natives had overstayed their period at this waterhole, they were in no way in any danger. Our interpreters told us that the group intended to move on. So we were satisfied there was no cause for alarm in the situation at Mittiga.

We returned to the Warburton Range. At no time can I recall seeing a woman with a sick child. At no time can I recall an incident of that nature being brought to my attention.

To substantiate what I have just said, I wish to refer to a Press report sent back by a journalist from *The West Australian* to his newspaper following that visit to the Mittiga waterhole. The Press despatch is contained in a book entitled *Adam and Atoms* written by William Grayden. I would like to quote from this Press report which appears on page 90 of the book. It reads as follows—

> "The Warburton expedition made contact with some of a group of about 40 nomadic natives at Mittiga waterhole about 60 miles north-east of Warburton Mission today.
>
> They were a party of bush natives who came from the spinifix country north-west of the Rawlinson Range to the waterhole.
>
> The bush natives said that the rest of their people had left Mittiga to go to Sladen Waters at the eastern end of the Warburton Range.
>
> Although they were dishevelled and dirty, the natives at Mittiga had plenty of food and water. They intend to walk to Warburton Mission within a week.
>
> When they arrive they will be examined by the Public Health Department party and the results checked with the findings at Laverton and Cosmo Newbery.
>
> The Minister for Native Welfare (Mr. Brady) hopes to return to Warburton Mission tonight.
>
> The Grayden party is staying at Mittiga to interview a few natives who were hunting when the main party left."

Further on the author again refers to the Mittiga situation. The comment on page 93 reads as follows—

> Just prior to leaving Mittiga on the return journey to the Mission, one of the natives approached Sgt. Anderson and explained to him that the natives feared that one of the babies at the camp would die that night as its mothers milk had dried up. The baby was listless and emaciated and the mother was very weak. It was obvious that the woman could not possibly walk back to the Mission and equally certain that if she attempted to do so the baby would not survive the journey. Because of this we decided to take the mother and her baby back with us on the truck.

On the return of the ministerial party to the Warburton Range, we then left to continue the remainder of the inspection of the central reserve. That meant travelling in an easterly direction to the Blackstone Range where we encountered a further group of Aborigines. A medical inspection of these Aborigines was carried out. From there we travelled to the Rawlinson Range in a northerly direction. Again we encountered more Aborigines, and medical inspections were carried out.

The Grayden party arrived back at the Warburton Range, followed us to the Blackstone Range, and eventually met up with us. This party then followed us to Giles where the party broke up. The Minister returned to Perth via Alice Springs, and the Native Welfare Department party travelled through Mt. Davis, eventually to Woomera, and then returned to Perth. The medical party travelled back through the Blackstone Range, the Warburton Range, and then to Perth. The Grayden party returned to the Warburton Range with the medical party, but it then visited some other place before returning to Party.

I would like to read to the House the comments of the author of the book *Adam and Atoms* in respect of this child. I would like members to remember that the author had left the Warburton Range, travelled across the Blackstone Range to Giles, and completed the return journey to Warburton. On page 105 of the book the author, as he was leaving to return to Perth, said—

> When we leave the Mission, the emaciated child whom we brought in from Mittiga waterhole is safely in the Mission hospital. There is still doubt, however, as to whether it will live.

I would like to inform members that our party was made up of experienced officers of the department. Mr MacDougall had some years' experience of the Aborigines in the central reserve area. My senior officer had previous experience in New Guinea, and as well as that he had been an officer in the Native Welfare Department for at least 10 years, and in charge of that area for some time. Although I was only 25 years of age, I had some knowledge of Aborigines in that sort of environment. These were the officers who made the assessment that there were no starving Aborigines at Mittiga and no cause for alarm. That assessment was corroborated by the Press report of the journalist who was at Mittiga. He had no axe to grind; he was there to report what he saw.

I can remember distinctly that the assessment of the situation was made after we saw the evidence of native fruit and game as well as the water supply in that area. Of course the allegation that I drove away from a woman and child cannot stand up. I have no recollection of such a situation being brought to my attention, and from the contents of the book referred to, it is obvious that the situation was brought to the author's notice after I and other members of the party had left the Mittiga waterhole.

The inference in the allegation that the child died the next day is proved incorrect also. Last week in the House the Minister for Cultural Affairs made the allegation that the child died the next day; that allegation cannot be substantiated by the contents of his book or by his own public statements since that day. In fact, in an interview on the "Nationwide" programme last Friday night, he said he was not absolutely sure that the child died but that some time later the mission people advised him of this fact. However, when he left that mission some days later, the child was safely in hospital and it is obvious it did not die the next day.

I repeat: I absolutely deny that I turned my back on 40 or so starving Aborigines at Mittiga waterhole in 1957, and I absolutely deny the allegation that I drove off and left a woman with a sick child at Mittiga.

MR GRAYDEN (South Perth—Minister for Cultural Affairs) [4.50 p.m.]: I seek leave of the House to make a personal explanation on the same matter.

Leave granted.

Mr GRAYDEN: I accept the assurance from the member for Maylands that he was not aware there was a sick woman at Mittiga, and that her child was in the serious condition I portrayed. When I made my statement the other day that the baby died the day after it got to the mission, I was mistaken; I realised later I was in error. What I intended to say was that the baby was reported to have died the day after we left the mission and returned to Perth.

I apologise to the member for Maylands for stating the baby died the day after it reached the mission when in fact this was not the case.

However, I do not believe that point is particularly material to my main criticism, which was of the actions of the ministerial party. Some 43 Aborigines were at Mittiga waterhole, 19 of whom were children. Subsequently, those children—with the exception of a few—walked back to the Warburton Mission. A mission truck went out to pick up those who were too weak to walk; however, they were picked up only a day's walk from the mission.

When they reached the mission, the two children who were of school age attended the mission school. The hospital matron told us the Aborigines were almost too weak to stand and were bleeding from the gums with scurvy, and that all 19 of the children were in the same condition.

These children were out at Mittiga waterhole in the heat of the summer. Between Mittiga and the Warburton Mission are only two very small waterholes, some 20 miles apart. One is situated at the bottom of a large, natural limestone excavation. The Aborigines had to clamber to the bottom of the depression and crawl some 20 feet, parallel with the surface to reach a small depression containing about a basinful of water. No doubt more water could have been obtained had they excavated further. However, they were in a weak condition, and had to get to the bottom of the depression and crawl along the tunnel in total darkness to the water in the first place; no doubt they were able to excavate still further.

The member for Maylands talked about Mr Morony. I took such violent exception to Mr Morony's statements that I sat down and wrote an entire book for no other reason but to refute his statements. He wrote in his report from the Warburton Mission that the Aborigines had plenty of food at Mittiga. I think most of the statements made by the member for Maylands were very accurate and reasonable, and I do not take exception to any of them. The Aborigines did have a kangaroo. However, we were able to ascertain from the Aborigines that they were out hunting some 10 miles from Mittiga. Therefore, six men travelled a total of 120 miles to obtain a kangaroo and a rabbit.

What the member for Maylands said in respect of seeds was perfectly correct. The Aboriginal women pointed out that because they had to make their way back to the Warburton Mission, they had spent three days collecting mulga seeds in their tiny dilly bags; the seeds were then ground.

I repeat: My criticism was not directed at the member for Maylands, who was a relatively junior member of that ministerial party. The party was made up of the Minister and an officer very senior to the member for Maylands. So, I do not blame him at all.

Mr Pearce: You certainly did last week.

Mr GRAYDEN: My criticism was directed at the ministerial party for driving off and leaving Aborigines in that condition to walk back in the heat of summer to the Warburton Mission. The member for Maylands pointed out he was not aware the woman was as sick as she was, or that her baby was in such a serious condition and I accept his statement. In fact, the only reason we knew of the situation was that some of the other Aborigines approached us on their behalf.

Mr Morony said in his report—which subsequently was published in *The West Australian*—that these children would be examined by the medical team when they reached the Warburton Mission. However, by the time they reached the mission, the medical team had returned to Perth.

Mention was also made of a Mr MacDougall, who was a Commonwealth officer. When he saw the children, he described them as the worst he had ever seen.

The West Australian claimed I had stated in my book, which I wrote 14 days after the event, that the baby was still alive. My book made it very obvious that we left the mission five or six days later, which was some seven days after the member for Maylands had been to Mittiga waterhole, and the baby died the day after we left.

The member for Maylands quoted the following extract from my book—

> When we leave the Mission, the emaciated child whom we brought in from Mittiga waterhole is safely in the Mission hospital. There is still doubt, however, as to whether it will live.

I am sorry this matter has been raised. I brought it up in the House the other day to make certain points. Nothing was published about the matter in *The West Australian* the next day, and the member for Maylands himself made a statement to *The West Australian* a couple of days later. Otherwise, as far as I was concerned, it was a dead issue.

Mr Davies: I do not like to interrupt, but you should know this matter was on the commercial news repeatedly during that day. That is what upset the member for Maylands.

Mr GRAYDEN: I did not realise that. I am sorry this has happened, because it is not the sort of thing one dwells on, or makes an issue of. I raised the matter for reasons well known to the member for Maylands. We were engaged in a debate on Aborigines. The Government was being attacked in respect of its attitude to the Noonkanbah situation, and I was simply contrasting our attitude with the attitude of previous Labor Governments.

My criticism was not directed at the member for Maylands. I accept the statements he has made and I appreciate he could well have gone away with the impression he had. My criticism was directed at the ministerial party, which left 19 children and 24 adults—obviously in a poor condition—in the heat of summer, 63 miles from Warburton Mission. I repeat: When they returned to the mission, the matron reported that some were too weak to stand and most were bleeding from the gums with scurvy.

Irrespective of what Mr Morony said—I repeat that I wrote the book only to refute his statements—I filmed the event, and nothing he said can be justified because the films are irrefutable evidence in support of my statements.

CAPITAL PUNISHMENT

Abolition: Petition

MR DAVIES (Victoria Park—Leader of the Opposition) [5.00 p.m.]: I have a petition to present which reads as follows—

> To the Speaker and Members of the Parliament of Western Australia assembled, we the undersigned citizens of the State of Western Australia affirm that:—
>
> The sanctity of human life is one of the fundamentals of a Christian society and can in no circumstances be set aside. Our concern, therefore, is for all victims of violence, not only murderers but also those who suffer by his act.
>
> The sanctioning by the State of the taking of human life has a debasing effect on the community, and tends to produce the brutality which it seeks to prevent.
>
> The real security for human life is to be found in reverence for it. The law of capital

punishment while pretending to support this reverence does in fact tend to destroy it.

We request that Parliament give urgent consideration to abolishing the death penalty and we humbly and in duty bound will ever pray.

The petition bears the signatures of 444 citizens and I certify that it conforms with the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

(See petition No. 15.)

LIQUOR ACT

Liberalisation: Petition

MR WILSON (Dianella) [5.02 p.m.]: I have a petition to present from 157 citizens of Western Australia calling upon the State Government to resist any proposals to further liberalise the liquor laws in Western Australia, including the lifting of restrictions on Sunday trading.

The petition conforms with the Standing Orders of the Legislative Assembly, and I have certified accordingly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

(See petition No. 16.)

BILLS (3): INTRODUCTION AND FIRST READING

1. Cancer Council of Western Australia Amendment Bill.

   Bill introduced, on motion by Mr Young (Minister for Health), and read a first time.

2. Main Roads Amendment Bill.
3. Metropolitan (Perth) Passenger Transport Trust Amendment Bill.

   Bills introduced, on motions by Mr Rushton (Minister for Transport), and read a first time.

CONSTITUTION AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

THE BANK OF ADELAIDE (MERGER) BILL

Second Reading

MR O'CONNOR (Mt. Lawley—Deputy Premier) [5.06 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to facilitate the merger of the Bank of Adelaide and its subsidiary the Bank of Adelaide Savings Bank Limited with Australia and New Zealand Banking Group Limited and its subsidiary Australia and New Zealand Savings Bank Limited.

Following substantial losses by its wholly owned subsidiary, Finance Corporation of Australia Limited, it was necessary for the Bank of Adelaide in May 1979 to obtain the support of the other Australian trading banks and the Reserve Bank of Australia. Flowing from this situation, the Bank of Adelaide was directed by the Reserve Bank of Australia to merge with another Australian bank. Arrangements were then made by Australia and New Zealand Banking Group Limited to acquire the share capital of the Bank of Adelaide by a scheme of arrangement under section 181 of the Companies Act, 1962-1980, of South Australia.

The scheme was subsequently agreed to by the necessary majority of members of the Bank of Adelaide, approved by the Supreme Court of South Australia and became effective from 30 November 1979. The Bank of Adelaide is now a wholly owned subsidiary of Australia and New Zealand Banking Group Limited.

The merger has the approval of the Treasurer of the Commonwealth of Australia, who has given his consent pursuant to section 63 of the Banking Act, 1959, on the understanding that steps will be taken as soon as practicable to bring the operation of the two banks into a single entity and for the Bank of Adelaide then to cease carrying on banking business. This understanding with the Federal Treasurer is one of the principal reasons for introducing this legislation.

To complete the merger, it is necessary to amalgamate the business and undertaking of the Bank of Adelaide and its savings bank with the business and undertaking of Australia and New Zealand Banking Group Limited and its savings bank respectively. It is hoped that the necessary arrangements made will enable completion by 30 September 1980, so that the merger will become effective from 1 October 1980.

In practical terms the merger of these banks will involve the transfer throughout Australia of over 260 000 accounts and the transfer of borrowing arrangements of more than 46 000 customers. By far the majority of this business is in South Australia. The time and effort involved in carrying out the merger by means of separate transactions with each customer would be unduly onerous and would involve not only the staffs of the banks but also the customers themselves and

officers of Government departments such as those in the State Taxation Department and the Office of Titles.

It would be necessary to obtain an authority from each customer to transfer accounts from one bank to the other, new mandates for the operation of a variety of types of account, new authorities for periodical payments and new indemnities for various purposes connected with the accounts. New securities—guarantees, mortgages, liens, etc.—would be required from borrowing customers and their sureties, or else authorities would need to be taken for transfer of existing securities, where practicable.

The work involved in preparation of documents, obtaining signatures, stamping, and registration would be totally unproductive, at the expense of, and with delays to, new transactions. The legislation will minimise the volume of paper work to be handled by customers, bank staff, Government officers and others, and will preserve the rights of the staff involved and give them continuity of employment. While it is possible to do this by renewal of contracts, a more effective and expeditious way to do it is through the form of this legislation.

The saving in documentation which would be achieved by the proposed legislation is not intended to deprive the State of any revenue which might have been derived from the stamping of such documentation. The Government has negotiated with Australia and New Zealand Banking Group Limited as to a payment in lieu of stamp duty and agreement has been reached on this aspect.

This follows the precedent set by the merger by legislation of Australia and New Zealand Banking Group Limited with The English Scottish and Australian Bank Limited in 1970.

Because the Bank of Adelaide has branches in each State, legislation similar to this Bill is being sought by Australia and New Zealand Banking Group Limited in each State.

The Bill before the House is similar in principle to the Australia and New Zealand Banking Group Act, 1970, which was enacted for the purpose of implementing the 1970 merger referred to.

However, on this occasion the Act in South Australia will be the principal Act in the legislative scheme throughout Australia because the Bank of Adelaide is incorporated in that State.

The Bill has been drawn to come into operation on 1 October 1980, for several reasons—

(1) The Commonwealth wants the merger to be accomplished as speedily as possible.

(2) Both groups close their accounting years on 30 September each year.

(3) It is necessary from a practical business point of view to expedite the merger as much as possible in the interests of the staff and customers of the Bank of Adelaide.

Clause 3 is the interpretation clause and provides definitions of a number of terms used in the Bill. Principal amongst these are the following—

"Excluded Assets". Lands constituting bank premises or bank residences are to remain in the ownership of the Bank of Adelaide or the Bank of Adelaide Savings Bank Limited. The purpose of this definition is to exclude from the transfer of assets, land held by the banks otherwise than by way of security, and also to exclude from the transfer any records required to be kept by the Bank of Adelaide or the Bank of Adelaide Savings Bank Limited under the Companies Act.

"Liabilities" is defined as including duties and obligations,

"Property" is widely defined to include real and personal property. When excluded assets are not intended to be covered by the use of the general term "property" it is so provided in the operative clauses of the Bill.

"Undertaking" in relation to the Bank of Adelaide or the Bank of Adelaide Savings Bank Limited in each case covers all of the property rights and liabilities of those banks on the appointed day with the exception of excluded assets and rights and liabilities relating to excluded assets.

The remaining definitions are self-explanatory.

Clause 4 declares that the Act binds the Crown.

Clause 5 is a key provision of the Bill. Under subclause (1), on the "appointed day", the undertakings of the Bank of Adelaide and the Bank of Adelaide Savings Bank Limited are to be vested in Australia and New Zealand Banking Group Limited and Australia and New Zealand Savings Bank Limited respectively.

By this simple enactment Australia and New Zealand Banking Group Limited succeeds to the whole of the property assets and liabilities of the Bank of Adelaide—except the excluded assets and liabilities relating to those assets—and the position with the savings banks is the same.

Subclause (2) provides that on and after the appointed day reference to the Bank of Adelaide or the Bank of Adelaide Savings Bank Limited in documents executed on or prior to that day are to be read as references to Australia and New Zealand Banking Group Limited or, as the case may be, Australia and New Zealand Savings Bank Limited unless the document relates to an excluded asset or unless the context otherwise requires.

Subclause (3) enables the Registrar of Titles to register Australia and New Zealand Banking Group Limited or Australia and New Zealand Savings Bank Limited as the proprietor of land under the Transfer of Land Act, 1893, which becomes vested in them under the Act. This will relate to securities on land.

Subclause (4) provides that an instrument relating to land under the Transfer of Land Act, 1893, which has vested in Australia and New Zealand Banking Group Limited or Australia and New Zealand Savings Bank Limited under the clause shall, if the instrument is duly executed and is otherwise in registrable form, be registered by the Registrar of Titles notwithstanding Australia and New Zealand Banking Group Limited or Australia and New Zealand Savings Bank Limited has not been first registered as proprietor of the land. This will avoid the necessity for numerous formal applications in connection with releases of mortgage securities.

Clause 6 provides in some detail for the continuation between Australia and New Zealand Banking Group Limited and the customers and other persons dealing with the Bank of Adelaide, of exactly the same relationship as already exists with the latter bank. By paragraph (a) all existing instructions or authorities given by a customer will be deemed to have been given to Australia and New Zealand Banking Group Limited.

By paragraph (b) existing securities will be available to Australia and New Zealand Banking Group Limited as security for the debts or liabilities thereby secured at the appointed day which are transferred under the Act. Where the security extends to secure future debts and liabilities, it will be available in the hands of Australia and New Zealand Banking Group Limited for debts and liabilities, which the customer may incur after the appointed day with that bank; and Australia and New Zealand Banking Group Limited is given the same rights and priorities and is made subject to the same obligations and incidents as applied to the Bank of Adelaide.

Under paragraph (c) the rights and obligations of the Bank of Adelaide as bailee—for example for safe custodies—are transferred to and assumed by Australia and New Zealand Banking Group Limited.

Paragraph (d) provides in effect that any negotiable instruments drawn on, given to, accepted or endorsed by, the Bank of Adelaide will have the same effect on and after the appointed day as if they had been drawn on, given to, accepted or endorsed by Australia and New Zealand Banking Group Limited. Paragraph (e) preserves all legal proceedings commenced by or against the Bank of Adelaide before the appointed day.

Whilst clause 6 relates to the two trading banks, similar provisions are included for the two savings banks in clause 7.

The purpose of clause 8 is to ensure that where the Bank of Adelaide or the Bank of Adelaide Savings Bank Limited was occupying premises under a lease, licence or other agreement which is not transferred—because it would be classed as "excluded assets"—nevertheless Australia and New Zealand Banking Group Limited or Australia and New Zealand Savings Bank Limited may exercise the rights of the Bank of Adelaide or the Bank of Adelaide Savings Bank Limited thereunder. Further, the exercise of those rights by Australia and New Zealand Banking Group Limited or Australia and New Zealand Savings Bank Limited does not constitute parting with possession of the land by the Bank of Adelaide or the Bank of Adelaide Savings Bank Limited for purposes of the lease, licence or agreement. The purpose of the latter provision is to avoid any problem which otherwise might arise under a provision of a lease prohibiting transfer of the lease or parting with possession of the land without the landlord's consent in writing.

Provision has been made in clause 9 to facilitate service of documents—which includes summonses and other legal processes—continuation of legal proceedings and enforcement of judgments against either of the merging trading or savings banks.

Clause 10 relates to evidence and has the effect that any document which before the appointed day could have been used as evidence for or against the Bank of Adelaide or the Bank of Adelaide Savings Bank Limited, may after the appointed day be similarly used for or against Australia and New Zealand Banking Group Limited or Australia and New Zealand Savings Bank Limited.

Clause 11 deals with the position of the Bank of Adelaide staff. They become employees of Australia and New Zealand Banking Group Limited on the same terms and conditions as applied to them as Bank of Adelaide employees. The section preserves any right which at the appointed day had accrued in respect of employment. The Bank of Adelaide Provident Fund will continue in existence for the benefit of those employees and their dependants until it is terminated under applicable rules governing that fund. The Australia and New Zealand Banking Group Limited intends to assume responsibility for the fund under a provision of the rules dealing with amalgamation of the Bank of Adelaide. Since the Bank of Adelaide fund is preserved, the Bank of Adelaide staff transferred to Australia and New Zealand Banking Group Limited do not acquire a right to enter an existing Australia and New Zealand Bank Provident Fund. A person who held office as a director, secretary or auditor of the Bank of Adelaide or the Bank of Adelaide Savings Bank Limited does not become a director, secretary or auditor of Australia and New Zealand Banking Group Limited or Australia and New Zealand Savings Bank Limited by virtue of the Bill.

Neither the Bank of Adelaide Savings Bank Limited nor Australia and New Zealand Savings Bank Limited employs any staff but the work of both is carried out by the staff of the trading banks.

The final clause in the Bill requires certain holders of public office in Western Australia to recognise the provisions of this Bill in the recording or registration of dealings to give effect to the purposes of the Bill.

I believe the Premier has conferred with the Leader of the Opposition briefly regarding this Bill and has indicated that there may be a need to suspend Standing Orders to pass the Bill by the appropriate time.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Davies (Leader of the Opposition).

SLAUGHTER OF CALVES RESTRICTION ACT REPEAL BILL

Second Reading

MR OLD (Katanning—Minister for Agriculture) [5.24 p.m.]: I move—

That the Bill be now read a second time.

This legislation dates back to a time when considerable concern was being expressed that large numbers of heifer calves were being slaughtered in the metropolitan area to meet the needs of the vealer trade.

It was considered that the loss of these calves was of particular importance to the economic well-being of the dairy industry.

The legislation is no longer relevant in terms of today's dairy cattle production needs and it is considered that the Act should be repealed.

I commend the Bill to the House.

Debate adjourned, on motion by Mr H. D. Evans (Deputy Leader of the Opposition).

RURAL RECONSTRUCTION AND RURAL ADJUSTMENT SCHEMES AMENDMENT BILL

Second Reading

MR OLD (Katanning—Minister for Agriculture) [5.25 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to incorporate in the legislation the fourth agreement between the Commonwealth and the States in relation to the operation of the Rural Adjustment Scheme.

That agreement was reached in March 1980 and provides for the following changes—

The provision of supplementary moneys to a State other than on an annual basis;

moneys unspent by one State may, with the consent of that State, be reallocated to another State;

approval may be given in a financial year to spend in that year a part of the next year's allocation; removal of the eligibility requirement that an existing farm has been but is not now viable.

The new agreement requires that the applicant be a bona fide farmer, intending to remain on the property, and who given assistance has sound prospects of long term viability.

Other changes involve the matter of household support, the inclusion of the apicultural industry in the scheme and the treatment of the Northern Territory as a State within the meaning of the Act.

I commend the Bill to the House.

Debate adjourned, on motion by Mr H. D. Evans (Deputy Leader of the Opposition).

STALLIONS ACT REPEAL BILL

Second Reading

MR OLD (Katanning—Minister for Agriculture) [5.26 p.m.]: I move—

That the Bill be now read a second time.

The Stallions Act provides that no unregistered stallion shall be used for stud purposes on mares other than those of the owner.

The Act was introduced at a time when heavy draught horses were a commercial part of agriculture; and the intention of the legislation was to ensure that a registered stallion is not affected by hereditary or transmissible unsoundness or disease. The Act specified that stallions be inspected by an examining authority—consisting of a veterinary surgeon and two nominated competent judges of horses.

The legislation has not been operative for the last 30 years in view of the cessation of the breeding of heavy draught horses for commercial use in Western Australia.

The need for the Act no longer exists and there is in my view no justification for the continuation of its provisions. It is considered therefore that the Act should be repealed.

I commend the Bill to the House.

Debate adjourned, on motion by Mr H. D. Evans (Deputy Leader of the Opposition).

RAILWAYS DISCONTINUANCE BILL

Second Reading

MR RUSHTON (Dale—Minister for Transport) [5.28 p.m.]: I move—

That the Bill be now read a second time.

Late in 1977, following exhaustive studies, the decision was taken to withdraw all traffic from the Mullewa-Meekatharra line between Pindar and Meekatharra. The decision was based on a number of factors.

The line was constructed early in the 1900s when scant attention was given to its alignment. Despite substantial expenditure on maintenance, it had not been possible over the latter years to keep the track in a satisfactory condition. The only solution was to completely reconstruct the line on a new alignment.

However, the capital cost of such a project could not be justified by the traffic available at the time or in the foreseeable future.

The service was officially terminated from 1 May 1978 and was replaced by contract road services which have proved to be quite satisfactory.

At the time, assurances were given that the line would remain in situ for at least 12 months after the service was terminated. This period is well passed.

The legislation before the House will formally discontinue the railway between Pindar and Meekatharra.

The Mullewa-Pindar section, which not long ago was subject to a major maintenance programme, is being retained for grain haulage on a seasonal basis. Revenue from this source is expected to cover operating costs.

The life of this section is estimated at about 17 to 18 years. The Bill provides for the discontinuance of the railway and the disposal of the materials.

Responsibility for outstanding capital charges on the discontinued line will be transferred from Westrail to the Treasury.

Under section 118C of the Land Act, the railway reserve will be revested in the State. However, steps are being taken to ensure that it is retained for a future railway, should the need arise, by classifying it as a class "C" reserve for railway purposes not vested.

I commend the Bill to the House.

Debate adjourned, on motion by Mr McIver.

ACTS AMENDMENT (MOTOR VEHICLE POOLS) BILL

Second Reading

MR RUSHTON (Dale—Minister for Transport) [5.31 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to remove the legal restrictions which presently hinder the development of car pools in Western Australia.

There is no accurate information on how much a barrier these restrictions are to would-be car poolers but in view of the present climate of escalating fuel costs and the increasing congestion on our roads, motorists who are willing to share their cars should be encouraged to do so.

No figures are available on the use being made of car pools in Western Australia at present but it is generally accepted that a considerable number of motorists are more or less regularly involved in some form of pooling for journeys to work, to school, and for shopping.

If the New South Wales experience is used as a guide, in that State a research project in 1977 arrived at a figure for Sydney of 11 per cent of commuters participating in a form of car pooling.

Trends in the 1960s and early 1970s, if projected forward, suggest that Perth could soon end up with a car occupancy rate of 1.2 persons—a rate typical of Los Angeles. If this prognosis is anywhere near correct, it is very wasteful of scarce resources and consideration should be given to ways of reversing this trend.

Whilst experiments in other States and overseas to encourage car pooling have met with mixed success, a climate is fast developing which should encourage more people to make use of the facility. However, in doing so, they should not be placing themselves outside the law.

It is not envisaged that, with the passage of this legislation, the Government will set out to promote car pooling. Any increase in the use of the practice is expected to come predominantly from existing car users, and public transport is unlikely to be measurably affected.

Some of the major social benefits which could flow from an increased participation in pooling include reduced air pollution, conservation of scarce fuel, reduction in traffic congestion, and deferment of expenditure on road improvements and parking facilities.

The amendment is designed to remove car pooling, where it is incidental to the main purpose of the journey, from the hire and reward provisions of three Acts. These are the Transport Act; the Road Traffic Act, and the Taxi Cars (Co-ordination and Control) Act. The amendments to each are similar in intent.

Basically, the legislation will legalise two types of car pooling. It will allow payment of a contribution by a passenger to running expenses such as petrol and parking but it will not permit a car owner to charge for his time. It will also allow pool members to use their cars in rotation, thereby avoiding an exchange of money.

Motorists are to be specifically excluded from touting for business along the roadside and offering a ride in exchange for a fee.

The passage of this Bill will provide an opportunity for people to reduce their transport costs and, at the same time, if advantage is taken of the measure, could temper some of our major transport problems.

I commend the Bill to the House.

Debate adjourned, on motion by Mr McIver.

QUESTIONS

Questions were taken at this stage.

BILLS (2): ASSENT

Message from the Administrator received and read notifying assent to the following Bills—

1. Constitution Amendment Bill (No. 2).
2. Constitution Amendment Bill.

BILLS (2): MESSAGES

Appropriations

Messages from the Administrator received and read recommending appropriations for the purposes of the following Bills—

1. Liquefied Petroleum Gas Subsidy Bill.
2. Rural Reconstruction and Rural Adjustment Schemes Admendment Bill.

ABORIGINAL HERITAGE AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from 2 September.

MR PEARCE (Gosnells) [5.57 p.m.]: I would like to indicate at the outset that the Opposition is not at all satisfied with the amending Bill to the Aboriginal Heritage Act, which has been rolled out at relatively short notice by the Minister. What this Bill seeks to do is in fact to legitimise exactly the sort of governmental procedures that have got the Government into such a mess in respect of the current Noonkanbah dispute. In fact, this Bill is a recipe for continuing Noonkanbah-style problems throughout the State, presumably throughout the rest of the century. It makes no real effort at all to come to grips with the problem of how to defend and protect Aboriginal sacred sites, how to preserve them and retain them for posterity, and how to determine the extent to which they are of significance and importance to existing Aboriginal communities and the extent to which they are being used by Aboriginal communities in their own traditional religious practices and the like.

The Bill seeks greatly to strengthen the hand of the Minister for Cultural Affairs in the business of downgrading the role of the anthropologists who originally played such an important part in looking after sacred Aboriginal sites; and in particular it uses the court system in this State to bolster the position of mining companies who find themselves in the vicinity of Aboriginal sacred sites.

In fact to call this an Aboriginal Heritage Amendment Bill is almost a joke in itself. It is a mining company's Bill of rights for interfering with Aboriginal sacred sites throughout the State. I would say that if the Bill were brought into effect sacred sites would not be any more

endangered than they are at present while we have a Minister and a Government who are prepared to subvert completely the original intention of the 1972 legislation by using the ministerial power of direction to get the Museum to agree to a whole range of propositions that it would not agree to if left to itself. This was done in such a way that it subverted the whole legislation. We saw last year and again this year that the 1972 legislation is of no value in the face of a Government and a Minister who are prepared to ignore the clear controls in the Act and to use ministerial power of direction to allow almost anything to happen on an Aboriginal site.

We concede that there is no protection for Aboriginal sacred sites at present. However, quite a while ago we gave notice to the public, and to the Parliament on the first day of the sitting, that the Opposition has an alternative proposal with regard to an amendment to the Aboriginal Heritage Act. In fact, we gave notice of that long before the Government did. However, the Government has not yet seen fit to allow my Bill to proceed to the second reading. My Bill would provide protection for Aboriginal sacred sites in such a way that Noonkanbah-style situations would not develop in the future; and in fact the present Noonkanbah problem would have been resolved under the terms of our Bill.

With regard to the announcement by the Minister for Cultural Affairs before the Bill now before the House was introduced, one could say only that the Bill itself is a fraud. The Minister spoke of giving rights of appeal to the courts, and giving the Parliament the final say on what was to constitute an Aboriginal sacred site; but the Bill does neither of these things except that it gives a right of appeal to mining companies and it gives the Parliament a very minor say in the last step of a process to be initiated with regard to declaring invalid the protection which had been given previously to an Aboriginal sacred site.

The problem with this legislation is that it does not give to anybody who is seeking to preserve sites—the Aborigines, an Aboriginal community, the Museum, or any other group—any rights at all. The Bill gives a whole series of rights to mining companies and to the Minister in a way in which, *de facto*, they have been doing it till now but for which they did not have any right in law.

Perhaps I should say that the Minister has been downright mischievous in his allegations about the original intention of the 1972 legislation. I will quote a phrase or two from the second reading speech of the Minister because he appears to have set himself up in recent times as the arbiter of what the Parliament meant in 1972 when it originally passed the Aboriginal Heritage Act. That is a strange position for the Minister to adopt in the first place, because it would have to be pointed out that the 1972 legislation was introduced by the Labor Government. One would have thought if anybody in this Parliament were able to speak for what the 1972 legislation meant, it would be the members on this side and not the members on the Minister's side.

Prior to the Tonkin Labor Government in 1971, the Liberal Government had said that such legislation was being prepared. In fact in 1969, when the present Minister for Cultural Affairs, then the member for South Perth, joined with the member for Maylands in a grievance debate with regard to sacred stones on Weebo Station being sold, the then Minister (Mr Lewis) indicated that legislation was being prepared to prevent this sort of thing from happening. However, that Minister apparently was not able to introduce the legislation between 1969 and the time when he went out of office early in 1971.

Where Liberal Governments had fiddled and fooled, the Labor Government acted quickly. Within a year of the Tonkin Labor Government coming to office, the Aboriginal Heritage Act, as we have it now, was promulgated.

When moving the second reading of the Bill we are now discussing, the Minister for Cultural Affairs said the following about the 1972 legislation—

> The Aboriginal Heritage Act was introduced into this Parliament in 1972 because of a growing public awareness of the need to protect and preserve those Aboriginal objects and places which were of special importance and significance to living Aborigines and the Australian heritage.

We agree with that paragraph. When we move to the next paragraph, we encounter a problem. That paragraph reads as follows—

> The Act had the support of all parties and it was therefore worded in an all-encompassing way, with the object of achieving as much protection as was possible, particularly in preserving Aboriginal objects and places which were an integral part of our history and so important to our heritage.
>
> The Act conveyed wide powers on the Museum Trustees and the Aboriginal Cultural Material Committee, but at the same time made provision for the wider role of government and the obligation of government to take into consideration the public and national interest when determining whether Aboriginal objects and places should be protected or otherwise.

The most charitable thing one can say about that last paragraph is that it is simply not true.

The Minister's proposition is that the powers given to the Minister under that Act were to make provision for the wider role of government and the obligation on the Government to take into consideration the public and national interest when determining whether Aboriginal objects and places should be protected or otherwise—that is, the Minister is saying that the 1972 Act, in its original draft, had as one of its main features the proposition that the Government should decide about Aboriginal sacred sites, and decide when the sacredness of an Aboriginal site should be overridden in the national interest. The term "in the national interest" simply does not occur in the 1972 legislation.

When one reads the 1972 Act carefully, one realises that the thrust of the legislation was to remove the decision-making processes from political hands. That is why the Museum, through its trustees, and the Aboriginal Cultural Material Committee were given such a prominent and independent role.

Even in 1972 the Labor Government was certainly aware, and I think the Liberal Opposition was only too well aware, that the thrust of mining companies into areas which were previously isolated was such that Aboriginal sites were becoming greatly endangered. As the Liberal Party has such a strong preference for mining companies, if a Liberal Minister were in a position of having to choose between preserving a sacred site and allowing a mining company, or an exploration company, or even a speculative company to damage the site, the Labor Government knew well that a Liberal Minister could not be trusted to come down on the side of preserving the sacred site. That fear has been demonstrated only too well in the last year or so.

The aim of the 1972 legislation was to remove, as far as possible, the governmental role in the designation and protection of sites. After all, it is a matter for professionals. No member of this House, the claims of the Minister for Cultural Affairs notwithstanding, is in a position to make the sorts of anthropological judgments that are implicit in delineating a sacred site and being able to explain the nature of its sacredness and significance to Aboriginal groups.

In the light of that, the provisions placed in the Aboriginal Heritage Act by the then Labor Government were perfectly reasonable. However, there is a flaw in that Act as far as the Labor Government's intentions were concerned; and that is that the Minister is given an overriding ability to give directions to the Museum Trustees. That is the sort of overriding clause which appears in almost every piece of legislation in this Parliament. Any parliamentary draftsman or any member of the Crown Law Department will tell members that that power additional to Ministers is designed to overcome the 101 day-to-day problems that crop up in the administration of Acts.

In this Parliament we give that power to Ministers too easily. The power is written in by the draftsman; and it is not questioned by us, perhaps because of the reverence that we have for the drafting processes of the Government; but more likely, in my view, because we are not sufficiently watchful in limiting the powers of the bureaucrats whether they be ministerial appointments or simply public servants. Because there is implicit in many of the Bills passed in this Assembly the proposition that the Minister in charge of the Bill will administer the Act honourably with regard to its intentions and with regard to the spirit of the law as well as to the strict letter of the law, we approve of such clauses.

We are not suggesting that successive Ministers for Cultural Affairs who have directed the Museum Trustees to allow mining on a sacred site at Noonkanbah have acted illegally in the strictest sense; but it would have to be said that they have certainly acted contrary to the spirit of the Aboriginal Heritage Act, 1972. They have acted contrary to the spirit of that Act and, to a large extent, contrary to the strict wording of the law. We do not deny, nevertheless, that the Parliament in 1972 added that clause in the Labor Government draft. By doing so, the Labor Government sowed the seeds of destruction of its own legislation.

It seems to us on this side that the only way to solve that problem and to return to the intention of the 1972 legislation is to remove that power from the Minister, or at least delineate the power so strictly that it cannot be used again in the way it has been used in relation to Noonkanbah.

That is one of the crucial features of the alternative proposition we are putting to this Parliament. I indicate to the Parliament that as we understand the Standing Orders we will not be given the opportunity to move our own piece of legislation. The Government is preventing the Opposition from doing specifically that by giving precedence to its own Bill—by passing a motion in this House to allow its own legislation to be dealt with before the Address-in-Reply is adopted.

The Government is not seeking to do anything substantively because, after all, it has been able to

do all these things directly, simply by using ministerial power to knock on the head the very reasonable Bill of which the Opposition has given notice. Our Bill has been circulated widely amongst Aboriginal groups, anthropological groups, and the community generally. Amongst those groups, it has met with a wide degree of acceptance. There is the realisation that the Opposition's Bill may be the answer to the problem.

I am indicating to the House it is our intention to move our Bill piece by piece during the Committee stage of this legislation. We have, with some difficulty, broken our Bill up so that we can move amendments to the Bill proposed by the Minister for Cultural Affairs. It is my intention during the Committee stage to give the realistic alternative Bill which we have drawn up, piecemeal as it may be.

At a later stage of my speech on the second reading, I will indicate to the House, in broad outline, the cumulative effect that all these amendments would have so that the House, in voting for my piecemeal amendments, would know the general thrust of our proposal, and members would be able to make a reasoned judgment.

We of the Opposition are, in fact, the guardians of the intention of the 1972 legislation. We wish to see that intention put into effect. We are facing a fundamental question about the use to which our land should be put when there are competing pressures from different groups.

There has been a classic confrontation all over the world in the last two centuries by the exploitative use of land by European groups which are making incursions upon traditional, native-held land and disrupting the original inhabitants when they do so. One has only to turn one's mind to the last century in the United States of America to see this classic pattern being worked out. When the first European settlers wished to dispossess the Indian groups of their lands, they aimed firstly at the prairies—the vast ranges which were useful economically to the European settlers for raising cattle and, subsequently, sheep.

The areas from which the Indians were dispossessed were the areas of economic benefit to the white men. The white men salved their consciences by herding the Indians into so-called reservations, which were those areas which were useless economically to the white men. One could not raise a cow on the reservations in a pink fit, even if one tried to graze cattle at the rate of one to 10 acres. The reservation areas were hopeless economically, so the Indians were confined to them. However, when gold was found on the reservations, the Indian groups were moved out again.

Sitting suspended from 6.15 to 7.30 p.m.

Mr PEARCE: Prior to the tea suspension I was raising with the House the proposition that throughout the world for the last century or two there has been a kind of historical precedent for what has happened at Noonkanbah. In fact, I alluded to the position that the American Indians found themselves in last century when, after having been herded onto reservations in areas that were considered to be economically useless to the European invaders of their continent, they suddenly found that their land was of value in mining terms. In fact, they discovered the guarantees they had been given by the United States Governments at the time were relatively valueless, because despite having given guarantees to the Indians, the Governments wanted to retract them as a result of the pressure of mining companies.

In this State we have gone through very much the same sort of situation a century behind the times—not remarkably unusual, one would have to say, for Western Australia—because when the European incursions into this State began late last century, and in the early years of this century, it was, of course, the pastoral land—the Western Australian equivalent of the prairies—which was of economic usefulness to the Europeans. Therefore, it is hardly surprising to find it was the isolated areas where Aboriginal groups lived which became the vast pastoral properties in some parts of the Kimberley, the Pilbara, and the like, and the Aborigines were forced off these areas, in essence into the economically useless regions of the desert.

It is no accident that those Aboriginal groups which had the most precarious grasp on the land, are those which have survived the longest after the European incursions into Western Australia. The reason is quite simply that they were pushed into the areas which were economically useless to the European settlers of Western Australia. Our precedessors were prepared to give guarantees of sorts to Aborigines in those isolated areas, because it was never believed those areas would be of any value to the Europeans who are now white Western Australians.

Yet we have discovered in the last 20 or so years in this State that what happened in the United States of America a century ago is happening here, and areas which appeared to be economically useless in terms of grazing cattle

and sheep or growing crops, have turned out to have very valuable minerals under the surface. Pressure is now being applied to move out the Aboriginal groups from these areas and retract the at least implicit guarantees which were given to Aborigines in former times.

It is the belief of the Opposition that, in this classic situation, it is necessary to take a stand not based on economics, politics, or expediency, but based on principle. The stand which the Opposition wishes to take on this matter is that what needs to be done is to identify the sacred sites which are of current significance to existing Aboriginal communities, which play some part in the religious life and spiritual beliefs of the Aboriginal groups, and protect those sites irrespective of the economic importance placed on them by mining companies or any other invading group which sees some advantage to be gained from what ought to be Aboriginal land.

We can see quite readily that, to isolate some areas is to put inhibitions on mining companies and, possibly in the end result, it may have some overall deficit or negative impact on white Western Australians. But it is necessary at this stage in the 1980s to come to that balance. We must at least realise that the 150 years of white domination in Western Australia have had a very bad and significant impact on the Aboriginal people who held this country before we came here.

In this regard, I find the second reading speech of the Minister for Cultural Affairs, and his other statements both inside and outside the House, to be most offensive. I believe the Minister for Cultural Affairs adopts a very patronising attitude towards Aboriginal groups. He thinks they are the benighted of the earth and in danger of extinction; that they were likely to die from illness and disease before the white man came to lift them from their primitive state into the nineteenth century. One could say that the Minister for Cultural Affairs is the last of the Rudyard Kiplings of this State—the last of the upholders of the white man's burden in what was the black man's land. I find that attitude to be remarkably offensive not only because I do not accept the sort of cultural dominance the Minister for Cultural Affairs clearly accepts in regard to the European settlers of Western Australia, but also because he simply does not understand the historical facts of the situation that has arisen with regard to the Aboriginal people.

Although the Minister for Cultural Affairs may well say the white man has brought to the Aborigines health benefits, medical knowledge, and mechanical and technical knowledge, he cannot ignore the fact that there are considerably fewer Aborigines in Western Australia now than there were before the white man came. In 1829 or, indeed, 1826—if one gives some recognition to the member for Albany and his claim for that town—the number of Aborigines was greater than it has ever been since. Since 1826 there has never been the number of Aboriginal inhabitants in Western Australia that there was previously. Therefore, to say that the Aborigines are better off and that they have benefited from the white man's technology and health care, is simply to ignore the situation that very many of them have died as a result of European settlement of this State. Aborigines have been killed by diseases introduced by the Europeans or they have been killed quite specifically by white settlers. Their lands have been overtaken; their communities have been destroyed; and they have been reduced to the situation of being fringe dwellers in their own land—drunken, worthless, and totally dependent on white civilisation.

It has been a desperate and degrading story of the Aboriginal culture in the 150 years of white Western Australian history. That is not something of which any of us can be proud. It is a sad chapter in the world's history and some of us have been participants in it for a long time. Some, like myself, have been participants for a somewhat shorter time. None of us can assume total responsibility for actions taken in the last century; but none of us can totally avoid the guilt or the implication of the way in which we have come into possession of our land.

In the century and half of white domination of Western Australia, one would have to say from the point of view of the Parliament of this State one of the few enlightened Acts—one of the few efforts to bring Aboriginal people back to the community spirit and the community interests they had previously—was the Aboriginal Heritage Act of 1972 which is the subject of the Minister's amending Bill.

I should like to turn my attention now to the amendments introduced by the Minister in this amending Bill to demonstrate to the House the deficiencies in the legislation. I want to go through it in a rather detailed manner, not completely in the way we would consider appropriate for consideration in the Committee stage, but to demonstrate in detail and quite specifically that the Opposition rejects this legislation at every point. That is to say, we find no mitigating factors in it and we find no reason at all to support this legislation.

I shall indicate to the House also that we are hoping to hear from a few Government back-

benchers, specifically from the members who have significant Aboriginal populations in their electorates, so that they may demonstrate to their electors, both Aboriginal and white, where they stand on this particular legislation.

We will be looking to hear from the member for Pilbara who probably has more Aboriginal sacred sites in his electorate than any other member in the House except the member for Kimberley. I can tell the House that the member for Kimberley is certainly prepared to stand up and be counted on this particular issue and he will once again make his views very well known to the House. I wonder whether the member for Pilbara will be so forthcoming. The Honorary Minister for Tourism, being the member for Gascoyne, has within his realm a large number of Aboriginal sacred sites and Aboriginal communities. I will be fascinated to hear from him in due course—if indeed he enters the debate—on this particular subject.

Mr Laurance: I know you will be fascinated.

Mr PEARCE: That may be; but will we hear from the Honorary Minister?

Mr Laurance: You will have to wait to find out, won't you?

Mr PEARCE: One would at least have to say that the Honorary Minister for Tourism has not followed the example set by his predecessors in that portfolio; that is, he has not, as yet, taken himself on numerous world trips as Honorary Minister for Tourism. However, no doubt we shall see him do so at a later stage, despite a ruling made the other day—no doubt you, Sir, saw it also—by a judge of the Supreme Court.

Mr Blaikie: I do not think that you have given him enough time yet.

Mr PEARCE: That may be so; but some of the predecessors of the Honorary Minister for Tourism did not wait six months before going on a world tour. Indeed, some of them spent six months on their world tours. It is clear the member for Vasse has aspirations to ascend to a higher position.

Mr Blaikie: Delusions of grandeur!

The SPEAKER: Delusions which do not allow the member for Vasse to interject whilst he is out of his seat.

Mr PEARCE: I hope when I am called to order next time for interjecting when I am not in my seat you, Sir, will remember this occasion.

One would hope we would hear from the member for Murchison-Eyre on the subject of Aboriginal sacred sites. I am sorry that member is not in the House tonight to hear what I have to say. Of all members on the Government side, he has been the one who has at least shown some serious concern for the position of Aboriginal communities and has been prepared to stand up against the ravings of the Minister for Cultural Affairs in defence of the Aboriginal people in his electorate. He did so and expressed a point of view which I considered to be somewhat patronising; but at least I can concede his remarks were well intentioned.

Perhaps I am going too far in holding the member for Murchison-Eyre responsible for his utterances on the subject, because people who have gone through the same sort of cultural background as he has done, are captives of that background and it is difficult for them to throw it off when it has been built up over a period of 50 or 60 years. However, at least the member for Murchison-Eyre was prepared to show concern for the fate of the Aboriginal people. We would be pleased to hear from him in the debate on this legislation in regard to his feelings on the matter and the way he is likely to vote.

I turn now to a consideration of the deficiencies in the current legislation. We will discover it is a very carefully contrived plot or fraud to achieve the end intended by the Government; that is, to have a complete right to use Aboriginal sacred sites for the purpose it desires, without incurring the sort of political odium the Government has clearly incurred in the present set of circumstances at Noonkanbah.

I have listed the deficiencies under six headings and I will deal with each separately. The first of these deals with the deficiency in regard to what constitutes an Aboriginal sacred site. Members will see from a brief consideration of the Bill that the definitions of what constitutes an Aboriginal sacred site are to be tightened somewhat under the current measure. The amendments as to what constitutes an Aboriginal sacred site are not significant in themselves.They refer to a lesser number of sites and they are somewhat more specific in their meaning. One would think in looking at the new version and the old version that there is not a terrific amount of difference.

The changes deal with the appeal proceedings, which I will come to later. Clearly, the hope of the Government is that by tightening up the definitions of what constitutes an Aboriginal sacred site a Supreme Court judge may, at some time in the future during a legal challenge, rule that what are now termed as areas of influence do not constitute parts of Aboriginal sacred sites. I think the Government will fail in its hopes in that area but, quite clearly, the intention of the rewording of the definitions is to exclude from the

definitions of an Aboriginal sacred site what is now termed by the Government as a sphere of influence, and by the Museum as an area of sacred or lesser significance.

There is no doubt in anyone's mind except that of the Government that the drilling at Noonkanbah is considered by the Noonkanbah community, and by the Museum Trustees, to be a sacred site. In the Aboriginal sacred site at Noonkanbah there are four or five pinpointed areas of greater significance. The Government is hoping that by redrafting the definitions in this way it will be possible for a Supreme Court judge—not the anthropologists or any other interested person—at some time in the future to rule that the only sites really to protect are those decided by the Government.

The Government will pinpoint areas of significance to Aboriginal groups, and it will overlook other areas. However, the Government will fail in its hope because the rewording is not specific enough to achieve that end. Nevertheless, we are aware of the Government's full intention and in pointing it out we indicate we will vote against that provision, not because we have a lack of confidence in the judiciary or the Supreme Court to strike it out at a later date, but because we are not prepared to allow even a possibility of it to occur. So, the revised definitions are the first part of this little ploy and we are not prepared to accept that.

The second question deals with a much more vexed point of ministerial power. In an earlier part of my speech I referred to the way in which the current Minister for Cultural Affairs, and the previous Acting Minister for Cultural Affairs, have been able to subvert the whole of the Aboriginal Heritage Act by directing the Museum Trustees to do things they would never have done of their own accord. In this case the Government has allowed drilling on a sacred area at Noonkanbah. There is no doubt that the Museum Trustees would not have allowed that drilling of their own volition. The Acting Minister for Cultural Affairs found it necessary to direct the trustees in this way in the first instance. If the Museum Trustees had been able to state that the sites at Noonkanbah were not in a sacred area, and there was no reason not to drill, the matter would have been left with the trustees and the drilling would have taken place without any fuss.

Because the Museum Trustees were not prepared to allow that, because they said the drill site was in a sacred area, it was necessary for the Acting Minister for Cultural Affairs to write to them in June of last year and direct them to allow drilling at that point. The Government has now had to carry the can for that directive.

The public have quite rightly sheeted home the blame where it belongs. It is quite clear that the person who allowed drilling to take place has been the Minister. It is also quite clear that the drilling was allowed against the advice of professional anthropologists whose job it is to preserve Aboriginal sacred sites.

By taking over the power currently held by the Museum, and giving it to the Minister, the Government hopes to blanket or gag recommendations made by the Museum Trustees. What the public will see will be the end result; the Minister will allow or disallow mining in the future. In spite of any recommendations made by professional anthropologists, the Minister will be able to present to the Parliament and to the people a state of affairs that probably does not exist. Indeed, the Minister and the Government are responsible. The Premier is as culpable as anybody in trying to represent to the people that the Trustees of the Museum have recommended in one way when, in fact, they recommended in quite another way.

In the present situation we are aware that the Premier first tried to present to the public and to members of Parliament, that the Museum Trustees were in agreement that drilling should be allowed at Noonkanbah. It was only during proceedings at a hearing initiated by the Aboriginal Legal Service that it was made known it was not the Museum Trustees' recommendation.

Of course, the Government can pretend what it likes and probably get away with it. That will be the case if this legislation is passed in its present form because anybody will be able to make a recommendation to the Minister and he will not be bound to take any notice of that recommendation. That is very unsatisfactory and an unsatisfying state of affairs. It is important that Parliament at least should know the sorts of recommendations made to the Government. We can then reach a reasonable decision. I will come back to that when discussing the role of Parliament as it is set out in this new legislation.

It seems to us the crux of the problem so far has been the role of the Minister in the whole business. It seems to us that the Minister for Cultural Affairs has as one of his charges the protection of Aboriginal sacred sites. One thing that can be said about the Minister for Cultural Affairs is that he has done nothing at all to protect those sacred sites in this State. He has bent over backwards to allow mining on sacred

areas and to protect the interests of mining companies and he has made sure that the mining companies are not out of pocket, even if it does mean that the taxpayers of this State will have to find an extra $2 million to allow mining to take place at Noonkanbah. So, we can hardly trust the current Minister to be the protector of Aboriginal sacred sites. Yet, if we agree to this legislation we agree to the present Minister having more power than any other Minister has had in that field in the history of Western Australia.

The SPEAKER: Order! There is far too much audible conversation.

Mr PEARCE: The present Minister for Cultural Affairs will use that power, in fact, to destroy every sacred site in the State if it is necessary to protect mining companies.

When looking at the present Minister for Cultural Affairs one could probably assume that we could never have a worse Minister, but we cannot rely on that. We can make our determination only on the present abominable holder of the office. We might have a reasonable person in the future. One has only to recall the last Minister to realise that the present Minister is the last in a long line of bad Ministers. One cannot rely on the present Minister to protect sacred sites.

It is the job of this Parliament to legislate. It is not good enough to have to rely on the whim of the present Minister. A colleague has just asked, "Where is the Minister?". It is a vague custom in this House for a Minister to sit through a Bill for which he is responsible. Perhaps the Minister has gone to protect a dying child or two!

I come now to what constitutes an offence under the Aboriginal Heritage Act, and the way the penalties are enforced. Under the present legislation an Aboriginal sacred area is protected simply by virtue of being such an area, and it is not necessary for any further steps to be taken. If I were to go out and excavate on or damage an Aboriginal sacred site I would be committing an offence, irrespective of whether the area was registered by the Museum or set aside by anthropologists or the Parliament. The only defence under the present Act is that a person was unaware of the fact that he was on a sacred site at the time he damaged it.

An Aboriginal sacred site is automatically protected by the Act without the necessity of any further steps. That cuts both ways because it means that any company which starts to excavate on or damage a site commits an offence without it being necessary for the Government to take steps to ensure that is so. The obverse to that is that the Government can take steps against the company which destroys a sacred area. In the amending Bill there are provisions which give the power to the Minister to waive certain decisions. A company, under the provisions of the amending Bill, will be able to go to the Minister and obtain permission to destroy an Aboriginal sacred site. The Minister will agree, in writing—if he can still write—and the company will be able to do what it likes. That is a further expansion of ministerial power. The Minister effectively will be able to waive the law on any occasion that he sees fit. Any sacred site will be destroyed by ministerial say so.

The present Minister will be able to do what he likes with any Aboriginal site, and that is not acceptable under any Minister for Cultural Affairs. However, that applies doubly in the case of the present Minister because he has shown such irresponsibility with regard to Aboriginal sites. In fact, the present Minister has shown prejudice and racism towards Aboriginal people and we on this side would not trust the Minister to write a book on the subject. We would not believe a word from that man with regard to the question of Aborigines. We observed a disgraceful scene in this House only last week—probably the most disgraceful scene in the last 50 years—when the Minister alleged that a member from this side left an Aboriginal child to die.

Mr Grayden: That is absolute rubbish. He left a group of 43.

Mr PEARCE: The Minister said in this House last week that the member for Maylands had left an Aboriginal child, who died the next day.

The SPEAKER: Order! I believe the member for Gosnells would do as well not to canvass that which was the subject of two personal explanations today unless it is directly related to his contribution to this Bill. I believe more progress would be made if he were to concentrate more directly on the matters concerned in the Bill.

Mr PEARCE: I take that point. What I am trying to say is that the Bill before us gives considerable power and discretion to the Minister for Cultural Affairs. In fact, it gives the Minister the final say on what activities can take place on Aboriginal sacred sites. I am using as an illustration what can happen if we give this power to a Minister who is so irresponsible in the matter. For example, if I were to draw a portrait of the current Minister and hold it up as the epitome of irresponsibility which one might find in that particular portfolio, members in this House might laugh.

Mr Grayden: God forbid that you ever have the responsibility!

Mr PEARCE: I can answer simply by pointing to the present Minister and stating that the unbelievable has come to pass. Such a man has in fact been appointed to that portfolio, and, that being the case, it is incumbent on the House to legislate in such a way that such a Minister's irresponsibility is curbed.

It is crucial to the attitude the Opposition has to this Bill now, and crucial to the attitude behind the drafting of the 1972 legislation by the Tonkin Labor Government. I feel quite sure the Tonkin Labor Government had sufficient faith in its own Ministers to administer the Act fairly, but it could also foresee the possibility of people like the present Minister finding their way into the job, and it tried to legislate to restrict the Minister to the sort of power he has under the present Act. Under this amending Bill the Minister has the power to waive entirely penalties for offences under the legislation.

A second part of the Bill I find rather more worrying—a whole section of offences has been scrapped altogether. I will explain it for the benefit of those members who may be unaware of this fact. Two sections of the Bill deal with offences and prescribe penalties. Section 17 of the Act prescribes the main penalties for damaging sites and these include forfeiture of land, gaol sentence, or fines levied on individuals who knowingly damage sacred sites. A subsequent section deals with the forfeiture of land or the forfeiture of mining tenements by people who desecrate sacred sites.

Let us pick an example out of the air. Suppose CRA—just to pick a company at random—wanted to mine at a place called Devil Devil Springs, at Argyle—just to pick an example again. CRA knew that Devil Devil Springs was a sacred site, and if the company were to desecrate it—remember this is a purely hypothetical example, Mr Speaker—in its search for diamonds—to pluck a mineral out of thin air—and suppose the Museum Trustees became aware of the desecration by CRA of the site, and, to extend my hypothetical example a fraction further, if the Museum were to challenge CRA in regard to this desecration, one of the penalties under the present legislation would be that CRA would forfeit its mining claims. Not only would the directors and prospectors of CRA be fined and/or sent to gaol, but also the company would lose its whole claim in the area.

To extend my analogy to the extreme, suppose there were millions of dollars worth of diamonds in the area, the company would lose its mineral claim, if it had knowingly desecrated a sacred site.

I will confess to you, Mr Speaker, although I would not confess it to everybody, that is the situation occurring in the north at the present time. By the rather evasive answers given to me by the Minister for Cultural Affairs, we can assume that what I have said is correct. Under the present Act the company would face the ultimate penalty a mining company can face—forfeiture of its mining tenement—because of its activities at Devil Devil Springs. However, this situation will not prevail for very long because under the amending Bill we are presently discussing, a company committing such an offence would not lose its claim to the area. The section of the original legislation which provided that a mining company would forfeit its tenement if it knowingly desecrated sacred sites is to be removed; a company will be able to do what it likes on an Aboriginal sacred site, and the terms of its mineral claim will be unsullied.

It seems to me the utmost penalty for a mining company would be to forfeit its rights and that the inclusion of such a provision in the legislation would be one of the best deterrents available. If the Minister is serious in his claim to be protecting sacred sites, one could ask: Why is this section in regard to offences being removed? I am even prepared to pause now to let the Minister put a proposition to the House as to why that section is being scrubbed from the present Act.

Mr Grayden: What section are you talking about?

Mr PEARCE: The section dealing with the forfeiture of land.

Mr Grayden: I have explained that already in my second reading speech.

Mr PEARCE: Let us see what the Minister had to say—

Mr Laurance: Just because you have unlimited time it does not mean—

Mr PEARCE: If the Honorary Minister is prepared to give me a guarantee he will speak to the Bill, I will sit down a fraction earlier and give him a chance.

Mr Herzfeld: If you don't sit down soon, we will all go home.

Several members interjected.

Mr PEARCE: In the Minister's second reading speech he had this to say—

> The current penalties for breach of provisions of the Act are stringent ones,

> providing as they do for fines and up to 12 months' imprisonment.

In passing I mention to the House that to my knowledge no-one has ever been sent to gaol for offences against this Act, nor indeed has anyone ever been fined. If the efforts I made to have prosecutions launched against the people who pegged areas in Pea Hill recently are any guide, obviously it is almost impossible to get the Commissioner of Police to take the matter seriously. In the north-west he is concerned only with offences that are committed by Aborigines or by people who are friends of the Aborigines. Firstly, one cannot get the police to do anything about such cases, and if one does finally force them to do something by sheer dint of pressure and by making idiots of them through correspondence, the Minister will, as a last resort, refer the matter to the Museum.

The Minister's second reading speech continued—

> It is felt that additional property forfeiture provisions which could involve forfeiture of pastoral or freehold properties, or mining tenements, are unnecessary. In the case of a pastoral or freehold property, entire families could be affected and, in the case of a company, large numbers of shareholders, although they may have in no way been involved in the original breach of the Act. So, it is felt that a maximum 12 months' prison sentence for serious breaches of the Act should be an adequate deterrent.

So that means that the people most likely to be committing breaches of the Act by desecrating or damaging Aboriginal sacred sites—that is to say, mining companies—are to be free from the real penalty which would be forfeiture of their leases. According to the Minister, that provision is included because otherwise large numbers of shareholders may be affected. If a company digs up an Aboriginal sacred site in the hope of making a profit for its shareholders, that is a profit to which they have no right under the present Act. To say that the provision is being removed to maintain the rights of shareholders, I find ludicrous in the extreme—to borrow a phrase from the Minister himself. So we do not accept that this amending Bill is serious in its intent when it goes to such lengths to ensure that nobody will be penalised for breaches of the Act.

Clearly the Government has no intention to protect Aboriginal sacred sites. In fact, it wishes to make these sites as free as possible for the incursion of mining companies but, on the other hand, it is not prepared to carry the political odium involved. So the Government is attempting to preserve the veneer of respectability—it is seeking to have the veneer of legislation but such legislation that has no provisions that can be enforced and provides no practical protection of Aboriginal sacred sites.

When it happens that a site is destroyed, the Government can say, "That was not covered in the Act. The court has said it is all right for a mining company to dig up Pea Hill." The Government is not prepared to take the responsibility itself. So on the question of the removal of offences from the Act, the Opposition likewise is not prepared to go along with the attitude of the Government.

I come then to the question of the right of appeal. I understand this matter is of significance to some Government back-benchers who are seeking the provision of a right of appeal in the legislation so that a court can have some right to determine what should happen in regard to Aboriginal sacred sites.

It is the case that a right of appeal has been written into the Act. Under certain circumstances an aggrieved person will be able to appeal to the Supreme Court of Western Australia to seek to have a Minister's decision reversed. In some ways that seems to be a corollary to what is contained in our own proposition because the Opposition, through myself as shadow Minister for Cultural Affairs, first put up a proposition that in cases of dispute, political interference ought to be removed and a justice of the Supreme Court of Western Australia should decide the issue. However, we envisaged that anybody aggrieved by a decision, anybody who wished to protect a site or to damage a site, could go to the Supreme Court to have the matter settled. The right of appeal to the Supreme Court in the amending legislation is much more restricted. Let me explain to the House how it works because it is not clear from a first reading of the Bill.

This is the way it will work. Let us take the example of a person who has a freehold claim to a farming property or a lease of a pastoral property, or a mining tenement on land actually owned by somebody else. If he wishes to undertake action which would destroy an Aboriginal sacred site, before any such action were taken the person concerned must first notify the Minister of his wishes. Under the original legislation, if the Museum were notified and if it felt that the site needed to be preserved, it would then undertake the procedure to declare the site a protected area. Arrangements would be made to compensate the person concerned for the loss of that section of land from his property or from his mining

tenement—that is to say, the State was prepared to grant the individual land holder some compensation for his loss.

Under the amending proposition, if someone applies to the Minister to destroy an Aboriginal sacred site and the Minister refuses that privilege, then he may appeal against the Minister's decision to the Supreme Court—that is to say, if someone wishes to ruin or destroy a site and the Minister for Cultural Affairs will not let him do it, he can go to the Supreme Court and seek to overrule the Minister.

So the right of appeal is only for those who wish to destroy sites. If a person wishes to protect a site, he has no right of appeal at all.

Mr Grayden: But that is the whole purpose of the Act. You have the Museum on the one hand, and the Aboriginal Cultural Material Committee, on the other. You have the Minister and the Act protecting the Aboriginal site—no appeal is necessary.

Mr PEARCE: The Minister says that is the whole purpose of the Act, and that accords with the Opposition's interpretation of what is going on. The Government is providing for the situation that will prevail in a little over two years' time when I or my successor in the Opposition will be sitting on the Government side of the House and administering the Aboriginal Heritage Act. I assure the House that no Labor Minister for Cultural Affairs will allow the sort of activities on Aboriginal sacred sites that the present Minister is prepared to allow. On the other hand the Government is making provision for its friends in the mining companies to weather out the hard time a Labor Government might give them so it is providing a right of appeal against Labor Ministers to the Supreme Court. That is the only circumstance when there will be a right of appeal. When someone is trying to stop the destruction of an Aboriginal site, one cannot appeal to the Supreme Court. To whom is that right of appeal being given in practical terms?

Mr Grayden: Don't you realise under the old Act the Minister could direct the Museum so the Government had complete power? The same situation applies in respect of this Bill; there is no difference.

Mr PEARCE: There is this difference: the present legislation is designed to weaken the ability of the Minister for Cultural Affairs to protect sacred sites.

Mr Grayden: The Minister had complete power under the old Act.

Mr PEARCE: The Minister had complete power under the old Act to protect sites. However, he also had complete power to destroy sites. The present amending Bill seeks to retain and in fact strengthen the Minister's ability to destroy sites. However, if he wishes to protect sites, the Bill provides an appeal to the Supreme Court in the hope a judge can be obtained who will allow to be destroyed a site the Minister claims to wish to protect.

That is the second step in the ploy. The first step is to tighten the definition of what constitutes a sacred site so that the Supreme Court is more likely to rule in favour of destroying sites rather than in favour of those who seek to have sites protected. We would be a little more likely to agree to this provision if an even-handed appeal to the Supreme Court were provided. During the Committee stage, we will give this Chamber an opportunity to agree to such an even-handed proposal, because we intend to move to write into the Act an even-handed appeal—that is to say, an appeal which can be made by any aggrieved person against any ministerial decision.

Mr Grayden: The whole object of the Act is designed for that purpose.

Mr PEARCE: The Minister cannot seriously say to me that if, for example, he were to allow a sacred site to be mined, the Aboriginal group aggrieved by that decision could appeal to the Supreme Court?

Mr Grayden: We have the Cultural Material Committee, which is represented by Aborigines; we have the Museum Trustees; then, we have a Government which is answerable to Parliament and to the electors. Therefore, its decisions are going to be responsible in the extreme.

Mr PEARCE: If that is the case, why allow an appeal at all? Why give the mining companies the right of appeal?

Mr Grayden: If you are going to take land from somebody who owns it freehold, surely you would provide that person with the right of appeal.

Mr PEARCE: We are not talking about freehold land.

Mr Grayden: We are.

Mr PEARCE: No we are not. The Minister in his legislation is referring to people who have a mining tenement—a mining claim to the land.

Mr Grayden: And freehold land, and about people on pastoral properties, and lessees of Crown land, and people who have mining tenements. They are all in the same category.

Mr PEARCE: I could own land with an Aboriginal sacred site on it.

Mr Grayden: And if we were to take it from you, you would want the right of appeal.

Mr PEARCE: Let us suppose I was perfectly prepared to have that Aboriginal sacred site protected and preserved. Any one of the Minister's mining friends could come along and peg that sacred site—against my wishes—and go to the Minister to obtain permission to destroy that site. The Minister would give that permission, and from that time, no group with an interest in that site, whether it comprised Aborigines, the Museum Trustees or whoever could appeal against the Minister's decision to allow the site to be destroyed by mining.

However, if the Minister were to uphold his sacred oath and say that the site should be protected and not destroyed, a mining company would have an appeal.

Mr Grayden: If it were a site of significance, we would declare it a protected area.

Mr PEARCE: Suppose the Minister allowed the site to be destroyed. I would have no right of appeal against his decision.

Mr Grayden: You would receive compensation.

Mr PEARCE: It is no good talking about compensation to an Aboriginal community which wants a sacred site protected. The Aboriginal people of this State have no confidence in the current Minister for Cultural Affairs.

Mr Grayden: The mining companies cannot go on to protected sites.

Mr PEARCE: They can, and they do. A mining company can peg a sacred site and then approach the Minister and say, "We want to dig up this site. May we have your approval?" The Minister then gives his approval, and that is the end of the matter, and neither the Supreme Court nor anybody else has any ability to do anything about the matter.

Mr Grayden: That is not the case.

Mr PEARCE: It is the Minister's own legislation. I admit he is well known for coming to this place not knowing what is in his own Bills. However, he cannot seriously suggest that sacred sites are protected under this legislation.

Mr Grayden: If we declare a protected area, a mining company would not be able to secure a mining tenement for that area.

Mr PEARCE: Let us look at that proposition, because it was the next matter with which I intended to deal. What happens when an area gets to be declared a protected area? The first thing that must be said is that the chances of very many areas becoming protected under this legislation, and with the present Minister and his Government, are very slim.

Mr Grayden: We are going to have literally hundreds.

Mr PEARCE: Suppose a few slip through the present ministerial grasp in accordance with the principle I have already enunciated. Suppose the Government identifies areas that look so barren, and devoid of minerals and of any economic significance to the companies the Government represents that the Government could safely give them to the Aborigines, because nobody else would want them. Let us say the Government declares some patch of desert a protected area.

Mr Grayden: It will not be declared unless the Museum Trustees and the Cultural Material Committee recommend it.

Mr PEARCE: We have considerable confidence in the Museum Trustees. They are the Minister's appointees for the most part; nevertheless, in a sense the trustees have stood up for Aboriginal sacred sites and have done their best to ensure they are protected, and not overridden by the Minister.

Suppose the Museum is able to put up some sites for protection in which even the Minister cannot see any economic possibilities. Suppose it is an area of just bare sand, containing no spinifex which could be torn up and sold to Japanese tourists. Let us suppose it comprises straight silica, without any rutile or zircon whatever. The Minister for Cultural Affairs probably would say that this totally barren area can be a sacred site.

Let us then suppose that in four year's time, silica becomes a rare and precious commodity and the "Silica Mining Company of Western Australia" is established, and wishes to mine the protected area. Let me tell members what that company would do under this amending Bill: It would go to the Minister and say, "It is important for us to have this silica. We ask you to declare in the public interest that the protected site no longer is protected." The Minister would give his approval.

Mr Grayden: And Parliament has the opportunity to disallow his decision. Can you go higher than that?

Mr PEARCE: Seconds ago, the Minister said that once a site was declared a protected area, that is the end of the matter—that is, unless the Minister decrees otherwise. The Minister can simply insert notice in the *Government Gazette* that the protected area no longer is a protected area, and that is the end of the matter.

Mr Grayden: It is subject to disallowance by Parliament.

Mr PEARCE: That is the end of the matter, except that someone like myself can come into this place and move that the Minister's determination be disallowed by the Parliament. What sort of protection is that?

Mr Grayden: It is the highest court in the land.

Mr PEARCE: It is the numbers game. Once the Minister has made a determination, the chances of it being overruled by Parliament are very small because it would rely on the integrity of the Minister's back-benchers to support the Opposition's motion, and I think that is an unlikely possibility in the foreseeable future unless there is a considerable change in the nature of the people who sit on the Government back benches. So, the Minister's suggestion that the Parliament would make the determination as to what constitutes a sacred site is another part of the fraud being perpetrated on the people of Western Australia, particularly the Aboriginal people.

Mr Grayden: Are you suggesting that Parliament is not a sufficiently responsible body to make a decision of that kind?

Mr PEARCE: I am saying that certainly is the case at present, when one considers the colleagues sitting behind the Minister, and it will remain the case for such time as the Minister remains in that position.

Members can see how thoroughly the job of emasculating the Aboriginal Heritage Act is being done. Not only do we have a one-sided right of appeal which is designed purely to benefit mining companies, but also we are provided with the situation where the future interests of mining companies are to be protected. The Government cannot expect mining companies to know at this time every area they will wish to prospect in the future. So, the Government is to give mining companies this ability by inserting a provision that, in the future, protected areas which have been so declared can, on application, be declared non-protected areas.

I find that a fascinating concept, because if there is one basis to the Opposition's approach to this whole matter, it is to say, "If there are areas which are very sacred, which are of significance to modern Aboriginal communites, and which play an important part in the preservation and the viability of those communities, those sites must be protected, no matter what." It is a purely objective question: A sacred site is identifed and then protected.

However, that is not the approach the Government takes; it is prepared to protect Aboriginal sites only as long as they are useless for any other purpose.

Mr Grayden: That is absolute nonsense. There is not a shred of truth in what you are saying.

Mr PEARCE: It is not nonsense. The Minister for Cultural Affairs, in world terms, is hundreds of years behind the times. No other country adopts this same cavalier attitude to sites which are sacred to their original inhabitants as we do in Australia. We in the Parliament of Western Australia are going through the sorts of things the United States Congress went through in 1880 and 1890. It is a sad thing to have to say that somebody, sometime, must drag this Government into the twentieth century and make it realise that world opinion has moved a long way since those great battles were fought in the United States almost a century ago. Most people, including the great European colonialists of a century ago, are not prepared to support this patronising approach to their original inhabitants in regard to the land which has illegally been taken from them.

That, of course, underlies so much of the Government's desperation, and its desperate appeals to prejudice we have witnessed in regard to the Aboriginal delegation to the United Nations. I wonder how many people in this country, and particularly in Western Australia realise just how badly the rest of the world is looking at Western Australia at the moment. As a result of the delegation to the UN, the world finger is being pointed at Western Australia as one of the last outposts of the nineteenth century colonialist attitude, and as one of the last bastions—and unashamedly so—of racism and racial exploitation of people.

We are being looked upon now in the same way as we used to look upon South Africa or Rhodesia 10 years ago, and as we used to look upon Queensland in the Australian context. Now, everybody is pointing at Western Australia. When people say, "What is a really bad country, with white supremacy at its worst, and with patronising and exploitative attitudes used to oppress minorities?" people reply, "Look to Western Australia. It is happening there."

Mr Coyne: That was yesterday. They have forgotten about it today.

Mr PEARCE: I have already mentioned the member for Murchison-Eyre in a slightly approving sense. I must admit I undermined my own case when I suggested that his comments the other week, slightly patronising as they were, nevertheless seemed to be well-intentioned.

Mr Coyne: Do you agree it is a day-to-day matter?

Mr Grayden: Are you comparing the plight of Australian Aborigines with the situation in Cambodia, Afghanistan and Ethiopia?

Mr PEARCE: The situation here is considerably worse than it is in Afghanistan. We are going to see that soon, because I feel confident in predicting that many black African countries and Asian countries will boycott the Commonwealth Games at Brisbane in two years' time.

Mr Grayden: Because people like you are making racist statements and giving the world this impression. Why don't you talk about the special aid provided to the Aborigines by the Commonwealth and State Governments?

Mr PEARCE: I will not say very many things about the Commonwealth Government, but the one thing I will say is that it has a considerably more enlightened attitude on this matter than the State Government.

Mr Hodge: It is still not game to intercede.

Mr PEARCE: That is right; the Commonwealth Government is not prepared to lose Western Australian seats due to internal political pressures from the threats of loss of pre-selection to the Senate by the Western Australian Liberal Party against the current Minister for Aboriginal Affairs. That is what is preventing the Commonwealth Government from interceding on the Noonkanbah issue, in the same way as it was prepared to intercede at Aurukun and Mornington Island in Queensland.

Mr Sodeman: What happened to Dr Troy?

Mr PEARCE: Despite all his faults, Dr Troy was one of the better spokesmen on the Labor side for the Aboriginal people.

Mr MacKinnon: He did not get pre-selection.

Mr PEARCE: I cannot see the parallel.

Mr Sodeman: Carry on; it will sink in, in due time.

Mr PEARCE: It has not sunk in to the member for Pilbara, who is one of those hit and run people—he whips out a sentence and, when asked for an in-depth explanation, cannot give one.

Mr Sodeman: He does not have a machine gun in his mouth, like the member for Gosnells.

The ACTING SPEAKER (Mr Sibson): Order!

Mr PEARCE: I am astounded by the intellectual depth of the member for Pilbara. His interjection, as shallow as it was, is as good as he ever makes in this House. We are hoping to hear from him to see what he has to say about giving support to the Aboriginal communities in his electorate.

Mr Sodeman: The Aboriginal communities in my electorate are well aware, by past example, of my attitude towards them and to the protection of their reserves. I am happy to have this reported in your speech when you circularise it. Thank you for the opportunity to record my comments.

Mr PEARCE: So it seems the member for Pilbara will not be speaking. We will at least call a division so that he does record where he stands on this issue. We are not afraid of our vote on this issue.

Mr Sodeman: Neither are we.

Mr Shalders: Are you suggesting it would be wrong for his name to be shown as a pair?

Mr PEARCE: Indeed, yes.

Mr Shalders: You should speak to your Whip about the pairs he wants.

The ACTING SPEAKER: Order! The member for Gosnells will resume his seat. There is too much crossfire—

Several members: Hear, hear!

The ACTING SPEAKER: Order! I think if the member addresses his remarks to the Chair and talks to the Bill instead of spreading his remarks around the Chamber he will make some progress.

Several members interjected.

The ACTING SPEAKER: Order!

Mr PEARCE: I would have thought I was directing my remarks quite specifically to the provisions of the Bill and the way people will vote on it. The last contact I had with my own Whip at the beginning of the debate indicated the member opposite was requesting the pairs.

The ACTING SPEAKER: Order! I fail to see that the matter the member is discussing at the moment has anything to do with the subject before the House. I suggest he directs his remarks to the Bill.

Mr PEARCE: I am perfectly prepared to do that, Mr Acting Speaker, and I hope you will be prepared at least to give the same sort of warnings to members on your own side of the House, because I was answering specific—

The ACTING SPEAKER: Order! I have already asked members on the Government side of the House to desist from discussing pairs and other matters. I suggest the member does the same and continues with his speech.

Mr PEARCE: I am prepared to do that, but I cannot help but notice that you warned your members after they had spoken about it and warned me beforehand. That is not necessarily impartial on your part, but things being as they have been, we cannot expect anything different.

I now wish to canvass the extent to which the new legislation will allow protected areas to be abolished on ministerial say so and the way it limits the role the Parliament plays in the whole procedure. I shall give six points about which we are unhappy with regard to the amendments contained in this Bill which restricts the Museum's role.

Implicit in the original legislation was the most significant role the Museum and the Museum Trustees would play in the operation of the Aboriginal Heritage Act. They were given very considerable powers under the Act, not only to conduct investigations into what constituted an Aboriginal sacred site, but also to send out anthropologists to talk to Aboriginal groups so as to decide whether there was any basis for areas to be declared sacred, the degree of spirituality of specific areas, the specific reasons that the areas were sacred, the extent to which they were sacred, the extent of the knowledge that these areas were sacred, and how this was conveyed to members of the tribe. All this was to be done by the Museum's anthropologists.

On the basis of that, the Museum was given an independent role, a quite considerable independent and powerful role, to determine objectively what constituted a sacred site and what did not. To a large extent, this role was free from ministerial or political interference. The Museum was free from such interference except where an unscrupulous Minister might be prepared to use section 11(2) to overrule or override the Museum Trustees' determination in these matters. This is similar to the situation which confronts the trustees at the present time. The economic pressures which are likely to fall on the Ministry, the Cabinet, the Government, or any political group with regard to mining company interests in these areas are considerable. It is important that the objective decisions be taken out of purely party political hands.

Before I go on, I say quite specifically that I am not alleging that the portrait I am about to paint is one that may take place with regard to the present Minister or the present Government's attitude to mining on Noonkanbah or any other sacred area. But it is a scenario that could happen in the future. Members will appreciate that the money involved with mining operations runs into hundreds of millions of dollars. They will appreciate that large fortunes can be made on the share market through speculative dealings. It would not be beyond many multinational mining companies with large assets to go to a Government and offer tens of thousands of dollars in election contributions, or whatever, if mining tenements could be obtained in areas which would otherwise be excluded from such activity. I hear mumblings from the Minister for Local Government.

Mrs Craig: I said you were sick.

Mr PEARCE: I was prepared to say to the Minister that I was not alleging this takes place at the present time; but I fear for the naivety of someone in the Minister's position who is unaware of the fact that multinational companies go around the world offering large bribes for certain activities.

One has only to look into the hearings concerning the Lockheed Company to know this is true. It is not a matter of being sick but of knowing what happens. Someone who occupies one of the 15 ministerial positions in this Government, a position of considerable importance, and who is not aware that these things are happening may not be sick, but that person would be silly. One wonders whether we are doing the right thing by entrusting significant areas of this State's Public Service to the hands of someone who is so naive or so out of touch with what is happening in the world.

Mr MacKinnon: You said that before.

Mr PEARCE: The Minister might not have been listening. This can happen, and it is a good reason to remove these decisions from political hands. Obviously, it is much more difficult to offer direct inducements of the sort mentioned to bodies such as the Museum.

We are not happy with the way the Museum's role is being downgraded and denigrated in this whole affair. What has happened is that the Museum Trustees have been pushed back to a role under this amending Bill which is even less than the position occupied by the Museum's Cultural Material Committee under the present legislation. That committee, which consists essentially of the Museum's professional anthropologists and advisers, has been pushed back to a role that is now only of an advisory nature to the trustees who are in an advisory role to the Minister making the decisions, or to the Supreme Court.

So, the role of the Museum is being cut out and a much more political role, that of the Minister, is being substituted. But the Minister is protected from the political odium of the decisions he makes because the Museum's role is being revised so that it makes recommendations only, and these recommendations will no longer be public ones.

The Minister can pretend to the Parliament and to the people that the Museum has recommended in ways which it has not and the

Museum will be powerless to deny publicly what the Minister says about a situation. This is the situation the Museum has been forced into already.

The second point is that the Minister will be able to push some blame onto the State Supreme Court which will be forced to bring down rulings in terms of the Act, an Act which the Minister himself has amended and helped formulate. The Government will be able to say that certain things will be done without being prepared to cop the consequences of that activity.

I will summarise the objections which we have to the current amending Bill and indicate to the House the alternative proposition which is enshrined in the amendments which I will be moving in the Committee stage. In essence, our argument against the current amending Bill is that it is designed to make it easier for mining companies to use, mine, and possibly destroy Aboriginal sacred sites under any form of government by using particularly a greatly strengthened ministerial power and by allowing appeal to the Supreme Court only in cases of mining companies or other interested groups which seek to destroy sacred sites, while at the same time limiting rights of appeal by Aborigines. This conspiracy or plot has been made possible by restructuring the definitions of Aboriginal sacred sites by increasing ministerial power so that it covers all areas of the Aboriginal Heritage Act and gives the Minister power over all sites and by not allowing an appeal on any sacred site. The Bill allows appeal only if the Minister rules against destructive activity on sacred sites.

We oppose the Bill because it removes a significant offences penalty from the Act. We oppose the Bill because it would stop mining companies from losing mining tenements if they destroyed sacred sites. In such cases, under the current Act they would lose their tenements. We oppose the Bill because the right of appeal is very much one-sided in favour of mining companies; Aboriginal groups do not get a right of appeal.

We oppose the Bill because the status of protected areas is undermined by the ability of the Minister to declare by ministerial decree that a previously protected area, because of its outstanding significance, will be scrapped if a mining company shows interest in the site. We oppose the Bill because the Museum's role is downgraded.

Mr Grayden: At the request of the Museum.

Mr PEARCE: Rubbish! I refute that comment. The Minister said in his second reading speech that the Museum was in favour of these provisions, but he was not telling the truth. It is a shameful distortion of the attitude which the professional officers of the Museum have.

Mr Grayden: It was a straight request from the Museum. Are you suggesting it is not a recommendation from the Museum?

Mr PEARCE: Indeed I am. I go further and indicate to the Minister that he would be surprised how many officers of his departments come running to me about the Minister. I am better informed about what goes on in the Museum, the Art Gallery, and the Education Department than the Minister appears to be. The Minister was not aware that his own department had withdrawn from the school of transition programme, despite the fact he was supposed to be at the conference.

Mr Grayden: Dr Vickers went in my stead.

Mr PEARCE: He clearly has not told the Minister what happened.

Mr Grayden: I know what went on.

Mr PEARCE: The Minister will have to read *The Australian Financial Review*. It is a shameful state of affairs.

The alternative proposition which the Opposition will put to the House during the Committee stage is this: That the whole question of determining what constitutes an Aboriginal sacred site and the degree of protection that ought to be given to it should be taken out of political hands altogether.

A tribunal should be established which would consist of a judge of the Supreme Court of Western Australian to determine the registration of sacred sites and handle disputes which may arise in respect of them. Any Aboriginal person or community should be able to seek to register sacred sites with the tribunal. Anyone should be able to make an objection to the registration of such a sacred site. Suppose, for example, the Aboriginal community at Noonkanbah were to seek to register the whole of the site. They would define the area and go to the tribunal. The judge could register the site and give it the protection it should have under the Aboriginal Heritage Act." The Amax Mining Company, the Museum, the Government, or the Minister for Cultural Affairs could go to court and object to that registration. The Supreme Court judge would hear all the claims and all the statements from the anthropologists, the mining companies, and other parties and decide whether or not a particular site was a genuine Aboriginal sacred site. If it was, he would register it and it would come under the purview and protection of the Aboriginal Heritage Act.

No political interference would be possible. However, if someone wished to vary this registration he could then go to the same tribunal and seek to produce new evidence to show that such registration should be varied.

That evidence could not be abused. This is a completely impartial proposition for the Aboriginal Heritage Act. It would overcome the problem of interference at every level. It would provide for a completely objective criterion concerning what constitutes a sacred site. Every party to a dispute about an Aboriginal site could appeal to a tribunal. This is a very fair approach to problems involving Aboriginal sacred sites. The Opposition seeks to put into effect this proposition to rectify the weaknesses in the Aboriginal Heritage Act.

The Minister would not be able to overrule any part of the proceedings which would be conducted under the objectivity of the presiding officers. The proceedings would be unimpeachable and safe from any political interference.

The basis of the hearing would be that anyone would have the right to appear and appeal and anyone could object to the finding of the tribunal. The Aborigines would feel that there would be some justice with regard to the position of their sacred areas and their protection and the mining companies could also put forward their arguments. There could then be no spurious claims about sacred sites being violated for the purpose of mining. This would be overcome in the tribunal hearing. There would be nothing to fear because they would be honest and open tribunals.

Secondly, with regard to genuine Aboriginal sacred sites, anyone could bring forward those arguments and would find them validated before the court.

I will be fascinated to see if members of the Government vote against this proposal.

In conclusion I wish to mention what I consider to be a most disgraceful aspect of this whole matter—I refer to the exhortations of the Minister for Cultural Affairs during the Second Reading of this Bill. I feel I have demonstrated to the House very clearly that this amending Bill is designed to deprive the Aboriginal communities, almost totally, of their rights to their sacred sites, to the advantage of the mining companies.

Mr Grayden: Nothing could be further from the truth.

Mr PEARCE: The Minister made an idiotic statement when he said that somehow the Aboriginal Heritage Act gives an unfair advantage to Aborigines. That implies that they are one of the rather privileged groups which need to have this privilege stripped from them, so that they are equal with the rest of the community. That is one of the pathetic examples put forward by the Minister.

I now wish to quote from a letter reported in the *Daily News* today which was written by a 12-year-old.

Mr Sodeman: If that letter had been the converse—that is, if it had been someone else's point of view—you would not be reading it out.

Mr H. D. Evans: What has that got to do with it?

Mr PEARCE: The letter reads as follows—

> I am sick of hearing about Noonkanbah and the poor Aborigines.
>
> I have lived with them and I wish I could get as much money and privileges as they receive from the Government.
>
> I wish they would make up their minds whether to be in tribes or work like the rest of us do or will.
>
> They are no different from any other person living in this country, so why do they get all these privileges?
>
> I am being brought up to work and pay taxes as a citizen and can get money off the government only if I am in trouble. But Aborigines get money off the government for doing nothing.
>
> No matter if we're English, Italian or Polish etc., we all have to work for Australia.
>
> Would the Aborigines like us all to sit on our backsides and wait for the cheques?

This is a pathetic letter in every sense. It is absolutely pathetic. However, it emphasises what so many on the conservative side of politics believe; that is, that Aborigines in Western Australia have a unique advantage because they can draw unemployment benefits and, as well as that, the Federal Government has purchased a pastoral lease for them.

The member for Roe the other evening was not above saying that he wished such benefits were available to him. He wished he had the privileges and benefits that Aborigines receive. If a member is prepared to live in the degrading situations under which Aborigines of this State live, then we ought to organise for him to do so.

Several members interjected.

The ACTING SPEAKER (Mr Sibson): Order!

Mr PEARCE: We have not seen any rush from the great white men on the other side of the House to join the Aboriginal communities and reap these benefits. It is a white backlash of

racism and a broad attempt by people who are not prepared to concede the great damages which have been done to the Aborigines over the last 150 years. There is no attempt to make some form of compensation available. It appears the Government is not prepared to accept a proposition of compensation. The Government believes that being equal means that the deprived groups must remain deprived and the minority groups must remain ground down in the minority position by the activities of an uncaring, uncompromising, and inhumanitarian Government.

Aborigines need these positive benefits to give them the advantages which all Australians should have. Members should go to Noonkanbah and the rural areas of Western Australia and observe the way in which Aboriginal communities are forced to exist, and ascertain whether they are the rich privileged few of Western Australia. They would then see whether these are the people to whom the Government has given benefits which white people never have or never enjoy.

I find the claims of a privileged few from the privileged few to be revolting and disgusting and, the worst aspect of that sort of prejudice is finding its way to the 12-year-olds of this State. That is the main point of my argument here. I find it disgusting and a ghastly state of affairs.

Several members interjected.

Mr PEARCE: The member for Pilbara is being quite naive and deliberately misleading when he says that he was not aware that the buying back of the pastoral areas was part of the Whitlam Government's programme. This programme was started during the term of the Whitlam Labor Government. In fact, all Government members have done is scream about the deficit during the term of the Whitlam Government but they have not thought of what the deficit has provided for people by way of benefits to those who have been funded.

Mr B. T. Burke: A sum of $5 million for Aboriginal housing has been sent back unspent.

Mr PEARCE: This great support for Aborigines has led to a series of sick statements such as the one from the Minister for Cultural Affairs. I ask members to bring out the violins whilst I read what the Minister had to say. He said—

> We are now one Australian nation and our country is the home of peoples from many lands.
>
> Let us resolve to go forward into the future as one family of peoples, resisting division—

As if the Minister for Cultural Affairs and the Premier have not sought to divide people in this State because of their beliefs! To continue—

> —rejecting privilege for any section of our community—

As if the Aboriginal community are privileged groups who need to have those privileges rejected! To continue—

> —and instead striving together to achieve a society in which every individual can develop to the maximum of his or her potential,—

We should go to the Aboriginal communities in the outback areas and tell them the potential they have to develop as individuals to the maximum. To continue—

> —a society in which the weak and the disadvantaged and the under-privileged find compassion and help.

What sort of advantages or help have the Aboriginal people in Western Australia had from this Government? No help, and precious little advantage. What they have found is discrimination, prejudice and the whipping up of discrimination and prejudice to bolster the political forces of this Government. To continue—

> Let us resolve to continue always as one family of peoples in one continent with one law for all and as one Australian nation.

What a poor story related by this Government which is dividing the State and denigrating it in the eyes of the world. It is doing this in a way that has never been done before.

This Government has no serious interest in the Aborigines of this country and that attitude, as we have learnt from the legislation we have before us, is disadvantaging the Aboriginal community which is already disadvantaged in order to create advantages for mining companies which are already advantaged.

The Government is taking the privileges from people who have nothing but their sacred sites and their religion. This Government has taken so much from the Aborigines that it is not even prepared to leave them their dreams.

MR BRIDGE (Kimberley) [8.57 p.m.]: I rise to support the comments of my colleague, the member for Gosnells, and oppose the amendments in the Bill.

At the outset, I would like to say that I am not inclined to the proposition that we ought freely and willingly to oppose proposals which are designed to give a Minister of the Crown additional powers. That is not a philosophy I would freely wish to oppose; however, in the

circumstances of these amendments I see it as being very necessary.

Before us is a proposal which is designed to weaken the position of the Aboriginal people.When we look at the question of the preservation of areas which are of significance to the Aboriginal people, it is significant to note that Aborigines have very little power. In fact, the Aborigines have nothing other than the Aboriginal Heritage Act legislation. The Government has very many major powers at its disposal; for example the Mining Act which can be applied in a very wide range as well as in the terms of pastoral leases. There is also the Land Act. So, it appears that Aborigines have already had major obstacles to overcome and they must now come to grips with another proposal designed by the Government which seems, on the face of it—despite the assurances of the Minister for Cultural Affairs that it was not so designed—to have changes of emphasis. The fundamental changes within the Bill quite clearly will have a weakening effect on the current Act.

For that reason, and that reason alone, I will depart from a normal policy which is to support the powers and strength of those who are responsible—such as the Ministers of the Crown.

In doing so, I would foremost like to address myself tonight to what I see as the role and responsibilities of the Government. I have heard here tonight exchanges which do nothing but sicken and sadden me—exchanges between members of this House who I thought quite honestly were responsible people. But the lack of wisdom which is in evidence in this House leads me to doubt that a common-sense, responsible approach is being taken.

Mr Tubby: On your side of the House.

Mr BRIDGE: I am referring to the other side of the House. Let us consider the role of the Minister for Cultural Affairs, for instance, as an Aboriginal person would see it. An Aboriginal person would be relying largely on the Minister for Cultural Affairs to advance ideas, submissions, and policies which are designed primarily in the interests of Aboriginal people. As I see it, that comes about because of his responsibility for the Museum. Although he is not explicitly responsible for Aboriginal affairs, the legislation provides an umbrella for that responsibility, and of all the State Ministers, the Minister for Cultural Affairs would be seen as the Minister, spokesman, and advocate for the interests of the Aboriginal people in the State. One would therefore fairly be expecting that in most of these sorts of situations the Minister for Cultural Affairs would champion the interests of the Aboriginal people rather than be a party to a plan designed to weaken their position.

Mr Grayden: This Bill will enable us quickly to define all Aboriginal sites of consequence in the State and do something to protect them. We have not that ability at the moment. We seem to be bogged down in recommendations by the Museum.

Mr BRIDGE: Goodwill seems to me to be the essential ingredient in the application of any Act of Parliament. No matter what the Act contains, the fundamental requirement is the goodwill of the people administering it. If a common-sense approach and goodwill are forthcoming, the original intention of the Act of Parliament invariably is carried out. Without the necessary degree of common sense and good judgment, we run into problems. I believe that has been the cause of the disputes which have arisen in the State in the last year and a half, and I suppose it might well have been one of the reasons the Government decided to bring forward this amendment.

I have had close association with the mining activities at Oombulgurri, and it illustrates the point I am making. For most of the time there has been a measure of concern at Oombulgurri, and generally speaking matters have been resolved very well. A measure of understanding has been advanced on both sides and the consequence to date has been that very sensitive areas of that reserve have generally been agreed upon to this point of time. A measure of good sense and a reasonable degree of judgment have been brought to bear in the deliberations. I was on the Aboriginal Lands Trust in 1978 when Oombulgurri first started, and to this point of time I am not aware of any major problems there.

Balgo Mission is at the moment subject to fairly extensive mineral exploration, and to my knowledge no problems at all have been experienced. I suggest that again a degree of common sense and understanding has been exhibited by all parties.

The situation at Noonkanbah has been quite different. I repeat what I have said on several occasions since I have been in this House: I attribute to the Government the blame for the situation at Noonkanbah. I am sure that deep down many members of this House would have been satisfied to go along with that proposition, but for reasons known only to them they have adopted another line.

Mr Grayden: About two years ago the community at Noonkanbah reached agreement with Amax on a drilling site.

Mr BRIDGE: That may be so. I am referring to the present dispute about the drilling site. That is the problem; not what happened two years ago. The problem relates to the drilling that is taking place now.

Mr MacKinnon: Why did they change their minds?

Mr BRIDGE: They did not change their minds. I suggest the Honorary Minister go along and talk to these people. He has not the faintest idea what he is talking about. Members of the Government should quickly do what we have all done. I have not sat in Halls Creek or here in Perth to ponder over these matters and make my decision. I have gone to Noonkanbah and sat under a gum tree with the people. I suggest the Honorary Minister do the same thing, rather than sit here making wise comments on something he knows nothing about.

Mr MacKinnon: I just asked a question.

Mr Sodeman: The member for Kimberley's comment is unfair, and in certain circumstances several people have been up there, including the Premier. What sort of compromise was reached then? The Premier was prepared to listen but there was no give and take whatsoever.

Mr B. T. Burke: There was plenty of take.

Mr BRIDGE: The honourable member knows very well that subsequent to that visit a proposal was put forward which offered a formula to the Government.

Mr Sodeman: And when that proposal was answered point by point, how acceptable was it to the Aboriginal people or their advisers?

Mr BRIDGE: In my view, a measure of judgment has not been exercised in the Noonkanbah dispute, for whatever reason. The situation is known to the Government. It is certainly not known to me. Had judgment been exercised, the Noonkanbah situation might well have been similar to that at Balgo and Oombulgurri. The amendment of an Act of Parliament means absolutely nothing to me unless the people who administer the Act are prepared to exercise common sense and good judgment, and above all goodwill, which is the essential ingredient. In the case of Noonkanbah goodwill on the part of the Government is non-existent.

I make the point that the attitude of the present Minister for Cultural Affairs as demonstrated in this House quite clearly makes it absolutely impossible for me to support this amendment.

I am compelled, because of the attitude of the Government and the conduct of members in this place, to oppose it vigorously.

I made the point a little while ago that the man in this House who is the most able to represent the interests of the Aboriginal people, has been the person least prepared to represent those interests.

Mr Grayden: I can assure you their interests will be in very good hands indeed.

Mr BRIDGE: Having said that, I would like to turn to deal with various aspects of the Minister's second reading speech. The Minister said—

> . . . . . made provision for the wider role of government and the obligation of government to take into consideration the public and national interest when determining whether Aboriginal objects and places should be protected or otherwise.

It is interesting that the Government places its greatest emphasis on the national interest. Quite clearly in all its deliberations materialistic interests and attitudes have been of prime importance to the Government. If there had been a balanced realisation of the needs of all sections of the community I would not query this statement made by the Minister, but because of the attitude displayed by this Government, it appears that the national interest means the interest of the mining people. That is what we are worried about.

Mr Grayden: That is not so. Many sites have to be preserved in the national interest. That is the reason for the legislation. It is in the national interest to preserve them.

Mr BRIDGE: They are sound words from the Minister, but they do not accord with reality. That is the problem. If the Minister took that philosophy and applied it outside the House, the problem would be solved. The Minister went on to say—

> In practice, sections of the community have chosen to disregard the existing overriding role of the Government and as, in addition, the Act confers wide powers on the trustees and the committee, this leaves many sections of the Act open to varying interpretations and dispute.

Again I question how the Minister can say that.

The communities have not really disregarded those sections of the Act. In the main the communities have sought to have those sections applied to protect their interests. If we are looking at any measure of dispute or any measure of disregard for the application of the Act, it has

been on the part of the Government. The communities have sought nothing beyond the genuine application of the present Act of Parliament. Quite simply they have said, "There is an Act which was designed to assist us in the recognition and protection of these areas of importance to us. Now we are appealing to you as the Government to provide that protection."

So we do not go along with the Minister's comment that sections of the community have chosen to disregard the overriding role of the Government. The point I make is that the communities sought protection and in the areas where protection has not been forthcoming, the Government and its Ministers have departed from an application of those sections. That is how the problem arises. The Minister continued—

> As a result of this, the original purpose for which the Act was introduced has been largely lost and sections of the community, in a highly organised campaign, are now using the Act for political purposes to further their claims for land and mineral rights.

Again I make a point to the House. The Minister for Cultural Affairs and other Government members have claimed in the House and in the media that the Aboriginal people are asking for land and mineral rights.

I would like to see genuine evidence of this claim provided to this House. Certainly I have not seen such evidence. I have travelled extensively through the Kimberley, and I have visited Noonkanbah—the centre of the major dispute—on many occasions. The people involved directly in this dispute, and the people this Act of Parliament is designed to help, have not shown any evidence that they are seeking mineral rights and the like. It seems to be the common catch-cry that the dispute has been stirred up for political purposes. We are led to believe that with a well-orchestrated plan the communities are seeking extra privileges and special kinds of rights that they do not have at the moment. This is a very far cry from what the communities are seeking. It is wrong for anybody to say positively in this House that such claims are being made. It is not true. The Minister said also—

> ..... will more nearly approximate the original purpose for which the Act was introduced and result in the Act being confined in its application to Aboriginal places and objects of importance and significance, worthy of preservation.

The Aborigines have never—as I made the point a moment ago—abused the provisions of the Act. They have sought merely to have those provisions applied. On the other hand, I believe the Government has abused the provisions of the Act. The Minister's decision to override the Museum in respect of the area in dispute is clearly an abuse of that Act of Parliament. The Government's actions led to a deadlock between the Government and the community, and it led also to other extreme positions being adopted. The overriding decision that was taken was a major cause of the problem at Noonkanbah. It brought many other issues into the dispute. The Aboriginal people's view was that the Act was a meaningless exercise that meant nothing. The Government was seen to override the views of those best able to express a genuine view; that is, the professional advisers—the Museum Trustees.

Mr Grayden: But they put forward the recommendation on the basis that the Government would take into consideration the wider national and public interest. For instance, they did not take into consideration the question of compensation or the necessity for oil in the Commonwealth or anything like that. They made a recommendation, knowing it was the obligation of the Government to do that.

Mr BRIDGE: I do not know how the Museum arrived at its decision upon which the recommendations were based. It may well be that the Minister knows something most other people would not know about. It is an extraordinary comment for him to make. As a result of the decision made by the Minister we reached an unworkable situation at Noonkanbah.

A little further on in the Minister's speech in this House, he said—

> The amendment will provide for the Museum Trustees to make recommendations relative to the proper care and protection of places . . .

And then it continues. It seems to me that what we have in this proposal is the removal of whatever little power the Museum and the advisory committee might have had. I can only see this—and I made this point earlier in my comments tonight—as being a further watering-down and weakening of the position of Aborigines.

Mr Grayden: That is not so, of course, because the Museum and the committee never had any power. They have always been subject to direction by the Minister, and the same applies in this situation.

Mr BRIDGE: Having said that, why is it that the Minister was required to make a decision to override the wishes of the Museum?

Mr Grayden: This is a much more straightforward approach, isn't it? Here the Museum will make a recommendation and the Minister, after taking into consideration the wider public interest, will make a decision. In the other way the Museum made a decision and then the Minister was placed in a position of having to overrule that decision after taking into consideration the public interest.

Mr BRIDGE: The Minister then said—

> . . . of places to which the Act applies to the responsible Minister for decision after consideration by him of the recommendations of the trustees and the wider public national interest.

Clearly again this is intended to mean that the interest of the Aboriginal people will be weakened and the interest of mining companies will be strengthened. One cannot get away from that.

Mr Grayden: Under the old Act the Minister had an overriding power.

Mr BRIDGE: He may well have had that, but the fundamental philosophy which is not in dispute is the so-called "national interest". I ask the Minister: What is it? I will answer the question myself, and not give him the opportunity. It is the mining interest, the mining interest, the mining interest. It is not pastoral interests, farming interests, Aboriginal interests, small participating interests, or the interest of average citizens; it is the mining interest.

Mr Grayden: Cut it out. Look at the aerodrome that will be built at Derby on a huge area that might contain sacred sites. What comes first: The defence of the country or sacred sites? That is a case of national interest.

Mr BRIDGE: The Minister went on to say—

> The Act will be amended to ensure that, prior to an Aboriginal site being recommended for declaration as a protected area, notice shall be given to interested persons who shall have the opportunity to have their representations considered by the Minister who, in doing so may, if warranted, take into account the wider public and national interest.

Again, that is the point I make: the whole process is one of taking away the rights and needs of Aboriginal people, and of strengthening the interest of mining companies.

Mr Grayden: It does not do that at all.

Mr BRIDGE: I argue that with the Minister, when one considers that already mining companies have clear protection under the Mining Act.

Mr Grayden: Under the existing Act they have complete power, and you can't get anything more than that.

Mr BRIDGE: This is a continuation of the removal of control that might be exerted by the Government on behalf of Aborigines, and the advantage is being given to mining interests which have a bonus of protection and power—that is not in dispute—under the Mining Act. The Minister for Cultural Affairs should be the first to agree with me on that, if we are to consider the media coverage of his mammoth concern and deliberations in respect of the Mining Bill the year before last.

What the Minister for Cultural Affairs should really be doing is agreeing with my proposition rather than disputing it because the only way I can see it working is towards the lessening of the interest of Aborigines; and this is consistent with the lessening of interest of other groups in the community which has taken place over the last couple of years. Farmers and pastoralists are all greatly concerned about the Mining Act and the erosion of their rights under it. To me this Bill represents just a continuation of that erosion of rights. It leaves me absolutely no opportunity to accept any of the so-called values put forward by the Minister.

As a matter of fact, I reckon one could almost say that the mining industry in Western Australia is fast reaching the stage where it is being granted special privileges.

When we talk about land rights, and we are genuine, we must address ourselves to the thought that the mining interests are the ones being granted land rights; and not only that, but they are also being granted land rights with special privileges.

Mr Grayden: The Aborigines have land rights. They have 19 or 20 stations in Western Australia and they hold 8 per cent of the surface of Western Australia in Aboriginal reserves. That is land rights.

Mr BRIDGE: Let us consider that comment and see how good are the land rights of which the Minister speaks. Let us go back to Noonkanbah. I will not recapitulate the social problems which existed at Noonkanbah before 1976, because everybody knows about that. The Aborigines were given a pastoral lease, supposedly part of the special land rights that we hear so much about. They relocated themselves at Noonkanbah away from the problems they were experiencing and away from the need for huge amounts of Federal funding and welfare cheques. They relocated themselves at a place where there was a

possibility and a real hope that they could be self-sufficient, self-reliant, and independent, and have some sort of viable enterprise. Have a look at the plight of the people there at the moment; it would not be beyond them to decide to chuck it in and go back to Fitzroy Crossing.

Mr Grayden: If there is no oil the mining company will be out of the place in a few months and then it will be business as usual.

Mr BRIDGE: A little later in his speech the Minister said—

> Provision is also made for a declaration of a protected area to be varied or revoked. However, any Order-in-Council varying or revoking such a declaration shall be published in the *Government Gazette* and, as with a regulation under section 36 of the Interpretation Act, 1918, shall be subject to disallowance by either House of Parliament.

That would be a big joke because in all sincerity how many recommendations are actually given serious consideration in this place? In my experience most of them, ranging right from Royal Commissions down to minor regulations, are rarely given the consideration and attention that they warrant and deserve. Therefore, that provision is not worth the paper it is written on. Again, the Minister said—

> These amendments should serve to eliminate much of the uncertainty and disputation which has occurred recently in respect of Aboriginal sites. However, as with other Acts, no doubt in the future, further amendments will be found necessary.

May I ask where are the uncertainties? Certainly there is none as far as the Aborigines are concerned in respect of the proper application of the present Act. Had it been applied with goodwill and common sense and the good judgment that is necessary, there would have been absolutely no problem. The Minister talks about uncertainties, but clearly the only thing we are uncertain about is the Government.

The Minister's second reading speech continued—

> While European settlement changed the traditional Aboriginal way of life, it also brought medical attention, freedom from hunger and thirst, protection from the elements and other benefits of civilisation.

Let us consider that claim. Many people no doubt would agree that those benefits in fact have occurred. However, it has not altered the fact that there are many very depressing situations in Western Australia, and the way to minimise those situations is not by creating in the minds of people an uncertainty of tenure in the areas in which they reside, but rather by consolidation and providing a knowledge of security. In other words, the most essential thing to be provided is a base structure.

This applies not only to Aborigines but also to Europeans. The most fundamental factor in our society is the desire for people to have a piece of land they can genuinely call their own. It is this motivation which prompts people to own their own homes, and to obtain freehold title to the land. They do not purchase houses because they like the roof or the ceilings, or the television sets inside; the motivating factor—apart from monetary considerations—is the desire for security, and for a piece of land that is their own.

Likewise, the Aboriginal people are searching for their land, and in areas where this has been achieved—areas like Lake Gregory, for instance, which has not as yet been the subject of dispute—we have medical practitioners in the Kimberley telling us that the health situation improves dramatically. The people at Lake Gregory are a healthy, happy and genuinely contented community. However, prior to acquiring their own land, they had the same high disease rate, with a high incidence of diabetes and eye disorders, as other Aboriginal communities around the State.

Mr Grayden: The community at Noonkanbah is on freehold land.

Mr BRIDGE: It is very true to say some important health measures have been introduced into the way of life of the Aboriginal people but it is also true to say that there remain some major problems to be overcome. It would be better for the Minister to say, "Despite some of the improvements which have been effected, great problems still exist to which we must turn our attention." For instance, I am sure the Minister would not accept the situation at Cundeelee, which is not very far from here; I would be amazed if he did.

Mr Grayden: I could not agree more. However, as you know, they are negotiating for a pastoral property at the moment.

Mr BRIDGE: The final paragraph of the Minister's second reading speech stated as follows—

> Let us resolve to continue always as one family of peoples in one continent with one law for all and as one Australian nation.

I have heard those sentiments expressed many times since I have been in this House. How could such a proposition, realistically, be possible? It

could not. True, there are certain people in the Aboriginal community to whom we could apply that proposition with some degree of fairness. However, the background of the preponderance of Aboriginal people in Western Australia mitigates against their being considered in a comparable light with, say, the citizens of Nedlands or Peppermint Grove. Members opposite surely do not suggest the community at Cundeelee should be treated on the same basis as some metropolitan communities.

Mr Grayden: Some communities require special assistance.

Mr BRIDGE: How can the Minister talk about special assistance on the one hand and the law for all being equal on the other?

Mr Grayden: That is right, and within that structure we provide special assistance.

Mr BRIDGE: There is no way it can be done; the Minister is playing around with words.

Mr Grayden: That is what is happening at the moment.

Mr BRIDGE: The Minister interjected on the member for Gosnells and talked about special aid. Just for the record, I would like to say that, despite the so-called special assistance which has been given to the Aboriginal community throughout Western Australia, many Aboriginal communities have serious health problems. For example, we know that in the Kimberley, leprosy is running at a rate almost as high as anywhere in the world. According to the latest statistics, diabetes is running at 27 per cent; let members try to imagine a serious ailment like diabetes running at such proportions. Zinc deficiency is now suffered by 58 per cent of Aboriginal females and 60 per cent of males in the Kimberley. The degree of eye disorders existing in rural Australia—not just Western Australia—is well known. So, despite the claims made by the Minister tonight and last week in his second reading speech about the special aid which has been given to the Aborigines, nonetheless the statistics reveal an alarming health situation throughout the State.

Given that situation, what has the Government done to address itself to the removal of the reserves, which are one of the basic causes of these conditions? The member for Pilbara claims to understand the situation relating to reserves in the Kimberley. However, my suggestion is that we should speed up the process by which these reserves are abolished. They have been a continuing problem for many years and it seems they will continue to be a problem for a long time to come.

Mr Sodeman: Would you make that statement about Yandayarra?

Mr BRIDGE: I do not say it about Yandayarra.

Mr Sodeman: You could not, because it would not be correct.

Mr BRIDGE: What I am saying—

Mr Sodeman: Is incorrect.

Mr BRIDGE: If the member for Pilbara would roam the State a little more and gain first-hand knowledge of the situation and familiarise himself with the facts, he would be more of an asset to this House. Based on his comments so far in this debate, his knowledge of the matter is absolutely zero. That is something we can ill afford in this place; Parliament should comprise people with an understanding of what is going on around this State and who are prepared to express their views here.

Mr Sodeman: You mean political opportunists like yourself?

Mr E. T. Evans: Why don't you visit your electorate now and again?

Mr Sodeman: We will talk about that later.

Mr BRIDGE: As I see it, this amending legislation will do nothing to advance the cause of the Aboriginal communities of Western Australia; it certainly will not do what the Minister claims. We should be seeking to replace the present very workable legislation with a measure where common sense and good judgment are applied. The present Act is quite adequate to meet the needs of most Aborigines; however, what we need to establish is the machinery to enable disputes to be more fairly resolved. We cannot achieve that aim by weakening what is an already workable machinery. All that will do is give people the opportunity to place various interpretations upon the legislation.

Mr Grayden: There is very little difference between the present Act and this legislation.

Mr BRIDGE: Perhaps, but that difference is designed to weaken, rather than strengthen and make more effective the mechanism of the legislation. Therefore it advances this argument not one inch further along the road towards a solution to the problem. As a consequence—

Mr Grayden: It will enable the Government quickly to locate areas which should be preserved, and then to protect them. We really want to accelerate this, and we will. You will be surprised at the result.

Mr BRIDGE: I will not be surprised. I know what the result will be. It will not be as the

Minister suggests. There is nothing in the proposal that will lead us to that kind of situation.

Mr Grayden: It streamlines the procedures.

Mr BRIDGE: The Government weakens the legislation until it has the consistency of water, and then says it is streamlining the Act.

The amendment advances the whole argument nowhere. It weakens the position of the Aboriginal people. It grants a little protection and a right to speak in respect of the areas of significance. As a consequence of that, I oppose the amending legislation vigorously.

MR WILSON (Dianella) [9.41 p.m.]: I want to deal with some general points raised by the amendments before us. In the beginning, in support of the previous speaker, I want to say that inherent in this legislation, as in most of the Government's pronouncements on the Noonkanbah issue and on the issue of sacred sites generally, there appears to be a continuing misapprehension about the Aboriginal sense of spiritual values.

This has been particularly obvious in the Minister's interjections on the speech by the member for Kimberley. It has been perfectly obvious that, try as the Minister will—and in some cases I think he tries—he cannot understand the sensitive issues and the sensitive areas of fear involved in this problem. He talks instead about streamlining measures, about moving quickly into certain things, and about the need for the Government to have certain powers that to me, to all members on this side of the House, to the member for Kimberley, and to the Aboriginal people themselves appear to be more in the form of a threat than in the form of any measure likely to be in their own interests or to their advantage.

This sense of spiritual values, which is part and parcel of Aboriginal being, is something which survives strongly even amongst those Aborigines who, in many respects, may now be described as more white than black. The truth is that, in part accidentally and inadvertently, and in part deliberately, Governments in this country and the community as a whole have provided a set of conditions calculated almost to lead to some degree of intelligence separatism.

For many generations, Governments and the white community—the European community—have almost begged for the arrival of a new and strong Aboriginal spirit—a new and strong Aboriginal morale in Australia. In fact, this has culminated in the new policies and new policy-initiatives of the last decade or so on the part of Governments in Australia—in particular, I might say, on the part of the Federal Government. Aboriginal people have been urged to strike out on their own—to conserve and restore their own tradition as a new vision for their future.

What was done during the period when the great word was "assimilation"? Almost everybody in the European community in Australia, including Governments, were most concerned to promote a policy that they named "assimilation", to promote the theory on the assumption that if a forceful attack were made on traditional life attitudes, if there were an intensive exposure to our institutions and our techniques, and if outside capital were used in massive amounts in development programmes, then people would be jolted out of their old stagnation and a mental climate more favourable to development and balanced growth would result. However, one would have to say, unfortunately, as has been the case in many under-developed countries and under-developed communities, people jolted out of their old equilibrium frequently prefer to use their newly acquired wealth, their newly acquired rights, their newly acquired status—if that is the word to use—this new benefit or privilege that they might obtain, not to progress in the sense that we might like to see it happen, but instead to reinforce their old social and ceremonial ways of life.

There are two major aspects of this development which, in all sincerity, the member for Kimberley has tried to convey to the Parliament since he has been here, but which, I fear, continue to be lost on most of us with our European backgrounds. The first concerns the spiritual concept of land for Aboriginal people. As many of us have read on numerous occasions, the difficulty is that English words are just not good enough to give a true sense of the link between an Aboriginal group and its homeland. Our own understanding of land is caught up with economic overtones; but what we call "land" means "hearth, home, a source of life", to the Aboriginal people. It is what Professor Stanner has called the everlastingness of spirit. For Aboriginal people to be without that means a dreadful sense of homelessness; as the member for Kimberley was just saying, no stable base of life, with every group structure put out of kilter.

There was no more terrible part of our nineteenth century history than the hearding together of broken tribes under authority, yoked by new regulations into settlements and institutions as substitute homes. There was no more tragic stage in the history of this country. Some anthropologists have tried to describe what Aborigines felt as a result of that sort of

development. Some have described it as a sense of vertigo—a kind of spinning nausea in which they were flying off a world which seemed to have gone off its bearings. They felt totally disoriented.

What we are seeing now at Noonkanbah and in similar communities in Western Australia and the rest of the nation is a little miracle, in that respect. We have seen people who have been made homeless, and who have pooled their wills sufficiently to try to make another home for themselves. That is all they are doing—trying to make another home for themselves on land which, in their innocence, they consider to be theirs.

Of course, it is probably almost impossible for people like ourselves, brought up on ideas of land as real estate or leasehold, to understand at all. The two concepts are so divided, so far apart from each other, that it seems we cannot really expect to come up with a breakthrough. It is unfortunate that a lot of what the Government seems to be doing in this legislation appears continually to emphasise that division, that barrier, that chasm which lies between the two cultures, which seems to be unbridgeable and widening all the time.

The second aspect of this development is the Aboriginal inability to grasp the European plan of life. I suppose this is the other side of the coin. From the Aboriginal viewpoint, Europeans were—and for many Aborigines it must still be the case—like men from Mars. The Aboriginal folklore about us—and we should not mistake the fact that there is such a folklore about us, just as we have folklore about them—is faintly comical, but it is close to the bone. It is that we have no morals; that our marriage system is incestuous; that we are like sharks pursuing land, money, and goods just as sharks pursue little fish. As one old man in the Northern Territory said to Professor Stanner when he conducted interviews there back in 1968 prior to his Boyer lecture, "You are very clever people; very hard people; plenty humbug."One might say about these amendments to the Act, "This is very clever legislation; very hard legislation; plenty humbug."

This attitude is particularly pertinent to the Aboriginal attitudes about mining and other developments in the vicinity of their settlements and their communities. It seems that while they are not opposed in an outright way to this activity, they are overwhelmed by the weight of external initiative, authority, and advice to the effect that all will be well. This is the new paternalism. We are saying to them, "Don't worry about anything; we will look after you."

In spite of all these massive developments and all this massive initiative and in spite of all our assurances and all the adverse comments from the community and other sources, these people are told, "All will be well." One can easily conceive that for small, struggling communities, seeking out of great adversity to create new homelands for themselves, the very weight and overburdening of this external impingement is a very real threat, and despite all the assurances to the contrary, is a matter of great concern and worry to these people. They are confused, because it is so difficult for them to grasp the scale and complexity of the enterprises or to gauge the changes they will bring into the lives of their people and their communities, or to foresee the place they will have in the new world it will bring.

They are worried that large tracts of land which they believe, in all innocence in many cases, belong to them will perhaps be lost to them forever, and along with that land, which in many cases is sacred to them, will be lost their whole opportunity for an identity as a proud people.

These thoughts are well taken up by Professor Stanner in his book which appropriately is named *White Man Got No Dream* when he talks about an episode which occurred in the Northern Territory when he was in the situation of being able to listen to one elderly man speaking on this matter. He describes the old man speaking in this way—

> He turned his back to the open waters of Carpentaria, and looked north, west and south to the great stretches of Arnhem Land which no one—no one, that is, except the Aborigines—wanted only a few years ago when we knew nothing of the mineral riches that have been discovered. In a dramatic way he pointed to and declaimed the names of territories and places within the tribal domain. 'All of them', he said, 'are our country'. He then named the places already or soon to be lost under the special leases created over them. I could not follow all he said because I depended on an interpreter but there was no mistaking the substance of his remarks or the fact that he was unhappy and unreconciled. Were they to be compensated? Would yet more land go? Would the sacred places really be protected? These were among the questions he asked, but no one present could answer him with the scruple and certainty that alone could set his doubts at rest. The upshot was that he and others made the response that must have happened a thousand times since 1788. They said, in effect: our homeland is being whittled away; we have no power to control what is

> happening; we do not understand; we are in your hands; by ourselves we can do nothing

That well could be the plea at this time from the Aboriginal communities in Western Australia to the Minister for Cultural Affairs. I hope that if such a plea could be voiced by these people or by their messages to the Minister through their representatives here there may still be a chance that the Minister and the Government which stands behind him might yet see fit to begin to develop that special understanding and special sensitivity which alone will enable any Government in Western Australia to give to the Aboriginal people of Western Australia their true rights, privileges and recognition of the very special concepts which the Aborigines have in their relationship with the land from which we have driven them, so that we might after all this time bring about the kind of change to their lifestyle which would allow them to live in the manner in which they have every right to live on their own land.

MR PARKER (Fremantle) [9.59 p.m.]: Mr Acting Speaker (Mr Blaikie), I am sorry you did not give the call to the member for Pilbara as I would have been delighted to hear his views on this matter, bearing in mind he represents a very large number of Aboriginal constituents. I hope to hear from him.

Mr Sodeman: Let us hear your views.

Mr PARKER: I think my views will be of some help and I wish to join with my colleagues in opposing strongly these amendments to the Aboriginal Heritage Act.

Many statements which have been made on this issue have been somewhat intemperate. The way in which the situation has developed, of course, has encouraged such intemperate statements.

A number of the statements made by Government members, for example, have indicated that we, on this side of the House, have been dealing with forces directly opposed to law and order on this issue; that what was proposed in regard to the Noonkanbah community by the Opposition in this Parliament has been contrary not only to law and order, but also to the intentions that were established when the legislation was first brought down. In fact, in a Press release of 30 July last, amongst other things, the Minister for Cultural Affairs said, "The sooner we amend the Act to give effect to the original intention of the legislation, the better for all Australians."

I took the trouble to look at the debates which took place in this House in 1972, because I, along with many other members, was not present at the time the Bill was introduced by the Tonkin Labor Government. After substantial amendment in the Council, the Bill was passed with the support of all parties in Parliament. The then Attorney General (Mr T. D. Evans), the member for Kalgoorlie, made a number of statements in his second reading speech when explaining the Bill to the House in 1972. For example, he said—

> The authority will also be given powers to protect and conserve objects of cultural significance. The authority will do its work through the Western Australian Museum which, for the last 10 years, has provided the staff and services used by the advisory panel.

Further on in his speech he said—

> Part V of the Bill, I am sure members will be interested to know, provides for the Minister to appoint an Aboriginal cultural material committee whose duty it will be to administer the provisions of the Act.

He then went on to outline the composition of the committee. Later in his speech he said—

> There will also be a number of appointed members, one a specialist in anthropology and the others having special knowledge which will assist in the recognition and evaluation of the cultural significance of matters coming before the committee. The chairman will be appointed by the trustees.

In the next paragraph, the Attorney General of the day said—

> The functions of the committee will be to evaluate on behalf of the community the importance of places and objects of Aboriginal association and, where appropriate, to record and preserve the traditional Aboriginal law related to such places and objects. It will be required to preserve, acquire, and manage places and objects of special significance to persons of Aboriginal descent and carry out any such other activities as the Minister may approve.

I should just like to reiterate the words, "It will be required to preserve, acquire, and manage places and objects of special significance to persons of Aboriginal descent . . ."

In fact, the purpose of the Government's Bill before us tonight is to do completely the opposite. It will allow a position in which the Aboriginal Cultural Material Committee will no longer be required to do that; indeed, it will not be allowed to do that. It will be simply a body of an advisory nature. All its statutory and delegated powers will be taken away from it, as I read the Minister's

proposed amendments to the Act. That is the first comment I wish to make.

The second comment I wish to make is that, in other areas of the Bill not related to the Aboriginal Cultural Material Committee, it is proposed that sections be inserted in the Act which would do nothing to allow the preservation of these sites.

The way the Bill is framed and the way it is proposed to allow these things to be done, indicates to me that the very last consideration which will be taken into account in the final analysis will be the wishes and desires of the appropriate Aboriginal people. The way in which the Bill is framed ensures that will be the case.

Of course, if we were to have a situation in which a Minister was very strongly conscious of the need to protect places of Aboriginal significance, the Bill could work; but the view of members on this side of the House is that the Bill needs to be framed in a way which allows the position of Aborigines, whether at Noonkanbah or anywhere else, to be preserved, notwithstanding the type of person who becomes the Minister for Cultural Affairs. The need to preserve the position of Aborigines regardless of the attitude of the Minister for Cultural Affairs, has never been more evident than it is today. However, that is not the case in the Bill before us.

The Bill leaves it very much to the discretion of the Minister for Cultural Affairs concerning decisions about what will and will not be preserved, what will and will not be regarded as a protected area, and what will and will not be regarded as a special site the preservation of which must be ensured for the Aboriginal people. It will be up to the Minister to decide whether or not areas will be preserved for the heritage of Aborigines or for the heritage of this State as a whole.

I endorse the remarks of the member for Dianella who made the point that one of the matters which is a particular problem in dealing with this legislation and the whole issue, is a lack of understanding on the part of the vast majority of the white community—the European community—in Australia, and probably throughout the world, of matters which are of significance to Aboriginal people.

I would not for a moment claim I have a very great or deep understanding of matters which are significant to Aboriginal people; but I have taken the trouble to look into the issue to some extent and members of my family are prepared to advise me on these matters. It is my view that the condition of most Western Australians is that they simply do not understand the real point which Aborigines are trying to make in dealing with these matters. For example, we have had consistent attempts in this House, particularly on the part of the Minister for Cultural Affairs, but also on the part of other Government members, to indicate that there is no real significance in some of the views Aboriginal people hold about their sacred sites.

Whether or not we, as people of European origin, take the view that certain issues are important, is a matter for us. Some of the issues we consider to be important could be seen by someone looking at them from a purely objective perspective—perhaps by someone who was not brought up with the same cultural background—as ridiculous. For example, the act of holy communion, which to Christians of the Roman Catholic and Anglican denominations is a ceremony with great symbolic meaning and of deep significance, could be regarded as of no importance. A person who was not brought up in that faith, or a faith aligned closely to it, would regard such a ceremony as completely foreign. Anyone coming from a different planet of the universe would find it extraordinary that people could read into the act of drinking wine and eating small pieces of bread, or their modern equivalents, something of considerable significance.

Of course, the vast majority of Christians in this country and indeed throughout the world regard those matters as being of very great significance and would be extremely concerned and upset if something were done to violate them. Indeed, on occasions where actions have been taken to violate those ceremonies, people have been extremely upset and have justifiably taken umbrage at the violation.

In the present situation, we have two completely different cultures facing each other. The dominant culture is the one to which most of us in this Chamber belong; that is, the European culture. That culture is refusing to recognise as important some of the things Aboriginal people regard as important. Many of us find these matters hard to understand. They are things in which I certainly do not believe; but I do not believe in many of the matters put forward by members of the Christian faith. Nevertheless, I respect them—I respect their sincerity in these matters, as I respect the sincerity and beliefs of the Aboriginal people.

Just as I, and I hope most members here, would not attempt to undermine or denigrate those things which people hold dear as part of their religious faith in respect of Christianity, I would

also hope members would show the same respect in the case of things which Aborigines feel are significant to them.

Unfortunately, that is not the case, because we have a very egocentric attitude to other cultures. As far as most people are concerned, if something is not taught at school—school curriculums do not contain very much about Aboriginal culture or beliefs—or if something is not part of our heritage, the general attitude is that it is not worth knowing anything about it. That is an unfortunate situation but it is prevalent throughout a great part of the community. It is a view held not only by people who support the Government, but also by some of those who support the ALP.

People find it very difficult to come to terms with concepts that are so completely different and it is my view that the Government has capitalised on this and intends to continue to capitalise on that fact to undermine the position of Aboriginal sacred sites and those sites of significance throughout Western Australia, and of course in particular those at Noonkanbah.

Under the present Act, if it were not for the intervention of the Minister in overriding the position of the trustees, drilling would not have been able to take place on that site. I doubt that any member of the Government would wish to deny that.

With this Bill, which the Minister says is not especially different from the Act, drilling would be allowed to go ahead. There would be no reason not to go ahead and mine or drill at Noonkanbah. That is what the Government intended. Yet, the Government says there is no special difference between the current amendments and—

Mr Grayden: In the Act the Minister has the complete power to direct the Museum. He has the same sort of power in this Bill.

Mr PARKER: There is a complete difference in the Bill which is before the House at the moment. The discretion is vested entirely in the hands of the Minister, whereas at the moment unless the Minister does decide to intervene and override the position of the trustees using a provision which exists in the current Act, the decision of the Museum Trustees prevails.

Under the new proposal the position will be that the Minister will simply make decisions as to what he considers should be so. The Minister will have the power to require the Museum Trustees to report to him on matters of significance within a specified time. That is patently absurd. They should be allowed to take their time to consider matters which are important and to consider what should and should not be preserved.

I can see that this will result in frustration and concern amongst the people who would otherwise wish to take their time to make the proper decision. This is necessary if there is to be a correct assessment of the significance of the items under the perview of the Museum Trustees. It is necessary that they be given the time that is required to make these assessments.

As I understand the position, and the proposals in the Bill, it is possible for the Minister to require the Museum Trustees to give him such advice within a specified time. There is no minimum period stated.

Let us say, for example, a situation developed where a company wished to drill on land held by Aboriginal people and it wished to commence in short order: It would be possible, under the proposals in the Bill, for the Minister to require the Museum Trustees to report to him within, say, a week or 10 days.

Mr Grayden: You have a somewhat similar position in the parent Act.

Mr PARKER: I understand that it is not the case. I understand the Minister has asked the trustees—

Mr Grayden: On page 10 you will find provision for a person to apply to the Local Court in circumstances where the trustees have failed to act with due diligence in response to notices—

Mr PARKER: That is the whole point—

Mr Grayden: —or within a required time.

Mr PARKER: That is the point I am making about the differences between the Bill and the Act.

Under the Act people have the ability to take the trustees to task if they have not acted with sufficient diligence. I agree that that is the proper thing which ought to happen.

Presumably a court would hear the opinion of the Trustees of the Museum as to why they had taken so long and the other parties would put their opinions forward also. The court would make a determination based on that information, but it would not arbitrarily fix a time. Under the Bill the Minister is empowered arbitrarily to fix a time.

Mr Grayden: But the Museum is going to say "No" to the recommendation and there would be no mining because the Museum did not have time to validate it.

Mr PARKER: Is it good for the State that the Museum Trustees should be placed in such a

position? So, instead of making a proper assessment and a proper decision for the Aboriginal people and the people concerned, the proposition would be rejected.

That reminds me of my experience with the Industrial Commission where, for many years, employers said "No" because that gave them protection until the matter could be heard.

Mr Grayden: This provision was to enable people to get over a situation where the Museum took too long to make a decision and when a person wanted to get on with farming. Often he could not do so for a year because the area was an Aboriginal site.

Mr PARKER: I am not disputing the fact that there is a need to have an avenue where a time limit applies on a proposition. I am disagreeing with the fact that the Minister has absolute discretion, with no recourse for anybody and the Museum Trustees are to answer as suggested by the Minister—a blank "No"—thereby creating a situation such as we have at Noonkanbah. This situation can be avoided if an appropriate time is stated. This is a fundamental deficiency which the Minister has brought forward. I am surprised he is advocating it.

Under this proposal, irrespective of what is in the Act, the Minister is in a position to hurry the Museum Trustees if he so desires. I am confident that if a directive were made to the Museum Trustees that they should undertake such matters in a more expeditious way, this would be done. The matter would receive urgent consideration.

A decision of this kind would require a considerable amount of time. Many of these areas are in the remote parts of the State and the terrain is often difficult to assess. To make this assessment it would be necessary to speak to numerous people who live in many parts of Western Australia. In many instances the people concerned would find it difficult to speak English and such people need to be dealt with in a very painstaking way. All these procedures would be necessary when establishing an area of significance. The proposals in the Bill would not allow for this.

The Minister, in another Press release dated 20 June, took the Opposition to task for its views on the drilling programme. In answer to a statement made by the member for Gosnells the Minister said that in the light of what the member for Gosnells had to say about an invasion force going to Noonkanbah they were only the excited wanderings of a childish imagination.

Anyone making an assessment of the views expressed by the member for Gosnells in June and the Press release of the Minister for Cultural Affairs would realise that the member of Gosnells was correct when he said that the Government would organise a convoy and force its way to Noonkanbah. Only a month ago, we saw an invasion force go to Noonkanbah. However, when the Opposition raised these points which it regarded as being of concern, the Minister said that they were the wanderings of a childish imagination. Anyone looking at that record would be more inclined to take seriously the concern and reservations expressed by the Opposition with regard to the propositions of this Government.

Further on the Press statement read—

> The pastoral lease was accepted on the clear understanding that it was a pastoral lease with all that that implies in relation to petroleum and mineral exploration.
>
> Yet now we find the Noonkanbah community refusing to recognise the laws of the State and, worse still, we find the ALP supporting them in their rejection of those laws.

The position under the Act is that the Noonkanbah community quite justifiably could have assumed that the area they consider to be of special significance to them was also an area over which they had the full force of law. Let me remind members that is precisely the point put forward by the Attorney General in 1972. It is not surprising that is the position the Aboriginal community adopted. Because the Government overrode a decision by the Museum Trustees, as a result of something not contemplated under the provisions of the Act, the Aboriginal community has found itself in its present position.

Other breaches of the law have, allegedly, taken place. Firstly, there was the blocking of the road on the station. Again, the Aboriginal community could have assumed, legitimately, that they had control over that road. While the pastoral lease was held by white people, it was considered that the access road belonged to them. The Aboriginal community naturally could have assumed that the road now belonged to them. They did not consider it a matter of breaking the law by sitting in the middle of the road any more than they would consider they were breaking the law by sitting in the middle of their own houses.

It is easy for the current Government to say that the Aboriginal community, or those supporting them, are breaking the law, when those laws have been specifically created to ensure that anything done by the community is a breach of the law.

It appears to me that the Aboriginal Heritage Amendment Bill (No. 2) will do nothing to advance the cause of protecting Aboriginal sites. I remind members that the sites contemplated when the original Bill was introduced were not only sacred sites, but also sites of special significance to the Aboriginal people.

Mr Grayden: Exactly the same situation will apply.

Mr PARKER: It is true the new Act will contemplate protection of sites of significance, but not necessarily sacred sites. It is also true it is unlikely that the contemplated sites of significance will be protected because the Minister will make decisions. We assume that any appeal to the Supreme Court will be dealt with on the same criteria. The Minister will make determinations on matters of general community interest.

I am not ashamed to say that there will be times when the interests of the Aboriginal community, in relation to these sites, will override the general community interest. There will be times when specific interests will have to be protected.

Mr Grayden: In this case, it is in the national interest to protect Aboriginal sites.

Mr PARKER: If a matter of national interest is of such importance that it requires something to be done on an Aboriginal sacred site, we believe that matter should be debated in this House of Parliament, and in the other place. It should not be something left to the discretion of the Minister. If the Government feels that it is important for some action to be taken involving an Aboriginal sacred site, and it is of such significance to the community generally, it ought to be debated in the Parliament and not left to the Minister to exercise his executive authority. I oppose the Bill, and commend my colleague, the member for Gosnells, on his remarks.

MR SODEMAN (Pilbara) [10.24 p.m.]: It is my intention to speak briefly to this Bill to amend the Aboriginal Heritage Act, in deference to the member for Gosnells who seems to think he has a franchise on speaking in this place, and who seems to think that everybody else is either afraid or too lazy to speak. We all know that his remarks are bait-dangling and he hopes for a bite. We are well aware of his technique.

This legislation is in keeping with the stated policy of the Government in respect of areas of special significance to Aborigines. The Government has stated it is in the national interest to delineate and protect genuine and legitimate areas of specific significance. Unfortunately, that is where we are at loggerheads with the Opposition. Opposition members feel that they are in a better position to assess genuine and legitimate areas of special significance and, of course, we are aware of their bias.

The member for Gosnells did the ALP a complete disservice—as he usually does—with his caustic and vitriolic personal attack. The bias shown by the member for Kimberley and the member for Dianella failed to influence members on this side. Their contradictions were quite numerous. For example, the member for Kimberley said that Aboriginal people found it extremely hard to assimilate. Nobody would disagree with that fairly factual statement. But, he went on to say we should do away with reserves, the reserves being one of the stages of assimilation. He was implying that we should force people who cannot assimilate into a lifestyle similar to that of Caucasians. He said previously they would find it hard to adopt to that lifestyle. I remind him that one cannot have one's cake and eat it too. The member is completely inconsistent.

I do not have to travel throughout the whole of the State to appreciate the fact that the standard of living of Aborigines in the Kimberley is considerably lower than the standard of living of Aborigines in the Pilbara. That is what the member for Kimberley was trying to get across, and I acknowledge it.

There are, however, Aboriginal communities living by themselves on pastoral properties and running their own administration quite successfully. They have few health problems and they run their pastoral properties economically to the extent that they have been able to buy additional properties out of their profits. They are the sort of people who need to be supported, and that is the opportunity this Government provides for Aboriginal people.

Mr H. D. Evans: How many communities actually achieve that standard?

Mr SODEMAN: I wonder whether the Deputy Leader of the Opposition is prepared to convey to us just how interested are members from that side of the House. There is hardly any other member present, and that has been the position throughout the debate. Obviously, they are not as concerned as the member for Kimberley purports to be. It would be a little better for the key speakers if they received some support from members opposite.

Mr E. T. Evans: That has nothing to do with your ignorance of the subject.

Mr SODEMAN: I acknowledge that Aboriginal people live under difficult circumstances. There are those who still live in nomadic conditions, and there are semi-nomadic groups. There are those who live on the reserves, and others who have successfully integrated into the community.

When we talk in terms of the law applying to them equally, we do not mean that the law should hamper the Aboriginal people in their growth and development. We advocate that the law should apply equally so that we will not have an apartheid type situation in Western Australia, a concept which members from the other side of this place are endeavouring to create.

What I have said does not mean that the Aboriginal people do not have special needs, and should not receive special treatment. Within our system some Caucasians receive special assistance. We have the State Housing Commission system where people on low incomes are able to obtain homes at cheaper rentals.

Mr E. T. Evans: Who wrote your speech?

Mr SODEMAN: I did. I am endeavouring to address my remarks through you, Mr Acting Speaker (Mr Blaikie), but I am tempted to do otherwise.

We should have the same set of laws applying throughout the State, bearing in mind that Aboriginal people do have special needs. Our assistance should be biased in favour of people with special requirements, whether they be white or Aboriginal.

I might mention that the levels of assistance applied by this Government are in keeping with those comments. They vary according to the need. The member for Kimberley mentioned that the health services had improved enormously and that the death rate had decreased. Special home-maker services are provided for Aboriginal people but not for white people. Pastoral properties are made available through a State Government instrumentality.

Members on the other side say that the provision of pastoral properties was started by the Whitlam Government. That Government came to power in 1972. A State Labor Government was in office during the period 1971 to 1974. So where is the ALP's track record? It does not have one. Pastoral properties were made available to the Aboriginal people by this Liberal-National Country Party Government.

A number of new initiatives have been taken in this State as far as law and order in Aboriginal communities is concerned and in the appointment of justices of the peace. It is passing strange that South Australia had a Labor Government for many years, New South Wales has a Labor Government, and we had a Labor Government here; yet none of those new initiatives was taken by so-called socialist Governments which piously say they have a franchise as far as concern for Aboriginal people is concerned.

Mr Pearce: South Australia had an Aboriginal Governor. You said they had done nothing to raise the status of Aboriginal people.

Mr SODEMAN: To be more accurate, I should have said that at least South Australia made a token gesture. But how did it treat its Aboriginal Governor?

This Bill is a tangible indication of the Government's understanding of and sensitivity towards the requirements of Aboriginal people. It is a positive and practical approach which demonstrates the Government's awareness of their needs, and that is more than can be said of Labor Governments in Australia in recent years. I might add it is also an indication of this Government's future attitude towards Aboriginal people.

The Government's awareness is further illustrated in the application for a mining tenement at Yandayarra, which was agreed to by the Warden's Court. A permit from the Minister for Community Welfare was required to enable that to proceed, but the permit was not forthcoming because it was decided in that instance that mining was not in the national interest and that the community's wishes should be acceded to. Another example is the establishment of Aboriginal police aides. This has created employment, as has the provision of pastoral properties. It has given Aborigines a chance to develop self-esteem and to work with their own people to bridge the communication gap which existed between the Police Department and the Aboriginal communities.

It is unfortunate that members of the Opposition are always negative, inaccurate, and misleading in their statements. Their main argument has been based on the personality of one particular Minister and the supposed lack of goodwill on the part of the Government. Both arguments lack substance, as I have indicated in my remarks.

The Liberal-National Country Party Government has never been guilty of using the Aboriginal people for reasons of political expediency prior to elections, and then casting them off immediately after.

Several members interjected.

Mr SODEMAN: The member for Kimberley and the member for Gosnells asked me to get up and speak about the Pilbara. I am happy to do

that. Before the member for Gosnells starts to guffaw as he normally does, I mention that I am talking about the Pilbara. After the 1977 State election, the NAC representative for the Pilbara (Mr Herbert Parker) came up to me in the main street of Onslow when I was with Mr Tozer and—

Mr Barnett: With whom?

Mr SODEMAN: —made this statement—

Several members interjected.

The ACTING SPEAKER (Mr Blaikie): Order! The member for Pilbara will resume his seat. The member for Morley is interjecting from another member's seat.

Mr Pearce: Someone was interjecting from the Premier's seat a while ago.

The ACTING SPEAKER: Order! The member for Gosnells will keep order, too.

Mr Pearce: It is true, though, isn't it?

The ACTING SPEAKER: The member for Gosnells will keep order, and the House will come to order. The member for Pilbara.

Mr SODEMAN: Mr Herbert Parker, the NAC representative for the Pilbara, made the statement that the ALP in the lead-up to the 1977 State election had told him and the Aboriginal people outright lies. He went on to say that in future they would be voting Liberal, which perhaps is a further indication of how one person purports to speak on behalf of the total Aboriginal community. It is a slight on the Aborigines themselves and indicates how responsible Mr Parker was! Perhaps the Opposition would be better off allowing the communities to decide for themselves whom they might like to support when the time comes, and Aboriginal people might be better off keeping away from politicians of all parties. The statement was made by the NAC representative for the Pilbara about the antics and tactics of the people who sit opposite.

I say again that the legislation is in keeping with the Government's policy. The Opposition's argument based on personalities and the supposed lack of goodwill on the part of the Government has no substance. I support the genuine intent and substance of this Bill.

MR COWAN (Merredin) [10.36 p.m.]: The principal Act, the Aboriginal Heritage Act, was introduced in 1972 in order to recognise and give some protection to areas of cultural significance to people of Aboriginal descent. We now have an amending Bill before us and I think it is pertinent to examine the reasons for the amendment.

Nobody would doubt that the conflict at Noonkanbah is the principal catalyst for the introduction of this amendment. We had a situation where advice received from the Trustees of the Museum conflicted with Government policy. The Government objected to it and had to direct the trustees to do something which, indeed, they did not wish to do. It placed the Government in an untenable position and brought about the introduction of this amending Bill.

I suggest that in a situation where mineral rights are the property of the Crown and the Crown tries to protect the rights of mineral seekers, we will always have some conflict with the rights of the occupiers of land. In the case of the Aboriginal Heritage Act, the Trustees of the Museum were able to determine which sites could not be explored for minerals by mineral seekers. This conflict in land usage brought about the amendment now before the House.

There we have the principle of the entire amendment—the degree of importance which the Government, the Opposition, or members of Parliament are prepared to place on the discovery of mineral resources as opposed to the rights of the occupiers of land and the recognition of Aboriginal culture. When we consider the effect of the Bill now before us, it is very clear that the Government believes the need for the discovery and development of mineral resources is greater than the need for the protection of the culture of the people who occupy the land upon which those minerals may be found.

In effect the amendment is to legitimise action taken by the Government. It limits the sacred areas that can be protected through the Museum committee. Certainly it places the importance of Aboriginal culture below that of what the State Government declares to be the national interest—whatever that may be. The Bill will transfer the powers of the trustees to the Minister, and certainly it will mean that the Aboriginal people will be unable to identify with their land.

The general effect of this Bill is to minimise the claim that Aborigines have on sacred sites and to maximise Government authority.

We in the National Party are prepared to support a second reading of the Bill because we believe that an issue of this degree of complexity should be referred to a Select Committee. This is a practice we have adopted in the past in regard to complex issues, and we intend to adopt it again.

No matter how much the Government denies it, a degree of socialism is being practised with this legislation. It has been said quite often that the Australian Labor Party preaches socialism and the Liberal Party practises it. This Bill is a perfect example of that saying. Bureaucratic government

or government by regulation is socialistic, no matter how much this Government tries to deny it. The Government has determined that the State is more important than the individual. We have witnessed other examples of this in the past, and I refer members to the amendments to the Country Areas Water Supply Act and the new Mining Act of 1978. The provisions in those Acts give a clear indication of the socialistic tendency of this Government. Once again we are considering legislation which contains a great degree of socialism.

We believe a Select Committee would be of value because of the great conflict in the public mind about this issue, as well as the conflict within the Liberal Party. Ever since the Noonkanbah dispute became public knowledge, we have had conflict within the State and the Federal branches of the Liberal Party.

If we refer this Bill to a Select Committee, it may allow time for the public to be given a clearer picture of what it is all about. Really it is quite simple; it concerns the question of whether or not mineral seekers have greater rights than have the occupiers of land. Perhaps the referral of the Bill to a Select Committee would allow members of both the Federal and State parliamentary Liberal Parties to resolve some of the conflict they are experiencing.

MR GRAYDEN (South Perth—Minister for Cultural Affairs) [10.44 p.m.]: I shall be as brief as possible. I have written down the main points made by the various speakers, and I will deal with them relatively quickly.

The member for Gosnells made a number of points. At the very beginning he said that this Bill was a recipe for Noonkanbah-style difficulties. I can assure him he need have no fears in that respect. When amended the Act will be very similar to the Act presently in existence. The amending Bill is really a streamlining of the present Act. It will enable the Government to make decisions much more expeditiously. Already several thousand sites have been recorded in the register and those sites will be protected wherever such protection is necessary.

With the streamlining which will occur under the new legislation, the Government will be in a position to step up greatly its task of locating sites which are worthy of preservation. It will then take whatever steps are necessary to protect them adequately.

The member for Gosnells said that our objective should be to preserve sites which are of significance to living Aborigines; that sites which are of consequence to the national heritage ought to be retained for posterity. He said no such attempt was being made with this legislation. Nothing could be further from the truth. The whole purpose of the Bill is to do precisely that.

The member for Gosnells said that the Bill will downgrade the role of anthropologists. Again that statement has no relevance to the debate. The Museum employs a number of anthropologists, and the Chairman of the Aboriginal Cultural Material Committee (Dr Berndt) is an anthropologist. The role of anthropologists will not be affected in any way.

The member for Gosnells said that the legislation is a Bill of rights for mining companies. Of course that is simply not so. The Bill is designed to amend the Act, and the whole purpose of the Act is to protect sites of significance to living Aborigines and those worthy of preservation for the national heritage.

The Act already contains provision for appeal by an owner of freehold land, a mining tenement, or a pastoral lease. Presently such an appeal is to a Local Court, but under the Bill the appeal will be to the Supreme Court. The Act does not contain an avenue of appeal for Aborigines to a court, nor is there any need for such an appeal. The whole Bill is designed to protect the Aboriginal sites of consequence. The Aborigines are protected by the Aboriginal Cultural Material Committee, the Museum Trustees, and the Government of the day. The Government is answerable to Parliament and to the people, and it has an obligation to uphold and administer the Aboriginal Heritage Act. So there is no necessity for an appeal by Aborigines under any circumstances. It is not in the Act, and it is not in the Bill. There is no need for it.

Any Aboriginal site in this State will be protected automatically. Both the parent Act and the amending Bill provide that even the owner of freehold land must apply to the Minister to seek permission to work that land. If the Minister does not give permission, the owner should be permitted to appeal to the court. The situation of a person who owns a mining tenement is exactly the same. A mining tenement could be worth infinitely more than freehold land. It may be that a mining tenement is worth $500 million, and if the owner of that tenement is refused the right to work it, he should have the right of appeal to the Supreme Court. The same thing applies to a pastoral property. So there is no need for an Aboriginal to have an avenue of appeal. Everyone is happy with the existing provisions, so why should the Bill include new provisions in this regard?

The member for Gosnells said this Bill subverts the original intention of the Act. Again, that is not so. The Act contains power for the Minister to direct the Museum and to cause it to do whatever he chooses. That is an overriding power on the part of the Minister, and it was put in the Act for a specific purpose: because when the original Act was introduced in 1972—and all parties supported it—all parties recognised that the Government of the day, irrespective of whether it be Labor or Liberal, would have to have an overriding interest and would have the right in the national or public interest to make a decision which would possibly be contrary to the recommendation of the Museum.

The Trustees of the Museum recognise this. They simply look at a situation from the point of view of the Aborigines, and they do not take into consideration the public or national interest, whether it be in respect of defence or anything else; they make their recommendation and then say to the Government, "This is the recommendation we are going to make to the Governor in Executive Council. If you want to change it, you must direct us to do otherwise, and you must take into consideration the national interest and the question of compensation."

Just consider the matter of compensation for a start. Let us talk about a kimberlite pipe, which is a volcanic pipe coming out of the earth. We have many kimberlite pipes in Western Australia, and some of the biggest diamond mines in South Africa are in kimberlite pipes. The Kimberley got its name from the existence of these pipes there. Kimberlite pipes can be a mile deep and a mile in diameter. It is a relatively simple task for a company to put down a few drills and to establish that the entire pipe bears diamonds, and the number of diamonds found to the square yard can be estimated. The company could say to the Government that its profit from that one kimberlite pipe would be $500 million, and it could demand compensation if it were prevented from mining under the Aboriginal Heritage Act.

The Museum is not required to take compensation into consideration. If the Museum Trustees were required to pay compensation under the existing Act, they could turn to the Government and demand $500 million—one-third of the total Budget of the State—to be paid in compensation to one mining company; and this simply because the trustees recommended that the area be protected and would not permit the company to mine on it, when the Crown owns the minerals, anyhow. Nothing could be more absurd.

It is for that reason the Museum Trustees simply make a recommendation based on the protection of Aboriginal sites, and then they leave it to the Government to take into consideration the issues of compensation and national interest.

National interest could involve defence, or something else. In Derby, the Commonwealth has acquired a huge area on which to build a series of airstrips for defence purposes. Obviously there will be sacred sites in that area because, as the Director of the Museum has indicated, there could be several hundred thousand sacred sites in Western Australia. Are we going to deny the Commonwealth the opportunity to build a great air base in the north simply because someone can say there are a few sites of significance to Aborigines there? They may be sites of very little consequence, and the Aborigines may not be the slightest bit interested in them; but the Museum must take into consideration the interest of the Aborigines and the degree of significance of the site to them, and it must make a recommendation to the Government. Surely it is common sense that the Government should receive such a recommendation and consider it together with the wider public interest and national interest.

Mr Barnett: I have consulted the member for Kimberley, and he says if the airstrips run around the sacred sites it will be all right.

Mr GRAYDEN: I can assure the member for Kimberley that if there did happen to be sacred sites, irrespective of whether or not they were important, the authorities would endeavour to site the runways so that they were not interfered with.

The member for Gosnells went on to say that Aborigines have no rights under this Bill. I can assure him this Bill does not affect the present situation one iota. If Aborigines have no rights under this Bill, then they have none under the existing Act. He then said the Government had the final say, and this was the main pillar of the legislation. However, the point is that under the existing Act the Government has the final say and it has power to override or direct the Museum Trustees. The Government is all-powerful under the existing Act and the same situation applies under this Bill.

Under the Bill the Museum will simply make a recommendation to the Minister and the Minister will take into consideration the wider public interest and make a decision as to whether the recommendation should be accepted or rejected. That is the situation that applies at present, but in this Bill it is spelt out in a more straightforward way. This was recommended by the Museum Trustees who said they did not want the responsibility of having to take into consideration the wider public interest, because that is not their

role. They asked the Government to make this change, and we are making it. As I said, the Bill does not affect the overall position because the Government already has an overriding power under the present Act.

The member for Gosnells went on to say that Ministers—not only myself, but previous Ministers—have acted contrary to the spirit of the legislation. Nothing could be further from the truth than that because the provision about which I have been speaking was included in the Act to provide for Government control. The provision says that the Minister, after consultation with the body concerned, may give to the trustees or to the committee directions of a general or specific character as to the exercise of any function under this Act, and that body shall give effect to any such direction.

That provision is in the Act. Therefore it is not correct for the member for Gosnells to say that the Minister has acted contrary to the spirit of the legislation by directing the Museum.

Mr Skidmore: Are you changing that? You are leaving it in.

Mr GRAYDEN: No, we are altering it slightly and saying that we are taking unto ourselves the power also to give directions to the Registrar and the Director of the Museum, and we are doing that for one reason. The two officers I am talking about need not necessarily be employees.

Mr Skidmore: You are making an important change in principle.

Mr GRAYDEN: They are to be given all sorts of discretionary powers. It was anticipated the Minister would have the power to give them directions, but there was some doubt about the matter, and the Crown Law Department suggested that it be written into the legislation to put the matter beyond dispute.

The member for Gosnells said that the two main aims should be to identify sites which were of significance and to protect such sites from "invading groups". I can assure the member for Gosnells that the Government's desire is to speed up the programme of locating Aboriginal sites, and he will be surprised at how quickly we go about this matter. Once they are identified, they will be given proper protection.

Mr Barnett: Like they were at Noonkanbah. You will send up a convoy and take over the place, and drill holes in the whole lot.

Mr GRAYDEN: The member for Kimberley claimed that the power to override was an abuse of government. I think I have answered that assertion; the provision was put into the existing Act in order that the Government might take into consideration those wider interests.

Mr Bridge: Surely you would agree that had that decision not been made, the Noonkanbah conflict would not have arisen.

Mr GRAYDEN: Yes, but I can assure the member for Kimberley that if anyone were to point to a site of significance at Noonkanbah which was a sacred, ritual or ceremonial site, and wanted it protected, as Minister for Cultural Affairs I would ensure its protection.

Areas of influence are not sacred sites. The Museum has said, "In regard to the area of influence, go on with all your current activities. Make use of the airstrip; use the area for cattle mustering; make use of the trig point on top of Pea Hill." It also delineated sacred sites; there is a cluster of about five such sites in one area. We are quite prepared to declare that area protected tomorrow, but can assure the honourable member that, under the parent Act, they are already protected. Under no circumstances would we allow any mining company or anyone else to desecrate those areas.

There is a very silly situation at Noonkanbah. Here we have a highly respected Aboriginal community living on Noonkanbah on what is actually freehold land; it is owned by the Aborigines. We have the ludicrous situation of the Museum saying to a group of Aborigines, "You might own the land freehold, but we think it should be a protected area." Surely members opposite do not want that sort of interference to freehold land owned by Aborigines.

Mr Bridge: You are not suggesting it is well protected at the moment, are you?

Mr GRAYDEN: Why should we as a Government protect a freehold area and then tell the Aboriginal group what to do? Once we declare an area protected we have the power under the Act as it stands to make all sorts of regulations which will prevent the community from doing various things. It is a silly situation.

No doubt the Museum acted in ignorance of the fact the Aboriginal community at Noonkanbah had freehold title to the land. The Museum certainly was not aware that 22 holes have been drilled around the base of Pea Hill. That fact surely would have influenced the Museum in its recommendation. The Museum did not even know that the station property was freehold! I am sure it would not have recommended the area be regarded as an area of influence had it been in possession of all the facts.

The member for Dianella said that we on this side did not understand the importance

Aborigines placed on land. He said we did not comprehend the spiritual concept of land for the Aboriginal people. I can assure the member for Dianella that we on this side are most conscious of that affinity with the land. I think the member for Kimberley is going to be very surprised in the next 12 months.

Point of Order

Mr BARNETT: My point of order has just been resolved. In fact, the Minister was making his speech from somebody else's seat. He has now moved back to his own seat, so perhaps we can continue.

Debate Resumed

Mr GRAYDEN: It would be very difficult for me to make a speech other than from my own place, because there happens to be a big case in the way.

Mr Pearce: It is a better case than the one you are presenting now!

Mr Clarko: If we were looking for a hard case, we would look at you.

Mr GRAYDEN: In the next 12 months, the member for Kimberley is going to be greatly surprised. Probably we will be asking him to slip around the Kimberley very quickly to delineate some of these sacred sites so that we may declare them protected areas. He might as well start doing the job next time he goes back to the Kimberley. We want to do it as cheaply as possible.

Mr T. H. Jones: Supply him with a push bike and a horse.

Mr GRAYDEN: If the member for Kimberley wants to assist us, we will welcome it; I am looking forward to his making a few suggestions.

Mr Sodeman: Perhaps he can supply his aircraft on a cost-of-fuel basis only.

Mr GRAYDEN: The member for Fremantle talked about the attitude towards Aborigines, and I think the comments I have just made apply equally to his remarks. He also referred to the provision allowing the Government to specify the time by which the Museum should make a recommendation. He felt this gave too much power to the Minister.

The only reason this provision has been included is to avoid intolerable delays. If a person holding freehold title to an area, or someone on a pastoral property or a mining tenement believes it may contain an Aboriginal site, subject to protection under this legislation, and applies for permission to make use of that area of the property or tenement, and the Museum for various reasons delays making its recommendation for perhaps 12 months or two years, the Minister will have power to direct the Museum to make a decision by a certain date. This is reasonable, and it will serve to avoid lengthy and intolerable delays before decisions are made. This is somewhat different from the parent Act, where it is quite difficult to apply to the Local Court to force the Museum to give a recommendation.

Mr Parker: It is very different from having the court do it; you are proposing that the Minister should do it because he wants to.

Mr GRAYDEN: It will save time and unnecessary litigation; the power will be used in only extreme circumstances. In fact, if the Museum were not happy with the direction, no doubt it would simply recommend against the use of the area of land in question.

Mr Parker: And then you would not take any notice of the Museum.

Mr GRAYDEN: The legislation makes provision to take care of that.

The member for Pilbara gave instances of special help provided to Aborigines, and I believe his comments were rather enlightening to some members of the Opposition. I have a document from the Federal Minister for Aboriginal Affairs (Senator Chaney) to which I would like to refer members. Under the heading "Government Finance for Aboriginal Affairs—1980-1981" appears the following—

> Direct spending by the Department of Aboriginal Affairs on Aboriginal programmes in 1980-81 will total $138 million.

That is for a relatively small number of Aborigines in Australia. In Western Australia we would have probably 30 000 Aborigines; there would be possibly 27 000 in the Northern Territory; there would be possibly about the same number in Queensland; there would be a handful in New South Wales—100; there would be probably about 27 in Victoria—

Mr T. J. Burke: And none in Tasmania.

Mr GRAYDEN: —and a relatively small number in South Australia. For a very small number of Aborigines, this year there will be special assistance to the extent of $138 million.

Under the heading "Aboriginal Development Commission", we find that finance for the ADC will total $23.838 million. Under the heading "Housing and Health", there is the figure of $40.361 million. Under the heading of "Employment", direct grants to Aboriginal

organisations and to the States will provide $10.449 million, an increase of 49 per cent over the previous year's funding. Under the heading "Education and Training", we find that $13.2 million will be provided for Aboriginal education and training through programmes administered by the department. Under the heading "Social Support and Culture, Recreation and Sport", we find that approved grants in these fields will rise to $5.798 million. For "Community Management and Services", a total of $14 million. For "Legal Aid", there is an allocation of $5.316 million.

Mr Barnett: How much has your department spent? How much did you give to Westminster Abbey?

Mr GRAYDEN: All that money will be spent on a relatively small number of people this year.

Mr Bridge: Despite those figures, what do you say about places like Cundeelee, and the Nine Mile at Wyndham?

Mr GRAYDEN: That is what the $138 million is for—to assist in cases like that. A very small number of Aborigines in this country will receive a huge amount of additional money. It is additional to all the social service payments and aid available to Aborigines as members of the community.

Notwithstanding that, we have the situation of Aborigines going to Geneva, blackening the name of Australia before the world—

Mr Parker: You blackened the name. They just reported it.

Mr GRAYDEN: Notwithstanding that in Cambodia there are incredible reports of hundreds of thousands of people being killed; in Afghanistan there are hundreds of thousands of refugees and many are being killed—

Mr Barnett: The only difference is that there are not hundreds of thousands of Aborigines to be killed. That has already been done.

Mr GRAYDEN: In Ethiopia there are huge numbers of people being killed. There is lack of medical attention, and all sorts of atrocities. Yet Aborigines have gone to Geneva, giving the impression that Aborigines in Australia are suffering in the same way as the people in the countries I have mentioned.

As a result of all this, the following report was on the ABC radio station, 6WN, at 12.30 today—

> The Soviet Union has criticised Australian leaders, who, it says, talk about human rights and freedom while ignoring the plight of the country's Aborigines. The Communist paper, *Pravda*, quotes on the report from the Commissioner for Community Relations, Mr Grassby, to make a point that Aborigines are second-class citizens in their own land.
>
> Hal. Jones reports from Moscow:
>
> The *Pravda* story paints a predictably grim picture of life for the Aboriginal population. Low life expectancy, high infant mortality and unemployment, while living in accommodation that makes sanitary services shudder. The article refers to a demonstration by Aborigines in Sydney in July, and remarks "It's a pity they were not seen and heard by those Australian figures who prefer an international rostrum for talking about human rights and freedom."
>
> In the past few days Soviet commentators have made several references to the shortcomings of the Western democracies over human rights. The campaign presumably, is designed to diffuse attacks on the Soviet Union's record in this field at the review conference on the Helsinki Agreement scheduled for Madrid in November. This is Hal Jones in Moscow.

What a disgraceful state of affairs! Hal Jones makes a statement as a consequence of the Noonkanbah issue, and Australia is denigrated to that extent, notwithstanding that Australia has allocated this year the sum of $138 million in additional assistance for the relatively small number of Aborigines in the country.

I will not continue, because we will have ample opportunity when the House goes into Committee to deal with the various clauses and the various arguments in respect of them. I conclude by saying that there is very little difference between this Bill and the parent Act. In the parent Act, the Government has the final say, the overriding say. The same situation will apply under the Bill; but under the Bill the procedure for dealing with the sacred sites issues, such as happened at Noonkanbah, will be streamlined and more straightforward. We will be in a position to make decisions quickly; but they will be sensitive decisions having regard to the needs of the communities.

When this legislation is passed, we should have no more situations such as have occurred at Noonkanbah. The Bill is in the interests of the Aboriginal people of this State, and in the interests of all the people of Western Australia and Australia.

Question put and a division taken with the following result—

Ayes 26

Mr Blaikie	Mr Mensaros
Mr Clarko	Mr Nanovich
Mr Cowan	Mr O'Connor
Mr Coyne	Mr Old
Mrs Craig	Mr Rushton
Mr Crane	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Spriggs
Mr Herzfeld	Mr Stephens
Mr P. V. Jones	Mr Trethowan
Mr Laurance	Mr Tubby
Mr MacKinnon	Mr Williams
Mr McPharlin	Mr Shalders

(Teller)

Noes 18

Mr Barnett	Mr Harman
Mr Bertram	Mr Hodge
Mr Bridge	Mr T. H. Jones
Mr B. T. Burke	Mr Parker
Mr T. J. Burke	Mr Pearce
Mr Carr	Mr Skidmore
Mr E. T. Evans	Mr Tonkin
Mr H. D. Evans	Mr Wilson
Mr Grill	Mr Bateman

(Teller)

Pairs

Ayes	Noes
Sir Charles Court	Mr Davies
Mr Hassell	Mr McIver
Mr Watt	Mr Jamieson
Mr Young	Mr Bryce
Dr Dadour	Mr Taylor

Question thus passed.

Bill read a second time.

Reference to Select Committee

MR COWAN (Merredin) [11.21 p.m.]: I move—

> That the Bill be referred to a Select Committee.

My purpose in doing so was quite clearly stated in my second reading speech and I need not repeat those remarks.

MR PEARCE (Gosnells) [11.22 p.m.]: I indicate that the Opposition will not be supporting this motion. It is about time the National Party realised that it cannot have two bob each way as it so often does on issues of this sort, by voting for the Government Bill and then moving for a Select Committee.

The Opposition has done a lot of work on its Bill which it will be introducing in a piecemeal way by way of amendments during the Committee stage. We see no sense at all in having this Bill referred to a Select Committee. This subject has been much in the Press during the last six months and any member of the Parliament ought to have made it his business to understand the complexities of the issue. The Opposition is confident that it has a very good grasp of the issues, complex or otherwise, and it is perfectly confident that its Bill is the answer to the problem.

We certainly are not prepared to see this matter referred to a Select Committee merely to do the sort of work the Opposition has been doing over the last six months.

MR STEPHENS (Stirling) [11.23 p.m.]: I reject the suggestion that we are having two bob each way.

Several members interjected.

Mr STEPHENS: We have consistently made our position quite clear: this Parliament cannot function properly unless it is well informed. It is all right for one side of the House to say it has done its homework; unfortunately, the other side also claims that is has done its homework, but has a completely opposing viewpoint. If this measure is referred to a Select Committee we will allow the public to involve themselves. The experts, the anthropologists, people like Professor Berndt, and Aboriginal leaders could come forward and put their points of view. This would overcome the suggestion that a particular stand was taken for a political reason; that the stand taken by the Australian Labor Party or the Government was for political reasons.

I believe this is a move the Parliament should use more frequently to allow the public and other people with expertise to come before members of the House to outline their points of view. It is not a question of the National Party sitting on the fence; it is a question of having a well-informed Parliament, so that its members make the right decisions.

Question put and a division taken with the following result—

Ayes 3

Mr Cowan	Mr McPharlin
Mr Stephens	

(Teller)

Noes 42

Mr Barnett	Mr Laurance
Mr Bertram	Mr MacKinnon
Mr Blaikie	Mr Mensaros
Mr Bridge	Mr Nanovich
Mr B. T. Burke	Mr O'Connor
Mr T. J. Burke	Mr Old
Mr Carr	Mr Parker
Mr Clarko	Mr Pearce
Mr Coyne	Mr Rushton
Mrs Craig	Mr Sibson
Mr Crane	Mr Skidmore

Noes — (Cont'd)

Mr E. T. Evans	Mr Sodeman
Mr H. D. Evans	Mr Spriggs
Mr Grayden	Mr Tonkin
Mr Grewar	Mr Trethowan
Mr Grill	Mr Tubby
Mr Harman	Mr Watt
Mr Herzfeld	Mr Williams
Mr Hodge	Mr Wilson
Mr P. V. Jones	Mr Bateman
Mr T. H. Jones	*(Teller)*
	Mr Shalders
	(Teller)

Question thus negatived.

In Committee

The Chairman of Committees (Mr Clarko) in the Chair; Mr Grayden (Minister for Cultural Affairs) in charge of the Bill.

Clause 1 put and passed.

Progress

Progress reported and leave given to sit again, on motion by Mr Shalders.

House adjourned at 11.28 p.m.

QUESTIONS ON NOTICE

MEMBERS OF PARLIAMENT

Offices: Security

663. Mr T. H. JONES, to the Speaker:

In view of the fact that a confidential file has been removed from my Parliamentary office, will he—

(a) have the matter investigated;

(b) implement changes to improve security in Members' offices especially in connection with the locking of offices and the availability of and locks for cabinets for members?

The SPEAKER replied:

(a) and (b) The matter of security within Parliament House is one which is handled by the Joint House Committee.

I have referred the member's complaint to the Chairman of the Joint House Committee and have no doubt that the member will be informed in due course both of the result of any investigation and any improvements to security arrangements within the building.

NOONKANBAH STATION

Transport of Drilling Rig: Mobile Canteen

664. Mr DAVIES, to the Minister for Police and Traffic:

Further to his answers to questions 414 and 519 of 1980 concerning a mobile canteen, in view of his statement that the Western Australian Government is paying for the cost of a mobile canteen (question 414) and his statement (question 519) that no mobile canteen accompanied the convoy, can he explain why the Government is paying for the cost of a mobile canteen and if the canteen did not accompany the convoy, for what purpose was it used?

Mr HASSELL replied:

Question 414 related to a mobile canteen for the transport of a drilling rig and this question was answered correctly.

Question 519 related to mobile canteen accompanying the convoy to Noonkanbah; this question was also answered correctly.

Question 414 and 519 are different as although various mobile canteens were used to convey meals to the convoy from different towns *en route*, they did not accompany the convoy.

FUEL AND ENERGY: SOLAR

Remote Area Research Project

665. Mr DAVIES, to the Minister for Fuel and Energy:

(1) Has the research project on proving solar energy power for homesteads in remote areas been completed?

(2) If so, will he table the results?

(3) If not, what progess has been made and when will the project be completed?

Mr P. V. JONES replied:

(1) No.

(2) Not applicable.

(3) The solar project for the provision of electricity to remote homesteads is centred on the supply of a windmill and bank of solar cells as a transportable unit. A further stage is the development of equipment for the conversion of the output of the solar cells and windmill to a voltage and frequency suitable for use with standard domestic equipment and appliances.

The transportable power unit has been delivered, but work is still proceeding to achieve satisfactory operation of the windmill and of the electrical inverter equipment referred to above.

Once suitable designs have been developed, there is a need for extended onsite testing.

The project is not expected to be completed until 1983.

FUEL AND ENERGY: ELECTRICITY

Farmers in Remote Areas

666. Mr DAVIES, to the Premier:

(1) Has the Government received the results of its study into ways of providing electricity to farmers in remote country areas?

(2) If so, will he table the study?

(3) Who prepared it?

Sir CHARLES COURT replied:

(1) The State Energy Commission's remote area power supply investigation covers six alternatives which will be evaluated during the next three years.

1. Extension of the interconnected power system.
2. Central diesel power plants.
3. Individual generating units.
4. Wind power units.
5. Solar thermal generating units.
6. Solar photovoltaic generating units.

Investigations are well under way but are not expected to be complete before 1983.

As part of Project RAPSI the State Energy Commission has erected a 6 kW windmill at Ballajura and a 60 kW unit at Rottnest. Both units are currently being modified to overcome vibration problems. A 22 kW unit is also on order for Rottnest and is due to be delivered before the end of the year.

A 100 kW solar thermal and diesel exhaust heat recovery unit has been ordered for Meekatharra. It is expected to be completed in about October 1981.

The commission has also ordered a 30 kW solar thermal and a 10 kW concentration photovoltaic system for temporary erection at Ballajura and subsequent relocation to a remote area. The initial erection should be finished late this year.

The commission has purchased a transportable solar photovoltaic power plant from a local contractor which is presently being commissioned.

(2) Reports will be published as appropriate when the various plants are commissioned.

(3) H/A.

FUEL AND ENERGY

Fuel Tax

667. Mr DAVIES, to the Premier:

Has the Government made any decision on replacing fixed motoring charges with an extra levy on fuel?

Sir CHARLES COURT replied:

The Government has made no such decision, nor is it likely to—as I have emphasised many times before—if it would disadvantage those in rural and remoter areas of the State.

In any case, new car purchases have swung dramatically in the last twelve months in favour of cars with better fuel economy. Restructuring of charges, which has the potential to save fuel mainly through encouraging the purchase of cars with good fuel economy, would be unlikely to accelerate that trend.

FUEL AND ENERGY: GAS

Liquid Petroleum: Pricing Policy

668. Mr DAVIES, to the Premier:

Does the Western Australian Government support the Federal Government's liquid petroleum gas pricing policy?

Sir CHARLES COURT replied:

Yes, although some aspects are not directly related to the situation in Western Australia which does not have indigenous supplies of LPG at present.

FUEL AND ENERGY: SOLAR

Application

669. Mr DAVIES, to the Minister for Fuel and Energy:

(1) Have the results of the study of the possible application of solar energy in Western Australia been received?

(2) If so, will he table the report?

Mr P. V. JONES replied:

(1) and (2) A market survey of the potential use of solar energy in Western Australia is currently in progress. As the survey technique involves considerable assessment of individual industrial processes, the evaluation of market potential is not expected to be complete for some months.

FUEL AND ENERGY: NUCLEAR

Power Station: Studies

670. Mr DAVIES, to the Minister for Fuel and Energy:

(1) Has the Government engaged any consultants or outside organisations to assist it with its studies into a nuclear power plant for Western Australia?

(2) If so, will he list them?

(3) Will he table the reports available to the Government so far on the plant in accordance with the Premier's promise to keep Western Australians informed on matters relating to the plant?

Mr P. V. JONES replied:

(1) Yes.

(2) Burnet (Aust.) Pty. Ltd.

Maunsell & Partners Pty. Ltd.

(3) Burnet (Aust.) Pty. Ltd. is engaged to provide information to the commission on current nuclear developments throughout the world, and to advise on specific detailed aspects of nuclear power plant characteristics and/or planning as required by the commission from time to time. The information made available at this stage is not in a form appropriate to be tabled.

Maunsell & Partners Pty. Ltd. has carried out a detailed site engineering study of the Breton Bay site.

This site engineering study concluded that there is no over-riding engineering impediment to the development of the Breton Bay site for a nuclear power station. Further work will be undertaken on geological fault investigation to demonstrate compliance with the siting criteria of the U.S. Nuclear Regulatory Commission. The engineering geological investigations are expected to take about one to two years to complete.

NOONKANBAH STATION

Amax Exploration: Meeting with Police

671. Mr DAVIES, to the Minister for Police and Traffic:

(1) Further to question 105 without notice of 21 August 1980, referring to an allegation by Mr Peter Cross that there was a meeting with the Police Special Branch and Amax, has he yet ascertained whether a lunchtime meeting took place at a West Perth restaurant?

(2) If so, will he advise who was present?

Mr HASSELL replied:

(1) This question is so broad in context that perhaps the Leader of the Opposition could give the exact date the alleged "meeting" is said to have taken place, and at what restaurant. To my knowledge no such meeting took place.

(2) Answered by (1).

WATER RESOURCES

Catchment Areas: Acquired Land

672. Mr H. D. EVANS, to the Minister for Works:

(1) What area of land has been purchased or acquired by the Government in each of the shire council areas of—

(a) Manjimup;

(b) Cranbrook;

(c) Denmark,

as a result of the implementation of clearing bans in river catchment areas?

(2) How much loss of revenue (through loss of rates) will result to each of these shire councils as a result of the acquisition of this land?

Mr MENSAROS replied:

(1) (a) 337 hectares.

(b) 1914 hectares.

(c) 73 hectares.

(2) (a) Nil for year of purchase of property.

(b) Loss in subsequent years depends on re-valuation by the Valuer General where only part of the property is purchased, or on whether the property is leased or utilised for exchange purposes.

TIMBER

Mill Ends

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

(1) What has been the tonnage of mill ends which has become available at timber mills within 160 km of Perth for firewood, from saw logs supplied by the Forests Department?

(2) What is the projected amount of mill ends which will be available from mills in the same area for firewood in each of the next five years?

Mrs CRAIG replied:

(1) During 1979-80, 18 380 tonnes based on returns from mills.

(2) Production from privately operated sawmills is dependent upon market conditions existing at the time but it is anticipated that the quantity of mill ends, available for firewood from the nominated area and produced from sawlogs supplied by the Forests Department will remain much the same as for 1979-80 during the next five years.

PENSIONERS

Edward Millen Home

674. Mr HODGE, to the Minister for Health:

(1) Has the Australian Pensioners League contacted the Government regarding the possibility of purchasing the Edward Millen Home for use as a "C" class hospital?

(2) Does the Government intend purchasing the Edward Millen Home for use as a "C" class hospital?

Mr YOUNG replied:

(1) Yes.

(2) No.

STATE HERITAGE LEGISLATION

Introduction

675. Mr DAVIES, to the Premier:

Will the Government be introducing heritage legislation in the present session of Parliament?

Sir CHARLES COURT replied:

It would appear unlikely that the proposed Western Australian Heritage Preservation Act will be presented to Parliament in the current session.

LAND

Valuation: Legislation

676. Mr DAVIES, to the Premier:

When will the State Government legislate to put land valuations for rating and taxing purposes on a more equitable basis?

Sir CHARLES COURT replied:

A committee of inquiry has been established to study the impact of taxes, charges, and rates related to land values in Western Australia.

Until such time as the committee's report has been received and studied by the Government, it would be both premature and unwise to be specific about dates for introduction of legislation.

In the meantime, action has already been taken to deal with a number of cases in an interim way pending receipt of the report and decision on it.

HUMAN RIGHTS

Universal Declaration

677. Mr DAVIES, to the Premier:

Does the Western Australian Government support the Universal Declaration of Human Rights?

Sir CHARLES COURT replied:

Yes.

INDUSTRIAL ARBITRATION ACT

Regulations

678. Mr DAVIES, to the Minister for Labour and Industry:

(1) Are the regulations associated with the Industrial Arbitration Act currently under review?

(2) If so, have interested organisations been invited to make submissions?

Mr O'CONNOR replied:

(1) Yes.
(2) Yes.

SETTLEMENT AGENCIES

Draft Bill

679. Mr DAVIES, to the Premier:

Will the Government make available to the Opposition a copy of a draft Bill on Settlement Agencies?

Sir CHARLES COURT replied:

Yes, if a request is directed to the Chief Secretary.

CHEMICALS

Dangerous: Legislation

680. Mr DAVIES, to the Minister for Mines:

(1) Has the State Government received draft legislation dealing with dangerous chemicals?
(2) If so, will legislation be introduced in the forthcoming session?

Mr P. V. JONES replied:

(1) and (2) Amending legislation to Explosive and Dangerous Goods Act No. 113 of 1965 enabling regulations to be prepared for the transportation of dangerous goods came into force on 31 August 1979. The regulations are in the course of preparation.

MEMBERS OF PARLIAMENT

Declaration of Pecuniary Interests

681. Mr DAVIES, to the Premier:

(1) When will legislation or other action be taken to require Members of Parliament to declare their pecuniary interests?
(2) Will the declaration be extended to permanent heads of departments and heads of major statutory authorities, as occurs in Victoria?

Sir CHARLES COURT replied:

(1) and (2) The Government of Western Australia does not consider it appropriate to act independently on this matter.

Our object is to see uniformity to the greatest degree possible throughout Australia.

On the question of public servants, I should add that their conduct is progressively regulated by the Public Service Act and regulations, together with administrative instructions made under the Act, and the Public Service Board considers there is adequate provision in these areas to deal with any situations which may arise.

WATER RESOURCES

Agaton

682. Mr DAVIES, to the Minister for Agriculture:

(1) Did he and the Minister for Water Resources meet with the Rural Water Council of Western Australian Agaton committee in March 1980?
(2) Did he advise that committee that the Agaton project was No. 1 priority?

Mr OLD replied:

(1) The Agaton committee of the Rural Water Council of Western Australia did visit my office several months ago to discuss the Agaton project. I understand that they had previously visited the Minister for Water Resources.
(2) With respect to any substantial area of agricultural land likely to receive reticulation to provide a reliable water source on farms, I indicated that the north-eastern wheatbelt, part of which would be served by the Agaton scheme, was in my opinion deserving of high priority.

INDUSTRIAL DEVELOPMENT

Roe Electorate

683. Mr GREWAR, to the Honorary Minister assisting the Minister for Industrial Development and Commerce:

(1) Could he advise whether the Department of Industrial Development has assisted financially either by way of grants or guarantees any projects in the Roe electorate in the past six years?
(2) Could he name the projects assisted?

(3) How many projects have been submitted for consideration during this time?

Mr MacKINNON replied:

(1) Nil.
(2) Nil.
(3) Four.

I would advise the member, however, that in the period concerned, four industries have been assisted by way of rail freight concessions, and a further nine by way of annual pay-roll tax rebates.

MINING: GOLD

Treatment Plant

684. Mr GRILL, to the Minister for Mines:

(1) Has the Mines Department had discussions with any companies or individuals, other than North Kalgurli, concerning the establishment of a custom gold treatment plant in the Eastern Goldfields.
(2) If so, who were the companies or individuals?
(3) Have any tentative or firm arrangements been made between the Government and company or individual concerning the establishment of a custom gold treatment plant in the Eastern Goldfields?
(4) Does he or his department know of any individual or company which intends to set up a custom gold treatment plant in the Eastern Goldfields?
(5) (a) If so, what is the name or names of the company or individual; and
(b) what are the relevant plans to set up such a mill?
(6) Does the Government have any plans to set up a mill of its own or take an interest in any new custom mill?

Mr P. V. JONES replied:

(1) Yes—and I have invited possible proponents to indicate interest.
(2) I am not prepared to indicate at this time who the parties were, as they came forward in a preliminary way examining the possibility of a commercial venture and attracting real tonnage commitments from parties considering using a facility.
(3) Discussions are still proceeding. However, the existing arrangement for North Kalgurli stands. The company said in a press statement dated 13 June 1980 that it "could not guarantee accommodation for customer ore beyond mid-1981 or thereabouts".

At no stage has the company said categorically that it will not accept customer ore. Your attention is drawn to the preceding paragraph of the press announcement where it is explained that if the main circuit is changed to treat refractory ore from North Kalgurli's underground operations the process circuit will be unsuitable for non-refractory or "free milling" custom ore.
(4) North Kalgurli has indicated it is considering its processing circuits to see if some reasonable capacity to treat free milling ore is possible in a parallel or secondary circuit.

Although other parties have shown interest, their plans are still in the early formative stages.
(5) Answered by (4).
(6) The Government considers custom milling is a matter for commercial development by mining interests, not Government.

INDUSTRIAL DISPUTES

Strikes: Secret Ballots

685. Mr HODGE, to the Minister for Labour and Industry:

How many of the 140 strikes that have occurred since the new Industrial Arbitration Act came into force were preceded by secret ballots as required by the Act?

Mr O'CONNOR replied:

A secret ballot is only required under section 97 of the Industrial Arbitration Act where an officer or an employee of the union has directly or indirectly ordered or induced the members concerned to strike. The Industrial Commission has discretion under section 75 of the Act to order a secret ballot, but has not deemed this to be necessary up to the present time.

HOSPITAL

Royal Perth: Eye Clinic

686. Mr HODGE, to the Minister for Health:

Further to question 477 of 1980 relevant to eye clinic appointments, will he provide details of the action being taken to reduce the long delays for treatment at Royal Perth Hospital eye clinic?

Mr YOUNG replied:

Continuing organisational and procedural reviews of the eye clinic are being undertaken with a view to minimising delays in treatment and obtaining maximum efficiency in output. As I indicated earlier, all new referrals are assessed and emergencies are dealt with immediately.

TRAFFIC: NOISE

Interdepartmental Committee Report

687. Mr HODGE, to the Minister for Health:

In reply to question 940 of 1979, he stated that he expected to receive an inter-departmental committee report on traffic noise early in 1980: I now ask has he received the report yet and, if so, will he provide me with a copy?

Mr YOUNG replied:

The final report is in draft form, but some considerations require further discussion.

HEALTH

Air Lead Content

688. Mr BARNETT, to the Minister for Health:

(1) How often is the air in the metropolitan area tested for lead content?

(2) Would the Minister please provide figures taken in the inner city area over the last 12 months averaged in lots of three calendar months?

(3) On how many occasions has—

(a) the average exceeded the level of 1.5 micrograms per cubic metre;

(b) in which places has this happened?

Mr YOUNG replied:

(1) Daily at 57 Murray Street, every sixth day at a site midway between Hay and Murray Streets in William Street, and at the Meteorological Bureau.

(2) William Street, Meteorological Bureau and Murray Street—three-monthly averages—

	Pb/ug/m^3		
	William Street	Met. Bureau	57 Murray St.
July-September 1979	3.4	1.5	1.2
October-December 1979	2.7	0.8	0.9
January-March 1980	2.6	0.8	0.4
April-June 1980	2.7	1.2	0.6

(3) (a) Four;

(b) William Street.

HEALTH

Air Lead Content

689. Mr BARNETT, to the Minister for Health:

Would he please advise the House the level of lead in the air which the National Health and Medical Research Council has recommended to be the maximum permissible level?

Mr YOUNG replied:

The National Health and Medical Research Council report is a public document and available to the Member however, I have tabled the relevant section from the report of the eighty-eighth session held in Canberra in October 1979, dealing with criteria for atmospheric lead.

The paper was tabled (see paper No. 240).

FUEL AND ENERGY: PETROL

Lead Free

690. Mr BARNETT, to the Minister for Transport:

(1) Does the Government plan to legislate for the introduction of lead free petrol in Western Australia?

(2) If "Yes", when?

Mr RUSHTON replied:

(1) and (2) There are no plans for such legislation at the present time. Lead pollution is being monitored and we are watching developments in the broad field of vehicle emission controls with keen interest so that appropriate action can be taken at the appropriate time.

691. *This question was postponed.*

TOWN PLANNING

Augusta-Margaret River Shire

692. Mr DAVIES, to the Minister for Urban Development and Town Planning:

Further to question 512 of 1980 concerning an appeal against an Augusta-Margaret River Shire Council decision, can she explain those aspects of the appeal which were considered and the reasons why a decision was made in favour of the appellant?

Mrs CRAIG replied:

After full investigation into the matter and an on-site inspection, the position was found to be such that—

(i) great care had been taken in selecting the sites for the houses; and,

(ii) the interim development order under which the shire's decision was taken, did not include detailed planning requirements of the kind imposed by the council.

HMAS "STIRLING"

United States Facilities

693. Mr DAVIES, to the Premier:

Further to question 517 of 1980 concerning a survey on the attitudes of residents of the Cockburn Sound region to the establishment of US naval facilities at HMAS *Stirling*, in view of his failure to carry out a survey, what evidence is there for his belief that residents support the establishment of US naval facilities at HMAS *Stirling*?

Sir CHARLES COURT replied:

The Government has no doubt that most, if not every citizen of Western Australia is concerned to know that every effort is made on their behalf to protect Australia's western third. We believe that Russia's Afghanistan seizure has placed the whole of the strategically vital Indian Ocean at risk, and that our defence requires not only an effective Australian naval presence in Cockburn Sound but a major friendly international presence as well. We therefore both advocate and support any expansion of the existing facilities that may be required, and believe that, in this stance, we have the support of every right-thinking citizen of the State.

ABORIGINES: SACRED SITES

Argyle Sites K1098 and K1100

694. Mr PEARCE, to the Minister for Cultural Affairs:

(1) Has he sought information from Conzinc Riotinto of Aust. Ltd. concerning their activity at Argyle sites K1098 and K1100?

(2) If so, what information was sought?

(3) What response has CRA made?

(4) Will he table the correspondence?

Mr GRAYDEN replied:

(1) The Western Australian Museum is pursuing the matter.

(2) The Museum is investigating the question of alleged damage to the two sites and when the alleged damage took place.

(3) Conzinc Riotinto of Australia Ltd. have undertaken to provide the Museum with any available relevant documentary material.

(4) No.

ABORIGINES: SACRED SITES

CRA Ltd.

695. Mr PEARCE, to the Minister for Cultural Affairs:

(1) Is it a fact that Conzinc Riotinto of Aust. Ltd. have put down a water bore in the vicinity of Devil-Devil Spring, Argyle?

(2) If so, is the bore on the area designated a sacred site by the Museum and/or the Australian Institute of Aboriginal Studies?

(3) What action is projected to protect the Devil-Devil Spring site?

Mr GRAYDEN replied:

(1) A bore has been put down in the vicinity of Devil-Devil Spring, Argyle. CRA could be responsible, but as yet this has not been ascertained.

(2) The matter is being investigated.

(3) The matter is under consideration by the Museum Trustees.

MINING

State Batteries

696. Mr E. T. EVANS, to the Minister for Mines:

(1) Further to question 461 of 1980, relevant to the upgrading of State batteries which batteries will be upgraded over the next two years and what is the anticipated expenditure on each?

(2) Has the Government had discussions with North Kalgurli Mines Ltd. regarding increasing its crushing facilities to be able to continue as a custom mill in addition to treating its own ore?

(3) If "Yes" to (2), when can we expect to get a decision on the matter?

Mr P. V. JONES replied:

(1) Work is proposed on majority of State Batteries within the next two years. The full extent of works will be dependent on available finance.

(2) Yes. Discussions are continuing.

(3) Not known.

HOUSING

Geraldton

697. Mr CARR, to the Honorary Minister assisting the Minister for Housing:

(1) How many State Housing Commission homes have been built in Geraldton during each of the last five financial years, in each category of accommodation?

(2) How many homes are proposed to be built during the current financial year, in each category of accommodation?

(3) How many people are currently listed for each category of State Housing Commission accommodation in Geraldton?

Mr LAURANCE replied:

(1) Geraldton Commonwealth-State Housing Completions 1975-76 to 1979-80

Bedroom Size	1975-76	1976-77	1977-78	1978-79	1979-80	Total
5						
4		9	2		3	14
3	2	48	19	10	15	94
2		8	18		16	42
PC	12					12
SU	12		10			22
Total	26	65	49	10	34	184

Geraldton Aboriginal Housing Scheme Completions 1975-76 to 1979-80

Bedroom Size	1975-76	1976-77	1977-78	1978-79	1979-80	Total
5						
4				1		1
3	11	3	2	3	1	20
2						
PC						
SU						
Total	11	3	2	4	1	21

(2) Thirteen units of accommodation will be completed during 1980-81 in Geraldton in bedroom categories as follows—

Bedroom Size		Com-State Housing	Aboriginal Housing Scheme
4		—	1
3		—	2
1		10	—
	Total	10	3

(3) Applicants listed for accommodation in Geraldton as at 31 August 1980—

Bedroom Size		Com-State Housing	Aboriginal Housing Scheme
4		8	15
3		15	7
2		27	10
1	—Married couples	12	1
	—Pensioner couples	6	—
	—Single pensioners	9	—
	TOTAL	77	33

HOUSING

Building Societies: Insurance Contracts

698. Mr CARR, to the Honorary Minister assisting the Minister for Housing:

(1) Further to his anwer to question 385 of 1980 relevant to building societies, what is the amount of funds provided and guaranteed under the Housing Loan Guarantee Act for each of the last five years, as at 30 June?

(2) (a) How much of these funds were provided by insurance offices in each year; and
(b) what was the percentage in relation to funds in (1)?

(3) What is the amount, if any, included in his answer to question (2) that was supplied by the State Government Insurance Office?

(4) Are terminating building societies normally permitted to arrange tied insurance in relation to their members' dwellings through the State Government Insurance Office?

(5) Are commissions paid from tied arrangements?

(6) If the answer to (5) is "Yes", are all building societies required to include this income in their annual returns?

Mr LAURANCE replied:

(1) and (2) Details of funds for which guarantees were issued under the Housing Loan Guarantee Act—

Year	Total Funds	Insurance Funds	
	$'000	$'000	% of Total
1975/76	3 955	1 075	27.2
1976/77	8 205	1 560	19.0
1977/78	6 699	2 009	30.0
1978/79	3 906	956	24.4
1979/80	4 400	1 700	38.6
Total	27 165	7 300	26.9

(3) Amount of State Government Insurance funds supplied and included in (1) and (2):—

Year	$'000
1975-76	150
1976-77	750
1977-78	1 100
1978-79	900
1979-80	700
Total	$3 500

(4) Where the State has an insurable interest, tied property insurance for members of a terminating building society may be arranged through the State Government Insurance Office.

(5) Yes.

(6) On 3 October 1967 and on the recommendation of the building societies advisory committee, the model rules for terminating building societies were amended by adding—

Rule 46(5)—All insurance commissions earned shall be paid to the Secretary, and shall form part of the management expenses.

This same policy currently exists, and it is a matter for the directors of the various societies to decide whether to include insurance commissions in their annual returns.

LOCAL GOVERNMENT DEPARTMENT

Audit Section

699. Mr CARR, to the Minister for Local Government:

(1) Have changes been made, or are changes to be made, to the structure of the auditing section of the Local Government Department?

(2) If "Yes", will she please advise the details of such changes?

(3) Is it proposed to establish an "inspectorate" or similar body within the Local Government Department to concern itself with a wider range of local authority matters?

(4) If "Yes" to (3)—
(a) will she please advise of the details of the proposed structure of this "inspectorate";
(b) will she please advise of the proposed functions and role of this new section;
(c) is this new section intended to constitute a new direction in relations between the department and local authorities; and
(d) if so, will she please outline what is proposed?

Mrs CRAIG replied:

(1) On 9 June 1980 I wrote to every council in the State, advising that changes were proposed.

(2) It is intended to transfer the audit function to the State Audit Department.

(3) Under the present provisions of the Local Government Act, Government inspectors of municipalities have both an audit and an inspectorial function. Only the audit function is to be transferred to State audit. The inspectorial function will remain with the Department of Local Government.

(4) (a) It is proposed that, initially, the "inspectorate" will comprise one or two officers.

(b) In general terms, the inspectorial duties are intended to be the same as those which are presently specified for a Government Inspector of Municipalities in Section 636(2) (b) and (c) of the Local Government Act.
(c) No.
(d) Answered by (c).

HOUSING: SHC

Information to Local Authorities

700. Mr CARR, to the Honorary Minister assisting the Minister for Housing:

(1) How many local authorities have requested the State Housing Commission to provide names of new occupants of Commission homes in their area for purposes of electoral enrolment?
(2) To how many councils does the Commission provide this information?

Mr LAURANCE replied:

(1) Fourteen local authorities have asked the State Housing Commission for advice on in-going tenants, but it is not known for what purpose the information is required.
(2) Fourteen.

REGIONAL ADMINISTRATION

Greenough Office

701. Mr CARR, to the Honorary Minister assisting the Minister for Regional Administration and the North West:

(1) Has the Government yet given consideration to changing the title of the Greenough regional administration office to either Geraldton Regional administration office or Geraldton Mid-West regional administration office?
(2) If "Yes", what is the outcome of such consideration?

Mr LAURANCE replied:

(1) Following a recent approach by the Geraldton Town Council, this matter is under consideration.
(2) See answer to (1).

ELECTORAL

Section 122A Votes

702. Mr CARR, to the Chief Secretary:

(1) At the last State general election, how many section 122A votes were applied for in the Geraldton electorate?
(2) How many of these were admitted to the count?

Mr HASSELL replied:

(1) 460.
(2) 10.

ELECTORAL

Section 122A Votes

703. Mr CARR, to the Chief Secretary:

(1) Further to the answer to question 147 of 1980 which indicated that 35 853 people claimed section 122A votes at the State general election, but that only 813 were admitted, has the Electoral Department undertaken any research to disclose why so many people apparently believed themselves to be enrolled when they, in fact, were not?
(2) If "Yes", will he please advise the results of the research?
(3) Has he, or will he, initiate some form of action aimed at having a larger proportion of the population correctly enrolled for the next State election?
(4) If "Yes" to (3), will he please provide details?
(5) If "No" to (3), will he please explain why not?

Mr HASSELL replied:

(1) No.
(2) Not applicable.
(3) to (5) It is intended to take steps to remind people of their enrolment responsibilities; however, I am not in a position to give any particular detail at the present time.

EDUCATION: HIGH SCHOOL

Mirrabooka

704. Mr WILSON, to the Minister for Education:

(1) Is his department concerned about the apparent effect of declining numbers at Mirrabooka Senior High School on the

narrowing of grid offerings and the restricted freedom of choice available to students in the selection of subjects in years 11 and 12?

(2) Is this situation causing a steady stream of students to transfer to other high schools against their inclinations?

(3) What measures does the department intend to take to prevent further restrictions in the range of subjects and choices at this school which threatens its continuance as a full senior high school?

Mr GRAYDEN replied:

(1) At schools such as Mirrabooka Senior High School which have decreasing overall enrolments, there has to be some rationalisation of the upper school grid offering. All such schools offer reasonable upper school programmes.

(2) There is no steady stream of students leaving Mirrabooka Senior High School against their inclination. The proportion of year 10 students continuing on into year 11 at that school is about State average.

(3) The courses offered in any senior high school are determined by the school to meet the needs of its students and, at this stage, the department does not see a need for action on its part.

FUEL AND ENERGY: GAS

North-West Shelf: Infrastructure Borrowing Programme

705. Mr BRYCE, to the Premier:

Further to his answer to question 647 of 1980 concerning the Government's proposals to borrow money overseas to finance infrastructure costs associated with projects already established in the Pilbara—

(a) Which towns and facilities are under consideration for purchase;

(b) what is the estimated sum of money involved?

Sir CHARLES COURT replied:

(a) Approval has been given by Loan Council for the State Energy Commission to borrow under the infrastructure programme for the progressive integration of power supplies in the Pilbara. The scheme is intended to service already established projects as well as any new mining ventures in the area.

(b) Approval has been given for borrowings for this purpose over a period of years of up to $111 million at June 1978 prices.

WORKERS' COMPENSATION

Payments to Chemists

706. Mr BRYCE, to the Minister for Labour and Industry:

(1) Is he aware that an increasing number of chemists will not supply, without an immediate cash payment, medicines and other items defined on the prescription as being workers' compensation by the medical practitioner?

(2) As work caused injuries often occur at an inappropriate financial time for the injured worker, what action will he take to ensure medical items essential to the injured worker's recovery are supplied without delay and personal cost to the person concerned when the medical practitioner clearly defines the prescription as being prescribed under the Workers' Compensation Act?

(3) Will he give the reasons why the long established practice of the chemist supplying the medical items to the workers' compensation claimant without charge and then recovering the cost from the insurer has broken down?

Mr O'CONNOR replied:

(1) I am not aware of any change.

(2) A medical practitioner can only indicate that injuries are consistent with the type of accident described by a worker. He cannot certify that the injury is an acceptable claim under the Workers' Compensation Act. Credit arrangements must remain a matter between the chemist and the worker until a claim has been established.

(3) See answer to (1).

QUESTIONS WITHOUT NOTICE

MINING ACT

Farmers' Union: Criticism

141. Mr BLAIKIE, to the Minister for Mines:

This question is supplementary to one I asked last week. I was not satisfied with the Minister's reply.

Can the Minister refute the claim by the *Farmers Weekly* newspaper that the Government will promulgate the new Mining Act and regulations early in 1981 and it will be six months before Parliament will have the opportunity to lodge objections to it?

Mr P. V. JONES replied:

In clarification of the answer I gave the other day—and I am sorry if it was not adequate for the honourable member—the Government, as it has already indicated, proposes that the Act and regulations, which are still in the process of being discussed with the parties concerned, will in fact be proclaimed and promulgated early next year, in which case the six months would clearly be wrong because the autumn session of Parliament would be the time when any discussion of this matter could occur.

TRAFFIC ACCIDENTS

Vehicles using LPG

142. Mr HARMAN, to the Minister for Transport:

(1) Is he aware of the potential danger to persons attending traffic accidents involving one or more vehicles filled with LPG?

(2) So that persons attending accidents can immediately ascertain the situation should the accident involve an LPG filled vehicle, would he arrange for a symbol or such other identification to be placed on the licence plate?

Mr RUSHTON replied:

(1) If reference is being made that an LPG powered vehicle has a greater fire potential than a petrol vehicle in a collision, then it is generally accepted, as stated in world-wide reports on LPG vehicles, that an LPG vehicle has a lesser fire risk in a collision because of the higher flash point of LP gas as compared with petrol.

(2) A draft regulation has been submitted by the motor transport group to the Australian Transport Advisory Council which requires LPG vehicles to be clearly marked with a symbol affixed to front and rear licence plates.

LAND

Strata Titles

143. Mr SODEMAN, to the Minister representing the Attorney General:

(1) What is the administrative procedure involved in producing strata titles for commercial properties in Newman?

(2) Has the procedure been commenced and, if so, when and what stage has it reached?

(3) When is it anticipated that strata titles will be available to tenants of commercial entities in Newman who may wish to purchase their properties from Mt. Newman Mining Company Pty. Ltd.?

Mr O'CONNOR replied:

(1) A strata plan is produced to the Office of Titles and checked by the drafting section. When approved by that section a number is allocated and the proprietor of the land may apply to register the strata plan. The Registrar of Titles will then proceed to cancel the existing title and prepare and issue certificates of title for the strata lots.

(2) and (3) The question does not identify a particular property. However, if it relates to Hilditch shopping centre, then two strata plans have been lodged at the Office of Titles—one for Hilditch shopping complex A (strata plan 8273) and one for Hilditch shopping complex B (strata plan 8274). Applications for registration were lodged on 2 August 1980. Strata titles were issued to solicitors for applicants for strata plan 8274 on 4 September 1980, and strata titles for 8273 will be available today, 9 September 1980.

WORKERS' COMPENSATION ACT

Amendment

144. Mr PARKER, to the Minister for Labour and Industry:

(1) When does the Government intend to introduce legislation to amend the Workers' Compensation Act as a result of the Dunn report?

(2) When the Bill is introduced, will the Government allow a considerable time for perusal of the proposed legislation by members of the Parliament and the public?

(3) Will the Government take seriously into account any submissions made to it on that Bill before proceeding with it, or will the Bill represent the Government's final position on this matter?

Mr O'CONNOR replied:

(1) to (3) The Government hopes to be able to bring the Bill before Parliament some time in October. It is a hope at this time. The draft has not been prepared at this stage. It would be intended to let the Bill lie for a couple of weeks to give members an opportunity to go through it thoroughly before we go ahead with it. It will not be totally in line with the Dunn report, and as far as amendments are concerned it would depend on the type of amendments they were.

LOCAL GOVERNMENT

Elections: Plural Voting

145. Mr CARR, to the Minister for Local Government:

I draw the Minister's attention to the fact that no other Australian State gives electors at local government elections multiple votes based on property values. Can she explain to the House what is so different in the nature of Western Australian local government to warrant this extraordinary arrangement?

Mrs CRAIG replied:

I do not quite understand the import of the question, except that the honourable member is querying at the moment a section which is at present in the Local Government Act, presumably in the full knowledge of the fact that it is the Government's intention, which has often been publicly stated, to amend the electoral provisions of that Act.

Mr Carr: The draft Bill does not correct the situation I have outlined.

Mrs CRAIG: The honourable member refers to a draft which has been circulated but not to a decision which has been made by the Government at this stage. It was indeed a draft, so I do not believe this is the appropriate time for me to explain to him the reasons for the incorporation of the provisions in that draft, or whether those same provisions will be contained in the final legislation.

Mr Carr: You can't justify it, can you?

WOOLWORTHS (WA) LTD.

Katanning

146. Mr H. D. EVANS, to the Minister for Local Government:

This is not the type of question which requires any research on the part of the Minister.

(1) Is the Minister aware of the anxiety expressed by a broad cross-section of the Katanning community concerning the impact which the establishment of a Woolworths supermarket-chain store would have on the town's economy?

(2) Has she received representations in respect of this matter from members of Parliament, small business proprietors, and the Chamber of Commerce?

(3) Is she prepared and does she intend to act and review the impact of this proposed development, in the interests of Katanning's local economy?

Mrs CRAIG replied:

(1) to (3) It is true to say I have had numerous representations from people in Katanning. Certainly I recall those from the Chamber of Commerce and some from private individuals. I could not be accurate about the other people who have made representations to me. I am aware of their concern in relation to the impact of a new development at Katanning, should it occur. I am not aware that any approach has been made to me by the local authority in relation to a rezoning amendment to its town planning scheme, but I can assure the honourable member that if such an application comes before me it will be very carefully considered and the attitude of the persons who have made submissions will also be taken very much into consideration.
However, as the honourable member probably knows very well, if it is the case that a commercial zoning already exists in the Katanning town planning scheme, there will be no reason for the application to come before me. I am afraid I cannot indicate to the honourable member at this stage whether or not that is so but I will look it up and advise him.

COMPANIES

Government Interest

147. Mr DAVIES, to the Premier:

Is the Premier now in a position to inform the House whether there is any Government involvement in Systems Research Institute of Australia Ltd.?

Sir CHARLES COURT replied:

I promised to undertake this research in relation to question 527. You will recall, Sir, that I told the Leader of the Opposition that I sent back the original answer because I felt it was not right, but I was assured it was correct. However, those responsible for the research have now advised me that through inadvertence information relating to Systems Research Institute of Australia was omitted. The correct reply to question 527 is as follows—

(1) Two.

(2) (a) (i) West Trade Centre Ltd.
(ii) Systems Research Institute of Australia Ltd.
(b) (i) 1978-79 and 1979-80.
(ii) 1979-80 and 1980-81.

(3) Subscriber to the Memorandums of Association.

(4) (a) (i) West Trade Centre Ltd.
(b) $1 365 000.
(c) Government guarantee of a loan of $1 265 000 and a direct advance of $100 000.
(d) (i) To assist with the refurbishing of that portion of the City Railway Station Building occupied by the Company and leased from Westrail.
(ii) To assist with working capital requirements.
(e) Industry (Advances) Act, 1947.

(4) (a) (ii) Systems Research Institute of Australia Ltd.
(b) $270 000 has been advanced of a total of $500 000.
(c) Direct advances.
(d) To meet initial establishment costs and working capital.
(e) The Appropriation Act.

CONSUMER AFFAIRS

Country Prices

148. Mr CARR, to the Minister for Consumer Affairs:

(1) Has the Consumer Affairs Bureau conducted any further investigations into country price levels as a follow-up to last year's much publicised surveys in Pilbara towns?
(2) If so, would he please advise details of them?
(3) If not, will he please explain why not?

Mr O'CONNOR replied:

(1) to (3) I cannot provide the member with an answer without conferring with the department, and I am quite happy to do that and to advise him accordingly. On the other hand he might like to put the question on the notice paper.

INDUSTRIAL DEVELOPMENT

Resin Works: Bunbury

149. Mr DAVIES, to the Honorary Minister assisting the Minister for Industrial Development and Commerce:

(1) Did the Environmental Protection Authority today make recommendations to him concerning the proposed Borden chemical plant at Bunbury?

(2) What are the recommendations and what action does he propose to take in the light of them?

(3) Will he table in the House tomorrow the EPA recommendations and, if not, why not?

Mr MacKINNON replied:

(1) to (3) As I understand it, the Environmental Protection Authority received the report on the Borden chemical plant today. It is up to the EPA to decide when it will submit the report to me. When I receive it I will consider the matter and make a decision as to whether or not I will table it in the House.

EDUCATION

School-to-work Transition Programme

150. Mr PEARCE, to the Minister for Education:

(1) Is it a fact, as reported in *The Australian Financial Review* of today, that this State has withdrawn from the Federal Government's school-to-work transition programme?

(2) If so, has that action been taken in agreement with the other States?

(3) If so, for what reason?

(4) Will the Minister explain to the House the deficiencies of the Federal Government's school-to-work transition programme, and explain why the Federal Government is going ahead with the programme despite the withdrawal of the States?

Mr GRAYDEN replied:

(1) to (4) I would not like to comment upon the report because I have not seen it. However, in respect of the programme mentioned, the State is doing its utmost with the finance available to it, because we are extremely impressed with the progress that has been made. We have had remarkable success with our transition programmes, and this is something we are most anxious to continue. Certainly we are not thinking in terms of withdrawing from the scheme; rather we are pressing the Commonwealth to provide more funds to enable the State effort to be augmented to a far greater extent.

Mr Pearce: Then you haven't withdrawn from the whole programme?

Mr GRAYDEN: I have not seen the report. I will look at it and advise the member in due course.

TRAFFIC ACCIDENTS

Beaufort Street-Central Avenue Intersection

151. Mr HARMAN, to the Minister for Transport:

(1) Is he aware that there is a large and consistent number of traffic accidents at the intersection of Beaufort Street and Central Avenue, Inglewood?

(2) Can he arrange for an examination of traffic flow at this intersection so that a remedy can be obtained?

Mr RUSHTON replied:

(1) Yes, the Main Roads Department recognises that there is a high accident rate at this intersection.

(2) The intersection has been kept under examination and the signal phasing adjusted in an endeavour to remedy the situation.

TRAFFIC

Offenders: Action

152. Mr WILSON, to the Minister for Police and Traffic:

(1) Is the Minister aware of articles in today's Press, issuing from the road trauma committee of the Royal Australasian College of Surgeons, calling for the laws covering road offenders to be made more effective?

(2) If so, what action is he or the Government considering in response to this call for action?

Mr HASSELL replied:

(1) and (2) I am aware of the suggestions of the committee of medical practitioners through reading about it in the newspaper. As at this date so far as I am aware no formal submission has been made by the group to me or to the Road Traffic Authority. I have already indicated today that we welcome the interest shown by this group of medical practitioners on this subject, and their suggestions will be examined in detail. I was disappointed that one reported remark represented a rather off-handed attack on the operations of the RTA in referring to what were described as cynical revenue-raising exercises in stopping people from speeding on their way to work. I have expressed the view today that that remark rather spoiled the rest of the submission, which appeared to be reasoned and balanced. It must be appreciated that road traffic patrols must be carried out as part of a consistent programme and an overall package of measures aimed at enforcing the law and checking the public regarding their responsibilities.

No amount of enforcement will avoid the need for individual private responsibility, especially in relation to drinking and driving. Accordingly, I thought it was a pity that remark was made because it spoiled what otherwise appeared to be a very reasoned submission, and one which we will fully consider. However, it is just as necessary to stop people speeding on the way to work in the morning and to help them maintain the habit of driving within the law and its regulations as it is to pursue speeders and offenders at other times of the day.

STATE FINANCE

Commonwealth Fuel Levy Policy

153. Mr DAVIES, to the Treasurer:

Last week the Treasurer stated in reply to my question 590 of Wednesday 3 September that "it is not possible to estimate" the additional cost to the Consolidated Revenue Fund resulting from the Fraser Government's import parity oil pricing policy and increase in the crude oil levy.

In view of the Treasurer's statements at the Premiers' Conference in December 1979 where he is reported in the transcript to have said, "I had it worked out on my own figures. The amount we pay . . . is staggering", why is it not possible to calculate the cost to the CRF now?

Sir CHARLES COURT replied:

I am speaking from memory, and if I recall the question to which the Leader of the Opposition refers, it was a matter of knowing how much imported oil we used in this State and how much non-imported oil we would use before we could make an estimate. Therefore, it was not practicable to do that with any certainty in a short time.

However, to make sure that my recollection is correct I will look at the answer to the question to which he refers and its relationship to a number of other questions on similar matters and see if I can arrange an answer for him.

Speaking from memory, I think it was related to the fact that in view of the different types of oil we use in Western Australia, and seeing that we use a considerable amount of imported oil as distinct from indigenous oil, it is difficult to assess the exact impact on the CRF. I shall study the matter and let the Leader of the Opposition know.