

# Legislative Assembly

Wednesday, 27 March 1985

**THE SPEAKER** (Mr Harman) took the Chair at 2.15 p.m., and read prayers.

## LOCAL GOVERNMENT AMENDMENT BILL

### *Introduction and First Reading*

Bill introduced, on motion by Mr Carr (Minister for Local Government), and read a first time.

## ABORIGINAL LAND BILL

### *Second Reading*

Debate resumed from 26 March.

**MR CLARKO** (Karrinyup) [2.20 p.m.]: This Bill seeks to divide Western Australia in half on the basis of race. Unquestionably it is a racist Bill. It seeks to allow approximately 2.5 per cent of the population of Western Australia to claim about 47 per cent of this State without making any financial payment. The approximate 98 per cent of the non-Aboriginal Western Australian population who wish to acquire land must pay for it, whether they be rich or poor.

Most non-Aborigines spend about 25 years of their lives and about 25 per cent of their incomes on paying for a house and land. Very few non-Aboriginal people can afford to buy a block of land when they first marry, or even after a number of years of marriage. The cheapest metropolitan house lots in this State cost about \$15 000 each and blocks which would not be seen to be those for the wealthy may cost \$25 000 each.

These young people who seek to acquire land for a future house today pay extremely high rates of interest on any such loan. Many of them find they cannot raise the funds to buy a block of land, so they take another choice, which is to buy a project home.

How do they pay for this? The most common way these days is for the wife, following marriage, to continue to work. This is the way they gain a better credit rating and the way they gain the money to pay the monthly mortgage on the house and the land. The consequence of this is that they are forced to delay their family and when they do have a family they often do so very promptly. They tend to have fewer children than they wish to have and the wife is forced back into the work force to help to pay the family debt, principally that of the house and the land. There are some mothers who wish to return to the work force at an

early date, but a very large number of them do so only to enable them to live in a house of the style they desire.

These two-income families, through the double taxation that they pay, provide funds which are able to be used by Governments, both Federal and State, to provide funds for welfare projects. The welfare projects are many, but among those projects are funds provided for housing needy people and housing Aborigines.

This Bill is grossly discriminatory in that it establishes a situation where, if a person is white, he must pay for land, and if a person is black, he pays nothing. This is even the case with wealthy Aborigines, for the Bill is not aimed only at needy Aborigines; it includes all Aborigines. The Bill does not exclude Aborigines who are totally urbanised and who pay their taxes and contribute to Government welfare programmes.

**Mr Bridge**: It does not include them and you know it.

**MR CLARKO**: If the member for Kimberley looks at the definition of what is an Aboriginal, he will see that it is a person who is of the Aboriginal race. I am glad the member for Kimberley interjected, because one of the things that greatly concern me is his position compared with people like myself. The member is a person of substance and is entitled to be that. I am proud of any person who has been successful in our society. But under this legislation the member's children will have greater rights than my children will have. There is no fairness in that.

**Mr Bridge**: The difference between you and me on this issue is this: I am honest in publicly stating that I will never be a beneficiary of this Bill, but you are dishonest in suggesting I will.

**MR CLARKO**: Not at all. The situation is that the member for Kimberley may apply and be part of the Aborigines of this State who have the potential to occupy 47 per cent of this State.

I will choose an example that is even more clear than the member's situation: Consider the situation of the member's colleague, Hon. Peter Dowding. As I understand it, that member has two children from his first wife, who was white, and two children from his second wife, who is black. This means that Mr Dowding's children will have different rights, depending on whether they were from his white wife or his black wife. The last two children will have entitlements that will enable them to have a share in 47 per cent of the land in this State. I see that situation as being totally untenable. I see no logic, reason, or principle in a situation where some of the children of one man are not entitled to get land for free and

other children of the same man are entitled to get land for nothing purely because of the colour of their skin. There is no logic, merit, justice, or morality in such a decision. Is my statement correct or not?

Mr Bridge: It is not correct. How can you seriously advance in this Parliament a suggestion that Mr Dowding's children can claim land justifiably on traditional grounds?

Mr CLARKO: All they have to do is become members of a group of seven Aborigines and they have the entitlement to apply for land in this State and have it granted to them—47 per cent of this State. It is wrong that the children of the member for Kimberley and the member for North Province should be advantaged as compared with my children on the basis of colour of skin. That should not be the basis on which people are assisted in our community. They should be assisted on a basis of need and not on the basis of race, because that is the quintessence of racism. Wealthy Aborigines are not to be denied an opportunity to claim land under this Bill.

This Bill could have been prepared with a needs factor in it, but the Government did not do that. The Government is to allow wealthy Aborigines to have entitlement to free land. Poor white people are not to have such an entitlement to land. They must face a considerable financial fight in order to obtain a small one-fifth acre block of land. I understand that someone has even worked out how many blocks of land Aborigines will be entitled to, and I think it is about 25 000 house lots.

People should not be assisted and laws should not be made on the grounds of the colour of a person's skin. To do so is indubitably racism.

Mr Burkett: They are 25 000 house lots which no white man or woman would want to live on. No land is being given away in Lynn Street, Trigg or in Karrinyup.

Mr CLARKO: I do not wish to argue with the member for Scarborough, a person with whom I have been able to work for many years on a sound and sensible basis. There is no reason that his children, three lovely girls who are white, should be less entitled to land in this State than three lovely girls who are black. That is the quintessence of the argument.

By this legislation the Aboriginal race is being given an opportunity to take part in the world's largest land grab, and this land grab takes the 8.5 per cent of land which is set aside—

Mr P. J. Smith: They are not taking it; they possess it already, you drongo.

Mr CLARKO: I have no great reason for believing that the member for Bunbury is a great judge of what a drongo is, except that perhaps he is a drongo himself and is therefore a good judge of one. He comes here as part of the bludger party of Australia, the socialist party that says, "We will take from those who have and spread it around as we think fit—in fact, as we think will be electorally to our advantage".

Several members interjected.

Mr CLARKO: I cannot be bothered wasting my time on this arrant, incompetent fool. Approximately 8.5 per cent of this State comprises Aboriginal reserves and that, together with 38 per cent of this State which is unallotted Crown land, means that about 47 per cent of Western Australia is available under this legislation. That is an area of between 400 000 and 500 000 square miles. I remind everybody that the biggest country in Europe is France, but the area of France is less than the area affected under this legislation. South Africa is also a huge country, but its area is less than the area we are talking about. South Australia has a huge area of land but it is also less than this area. Very few countries are larger than the piece of land which is to be given, for nothing, to people on racist grounds. This land is to be acquired for nothing and once this has happened the 98 per cent of white Western Australians will still find that they will have to care for the Aboriginal people because the Aboriginal people will still be in need, and the 98 per cent of white people in this State respect the need and responsibility they and their Government have to assist people in need.

This Government, of course, has rattled on the Aboriginal people by not giving them the mining rights which they sought, so Aboriginal people, certainly the Aboriginal leaders and activists, are not happy with this legislation. Consequently, the Government is not pleasing all of that two per cent of our population who are Aborigines. The Government is not giving them what they sought, although the Labor Party began in this position. It has moved away from it, as the Labor Party has moved away from its original aim in this field, to a large extent through the efforts of the Opposition, which the Premier has rightly said is the only voice of this community which has strived and fought to represent the position of 98 per cent of the Western Australian population.

The fundamental question to which we must address ourselves is: Why should we pass this legislation? Why should we give land to the Aborigines? Why should we give half of Western Australia at the first go to the Aborigines without any payment in return? Why should we have two

laws about land and land matters in this State based only on the question of race? Are the Aborigines of Western Australia entitled to this land because their ancestors occupied this land before British settlement? It is my advice that the Aborigines were not the first humans to occupy Australia. Other peoples occupied Australia before them, so I do not know whether that means that when they settled they illegally took the land from the people who were the first inhabitants of this continent or island; or is it claimed that this land was taken illegally from the Aborigines—who, it appears, were not the first settlers—and therefore they should be compensated for this land which these people would say is rightfully theirs? Is that the question to which we should address ourselves?

Aborigines came to Australia between 40 000 and 70 000 years ago. They came in two waves, when Asia extended down through the Indonesian islands, and when there was only a very small gap and significantly large islands between these people and what is today West Irian. When New Guinea was attached to mainland Australia, as was Tasmania, the Aboriginal people travelled from Asia to Australia and spread throughout Australia—not, by the way, as a single group; they spoke 250 different languages and they developed in various different ways within Australia.

But even if the Aborigines were the first people to settle in WA—there is evidence that that is not so—as far as I know, throughout the western world, from my reading of history, land belongs to the last victor. The last victor is the person who gains ownership of the land. Consider the British Isles and the Picts, the Scots, the Anglo-Saxons, the Normans and the Tudors. In those societies the victor acquired ownership of the land, so I do not think anyone would seriously suggest that the Aboriginal race owns the lands of Australia or that they should be given the land mass of Australia which is uninhabited today, or has not been alienated, and then top it up with the necessary compensation to equate with the total value of the lands of Australia.

If anyone believes that that is the situation, that the land of Australia belongs entirely to the Aboriginal race, let him say so. If he does so, he cannot support this Bill unless he does so as step one in a claim for all the land of Australia, with this 47 per cent being the first step.

Mr Bateman interjected.

Mr CLARKO: I want to give people time to consider that matter, and I do not welcome that interjection. That was a particularly asinine interjection from a person who does not speak at all in

the Parliament and who makes the rare interjection, at times to the chagrin of the Speaker.

How do we justify the logic of this offer of 47 per cent of our land to the Aboriginal people? It so happens that in 1985 this land remains unallotted in Western Australia. It is a pity for those people who support this legislation that this did not happen in, say, 1960 because the Aborigines could have obtained all those agricultural lands, say, around Esperance, and if this situation arose around the time of the Second World War, as well as the Esperance land they could have included the soldier settlement lands that were allocated after World War II. Many schemes abounded including the soldier settlement schemes after World War I, and all these schemes utilised certain pieces of land.

Supporters of this legislation will give the Aborigines a very poor go. The Government proposes to give them some of the roughest and most rotten land in Western Australia. The Government proposes to give Aborigines land which is capable of sustaining the lives of only goannas and geckos; so if one believes Aborigines are entitled to all the unallotted land of Western Australia one is not doing much through this legislation unless one is trying to mislead the people of Western Australia by starting off with this giveaway of half of Western Australia—this is what the Government has in mind—and in the next year or two, if the Government has the legislative power, giving them more and more land. That is the situation.

Does the Government believe the Aborigines are entitled to all of Western Australia because they previously occupied the land? I say without equivocation that the Aboriginal people of Western Australia have no basic right to our land. The land belongs to 100 per cent of Western Australians, including Aborigines under the systems which we currently use. The basic right Aborigines have is to be assisted to resolve their needs, and that is our job as a Government. We should help all those people in need from any element of society within WA.

I am not opposed to Aborigines continuing to have the use of Aboriginal reserves—approximately 8.5 per cent of the huge State of WA—if they need those areas. If Aborigines no longer have a need for certain of these areas those lands should be given back to the Crown for the State to use as it thinks fit, including for the benefit of the two per cent of our population who are Aborigines.

I am not opposed to Aborigines receiving public funds to purchase pastoral leases where they are needed, nor am I opposed to Aborigines receiving

special funding in regard to education. Education is very necessary; indeed essential. The House should address itself more pertinently to the improvement of the lot of Aborigines by trying to do more in regard to improving the educational standards of Aborigines. Education is really the prime need of the Aboriginal race. Until Aborigines have an equal opportunity to obtain jobs, as do the remaining 98 per cent of our population, until they have the right training and so on to go with the needs of this year in the twentieth century, Aborigines will always be a disadvantaged group. That is what we need to do. Some Aborigines living in WA today live in an urbanised style and their children are attending universities and so on—in very small numbers unfortunately, but more assistance needs to be given to these people in this area.

That is the way the Aboriginal people of this State will in time hold a position comparable to that of people here who are of Anglo-Saxon or European stock. That is what they really need. The only way is a system of assimilation. I am opposed to those schemes in education where it is proposed to set up schools in the north of this State in which an Aboriginal language will become the prime language of the school. It will do nothing but create continued and deepening divisions in Western Australia. This State in the long term should have a mix of people of all sorts of cultures, but fundamentally they are Australian. There will be an element of aboriginality in this as there will be elements obviously of British, Scottish, Irish, Italian, and so on. All those aspects should be in our particular culture.

We should not create a situation of the Canadian kind which occurs in Quebec with the Quebecois where the nation is permanently divided and never will be one. It is a problem with many countries and one that Australia traditionally has avoided in the past, not through the skills of Australians but through the tolerance of new migrants. Australia has been virtually without bloodshed in its history; no area of the world has had less bloodshed than ours because of the tolerance of the migrants who came and were prepared to fit into the Australian ethos.

Aborigines must do the same because if we remain as a country where two or three per cent of Australians are seen to be in dramatic opposition to the vast majority of people it will be no good for them or us.

The particular argument put by the Premier can be encapsulated in this way: "If you do not accept the Burke legislation you will get much worse from the Hawke Government". It is a spineless and dangerous argument. It is dangerous to say

that one should take the lesser of two evils and that if people do not do as this Government is asking and give a certain amount of their possessions or something of that sort on a voluntary basis, someone will come along and take it by force and do a great disservice to the people. It is ridiculous for the Premier additionally to include within this legislation a so-called self-destruct clause which says that if the Commonwealth Government intervenes at some future date this Bill will become null and void. That shows an amazing and remarkable lack of sense.

Let the Federal Government do what it will. This Federal Government is the most interventionist in our history. It will intervene in our State affairs with impunity whenever and wherever it thinks it can do so. It will not be bringing in draconian legislation about Aboriginal land in Western Australia just before the next State election. As far as I can gather the highest poll figure for Western Australians who support Aboriginal land rights is 19 per cent. Opposition to land rights has produced the highest figure I can recall on any public issue in this State including "secession" which was supported by about two out of three people. About 70 per cent or 80 per cent are opposed to land rights. It is probably the strongest public opinion position taken on any issue. This Government at its peril tries to bend and shape and twist that public opinion. It spent \$120 000 of public money in trying to con the people of Western Australia.

The ordinary citizens of Western Australia are not taken in. They know this particular proposition, if it comes to pass, will deny their children and their children's children a fair opportunity to this State of one million square miles the ownership and possession of which is the right of each and every citizen collectively. It should not be taken for Aborigines on the grounds of race or for any other group of people. It should not be given away without fairness and justice.

I refer now to interest groups and in particular the Country Shire Councils Association. The Premier spoke to its executive earlier this month and asked it to give him some form of public support. The association comprises a particularly knowledgeable group of people. They are spread throughout every section of this huge State and represent small groups of people. I suppose in many ways they are much closer to the people than are members of Parliament from those outlying areas. They were urged by the Premier in his most loquacious Irish way to come along and support his view. On 11 March in response to the Premier's request the association stated that it—

... remains firmly opposed to the discriminatory principles embraced within it and cannot support the division of Western Australia on the basis of race.

That sums up the true position of Western Australians. If one looks at some of the maps that have been prepared—the particular map I am holding cannot be shown in *Hansard*—one sees that they show the parts of Western Australia which are available for claim. It is not the figure of 50 per cent which is now before us, it is something of the order of three-quarters of Western Australia. Only 6.5 per cent of the area of this State is under freehold title; 8.5 per cent is in Aboriginal reserves; another 38 per cent is available under this legislation and about 47 per cent is left including pastoral leases, of which Aborigines have quite a number, and national parks and the like.

That is the situation with the one million square miles of Western Australia. It is one of the largest political units by area in the world but we have a piece of legislation which at one stroke will take away about half that area. If the argument which supports this legislation is logical, ultimately the claims must come for much more of the State and perhaps eventually all of it. It seems logical to me that it must apply to all of it. The question of compensation will then arise. Members may have read in the paper two or three weeks ago that an Indian group in New York State was given the rights to an area of land worth millions of dollars, not just in capital value, but extra millions of dollars to cover the period of time since the arrival of the white man during which the Indians have not had the land.

Some people say that is the sort of arrangement we should have in Western Australia. We do not have it and we should not have it. The people of Western Australia are themselves immigrants, as were the Aboriginal people. One set of immigrants should not have more rights than another purely on the basis of their particular culture. If that is the case the Italians are entitled to a big share of the State, as are the Greeks, and so on. Nobody would contend that that should be the case.

This legislation has changed dramatically since this Government made its promises to the people of Western Australia. The remarks made by the Premier to the Aboriginal people at the Showgrounds some time back must be to his undying shame. He made an unequivocal statement about the sort of land rights he would give to the Pitjantjatjara people. I will leave aside the question of why the Government is doing this, but it is wrong. The people of Western Australia believe without any question it is wrong.

I do not believe anybody in this room can support this legislation unless he believes Aborigines are entitled to all Western Australia. I invite the Government to come out and say that the people of Western Australia are to be deprived of their land.

This is the situation: It means a millionaire Aboriginal will get a right through his family and because of his blood to a huge proportion of Western Australia and a poor white person will be led for ever into this shrinking land which once we thought of as a huge State.

I repeat, an overwhelming majority of Western Australians are opposed to land rights. They do not want Western Australia to be divided into two States, one for whites and one for blacks. They do not want divisive and discriminatory legislation which is as racist as this Bill. They want legislation that is just and fair. This Bill is not just and fair and it should be rejected.

**MR BRIAN BURKE** (Balga—Premier) [2.51 p.m.]: I suppose that, during the tertiary stages of any debate, even on a matter as important as this, we can expect contributions of the quality of that given by the member for Karrinyup. However, it is disappointing to see that the strength of his argument really resolves down to a slanging and insulting tirade at Aboriginal people generally. That is featured or highlighted by the sorts of statements he made about millionaire Aboriginal people, or about the children of the member for North Province, or about the member for Kimberley. Most of those sorts of statements, firstly, do not do much to add any strength to the arguments used by the member for Karrinyup and, secondly, do not do much to elevate the level of the debate beyond the level that the Opposition has attempted to prosecute for many, many months in putting its side of the question.

Although the Leader of the Opposition spoke for a considerable time, he seemed, from a reading of his contribution, to have made four main points. The first was that the Bill applies only to Aboriginal people. He seemed to maintain this, according to some view he had about aboriginality relating to the proportion of Aboriginal blood that a person possesses. That seemed to be the measuring stick that the Leader of the Opposition wanted to use. He used that argument in saying that the Bill applied only to Aboriginal people.

The second of the main arguments was that, in his view, the Bill did not recognise Aboriginal needs but granted, or sought to grant, claims allegedly in recognition of rights by virtue of aboriginality. That seemed to preoccupy the Leader of the Opposition during his speech.

The Leader of the Opposition also raised the problem, as he saw it, of there being no time limit for the expiration of grants once they had been made—that is, that titles would persist for ever.

The fourth major point around which the Leader of the Opposition attempted to mould his argument was that rights that were granted to Aboriginal people who made claims were somehow or other different and separate from those that are available to other non-Aboriginal people.

The specific category of people to whom the Leader of the Opposition, and certainly the member for Karrinyup, referred when trying to add strength to this point in their argument was the poorest, most dispossessed, and most disadvantaged non-Aboriginal Australians, and was referred to as a category that could never obtain equal rights to those proposed for the most successful and richest Aboriginal Australians.

I will try to treat seriously each of those major arguments of the Leader of the Opposition. However, I doubt very much whether the Opposition treats this matter seriously. I doubt very much whether the Opposition lifts this debate beyond the political plane. However, it is an argument to which the Opposition still clings in the hope it can engender some political support and in the hope that the arguments can be used to wring some political advantage from a situation, despite the shrinking-violet nature of the breadth of the support on which the Opposition's argument stands.

I address, firstly, the initial point made by the Leader of the Opposition. He said that the Aboriginal Land Bill applies only to Aboriginal people. That is perfectly true. No-one has ever argued that that is not the case. I would find it very difficult to be persuaded that an Aboriginal Land Bill could logically or rationally extend to other than Aboriginal people.

Mr Clarko: Therefore, it is racist.

Mr BRIAN BURKE: I suppose that that is the construction that the member for Karrinyup can put on the Bill or that the Leader of the Opposition can put on this Bill. However, the present Land Act makes specific provision for Aboriginal people. I presume on that basis it is a racist Bill.

No-one previously condemned the present Land Act for being racist because it makes specific provision for Aboriginal people. Under section 6 of the Land Act, Aboriginal people are entitled to special treatment. I suppose that means the Land Act is racist. Under section 29 of the same Act, there is provision for reserves to be granted to Aboriginal people—not to white people or Italians or Greeks or Macedonians or Yugoslavs, but to

Aboriginal people. On that basis, I presume that the present Land Act is a racist Act.

Mr Clarko: In those parts, it is.

Mr BRIAN BURKE: The member for Karrinyup now says that in those parts of the Land Act, it is racist.

Mr Clarko: Anything that does something on the grounds of race is racist.

Mr BRIAN BURKE: Surely the Opposition understands that, in the face of that sort of argument, the challenge or criticism that hangs on the peg of racism as a strength to support its persistence disappears because the Land Act makes no provisions. It is therefore racist in the view of the member for Karrinyup. Yet, the member for Karrinyup, the Leader of the Opposition, and the Opposition generally, have never previously attacked the Land Act as being racist. They voted for the Land Act, they framed the Land Act, and they supported the Land Act, despite the fact that it is racist according, now, to the member for Karrinyup. The point I am trying to make is that the criticism disappears when one considers the breadth of the area over which that criticism can be applied, even by the member for Karrinyup who now says that the Land Act is a racist Act.

Under section 106(2) of the Land Act, entry to unenclosed and unimproved parts of pastoral leases is provided to Aboriginal people—not to white people or Italians or Greeks or Macedonians or Slavs or Chinese, but to Aboriginal people. On that basis, I presume that that is another racist section of the Land Act. Yet, consistently, the Opposition has supported those racist sections, acknowledging today that they are racist and only to say today that it cannot support another Bill because it is racist according to the same definition and description that it uses to describe those parts of another Act that it has supported in the past.

The truth about the situation is that the Aboriginal Land Bill applies to Aboriginal people. It sets out to make provisions that go to the welfare, as the Government perceives it, of those Aboriginal people, in the same way as Captain Stirling set aside land at the foot of Mount Eliza for a special sanctuary and school for Aboriginal people. That was a racist Act, according to the definition used by the Opposition, but it is still the truth.

The Opposition will draw strength for its argument against this Bill on the basis of a racist tag that attaches just as surely to the things it has done in respect of the Land Act as it did in that Act. That first and primarily important argument used by the Leader of the Opposition does not reflect his own attitudes or actions in times gone by when he voted to support legislation that is just

as racist as this legislation is, using his own description.

The truth is that the challenge of racism as used by the Opposition is a worthless and empty challenge because it is the sort of challenge that can be used effectively to stop any action that any Government might propose to help Aboriginal people on the basis of need as described by their being Aboriginal people. The most repugnant aspect of the Leader of the Opposition's argument is his use of the percentage of blood to determine who is an Aboriginal or not argument. That is absolutely repugnant—that members of the Opposition can sit behind the Leader of the Opposition while in some Mendel type manner he attempts to determine who is Italian, who is Aboriginal, or who is white and who is black on the basis of the percentage of Aboriginal blood that a certain person has.

I thought the Opposition would have gone past that stage in its treatment of other Australians and other Western Australians. The Leader of the Opposition did not have the same problem when he considered the Aboriginal Affairs Planning Authority Act which has a definition of "Aboriginal" similar to that contained in this Bill. When he supported that definition he did not insist upon a quantum of blood approach to determine who was an Aboriginal. Why did he not raise those objections then? He raises them now because in the context of racism and the general political colour of this debate it is an appropriate and convenient thing to do. However, when the Aboriginal Affairs Planning Authority Act was passed the Leader of the Opposition did not stand and raise the quantum of blood approach and determine that no-one should be an Aboriginal unless that person complied with some percentage of Aboriginal blood test that the Leader of the Opposition would devise.

On both those major factors that go to the Leader of the Opposition's first point there simply is no substance to his argument. The Leader of the Opposition has previously voted in this House and has previously supported laws that this House has passed that are just as racist as he says this Bill is and that includes definitions of Aboriginal people that the Leader of the Opposition now chooses to find unsatisfactory.

Mr Clarko: Are you saying this Bill is racist?

Mr BRIAN BURKE: As I said previously I do not believe that this Bill is racist.

Mr Clarko: You said that others are.

Mr BRIAN BURKE: I said that the member for Karrinyup uses a definition that will allow him to just as honestly say that the Land Act is racist.

Mr Clarko: You are not prepared to say that it is racist.

Mr BRIAN BURKE: I am saying that it is not. I did not say that the Land Act was racist, either. What I said was that the Leader of the Opposition has used an argument which says that this Bill is racist and, using the same argument which involves the definition he uses, the Land Act must also be racist. The member for Karrinyup has agreed with me that those sections of the Land Act are racist. All I am saying is that if the member for Karrinyup is saying that parts of this Bill—

Mr Clarko: Do you say that this Bill is racist?

Mr BRIAN BURKE: I am simply trying to explain that if one uses the definition that the member for Karrinyup uses the inevitable result is the branding of racism to all of those different things to which I have referred. I do not believe that this Bill is racist.

Mr Clarko: Is the Land Act racist?

Mr BRIAN BURKE: I do not believe that the Land Act is racist. I do not have that criticism to make of this Bill. All I am saying is that even if we use the definition used by the Leader of the Opposition and today expanded by the member for Karrinyup, we reach the absurd situation where even the Land Act is racist according to that definition. Worse than that, if one goes to the absurd extremes used by the Leader of the Opposition one would be involved in the measurement of the percentage of Aboriginal blood of some people. I have pointed to the illogicality of the Leader of the Opposition in that matter by saying that when the Aboriginal Affairs Planning Authority Bill was passed in this Parliament the Leader of the Opposition voted for it and the definition of "Aboriginal" in that Bill was similar, if not the same as, the definition used in this Bill. Why does the Leader of the Opposition have difficulty with this definition when he could so easily vote for the same definition in another Bill?

The second point that the Leader of the Opposition raised went into his perception of the Aboriginal Land Bill recognising aboriginality, but not Aboriginal needs. The Opposition Leader simply has not read the Bill, or if he has read it he chooses to ignore the facts because he must know that the Bill sets out the criteria that govern the ability of anyone to make claim for land; that is, to make claim, not to automatically assume the title to or the right to occupy it.

I refer to the criteria: Firstly, there must be an Aboriginal corporation. Therefore, all those arguments about making Aboriginal individuals wealthy overnight simply are untrue because only

a corporation consisting of seven or more adult Aboriginal people can lay claim to land. That is not the only requirement. The claimant must also establish eligibility according to the following categories: There must be either a tradition with respect to the land, or long association, or residence on the land that is being claimed, or there must be a need. Each of those three criteria implicitly say that aboriginality is married to need, is married to use, or is married to some benefit to be gained by those who are making the claim.

The denial or confiscation of the traditional association with a particular piece of land imposes some hardship. The second category refers to long association or residence on the land that is being claimed. If people are in residence on the land that is being claimed, and particularly if that residence is of longstanding, obviously there is a need involved in that claim.

In the third category the criterion is stated quite clearly without any equivocation and it is simply "need". On that basis the argument used by the Leader of the Opposition in the second of his major points is simply worthless. Each of the guidelines that will determine the eligibility of someone wanting to make a claim, implicitly in two cases, described "need" as being of paramount importance and explicitly in the third case described "need" as being the only criterion that is involved.

As far as the legislation is concerned, irretrievably wrapped up in the criteria governing the granting of land or the eligibility to make an application for land is the thread of "need".

The next point that the Leader of the Opposition made was that no time limit was set on the existence of reservations or the holding of land in fee simple. Aboriginal people, with the consent of the Minister, can sell or mortgage the land that they claim. They are also able to surrender it and it is possible under this legislation for the land that is claimed and granted to be resumed for public purposes if it is considered to be necessary in the same way as those properties fronting on to Servetus Street are the subject of resumption action. Therefore, there is absolutely no difference in the way we are treating the owners or holders of title to Aboriginal land that is claimed and granted, with the exception that ministerial consent is required if Aboriginal landowners are to be able to sell or to mortgage their land.

If at some time in the utopian future a situation comes about that Aboriginal land expectation or needs are fulfilled, Parliament will have to reconsider this situation; but in the present situation the argument used by the Leader of the Opposition

about title persisting for ever simply does not hold water because the land can be sold or mortgaged according to ministerial consent, it can be surrendered and it can be resumed.

The fourth point that the Leader of the Opposition raises goes to his notion of the separate and different rights that will be granted under this legislation.

The Leader of the Opposition is absolutely wrong. If he has read the Bill he has chosen to deliberately ignore those provisions that prove conclusively that the reverse of his argument is actually the case. There is nothing as separate or different from the ownership of land that he and I enjoy than the reserve system presently imposed on Aboriginal people. The Leader of the Opposition sees nothing wrong with the paternalistic, outdated, and inappropriate reserve system which currently operates. I have no doubt that he would like to see all Aboriginal people herded onto reserves, but if he wants to support the reserve system, he cannot at the same time use the argument that that system is not separate and different from the present system of rights we enjoy granting us ownership of land we may be fortunate enough to own. The separate nature is in the present situation. The difference in the present system shrinks dramatically under the proposed legislation. In fact, there is nothing as separate or different from the rights we enjoy as landowners presently than the reserve system that the Leader of the Opposition chooses to support. He cannot argue both ways and say that he wants equal rights but at the same time we should maintain and expand the reserve system, because equal rights are contradicted by the reserve system he seeks to support and expand. There is nothing as paternalistic, inappropriate or contrary to the development of the independence and character of Aboriginal people as the present reserve system. It has not worked and in seeking to oppose this Bill the Leader of the Opposition has locked the Opposition into supporting the paternalistic reserve system which has been one of the greatest disasters to blight Aboriginal affairs in this State.

Even if the Opposition opposes this legislation it needs to at least start to develop some positive and constructive policies to overcome the difficulties that the reserve system, which for convenience's sake the Opposition chooses to support today, has created.

Let us consider the way we shall eliminate differences under the terms of this Bill. Firstly, the Bill proposes that land can be resumed when it is owned by Aborigines, yet under the present system reserves cannot be resumed. Secondly, it proposes that rates must be paid to local



authorities; at present rates are not payable on reserves. Thirdly, a certificate of title through the ordinary land tenure system will issue, which is not the case at present. Fourthly, the ordinary laws of trespass will apply, which is not the case in respect of reservations as they presently exist. The permit system supports and continues the paternalistic view that the Opposition appears to have of the way we should manage Aboriginal affairs. The Bill proposes to remove all the present inequalities in the ways to which I have referred. The legislation removes and fails to heighten inequality.

We have heard the argument—and I do not know that it is worth addressing but I suppose it is necessary to do so—about millionaire Aboriginal people being able to claim land. Does the Opposition not realise that there are not many millionaire Aboriginal people, if any? Is the Opposition able to name one such person? How can it honestly use an argument as absurd as that which plucks from the air imaginary millionaire Aboriginal people and use them as the basis on which to oppose this legislation? What about using Aboriginal people who have been driven off their traditional land to the outskirts of town, blighted by alcohol, and whose families have been destroyed and gaoled for drunkenness and associated crimes? Where are the millionaire Aboriginal people? I can tell the Opposition where the alcoholic and dispossessed Aboriginal people are. I can tell the Opposition where the people afflicted with glaucoma and diseases with which we are not even familiar are, but I cannot tell it where the millionaire Aborigines are.

The Leader of the Opposition went on to say that the Bill will create division and difference. Only one thing will create division or difference in this State on this issue and that is the extremist nature of the positions occupied by the Leader of the Opposition. There will be no division or difference based on land. There will be difference on the question of politics and on the question of race because the Leader of the Opposition reflected what we suspect about him and his colleagues to be true when he constantly harangued and berated the public on nothing apart from race and racism when he presented his case in respect of this Bill. We have an obligation to acknowledge that it is essentially upon racism that the Opposition has based its arguments. I do not know whether the members of the Opposition acknowledge that everything they have had to say reeks of racism, but that has been the appearance. The member for Karrinyup has blackguarded the Bill as racist. He has today in my presence used the argument that it is racist, as the Leader of the Opposition did

before him. The Opposition has always used a racist argument. It is the easiest argument in the world to use to stir up passions. It is easy to get people to write on bus shelters, "Asians go home", and to get people to mistrust Chinese and other Asian people. It is easy to get Australians to express their opposition to Aboriginal people. It is easy for the member for Narrogin to stand up and say that the Government throws money at Aborigines and that it is wasting money on them.

A few years ago when Italian people walked down Barrack Street, Australians would loiter in the doorways and call them ding-a-lings, dagos, wops, pollacks, and spics. I am trying to make the point that if the Opposition wants a fertile political ground that will be fleeting in the benefit it provides, it should choose the race issue. There is nothing so frightening generally as to be confronted with the spectre painted by the Opposition of some sort of racial threat, whether it be the yellow peril from the north or the black uprising referred to by the Leader of the Opposition and the member for Narrogin. It is unworthy and valueless in terms of parliamentary and community debate.

The Legislative Council can reject this Bill and choose not to support the legislation we are putting forward. However the Opposition cannot run away from the way it has been painted in the minds of many people. The Opposition cannot run away from the uncomfortable and easy impression that the Leader of the Opposition and his colleagues have securely painted in the minds of the people of this State; that is, that the Opposition is anti-Aborigine and is a racially-based opponent of good and proper legislation that seeks to improve the lot of the most distressed and disadvantaged minority in this State.

**MR OLD** (Katanning-Roe) [3.20 p.m.]: I have listened with interest to the Premier's dissertation. Quite frankly I have heard nothing new. I want to make my position perfectly clear as regards my attitude to Aborigines. I want this House to know that I attended primary school with quite a few Aborigines. I have learnt to respect them and I still do. Some of them who have continued to live in my home town are still friends of mine.

That does not make this Bill acceptable to me or to them. I do not believe this Government has taken the time or had the desire to go to different groups of Aboriginal people and talk to them about what is in this Bill.

It is nothing more than gratuitous. There is only one means by which Aborigines are going to be able to join this society in the way in which they

are entitled and the way in which many of them desire, and that is by their own efforts. Believe it or not, despite the gratuitous nature of this Bill, a large number of Aborigines—I would say almost a majority of them, certainly in my town—would agree to do just that. They are receiving encouragement to do so. But this Government, in its desire to win votes—I do not blame it for that; that is what politics is all about—was prepared to make commitments to Aborigines at the Claremont Showgrounds which it had no intention of honouring.

If those people who came down from the missions to attend that meeting came back today and the Premier was game enough to go down and talk to them again, he would be asked many searching questions as to what happened to the concept he put before them off the top of his head. It is nothing short of political humbug.

I have no quarrel whatsoever with assisting the Aboriginal race. In fact we Caucasian Australians have an obligation to assist our Aboriginal Australians. I do not believe one man on either side of the House would quarrel with that concept. But there is a way of doing things which seems to have escaped the notice of this Government, and that is that the Aboriginal is a dignified person; he comes from a dignified race. Aborigines do not want a handout, they want assistance to do things. I hope to be able to demonstrate shortly that a number of Aborigines wish to promote their own case, and all they need is a little boost and a little help up the ladder. Let us give them that help.

Mr Bridge: What is wrong with secure title to land?

Mr OLD: There is nothing wrong with secure title to land, and every Aboriginal should be entitled to secure title to land, as any Caucasian person should, and they should be given the opportunity; however, it should not just be handed out because it happens to be up for grabs. Aborigines should be given the opportunity to go onto the land, just as are white people. It is not handed out to Caucasian Australians; it is a competitive situation. Unfortunately, this Government has seen fit to deny to all Australians the opportunity to go onto the land. I will come to that shortly.

This Government firmly believes that all Aborigines agree with this Bill. I can assure members that such is not the case. A tremendous number of Christian Aborigines are frightened of this Bill and its ramifications. They are frightened of the activists who will take charge of the land which is granted to Aborigines under this Bill. All those activists are not Aborigines, therefore that is where this Bill is not understood.

Mr Bridge: This Bill will work against that event occurring.

Mr OLD: I have heard a lot from the member, and so have the Aborigines in the north. Many do not believe what he is saying. I believe there has been a great revulsion in the Kimberley against this Bill; some people think it does not go far enough, while others think it is totally unacceptable in the gratuitous handout mentality.

Some of those Christian Aborigines are making a great endeavour to live their own way of life and to take their rightful place in the community. It was my great pleasure some 14 months ago, when invited by the Noongar Fellowship, a Christian Aboriginal group in Katanning, to open a concert which they had put on to promote their cause. The local hall, which is a fairly large one, was packed with people, 50 per cent of whom were Aborigines and 50 per cent or thereabouts white Australians. It was a wonderful show.

Those people agreed entirely when I suggested to them, in opening that show, that the handout syndrome was not the way to dignify their race. They agreed they had to make their own way. But we also agreed that there had to be assistance to Aborigines, and possibly special assistance, as there should be to the lower social economic strata in the caucasian society.

*The Bulletin* of 12 March is fairly outspoken in its criticism of this Bill. In fact the headline referred to it as "New Land Rights Plan creates Australian Apartheid". This is the concept which the people occupying the Government benches so vehemently oppose. They are the people who are saying that apartheid is wrong, yet they are introducing apartheid into this country.

The threat of Commonwealth legislation is one which is thrust at us at every turn of the wheel. "Accept our benign Bill or Mr Holding will bring in something which is quite horrendous". I do not believe that Mr Holding or Mr Hawke are politically naive enough to bring in a Bill in the event that this Bill is not strong enough or that it is not passed through the two Houses of this Parliament, because they know what the people of Western Australia think of their Bill. It has been well and truly publicised that the majority of people, including a lot of young people, do not agree that there should be discrimination.

We agree there has been discrimination in the past. We can redress that situation without going to the lengths of trying to inveigle these people into believing this Government is doing something to assist them. It is not. It is going to consign the Aboriginal people to a situation far worse than they presently experience if this Bill goes through.

The infighting starts with the Aboriginal people over the land and the transfer of that land by the Government.

The article discusses the Northern Territory land rights legislation, which is an absolute disaster, despite what Mr Tuxworth might have said in his attempt to woo the present Premier of this State. The article reads as follows—

Already, 33.7 per cent of the land area of the Territory has been converted to inalienable Aboriginal freehold and claims are outstanding for another 13.2 per cent. When they are granted, just under half the Territory will have been alienated—a total of 453 660 square kilometres.

Additionally, Aborigines have laid claim to 28 stock routes and bore reserves.

In other words, they will control all 28 stock routes and the water along those stock routes. Pity the poor pastoralist who is trying to get cattle down through the stock route to the railhead. To continue—

There are 29 000 Aborigines in the Territory and two-thirds of them live on this inalienable freehold. Of the other 9 000, some 5 000 are urban Aborigines. Many of the others live on pastoral leases where they are to be given title to homestead sites excised from the leases.

That provision forms part of the Bill we are debating. The effect on the people of the Northern Territory has been, to say the least, devastating. To demonstrate that, I shall quote from another part of this article as follows—

Norforce, the North West Mobile Reserve, . . .

That is the reserve in our own northern areas. To continue—

. . . is having difficulty obtaining permits to carry out exercises in Arnhem Land. Norforce is supposed to train to patrol and defend the northern coastline.

Nhulunbuy, the township at Gove where Comalco is mining bauxite, has a population of 4 000. After two years of negotiation with Aboriginal landowners, the Territory government still does not have permission to build a road to link them with Katherine, Darwin and Alice Springs. To drive out of Nhulunbuy along a bush track, residents need permits from the Northern Land Council. To drive to Gove, other Territorians need similar permits. Last year, such permits for people to drive to Gove were refused.

That illustrates part of the terrible situation which exists today in the Northern Territory.

Recently the Premier attended a meeting of the executive of the Country Shire Councils Association of Western Australia. I have been told that either he or his media representatives—certainly the Premier must be the one to take responsibility for this—arranged for cameramen from the television media to attend the meeting. I understand that the arrangement was made without consultation with the executive of the association. Such was the executive's indignation that it requested the camera crew to leave. That is no reflection on the television personnel, because they were invited to attend, but the members of the Country Shire Councils Association are not as naive as some of their brethren. The member for Karrinyup read part of the motion that was passed at that meeting, but for the record I would like it all to appear in *Hansard*. The motion reads as follows—

Premier Burke attended the CSCA Executive Committee meeting on Monday 11th March, 1985, and explained amendments to the Aboriginal Land Legislation, which have been adopted as a result of CSCA representations.

The Premier asked the Executive to give some form of public support to the Government's Bill as drafted, even if rejecting the concept of National Land Rights Legislation.

After much debate by the Executive, the following two resolutions were passed:

Whilst accepting the Government's assurances on some aspects of the proposed Aboriginal Land Bill

Legislation where it relates to Local Government matters, the CSCA remains firmly opposed to the discriminatory principles embraced within it, and cannot support the division of WA on the basis of race.

That CSCA of WA totally rejects National Land Rights Legislation as proposed by the Commonwealth or any other agencies.

That indicates what the Country Shire Councils Association thinks of the Bill. The members of that association have day-to-day involvement with the Aboriginal people. That association is not knocking Aboriginal people; rather it is knocking the concept of this Bill.

Within the last couple of hours a telex has been received from the WA Chamber of Commerce and Industry (Inc.). That telex is headed, "WA Chamber of Commerce and Industry reviews its

Aboriginal land rights position" and reads as follows—

The governing council of the chamber has met to review the chamber's attitude towards the State Government's Aboriginal Land Bill, in the light of support given to the bill by mining and pastoral groups.

The chamber acknowledges that the proposed legislation will protect most mining and pastoral interests, and will satisfy some Aboriginal aspirations. The chamber also accepts the view that the Bill is considerably less bad than the proposed Federal legislation.

However, by a vote of 18 to 1, the council affirmed the chamber's previously expressed view that the legislation would be regarded as racist in intent and would be strongly opposed by the majority of Western Australians who genuinely believe in equal opportunity and rights.

The council concluded that the Bill does not address the problems of Aboriginal unemployment, poverty, education or lack of opportunity and does nothing to assist Aborigines living in urban areas.

The council expressed great concern that implementation of the legislation would mean that vast tracts of W.A. could be off limits to current and future generations of non-Aboriginal Western Australians.

The council was not satisfied that implementation of the legislation would effectively preclude the Federal Government from superimposing its own Aboriginal Land Rights Legislation on the state even though that legislation would be abhorrent to the vast majority of the population.

The footnote reads as follows—

N.B. The governing council is comprised of delegates of more than 30 chambers of commerce throughout the state, who in turn represent more than 4 000 individual businesses in country and metropolitan areas.

One of the matters which is causing grave concern and which is passed over very easily in the legislation as well as in the second reading speech, is that which relates to the right of Aborigines to claim areas of the sea. I assure members that aspect is causing great consternation in the fishing industry. It has been brushed over and treated very lightly as a matter which will not have a great deal of effect on our coastline, but such is not the case.

I have here a map which has marked in yellow the areas of Aboriginal reserves along the Kimberley coastline. Those areas take up most of the coastline. Coincidentally most of the remainder of the coastline which is not included in Aboriginal reserves is land available for selection.

One does not need to be a Rhodes scholar to realise a clamour will arise for that land and, when those claims are met, Aboriginal settlements will have almost continuous control of the coastline.

Incidentally, these people will have rights over the sea up to three kilometres from the coastline, and, in some cases, much further, but I shall turn to that in a moment. It is all very nice to say that people who traditionally fish in those areas and who can demonstrate that the water is in fact part of their traditional fishery will be allowed to continue their operation. Perhaps they will be allowed to continue to fish unimpeded, but I doubt whether that situation will apply in perpetuity.

What will happen is that if anyone falls for that thimble and pea trick they will find that as fishermen grow older—and even the old salts die—no successor will be able to go in there. By attrition the rights to that area of sea will be taken exclusively for Aboriginal settlements and other people will not be allowed in there.

Let me demonstrate this aspect by referring to a couple of clauses in the Bill. The definition of "the seas" is all waters that are within the limits of the State or that are coastal waters of the State as defined in the Off-shore (Application of Laws) Act. That Act includes a set of datum lines drawn in consultation between the States and the Commonwealth to define State fishing areas. What happens is that where there is a gulf, and there are many of them as shown on this map, invariably the datum line will go straight across. It can take in up to seven kilometres of sea plus all those gulfs. I cannot say it does take it in but I would be surprised if it did not. That was the way the lines were drawn.

One of the provisions of the Bill which worries the fishing industry and also is of concern to me is contained in clause 93 which says—

(1) A person who wilfully obstructs or hinders an Aboriginal using the seas in any protected area in accordance with local Aboriginal tradition commits an offence.

(2) A person who, not being entitled to do so in accordance with the regulations, enters or remains on a protected area commits an offence.

That demonstrates my point about takeover by attrition. It is only a matter of time.

The clause is an interesting one because the fishing industry experiences some problems with people being charged with hindering others in their lawful activities in the sea, and one of them involves the utilisation of the "diver under" signal when people are scuba diving and boats are then not allowed to go anywhere near that area. It will not be very long before some of the more active people involved in this exercise—and they are not all Aborigines—are utilising the laws of the sea to obstruct the lawful activities of fishermen. The fishing industry has a tough-enough time now trying to sort out areas where they can fish. It is regulated in the extreme and I can make no apology for that because it is an industry which has no boundaries as in the farming industry where one owns a block of land. The sea has to be shared.

What this Government is doing is selectively giving away part of the traditional fishing areas of the Caucasian Australian population. That is racist in the extreme. It is something which I will certainly be taking up in the Committee stage.

In my remaining few minutes, I want to touch on the situation as it pertains today. Aboriginal people who have the desire and the ability to farm land are currently given restricted access to such land through the Aboriginal Lands Trust. Land designated for Aboriginal agricultural use in the south-eastern part of the State has been available to Aborigines for farming practices. I am currently involved with an Aboriginal friend from the lakes area who is successfully sharefarming. He was taken into a farmer's home at the tender age of about 13 or 14 years from the Gnowangerup agricultural school, is part of the family, has his own plant and has successfully contracted and sharefarmed in the area. That man is being restricted from access to finance.

On 5 November last year, the Aboriginal Legal Service of WA wrote to the Chairman of the Aboriginal Lands Trust, seeking freehold for a family farm at Newdegate. I am sure the gentleman concerned would not mind my naming him in the House. He is Mr Basil Maher. He and his wife have been farming at Newdegate for 15 years or more. Basil Maher is a mission-educated Aboriginal who turned to welding and became an expert welder. He has a trade so he could leave the farm to go back to his trade and would have no great difficulty in finding work. His wife is a trained kindergarten teacher. Basil Maher and another Aboriginal took up two of these blocks of land and worked them together so they could eventually split the farm and go on to pursue their preferred vocation. Unfortunately, Basil's friend was killed in a motor car accident and he and his wife continued to develop the farms. They are now

virtually indivisible because the clearing was done for two farms. Unfortunately, that land is leasehold and the submission from the Aboriginal Legal Service—a lengthy and excellent submission—requests the Aboriginal Lands Trust to freehold that land. Currently the man cannot pledge the land; he has to rely on the good office or otherwise of the trust to help finance him. He has had to rely on commercial bills through banks to help finance him, and nobody can run a farming operation on that basis.

If we want to help Aborigines why do we not do something about freeholding that man's property and let him get on with his job? Why do we not do something about helping out my friend in the lakes area so that at least he can go to the bank and say he has conditional purchase land exactly the same as any other Australian who is setting out to farm? That would be doing some good. All this legislation is doing is evil. I oppose the Bill.

**MR THOMPSON** (Kalamunda) [3.50 p.m.]: I have absolutely no doubt that the Aboriginal people are the most disadvantaged minority group in Australia. They have been sadly discriminated against in the 150 years or so in which Western Australia has been inhabited, and for even longer in other parts of Australia. The Government has no argument from me when it says something should be done to correct this discrimination and to try to redress some of the injustices that have been done to this minority group. Indeed, I once placed my political career on the line in support of, or in opposition to, something that was done which would sadly discriminate against the Aboriginal community, so I believe I have established my credentials with regard to having a say—

**Mr Pearce:** Established your credentials, or learned your lesson?

**Mr THOMPSON:** No, established my credentials because, given the same circumstances again, I would do precisely the same thing.

**Mr MacKinnon:** What do you think the Minister for Education would do in those circumstances? Do you think he would oppose the Government of the day?

**Mr THOMPSON:** I am not prepared to comment on what the Minister for Education might do. Anyone who looks objectively at my political career will know that I have been prepared to put my future on the line when I felt strongly on a particular subject. I feel strongly about this sub-

ject so, having established my credibility, I indicate that I intend to vote against this Bill, not because I do not have compassion for those people who are being discriminated against, but because I believe that the proposal before the Parliament will do nothing to redress some of the injustices that have been done to Aboriginal people. In point of fact, it will do quite the reverse and it has already done so. It joins a number of other revolutionary measures that have been attempted in the name of helping Aboriginal people but which have proved to be against the interests of those people.

We heard the Premier talk about the reserves situation. Indeed, I believe the setting up of Aboriginal reserves was to the disadvantage of Aboriginal people and continues to cause them problems.

The way drinking rights were granted to Aboriginal people has proved to be to their detriment. The decision of an arbitration court to award minimum wages to people who work on pastoral properties proved to be to the disadvantage of Aboriginal people because, in most circumstances, where until that time the pastoralists were prepared to care for the whole of the Aboriginal community who stayed on that property in return for the labours of the few people who were able to be gainfully employed, upon being required to pay award wages—bearing in mind they had to show profitability, otherwise they would go under financially—the pastoralists paid the award wage to those Aborigines who were able to work and left the remainder of the Aborigines to look after themselves. That decision has worked disastrously against the Aboriginal people and it has resulted in another problem: The Aboriginal people drifted to the country towns and to this day we see the impact of that industrial arbitration decision. Large numbers of Aboriginal people who, up until that time were prepared to live away from the country towns on pastoral properties, happy and contented in what they were doing, were forced away from the place in which they preferred to live.

Another thing that has been done, again in the name of helping Aboriginal people, was to give them the right to vote. Up until that time political parties did not pester them, but as a result of their being given the right to vote, they were pestered by political parties. That pestering did not come only from the Labor Party; it also came from the Liberal Party. I do not run away from the fact that the political party of which I am a member did attempt to influence the votes of Aboriginal people and in some cases it did so in a very poor way, just as members of the Australian Labor Party tried to use Aboriginal people for political advantage. That has clearly been against the

interests of Aboriginal people. Some of the recorded incidents that have occurred in this State, with people trying to use Aboriginal people for political purposes, have been degrading, to say the least.

Land rights is one of those cure-all things which is seen by some as a panacea for solving the problems of Aboriginal people. I ask members of this House to dwell on what Aboriginal land rights will do for Aboriginal people and to contrast it with what the proposition of Aboriginal land rights is actually doing, because of the attitude that people in WA generally are adopting towards Aboriginal people. What will land rights do for these people? Will it lift them from the poverty in which some of them live? I suggest it will not do so. Indeed, it is not as though there is not sufficient money flowing to Aboriginal communities to sustain them. The problem lies with the way in which that money is being used.

I have visited the Aboriginal communities in WA on a number of occasions and have seen the way in which that money is being used. A friend of mine for some considerable time was in charge of the adult Aboriginal education section of the Education Department and, on a number of occasions, because I have an interest in the Aboriginal people, I went away with him to the more remote parts of this State and I learned at first hand about these people. This happened since I became a member of this Parliament, I might say. I had the opportunity to learn at first hand how the social security money was being expended in those communities.

The problem is not that insufficient money is made available, but the way in which that money is being used. I saw impoverished children in those areas which resulted from their parents being unable to control the resources flowing into their community. Alcohol is the principal target for the money flowing into those communities.

I pose the question: Will Aboriginal land rights solve the problem of poverty in these communities? I suggest that it will not do so. Will Aboriginal land rights create employment which will result in dignity for Aboriginal people? When the Minister replies I would like him to tell me how Aboriginal land rights will significantly change the situation with regard to unemployment among Aboriginal communities.

Mr Wilson: Are you going to put up any positive proposals yourself?

Mr THOMPSON: It is not that I am knocking what has been done—

Mr Wilson: That is not the question I asked. I said, are you putting up any positive proposals yourself?

Mr THOMPSON: I would like to be able to put up some positive proposals—

Mr Pearce: But you cannot think of anything!

Mr THOMPSON: I point out to the Minister that the things that have been done in the past in the name of helping Aboriginal people have not helped them. Does he suggest these measures have assisted Aboriginal people?

Mr Wilson: Some of them have.

Mr THOMPSON: Some of them have, yes. I concede that some measures have assisted these people. The Minister would have to agree with me—in fact he has admitted—that if some schemes have assisted these people, some also have not done so. I suggest to him that the granting of Aboriginal land rights will not provide any meaningful relief of the conditions under which these people live.

It distresses me to visit gaols in the State, as I do periodically, and as I did just over a week ago on a visit to Geraldton. I went to the regional prison and observed that a very high percentage of the inmates were Aborigines. The number of non-Aborigines in the prison could just about be counted on the fingers of one hand. Will Aboriginal land rights solve that problem and free about 70 per cent of our prison population? I do not think so.

Mr Pearce: No-one is claiming that this is utopian legislation. How much legislation do we pass that solves everyone's problems in one hit?

Mr THOMPSON: I concede the point, there is not much. This legislation is seen by proponents as a major step towards dealing with some of the injustices confronting Aboriginal people.

Mr Pearce: A significant step.

Mr THOMPSON: Let the Minister tell me what land rights will do to correct the poverty of Aboriginal people.

Mr Pearce: It will give them a greater level of dignity.

Mr THOMPSON: Will that feed them?

Mr Pearce: It will help. One of the problems of unemployed people is their loss of self-esteem.

Mr THOMPSON: I know that, but the Minister is talking about unemployed people. I asked how it will feed them and give them employment and keep them out of gaol.

Mr Pearce: If they have land on which they can operate some kind of industry, such as a pastoral industry, they are better off than sitting under trees with no ownership of land.

Mr THOMPSON: Is the Minister seriously suggesting that the fringe dwellers on the Swan will take up pastoral leases? Of course they will not. It cannot be demonstrated that Aboriginal land rights will provide employment for those people or that it will correct the situation with respect to poverty and significantly advantage the Aboriginal people.

On one hand it cannot be demonstrated that the Bill advantages the Aboriginal people. On the other hand I can say quite positively that it has put the cause of Aboriginal people back three decades. The advocacy of land rights has created a situation in this community where people who once had a positive attitude or no attitude towards Aborigines now have a negative attitude towards them. One has only to look at the surveys that have been conducted to demonstrate that people overwhelmingly are opposed to Aboriginal land rights. They are adopting an "anti" attitude to Aboriginal people. The Aboriginal people themselves are perceptive enough to know that is the situation but this Government continues to ram down the community's throat the idea that land rights are good for Aborigines and the community. The policy is good for neither and will do nothing but disadvantage the Aboriginal people in our community.

The lot of Aboriginal people will be advantaged in only one way and that is by a coming together of what unfortunately has now become two communities—the acceptance into society of both; white in the black man's society, and black into the white man's society. In that way some progress will be made. The problem is attitudinal and one does not change attitude by bringing in legislation as divisive as this is proving to be.

I wonder how the present Minister who has special responsibility for Aborigines really feels about this Bill. I wonder whether this Bill is the one he would prefer to be sponsoring in this Parliament.

We have seen a dramatic retreat on the part of the Labor Party over this legislation. I feel a bit sorry for the Minister because I know he conscientiously believes that Aboriginal land rights in the form originally intended would do something for the Aboriginal people. I know he has been forced to accept something less than that which he would have preferred to see. This retreat has occurred as different groups in the community have been progressively bought by the Government to give their blessing to the legislation.

I do not bear any ill will towards the Pastoralists and Graziers Association, the Primary Industry Association and the miners for their holding the view that they do. I say they are wrong. I do not accept their point of view, but I was not elected to represent the PGA, the PIA or the

mining lobby. I was elected to represent ordinary Australians, and I believe that a vast majority of the people I represent are opposed to what the Government intends to do.

It is true that many of the people who have supported us on so many issues in the past have on this occasion deserted us. That is not a reason we should change our minds.

Mr Watt: That is only at the organisational level, not the people in it.

Mr THOMPSON: I am taking it as it comes. The organisation has said it favours what the Government proposes. I have read the material the organisations have sent to me and listened to the arguments they have advanced. I just do not support their point of view. I am privileged as we all are in this House to have a vote to determine such issues as Aboriginal land rights. It is my responsibility to make my judgment on the views expressed by people in the community. In the final analysis it is my judgment and my view that this legislation is wrong.

I spoke earlier of the divisiveness that is occurring as a result of the promoting of this legislation. Initially when the debate started, there was evidence of divisiveness in country areas where people have most contact with Aborigines.

The DEPUTY SPEAKER: I point out that this is the seventeenth speech on this subject. I do not want to stop the member and I am not going to preclude him from saying what he is about to say. I remind him, as he would be aware, that Standing Orders relate to tedious repetition. The particular subject he is now canvassing has been raised on a number of occasions in those 17 speeches. That is not to say that the member should not say it, but that he should get through it quickly and onto the next point.

Mr THOMPSON: I respect your wish, Mr Deputy Speaker, and I will move on quickly. I have been placed in somewhat of a dilemma. I left this House at 8.00 p.m. yesterday because I had to take some medication. I did so in the full knowledge that an arrangement existed between the two sides that Parliament would not sit beyond 11.00 p.m. I knew the Leader of the Opposition would speak for at least two hours and probably longer—apparently he spoke for three hours—so I left here confident that I would not miss the points raised by people on the other side of the House. I was keen to hear the speech of the member for Kimberley and those made by other members. It appears that whatever arrangement exists between the two sides of the House fell down on this occasion. If I say some things which may have been said by people in the debate last night, you will understand, Mr Deputy Speaker. I have not had

time to read the *Hansard* and I was not here last night to hear the speeches for a legitimate reason. Perhaps someone from the other side can enlighten me as to why Parliament did not adjourn at 11.00 p.m.

Mr Gordon Hill: What has this to do with the legislation? Get on with the debate.

Mr THOMPSON: It has a lot to do with the Bill because the Aboriginal land rights issue is running against the Government and it wants to get it out of the way as quickly as possible. I believe that some of the members who hold the more marginal seats for the Labor Party would be suggesting that the Government should get rid of this legislation as quickly as possible. They are not dumb. Whatever the Government may think of me, I do not think that anyone on that side of the House is dumb. They are receiving the same sort of vibes as I am receiving. They will be wanting to distance themselves from this legislation as quickly as possible.

Mr Bertram: Four hours in one year won't make much difference.

Mr THOMPSON: Why did the Government break the arrangement?

Mr Bertram: Ask the managers.

Mr THOMPSON: I will tell the member why. It broke the arrangement because it wanted to get this legislation out of the way. The Government knows that the closer this issue comes to the next election, the less chance it has of being returned. It has become a very serious issue and the Government is to blame because it has promoted it vigorously and is determined to get its way even though it has had to retreat and retreat to gain the support of influential organisations in this town. It is keen to put into effect a promise that it made to Aboriginal people in return for their support at the last election.

The late Tom Hartrey, one of the most respected members of this Parliament, told me many years ago that the Labor Party would live to rue the day that it took on board the splinter groups in the community and people to whom it would ultimately owe some sort of allegiance. He said that those groups and people would ultimately bring the Government down.

In those groups he included Aborigines, homosexuals, conservationists, and maybe two or three others. Those groups were not traditional Labor Party supporters, but they had a grievance against the then Government. They gravitated to the Labor Party and became influential within its ranks.

Mr Peter Jones: Single issue fanatics!



**Mr THOMPSON:** I do not brand them as that. They were not traditional Labor Party supporters. However, they are now a power and strength within the Labor Party and members opposite will lose their seats because of it. I did not say that; that was said by one of the wisest men who ever sat in this House. It was a pity that he sat in this House as a Labor Party member.

I wish to touch on the subject of whether or not Mr Holding will introduce land rights legislation. Western Australia is the one State in Australia that has the major problem of dealing with Aboriginal land rights. Geographically, it is the biggest State and it has one of the largest populations of Aboriginal people. Aboriginal land rights is not an issue in New South Wales and hardly raises a mention in Victoria. However, the House of Representatives is made up of a predominance of members from those States. I tell members, very deliberately, that Hawke will not take on this issue, particularly as he will run into trouble in other areas. Hawke is a pragmatist. He will not do anything that will cause him any sort of trouble. While Aboriginal land rights are not an issue in the two major States from which the House of Representatives draws the majority of its members, Mr Hawke will not make it an issue. It will not happen, politically, even if, constitutionally, it can. However, I doubt very much whether the Federal Government has any way to go constitutionally.

Let me take the argument of what the Federal Government might do a little further. I suggest that there is more chance of the Federal Government enacting legislation in relation to Aboriginal land rights if Western Australia capitulates because it will then be demonstrated that the Commonwealth, which has the greatest interest in this area and the most to lose, will need to take some action. It will then be necessary for the Commonwealth to convince other groups in Australia that the legislation will not affect them very much. It will be able to say that the State that has the most to lose has capitulated in relation to land rights and therefore that the States which have the least to fear from land rights should embrace land rights.

We should not contemplate passing this legislation to accede to the Commonwealth's wishes. The Commonwealth is fearful of the electoral backlash.

I have a deep interest in the welfare of Aboriginal people in this State, but this legislation will do nothing to correct their plight. Rather, it will do great harm. It has already done great harm and, in my view, has set them back 30 years. Three decades of progress have been slowly whittled away

and the attitudes of Western Australian people have been coloured in a way adverse to the interests of Aboriginal people. That is a pity.

Some of the great changes that have occurred in our society with respect to minority groups have come about, not by legislation, but by evolutionary process. I refer, particularly, to the situation relating to women. Women have been discriminated against. However, it was not legislation that changed that discrimination; it followed. What happened was that, in the last 20 years in Australia, there has been a quiet revolution going on in which the role of women in society has gradually changed, and expanded, and women have become more and more accepted as equals.

No Government will be able to force attitudes on the community. It is sad that this legislation has generated such hostility towards this group which has been discriminated against and which is a very needy minority.

**MR CASH (Mt. Lawley)** [4.18 p.m.]: I am pleased to be able to speak on the Aboriginal Land Bill. I draw the House's attention to the opening comments of the Minister with special responsibility for Aboriginal Affairs in his second reading speech on Tuesday, 12 March 1985. In the preamble to the second reading speech he claimed that the legislation represented a moderate and practical approach to the Aboriginal land tenure questions. He also said that the legislation sought to recognise Aboriginal traditional connections to land and to present the most disadvantaged group in our community with a tangible and secure base for its future development without harming anyone else. He went on to say—

The legislation fulfils a Governmental commitment to provide a rational and fair system for Aboriginal people to seek title to land with which they have had either a traditional affinity or long residential association or use.

In reading the Minister's second reading speech, I feel he used certain key words. He indicated that he was interested in presenting legislation which adopted a moderate approach that would not harm anyone else and also that the legislation would provide a rational and fair system to attend to the disadvantages of Aboriginal people.

It is fair to say that it is generally conceded that the Aboriginal population in Western Australia represents about 2.4 per cent of the total population, or 35 000 Aborigines. The population of the Aboriginal community within Western Australia represents about 0.25 per cent of the Australian population. These are important statistics that members must bear in mind as we work through this legislation.

I refer again to the Minister's second reading speech wherein he detailed the type of land that would be available for claim by Aboriginal groups. He included all Aboriginal reserves, all vacant Crown land, mission lands which were originally granted for Aboriginal purposes and also limited areas within some pastoral leases that could be used by Aboriginal groups for residential living purposes.

If we work out the area that this land would involve and relate it to the State of Western Australia and back to the continent of Australia, we will see what sort of impact this will have on the community in general.

Firstly, reserves in Western Australia comprise approximately 219 000 square kilometres, or 8.7 per cent of the land area of Western Australia. Vacant Crown land comprises about one million square kilometres or 40 per cent of the land area of the State of Western Australia. Parks and reserves which will be available for utilisation by various Aboriginal groups comprise 173 000 square kilometres or 6.8 per cent of the State. In statistical terms 2.4 per cent of the population of Western Australia will be able to lay claim to 50 per cent of the entire State.

As members know, Western Australia represents about one-third of the continent of Australia, so we have a statistical summary of 35 000 Aboriginal people entitled to make claim on approximately one-sixth of the whole of Australia—that is, under the Western Australian legislation as it is drafted at the moment.

I suggest to the House that despite what was suggested by the Australian Labor Party some time ago, this is not a Bill to protect Aboriginal sacred sites. It is a Bill which will, in fact, legalise the giving away to a select group of people 50 per cent of the State of Western Australia.

Under the Commonwealth legislation which is currently in force in the Northern Territory, members will be aware that to date about 33.7 per cent of the land in the Territory has been claimed by Aboriginal groups. I understand that the outstanding claims which are now before the various tribunals represent another 13.7 per cent of the total area of the Northern Territory.

Members know that geographically, Western Australia adjoins the Northern Territory. If we were to join the amount of land that is claimable in the Northern Territory to the amount of land that will be claimable in Western Australia under this legislation, we will have a massive area of land throughout this State and the Territory which will be open to claim.

In practical terms this legislation will in fact cause the division of Western Australia. It was suggested by the member for Karrinyup earlier today that this legislation would result in Western Australia being divided into two States—one a black State and one a white State. That would not be a reasonable situation. If we go further through the legislation we find that Aboriginal people will be entitled to special rights in respect of land they are able to claim, or have claimed, but that those special rights will not be available to the white population of Western Australia which comprises about 98 per cent of the population.

This legislation bestows superior rights on our black population, with lesser rights available to the white population; that is to say, the black population will be entitled to roam throughout the entire State of Western Australia whereas the white population will be restricted, by this legislation, to move freely within only 50 per cent of the State.

That is not the sort of State I want my children to grow up in. As far as I am concerned my children and my nieces and nephews are entitled to travel freely throughout Western Australia as I have been able to do in the past and as my forebears were able to do. The mere fact that I am able to travel throughout Western Australia in a free manner at the moment is the result of the efforts of my forebears—and here I refer to my father, uncle and other relations who fought in the Second World War, and in some cases in the First World War—to protect the rights we now enjoy in Western Australia. That is not an extreme statement because there is no question that if Australian men had not fought in the 1914-18 and 1939-45 World Wars to protect this country, it would not be the free place that we enjoy today.

By referring to the statistics it can be shown that the Minister's second reading speech, in which he suggested this legislation was framed to secure a place for Aboriginal people without harming anyone else, is totally and utterly false. In fact, it will harm 98 per cent of the population of Western Australia. I do not believe that that is a fair situation for that 98 per cent, nor is it a fair situation to impose on the 2.4 per cent of the Aboriginal population within Western Australia. What we will have is a situation in our society of black versus white.

Mr Bridge: I missed the lead-up to your speech. Could you repeat for my benefit how you arrived at the conclusion that it will harm 98 per cent of the population?

Mr CASH: The reason I believe it will harm 98 per cent, which is the white population within Western Australia, is that it will cause a "them and us" situation. This legislation will grant special rights to one group of people, and by so doing, the Government will be withholding those rights from the balance of the population.

Mr Bridge: That is not true. For the purpose of this debate the present law could be defined as a "them versus us" situation. This legislation refers to the unreserving of the reserve system; surely that must be better than the current situation.

Mr CASH: Obviously the member for Kimberley is entitled to his point of view, but I do not share that same point of view. In fact, I am representing a view that has been put to me by a huge number of people in the metropolitan Perth area and also from the country areas.

Mr Bridge: Do you not see it as fact?

Mr CASH: I do not see it as fact. What I see is that this legislation will enable 2.4 per cent of the population to have special rights.

The member for Kimberley is a prime example of how this legislation will confer special rights on one group of people. While I do not want to single out the member for Kimberley, the situation is that he will be the only person in this Parliament entitled to travel throughout the whole of the State of Western Australia.

The DEPUTY SPEAKER: I want to say the same as I said to the member for Kalamunda. I am sure the member is aware, as he was here last night, that this matter has been canvassed by nearly 18 speakers so far. I think the member should move on to another subject.

Mr CASH: I take your advice. I understand the member for Kimberley respects the view I am putting forward, knowing it is the correct view.

I want to return to the situation where 98 per cent of the people of Western Australia will be denied the right to travel freely through the State and that 2.4 per cent of the population will be entitled to those travel arrangements.

I draw the attention of the House to the problem of access which has occurred in the Northern Territory. In *The Bulletin* of 12 March 1985, reference was made to Norforce, which is the Northwest Mobile Reserve. That report claimed that Norforce was having difficulty gaining access to certain parts of the Northern Territory to carry out its important operations.

At the moment, as I understand the legislation, Aboriginal corporations will be entitled to receive freehold land. Certain restrictions will be placed on the sale or mortgaging of that land.

A particular area which has not been canvassed to date is that of compensation. It is fair to say that in the granting of the land no financial transaction will take place. If the State or the people want to claim back certain lands which have already been granted to Aboriginal corporations, resumption will have to be under the provisions of the Public Works Act as there is no provision in this legislation for compensation.

Turning to the Public Works Act, it is clear that the State is entitled to resume land, but only if it is prepared to compensate the former owner. So what we have under this legislation is a grant of a massive amount of land; nearly 50 per cent of Western Australia would be claimable. At some later stage—and who knows how soon that stage may be—we could find the State obliged to pay compensation to resume that land for the benefit of what in fact would be the white population.

As I have explained already, the 2.4 per cent or the Aboriginal population would be entitled to move through the whole of Western Australia. The white population may possibly be restricted from access to Aboriginal land. In order for the white people to gain access to or use of that land again, it may be necessary to resume the land to return it to them.

Nowhere in this legislation at the moment does it talk about how the Aboriginal corporations are to distribute any funds or compensation which may come their way if the State or the Crown attempts to resume land. That is a pretty important area. As has already been shown in the legislation, an Aboriginal corporation can be formed with a minimum of seven people. I would be interested to hear the Minister explain at the Committee stage how that Aboriginal corporation will distribute compensation which may be paid to it.

Another area I would like to canvass is the area which I suggest could be termed the guilt complex. Members will recall last night the Deputy Premier made great play of the fact that in 1829 one of the first explorers here seemed to enjoy the fact that he was able to claim land on behalf of the Crown. Where he met any resistance from the Aboriginal people he managed to sort that out with just a few bags of flour.

That may have been the situation. I certainly was not around and I am sure the Deputy Premier was not, but if he claims that was the situation I am prepared to take his word for it. If we accept that guilt complex argument as the argument for giving 50 per cent of our State back to the Aboriginal people, it seems to me we should extend it

all the way and give the whole of the State to the Aboriginal people.

Obviously that is not possible, therefore the Government has tempered this legislation by saying that there are certain areas in Western Australia which are not being used at the moment, and it is suggested that some Aboriginal groups would like to claim that land by the traditional use of it, or for other reasons, so we can afford to go half way. Obviously we are not prepared to go the whole way, although that is the principle involved.

I guess it is not really a case of land rights; it is more a case of land concessions. The Government is prepared to give the land for which it has no use, but it is certainly not prepared to abide by the principle suggested last night that the Aboriginal people are entitled to the whole of this State.

If we extend that principle, the proposed legislation is seen to be unjust in another area. If one is an Aboriginal person living outside Broome, for instance, under this legislation it may be possible to claim certain lands because one is a tribal Aboriginal living out of town. But what happens to the Aboriginal man who lives within the town of Broome? In that particular case the land is not claimable by him.

This seems to me to be an arbitrary way of distributing land to suit the whim of the Government. It argues a particular principle at one moment, and then it finds if that is applied to the extreme, all land has to go. That situation is then tempered and the Government says it can afford 50 per cent for the time being. In a community such as Broome, with the tribal people living out of town and others living in town, the Government is prepared to distinguish between those people. It is all right for the tribal people to have land, but for the town dwellers there is no land whatsoever.

Mr Bridge: Why can't you see it as a realistic problem? It is an unresolved situation.

Mr CASH: The member for Kimberley raises a reasonable point. If I thought the legislation was fair and just to all people in Western Australia, I would support it. But as it is currently framed it is totally unjust to the vast majority of people in Western Australia. Because it is so unjust and so terribly biased in favour of one particular group, there is no justice in it. We cannot support it.

I am sorry to shock the member for Kimberley, but if this legislation were to go through people would get hurt because an unjust situation would be created. It would breed violence between white and black groups, and that is something I am not prepared to support.

There are many ways in which we as political parties can assist Aboriginal people, and that does

not include giving away land, for that is the easy way out. It will soon dawn on the member for Kimberley that the land his Government is attempting to give away is land for which it has no current use. That is the only reason the Aborigines will be getting it. The Government has restricted the legislation to that land. As we have shown already, in due course that land will have a special value and it will probably be necessary for the Crown to resume that land from the Aboriginal people to whom the Government is now trying to give it.

The legislation as it is framed is totally unjust and would divide the State of Western Australia into two. Worse than that, it would divide the people of this State. I am not prepared to support any legislation that divides people. That has never been my policy in the past and it certainly will not be my policy in the future.

The member for Kimberley interjects again, but he does so from a particularly vested situation, because he will be entitled to greater rights than the balance of the members of the House. It is no good his saying that we should give 2.4 per cent of the people of Western Australia 50 per cent of the land of this State and thereby make everything all right. That is not the point and that is not the way it will happen. That is why I hope that in due course the legislation will be thrown out of this House so that we do not create the unjust situation that would occur with its implementation.

The next issue I raise is one which has not been canvassed before and it relates to the Government's TV advertising which we have seen over the last three or four weeks. I do not understand how the Government can justify spending \$120 000—it may be more and the Minister may like to indicate in due course whether the figure is in fact closer to \$200 000—of taxpayers' money to sell a proposition that it could not sell itself. The proposition for Aboriginal land rights was going bad at the time the Government did its surveys, and we all know the results of them. Its advisers said that the campaign was not working for the Government, that it had not got the legislation to the Parliament, that it was running behind time, and quite apart from that, that it was running behind in the markets. The electors were certainly convinced that the Government was running badly, so the Government came out with a fancy plan to spend \$120 000 of taxpayers' money to sell this proposition to the people.

It is well understood that the advertising has failed. It has failed because the campaign parades a succession of individuals who are demanding answers to questions which affect only their own self-interest groups. They do not ask about how

the legislation will affect the whole State of Western Australia and all the people of the State. The advertisements I have seen are of people asking the Premier how the legislation would affect them, their children, and their property. They are absolutely self-interest groups. None of them is asking how the legislation would affect all the people of Western Australia. This \$120 000 of taxpayers' money was spent to sell a proposition that was going bad on the Government before the advertisements even began, and the advertisements commenced at a time when opinion polls showed that the Government's proposition was not accepted. Do not tell me that that is not money down the drain.

How many houses for Aborigines could have been built for that money? The other day the Minister responsible for this legislation suggested that the Government had increased the number of houses built for Aboriginal people. But the Government could have increased the number by spending another \$120 000 had it not been pumped into this advertising campaign to sell a proposition that was going bad on the Government even before the advertisements began to appear.

Mr Bryce: We will see if we can find one house in Mt. Lawley that would sell for \$120 000.

Mr CASH: The Deputy Premier's comments show his ignorance of the Bill and of the electorate of Mt. Lawley. Had he read the Bill he would know that within the Mt. Yokine area—and part of Mt. Yokine is in the electorate of Mt. Lawley—is an Aboriginal reserve. If the Deputy Premier would like to come out with me on Friday I will show him houses in the Mt. Lawley area which would cost less than \$120 000, and this would absolutely destroy the argument he is presenting.

I move on now to make some positive suggestions that may benefit Aboriginal people, because I can assure the Government that this legislation is framed to be of benefit to no-one. Aborigines should be entitled and encouraged to acquire land. The law relating to the use and ownership of land in Western Australia should be the same for Aborigines and for white people; it should be one law for everyone. We should not discriminate on a racist basis. As for the future needs of Aboriginal people, I can tell members that this area is well documented in the Liberal Party's policy on the future directions for the Aboriginal population. It is an important document of about 30 pages and has some very positive comments as to how the Liberal Party will assist Aboriginal people when it returns to Government.

Mr Wilson: Very general comments.

Mr CASH: This afternoon I got a copy of the Minister's document on the aged, only to find that he had lifted it from the Liberal Party document on the elderly and the retired.

Mr Wilson: Rubbish!

Mr CASH: The law in Western Australia should apply equally to all its citizens, irrespective of race. Therefore I oppose the Bill.

MR RUSHTON (Dale) [4.49 p.m.]: This is an issue to which we should apply ourselves in a practical and impartial way. I regret that prior to the last election and since, the Burke Government has made a political football out of this question of land rights. It has chopped and changed; it has monitored the actions of various people; it has changed its stance; it has consulted with the Federal Government to have that Government get it out of the trouble it is in.

I have a sympathy for the Aboriginal cause because I have lived in country communities as have other members in the House and my family have employed Aboriginal people and have played sport with them. I therefore have an understanding of their needs.

Their needs will not be satisfied by giving them land and I do not believe the Aborigines generally think it is the answer. The answer is not to create a separate race within a country or another country within a country or a State within a State.

It is worthwhile mentioning at the outset that the Leader of the Opposition's stand has been straightforward and full of integrity. He has not sought to score political points or create a political situation in his approach to this legislation. From the early days he thought out his own attitude towards it and he has been steadfast in presenting what I believe to be practical applications and policies on this issue. He obviously inherited from the Court and O'Connor Governments the same stand and principles that he has carried forward. Being a very articulate person he has been able to express himself well and he is a person of honesty and principle. He has been able to present a case which very few people could dispute. His speech yesterday was a magnificent presentation of the facts and he reasoned it in a most impartial, honest, and fair way.

I would like to take up a point raised by the Premier who said earlier that our approach was racist. I suggest the legislation is based on racism or seeks to make the issue racial. The regrettable fact is that the Premier and his Government have made this very much a political issue. To understand this one only needs to refer back to the case put by the Premier prior to the last State election, a case which was nothing more than a cheap buy-

ing of votes. I refer to the meeting at the Showgrounds between the now Premier and the Ngaanatjarra people.

The Premier scored this headline on 17 November 1982: "Aborigines win Labor land pledge". If one reads what was committed at the time, one sees that he said a Labor Government, if it won office, would pursue land rights, and he gave the Aboriginal people a very clear understanding of what they were to expect. That he has not kept faith with the Aborigines is another matter. The Labor Government won office, but we must remember that the Premier was committed to a party platform which pledged itself to land rights and all that that means. Let us see what is contained in the booklet which is the Labor Party's little *Bible*. Under the heading "land rights" it states—

Labor recognises that Aborigines have an entirely different consciousness of land—it is their lives; secure tenure of land is a prerequisite of meaningful self-management for Aboriginal communities; and asserts that it is committed to the granting of land rights to Aborigines and Islanders and believes that the principles and recommendations of the Aboriginal Land Rights Commission (Woodward Report) should form a pattern for legislation.

Accordingly, a Labor Government will—

7. introduce legislation to apply to Western Australia provisions similar to those of the Northern Territory Aboriginal Land Rights Bill initiated by the Federal Labor Party;

That was the commitment. Members will recall that Liberals in this State opposed the Federal Liberal Government's introduction of Aboriginal land rights legislation following the Whitlam Government's period in office. Most people would agree that the Northern Territory legislation is unworkable and the present Federal Government plans to amend it. We do not know which way the Federal Government will go; it may be it will make the legislation even harsher. That is the sort of legislation the Burke Government said at the time it would introduce. It would have done so if it could get away with it, but the Government has a monitoring device which gets feedback from the public and the public told it in no uncertain terms that land rights as they were proposed were totally unacceptable. About 70 or 80 per cent of Western Australians were opposed to the concept of the legislation to which the Government committed itself.

The Burke Government has gone back on its promises to the dissatisfaction of the Aborigines and it has sought to win votes as it does on most

issues. That is not the way to legislate to help the Aboriginal people. If people are going to play politics as this Government has done, they will only get into more trouble.

An easy way of assessing this Government's attitude to the Commonwealth can be seen in a parallel case. The Commonwealth legislation on land rights is very similar to that which was enacted for the Northern Territory. The State Labor Party's platform is also very similar to that. It was convenient in earlier times on issues like the berthing of nuclear armed ships in Cockburn Sound for the Premier to be able to say that it was nothing to do with the State because Federal policy controlled the matter. He always hid behind that when serious issues came up from the party point of view. We need to remember that now.

We have no assurance whatever that the State Government is sincere in what it is doing with this legislation. It has a fall-back position. It is threatening that if this legislation is not accepted, the Commonwealth Government will come in and enact legislation which will apply to Western Australia, and through that method it has frightened off a number of worthy organisations and caused them to go to water on the basic issue. Most of the members of these organisations such as the PIA, the PGA, and the mining industry, have indicated clearly to us that they do not follow their executives in this regard.

It was very interesting a while back when the debate on land rights took place at the PIA conference to observe the feeling of the meeting. I was present right through the presentations of the Premier and the Leader of the Opposition. The Leader of the Opposition was asked by the chairman to make his comments, which he did very ably and without political intrusion. He did it in a practical way, and I was very proud of his presentation.

The Premier in his speech attributed all sorts of points of view to the Opposition which were not factual. When he was asked to answer questions it became clear that the feeling of the meeting was obviously against what the Premier proposed to do. The Leader of the Opposition was then invited to make his presentation.

Mr Brian Burke: He wasn't exactly invited, he asked.

Mr RUSHTON: He was in touch with Mr Crane prior to the meeting and Mr Crane said "Yes" and asked him to take the stand.

Mr Brian Burke: Did he? Is that what happened?

Mr RUSHTON: That is my knowledge of it. I do not know how the Premier handled it.

Mr Brian Burke: To enlighten you a little further I will read this letter from Mr Crane. He said—

In fact I asked Mr Hassell to attend during that time and said he was free to ask questions. I did not envisage that he would be making a speech. In any event please accept my sincere apologies for what happened.

Mr RUSHTON: I was referring to what took place at that meeting. Mr Hassell obviously asked if he could speak to the meeting, he was granted permission to do so, and Mr Crane asked him to take the stand. There was some confusion over the use of the microphone, but eventually it was sorted out and Mr Hassell made his remarks to that meeting. After that, the Premier was invited to answer questions and he indicated it was not the right time for him to do so.

Mr Brian Burke: Yes, I answered more questions.

Mr RUSHTON: The Premier obviously withdrew from answering questions.

Mr Brian Burke: I did answer some more questions.

Mr RUSHTON: At the time the Premier said it was not appropriate for him to answer the questions immediately after the Leader of the Opposition had spoken.

Mr Brian Burke: I answered about five or six more questions, but you had left the meeting by then.

Mr RUSHTON: After the Deputy Leader of the Opposition had spoken the meeting adjourned for lunch and it was quite obvious that Government supporters lobbied the members during the adjournment in order to conjure up an attitude that Mr Hassell had introduced party politics to the meeting.

Farmers can be sensitive to those sorts of dealings and obviously the lobbying influenced the meeting because the afternoon session took a different turn. However, since the meeting I have received several letters from farmers who attended it and who said that they regretted that the meeting had decided the way it did.

It will be interesting to see how this Government will stand when this State goes to the ballot box. I am sure that the Government's manipulation of the PIA, the PGA, and the mining companies, will have a bearing on the result.

What is the future for Aborigines, especially in respect of this legislation? The Government should be clear about its policy—is it one of integration or is it one of separation? This Bill separates the people—it divides them and there is no

long-term future for the Aborigines in this State under this legislation. The legislation will create resentment and it will not allow the people of Western Australia to be one—that is what is desirable. The majority of Western Australians would like to see the Aboriginal race treated equally and in a position to purchase land, to be educated, to pay for their health services, and to become independent. Unfortunately, the Aboriginal race cannot become independent under the terms of this legislation. It is deplorable legislation and it is something for which this Government will have to answer as its intention becomes clearly understood by the people of Western Australia.

I have never witnessed legislation which has caused as much discussion as has this legislation because it is not practical for the Aborigines and there is no sense in it. It is a mishmash of political intrigue and opportunism that will create a disastrous situation for the Aborigines and for the future development of Western Australia.

The Government would be well advised to take action to withdraw this legislation. The Government has twisted and turned in an attempt to find a satisfactory solution and it has brought people of goodwill and integrity together to draft the legislation. However, it has created a fear about how the Commonwealth Government will legislate. The Government should not govern Western Australia on the basis that it is frightened about what the Commonwealth Government will do. I know what the people of Western Australia would do if the Federal Government intervened—they would tell it to go to hell!

The DEPUTY SPEAKER: Order! I think this subject has been well and truly canvassed. The member should use new material, although I appreciate his difficulty. Nonetheless that is what is laid down under Standing Orders.

Mr RUSHTON: I believe in the Federal system, but the people of Western Australia will forcibly reject any intrusion by the Commonwealth in respect of the land rights issue.

Anyone who examines the Labor Party's policy document will realise that its policy on Aboriginal land rights was ill-founded and was not practical. To a large degree the policy was drafted by do-gooders who have used Aborigines. The policy was unsoundly based and as a result it was almost impossible to introduce legislation which was based on the Government's policy commitments and which would be accepted by the people of Western Australia.

In his desire to win office, the Premier made a commitment about what he would do for the Aboriginal people. This was well publicised, but he

has not been able to carry out or redeem his promises. The Aboriginal people, the Premier's media machine, and his advisers, have tried to help him to find a solution, but it has been to no avail. The Premier has been seen to twist and turn to get out of this dilemma.

Mr Blaikie: What he has done is to create an element of intrigue and the people have not been told the truth.

Mr RUSHTON: I have great faith in the public and I am sure they will see through what the Premier has done. He is trying to camouflage this issue by using his media machine. Members are aware that the result of the recent Morgan Gallup poll was not in the Government's favour. I am aware that the popularity of the Government will change from time to time, but the public has obviously seen through the Government's manipulation concerning this legislation.

This debate has shown that the Leader of the Opposition is able to stand up to the pressures that have been put on him and he presented his address, which was a very strong case against this legislation, in a most articulate way. The Leader of the Opposition will gain stature in a similar way to that in which Andrew Peacock gained stature after the debate with the Prime Minister.

The work by the Leader of the Opposition will be rewarded because the public will recognise his qualities. He is a man of principle and integrity and he has put the needs of the Aborigines and the people of Western Australia ahead of party politics.

MR CRANE (Moore) [5.10 p.m.]: In the five minutes before question time I very sadly indicate my opposition to the legislation. I oppose the legislation because in my opinion it is racist and it gives advantages to one section of the community because of race, and denies that advantage to others.

The DEPUTY SPEAKER: I am sorry to do this before the member for Moore gets one minute into his speech. However, I say quite truthfully that no more than one person of the 19 or 20 speakers in this debate has not made that same comment. I draw to the attention of members who have not spoken in the debate Standing Order No. 142 on page 54. I will not prevent members from speaking, they have every right to speak and to do and say whatever they feel is necessary. However, if the member intends to canvass remarks which have already been made by at least 19 people, he

should do so briefly and then move on to new material.

#### *Points of Order*

Mr BLAIKIE: I seek clarification about Standing Order No. 142, Mr Deputy Speaker. I have in the past sat in the difficult position that you now occupy.

The DEPUTY SPEAKER: What is the point of order?

Mr BLAIKIE: When a member is attempting to take part in a debate, he may no doubt wish to circulate some of the speech material he has made and unless he is given some latitude to expand on the arguments he wishes to advance, it is difficult for him to proceed. In fact, under those rules, no member would be able to speak.

I ask that some leniency be shown by you, Mr Deputy Speaker, in a second reading debate, otherwise you may inadvertently but effectively gag the debate.

Mr TONKIN: A practice has grown in the House of debating presiding officer's rulings. All members will be aware that if they do not like a ruling, they have only one recourse, and that is to move dissent. Members are often rising on points of order which debate the Speaker's ruling, and this is highly disorderly.

#### *Deputy Speaker's Ruling*

The DEPUTY SPEAKER: I thank the Leader of the House for his comments and I advise members that his statement is completely correct. I take this opportunity to read a section of Standing Order No. 142. I draw this section to the attention of members who have not yet spoken in the debate. I advise members that this Standing Order was made by this Parliament and I am bound to uphold it. If members do not like the Standing Orders, procedures are open to them to make changes, but in the meantime these Standing Orders apply. The section reads—

142. The Speaker or the Chairman, after having called the attention of the House or the Committee to the conduct of a Member who persists in irrelevance or tedious repetition, either of his own arguments or of the arguments used by other Members in debate, may direct him to discontinue his speech:

At this stage I have not asked any member not to make repetitious statements. I have said they must move on very quickly to the new content in their speeches and if there is no new content I will invoke this Standing Order and sit the member down.



*Debate Resumed*

Mr CRANE: I am sorry but I was paired yesterday and I am not aware of what other speakers have said in this debate. I hope that you, Mr Deputy Speaker, will bear with me.

[Questions taken.]

*Sitting suspended from 6.01 to 7.15 p.m.*

Mr CRANE: There would probably be no-one in this Parliament who would not genuinely want to improve the lot of Aboriginal people. In fact, most of us in our capacity as members of Parliament carrying out our responsibilities throughout our electorates would have an opportunity to do so. I have never shirked my responsibility in this respect and have done a great deal for Aboriginal people. The files in my office will substantiate my statement and I am sure the Minister with special responsibility for Aboriginal Affairs would also substantiate it. A great deal must be done for Aborigines but it must be done in such a way that it will be of real assistance. The direction in which this legislation takes us would not help the majority of Aboriginal people, which is what we are all endeavouring to do.

The member for Kalamunda mentioned that he had once put his job on the line when legislation was before this Parliament relating to Aboriginal people. You may recall, Mr Speaker, that I may have done likewise because I crossed the floor on the same occasion and would do so again under similar circumstances.

I genuinely want to help Aborigines; I have helped them in the past and I will continue to do so. However, the assistance given must be in a form that will provide a great deal of benefit for all time and not just superficial aid which they may feel is good for them. It must be assistance which will mould this country into a better place for us all to live; a place where we can all meet our responsibilities under the law and be treated equally. I would not want to be treated in any way better than anyone else under the law, nor would I want to be treated any worse.

There is no doubt that many errors have been made in the past, but that does not mean that we must now go for the overkill and try to exonerate ourselves from the mistakes of people who lived 50 or 100 years before we were born. This will not help the Aboriginal people and if we granted land rights to them simply because they were Aboriginal, it would be sectional. Any grants made must be available to all people in Australia. This should be one nation. It has been mentioned that many people served to defend this country on many occasions in its hour of need. It was particularly evident 40 years ago that this country was in

danger and those who defended the country did so because they were concerned for Australia as a whole and for the people of Australia, including all citizens—black, white, or brindle. It was an honourable thing to do and we would do it again. To propose legislation which treats one section of the community any different from another section is absolutely wrong.

This is something which the people of Australia will not tolerate for very long. Even if such legislation were forced through the Parliament, or agreed to in the Parliament, it is ultimately the people themselves who will make the final decision. In this instance such legislation, which would be of benefit to only one section of the community, should not be accepted.

The polls have accepted that the majority of the people, some 70 per cent or 80 per cent, do not favour what is proposed. I am disappointed that the mining industry, the Pastoralists and Graziers Association, and the PIA have traded their souls for an advantage they feel should be supported and they have helped to frame this legislation.

I am not particularly concerned if somebody wants to trade his soul; that is his or her business. But what I am concerned about is that in trading their souls they are giving away something which belongs to everybody else. I do not think they have a right to do that. Those three organisations I have just mentioned should hang their heads in shame because they have traded their souls and agreed to give away something which does not belong to them; it belongs to Australia.

There may be a short-term advantage: "I will scratch your back if you will scratch mine". Quite obviously, this is what has happened.

Great areas of Western Australia, in round figures approximately 50 per cent, will be given to approximately 2.5 per cent of the population. This is completely unbalanced and unthinkable.

But let us look at it from the Aborigine's point of view. Where is much of this land which it is proposed to give away? I suppose some of us have been over a fair bit of it. We know the Government is giving away nothing. When one travels from Wiluna to Bililuna along the Canning Stock Route, one sees a lot of the country we are proposing to give away.

At Well 23 in particular, one may see some drums of fuel for helicopters from the mining companies exploring there. That would be one of the reasons the mining companies are so co-operative and believe Aborigines can have free access to that almost useless country—because it will not feed even a rabbit; there is none out there. In fact, once one passes Well No. 9 there is practi-

cally nothing in the animal world except a few lizards and the occasional bustard, but not often; certainly no kangaroos.

If we give that land to the Aboriginal people, what have we really given them? I wrote some verse in admiration of the people who did live there 50, 80, or 100 years ago and the way they existed in that harsh country. Do we want to give that back to them? Is that what we think of them? We are giving them something which is absolutely useless and saying we are helping them! To give them back such country is giving them absolutely nothing.

Then I suppose we could stand up in this place and say, "Look what we have done for the Aboriginal people. We have given them hundreds of thousands of square miles out there." It is hundreds of thousands of square miles on which most of the present-day Aborigines could not exist. I am not talking about those who were there 70 years ago; I am talking about the present-day Aborigines.

That brings us to another point. When is an Aboriginal not an Aboriginal?

Mr Hassell: The Premier does not like your asking that question. I asked it last night and I was abused today.

Mr CRANE: I do not ask it in a derogatory way; I want to know the answer. How many of these people call themselves Aborigines? When are we to send them out there to exist under such conditions? They would die in less than 24 hours because they are not true Aborigines and they would not know how to survive under these conditions. In the same way, most of us would not know how to survive. When we go out there we have to be well prepared for what is in front of us. You, Mr Speaker, would know that as well as anyone because you spent so much of your time in your early days in that country. You, more than anyone else in this Parliament, understand what I am saying about that country and how impossible it would be to survive there.

What does this legislation do for the Aboriginal people? As regards that country, it does absolutely nothing. If any member does not believe me, let him go out and have a look for himself and he will know what I say is true. I have been there.

So much for the few organisations which traded their souls for something which did not belong to them.

It is very difficult, from the instructions I was given when I first rose to my feet, to speak on a subject and not mention something I am not allowed to talk about. Perhaps someone can tell me how to do it. Money has been expended on tele-

vision programmes directed towards the selfishness of the individual and how well this legislation affects him, not how well it affects Australia. I am interested in Australia, not in the individual.

I am interested in the contribution that Aboriginal people, and other people, will make to this State and to this country, and I know they have already made a contribution. That \$120 000 could have been more wisely used in providing housing or some other assistance for Aborigines, and there are plenty of areas in which money could be spent to help them, although a lot more would need to be spent.

Mr Speaker, you and the Minister for Agriculture will recall a trip the three of us undertook during the course of the honorary Royal Commission into the meat industry. We travelled up to the north and were entertained and victualled by Mrs Maxine McDonald from the Fossil Downs Station. The evening was a very welcome prelude to what was in store for us in the days that followed. Mrs McDonald invited station owners from surrounding stations to come to a barbecue she put on for us.

If I remember rightly, Mr Speaker, you and the Minister for Agriculture retired around 11.30 p.m. I could understand this because we had had an arduous day. However, as I was the chairman of the commission, I felt obliged to stay with our hostess and the other people for as long as they were staying. Mrs McDonald explained to us how the stations had been run in the early days and she told of the great contribution made by the Aborigines to the running of the stations. She impressed me with what I believe to be a genuine concern for those people. She mentioned coming down to Perth on the *SS Koolinda* before Christmas and buying all the necessary Christmas presents for those people. She told us how she made the Christmas pudding in the bathtub because that was the only receptacle big enough to hold the mix. She said that all the Aboriginal people, not all of whom were employed at the station attended the Christmas party. These included the families and others, whom I do not refer to as hangers-on; they were people who formed a part of the Aboriginal community although they did not work at the station. Nevertheless they were also taken care of by the station owners.

Mr Speaker, you might recall that she also told us how the unions had stepped in and said that the Aboriginal workers had to be paid full wages. This meant that it was no longer possible for the station owners to employ all those people. Although many of them were admirable stockmen, some were not

as good as others, and the station owners found that it was too much to keep them all on full pay. The union said that if the station owners did not pay the full wage, they could not employ the Aboriginal people.

The result was that many of those Aborigines moved into towns such as Fitzroy Crossing, which is not far from Fossil Downs.

Unfortunately at about the same time, drinking rights were given to the Aboriginal people. While we can hardly say that those rights could have been denied them, we must agree that it must represent the greatest curse ever faced by them.

Mr McIver: It was not the unions who stepped in to say they should receive full wages, but the Industrial Commission. The unions can't say what they should be paid.

Mr CRANE: Can they not? I beg to differ. I know where the Industrial Commission would have got the instruction from.

Mr McIver: Do you really say that the unions instructed the commission?

Mr CRANE: The lot of the Aborigines started to degenerate from that point. I feel very sorry for the Aboriginal people. I believe that it is up to us to help them, although we will not help them by passing this legislation.

It has been mentioned already that this Bill encompasses not just land rights but sea rights—fishing rights. During the war, over the period of 1944 and 1945 when the Japanese had been pushed back a little further than they wanted to be and when it was considered that Australia was relatively safe. I was on one of the many vessels up north which was pulled out and sent on survey work. A lot of the survey work centred on Bonaparte Archipelago and Buccaneer Archipelago. We surveyed Scotts Reef and Cartier, Browe and Cassini Islands, and we landed on the north-west coast.

For those people who have not travelled into the region of those archipelagos, I can tell them that they are not aware of the beautiful "playground" we have up north.

Mr Speaker, you will recall that when we came back from the trip on the honorary Royal Commission I wanted to visit Cape Burnier where my father had gone out in 1932 and picked up the two German airmen, Hans Bertram and Adolf Klausman, who had come down in the area in their seaplane. He told me that he had sailed into and discovered beautiful twin waterfalls in a gorge, and I had wanted to fly over the area in the hope that we could find it. As it happened we did

find it and I was able to photograph it. We then followed the coastline down.

If this fishing ground is given over to the control of people other than the genuine Aboriginal people themselves, to those who do not necessarily have the interest of Australia at heart, we could very well lose that wonderful area which provides a tremendous potential for tourism in Western Australia.

Mr Speaker, you will recall that we flew over the Prince Regent River, which goes straight as a gunbarrel for mile after mile. It has beautiful waterfalls along its length. There is a playground up there which this State has not yet appreciated and which could be opened for tourism. I am not saying that it should be denied to the Aboriginal people, because I believe they should be able to use the area, but so should the rest of us. The area must not be taken away from the people of WA to be used by just one section of the community. It must be available to all of us.

This legislation would deny that. It certainly has the potential to deny it and I am concerned that it might do just that. There are very strong grounds for me to say that the framing of this legislation provides a vehicle for our heritage to be taken from us, and that heritage is the birthright of all Australians, including Aborigines. We are all entitled to share it equally.

I do not necessarily agree with the member who said that we would not be able to travel anywhere except outside the areas granted to Aborigines, because unless things have changed recently I am sure that members of Parliament can travel anywhere in Australia, including through Aboriginal reserves. I understand this is correct. Indeed I made the necessary inquiries recently and I have travelled in those reserves as a member of Parliament. Access to those areas is denied only to members of the public. So the suggestion that we will not be able to enter those areas is incorrect.

Mrs Buchanan: Why do you want to go in there?

Mr CRANE: I do not want to go there; I am just suggesting that as members of Parliament, we should be allowed to go into those areas.

I was not here last night and I only heard what was said today. Everyone must have a right to travel so long as people do not molest or interfere with others. I would not want to see areas of Australia closed down and people forbidden from going there. People can travel on my land and many of them do. They jump over the fence and pick mushrooms. It does not worry me, but I like

them to leave the gates as they find them. If the gates are open they should leave them open, and if they are closed they should leave them closed. I do not mind if they want to pick mushrooms. I am only the custodian of the land in my lifetime. I do not really own it, it belongs to Australia.

Aborigines should have rights to own land, and they do have that right. I do not believe there is a law which denies Aborigines the right to buy a block of land. If there is we must do something about that law because they should have a right to own land if they wish to do so. We must all pay for it, and we must abide by local government laws and the rating laws, and pay our rates just like everyone else.

This legislation is wrong because it is sectional. For that reason alone I cannot support it. I support the urgent need to do a lot for Aboriginal people. Perhaps it would be better if, rather than endeavouring to frame legislation, we were to form this Parliament into a committee so that we could talk sensibly to each other about the problems of Aborigines—and there are many of them. We could look at ways of genuinely assisting them with housing and education. By “education” I do not mean the concept of two plus two equals four, but education in their behavioural patterns and responsibilities.

I am very proud to say that quite a number of Aborigines are very close friends of mine. I hope we will always be very good friends. I have played sport with them, lived with them, worked with them, and employed them. I have never yet on any of those occasions had a difference of opinion with them. I have found them to be very co-operative. It is all very well to say a person is a troublemaker, but I have seen just as many troublemakers in the white community, if I can use that term, than in the Aboriginal community. As I have said before, brown horses eat more chaff than white horses because there are more of them. So it is with the troublemakers. It is easy to blame Aborigines for doing this, that, and the other thing, but we will not solve the problem by doing what is proposed in this Bill.

It will make matters worse and I know what the reaction throughout the community will be, not necessarily immediately, but in time. It will be violent and it can only result in the Aborigines being further disadvantaged. That must never be allowed to happen.

I have never found myself at variance with the member for Kimberley when he says the Aborigines should have the right to own land. I would agree with him 100 per cent. I understand he owns land, and so he should if he wishes. I believe that

just as he is able to own land, so is anyone else of the Aboriginal race if he so desires. Therefore, what are we endeavouring to do if that power already exists? All we will do will be to divide this country, and that must never be allowed to happen. We cannot afford it. It is morally wrong, and if anything is morally wrong how can it be politically right? I do not believe it can.

Perhaps we must start again and form the committee I was talking about so that we can all be better informed of the problems facing these people and so that we can genuinely endeavour to do something about them. In that way we will bring about a situation in which the Aboriginal people will have an equal opportunity with others which is their right. I would be the last person in the world to deny them that right, just as throughout my electorate I do not see any difference between them and other people. They are all people and they are all my constituents. Whenever they have problems they are treated as my constituents. I will stand on my record in that regard and we must all do likewise as a nation.

I do not blame this Government for this legislation. We must remember it was a Government of our own ilk in Canberra which introduced it a few years ago. Anyone who gets up and blames Mr Hawke or the Premier of Western Australia for this is absolutely unfair and needs to be hauled into gear. We have a problem and it must be solved. The only way it can be done is by getting together as I have suggested, not as political antagonists but as Christian, responsible people who recognise the problem and our responsibility to solve it, and who have the courage to do so. For that reason I oppose that legislation, although I want to help the Aboriginal people.

**MR MENSAROS (Floreat) [7.46 p.m.]:** It is a fairly dubious honour to be the twenty-first speaker on the same subject before the Chair. At the same time I think it is a bit of a challenge which I am quite happy to meet because I hope I will approach the question and the subject matter from quite a different angle from the speakers before me.

The question in my mind is why this Bill is before the Legislative Assembly of Western Australia. Is it due to ignorance or stupidity, or perhaps a mixture of both? The implied claim as reason for the policy behind the legislation is some sort of moral web and doing good which has been expressed by all speakers on the Government side. As we see the policy being translated to the final product which is the Bill before the House, plus the foreshadowed amendment, one realises more and more that it is really nothing more than a cruel, pragmatic, political consideration and exer-

cise. At least it is thought by the Government to be a pragmatic exercise. It is more and more the persuasion of various groups, based on wrong premises, which appear to have been fairly successful.

If we go back to the origin of the policy one sees that land rights were lobbied for and made fashionable not by the Aborigines, particularly not by the tribal Aborigines—I do not think anybody would claim that—but more publicity was given to the policy in a persuasive way by the white advisers on the fringe. This has become a new profession, and in some cases a fairly profitable one. American citizens have come here and advised various so-called Aboriginal communities. It has been lobbied for by urbanised Aborigines or half or quarter-cast Aborigines. The legislation has been developed on quite a different basis from that proposed originally.

I will support any means of enabling tribal Aborigines who so desire to live according to their tradition, in their tribal ways, and who want land to use for that purpose without unnecessary curtailment, but to give due recognition to the whole of the society of Australia in order that certain interests of theirs should not be entirely curtailed. I have gained this information from talking to elders and I would be happy to support a means which would enable the tribal Aboriginal elders to have the opportunity to train and educate their offspring, whether they be their children or their grandchildren. This would include those Aboriginal children who have received a European or Australian education and who are already urbanised but still living in outlandish conditions or in remote areas. They could be trained in the ancient art of tribal lore. This type of training has occurred in many places and the youngsters have been taught to follow the traditional ways in fishing, hunting for fauna, and learning about significant sites which only the elders knew about. I am not referring to the sites which the museum found, because in many cases they were not known to the Aborigines. They know only about those sites which are of significant value to them. All this could be possible by way of suitable legislation.

I would not oppose any means that would give some protection to these significant sites but it should not hurt or be patronising to those people who appreciate the significance of these sites. For this purpose I believe that land should be available for Aborigines. I do not know whether it should be reserves or open Crown land, but it should be adequately protected land so that the tribal Aborigines and those who are interested in their tradition will have the opportunity to practise and to study tribal life. There are enough reserves in

Western Australia to allow tribal Aborigines to roam freely all their life and it would not be necessary for them to traverse the same land. No-one can deny that.

Tribal Aborigines have enough protection under existing laws against the intrusion of other people onto their reserve, whether that intrusion is by the mining industry or anyone else.

I come back to the original question: Why is it necessary to have this legislation before the House to grant land rights on a freehold or an inalienable freehold basis? It is hypocrisy and that is no exaggeration. This Bill will not make any traditional tribal Aboriginal person happier. It will allow capital assets to be accumulated for a particular race and in time it will be a race that will have been educated in the European ways. The time will come when they will be assimilated to such an extent that we will not be able to differentiate between them and Europeans. They will be of the same colour and have the same features and they will have to rely on a piece of paper to prove their heritage or race.

Why is this Bill before the House in its present form? It is to some extent implied that the Bill has been introduced in order to compensate the Aboriginal people for some past historical wrongdoing by those people who migrated to Australia.

Mr Bridge: It is 1985 and we are attempting to qualify Aboriginal rights. It is essential to society; that is the purpose of the Bill.

Mr MENSAROS: If that is the purpose of the Bill, I would submit to my friend, the member for Kimberley, that it has not achieved its purpose.

The real implication of the Bill is that it is some sort of compensation for the wrongdoings to the Aborigines of some 200 years ago. This sort of thing has never happened in history. People of different races have occupied certain countries and they have been absorbed into those communities. The indigenous people were assimilated, but I have never heard of a case where compensation was paid. Was any compensation paid in relation to the Normans and the Saxons? There was not because it was the result of a natural flow of historical events.

If the reason for this legislation is to offer some compensation to the Aboriginal people, why does not the Government say that that is the purpose of the Bill? It should say that, because our ancestors have failed and did something wrong to the Aboriginal people, we ought now to consider some compensation. If compensation were paid to the Aboriginal people as a race and not to the tribal Aborigines it could be done much more easily. For example, in a democracy such as ours, should the

majority of people decide that compensation should be granted to the Aboriginal race, they could be offered the proceeds of the lease of perhaps a building. That would compensate for the past wrongdoings, if that is what is in the mind of the Government in introducing the Bill. If that is not the case the Government cannot escape from the conclusion that the Bill is an example of hypocrisy.

It appears that there is some sort of moral consideration in the short history of this Bill and in the way it has developed. If the Bill were based on a moral consideration the Labor Party would not have changed its mind in such a short period and the provisions would have stayed the same as they were when the Bill was framed.

The Labor party suggests that the Bill was drafted democratically. The people who came together—the zealots—had no consideration for the political and social implications, but they believed that something should be done and they relayed their decision to the Labor Party; that is what the Government calls democracy!

If that is democracy I do not know whether I would support it. Then this moral consideration would have stayed with the Bill, but it did not, because the original principle included much more. It was quite horrendous to certain professions within the community. It was opposed by the mining community, whichever representative body of the mining community we are talking about. It was opposed by the pastoral community and its representative bodies. It was opposed by the farming community and, by and large, everybody knew that it was opposed by the whole community. Therefore, the Government wanted to do something to get rid of this opposition.

The Government started to delude this moral ground and said, "How can we buy the mining community which is a fairly strong centre of opposition? It might even spend some money against us so we have to get them on our side. How do we do it? We drop the veto against mining." Was this moral or immoral? If it was immoral then what was the policy originally? If it was moral then it was an ingredient of the policy. It was dropped. Why? Because the moral considerations ceased to be or because a new saviour came and announced a new religion? No, it was dropped because of sheer political convenience. Nobody would deny that. It was dropped because of the advocates of the mining industry. They were being selfish—and that is something for which nobody can blame them because that is their job and their livelihood, and they are doing a lot of good for the whole of the community. One has to respect them. No-one can criticize them for looking after their own

interests. Therefore, this was done because it suited their interests.

In addition a little persuasion was used and perhaps a wrong interpretation of the law which leaned more to the pastoral community or the farming community. They were told, "Unless you support us then the Commonwealth 'big bad wolf' will come and do something worse". Even that could be debated in detail because the Commonwealth either has the right or it has not. I would not be persuaded, and I do not think other people would be if they properly consider—within the mining and pastoral industries—that the Commonwealth Government, once it has made up its mind—and it knows it has the right to do something—will not do it because the Premier of Western Australia is a nice fellow.

I respect and know the mining fraternity better than to think that its members would believe in this. This argument was used, and it may be more comfortable for the mining and pastoral industry to switch mid-stream because they were able to use this argument which the Premier gave to them. They thought about it, when he said skilfully, "Unless you support this Bill we are going to have something much worse". I can assure them that they will not have something worse or better. They will have the same, with or without this Bill, because the Commonwealth is fully entitled to deal with Aboriginal affairs. It is absolutely not entitled to deal with land. It can purchase land according to the Constitution for certain considerations and, above all, whatever the Constitution is, or whatever the composition of the High Court is, as long as we remain a democracy, it has to take public opinion into consideration. If it does do that, I know very well it will not do anything about land rights.

That again is a pure pragmatic consideration. It was not based on the moral that we have the truth about the poor tribal Aborigines. The whole principle changed from the moment of the conception of the policy to the time when it was translated into a Bill.

We have an entirely different concept now from what we had when we started, but there are certain sections of the community here who had the means to use the same propaganda methods as the Government uses from the Treasury coffers. If that is so, then the question remains as to whether it is now morally acceptable, or whether the same principles apply as in the beginning. If we talk about politics, is it still acceptable to the community? I submit that the community did not change its mind at all.

The fact that the mining industry was pleased, and the fact that the pastoralists on the surface were pleased, does not change the opinion of the constituents who after all elect the Government. The proof of this is very simple.

Now that the Premier has purified the moral, for political convenience, and introduced this changed Bill, does he think that the public now believes it? Then he can be very consistent and follow up what he said at the time—that he would not propose an early election unless something of his main policy was rejected by the Legislative Council. If it is rejected he has a golden opportunity to go to the people earlier, because he said that. If the Government feels the constituency is with it, then that would be a magnificent issue to take up. That is plain sailing, if the people are behind the Government and I feel that the Legislative Council might reject the Bill. The immoral and political councillors in the other place might reject that Bill! The proof of the Premier being righteous and truthful in saying that the community is behind him, and we are all fools and immoral, is that he goes to the people on that very matter earlier, because if the Council rejects the Bill it would be rejecting something which was in the Labor Party's platform.

We will see whether the Premier is willing to do this or not. If he is not going to do this then he will have to eat his words because they would turn out to be absolutely wrong. If the Government and the representatives of certain professions are saying what I believe they are saying, then they are entirely misjudging public opinion, they are misjudging their own interest. I am sorry for this. I respect that they have the right to do whatever they wish, but they do misjudge their own interests tremendously. They have the right to do so, so have the leaders of the church. They did not express much of an opinion they were fairly ambiguous in saying, "Pray for land rights". Nobody challenges the right to pray, but at the same time, if one speaks to someone a little lower in the hierarchy, those leaders of the church who are directly involved with perhaps the people in the Pilbara, members will notice interestingly they have a different view from the top people in the hierarchy.

Finally, I simply want to summarise my arguments, and I hope I have supported entirely the speeches of the Opposition members who spoke before me. The Bill is not moral compensation. The Bill is a result of an ill-conceived policy, amended for pragmatic political reasons.

This Bill brings an advantage to virtually no-one because the tribal Aborigines, who should have the advantage, which I would support, get nothing.

They have no advantage from this Bill. In compensation the Bill brings some advantages to others, hence it is in large measure hypocritical. The Bill ought to disappear.

The SPEAKER: Before I call on the member for Vasse I find myself in some sort of conflict. When I call on the member for Vasse, he will be the twenty-third member to speak in this debate. While I do not want to inhibit what the member for Vasse might say, I also want to remind him that I have a duty to honour and respect the Standing Orders of the Parliament. Because the Standing Orders of the Parliament make it very clear that tedious repetition, not only of his own arguments but of arguments used by other members, and anything that is irrelevant, are not permitted, I have a duty to ask that member to discontinue his remarks should he transgress.

MR BLAIKIE (Vasse) [8.11 p.m.]: My first comments may well conflict with your ruling, Mr Speaker, because I intend to say quite unequivocally that I oppose this legislation. Probably 21 other members on this side of the House have said precisely that.

Let me also say that this legislation will divide Western Australians. It is a matter which concerns me, and representing the electorate that I do, I intend to take this opportunity in this Parliament to express that view on behalf of the Vasse electorate.

I shall make my remarks as brief as possible because, as you have indicated Mr Speaker, a lot of ground has already been traversed. I believe this piece of legislation to be the most important piece of legislation introduced to the Parliament since I have been a member of this House, and it is one on which I want my comments, and certainly my vote, to be recorded.

Research I have done indicates that some aspects of the legislation could well be attributed to a former senator from Queensland, Senator Bonner. I am not sure whether this has been canvassed before, but on 20 February 1975 Senator Bonner moved and the Senate carried a motion to the effect that the State accepted that the indigenous people of Australia and the Torres Strait Islands were in possession of the entire nation at a particular time in history.

That was the first time my research has shown me there had been a commitment by the Commonwealth Government to be involved in the total matter of land rights in Australia.

Dr Coombs, a former Governor of the Reserve Bank, was a senior adviser in the Whitlam Government in the early 1970s, and he was a key figure in establishing an Aboriginal treaty com-

mittee. Dr Coombs, on an ABC programme, said he hoped to stimulate throughout Australian society constructive discussions to deal with Australian Aborigines as full and equal citizens of the Commonwealth.

The stage has been set where the Commonwealth Government has become involved in this whole question of land rights across Australia. It is now history that in 1976 land rights were granted by the then Fraser Government to the Northern Territory, hence we have this legislation in this Parliament tonight.

As far as the current Government is concerned, on 17 November 1982 the Premier, then Leader of the Opposition, gave an undertaking to Aborigines who were gathered at the Claremont Showgrounds that his Government would introduce land rights legislation. Much has already been said on the State Government's performance in this regard and its shilly-shallying in relation to the whole land rights question. The State Government has shifted its ground.

Although other speakers have covered this point, I want to say once again that this Government has been elected on a policy matter. Its final decision in relation to the matter of land rights in Western Australia will be determined finally by the Federal Government, and under the ALP policy requirements the State will submit to the Federal Government policy commitments. That is ALP policy, and that is how it is structured. All members of this House, and certainly all members of the Australian Labor Party, realise that is what will happen.

The situation is that the ALP in Western Australia is committed foolishly to the granting of land rights as a blank cheque exercise. It has said to the various producer organisations, "For goodness sake, have our legislation rather than the legislation of that fellow Holding in the Federal Parliament because ours will be less severe than his". We all know that the State will have no say in the final exercise anyhow because the Federal Government will implement this legislation.

The final matter to which I want to refer is the debacle which occurred when the Government appointed Mr Paul Seaman to undertake an inquiry into how best to implement the party's land rights policy. I want to put on record once again that that was an inquiry about how land rights were to be implemented, not about whether land rights should be implemented. It is a tragic set of circumstances for Western Australia that that question was not asked, but rather that Mr Seaman was instructed to inquire about how land

rights should be implemented in Western Australia.

This brings us to the stage where we have legislation before the House. As I have already indicated, it is legislation which it is my intention to oppose. I believe the principle of what the Government is proposing is wrong. It is based on a wrong premise. In his second reading speech the Minister said the Bill was a positive step to remove the currently oppressive elements of paternalism which were akin to a system of apartheid. That claim may well have applied 100 years ago, but in my view it is certainly not valid in 1985. I do not believe that comment is valid, and I do not believe the Minister should have made that comment when introducing the Bill.

In the first instance, Aborigines are still Australians. They have all rights of citizenship. I ask the Minister whether he denies that.

Aborigines receive additional benefits, which I do not question. Those additional benefits are given in the areas of housing, health, welfare, and legal aid. They are available only to Aboriginal people to compensate them and to assist their needs, and I do not question them.

I do not want it to be construed that I am critical of those benefits being given to Aborigines. However, I am critical of the fact that the Minister is saying the Bill can be justified on the basis that we have not looked after Aboriginal people in the past.

Mr Wilson: That does not make sense. On the one hand you have said that we should discriminate in favour of Aborigines and, on the other hand, you are critical of that discrimination.

Mr BLAIKIE: I did not say I was critical of the benefits given to Aborigines. However, I am critical of the fact that the Government seeks to introduce legislation which will grant to Aborigines land rights which are not available to non-Aboriginal people.

At present Aborigines have the use of more land than do non-Aboriginal Australians. Not only do Aborigines have the use of their reserves which are not available to non-Aborigines, but also they have access to all other land as of right, because they are Australians. That aspect also should be understood.

This legislation will cause conflict between Aboriginal people. In the future conflict could arise among Aborigines in respect of areas of land available for claim.

It is not a good argument to say that such conflict will not occur in the future. To illustrate that, one has only to look at what is happening within



the trade union movement, where unionist is set against unionist in demarcation disputes. Surely these sorts of disputes will arise among Aborigines in relation to land.

Not only will this legislation cause conflict between Aboriginal people, but also it will give rise to resentment on the part of the non-Aboriginal population of Australia who will have no right to make any claim on the land which the Government is saying ought to be claimed by Aboriginal people.

Further, this legislation will cause the development of a new bureaucratic structure for which society will have to bear the cost. For what real purpose will that cost be borne? What is the Government attempting to achieve? The arguments advanced by the Government in favour of this legislation are not logical.

Coupled with that is the fact that the Government seeks to create a fourth tier of government. We have Commonwealth Government, State Government, and local government, and now the Government proposes to establish a further tier of land government made up of Aboriginal people for Aboriginal people. A fourth tier of government will not be in the interests of Western Australians.

The Bill seeks to establish a series of nine separate regional Aboriginal organisations which will control the land within their areas on behalf of Aboriginal people and removed from other people in the community. That does not make good sense.

I have said already that the Government has committed itself and is hoist with its own petard. I shall be interested to see which Government members vote in favour of this legislation and also who avail themselves of the opportunity to express their views on it.

As you, Sir, would understand, bearing in mind your background and interest in this area, this is an issue with which all members identify.

I turn now to the cost of this organisation. I have indicated already that the Government seeks to establish yet another tier of government. Under this legislation it is proposed to establish a land tribunal and regional Aboriginal organisations. These bodies will employ people and, in addition, the proposed Aboriginal land corporation will consist of seven people who, in turn, will doubtless employ staff. This represents another arm of government for which the community will have to pay. The principle is wrong both morally and financially.

I reiterate the points I made at the outset. I oppose the Bill, because it will cause division and dissension in the community. The legislation is of concern to many Western Australians. Surveys

have indicated already that 70 per cent of the community oppose the legislation. If the Government does not believe that to be the case, it is well able to call an election tomorrow so that the issue is decided in the ballot box. If the Government is so sure this is the right decision and will be in the interests of the people of Western Australia, it should go to the polls.

Mr Pearce: Isn't it the case that the Liberal Party contested the Mt. Lawley by-election on the premise that a "vote for Labor is a vote for land rights" and suffered a significant reversal?

Mr BLAIKIE: At that time this legislation was not before the Parliament and we did not know what was in it. Now we do. Now that the legislation is available to the community, I would be delighted if the Minister suggested to his colleagues that we make it an election issue. The Government should call an election tomorrow and let the people decide.

This Bill seeks to provide additional access to areas of the sea, marine parks, and marine reserves which will not be available to other people. It seeks to provide to Aborigines additional access to national parks and forests which is not available to non-Aborigines. It seeks to enable agricultural land to be declared non-agricultural and available for selection. It will give unequal land rights to Aboriginal people to the disadvantage of all other Australians.

This is an issue in Western Australia which has been created by the ALP for its own political purposes. The Government will be hoist with its own petard because it seeks to create divisions among the people of Western Australia.

I oppose the Bill and call on all members of the House to follow my example.

MR WILSON (Nollamara—Minister with special responsibility for Aboriginal Affairs) [8.39 p.m.]: We have had a wearisome second reading debate. It began with a diatribe by the Leader of the Opposition which he was able to extend for a period in excess of three hours.

The most remarkable aspect of the whole debate is the fact that, while it took the Leader of the Opposition over three hours to put his views on this Bill to the House, this afternoon the Premier was able to effectively demolish his arguments in 30 minutes. The utterances of the Leader of the Opposition were remarkable more for their length and wearisome rhetoric than for their substance.

It was a stringing together of his personal obsessions which we have heard *ad nauseam* in this House and on the public airwaves for so long, punctuated by selective quotes and further at-

tempts to stir up fear and confusion within the community.

Mr Williams: You are a Church of England Minister who is full of hatred.

The SPEAKER: Order! The Leader of the Opposition was given a fair hearing.

Mr Hassell: Mr Speaker, I will have to give you a copy of *Hansard*.

The SPEAKER: While I was in the Chair the Leader of the Opposition was given a fair hearing.

Mr WILSON: To reiterate my opening remarks in the second reading speech, the Bill before the House represents moderate and practical legislation which seeks for the first time in Western Australia—and anywhere in Australia, for that matter—to come to terms with the question of secure land tenure for Aboriginal people.

We have heard a lot of talk that the major question about this Bill is whether the granting of land tenure for Aboriginal people is the means whereby Aboriginal people could begin to have a new deal in becoming full citizens of Western Australia and Australia. A lot of scorn by members opposite, including the Leader of the Opposition, has been poured on that concept, on the whole issue of whether Aboriginal citizens for the first time, can begin to address some of the problems that they have confronted since white settlement, or begin to address those problems by obtaining a form of secure land tenure. I understand the difficulties of some members of the Opposition including the Leader of the Opposition on that issue. I do not think it is an issue about which there is any point in exchanging abuse between this and the other side of the House. I have come to the sad conclusion that one either accepts the legislation, understands it, sees it as a realistic and genuine concept and sees it as a means of beginning for the first time to address the problems, needs and concerns of Aboriginal people, or one does not.

Mr Rushton interjected.

Mr WILSON: The member for Dale indicates by his interjection that he does not accept the legislation. I accept there is a problem for members of the Opposition in coming to terms with that concept and, as I said before, I do not see any point in exchanging abuse from one side of the House to the other in respect of that matter.

The Leader of the Opposition made a quite deliberate attempt by means of a superficial account of the Bill's content, to again stir up fear and confusion in the community. Reference was made to the possible occupation of national parks including Kings Park and John Forrest National

Park. Reference was made to the encroachment by Aboriginal people in terms of claims on the new estate at Brigadoon.

Mr Hassell: People would have thought those concepts in relation to Ayers Rock were silly a few years ago, but look at the situation now.

Mr WILSON: It is interesting. Again by his interjection the Leader of the Opposition indicates that he has either not correctly read the Bill or that he deliberately seeks to misinterpret its contents.

Despite what the Leader of the Opposition says, the real point is that anybody who knows the situation at Brigadoon—and I am well-acquainted with it because, of course, adjacent to Brigadoon the State international standard equestrian centre is being developed—would be aware that some sites of significance were discovered in the course of that development. However, that issue was very amicably settled under the provisions of the existing heritage legislation. There was no problem with that. It was settled amicably and with a great deal of expedition, and with the full cooperation of the Aboriginal people concerned. One of the spectres that the Leader of the Opposition and other members of the Opposition have sought to raise through their superficial understanding of this Bill has really been that Aboriginal people are essentially unreasonable people and that they cannot be trusted; they are to be feared. This has come through time and time again, not perhaps deliberately, but by implication in the comments of members opposite, that if secure land tenure is introduced the worst will happen. That recent interjection by the Leader of the Opposition indicates that very point, that if Aboriginal people are given the chance for the first time to have secure land tenure, the very worst will happen; they will respond in the very worst way, in the most severe way, in a way which is going to be marked by the most severe vested interest. I can say only that that estimate of our Aboriginal people saddens me. I do not think any member of the Opposition can deny that that interpretation has come through time and time again, that if that opportunity for secure land tenure is to be offered we can expect only the worst from Aboriginal people.

A lot has been made by the Leader of the Opposition and others—because most of the other speakers really recapped what he said in one form or another—about this Bill providing access to land on the basis of race and therefore being discrimination on the basis of race. It really amazes me that this has come through so often in spite of the fact that speakers on the Government side of the House have sought to raise the issue with previous Liberal Governments, and that the

present Liberal Opposition continues to support a system of land tenure based on race in the form of Aboriginal reserves.

Let any member of the Opposition deny that the existence of Aboriginal reserves which they have supported for years and which they continue to support are not a form of land rights based on race. They are a form of entitlement to land which is available to only Aboriginal people in Western Australia.

Mr Thompson: And it has not helped Aborigines.

Mr WILSON: If it has not helped Aborigines, it makes me wonder why the former Government and this Opposition have sought to make changes to the system.

The Liberal Party issued a remarkable document in this Parliament coincidentally with the introduction of the Aboriginal Land Bill. That document "New Directions: Aboriginal Affairs" states clearly that the system of Aboriginal reserves is accepted as part of Liberal policy. There will be no attempt by any future Liberal Government to make any changes to that system of preferential treatment for Aboriginal people on the basis of race or special entitlement to land.

Mr Rushton: What are your policies for Aborigines in the future—segregation or integration?

Mr WILSON: The member had his chance to speak. Our policy has been made very clear. It is much clearer than the policy of the Opposition. I will come back to the document later.

The Liberal Opposition, when in Government, through its Attorney General was responsible for bringing into Parliament the Aboriginal Communities Act, which allows Aboriginal communities to make their own special laws. That is not something which non-Aboriginal groups and people are entitled to do. In other words, that legislation which was introduced by the former Liberal Government of which many members opposite were members and some were Ministers, was legislation based on preferential treatment for Aboriginal people on the basis of their race. What is all the fuss about? Why are we hearing all this fire and brimstone from the Opposition about the measures included in the Aboriginal Land Bill? I can conclude only that none of them, save perhaps, the Leader of the Opposition, has even read the Bill. I do not believe they have taken the trouble to read it.

Mr Rushton: Would you like to be worked over in the Committee stage? You will be if you keep that up.

Mr WILSON: Perhaps the member for Dale can tell us that he has read the Bill.

Mr Rushton: I certainly have.

Mr WILSON: I leave it to others to make their judgment about that.

Mr Rushton: Have you read it?

Mr WILSON: Yes, I have read it several times; I know it well.

The Opposition members are a lot of armchair experts sitting back and postulating about Aboriginal affairs. So many points of view have been put forward. So many members made big fellows of themselves and talked about how much they have done for Aborigines and how much they think about Aborigines. They talked about how things would be better if such and such a thing were to happen. But the debate has been largely postulation. We have not heard anything positive from them. If they are going to throw out the Aboriginal Land Bill, what proposal can they put forward to replace it. What will happen if the Bill is thrown out? We will be in the same position that we have been in for the last 150 years. The Opposition has put forward no positive solutions or proposals. They are just a lot of old men sitting back and postulating about what might be done. There has been much talk and much jawing, but no positive proposals have been put forward.

Mr Old: What you are saying is that anything is better than nothing.

Mr WILSON: If the Opposition is proposing nothing, I am certainly saying that.

I refer again to the remarkable document entitled "New Directions: Aboriginal Affairs". We have heard members opposite say that we do not need this Aboriginal Land Bill and that what we need is housing, health programmes, employment, and education. It would do them a lot of good to look at their record in Government to see what they did for Aboriginal housing and education, and for the employment of Aboriginal people. It is not a record to be proud of. It is not a record that would fill many pages.

What proposal does the document put forward for Aboriginal housing? I do not know whether Opposition members know, but I will tell them. It proposes that Aboriginal people should have adequate housing. That comes from their policy document. How many houses will they build in the first year of office of the next Liberal Government? How much will they expend on Aboriginal housing? There are no details. It is too hard! They could not come to grips with that. The Opposition does not have any programmes. All it will do is go on talking and talking about what might be done

in 100 or 200 years' time. We have already gone through 150 years of this nation's history and we are still in the same sorry state with Aboriginal affairs that we were in 150 years ago. We have not made much progress in this debate.

The Government has put forward a moderate practical proposal in this Bill. We have heard no positive proposals or responses from the Leader of the Opposition or from anyone else. The Leader of the Opposition made great play about advice which his party had received from a Queen's Counsel. It would seem, from reading snatches of that advice, that it is quite an adequate summary of the Bill and nothing more than that. It hardly seemed necessary for the Liberal Party to obtain an adequate summary of the Bill from a QC.

It was amazing, of course, that the Leader of the Opposition made it quite clear at the beginning that he was not willing to table the opinion he had received from the QC. It was interesting that he indicated that unwillingness on the very day that his party—his colleagues in another place—made such a fuss about the Attorney General tabling documents which constituted advice to him. What is sauce for the goose is sauce for the gander! Why would he not table the QC's advice? What was he trying to hide? What was he trying to prove by reading selected pieces from that advice?

Mr Hassell: I said I would make it available to anyone who wanted it.

Mr WILSON: What is wrong with tabling it? The Leader of the Opposition just nods his head. He does not have a reason.

Mr Hassell: It is made available to anyone who would use it for bona fide purposes.

Mr WILSON: He is not very consistent at all.

I know that this is not going to give the Opposition any joy—I know nothing would give the member for Katanning-Roe any joy, anyway, but I will repeat this—

Mr Old: You are not a very Christian gentleman.

Mr WILSON: I think I am very—

Mr Old: You are very what?

Mr WILSON: Very understanding towards the member for Katanning-Roe. I try very hard to understand him, but it is an impossible task.

The Pastoralists and Graziers Association, the Primary Industry Association, the Chamber of Mines of Western Australia, the Australian Mining Industry Council, APEA, the Chairman of BHP, and the Chief Minister of the Northern Territory have all been prepared to look at this legislation factually and unemotionally, in con-

trast to the prejudiced approach of the Opposition. In response to that, all we have had from the Opposition are personal attacks on the President of the Pastoralists and Graziers Association, personal attacks on churchmen, personal attacks by the member for Narrogin on Bishop Michael Challen—

Mr Peter Jones: Just a minute. It is not fair to say that. I certainly questioned what he had done in this case, but that did not amount to a personal attack on him.

Mr WILSON: The member just used parliamentary privilege to issue a personal censure. What is wrong with that, he asks?

Mr Court: Hang on. If a bishop of the Anglican Church uses the church to get his message through—

Mr WILSON: Is that the same as parliamentary privilege?

Mr Old: You are using it over and above your pontificating.

Mr Court: You know every vestry in this State has had to read the correspondence that has been sent out, and one way or another it has had to discuss it at a vestry meeting, or whatever, and send it back. You know that, and Bishop Challen has used the church as a vehicle to get that message out. We have the right to criticise it outside of this House.

Mr WILSON: But I am talking about what the member for Narrogin said inside the House, under parliamentary privilege.

Mr Old: What are you doing now? You are not saying it as a man of the cloth, or have you abandoned that completely?

Mr WILSON: I do not know what the member is talking about.

I am saying that a member of this House has used his privilege to issue a censure, which is an unworthy use of the privilege of this House.

Mr Court: A lot of people in the church are concerned—

Mr WILSON: So the member for Nedlands justifies the use of parliamentary privilege to get back at Bishop Challen?

Mr Court: Not at all.

Mr WILSON: That is what he is doing.

Mr Court: It is a two-way affair.

Mr WILSON: The people in the church have the right to do it through that process; I am talking about another, different process—a privileged process.

Mr Court: You are quite prepared to slander a truck owner when he cannot defend himself in court.

Mr WILSON: The member should temper his remarks. I have not uttered any comments with respect to any truck driver, and he knows that quite well.

Mr Court: In relation to that truck owner—

Mr WILSON: I have made no comments.

Mr Court: But your fellow Ministers have.

Mr WILSON: In the same way, the Leader of the Opposition has made it quite clear that, in his opinion, the Bill provides for a *de facto* veto. AMEA, the Chamber of Mines of Western Australia, APEA, AMEC, and their solicitors have all been represented on the drafting committee, and they are satisfied that there was no veto or *de facto* veto. Father Brennan, whom the Leader of the Opposition was pleased to quote in his speech—apart from almost being a Jesuit priest, he is a solicitor—is on record as having said that the Bill provides no veto or *de facto* veto. I know that the Leader of the Opposition is pleased to accept Father Brennan's advice on other matters.

Mr Hassell: He is on record as saying there is no *de facto* veto?

Mr WILSON: The Leader of the Opposition stands alone in his opinion.

Mr Hassell: Where does he say there is no *de facto* veto?

Mr WILSON: It is on record.

Mr Hassell: Which record?

Mr WILSON: I cannot quote it at the moment, but I can vouch for the fact that he made that statement.

The Leader of the Opposition stands alone in the face of all these people—mining interests, businessmen, and their solicitors. He stands alone in his opinion that the Bill provides a *de facto* veto. I do not know whether that is his opinion or the opinion of his QC. It might be interesting if he were to say whether it is his opinion or the opinion of his QC.

Great play was made about the likelihood or otherwise of Commonwealth legislation being used to top up State legislation, or not eventuating at all. There is no doubt in the mind of the Government that if Western Australia has legislation in place, it is more likely that the Commonwealth will not seek to override such legislation by its own legislation. In that respect, I would like to quote from a media release issued by the Australian Petroleum Exploration Association as follows—

The Australian Petroleum Exploration Association said today that passage of the Western Australian land rights legislation was essential if uncertainty over the future of exploration in the State was to be eased.

Further, it continues—

APEA said the Western Australian legislation came sufficiently close to the Association's principles for combining resource activity with protection of Aboriginal interests to merit industry support. The Association believed that, once the Western Australian legislation was working, both Aboriginal communities and explorers would find that it provided adequate coverage of their interests.

APEA added that it did not believe there was a need for national land rights legislation. A wholesale revision of the Northern Territory legislation, which was at present extremely unsatisfactory, along with action by State governments to protect Aboriginal heritage and living areas could eliminate the need for Federal Government intervention.

APEA said it did not believe that there was a realistic choice in Australia today between some form of Aboriginal land rights and no land rights at all. Failure to provide an adequate form of protection for Aboriginal interests would create long-term unrest and thereby continuing uncertainty for explorers.

The point is made plain and clear. We have often heard the Opposition say that our Bill, and any legislation of this kind, will result in an attack on the economy of our State, yet we see here a statement by the Australian Petroleum Exploration Association which makes it quite plain that the only way to go in the future is the way that is proposed in this Bill, if we are to ensure that the rights of miners and the rights to explore for minerals, petroleum, and other resources of such vital concern to our economy shall move in harmony with the best interests of Aboriginal people.

We believe that this can only be done within a State context. We believe that the best context within which to settle this matter is a Western Australian context. We have the Tasmanian example hanging over our heads. We know that that can be a reality. We know that, if this Bill is defeated in the Upper House, a vacuum will be created into which Commonwealth legislation will more easily flow.

We know that that will not be in the best interests of Western Australian people, Aboriginal or non-Aboriginal.

As has been foreshadowed in the Premier's speech, to ensure that our legislation, if passed, is

pre-eminent, we intend to move an amendment in the Committee stage to give the best possible assurance that, should legislation pass the Parliament of Western Australia, our legislation will stand firm in the face of any impending Commonwealth legislation.

I can only say again that, if the Opposition in this place, in collaboration with the Opposition in another place, seeks to defeat this Bill, it will be bringing on Western Australia, legislation over which Western Australians have no control.

Mr Hassell: In accordance with your policy, by your party and your Government in Canberra.

Mr WILSON: This is a position, in spite of the imperious interjections of the Leader of the Opposition, for which he and his colleagues must take full responsibility. If they retreat from this challenge and this position and let down the Aboriginal and non-Aboriginal people, and the mining, pastoral, and primary industries of Western Australia, that will be on their heads and they will answer for their cowardice and weakness of backbone in failing to live up to what is required in the best interests of Western Australia.

I commend the Bill to the House.

Mr Hassell: Shame! Absolute shame!

Question put and a division taken with the following result—

#### Ayes 24

Mr Barnett	Mr Hodge
Mr Bateman	Mr Hughes
Mrs Beggs	Mr McIver
Mr Bridge	Mr Parker
Mr Bryce	Mr Pearce
Mrs Buchanan	Mr Read
Mr Brian Burke	Mr D. L. Smith
Mr Terry Burke	Mr P. J. Smith
Mr Burkett	Mr Taylor
Mr Carr	Mr Tonkin
Mr Evans	Mr Wilson
Mrs Henderson	Mr Gordon Hill

(Teller)

#### Noes 19

Mr Blaikie	Mr McNee
Mr Cash	Mr Old
Mr Court	Mr Rushton
Mr Cowan	Mr Spriggs
Mr Coyne	Mr Thompson
Mr Crane	Mr Trethowan
Mr Hassell	Mr Tubby
Mr Peter Jones	Mr Watt
Mr Laurance	Mr Williams
Mr MacKinnon	

(Teller)

#### Pairs

Ayes	Noes
Mr Grill	Mr Bradshaw
Mr Troy	Mr Grayden
Mr Jamieson	Dr Dadour
Mr Watkins	Mr Stephens
Mr Bertram	Mr Clarko
Mr Davies	Mr Mensaros

Question thus passed.

Bill read a second time.

#### In Committee

The Chairman of Committees (Mr Barnett) in the Chair; Mr Wilson (Minister with special responsibility for Aboriginal Affairs) in charge of the Bill.

Several members interjected.

The CHAIRMAN: Order!

Several members interjected.

The CHAIRMAN: Order! Members, it is appropriate when I have called for order for you to at least extend the courtesy to this Chair for me to tell you which number on the file this Bill is, to read you its title, and then to tell you how many clauses are in it before, if you must, you interject. But for now, cease.

#### Clause 1: Short title—

Mr HASSELL: I indicate at this time, as the lead speaker for the Opposition on this Bill, that I do not intend to deal in any detail or in any way with the various clauses of the Bill. Except in relation to the Government's amendment, I do not have any intention of raising any points. My reason for not raising any issues on the individual clauses is not that I have not studied them and not that I do not think they are deficient, completely and utterly, but because I think the whole Bill is deficient.

The CHAIRMAN: Order! This clause does not give the Leader of the Opposition the opportunity to discuss things in general as he is doing now; that opportunity was available to him during the second reading stage and will again be available during the third reading stage. In this instance he must restrain his comments to the short title.

Mr HASSELL: I understand your ruling full well, and I was taking the opportunity to shorten the debate.

The Bill is misnamed by being called the Aboriginal Land Bill because it is of course a land rights Bill, a sea rights Bill, and all sorts of other horrendous things. My hope and ambition is that the whole Bill will be rejected, and therefore I do not intend to take up the time of the Chamber in debating the individual clauses.

**Clause put and a division taken with the following result—**

**Ayes 23**

Mr Bateman	Mr Hughes
Mrs Beggs	Mr McIver
Mr Bridge	Mr Parker
Mr Bryce	Mr Pearce
Mrs Buchanan	Mr Read
Mr Brian Burke	Mr D. L. Smith
Mr Terry Burke	Mr P. J. Smith
Mr Burkett	Mr Taylor
Mr Carr	Mr Tonkin
Mr Evans	Mr Wilson
Mrs Henderson	Mr Gordon Hill
Mr Hodge	

(Teller)

**Noes 18**

Mr Blaikie	Mr McNee
Mr Cash	Mr Old
Mr Court	Mr Rushton
Mr Cowan	Mr Spriggs
Mr Crane	Mr Thompson
Mr Hassell	Mr Trethowan
Mr Peter Jones	Mr Tubby
Mr Laurance	Mr Watt
Mr MacKinnon	Mr Williams

(Teller)

**Pairs**

**Noes**

<b>Ayes</b>	
Mr Grill	Mr Bradshaw
Mr Troy	Mr Grayden
Mr Tom Jones	Mr Coyne
Mrs Watkins	Mr Stephens
Mr Bertram	Mr Clarko
Mr Davies	Mr Mensaros
Mr Jamieson	Dr Dadour

**Clause thus passed.**

**Clauses 2 and 3 put and passed.**

**Clause 4: Land to be granted to regional Aboriginal organizations—**

Mr COWAN: This clause is the beginning of part II, which deals with land grants, and division I deals with the grant of land reserved for Aboriginal use or purposes.

Had there been some way in which the State Government could have granted a secure title to Aborigines and a clear guarantee that the Commonwealth would not at any stage reject or override the State legislation as it affects the land covered by this clause, land already reserved for Aboriginal purposes, this might have been more acceptable as an initial step for land rights. The State Government should have done more work in this area in order to provide a greater security of tenure of land already set aside for Aborigines for their own use.

It would be prudent for the Government to begin to get some form of gilt edged assurance from the Commonwealth that it will not use the powers granted to it under the provisions of the Australian Constitution which allow it to legislate for Aborigines and to override State laws.

If the Government could get some assurance—and I do not know how much it would be worth—it should set out to seek it. Having then been granted such assurance the Government could look closely at the land contained in this particular provision. As I said before, the expectation is that this Bill will be defeated, so I suggest to the Government it should set about the task of getting an assurance from the Federal Government, and when it has done that it should introduce new legislation which deals specifically with the land contained in this particular clause.

I think the Government would find the people of Western Australia would be prepared to allow the issue of a Crown grant of land in fee simple to Aboriginal people as is presented to this Parliament under this clause.

Mr WILSON: I appreciate the remarks of the member for Merredin, and I have noted that the National Party has indicated support for the vesting of existing reserves so that Aborigines have control of those lands. He has made the point that there is a need to get further reassurance or full assurance from the Commonwealth that it will not seek to intervene and override the prerogative of the State with respect to that land or Aboriginal land of any kind. It is our view that the just compensation provision would apply.

We would certainly regard the case as being one where the just compensation provision should prevail. I believe the Tasmanian dams case is before us as an example of the way in which that provision has been made to apply in another State. I can only say at this stage that we would take that view with regard to any Commonwealth intervention of that nature. We would press that view with some confidence in the light of the precedent of the Tasmanian dams decision.

**Clause put and a division taken with the following result—**

**Ayes 23**

Mr Bateman	Mr Hughes
Mrs Beggs	Mr McIver
Mr Bridge	Mr Parker
Mr Bryce	Mr Pearce
Mrs Buchanan	Mr Read
Mr Brian Burke	Mr D. L. Smith
Mr Terry Burke	Mr P. J. Smith
Mr Burkett	Mr Taylor
Mr Carr	Mr Tonkin
Mr Evans	Mr Wilson
Mrs Henderson	Mr Gordon Hill
Mr Hodge	

(Teller)

## Noes 18

Mr Blaikie	Mr McNee
Mr Cash	Mr Old
Mr Court	Mr Rushton
Mr Cowan	Mr Spriggs
Mr Crane	Mr Thompson
Mr Hassell	Mr Trethowan
Mr Peter Jones	Mr Tubby
Mr Laurance	Mr Watt
Mr MacKinnon	Mr Williams

(Teller)

## Pairs

## Noes

Mr Grill	Mr Bradshaw
Mr Troy	Mr Grayden
Mr Tom Jones	Mr Coyne
Mrs Watkins	Mr Stephens
Mr Bertram	Mr Clarko
Mr Davies	Mr Mensaros
Mr Jamieson	Dr Dadour

Clause thus passed.

Clauses 5 to 7 put and a division taken with the following result—

## Ayes 23

Mr Bateman	Mr Hughes
Mrs Beggs	Mr McIver
Mr Bridge	Mr Parker
Mr Bryce	Mr Pearce
Mrs Buchanan	Mr Read
Mr Brian Burke	Mr D. L. Smith
Mr Terry Burke	Mr P. J. Smith
Mr Burkett	Mr Taylor
Mr Carr	Mr Tonkin
Mr Evans	Mr Wilson
Mrs Henderson	Mr Gordon Hill
Mr Hodge	

(Teller)

## Noes 18

Mr Blaikie	Mr McNee
Mr Cash	Mr Old
Mr Court	Mr Rushton
Mr Cowan	Mr Spriggs
Mr Crane	Mr Thompson
Mr Hassell	Mr Trethowan
Mr Peter Jones	Mr Tubby
Mr Laurance	Mr Watt
Mr MacKinnon	Mr Williams

(Teller)

## Pairs

## Noes

Mr Grill	Mr Bradshaw
Mr Troy	Mr Grayden
Mr Tom Jones	Mr Coyne
Mrs Watkins	Mr Stephens
Mr Bertram	Mr Clarko
Mr Davies	Mr Mensaros
Mr Jamieson	Dr Dadour

Clauses thus passed.

Clause 8: Limitation on rights to apply—

Mr COWAN: I wish to refer particularly to subclauses (5) and (6). Subclause (5) reads as follows—

No application shall be made for an area of agricultural potential or a part of an area of agricultural potential.

I take it that that subclause generally prevents claims being made on land that has some agricultural potential, but which has not yet been allocated for that purpose.

I am not completely aware of the area of land that is available, but I did have an opportunity to examine Department of Lands and Surveys' plan No. 1513 through the courtesy of the Minister. It is quite an extensive area of land. Subclause (6) reads as follows—

The Minister for Lands may, by notice published in the *Gazette*, declare the whole or part of an area of agricultural potential to be available for applications—

This particular provision means that the Minister can, by notice in the *Government Gazette*, declare certain portions of land with agricultural potential to be available for claim. I would assume that, under the provisions of this Bill, if the Aboriginal land corporation was seeking to claim that land, it would be doing so on the basis of trying to establish a farming property and entering into the venture of agriculture.

This particular provision is a demonstration of the special privileges that have been given to Aboriginal people. Under the land Act as it now stands, there is nothing to prevent Aboriginal people from submitting an application to the Minister to procure land for the purpose of farming. If they do it that way, then they are required to appear before a land board, state their case, have it considered, and then a determination can be made along with all the other applicants as to whether they, or the other applicants, are more deserving, to acquire that land under conditions of purchase which already exist in the Land Act and then go about the business of farming.

In this legislation we are creating one law for one group of people and another law for everybody else. That demonstrates the case that we have made; it would be better to look at provisions in the Land Act to deal with further need for land for Aboriginal people. After the reserves have been granted, Aboriginal people will desire more land under some form of title, but the provisions already exist within the Land Act for them to be able to procure agricultural land provided the moratorium on the release of land with agricultural potential is lifted. This available land falls within the area they call the three-month growing period.

The point I am making is that it might be possible to issue a Crown grant to Aboriginal people for reserve lands and there will be a need in the future for them to acquire other areas of land. However, it is unnecessary to give them special



privileges such as are provided for in subclauses (5) and (6). Aboriginal people would like very much to be considered as everyone else is considered and be subject to the same laws. I oppose these provisions.

**Mr WILSON:** I think the member for Merredin has misunderstood the two subclauses. If the land is to be leased for agricultural purposes, the provisions of the Land Act will apply to Aborigines in the same way as they apply to anyone else. In other words, if under the provisions of the Land Act the land is released for agricultural purposes, the only way in which Aborigines will have access to that land is as anyone else will have access to that land—that is, they would have to bid for it in the way anyone else would have to bid for it and they would have to pay for it. However, if that land is subsequently rejected, then, as the Leader of the Opposition indicated last night from the QC's opinion, that land would be open for claim. It would be open for claim before the tribunal so that traditional association or claim on the basis of non-residence would have to be considered.

**Mr Laurance:** Or need.

**Mr WILSON:** Or need, yes. However, I am addressing my remarks to the comments made by the member for Merredin.

**Mr COWAN:** I concede that may be the Minister's thoughts, but I do not, for one moment, think that is what is written in those two subclauses. Subclause (5) states—

No application shall be made for an area of agricultural potential or a part of an area of agricultural potential.

That is quite clear. None of the land that has been surveyed by the Department of Lands and Surveys for agricultural potential can be claimed. Subclause (6) states—

The Minister for Lands, may, by notice published in the Gazette, declare the whole or part of an area of agricultural potential to be available for applications—

The subclause does not say that it refers to land which has been ruled out as having agricultural potential. It does not say that at all. I can only go on what is in the Bill. I suggest to the Minister that it will be possible for a claim to be made

while it is still declared to have agricultural potential. I accept the comment that only an application can be made. That does not necessarily mean that it will be successful, but assuming it is successful, all other people will be excluded from applying for that land.

I was pleased to hear the Minister say that, if the land is granted for agricultural potential, Aborigines will be subject to the same provisions of the Land Act. Why give them priority of application through this measure?

**Mr WILSON:** I can only reiterate what I said, that the intention of the Bill is as stated previously. From the point of view of drafting of the Bill, this matter was considered carefully. The intention is clearly provided for in that subclause as it is written.

**Clause put and a division taken with the following result—**

**Ayes 23**

Mr Bateman	Mr Hughes
Mrs Beggs	Mr McIver
Mr Bridge	Mr Parker
Mr Bryce	Mr Pearce
Mrs Buchanan	Mr Read
Mr Brian Burke	Mr D. L. Smith
Mr Terry Burke	Mr P. J. Smith
Mr Burkett	Mr Taylor
Mr Carr	Mr Tonkin
Mr Evans	Mr Wilson
Mrs Henderson	Mr Gordon Hill
Mr Hodge	

(Teller)

**Noes 17**

Mr Blaikie	Mr Old
Mr Cash	Mr Rushton
Mr Court	Mr Spriggs
Mr Cowan	Mr Thompson
Mr Hassell	Mr Trethowan
Mr Peter Jones	Mr Tubby
Mr Laurance	Mr Watt
Mr MacKinnon	Mr Williams
Mr McNee	

(Teller)

**Pairs**

Ayes	Noes
Mr Grill	Mr Bradshaw
Mr Troy	Mr Grayden
Mr Tom Jones	Mr Coyne
Mrs Watkins	Mr Stephens
Mr Bertram	Mr Clarko
Mr Davies	Mr Mensaros
Mr Jamieson	Mr Crane

**Clause thus passed.**

Clauses 9 to 232 put and a division taken with the following result—

Ayes 23

Mr Bateman	Mr Hughes
Mrs Beggs	Mr McIver
Mr Bridge	Mr Parker
Mr Bryce	Mr Pearce
Mrs Buchanan	Mr Read
Mr Brian Burke	Mr D. L. Smith
Mr Terry Burke	Mr P. J. Smith
Mr Burkett	Mr Taylor
Mr Carr	Mr Tonkin
Mr Evans	Mr Wilson
Mrs Henderson	Mr Gordon Hill
Mr Hodge	

(Teller)

Noes 17

Mr Blaikie	Mr Old
Mr Cash	Mr Rushton
Mr Court	Mr Spriggs
Mr Cowan	Mr Thompson
Mr Hassell	Mr Trethowan
Mr Peter Jones	Mr Tubby
Mr Laurance	Mr Watt
Mr MacKinnon	Mr Williams
Mr McNee	

(Teller)

Pairs

Ayes

Noes

Mr Grill	Mr Bradshaw
Mr Troy	Mr Grayden
Mr Tom Jones	Mr Coyne
Mrs Watkins	Mr Stephens
Mr Bertram	Mr Clarko
Mr Davies	Mr Mensaros
Mr Jamieson	Mr Crane

Clauses thus passed.

New clause 233—

Mr WILSON: I move—

Page 175, after line 15—To insert the following clause—

Governor to repeal this Act in certain circumstances.

233. (1) If at any time after this Act is assented to by the Governor it appears to the Governor that a prescribed Commonwealth law has been passed by the Commonwealth Parliament, he shall by proclamation repeal the prescribed State laws, revert all Aboriginal land in the Crown, and make such transitional and consequential provisions as appear to him to be expedient.

(2) In this section—

“prescribed Commonwealth law” means a law of the Commonwealth that, when in operation, would—

(a) confer on persons rights to claim and obtain grants of land in the State by reason of those persons being Aboriginals;

(b) confer, or provide for the conferral, on the holders of Aboriginal land rights, powers or privileges in relation to Aboriginal land that are additional to or more favourable than those conferred on those holders under the prescribed State laws; or

(c) impose, or provide for the imposition, on persons other than the holders of Aboriginal land duties, obligations or disabilities in relation to Aboriginal land that are additional to or more onerous than those imposed on those persons under the prescribed State laws;

“prescribed State laws” means this Act and enactments that apply to land by reason of that land being Aboriginal land.

This new clause was foreshadowed in the second reading debate. In moving to insert the new clause I want to reiterate the firm intention of the Western Australian Government to ensure that the Aboriginal land legislation and the resolution of secured tenure of title for Aboriginal people and the protection of industries is important to the State's economy.

The Government believes that it is ensuring that in the future these issues will be resolved in a State context as a result of this new clause. It is ensuring, in the best way possible, that any Commonwealth legislation will not be able to override this legislation which has been introduced into the State Parliament. The legislation has regard for the special conditions and the provisions that will provide the best situation in resolving these issues in Western Australia.

Mr HASSELL: The legislation proposed is bad enough, but with the insertion of this new clause it will be absolutely absurd and ridiculous. The drafting of the new clause is deficient and the proposed operation of it would be grossly unjust.

What an unbelievably absurd position it is to suggest that this Parliament should enact legislation to grant land and other rights to a group of people and then take those rights away by the stroke of a pen in six months' or six years' time.

This new clause must challenge the integrity of a number of members on the Government side. Does the member for Kimberley really support the proposition that land granted can be expropriated by the Governor because of something done in Canberra? Does the member for Kimberley say that he thinks that should happen? It defies description and it defies belief that a Government would bring forward such a clause for insertion in its own legislation and to publicise it before the debate had even begun.

What is the Government trying to do? It appears to be trying to rattle the sabre at the Commonwealth, yet at the same time it is absolutely guaranteeing that the people it seeks to advantage by this legislative package will be disadvantaged and will lose their rights because the Commonwealth Government intends to legislate. It has made it clear that it will do this.

The Premier has tried desperately to get the Commonwealth Government to agree that it will not legislate over the top of or in addition to what the State will do. He has not been able to get the Commonwealth Government's agreement. He knows that the Commonwealth will legislate because it is on public record that it will do so.

The only basis upon which this provision could be put in the Statute book is on an assumption that it will not operate. I do not believe that this Minister, or this Government, would seriously propose such a measure as a practical operating provision.

It simply does not make sense. Let us consider the words "If at any time"—we should not forget that the Commonwealth proposes a 10-year limit on claims under this legislation so the minimum practical term of operation of this provision would be 10 years—"after this Act is assented to by the Governor it appears to the Governor . . .". What ever does that mean? Regardless of its meaning we know that what appears to the Governor is unchallengeable in a court of law because he cannot be subjected as a matter of law to the examination of the courts. It may be that the Governor chooses to turn a blind eye when the appearance is obvious to everyone else. Of course, he would not do that on his own motion, he would do so on the advice of his Minister. But having done it, he would have the protection of the law.

In the first two lines of the amendment we find two extraordinary deficiencies. It continues—

—that a prescribed Commonwealth law has been passed by the Commonwealth Parliament, he shall by proclamation repeal the prescribed State laws, revest all Aboriginal land in the Crown, and make such tran-

sitional and consequential provisions as appear to him to be expedient.

Is the Government serious? Does it claim to have any credibility when it brings forward such a provision? There is no provision substantively existent in the Bill before the House to allow the State to revest all Aboriginal land in the Crown. Therefore, the Government is simply relying on a provision which says that the Governor shall do it. A lawyer worth a pinch of salt defending Aboriginal interests, as well he might under the circumstances, would not take long to develop an argument to suggest the Governor did not have the power to do as directed. This provision as drafted does not create a head of power; it is a direction to the Governor. It is not in its terms a power and, therefore, it is legally questionable and deficient in that respect.

Let us leave aside the legality, the niceties and the deficiencies in the drafting of the legislation; let us look at the practicality. Let us suppose that next week this Bill becomes law and within a few months some land is granted, later this year or early next year—we all know legislation has a habit of being deferred and my guess would be, having judged the process and time it has taken the State Government to bring the legislation here, that the Commonwealth is not likely to introduce its legislation before next year, even though it has talked about August. Let us suppose it legislates in February or March of next year. Is the Premier serious in saying that all of the land granted to Aborigines will be taken away from them by proclamation of the Governor? If I were the Minister administering the law I would not advise the Governor to do that.

I do not believe in the expropriation of private property without compensation. I do not believe it is fair to pass legislation granting land to people and then to take it away from them overnight. I do not think this Bill should come into existence or that land grants should be made in this way. However, if they were made it would not be fair or just to take the land away arbitrarily, as is proposed. No other Australians are subjected to arbitrary expropriation in that manner and why should Aboriginal people be subject to arbitrary expropriation? If it is right to give them the land and to fulfil what the Government claims the legislation fulfils in terms of their entitlement, how can a responsible sovereign Government seriously suggest that the land should be taken away by a proclamation of the Governor with no appeal, no compensation, and no remaining rights except a general direction to the Governor to make transitional and consequential provisions as appear to him to be expedient?

Imagine what the feelings of the Premier would be if somebody put before this Parliament a Bill which said the Premier's home in Balga should revert to the Crown if the Commonwealth enacted a certain piece of legislation.

Mr Brian Burke: It would certainly upset the National Australia Bank.

Mr HASSELL: It might well do, and it has occurred to me that some of this land might be mortgaged and the mortgagee would be a little upset if it were taken back. The Premier has made a good point by suggesting that the National Australia Bank would be upset if his home reverted to the Crown.

Mr Burkett: How can the land be mortgaged if it is freehold tenure?

Mr HASSELL: The member for Scarborough is being hastily corrected by his ministerial colleagues.

Mr Burkett: It does not provide the right to mortgage the land.

Mr HASSELL: I suggest that the member for Scarborough cast his eyes to the right to get the message the Minister is trying to pass him.

The Minister was talking a little earlier about people reading the Bill. He should hand a copy of the Bill to the member for Scarborough for him to read. I know the member for Scarborough does not support the Bill and I understand why he has not read it. If I were saddled with a notorious and dreadful piece of legislation with which I disagreed I would not bother to read it either.

I assure the member for Scarborough that the land can be mortgaged and if it were mortgaged, the mortgagees—the lenders of money—would have their rights totally expropriated by a proclamation of the Governor, with no compensation. While this clause exists it would not be possible for any Aboriginal community to mortgage its land for however productive or useful a purpose. For example, suppose the community wanted to mortgage Mogumber—a magnificent agricultural holding between Perth and Moora—to get funds to develop the property. What lender in Western Australia would grant money for that while this provision exists? Not one, because every lender would go to a lawyer who would question whether the loan could be risked while the provision existed.

I am not distressed about the provision in the sense that I think it highlights the absurdity of the Government's position and in particular it finally destroys the Government's credibility. It demonstrates in the very language used that a desperate Government is grasping after desperate measures

to overcome a situation in which it finds itself alone and isolated with a few vested interest groups in defence of legislation abhorrent to the public of Western Australia at large. One only has to look at the legislation to realise that what I said about it when it was announced was really an understatement—it is a slick political trick. The Premier must have gone on the Bob Maumill programme and, like the national summit on taxation, had a good idea at the time.

What I cannot understand is how, after having the good idea under the shower or on the run or in the car or on the Bob Maumill show, he proceeded with it after he went to a legal draftsman. Perhaps he went to an adviser who does not know much about the law. I do not know where he got it from or who tested it, but I know it is absolutely absurd on its face. It does not need to be specially interpreted, it does not need to be examined legally, it simply needs to be understood in the terms in which the Premier described it out of the Cabinet to appreciate how fundamentally and utterly stupid it is.

Mr COWAN: During the course of the second reading debate there were many interjections to the effect that people like me were being far too critical of the PIA and the PGA. We stated they had been hoodwinked in relation to the differences in power between the Commonwealth and the State in this matter.

We have always argued that the Commonwealth has absolute power in being able to legislate for Aborigines. There is no question that once it legislates, under section 109 of the Constitution, the legislation it puts in place overrules any legislation in the State of Western Australia. This amendment recognises that fact.

I have no training in law, and I am not going to be able to address this amendment as the Leader of the Opposition has done in relation to the law itself. All it tells me is that the State Government of Western Australia recognises the power that the Commonwealth has under the Constitution, and it has moved this amendment in order to try to serve notice on the Commonwealth that it is fairly serious about wanting no interference from the Commonwealth.

That bears out what has been stated by people on this side of the Chamber, that many of the people who have come out as supporters of this legislation have done so in the belief it will grant them immunity from Federal intervention. It will not.

Mr Hassell: That is exactly what the Premier has admitted.

Mr COWAN: I question whether this amendment will grant immunity, because the Commonwealth could, if it wanted to, go ahead with legislation. The Aboriginal people for whom we are trying to legislate would look at this amendment with total abhorrence. Everything the Government is attempting to do for them can be taken away as a result of this amendment. It is being done to indicate to the Commonwealth Government that the State Government will not brook any interference.

Mr Hassell: This amendment was not referred to the famous drafting committee which has been referred to on so many occasions.

Mr COWAN: That may well be the case. This amendment can take effect only if land has been granted. I wonder if the Minister would be prepared to tell us whether he has had any discussions with representatives of the Aboriginal people about whether they do or do not support the concept of being granted land under State legislation, and then having it removed from them and revested in the Crown? I would appreciate some comment, because I think the Aboriginal people would certainly not approve of that.

As far as I am concerned, this amendment is just a demonstration which proves what we have been saying all along, and that is that many of the organisations, the mining companies, the Pastoralists and Graziers Association, and the Primary Industry Association, supported the Bill on a false premise. For that reason I think this amending clause, while it may show the Federal Government that this State Government is serious in not wanting interference, has no value.

There is something which relates very closely to this type of amendment. I am not sure whether the Minister handling this Bill would have gone to the Premier of Queensland and asked him for his advice; I am sure he did not. Some years ago the Prime Minister was very strong on Commonwealth intervention on a matter in Queensland. The Premier of Queensland said, "No, you won't", and the Prime Minister said, "Yes, I will".

The Premier said, "If you do, I will revest all land in the Crown, and then see how you get on. You can pay the State of Queensland just compensation for this area of land".

The mighty Malcolm Fraser backed off very quickly. I am not sure whether the Premier took advice from Queensland—I am sure he did not—but he is trying to follow the same line of thought. He is trying to indicate that this Government will not brook any interference from the Commonwealth. Constitutionally the Commonwealth has the power, and it also has the political motivation

to use its political powers to the full. Because of that the amendment is valueless.

Mr WILSON: I thank the member for Merredin. We have not consulted the Premier of Queensland, but it is an interesting point he raises. The intriguing thing is that when he issued that challenge it worked; the Commonwealth did back off.

It should be remembered, of course, that this would only come into force should the Commonwealth proceed to seek to override the State's legislation.

I might say, with respect to the Leader of the Opposition, who was so keen to point out the member for Scarborough's ignorance of the Bill, that he himself has failed to recall a particular provision of the Bill relating to mortgaged land. The Bill provides, under clause 3(1)(d), that if Aboriginal land is mortgaged it then is deemed not to be Aboriginal land. That is provided for in the Bill itself, so his comments as to what might happen should this situation occur do not apply.

The provision in this amendment would apply and is only meant to apply should the Commonwealth proceed to override the State legislation. Naturally the Opposition would raise the point that the Aboriginal people would be devastated should this come to pass.

In responding to the member for Merredin, no, it has not been discussed with the Aboriginal people. The whole point is that it will not apply unless the Commonwealth, in an intemperate way, seeks to override the State's legislation, should the Opposition not exercise its influence on its colleagues in the upper House to throw out this Bill.

I do not retreat from this provision. As the member for Merredin said, it is aimed solely at ensuring that any legislation of this nature is framed in a Western Australian context and is passed through the Western Australian Parliament. This is the full intention behind the provision and we move this amendment in the full understanding that, in the face of it, the Commonwealth would not seek to intervene in a way which would prejudice the interests of Aboriginal people.

Mr HASSELL: A number of things are clear from what the Minister has said. It is clear that he is relying on the Opposition throwing out the Bill, because he referred so definitely to the Opposition proceeding to throw it out. No-one who seriously expected to enact legislation would introduce a provision like this. That is certainly the case in respect of anyone who is bona fide interested in the welfare of Aboriginal people. Anybody who had the slightest integrity in terms of his interest

in the welfare of Aboriginal people would not introduce a provision like this.

The Minister was at pains on four, five, or six occasions to say that this provision would apply if the Commonwealth introduced laws to override State legislation, but it is clear that he expects the Commonwealth to introduce laws to top up State legislation. He used the term very deliberately over and over again that this provision would operate if the Commonwealth introduced laws to override State legislation, and it is clear from his own words that he would be very happy if the Commonwealth introduced laws to top up the State legislation.

Mr Wilson: What is the difference?

Mr HASSELL: There is a difference. A Commonwealth law which sought to override the State legislation would purport to operate in a completely different way, to the exclusion of State legislation. A Commonwealth law which sought to top up State legislation would recognise State legislation and say, "In respect of the land which has been granted under State legislation, here are additional rights".

What the Commonwealth intends to do is have the States grant substantial areas of land—that is the aspect on which the Commonwealth has constitutional difficulty—and then it will seek to add to the rights in respect of that land, the *de facto* veto provisions being provided by Mr Holding and his lunatic fringe friends. That is the Commonwealth's scheme and the scheme which is so carefully and accurately outlined by Father Brennan.

Mr Wilson: You are still talking about acquisition.

Mr HASSELL: I am not talking about acquisition; I am talking about topping up State legislation.

Mr Wilson: That implies acquisition.

Mr HASSELL: No, it does not. There is a clear distinction between acquisition and rights.

Mr Wilson: Are you aware of the Tasmanian dam case which in fact took account of that?

Mr HASSELL: The Tasmanian dam case is the epitome of that. It was a case in which the Commonwealth seized control of Tasmanian land without gaining title to it. The Commonwealth did not get title, so there was no acquisition, nor has it had to pay compensation to Tasmania.

Mr Wilson: Yes, it has.

Mr HASSELL: It has done so under a political agreement, but not under the law. The Commonwealth has not had to pay compensation under the law. It agreed to pay compensation as a political

settlement. The Minister is talking about the law and I am telling him that the point I am trying to get across is exemplified in the Tasmanian dam case.

Let us suppose that, under this legislation, the Minister were to grant the right to a square kilometre of land 10 km from Kalgoorlie. The Minister grants that land and gives it the title created under this legislation. That title contains the characteristics which the Minister has described and which are found in this Bill. The Commonwealth then passes a law which says, "Under the State law of Western Australia, land which has been granted shall now have, in addition, a new procedure imposed on it in relation to exploration and mining". Thus the Commonwealth tops up the rights the Minister has given with a new set of rights, and that is exactly what the Commonwealth intends to do. That is why the Government is seeking to put this legislation in place.

It is just as Father Brennan said: This Government wants to give them 15 birds in the hand and the Commonwealth will give them the 16th bird out of the bush. That is what it is all about. That is the total scheme—the plot—by which the Labor Party, Federal and State, has contrived and connived to impose on Australia the system of land rights laid down in some detail in the Federal Labor platform.

What we see here is a very feeble attempt which cannot work, and which is equivalent to a man beating his children as a means of getting at his wife. The Government is saying that it will rip off the rights that it is giving Aborigines as a means of getting to the Commonwealth. It is a gutless, dishonest provision, and it shows how empty is the Government's belief, and how false is its position on this matter. It indicates for all the world to see the Government's desperation politically when confronted with its own handiwork.

#### **New clause put and passed.**

The CHAIRMAN: The question is that the schedules be agreed to.

#### *Point of Order*

Mr HASSELL: Does the new clause become a clause to be dealt with separately, or are you just taking it as an amendment?

The CHAIRMAN: As I see it, the amendment is that a new clause be inserted, and that has been done.

*Committee Resumed*

**Schedules 1 to 3 put and a division taken with the following result—**

Ayes 23	
Mr Bateman	Mr Hughes
Mrs Beggs	Mr McIver
Mr Bridge	Mr Parker
Mr Bryce	Mr Pearce
Mrs Buchanan	Mr Read
Mr Brian Burke	Mr D. L. Smith
Mr Terry Burke	Mr P. J. Smith
Mr Burkett	Mr Taylor
Mr Carr	Mr Tonkin
Mr Evans	Mr Wilson
Mrs Henderson	Mr Gordon Hill
Mr Hodge	

(Teller)

Noes 17	
Mr Blaikie	Mr Old
Mr Cash	Mr Rushton
Mr Court	Mr Spriggs
Mr Cowan	Mr Thompson
Mr Hassell	Mr Trethowan
Mr Peter Jones	Mr Tubby
Mr Laurance	Mr Watt
Mr MacKinnon	Mr Williams
Mr McNee	

(Teller)

Ayes	Noes
Mr Grill	Mr Bradshaw
Mr Troy	Mr Grayden
Mr Tom Jones	Mr Coyne
Mr Watkins	Mr Stephens
Mr Bertram	Mr Clarko
Mr Davies	Mr Mensaros
Mr Jamieson	Mr Crane

**Schedules thus passed.**

**Title put and a division taken with the following result—**

Ayes 23	
Mr Bateman	Mr Hughes
Mrs Beggs	Mr McIver
Mr Bridge	Mr Parker
Mr Bryce	Mr Pearce
Mrs Buchanan	Mr Read
Mr Brian Burke	Mr D. L. Smith
Mr Terry Burke	Mr P. J. Smith
Mr Burkett	Mr Taylor
Mr Carr	Mr Tonkin
Mr Evans	Mr Wilson
Mrs Henderson	Mr Gordon Hill
Mr Hodge	

(Teller)

Noes 17	
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Mr Hassell	Mr Trethowan
Mr Peter Jones	Mr Tubby
Mr Laurance	Mr Watt
Mr MacKinnon	Mr Williams
Mr McNee	

(Teller)

Pairs

Ayes	Noes
Mr Grill	Mr Bradshaw
Mr Troy	Mr Grayden
Mr Tom Jones	Mr Coyne
Mrs Watkins	Mr Stephens
Mr Bertram	Mr Clarko
Mr Davies	Mr Mensaros
Mr Jamieson	Mr Crane

**Title thus passed.**

*As to Report*

The CHAIRMAN: The question is that I do now report to the House.

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

Ayes 23	
Mr Bateman	Mr Hughes
Mrs Beggs	Mr McIver
Mr Bridge	Mr Parker
Mr Bryce	Mr Pearce
Mrs Buchanan	Mr Read
Mr Brian Burke	Mr D. L. Smith
Mr Terry Burke	Mr P. J. Smith
Mr Burkett	Mr Taylor
Mr Carr	Mr Tonkin
Mr Evans	Mr Wilson
Mrs Henderson	Mr Gordon Hill
Mr Hodge	

(Teller)

Noes 17	
Mr Blaikie	Mr Old
Mr Cash	Mr Rushton
Mr Court	Mr Spriggs
Mr Cowan	Mr Thompson
Mr Hassell	Mr Trethowan
Mr Peter Jones	Mr Tubby
Mr Laurance	Mr Watt
Mr MacKinnon	Mr Williams
Mr McNee	

(Teller)

Pairs

Ayes	Noes
Mr Grill	Mr Bradshaw
Mr Troy	Mr Grayden
Mr Tom Jones	Mr Coyne
Mrs Watkins	Mr Stephens
Mr Bertram	Mr Clarko
Mr Davies	Mr Mensaros
Mr Jamieson	Mr Crane

**Question thus passed.**

**Bill reported with an amendment.**

# **ACTS AMENDMENT (ABORIGINAL LAND) BILL**

## *Second Reading*

Order of the day read for the resumption of the debate from 14 March.

Question put and passed.

Bill read a second time.

## *In Committee*

The Chairman of Committees (Mr Barnett) in the Chair; Mr Brian Burke (Premier) in charge of the Bill.

**Clauses 1 to 21 put and a division taken with the following result—**

Ayes 22	
Mr Bateman	Mr Hodge
Mrs Beggs	Mr Hughes
Mr Bridge	Mr McIver
Mr Bryce	Mr Parker
Mrs Buchanan	Mr Pearce
Mr Brian Burke	Mr Read
Mr Terry Burke	Mr D. L. Smith
Mr Burkett	Mr P. J. Smith
Mr Carr	Mr Taylor
Mr Evans	Mr Tonkin
Mrs Henderson	Mr Gordon Hill

Ayes  
Mr Grill  
Mr Troy  
Mr Tom Jones  
Mrs Watkins  
Mr Bertram  
Mr Davies  
Dr Dadour  
Mr Wilson

**Pairs**

Noes  
Mr Bradshaw  
Mr Grayden  
Mr Coyne  
Mr Stephens  
Mr Clarko  
Mr Mensaros  
Mr Crane  
Mr MacKinnon

**Clauses thus passed.**

*(Teller)*

**Title put and passed.**

**Noes 16**

Mr Blaikie	Mr Old
Mr Cash	Mr Rushton
Mr Court	Mr Spriggs
Mr Cowan	Mr Thompson
Mr Hassell	Mr Trethowan
Mr Peter Jones	Mr Tubby
Mr Laurance	Mr Watt
Mr McNee	Mr Williams

*(Teller)*

**Report**

Bill reported, without amendment, and the report adopted.

*House adjourned at 10.39 p.m.*



## QUESTIONS ON NOTICE

### REGIONAL DEVELOPMENT: "ALBANY TOMORROW"

#### *Strategy Group: Inquiries*

2754. Mr WATT, to the Premier:

- (1) What is the target date for the Albany Tomorrow Strategy group to complete its inquiries?
- (2) Is the target date likely to be met?
- (3) Will its findings be published in a report?
- (4) Will the report be available to the public, if so, how soon after its completion, and if not, why not?

Mr BRIAN BURKE replied:

- (1) Anticipated July 1985.
- (2) At this stage, yes.
- (3) Yes. A report is to be submitted to the Albany Tomorrow Cabinet Sub-Committee.
- (4) Yes, at the earliest opportunity, after consideration by the Albany Tomorrow Cabinet Sub-Committee.

### TAXES AND CHARGES: TAX HOT LINE

#### *Cost*

2792. Mr HASSELL, to the Deputy Premier:

What was the total cost of the Taxation Hot Line operation?

Mr BRYCE replied:

As the information sought will take some time to compile I will reply to the member in writing as soon as it becomes available.

2816. *Postponed.*

### TAXES AND CHARGES: TAX HOT LINE

#### *Questionnaire*

2854. Mr HASSELL, to the Deputy Premier:

- (1) Who designed the questionnaire for the Tax Hot Line?
- (2) Was any public relations, marketing or advertising, or other outside firm involved?
- (3) If so, who?

- (4) What staff was used to answer telephones?
- (5) From where was that staff recruited or committed?
- (6) How many staff were involved?
- (7) Who is collating and assessing the answers to the Tax Hot Line?
- (8) Has a report been prepared?
- (9) If so, by whom?
- (10) Is he now able to table the results and any report?
- (11) If not, why not?

Mr BRYCE replied:

- (1) The Department of Industrial Development.
- (2) Yes.
- (3) Jenkin Morgan Aitken Advertising.
- (4) Trained market survey personnel.
- (5) Drake Overload (Perth).
- (6) 10.
- (7) The Department of Industrial Development.
- (8) A preliminary report has been prepared for my information.
- (9) The Department of Industrial Development.
- (10) and (11) This matter is still under consideration.

### TRANSPORT: AIR

#### *Skywest Airlines: Departure Board*

2867. Mr WATT, to the Minister for Transport:

- (1) Is it fact that equipment installed at Perth Airport passenger terminal to display aircraft arrival and departure times is owned by Ansett Airlines which will not permit Skywest Airlines flights to be displayed?
- (2) As this can result in inconvenience to passengers, taxi drivers and the public, will he endeavour to have Ansett agree to include Skywest and all other airline operations' details on their display equipment, or take the matter up with either the Airport Manager or the Federal Minister to have alternative equipment installed?

Mr GRILL replied:

- (1) It is a fact that Ansett Airlines operates the aircraft movement display equipment at Perth Airport. However, I am

informed that it is incorrect to say that Ansett will not allow Skywest flights to be displayed on this equipment. Be that as it may, Skywest are not using the equipment at present. The company claims two reasons for this:

—that it cannot justify the high charge sought by Ansett for the service; and

—that because of the limited capacity of the equipment, Ansett cannot guarantee that all Skywest aircraft movements will be displayed.

- (2) I agree with the member that this situation does appear to be an unsatisfactory one and I thank him for bringing it to my attention. As a result of his doing so, I have approached the Federal Minister on the matter.

#### ENVIRONMENT: ABROLHOS

##### *Vesting: Ministerial Responsibility*

2869. Mr OLD, to the Premier:

In view of the fact that the responsibilities for the administration of the Abrolhos Islands have been vested in the Minister for Fisheries and Wildlife and that no such portfolio now exists, will he consider amending the Land Act to have the administration of the islands vested in the Minister for Fisheries?

Mr BRIAN BURKE replied:

There is no need to amend the Land Act as the administration of the Islands can be vested under the provisions of the Land Act by an Order in Council.

The administration will be vested in the Minister for Fisheries.

#### MR KEITH GALE: SUPREME COURT APPLICATION

##### *Exim Corporation: Government Assistance*

2870. Mr HASSELL, to the Minister representing the Attorney General:

- (1) Has the Government supported or expedited or been in any way directly or indirectly involved in an application to the Supreme Court on behalf of Keith Gale in relation to his participation in the management of W.A. Exim Corporation Limited?

- (2) In particular, did any Government officer prepare or lodge or assist in the preparation of any documents in connection with the application?

- (3) Did any Minister or Government officer sign any supporting affidavit or other document?

Mr GRILL replied:

- (1) to (3) In respect of the advice available from the Departments within my authority, the answer to all three questions is "No".

#### CRIME: PROSTITUTION

##### *Health Standards*

2880. Mr STEPHENS, to the Minister for Police and Emergency Services:

- (1) In controlling brothels do the Police seek the co-operation of the Health Department in maintaining standards of hygiene?
- (2) Are prostitutes required to have regular medical inspections?
- (3) Do they carry health cards as evidence of medical examination?
- (4) Is information entered on the cards indicating state of health and/or whether a carrier is suffering from any infectious diseases?
- (5) Are the premises inspected by either the Health Department or Health Inspectors from the local authority?

Mr CARR replied:

- (1) No. Police are not involved in managerial aspects of the operation of brothels.
- (2) Prostitutes are not required by Police to have regular medical inspections.
- (3) and (4) Police do not require prostitutes to carry health cards.
- (5) Police understand that the Health Department does not inspect brothels. However it is believed that some local authority health inspectors do.

#### COMMUNITY SERVICES: CHILDREN

##### *Single Mothers*

2887. Mr TRETOWAN, to the Minister for Health:

What proportion of children born in—

- (a) 1975;

(b) 1980;

(c) 1984,

were born to single mothers either unmarried or divorced?

Mr HODGE replied:

(a) 12.4 per cent.

(b) 13.7 per cent.

(c) Latest figure available is for 1983—15.8 per cent.

#### GOVERNMENT EMPLOYEES: SCHOOL LEAVERS

##### *Proportions*

2888. Mr TRETHOWAN, to the Minister representing the Minister for Employment and Training:

(1) In 1974, what proportion of new employment in the State Public Service was of school leavers?

(2) What proportion of that employment was for males and what proportion for females?

Mr PEARCE replied:

(1) and (2) The information sought is not available within my department.

2889 to 2996. *Postponed.*

#### ABORIGINAL AFFAIRS: SACRED SITES

##### *Bungle Bungle*

2897. Mr HASSELL, to the Minister with special responsibility for Aboriginal Affairs:

(1) Has the Western Australian Museum carried out, or is it currently conducting investigations as to Aboriginal sacred sites in the Bungle Bungle National Park?

(2) If investigations have been undertaken, when and by whom?

(3) What was the result of those investigations?

(4) Have maps been produced, and if so, will he table them?

Mr WILSON replied:

(1) The West Australian Museum has not carried out nor is it currently conducting

investigations as to Aboriginal sites in the Bungle Bungle National Park.

The Warmun Community has chosen to employ two anthropological consultants to carry out a site survey and to gather information about Aboriginal relationships to land in the area.

However at the Community's request, and in view of the urgency of the matter, the Department of Aboriginal Sites will assist with the funding of the survey. It will be provided with a report on the investigation.

(2) The investigations are expected to commence in the near future.

(3) and (4) Not applicable.

#### MINERALS: DIAMONDS

##### *Dispute: Government Awareness*

2898. Mr HASSELL, to the Minister representing the Minister for Industrial Relations:

(1) When did the Government first become aware of the dispute at the Argyle Diamond Mine operation?

(2) What action was taken?

(3) With what result?

Mr PARKER replied:

(1) to (3) As the question does not state which dispute, a specific response cannot be given.

If, however, the question refers to the current dispute involving the Australian Workers Union and Transport Workers Union, this has been monitored since it first arose within the Australian Conciliation and Arbitration Commission in June 1984.

Government representatives have had ongoing discussions with the various parties in an effort to have the matter resolved.

It should be noted, however, that the parties, including the Company, have indicated that Government intervention would be inappropriate as the proper processes are being pursued before both the Federal and State Industrial Commissions.

# MINERALS: DIAMONDS

## *Dispute: Government Awareness*

2899. Mr HASSELL, to the Minister representing the Minister for Industrial Relations:

- (1) When did the Government first become aware of action by the Builders Labourers Federation to close down the construction site under Leighton's contract for the single persons accommodation at the Argyle development site?
- (2) What action was taken?
- (3) With what result?
- (4) Is the Minister aware that as a result of the industrial action on that site most of the construction employees have now left the job completely and have sought employment in other places?

Mr PARKER replied:

- (1) and (2) This matter was raised in early March 1985. As the work bans were the subject of a conference before the Australian Conciliation and Arbitration Commission, no direct action was taken by the Government, although the situation was closely monitored. The bans were lifted on 26 March 1985.
- (3) Not applicable.
- (4) The Minister for Industrial Relations is aware that the majority of employees have left that site. However, this is not an unusual occurrence in the north-west and it is expected the majority of the employees who left will return.

# ABORIGINAL AFFAIRS: LAND RIGHTS

## *Preferred National Land Rights Model*

2900. Mr HASSELL, to the Minister with special responsibility for Aboriginal Affairs:

- (1) Has the Government received a letter from the Federal Minister for Aboriginal Affairs, Mr Clive Holding, submitting for consideration his "Preferred National Land Rights Model"?
- (2) If so, when?
- (3) Will the Minister table the Federal Minister's letter and proposals?
- (4) Has a response been prepared?
- (5) If so, by whom?
- (6) Has a response been dispatched?
- (7) Will the Minister table the State Government response?

Mr WILSON replied:

- (1) Yes.
- (2) 22 February 1985.
- (3) As the member will be aware it has been the practice of successive Governments not to table correspondence between Governments.
- (4) to (7) No response was necessary.

# ENERGY: ELECTRICITY

## *Connections: Turkey Creek*

2901. Mr HASSELL, to the Minister for Minerals and Energy:

- (1) Why is it that at Turkey Creek a number of local residents are not able to obtain a connection to the local power station which is understood to be owned by the Aboriginal community and serviced by the State Energy Commission?
- (2) Has the State Energy Commission made any endeavour to negotiate to make arrangements to provide power to these residents?
- (3) If so, when and with what result?
- (4) Is he aware that—
  - (a) the power station has the generating capacity to provide the necessary power;
  - (b) the power is only one kilometre from its required point of usage;
  - (c) that in one case a potential consumer is paying \$15 per day fuel costs alone for the provision of power?
- (5) (a) Has the power station and its total cost of operation been provided by the taxpayer;
- (b) if so, would it not be reasonable for provision to be made for that power to be used by local taxpaying consumers entirely willing to pay normal costs for the power?

(6) Is the Minister prepared to take the matter up?

Mr PARKER replied:

- (1) to (6) The commission undertakes the design, construction and maintenance of Aboriginal village electricity supplies for communities located throughout the State with funds provided by the Commonwealth Government through the

State Treasury and the Department of Aboriginal Affairs.

The power supplies in the respective villages are totally owned and operated by the communities. Each community is an incorporated body and governed by a chairman.

Where local residents have made inquiries with the Energy Commission for electricity supply, they have been advised to contact the chairman of the local Aboriginal community.

### TOURISM: BUNGLE BUNGLE

*Working Party: Report*

2902. Mr HASSELL, to the Premier:

When is the Bungle Bungle working party examining the future of Bungle Bungle to report to the Government?

Mr BRIAN BURKE replied:

The Group's final report will be submitted to the EPA in the latter half of April 1985. The EPA would report to Government as soon as possible following its consideration of the report.

### ABORIGINAL AFFAIRS: WARMUN COMMUNITY

*Nicholson Station: Acquisition*

2903. Mr HASSELL, to the Minister with special responsibility for Aboriginal Affairs:

Is consideration being given to the possible availability of Nicholson Station for acquisition on behalf of the Warmun Community at Turkey Creek?

Mr WILSON replied:

I am not aware of this proposition.

### SUGAR INDUSTRY: ORD RIVER

*Development: Progress*

2904. Mr HASSELL, to the Premier:

What is the progress of proposals for the development of a sugar industry on the Ord River?

Mr BRIAN BURKE replied:

An announcement by the Government is expected within a few weeks.

### AGRICULTURE: FARMS

*Ord River: Sale*

2905. Mr HASSELL, to the Minister for Agriculture:

- (1) Is he aware that there is a significant number of farms for sale on the Ord River?
- (2) What is the Government planning in relation to the future of the Ord River agricultural areas?

Mr EVANS replied:

- (1) Yes.
- (2) This is being considered by a Cabinet Review Committee. A report to Cabinet is expected by the middle of the year.

### COMMITTEES FOR THE SESSION

*Meetings*

2906. Mr OLD, to the Speaker:

How many meetings of the—

- (a) Standing Orders Committee;
- (b) Library Committee;
- (c) Printing Committee;
- (d) Public Accounts Committee, were held in—
  - (i) 1980;
  - (ii) 1981;
  - (iii) 1982;
  - (iv) 1983;
  - (v) 1984;
  - (vi) 1985 to date?

Mr SPEAKER replied:

	Standing Orders Committee	Library Committee	Printing Committee	Public Accounts Committee
1980	5	5	1	9
1981	Nil	1	5	22
1982	4	2	1	23
1983	2	2	1	19
1984	1	2	3	13
1985	Nil	Nil	Nil	3

2907 and 2908. *Postponed.*

### PLANNING: CANAL DEVELOPMENT

*Bassendean: Environmental Requirements*

2909. Mr MENSAROS, to the Minister for the Environment:

What type of submission will the Government and/or the Environmental Protection Authority require from the developers of the reported proposed resi-

dential canals project in Bassendean roughly bounded by Hardy Road, Leed Street and West Road, as far as environmental clearance goes?

Mr DAVIES replied:

The canals development guidelines provide for the submission to the EPA of a Notice of Intent. The EPA uses the Notice of Intent as a means of deciding what further environmental assessment (for example an ERMP) and documentation may be required.

2910. *Postponed.*

# CRIME: NATIONAL WITNESS PROTECTION PROGRAMME

## *Government Policy*

2911. Mr MENSAROS, to the Minister for Police and Emergency Services:

What is the Government's policy regarding the National Crime Authority's Chairman, Mr Justice Stewart's request for creating a national witness protection programme?

Mr CARR replied:

The Government is supportive of the proposed National Witness Protection Programme.

2912. *Postponed.*

# MINERALS: PROSPECTING

## *Licence: Lake Gnangara*

2913. Mr MENSAROS, to the Minister for Minerals and Energy:

- (1) Has he received yet the advice from the Department of Conservation and Environment and/or the Environmental Protection Authority regarding the prospecting licence application over Lake Gnangara?
- (2) If so, what is the advice?
- (3) If not, when is he expected to receive this advice?

Mr PARKER replied:

- (1) No.
- (2) Not applicable.
- (3) Advice from the Department of Conservation and Environment is in preparation

and will be given to me during the first week of April.

# ENERGY: GAS

## *Pipeline: Dampier-Wagerup*

2914. Mr MENSAROS, to the Minister for Minerals and Energy:

How many employed engineers and supporting staff of the State Energy Commission have participated in the planning and construction phase of the pipeline from Burrup Peninsula to the south west for conveying the North West Shelf gas?

Mr PARKER replied:

The Dampier to Perth Natural Gas Pipeline Project has been managed for the State Energy Commission by its Pipeline Project Office from the outset of the project in 1980.

The number of full time Commission employees within the Pipeline Project Office has varied throughout the duration of the project and during the most busy time from 1982 to 1984 numbered approximately 18.

The needs of the Pipeline Project have also been serviced by numbers of other Commission employees from within the various parts of the Commission's organisation on a part time basis as required.

# YOUTH, SPORT AND RECREATION DEPARTMENT: REGIONAL OFFICES

## *Officers: Authority*

2915. Mr MENSAROS, to the Minister for Youth Affairs, Sport and Recreation:

Would he please describe the authority the officers in charge of the regional offices of his departments of Youth Affairs, Sport and Recreation have, without having to refer matters to the department in Perth?

Mr WILSON replied:

It is the responsibility of each Regional Office of the Department for Youth, Sport and Recreation to maintain a high level of contact with the Regional Community and provide, at a local level, the services of the Department.

Community needs vary from region to region and Regional staff provide assistance based on local resources using the backup of the Perth office. The staff in

the community ensure that programmes and services of the Department are responsive to local community needs.

As well as specific programmes the Regional staff act as advisers to individuals, community groups and local authorities.

The Department supports a variety of groups from sporting organisations through to the aged.

I will arrange to have the latest annual report sent to the member which will illustrate the diversity of operation.

#### YOUTH, SPORT AND RECREATION DEPARTMENT: REGIONAL OFFICES

##### *Location*

2916. Mr MENSAROS, to the Minister for Youth Affairs, Sport and Recreation:

- (1) How many regional offices do the departments of Youth Affairs, Sport and Recreation have?
- (2) Where are these offices located?
- (3) What are their respective areas of responsibility?
- (4) What is the number of personnel in each of these regional offices?

Mr WILSON replied:

- (1) 10.
- (2) Offices are located in—  
Kununurra  
Karratha  
Carnarvon  
Geraldton  
Northam  
Kalgoorlie  
Narrogin  
Albany  
Bunbury  
Perth.
- (3) Respective regions of responsibility are the—  
Kimberley  
Pilbara  
Gascoyne  
Geraldton-Mid West  
Midlands  
Goldfields  
Upper-Great Southern  
Great Southern  
South West  
Metropolitan Area.
- (4) Respective Numbers are as follows—  
1, 1, 1, 2, 2, 2, 1, 2, 3, 4.

2917 and 2918. *Postponed.*

#### SPORT AND RECREATION: CYCLES

##### *Used: Dealers' Licences*

2919. Mr MacKINNON, to the Minister representing the Minister for Consumer Affairs:

- (1) Are bicycle retailers required to obtain a secondhand dealers' licence, should they be dealing in used cycles?
- (2) If so, why?
- (3) What is the fee for this licence?
- (4) What was the fee for the licence on 1 July 1984?

Mr TONKIN replied:

- (1) Yes.
- (2) Pursuant to Sections 3 and 15 of the Second Hand Dealers Act 1906-1965.
- (3) \$50.
- (4) \$50.

2920 to 2923. *Postponed.*

#### WESTERN AUSTRALIAN FLORAL ENTERPRISES LTD.

##### *Costs: Payment*

2924. Mr MacKINNON, to the Premier:

- (1) Who will pay the costs associated with the Western Australian floral exports joint venture which has now been abandoned?
- (2) Will Mr Barry Waldeck be reimbursed for the money he has expended on the joint venture?
- (3) If so, who will pay these costs?

Mr BRIAN BURKE replied:

- (1) to (3) This matter is currently being discussed between the partners.

#### MR PHILIP WATKINS

##### *Employment: Premier and Cabinet Department*

2925. Mr MacKINNON, to the Premier:

- (1) Will Mr Philip Watkins be retained as an employee within the Premier's Department?
- (2) If not, what will be his future position in the Government?

Mr BRIAN BURKE replied:

- (1) and (2) No final decision has been made on the matter. When a final decision is made, the member for Murdoch and others will be advised.

## HOUSING: FIRST HOME OWNERS SCHEME

### *Retention: Submission*

2926. Mr MacKINNON, to the Minister for Housing:

- (1) When is he planning to present the Western Australian case to the Federal Government which supports the retention of the First Home Owners Scheme?
- (2) Who will accompany him to make this presentation?
- (3) When does he anticipate receiving a response from the Commonwealth to this presentation?

Mr WILSON replied:

- (1) March 28, 1985.
- (2) Representatives of R.E.I.W.A., Housing Industry Association, Master Builders Association of W.A., Permanent Building Societies Association and Terminating Building Societies.
- (3) Discussions on the day will determine this.

2927 to 2930. *Postponed.*

## COMMUNITY SERVICES: CHILDREN

### *Safety House Programme: Funding*

2931. Mr MacKINNON, to the Minister for Education:

- (1) Does he support the widely supported safety house programme which has been funded by the Community Employment programme?
- (2) Is he aware that the funding for this programme will be withdrawn in May?
- (3) Has he received a request from the programme committee with a request for financial support?
- (4) Will he be approving or rejecting that request?

Mr PEARCE replied:

- (1) Yes, I support the initiatives of the community-based Safety House Scheme.

- (2) I am aware that a request for extended funding, through the Community Employment Programme for a project officer has been refused.

- (3) I have not received a request from the committee for more than twelve months.

- (4) Not applicable.

2932. *Postponed.*

## HEALTH: ALCOHOL

### *Serenity Lodge: Control*

2933. Mr MacKINNON, to the Minister for Health:

- (1) Is he aware that the agreement referred to by him in his answer to question 2744 of 19 March 1985, contains the following clause: "the purpose of funding is the 'provision of qualified nursing services to client residents of Serenity Lodge in a formal rehabilitation programme for alcohol dependent persons'."?
- (2) Is it not a fact that this clause in effect totally removes control from the current management group at the Lodge?
- (3) If this is not the case what control does the Alcohol and Drug Authority wish to exercise over Serenity Lodge for the \$34 000 being offered to the Lodge?

Mr HODGE replied:

- (1) Yes.
- (2) No.
- (3) The terms of agreement and conditions of grant applicable to grants from the Non-Government Support Programme within the Authority's vote, apply to and have been signed by all agencies in receipt of a grant except Serenity Lodge.

A formal agreement provides for the protection and accountability of public funds and guarantee the provision of the service for which those funds were provided.

## MINISTER FOR AGRICULTURE

### *Adviser: Mr Greg Paust*

2934. Mr WATT, to the Minister for Agriculture:

- (1) Has he appointed Mr Greg Paust from the Albany office of the Department of Agriculture to the position of Ministerial Adviser?



- (2) What qualifications does he possess to enable him to advise the Minister on matters relating to agriculture better than senior departmental advisers?
- (3) Has Mr Paust been transferred or seconded out of the Department of Agriculture?
- (4) In what capacity was he attached to the Albany office?
- (5) Has his position at Albany been filled by another officer?
- (6) Does the Government pay Mr Paust's airfares to and from Albany to allow him to return home for weekends?

Mr EVANS replied:

- (1) The Department of Agriculture transferred Mr Paust from Albany Office to the Office of the Minister for Agriculture to provide a technical assistant to the Hon. Minister.
- (2) The Director of Agriculture and senior departmental officers will continue to be the principal source of advice on agricultural matters.
- (3) Mr Paust has been transferred, but not out of the Department of Agriculture.
- (4) Carrying out a research project on potatoes.
- (5) No, but the need for an officer to deal with horticultural industry in the Albany area is being considered.
- (6) No.

### QUESTIONS WITHOUT NOTICE

#### PRIME MINISTER OF NEW ZEALAND

##### *Visit*

904. Mr MacKINNON, to the Premier:

- (1) Is it a fact that the Prime Minister of New Zealand, Mr Lange, will be visiting Western Australia and will meet with the Premier in the near future? I understand it will be this weekend.
- (2) If so, will the Premier during his meeting with the Prime Minister encourage him to take positive steps towards renewing the important bonds that ANZUS has extended to Australia, New Zealand, and the United States over recent years?
- (3) If not, why not?

Mr BRIAN BURKE replied:

- (1) Yes. The Department of Premier and Cabinet received a telex advising that the Prime Minister of New Zealand would be visiting Perth for approximately one day, this coming weekend, I think.
- (2) and (3) Whether I shall be taking advantage of the visit to do the things the Deputy Leader of the Opposition thinks should be done is problematical because I think the present arrangements are that I will meet the Prime Minister for New Zealand at the airport and accompany him to his hotel. No doubt I shall be talking to him about a number of matters but I am not sure I will be in a position to raise those matters that the Deputy Leader of the Opposition thinks should be raised. It will depend upon the time I have to spend with the Prime Minister of New Zealand.

I state categorically that as a State Government we have consistently supported the ANZUS alliance and, as the Deputy Leader of the Opposition knows, we have consistently made welcome visiting vessels from the United States navy which from time to time call into Fremantle on rest and recreation leave. On that basis our attitude is different from that expressed by the New Zealand Prime Minister on behalf of New Zealand and that difference is no doubt well known to the New Zealand Prime Minister.

#### TOURISM COMMISSION

##### *Allegations: Member for Gascoyne*

905. Mr BURKETT, to the Leader of the House:

Has the Minister received a reply to his letter to the member for Gascoyne which called upon the member to substantiate the allegations he made against the Managing Director and members of the Western Australian Tourism Commission?

Mr TONKIN replied:

I thank the member for Scarborough for adequate notice of the question.

No. I have not received a reply even though the letter represented a genuine attempt to give the member for Gascoyne an opportunity to substantiate his serious allegations. However, I read

with surprise in this morning's issue of *The West Australian* the statement by the member for Gascoyne that he had already substantiated his claims, as I had not seen any evidence whatsoever to support his claim.

On Tuesday of last week, the member for Gascoyne made a series of baseless assertions that the Managing Director and commissioners of the WA Tourism Commission—including Mr Basil Atkinson and Miss Cheri Gardiner—had engaged in improper conduct and had made improper use of commission funds in a criminal manner.

No proof for any of these allegations was tendered at the time, and none has been since. There is no truth in his allegations and he knows he cannot provide any evidence. He should apologise for his statement.

If the Leader of the Opposition was not held in such low esteem by his colleagues, particularly the member for Gascoyne, he would make some effort to make the member for Gascoyne behave more responsibly.

The Government views this abuse of parliamentary privilege in a very serious light, and is currently considering what options might be available to it to redress the matter.

#### ROTTNEST ISLAND BOARD

##### *Chairmanship: Premier*

906. Mr MacKINNON, to the Premier:

- (1) Is the Premier still occupying the position of Chairman of the Rottnest Island Board?
- (2) Does he intend to retain this position?
- (3) If not, who will replace him as chairman and when?

Mr BRIAN BURKE replied:

- (1) to (3) As has been publicly announced, I am no longer Chairman of the Rottnest Island Board. I will make inquiries to determine the answers to the other questions raised by the Deputy Leader of the Opposition but I cannot answer them without notice.

Mr MacKinnon: You do not know who the new chairman is?

Mr BRIAN BURKE: I do not know whether another chairman has been appointed. I

will make inquiries and let the member know.

I would like to take the opportunity of pointing out to the Deputy Leader of the Opposition that, unlike the Opposition, which was responsible for building the Longreach and Geordie Bay settlements without any environmental investigation whatsoever, the present Government has embarked upon a most extensive and far-reaching examination of the environment.

Mr Old: Like Burswood Island.

Mr BRIAN BURKE: The member's interjection did not even make an impression on himself. The Government has embarked on a plan which has been published but which has not elicited any response from the Opposition. This Opposition has a track record of not responding to anything. We have yet to see a Liberal Party policy affecting Aboriginal people; we are unlikely to see it because no-one can agree on anything.

What I would encourage the Opposition to do is seriously and positively to address the Rottnest Island problem and the proposals and put up some constructive suggestions instead of going ahead as it did previously in building at Longreach and Geordie Bay, both of which are described as environmental disasters. Now is the chance for the Opposition to contribute positively to any decisions made in respect of Rottnest.

As with the Seaman inquiry, the original Rottnest plan, and the commission of inquiry into parliamentary deadlocks, nothing is forthcoming from the Opposition. I expect nothing will be forthcoming from this answer.

#### PORTS AND HARBOURS: MARINA

##### *Sorrento: Survey*

907. Mrs BEGGS, to the Minister for Planning.

- (1) Is it correct that the Government has undertaken a secret public opinion survey on the Sorrento marina proposal?
- (2) If not, will the Minister outline the Government's actions in this important area?

Mr PEARCE replied:

- (1) and (2) To consider the case the Government has undertaken a survey of the ma-

rina proposal in the northern suburbs. There is nothing secret about it. I made it quite clear, almost on the day I became the Minister for Planning, that it was my intention to conduct a poll as part of the process.

Mr Court: What about the Chinese restaurant?

Mr PEARCE: There is nothing major about a Chinese restaurant development. It is a very minor issue. With regard to the claims which are currently being made by one of the Legislative Council members—I forget his name for the moment—and the member for Karrinyup that secret surveys are being run—

Mr Clarko: I did not say anything about surveys.

Mr PEARCE: The member is a wise man. I concede that the member for Karrinyup has made it clear that—

Mr Burkett: Mr Wells is waiting to gauge opinion when he knows the result of the survey.

Mr PEARCE: Everybody's position is well-known except for Mr Wells' position.

Several members interjected.

The SPEAKER: Order! We know the member for Karrinyup's position.

Mr PEARCE: The member for Karrinyup is against a marina. I think he is waiting for the results of the survey with bated breath.

Mr Clarko: The people near it are overwhelmingly against it.

Mr PEARCE: The survey is being taken throughout the whole of the northern suburbs. Next week I will be producing the survey in all its glorious detail in this Parliament for the benefit of the member asking this question and any other member with an interest.

The private campaign by Mr Wells on the secrecy of this survey has tended to obscure the fact that Mr Wells has no publicly-stated position on the marina and he will not be adopting a position prior to the release of the survey. I can assume only that his desire to see the result of the survey is to make up his own mind where he stands. The Government's view is that the marina proposal will go ahead unless it is not cleared by the EPA. If the survey were to show that

local people do not want a marina, we would take account of that opinion.

It is time for Mr Wells to indicate whether he is for or against a marina, and decide what other qualifications he wishes to make before the survey results are produced next week. He will have little credibility if he waits for the survey results to be produced.

I might say, so that the matter will be clear when such surveys are undertaken in the future, that we will not announce by whom the survey is being run before the survey forms are out or before the telephone calls are made, because it is a well-established fact of public opinion polling that if people are aware of the source of a survey, they know who is asking the questions, and this has an impact on the way in which they answer. That is well-documented in research work on public opinion polling. Whenever questions are asked, the name of the person seeking the information is not known because that would influence the result. For that reason I made no public statement that the survey was being undertaken at the time the questions were asked.

We have never sought to conceal any aspect of the survey. I shall be tabling all the survey results—they are very complex—for the information of all members and of the public.

## HEALTH: NURSES

### 38-Hour Week: Cost

908. Mr THOMPSON, to the Minister for Health:

What is the expected additional cost to the State of the recent decision to introduce a 38-hour week for nurses for—

(a) the balance of the financial year; and

(b) the next full year?

Mr HODGE replied:

(a) and (b) It is hard to give a precise answer to that question because a number of intangibles are involved. Firstly, we have reached an agreement with the RANF that the price of meals supplied by hospitals will increase substantially; that the price of accommodation charged to nurses living in hospital-supplied accommodation will be increased; and

parking fees will be increased in areas where they are already in vogue. It is difficult to know what revenue these measures will bring in. Obviously there will be some resistance to the higher meal, accommodation, and parking charges, so I expect revenue from those sources temporarily not to increase as much as one would expect. It is very hard therefore to give an accurate answer from the revenue point of view.

Again it is not quite clear precisely how many extra staff will need to be employed in the various hospitals to make up for the introduction to the 38-hour week. Some practical experience will be required to fine-tune the system.

As closely as I can ascertain, in this financial year we are looking at a figure of about \$800 000 and, in a full year, an approximate figure of \$3 million.

#### ATTORNEY GENERAL

##### *Ministerial Statement: Legislative Council Action*

909. Mr GORDON HILL, to the Leader of the House:

- (1) Is the Leader of the House aware of any action by the Opposition in the Legislative Council to prevent the Attorney General from making a ministerial statement?
- (2) Does the Leader of the House know of any precedent to this in the Legislative Assembly?

##### *Point of Order*

Mr THOMPSON: I submit that that does not fall within the ministerial responsibility of the Leader of the House to whom the question was directed and is, therefore, out of order.

The SPEAKER: On what section of the Standing Orders do you raise that point of order?

Mr THOMPSON: I cannot state the precise Standing Order and, indeed, if you, Sir, were to ask every member who rises on a point of order to indicate the Standing Order to which he is referring, I am sure he would be unable to do so.

The SPEAKER: I asked you, because you were a previous Speaker.

Mr THOMPSON: I do not know, but I have no doubt that you, Sir, having boned up on the Standing Orders, will be able to

tell me the position. The substance of the point of order is that the question asked of the Leader of the House does not fall within his ministerial responsibility to this House.

The SPEAKER: I agree with the member for Kalamunda. Those sorts of questions ought to be directed to the Premier who is allowed to comment on public affairs.

#### HORTICULTURE: AVOCADOS

##### *Imports: Queensland*

910. Mr OLD, to the Minister for Agriculture:

- (1) Are imports of avocados into Western Australia to be allowed from Queensland and New South Wales as from 1 April 1985?
- (2) Does Queensland have infestations of tropical fruit fly which represent a problem to the local industry?
- (3) If the answer to (2) is "Yes", how can the risk of bringing tropical fruit fly to Western Australia be justified when we already have a major problem with mediterranean fruit fly?
- (4) Did the recent importing of Queensland fruit into Victoria and NSW result in an outbreak of tropical fruit fly in those States?

Mr EVANS replied:

- (1) Yes.
- (2) Yes.
- (3) Imports will be allowed under special conditions which include certification that the fruit has been treated with a suitable insecticide.
- (4) This has not been determined.

#### ATTORNEY GENERAL

##### *Ministerial Statement: Legislative Council Action*

911. Mr GORDON HILL, to the Premier:

- (1) Is the Premier aware of any action by the Opposition in the Legislative Council to prevent the Attorney General from making a ministerial statement?
- (2) Does the Premier know of any precedent to this in the Legislative Assembly?

Mr BRIAN BURKE replied:

- (1) I am aware that the Legislative Council refused leave for the Attorney General to make a statement to that body in respect

of the tabling of papers concerning the charges against Mr J. J. O'Connor.

Mr MacKinnon: The Minister provided those papers to the Press before he sought to table them in Parliament.

Mr BRIAN BURKE: I am talking about making statements. If the Deputy Leader of the Opposition wants to set the rules whereby leave to make a statement is granted or refused, he should go ahead. However, the Legislative Council will go to any lengths to shut people up when it suits it. The Attorney General can be vilified and insulted; he can be accused of all sorts of things; but when he seeks leave to make a statement in his own defence, all of a sudden the Legislative Council does not think it is appropriate to let him speak. The Legislative Council will go to any lengths whatsoever to shut up the Attorney General.

(2) It may interest members to know that there is no precedent in the records of this Chamber for that happening; so the Legislative Council is prepared to go to lengths that even the members of this place are not prepared to travel to in order to stop the Attorney General speaking.

Mr Peter Jones: Is there any precedent for issuing a ministerial statement to the Press and then not making it in the Parliament, which is what you did two weeks ago?

Mr BRIAN BURKE: I know the member for Narrogin rarely wakes up, but what does this have to do with the Attorney General and the unprecedented action of the Legislative Council in trying to shut him up? The Opposition has been so fond of pursuing this matter that I would have thought it would like to give the opportunity to the Attorney General to say whatever he likes about it; but when it does not suit the Opposition, it uses its numbers to cause people to be unable to speak in their own defence. That is the sort of attitude and behaviour we can expect from a majority of people elected in the Legislative Council according to an unfair and undemocratic system. There is no precedent for that having occurred in this Assembly and I hope that none will be set.

# LEGISLATIVE COUNCIL: STATEMENT

*Hon. G. C. MacKinnon: Government Action*

912. Mr MacKINNON, to the Premier:

(1) Is the Premier aware that last week in the Legislative Council the Minister for Tourism made a ministerial statement accompanying the tabling of the Price Waterhouse report, as the Premier did in this House?

(2) Is the Premier aware also that at that time, the Minister for Tourism and Leader of the House in the Legislative Council (Hon. D. K. Dans) and his colleagues refused members of the Opposition the right of response by using exactly the same procedure as he, the Premier, just outlined to this House as having occurred in the Parliament yesterday?

Mr BRIAN BURKE replied:

(1) and (2) I am not aware that that is the case.

Several members interjected.

The SPEAKER: Order!

Mr BRIAN BURKE: I would doubt very much whether that was the case, but let me say this: That sort of complaint coming from an Opposition which is prepared to support a member who will stand up here, as the member for Gascoyne has stood up here, and tell lies without anyone on that side of the Chamber asking his colleague to withdraw and, in the face of requests from the Leader of the House, still no substantiation coming forward, is a hollow criticism indeed.

I am not aware of the claim or allegation made by the Deputy Leader of the Opposition. However, if the Opposition wants to comport itself in the way in which it has been comporting itself, it cannot expect the Government to observe the normal mannered way in which it comforts itself.

Several members interjected.

The SPEAKER: Order!

Mr BRIAN BURKE: Never before has a Government permitted the Opposition to move as many urgency motions as has this Government.

Mr Clarko: We are talking about your last dishonest answer.

Mr BRIAN BURKE: We are talking about the general manner in which the Opposition conducts itself.

Mr Mensaros: You are saying the Government allows an urgency motion, not the Speaker; so you are taking over the role of the Speaker.

Mr BRIAN BURKE: I do not know whether I am doing that—

Several members interjected.

The SPEAKER: Order! During the last few minutes I have called for order a number of times. I remind members that I have made the statement, as has my predecessor, that if they want to embark on a series of interjections during question time—which time is a privilege granted by the Speaker—and if they continue with those interjections, I shall call on the Leader of the House to resume the business of the House.

Mr BRIAN BURKE: I do not know of the truth or accuracy of the claim made in the question asked by the Deputy Leader of the Opposition. However, if there is any truth or accuracy in that claim, then I guess the action is founded in the way in which the Opposition generally comports itself. The Opposition will be treated according to the way in which it behaves. Never before have I seen an Opposition which would tolerate the member for Gascoyne or any other member standing up and saying things which were so insecurely anchored in fact as to cause the member for Gascoyne never to attempt to substantiate the wild, irrational, and untrue claims that he made.

#### TOURISM: BUNGLE BUNGLE

##### *Endangering*

913. Mr BRIDGE, to the Minister for the Environment:

Is it correct that the Leader of the Opposition's promotion of people visiting Bungle Bungle will endanger this magnificent national asset?

Mr DAVIES replied:

I thank the member for Kimberley for some notice of this question. Yes, it is a matter of considerable regret to me that the Leader of the Opposition, who is not with us now, was apparently irresponsible enough to promote entry into the

Bungle Bungle area before a management plan was completed. The Bungle Bungles have been there for thousands of years and no one has done anything about them until the present. The Government has a management plan in the process of being prepared. It will be prepared by the middle of April. We are moving towards making a national park of the area, but a proper management plan is essential to protect what is one of Australia's great national assets. While it might be politically convenient for the Leader of the Opposition to promote entry to Bungle Bungle, all Western Australians have an obligation to protect an area of great scenic beauty and significance. I believe the Leader of the Opposition did the community a great disservice by encouraging entry before a management plan was adopted. He should also realise that one does not become an expert in these matters by flying over the area, as he apparently did.

#### HEALTH: NURSES

##### *38-hour Week: Additional Staff*

914. Mr THOMPSON, to the Minister for Health:

- (1) How many additional nurses will be required in Government hospitals to meet the demand following the decision to introduce a 38-hour week?
- (2) Bearing in mind that some of the hospitals are already experiencing difficulty in recruiting trained nurses, how does the Minister expect to meet the additional demand as a result of this decision?

Mr HODGE replied:

- (1) and (2) I cannot tell the member for Kalamunda off the cuff how many additional nurses will be required to implement the 38-hour week. As I indicated in my previous answer, it will take some months, I believe, and close examination of the roster system and the way the hospitals operate to actually come up with a definite figure of how many extra full-time equivalent positions will be needed. Obviously, extra nurses will be needed. I have no doubt that there will be difficulties in trying to recruit those extra nurses. The shortage of nurses has been aggravated by a number of issues, the first of which was the introduction of a 10-hour night shift. That

involved employment of about 162 full-time equivalent positions. The 38-hour week will obviously mean more nurses are required. The higher patient-nurse ratio for private hospitals and nursing homes will also require the employment of more nurses, as will the move to tertiary education.

This situation has been aggravated by the decision of the previous Government to cut back on the input to nurses' training courses. We are feeling the effects of that now. That is aggravating the shortage of nurses.

This really is a complex issue. As the member knows, we are endeavouring to recruit nurses from overseas. We will be recruiting 100 initially. If that proves to be successful, we may well recruit an additional 100. We are also seeking to maximise the number of extra nurses we will be training.

I have made application to the Commonwealth Government for additional funds as part of the transfer to tertiary education. Those funds will be used for extra retraining positions for nurses who are presently out of the work force and who wish to retrain.

We are doing our best to address the situation. However, one cannot escape from the position that there is a definite shortage of nurses. For the next few years, this State and the rest of Australia will be faced with a serious nursing shortage.

## ABORIGINAL AFFAIRS: EDUCATION

### *Advances: Government*

915. Mr D. L. SMITH, to the Minister for Education:

- (1) Has the Minister read an article on page 5 of *The West Australian* of Monday, 25 March 1985 in which the Leader of the Opposition, upon his return from a tour of the north-west, is quoted as saying that "a great deal was being done for Aborigines in the areas of housing and education"?
- (2) Can the Minister inform the House whether the Government has made great advances in the area of Aboriginal education?

Mr PEARCE replied:

- (1) and (2) I saw the Press report to which the member referred. I thought the only thing missing from the quotes were the words "in the last two years" because the advances that have been made with Aboriginal people in the education area by this Government are great when compared with the efforts of the previous Government. The previous Government adopted the principle that it would not make any provision at all for the disadvantages in education suffered by Aboriginal people. It insisted on making the same provision for Aboriginal students as it might have made in a normal school in the Perth metropolitan area. On the spurious grounds of equality, no effort was made to overcome the serious disadvantages of Aboriginal children at every level of the education system, which is shown in the poor participation rates of Aboriginal people in the education system at every level, but particularly at the high school, upper high school, and tertiary level.

In the two years since we have been in Government we have made significant strides in Aboriginal education. The most important thing we have done is to give control of Aboriginal education, to a large extent, to Aboriginal people through the establishment of the Western Australian Aboriginal education consultative group and by the establishment of a position of co-ordinator of Aboriginal studies. The co-ordinator has been given on-line responsibility for Aboriginal affairs in the department. That position has been filled by John Budby from Queensland, who is doing an excellent job.

We have established five pilot high school projects in Aboriginal communities so that Aboriginal children who are not willing or able to travel to major centres will be able to receive a high school education.

It is clear that Aboriginal children living outside main population centres did not have access, under the previous Liberal Government, to secondary education. This Government is now moving, in co-operation with the Commonwealth, to provide that education. For the Leader of the Opposition to visit the north and discover that this Government is doing things for Aboriginal education at long

last, after almost a century and a half, and to use that as an excuse for opposing land rights, is sheer hypocrisy. The previous Liberal Government did nothing for Aboriginal education.

It is my experience, from talking to people in Aboriginal communities, that the previous Government did nothing for Aboriginal communities at all. It did nothing to meet or deal with the great problems that they are now talking about in the context of the Aboriginal Land Bill to alleviate the suffering of those disadvantaged people. This Government is taking significant steps in the education area to do that. However, it is difficult, in a short time, to overcome the legacy of neglect that has characterised the operation of Liberal Governments in this area for so long.

I note that the Leader of the Opposition has at last recognised that something is being done for Aboriginal people. I only wish he had the grace and the courtesy to indicate in his Press statement who was doing it.

#### PLANNING: STIRLING CITY COUNCIL

##### *Chinese Restaurant Rezoning: Queen's Counsel Opinion*

916. Mr CASH, to the Minister for Planning:

- (1) Has the Minister received from the City of Stirling a copy of the Queen's Counsel opinion in respect of the Australian Labor Party's Chinese restaurant?
- (2) If "Yes", in view of the Queen's Counsel advice, is it a fact that his earlier direction to the City of Stirling dated 25 February 1985 was an abuse of his statutory power under section 18 of the Town Planning and Development Act?

The DEPUTY SPEAKER: Order! The question is entirely out of order. It is seeking a legal opinion of the Minister.

#### CHEMICALS: CHLOR-ALKALI PLANT

##### *Establishment*

917. Mr TAYLOR, to the Minister for Industrial Development:

- (1) What is the status of a chlor-alkali plant proposed for Western Australia?
- (2) What benefits will the State receive from the establishment of such a plant and what are the estimated production figures?

Mr BRYCE replied:

- (1) and (2) Cabinet has given the go-ahead for the establishment of a \$10 million chlorine caustic—chlor-alkali—production plant at Kwinana. The approval for CSBP and Farmers Ltd. to proceed means the introduction of a new industry to the State. Cabinet's decision is subject to the company's meeting strict environmental regulations and also contractual conditions with the Government.

These conditions are to be negotiated by the company with the Metropolitan Water Authority, which also monitors them throughout the life of the contract.

It is envisaged that the contract will cover a 10-year period for the supply of the MWA's annual chlorine requirements which at present are being basically met by interstate suppliers.

The Cabinet decision follows thorough groundwork laid by an inter-departmental committee led by the newly-formed venture task force within the Department of Industrial Development and means a new high technology industry for the State.

It will mean an average of 100 jobs—with a peak of 150—during the 15-month construction phase of the project, with about 15 to 20 additional positions when the plant is in operation.

The decision will lead to cheaper chlorine for the MWA and also more competitive chlorine and caustic prices to other local users, with potential for development of a flow-on industry.

Work on the plant will start as soon as environmental approval has been obtained, and the Water Authority expects to receive its first local chlorine in the second half of 1986.

On being commissioned, the plant capacity will be 5 000 tonnes of caustic soda and 1.5 million cubic metres of hydrogen. The expansion of the plant—at a further estimated cost of \$3 million—will double capacity.

Initially the plant will use up to 9 000 tonnes a year of local salt and 1.25 MW of power. It will also provide a base for the greatly expanded local chemical manufacture of various products.



## TECHNOLOGY PARK

### *Tenants: International Companies*

918. Mr COURT, to the Minister for Technology:

- (1) Will the Government be giving priority to large international technology companies when the technology park at Bentley is leased?
- (2) Which international technology companies will be basing their operations at the technology park?

Mr BRYCE replied:

- (1) I am very pleased to have the opportunity the question affords me to explain to the member for Nedlands and other members of the House that the Government made a very deliberate decision in respect of the time that we had at our disposal over the last 12 to 18 months in regard to the development of the technology park. We made a decision quite consciously to throw our weight behind the development of embryonic companies in Western Australia and in other parts of Australia. I am pleased to be able to say that on Friday we will conduct a special workshop for the companies comprising the electronics industry in Western Australia to explain to them precisely how their needs will be met by Government programmes—as far as the Government is able to meet their needs—both in terms of their admittance or their potential for admittance to the park, as well as their interest in some of the financial programmes that have actually been developed. To clarify the position, in so far as the last 12 to 18 months are concerned, top priority has been given to the development of all the systems, the programmes, and the mechanisms needed for the incubator units, the enterprise units, and the commercial lot units at the technology park, and all the details relating to them will be publicly released on Friday.

Mr MacKinnon: This Friday?

Mr BRYCE: Yes, this coming Friday.

- (2) The Government has had discussions and negotiations with approximately five or six companies in the United States and Europe which have expressed a positive interest in the park. In fact, there is an interested party also in Japan. These companies have expressed positive

interest in pursuing joint venture arrangements for the establishment of R and D plants in the technology park. Those arrangements will be given priority by the Technology Development Authority immediately after the release of this information to the industry locally on Friday; that will in fact put behind us the arrangements for Western Australian and Australian companies which intend establishing in the park.

Mr MacKinnon: Have any local companies expressed interest in getting into the park yet?

Mr BRYCE: My word, yes indeed. To the best of my knowledge, all the incubator units are taken, by virtue of the applications that have been made. It is my understanding that the enterprise units are also virtually all taken. Three or four companies have signed to actually develop commercial lot units at the park, and that has the emphasis on local companies.

## HEALTH DEPARTMENT

### *Housing: Kimberley*

919. Mr BRIDGE, to the Minister for Health:

In the Health Department capital works programme announced by the Premier in his Budget speech last year, an amount of \$1.55 million was allocated for staff housing. Given the importance of housing in attracting staff to positions in the country, and particularly in the north-west, can the Minister advise whether any part of this amount has been allocated to the Kimberley region?

Mr HODGE replied:

In reply to the member for Kimberley, I am advised that the total allocation for staff housing in the 1984-85 health capital works programme was \$1.55 million of which \$1.2 million is expected to be spent in the current financial year. Included in this sum are the following projects for the Kimberley region—

- (1) Derby Regional Hospital: Purchase of two existing three-bedroom residences.
- (2) Fitzroy Crossing: State Housing Commission to provide two single self-contained apartments.
- (3) Halls Creek: Purchase of a three-bedroom residence from the Com-

monwealth Government. This matter is currently being negotiated.

The estimated cost for these facilities is \$400 000.

A comprehensive repairs and renovations programme for staff quarters and residences at Derby estimated at \$250 000 is also scheduled to commence this financial year. A contract has recently been let for \$115 000 to upgrade cyclone protection to all staff quarters and residences at Broome.

## PLANNING: BUNBURY

### *Office Development*

920. Mr CASH, to the Minister for Planning:

- (1) Is it a fact that the Bunbury City Council's town planning scheme No. 5 was amended with the approval of the Minister's predecessor (Mr Dowding) to allow for a proposed office development?
- (2) Is he also aware that the Bunbury City Council, in its own planning scheme No. 6, inadvertently omitted this amendment from the scheme?
- (3) Is it a fact that when the mistake was discovered and the original amendments were included in town planning scheme No. 6, the same Minister, Mr Dowding, rejected the change that he had previously approved?
- (4) Will the Minister now take action to ensure that the amendment is approved to enable property owners—which include the Liberal Party—to proceed with planned developments?
- (5) If not, why not?

Mr PEARCE replied:

- (1) to (5) I was about to point out the special interest that the Liberal Party has in this question, but the member of course has done it for me. I discovered that the Liberal Party had an interest in this development when it made a statement claiming the Liberal Party was discriminated against on Christmas Eve on the basis that the development was not allowed to go ahead. Although there was some confusion in that the scheme documents prepared by the City of Bunbury were different on the map from the exposition in the text, there was confusion between the two. When I met with representatives of the City of Bunbury,

they admitted the confusion arose from their own town planning department and problems they had suffered over there. It is not the case that there was any confusion on the part of the previous Minister for Planning. In fact, the decision made by the Minister not to allow developments in that particular area was made on the recommendation of the Town Planning Board, which was seeking to have a more co-ordinated approach to the development of commercial facilities in Bunbury, and is very much opposed to what it saw as ribbon development along that area.

Mr Rushton: If it had a Chinese restaurant, would that help it get through?

Mr PEARCE: A Chinese restaurant business has nothing to do with it, despite the best efforts of the Liberal Party to suggest that there is some connection. With regard to the legal opinion about which the member for Mt. Lawley sought to ask me before, the clear indication was that Mr Viner, in preparing that opinion, had worked on the unamended copy of the Act.

That is the value of that particular exercise, if one wants to combine the two. What sort of advice is a Queen's Counsel's opinion based on a wrong copy of the Act?

Several members interjected.

The DEPUTY SPEAKER: Order!

Mr PEARCE: I have met with the City of Bunbury—

The DEPUTY SPEAKER: I will give the Minister time to complete his answer, but I warn all members that if I have to do this again, irrespective of the side on which the member concerned is sitting, I will take action. I request members on either side of the House to respect the Chair when I call for order. I do not expect to have to call three or four times.

Mr PEARCE: I have met with the City of Bunbury and discussed the problems with the council. I have asked the Town Planning Board and the City of Bunbury to see if they can work out a structure plan for the area which will meet the needs of the developers and look after the long-term planning needs of the City of Bunbury.