

Legislative Assembly

Tuesday, 12 August 1980

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

PREVENTION OF CRUELTY TO ANIMALS ACT

Increased Penalties: Petition

MR BATEMAN (Canning) [4.31 p.m.]: I have a petition to present as follows—

TO—

THE HONOURABLE THE SPEAKER
AND MEMBERS OF THE
LEGISLATIVE ASSEMBLY OF THE
PARLIAMENT OF WESTERN
AUSTRALIA IN PARLIAMENT
ASSEMBLED:

We, the undersigned residents in the State of Western Australia do herewith pray that Her Majesty's Government of Western Australia will urgently support an appeal to Legislate for increased maximum penalties under the Prevention of Cruelty to Animals Act for persons convicted for cruelty and neglect to animals.

Your petitioners therefore humbly pray that your honourable House will give this matter earnest consideration and your petitioners as in duty bound will ever pray.

This petition bears 13 438 signatures and I have certified that it conforms with the Standing Orders of the Legislative Assembly.

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

(See petition No. 8.)

NOONKANBAH STATION: DRILLING

Negotiations with Community: Standing Orders Suspension

MR PEARCE (Gosnells) [4.32 p.m.]: I move, without notice—

That so much of Standing Orders be suspended as is necessary to enable me to move—

That this House, noting:

- (i) the Government's failure to negotiate on a reasonable basis with the Aboriginal community on Noonkanbah Station,

- (ii) the Government's rejection of a recent approach by the community for discussions, despite the assurances given by the Premier to the member for Kimberley that provided the community initiated negotiations, time was no problem,

- (iii) the proposed drilling area is situated on an Aboriginal sacred site, as verified by the Museum Trustees in a report which the Government has deceitfully misrepresented to the public and tried to conceal,

- and
- (iv) the desire by the community to protect the sites they regard as sacred and to have those sites properly recorded on maps,

calls on the Government to halt immediately all actions likely to contribute to the early commencement of exploratory drilling on Noonkanbah Station, including the transporting onto the station and erection of a drilling rig, and commence meaningful negotiations with the community.

I do this as I believe the matters to which I refer are of considerable urgency for this Parliament to discuss. One could hardly but have noticed that the only item which seems to be appearing in newspapers and television reports is that a convoy of 56 semi-trailer trucks, escorted by police in a para-military operation which is unprecedented in Western Australia since the days of the last World War, has been grinding its way to Noonkanbah Station and is expected to arrive tomorrow.

If Parliament is to consider this matter and have some say in the events which are dividing the community, causing such emotion and dissent, and likely land so many people before the courts, today must be the day that this matter is considered. I have moved that Standing Orders be suspended to enable me to move the motion I have outlined.

SIR CHARLES COURT (Nedlands—Premier) [4.35 p.m.]: I indicate to the member—as I have already indicated to the Leader of the Opposition—that the Government does not intend to oppose this motion for the suspension of Standing Orders. However, I would like it clearly understood that this must not be taken as a routine matter. In view of the circumstances, we are quite prepared to let this motion go through so the member's other motion can be introduced and duly debated.

The SPEAKER: To be carried, this motion requires the concurrence of a constitutional majority of the House. Therefore, if there is a dissentient voice, it will be necessary for me to divide the House.

Question put and passed.

NOONKANBAH STATION: DRILLING

Negotiations with Community: Motion

MR PEARCE (Gosnells) [4.36 p.m.]: I move—
That this House, noting:

- (i) the Government's failure to negotiate on a reasonable basis with the Aboriginal community on Noonkanbah Station,
- (ii) the Government's rejection of a recent approach by the community for discussions, despite the assurances given by the Premier to the member for Kimberley that provided the community initiated negotiations, time was no problem,
- (iii) the proposed drilling area is situated on an Aboriginal sacred site, as verified by the Museum Trustees in a report which the Government has deceitfully misrepresented to the public and tried to conceal,
and
- (iv) the desire by the community to protect the sites they regard as sacred and to have those sites properly recorded on maps,

calls on the Government to halt immediately all actions likely to contribute to the early commencement of exploratory drilling on Noonkanbah Station, including the transporting onto the station and erection of a drilling rig, and commence meaningful negotiations with the community.

In speaking to the motion, I indicate at the outset that the Opposition's attitude to this matter has been very clear right from the time the controversy started. It is probably equally fair to say that many members of the Western Australian public tended to consider it a matter that was far away from themselves and, perhaps, should be left to be fought out between the Government and a distant Aboriginal group.

I think the events of the last few days, with the Government sending a convoy of trucks to make sure drilling goes ahead on Noonkanbah Station, has disgusted, annoyed and antagonised a great many people in the Western Australian community. People who saw this as distant and

far away, not touching themselves, have been shocked and ashamed by the actions of the Government with its para-military force being used to put down the aspirations of one small Aboriginal community wanting to hang on to its own sacred land.

The situation is that, in 1976, as part of the Federal Government's policy to try to return traditional Aboriginal communities to their traditional sites, a lease was purchased for Noonkanbah Station at a very significant sum to the taxpayers. This enabled the Yungngora community to be reinstated on Noonkanbah Station. To a degree, the community is self-supporting. It has managed to re-establish itself so that its members can follow something like their traditional community lifestyle. They have managed to avoid many of the problems being faced by detribalised Aborigines whose communities have broken up, thus forcing them to live on the fringes of outback, white, country towns. For such people it is a very degrading situation and is not a situation that says much for the rest of us in Western Australia. However, the Yungngora community at Noonkanbah has managed to re-establish itself since it obtained the lease for Noonkanbah in 1976. These people were going along well until Amax applied for drilling sites on parts of the station—sites the Aborigines consider to be sacred.

I want to settle at the outset the question as to whether or not either of the proposed drilling stations is in fact on land which from more objective tests can be considered to be a sacred site, because that is one of the big differences between the Aboriginal community at Noonkanbah and the Government.

The Aboriginal community says that the drill sites are on a sacred site, the Premier says they are not. The Premier has been supported in this statement by at least six of his Ministers at various times. One could ask oneself who is most likely to know what constitutes an Aboriginal sacred site: those Aborigines to whom the site is sacred, or the Premier? The answer should be obvious to us all. It would also have to be said that objective professionals in the field have been brought in to ascertain the truth of the matter, when the anthropologists, acting under direction of the Western Australian Museum Trustees, went to the site earlier last year to investigate the situation. It was reported that both proposed drilling sites did rest in areas which were considered by the Museum anthropologists to be sites sacred to the Aborigines in that area.

The Government, having received that report and the recommendation from the trustees that no

mining activity be permitted on that sacred site, through the medium of that culturally knowledgeable Leader of the National Country Party, then acting as Minister for Cultural Affairs—presumably because his colleague had taken off on one of his world tours—sent a letter to the Trustees of the Museum directing them to consent to mining activities on those sites and refused to release the Museum report.

When it was argued that the drilling station was on a sacred site the Government, through the Premier in the first instance and then through several Ministers, subsequently alleged that the Museum's report confirmed the Government's attitude that the drilling sites were not sacred sites and did not support the Aborigines. Of course, they failed to produce the Museum's report and that is why I state in paragraph (iii) of my motion that the Government has deceitfully misrepresented this matter to the public. The Government may have got away with it, although of course some members of the Museum's cultural materials committee had knowledge of what was in the report and they were men of conscience who may well have spoken out. In the event that was not necessary, legal proceedings were instituted by the community through the Aboriginal Legal Service and the document had to be produced before the court. As a result the report and the Minister for Agriculture's letter to the Museum Trustees were made public. That report and its attached maps indicated that what the Aboriginal community considered sacred was in fact so.

The drilling sites were on Aboriginal sacred land and the Government's claim that they were not was false. The maps attached to that report were printed in *The Western Australian* newspaper for all to see. My colleague, the member for Kimberley, has appeared on television to demonstrate the truth of that matter. Indeed, it has been settled that the drilling station is on a sacred site.

The Premier then switched to a slightly different tack; that is to say, that the Government still only guaranteed "genuine" sacred sites; we have no clarification from the Government as to what constitutes a "genuine" sacred site. Presumably there are sites which are spurious sacred sites and there are genuine sacred sites. One would think that the Museum Trustees, the trained professional anthropologists, would know what constitutes a sacred site and what does not.

The Premier is stating and establishing what will be sacred. It is evident from his earlier statements on the issue that he does not understand the Aboriginal religion. Even in his

own religion there are degrees of sacredness. The church is a sacred place to Christians in the community, but the altar is more sacred than the entrance or the back door. To apply the Premier's statement would mean that the altar of the church constitutes that which is sacred, not the church. However both the church and the altar are sacred. Perhaps if this were not so then the Premier's statement might hold some water.

Unfortunately the Government and many of the people who have supported it lack sensitivity and an understanding of the Aboriginal people and their spiritual culture.

One of the Mines Department contract surveyors pegged Pea Hill in contravention of section 17 of the Aboriginal Heritage Act because his actions desecrated Pea Hill. His statement was: "It is only a rock, there is nothing there to desecrate." He overlooked the fact that it is the rock itself which is sacred to the Aboriginal people. It is unfortunate that there is this lack of understanding. The Government has shown a lack of sensitivity to other peoples' cultures and religions and other peoples' feelings.

It is essential to the Government's thinking that the Aborigines are a poor and destitute people to be pushed around. It appears that mining claims demand priority over the aspirations and wishes of the people. That is our complaint. There is no doubt that the drilling sites and resumed areas are sacred to the Noonkanbah community. The only people who doubt the truth of the matter are those who sit on this side of the House.

The point we must consider is whether or not the Government in its so-called negotiating has been at all reasonable. I submit it has not. The Premier has said many times that the Government is prepared to talk to the people but prepared to talk only on the basis that the Noonkanbah community accepts drilling on its sacred sites. That is easy to indicate because the Government in this instance is saying, "We will talk so long as it does not take too long and you agree with everything we want." There are no reasonable negotiations and that is the essential point of the dispute. There has been no negotiation as far as the community is concerned. The Noonkanbah community has put up some reasonable propositions on how the matter could be discussed—through the member for Kimberley—to form the basis on which the drilling may be undertaken.

The Government is not interested in that form of discussion because it has decided there will be drilling on these sites. In that context, what could we expect the community to do?

Another point I wish to make is that when the Premier communicates with the members of the community or writes letters—perhaps following the example of the Minister for Cultural Affairs who sends tapes in pidgin English—

Several members interjected.

The SPEAKER: Order!

Mr PEARCE: —he fails to appreciate that when he says to the Noonkanbah community that the Government will guarantee that the sacred sites are respected while he proposes to send 56 trucks onto their sacred site, the community does not make the Premier's distinction between the "genuine" and "spurious" sacred sites.

Those people cannot believe a man could desecrate their sacred areas on one hand and on the other hand guarantee to acknowledge their sacred sites. So when the Premier speaks he has in fact no credibility at all. I think he should not be surprised if the Aboriginal community refuses to take his word in guaranteeing any regard for their sacred sites.

The Government has not conducted reasonable negotiations with the Yungngora community on a basis of settling the dispute.

That is a point on which, as my colleague the member for Kimberley will demonstrate, the Noonkanbah community is prepared to negotiate and reach a reasonable compromise provided its sacred sites are protected. I will not deal at great length with paragraph (iii) of my motion because the member for Kimberley, who was deeply involved in these discussions, will do so. From first-hand experience he will draw the attention of the House to exactly what went on in those reasonable negotiations and to the points of possibility which still remain for this dispute to be settled amicably and with agreement on all sides, provided the Government is prepared genuinely to negotiate and does not insist on trying to run over the Aboriginal community and make it give up its sacred areas.

The fourth paragraph of my motion deals with the desire of the community to protect the sites it regards as sacred and to have those sites properly recorded on maps. This is an important point and one which has come in part from the Noonkanbah community itself. If this type of problem is to be avoided in the future and we are not to have Noonkanbahs at the rate of two or three a year from now to eternity, a clear way of dealing with the problems has to be arranged, and the obvious way is to have Aboriginal sacred areas delineated before the land conflict arises and before oil, uranium, diamonds, gold, or whatever is discovered.

If this is not done, Governments are led into secrecy and attempts to conceal, which is exactly the situation at the present time. Had the sacred areas at Noonkanbah been delineated and made public prior to the dispute arising about whether or not the drill site would be on sacred areas, the Government would not have been able to attempt concealment as it did, in essence wilfully and deliberately to mislead the public about what the Museum reports contained and then refusing to produce those reports to support its assertions.

The public and we in this House cannot decide a matter when we are asked to take the word of the Government for what is in reports and they are not produced. The Government cannot be relied on in this matter if the reports of the professionals are at variance with what the Government wants to do.

My concluding point relates to the effect the Noonkanbah dispute is having on the community as a whole. I am not just talking about the effect on the Aboriginal community, although that is devastating enough in itself. One would have thought the Government would be praising the efforts of communities such as that at Noonkanbah to re-establish themselves away from white society and re-establish their cultural integrity and pride, making themselves self-sustaining and overcoming the Aboriginal problem where the breakdown of society has led to isolating the alienated and dislocated Aborigines on the fringes of white towns, with the problems of unemployment, drunkenness, assault, and so on which have resulted. One would have thought the paramount national interest would be in the people and in the communities, not in what lies under the ground.

The effect of this matter on Western Australia has been quite devastating and divisive. The way the Government has attempted to orchestrate prejudice to back up the so-called firm stand it is taking on this issue deserves the contempt of the Parliament and the people. The Government attempted to mislead and in the end, having been blustering but essentially weak because it was not prepared to produce the facts and confront the truth, had to try to prove it was strong.

Amax was prepared to drill at any of its other sites around the State. The only people who wanted to ensure the company drilled at Noonkanbah were the Premier and Cabinet. No-one else seemed to care. Those people over there had to demonstrate a bit of masculinity in an attempt to show who was running the country. The unions, which were not involved in the matter for a long time, had to be provoked and we had to

get back onto the familiar confrontationist angle the Government has used so often to prop itself up by appealing to the prejudice of elements of the community.

It has been a devastating exercise. It has had unfortunate consequences for police officers, who had been doing a fine job and are now held in contempt by the community. The incident yesterday or the day before when a police car attempted to run over a Channel 9 cameraman will cause a lot of strife, but the reluctance of the Commissioner of Police to take any action is hardly surprising. When I wrote to the Commissioner of Police asking him to investigate whether the pegging of Pea Hill by contract miners of the Mines Department constituted an offence under the Act, I received what I regard as a "smart alecky" reply, and it took me six weeks and four letters to get the Commissioner of Police to agree to contact the Museum Trustees to investigate whether an offence had been committed. The same gentleman is prepared to send a small army up to the north on the strength that perhaps an offence would occur.

Mr Jamieson: Do you think they were instructed?

Mr PEARCE: Of course they were instructed to go.

Mr Jamieson: The Government never instructs the police, we have been told many times.

Mr PEARCE: In one case we had the Minister for Police and Traffic denying an instruction had been given and then admitting complicity in the matter. Clearly the police have been given instructions, and the Government is prepared to hide behind the skirts of police officers in this State and wash its hands, saying, "Don't look at us if there are arrests, confrontations, and conflicts, or if cameramen are run down. It is the police who are handling it." It is the Government which engineered the confrontation and must be held responsible.

The concluding paragraph of my motion "calls on the Government to halt immediately all actions likely to contribute to the early commencement of exploratory drilling on Noonkanbah Station, including the transporting onto the station and erection of a drilling rig, and commence meaningful negotiations with the community". My colleague, the member for Kimberley, has already demonstrated publicly that the basis for a settlement does exist. The community has put forward propositions which would allow a breathing space during which all the sacred areas could be delineated. Further geological investigations could be conducted to see what

other potential drilling sites are on the station, and with these problems settled Amax or another mining explorer could go onto Noonkanbah Station and do the sorts of explorations which, if carried through successfully, might be of benefit to the Aboriginal community and the wider community as a whole.

It seems to me the Government is locked into a timetable which is in fact governed by the weather. It will rain in the north shortly and the timetable is determined not on the wishes of the people, not on the need to convince the people, or the need for the Government to explain itself to the House or to the people, but on the fact that in another month it will rain in the north and the drill must be operating before it rains. It is so important for members of the Government to show that they are strong, "macho" men that it is necessary to rush the convoy up there. Perhaps it is not surprising that the Premier, who periodically dresses up as a soldier, likes to be up front in a military operation of this type. Perhaps he will start a war and fulfil his militaristic fancies.

Mr Bryce: Some he did not fulfil during the last war.

Mr PEARCE: In times of peace and prosperity in Western Australia the community is being divided and some of our most helpless, down-trodden, and depressed groups are being railroaded and run over in this fashion. The Parliament now has the opportunity to stand up, make its deliberations, and cast its vote on what needs to be done in this situation. The Opposition has said all the time that whatever happens at Noonkanbah must be done properly, decently, and responsibly and can only be done on the basis of negotiation and agreement; that is to say, with the agreement of all parties, without actions which would tend towards the destruction of any community, however small and insignificant it may be in the Premier's scheme of things.

The Opposition stands for conciliation and negotiation, and perhaps eventually drilling based on that negotiation and conciliation. We are today giving the Parliament the opportunity to cast its vote on the side of reason.

MR GRAYDEN (South Perth—Minister for Cultural Affairs) [5.00 p.m.]: At the outset I say that I reject the motion moved by the Opposition as being a document of patently false statements which will be obvious to anybody who looks at them. If it has done one thing, moving the motion has indicated that the Opposition in the Western Australian State Parliament has nailed its flag to

the mast of those in this State who would subvert law and order.

Mr Bryce: That comes from General Grayden himself.

Several members interjected.

The SPEAKER: Order! I would like to point out to the people in the gallery that it is not permitted for them to make any noise or to create any disturbance that might disrupt the Parliament. I ask them to respect that situation.

Mr GRAYDEN: I was saying that the Opposition has proclaimed to the world that it has nailed its flag to the mast of those who would subvert law and order. It has gone further: it has allied itself with those forces which would disrupt our society and seek to cause anarchy in Western Australia.

Mr Bryce: That is just what Hitler said in 1933. Storm Troopers and General Grayden Incorporated.

Mr GRAYDEN: Here we have a situation in which people in Western Australia are going about their lawful tasks and the Labor Party, with the connivance of Opposition members in this House, is seeking to subvert law and order and to prevent a convoy going about its lawful business. It is seeking to prevent people at Noonkanbah Station going about their lawful duties. The Labor Party is allying itself with those who would subvert law and order. The issue is as clear as that.

What we have to point out to members opposite—and they should be aware of it, of course—is that other people in the community have rights as well as the community at Noonkanbah. We know that the oil drilling company, Amax, has spent possibly over \$1 million over a couple of years searching for oil which is vital in the public interest. The company has done this with the consent of the Noonkanbah community. It has reached the point where it has delineated a drilling target where it may find oil, which is so much in the national interest at the moment. The hangers-on in respect of the Aboriginal community are seeking to advance the issues of land and mineral rights at the expense of the oil company concerned; that is, they are seeking to subvert law and order.

We can say this: many Western Australian prospectors, including pastoralists and other people who live in the north-west, have also pegged mineral claims on stations in the vicinity of Noonkanbah, and on Noonkanbah Station itself. At present Western Australians are being denied the opportunity to go onto Noonkanbah Station in the normal course of events in order to develop

the claims they have pegged. The Opposition is saying that the prospectors, notwithstanding that they have the force of law behind them and that they have spent a great deal of money in their pursuit of minerals, will be denied the opportunity to enter the property. The Opposition is saying also that the prospect is that Caucasians will be denied the opportunity to go onto any Aboriginal station in Western Australia.

There are now 19 Aboriginal stations in Western Australia, and more are contemplated, some of which are up to one million acres in size. If Aborigines will not allow Caucasians to go onto those stations, is it not reasonable that the Caucasians in Western Australia should say that no Aboriginal should enter any of the other pastoral properties? Would that not be exactly the same thing? Of course it would!

The Opposition is allying itself with a movement which is deliberately calculated to cause great schisms between the Aboriginal and Caucasian people of Western Australia.

Mr Bryce: You are doing that.

Mr GRAYDEN: If that is allowed to happen, it would be absolutely disastrous for the Aborigines.

Mr Bryce: You and your jack-booters are doing precisely that.

Mr GRAYDEN: Making divisions and schisms of that kind can only be contrary to the interest of the Aboriginal people of Western Australia.

If one goes to the Northern Territory one can see the sorts of schisms which have been developed there. For its own political purposes, the Opposition is seeking to cause divisions of that kind between our Aboriginal people and the white community, when up to now they have co-existed with a very harmonious relationship.

Several members interjected.

Mr GRAYDEN: Before European settlement in Australia, Aborigines lived in a harsh land.

Mr Pearce: It is harsher now that you are here.

Mr GRAYDEN: They suffered the privations of cold—

Mr Skidmore: What about clothing, shoes—

Mr GRAYDEN: I said, "Before European settlement". They also suffered from lack of food; they suffered from thirst and hunger.

Mr Tonkin: They survived for 30 000 or 40 000 years. What are you talking about?

Mr GRAYDEN: More importantly, the Aborigines of that time suffered from the lack of medical attention.

Several members interjected.

The SPEAKER: Order! The House will come to order! I will again ask the people in the gallery kindly not to make any noise whilst listening to the debate.

Mr Tonkin: I call the member for Adolf.

Mr GRAYDEN: I am discussing the situation prior to European settlement, and the most important disadvantage suffered by Aborigines in this State was lack of medical attention. As a consequence, even the most minor ailments caused intense suffering or even death.

Mr Bryce: You could say that about white man's medicine 100 years ago.

Mr GRAYDEN: Infections causing a swollen face could result in the death of a child. The bitter nights in the interior of our country resulted in Aborigines having the smallest possible fires. They had to have small fires because they had no clothes and it is not possible to sit close to a large fire in that state.

Several members interjected.

The SPEAKER: Order! There are people in the gallery who are deliberately making a noise. On several occasions hissing sounds have come from the gallery. I warn people in the gallery that I have a responsibility to the Parliament to ensure that members on both sides of the House have an opportunity to speak. They cannot do that if they are interrupted by people in the gallery. If that continues I shall have no alternative but to ask the people in the gallery to leave.

Mr GRAYDEN: I was about to say that as a result of getting close to the fires to find warmth at night some Aborigines would roll into the fires in their sleep. Burns were prevalent. If an Aboriginal broke a leg, often it would rot off because there was a complete lack of medical care.

Mr Davies: Stop making a fool of yourself.

Mr GRAYDEN: The most minor ailments caused intense suffering and often death. Despite this, the Aborigines developed fine traits of character, and anyone who knows them would acknowledge this. They have some wonderful qualities, by any standards in the world.

Mr Pearce: They are at a big disadvantage when negotiating with your Government.

Mr GRAYDEN: I am describing the situation before European settlement.

Mr Pearce: I know much more about Aboriginal anthropology than you do about the drivel you are speaking.

Mr GRAYDEN: The member for Gosnells has not the vaguest idea of what he is talking about.

Mr Young: He rehearsed his 20-minute speech.

Mr Bryce: You might have written a book at one stage, but now you have forgotten more than you wrote.

Mr GRAYDEN: Aborigines suffered greatly from the tribulations of which I have spoken. I have known limbs to have rotted off through lack of medical attention. These things are there for all members to see. Notwithstanding this, the Aborigines of Western Australia and of Australia generally developed fine traits of character; and we commend them for this and we have the highest regard for them. I do not have to enumerate the traits of character of Aborigines, because anyone who knows Aborigines would know what I am talking about; and they are fine traits by any standards.

When European settlement occurred Aborigines were afforded relief from their ailments, and clothing was provided for them. The spectre of thirst and starvation was removed.

Mr Wilson: When did this begin?

Mr GRAYDEN: The member for Dianella asks when this began. I can tell him that in 1953 it was happening in the Warburton Range area. I have made extensive films which show how Aborigines lived, and some of these had never seen a white man. I would love to show those films on the television programme "60 Minutes". The situation was that European settlement, more importantly than anything else, brought medical attention to the Aborigines—

Mr Barnett: VD.

Mr GRAYDEN: —and in addition it brought all the other benefits of civilization.

Mr Bryce: Measles, booze, etc.

Mr GRAYDEN: We have now reached the stage of being a multi-cultural nation. This land of ours is occupied by numerous communities of people—well over 100 different peoples populate the country in which we live. Are we going to set aside one section and say it is a privileged race? How absurd would that be?

Let us consider some of the problems it would cause. Recently I had the opportunity to go to the Northern Territory where I visited the Ranger project and saw what was taking place there. Probably between 3 000 and 5 000 people are working in an isolated situation in adverse circumstances; the elements are not kind to those who work there. In many cases the workers have left behind relatives and their accustomed way of life. Living with those workers in the community are 11 so-called traditional owners, who are the Aborigines who happened by accident of birth to

come from that place. They are now described under Northern Territory legislation as traditional owners. They do not live in their tribal and nomadic way of life now; they live in the settlement itself and walk around all day. Through the lands trust—or its equivalent in the Northern Territory—these Aborigines are entitled to incredible royalties which will result from the Ranger development.

Mr Bryce: That sounds like Lang Hancock.

Mr GRAYDEN: Mr Speaker, can you imagine what will happen? There are 3 000 to 5 000 Caucasian workers getting up in the morning, going to work, and returning in the evening; while 11 traditional owners are living the same lifestyle and walking around amongst the workers; but already they are receiving cheques in the vicinity of \$8 000.

Mr Davies: I'll bet they are gambling it, too.

Mr GRAYDEN: What will they do when the vast royalties associated with the Ranger project really start to flow?

Mr Bryce: Did you knock back the unearned, inherited wealth that fell into your lap?

Mr GRAYDEN: A man working on the project said, "Can you imagine what I think when I come home at night and see somebody not working at all, with a new vehicle and trailer in his backyard, and a grandiose launch? What do you think about that?" He said, "What do you think we feel? What will happen later on when those royalties which should be going to the weak, and the infirm, and the sick, and the disabled are going instead to 11 traditional owners and anyone else who might happen to be in that area—Aborigines who might happen to be in that area? What is going to happen then?"

That is what the Labor Opposition is urging for Western Australia. It wants to see that sort of problem imposed on the situation here.

We know the situation in the Northern Territory in respect of land rights. Already, Aborigines own more than 18 per cent of the Northern Territory as freehold property.

Mr Davies: What proportion of the population are they?

Mr GRAYDEN: There are applications before the Northern Territory courts at the moment. If granted, they will entitle the Aborigines to 44.7 per cent of the whole of the Northern Territory on freehold. That would be the equivalent of the people in Western Australia drawing a line from

Carnarvon east and saying simply to the Aborigines "Even though there are only 30 000 of you in Western Australia, you have the northern half and we will have the lower half", or vice versa. That is what the Opposition advocates. It is simply asking for land rights on the same basis as in the Northern Territory.

In the Northern Territory they go a little further. There are applications now before the Northern Territory courts which will give the Aborigines control of two kilometres of the sea on a huge portion of the Northern Territory coastline. That is with the object of stopping not only the professional fishermen but also the amateur fishermen. Without doubt, a large section of the Northern Territory coastline will be handed over to 25 000 Aborigines.

That is what the Opposition has in store for Western Australia if, of course, it ever has the opportunity to foist that sort of scheme on Western Australia. How absurd! If the Aboriginal population remains static, we might find the situation where 25 000—

Mr Barnett: We must not let them breed!

Mr GRAYDEN: We would find that 25 000 Aborigines would have control of 44 per cent of the Northern Territory; and the whites and other people—we are a multi-cultural society—would have what was left. In the Northern Territory, if one drives along a road and sees what one thinks is a vast pastoral property of one million acres or thereabouts, one dares not put a foot on it because it is freehold and it is Aboriginal land.

Mr Bryce: Have a look and see what the white man has done to some of those pastoral properties. They are a disgrace.

Mr GRAYDEN: That is what is happening in the Northern Territory. I am just waiting for the next election to come along—

Opposition members interjected.

The SPEAKER: Order!

Mr GRAYDEN: —in order that we might make plain to the people of Western Australia what this Opposition would do if it had the opportunity.

The Opposition is extraordinarily silent on this particular issue because it cannot dispute these facts. What it is trying to do in respect of Noonkanbah—and it is one of 19 Aboriginal stations—is to say, "We are going to ensure that Aborigines will not only have the pastoral rights on it, but they will have also the mineral rights, with all that that entails."

Aboriginal spokesman, Ken Colbung, and others have made the position clear. I do not wish to do Ken Colbung an injustice. If it was not him, it was another similarly highly-placed Aboriginal. Whoever it was said, "It must be regarded as a precedent. We want land and mineral rights in respect of all the other Aboriginal stations in Western Australia." Therefore, the big issue is that Noonkanbah is a precedent or a catalyst for the sort of thing we have in the Northern Territory, and therefore it must be resisted at all costs. These people are trying to introduce a calamitous situation as far as Western Australia is concerned.

Mr Barnett: This is whether the entire Aboriginal population are right or wrong, isn't it?

Mr GRAYDEN: We have been talking about land rights and mineral rights over the 19 Aboriginal pastoral properties. What we must not overlook is that there are many Aboriginal reserves in Western Australia. Already they total 8 per cent of the entire land area in this vast State. Therefore, in addition to the 19 Aboriginal stations of up to one million acres each in extent, we have 8 per cent of this vast State handed over in Aboriginal reserves.

Mr Bryce: How much do you give to the multinationals? How much of the State has been handed over free of charge to the multinationals?

The SPEAKER: Order!

Mr GRAYDEN: Various spokesmen have made it clear that the Aboriginal movement expects mineral rights in respect of that vast area of Aboriginal reserves.

Mr Bryce: All right for the Japanese; all right for the Americans and the British, but not the Aborigines.

Mr GRAYDEN: What utter nonsense!

Mr Barnett: You have given the whole of the jarrah forest to the Alcoa company.

Mr GRAYDEN: Any Aboriginal person in Western Australia is entitled to go onto a pastoral property and peg a mining lease, or any other lease. How would the member for Ascot answer that?

Mr Bryce: You and your colleagues have given this State to foreign interests in the time you have been in office; and you now say that the Aborigines may not have, in some way, control over mineral interests in a pastoral property.

Mr GRAYDEN: Good gracious me! That indicates the range of mentality of the member for Ascot. I have just been pointing out that any Aboriginal in Western Australia is entitled to go onto the station next door to Noonkanbah, or Argyle—let him go to Argyle, where diamonds

have been found, and peg an area for diamonds. He could go onto any other pastoral property in Western Australia and peg for any mineral. I imagine that the Noonkanbah community could organise itself and apply for an exploration area under the Petroleum Act; and provided it could indicate it could do something with it, I imagine the application would be approved. Those people would have the same opportunity as anybody else. It is as simple as that.

Aborigines already have equal rights with Europeans in Western Australia. The Opposition seeks to change this situation. The Opposition wants to ensure that Aborigines on the 19 Aboriginal stations are sacrosanct. It wants to ensure the stations will be exclusively for the use of the limited number of Aborigines in Western Australia, forever. The Opposition overlooks, of course, the one million or so Europeans in the State. It is prepared to disregard their rights completely. That is an absolutely shameful thing.

Mr Davies: No more shameful, if it were so, than what you are saying. Absolute nonsense! You are a disgrace.

Mr GRAYDEN: Let me remind the Opposition of what has been happening in the last few days. Here we have the spectacle of a huge convoy taking an oil rig to Noonkanbah—

Mr Davies: By arrangement with the Government.

Mr GRAYDEN: That convoy is accompanied by a large force, unfortunately, of the police. That is simply because the trade union movement, aided and abetted by the Opposition, is going to impede the progress of that convoy unlawfully.

Mr Davies: You don't know what you are talking about.

Mr GRAYDEN: That is precisely what they are doing. There is this absolutely disgraceful state of affairs, and the Opposition is allying itself with those forces bent on disrupting our society and causing anarchy.

Mr Wilson: Are you a law-abiding person?

Mr GRAYDEN: Let us talk about Noonkanbah. Noonkanbah has been a pastoral property since before the turn of the century. The member for Gosnells made reference to a so-called area of influence which was delineated by the Museum—

Mr Pearce: Call it a sacred site, as the Museum called it.

Mr GRAYDEN: The member for Gosnells does not know what he is talking about. An area of influence is not a sacred site. Nobody suggests an area of influence is a sacred site.

Mr Pearce: Table the report.

Mr GRAYDEN: How ludicrous can one be? No anthropologist, no Aboriginal, no-one except the Opposition and those who would subvert the truth, would attempt to say that an area of influence is a sacred site.

Mr Pearce: Produce the report.

Mr GRAYDEN: The Museum has drawn a clear line of demarcation in respect of the area of influence. It has also delineated a number of sacred sites. The nearest one is 1.5 kilometres from the proposed drilling site. There is a cluster of five sacred sites there. Pea Hill, which is the most sacred of all, is nearly five kilometres away.

Mr Davies: The report said it is all significant. You are distorting the report.

Mr GRAYDEN: The foremost anthropologist in Western Australia has simply said that the area of influence is negotiable.

Mr Pearce: That is rubbish. It is not what Professor Berndt says. That is a deliberate distortion.

Mr GRAYDEN: I contradict flatly the statement by the member for Gosnells. He does not know what he is talking about. He should be censured for making such statements.

Point of Order

Mr BARNETT: Mr Speaker, on a point of order, is there a Standing Order in this House which requires the Minister to tell the truth? If so, will you direct him to follow it?

The SPEAKER: Order! The member will resume his seat. The member ought to know that it is not a point of order.

Debate Resumed

Mr GRAYDEN: We can expect members to try to hinder statements of fact of this kind at every opportunity. We will find they will interject on other speakers—

Mr Pearce: Utter nonsense!

Mr GRAYDEN: The member for Gosnells can address the House later on. Members will find the Opposition trying to sidetrack us because it cannot stand up to the truth on this point.

Mr Davies: We are all miles in front of you.

Mr GRAYDEN: Members of the Opposition have thrown truth and justice out the window. They have allied themselves with the forces that would subvert law and order in Western Australia; and they are doing it unashamedly.

Mr H. D. Evans: Are you talking about upholding law and order?

Mr GRAYDEN: I was talking in terms of the area of influence. I made a statement that Professor Berndt made it very clear that as far as the area of influence was concerned, this was open to negotiation. He published his statement in *The West Australian*; and I say that for the benefit of the member for Gosnells. Professor Berndt went on to say that, provided the Government was prepared to pay royalties in the area of influence, he felt that there would be absolutely no trouble in obtaining the consent of the Aborigines to have the drilling undertaken.

Opposition members interjected.

Mr Pearce: Not on the sacred sites.

Mr GRAYDEN: So much for the so-called area of influence. Western Australia's leading anthropologist said the matter is negotiable; and that this is an area of natural increase. He was referring to goannas; and he said, "If you can offer some recompense that is the equivalent of those goannas, certainly you could drill there."

Mr Pearce: Wilful distortion.

Mr GRAYDEN: Wilful distortion? That can be established easily. Yet the member for Gosnells continues to mouth these untrue statements. Of course many members of the Opposition and those who are opposing the Government do not know the correct state of affairs. The sacred sites have been delineated by the Museum; but the area of influence is not regarded as a sacred site.

Mr Pearce: I have seen the Museum report. It is completely off to say such a thing.

Mr GRAYDEN: Good gracious me! He still continues to say it.

Mr Pearce: Produce it. Lay it on the Table of the House so we can all see it.

Mr GRAYDEN: The area of influence for Noonkanbah is an area of approximately 22 000 acres. For the benefit of the member for Gosnells, that area includes an airstrip which is possibly a mile in length, a homestead built before the turn of the century—

Mr Wilson: Not by Aborigines.

Mr GRAYDEN: It contains a wool shed capable of handling the shearing of 150 000 sheep; it contains numerous outbuildings—all this in an area which has been delineated as an area of influence. Are Opposition members saying that the airstrip is sacred?

Mr Pearce: It was put on a sacred area without the permission of the community.

Mr GRAYDEN: Does the member for Gosnells say that the area of influence encompasses all that I have mentioned?

Mr Pearce: If I paint rude words on a church, do they become sacred words? The sacred area is delineated in the Museum report which you refuse to produce.

Mr GRAYDEN: Does the member say the wool shed is sacred?

Mr Pearce: It is in the area of influence.

Mr GRAYDEN: Nipper Tabbagee, one of the oldest residents at Noonkanbah, was born near the wool shed. At least, he said he was born in the middle of the sheepyard there.

Mr Pearce: You don't understand the Aborigines' link with the land.

Mr GRAYDEN: I think it was McPhee and Nipper Tabbagee who had spoken to Dr Berndt before he rang me and asked about the possibility of royalties with respect to minerals in the area of influence. The registrar of the Museum was present at the meeting. Dr Berndt rang me to negotiate on the very area where the drilling was to take place.

The Opposition claims that all the area is sacred. They know the claim is spurious. They have aligned themselves with this spurious argument.

Mr H. D. Evans: Produce the document.

Mr GRAYDEN: As I mentioned earlier, the Opposition is doing this unashamedly. To what level is this Parliament descending when an Opposition, knowing that the claims are spurious, aligns itself with the forces which seek to overthrow law and order in Western Australia? We are virtually at that stage. Every prospector in Western Australia has a right to go onto the Noonkanbah property; however, they are afraid to do so at the moment. They are being denied their rights, and the Opposition is supporting those people who would set aside law and order in Western Australia.

Pea Hill is regarded as a sacred site, but for the last 100 years or so cattle have been brought down to the river at Noonkanbah. Year after year the cattle have been held at the foot of Pea Hill. The cattle have been mustered there and they have been held there during the night by the Aborigines. Yet Aborigines at Noonkanbah have never protested against this.

Several members interjected.

Mr GRAYDEN: The Aborigines have been making use of this area, yet it is now considered an area of influence. The area has been used for pastoral purposes for over 100 years. I have

spoken to people who have been there over some of this period and they say that, apart from Pea Hill, there has been no suggestion that any area in the vicinity of the drill site is a sacred site.

This issue has been resurrected in recent years to advance the claim for land and mineral rights. The only reason it has been resurrected is that, after two years of exploration, the oil company has located the area on which it feels there is a promising site to drill.

Mr Skidmore: An area on which the Government insists it drills.

Mr GRAYDEN: Some time ago I met with Dickie Skinner and another member of the community and we spoke about the possibility of improvements to the station. They were most interested but rejected the idea in favour of being granted royalties. I said that it would possibly be only one chance in a hundred of finding oil on the drill site and in all probability the oil company would take three months to put in the drill hole, and then depart. They would not accept this. They then went further and asked me what the production of the well would be. Again I explained there would be little possibility of striking oil. Their immediate reply was, "Surely your geologists would have some idea of the possible production of the bore?" Goodness gracious me, they were talking in terms of the bore's production when the hole had not been drilled!

I get back to the salient issue. There is no-one in this House who can bring forward any evidence at all to show that all this area is a sacred site; no-one can bring evidence to contradict the unequivocal statement that the area is not a sacred site. As I have pointed out, the nearest sacred site as shown by the Museum on its map is 1.5 kilometres from the proposed drill hole.

Mr Pearce: That is simply not true. Show us the report.

Mr GRAYDEN: There is not one vestige of truth in the member for Gosnell's statement. Pea Hill is about five kilometres from the proposed drill site.

Mr Barnett: We will accept all this if you produce the report.

Mr GRAYDEN: The Museum staff have simply drawn a line around an area and said, "This is an area of influence." However, that does not make it a sacred site. As I pointed out, the Museum has drawn a line around a homestead, a wool shed, an airfield, a quarry, miles of roadway, and fences. Fences go right through the sacred sites. The Aborigines constructed these fences. Not once during the 100 years or so that the

station has been worked for pastoral purposes has there been any suggestion that the area in which the drilling is to occur is a sacred site.

Most Aborigines at Noonkanbah do not come from Noonkanbah. There is only a handful of them who do. Many have come from the desert and other places. They congregated in Fitzroy Crossing and moved to Noonkanbah when it was handed to them as a pastoral property, purely to be used for pastoral purposes. They negotiated with Amax, and there was a happy relationship between the two groups. Exploration went ahead for a couple of years until hangers-on latched onto the community and various people such as Hawke and Don McLeod—

Mr Bryce: And ministers of the Uniting Church.

Mr GRAYDEN:—forced the Aborigines into making an issue of land and mineral rights. In the process, these people have rendered a large disservice to the Aborigines in Western Australia.

We have a large Aboriginal community in this State; it is probably bigger than that in the Northern Territory. However, the nomadic way of life went out of existence 30 years ago. It ceased to exist then. There were a few nomadic Aborigines living in the desert at that time. However, if one went to an isolated town in Western Australia today, one could not pry the Aboriginal community away from such a settlement.

When I visited the Warburton and Docker missions eight years ago, I was struck by the immense junkyard of cars at Warburton. I went through these areas many years before that time. They were very fine people and I was moved by the experience to such an extent that I moved a motion calling for a Select Committee of this House to consider the conditions under which they were living. We came back and made all sorts of recommendations, one of which was that the Warburton area should be turned into a vast pastoral property for Aborigines. However, we were derided for making this recommendation. But now, with the effluxion of time, the wheel has turned a full circle. There are perhaps 19 pastoral properties used as Aboriginal stations in Western Australia, and 8 per cent of the State's land has been set aside for Aboriginal reserves.

The Aborigines' nomadic way of life went out of existence 30 years ago. There are now over 100 different peoples living in our land. What we must ensure occurs in Australia is that we remain one family of peoples living in one continent, with one law, and living as one nation. That must be the goal we strive for and all of us should resolve to

go forward to achieve this. Instead of having a debate on an issue of this kind, a debate designed to widen the rift between Aboriginal and European people, we should recognise that we are a family of peoples; that we are the most favoured nation in the world in that we have an entire continent to ourselves, we should be working together.

The Opposition should be working with the Government. The Aboriginal people should be working with the European community on the basis I have mentioned; that is, as one family of peoples in Australia, living on one continent, under one law, as one nation. This should be the objective of all members of the House.

Mr Pearce: It should be your Government's objective—but it is not.

Mr GRAYDEN: It is the Government's objective.

Mr Pearce: Rubbish! Sheer nonsense.

Mr GRAYDEN: I am sorry to disillusion the member for Gosnells, but this is the Government's objective. There should be one family of peoples. We are not going to grant special privileges to any particular section of the community.

Mr Bryce: What about the people in South Perth?

Mr GRAYDEN: God forbid that such a situation should arise in Australia. Which people do we single out for privileged treatment? There should be none. There should be no privilege for any one people at any time. We are one family of peoples, and let us keep it that way. Let there be one law for all and not one law for Aborigines at Noonkanbah, preventing the European community entering the property whilst being able to go onto neighbouring stations and prospect for minerals. That is what the Opposition is putting forward. It is a disgraceful attitude and it does the Opposition a great disservice. It indicates, unfortunately, the Opposition's utter contempt for the law in Western Australia. It indicates they have no intention of endeavouring to uphold law and order in this State. On the contrary, it indicates that at the drop of a hat, members of the Opposition will align themselves with anyone seeking to destroy law and order in Western Australia.

If there are any points members of the Opposition feel I have not covered on this issue, I wish they would let me know.

Several members interjected.

The SPEAKER: Order!

Mr Bryce: We just resumed. This was your introduction.

Mr GRAYDEN: On which points would the honourable member like a statement?

Mr Davies: Start with tabling the report.

Mr GRAYDEN: What report?

Mr Davies: The Museum report.

Mr Bryce: The one you are sitting on; to hatch.

Mr GRAYDEN: The issue on Noonkanbah is a cut and dried one. The area where the drilling is to be undertaken is not a sacred site.

Mr Davies: Well show us the report.

Mr GRAYDEN: If one looks at the daily papers one will find it is written that these areas are sacred sites. If one listens to the radio one also hears statements of this kind. If one watches television one hears the same. Nothing could be further from the truth. No anthropologist will come forward and say that it is a sacred site.

Mr Davies: Produce the report.

Mr GRAYDEN: If members opposite can find an anthropologist I would like to hear a debate between that anthropologist and the anthropologists of the Museum who have delineated the sites at Noonkanbah Station. I would like to see someone in authority come forward and say that this area is a sacred site. They would be at loggerheads. Professor Berndt has already made the position absolutely clear.

Several members interjected.

Mr GRAYDEN: Professor Berndt has already said that it is not a sacred site.

Mr Pearce: He has not at all. That is rubbish.

Mr GRAYDEN: I take the strongest exception to some of the most foolish statements made by the member for Gosnells. It is obvious the member does not know anything about the matter. He is mouthing platitudes he has seen in the paper and heard on the radio. These statements are completely devoid of fact. Let us discuss the motion the member for Gosnells has moved.

Mr Davies: Hooray, at last!

Mr GRAYDEN: The motion reads—

That so much of Standing Orders be suspended as is necessary to enable me to move:

That this House, noting:

- (i) the Government's failure to negotiate on a reasonable basis with the Aboriginal community on Noonkanbah Station,

What an incredible statement! Everyone in this House knows it is completely untrue. There is no vestige of truth in that statement.

Negotiations have continued for months. Also negotiations have been continuing for a couple of years with Amax. The Premier went to Noonkanbah recently and said that if the community would single out what it regarded as sacred sites the community would be given a lease on those areas in perpetuity. The community did not take that opportunity. It was a splendid offer and I was delighted that the Premier made it because it meant that it would be a special lease which in some ways is superior to freehold.

The Premier said that he would give the community a lease there and then but the community rejected that offer out of hand.

I believe the ideal situation would be that if the Aborigines do not make use of Aboriginal reserves the State should acquire or take back the land and single out areas in which Aborigines are particularly interested. The area may be in the Warburton Range or it may be some beauty spot they regard as being of tremendous consequence. Then we could give them a special lease on that particular area.

Mr Pearce: Until you strike oil there.

Mr GRAYDEN: The Premier made that offer at Noonkanbah Station and it was rejected. That is preferable to having huge areas of land set aside for Aboriginal reserves when today, Aborigines are not making use of them. The people in charge of the Docker River settlement made it quite clear that the people would not move from the area, even if it was a matter of shooting kangaroos. They would go out only if a truck was made available for the members of the community to do so. This would be the only circumstance under which they would leave the settlement. This applies throughout the outback towns in Western Australia. The people cannot be prized away from the settlements. The vast areas set aside for Aboriginal reserves are not being used.

Mr Wilson: Are you saying that this is Government policy?

Mr GRAYDEN: The Premier put forward that proposal for these special reserves at Noonkanbah. However, I imagine the Government would look kindly at this situation of leases on Aboriginal reserves.

Mr Wilson: You propose to withdraw these areas from Aborigines. That is what you just said.

Mr GRAYDEN: I am saying that from the point of view of the Aborigines they would probably prefer to have them withdrawn because Aborigines have been reported in the papers as saying that the areas are of no use to them.

Mr Wilson: They say that?

Mr GRAYDEN: We should single out selected areas and allow the Aborigines to have special leases for these areas. This would be of benefit to the Aborigines. The member for Gosnells said further in his motion—

- (ii) the Government's rejection of a recent approach by the community for discussions, despite the assurances given by the Premier to the member for Kimberley that provided the community initiated negotiations, time was no problem,

Again completely untrue.

Mr Bryce: Read it like you read the tape to the Noonkanbah community.

Mr GRAYDEN: I do not know who drafted this. I do not think it was the member for Gosnells; he was a school teacher. He would not have drafted something so badly. It is very poor English. Of course, the statement is completely untrue.

With regard to the Government's rejection of an approach by the community for discussions, I say discussions have taken place over several months. At one stage three Ministers had to go all the way to Noonkanbah in order to have discussions with the community. The Aborigines refused to go to the site with the three Ministers. The Ministers had gone to the community to say, "Show us the sacred sites and we will protect them." The Aborigines refused to allow it.

Mr Davies: So they should.

Mr GRAYDEN: We sent officers of the Museum to the community but they refused to allow the Museum officers to see the site. Unfortunately I do not have the material with me to illustrate these occurrences.

Mr Pearce: They had already done that.

Mr GRAYDEN: We wanted additional information. However, when the Museum officers were there they were not permitted onto the station. What were the people frightened of?

Several members interjected.

Mr GRAYDEN: They were denied entry at the instigation of white advisers. What were the white advisers frightened of? Frightened that the Museum people would again delineate sacred sites and make it quite clear that the places where the proposed drilling was to take place were not sacred. Of course they rejected the Museum officers' request, and so we give the lie to paragraph (ii) of the motion which refers to the Government's rejection of a recent approach by the community for discussions. The statement is

untrue and it is a disgrace to the Opposition that it should make such a statement. I do not know how its members can live with their consciences when making statements of this kind which are recorded in *Hansard*. How they attempt to justify their statements I do not know because they are contrary to the truth and the facts which are known to all.

Now, we come to the extraordinary part of the motion which says—

- (iii) the proposed drilling area is situated on an Aboriginal sacred site, as verified by the Museum Trustees in a report which the Government has deceitfully misrepresented to the public and tried to conceal,

The member for Gosnells has already indicated that through the cultural materials committee he has already seen a copy—

Mr Pearce: I had a copy of the one tabled during the legal action between the Noonkanbah community and the Government. The report was produced then by the Government.

Mr GRAYDEN: That is the one we are talking about.

Mr Pearce: There is no truth in the proposition that I received it illegally—

Mr GRAYDEN: Did not the member say he acquired it in that way?

Mr Pearce: I said that the members of the cultural materials committee had the information and that no doubt sooner or later it would be released, but it appears it was not necessary because it was produced through a court action.

Mr GRAYDEN: I accept that. The motion says in part that the proposed drilling site is situated on an Aboriginal sacred site which was delineated by the Museum. How can the member get up and say to the House that it is a sacred site when he knows that it is not?

Mr Pearce: It is because I have seen the report.

Mr GRAYDEN: This is a serious matter. The member has seen the report and he knows it is not a sacred site. The report and the map which accompanies it delineate the areas and yet having seen the report and knowing that the area is not a sacred site the member has moved a motion stating that the proposed drilling is situated on an Aboriginal sacred site as verified by the Museum Trustees. What a scandalous statement.

The member for Gosnells is attempting to deceive the House and the public. I think it is scandalous that not only should that happen but also that the Opposition should lend its support to deceitful actions of that kind.

Mr Jamieson: If the report were available, we could criticise it.

Mr GRAYDEN: Members know very well that an agreement was made when the report was obtained that it would not be published because this sort of material would offend some of the Aborigines in the particular area.

Several members interjected.

Mr GRAYDEN: The report was obtained on the basis of confidentiality and the Government has honoured that. The Opposition knows that and yet its members try to mislead the public. It is a disgraceful action by the Opposition.

It is disgraceful that the Leader of the Opposition and those who sit on the front bench and behind him should lend themselves to deceit of this kind. The motion continues—

- (iv) the desire by the community to protect the sites they regard as sacred and to have those sites properly recorded on maps,

With respect to this part of the motion I say the Government is pledged to delineate all Aboriginal sites. As a consequence of their importance to the Australian heritage we are anxious to do this as soon as possible. We have 17 officers at the Museum working on Aboriginal sites at the moment. We are also investigating the possibility of doubling the staff at the museum in order that that process may proceed apace. We are also conscious that there could be up to several hundred thousand sites of consequence in Western Australia.

We, as a Government, are going out of our way to delineate as speedily as possible the sacred sites or other sites of consequence in Western Australia in order to protect them; and we have the Opposition implying that is not the case. We want to delineate them as quickly as possible because the truly significant and important sites are of tremendous consequence to the Australian heritage. Quite apart from that, they are of importance to living groups of Aborigines, for whom we have the greatest regard.

I might say that at the Museum several thousand sites have already been recorded and steps are being taken to protect them. Some of them have been declared protected areas. Several thousand are being recorded and protected in various ways, but we want to ensure every site in Western Australia is protected. So it is heinous for the Opposition to seek to give the impression that we are not going out of our way to protect sites.

The member for Gosnells concludes his motion by saying—

calls on the Government to halt immediately all actions likely to contribute to the early commencement of exploratory drilling on Noonkanbah Station, including the transporting onto the station and erection of a drilling rig, and commence meaningful negotiations with the community.

That is so much rot that it does not warrant a reply. The Government will ensure that people in Western Australia are protected in any circumstances, whether they be at Noonkanbah, some other remote part of Western Australia, or in one of the towns or cities; and that, no matter where in Western Australia, law and order are upheld. We do not care whether or not the issue involves Aborigines. It is unfortunate that this particular issue does involve them. I would prefer that it affected people other than Aborigines because I and many members on my side of the House have so much regard for Aborigines.

Mr Bryce: We are just waiting for you and your colleagues to demonstrate that concern.

Mr GRAYDEN: I can demonstrate it at length, but tonight is probably not the occasion to do so. We have at Noonkanbah a fine Aboriginal group, and we have individuals—

Mr Pearce: You could ruin that community.

Mr GRAYDEN: —in the community seeking to foment dissent and cause disruption, latching onto them like leeches, using the Aboriginal Legal Service in order to make the most frivolous claims, and all this to assist land and mineral rights and aid the fortunes of the Labor Party. So the Labor Party is prepared to cause disarray, disorder, and chaos in the State to lend itself to spurious claims for land and mineral rights in respect of so called sacred sites at Noonkanbah. One could say so much more, but there will be ample opportunity to do so during the session.

I say in conclusion that I deplore this motion. It is scurrilous, having regard for its contents, all of which are untrue. Members of the Opposition know the statements made in the motion to be untrue. However, to a man they have aligned themselves with these patently false statements. That is unforgivable. They have nailed their flag to the mast of those who seek to destroy law and order in Western Australia.

MR DAVIES (Victoria Park—Leader of the Opposition) [6.04 p.m.]: It is a sad day for this Parliament, and indeed for the people of Western Australia, when a supposedly responsible Minister of the Crown gets up and makes statements which are so completely without foundation and outside

the debate that they are laughable. He talks about our fomenting action against the police, breaking the law, and looking for disorder. He is the one person who should know all about this because, as far as I know, he is the only person in this House who has taken on the Police Force singlehanded. Yet he comes into this House and has the temerity to suggest we are constantly fomenting unrest and doing things which are against the law. That he, on one of the saddest occasions in the history of Western Australia, could treat this matter so capriciously must break the heart of any person who has any feelings of decency or any respect for the law.

He has asked what is our position on the matter. We have merely asked that the sites be defined. We have merely asked that the report of the Trustees of the Museum be acknowledged and that the provisions of the Aboriginal Heritage Act be applied. We want the Government to have meaningful talks with the people who have approached it and have been rejected out of hand, and we want the Government to withdraw its mercenaries. That is what we stand for at the present time and nothing could be simpler or more direct.

This matter has been going on for far too long, either because of the incompetence and lack of understanding of the Ministers who have been dealing with it, or because those Ministers just do not want a settlement, and they could even be taking orders from people outside the Cabinet. These are the matters which are posed and which worry me.

I was delighted that the Minister eventually got around to talking about the motion. He gave us some history. I think he was quoting from his book *Adam to Atoms*, which was written about 1947., I have read the book and from what I remember of it it was rather flimsy. We will not talk about that. No doubt he is relating his present position to his experiences in 1947. He does not acknowledge that a change in outlook has taken place. He does not acknowledge that for the most part the Aboriginal communities have continued to slip further back rather than to make the advancements which he claims have been made.

He tries to define the part played by the ALP, yet he is so stupid that the best he can do is tie it up with the trade union movement. He makes wild statements that we are associated with and directed by the trade union movement, but he is not able to prove that in any way because it is just not true. We are not directed by the ACTU.

Mr Sibson: It says so in your platform.

Mr DAVIES: The secondhand car salesman from Bunbury is now showing his ignorance. We do not in any way accept direction from the ACTU or the Trades and Labor Council.

Mr MacKinnon: They direct you.

Mr Sibson: They are your masters. It is in the blue book.

Mr DAVIES: The member for Bunbury can quote the blue book, the green book, the orange book, or the red book, but he will fail to show how we are directed by them in any way at all. At least we talk to them from time to time, whereas the Minister admitted, only when he was tripped up last week, that the Government was directing the Police Force, and that the Government is in cahoots with the police in regard to the convoy to Noonkanbah. It was only when he tripped himself up that he admitted that.

Mr Hassell: Can't you do any better than that?

Mr DAVIES: It happened last Thursday afternoon when the Minister gave the wrong answer.

Mr Hassell: You have had time to look at *Hansard* since then.

Mr DAVIES: I do not want to be side-tracked about irrelevant matters. This issue is far too serious for that to happen.

As I said, I want to highlight the intransigence and the insincerity of the Government in trying to find an answer to this problem. It is a sad problem; it is probably one of the most difficult problems we have ever had to face. However, it will not be solved by the heavy-handedness the Government has indulged in. A considerable amount of the taxpayer's money is being spent to protect a foreign multi-national.

A long time ago attempts were made to talk to the Government, and I would like to remind members of the most recent attempt. I think the Minister for Cultural Affairs referred to an offer made by the Government some time ago and I believe it was the Minister for Police and Traffic who said that the offer was never acknowledged.

About the middle of July it was reported in the Press that a counter offer had come down from the Noonkanbah community. This counter offer was the result of weeks of work by the member for Kimberley. He worked hard on the problem because of an understanding arrived at with the Premier that through his special relationship with the community, he might be able to come up with something that would be acceptable to the Government.

The Premier was overseas receiving his second knighthood when that offer came down. I think it

was received on the Friday and it was rejected out of hand by the Government on the Monday. This was the last chance for the Government to negotiate meaningfully with the community and the Government was too stupid to see that the offer could have formed the basis of a compromise. A great deal of the offer was rejected out of hand.

Mr MacKinnon: Explain the terms to us.

Mr DAVIES: Why did the Government reject a great deal of the offer out of hand? At that very moment the Government was arranging the convoy.

Mr Bryce: It had called tenders for the trucks.

Mr DAVIES: It had indeed called for tenders for trucks and drivers.

An Opposition member: Mercenaries!

Mr DAVIES: Perhaps they could be termed mercenaries. The Government was making arrangements at that time, and yet when we had suggested earlier that a sum of money had been made available for this convoy, we were told we were wrong.

Obviously on that very weekend that the last offer from the community was rejected out of hand and the Government was not clever enough to see it could be the basis of a compromise, arrangements were being made to take the disgraceful action we now see happening. According to the back page of tonight's issue of the *Daily News*, the first job of Mr John Leggoe will be to convince the world we are not a second South Africa!

It is interesting that today I received a telephone call from a South African who said that such a thing would never happen in his country. He was disgusted that it could happen here. The rest of the world now regards actions taken by the Western Australian Government as being equal to if not worse than actions taken by the South African Government.

In the short time remaining before the tea suspension, I would like to refer to the report of the Trustees of the Western Australian Museum. On 18 March 1979 a copy of the report of the Museum was used as an exhibit in a legal action, and it was made available to us by the Aboriginal Legal Service. We had to wait until it came to us in that way because the Government has not yet released it. The report shows that the whole area proposed for exploratory drilling on the station falls under the influence of Aboriginal special sites.

The report told the State Government that the site on which drilling was proposed was

significant in a religious context. As I said, the State Government refused to release that report, although it was based on field studies and consultations between Museum experts and Noonkanbah tribal leaders in April, May, and June 1979.

The whole area shown on the map in the report as proposed for drilling is included in a bigger area which the report says should be protected as having special significance. The report reads in part as follows—

Aboriginal religious belief then takes the land-man link as an indispensable condition. Any interference with the country is not merely to meddle with another man's property, it is an attack and a threat to a fabric of social living itself, which constructs this religious belief.

That appears in the report which the Government failed to release.

Sitting suspended from 6.16 to 7.30 p.m.

Mr DAVIES: As I understand the situation, the report of the Trustees of the Museum of Western Australia clearly defines areas which have some very great significance to the people of the Noonkanbah community. I think the kindest thing the Government could do, if it has nothing to hide, is to release that report. We have seen it; I have already explained how a copy came into our hands. I think it has even been published in the Press; but in its stubbornness the Government still refuses to release the report. I suppose the Government thinks that if it does not release the report, then anything anyone knows about it could not possibly be true. That is nonsense.

A great deal of emotion can be introduced into a matter of this type. It has caused me much heartburning. This is one of the saddest periods in the history of Western Australia; but I will try not to be emotive, and to deal only with the basics.

The Minister for Cultural Affairs—I am sure that is spelt with a "K" after his performance tonight—asked what we would settle for. It is not a matter of our settling for anything; it is a matter of the community settling for an arrangement which will mean something to it.

The first thing we would like to see—and I am quite certain it is what everybody would like to see—is the convoy stopped, the erection of the rig stopped, and drilling on the property stopped. That is the key to the whole problem at this time. Only the Premier can do it; just as he was party to the convoy setting off, so he can stop it merely by a nod of his head. That is all that is required, even at this eleventh hour. I plead with the

Premier to take that action, because I believe we have come to a precipice and unless we halt anything could happen.

It is not a matter of who is doing what, who is supporting who, and who is guiding somebody; it is a matter of getting this degrading and squalid incident stopped as quickly as possible, and offering some protection to some unarmed Australians. I will not call them simple Australians because I believe they are intelligent; indeed their intelligence has been insulted on more than a few occasions by some of the statements of the Premier and some of his Cabinet Ministers who seem to think Aborigines are without intelligence. I believe otherwise, and it is a shame to see them being degraded in this manner.

The Government, of course, has bowed to the tune of the cash register; there is not the slightest doubt of that. Nor is there the slightest doubt that the Government is bowing down to multinationals. I do not believe Amax Petroleum itself is anxious for the confrontation which is taking place. I believe the company would be large enough and generous enough not to want such confrontation. However, from remarks made by the Premier—and they are all documented in some papers I have here—it is quite clear the company has been told what it is going to do and it has been threatened with no more concessions from the Government if it does not drill at this site.

This is a terrible situation; as I said earlier, it is worse than anything that has happened in South Africa. It is something we never expected to see. The only thing that will bring the parties together is for the Premier to use his power to stop the convoy at this moment and to let it proceed no further. He should make certain the rig is not erected and no drilling occurs.

The next obvious step is to get real negotiations under way. As I said earlier, we have had the Minister for Police and Traffic, the Minister for Cultural Affairs, the Premier, the Deputy Premier, the Minister for Mines, and the Minister for Agriculture when he was relieving in some other portfolio, all being associated with the dispute in some way; but at no time have they approached the dispute in a spirit of negotiation.

At all times they have approached the matter with an ultimatum; and probably that is the worst possible way to enter a dispute, saying, "This is what the position will be, accept it or have nothing at all." Criticism was made that some detail which was offered to the community at one stage was apparently not acknowledged by it. I

would like to draw attention once again to the fact that a counter offer was made to the Government, while the Premier was overseas. That counter offer was made after a great deal of negotiation—as I understand it, with the Premier's knowledge and blessing—between the Noonkanbah community and the member for Kimberley. I knew nothing about it until I read it in the paper. My own member did not place his confidence in me because he considered the matter to be so delicate that it had to be kept as quiet as possible.

He went into the negotiations with the best possible will in the world, and obtained a basis for negotiation with the Government which was rejected out of hand. Either the Premier had been leading him up the garden path or, when he went overseas, he did not take the rest of his Cabinet into his confidence and so the Cabinet knew nothing about it. Perhaps the Cabinet thought the kindest thing to do was to continue with the hard line set by the Premier.

So what was the basis of a compromise—and a meaningful compromise—was rejected out of hand; and at the same time the Government was ensuring that a team of mercenaries was being organised to protect the rig at the taxpayers' expense. A convoy was being mounted with Government knowledge to take the rig from Enneaba to Noonkanbah.

All of the reactionary, fascist, and right-wing forces that we have come to recognise so readily in the community became manifest overnight in this operation. The Government approached people it knew it could rely on to organise the convoy at a time when the community offered an olive branch and said, "This is what we would like", and the Government did not have the sense or decency to see it was offered a compromise.

Mr MacKinnon: Are you going to spell out the details of the agreement?

Mr DAVIES: It does not matter what was in the agreement; it could have contained the most outrageous propositions. The Honorary Minister is too stupid to see that it was a basis for a compromise, something to work from. The Honorary Minister is so stupid as to think the Government would have to accept the basis, or have nothing at all. Cannot he see that it was a basis for compromise? Has not the the Honorary Minister ever been involved in negotiations? Can he not realise that there must be give and take on both sides? His stupidity is reflective of the whole Cabinet. The Government just did not realise that a genuine attempt was made to work out the problem with the Premier's knowledge; it merely

rejected it out of hand. Either the Cabinet knew nothing about it or the Premier led the member for Kimberley up the garden path. It is as simple as that.

Having stopped the convoy, having stopped the erection of the rig, having stopped drilling, and having got down to meaningful negotiations—not ultimatums—the Government should then realise it has to credit Aboriginal people with some intelligence. Surely to goodness the Government is prepared to acknowledge that Aboriginal people have some brains. Having done all that, we must then all agree on what the sacred sites are, and what constitutes a sacred place.

At present, the Government has a movable definition of what constitutes a sacred site; it changes the definition when it does not suit the Government. When it gets into a corner, the Government says, "That is not exactly what we meant. What we thought was a sacred site, or what the Trustees of the Museum told us was a sacred site in fact is not a sacred site. We will now tell you what a sacred site is. We do not want the experts to tell us. We do not want the Trustees of the Museum or the people at the university—the acknowledged experts in this field—to tell us what constitutes a sacred site. We will tell you and if we do not like the definition tomorrow we will change it."

Let us lay down some firm, non-movable, non-changeable definitions of what is a sacred site, and stop all this humbug. If we go through the various Press releases of the Premier and his Ministers we will note they have changed their ground from time to time. I do not believe the Government has ever attempted to obtain a real definition of "sacred site".

If the Government were genuine it would release the report of the Trustees of the Museum. However, it will not and in the meantime, anything it says must be suspect.

Having decided what is a sacred site, we must then get all those areas mapped. If they are not mapped, from time to time we will have people saying, "That is a sacred area" or, "That is not a sacred area". Let us go about this in a proper manner and make certain we know where we are going.

One of the few true things the Minister for Cultural Affairs said was that this situation will come up again and again. That being so, we simply cannot get out of this difficulty by sheer force or might, and then pretend we will deal with the same situation when it arises in one month, one year, or 10 years' time by using might again, because that will not be the case.

So, we need to get properly mapped all the areas designated as "sacred" so that we know where we are going. Having reached agreement on the various sacred sites, any deal which subsequently is done with the various communities must acknowledge their rights and their social and cultural entity; it must pay due respect to their social fabric; it must ensure the things which they hold sacred and true are acknowledged and respected. We may laugh at many of their beliefs because we do not understand them, but there are things which the Aboriginal community hold just as sacred as our most sacred beliefs, and they must be respected.

As I said very recently in a Press release, the Government has right on its side. My Press release stated as follows—

The Government has spoken repeatedly about the conditions of pastoral leases, the provisions of the Aboriginal Heritage Act, the obligations imposed on the holders of mineral exploration licences, its powers to gazette public roads, the supremacy of the law and the application equally of the law to all citizens.

The Government has spoken about those things as it has an undeniable right to do; it has the law on its side.

However, the key question is not whether the Government has a legal right to do what it is doing but whether it has a moral or spiritual right. This is the essential element of this whole debate, but it seems to have been overlooked.

Government Ministers resort to using irrelevant arguments about buildings being built on the pastoral lease over the years and no-one saying anything about them. They have spoken about things happening without occasioning protest by Aborigines. However, these events have not taken place in the same context or manner as has occurred on this occasion.

The Minister for Cultural Affairs said that no-one criticised the building of an airstrip on the pastoral lease, yet according to the Aborigines today, this airstrip has desecrated sacred land. Just because a person has desecrated a grave on one occasion, he does not have the right forever more into the future to continue to desecrate that grave. This is the logic of the Government's argument. It seems to think that buildings and other facilities have been constructed on that land, therefore any activity should be allowed to take place on the pastoral lease without protest.

This problem has moral and spiritual considerations which the Government does not seem to recognise. In fact, I do not believe it has

even tried to understand the situation. I must confess I do not understand it. I have had the greatest difficulty in trying to put myself in the place of the Aborigines in an attempt to understand their feelings in this matter. However, it is very difficult for people of our background and culture to make such a mental transition. The greatest possible understanding and assistance must be rendered to these people by the Government to ensure that what they believe in they are allowed to continue to believe in. We should not ride roughshod over them as is proposed at present.

I believe there is a chance now, even at this late hour, if the things I have outlined are followed, to bring the whole situation back to reality and to put it in perspective. We should forget about who is doing what to whom and how. We should stop the convoy, stop the erection of the rig and not allow drilling to take place. We should get down to meaningful negotiations. We should define "sacred sites" and then map the areas and make certain that any deal done is a deal which thinks first of the Aboriginal people and not of the almighty dollar.

I congratulate the member for Gosnells for moving this motion, and have the greatest pleasure in supporting it.

SIR CHARLES COURT (Nedlands—Premier) [7.47 p.m.]: Before I deal with the motion itself, I would like to say I was appalled at the reference the Leader of the Opposition made to one of my ministerial colleagues.

Mr Davies: Then it is about time he held his tongue, is it not? You never try to stop him. He is able to say the most outrageous things, yet you never once try to stop him. When are you going to do it, and play the game?

Sir CHARLES COURT: Having heard that further outburst from the Leader of the Opposition, it only confirms what I was about to say; namely, what the Leader of the Opposition said in respect of my colleague was disgusting, and in bad taste.

Mr Davies: And every bit was deserved, if he is going to act like that.

Mr Bryce: What about the unfounded remarks he has been making for days about Aborigines?

Sir CHARLES COURT: I should like to make a few observations for the benefit of the younger members in this place. There is no member in this House, including the member for Kimberley, who has done so much for Aborigines than the member who holds the portfolios of Education, Cultural Affairs, and Recreation.

[Disturbance from the Gallery.]

The **ACTING SPEAKER** (Mr Watt): Order! Before the suspension of the sitting for tea, the Speaker addressed the people in the Public Gallery and reminded them that under Standing Orders, members of the public are permitted to remain in the gallery so long as they remain quiet. I must remind them that they are required to observe the Standing Orders of this House, otherwise I will have no option but to order the gallery to be cleared.

Sir CHARLES COURT: I want to remind members opposite—

Mr Skidmore: Do not remind me of anything! I get sick and tired of you.

Sir CHARLES COURT: —that, as the member for South Perth and also whilst a member of Federal Parliament, the Minister for Cultural Affairs took a keen interest in Aborigines. He had them in his home and befriended them and at that time was one of the few people in this community who was prepared to be identified with Aborigines and was prepared to help them.

Mr Skidmore: What a lot of nonsense!

Sir CHARLES COURT: Therefore, any comments the Minister makes about Aborigines at this time, either in connection with the Noonkanbah project or any other development project must be considered in that context. It ill behoves members opposite to utter derogatory remarks about my ministerial colleague.

Mr H. D. Evans: And his stand on law and order?

Sir CHARLES COURT: I will deal with the motion very quickly, and I will go through various points just to demonstrate the absurdity of it, the inconsistency of it, and, above all, the absolute hide that the Opposition has in moving such a motion. I refer to the first point as follows—

the Government's failure to negotiate on a reasonable basis with the Aboriginal community on Noonkanbah Station.

No Government has negotiated with such patience over such a long period as has this Government. I think people have been amazed. In fact, the public generally were becoming extremely impatient with the Government for allowing so much time to elapse without taking a very positive line in connection with the drilling at Noonkanbah.

Mr Skidmore interjected.

Sir CHARLES COURT: I want to remind members that, at the behest of the community, three Ministers went to Noonkanbah and gave as

much time as was necessary to listen to the case stated by the people there and, hopefully, to obtain some settlement. Members know how that was orchestrated. People made it impossible for my colleagues even to have a look at the sites.

Then there was my own visit for what was to be an unlimited time. Some people there kept saying, "You will have to leave at a certain time." As far as I was concerned, I was prepared to stay for the night, for the day after, and the day after that if necessary. Again, it was orchestrated in a way that was not appreciated by some of the Noonkanbah people.

I know some of the people at Noonkanbah. They were the people who wanted to discuss matters with the Government in a sensible and reasonable way, hoping to arrive at something that was manageable.

I want to say here and now that this is not a question of sacred sites so far as the Opposition and so far as the stirrers of the Noonkanbah people are concerned. The only people who are genuinely trying to make this a sacred sites issue are the members of Government.

Opposition members interjected.

[Applause from Gallery.]

Sir CHARLES COURT: We have dealt with that question. Sacred sites—genuine, identified sacred sites—will be protected in a way that has never been offered to any Aboriginal community in the whole of Australia.

Mr H. D. Evans: Will you show us the Museum report?

Sir CHARLES COURT: The people from the Aboriginal Legal Service acting for the Noonkanbah people want this to be, and in fact are demonstrating it, a land rights issue. This is part of a letter that came from the legal officer of the ALS. The "council" referred to is the council of the Aboriginal community who are in possession of the Noonkanbah Station. The letter reads as follows—

I am instructed by the council to advise you that the community totally and unequivocally opposes exploration and mining in all forms and by all persons or companies upon its station property.

That does not refer to a particular area, but the whole station. When I was up there, trying patiently to listen to the case being advanced by those people—

Mr Bryce: When were you patient?

Sir CHARLES COURT: —it was my task to try to identify whether they were concerned about drilling and exploration in any form at all, if it be

exploration for petroleum or for any other mineral, at a particular site, in a particular area; or whether it was the total station concerned. I insisted that the professional man from the ALS put the question so that there was no doubt in his mind as to what was said. Every time the answer came back as highly orchestrated as anything I have ever seen done in my life: "It is the total station." I then said, "Look, when you talk about areas of influence, how far does this influence extend around a genuine sacred site?" Then they went into a huddle to try to agree amongst themselves. I said, "Is it a mile? Is it two miles? Is it 10 miles?"

Mr Hodge: You are already told in the Museum report.

Sir CHARLES COURT: They could not agree amongst themselves and they said, "Look, there are two groups of us. Some on that side of the fence believe it is one thing; some on the other side of the fence believe it is another." That is the sort of situation we are in.

It was the ALS solicitor acting for them who made it clear that as far as he was concerned, as far as the ALS was concerned, and, going on his submission, as far as the community was concerned, there was to be no mining and no exploration of any sort at all on Noonkanbah.

So, as far as the opponents of the Government are concerned, it is a question of land rights and not a question of sacred sites. As far as the Government is concerned, it is a question of sacred sites—and they will be protected. They have been identified on the Museum map. The member for Kimberley can tell us about the sites that have been identified on the map. They will be protected by such a lease as has never been granted in this State before, if a degree of reasonableness will prevail in that area.

Just to make sure there is a proper record of it, these special leases will incorporate an area embracing the whole of the sacred sites. The area is intended to be a triangle which will also include all the land between the points. This would be put into a special lease which would give complete and absolute control over those sites to the local community. Such a thing has never been offered anywhere else in Australia, to the best of my knowledge—certainly not in this State. It means the sites would be in the exclusive care of those people. Therefore there is no question of any miners or anyone else wanting to intrude on those sites.

I want to remind members—

Mr Pearce: That is supposed to be the situation under the Aboriginal Heritage Act now.

Sir CHARLES COURT: The nearest of the sacred sites is 1.25 kilometres from the proposed drill site. Pea Hill is further still. If one considers the sites which have been identified by the Museum, the nearest one is 1.25 kilometres from the proposed drill site—

Mr Pearce: That is not true. Produce the Museum report.

Sir CHARLES COURT: On that basis, paragraph (i) of the motion can be dismissed as complete nonsense.

Paragraph (ii) is as follows—

the Government's rejection of a recent approach by the community for discussions, despite the assurances given by the Premier to the member for Kimberley that provided the community initiated negotiations, time was no problem,

I am very concerned and very disappointed that the member for Kimberley has allowed himself to be used in this way.

Mr Skidmore: He has not been used.

Mr Pearce: What a patronising, arrogant statement that is.

Mr Hodge: You are a hypocrite.

Mr Pearce: The member for Kimberley speaks with a lot more sense than you.

Mr E. T. Evans interjected.

The ACTING SPEAKER (Mr Watt): Order!

Mr Bryce: What about your junior "Charlies" on the front bench there?

[Applause from Gallery.]

The ACTING SPEAKER (Mr Watt): I have already spoken to the gallery once since the tea suspension, but I have noticed there have been a few more people come in so I will restate the position. The Standing Orders provide that the public may occupy the Public Gallery provided they remain silent. I want to remind them again that if the interruptions that have been occurring continue to occur, the gallery will be cleared.

Mr Skidmore: I have not heard any interruptions.

Sir CHARLES COURT: Mr Acting Speaker, I hope there will be "time off" as far as I am concerned—

Mr Bryce: We will move an extension of time if you feel absolutely hard done by.

Sir CHARLES COURT: —because of the interruptions. I noticed the first speaker for the Opposition was given limitless time; and the Leader of the Opposition also was given no time limit.

Mr Pearce: He did not speak for more than 20 minutes. We have been short, sharp, and to the point.

Sir CHARLES COURT: In view of questions I have received, I want to read to the House this letter I have sent, as follows—

I can understand your interest in and concern about the media reports during my absence abroad of so-called "secret negotiations" with the Government through the Member for Kimberley (Mr. Bridge) and myself as Premier.

There were no secret or any other form of "negotiations".

There were confidential discussions sought by Mr Bridge and which discussions I would not normally refer to publicly if it were not for the fact that Mr Bridge—contrary to his request to me—has seen fit to make public the fact that he had talks with me.

As you are aware, it is not unusual for Members of Parliament—both Government and Opposition—to seek confidential discussions with the Premier of the day. To the best of my knowledge, the confidentiality has been observed in the past.

I do not intend to make public the basis of Mr Bridge's discussions with me beyond saying these discussions were not by way of negotiations, but a review of the position at Noonkanbah as it stood at the time.

It was made clear that any new initiative must come from the Aboriginal Community because the Government had been very patient and had already made many concessions—all of which had been rejected.

There was no reason to suggest that the "stirrers" and others advising and applying pressure on the Noonkanbah Community would let them accept any further proposals we put forward short of the Government selling out the greater community of the State and virtually going outside the law. From the media reports that I have studied since my return, it would appear that no matter how genuine Mr Bridge might have been in his attempts to get the Noonkanbah Community to enter into meaningful negotiations, other forces intervened. They saw an opportunity to try to embarrass the Government and increase rather than reduce the difficulties which exist between the Noonkanbah Community and the Government. It is a cruel piece of manipulation and I would hope that even at this late stage, wiser counsel will prevail

amongst the community at Noonkanbah. I have to assume Mr Bridge has no intention of seeking to do this in view of his public comments—comments which have disappointed me in view of his attitude in discussions with me. I have to emphasise that had I been there at the time the proposal was received from Noonkanbah, I would have rejected it in the same terms and for the same reasons as my colleagues communicated to the Community in my absence.

The so-called proposal for negotiations was a fraud and a disgrace. Whoever devised it did a grave disservice to the member for Kimberley in trying to associate him with it. I reject that part of the motion completely.

The third point reads as follows—

the proposed drilling area is situated on an Aboriginal Sacred Site, as verified by the Museum Trustees in a report which the Government has deceitfully misrepresented to the public and tried to conceal.

I remind members opposite, if they have a copy of the report, that it is very carefully branded by the Museum as having a confidentiality that is not to be broken.

Mr Pearce: That is why we have not published any of that.

Mr Harman: Why?

Sir CHARLES COURT: The reason is that the people who supplied the information for the report were given an undertaking that it would be treated with respect and would be divulged only under certain circumstances, which are spelt out. As far as the Government is concerned, we reject these claims completely.

Mr Pearce: It does not disguise the fact that you lied about what was in the report.

Withdrawal of Remarks

Sir CHARLES COURT: I ask that those words be withdrawn, Mr Acting Speaker.

The ACTING SPEAKER (Mr Watt): The member for Gosnells will withdraw those words.

Mr Pearce: I will withdraw the word "lied" under protest.

The ACTING SPEAKER: The word must be withdrawn without qualification.

Mr Pearce: I withdraw without qualification.

Debate Resumed

Mr Pearce: It does not disguise the fact that you deceitfully misrepresented the report.

The ACTING SPEAKER: The member for Gosnells will not interject before the Premier has resumed speaking.

Sir CHARLES COURT: We did a great service to the children of this State when we brought the member for Gosnells into Parliament and away from teaching.

Several members interjected.

Mr Young: Belt up and give the Premier a go.

Several members interjected.

The ACTING SPEAKER: Order! The House will come to order!

Mr Bateman interjected.

The ACTING SPEAKER: The member for Canning will cease interjecting. The member has been told not to interject when I have called the House to order. If he continues to do so I will have to take action against him.

Sir CHARLES COURT: The proposed drilling area is not a sacred site.

Mr Pearce: That is not true.

Sir CHARLES COURT: Some respected and senior anthropologists in this State, and from other States, will tell members opposite that there are varying degrees of sacredness and significance. We have to be careful not to fall for the three-card trick which some of the stirrers and advisers to the Noonkanbah people have been trying on. If we were to talk about mythology as distinct from sacred sites we would be talking about an entirely different matter. There would be hardly any part of the State not affected in some way.

There has to be a sense of realism. In talking to some of the more senior and respected anthropologists, they have indicated to me that there are sites of real significance and others of less significance which are not entitled to the same degree of protection. This House has to be careful it does not get fooled by these people who, for their own reasons and their own ends, have seen fit to use this area of influence theory as a means of trying to stop not only this particular drilling programme but also other mining projects.

Mr Harman: Who are they?

Sir CHARLES COURT: The member for Maylands should know, if he has read the papers, that quite a few highly respected anthropologists have said there are varying degrees of significance.

The most significant sacred sites have been set aside and are to be protected by the Government and are to be subject to special leases if the community is prepared to co-operate.

The motion goes on to state—

calls on the Government to halt immediately all actions likely to contribute to the early commencement of exploratory drilling on Noonkanbah Station, including the transporting onto the station and erection of a drilling rig, and commence meaningful negotiations with the community.

What a lot of twaddle! To my knowledge the rig is there, as it should be—no thanks to the Opposition or its supporters. The Government has always stood ready to negotiate. The people who do not want to negotiate are those who are advising and manipulating the people at Noonkanbah. One has only to look at the submission that they got the member for Kimberley to submit to the Government to see that it was not a negotiable proposition.

Several members interjected.

The SPEAKER: Order!

Sir CHARLES COURT: This so-called proposal for negotiations does not provide for negotiations unless one agrees to a set of conditions which mean virtually no mining and no exploration.

Mr Skidmore: That is not so.

Sir CHARLES COURT: This was not a negotiable situation at all and the Government had no alternative but to reject the proposal. As I said in my letter, had I been here the proposal would have been rejected for the same reasons, only more quickly. It was a cruel manipulation and a stunt to give the impression of negotiation when there was no negotiation intended.

Mr Skidmore: The Premier is a rotten coward.

Withdrawal of Remarks

The SPEAKER: Order! The words used by the member for Swan are unparliamentary and I ask the member to withdraw them.

Mr Skidmore: As they were unparliamentary I will withdraw them.

Debate Resumed

Mr Harman: Do you honestly believe the member for Kimberley was being used?

Sir CHARLES COURT: Without doubt. I have known him for a long period of years and he would not have concocted that proposal. In connection with sacred sites and areas of

significance and their varying degrees of influence, I indicate that the Government has consulted with people, including Aborigines themselves, who have a deep and abiding affection for Aborigines. They have said in the clearest of terms—and the member for Kimberley knows this to be true because he knows the people about whom I am talking—that as far as they are concerned, the sacred sites are sacred and must be protected, but there is a limit to the area which must be protected. As long as those areas and a limited area around them are protected, we will have the key to the problem.

I remind members of another fact. It is a strange thing that the Noonkanbah community now wants 18 months in which to identify sacred sites. I would have thought that if they were genuine sacred sites, respected and believed in by the community because of their religious significance, they would be known already. The community should not need to bring in a team of anthropologists to say this or that is a sacred site and this is an area of influence.

I want to contrast this with another Aboriginal community which recently—not in the distant past—has asked the Government to assist it with its identification of sacred sites. The community has said to me, "We do not want white men to tell us where our sacred sites are".

Mr Pearce: Why are you telling the Noonkanbah people that?

Sir CHARLES COURT: Therefore, the people in that particular community have invited the experts up there not to tell them where the sacred sites are, but to ensure they are mapped properly when the experts have finished their work in conjunction with the local community. The community has said, "Beyond that the law can prevail so far as mining is concerned." In other words, that community has taken a sensible approach; it has identified what it believes to be sacred. Those sacred sites have been accepted as being sacred and, beyond that, the question of mining on that particular property will take its normal course.

Mr Harman: Would you accept Aborigines telling you the sacred sites?

Sir CHARLES COURT: Members opposite fall for the three-card trick every time. The fact is the Government was assured, with the complete backing of the elders of the community—not the itinerants—that the sacred sites were identified on the map. We said, "Very well, we will protect them." A total of five sacred sites were identified in addition to Pea Hill.

Mr Skidmore: That is exactly what we are saying: you did not protect them.

Sir CHARLES COURT: Regardless of the fact that these sites had been walked on by cattle, vehicles had travelled over them and they had been subjected to a host of other general activities, we said, "If you say they are sacred sites, we accept them as such." We could have argued that these sites had lost their significance; but we said, "If they are the ones which have been identified, we will protect all the land, not only the sacred sites, but also the land in between them." Nothing more nor better than this could be done.

The same situation applies with Pea Hill. Despite the fact that it has been used as a trig point for nearly 100 years, a gun emplacement, and drilled, etc., if it is identified in this report as a sacred site, we will accept it. Why do we have "instant" sacred sites all of a sudden? I should like to make the point that the Government has acted honourably and fairly in this matter.

Mr Bryce: They are no more instant than your knighthoods.

Mr Pearce: Have you lost your place or your amendment?

Sir CHARLES COURT: I have canvassed the motion and exposed its duplicity and insincerity. It is about time we put the record straight. Therefore, I intend to move an amendment.

Mr T. H. Jones: It will not alter the outcome.

Amendments to Motion

Sir CHARLES COURT: I move an amendment—

Delete all words after the word "noting" with a view to substituting the following—

- (1) the Opposition's contemptuous disregard for the laws of this State,
- (2) their support for those elements which seek to subvert law and order,
- (3) their complete and utter disregard for the rights of members of our community,
- (4) their rejection of the public and national interest in the Noonkanbah issue,
- (5) the Opposition support of attempts by the A.C.T.U., the T.L.C. and some unions to subvert and supplant the authority vested in Government by the authority of Parliament,
- (6) their support of actions to blockade transport which has the right to move freely on public roads.

- (7) their support of intimidation of union members by threats of lifetime bans directed against their inalienable right to work,
- (8) the readiness of the Opposition to lend support to every move calculated to cause division in the community,
- (9) the harm which it is doing to the present relationship between the Aboriginal and the European community,

commends the Government for its efforts to uphold law and order and for the tolerant and patient attitude it has shown to the Noonkanbah Community in its efforts to arrive at an amicable solution and also commends the conditions specified by the Government to protect identified sacred sites and protect the way of life of the Noonkanbah community.

I should like to refer to the last paragraph of the proposed amendment where it refers to the protection of identified sacred sites. I have explained that we intend to make special leases available to the local community. That is something which previously has never been done. They will not be in the hands of the Museum Board or the Aboriginal Land Trust.

Mr Bryce: I presume we will get a copy of this.

Sir CHARLES COURT: There are plenty of copies and I will autograph them if the member would like that.

Mr T. H. Jones: You are in trouble and you know it.

Mr Harman: I have never seen you so embarrassed.

Mr Bryce: How long did it take W. W. Mitchell to draft this?

Mr Bateman: It is a mockery of the Parliament!

Sir CHARLES COURT: I want to refer once more to the sacred sites. Special conditions have been promised. They have been offered and they are readily available. These conditions have been discussed with the local people in order that they might understand the situation, because they and they alone would have control of the sacred sites.

We want to protect the way of life of the Aborigines. A fence has been erected around the drilling area to identify it. We do not necessarily want it, but it was erected because it was seen as the only way we could delineate the area and thus demonstrate that the drill crew and its support people were within it. A Federal member of Parliament tried to distort the fact that a fence had been constructed and implied that it looked as if it was part of a prison camp. The fence was

built as part of a deal to identify the exploration area so there would be no argument as to whether or not people were transgressing the arrangement.

The other part of the deal was that there would be no alcohol or firearms on the site and one person would liaise between the exploration crew and the community. This was done so that the way of life of the community could be protected.

Had the community been prepared to talk, much could have been achieved. The company would do a great deal. Amax is a company with a good neighbourly record.

Several members interjected.

Sir CHARLES COURT: It is a company which could do a great deal as a good neighbour. Much has been done by mining companies in this country and much is being done by them to this very day.

Mr Bryce: Now who is being used?

Several members interjected.

The SPEAKER: Order!

Mr Bryce: You will run across the world stage as an errand boy for these companies.

Sir CHARLES COURT: It is unfortunate that people who want to stir the Aborigines do not want the good neighbourliness which could prevail and which would provide many amenities and an improvement in the way of life of the people who are trying to establish a pastoral property. We want these people to have a successful pastoral property. We want them to have the benefits of being away from the problems experienced in the towns where alcohol is such a menace.

It should be recognised also that the company is prepared—and the community is aware of this—to train some of the young people in this particular occupation. However, all of this is denied, because some people want to manipulate, stir, and misuse these poor unfortunate people.

Mr Harman: Who are these people who want to do that?

Sir CHARLES COURT: These people are prepared to throw overboard all these benefits in an endeavour to cause confrontation and division in the community. Their objective is land rights and this is just another case of the use of a particular issue to further the ends of a certain group. We had a similar situation recently when a group of workers tried to use the situation at Alcoa in Pinjarra as a spearhead for the 35-hour week. This is nothing more nor less than a cunning and cruel attempt to use the people of Noonkanbah in a land rights exercise.

Mr T. H. Jones: Down with the unions!

Sir CHARLES COURT: I should like to emphasise the words, "the Opposition's contemptuous disregard for the laws of this State".

Point of Order

Mr COWAN: I have an amendment which I would like to move. If the Premier is allowed to move his amendment first, it may preclude me from moving mine. Would it be in order for me to pass a copy of my amendment to you, Sir, so that you can determine whether or not it should be dealt with before the Premier's amendment?

The SPEAKER: Order! Could I point out to the member for Merredin that the Premier has the call and unless the Premier yields way to the member for Merredin he may not move his amendment?

Mr T. H. Jones: I could not see that happening.

The SPEAKER: I am obliged to put the amendment that the Premier has moved.

Debate (on amendments to motion) Resumed

Sir CHARLES COURT: I will read through the amendment, as follows—

- (1) the Opposition's contemptuous disregard for the laws of this State.

We are talking of the support for all those who want to defy the Government; those who want to ignore the fact that we are dealing with pastoral leases and not an Aboriginal reserve; those who want to frustrate those who want to go about their lawful business. The Opposition is a party to this. To continue—

- (2) their support for those elements which seek to subvert law and order,

Again, part of this exercise. They are wittingly and deliberately parties to it. The Opposition members feel it is some way to stir up the community and cause divisions in the community. They hope to embarrass the Government when in fact—if one were only interested from a political point of view—they are doing the reverse.

Several members interjected.

Sir CHARLES COURT: To continue to paragraph (3)—

- (3) their complete and utter disregard for the rights of members of our community,

As for the rest of the community, the Opposition does not accept that they are people who have rights. They do not accept that energy is a problem and that other people have rights. The Opposition has attempted to make out that there

is a small a group of people who are not subject to the law and are outside the law.

The Government accepts that there are people with special needs. It has acknowledged their special needs and will continue to acknowledge them.

Several members interjected.

The SPEAKER: Order!

Sir CHARLES COURT: However, at the same time it has to be borne in mind there are some laws that have to be obeyed in the sensible way and the Government has tried to give everyone the opportunity to obey them.

To continue—

- (4) their rejection of the public and national interest in the Noonkanbah issue,
- (5) the Opposition support of attempts by the A.C.T.U., the T.L.C. and some unions to subvert and supplant the authority vested in Government by the authority of Parliament,

We have it, day in and day out, with people of the union movement advocating defiance of the law.

An Opposition member: Your law.

Several members interjected.

Sir CHARLES COURT: To continue—

- (6) their support of actions to blockade transport which has the right to move freely on public roads,

We have seen the ways of Mr Cook, trying to stir up people in the Pilbara. The people in the Pilbara did not like it and said, "What has it got to do with us?" Then we have a few who deliberately went out of their way to be arrested. We have a situation where the Aborigines openly said it was "media day" in the Kimberley and they had been instructed to be there in strength because the television people were going to be there and they had to make it look good when they put on an "act".

Mr Bryce: Just like the Premier has his media day.

Several members interjected.

Mr Bryce: You organise for the media to come to your office so you can preen yourself and present your distorted view of things.

Sir CHARLES COURT: That is rather strange coming from the honourable member because there have been complaints that I have not been on TV for some time and it was thought that I must be in the process of retiring!

Mr Bryce: Could we suggest, with the greatest respect, that you take up that suggestion?

Several members interjected.

The SPEAKER: Order! The House will come to order.

Sir CHARLES COURT: It was then said that I must be thinking of retirement because one of my colleagues has been on TV more often and that I am making way for him to take over! How silly can people get?

Several members interjected.

Sir CHARLES COURT: To continue—

- (7) their support of intimidation of union members by threats of lifetime bans directed against their inalienable right to work,

We have seen this in the last few hours and it is not funny in a country like this. It is really serious and the Opposition is a party to it because of its support of certain elements of the unions which identify with the Opposition.

Mr Harman: You are smashing an Aboriginal community.

Sir CHARLES COURT: Rubbish! We are giving it a chance to succeed.

Several members interjected.

The SPEAKER: Order!

Sir CHARLES COURT: To continue—

- (8) the readiness of the Opposition to lend support to every move calculated to cause division in the community,
- (9) the harm which it is doing to the present relationship between the Aboriginal and the European Community,

commends the Government for its efforts to uphold law and order and for the tolerant and patient attitude it has shown to the Noonkanbah Community in its efforts to arrive at an amicable solution and also commends the conditions specified by the Government to protect identified sacred sites and protect the way of life of the Noonkanbah community.

MR P. V. JONES (Narrogin—Minister for Mines) [8.26 p.m.]: I second the amendment.

Several members interjected.

The SPEAKER: Order! The House will come to order! The Minister will resume his seat. I ask the members of the House to retain order. If there is no order there will be no progress.

Mr P. V. JONES: Members must be very concerned about what is to come. There has been quite a deal of talk—

Several members interjected.

The SPEAKER: Order!

Mr P. V. JONES:—this evening on various aspects related to the activities associated with Noonkanbah. Unfortunately almost everything we have heard from the Opposition has been incorrect and misleading and has presented a picture which is almost totally removed from the facts of the case and the situation as it really exists.

We heard the member for Gosnells speak about a report and there have been interjections about a report. May I just qualify this matter once and for all? The report in question is not a report to the Government. It is a report to the Trustees of the Museum from the Aboriginal cultural materials committee and it is a report by the anthropologists of the Museum relating to the examination and assessment of certain areas at Noonkanbah.

Mr Skidmore: What about the report on 8 June?

Mr P. V. JONES: The report was available to me on request in the middle of last year. I even asked the permission of the trustees to release it. However, my request was denied. When I visited Noonkanbah earlier this year the member for Kimberley would have been well aware that I had a copy and that there were several of them.

I appeared on television last year in my then capacity as Minister for Cultural Affairs to discuss this issue with Mr Philip Vincent. Mr Vincent produced the report. He also produced a map. There is nothing funny about maps. If we had a map here we would be able to table it. If Opposition members would like a copy of the map, the Minister for Community Welfare could produce it.

The map identifies and delineates the sacred sites. They are the maps which the Museum used to identify the sacred sites and the delineation in relation to Pea Hill. If members approach my office tomorrow they can have a copy.

If the members of the Opposition obtain a copy they will see on the cover two points. First of all, the confidential aspect of it—and I am quoting from memory—and the fact that this report must not be produced without the written permission of the Director of the Western Australian Museum.

Mr Vincent of the ALS when discussing the matter with me on television last year admitted he had broken that confidentiality and had released the report. His only excuse was, "Never mind the Museum Trustees and what they want, I think it is in the interests of my client, the community." That was his reason, right or wrong.

Mr Pearce: You and your Government look pretty sick. What was said in the report was quite different.

Mr P. V. JONES: I again approached the Museum officials and they again said, "No." The reason they gave, again, was that a certain amount of information in the report which was utilised, was provided to them by people at Noonkanbah—such as Nipper Tabagee—on the understanding that the information would remain secret and confidential to the people who gave it to the Museum officials.

Mr Pearce: What about releasing the three-page summary addressed to you?

Mr P. V. JONES: The report contains a transcript of a discussion with regard to how some of the material was obtained. When I read that material I quite agreed with the Museum Trustees that it should not be released. After all, the information provided by the various members of the Noonkanbah community, or those now living at Noonkanbah, was provided in good faith and all honesty and it ought to remain secret. The trustees subsequently may have changed their minds, which they can do if they so wish. It is their report and, if they decide to release it, it will be their decision. I hope they do. But, certainly it is out of the province of the Government to release it.

Everything I have said can be verified by the trustees.

Mr Pearce: If the area is not a sacred site why was it necessary for the Minister sitting alongside you to write to the trustees and direct them to allow mining?

Mr P. V. JONES: If the member for Gosnells had read the report, and seen the map, he would have noticed the delineation of the identified sacred sites. They are classified in three groups; that is, 5A, 5B, and 5C.

Mr Pearce: All sacred.

Mr P. V. JONES: They are all sacred and accepted by us, and acknowledged. Because of that, the preferred drilling site is not to be utilised because we asked the company—and indeed, directed the company—to drill elsewhere because the preferred drilling site was too close to one of those identified sacred sites. The site now to be utilised is the first alternative.

Mr Pearce: You still had to direct the trustees to allow mining.

Mr P. V. JONES: Yes, there is no secret about that.

Mr Harman: Why?

Mr P. V. JONES: Do I have to go through it all again?

Mr Young: With the "bionic lip" on the job you will have to go through it a million times!

Mr P. V. JONES: There have been references to some aspects of the history of this whole question during the last few years, and the discussions which have taken place with the community at Noonkanbah. I will refer to an extract from a report relevant to discussions and proceedings between company representatives, Museum representatives, and the community at Noonkanbah. On 24 July 1978 the representatives of the company pointed out to the community that further work was planned in the area. They conferred with Mr Skinner and several members of the community. A number of sites of significance were pointed out near the area which the company was considering for drilling. They were plotted on a map. As a result, the first drilling location was moved.

A map was prepared showing the sites, and it was sent to the community to ensure that those recommended by the advisers set out the intentions of the people. There was a request that the possible sites be studied by the community. Copies were sent to the Aboriginal sacred sites division at the Museum.

No replies were received, notwithstanding that fact, and the fact that the company representatives and the drilling contractor visited the community on 17 October 1978. The visiting group was assured that no area of sacred significance in respect of any specific locality was in the area to be drilled, and that the locality was not connected with any other sacred area.

As a result of that, the mining warden proceeded on 29 November. We are now confronted with the situation that all of a sudden the whole station—as has been indicated by the Premier—is not to be available whereas in July 1978—two years earlier—when the discussions took place, there was no objection.

Mr Harman: They never said that.

Mr P. V. JONES: Is the member for Maylands denying what I have said?

Mr Harman: They never said that at all.

Mr P. V. JONES: I ask the member for Maylands to prove it.

Sir Charles Court: The legal adviser spoke on behalf of the community. You can have a copy of what he said.

Mr P. V. JONES: This is not what we are saying; it is what the community said.

Mr Harman: They never said it.

Sir Charles Court: Their solicitor said it for them.

Mr Harman: He did not say what the community wanted.

Mr P. V. JONES: So the legal adviser did not say what the community wanted? In other words he was wrong!

Mr Young: That is a turning point.

Mr B. T. Burke: Don't be ridiculous.

Mr P. V. JONES: Ah! It now seems the legal adviser did not say what was wanted.

Mr Harman: You are twisting. You have done it before, do not try to do it again.

Mr B. T. Burke: The point is there is a dispute and the Minister is prepared to bludgeon his way through, as is normal with him. He is prepared to ignore the very thing his Federal counterpart says is needed.

Several members interjected.

The SPEAKER: Order! The House will come to order!

Mr P. V. JONES: The member for Kimberley forwarded to the Government a proposal to which there has been reference this evening. The text of that proposal has been made public, and the details of the letter replying to the community dealing with the requests received and the responses by the Government have been passed back. I do not wish to go over that ground again. There has been a suggestion that perhaps the member for Kimberley, together with the community at Noonkanbah, were not entirely the authors of the submissions. I do not think that even the member for Kimberley, himself, would suggest he was an author. He may very well have been involved in the discussions, and I would not question that. I indicate that on information available to me other people were involved in the formulation of the proposal which came to the Government. For example, I understand—and there is no secret about this—that Senator Chaney became involved. I have been advised also that the ALS was involved in the formulation of the proposal to the Government. However, in spite of whoever was involved, the proposal put forward to the Government amounted to no proposal whatsoever in terms of a responsible and progressive plan about which we could talk. It has been referred to at some length, and I do not wish to persist. I will refer to one or two other aspects.

Mr Skidmore: Just refer to one, that will be enough.

Mr P. V. JONES: If the community at Noonkanbah cares to carry out a programme of mapping of sacred areas, the Government has no

objection. There is no opposition to that occurring.

Mr Skidmore: Should there ever have been any opposition?

Mr P. V. JONES: Certain conditions were put to us by the community with regard to mapping and those conditions would have meant no mineral exploration at all. We were required under paragraph (7) to cancel all mineral leases held in that area. That is something we cannot do legally even if we wished to do so. The request was for the cancellation of all mineral leases in the area referred to in the Museum report, and in the area delineated. There is no legal way under which that can be done in the present situation.

We now come back to a situation where this House is considering an amendment which brings the position back to its proper perspective. We have a situation where the Opposition has aligned itself—

Mr Skidmore: With the forces of evil.

Mr P. V. JONES: —with elements who have contemptuous disregard for the law.

Mr Skidmore: The unions, the rotten “commos”—they are all in it.

Mr P. V. JONES: It has nothing to do with Aboriginal sites. We are now talking about the rights and entitlements of people to go on a road. Much has been said about the rights of the Aboriginal community at Noonkanbah. Nothing has been said about the rights of the other people in this State.

Mr Skidmore: You are doing plenty to break the law—overloading trucks, wide loads, ignorance of the law.

Mr P. V. JONES: In the present situation the Opposition has quite clearly aligned itself with those elements within the union movement to whom the member for Swan refers. Fancy anyone vowing, as the President of the TWU did the other day, that the rig would never leave Encabba! He said, “We will disrupt that rig, we will prevent it by whatever means we can.” Is that a lawful sort of statement to make?

Mr Skidmore: It is his right, as a union leader, to say it.

Mr P. V. JONES: The member for Swan can support that.

Mr Skidmore: Don't try to paint me as being a “commo” or a terrible influence. You are wasting your time.

Mr P. V. JONES: The Opposition is supporting intimidation and has been associated with a statement made today by the President of the

ACTU and Mr Barr of the AWU in regard to a motion which was passed at a meeting.

Mr Skidmore: Which Amax welcomed with both hands, and said, “Thank heavens we are off the hook at last.”

Mr P. V. JONES: Who said that?

Mr Skidmore: If you are deaf, I am sorry.

Mr P. V. JONES: That motion and the subsequent statement said in effect that people who want to work and who make an effort to work will be denied for life—

Mr Skidmore: The workers said they would work the rig anywhere else but where it is.

Mr P. V. JONES:—the opportunity to work. That is what the Opposition has aligned itself with—denying people who wish to work the opportunity to do so. The Opposition is denying work to people who were willing to undertake the transport operation. It says those people should not have done that—people who volunteered to go and who said, “If a job needs to be done we will do it.”

Mr Skidmore: For \$3 500.

Mr P. V. JONES: Before he left the Chamber, the Leader of the Opposition suggested the Premier had it within his power to stop the rig moving any further.

Mr H. D. Evans: How did it start?

Mr P. V. JONES: Mr Cook rang from Darwin with an appeal, “Stop it, take no further action.” The rig is already there; it is on the site. We are now wondering what the Opposition will think about that. The ACTU vowed it would never get there. Let them think about what comes next. We have reached the end of a very sad and sorry story, where an attempt has been made to develop an argument to support something which is clearly not being supported by the general community and which clearly could not be supported by the people in the Pilbara whom Mr Cook tried to beat up last Friday.

Mr Barnett: Nothing of the sort!

Mr P. V. JONES: The House is now being given the opportunity to support something which is positive and which clearly demonstrates where the truth of the matter lies. I support the amendment.

MR PEARCE (Gosnells) [8.45 p.m.]: The Opposition will not accept this amendment to its motion. It is the old stunt which the Government tries so often when it is caught in a situation like this. It tries to turn the motion around and carry on with the old business that the Opposition has contemptuous disregard for the laws of this State.

It is ironic that "Sir Sir Charles Court", the twice knighted robber baron of the north, should be raising this matter at this time.

The Aboriginal community at Noonkanbah until June last year had the law on its side in this matter. If the Premier had any understanding of the Aboriginal Heritage Act, he would appreciate that the fact that an area is an Aboriginal sacred site is enough to give it the protection of the law, and that is all there is to the matter. It does not need to be delineated or defined, or to have special Orders-in-Council to protect it. The fact that it is a sacred site prevents people doing things—such as drilling for oil—on that site. The Government has subverted that law by writing a single letter. Last year the Minister for Cultural Affairs wrote to the Museum Trustees and directed them to allow mining on the Noonkanbah site contrary to the law. That is to say, the exploring company was entitled to disregard the law; namely, the provisions of the Aboriginal Heritage Act.

Let me hear Ministers on that side say why it was necessary for the Minister for Cultural Affairs to write to the Museum Trustees directing that they should allow drilling on that site if it was not a sacred site. The provisions of the Aboriginal Heritage Act work like this: once a site is a sacred site, the Museum Trustees have the management of it and activities can take place on that site only if the trustees allow them. The only way the decision of the trustees can be overturned is by a ministerial directive. It would not have been necessary for the Minister to write to the trustees directing them to allow drilling on this site unless the Minister knew at the time he wrote the letter that the site in question was a sacred site. If it was not a sacred site, no such directive would be necessary because the Museum Trustees would have no right to have a say in the matter. The Museum Trustees are restricted under the law to responsibility for sacred sites.

That one letter undercuts all the heartrendings of the Premier and the almost 1½ hours of rambling we had from the present Minister for Cultural Affairs. The Government is not being honest to this Parliament in putting the proposition that the area is not a sacred site. Its own actions confirm that it is a sacred site.

The second point on which it is not being honest is in suggesting we are not upholding the law. We wish to uphold the Aboriginal Heritage Act passed by this Parliament in 1972. If the provisions of that Act were adhered to as was intended at that time, the situation would not have arisen because drilling would not have been permitted on the Noonkanbah site. It is only

ministerial directive which allows the law to be subverted.

Mr Mensaros: Is that not in the law?

Mr PEARCE: It is using a technical trick to subvert the law. That is exactly what is going on. On the "Nationwide" programme tonight, the Minister for Police and Traffic is going to accuse the Aboriginal communities of trying to find out their legal rights in the situation. The Government is so keen to pressure everybody that the Minister will accuse these people of going to the Aboriginal Legal Service to find out their rights.

What sort of Government do we have that claims to be right, proper, and law-abiding, when all the time its members are looking for legal tricks, technical tricks, and loopholes, to subvert the law as proclaimed by this Parliament and to allow activities that otherwise would be illegal?

Mr Old: Are you accusing us of going outside the provisions of the Act?

Mr PEARCE: I am accusing the Government of subverting the law by the technical trickery it uses.

Mr Old: There is no technical trickery at all. It is provided for within the Act. I suggest you should read it.

Mr PEARCE: I have read it all right.

Mr Old: You read it and understand it.

Sir Charles Court: It was an Act brought down by the Tonkin Government. You ought to be ashamed of yourself.

Mr PEARCE: Parliament will be ashamed of itself if it refuses to close up the loopholes.

Mr Mensaros: Your deputy leader voted for that provision when he was on the Government side.

Mr PEARCE: For the benefit of the Minister—whatever he is Minister of these days—it was brought in by the Tonkin Government to protect Aboriginal sites.

Sir Charles Court: With that provision purposely put in it.

Several members interjected.

Mr PEARCE: We can see that the Government's legal experts have found a loophole in the law, but certainly those who utilise the loopholes cannot claim to be the upholders of the law.

Mr Old: Are you saying it was not meant to be in there?

Mr PEARCE: It was not meant to be used in the that way.

Mr Old: Under what circumstances was it meant to be used?

Mr Hodge: You are subverting the whole purpose of the Act. You might as well tear it up and throw it away.

Several members interjected.

The SPEAKER: Order! I suggest that the member for Gosnells would make more progress if he was not hindered by the cross-Chamber conversation carried on between the Minister for Agriculture and the member for Melville. I ask them to cease interjecting.

Opposition members: Hear, hear!

The SPEAKER: The member for Gosnells is speaking to the amendment to include certain words.

Mr PEARCE: We reject the suggestion that the Aborigines are not a law-abiding group. The Opposition, in trying to support that group in its objection to the Government's actions, has been acting quite lawfully, morally, and legally.

When we look at this amendment we see set out nine points, all of which are attacking the Opposition for allegedly doing this and doing that. We will not be put down by petty abuse of that type. It would be an insult to the Parliament if we were to cease to raise here a matter which is of such considerable concern to the people of the whole State. This matter is presently occupying many pages in our Press and it is receiving a great deal of media coverage. However, when we attempt to raise it here, we are faced with nine separately enunciated pieces of petty abuse from the Premier—the sort of petty abuse to which we have become accustomed in this Parliament.

The Opposition totally rejects this amendmend. It is a cheap stunt on the part of the Government. It is an attempt to reject the serious matter we have brought forward this afternoon and evening. The amendment will do nothing to solve the problem at Noonkanbah. The Government is using the Parliament in a point-scoring exercise.

Mr Old: Who brought the motion here?

Mr PEARCE: We have raised in this Parliament a matter of significant importance that is confronting us at the moment. Did we not offer earlier to withdraw the motion if the Government would withdraw the convoy? Even if the Government were prepared to produce the maps contained in the report of the Museum and were shown to be right by them, we would be prepared to withdraw the motion.

As a last resort we must come to the Parliament to ask the Parliament to fix up the mess the Government is getting us all into.

The SPEAKER: I will restate the question. I said inadvertently earlier that the member for Gosnells was speaking to the amendment to include certain words. In fact, the amendment that has been moved is simply to delete all words after the word "noting" in the original motion. The question is that the words to be deleted be deleted.

MR BRIDGE (Kimberley) [8.54 p.m.]: I rise to debate this matter, and at the outset I would like to say that I oppose the amendment moved by the Government and I support the motion moved earlier by the member for Gosnells.

I believe this to be a very serious problem, and I will address my comments, not to the emotional matters that have been canvassed here tonight with very little productivity, but rather, I would like to refer to the sequence of events that have taken place over many months and leading up to the situation at Noonkanbah at the present time.

Really, tonight the Minister for Cultural Affairs gave us a clear indication of just where the Government stands on this particular issue. Apart from his very disgraceful exhibition, one thing that came through very clearly and precisely from his speech was the Government's complete disregard for the whole central issue of the sacred sites in the Noonkanbah dispute.

Those of us who have been interested in trying to resolve the dispute have been very concerned about the sacred sites issue. Quite clearly, that has not been the main problem confronting the Government. Continually tonight we heard the Minister for Cultural Affairs say that the Aboriginal land rights move is an attempt to erode the rights of Europeans. He referred to the troubled waters of the Northern Territory legislation and the privileges that certain people have, and he asked why should Aborigines be afforded special privileges.

The point has been made, not one single person on the Government side can show that the Noonkanbah people—the main people involved in this dispute—have ever shown that they want privileges and concessions greater than those granted to other Australian people.

Several members interjected.

Mr BRIDGE: The Noonkanbah people have never made such a claim.

Sir Charles Court: Yes they have. I do not want to interrupt you, but I have to say this.

Mr Pearce: We are surprised you can look him in the face after the slur you cast on him earlier.

Sir Charles Court: When Mr Vincent was there, he made this point clear.

Several members interjected.

The SPEAKER: Order!

Mr BRIDGE: Some people have been involved genuinely in trying to bring about a resolution of the problem. They have striven for some control of the situation. Many of the people in the north are genuine and fair dinkum about the issue, but having heard firstly what the Minister for Cultural Affairs had to say, then subsequently the Premier, and the Minister for Mines after that, I am not so sure whether theirs has been a genuine exercise.

On the Government's side we have heard a great deal of abuse with little worry about principles. We have heard mention of special privileges and all kinds of other things, but if a genuine effort had been made to get to the centre of the dispute, a problem of the present magnitude would never have erupted.

Having said that, I would like to state my thoughts about what the House should concentrate on tonight. We should not get involved in the peripheral problems which have been clouding the issue, but rather, we must come right to the centre of the argument.

I would like to relate to the House the situation as I know it at Noonkanbah. I was in the Kimberley, and indeed on Noonkanbah Station, during the days of the last war, and I saw what happened there. However, even during those days of war, I never witnessed activities such as those I saw at Noonkanbah on Sunday.

It really astounds and saddens me as an Australian citizen, to reflect on what I saw at Noonkanbah. The big fence surrounding the station reminds me of the maximum security prison at Fremantle. Inside the fence, again reminding us of Fremantle Prison, men are placed strategically on guard. The gate into the campsite is chained with a padlock. The fence around the campsite is so high that an elephant could not climb it without a ladder.

Mr Hassell: Who are inside? The Noonkanbah people are inside—what are you complaining about?

Mr Bryce: You have not had your way yet.

The SPEAKER: Order! The member for Kimberley will resume his seat and the House will come to order! I call the member for Kimberley.

Mr BRIDGE: The thing about it is that the people from Noonkanbah are not aggressive—

Mr Hassell: At least we got that clear.

Mr BRIDGE: They would be the most peaceful people on earth. The erection of the fences has effectively meant that the very people who claim

a right to the land are denied entry; yet they are the most peaceful people on earth.

Mr Hassell: They are the people who drove off the contractors when they went on there last time.

Mr MacKinnon: Yes, peaceful people!

Mr Pearce: They would clean you up.

Mr BRIDGE: These people would not want to drive off a dying kangaroo, let alone other people.

Mr B. T. Burke: You have never been able to get over the defeat of the Minister for Housing, have you?

[Applause from the gallery.]

The SPEAKER: Order! The people in the gallery have been warned on three or four occasions not to make any noise. I must say this is the last occasion on which I will warn them. If there is any further disturbance in the gallery I will have no alternative but to have it cleared. I do not want to do that; I am pleased when people come to Parliament to listen to the proceedings. However, I point out that people in the gallery have no right to make any noise that could have a disturbing effect on the operations of the House. It is already bad enough for me trying to keep members quiet down here.

Mr BRIDGE: The fourth paragraph refers to the rejection of public and national interest in the Noonkanbah incident. The Government is prepared at the moment to proceed with the situation which, as I have just indicated to the House, is a sad situation. Whereas before one could walk onto the station, one cannot do so now. One must give an assurance that one merely wishes to speak to the police before the officer in charge undoes the padlock and chain, opens the gate, and then padlocks it once more behind one. That is extremely bad in itself, but apart from that we have a tremendous build-up of polarisation not only in the north, but also throughout the State and the nation.

We have been placed in a dreadful, shameful situation. We should be saying that we are in this predicament as a result of a number of circumstances, and we must try to get out of it in the best way we can. The people who in the eyes of the world are able to get us out of this predicament are the members of the Government. That is the responsible role we should adopt tonight. Never mind land rights, sacred sites, and all the other things which effectively have combined to produce the most disgraceful situation one could ever imagine at Noonkanbah; the responsible course of action for the Government to take is to recognise it has made a

mistake and to be proud enough to admit it. Then it could just go ahead and remedy the situation.

I wish to talk about the attempts the community made to try to reach a compromise with the Government. We have heard it said tonight that the deal was never on. It is interesting that on the day I presented the document to the Deputy Premier of the State, he was of the opinion it might well be a workable document. He did not say it would be, but he said it could well be. The Deputy Premier saw some hope in the document, and I believe his assessment was correct. I believe the document contained hope.

Mr O'Connor: I asked you to send me a copy of it because you did not have the full detail. I said a couple of the points you made appeared to be all right.

Mr BRIDGE: It was an important breakthrough, and I believe the Deputy Premier at the time probably recognised that. There had been a complete impasse, and no discussions were taking place between the Government and the Noonkanbah community. On that basis I took it upon myself to talk to the Premier, and I gained from him an understanding that if the community were prepared to exert some initiative, then there was a real possibility that the matter could be resolved.

Mr O'Connor: Is this the discussion we had which you said was totally confidential?

Mr BRIDGE: No.

Mr Young: You took a long time.

Mr O'Connor: I thought more of you than that. I thought at least you would be honest.

Several members interjected.

Mr B. T. Burke: Keep the truth confidential!

The SPEAKER: Order! The House will come to order!

Mr BRIDGE: I did not at any stage talk about that particular discussion as being confidential. I give the House my word on that.

Mr O'Connor: That is not true.

Mr BRIDGE: I had a discussion with the Premier which it was agreed would be confidential, and when the documents reached the hands of the Government they were in fact confidential. I made not even a murmur about it. I stand before the House and say that I adhered to the areas of confidence at all times.

Mr O'Connor: Except one of your members in another place disclosed the detail before it got to us.

Mr BRIDGE: I thought the Government would have recognised there was considerable opportunity for a breakthrough. On 18 April, the community made a resolution along the lines that the meeting supported the Noonkanbah people in their call for a three-year moratorium on mining anywhere in the Noonkanbah lease to allow the community to consolidate its economic and social position. Yet, on 18 July the proposed formula talked about mapping programmes of sacred areas being carried out until the end of the year in one instance, with the balance of the station being mapped within 18 months. Paragraph 3 of the formula then said that to that end the community undertook to negotiate with the Government towards terms and conditions for such mining exploration and developments on those areas of the station which were not Aboriginal sites within the meaning of the Aboriginal Heritage Act.

I would have thought that in itself was a basis for the Government to go to the community and say, "There may well be things in this proposal that are just not on, but it is a basis for us to have further discussions." That was never done. That was where the Government clearly demonstrated that the whole matter of sacred sites was just not on.

That is where the whole problem at Noonkanbah started, and that is where it has continued to this time.

I have heard discussion today about sacred sites, about how Pea Hill is recognised, and about how the Government acknowledges it, while other studies acknowledge the Goanna dreamtime site. It so happens that the community has claimed—and the Museum substantiates and supports this in its 1979 report—that the area surrounding those two points is an area which is deemed to be sacred to the Aborigines.

Had we got to the point where the Government had been prepared to acknowledge that, I am sure that area would have been protected at Noonkanbah and perhaps drilling would have taken place in some other area in near proximity to the original sites. It was the total rejection by the Government of the proposition which forced the Noonkanbah community into the position where it had to consider a total ban.

It was never intended by the community to impose a total ban; it wanted an area to be acknowledged as a sacred area. I am sure if that had been done, it would have put an end to the problem we are faced with today.

Mr Hassell: Why did their solicitors write and say, "There will be no mining on the station"?

Mr BRIDGE: That statement was made simply because the Government has never been prepared to acknowledge or consider any part of that report as being of any relevance. That has been the problem all along. As I said to the Chief Secretary on television last night, if that area mentioned by the Museum did mean something to the community, we would not have had a problem.

Mr Hassell: The community did not have a claim to any particular site. It said in a telex, "No mining"—full stop.

Mr BRIDGE: The Chief Secretary and the Government are prepared to acknowledge Pea Hill because, in fact, it is a hill; it sticks up in the air and is visible and identifiable. However, that other piece of land did not mean anything; it had no visual signs.

Mr Hassell: The sacred sites have always been acknowledged by the Government.

Mr BRIDGE: The Government easily could have brought this dispute to an end by going back to the community and saying, "There are certain parts of this formula which are workable, but there are other parts which are not on. Let us sit down again and have another look at the situation." However, because the Government was not prepared to negotiate, we have this very bad situation on our hands, where not only trade unionists and Aborigines, but also people from the church have been arrested. These church people have no affiliation with any political party.

Sir Charles Court: You could have named those people yesterday because their purpose in going up there was to get arrested.

Mr BRIDGE: Mr Speaker, it is hard to imagine that any person would cast such doubts upon the credibility of church people as the Premier has just done. Where are we going when our Premier sees fit to cast doubts about people whose morals, principles, and spiritual beliefs are beyond reproach? Where are we going when the Premier starts questioning these honourable people in our society?

Mr Young: You would have to be kidding! They are not all honourable. I could give you 1 000 examples.

Mr BRIDGE: The situation at Noonkanbah is intolerable, and should never have been allowed to occur. As responsible members of this Parliament, it is our duty to adopt measures designed to bring about an end to this problem. The members of this House who have both the opportunity and the ability to adopt such measures are the Government members opposite, and I call upon them to exercise that responsibility.

[Disturbance from the Gallery.]

The SPEAKER: Order! I will leave the Chair until the ringing of the bells. I order the Public Gallery to be cleared.

Sitting suspended from 9.13 to 9.27 p.m.

MR B. T. BURKE (Balcatta) [9.27 p.m.]: One cannot help but pay credit to the obvious sincerity and honesty of the member for Kimberley. It seemed very clear to everybody in the House—and I include Government members along with Opposition members—that he was speaking from his heart, and that he was able to contribute something to this debate that had been singularly lacking from the contributions made by Government Ministers.

The contribution made by the member for Kimberley was in stark contrast to the public positions adopted by the Minister for Cultural Affairs, the Minister for Police and Traffic, and the Premier, and in stark contrast to the parliamentary positions adopted in this debate by the Minister for Cultural Affairs, his Premier, and the seconder of the Premier's amendment to this motion.

One cannot help wondering how long it will take before the member for Kimberley is made aware of the sort of Government with which he is dealing. One cannot help wondering how long he will retain his refreshing honesty; because those of us who, like me, have been here for relatively brief periods have become nothing but cynical in the face of the duplicity, the harshness, and the bludgeoning policies adopted time and time again, not only on this issue but also on all previous ones, by this Government. Those bludgeoning policies are perfected by the Premier, who is a pastmaster at the art.

The Premier's intent in this situation is to do nothing more than to ensure that a community of peaceful, law-abiding, and responsible Australians is reduced to nothing; and he is using the entire might of his Government to bring that about.

If the member for Kimberley has any misapprehension about the motivation of the Government, then the Opposition as a whole does not share that misapprehension because we were here while this House debated the goings-on during the Kimberley election in 1977, the Court of Disputed Returns, and the subsequent extraordinary election which followed that court case. We saw the harsh reality of this Government expressed in the letters of the former member for Kimberley and former Minister for Housing when he told this House, the Court of Disputed Returns, and the people to whom he was writing, how distasteful he found it to mix with

Aboriginal people. When he made those statements, we did not hear the Premier dissociating himself from them. We did not see the Premier call that Minister into line and say, "You are a Minister of the Crown, and you have no right to say that it is distasteful to work amongst and campaign amongst the Aboriginal people." By his silence, approval was given to the sorts of racist comments made by the former member for Kimberley, the then Minister for Housing.

Sir Charles Court: Don't you take them out of context. They were not racist if you take them in context.

Mr B. T. BURKE: If the Premier's silence on the occasion that those letters were read to the House was bad enough, how much worse tonight is his acceptance of what was said in those letters by the member? We have just heard the Premier say that we can take out of context the statement that a person finds it distasteful to campaign amongst Aboriginal people. How any member can tell me how that phrase can be taken out of context, watered down, and somehow said to mean that the Minister who made the statement was supporting the Aboriginal cause, is beyond me. Regardless of how far from its context it has been removed, the phrase and intent of the statement are quite clear. The phrase and intent have been amplified and compounded time and time again both publicly and in this House by the Minister for Cultural Affairs, because it was that Minister who spoke about plane-loads of alcohol and poker games, with thousands of dollars in social service cheques comprising the pool. If that is not a worthless aspect of this situation to pursue, I do not know what is.

It is a reflection of the tenor of this Government's position in this whole matter. It is a reflection of the tenor of this Government's harshness and of its preparedness to bludgeon into submission a community that has never shown any inclination to that of which it has been accused. Tonight, the Premier again supports the former member for Kimberley's statement that it is distasteful to campaign amongst Aboriginal people.

Let us consider specifically some of the things this Government has brought forward in tonight's debate. It is interesting to note that the map to which the Minister for Mines referred so often when he claimed that the Noonkanbah community was saying that the entire station was a sacred site was in fact a map extracted by the Minister for Police and Traffic referring only to the area of sacred influence. That is all it was; it was not a map of the whole station. It was that

part of the station which the Museum map showed to be shaded to indicate sacred influence. Within that area, the sacred influence is maintained by the community. However, it is not a map of the whole station. The map to which the Minister referred and the map to which the Minister for Police and Traffic referred previously is not a map of the whole station. That reference has been a deliberate and wilful misleading of the House and of the public, because that map is a selective partitioning of the map contained in the Museum's report. It is only that part of the station that is held to be sacred by the community itself.

Then we heard the Minister for Mines accuse one of the members of the community of releasing the confidential report. What he did not say to the Parliament was that that release was the result of the community's request, and the request to release the report was made only after this Government had wilfully distorted the report which was then on a confidential basis. The community was forced into releasing the report simply because of the distortions for which this Government had been responsible.

If we want evidence of this Government's attitude towards sacred sites, let us look at the position of the Oombulgurri people in the Forrest River area. I wonder how many members sitting behind the Premier know that since 1978 this community has been calling for the registration of its sacred sites, and that since 1978 it has been told that there are no resources available to allow the registration those people are seeking of their sacred sites.

While they have been calling for the registration that this Government has denied them, mining companies have been active in pegging areas of the Oombulgurri people's land at Forrest River. If we are not again creating the situation at Noonkanbah, what are we doing? The Government is deliberately delaying the registration of sacred sites; it is deliberately provoking what has been occurring at Noonkanbah; it is creating a repetition at Forrest River.

As far as the Opposition is concerned, it is quite clear that the Museum Trustees had to be directed to allow mining simply because the proposed mining site was in an area of sacred influence. That is a self-evident truth, because the Museum Trustees had no power to deny mining unless the area in which the mining was sought to be carried on was an area of sacred influence. So that judgment was made by the Museum Trustees—not by the Opposition, but by the trustees in their report to the Government. There

is no question of the Museum Trustees having the power to prevent mining being carried on.

We have seen the Minister for Police and Traffic speaking both in this House and publicly about people breaking the law and how the Opposition is aiding and abetting those people who are seeking to break the law. He does not mention that the police moved onto the No. 2 drill site to set up the rig before the site had been gazetted. The police broke the law. The Minister was conspicuous by his silence as he rushed through the gazettal of that site, and yet he says the Opposition supports those people who seek to break the law. Not only does the Minister allow the guardians of the law to move onto a site prior to its gazettal and then rush through the gazettal to facilitate the action of the police, but he is prepared also to bend the law to suit himself.

Members should consider how the Minister has acted in respect of the licensing of the vehicles used on this occasion. If he does not instruct the Commissioner of Police to enforce the law; if he does not instruct the Commissioner of Police about the police numbers that will be required in certain instances, he does a damn fine job of making the law in every area to suit the Government's purpose. Yet he adopts a holier-than-thou stance and claims the Opposition supports those people who break the law.

Mr Hassell: You are six years out of date. Licences for vehicles are issued by the Road Traffic Authority, not the Commissioner of Police. At least get the story straight, with your wild accusations.

Mr B. T. BURKE: If the Minister wants me to include his full title as Minister for Police and Traffic, Minister for Community Welfare, and Chief Secretary, I will do so; but he is not so naive as to expect us to think he is a different man when he is Minister for Police and again when he is Minister for Traffic, or Minister for Community Welfare.

The same misrepresentations come through; it is the same man, the same smart aleck.

Members have to accept that the Minister for Police and Traffic facilitated a massive police operation. He alerted the police and instructed them as to what might happen and as to what should be carried on. The Minister abused all those laws governing registration of motor vehicles to facilitate that police operation. What other citizen in this State can walk into the licensing section of the Road Traffic Authority and register so many vehicles in sequence in the name of a Government employee whose position has been abused to facilitate this sort of action?

No matter how the Minister tries to wriggle, he cannot evade the fact that he has actively flouted the law, in the second instance in spirit, and in the first instance quite deliberately by allowing the police to erect a water drilling rig on the No. 2 site before the site was gazetted and then facilitating the rushed gazettal of that site.

In essence, it comes down to this: Despite the very vivid example of the political desire of the people of the Kimberley electorate at the last election, this Government is unable to accept the fact that the Australian Labor Party has re-established itself in the north-west of this State. There is no doubt that that was the most significant part of the result of the last election.

We saw the extremes to which this Government would go to protect the former member for Kimberley. We saw the sorts of things that paid Liberal lawyers sought to enforce during the 1977 election in the Kimberley and the sorts of malpractices that resulted in the extraordinary election after the Court of Disputed Returns hearing. The fact that the Noonkanbah community supported the present member for Kimberley 100 per cent is the reason for the price they are paying now.

As far as the Opposition is concerned, it can have no part of any political payback of that sort. I should like to conclude by referring to the Minister for Cultural Affairs—

Mr Bryce: With a "K".

Mr B. T. BURKE: —because if there is anybody in this House who has demonstrated his lack of capacity—who has demonstrated his ample capacity for inaccuracy, irresponsibility, and intemperance—it is that Minister.

I wonder how members on the Government benches feel when they contrast the performance of the Minister for Cultural Affairs with that of the member for Kimberley. We see the ravings of an irresponsible lunatic compared with the quiet dignity of the newest member of the House. I wonder how proud they are to see that Minister resort to the extravagances he so frequently adopts when confronted with difficult situations.

The thrust of the Opposition's position is this: the Government has a responsibility in leadership to devise and implement a scheme by which this dispute can be settled—a system by which similar disputes can be avoided in the future. Instead of doing that, the Government is bludgeoning this community into the ground. It is forcing upon this community—a bewildered community—things that it does not want and that it has no right to expect from its Government.

As far as the Opposition is concerned, the amendment moved by the Premier simply compounds and amplifies the unreasonably harsh attitude of the Government and points out the lack of compassion shown by the Government throughout its involvement in this matter.

MR SKIDMORE (Swan) [9.42 p.m.]: I rise to speak against the amendment moved by the Premier. If one were to cast back one's mind to what has been said this evening in support of this motion, one must refer also to some of the statements made to justify why the amendment should not be carried and then look at what the amendment seeks to impose on this House and justify those remarks. I shall go from the position taken by the Opposition and contrast that with the explanation given by the Premier when he moved his amendment.

Firstly, however, I should like to refer to the Minister for Cultural Affairs. During the time I have been a member of this House I have had the utmost admiration for him. However, as a result of his handling of the Noonkanbah issue, he no longer has that admiration or confidence.

I believe the Minister has abused the privilege given to him when he was appointed to represent the Aboriginal communities in this country. I imagine it will not greatly upset the Minister to learn that he has lost credence in my eyes, because it has become patently evident during this debate that the Minister is not concerned about the social issue here, but rather is interested in doing what he is told to do. He has chosen to dance the tune when asked to dance it, and he has done that very well indeed.

Some of the remarks made by the Minister about the Aboriginal community have been condemned by Government members who represent those people. Members will recall a remark made by a Government member when the Minister was speaking during a previous debate. That Government member said, "Rubbish! That is not true" in response to remarks made by the Minister.

Let us look at what the Minister has said tonight in regard to the Aboriginal community. When referring to the Noonkanbah community we must realise that all Aborigines in the future will be affected by actions taken at this time.

The Minister gave us an historical lecture on the social structure of the Aboriginal. The member for Ascot referred to a book written by the Minister in 1947. It appears the Minister, when speaking tonight, relied on some of the words of wisdom contained in that book. When the Minister wrote the book he was a different

person and held different views from those which he has espoused in the House tonight. Over the years he has gained in arrogance, cynicism, and lack of understanding of the needs of people.

During this debate the Minister has attempted to point out that the Aboriginal people are no longer worthy of consideration. He even went so far as to say that, since the great white European race has been in Australia, it has improved the way of life of Aborigines. I have never previously heard such a terrible condemnation of Aborigines.

In his remarks, the Minister criticised the Aboriginal community and said that, if royalties were paid, they would not go to the right people. He said the Aboriginal community would not ensure the royalties were paid to the right people. He then referred to Aboriginal communities in the Northern Territory and the northern part of Queensland which have gained so many benefits as a result of the benevolence of the mining companies.

Let us look at the way in which the Aborigines in those communities have handled their affairs. They have not spent their money on reckless pursuits. Of course, if one looks at an urban European community, one might see some stupid actions if a sum of \$500 000 was suddenly injected into it.

The statement made by the Minister was to the effect that Aborigines do not look after their children or the people in their communities. After dominating, ruling, raping, and persecuting the Aboriginal community, we have come finally to the realisation that Aborigines have a voice. Suddenly they have said, "Enough is enough. We will not cop it any more."

The Premier adopted the attitude that he had a right to be the great defender of the Aboriginal race. The steps which have been taken during the course of the convoy to Noonkanbah will go a long way to destroying any progress which has been made in this matter throughout Australia.

The only things the Government of the Minister for Cultural Affairs has given to the Aborigines is sickness and the feeling that there is nothing to live for. The Government has also provided the Aborigines with hospitals, if they are able to obtain a bed. Before we came here the Aborigines did not have hospitals, because they did not need them. They could look after themselves in their own way. They either suffered the illness or were cured. The illnesses suffered by the Aborigines then were different from those which have beset them since the arrival of Europeans in this country.

I shall refer now to the "Opposition's contemptuous disregard for the laws of this State". The member for Balcatta has referred already to the duplicity of a Government which was able to tell the RTA it could issue a series of licence plates which contravene the Act. If I said to the RTA, "I want to change my plates because I do not like them any more. I have been harassed by somebody and I want to change them", I know what the answer would be. I would have been told to go away because I had a set of plates already and my request was not justified.

However, we have the case where some drivers of trucks know very well what will happen to them when they return to the commercial side of their activities and the reality of retribution because of their actions with the police.

Let us not fool ourselves. If I broke into the Bank of New South Wales I could not say that the police would not arrest me because there was someone down the road driving out of a hotel without making a righthand turn. I know who would be arrested. The RTA are police, there is no doubt about it. The Opposition—in particular the member for Balcatta—has raised the matter of duplicity with the Minister.

I wish to illustrate some of the other so-called law-abiding actions of the police during the movement of the convoy to the north. This matter has been clearly illustrated and has been accepted by the Commissioner of Police. The police stopped people travelling on the road to the north.

The police drove on the wrong side of the road for kilometre after kilometre denying people the right to pass the convoy. This action was recognised by the Commissioner of Police, yet the members on the Government side say we of the Opposition do not believe in the right of people to go about their lawful business. People travelling north just could not pass the convoy. However, when the police in the convoy were faced with cars coming from the opposite direction they moved into the left hand lane to make way for that traffic, but anyone who tried to pass the convoy was forced back by the police. So much for the lawful driving of the police!

Who is breaking the law and who is upholding the law of this country? The actions of the police were wrong. I can just imagine the treatment I would receive if I were in that convoy and doing the same as the police. I would be out of the car so quickly and arrested for obstructing the law or the Traffic Act.

I always thought that when one travelled through a country town the speed at which one should travel was approximately 60 kilometres per

hour. One may say I have been travelling faster than 60 kilometres per hour, but I do know that I am taking the risk of being picked up for speeding. That is the choice I make. However, the trucks, aided and abetted by the law, sped through Geraldton at speeds of 85 to 95 kilometres an hour. So much for the law of this land.

It appears we have a law for one and a law for another. Of course in this instance the trucks, and the people driving them, could not be touched. The Government was on their side. The police turned on the little blue lights on top of their wagons and forced their way through, because it was their right. It is not their right. The Traffic Act does not make any distinction between a traffic control officer and a private individual. They must both obey the law.

The Opposition has been told by the Government that it is on the side of those who wish to break the law. Then we had the Minister for Resources Development speaking about the attitude of the trade union movement and the fact that the Transport Workers' Union organisers made a statement that they would make it hard for those who assisted anyone in the convoy. I suppose if one were to look at this in a political sense one would say we could not counter that. If we look at this in the light of the trade union movement we could say that it deals with members in a way it sees fit.

I understand that some of the people who drove the trucks were brought here from the Eastern States. They came here to do a job for the Minister. If I am incorrect, I hope the Minister will mention the names of those people who drove the trucks so that it can be shown that the work was not available to our people.

The Minister for Cultural Affairs said there will be a large schism between the Aboriginal community and us. He said this was being aided and abetted by the Opposition. As far as I am concerned there is no break in my communications with the Aboriginal community. For many years I have shown concern for these hapless people who are being persecuted by the Government. There is no breakdown in communication as far as I am concerned.

I have always been able to communicate with these people; albeit I have argued with them many times; in fact I have had to evict some of them from their houses in my district because they did not conform to the social standards required.

I do not believe there is a schism between the Aboriginal community and ourselves because of

the actions of the Opposition. However, one could be forgiven for forgetting that the Minister had any idea of cultural affairs.

The Premier made much of the fact that the Noonkanbah community should not have any privileges over and above those of any other community. I am one who would agree with that statement as long as that rule applied to all. However, it does not.

South of Kalgoorlie towards Widgiemooltha and then going south-east to Coonana on the east-west railway and then west to Coolgardie is a large area of land which is freehold. It is owned by a company called Hampton Areas Pty. Ltd. which is based in London. The company holds the mineral rights and the freehold. So, a London based company, owns this land; not the State Government and not the people in this State. This company receives \$10 million as a starting figure for royalties from the Western Mining Corporation's nickel project at Kambalda. The company received \$10 million for the transfer of the mineral rights to Western Mining Corporation.

We can say then so much for the royalties the Aborigines are supposed to receive from the Noonkanbah pastoral lease.

The Premier referred to a five-page letter he wrote to the Noonkanbah community and said that the community had not replied to it. The Premier's letter was dated 31 May 1980. Unless the date was different, I have a five-page letter signed by the Premier to which the community replied. The letter commenced as follows—

At the meeting on the 30th May, 1980, and in your letter dated 31st May 1980, you assumed that we recognise the State Government's ownership of the Land.

The community acknowledged the Premier's letter of 31 May on 9 June. It wrote to the Premier and told him exactly what it thought about his five-page letter. However, the Premier denied that the community had written to him.

I wonder who is telling the truth in this place. I will go a little further and state what was said about the company in the letter. I quote—

Amax did not come and ask us where the Sacred Areas were when they first came. Instead, they pushed their bulldozers through our Sacred Areas and cut our fences. If they had asked us three years ago we would have shown them where it was safe to drill. The mining companies and the Government are greedy.

The Premier in his letter went to some lengths—in his usual smarmy way, if I can use that term—to state that the drilling site and campsite would be fenced off. The only reason that fence is around the site is to make sure the Aboriginal community do not get in and make a mess of the drill. It is there for no other purpose; it is not to protect the Aborigines. They cannot drive along a public road, as private citizens, without being pulled up and questioned.

I have before me a memo sent to the Minister for Education, the Minister for Cultural Affairs, and the Minister for Recreation. He is responsible for the Aboriginal Heritage Act. The letter is dated 9 June 1980, and is attached to a report concerning Amax. The memo, in part, reads—

The drill and camp site will be completely fenced off so that you will be able to see that drilling occurs only where we have agreed.

More the pity I do not have time to refer to the matter in substance. It goes on to state that the whole of the area which it is planned to drill has special sites. The area was complex. The memo goes on to say that because of that fact the site should be held sacrosanct for the Aborigines—the whole of the area; not the small section referred to by the Minister on television recently. The whole of the area is a sacred site, admitted by the company to the Government, and denied to the Noonkanbah community. That is substantiated in the report, and that is one reason I cannot accept the amendment moved by the Premier.

MR HASSELL (Cottesloe—Minister for Community Welfare) [10.02 p.m.]: The member for Balcatta stood and spoke in praise of the member for Kimberley. That is what he wanted to do, and I do not have any quarrel with that. I do not agree with his remarks, but he said what he wanted to say. But, also he did something despicable and unnecessary. He launched into a nasty and vicious attack on the former member for Kimberley, a man who served in this House for 12 years. He was a man who campaigned amongst Aborigines on many occasions and worked for many years towards their advancement.

The attack by the member for Balcatta was entirely unnecessary. He used the privilege of this House to attack a former member.

Mr Pearce: He attacked your disgraceful campaign.

Mr HASSELL: I have campaigned amongst Aboriginal people with the former member for Kimberley, when he was a Minister.

Mr Pearce: That explains it.

Mr HASSELL: I am aware of the work which he did for Aboriginal communities in the north of this State. I want to place on record my disgust and disassociation from every word uttered by the member for Balcatta about the former member for Kimberley. It was a disgrace and it was despicable; he ought to be ashamed of himself.

I want to come to the subject of this debate because we have covered considerable ground tonight. There are two fundamental assumptions in the proposition which the Opposition has put forward in relation to Noonkanbah. One proposition is that the issue of Noonkanbah is about sacred sites. It is not, and it never has been. The other proposition is that the Government has failed to negotiate. Those really are the fundamental issues which have been raised. The community at Noonkanbah made it clear a long time ago that the issue was not sacred sites, but one of land rights and land ownership.

Mr Pearce: That is not true.

Mr HASSELL: What I have said is borne out by a telegram from Mr Vincent, of the Aboriginal Legal Service of WA, to Mr Reynolds, exploration manager of Amax.

Mr Harman: What is the date?

Mr HASSELL: It is undated, but in response to a letter of 2 March.

Mr Pearce: Rubbish! All telegrams have dates.

Mr HASSELL: It is not a telegram; it is a telex.

Mr Pearce: You said it was a telegram.

Mr HASSELL: It is a telex which refers to a letter of 2 March 1979 to the Noonkanbah Management Committee. The third paragraph states—

I am instructed by the council to advise you that the community totally and unequivocally opposes exploration and mining in all forms and by all persons or companies upon its station property.

Another paragraph reads—

The community sees mineral oil exploration as another unacceptable intrusion upon their traditional land by Europeans.

A little further, it continues—

Accordingly the community asks that you reconsider your decision to explore and drill on their land. They ask that you do not enter upon the land for the purposes mentioned.

No issue of sacred sites was raised then—

Mr Pearce: What was the date?

Mr HASSELL: —nor was it raised later.

Mr Pearce: But it is not dated.

Mr Harman: Who framed the telex?

Mr HASSELL: It is from Mr Vincent, the solicitor for the Aboriginal Legal Service.

Mr Harman: But what is the date?

Mr HASSELL: It is not dated; it was in response to a letter written on 2 March 1979 to Amax.

Mr Pearce: Last year?

Mr Harman: Now we are getting some facts.

Mr HASSELL: The telex commences—

I refer to your letter of March 2, 1979 . . .

Mr Harman: What is the date of the telex?

Mr HASSELL: I have said a dozen times that it is not dated. How many times does the member want that simple fact?

The issue of sacred sites was not the original issue; it has risen subsequently. On 17 March this year the Minister for Cultural Affairs, the Minister for Mines, and the Minister for Community Welfare went to Noonkanbah Station. I took some notes of what occurred, and I will refer to them briefly. Mr Dickie Skinner said there was to be no mining company, and he questioned the ownership of the minerals and the ownership of the land.

We did considerable preparation before we went to the station in the hope of reaching some reasonably balanced solution. We discussed the matter with the Museum authorities and we were looking for a solution. Two matters became apparent in the hours we were there—land rights and compensation. The Noonkanbah community refused to take us to the site we wanted to visit in order to discuss an alternative, and other possibilities. They rejected all those options open to them.

Mr Pearce: You wanted everything on your terms, and not on their terms.

Mr HASSELL: I will get around to that interjection in a minute.

They rejected the proposition that we should go to the site; they were claiming the land as their own. That was the argument for the whole afternoon: "This is our land; you shall not mine." There was no discussion of sacred sites; no issues in relation to sacred sites were raised that afternoon.

Mr Barnett: You know you are not entitled to go unless you have been initiated.

Mr HASSELL: But Mr Dawkins was able to go later on when he went up there.

Mr Barnett: We know you have not been. It is as simple as that.

Mr HASSELL: It was so sacred that half a dozen Federal members, some media people, and all sorts of others could go along to the corroboree that was held.

Mr Barnett: That is not true.

Mr HASSELL: Let me put on record the actual distances between the sacred sites.

Several members interjected.

The ACTING SPEAKER (Mr Crane): Order! The Minister will resume his seat. I have tolerated a lot of interjections in the last 10 minutes and I ask that the House come to order.

Mr HASSELL: I want to put on record the distances between the No. 2 drill site, which is that now being used, and the sacred sites which were identified by the Museum.

Mr Harman: Aren't you butchering an Aboriginal community?

Mr HASSELL: The distance between Pea Hill and the No. 2 drill site is 3.5 kilometres.

Mr Barnett: That is true.

Mr HASSELL: The distance between the No. 2 drill site and the nearest sacred site is 1.25 kilometres.

Mr Barnett: That is true as well.

Mr HASSELL: The distance between the No. 2 drill site and the Noonkanbah homestead is 5.6 kilometres.

Mr Barnett: That is true.

Mr HASSELL: On that basis, it would be difficult to suggest any violation of sacred sites was involved in this issue.

Mr Barnett: The Museum Trustees did say that.

Mr HASSELL: There have been no violations of sacred sites and there will be no violations of them. A fence was built at the property to protect the community because they sought protection. It was built to define the area occupied, because the community, through the use of the Aboriginal Legal Service, had taken so many technical points about boundaries that it was necessary to have it clearly defined on the ground where the boundaries of entitlement were. It is incredible the way all these other issues are brought up and bandied around here without any regard for those fundamental points. The real issue at Noonkanbah has been and is now a claim by the Aboriginal community there—

Mr Barnett: And the Museum Trustees.

Mr HASSELL: —to land to which they are not entitled, to rights in that land which other Australians do not have, and to exclude the right of other people to go about their business.

Mr Barnett: You have excluded the member for the area from going about his business.

Mr HASSELL: I remind the House also that we have continued and will continue to support the Noonkanbah community through the co-ordinated efforts of the Department for Community Welfare and the Department of Aboriginal Affairs.

Mr H. D. Evans: And the Police Department.

Mr HASSELL: We will continue to support them in the development of their life style on their station property at Noonkanbah.

Mr Pearce: You talk about Noonkanbah police station. You had better start with the Gosnells police station. That is twice as big.

Several members interjected.

The ACTING SPEAKER (Mr Crane): Order! The member for Maylands has persisted in his interjections. I ask him to respect the Minister who is endeavouring to make an address.

Mr HASSELL: The department will continue to support that community. The State Government cannot and will not support the establishment of an apartheid situation in which the community is divided on the basis of racial background. The denial of the mining rights which existed on that property in areas other than the identified sacred sites, the claim for land ownership, and similar claims, clearly establish the proposition that this issue is not concerned with sacred sites. The work of the Government in attempting to negotiate a settlement over a long period—specifically in the last five months—clearly demonstrates the determination of the Government to avoid what has now happened, if it could have been avoided. But it is amazing that when we are put in the position that the Police Force has to support people who want to do their work to earn their living, as they are entitled to do—

Mr Stephens: They cannot take photographs without being run down.

Mr HASSELL: No journalist has been run down.

Mr Bateman: I have news for you.

Mr HASSELL: The Government has attempted throughout this period to reach a satisfactory solution. It was clear during the visit of the three Ministers and during the visits of the Premier and the Minister for Aboriginal Affairs that no solution would ever be reached with these

people involving a negotiated settlement, because outside influences were working on them to ensure no compromise was found.

Mr Harman: Who were the outside influences?

Mr HASSELL: All sorts of people, such as the Aboriginal Legal Service which takes the role of protagonist in these matters to the extent that at its last meeting the Aboriginal Advisory Council passed a resolution that the Aboriginal Legal Service be investigated by the Minister for Aboriginal Affairs, and that it be instructed to get on with the job of being lawyers and stop being political protagonists. That was the Aboriginal Advisory Council.

Mr Harman: Who are they—a Liberal Party front?

Mr HASSELL: A statutory body established under the law introduced by the Labor Government of which the member for Maylands was a member. The members of it represent various groups around the State.

Mr Harman: Who are they?

Mr HASSELL: I will not name the members. I have mentioned the resolution passed at their last meeting.

Mr Harman: When was that?

Mr HASSELL: In April 1980.

Mr Harman: Who are the members?

Mr HASSELL: I will not tell the honourable member. The resolution was passed.

Mr Harman: That is hearsay. Tell us the facts.

Mr HASSELL: I have the minutes.

Mr Bateman: Produce the minutes.

Mr HASSELL: The Aboriginal Legal Service sent the telex which the member for Maylands earlier denied represented the views of the community. The Aboriginal Legal Service in fact had been instructed by the community to request certain conditions, but instead along came a telex which said, "No mining, no entry." It was contrary to the law and contrary to what the community itself was prepared to do. The community had instructed the Aboriginal Legal Service in the matter, in the presence of the Amax representative, and after it had been pursued it came back with, "No mining, no entry."

Mr Harman: What about the other people?

Mr E. T. Evans: What is their telex number?

Mr HASSELL: Which other people?

Mr Harman: It must be written there.

Mr HASSELL: All sorts of people are there from time to time. When we were at Noonkanbah

we sat in the wool shed. On one side of the shed sat 30 people who were from Noonkanbah, and on the other side were 30 people who were not from Noonkanbah.

I simply conclude my comments by putting on record the fact that we have worked long and hard to produce an amicable settlement of this matter. We have never sought to be heavy-handed with the law; we have never sought to impose the law on the people if we could reach an agreement. It has not been possible to negotiate to reach an agreement. We have initiated a series of fruitless attempts to reach agreement. However, every time we thought we were making a little progress, pressure was applied—it was clear that these people were put in the situation where they could not agree.

Over and over again we attempted to reach a conclusion, but we got nowhere. The member for Kimberley came in at the last minute with his formula—there would be no mining for at least two years.

Mr Pearce: It is a basis for discussion.

Mr HASSELL: I know that.

Mr Pearce: Did you discuss that proposition?

Mr HASSELL: Of course we discussed it.

Mr Pearce: He was led on by the Deputy Premier to think that it might have been considered, but it was dismissed out of hand.

Mr HASSELL: Of course we discussed it, and of course it was considered. The proposition put forward by the member for Kimberley provided for no mining for two years and it provided for mapping of the sacred sites.

Opposition members do not seem to know what they want. The Leader of the Opposition spoke about the mapping of the sacred sites, and he referred to this matter time and time again during his discourse. And then we have had the member for Gosnells and other members talking about the Museum report on the sacred sites.

Mr Pearce: That is right.

Mr HASSELL: Why is it necessary to map the sacred sites again?

Mr Pearce: You missed the point. Why did the Minister for Cultural Affairs write to the Trustees of the Museum to direct mining on the site if it is not a sacred site?

Mr HASSELL: The Government sought information about the so-called area of influence—which is not a sacred site—in order that mining should go on. In that area of influence, of course, all activities have been carried on over the 80 years that the station has

been operating. To suggest that anything going on there will damage the community is absurd under the conditions that have been laid down.

The ACTING SPEAKER (Mr Crane): The Minister's time has expired.

MR STEPHENS (Stirling) [10.22 p.m.]: It is very sad that Parliament has spent so much time debating this issue tonight because it indicates clearly the divisiveness in the community.

Opposition members: Hear, hear!

Mr STEPHENS: I wonder whether members on both sides of the House who have debated this matter for some five hours really understand what they are talking about. Perhaps I should rephrase that and say I wonder whether members really know the truth. In this House of all places it is very essential that we try to ascertain the truth before we make decisions. Do not let us simply adopt party attitudes or follow the direction dictated by our parties. As representatives of the community of Western Australia, we should at all times seek the truth and make our judgments upon the facts.

The issue we are debating is an emotional one and certainly a very clouded one. Personally, I believe the issue is not so much about land rights, but rather about the cultural and spiritual heritage of the Aboriginal people.

It is interesting to note that the Federal Liberal Party takes a stance on the matter rather different from that of the State Liberal Party.

Mr Pearce: We have noticed that.

Mr STEPHENS: It could be argued that that is a healthy sign. Quite frequently my view too is at variance with what the Federal Government thinks is in the best interests of Western Australia. My opinions have been known also to differ from those of the Leader of the National Party, and I noticed recently in the Press that a member of the Queensland National Country Party also differed violently in his views from those of the present Leader of the Federal National Country Party. I would not record in *Hansard* what that fellow said to his Federal counterpart, but perhaps if we saw only his pictures without comments some matters may not be blown up out of proportion.

Sometimes I wonder whether the Federal Government attempts to get the State Government acting in a way that will cause strife, so that it will have a winner at the election coming up in October. The Federal Government will be able to say, "Who will govern the country? The unions, or the elected representatives of the people; namely the Parliament?" If we study the

Press headlines prior to the 1975 and 1977 Federal elections, we see that one of the main issues was industrial disputation. It sometimes appears that there is a tacit understanding between the Federal and State Governments to stir the possum before an election. That is not the type of ploy we would use in the National Party.

Mr H. D. Evans: You haven't used this yourself? Oh, come on!

Mr STEPHENS: We are out to try to do the right thing by the people of Western Australia. That is what everybody in the Parliament of Western Australia should be attempting to do. Some politicians blindly follow the leader, and such regrettable action does not enhance the image of Parliament.

Mr Carr: Is it very uncomfortable sitting on the fence?

Mr STEPHENS: I am pleased to see the Minister for Police and Traffic turn around to look at me—it is very encouraging!

Mr Carr: If you keep standing in the middle of the road you will get run over by the traffic coming in both directions.

Mr STEPHENS: It is very sad to see divisiveness in the community; members of this House should be trying to blend community attitudes, rather than divide them further. It is quite obvious to anybody who has listened to the debate tonight that no-one from either side can be sure of the facts. Members have put forward polarised ideas of the two extremes.

We will seek to give the House an opportunity to hear the facts from the people themselves, and I will come to that matter later.

How can we believe statements made by Government Ministers and members? Earlier in this session, when speaking during a debate in this House, I said that House committees should not be appointed by the Executive. Within about two minutes of that statement the Premier stood up and misquoted what I had said. I then challenged him by way of interjection.

Mr Pearce: Well he couldn't remember it.

Mr STEPHENS: He pressed the point that what he said was right and what I said was wrong. I know I am not allowed to quote from the *Hansard* debates of this session, but anybody who cares to read them will see that what I have said is true. I assume that the Premier is competent, and that he did not make those statements out of ignorance, and so I can believe only that he was trying deliberately to mislead the House. The Premier took this action on a very small matter—whether a committee was or was not

appointed by the Executive—and so I query whether on such a serious and divisive matter as the Noonkanbah dispute his words have any credibility.

Mr Nanovich: You know that is wrong.

Mr STEPHENS: I have positive proof, and if the member wishes to read *Hansard*, he can see it for himself.

Mr Pearce: Fair go—it must be a 50-50 chance that he is just dumb.

Mr STEPHENS: Oh yes, it just happened by accident!

In order that members of the House might make judgments based on correct information and not on hearsay or on someone else's assumptions, it is essential that we hear the facts for ourselves.

Mr E. T. Evans: What facts do you have?

Mr STEPHENS: I have sufficient facts to know that we have not heard the real facts tonight.

The first thing we must arrive at is the need to establish the truth. Once we have established the truth, this House can make a judgment. Hopefully members will be free to make that judgment, although we have doubts about that; at least we should be free to make the judgment.

Mr Sibson: The truth is that you know nothing about Noonkanbah.

Mr STEPHENS: After I have finished I will be quite prepared to sit down and listen to the member for Bunbury. I do not know whether he is talking in his sleep; perhaps he is because it would be unusual for him to be awake. After I resume my seat he can express his points of view and make a speech in favour of or in opposition to the amendment.

Mr Pearce: Or both.

Mr Sibson: I admit I do not know enough about the issue to discuss it.

Mr Pearce: Are you going to vote on it?

Mr STEPHENS: The member for Bunbury does not know enough about the matter to discuss it, but I will guarantee he will cast a vote, because he has been told what to do. If he does not do what he is told he might miss out on that ministerial portfolio. On his own admission he does not know enough about the subject, but I will guarantee that he will not walk out of the House when the time comes to vote.

Mr Sibson: You haven't made any comment on the Noonkanbah issue.

Mr STEPHENS: The member for Bunbury is trying to squirm out of it. I have already pointed

out that neither side of the House is sure of the facts.

Mr Sibson: How do you know?

Mr STEPHENS: Because I have listened with my eyes open. The member has not even been awake; he has even admitted he knows nothing about the situation. I will wait and see how he casts his vote. Perhaps he will wake up to himself and make a speech which will indicate to us either that he knows something or that he knows nothing. We are accustomed to hearing him speak from his seat, usually when he is asleep.

The amendment I wish to move is to delete all words after the word "Opposition's", with a view to inserting other words.

The SPEAKER: Order! The question before the House is that all words after the word "noting" in the original motion be deleted. It seems to me the member for Stirling has misunderstood the situation, and he is seeking to amend an amendment which may follow if the question before the Chair is carried.

Mr STEPHENS: I seek your direction, Sir. Would it be in order for me to move my amendment if the amendment currently before the Chair is carried?

The SPEAKER: You have exercised your right to contribute to the debate on the question that all words after the word "noting" be deleted. I cannot give you another opportunity to speak. However, I am sure you are sufficiently wily to know how to overcome that problem.

Mr Blaikie: The wily member for Stirling!

Mr STEPHENS: I noticed the tone of your voice when you used that word, Mr Speaker, and I take it as a compliment rather than a derogatory remark.

Mr Sibson: It proves you don't know anything about the processes of the House.

Mr STEPHENS: The member for Bunbury has woken from his sleep again. I know sufficient about manoeuvring in this place to go as far as I can until the Speaker stops me. The Speaker stopped me, and I respect his decision. I will make alternative arrangements.

Mr Pearce: You tried to do that with the Speaker at the opening of Parliament.

Mr STEPHENS: No, we gave the House the opportunity to vote. That is what we wanted to do, and we succeeded in doing it. We have no argument with the Speaker; we have the greatest respect for him. We simply wanted to give the House an opportunity to vote on his election.

As I have given notice that I wish to move an amendment, it is obvious I do not agree with the proposed amendment of the Government. If, unfortunately, it should be carried, I give notice that a further amendment will be forthcoming.

MR WILSON (Dianella) [10.35 p.m.]: The Chief Secretary, Minister for Police and Traffic, and Minister for Community Welfare when addressing the House in support of the Government's amendment—like other members of the Government who had spoken previously, including the Premier and the Minister for Cultural Affairs—made great play about the importance and the propriety of the law, and great play about the fact that the Opposition, from his point of view, was aligning itself with those who stood as breakers of the law and those who stood to subvert the law.

When people start concerning themselves about the law and talk about law and order we should always be on our guard, because those who speak loudest about law and order seem always to be more concerned about the law than about order, and more concerned about the law than about justice. In the speeches we have heard from Government members this evening that emphasis has been made loud and clear.

The interpretation Government members have placed on the law and on keeping the law has been a very narrow, literal interpretation. It has been the sort of interpretation of the law which is always based on a very thin veneer of respectability. Of course, when the Government gets into a corner and has to resort to talking about law and order and picturing itself as the champion of law and order in the community, it always does so with this kind of emphasis on the law which has a thin veneer of respectability.

What did the Minister for Police and Traffic have to say about the Opposition's case? He made two points. He said first of all the issue was not one about sacred sites; and he said secondly that the Government has in fact negotiated with the people at Noonkanbah. To back up his argument that the matter is not about sacred sites he quoted a telex from, presumably, the Aboriginal Legal Service to Amax in which it was stated that the community is opposed to exploration and mining on the pastoral lease.

He made that point and drew from it that the issue is not about sacred sites. He said the community at Noonkanbah, in being concerned about plans to mine on areas in and around sites which the community consider to be sacred, was not concerned about the issue of sacred sites. His argument does not seem to make any sense at all.

What he seems to be saying is that, in fact, the community is not really permitted to express any kind of concern other than the sort of literal, narrow concern that he understands as the crux of the case.

He has said—in fact he repeated himself on many occasions—that the real issue is not one of sacred sites because the Aboriginal community had been talking about not permitting mining on the land. In making those points he did what other speakers on the opposite side of the House and other members of his party seem to have been doing over a period of months.

There seems to have been on their part a concerted effort to undermine, intimidate, and denigrate Aboriginal values, Aboriginal culture, and the people at Noonkanbah. One does not need to keep a very close ear on current events to be aware of this tendency. One has only to read letters written to the Press by W. W. Mitchell—that renowned bludger who with so much alacrity takes his \$1 200 a month handout from the Government and then conducts a concerted programme of propaganda in the Press and by every other means available to him, no doubt at the Government's expense, to denigrate Aboriginal culture and values.

He is abetted in this by the Minister—God help us—for Cultural Affairs, who is supposed to be the Minister charged with the protection of this vulnerable community.

Mr Young: God is not going to help you when you make statements like that.

Mr WILSON: I would not want to take any notice of a statement from the Minister for Health on this issue. His record—

Mr Young: We know you do not want to take notice of statements from anybody. You think you are above everybody else. You are so pious, so pontificating, and so pathetic that you are not worth listening to.

Mr WILSON: Let us take no notice of the Minister for Health, who is probably writing on his note pad. Members will notice that whenever anything comes up which might be of concern to the Minister, he busily pretends to take notes. Everybody then gets high expectations about what he might have to say, but they are always disappointed because nothing ever happens. Let us not worry about whatever he says because nothing ever comes of his statements.

We have seen a concerted and deliberate campaign waged in the Press by members of the Liberal Party, paid for by the Government and abetted by the Minister for Cultural Affairs, designed to denigrate the value of Aboriginal

people and to present the view they are unworthy people in a modern community.

This campaign has been continued and abetted by the Premier himself in an article which appeared in *The West Australian* of 8 August. The article contains some quite extreme statements from the Premier regarding the culture and values of Aboriginal people. The Premier referred to the efforts of some "romantics" to argue that Aborigines can find their identity only in the land and in the mythology of the past.

Mr Harman: The Premier knows all about the culture of multinationals, but not about the culture of Aborigines.

Mr WILSON: The Premier went on to state—

This is not to argue against the establishment of rural communities such as that at Noonkanbah. The State Government has been an active supporter of such ventures and recognises the personal and social values to be gained from them.

Later in his article, the Premier said—

They provide a communal home and a retreat from the ravages of alcohol for some,

Having said that—a comment with which I, and the Opposition as well as many people concerned about the conditions in which Aboriginal people live, could agree—the Premier goes on to deny anything else he says by making the following statement—

They should not be seen as a permanent retreat to the dreamtime nor the beginning and the end of the options for present and future generations.

The Premier is saying on the one hand that he sees pastoral leases as a means whereby Aboriginal people can re-establish themselves and their identity and can re-establish the strong spiritual links they once had with the land, while on the other hand he seems to be denigrating those values which are of such importance to the Aboriginal people.

Then, of course, we see the same sort of tactics being adopted by the Minister for Cultural Affairs who, in many statements released to the Press and the media generally has declared himself on this issue as being a denigrator of the values of Aboriginal people.

I suppose we could not get anybody on the Government side to take any notice of statements by, for instance, the Anglican Archbishop and the Roman Catholic Archbishop of Perth when they called for the Government to grant more time for

Aborigines to consider their position. Their joint statement, in part, reads as follows—

In the light of the erosion of Aboriginal culture which has occurred since the advent of white settlement, we feel that it is of great importance to do everything possible to encourage the development of Aboriginal communities such as Noonkanbah even at the cost of long delays which will be frustrating to Western ideas of business efficiency.

We heard that sort of frustration in the speech tonight by the Minister for Police and Traffic when he concluded his remarks by saying it was clear at the time, before the Government made this most recent move, that no solution would ever be found. The Minister and, apparently, the Government and the Cabinet, were quite sure no solution could ever be reached. It is a sorry situation where the Government of any country—particularly a country like Australia—comes to the conclusion that no solution to such a delicate problem will ever be reached. The Minister for Police and Traffic once again used the let-out clause of "outside interference" to justify his statement.

The Government has admitted it has got itself into this situation, but has ignored pleas for wise action and longer delays from people with responsible attitudes to this whole matter; I have already quoted the request of one such group of people.

However, in its frustration, the Government concluded that no solution would ever be reached, and took the extreme action we have seen in recent times. I am sure everybody in Western Australia would accept that in its exercise of the law and in this latest evidence of heavy-handedness, the Government would comply with the law of the land. Everybody would accept that the Government is responsible for ensuring that the law is kept; the majority of Western Australians who are law-abiding citizens would accept that is a responsibility of the Government of this State.

However, I do not believe anywhere near as many people in Western Australia would agree that, given such a responsibility in a democracy—which we hope we have in Western Australia—any Government would see its responsibility in terms of the action now being taken.

Of course, one might accept this would be the action which a Government in a banana republic in South America would take in such a situation; in fact, we know such a Government would take

this sort of action, This inordinate use of force and of Government authority and power against a small community of powerless people is the sort of action no law-abiding Western Australian who believes in the ordinate, moderate exercise of government in our State could condone.

This is the kind of exercise of authority which we would expect from an authoritarian regime in South America or behind the Iron Curtain. This is the kind of extreme action that we would expect from an extremist Government, from an extremist Executive. This is not the sort of action we would expect in Western Australia. This is not the sort of action we would expect from a responsible Western Australian Government, especially when it is being taken against a small group of indigenous people who are concerned to maintain a style of life which will restore their dignity and their religious and spiritual beliefs. This is not the sort of action we would expect any responsible Government, which was concerned to retain the reasonable use of its powers, to adopt.

It is because of this inordinate use of the Government's authority, because of its extremist action against a powerless small community going about its own business, wishing only to preserve its identity and its existence, that this amendment moved by the Government should be thrown out and totally rejected by this Parliament.

Amendment put, and a division taken with the following result—

Ayes 26	
Mr Blaikie	Mr McPharlin
Sir Charles Court	Mr Mensaros
Mr Coyne	Mr Nanovich
Mrs Craig	Mr O'Connor
Mr Crane	Mr Old
Dr Dadour	Mr Rushton
Mr Grayden	Mr Sibson
Mr Grewar	Mr Sodeman
Mr Hassell	Mr Trethowan
Mr Herzfeld	Mr Tubby
Mr P. V. Jones	Mr Watt
Mr Laurance	Mr Young
Mr MacKinnon	Mr Shalders

(Teller)

Noes 23	
Mr Barnett	Mr Hodge
Mr Bertram	Mr T. H. Jones
Mr Bridge	Mr McIver
Mr Bryce	Mr Parker
Mr B. T. Burke	Mr Pearce
Mr T. J. Burke	Mr Skidmore
Mr Carr	Mr Stephens
Mr Cowan	Mr Taylor
Mr E. T. Evans	Mr Tonkin
Mr H. D. Evans	Mr Wilson
Mr Grill	Mr Bateman
Mr Harman	

(Teller)

Pairs

Ayes	Noes
Mr Williams	Mr Davies
Mr Clarke	Mr Jamieson

Amendment thus passed.

SIR CHARLES COURT (Nedlands—Premier) [10.55 p.m.]: 1 move—

That the following words be inserted in lieu of the words deleted—

- (1) the Opposition's contemptuous disregard for the laws of this State,
- (2) their support for those elements which seek to subvert law and order,
- (3) their complete and utter disregard for the rights of members of our community,
- (4) their rejection of the public and national interest in the Noonkanbah issue,
- (5) the Opposition support of attempts by the A.C.T.U., the T.L.C. and some unions to subvert and supplant the authority vested in Government by the authority of Parliament,
- (6) their support of actions to blockade transport which has the right to move freely on public roads,
- (7) their support of intimidation of union members by threats of lifetime bans directed against their inalienable right to work,
- (8) the readiness of the Opposition to lend support to every move calculated to cause division in the community,
- (9) the harm which it is doing to the present relationship between the Aboriginal and the European Community.

commends the Government for its efforts to uphold law and order and for the tolerant and patient attitude it has shown to the Noonkanbah Community in its efforts to arrive at an amicable solution and also commends the conditions specified by the Government to protect identified sacred sites and protect the way of life of the Noonkanbah community.

Amendment on Amendment

MR STEPHENS (Stirling) [10.56 p.m.]: I gave an indication earlier that we wished to move an amendment to the amendment. I move—

That the amendment be amended by deleting all words after the word "Opposition's" with a view to substituting other words.

The words I propose to insert are as follows—

attitudes and the obvious conflict between both sides of the House and the lack of credible information the Legislative Assembly in order to correctly inform itself, call before it expert witnesses including Professor Berndt of the University of Western Australia.

Mr I. Bieundurry, of the Aboriginal Development Commission, and Mr Kickett, chairman of the Kimberley Land Council.

Mr Hodge: You will have to get them out of gaol!

Mr Nanovich: What about the member for Mt. Marshall?

Mr STEPHENS: If the member for Whitford wishes to interject, he should do so from his own seat. I am sure the Minister whose seat he is occupying would not want to be associated with his comments. In our party, we are quite democratic and we are free to make our own decisions. We are not under surveillance all the time. We are not called upon to show the results of our secret ballot, as was indicated in this House.

I will not go to any great lengths in support of this amendment on the amendment. I indicated previously we were not very happy with the amendment proposed by the Government. We opposed it; but as the House saw fit to carry it, we believe that this amendment we are now proposing would be appropriate. It would mean a delay on the final decision. If it were carried, we would have to wait a period of time for these gentlemen to be called. In that way, we would obtain information from them directly; and the information would not be hearsay information. The House would have the opportunity to obtain the information first hand.

When anybody has expressed a point of view contrary to the Premier's, we have been accustomed to hearing the Premier saying the member is ill-advised, misinformed, and subversive. Even the retired Governor General of Australia (Sir Paul Hasluck) made reference to this fact on a previous occasion. Therefore it is most important that we, as members of this House representing the people of Western Australia, should have the opportunity to hear first hand what the experts and people involved have to say. Then we can make our own judgments whether they are ill-advised, misinformed, or subversive. We do not have to have anybody to tell us that. We can make our judgments ourselves.

I feel sure the Leader of the National Country Party would support this, because he has often said—

Mr Old: I feel sure I would not.

Mr STEPHENS: He wakes up. Is he doing his crossword tonight, or something else?

We have heard the Leader of the National Country Party say on many occasions that the way to success is by consultation and co-operation. Here is an opportunity for us in the decision-making process. Perhaps we can have a little consultation and co-operation. Those of us who know the Leader of the National Country Party and who have been involved with him in one way or another know that those words are a euphemism for his complete acquiescence and submission. I am sure we would have his party's support if he were sincere—but of course that is a big "if".

Therefore, Mr Speaker, I commend my amendment.

SIR CHARLES COURT (Nedlands—Premier) [11.00 p.m.]: As the member would expect, the Government opposes the amendment and for a number of reasons. Quite apart from anything else, the names submitted by the member for Stirling are those of people completely biased. There is not one person amongst them to give a balanced approach.

Mr Stephens: I did not say they would be the only ones. I said "including" them.

Mr B. T. Burke: Add the Minister for Cultural Affairs; he is balanced.

Mr Stephens: The Premier could nominate—

The **SPEAKER**: Order! The member for Stirling has made his speech. He was given all the courtesies that normally are extended by the House. I ask him to allow the Premier to make his speech without the constant interjections he has been making since the Premier rose to his feet.

Sir CHARLES COURT: Regardless of the personnel nominated, I do not believe the proposal would achieve anything at all. I go back to what the member said in his earlier remarks, remarks which made me wonder on what basis he could say that no-one in this House knew the facts. He seems to overlook the fact that some of us have lived with this matter not for a month or a year, but for two years. We are intimately involved. The Government opposes the amendment.

MR DAVIES (Victoria Park—Leader of the Opposition) [11.02 p.m.]: When I look at the mishmash, not of half truths, but of total untruths of the Government's proposal and I look at this alternative, I must embrace the member for Stirling's amendment. The Government has indicated that it is not interested in getting into the detail of the situation. The Premier came his

usual tack, to which we are accustomed, of insulting people. He insulted the persons named in the amendment, which he really did not bother to read. As the member for Stirling pointed out, the amendment allows for various witnesses to be called, including those three already named. The Premier can call 598 witnesses if he wishes. However, I doubt that this would change the mind of the Premier, the minds of the Cabinet members, or the rest of the Government members, because they are not interested in the truth. They are not interested in the facts, nor are they interested in the situation as it exists. They made up their minds some time ago—two years ago—that there was to be no moving away from the fact that the rig was to go onto the site and it was to drill. The Government has said all along that there would be no departure from this.

It is very true, as the Premier said, that the Government has had this matter before it for two years. It is to the Government's shame that it has been unable to find a solution. The reason is that the Government has not genuinely tried to find a solution. It has had opportunity after opportunity, but all have been messed up.

Here is an opportunity for the Government to demonstrate to the public at large that it is prepared to find out the facts and to listen to the people who have been trying to reach it for a very long time so as to talk this matter through. However, they have been singularly unsuccessful, just as other people have been unsuccessful in getting the Minister for Police and Traffic to discuss section 54B of the Police Act.

The Government is determined not to allow anyone to move it from its course, whether that course be right or wrong. Having looked at the mishmash involved with the Government's amendment, the Opposition is happy to support this alternative moved by the member for Stirling, because members of the Opposition are not frightened of the truth. We are not frightened of the evidence that may be given to this Parliament which would reveal the genuine feelings of the people concerned in this squalid affair, and that is what it has become, to the shame of the Government. I congratulate the National Party for moving this amendment.

MR COWAN (Merredin) [11.07 p.m.]: Originally, we had the intention of adding this amendment to motions already moved, but we found it quite satisfactory to move it at this stage. Certain points must be made and I repeat, for the Premier's benefit, that the words we wish to add are framed in such a manner that would allow the Premier, if he wishes, and if he believes there would be a degree of bias, to add to the list of

names such names as he might wish to add. There is nothing to prevent his doing so.

It has always been our contention that members of this House should seek as much information as possible so as to arrive at facts upon which they can base their decisions. We in the National Party do not take the decision-making process lightly as do some other members and as has been perfectly exemplified by the member for Bunbury tonight when he interjected to the effect that he knew nothing about the issue, but knew how he was going to vote.

The member for Bunbury has access to the same information as other back-benchers on the Government side. If he knows nothing, it is possible other members know nothing and would be making decisions in ignorance or apathy. In such circumstances they could not be proud of themselves.

If this House is to function as it should—and this gets back to what we have been saying for some time—and if the House is to get back some of its credibility, it has to make decisions not from Executive dictation, but from facts placed before it. What I have witnessed tonight, in something like six hours of debate, is a great amount of evidence showing the polarity between both sides of the House. I have not yet heard any reasonable argument as to why the Government directed the Museum Board to change its opinion in relation to its recommendation in its report. I have had no explanation from the Government as to why it had to mount an expedition by a para-military force to get a drilling rig to Noonkanbah.

It seems there may be some truth in the rumours to be heard in the corridors of this place that it would suit the Federal Government admirably to have an issue which would create industrial disputation. It appears the Noonkanbah issue will be an ideal situation for industrial disputation to be effected. What a wonderful vote getter that would be for the Federal Government. We have seen what sort of vote getter such a situation is for Governments of this State. Now it is likely to be repeated in the Federal scene.

All this amendment seeks to do is place before this House some facts. I hope that the members of this Assembly earn their salaries and vote for it.

MR H. D. EVANS (Warren—Deputy Leader of the Opposition) [11.09 p.m.]: The contrast in the spirit of the amendments we have before the House is reflected in a number of aspects of the debate that has been going on not only today but continuing from last week. The first contrast is that between the Minister for Cultural Affairs, a veteran in his own style of politics and his own

attitudes, and that of a total newcomer to this Assembly, the member for Kimberley. On one hand the histrionics, the irrelevancies, the distortions, and the straightout abuse of one, and on the other hand the calm, reasoned approach of the other, getting to the crux of the issue, which goes beyond the superficial legal aspects to which the member for Dianella referred so ably and the eyewitness account he presented last week. With the same two members we saw the same situation.

The Minister denigrated Aborigines and, by oblique reference, implied that Aborigines flew in plane-loads of alcohol and sat around gambling with thousands of dollars derived from social security benefits. The Minister wished to place a slur on Aborigines when he said that.

On the same occasion the Minister made his speech, we saw the first Aboriginal in the Legislative Assembly make a maiden speech which would have done credit to a person coming from anywhere in the State. The contrast I have made is symbolic in the sense that it brought into the House the essence and the spirit of the entire conflict.

On the one hand, we have the "Big Brother" approach of an authorisation Government, and on the other hand we have the powerless and passive Aborigines.

The Government is prepared to invoke confrontation and it has gone out of its way to do so. It has done this, as suggested by the National Party, for sheer political gain. It is consistent with the policies of the Government which have been designed to erode civil liberties in this State over the past five years. It is long past the time when the long suffering people of Western Australia should have become aware of the situation.

The Aborigines have been pushed into a corner by the Government. The Minister for Police and Traffic said two fundamental issues were involved. He also accused my colleague, the member for Balcatta, of a vicious attack on a former member of this place. In fact, the member for Balcatta was attacking the unscrupulous electoral attitude displayed by members opposite. They paid out public money to cover their errors. They amended the Electoral Act on two occasions in the hope of winning a seat at the election and they succeeded. That is the extent to which members opposite were prepared to go. They were distressed when they realised we were referring to these issues, not the individuals, and that is what the Minister for Police and Traffic was really distressed about.

We can dismiss the amendment moved by the Premier. It contains the usual generalisations and

vilifications to which he inevitably stoops when he is short of an argument. It is one of the oldest tactics in the book and the Premier has become fairly adroit at it, because he practices it frequently. The amendment can be disregarded and, as mentioned by the Leader of the Opposition, the alternative amendment moved by the National Party is preferable.

I have made several contrasts between individuals, attitudes, and issues. The confrontationist approach adopted by the Government on this matter is referred to in a Press release which reads, in part, as follows—

The failure so far to reach agreement on Noonkanbah is a failure for all of us involved, Senator Chaney said.

The Kimberleys are approaching a period of rapid change because of mining developments. This is going to affect the Aboriginal communities quite severely.

If we are going to get development which avoids some of the terrible mistakes of the past, it is surely reasonable to expect that Aborigines should have some opportunity to put their case on how they will be affected by mining and to work out some arrangements which will be satisfactory to them as well as satisfactory to the general community.

Two Archbishops in Perth, both of the greatest integrity, have made similar suggestions. There is a great contrast between the attitude displayed in this article and the solution put forward by the Government which relies on sheer unequal muscle and brute force.

To continue—

The present arrangements obviously need improvement. But a significant breakthrough has been made in respect of the agreement between CRA and a group of Aborigines who are going to be affected by CRA's mining venture at Lake Argyle.

The concluding paragraph reads as follows—

Whole Aboriginal groups are going to be affected in a number of ways by mining. These could be spiritual ways—which seems the most contentious at the moment—or they might include the matter of bringing a whole lot of other people into contact with the Aboriginal community with the bad social effects this usually brings.

Those statements were made by the Hon. F. M. Chaney, a Liberal member of the Federal Government. At least he has the foresight to present the people of Western Australia with the full perspective of the matter. He probably has

one eye towards the implications this situation will have in the Federal arena and the effect it will have on the standing of the Federal Government in the eyes of the rest of the world probably through the UNO.

This Government could not brag about its performance in a United Nations forum, particularly in regard to this issue. It has run a convoy through Western Australians despite the feelings of helpless people. The Government is acting in a similar way to the Nazis in Germany. The situation is akin to that in South Africa of more recent times.

For those reasons I support the lesser of two evils by which I mean the amendment moved by the National Party.

Amendment on the amendment put and a division taken with the following result—

Ayes 23	
Mr Barnett	Mr T. H. Jones
Mr Bridge	Mr McIver
Mr Bryce	Mr McPharlin
Mr B. T. Burke	Mr Parker
Mr T. J. Burke	Mr Pearce
Mr Carr	Mr Skidmore
Mr Cowan	Mr Stephens
Mr E. T. Evans	Mr Taylor
Mr H. D. Evans	Mr Tonkin
Mr Grill	Mr Wilson
Mr Harman	Mr Bateman
Mr Hodge	

(Teller)

Noes 25	
Mr Blaikie	Mr Mensaros
Sir Charles Court	Mr Nanovich
Mr Coyne	Mr O'Connor
Mrs Craig	Mr Old
Mr Crane	Mr Rushton
Dr Dadour	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Trethowan
Mr Hassell	Mr Tubby
Mr Herzfeld	Mr Watt
Mr P. V. Jones	Mr Young
Mr Laurance	Mr Shalders
Mr MacKinnon	

(Teller)

Pairs	
Ayes	Noes
Mr Davies	Mr Williams
Mr Jamieson	Mr Clarko

Amendment on the amendment thus negatived.

Amendment (to insert words) put and a division taken with the following result—

Ayes 26	
Mr Blaikie	Mr McPharlin
Sir Charles Court	Mr Mensaros
Mr Coyne	Mr Nanovich
Mrs Craig	Mr O'Connor
Mr Crane	Mr Old
Dr Dadour	Mr Rushton
Mr Grayden	Mr Sibson
Mr Grewar	Mr Sodeman
Mr Hassell	Mr Trethowan
Mr Herzfeld	Mr Tubby
Mr P. V. Jones	Mr Watt
Mr Laurance	Mr Young
Mr MacKinnon	Mr Shalders

(Teller)

Noes 20	
Mr Barnett	Mr Hodge
Mr Bridge	Mr T. H. Jones
Mr Bryce	Mr McIver
Mr B. T. Burke	Mr Parker
Mr T. J. Burke	Mr Pearce
Mr Carr	Mr Skidmore
Mr E. T. Evans	Mr Taylor
Mr H. D. Evans	Mr Tonkin
Mr Grill	Mr Wilson
Mr Harman	Mr Bateman

(Teller)

Pairs	
Ayes	Noes
Mr Williams	Mr Davies
Mr Clarko	Mr Jamieson

Amendment (to insert words) thus passed.

Question (motion as amended) put and a division taken with the following result—

Ayes 26	
Mr Blaikie	Mr McPharlin
Sir Charles Court	Mr Mensaros
Mr Coyne	Mr Nanovich
Mrs Craig	Mr O'Connor
Mr Crane	Mr Old
Dr Dadour	Mr Rushton
Mr Grayden	Mr Sibson
Mr Grewar	Mr Sodeman
Mr Hassell	Mr Trethowan
Mr Herzfeld	Mr Tubby
Mr P. V. Jones	Mr Watt
Mr Laurance	Mr Young
Mr MacKinnon	Mr Shalders

(Teller)

Noes 20	
Mr Barnett	Mr Hodge
Mr Bridge	Mr T. H. Jones
Mr Bryce	Mr McIver
Mr B. T. Burke	Mr Parker
Mr T. J. Burke	Mr Pearce
Mr Carr	Mr Skidmore
Mr E. T. Evans	Mr Taylor
Mr H. D. Evans	Mr Tonkin
Mr Grill	Mr Wilson
Mr Harman	Mr Bateman

(Teller)

Pairs	
Ayes	Noes
Mr Williams	Mr Davies
Mr Clarko	Mr Jamieson

Question (motion as amended) thus passed.

METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr Mensaros (Minister for Water Resources), and read a first time.

CONSTITUTION AMENDMENT BILL

Second Reading

SIR CHARLES COURT (Nedlands—Premier) [11.30 p.m.]: I move—

That the Bill be now read a second time.

Under the Constitution Acts Amendment Act the limit of the Ministry is 13. However, in March this year two Honorary Ministers were appointed and the present Ministry is structured on a basis of 15 persons with appropriate portfolio allocations.

This has been necessary because of the growth and complexity of Government operations generally, the greater sensitivity that is emerging on environmental aspects of all projects—both private enterprise and governmental—together with the undoubted need to give more direct attention to all resource development and energy matters.

One example of the increased demands is the old portfolio of Industrial Development. For a long time this has been used as a department to embrace an ever-widening range of activities and has grown a long way beyond the earlier concept of straightout industrial development.

There has been a tendency for resources development in conjunction with mines and fuel and energy, to overshadow the straightout industrial development and commerce sides of the activities, including services for small business—even though there have been ever-increasing facilities for this part of the work. It therefore made good sense to separate resources development from industrial development.

There is a logical grouping between resources development, mines, fuel, and energy, even though it does impose a heavy load on a particular Minister. This load is currently manageable, but could become intolerable if the Minister were expected also to handle an expanding role for industrial development and trade, including the affairs of small business.

The increased burdens and complexities are, of course, not only related to resource and energy matters. It is fair to say that right across the

whole range of Government economic and social responsibilities, the complexities and the demands are increasing, and there is no sign that this will abate.

On the contrary, the very nature of modern institutions and modern attitudes is that they are more likely to increase than to decrease.

Further, if there is any lessening of pressures in one particular field, experience shows that it will soon be replaced by pressure in other directions.

The decision to introduce this legislation has not been taken lightly. In 1975, when the Ministry was increased from 12 to 13, I gave a number of reasons why this was necessary.

Those reasons are still valid today, if not more so. The increase in ministerial commitments has continued and this in turn has contributed to the need to make a new allocation of responsibilities.

Western Australia is very different from any other State. It is vast in area with a scattered population. Many of the major economic activities take place in remote areas, and it is imperative that they be adequately serviced by Ministers, as well as by local members and public servants.

Demands in these areas are not only directly related to resource development issues, but cover the wide range of commercial and other questions inseparable from modern communities living in widely separated and decentralised areas.

The appointment of Honorary Ministers can only be a short-term expedient, which has been shown by experience to have limitations in the long term.

There is another aspect of the matter and that is the importance of not only ensuring that there are enough Ministers to adequately service all the portfolios involved but that a greater number of Ministers makes it easier to have a wider range of age groups and experience to provide continuity in the event of retirements, sickness, or other changes in the Ministry.

In summary, then, the purpose of the proposed amendment is quite simply to increase the limit of the size of the Ministry to 15, for the reasons outlined.

I commend the Bill to the House.

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

Message: Appropriations

Message from the Administrator received and read recommending appropriations for the purposes of the Bill.

CONSTITUTION AMENDMENT BILL (No. 2)

Second Reading

SIR CHARLES COURT (Nedlands—Premier)
[11.35 p.m.]: I move—

That the Bill be now read a second time.

Most members will, I think, be aware that the laws of this State under which a person may be disqualified from being elected to Parliament, or a sitting member may lose his seat, because of his holding an office of profit under the Crown, or because of his having a contract or agreement with the State, are antiquated and are most uncertain in their effect.

Those who were members of the previous Parliament will recall that I drew attention to the unsatisfactory state of the law last year when introducing the Acts Amendment and Repeal (Disqualification for Parliament) Bill. Unfortunately that Bill, which would have codified the law on disqualification in a precise and comprehensive manner, was unable to complete its passage through Parliament owing to the Government's heavy legislative commitments last year.

As matters stand it is quite often impossible to be confident that a particular office or contract will not attract the operation of the disqualifying provisions. As a result of this uncertainty, situations arise from time to time in which a member holding an office, or being a party to a contract, in circumstances that have previously been assumed to be perfectly proper and normal suddenly finds doubt being cast on the validity of his election or on his right to continue to hold his seat.

The Government intends to provide means for the whole question of disqualification for Parliament to be fully considered later in the session but, in the meantime, it is necessary to deal with a number of specific situations that have recently come under notice.

One such situation involves the arrangements that a number of members have made with the State for loans for the purchase of motorcars. In at least one case a member has arranged to purchase a motorcar from the State. It is quite possible that the disqualifying provisions in sections 32 and 34 of the Constitution Acts Amendment Act 1899 would apply to arrangements of either of these kinds.

Another situation arises in relation to arrangements members have with the State for the provision of electorate offices and secretarial assistance. Even though these facilities have come to be regarded as proper and normal incidents of membership of Parliament it is possible that a

member may vacate his seat on entering into such an arrangement. In each case, it depends on the procedures followed in making the particular benefit available. The question is whether or not there is, in the terms of section 32 of the Constitution Acts Amendment Act 1899, a "contract" or an "agreement".

There is also the possibility that members who avail themselves of benefits and facilities provided by the State with respect to travel may risk losing their seats.

The benefits and facilities I am referring to are provided to members under long-standing arrangements and are additional to those determined under the Salaries and Allowances Tribunal Act. They include provisions for limited intrastate and interstate air travel and the "gold pass" system for travel on public transport.

Mr Davies: I think you are drawing the long bow there, are you not?

Sir CHARLES COURT: It is not for me to argue with the constitutional authorities on the matter. We have been notified of this situation and it was felt, by the Government—particularly in view of the amended travel arrangements that are under consideration—

Mr T. J. Burke: And have been for 10 years.

Sir CHARLES COURT: Surely the member opposite is getting the message from this Bill. It was felt desirable that before such arrangements were proposed to members of Parliament we at least provide a situation where members are protected; no more and no less. If members do not want the new conditions, and decide to expose themselves to unnecessary accusations, that is for them to decide.

Mr Davies: That is a stupid statement. Give us some basis for this rubbish.

Sir CHARLES COURT: Generally speaking the acceptance of such benefits would not jeopardise a member's seat, but the position might be different if it could be shown in any particular case that a member's travel arrangements involved a contract or agreement with the State. Again, the procedures involved in making the benefit available can be all important.

A situation of a slightly different kind may exist as regards members who hold certain offices including that of Honorary Minister. The holder of such an office may be given the use of a motorcar or may be provided with secretarial assistance or other facilities to assist him to carry out the duties of his office. The danger here is that these arrangements might result in the office becoming an office of profit under the Crown in which case any member accepting the office would vacate his seat under the provisions of

section 38 of the Constitution Acts Amendment Act 1899.

The Bill provides that no member shall lose his seat, or be deemed to have lost his seat, or be disqualified, or be deemed to have been disqualified, in any of the circumstances I have mentioned. The Bill would also protect a person against any liability that might arise, or might have arisen in the past, under section 39 of the

Constitution Acts Amendment Act 1899 as a result of his having sat or voted in either House whilst disqualified in any of those circumstances.

I commend the Bill to the House.

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

House adjourned at 11.41 p.m.
