

# Legislative Council

Tuesday, the 1st May, 1979

The PRESIDENT (the Hon. Clive Griffiths) took the Chair at 4.30 p.m., and read prayers.

## LEGISLATIVE REVIEW AND ADVISORY COMMITTEE

*Report: Tabling*

**THE PRESIDENT** (the Hon. Clive Griffiths): I wish to lay on the Table of the House a report from the Legislative Review and Advisory Committee relating to the amendment to the censorship of films regulations.

## QUESTIONS

Questions were taken at this stage.

## JUSTICES ACT AMENDMENT BILL

*Second Reading*

Debate resumed from the 24th April.

**THE HON. D. W. COOLEY** (North-East Metropolitan) [4.40 p.m.]: The Opposition sees no reason to oppose this Bill. People in our party who are more qualified than I, in the legal sense, have looked at it and have indicated we should support the amendments proposed.

I believe one amendment corrects a minor omission which occurred in the drafting of the amending Bill in 1977; namely, the inclusion of members of the Executive Council as justices of the peace. The other amendment relates to a defendant's signifying in writing to a magistrate that he is guilty. If he does that he may be dealt with in his absence, but according to my reading of the Bill he may not be sentenced to imprisonment if he is not present in court. This procedure has been adopted in the past and the Bill gives legal sanction to it.

We support the Bill.

**THE HON. I. G. MEDCALF** (Metropolitan—Attorney General) [4.42 p.m.]: I thank the Opposition for its support of the Bill and commend it to the House.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

Bill passed through Committee without debate, reported without amendment, and the report adopted.

## Third Reading

Bill read a third time, on motion by the Hon. I. G. Medcalf (Attorney General), and transmitted to the Assembly.

## ABORIGINAL COMMUNITIES BILL

*Second Reading*

Debate resumed from the 24th April.

**THE HON. LYLA ELLIOTT** (North-East Metropolitan) [4.44 p.m.]: The Opposition's approach to this Bill is one of caution. While we are not opposed to the thinking and motivation behind it, we think the Government would be making a serious mistake to rush it through without wide consultation with the Aboriginal communities which will be affected by it.

The Minister's second reading speech indicates that the Government does not really understand the workings of Aboriginal society. On page 605 of *Hansard* the Minister said—

I have personally visited a number of the communities and am satisfied that it will be well received.

It is very commendable that the Minister has visited a number of communities but I wonder how he can say the Bill will be well received. Firstly, I would like to know how many communities he visited; and secondly, I would like to know how long he spent in each one.

The Aboriginal people do not conduct their business the way we do. They do not call a meeting on, say, a Friday, and vote by a show of hands with the majority winning. They discuss and consider a matter for a long period before any decision is made by consensus.

I have discussed the Bill with people who work very closely with Aboriginal people and I am informed a certain amount of apprehension is felt about it in Aboriginal communities, firstly because they do not know the contents of the Bill, and secondly because they do not know how it will work and how it will affect their society. Some serious doubts have been expressed about whether the Aboriginal people want to use the powers in the Bill.

I was told a man recently resigned as a police aide as he found he could not be involved with arresting people, firstly because he could not talk to certain people in view of the structure of Aboriginal society, and secondly because he had an obligation to others to provide anything they wanted or needed. In Aboriginal society certain people have certain rights. Some people, by tradition, have a right to use another's bed or to eat another's food. Therefore, legislation such as

this is of great importance to all Aboriginal communities which adhere to traditional forms of activity.

There is also the aspect that we are still imposing the western system of law on Aborigines who live on reserves. The Minister said on page 603 of *Hansard* that two points stood out quite clearly from meetings held with various community groups in the Kimberley area; firstly, the tribal Aborigines had very little understanding of the law which affected their lives and, secondly, many of them failed to distinguish between arrest and trial, and charge and conviction.

Earlier in his speech he spoke about a way to "increase both the responsibility for and the control over Aboriginal people by their own community leaders using the institutions and services which are presently available to all Western Australian residents". The question which must be answered is to what extent the communities want control by their own leaders, using the institutions and services presently available to all Western Australian residents.

I believe Magistrate Syddall is to be highly commended on the initiatives he has taken and his sincerity in trying to help the Aboriginal people bridge the gap between Aboriginal and European law. However, I wonder why we must rush this Bill through when the Federal Law Reform Commission is looking at the very question of the incorporation of Aboriginal law into the law of the land. I wonder why we do not wait until that report and recommendations have been brought down. The commission is dealing with the aspect of using Aboriginal law on reserves rather than imposing the western system of law. I would like to know whether any consultation on this matter has occurred between Magistrate Syddall and Mr Justice Kirby.

The Bill gives Aboriginal communities the power to make by-laws, but the Government is still saying, "We don't trust you to make sensible and just by-laws"; because clause 8(3) says that if the Minister is satisfied that the by-laws are necessary and desirable he shall submit them to the Governor for his approval. This is an insult to those people. We are saying to them that we want them to make their own by-laws but that we do not really trust them, because we think the by-laws they make might not be just and sensible, and so the Minister must have the last say.

I believe some aspects of the Bill could give rise to confusion, and I would like to hear the Minister's comments on them. First of all, the word "Minister" appears several times in the

measure, but no interpretation is included to say whether the Minister is the Attorney General or the Minister for Community Welfare.

Clause 6 deals with community lands, and subclause (1) states—

For the purposes of this Act the community lands of a community to which this Act applies shall be the lands declared by the Governor by proclamation to be the community lands of that community.

We already have two other Acts containing reference to the declaration or proclamation of lands for the use of Aboriginal inhabitants. Section 29 of the Land Act states—

(1) The Governor may, subject to such conditions and limitations as he thinks fit, reserve to Her Majesty, or dispose of in such manner as for the public interest may seem fit, any lands vested in the Crown that may be required for the following objects and purposes:—

(a) For the use or benefit of the aboriginal inhabitants.

The Aboriginal Affairs Planning Authority Act also refers to proclaiming certain lands, and section 25(1) says—

(1) The Governor may, by proclamation,

(a) declare any Crown lands to be reserved for persons of Aboriginal descent;

(b) alter the boundaries of any reserved lands;

(c) declare that any land shall cease to be reserved for persons of Aboriginal descent.

We already have two Acts, the Land Act and the Aboriginal Affairs Planning Authority Act, which talk about proclaiming or declaring certain lands to be set aside for the use of Aboriginal inhabitants, and now the Aboriginal Communities Bill, if it becomes law, will do the same. I wonder how the three Acts will work in with one another and whether any conflict or confusion will arise.

Clause 7 deals with the right of communities to make by-laws, and subclause (1) states—

The council of a community to which this Act applies may make by-laws relating to the community lands of the community for or with respect to—

(a) the prohibition or regulation of the admission of persons, vehicles, and animals to the community lands or a part of the community lands;

Only last year we had the controversial amendment to regulation 8 made under the Aboriginal Affairs Planning Authority Act, dealing with the matter of admission to Aboriginal lands. Also, section 28 of that Act says—

In relation to any land to which this Part of this Act applies—

- (b) subject to the provision of section 31 of this Act, the Authority may authorize any person or body to enter any reserved lands and to remain thereon for any purpose, which, in the opinion of the Minister, will or may be of benefit to the Aboriginal inhabitants.

The Bill before us proposes to give communities power to say who shall or shall not enter their land; and I think that is a good idea, because the local people should have the say and not the Minister. However, the point I make is: Which Statute will take precedence? What will happen if someone approaches the Aboriginal Affairs Planning Authority, and that authority and the Minister say, "No, you shall not enter a certain reserve" and then the local Aboriginal people under the proposal in clause 7 of the Bill give permission? Which Act will have precedence?

Clause 7(2) says that by-laws made by the council of a community may empower a member of the Police Force to apprehend persons in certain circumstances and to take proceedings against them for any breach of a by-law. Here again a problem could arise, because under that subclause we are giving a community the power to impose a penalty for the breach of by-laws. That penalty may be a fine not exceeding \$100 or a term of imprisonment not exceeding three months.

The catch here is that clause 13 removes that power by saying no by-law takes away or restricts any liability, civil or criminal, arising under any other statutory provision or at common law. If a policeman does find it necessary to arrest a person for disorderly conduct, should he proceed under the by-laws made under this Act, or should he proceed under the Police Act? Section 54 of the Police Act provides a maximum penalty of six months' imprisonment for the offence of disorderly conduct, whereas the Bill provides for a maximum term of imprisonment of three months for the same offence. How will a policeman decide what law to proceed under, in view of the provision in clause 13 which says that no by-law takes away or restricts any liability under any other law? I wonder what will be the guidelines.

Two very important bodies which deal with the Aboriginal community are the Aboriginal Lands Trust and the Aboriginal Legal Service, and I would like to know whether they were consulted by the Government in respect of the various provisions of the Bill.

I think all these questions require answers. As no-one in this House can claim to have the authority to speak on behalf of the various Aboriginal communities throughout the State—I believe members in this House know very little about Aboriginal traditions and culture—I appeal to the Minister to delay the passage of the Bill until such time as it has been made available to all the Aboriginal communities that will be affected; and until they have had time to discuss the Bill thoroughly, and to come to a decision in the traditional Aboriginal way—that is, by consensus over a period of time.

I cannot see why the Bill should be rushed through at this stage and why it cannot be allowed to remain on the notice paper until the spring session, by which time it would have been made available to the various communities that are affected by it.

Although at this stage the Bill refers to the One Arm Point and the La Grange communities, I imagine that other communities will be encouraged to adopt these by-laws and procedures. As the Bill could have far-reaching implications on Aboriginal culture and tradition, and on their relationship one with the other, I believe they should be given the opportunity to study the Bill carefully and to arrive at a decision by the traditional Aboriginal way; that is, by consensus. This cannot be done by a visit by Government officials or by the Minister spending an hour or two with an Aboriginal community, discussing the matter with those people, and taking a vote on the show of hands and on general expression of opinion. This has to be done slowly and carefully.

This is a very important Bill. I would therefore ask the Minister to delay its passage in order to give the people affected a chance to study the implications and how it will affect their lives.

**THE HON. J. C. TOZER (North) [5.02 p.m.]**: I rise to support the second reading of this Bill. In doing so I applaud the Government for the initiatives it has taken in introducing the measure. At the same time it would be quite foolish if, along with Miss Elliott, I did not give a warning that there will be problems, problems, and problems. However, I am quite satisfied that the enactment of this piece of legislation will

remove more problems than it will create; and for that reason I welcome it.

I listened with a great deal of interest to the speech made by Miss Elliott. Some of what she said has some validity, particularly her earlier comments. At the same time I do not think she listened to the Attorney General when he made his second reading speech on the Bill, because clearly this is not a piece of legislation which has been rushed into this Chamber; the contrary is the fact.

If we look at what Magistrate Syddall has done since 1970 we will find that he has had close personal contact with the people affected by the Bill. He has dealt with many knowledgeable people and has had expert advice from anthropologists including Mr Mikael Capelle. So, this is not something which has been rushed into this House.

The questions which have been posed by Miss Elliott can be easily answered by the Attorney General; certainly it is not my intention to answer them item by item.

The Bill refers to the general subjects of community councils, community lands, by-laws, powers of the police, and application of by-laws. What really has surprised me is that at no time does the Bill make reference to the appointment of justices of the peace or the court structure that may be established to implement the contents of this Bill.

In his second reading speech the Attorney General referred to the manner in which the law would be administered and the essential part that would be played by Aboriginal justices of the peace. However, the Bill does not refer to these things. In one part of his speech the Attorney General spoke of the inquiries that had been made, and he went on to say—

... the idea began to develop that a way could be found to increase both the responsibility for and control over Aboriginal people by their own community leaders using the institutions and services which are presently available to all Western Australian residents.

Clearly, the Attorney General was referring to the court structure, the justices of the peace, the bench clerks, and the parole and probation officers in a manner adapted to meet the particular needs of the communities for whom this Bill is being enacted.

I do not think we will create a court-room environment at La Grange or One Arm Point; it will be simulated in the environment of the

spinifex shed and the wide open spaces of those areas.

Later on I shall return to discuss the question of the justices of the peace. In the meantime I will turn to the Bill itself. The clause containing the definitions is worthy of comment. It contains a definition of "Aboriginal community". This means a community or association wholly or principally composed of persons who are of Aboriginal descent.

Some of the communities—it applies equally to One Arm Point, La Grange Mission, and others in the North Province—do not really have close similarity to tribal structures. We speak of communities and community councils, but these terms came into being only in the last few years. Moneys became available suddenly in the period from 1973 to 1975. In order to allocate this money, there was a need to create incorporated bodies so that the Government could pass over the money to them. That was why they came into being. There is no more understanding of the articles of incorporation by the Aboriginal communities than there is of the law, about which the Attorney General commented in his speech.

As Miss Elliott rightly pointed out, the meetings of these communities are strange affairs and the reaching of decisions is remarkably slow. Quite frankly, it would be very unwise for anyone to look for a quick decision. That is not the way in which these meetings are conducted. We find there are long periods of silence; and periods of breaking up and coming together again. Out of the blue, discussion will resume on a matter that has not been discussed for a couple of hours; and gradually consensus is reached. The consensus decision of the members of the council or the elders of the tribe is generally respected. If I have the opportunity, I would like to refer again to this idea of respecting decisions that are reached by consensus.

In clause 4 of the Bill we find reference to two community groups to which this new plan will apply. They are the Bidiyadanga Aboriginal Community La Grange Incorporated, and the Bardi Aborigines Association Inc.

It is worth recording that the community at La Grange does not consist of a single tribal group at all; it consists of several tribal groups that have congregated there. In the atlas entitled *Atlas on Human Endeavour* which has been distributed to all school children in Western Australia we find an indication on a map of the places from where the Aboriginal tribes came and where they have gone. These three tribal groups came from a wide area. Clearly there was a group in the coastal

area south of Broome. A large group of them—in this respect we find that the Walmadjeri language has been referred to in the Minister's speech—come from an area south of Fitzroy Crossing and Halls Creek on the edge of the Great Sandy Desert. This is probably the dominant group in the community. However, there are three clearly defined tribal groups, plus many hangers-on.

In the case of the Bardi group, we find it is a sophisticated group by Aboriginal standards. In point of fact, the Bardis who came from the northern part of Dampierland near Cape Leveque, congregated at Sunday Island Mission at the entrance to Kings Sound. I suggest that this mission closed down in about 1960, and Bardi people congregated almost completely in and around Derby. It is quite a mixed group. In addition to the Bardis at One Arm Point, numbers have come from Lombadina, Beagle Bay, and Broome; perhaps these people did not fit in with the Roman Catholic mission administration at Lombadina and Beagle Bay.

We find that the chairman of the council at One Arm Point is Bill Ah Choo. From his name it is clear that he is a descendant of one of the Asiatic pearlers who came to this region in the early days. So, it is not very easy strictly to apply the tribal lore. I emphasise I am speaking of tribal lore, and not tribal law.

There is no doubt that the Bill is an experiment. The Minister has told us quite clearly that it is an experiment, and that is the reason we are trying it out in this form. We hope it will be such a success that it will be used in other communities which will be declared by proclamation under the provisions of clause 4 in the Bill.

I think it has been provided explicitly that the by-laws cannot be formed—and here I am referring to clause 4(2) of the Bill—without the council of the community actually consulting the community and obtaining approval by a consensus. If satisfied, the Minister can advise the Governor and then, of course, the by-laws will be proclaimed. I believe we have the maximum safeguard that can possibly be expected to ensure that the wishes of the communities are respected.

Similarly, we can revoke any such proclamation. I do believe there may be such errors by some councils and communities in the future. It will be quite irresponsible for the Government or for the Minister not to try to prevent what is obviously a miscarriage of justice.

"Community lands" is a difficult area to define. A lot of care will have to be taken

specifically in defining the boundaries of community lands. In the case of La Grange and One Arm Point we have an ideal set of circumstances in which to apply our experiment. These are quite isolated communities. They are well defined areas and there is no earthly reason that the by-laws made by these two communities cannot be applied either to the specific area surrounding the settlements where people live, or to the total reserve in both cases.

In expanding this programme to other Aboriginal communities we will be faced with all sorts of problems. For example, at Fitzroy Crossing there are two or three incorporated community councils. There is a Caucasian community mixed up with these people and it will be hard to define areas over which these councils can control their "defined areas". I see problems associated with this. I mention Fitzroy Crossing, but this would apply also to the Derby Reserve and Mowanjumb mission. On the other hand, isolated remote communities at Balgo, Kaluntsunu, Leonora and other places, are ideal subjects for applying the proposition. Clause 7 deals with by-laws and I do not intend to enumerate the areas in which by-laws can be enacted. However, in reading the clause I feel many people associated with local government will immediately note that the making of these by-laws will be very similar to the making of by-laws under the terms of the Local Government Act. I do not find this a matter of conflict. I believe specific by-laws relating to specific areas will not cause problems. Both the One Arm Point and La Grange areas fall within the Shire of Broome; but later on there will be other shires concerned. I do not believe there will be any conflict; but rather the new by-laws will be complementary to existing local government by-laws.

The important thing is that while community councils have tried to exert influence within their local communities before, this Bill will give the by-laws—once they have gone through the proper procedure, have been properly drawn up, approved by the councils, gazetted and proclaimed—the force of law. This is the important thing to be achieved.

The police will be empowered to enforce the by-laws and to take proceedings under the terms of these by-laws.

Diverting from the Bill a little and reverting to the Attorney General's speech, he did speak of police aides being appointed and posted to La Grange and Lombadina. I wonder why we appointed the police aide at Lombadina rather than at One Arm Point, which is perhaps 25

kilometres away, when the Bill essentially refers to One Arm Point. Perhaps there is some good reason for this.

To return to the point I was making, fines and prison terms can be imposed and compensation can be determined.

However, in clause 7 we find no specific reference to any special sort of justices of the peace. No reference at all is made to court procedures or the structure that will be established to implement the terms of the Bill.

Reference has been made to the business of reaching decisions by consensus among the Aboriginal people, and one wonders how one can apply the term of "absolute majority" to such a procedure. It is my guess that no Aboriginal community ever reaches a decision which is not reached by an absolute majority. It would be a very rare occasion when it is not a unanimous decision really. To achieve an absolute majority in this situation, perhaps, calls for a decision which could be hard to reach. I have mentioned already the common seal and articles of incorporation, which must be a complete mystery to these people. I do not know if they have a common seal; I have not heard of it, but I guess they have.

What I feel we learn from clause 8 is that incredible patience will be needed to explain the permanence of decisions that will be made by the community councils. Suitable help will be required. The worst feature of concern to me is that it is not easy to obtain good advice from local sources, apart from people like Magistrate Terry Syddall. It is so easy for community councils to be misdirected—either intentionally or unintentionally. I am thinking of community welfare officers, Aboriginal legal aid officers, and Department of Aboriginal Affairs officers, who may not come up with the guidance and help that is most suitable for these people in framing by-laws which virtually will become a permanent part of the scene for a long time.

These community councils can change and very often do change. As a matter of fact in some of our communities where there has been a large degree of instability we have seen council chairmen changing annually, and often at a quicker rate. Many chairmen do not see out their term. Of course, this does not apply to all northern communities. Mr Alan Mungulu, for example, held his position as chairman of the Mowanjam council—just outside of Derby—for a considerable time until he died in office.

It is of concern to me that a council will not necessarily—even though it is compelled by law to consult with the community—want to adhere to

the same set of by-laws drawn up by a previous council. Again, this is one of the problem areas with which the system will be confronted.

Clause 9 refers to "all" people within the defined area being covered by these by-laws. I think we have to concede that this is essential as there are several Caucasians living with Aboriginal people in communities such as One Arm Point. Clearly the by-laws created by the community councils will have to apply equally to them and to the Aboriginal people concerned. Obviously in the case of La Grange we know there is a large component of Europeans also. I am surprised Miss Elliott did not want something more specific than what is contained in subclause (2), but I see a desirable flexibility in its wording.

An interesting part of the Bill is clause 12 which states that all pecuniary penalties recovered will be paid into funds for the community. This is parallel with local government by-laws such as those covering traffic, parking, and health. Local authorities do retain fines but this is in respect of income where fines are used to help finance a service given. So we find any fines from infringements under health by-laws, which also provide a rubbish service and so on, can be applied towards such a service.

This situation cannot be applied to many by-laws to be implemented by these community groups. I found the explanation given in the Attorney General's speech served to remove my disquiet. That part of the speech read as follows—

I would like to make it quite clear that the ordinary law of the land will continue to apply over the community areas; namely, the Criminal Code and the Police Act and other laws which govern the conduct of individuals towards one another.

I believe we can accept that as a reasonable proposition.

Miss Elliott spoke of problems arising where there are other laws which may come into conflict with the by-laws. I do not see that this is a problem at all, but I have no doubt the Attorney General will give specific reasons to indicate there will be no conflict—just as with local government by-laws which are supplemented by by-laws to be introduced under the terms of this legislation. On page 7 of the Attorney General's speech notes we read the following—

The reasoning behind this is that, in these fairly isolated areas, persons who commit acts harmful to the community should make atonement to the community for their actions.

This is not a surprising thing at all. As a matter of fact I suggest that almost everything we introduce in the way of new laws in this place does overlap in some measure with basic laws such as the Criminal Code and the Police Act.

To give an indication of how it works, there is no doubt that the by-laws will cover the introduction of alcoholic beverages to some of these areas in one way or another. Already this is covered if we are in a position to administer the law. For example, in the last 12 months, we have had the instance of a taxi driver delivering grog to the community at Looma. The police were alerted in this instance and the taxi driver was apprehended. He was fined heavily and the grog—I do not know if it was beer, wine, or spirits—was confiscated along with his vehicle. The law can control these things under certain circumstances. But in this case the law is based 125 kilometres away. There is no telephone to Looma so it is not easy for the existing law to be administered. We need local police so that local action can be taken. This is the essence of what this Bill is all about. However, there is no doubt at all in my mind that the Attorney General will put Miss Elliott's mind to rest in respect of these legal matters.

I refer to the Attorney General's second reading speech again, because I thought it was a very good speech. Sometimes Ministers are criticised, because they do not give background information so that members will have a reasonable understanding of what is contained in the few short passages of the Bill.

I think the Attorney General (Mr Medcalf) covered that problem in his comments. He spoke about Magistrate Syddall and his great interest from the time he arrived in Broome in adapting the law—the law of the land which applies to every man Jack in the country—in an effort to make it work for the Aboriginal people.

For many years Magistrate Syddall invited the elders to sit on the bench with him. He discussed penalties, and invariably they suggested a much harsher penalty than he was prepared to inflict. In point of fact, any tolerance allowed by the magistrate in a court hearing was something which slightly offended the elders. Those elders have a much tougher code than that which applies under white man's law.

I have already referred to the fact that the inquiry went back a long way. The specific inquiry which led up to this legislation—which we are discussing in May, 1979—was commenced in 1977 when Magistrate Syddall and an anthropologist, Mr Mikael Capelle, were set the

task of making sense of the seven years' research already carried out by Mr Syddall. I believe members are probably aware, from comments on previous occasions, that I am not greatly impressed by anthropologists. However, Mr Capelle had a practical and not a theoretical approach to the problem. He was flexible in his approach. In the Minister's specific reference to this point, he no doubt was referring to Magistrate Syddall in his comments about the exercise being practical rather than theoretical. Those words were used by Mr Medcalf, and they had to be related particularly to the local Aborigines in the Kimberley area; the area where these two officers had been for a long time.

In talking about the practical approach we expect and receive from Magistrate Syddall, he is one—with all due respect to the Attorney General—who came up through the Crown Law Department as a practical man rather than a man with a purely legalistic background as applies, perhaps, to some of our other magistrates. Mr Syddall is not hidebound by the narrow inhibitions which some legal people seem to have. By the way, I have come to know something about legal practitioners during the last year or two!

I hope the expansion of this proposal into other areas of the State will be in the manner I have already discussed. Mr Medcalf referred to the interest which the experiment has attracted in other places, and that is very much so. I have had elders from all over the Kimberley and the Pilbara asking me how the process will be applied to them. I have been with Mr Medcalf on those occasions he visited the Kimberley and, thus, I have told the elders that the system will be tried out with two communities. With success, in due course it will be passed on to other communities. Possibly, it may be amended but a comparable system will be passed on, I believe.

Mr Medcalf made particular reference to the failure of Aborigines to understand the difference between arrest and trial, and charge and conviction. They have very little understanding of this which does not surprise me. The average Aboriginal assumes that once the heavy hand of a police constable is on his shoulder that is the end. He believes that he will finish up being fined or in gaol; he does not really understand the basic rudiments of being charged, of a fair trial and, on having been proved guilty, of having a conviction finally imposed on him, taking into account the various factors of the case. All those processes intervene between an Aboriginal being arrested and finishing up in gaol, but they are almost irrelevant and inconsequential to most Aborigines.

I must say that situation is tending to change with the arrival of Aboriginal legal aid, but in many cases this has succeeded in confusing rather than helping them. An understanding will not come rapidly; it will come over a long period of time.

With regard to alcohol, the Attorney General told us that the elders favour restriction rather than prohibition. Quite frankly, I do not quite agree with that. There is a strong feeling among the elders—the old men—that alcohol should be prohibited. I am of the opinion that some of the Aboriginal communities, in fact, will request that by-laws be framed to prohibit alcohol.

I spoke a moment ago about the lack of understanding of this process but I think I should qualify those remarks by saying the younger people who are receiving an education do, in fact, have a better understanding of it. These are the people who will become bench clerks in the communities and, of course, subsequently they will be our justices of the peace.

I have already mentioned that I doubt whether there is one leader in the Aboriginal communities in the Pilbara who has not specifically wanted to talk to me about what is happening with regard to this experiment. I believe that interest will grow.

There is no reference in the Bill at all to justices of the peace, bench clerks, or parole and probation officers. The Attorney General referred to the appointment of justices of the peace and I believe it is worth looking at the people concerned. At La Grange we have John Mulardy, John Dodo, and Merridoo Walbadi who have been appointed as justices of the peace. I referred earlier to the fact that there are three main tribal groups which have assembled at La Grange and the people I have just mentioned are representatives of those three main tribal groups. Matthew Yanawarra and Eileen Wangu are bench clerks at La Grange. Those five people have already undergone a period of training at Broome and at La Grange. That has been taking place for many months now.

It should be remembered that the elders of the tribes are not necessarily the councillors. They are not necessarily the chairmen of the community councils, and they are not necessarily justices of the peace. This may introduce some difficulties. But, by and large, the people do recognise that the elders exercise an important function. Those elders certainly will administer the lore; there is no way that any justice of the peace or member of a council will usurp that function—no way. It seems to me this parallel structure has developed within the Aboriginal areas.

The Hon. Lyla Elliott has good reason for some of her misgivings. However, I believe the problems will be met better by the proposition encompassed in this Bill.

Sometimes even now the law men find it necessary to impose a tribal law—and I do not mean to spear a man in the leg. When a young man is consistently stepping out of line and making life miserable for the rest of his tribal group certain penalties are imposed on him by the law men.

The young Aborigines who offend are sent out into the bush. They are not manacled; they wear a hair belt, and they are placed in a circle marked on the ground outside of which they cannot step. They do not step outside of that circle. This law has a salutary effect on them, and by the time they return to the community they are very chastened young men. By and large, they probably do not contravene the laws of the tribe in the manner they did previously.

The system is complicated as has already been said by Miss Elliott, and in the case of skin groups it is physically not possible for some people to do harmful acts to other people within a tribal group. Clearly, we have to travel a narrow line to ensure we do not offend against tribal lore. John Mulardy, John Dodo, and Merridoo Walbadi, who are justices of the peace, and Matthew Yanawarra and Eileen Wangu, who are bench clerks, fully understand this.

The justices to be appointed at One Arm Point are Aubry Tigan and Maureen Angus, while the bench clerk is Charles Coomerang.

Long before the Attorney General (Mr Medcalf) visited the community at One Arm Point the appointment of Maureen Angus had been under discussion. Mr Syddall knows the old men—the elders—very well and has known them over many years. There is an acknowledgement and a recognition by those old men that education is doing something for the young people in the community. Maureen Angus is a very articulate and well educated young lady. She has no trouble in understanding the law which she will be required to administer as a justice of the peace. The old men do recognise this; here they have an opportunity to adhere to the laws of the white men and an opportunity to take advice from this young person who is able to be a leader in the community. I am sure she will have more sense than to contravene any of the lore of the old men around the place. I believe she will do a wonderful job.

It must not be forgotten that the community at One Arm Point is a relatively sophisticated group.



They have been under mission influence since early in the century. Those people went to Derby, and many of the Bards are still living and working within the community at Derby. Many of those people have now gone back to One Arm Point and taken their western experiences with them. The most sophisticated people are those who had closest contact with and an upbringing in our so-called "civilised" way of life. Some came in from Beagle Bay and Lombadina, and many Aboriginal leaders have emerged from those Catholic missions.

Before I conclude I would like to mention the Walmadjeri language used in the manual. It seems a complicated process to write something in English and then to translate it into an Aboriginal language, and then back to English, but I am sure both Mr Syddall and Mr Capelle have an understanding of the needs, and the result will be a satisfactory story. It will be a simple story, and it needs to be a simple story.

Walmadjeri is not the native language of the north-west coast. It comes from north of the Great Sandy Desert, an area below Fitzroy Crossing and Halls Creek. As I said, it can be seen from the book I referred to that, with the growth of the pastoral industry, the Aboriginal people congregated into the general area of the Fitzroy basin and on the pastoral properties across to Halls Creek. These people have remained in the area, and so we find that probably the predominant language in the Fitzroy area is Walmadjeri. However, there seems to be a close skin relationship between the people in the Fitzroy valley and those who have gone to La Grange.

More recent than that, when the Blue Streak project was being developed, a special effort was made to contact the few people who were still in the desert. Many of these people went to either Balgo or La Grange. Thus we find that the Walmadjeri language is the appropriate language to attempt the difficult task of describing the white man's law to the Aborigines, and we must accept the opinion of Messrs. Syddall and Capelle on this point. Two years ago I purchased a copy of the "Rules of the Supreme Court", and certainly I do not understand how it operates.

I had the good fortune to travel with the Attorney General and Messrs. Syddall and Capelle when they visited La Grange, Beagle Bay, Lombadina, Broome, Looma, Kalumburu, and Balgo. Unfortunately we did not have time to visit others such as Turkey Creek, Fitzroy Crossing, and Kununurra itself, but there is a limit to what can be done and, after all, the Attorney General

was following up the intimate work of many years by Magistrate Syddall and Mr Capelle.

I was also fortunate enough to accompany the Premier on his recent visit to La Grange. The Premier had the opportunity to meet the three people who will be the justices of the peace there, to talk with them, and to try to gauge whether they had an understanding of the task ahead of them.

Mr Medcalf sat down with these people and spoke with them at length. In his second reading speech he said—

I have personally visited a number of the communities and am satisfied that it will be well received.

I concur completely with him in this comment. I congratulate him on his patience, and his ability to speak with and to get through to large numbers of Aboriginal people, and particularly the elders of the tribes who came together to hear him. This is not an easy thing to do, and even after many years many people—possibly including myself—still do not find it easy. However, I believe the Attorney General had remarkable success and, as I say, I congratulate him on making that visit.

In concluding, I would like to warn the Attorney General that there will be problems. I believe he recognises that it will not be an easy row to hoe. We will have to rely on many people like Terry Syddall, and others. I hope that when problems arise or when breakdowns occur we do not destroy the principle we are trying to establish in this legislation. I hope that we will learn from the breakdowns and disappointments, and that we will try to amend the legislation perhaps to approach the problems from different directions.

It may well be that we will have to defer the implementation of the policy into further communities until a later time, as Miss Elliott suggests. However, in the meantime, let us get this measure on the Statute book so that we can try it out at One Arm Point and La Grange. I am sure it will be the start of a remarkably satisfactory contract between the Aboriginal communities in these isolated areas and the white man's law.

**THE HON. W. R. WITHERS (North)**  
[5.51 p.m.]: Other members have discussed this legislation, particularly the Attorney General, in his introductory speech, and my colleague, Mr John Tozer, who has just about covered every facet of the Bill and its effect within our province. However, I rise to advise the House that I have probably given more thought to this legislation, and I have had more mixed feelings about it, than

any other Bill I have looked at during my period in this House. In fact, in my mind I have composed all sorts of phrases which I felt I would like to use here to point out my feelings on it. I was unable to come up with phrases that would satisfy me and that would satisfy the House, and that would not be misinterpreted.

As I have said, I have mixed feelings about the legislation. Firstly, I feel joy because the Government has introduced a Bill in an effort not only to assist Aboriginal or disadvantaged people to understand our laws, and to help them to become part of the community in which our law can stand, but also to allow them to have rules of their own within our rules.

My other feeling about the legislation—and this is where I become very confused—is a feeling of being trapped in a system which is taking another step towards racism. Older members are aware that my first speech in this House dealt with racism. I pointed out then that the Governments of the day were heading towards racism and the polarisation of communities. This course was being followed not through bad intentions, but it was being followed by sensitive people with good intent who endeavoured to bring forward laws, rules, and regulations, through legislation which would compensate for the terrible deprivations which our ancestors placed on Aboriginal people.

I intend to vote for this Bill; I do not intend to oppose it and, in fact, my comments will be very brief. However, I will say, as I have said, one part of me feels joy about this Bill and the other part of me feels trapped because it is one more step towards racism.

I wrote a recent letter to Mr Kingsmill, who is the Assistant Commissioner for Commerce of the State Energy Commission, and who is a member of a committee seeking employment for Aboriginal people. It is quite obvious that this committee has good intent. However, in my letter to him, I pointed out that in my opinion our Federal Government is administering apartheid. In fact, this is not just my opinion; the definition of this word is contained in the *Oxford Dictionary*. Ministers present and past have disagreed with me; they have said that they are not administering apartheid. I would like to point out that I did not invent this word; nor did I misuse it. In fact, I use the *Oxford Dictionary* for my guide to semantics. We should be one people, although I do not want the House to misunderstand my comments as I was misunderstood in 1971. I would like to read part of my comments to Mr Kingsmill. I said—

Basically my family training and resultant attitudes to racial differences are as under;

- (1) Apartheid or racist policies should never be implemented by any government in any country. Implementation of such policies will result in bloodshed at some time in the future.
- (2) Any policies to assist disadvantaged people should be made on the basis of need and not on the basis of ethnic background.
- (3) Any religions and religious artefacts should be respected by the total community conditional to the religions not being in conflict with the laws of the land.
- (4) Ethnic culture maintenance and the historic recording of cultures should not be discouraged if such maintenance or recording is not in conflict with the laws of the land.
- (5) Land rights should not be applied to any section of a community unless the rights can apply to any part of the community regardless of racial background.

This is a good Bill. The principles contained in this Bill relate to matters I looked at last year. I knew some of the recommendations that Mr Syddall had made, because Mr Capelle and Mr Syddall have been working on this matter very closely, and northern members have held discussions with them.

When I heard of what the recommendations to the Government might be, I said, "It would be great if you could implement the recommendations without any racial conditions." In fact, I suggested that we could use a club system to allow people on community lands—and not necessarily those in Aboriginal communities—to implement laws in the same way that many clubs in Australia implement laws today. Such laws stand in the precincts of the club, and if a member breaks those laws, then other club members have the right to banish him or to mete out some form of punishment within its own laws. If a member of a club or of a community goes beyond the boundaries, then usually the law outside the club is brought in either to remove that member or to charge him in the case of an offence committed against the laws of the land. So, my suggestion was that possibly we could bring in legislation very similar to the laws existing in clubs today.

Mr President, I wish to congratulate Terry Syddall and Mikael Capelle for their work, and

particularly on the recommendations they made to the Government. I would like to congratulate the Attorney General for introducing this measure. I feel it can only bring good to the community, and I hope that this good will spread to other Aboriginal communities within our State and that we will reach the stage where the Aboriginal people will understand the laws and will have their pride restored to them.

I hope that the Aboriginal people will become full members of our community, not as members of a separate race, but as members of the Australian community. They have a heritage which could be understood by all of us, the same as we may understand and respect the heritage of the Greek, the Italian, and other ethnic people in our community, who are proud of their ancestry and whose histories and cultures are on record. I hope during our lifetime this Bill will become redundant, because its provisions on racial lines will be no longer necessary.

I support the Bill.

*Sitting suspended from 6.00 to 7.30 p.m.*

**THE HON. R. HETHERINGTON** (East Metropolitan) [7.30 p.m.]: I am sympathetic with the Government's intention with regard to this Bill and I applaud the Government for its introduction. However, like the Hon. Lyla Elliott, I do not see why it should be rushed through this House in a hurry. I have taken note of Mr Tozer's remarks about the long gestation period of the Bill; but because it has taken a long time to gestate it does not mean we now must force it through quite quickly.

In fact, I believe the Bill is so important that it could well lie on the notice paper during the recess for consideration. It is a very important Bill; it takes an important step forward in dealing with the Aboriginal people of this State. The Bill is trying to do something which should be done to allow Aboriginal communities, as far as possible, to make up their own minds about their own destinies.

I just wonder how it will work out, and whether the Minister knows about what has happened to similar provisions in the Northern Territory. The only piece of evidence I have is very poor evidence, as the Attorney General would be the first to point out to me. It is "remembered hearsay", and one cannot get much more tenuous evidence than that! However, in 1974 when I was in the Northern Territory, I was told that the community at Maningrida had been given power over their own reserves and had limited liquor supplies. Much to the disgust of some of the whites who were living in the area they were

limiting supplies to everybody, so that everybody had "X" number of cans, which number was far less than the average supply per day consumed by the average Territorian.

I do not know what became of this scheme; I heard about it only in passing. I just wonder whether any problems were experienced with the scheme and whether the Government knows about it. I would assume it would have had a look at what happened in other places.

I have nothing to quibble at about most of the powers provided under this Bill, because they are like the powers given to local government authorities or other authorities like universities; namely, the power to look after order and traffic and coming and going within the institution or within the local government district. These powers are rather unexceptional, and nobody could argue about them.

The powers which may worry people are to be found in clause 7(1)(g) and refer to the right of a council of a community to make by-laws with respect to—

the prohibition, restriction or regulation of the possession, use or supply of alcoholic liquor or deleterious substances;

I suppose what is "deleterious" is in the mind of the by-law maker.

The Hon. I. G. Medcalf: And in the stomach of the recipient.

The Hon. R. HETHERINGTON: That might be the case. Here we will have a case where by-laws will be promulgated which will mean that people living within that community or in the vicinity of that community will have to behave differently from other people.

Normally, the kind of behaviour expected of people under by-laws is similar in kind from one local government area to another; they are similar in kind to what one would find in one set of power-making by-laws or another set of by-laws made under powers delegated by the Government.

However, here we have a difference in kind. This, of course, is the very reason some of the communities want to use these by-laws; I understand this. However, it does not mean there should be this difference.

Somebody argued to me earlier in the day—I take this up not because I believe it but because of what Mr Withers said earlier—that this was a form of apartheid.

The Hon. W. R. Withers: I said it was another form of racism.

The Hon. R. HETHERINGTON: I am not referring to Mr Withers but to somebody quite

different, who was speaking to me privately. It is true that it means some communities will be treated differently from other communities.

We must be very careful these days about the use of the word "apartheid" and about looking it up in dictionaries and then applying it because, originally, the word meant "separate development", so that many South Africans who argue for apartheid make it sound very attractive.

However, there is a difference between some forms of apartheid as applied in the world, where communities are kept separate forcibly by legislation, and the difference in treatment I think we are beginning to experience in Australia. I hope that although sometimes we may be treating Aboriginal communities differently because of their difference in background, culture, and history, we are not keeping them out of our community, and that in fact we are always leaving the way open for them to come in when they are ready. This makes quite a considerable difference.

I believe that, as far as possible, Aboriginal communities should be the best judges of their own destinies, and that sometimes we must allow them to do things of which we disapprove. I think I have stated in this House before the dilemma which faces some what we might call "left Liberal democrats" in the Northern Territory. I use that phrase for the want of a better name; it encompasses those who believe in women's liberation and the principle that ethnic communities should govern themselves. The problem they have to face is, "What do we do with an Aboriginal community which sends its young girls to be educated in a European-type school until they are 12 years of age and then brings them back and marries them off to the old men of the tribe, as is their custom?" This seems to me to be giving these young people the worst of both worlds, because they have been educated to one set of values and are then taken home to another set of values—all with the best of intentions.

I am not saying any of this in criticism of the Bill, because I do not feel unduly critical of it. However, I do feel we could think about the Bill a little longer. Certainly, I agree with members who have stood in this House and said there are difficulties in the Bill, but I would not go so far as to say there are dangers in the legislation. I certainly listened to Mr Tozer with great interest; I think he pointed to some of the difficulties we will face under this legislation.

One of the things which does worry me—I will not leave it to the Committee stage, because I am

hoping yet that the Attorney General might not carry on with the Committee stage tonight, and in case he does not I will mention it now—is in regard to the powers to be given to a council. Clause 3 of the Bill defines "council" as follows—

"the council" in relation to a community means the council of management or other governing body of that community.

Therefore, a council is a council which, of course, is what we would expect it to be.

However, the problem which I understand sometimes arises in Aboriginal communities is that they are not used to councils or narrow governing bodies. I am wondering whether, in the case of a tribal group which does not have a council, but has a meeting, a council is something which is artificially restrictive. Can the Minister tell me whether there is an idea in his own mind or in the minds of the people who have talked to him about the way this Bill will operate as to how councils will be appointed or elected or how they will emerge, and whether there is a danger that putting powers in the hands of a council, in fact, may cut across the traditional powers of tribal elders or the tribe, or in the way the tribe does things? I am sure this is not the intention of the Government and I am sure the Government has thought about this point. I mention it simply because I am seeking assurances from the Minister, as I can foresee problems in this area.

Mr President, I do not want to spend a lot of time debating this Bill; I simply want to mention these few worries. I suggest we should think about these areas of potential difficulty before we continue with the Bill. I am the last person in the world who wants to oppose the Bill. I might think it should be amended when people talk to me, but I do not oppose the Bill in spirit or in principle. Certainly I am very happy the Government is taking this step—I hope not immediately, but ultimately—in developing the relations between white Australians and Aboriginal Australians which in the past have been dealt with so ham-fistedly and which now, I hope, we are going to deal with rather less ham-fistedly.

Like everybody else who has spoken in this debate, I think we are still likely to make mistakes. We must be ready at all times to try to rectify those mistakes and, when we have made mistakes, to admit we have done so.

I support the Bill with reservations and hope the Government will not go on with it immediately—although I could not see myself opposing it ultimately because, as I say, I applaud its intent.

**THE HON. I. G. MEDCALF** (Metropolitan—Attorney General) [7.43 p.m.]: I am gratified by the wide degree of support this Bill has received from members. However, it does not surprise me, because it has already received a wide degree of support from many members of our community, both white and Aboriginal. It has received support in very diverse quarters already, therefore it does not surprise me that members of the House generally have endorsed the principles of the Bill whilst, at the same time, one or two members have expressed some reservations about various matters and have asked for explanations for which they are quite entitled to ask and for which this House exists.

In the first place, I propose to refer to the points made by the Hon. Lyla Elliott, who indicated she supported the principle of the Bill.

The Hon. Lyla Elliott: I said that I supported the thinking and motivation behind the Bill—not necessarily the principle of the Bill.

The Hon. I. G. MEDCALF: Miss Elliott supported the motivation behind the Bill; however, she has some queries in connection with various parts of it, and she instanced a number of clauses.

The first question asked by the Hon. Lyla Elliott was whether there had been wide consultation. She seemed to imply that I had not consulted widely enough with the Aboriginal groups concerned. I would be the first to admit that this Bill could not have emerged as a result of my consultations with the Aboriginal groups, because it is obvious a Minister is not in a position, as a result of his many duties, to consult widely with groups such as the Aboriginal people in the Kimberley. The groups of Aboriginal people there are widely separated and this Bill is designed primarily to assist them.

As the Hon. J. C. Tozer has pointed out, this Bill results from the very considerable interest in the research carried out by Magistrate Terry Syddall between 1970 and 1973 when he was stationed at Broome. He developed a very keen interest in the Aborigines. He is a remarkable man and we owe him a great debt as a result of the contribution he has made and is making to the sociological advancement of the Aborigines in the field of the administration of law. As I mentioned earlier, Magistrate Terry Syddall adopted the practice of inviting tribal leaders to sit with him in court. He consulted with the tribal leaders both in and out of the court.

At first Magistrate Syddall consulted with the tribal leaders who resided a short distance out of town. He gradually extended this contact and

consulted with the tribal groups in the Kimberley when he journeyed around the various centres conducting his court sessions in Kununurra, Halls Creek, Wyndham, Derby, Broome, and Fitzroy Crossing.

Mr Syddall developed a very close affinity with the Aboriginal people. He developed the ability of knowing how the Aborigines were thinking and he was able to anticipate their reactions. In turn, the Aborigines developed a very close affinity with Mr Syddall. In 1973 he returned to the south. Approximately four years later, at his own request, he went back to the Kimberley. He wanted to follow up on his earlier interest in and studies of the Aborigines in the matter of what was called loosely "tribal law". In fact, he was really trying to engender in the Aborigines a degree of understanding of the law. Terry Syddall, of course, was struggling to understand the laws of the Aborigines to some extent.

Mr Syddall continued his earlier policy. Soon after he returned to the Kimberley I conducted discussions with some officers of the Department of Aboriginal Affairs and the Department for Community Welfare in that area. I was concerned at the number of Aborigines being dealt with by the courts and being incarcerated in the prisons.

As a result of these discussions it was decided that we should adopt a different approach when trying to engender in the Aborigines an understanding of the law. Mr Syddall was approached to see whether he would assist with this matter and he readily agreed to do so. A young anthropologist, Mikael Capelle, was seconded from the Department for Community Welfare to assist Mr Syddall. I am repeating what I have said already in the second reading speech, but I felt I should do so, because Mr Syddall has been the person who has consulted widely with the Aborigines in the Kimberley. He has been assisted by Mr Capelle.

These two gentlemen travelled around the area. Mr Syddall was relieved of his magisterial duties and another magistrate was appointed to perform his work. This was done at no small cost to the reputation of the Government, because there is a shortage of magistrates, and when one is taken out of service the shortage is felt more severely in another area. People become short-tempered when there is a slight delay in the hearing of their cases. At the risk of incurring this unpopularity—and also at the risk of upsetting the white community—Mr Syddall was transferred to the area with the sole task of travelling around and investigating how the Aborigines could develop a closer understanding of the law.

With the assistance of Mr Capelle, Mr Syddall travelled throughout the area. They visited the various reserves and went into the bush areas. They literally sat down under the trees with Aboriginal groups and talked with them in the way they wanted to talk and in the way they knew they would be understood. There is no question that Mr Syddall properly gauged the views not only of the tribal elders, but also of the various communities.

When I was involved in the matter again, I spent a few days in the Kimberley and visited seven or eight selected communities. Of course, Mr Syddall had visited all of them; but I visited a selected number of groups, because clearly I could not visit all of them. While I was there I spent as much time as I could talking to the Aborigines. I wanted to satisfy myself that what Mr Syddall had told me was correct. I did not doubt his word, but one has to ascertain the truth for oneself when one holds a public office or, for that matter, in any walk of life. One has to ensure one is getting the full facts and that what one is being told will work.

I tested what I had been told by Mr Syddall. In some areas interpreters translated what I said in my halting fashion, because I was trying to convey matters in a simple manner. The interpreters translated for me and I obtained the views of the Aborigines. In other areas I talked directly with them, because it was obvious they understood what was being said as I could understand them.

We had a number of interesting discussions. Wherever I went I came to the conclusion that there was a very strong view that the Aborigines wanted this new system. In fact, the Aborigines were clamouring for it. They virtually had to be held back. I had to say to them, "Wait! Hold it!" This was a year ago. I had to say, "This has to go a long way. We have to convince a number of people. We have to satisfy public opinion in the Kimberley and in other parts of Australia. We have to satisfy the Government and Parliament. We have to pass the legislation. We have to make sure it is going to work."

I assure the Hon. Lyla Elliott there has been wide consultation with the Aboriginal groups in the Kimberley. Aboriginal groups elsewhere have not been consulted, because we have not attempted to extend our consultations outside the Kimberley which, as members know, is a vast area. It was a sufficiently wide area to canvass and in which to conduct our consultations. When I say "our consultations" I should point out I was involved in this matter at the end of it only. Approximately two years of full-time consultation

was carried out by Mr Syddall, assisted by Mr Capelle for a great deal of the time. In fact, Mr Capelle retired from that particular work in November last year only when it was obvious the matter was under way.

In addition to those consultations, numerous conferences have been held with the experts. Mr Syddall would visit Perth for discussions with the experts who are the people responsible in this area. I am referring now to the Department for Community Welfare, the Department of Aboriginal Affairs, the Crown Law Department, the police, and the Probation and Parole Office.

The Hon. Lyla Elliott: The Aboriginal Legal Service?

The Hon. I. G. MEDCALF: I understand a representative of the Aboriginal Legal Service has had discussions with Mr Syddall in the Kimberley. I have not had any discussions with them in Perth. I understand it is said they generally favour the scheme. I understand the Director of the Aboriginal Legal Service is particularly interested in it; but no direct discussions have been carried out with him in Perth. I understand Mr Syddall has had discussions with the representative in the Kimberley.

It is very important we should have the co-operation of the Aboriginal Legal Service, because if it disputed various points when the scheme was in its infancy it would be in a key position to make matters very difficult. It is clear the co-operation of the Aboriginal Legal Service is essential in order that this Bill should work.

The honourable member mentioned the Aboriginal Lands Trust. I do not believe direct consultation has been held with it. The trust is not concerned in this matter; but it has other responsibilities and this matter relates solely to the administration of the law. It does not affect land titles or anything of that nature.

The Hon. R. Thompson: Would it not have some say under clause 6?

The Hon. I. G. MEDCALF: What matter is the member referring to?

The Hon. R. Thompson: You say that any lands are excisable.

The Hon. I. G. MEDCALF: I ask the honourable member to leave that matter at the present time, because I shall come to it in a moment when I deal with community lands.

The Hon. Lyla Elliott suggested we were imposing on the Aborigines a western system. Nothing could be further from the truth. We are not imposing on the Aborigines a western system.

In fact, at the present time the ordinary law of the land applies throughout the length and breadth of Australia; that is, the law to which we all subscribe. It applies in the north as well as in the south. In fact we are not imposing anything. This law applies already.

We are adding a new law to the existing one, because there is no power in the Aboriginal communities to control the possession of liquor which is brought into their areas. The reason for this is rather simple. A court has held that a reserve is not a public place and, therefore, no offence is committed when people bring liquor into these areas, such as One Arm Point which we referred to earlier. Any quantity of alcohol may be brought in and consumed there and no offence is committed.

The experience of the Aboriginal people has been that, in most cases where the peace is disturbed, alcohol has been consumed by the troublemakers. They kept hammering at us, "Give us the power to control the drink." The Aborigines wanted to control the consumption of alcohol by their own people. Not all of them wanted to prohibit it, although I take note of the comments made by the Hon. J. C. Tozer. It may be some Aborigines will want to prohibit the consumption of alcohol; but generally they wanted the power to stop their own people making fools of themselves and wrecking the lives of themselves, their wives and children, and wrecking the community.

This is something new. The Aborigines asked for it. One can call it western law, if one likes; but it is more akin to tribal law, because it gives the Aborigines power to control alcohol in their own area. The Hon. Bob Hetherington has pointed out that, in a sense, this is discriminatory. It does not apply to other communities. In a sense, it is something which is quite different. We are making a special law for the Aborigines. That is quite true, and I take that point. Therefore, I cannot accept that we are imposing anything on the Aborigines. I believe we are giving them what they have asked for and, as is the case when any new course is adopted, it has problems. That is why it is classed as an experimental move. I do not believe we could class it as anything else at the moment. I hope it works and I hope it is experimental in the right direction.

As far as using the institutions and services presently available is concerned, I believe the Hon. J. C. Tozer answered adequately the points made; but I can repeat them easily. The institutions and services presently available to all Western Australian residents are, as was mentioned by the honourable member, the

institutions of justices of the peace, the police, the Probation and Parole Office, and the availability of our court facilities in the form of bench clerks, court records, and those sorts of matters.

As he also pointed out, it does not mean that we will establish a courthouse in the area. That is absolutely out. We do not propose to establish courthouses. That would really be imposing a kind of western system on them. We want them to run their courts wherever they want to in their areas. They can run them in a bough shed or under a tree if they like. We must have them properly running, and that is why we have to use bench clerks to note down the names of the persons, the offences, the fines, and so on.

The Hon. Lyla Elliott: Mr Tozer also referred to traditional tribal lore and indicated that this was very effective. He talked about the elders sending young men out and making them stand in a circle and so forth. This is what I was referring to and I was wondering whether this would be more acceptable to them than sending their people to prison under our system.

The Hon. I. G. MEDCALF: It depends. We have not prohibited them from doing that. Nothing in the Bill will stop them drawing a circle around them or imposing any other punishment. Indeed, in the course of the discussions, it became obvious to me that some of these punishments might well be used. For instance, there was talk of banishment and this kind of thing about which I was not personally keen, because I thought that form of punishment went out in the middle ages. However, I did hear that kind of talk and there is nothing in the Bill which refers to it. There is nothing in the Bill which makes that legitimate and I am sure the honourable member would not want us to make it legitimate; nor are we preventing any development which may occur in relation to the application of tribal lore. No-one has said, if there are any developments in tribal lore which can be decently and honestly incorporated, that cannot happen. We have not closed the door on it.

The honourable member referred to the work to be done by Mr Justice Kirby. I have spoken to him about this and he has asked permission for his Commissioner DeBelle—he will not do it himself but has a commissioner to do it—who is a legal practitioner from the Eastern States to visit Mr Syddall. He was in touch with me and I made arrangements for him to visit Mr Syddall in Broome. He said, "We are most interested in the experiment up there. It is something that we really want to know all about, and would you give us permission to have your papers—the reports and so on—and also permission to visit your Mr

Syddall and have discussions with him?" I said, "Certainly", and we have sent full reports—at this stage, of course, on a confidential basis—and have received grateful acknowledgement. We were happy to co-operate with them.

Unfortunately, Mr DeBelle was not able to visit Mr Syddall because of an airline strike, but he said he would be back and would take the first opportunity to do so.

Mr Syddall is available and has also given interviews. He has not been restrictive in any way with the Press. He has had the ABC up there. At my request he has acceded to an approach from the Northern Territory and has been up there to explain the position to them. He has addressed a number of groups on the proposals and there has been every co-operation in an effort to help other groups which may be interested.

In the same way, if other groups come up with something which is worth while, we hope to be able to incorporate it in the proposals we have. In other words, we have not closed the door on anything. We are opening the door. On an experimental basis, we are creating an opportunity for the Aboriginal people in the Kimberley area to try to do something to help themselves.

With regard to anthropologists, Mr Capelle is one and he has been a joint author of a number of reports we have received. Mr Syddall has also taken advice from anthropologists at the School of Anthropology at the university and we have taken every care and precaution to ensure that we are proceeding along the right lines. So far everyone has congratulated Mr Syddall and has hoped the experiment will succeed.

The honourable member mentioned a number of specific queries concerning some of the clauses and I think I can effectively answer them at this stage. She wanted to know why it was the Minister had to agree to the by-laws. At this stage the Minister must agree to the by-laws, because this is experimental and we must ensure that the experiment is kept on the rails. We cannot run risks and must watch the situation fairly closely at this stage. At some future time it is quite possible that adjustments may be made. I cannot foretell. However it was felt necessary at this stage that we must ensure the by-laws have the approval of the community generally, not just of the council. We cannot tell who may be on the council from time to time—and that is no reflection on them. The Minister's main interest will be to ensure that the by-laws have the approval of the council or the governing body of the community.

That brings me to the comments of Mr Hetherington about who the governing body might be. I would agree with the implication of his comments that the governing body might not necessarily be two, three, four, or five people on the council. I know the custom of the Aboriginal people is to discuss things with everyone—to talk to the whole community and the whole group and form a consensus of opinion. It is a rather remarkable thing that Aborigines seem to be able to do this. They all seem to end up thinking the same, as a result of a system of discussion. That is rather amazing, because there are very few groups in our community which can do that.

The Hon. R. Thompson: We cannot do it here in this Chamber.

The Hon. I. G. MEDCALF: That is right.

The Hon. R. Thompson: I agree with you entirely.

The Hon. I. G. MEDCALF: So this governing body concept is meant to extend to whoever it might be. It depends upon the rules of the local community. Members will notice that the communities must be incorporated. This would be done under our Associations Incorporation Act or under the Commonwealth legislation passed two or three years ago which also allows for incorporation. They must be incorporated. In fact, I am sure they are all incorporated now, because hundreds of groups are incorporated and a lot are Aboriginal groups. Many of the applications have come before me since I have been in this office and certificates of incorporation have been issued. They must be incorporated.

They have different rules which are mostly drawn up by the Department of Aboriginal Affairs, the Department for Community Welfare, or the Aboriginal Legal Service. They are fairly standard but allow for a fair degree of flexibility. The rules can be changed by the community, but only by the community. The rules depend on the governing body.

As far as we are concerned, under the Bill, irrespective of the rules, we make sure the community has agreed to the regulations it passes before the Minister is prepared to approve them and put them before Parliament where they can be debated. In other words in that respect they are treated like any other body. Parliament can debate their rules and can move to disallow them if it wants to. In other words, it is not such an unusual arrangement in that respect.

This brings me to the point made by Mr Withers who expressed the thought that there was racism in the Bill and that if so he hoped it would eventually wither—I am sorry about that—or die



on the vine, because if it was a racist Bill he wanted it to disappear.

We could not agree more on that. Quite frankly if we study the Bill and delete the word "Aboriginal" we find that the Bill could apply to almost any community. The word "Aboriginal" appears in three or four places but if they are deleted, the Bill could apply to any organisation. As Mr Hetherington said, the rules are practically the same as those at the university or in any local authority with regard to the entry of vehicles, the consumption of liquor on premises, and so on. There is nothing there which cannot be adapted.

The community can go any proper way it wants to, and the principle can be adopted in any other non-Aboriginal community, but we have started it off as an experiment to help the Aboriginal communities in the north. Clearly that is why it is called the Aboriginal Communities Bill. However, it could easily have general application.

With regard to the administration of the Bill, no Minister has been designated and this will not be done until the Bill is enacted by Parliament. This is the common way in which Bills are now prepared. They merely refer to "the Minister" and there is flexibility with regard to who the Minister may eventually be who will administer the legislation within his portfolio. I cannot say whether it will be the Attorney General or the Minister for Community Welfare. No decision has been made; it has not been discussed.

Miss Elliott referred to community lands in clause 6. Really there is no confusion in relation to the term in respect of the Aboriginal Affairs Planning Authority Act or the Land Act. The Land Act lays down that certain lands will be Aboriginal reserves, as the honourable member pointed out. The Aboriginal Affairs Planning Authority Act refers to land dedicated for Aboriginal purposes which comes under the control of the authority or the Aboriginal Lands Trust.

Those provisions will be unaffected under the Bill. They will continue. Lands can be dedicated under either of the Acts, irrespective of the passage of the Bill. The community lands referred to in the Bill may be lands which are owned by the Aboriginal Affairs Planning Authority, or lands in the name of the ALT, or lands in the name of some Aboriginal community or some other group. It does not really matter very much. They are the community lands which the community uses, and for the purposes of the Bill only we have prescribed the area. It is similar to how we might refer to an area around licensed premises with regard to which we say licences will

be issued for this area and will include, say, the car park, but this is on a much bigger scale. We include the community area which becomes the area under the control of the group for the purposes of enforcing its regulations.

The Hon. R. Thompson: It might be a station property funded by the Commonwealth Government.

The Hon. I. G. MEDCALF: That is right. It could be in the name of a particular group of Aborigines.

So, the "community lands" means the lands to which this proposed Act applies, and only this Act. Under the legislation persons will be prohibited from entering these community lands if the regulations are passed accordingly, and local people will then have the power to pass by-laws prohibiting people from coming onto the lands. The honourable member applauded that and it is in the Bill.

She referred to regulation 8 under the Aboriginal Affairs Planning Authority Act which gives the Minister certain powers. Regulation 8 is unaffected by the Bill which relates to the administration of that community area for the purposes of the legislation. It is not concerned with regulation 8 which refers to the power to grant a right of entry to persons under the hand of the Minister. That will still apply and the Bill does not affect it in any way.

The Hon. Lyla Elliott: So, if these people say they do not want certain persons coming onto their land the Minister can still overrule them by virtue of regulation 8 under the Aboriginal Affairs Planning Authority Act?

The Hon. I. G. MEDCALF: They would be prohibiting people who might be undesirable for the purposes of this legislation. I cannot visualise the Minister overruling that under the other Act and saying they are desirable for the purposes of this legislation. Therefore I cannot see any conflict. However, the point the honourable member makes is valid. The other regulations still apply under clause 13, as the honourable member realises.

The Hon. Lyla Elliott: I was talking about the application of the law.

The Hon. I. G. MEDCALF: Clause 13(2) gives the authority. That covers regulation 8. The honourable member also asked what would happen in relation to clause 13 if a policeman arrested somebody under a by-law and she said that clause seems to refer to all the other by-laws as well. She said the by-laws under this legislation and under the other Act might stipulate different penalties for the same offence.

The Hon. Lyla Elliott: Six months under this legislation and three months under the Police Act for disorderly conduct.

The Hon. I. G. MEDCALF: The other Act still applies. This is the case now with many offences. A particular offence might be covered under two or three different Acts—for instance, under the Police Act and the Road Traffic Act. The prosecution has the option of deciding which legislation it will use when the charge is laid. Frequently more than one Act can apply to a particular offence. Under this legislation the penalty is \$100 or three months' imprisonment; a different penalty applies under the other Act. A justice of the peace can hear the charge under the other Act if he is so empowered under that Act. In other words, the laws of the land will apply as well as this additional legislation. That matter is covered by clause 13.

Both Miss Elliott and Mr Hetherington asked why the Bill was being rushed through. It is not really being rushed through. It has been gestating for a long time and has received a great deal of consideration, but it is considered necessary that it be passed in this part of the session, because otherwise it will be another six months before these justices have any power to carry out the proposals contained in the Bill.

I would have no objection to the matter being debated later. I am acutely aware that problems exist. However, we cannot resolve everything at once, particularly in such a difficult area as this. Perhaps we will find provisions we wish to amend, but we need to get the legislation under way. We cannot leave it any longer. People were clamouring for it 12 months ago and it is necessary that we get the experiment going.

Members will not be deprived of the opportunity to discuss and debate aspects of the legislation if it is amended at a later stage, but it is important that we do not leave the Bill for another six months. If it is not passed in this part of the session it will be another six months before the legislation is promulgated. I have been in this place long enough to know how matters can slide all over the Notice Papers, and a long time can elapse before Bills are passed through both Houses.

It is very important to Mr Syddall that the legislation be brought in as soon as possible. Perhaps he feels he must keep faith with the communities. He wants to see the legislation operating. He believes the stage has been reached when it should be put into effect without delay in these two experimental communities. The Bill has yet to be proclaimed and regulations have to be

promulgated; so some time will be lost, anyway, in the normal course of events. Mr Syddall is very anxious that the legislation be passed as soon as possible and I agree with his point of view.

I regret more time is not available for members to give considered and honest thought to the provisions. However, the legislation has been bruited about in the Press in various ways for some time and it is not as though we have all been taken by surprise, although I admit the details of the Bill have not been before the House previously. The provisions have been very carefully thought out and tested in committees, and I believe it is necessary to have it operating as soon as possible.

I can assure Miss Elliott the legislation will not affect the culture of the Aborigines, about which she expressed some concern. I would say it will enhance their ability to maintain their culture, rather than derogate from it or spoil such culture as the Aboriginal people have and wish to preserve.

Mr Hetherington inquired about the position in regard to a particular community in the Northern Territory. I regret I do not have any information about it; I have not heard of it. I venture to suggest it must have fallen by the wayside somewhere. We have heard of proposed experiments in the Northern Territory and South Australia.

We heard a statement that the Northern Territory had a scheme going and the Government of that State had requested us to let it have Mr Syddall. Mr Syddall went up there, talked to people, explained the system he was proposing for Western Australia, and gave them copies of his proposals and his manual with a view to helping them. I can assure Mr Hetherington we are now well ahead of the Northern Territory in terms of the practical aspects of this experiment. There is no question that we are in the forefront of Australia in this work, and much attention has been given to it by law reform groups and others throughout Australia.

That is all very well. We are willing to help other States but that is not our principal interest. Our principal interest is to have a practical scheme to help the Aborigines help themselves. It is as simple as that, although it is not so easy when we face all the problems and prejudices which always arise with such experiments.

I think I have answered most of the queries which were raised. I thank members who gave their support to the Bill. I believe it is historic legislation and it is very worth while. We will have problems; there are always problems with

anything that is worth while. If it were a simple matter we probably would not regard it as much of a challenge. Grave problems exist in this area, as members know.

We must do our best to make the legislation work. I can assure members that aim will be in the forefront of the Government's thinking on the matter. As I have said, other areas have been clamouring for the scheme. We have had calls from the Pilbara and the Eastern Goldfields but we have had to resist them, because we must begin with a proposal which is under careful control.

I believe the legislation will have a significant effect on the happiness and peace of the Aboriginal communities, and I look upon it as being entirely non-racial, despite the comments Mr Withers made about it. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

#### *In Committee*

The Deputy Chairman of Committees (the Hon. R. J. L. Williams) in the Chair; the Hon. I. G. Medcalf (Attorney General) in charge of the Bill.

Clause 1: Short title—

The Hon. R. HETHERINGTON: I would like to say how much I appreciated the considered courtesy and detail of the Minister's reply. He has relieved many of my anxieties, and I certainly hope that when the Bill becomes law it will be as successful as he believes it will be and that we can all co-operate in ironing out any problems. The Minister's speech was one of the best replies to a second reading debate that I have heard in my short time in this place, and I want to put my appreciation on record.

Clause put and passed.

Clauses 2 to 6 put and passed.

Clause 7: By-laws—

The Hon. J. C. TOZER: I raised this matter in my second reading speech and it is not one that is contained in the Bill. Is there any reasonable explanation for the police aide being stationed at Lombadina rather than One Arm Point?

The Hon. I. G. MEDCALF: I do not know that I have a satisfactory answer, but that is not the reason I overlooked mentioning the matter. I believe the reason is probably best known to the police inspector at Broome.

I imagine it is due to some domestic reason, probably of a temporary or personal nature. It

may well be due to the fact that a police aide is available to be stationed at Lombadina, but not at the other place; or it may be due to housing. As the honourable member pointed out, one place is not far from the other and one may assume that from time to time the police aide may be stationed at the other location.

Clause put and passed.

Clauses 8 to 13 put and passed.

Title put and passed.

#### *Report*

Bill reported, without amendment, and the report adopted.

#### **ADDRESS-IN-REPLY: EIGHTH DAY**

##### *Amendment to Motion*

Debate resumed, from the 26th April, on the following motion by the Hon. N. F. Moore—

That the following address be presented to His Excellency—

May it please Your Excellency: We the Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled, beg to express our loyalty to our Most Gracious Sovereign and to thank Your Excellency for the Speech you have been pleased to deliver to Parliament.

*To which the Hon. Lyla Elliott had moved an amendment—*

That the following passages be added to the motion—

However, we wish to inform Your Excellency that in view of the dangers to mankind inherent in the development of the nuclear power industry we are strongly opposed to—

- (1) the mining of uranium in this State;
- (2) the disposal of radioactive wastes in this State;
- (3) the establishment of a nuclear power station in this State.

**THE HON. D. K. DANS** (South Metropolitan—Leader of the Opposition) [8.33 p.m.]: I support the amendment moved by Miss Elliott to the Address-in-Reply. I am not a great supporter of the Address-in-Reply in its present form. I know that the Leader of the House in replying to Miss Elliott's speech made the observation that he is one of those people who still believe in the Address-in-Reply.

The Hon. G. C. MacKinnon: I am losing my faith, of course.

The Hon. D. K. DANS: That is not to say I do not believe in a modified form of Address-in-Reply. However, what we must understand is that it is now 1979 and a great number of real problems are confronting not only this Parliament but all the Parliaments of Australia and, indeed, all the Parliaments of the western world.

If I have been informed correctly, the Address-in-Reply in the House of Commons was modified some years ago, and it now takes place over a period of four days. One can imagine that a business would not have a great deal of success if it used the same mode of operation that it used some 100 years ago; it would not have a great deal of success in trying to stay alive in the present business climate.

However, the Address-in-Reply remains and, no matter what I or the Minister thinks of it, it will remain with us until this Chamber determines to alter the Standing Orders. Inherent in those Standing Orders is the right of the Opposition, or of any member of the Chamber, to move amendments to any motion. Our Standing Orders clearly give that right to every member, and that right applies whether it be in respect of the motion moved in reply to the Governor's Speech or in respect of any other motion before the Chamber. Every member of this place has the right to move amendments, whether he be on the coalition side or on the Opposition side.

One of the things that disturb me is that the Leader of the House seemed to be saying not only when replying to Miss Elliott's speech, but also earlier in the debate, that Standing Orders are to assist and expedite the business of the Government. I will not quote from the Minister's speeches, although I have them here. I am sure it is merely a matter of interpretation. Let me remind the Leader of the House that the Standing Orders of this Chamber are laid down to assist in the debate that takes place here and they apply equally and without fear or favour to every member who sits in the Chamber. Standing Orders are not the prerogative of the Government. In fairness to the Leader of the House, it seemed to me that was the conclusion he was drawing.

Knowing of his defence of the Standing Orders—and we had an example of this recently—perhaps I drew the wrong conclusion; or perhaps in the heat of the moment the Leader of the House got carried away. I am mindful of the case he made out the other day in support of Standing Orders. However, I want to say that I defend the right of Miss Elliott or anybody else to move an amendment to any motion in this Chamber, as long as such amendment is in

accordance with the Standing Orders laid down for the conduct of business in the Legislative Council.

I say this in the first instance, because it seemed to me that the Leader of the House dwelt greatly on the fact that Miss Elliott should not have moved an amendment; he dwelt on that rather than replying to the debate.

The Hon. G. C. MacKinnon: I was making the point quite clearly that I thought she was prostituting the Address-in-Reply debate. I still believe so, but I still maintain she has the right to do so.

The PRESIDENT: Order! I would recommend that the honourable member speak to the terms of the amendment.

#### *Point of Order*

The Hon. LYLA ELLIOTT: On a point of order, Mr President, I would ask the Leader of the House to withdraw the term "prostituting the Address-in-Reply debate".

The PRESIDENT: There is no point of order.

The Hon. LYLA ELLIOTT: But, Mr President, I object to him using that term, and surely I am entitled to ask for its withdrawal.

The PRESIDENT: You are not entitled to ask that.

The Hon. LYLA ELLIOTT: It is recorded in *Hansard*; why am I not entitled to ask that it be withdrawn?

The PRESIDENT: Order! The honourable member knows, if she has studied Standing Orders, that there is no provision for her to ask for a withdrawal of the words used.

The Hon. Lyla Elliott: It is a disgraceful interjection, and the Minister had no right to make it.

The Hon. G. C. MacKinnon: It was a disorderly interjection.

#### *Debate (on amendment to motion) Resumed*

The Hon. D. K. DANS: Before I move on to the actual substance of the amendment, let me say that if one reads the speech of the Leader of the House one finds he touched on the amendment hardly at all. What I am trying to point out to the House is that the Leader of the House virtually said—and he has just confirmed it—"I will be the judge of what is right and proper." Let me emphasise that I think the interjection of the Leader of the House was very bad. Miss Elliott exercised a prerogative under the rules of debate of this House and moved an amendment, and in his reply the Leader of the

House hardly mentioned the amendment. In fact, I would go so far as to say that, were I a Minister of the Crown and I knew such a speech was being recorded in *Hansard* to be read all around Australia and possibly overseas, I would be most disturbed.

The Hon. G. C. MacKinnon: I think you are deliberately placing a bad interpretation upon it.

The Hon. D. K. DANS: Miss Elliott's amendment simply says that we wish to inform His Excellency that in view of the dangers to mankind inherent in the development of a nuclear power industry we are strongly opposed to the mining of uranium in this State, the disposal of radioactive wastes in this State, and the establishment of a nuclear power station in this State.

That is an issue which is confronting and exercising the minds of people not only in the State of Western Australia and not only of people in the conservative parties or the Labor Party, but also of people of all political persuasions all over Australia and all over the western world.

It seemed to me that the Leader of the House presupposed that power from uranium is somehow or other stuck on the wall in a strip behind the light switch. That was the impression I gained from listening to his speech and from reading it later; that strips of uranium are placed behind light switches and when the switch is activated somehow or other light is produced in a globe.

The Hon. G. C. MacKinnon: I think very few of the people who read my speech would be that silly.

The Hon. D. K. DANS: I was lucky to have gathered even that from the speech, because it did not really deal with the amendment at all.

The Hon. G. C. MacKinnon: You have been going for 20 minutes but have said nothing.

The Hon. D. K. DANS: When the amendment was moved we were talking about the generation of power from uranium, which is an energy source producing heat which in turn can produce steam to drive conventional generators which in turn produce electricity. The plea of the Leader of the House for the poorer countries of the world and those which are deficient in fossil fuels, demonstrates how wide of the mark he really was.

It stands to reason that I will quote the statement of the Victorian Premier (Mr Hamer) who said unequivocally that there will be no nuclear power station in Victoria. I do not know whether that has anything to do with the election which is coming up in that State. Then, a couple of weeks later, the Prime Minister (Mr Fraser)

went on record as saying there will be no nuclear power plants in Australia, with the possible exception of Western Australia which is somewhat deficient in fossil fuels.

The Leader of the House then went on to say that in ordinary power stations—and I use the term "ordinary" in the sense of power stations receiving their heat source from fossil fuels, either coal or oil—many accidents and boiler explosions, etc., have occurred.

I will not deny that throughout the history of the generation of electric power there have been accidents. Indeed, there have been accidents in a number of areas. However, we are dealing with something more sinister than a mere explosion. As I have told this House before, we are dealing with radioactivity. We are dealing with nuclear poisoning, which one cannot see, smell, feel, or hear. Indeed, a woman may not know that she has been affected by radiation until she produces a child.

I will not relate the horrible genetic effects, the mutations that have been observed throughout the length and breadth of the world where nuclear poisoning has been experienced. We do not know to what extent such poisoning is occurring.

Let me state clearly the Labor Party's attitude to the mining of uranium. We say, and we will continue to say, that we believe that inevitably atomic power will be used. It will be used at the time when it is considered to be completely safe. That is our position in relation to it.

The Hon. G. C. MacKinnon: You will not stick to that, of course, because the day will never come.

The Hon. D. K. DANS: I have faith in the ingenuity of man. I will not make a sweeping statement that that day will never come. I believe that if enough effort were put into the problem, we would find an answer very quickly. It will not be 100 per cent safe; but it will be much safer than it is today.

The Hon. O. N. B. Oliver: How do you find that out?

The Hon. N. F. Moore: How can you decide when something is completely safe?

The Hon. D. K. DANS: Nothing is ever completely safe; but when it is as safe as possible—

The Hon. G. C. MacKinnon: Now you are shifting ground.

The Hon. D. K. DANS: I am not shifting ground. I am not here to trade words in that regard. The Leader of the House should refer to

his speech. I refer to an article in *The Sunday Times* on the 29th April which read as follows—

Seven US nuclear reactors were ordered to shut down today because of safety deficiencies.

I will not read the whole of that article, but it continues—

In Los Angeles, California governor Mr Jerry Brown accused the nuclear energy industry of lying for 20 years and praised the move to shut down the seven reactors.

I do not think anyone would call the Governor of California a raving, left-wing reactionary. He is anything but that.

The Hon. G. C. MacKinnon: Who called him a raving, left-wing reactionary?

The Hon. D. K. DANKS: That is one of the points that the Leader of the House was trying to make before.

The Hon. G. C. MacKinnon: A load of rubbish!

The Hon. D. K. DANKS: Let us consider the accidents that have happened. I will quote first of all from the *Nation Review* of the 19th April. No matter how boring this is to some members, I will read it because members will see that Governor Brown was correct when he said that the people of America and of the world have been lied to. I have some of the German papers, but I will not go through them. There have been plenty of accidents. The article in the *Nation Review* reads as follows—

by Harvey Wasserman

Radioactive steam pouring out of the Three Mile Island nuclear power plant near Harrisburg, Penn., has driven home the ultimate question about atomic energy—can we afford to keep these plants operating?

There are now 70 active nuclear power plants in the US with 90 under construction, an overall average of more than three for every state in the union. Nearly every major American city is within 50 miles of at least one. Chicago is ringed with them, as is, to a lesser extent, New York City.

Do the risks of another Three Mile Island outweigh the staggering capital and energy costs of dismantling this mammoth nuclear programme?

This is one accident, and the papers in America were hysterical! Let us put that to rest. The article continues—

Consider the following:

IN 1957 a major accident occurred at the Windscale reactor in England. Massive radiation leakages forced the confiscation of cows and sheep for many square miles. Thousands of gallons of contaminated milk were dumped into the Irish Sea and abnormal radiation levels were recorded as far away as London, 300 miles distant.

IN 1966, the Fermi 1 reactor at Monroe, Michigan suffered a partial meltdown.

Now, members know that Governor Brown has made the statement that the American people have been lied to. The article continues—

The plant had been bitterly opposed by the UAW, which took its case all the way to the Supreme Court, but was otherwise a mystery to most residents of the state.

I presume those initials stand for the United Automobile Workers. The article continues—

On 5 October of that year, the plant experienced an emergency shutdown that forced its operators to consider the possibility of evacuating Detroit.

Members would know that Detroit is one of the biggest industrial cities in the United States of America. The article continues—

IN 1975, a major catastrophe occurred at the Browns Ferry, Ala., nuclear plant. The accident began when a workman, inspecting some wiring with a candle, ignited a \$US100 million fire that threatened a holocaust even worse than what happened in Pennsylvania.

The Hon. G. C. MacKinnon: Why would he be using a candle?

The Hon. R. Hetherington: Because he was stupid.

The Hon. D. K. DANKS: There are reasons for looking at wiring with candles. I will give the Leader of the House technical advice on that later on. The article continues—

LAST YEAR, another major accident occurred at the Duane Arnold reactor in Iowa. And there have been others—at the SL-1 reactor in Idaho where three men were killed; at two separate experimental reactors in Canada; and at a nuclear dump in the Soviet Union where indications are strong that an area of 70 square miles was obliterated.

We will never really know the facts of that. However, I can remember the Press recording that there had been an accident at a reactor in the USSR and that a great loss of life had taken place. We will never know for sure. The article continues—

NONE OF these accidents made headlines. In fact, I was an Editor of a daily newspaper and a UPI correspondent in Ann Arbor 40 miles from the Fermi plant when the 1966 accident occurred. But neither I nor anyone else I knew heard a word about it until seven years later, with the publication of John G. Fuller's *We Almost Lost Detroit*.

Through it all, the nuclear industry has repeatedly assured the public that the plants are safe. But for more than a decade, some of the world's leading doctors and scientists have been warning about the dangers of nuclear energy. Dr John Gofman, co-discoverer of uranium 233 isotope and a participant in the Manhattan project that developed the atomic bomb, predicted five years ago that normal operation of American nuclear reactors—even without a major accident—could cause some 30,000 additional deaths each year from cancer, leukemia and birth defects.

Dr Ernest Sternglass of the University of Pittsburgh has repeatedly published findings that residents of the area near the shipping port reactor close to Pittsburgh have suffered from abnormal cancer rates. Dr Thomas Mancuso, also of the University of Pittsburgh, has found that nuclear workers also suffer abnormal cancer rates.

And there have been others: Dr Rosalie Bertel, Dr Martha Drake, Dr Helen Caldicott, all with the same basic warning. And all receiving the same basic response—ridicule from the industry, loss of jobs, suppression of statistics.

Mancuso's study of Hanford for a federal agency was suppressed. Gofman was eased out of his job at Lawrence Livermore Laboratories.

I will not go through the whole of that article. However, there remains one overriding question: how many more Three Mile Islands will there have to be before the nuclear industry is safe?

We are not dealing with something that is funny. We are dealing with something that the rest of the world increasingly is taking seriously. We are dealing with something that the Premier of Victoria deems it most unwise in political terms and in health terms to consider. More recently,

the Prime Minister has assured the people of Australia, in the wake of Harrisburg, that there will not be any nuclear reactors in Australia.

Let us consider the Minister's statement about how cheap nuclear power will be. On the very day he was speaking, I was reading, in my office, a copy of *The Australian Financial Review* of the 26th April. The Minister said how selfish we would be if we did not allow people in other parts of the world to enjoy the benefits of the power which could be produced if we provided them with uranium oxides, or yellow cake, or whatever they needed to process. I will quote from the article I was reading, as follows—

The reactor accident in the U.S. has brought to a head the problems surrounding nuclear energy. Besides safety, future economic growth is involved. DAVID FISHLOCK, Science Editor of the *Financial Times*, reports on:

The world nuclear industry after Harrisburg

Let us consider what the Minister said about the fact that we are being so prudent. My party does not wish to mine uranium yet. We do not wish to mine it until a fair measure of safety is achieved. The mining of uranium will not be the bonanza that people think it will be.

The article in *The Australian Financial Review* continues—

EXACTLY one month before the nuclear accident on Three Mile Island in the Susquehanna River in Pennsylvania a Dutch oil industry executive called in by Royal Dutch Shell to sort out its own nuclear industry problems was telling a conference on energy economics in London: "It is a business no one in his right mind should enter."

The executive was not looking at the safety angles. He was considering the problem of the *quid pro quo*—how much does one put in and how much does one take out. Nuclear energy has proved to be the dearest source of energy in the world. The production of nuclear energy creates problems which would cost millions of dollars to solve. The article continues—

The nuclear industry, said Mr John Minzinga, executive vice-president of General Atomic, the Shell-Gulf joint venture, "is in serious trouble. "After a number of years during which it lost a great deal of money, it has entered an era of stagnation in demand which puts its past investment in jeopardy.

The suggestion is that the money that has been invested can never be recovered. The article continues—

"It suffers from burdensome government regulations, the zealous pursuit by righteous opponents and a capricious market in raw materials."

The last point—the capricious market in raw materials—is the one that will determine whether we ever mine and export uranium from this country.

There is another angle to consider. The company that has the most problems at the moment, Babcock and Wilcox, has been making boilers for a long time—probably since Stephenson built his first steam engine. The article continues—

Thus low economic growth and not the activity of opponents of nuclear power was the cause of the cancellations. Many coal-fired plants also were cancelled. But the industry also failed to anticipate a fast rising level of government involvement in its activities.

This had the effect not only of adding substantially to the unit cost of reactors, through increasing demands for extra layers of safety, often requiring expensive "backfitting" to reactors already operating or under construction.

What happened, of course, was that the people who went into the nuclear power field over-reacted to certain conditions that never eventuated.

The Hon. N. F. Moore: Can you give us some idea of the comparative capital costs of a nuclear power station?

The Hon. D. K. DANS: Yes. They are considerable. I am saying that at present authorities are cancelling orders for reactors because of the capital cost involved.

The Hon. N. F. Moore: I can quote you figures to show they are almost identical to coal.

The Hon. D. K. DANS: We have some of the latest figures. I have mislaid the paper I was going to quote.

In certain towns close to reactors in Germany the people have become prepared for almost any eventuality.

The Hon. G. C. MacKinnon: I would not bother. I do not think they are very convincing.

The Hon. D. K. DANS: The Leader of the House would not be convinced. If one reads his speech, one notices he hardly touched on the

problems we will encounter. The Leader of the House was too quick to reply: He did not research the situation.

The evidence from all over the world points to the fact that the world is backing away from nuclear power, because of its cost at present, and because of public reaction to it.

In Germany a pro-nuclear party was elected by a majority of one seat, which was the closest result in an election in Germany for many years. In the United States seven power plants have been ordered to close and yet we are still getting the tripe, if I may use that term, that somehow or other we must pay a penalty for having them.

Accidents have occurred in power plants fired by coal, and so we are asked what are the odds if a few of these nuclear power plants are established. If I could lay my hands on the appropriate material, I could recite the accidents which have occurred in other parts of the world. What the Governor of California has said is quite true. There have been many accidents in addition to the one at Harrisburg, and I have referred to some of them tonight.

The point I want to make is that if an explosion occurs in an engine room or a boiler room of a ship and X number of people are killed, that is the end of it.

The Hon. N. F. Moore: The accidents you referred to are well known.

The Hon. D. K. DANS: The Minister has said there was one at Harrisburg.

The Hon. G. C. MacKinnon: You are not supposed to be referring to me. You are supposed to be supporting the amendment moved by Miss Elliott.

The Hon. D. K. DANS: I am supporting the amendment inasmuch as the Leader of the House replied to Miss Elliott and therefore I am replying to his reply. Mr Moore has said that all the accidents are well known. I do not think they are. I have a whole file on the matter here. I ask him not to tempt me to use it. I am trying to be as merciful as I can.

The Hon. G. C. MacKinnon: You are all heart!

The Hon. D. K. DANS: Governor Brown made the comment that the American public had been hoodwinked for so long, because the Harrisburg plant was known to be faulty for some time before the accident, but the American people had not been told about it.

If reactors were so safe, why would Mr Hamer be so anxious to assure the people of Victoria that no atomic power plants would be built in Victoria? Of course, there is to be an election in



Victoria shortly. Also, why would the Prime Minister be so anxious to assure the people of Australia—I do not know how he can talk for Queensland—that there will be no nuclear power plants in any other parts of Australia but there may be in Western Australia?

The Hon. N. F. Moore: They have a lot of coal over there.

The Hon. D. K. DANS: We have a lot here too. Several members interjected.

The ACTING PRESIDENT (the Hon. R. J. L. Williams): Order! The Leader of the Opposition.

The Hon. D. K. DANS: Let me answer the comment with regard to Victoria having a lot of coal. There is a lot of coal in Australia and steaming coal could be shipped to Western Australia, as it was in the past, from either New South Wales or Queensland at a fairly cheap rate. We could use it to fire our power stations if we had to do so, but we have our coal deposits.

I have yet to see a nuclear power station in Western Australia; but let me return to the amendment.

The Hon. D. J. Wordsworth: What do you mean "you have yet to see a nuclear power station in Western Australia"?

The Hon. D. K. DANS: I do not think we will see one because of the terrific capital cost involved.

We oppose the mining of uranium simply because of the inherent dangers involved, despite the fact we are told that safeguards are to be instituted to ensure that the uranium we ship overseas will be used only for peaceful purposes. Let me remind the House once more that Canada which had the strictest controls in the world supplied the wherewithal to India, into which country we are pouring thousands of dollars to enable it to establish a nuclear power plant. What did the Indians do? Despite all the controls they managed to construct an atomic bomb.

There are 24 countries which have manufactured an atomic device—a bomb or a missile—or are in the process of completing one. This is despite all safeguards which we are supposed to have in this regard.

My view is that the amendment moved by Miss Elliott is a correct one. We are fully aware of the values of nuclear power and the development of radioactive isotopes in medicine, but at the same time I am convinced that the proper safeguards have not been put into operation. I hope the stance which our party is taking—and which is adopted by other people in Australia—will

prevail, and that until some reasonable safeguards which are pretty near foolproof are implemented that stance will be maintained.

There is no denying that all over the world people are stopping and thinking again on this subject. This is occurring in America where orders for nuclear reactors are being cancelled. The United Kingdom has not progressed to any degree with regard to nuclear power and it is a burning issue in West Germany and in other parts of the world. People in Japan are protesting about nuclear power plants. In fact, people are protesting about any form of nuclear energy because of the great danger involved.

The Leader of the House does not do this place any service by trying to equate an explosion in a coal-fired power station with a leak of radiation from an atomic power plant. There is no connection and there never could be. One involves a quick sharp bang and the dead are buried and the wounded are attended to, but that is the end of the matter. At this moment there is no guarantee that thousands of people have not been affected as a result of the accident at Harrisburg. There is no guarantee about what the future holds for us.

Before I conclude I wish to state that the amendment moved by Miss Elliott was neither a prostitution of the Standing Orders nor a frivolous move. It was a serious attempt to draw the attention of the people of Western Australia to the great dangers inherent in proceeding on this foolhardy course and to lay to rest once and for all the suggestion that nuclear power is a cheap source of energy. It is the dearest source in the world.

If one wants any further confirmation of such a statement one has only to realise that all the big corporations in the world are backing away from nuclear energy for the reasons I have already stated.

The Hon. N. F. Moore: You have not produced the figures I asked you to.

The Hon. D. K. DANS: I am making the speech. I do not have to produce anything. I am speaking through the Acting President (the Hon. R. J. L. Williams). If the honourable member wants some figures and comes to my office I will give them to him. He has plenty of time this evening to give us some figures. This is not a question and answer session, but if the honourable member encourages me I will use all the material I have here.

I am challenging Mr Moore to make a speech and to prove that in the year 1995 cheaper power will be available as a result of the installation of

an atomic power plant in Western Australia than the power already available from our existing fossil fuels. If he can do that he will be a marvel, but if he did so he would have to trifle with the truth. The situation is getting worse every day.

I support the amendment and hope that it will be carried. I hope that other members will rise to their feet and make a better contribution to the debate than the contribution made by the Leader of the House.

**THE HON. V. J. FERRY** (South-West) [9.10 p.m.]: I oppose the amendment which reads as follows—

However we wish to inform Your Excellency that in view of the dangers to mankind inherent in the development of the nuclear power industry we are strongly opposed to—

- (1) the mining of uranium in this State;
- (2) the disposal of radioactive wastes in this State;
- (3) the establishment of a nuclear power station in this State.

If Miss Elliott wanted to do a proper job she should have added further—

And we hereby surrender our right, title, and privilege in serving humanity.

The Opposition totally rejects nuclear power. It has no qualification, despite what Mr Dans has just said.

**The Hon. D. K. Dans**: I did not say what the Leader said; that is, that we will never find an answer.

**The Hon. V. J. FERRY**: Mr Dans has got up and said, "We will do this and that if and but", but what the Opposition members have said was not in accordance with the wording of the amendment and therefore they surrender their privilege and right in this House to serve humanity.

Many arguments exist for and against, and such arguments have been in progress in the world for a number of years and will continue to exist for a long time yet.

I was not impressed by the material Mr Dans produced, because he merely quoted from newspapers compiled by journalists. I am not doubting the credibility of the material but it seems to me that was a convenient and hasty way to gather material to quote tonight. The honourable member was not very convincing.

Many reasons exist for our supporting a nuclear power industry and I am referring to a nuclear power industry and not atomic bombs and that sort of thing.

**The Hon. R. Hetherington**: We know what you are talking about.

**The Hon. V. J. FERRY**: In Australia we pride ourselves in regard to achievements in so many fields of endeavour, and we cannot live in isolation from the world. Therefore we must keep up with people and keep abreast of what is occurring in all activities.

**The Hon. R. Hetherington**: We must keep up with the Joneses, must we?

**The Hon. V. J. FERRY**: This applies whether we are dealing with technology, marine development, or the nuclear power industry. We cannot stand still, but the Opposition, and supporters of the amendment before the House, totally reject nuclear power. They close their minds to the challenge before the whole world, and this is not good enough.

Life itself is dependent on power and energy. It is necessary for the standards of living we have developed so far.

**The Hon. R. Hetherington**: I hope you do not live to regret that statement.

**The Hon. V. J. FERRY**: Therefore, nuclear power has a part to play in the scheme of things in the world. Indeed, to maintain the standard of living in the world we need extra power. That is evidenced by the development of power stations in so many countries.

In Western Australia we need energy. Mr Dans referred to the situation in Victoria and he well knows, without my reminding him—but he should have stated it—that Victoria is well endowed with brown coal. It also has hydroelectric power resources at its disposal, as well as oil resources. Therefore, it is in a situation vastly different from that in Western Australia. I can understand the Premier of Victoria saying that so far as Victoria is concerned no nuclear power station will be developed. However, Western Australia is in a different position as is the case in so many other countries in the world.

Let us consider the development of nuclear physics and atomic energy. It has not been brought about by men who are hell-bent on destroying humanity; nor has it been brought about by men who have the capacity to perceive the benefit for mankind when they develop new projects.

The development of nuclear physics and atomic energy has been brought about simply by man's curiosity. It has been as a result of man's desire to understand something more of the world in which he lives.

It is man's interest in the exploration of science that has led him to this situation; the same kind of curiosity that has led him to explore during past centuries lands across uncharted oceans. It has lead man to develop the know-how and to discover other lands and other races of people, and to learn from them

That learning has been at great cost. Undoubtedly, many people have lost their lives in this sort of endeavour.

The ACTING PRESIDENT (the Hon. R. J. L. Williams): Order! The level of conversation in the Chamber is making it very difficult for the *Hansard* reporters to do their job accurately.

The Hon. V. J. FERRY: To those people who oppose the motion, and the opponents of nuclear energy as such, I say that some people in this world will be unable to attain a decent standard of living. Let those opponents be part of the cause of malnutrition, let them be proud of human suffering, and may they have merciful deaths later. Let them be selfish to their fellow men. They do not accept the challenge; they are opting out. They are not prepared to get on top of the new science. They are saying it is radiation, and that it is invisible death that one cannot see. I wonder whether if we were able to ask the millions of people who have been killed by speeding bullets or shrapnel and if they saw what was coming they would be able to answer "Yes". That argument does not impress me.

The experience gained from the mishap at Harrisburg will stand the world in good stead, as has been the case through the development of many new things. Whatever the type, we learn from mistakes and from malfunctions. Again, I refer to the motorcar. We have learnt as we have progressed, and so it will be the same arising from the mishap at Harrisburg. That mishap will do the world a great service.

The fact that a number of plants will be closed down because of the mishap at Harrisburg gladdens my heart, not for the sake of seeing them close down, but for the sake that a better way has been discovered of doing things. That is what it is all about.

As I understand from the readings that have been monitored in the very close proximity of the plant at Harrisburg, the level of radiation is so low that it is much less than if I flew to the United States and back. The type of radiation monitored at Harrisburg is about the same level as the natural radiation we absorb into our systems when we travel at a high altitude in an aircraft. Being somewhat of an old flyer—

The Hon. D. K. Dans: Not too old!

The Hon. V. J. FERRY: —perhaps I have received an excessive amount of radiation, but I am still here.

The Hon. D. K. Dans: Only just!

The Hon. V. J. FERRY: Talking about risk factors, it is probable that distributed throughout the world there is enough industrial cyanide and a sufficient quantity of arsenic, mercury and cadmium to kill everyone. However, there is no way that can happen, and that is the position with atomic energy.

The opponents say they do not wish to be a party to nuclear power plants; they want to preserve mankind and ensure a safe and healthy world for everyone. They do not want nuclear power stations, and they have no intention of supporting the nuclear power industry. Those people are closing their minds to reality and to the challenge to improve the world for mankind. They deny knowledge for the benefit of the people and for the improvement of the people.

There are risks in medical science. I refer to heart surgery, neurosurgery, and brain surgery. There are inherent risks and yet it is quite remarkable that mankind can achieve some miracles which appeared utterly impossible a few years ago. Brain surgery is a delicate operation and risks are taken but, in the main, it has been mastered.

Progress has been made but not because people have backed off and have been afraid. So it is with the nuclear industry. Backing away will not overcome it. The world has nuclear energy. We must understand it and learn to use it for the benefit of the people.

Mr Dans mentioned the International Atomic Energy Authority.

The Hon. D. K. Dans: I did not.

The Hon. V. J. FERRY: He mentioned controls and authorities charged with the responsibility to ensure the safety of these materials. It is through this co-operation that an improved climate is being effected.

We do have other means of producing power at the present time from coal, gas, hydro, and solar generation. But so far as Western Australia is concerned, from the extensive studies I have undertaken there is no way we can make up the shortfall in the next century. Therefore, it is imperative we look at the possibility of developing a nuclear power station in Western Australia. Whether it can be built is not for me to say, because I am not a judge. The point is it has to be, and we would do a disservice to our fellow Western Australians if we did not start now to

look into the matter. If nuclear power is the only way to supply adequate energy, it must happen. To say, "No", would take us to the situation where we could be desperate for power in this State. We will be failing and not helping our own people.

On the 9th April last a seminar was conducted at WAIT. It was a public seminar and invitations were sent to many people. I was absolutely amazed at the small number of people who attended. In fact, only nine members of Parliament attended, and I do not recall seeing any member of the Australian Labor Party. I saw the Hon. Ron Thompson, who is an Independent member. However, it surprised me that people who are so concerned about the nuclear power industry did not take the opportunity to attend that worthy forum to learn more about the industry itself. I was very disappointed in that respect. So, there are means of finding out a little more about nuclear problems, and the best way to do it is to hear what learned people have to say and to have an opportunity to ask questions of them.

The Hon. Lyla Elliott: Why did they not have both sides?

The Hon. V. J. FERRY: The Hon. Lyla Elliott had an opportunity to go along and present her point of view, but to my knowledge she did not even attend. So, I do not think the honourable member can buy into this.

The nuclear power industry has had something like 30 years' experience; it is not something which is new. I have some statistics which normally I hesitate to use but in furthering my presentation it will be necessary for me to use some of them. As at the 31st May, 1977, a number of nuclear power plants were in operation in various countries throughout the world.

The Hon. D. K. Dans: There are 90 in America.

The Hon. V. J. FERRY: I am talking about 1977.

The Hon. D. K. Dans: That was the figure about that time. You would have heard me say there were three to every major US city.

The Hon. V. J. FERRY: The total number of countries which have nuclear power plants operating, or nuclear power plants planned, is 46 at the present time.

The Hon. D. K. Dans: When did you get these figures out? I have all this information provided by Mr Dunstan as a result of his overseas trip.

The Hon. V. J. FERRY: I have taken my figures from the Australian Atomic Energy Commission report of September, 1978. From the

46 countries I have taken the following at random. Argentina has one plant operating, and five planned; Bangladesh is planning one; Bulgaria has two in operation and is planning four; Canada has six in operation, and is planning 26; Cuba is planning two; Czechoslovakia has one in operation and is planning 18; France has 10 in operation and is planning 53; East Germany has three in operation and is planning nine; West Germany has 10 in operation and is planning 46; India has three in operation and is planning 12; Israel is planning two; Japan has 13 in operation and is planning 88; Nigeria is planning two; Pakistan has one in operation and is planning two; the Philippines is planning 10; Poland is planning four; Spain has three in operation and is planning 39; the United Kingdom has 33 in operation and is planning 46; the USA has 62 in operation, and is planning 232; the USSR has 19 in operation and is planning 52; Yugoslavia is planning three; and Switzerland has three in operation and is planning 11.

The Hon. D. K. Dans: Did you not say there were only 46?

The Hon. V. J. FERRY: I said 46 countries were involved. Mr Claughton quoted a statement attributed to Denis Hayes. He said that nuclear fission now appears unlikely ever to contribute a large fraction of the world's budget. It may not contribute a large fraction of the world's budget as such, but certainly in some countries it does contribute very much indeed. I can refer to Switzerland where 18 per cent of the country's energy is derived from nuclear power stations, and that country is normally neutral. France derives 10 per cent of its energy from nuclear reactors. In West Germany, the figure is 15 per cent. In Japan, it is 8 per cent; United Kingdom, 10 per cent; and the USA, 8 per cent.

So, whereas it may be true that in the world scene compared with other fuel sources such as coal, oil, hydroelectricity, and whatever, nuclear power may not in the future reach a high percentage, to certain countries it is vital. It is a notable fact that some places are blessed with hydroelectric facilities.

Norway produces 99 per cent of its power from water, New Zealand 82 per cent, Sweden 75 per cent, and Canada 72 per cent. So these are very lucky countries, but others are not so lucky. That is why Australia and other countries are looking to nuclear power to produce energy for their people.

It is worthy of note that Japan, where two atomic bombs were dropped during World War II, has gone in so heavily for nuclear power

plants. One would have thought Japan would be the last country to accept the nuclear power industry. Yet, according to my information, 13 nuclear plants are in operation in Japan, and 88 are planned. I want to get in one point first before someone takes me up on it, and it is quite valid if someone does. Since these figures were published, I know that some countries have cancelled some of their plants or have changed course a little.

The Hon. D. K. Dans: That is the point I am making.

The Hon. V. J. FERRY: However, other countries have planned additional nuclear power stations, and it probably evens out to about the same.

The Hon. D. K. Dans: That is what I was saying. If we had not rushed in we would have been much further advanced now. Because we charged ahead without proper plans, we have been put back 20 years. Just look at Harrisburg.

The Hon. V. J. FERRY: I said before I believe the incident at Harrisburg has done a tremendous service. This is an emotive issue. I am sure Mr Dans knows that it is impossible for a nuclear power plant to explode as an atom bomb can explode. Certainly radiation can be emitted from a plant in certain circumstances, but it cannot explode.

The Hon. D. K. Dans: I never said that it could.

The Hon. V. J. FERRY: I did not say the Leader of the Opposition said that. Naturally some people think that a nuclear power plant is like an atom bomb, and this is the reason there is so much emotive debate in the world today. Of course, there is no such similarity. Radiation does have dangers, but in many ways we have learned to harness it. The dangers of X-rays have been restricted.

The Hon. D. K. Dans: If you take iodine tablets you can stop it getting at your throat.

The Hon. V. J. FERRY: I do not wish to go on at length about it, but I would just like to point out that we are talking about people being killed. In Australia in 1976, road accidents resulted in 3 583 persons killed and 87 808 persons injured; that is, over 91 000 persons killed or injured in Australia in one year as a result of motor vehicle accidents. The greatest scourge in the world today is the wheel. The wheel and machines kill a great many people.

The Hon. D. W. Cooley: And the nut behind the wheel.

The Hon. D. K. Dans: The only difference is that road accident victims are killed or injured

there and then. This other thing is a very slow process.

The Hon. V. J. FERRY: We must learn from what is happening in the rest of the world. If we do not join the world league in harnessing nuclear power we will do this country and mankind a disservice. Australia will become a fifth-grade nation, and that is not for us. Australians are not built that way. In many ways this is a harsh land and yet we have learned to master it. We can learn to master nuclear energy in time, in company with world scientists.

THE HON. R. THOMPSON (South Metropolitan) [9.34 p.m.]: I intend to support the amendment moved by the Hon. Lyla Elliott although I am somewhat critical of it. We cannot be completely selfish in regard to the needs of the rest of the world.

Although I was not here when the amendment was moved, I read very carefully the speeches made. As other countries of the world need uranium, I cannot argue against the mining of uranium in Western Australia, or in Australia for that matter, provided that agreements meet with the non-proliferation concept. India has been mentioned during the debate, and certainly India needs an additional source of fuel.

The Hon. D. K. Dans: It made a bomb out of the waste.

The Hon. R. THOMPSON: I am opposed totally to the building of nuclear power plants in Western Australia and to the storage of nuclear waste in Western Australia. We have the potential for the greatest power in Australia, if not in the world, but the Government hedges about on the issue and will not look at hydroelectric power. They should install a hydroelectric scheme at Walcott Inlet. Adjacent to this area, in the Kimberley, hopefully natural gas will be coming ashore within a few years, and our energy needs as far as fossil fuel is concerned can be satisfied with the 40 years' known supply of coal in the Collie basin. Our energies should be directed towards hydroelectric power.

Most members of this Chamber have visited the north-west and so they will have seen hundreds of sites where hydroelectric tidal schemes could be established. Some years ago, accompanied by the Hon. Jerry Dolan—a former member of this House—I inspected the Snowy Mountains scheme. We spoke at length to Sir William Hudson, the chief engineer, and virtually the father of that scheme. He was very interested in our north-west, and later he visited Walcott Inlet. From memory his summary was to the effect that if this area were developed, two tides only would

supply the electricity needs of Australia for seven days. So we have the potential not only to provide Western Australia with electric power but also the rest of Australia if it could be transmitted across the continent.

We should be looking at such schemes. Western Australia is not suited to nuclear power plants, nor is it desirable that we have them here.

Together with Mr Tom McNeil, Mr Gayfer, and Mr Moore, I attended the seminar that Mr Ferry referred to. It was sad that we did not see any members of the Labor Party from the Legislative Council there. Although the seminar was informative, I did not agree with all the comments made. I have in front of me the list of speakers, and against one of these names I wrote down, "a dead loss".

The Hon. N. F. Moore: Who was that?

The Hon. G. C. MacKinnon: Don't upset him.

The Hon. R. THOMPSON: It was the fourth speaker. He spoke just before Mr Moore arrived.

The Hon. R. Hetherington: You were lucky.

The Hon. R. THOMPSON: I do not intend to dwell on what was said at the seminar, although I believe it was well worth attending. Possibly the best speech was that made by our Premier, although he contradicted his own words the next day. He said that the public of Western Australia should be informed; the people should be told of the hazards and everything else concerning nuclear power. However, the next night in the Press we find the Premier saying that irrespective of public opinion, he will still build a nuclear power plant. The Premier says one thing one day but then something else the next day, and he expects the public to swallow everything. I would have applauded his speech at the seminar, but he contradicted it the next day when he said that Western Australia is to have nuclear power.

The Hon. G. C. MacKinnon: The public are informed; they are on his side.

The Hon. R. THOMPSON: Dr Symonds was the main scientific speaker and I asked him the cost of a nuclear power plant. His reply was that based on completion figures for 1986 a nuclear power plant would cost \$1 100 per kilowatt to construct, and that it would cost \$1 000 per kilowatt to construct a fossil fuel station. Incidentally, that was the only time kilowatts were mentioned by the scientists and engineers who made the speeches.

My main concern is about the life of a nuclear power station. In reply to my question on this matter I was told that it is approximately 30 years—the same as our conventional power houses. It is interesting to see in the material

supplied that the various scientists and engineers are unanimous on this particular point: When a nuclear power plant has outlived its usefulness, it will take from 50 to 150 years before it can be safely dismantled.

I have here every publication put out by the Atomic Energy Commission, and any member who wishes to read any of the publications may do so. It appears that the Atomic Energy Commission regards this as the real danger. Let us say that a plant takes 10 years to construct; that means in 40 years' time it will have outlived its usefulness. So in about 2020 or 2030 we will have a monstrosity that could be a danger to future generations and one that cannot be touched for at least 50 years and possibly as long as 150 years. It is not right to foist such a hazard on the generations to come.

Other countries do not have the resources that Australia has, and in some that do have resources they are so far inland that they are quite uneconomic. In such cases nuclear power must be the answer. However, such a decision is for the country concerned. If a country decides to go nuclear, it must also accept the waste. We do not want it in Australia.

I ask the Government to direct its attention to hydroelectric power which will service Western Australia and possibly Australia for a longer period than nuclear power would. Perhaps we could have a never-ending source of supply generated from our north-west.

The Hon. G. W. Berry: You mean tidal power.

The Hon. R. THOMPSON: It is still hydroelectric power.

The Hon. G. W. Berry: But it is distinct from what is termed hydroelectric power.

The Hon. R. THOMPSON: I doubt there is another place in the world which lends itself so readily to tidal power. Any other country would have had it developed and operating years ago but, of course, we are looking for something cheap and easy. It cannot be said that nuclear power is the cheap and easy way out, because it brings with it many associated hazards. If a tidal scheme were put into operation, the generator probably would not need replacing for at least 50 years; it is virtually everlasting, and can work on the reverse cycle.

The Hon. D. J. Wordsworth: The difficulty is to transmit the power several thousand miles.

The Hon. R. THOMPSON: That is very true. However, in that transmission, it would have to pass through many areas where development could take place. If the Government is conscious

of the fuel saving tidal power would bring to the iron ore industry and the industries which could be developed—possibly a steel industry could be established in the Pilbara—it would utilise this source of power.

Of course, the initial cost of establishing such a system would be enormous, but initial costs usually are high. The cost of getting the North-West Shelf gas ashore will be tremendous, and it will not last forever. However, a tidal power station at Walcott Inlet would last virtually forever.

The Hon. J. C. Tozer: Have you examined the economics of it?

The Hon. R. THOMPSON: I have been guided by what Sir William Hudson had to say on the matter. He recommended it and I would not refute his word. However, he said it would be costly.

The Hon. J. C. Tozer: Did you hear the figures given in answer to questions last session?

The Hon. R. THOMPSON: No; if I did, I have forgotten them. But consider the cost to mankind should an accident occur in a nuclear power station. Can the cost of a clean tidal power station compare with the cost to humanity in terms of mutations, cancer, and leukaemia which could result from an accident at a nuclear power plant?

I intend to support the amendment for what it means, apart from the first part. I still believe we should supply yellow cake to all those countries which wish to buy it, provided they take the rubbish, and keep the rubbish. I am totally opposed to nuclear plants being constructed in Western Australia.

**THE HON. F. E. MCKENZIE** (East Metropolitan) [9.48 p.m.]: I too support the amendment moved by the Hon. Lyla Elliott. I suppose, depending on what type of literature one reads, one forms different points of view on this issue, because some of the figures which have been quoted in this place in respect of the cost of establishing a nuclear power station, and what is going on in other parts of the world, can be read quite differently; it all depends on the publication one reads.

I borrowed a book from the Parliamentary Library only a few days ago titled *Perils of the Peaceful Atom* and subtitled *The Myth of Safe Nuclear Power Plants*. If a person read that book there would be no question in his mind as to the dangers associated with the use of nuclear energy, particularly with the problem of disposing of the wastes emanating from the various plants around the world. That problem has not been answered in this debate by people opposing the amendment;

no-one has come up with the answer of how to safely dispose of nuclear waste. Members cannot come up with the answer to this problem, because no answer yet exists, and it is on that fact that the Australian Labor Party bases its policy of opposition to uranium mining.

The Hon. D. J. Wordsworth: Yet they have been installed fairly safely in England.

The Hon. F. E. MCKENZIE: That is not correct. In fact, the nuclear power station at Windscale in the United Kingdom is mentioned in the book to which I have just referred. Perhaps Mr Wordsworth may care to read it after I have returned it to the library.

The Hon. D. J. Wordsworth: Delighted.

The Hon. F. E. MCKENZIE: I wish to refer particularly to the capital costs associated with the construction of nuclear power plants throughout the world. In 1967, the United States Atomic Energy Commission projected that the capital cost of constructing a nuclear power station to commence operation in 1973 was of the order of \$134 per kilowatt. In fact, the actual cost of constructing such a station—depending on location—varied from an additional 50 per cent to 280 per cent of the original estimate.

So, figures which are quoted now might be entirely different in 1985 or 1990, or whenever the proposed plant in Western Australia is expected to be commissioned. In 1974, the US Atomic Energy Commission said it would cost \$700 per kilowatt to construct a plant commencing operation in the early 1980s. This estimate was later revised to \$1 000 per kilowatt.

Since 1964, the construction costs of nuclear power stations have increased by more than 10 times the Consumer Price Index. In addition, the commercial price for these plants, on prices quoted in 1978, were based on \$1 600 per kilowatt. So, as I said earlier, it depends on where one gets one's information from and how one uses it. The figures I quoted in respect of the US Atomic Energy Commission are facts, and cannot be disputed. That percentage escalation, in fact, did occur.

The construction time of these plants was some 70 per cent longer than estimated. No doubt this accounts for some of the increased cost. So, capital costs have increased dramatically and show every indication of continuing that upward movement.

Another factor associated with nuclear power plants is that the reactors are idle nearly as often as they produce electric power. Safety deficiencies have been discovered which sometimes lead to restrictions on plant operations, to shutdowns for

emergency inspections, and to new safety regulations.

Other problems have been referred to in the authoritative magazine, *Nucleonics Week*. In fact, the US Committee on Government Operations quoted that magazine as saying of the future of the nuclear industry in the United States—

In the opinion of many the giant U.S. nuclear industry is slowly, very slowly, bleeding to death.

The British nuclear industry has received no orders for plants since 1973. I quote from *The Australian Financial Review* of Thursday, the 4th January, 1979 as follows—

In the United Kingdom not a solitary nuclear plant has been ordered since 1973 despite plans to install an additional 35 000 MW capacity by 1980.

Mr Ferry referred to the various plans which were documented; of course, anyone can have a plan. In fact, the United Kingdom planned to install an additional 35 000 megawatts capacity by 1980 yet has received no orders since 1973.

This situation is not confined only to the United Kingdom. In West Germany, the nuclear power industry is at a standstill due to local opposition. No doubt, members have read regular accounts of this opposition in the newspapers. In fact, an election recently was held in one of the districts of West Germany at which the people supporting nuclear power were returned by the narrow majority of one seat. Despite their return to government, the nuclear power industry in West Germany remains at a standstill.

In Sweden, the Social Democrat Government lost office when its Conservative Opposition embraced an anti-nuclear policy. I know Mr Oliver will not dispute this; I am aware that my colleague in East Metropolitan Province intends to produce additional documentation which will show that to be a fact.

In Austria, a national referendum aimed at preventing the start of a \$500 million nuclear plant at Swentendorf, the nation's first, was successful even though the blocking proposal was fought by the Prime Minister as an issue of confidence. So, even where a referendum was conducted, the people have been turning away from nuclear power.

In 1967, seven out of seven places in the United States which held referendums in respect of nuclear power adopted nuclear power as an alternative. However, since that time, some of the areas, including California, Iowa, and Wisconsin

have rejected this alternative and have prohibited further reactor construction until the waste issue is resolved.

In Italy, nuclear development is at a standstill and, before Iran was racked by its riots, the nuclear programme in that country had been virtually aborted.

I turn now to this Government's proposal to construct a 1 000 megawatt capacity station somewhere within Western Australia. Ledge Point often is mentioned as the likely site, but the Premier denies it is being considered. In January, 1973, a similar station in the United States cost \$400 million to construct. Electricity commissions throughout the world now estimate the cost at between \$1 500 million and \$2 000 million for these reactors. Prices are expected to rise to \$3 billion by 1985 and \$4 billion by 1990. These estimates do not take into account any reduction in the value of the dollar in the next 25 years. So, I believe the amounts currently being quoted by the State Government in respect of the construction of a nuclear power station to commence operation in the early 1990s are well below what it will actually cost to construct such a plant.

The recent accident at the Three Mile Island plant at Harrisburg indicates that the nuclear power industry has taken a backward step; certainly, the ramifications of that disaster will be felt for many a long day. One of the points highlighted by the disaster was the lack of knowledge of people who were in control of the United States nuclear energy industry. They were not sure of what to do and were not certain whether people should be evacuated or should remain in the area. Some very interesting facts have come out of that disaster relating to the radiation fallout in the area.

Furthermore, a senior executive of the General Electric Company—one of the United States' four reactor makers has said, "Not soon, but within 10 years the US nuclear industry is apt to contract dramatically and it may collapse altogether". According to this executive, as quoted in the US issue of *Business Week* at the end of last year, the existing nuclear power industry cannot survive.

In the United States, nuclear reactor orders have come from a high of 41 in 1973 to zero in 1978.

The Hon. D. J. Wordsworth: Do you think we might have missed our bus in respect of the exports of uranium?

The Hon. F. E. McKENZIE: Perhaps.

The Hon. D. J. Wordsworth: The ALP might be doing the railwaymen out of a job.



The Hon. F. E. McKENZIE: The Minister has not said the uranium would be carted by rail; I am waiting for the Government to say what will be used.

The Hon. D. J. Wordsworth: What do the railwaymen think about carting uranium?

The Hon. F. E. McKENZIE: They are opposed to uranium mining.

The Hon. D. J. Wordsworth: What do they think about carting yellow cake?

The Hon. F. E. McKENZIE: It is the policy of the Australian Railway Unions not to cart it.

The Hon. D. J. Wordsworth: That is not what they said to me.

The Hon. F. E. McKENZIE: I do not know who spoke to the Minister. I suggest he check again.

The Hon. D. J. Wordsworth: Perhaps they have had the heavy hand placed on them since.

The Hon. F. E. McKENZIE: The policy has been there for quite some time. The Minister will have problems not only with the railway unions but also with the road transport unions.

The Hon. N. F. Moore: Mr Leeson won't be too happy about that.

The Hon. F. E. McKENZIE: It may well be that the Government has missed the boat in respect of the export of uranium, and I do not see that as a bad thing.

The Hon. D. J. Wordsworth: The leave-it-in-the-ground policy.

The Hon. F. E. McKENZIE: That is the policy which ought to be adopted. Quite contrary to what Mr Thompson has said, I believe we ought to leave it in the ground at this time. If the Government finds a way of disposing of the wastes or preventing accidents such as that at Harrisburg, perhaps I could be persuaded to think like the Minister.

The Hon. G. E. Masters: A very selfish attitude.

The Hon. F. E. McKENZIE: We have spoken a lot about accidents. Nuclear advocates argue there are risks and casualties involved in every method of generating electricity. We have heard the Hon. Graham MacKinnon talk about the number of people killed in coalmines and the like. People such as he point to examples of miners killed in accidents.

The Hon. G. C. MacKinnon: Nuclear generation of electricity is the safest method of generation of power yet invented.

The Hon. R. F. Claughton: Rubbish!

The Hon. G. C. MacKinnon: That is factual.

The Hon. F. E. McKENZIE: The Leader of the House does not know that.

The Hon. G. C. MacKinnon: It is a statistical fact.

The Hon. F. E. McKENZIE: No-one yet knows what the outcome of the Harrisburg accident will be in the years to come. No-one can indicate what the genetic effects will be.

According to the best scientific estimates the worst possible reactor accidents could result in 3 300 immediate deaths; 25 000 immediate injuries; 45 000 later deaths; and 248 000 other injuries, including genetic effects.

The Hon. G. C. MacKinnon: When does this happen?

The Hon. F. E. McKENZIE: They are scientific estimates; they are not my figures.

The Hon. G. C. MacKinnon: If the South Pole melts it will bring the water level up and we will all drown.

The Hon. N. E. Baxter: What about some good news?

The Hon. R. F. Claughton: There is none.

The DEPUTY PRESIDENT: Order!

The Hon. G. C. MacKinnon: We are getting awfully sick of this accident.

The Hon. F. E. McKENZIE: The accident is an important thing to be considered.

The Hon. G. C. MacKinnon: It is the only one you know of.

The Hon. F. E. McKENZIE: Obviously the Leader of the House did not hear me earlier. The Leader of the House should go to the library and obtain a copy of the book titled *Perils of the Peaceful Atom: The Myth of Safe Nuclear Power Plants*. The book contains quotes of dozens of accidents around the world.

The Hon. G. C. MacKinnon: There have been more people killed by breathing in silica dust on the Golden Mile than there have been killed working in nuclear power stations.

The Hon. R. Hetherington: We know that.

The DEPUTY PRESIDENT: Order!

The Hon. F. E. McKENZIE: Have more people been killed on the Golden Mile than were killed when the atomic bomb was dropped on Japan?

The Hon. G. C. MacKinnon: That was not a nuclear power station.

The Hon. F. E. McKENZIE: True, but these are some of the side effects we will have to face up to—

The Hon. G. C. MacKinnon: Rubbish!

The Hon. F. E. McKENZIE: —as more countries develop atomic technology.

The Hon. G. C. MacKinnon: Mr Ferry pointed out that Japan is building more power stations than practically any other country in the world.

The Hon. F. E. McKENZIE: Why does the Leader of the House think that so many of the under-developed countries want to get hold of uranium? It is not because they want it for peaceful purposes.

The Hon. G. C. MacKinnon: What has that to do with providing them with uranium?

The Hon. F. E. McKENZIE: I refuse to be sidetracked by interjections. I have been told they are out of order and I will not be sidetracked.

On the question of safety factors, on the 23rd March a special Government committee established by President Carter announced after a year of study that finding a technically safe and politically acceptable method of storing radioactive waste for thousands of years now appeared considerably more difficult than was promised by official statements of the past decade. Members heard the Hon. Des Dans quote an article from *The Sunday Times* of a few weeks back, attributable to a statement made by Governor Gerry Brown of California, indicating the people had been told lies in respect of the nuclear power industry. I am sure the people will continue to be told lies by those promoting the nuclear industry because of the money which is tied up in the industry.

The Hon. N. F. Moore interjected.

The Hon. F. E. McKENZIE: They are cutting back on the programmes. The figures are there and there is plenty of evidence with respect to the United States in this regard. In the US, reactor orders have plummeted from 41 in 1973 to zero in 1978. Earlier I quoted the situation existing in the United Kingdom.

Initially, it may be cheaper than coal-fired generating plants, but what do we do after the life span of the plant? As the Hon. Ron Thompson asked, "What does it cost to dispose of the plant and to store the waste?"

I cannot understand the Government determining to build a nuclear generating plant in Western Australia. We have all the gas we need in the North-West Shelf, yet the Government is talking of exporting it to other countries when we should keep it here if there is such a shortage of fuel to generate power, as we have been told.

The Hon. D. J. Wordsworth: It is too expensive.

The Hon. F. E. McKENZIE: On the 23rd March the Nuclear Regulatory Commission, the agency responsible for ensuring the safe use of nuclear energy in the US, closed down five east coast power plants, because of the discovery of a possible deficiency in the ability of the plants to withstand earthquakes. Earthquakes can be quite horrific in the damage they incur, and we cannot say that anywhere is completely safe or that any power plant will be able to withstand completely the ravages of an earthquake.

I support the amendment, because I think the exercise of constructing a plant here is an expensive and needless waste. There are sufficient supplies of fuel available in Western Australia for a long time to come.

I am opposed to the mining of uranium, because I do not think it is fair we should be exporting problems from this country to other countries no matter how important requirements in respect of energy might be. I support the amendment moved by the Hon. Lyla Elliott.

**THE HON. R. HETHERINGTON** (East Metropolitan) [10.10 p.m.]: I rise to support the amendment moved by the Hon. Lyla Elliott. The other night as the Leader of the House finished his speech he referred to this amendment as being frivolous and suggested that if amendments like this were going to be moved we might get a curtailment of our privileges. It sounded to me like a threat. He suggested the Hon. Lyla Elliott was prostituting the Address-in-Reply by moving such an amendment.

I was quite surprised at that statement. I cannot see how anything we do under Standing Orders could be prostituting the Address-in-Reply. It would seem to me this is a very proper amendment to move just after the time of the Harrisburg disaster. Of course, we are hearing a lot about this accident, but that is because it has just happened—when we are in the middle of the Address-in-Reply.

I always understood that in Parliaments that followed the Westminster system the Address-in-Reply was the time when we could discuss general matters of public import and matters affecting one's electorate. Many members have one of their few opportunities to bring up matters of interest to their electorate and important matters that affect it. If we do not use the opportunities to bring down amendments like this when something like the Harrisburg accident happens, then we are not discussing important events as they happen.

It seems to me this is an entirely proper way of using the Address-in-Reply. I hope it will be accepted as such by the House and the

Government. Certainly I was surprised to hear the Leader of the House the other night making noises that suggested he thought it was the duty of the House to overcome opposition. He seemed to think the House was here as the Government's tool.

Sometimes since I have been here I have gathered that impression but I hope I will see evidence that is not the case before I am here much longer, although I am beginning to doubt it.

The Leader of the House also said a lot of sloppy thinking was indulged in and he accused members of doing sloppy reading. He suggested there had been exaggerations in the Press of all sorts of disasters, including nuclear explosion. I read Press cuttings we keep in the library and unless the Leader of the House has read a different Press from that I read he must have misread the reports. What was suggested was that there was danger of a leak, of a melt-down, and through the development of a large hydrogen bubble, the danger of an explosion, but not a nuclear explosion. If there had been an explosion at Harrisburg it would have resulted in the scattering of radioactive water. This would have been horrific.

This is what the Press said, and for once I see no evidence from reports I have read elsewhere that our local Press was unduly alarmist or inaccurate in its reports if they were read correctly.

Before I continue I want to put to rest something that has been going on in this House for some time, ever since I was the first to make some reference to the Social Democratic Government of Herr Palme being defeated on the question of nuclear power.

Miss Elliott made reference to this matter in her speech and she quoted from *The Australian Financial Review*. She said—

According to *The Australian Financial Review* of the 4th January this year, the United States is not the only country scaling down its nuclear power industry. The Japanese Atomic Energy Commission has cut back, the United Kingdom has not ordered a plant since 1973, despite earlier plans, and in West Germany progress has slowed down because of local opposition to every proposed site. In Sweden the Social Democrats were defeated by the Conservative Opposition, because they embraced an anti-nuclear policy.

Then the Hon. O. N. B. Oliver interjected and said—

I have already repeated myself on this subject. You are completely and utterly wrong.

The Hon. O. N. B. Oliver: What happened the next time, at the next election?

The Hon. R. HETHERINGTON: I will tell the whole story. The Leader of the House then followed and said in his usual inimitable and gallant way—

She often is.

At page 739 of *Hansard* the Hon. Lyla Elliott continued the discussion, and said—

Is the honourable member saying that the information in *The Australian Financial Review* of the 4th January this year is wrong?

The Hon. Neil Oliver then interjected—

I am telling you that three of your colleagues and now you are wrong. You have all said that the Government in Sweden was defeated, but it was not.

The Hon. Lyla Elliott went on—

The Social Democrats were defeated by the Conservatives, because the Conservatives embraced an anti-nuclear policy.

The Hon. Neil Oliver then asked—

How many times do you have to be told?

A little later Mr Oliver said that unfortunately he could not have a further opportunity to speak on the Address-in-Reply, but he could quote from *The London Economist*. Now, I presume that although he did not say what his concern was, it was what the Leader of the House quoted when he spoke about the fall of the Fälldin Government in Sweden. In reply to an interjection from the Hon. Lyla Elliott, the Leader of the House said—

It is no good Miss Elliott waving her finger at me and making lengthy interjections; the information she gave to the House simply was not right.

He later qualified that statement but he said then it simply was not right.

With your indulgence, Mr President, I would like to give the facts to the House so that we need not argue about it any further, and so that it can be written into the record. I want to quote *Keesing's Contemporary Archives*. Keesing is one of the accepted authorities for peddling factual information as I well know.

The Hon. O. N. B. Oliver: Obviously *Newsweek* is not.

The Hon. R. HETHERINGTON: If the honourable member will only be patient he might find that Miss Elliott was right and he, too, was half right. I will read the facts which may be of some interest to the honourable member. At page 28056, dated the 19th November, 1976, the following appears under the heading, "Sweden"—

General elections held in Sweden on Sept. 19 resulted in the defeat of the Social Democratic Party (SAP), which had been the ruling party, either alone or as senior coalition partner, since 1932 with only a short break in 1936 and had held office since the 1978 elections [see 26157 A] as a minority Government. Following the resignation of Hr Olof Palme as Prime Minister, a coalition Government of the three centre-right parties was formed on Oct. 8 under Hr Thorbjörn Fälldin, leader of the Centre Party.

The article continues later—

One of the dominant issues of the election campaign was the question of Sweden's future nuclear energy policy, on which the Social Democratic Government had taken major decisions since 1973, committing the country to a large-scale expansion of nuclear generating capacity.

I have had occasion in the past to point out that our fraternal social democrat parties throughout the world are in disagreement on this subject, as are many conservative parties. On this issue the Australian Labor Party is not in agreement with the Swedish Social Democrat Party or the British Labour Party. It is something which concerns me, but we cannot agree on everything. The quote continues—

Strongly rejecting the "nuclear alternative", the Centre Party led by Hr Fälldin demanded the dismantling of all nuclear installations by 1985 and in particular the immediate termination of operations at Barseback, on the southern coast opposite Denmark, where "Barseback II"—the sixth nuclear power station of 13 for which parliamentary approval had been given—was about to commence activation.

However, the opposition parties were divided on the nuclear issue in that, whereas the Liberal Party led by Hr Per Ahlmark expressed serious reservations about the Government's expansion programme, the Moderates under Hr Gösta Bohman gave it

general approval, having voted with the Social Democrats in support of the programme in an important division in the *Riksdag* in May 1975.

Later the report says—

According to press reports, the Government envisaged that a total of 24 nuclear power stations would be built by the end of the century, supplying two-thirds of total energy needs and making Sweden the world's largest per capita consumer of nuclear energy.

Later still the report continues—

Despite demonstrations in many parts of the country and opinion poll findings that a substantial majority of the population was opposed to the further expansion of nuclear capacity, the *Riksdag* on May 28, 1975, adopted the Government's programme by 192 votes to 98. In this division, the Social Democrats were supported by the Moderates, while the Centre Party and the Communist Left voted against and most of the Liberals abstained.

The report also states—

Commenting on the defeat of his party, Hr Palme said (on Sept. 20) that the nuclear energy issue had probably been the decisive factor in the elections, adding that the Social Democrats would continue to be the "driving force" in Swedish politics.

So, the Swedish Social Democrat Government was divided on the nuclear issue in an election.

The Hon. Lyla Elliott: As I said.

The Hon. O. N. B. Oliver: You are quoting from 1976?

The Hon. R. HETHERINGTON: Just be patient. I want to quote from a publication which is a report on world affairs between October and December, 1978. The editors are Francis Boyd, MA, and George Griffin, MA. It is published in London, and of Sweden it says—

On October 5 the three-party coalition government headed by Mr Thorbjörn Fälldin resigned, finally admitting that it could not agree on nuclear energy policy. It had come to power after the defeat of the Social Democrats in the 1976 election (see 1976/3), when Mr Fälldin's own Centre party campaigned on an anti-nuclear programme while the other coalition parties, the Moderates (conservatives) and Liberals, favoured the building of more nuclear power plants. After the resignation the Moderates

offered to join the Liberals in a new coalition, and Mr Falldin said he would not oppose this. But the Social Democrats indicated that they would much prefer, and would even support to some extent, a Liberal single-party government. The Liberal leader, Mr Ola Ullsten, took office on October 13 after a vote in the Riksdag in which only the 39 Liberals voted for him. The Conservatives and Communists cast 66 votes against him, but the 152 Social Democrats and the 86 Centre members abstained, and under Swedish rules this enabled him to form a government.

That shows the Swedish model is a bit different from the Westminster system. The article later states—

Mr Carl Tham, the party secretary, was appointed minister for co-ordination, with special responsibility in regard to nuclear policy. The first opinion polls published after the change of government showed that support for the Liberals was rising sharply, while the Social Democrats—who had been looking forward to regaining power in the September 1979 election after a few months of propping up a weak Liberal government—were losing support.

What has happened since then I do not know, but I do know in Sweden two governments have fallen on the nuclear issue; the Government of Falldin because it was against the development of nuclear power, and the Social Democrats because they were pro-nuclear. That proves there are considerable reservations throughout the world about the use of nuclear energy.

In this morning's *The West Australian* it was reported that Christian Democrat President Gerhard Stoltenberg was re-elected with a majority of only one vote in the elections in Schleswig-Holstein.

He was pro-nuclear, and that is a very slim majority in an election, the closest it has been. The people of Schleswig-Holstein were equally divided on this issue. In other words, this is a divisive issue because it does, in fact, concern the future of the world. As far as Western Australia is concerned I hope the Leader of the House did not mean what he said the other night when castigating the Opposition for our amendment. He said it was a very selfish amendment, because Western Australia was not endowed with coal in large quantities and, therefore, we should look to the future for our young people.

I presume that when he referred to the future he meant in the next 10 years, certainly not as far

as 1995, otherwise the Premier might be forced to chide him. Certainly, there were a number of inconsistencies in the honourable gentleman's speech. Whether or not we are completely selfish, or whether we have to grasp the nettle, face the future, or meet the challenge—or all the other clichés flourished around this House—depends on how we view the possibility of what might happen.

The people who talk about the development of nuclear power may be divided into two kinds depending on how one looks at it: The optimists and the realists, or the realists and the pessimists. It depends on how one sees the world, and how one views nuclear power. When I hear the arguments that I have heard in this House, that more lives have been lost in coalmines than have been lost in nuclear power stations—as though that proves a point—then it appears to me the people using those arguments have not looked at what the arguments really are about.

I was tempted to quote some figures which I read recently, but which I did not have time to note, to support the fact that more lives have been lost in coalmines than have ever been lost in nuclear power stations. We know that one of the reasons that more lives are lost in coalmines is that the only lives endangered have been those of the workers in the mines. If the owners of the mines somehow could have been involved, it is possible they may have taken greater precautions.

Many of the coalminers I have met have said that their main disputes with employers were on safety issues. I can remember some incidents which were blown up in the Press—in the main, by the anti-communist movement—at the end of the 1940s.

With nuclear power, if there is an accident not only are the workers at the power station in danger but everybody is in danger. That is why people are so careful. That is why so far we have not had a major catastrophe; and I hope we never do have one, because if we do have one none of us may live to regret it. That is the whole problem.

It is all very well to say, as Mr Ferry said, that we must face the future and meet the challenge in time. That is fine if we have time. I have said before we have not yet solved the problem of storing nuclear wastes. They are growing in ponds in England and throughout the rest of the world. They are being stored in salt and granite. They have a very long half-life and we do not know what they will do eventually.

In an interjection a while ago a member asked what would happen if the South Pole melted. That is a possibility, too. If some of the ice on the South Pole melts, the water level will rise. Perth

will vanish and possibly the areas where nuclear wastes are stored in dry salt will become inundated. We do not know whether or not the poles will melt. Some people think there is a very real danger of it, although the optimists opt for the earth's entry into an ice age, in which case the seas will shrink. It is a rough guess one way or the other. It is something on which I do not want to rely. I want to ensure we have solved the problem.

There is an easy and sure way to get rid of nuclear wastes. They can be vitrified, stacked in rockets, and shot into the sun where they will be useful. It will help that great atomic pile in the sky keep going for another two or three seconds. So, if we ever manage to build the rocketry to shoot all the nuclear waste to the sun, that will solve the problem.

The owners of the mines want to make profits. It seems to me we should be facing the challenge of nuclear wastes and hoping to solve the problem before it is too late, before we reach the critical stage.

Someone said in the House the other night that we are being irradiated all the time. That is true, and we will continue to be subject to radiation; but the implication was that a little more did not hurt. We are told radiation through X-ray has been controlled. I will shortly be going to my dentist again, and when he irradiates me with an X-ray machine he puts a little lead apron in front of me. I suppose I do not need that protection any longer, because fertility is not something I am interested in at present, but it worries many people. X-rays have maimed and killed, and we have learnt to control them.

However, if the radiation from nuclear waste rises beyond a certain level we will all be maimed and killed. That is what we are worried about. That is why many of us think now is not the time just to go on mindlessly mining uranium and putting it into nuclear power stations; that is why many of us think we should meet the challenge of energy by looking for alternative sources. After all, the people whom we will probably most need to help—those in the third world—may be the least capable of finding the capital, expertise, or anything else to build their own nuclear reactors. Many people think that is not the answer for them, anyway.

Perhaps, as Miss Elliott said when she was speaking to the motion, pyrolysis—the burning of rubbish without oxygen to create gas—might be the answer. Methane gas might be the answer. Various forms of solar power or, as Mr Thompson suggested, tidal power may be the answer. A whole range of options is open, and sooner or later

we will have to consider them, because as far as we know the amount of uranium on the earth is finite, so that at best nuclear power can be only a temporary thing. But it may be a very permanent thing if we continue to make nuclear reactors when we have not solved the problem of storing nuclear waste.

We might also put some research into fusion power with hydrogen. I am told fusion power has not the dangers of fission, unless it is used in a hydrogen bomb. But that is a different question. We are not talking about bombs; we are talking about the peaceful uses of energy.

For those reasons I am opposed to the mining of uranium, to the use of uranium in nuclear reactors, to the encouragement of nuclear reactors, and to the use of nuclear power for the generation of electricity. We all have our articles of faith and our moments of optimism, and I believe if we were prepared to face the problem squarely and to put the money and time into research we would solve the problem of energy by bypassing nuclear power; and I think it would be a good thing if we did.

I wish people would not argue that because people are killed in coalmines and no-one has been killed in a nuclear power station, that makes nuclear power safe. It is not even true to say no-one has been killed in a nuclear power station. A number of deaths has been admitted—it may be less than a score. There is no comparison in actual violent death. But that does not mean nuclear reactors are a safe method of producing power.

Let us consider some of the by-products of the use of coal. One of the things that happened in London with the use of coal was the smog which killed people who had respiratory troubles, until it was cleaned up and emission controls were imposed on the burning of coal. London was cleaned up, but too late, because many people had died.

I am not at all sanguine—and I do not think many members who sit opposite me can be sanguine, because all they can do is produce an article of faith—that when we find the level of radioactive pollution has risen to a dangerous level we can then clean it up; and I am not convinced that will not happen if we continue to multiply nuclear power stations indefinitely.

Quite apart from that, Harrisburg can mean one of two things. It can mean we have learnt the lesson, before it is too late, that that particular kind of water-cooled reactor is no good. I am not sure what lessons we have yet to learn about the gas-cooled reactors. Or perhaps we can take Harrisburg as the great catastrophe that did not

happen, be grateful it did not happen, and seek other sources of energy. I believe that is what we should do and I therefore support the amendment wholeheartedly.

Amendment put and division taken with the following result—

		Ayes 7	
Hon. D. W. Cooley		Hon. F. E. McKenzie	
Hon. D. K. Dans		Hon. R. Thompson	
Hon. Lyla Elliott		Hon. R. F. Claughton	
Hon. R. Hetherington			(Teller)
		Noes 16	
Hon. N. E. Baxter		Hon. N. F. Moore	
Hon. G. W. Berry		Hon. O. N. B. Oliver	
Hon. V. J. Ferry		Hon. W. M. Piesse	
Hon. H. W. Gayfer		Hon. R. G. Pike	
Hon. T. Knight		Hon. J. C. Tozer	
Hon. G. C. MacKinnon		Hon. R. J. L. Williams	
Hon. N. McNeill		Hon. D. J. Wordsworth	
Hon. I. G. Medcalf		Hon. G. E. Masters	
			(Teller)
		Pairs	
Ayes		Noes	
Hon. R. T. Leeson		Hon. A. A. Lewis	
Hon. Grace Vaughan		Hon. M. McAleer	
Hon. R. H. C. Stubbs		Hon. I. G. Pratt	

Amendment thus negatived.

#### *Debate (on motion) Resumed*

**THE HON. R. J. L. WILLIAMS** (Metropolitan) [10.38 p.m.]: I rise to support the motion, and let me say at the outset that I think the Governor delivered his Speech in his own inimitable way.

I would like to pay tribute to the ladies of members of the House who turned up that night in period costume, which added that extra something.

I would also like to add my congratulations to the Hon. Norman Moore on the way he delivered his speech and the content of it.

Further, may I say I have never been more delighted in all my life than I was on that particular night to hear anyone speak. It was the first sitting I had attended for some time, and at one stage I thought I would never again hear a speech in this House. Such was not to be the case and I am very grateful for it. I would also like to record my family's very sincere thanks and my humble thanks to this House and this Parliament for the kindness shown by all members on both sides during that little sojourn I had in the hospital.

Perhaps it did me a lot of good in many ways, because for the first time in 26 years I was hospitalised and, frankly, at one stage my chances were not very good. I look around the House now, and certain things strike me very forcibly. Of the members who were in this place when I entered it

in 1971, only nine are present now. I came in with six other new members, and that means only 15 of the 32 members in 1971 are still in the House. The others are not with us due to retirement, election casualties, etc.

When we consider that we have a turnover of almost 50 per cent in such a short time and in such a small outfit, I feel we do not do justice to ourselves.

I have heard many speeches in this House. Mr Dans in 1974 in the Address-in-Reply debate said, "I could have picked a dozen speeches from way back in the Address-in-Reply and delivered them from this seat, and none of you would have been any the wiser, because the Address-in-Reply is like that." I happen to agree with what he said, because I have listened to many excellent suggestions and ideas put forward in this House. I have heard the Hon. George Berry on each occasion he has spoken pleading on behalf of his constituents for the Government to do something about the water supply situation in Carnarvon. We can look around the House and list the hobbyhorse of each member, which is raised each year in the Address-in-Reply. This is an essential part of our procedure.

However, I wonder whether we as a body do ourselves justice. This is a body I have come to understand; in fact, I would be out of place in any other media now. Take me back to business or education, and I would be quite lost. I have great affection for the members of this place, despite the rapid changes, and I wonder whether we do ourselves any justice whatsoever as human beings.

We work in a Westminster parliamentary system under almost feudal conditions. The ridiculousness of the situation is such that at 10.50 p.m. I am on my feet making a speech in the Address-in-Reply, whereas I should be elsewhere and so should every other member. It is high time the Government decided to start Parliament at 10.00 a.m.

The Hon. D. J. Wordsworth: Don't say you should be home watching television, because the station has closed down!

The Hon. R. J. L. WILLIAMS: The ABC might have closed down, but there would be late-night movies on other channels. I would not be watching television; however, that is something I will develop later.

We should be starting in the morning and finishing at a reasonable time in the evening, because the one thing that is a potential killer for everyone in this House, even the best of us, is the stress under which we operate. We carry a great deal of strain and stress. It is no use Ministers of

either side saying, "When would we get to do our work?" When the work load is too heavy there is a maxim in business, "Tell someone about it and stop cheese paring. Consider human life as being worth a little more than money." Let us appoint more Ministers to do the work and reduce the work load of the individual Ministers of the Crown.

Some of the work Ministers do is absolutely shocking. They are called upon to do jobs which any clerical officer could do but which under our system it is essential that they do. Under our laws it is essential that Ministers sign documents. Ask any Minister what is his biggest bogey, and I bet he will say it is the files; and after he has finished with the files he has to proceed to do a normal day's work. Files are his biggest enemy.

In all sincerity I make the plea to the Government to arrange the sittings of the Parliament so that members may lead a normal life, so that we do not start our work at 7 o'clock or 8 o'clock in the morning and are still here at 6.30 a.m. the following day. Working like that is the downhill route for everybody, and we do not do justice to ourselves. I am afraid when sittings are extended for too long we do not do justice to our constituents.

It would be wrong of me tonight were I to miss the opportunity to pay tribute to the hospitals of this State. I will defend to the death the cardiac unit at Sir Charles Gairdner Hospital, because of the work I saw being done there. I hope no Minister—unless he comes up with a sensible alternative—ever tries to cut down the number of beds in that unit. It is short of beds. One of the favourite pastimes in the cardiac unit is shunting beds; the staff would make jolly good railway siding shunters.

The nurses move beds around faster than one can say, "Twinkle". I recall waking up one night—probably it was the first time I woke up after being admitted—and I thought I was in Parliament House. Sister Withers was looking at me and asking, "Are you alright?" I said, "Yes, I am fine. Where is your father?" Probably those were the first words I spoke for five or six days. She said, "We are going to move you." I said, "Shall I get out of bed?" She said, "For God's sake don't move; we will do it."

That was the first of about 10 moves which staff have to make of critically ill patients. Many of these moves will not be necessary when the new unit is completed at the Sir Charles Gairdner Hospital. However, the moves are needed now. Sometimes the unit has no beds available, and at other times it has plenty of beds, because the staff

cannot forecast when a person will be admitted with a coronary. I was most impressed with the attention and care given to all patients in that unit.

I know of no other business or industrial organisation which has 87 members and 85 staff who live and work in a stress atmosphere as we do. I wonder if anybody has considered this. We are lucky in that in the other place there are two qualified medical practitioners. If they became election casualties what would we do if somebody took ill in this place?

The Hon. G. C. MacKinnon: Who is the second doctor?

The Hon. R. J. L. WILLIAMS: There is Dr Dadour and Dr Troy.

The Hon. D. K. Dans: Fancy him giving you mouth-to-mouth!

The Hon. D. J. Wordsworth: It sounds as though you are both a little worried.

The Hon. R. F. Claughton: We could still get a lot of legal advice.

The Hon. R. J. L. WILLIAMS: The point I am making is that I was told that the most critical period when someone is taken ill is the first few minutes. It is true that perhaps within five or six minutes an ambulance could be here with a life pack on board. However, do not forget that I was present in this building when a presiding officer died here, despite the fact that there was a doctor right on the spot. That was a shocking thing. It is even more shocking when we realise that person stood no chance from the time he was taken through the door.

I wonder whether we should employ a qualified nursing sister to work within the precincts of this building.

The Hon. H. W. Gayfer: There is one sitting alongside you.

The R. J. L. WILLIAMS: I do not deny that, but we cannot pay her overtime, because it might constitute an office of profit under the Crown. What I am saying is that each and every one of us could contribute something in this respect. I wonder how many members have recently had a blood analysis taken to check on their cholesterol level; how many have had their blood pressure checked recently; or how many have had a check-up recently.

We are always going to get around to it; we always say we will go to the doctor the next day if he can fit us in; and when we do make an appointment we tend to ring up and tell the doctor that we cannot make it. We continually put it off. Yet with co-operation there is no reason



that we could not have available in this building a qualified nurse to tend members and staff. A qualified sister can take blood samples and blood pressure. She could take an ECG reading and pass it to one's general practitioner. Keeping a check on the medical history of members of Parliament could be a tremendous help to cardiac research.

I ask the House to give this matter consideration. If someone takes ill here, apart from Mrs Piesse we have nobody qualified to render first aid. It could be a case of extreme bleeding resulting from an accident. It is not a question of a member being bored to death; we are inured to that because we have had plenty of vaccinations against it. I have taken this a little further, and I find it would not cost much more than \$6 000 to establish a nursing station here, and to run the station we would need to meet the cost of employing nursing sisters. If we become sensible and run Parliament during sensible hours we would not have to pay for a night shift.

I make that plea to the Parliament, because I am very mindful of the fact that we get only one chance. I had my chance, and I was lucky. I want everybody else in this Parliament to be able to share that luck and to have somebody on the spot who knows what to do in those critical few minutes, which makes all the difference in the world.

I would like to move quickly on to a remark made about the care of the aged. I will deal with the question of building sunset villages, retreats, and whatever. I receive many appeals to assist with the construction of homes for the aged. I agree with the construction of homes for the infirm aged, or those who are unable to take care of themselves. However, I will make another plea to this House: stop it; stop it now; stop building these old people's ghettos! We are trying to be kind; we are trying to be nice; but we are herding a section of the community together so that they can share their reminiscences, and watch—what? As one resident told me, the most depressing sight in a big complex is a call from an undertaker at least once a week. There is never a chance for speaking or seeing as they wish.

If one goes to the Swan Cottage Homes when the Bentley High School turns out, one sees the people standing around in the gardens in the fond and certain hope that at least some of the children will say, "Hello" to them. To be old and to be lonely is to be forgotten!

We are trying to be humane, but I am convinced that what we are doing is wrong. It would cost a tremendous amount of money; but

we should build a service where the elderly people were visited by health visitors; where they could be looked after—

The Hon. W. M. Piesse: They are visited now.

The Hon. R. J. L. WILLIAMS: They are visited if they are sick.

The Hon. W. M. Piesse: They can be visited by their friends and their families.

The Hon. R. J. L. WILLIAMS: One person remarked to me, "My friends and family were dying around me, so they took me to a home." I am pleading for these people to be left in the community, where they would still be part and parcel of every-day life. We should leave them in the community as long as possible, even if it costs money for a nursing facility. We should not put people into homes and group them all together.

We object to high rise buildings because we say they create problems. I will tell members now that problems are created when one puts a group of people of an age together. That is what we are doing. I hope that social workers will consider the experiences of those around the world. It has been proved that the people in aged people's homes have no incentive. They have been removed from their environments and placed into beautiful new homes. They wake up to find that they are associating with people as old as or older than themselves.

The Hon. W. M. Piesse: I think you ought to go into some of these places that are really comfortable.

The Hon. R. J. L. WILLIAMS: I do not deny the comfort of the surroundings. I have visited at least 38 homes of this type in Western Australia. I would not care to say how many homes I have visited abroad.

In Sweden the people are developing the village concept. They are placing old people's villages in young people's villages. The old people are happy to play grandmother and to baby sit. They think it is marvellous and wonderful. I am suggesting that concept.

The Hon. R. Thompson: The Housing Commission went into this 10 years ago in Medina. It put young and old together.

The Hon. R. J. L. WILLIAMS: I am speaking about another type of medicine. I am saying we should be concentrating our forces on preventive medicine. A lot of people are uprooted and translated. I am not talking about the sick and the infirm; it is necessary that places be provided for them.

No doubt many people would have been surprised by the speech of Professor Kakulas in

Athens. I agree 100 per cent with his comments. His speech is quoted in the Press. Anyone could read it.

The Hon. R. F. Claughton: I was saying that sort of thing eight or nine years ago.

The Hon. R. J. L. WILLIAMS: Mr Claughton bears out precisely what I am saying about the Address-in-Reply. The same subjects come up time after time after time. It does not really matter who occupies the Government benches—

The Hon. R. F. Claughton: Eventually someone might listen.

The Hon. R. J. L. WILLIAMS: Eventually the message is heard somewhere.

There is a great scream going on at the moment about refuse, its collection, and its disposal. Members would remember that in 1972 Mr Tom Bateman went around the world on a Commonwealth Parliamentary Scholarship. He was investigating the subject of refuse disposal. Mr Bateman returned with a stack of material. He must have been 66 lb. overweight with it. He presented that material to the library here. I went up to the library early in the piece to look for that material, but unfortunately, due to changeovers, it is not able to be found at the moment.

There is nothing new under the sun. If members go back through old *Hansards* they will see that all these problems have existed before. We think we are at a crisis point, especially when the mass media becomes involved in a problem. Of course, the media soon makes any problem into a crisis point, because some aspects of the media are grasping at any material. They cannot use the mundane, the average, and the natural.

We are making a great scream about unemployment. We have been doing that since 1971. On the 22nd July, 1971, which was a Thursday, I spoke at some length about the need to train people. I was talking about the training in jobs. At that time I said—

We are approaching very tremulously as a State and as a nation the start of an industrial revolution in this country. Although we have the resources of man's knowledge, we are doing very little to encourage people to enter new fields. It will be incumbent upon this assembly, and upon other assemblies throughout the Commonwealth of Australia, to introduce large-scale training schemes—that is, if we are to survive and if we are to uplift our productivity.

I went on to mention that Britain had done that in 1964, the United States in 1962, New Zealand in

1969, and so on. That is the problem—training people or retraining them for the new techniques and the new technologies.

An eminent trade unionist from the United Kingdom, whose name escapes me for the moment—

The Hon. D. K. Dans: Chappell, was it not?

The Hon. R. J. L. WILLIAMS: I think so. He said, "Technology is here to stay. You can't run away from it. You have just got to adopt and adapt to it." That is what we have to do to get us out of some of the problems we have fallen into.

The Hon. D. K. Dans: Learn to handle the change correctly.

The Hon. R. J. L. WILLIAMS: That is quite correct.

I also mentioned in the same speech in 1971 that we had bad managers and bad management; that we had bad unions and bad union bosses. I said I was not pointing the bone at anybody. If my memory serves me correctly, the Hon. D. W. Cooley took me to task at the time, and then admitted that there were faults on both sides.

I am not claiming that everybody on this side of the House wears a halo, or that everybody on the other side of the House has a pair of horns. I am saying what has been said often in this House: we have our problems, but we can solve them if there is less of what goes on in the Parliaments today—less of the personal attacks and more constructive thinking and more constructive opposition to what we have come to regard as accepted schemes. Until we move in this way, we will not be able to move at all.

In 1971, one was proud to come into the House, walk down the corridor, and exchange words with anyone. What was said in the Chamber was said in the Chamber and that was it. There was no vilification of any person. It was fair game to attack a person's ideologies, policies, and principles. In 1971 and shortly after, as you would remember, Mr President, that situation started to deteriorate in this Parliament.

When one enters a certain section of this Parliament now, one finds that there are three separate groups, and they are mingling amongst themselves only. That was not the case when I first came here. There was honesty, and there was an immunity of principles. One could go and talk to anybody without being reported, without being noted as talking to somebody from the other side.

Life is too short for responsible people to carry on like school children. It is high time that we took a look at ourselves. I am being self-critical. I

have the time to do so. It is not everyone who has that time.

I would like to finish on one note. I made a plea in 1973, again in 1974, and again in 1976, which I will make again tonight. I will say this as strongly as I possibly can. The law of the land belongs to the Parliament. It is for the Parliament to make and unmake the law. I will repeat for the fifth time in my career here, short as it is, that there is too much subordinate legislation affecting the community which is not properly controlled. Some people see my comments as an attempt to usurp the powers of the Ministry. Nothing is further from the truth.

There should be a standing committee of these Houses of Parliament to consider the subordinate legislation and report on it to this House. This is nothing new. Certainly it is not new coming from me. If we worked reasonable hours, we could sit on some of these standing committees and carry out much more intensive research into the work that comes to us.

Our task here is extremely onerous and extremely demanding. I get fed up with people, and I am sure other members do also, saying, "What do you do when Parliament is not sitting?" Or, "You do not sit enough". Western Australia has a population of one million. The other day a member of the Opposition asked, "Why do we have to have so much legislation?" The answer is that the one million people in Western Australia demand as much legislation as the 55 million people in Britain or the 175 million people in Russia. They demand the legislation; they want it; and they are going to make sure we give it to them. That is what they elect us on. They elect us on what we say we intend to do.

Sometimes I wonder whether or not we have the time to do the job properly. We are at the stage where we should follow the advice given by Sir Billy Snedden about presiding officers. I have spoken about this matter before. I believe we should have a position where, when a person is elected to a seat in Parliament—this has long been a hobbyhorse of mine and it is not the first time I have mentioned it—having been elected to that seat, he should become a member of that House until such time as he is dispensed with, or he retires. That is the Westminster system. We are playing at the Westminster system or we are using a bastardised version of it and it is not a very good one sometimes.

I should like to conclude my speech by reading a paragraph of an article which appeared in the *British Medical Journal*. I thank members for

being patient. It appears in the journal of the 10th February, 1979, and it is a paper written by R. E. Kendell. It is headed, "Alcoholism: a medical or a political problem?"

The conclusion reads as follows—

I am well aware that some of the things I have said could easily be misunderstood and even more easily misrepresented. I am not suggesting that psychiatrists or doctors in general should give up trying to help alcoholics to stop drinking. We have to continue trying to do so, and even asking for more resources in order to do so, but we must stop pretending, and allowing others to pretend, that this is the answer to the problem. Nor am I suggesting that we should all become teetotallers, though it is worth reflecting that if ethanol were a newly synthesised substance the Committee on Safety of Medicines would almost certainly not allow it to be administered to human beings. Although it is difficult to show objectively, few people doubt that alcohol has genuinely beneficial effects in many circumstances, particularly on social occasions when some impairment of cognitive and motor abilities is unimportant. It helps us to relax and to enjoy ourselves. It often makes us better company, and sometimes enables us to perform better when anxiety might otherwise overwhelm us.

It is precisely because alcohol gives so much pleasure to so many people as well as causing so much harm that any decision to restrict consumption has to be a political one. Only society as a whole can decide how much damage and suffering it is prepared to tolerate for the sake of how much enjoyment. But the appropriate decision can be made only in the light of an adequate knowledge of the facts, and a major government-financed campaign lasting for a decade or more will be needed to achieve this: to convince the man in the street that it is dangerous to drink more than, say, 80 g of alcohol a day and to teach him how many grams there are in a pint of beer or a double whisky.

I have not mentioned the many parallels to be drawn between drinking alcohol and smoking cigarettes, partly because they are fairly obvious and partly because there are also many important differences. Alcohol is not nearly so addictive as nicotine, but once dependency has developed its harmful effects are far more extensive and more rapid in onset. Nor is there any possibility, as there is

with tobacco, of separating the harmful constituents from the desired ones—there will never be a safe bottle of gin. Nevertheless, important lessons may be learnt from the attempts of our profession to discourage people from smoking cigarettes. We have learnt how long it takes to make any appreciable progress, how spineless ministers can be, and how strongly commercial empires defend their profits. But we have also learnt that if we are sufficiently determined and sufficiently patient we are eventually able to change public attitudes and people's behaviour. If our evidence is sound and we set an example by our own conduct we have the power to change the drinking habits of our society. I have argued that it is no longer appropriate to regard alcoholism as a medical problem, but the onus is still on the medical profession to take the initiative in changing an increasingly intolerable state of affairs.

The remarks made by that doctor are equally attributable to Western Australia as they are to Great Britain. It is somewhat of a sobering thought to think that the majority of our hospital beds are taken up by alcohol-caused or alcohol-induced accidents or illnesses.

I can assure members that, although doubt has been expressed in some quarters, we as a body are not indestructible. We do not have eternity on our side because we are politicians. I very nearly became a by-election statistic and that is all it was to some people—a mere by-election statistic.

I am grateful to two groups of people. I am grateful to the Medical Superintendent of Sir Charles Gairdner Hospital and to my personal physician at the time of my illness. I am grateful also to John Arthur of the *Daily News* for printing the rumour that I was to become a by-election statistic, because I have not become that and I do not intend to become that. I shall now retire in my own time, as long as my party says I am fit to represent it.

The last group of people I should like to thank is made up of the members of this Chamber. I should like to thank them for the messages they sent me and I am grateful to you, Sir, for your visit, as well as to others who also visited me from time to time, because I know how much it cost you, Sir, to have to set foot in a hospital ward. It touched me and it has left its mark on me. I pray to God that the same spirit, which was abroad and which comforted me and my family at that time, shall reach each and every member in his time of need.

Debate adjourned, on motion by the Hon. R. F. Cloughton.

### ADJOURNMENT OF THE HOUSE

**THE HON. G. C. MacKINNON** (South-West—Leader of the House) [11.23 p.m.]: I move—

That the House do now adjourn.

*Victorian Legislative Council: Statement by Victorian Minister*

**THE HON. LYLA ELLIOTT** (North-East Metropolitan) [11.24 p.m.]: I know I will make myself very unpopular, and I am sorry to delay the House at this hour. I will try to be brief, particularly in view of the comments of the Hon. John Williams. I might say that I, for one, along with my colleagues, am very pleased to see him back with us appearing to be his old self. I hope that will be the case for a long time to come, and we wish him all the very best.

I will be brief, but I was determined I would raise this matter in the Parliament today when I read this morning's issue of *The West Australian*. I think this is a matter which is of the utmost concern to the people of Western Australia. I refer to the disgraceful and, should I say, somewhat frightening suggestion on the front page of the paper in a report of a statement by the Deputy Leader of the Liberal Party in the Legislative Council of Victoria. The statement was that should the Labor Party in that State win the election on Saturday, the Liberals should use their numbers in the Legislative Council to withhold supply in order to sack the Government. He also said he believed he had the support of most of the Parliamentary Liberal Party.

Every decent, fair-minded person in Australia should not only be outraged by this suggestion, but also fearful for the future of democracy in this country.

The Liberals have made it quite clear their policy now is that they are not prepared to allow the people of this nation to elect Labor Governments.

**The Hon. D. J. Wordsworth**: They have not said that at all, and you know it. If you had listened to "AM" this morning, you would have heard Hamer say otherwise.

**The Hon. LYLA ELLIOTT**: Of course, he would be flat out trying to dissociate himself from those outrageous comments, because although it may be the truth he would not want the people of Victoria to know it. The policy of the Liberals is that they will not allow the people of this country

to elect Labor Governments or Governments other than conservative ones. If the Liberals have the power in the Legislative Council or in the upper House, they will make sure Labor Governments are destroyed.

Although the Liberals had 23 years of unbroken government in the Federal Parliament, from 1949 to 1972, they were determined that the people's will would not prevail when the Labor Government was elected in 1972. The Whitlam Government had supply refused on two occasions. It was not allowed to govern for one term. That Government was finally destroyed with the help of a man who has since been completely discredited; a former Governor-General who, I think, had delusions of grandeur.

Now we have a statement by a senior Liberal in the Victorian Government such as the one we read in this morning's paper. We have seen the Labor Party in that State play the game fairly and squarely by the book for more than 20 years, and because people have become fed up with the corruption and incompetence of government, and the opinion polls have shown that they are liable to elect a Labor Government, we have the audacity of this man saying that this should happen, and that the power of the Liberals in the upper House should be used to destroy that Government.

I want to reiterate that it is a serious matter for the people of Western Australia, because we also have a conservative upper House which has been entrenched since the 19th century, firstly, through the power of the property vote and, secondly, through the malapportioned or "rigged" electoral boundaries. I also have it on very good authority that the present Premier of this State, when he was Leader of the Opposition during the term of the Tonkin Government, seriously considered having this Council reject supply in an effort to bring down the Government.

The Hon. V. J. Ferry: The Premier did not have power to do that.

The Hon. LYLA ELLIOTT: I would not have been surprised if this Council had taken that action in view of the fact that it rejected 23 Labor Bills in three years.

The Hon. G. C. MacKinnon: This is a lot of utter rubbish!

The Hon. LYLA ELLIOTT: I challenge the leader of the Liberal Party in this House to deny what I said: the present Premier tried to get the Legislative Council to reject supply.

The Hon. V. J. Ferry: The Premier does not control this House.

The Hon. LYLA ELLIOTT: I also ask the leader of the Liberal Party in this House to state quite unequivocally that if the Labor Party comes to government in this State in 1980 the Liberal Party will not use its numbers in this House to destroy that Government by rejecting supply. If he will not make that clear, all I can say is that it is further evidence the Liberal Party does not believe in democracy, and that the parliamentary system in this country is becoming a farce.

THE HON. R. G. PIKE (North Metropolitan) [11.30 p.m.]: I rise with 20 seconds preparation to repudiate the allegations that have been made by the honourable member. I quote from today's edition of *The Australian* wherein it is made perfectly clear what was said by Mr Crozier, the Minister to whom the honourable member referred. The statement in *The Australian* reads—

Mr Crozier said yesterday he believed most Victorian Liberal MPs would support moves to dismiss a State Labor Government which attempted to introduce "socialist" legislation. If "by some mischance" a Labor Government should be elected in Victoria on Saturday the Upper House should act over such legislation, he said.

Having read *The Australian* and *The Age* this morning, I say quite categorically that this statement by the Minister is one with which I personally disagree. The member opposite, I submit, has absolutely no foundation for making the unfair and untrue allegation that the statement made by that Minister in the upper House in Victoria is in fact supported by the Liberal members in the upper House in Victoria.

The Hon. Lyla Elliott: I did not say that.

The Hon. R. G. PIKE: The honourable member should check *Hansard*. She used the adjournment debate as an exercise in attacking a bicameral Parliament, and she has her points confused.

I make one point from my recollection of an article in *The Australian* about four weeks ago wherein the Leader of the Labor Party in that State, Wilkes by name, is on record as pleading to the people of Victoria, saying, "Vote Labor in this election; we will not be able to nationalise or socialise anything because the Liberals will have the numbers in the upper House." There we have on record for all time the fact that the socialist Labor members in both State and Federal Parliaments use the bicameral system as the crutch in order to appeal for the votes of the people.

One overriding fact that repudiates the points the honourable member endeavoured to make is that since universal franchise was introduced into this Parliament the people in this State going to the polls have consistently given an average of 2.68 per cent more votes to Liberal-National Country Party candidates for the Legislative Council than to Labor candidates for the Legislative Council. So let us rethink that statement of Wilkes, which is typical of Labor propaganda; namely, "Vote for me this time because the Liberals have the majority in the upper House and if we want to nationalise industry we will not really be able to do it because we do not have the numbers in the Upper House."

The Hon. Lyla Elliott: That is rubbish

The Hon. R. G. PIKE: I can search out for the honourable member the quote in *The Australian*. The point the honourable member made that all Liberal members of Legislative Councils associate themselves with that comment is unfair, untrue, and unfounded. It is clear that in this State Liberal members have preserved the privileges and rights of this House. On past occasions when the Hon. A. F. Griffith was the Leader of the House, I understand this House dismissed suggestions of using numbers to frustrate the then Labor Government's mandate.

This House has exercised in the past and will exercise in the future, properly and with proper concern, the authority vested in it by the people of this State. I again repudiate the cheap political trick the honourable member has tried to make by use of the adjournment debate.

**THE HON. G. C. MacKINNON** (South-West—Leader of the House) [11.34 p.m.]: As Leader of the Government in this Chamber I ought to say a word or two about one of the most shocking speeches it has been my misfortune to hear—a political speech which contained no truth and which was a secondhand rendition of a report published in a newspaper which the members of the Opposition take every opportunity to denigrate, claiming it is purely and simply a mouthpiece of the Liberal Party.

The Hon. Lyla Elliott utilised the adjournment debate to quote a report in that paper and then embellish it with comments about an erstwhile Governor General of this country which had nothing to do with it. Mr Hamer made a statement on the "AM" radio programme—to which the honourable member obviously had not listened—in which he was questioned and spoke about the subject, and he made it quite clear that the statement was a general statement made by Digby Crozier, whom a number of us know.

The Hon. F. E. McKenzie interjected.

The Hon. G. C. MacKINNON: It does not matter what Mr McKenzie likes to scream out. That was a straight gutter-politics, political speech made in the adjournment debate on a report in a newspaper this morning—I repeat, a newspaper which members of her party denigrate on every possible occasion. That is what it was all about.

Question put and passed.

*House adjourned at 11.36 p.m.*

## QUESTIONS ON NOTICE

## SEWERAGE

*Mullaloo Heights*

65. The Hon. R. F. CLAUGHTON, to the Leader of the House:

Will he advise when the main sewer will be constructed in the road reserves on the northern perimeter of Mullaloo Heights school site?

The Hon. G. C. MacKINNON replied:

No main sewer is contemplated in the road reserves on the northern perimeter of Mullaloo Heights school site.

Reticulation sewers are provided by the developer who, in turn, submits his plan for the approval of the Metropolitan Water Board. It is understood that the only requirement is for a sewer road crossing in Charonia Road.

## TOWN PLANNING

*Herdsmen Lake*

66. The Hon. R. F. CLAUGHTON, to the Attorney General representing the Minister for Town Planning:

Would the Minister advise what steps have been taken to establish a management body for the control and management of Herdsmen Lake as recommended by the MRPA?

The Hon. I. G. MEDCALF replied:

Herdsmen Lake is currently shown in the metropolitan region town planning scheme as a reserve for parks and recreation and as a consequence the Metropolitan Region Planning Authority is required to approve any development proposals.

Large areas of the lake are in private or Crown ownership and the authority is progressively acquiring this land. At the same time it is preparing development and management plans in accordance with the concept plan and is considering the problem of ongoing development and management responsibility.

## FISHERIES

*Herring*

67. The Hon. R. F. CLAUGHTON, to the Attorney General representing the Minister for Fisheries and Wildlife:

- (1) What further study has been made of the proposal that herring should be declared a "food fish only"?
- (2) What decision, if any, has the Minister made on this proposal?

The Hon. I. G. MEDCALF replied:

- (1) The south coast fisheries' parliamentary study committee recommended as follows—
  - (a) The committee has found no support outside the Department of Fisheries and Wildlife for any proposed use of the powers in section 38 of the Act to require that certain species of fish be used only for food (human consumption); and accordingly no further declaration in terms of the section is recommended.
  - (b) In particular the committee has been told—
    - (i) that a declaration of herring as a food fish would distort the market as certainly less than 50 per cent of the catch of that fish is used as food;
    - (ii) that a declaration of tuna as a food fish would not affect the present practice as all tuna can be sold profitably for processing for human consumption and practically none is used as bait; and therefore it is recommended that no declaration be made in respect of these species.
- (2) The matter has been referred to the General Fishermen's Advisory Committee for consideration and recommendation to the Minister, taking into account both the recommendations of the parliamentary committee and the many representations received from angling associations and other representative bodies.

## TRAFFIC: MOTOR VEHICLES

*Licences: Wanneroo Facility*

68. The Hon. R. F. CLAUGHTON, to the Leader of the House representing the Minister for Police and Traffic:

- (1) Has the Minister received a request from the Shire of Wanneroo to have retained at Wanneroo a motor vehicle licensing facility when the present Road

Traffic Authority staff are transferred to the new building being constructed at Warwick?

- (2) If so, what decision, if any, has been made on this request?

The Hon. G. C. MacKINNON replied:

- (1) Not directly, but the shire has approached the Minister through the Hon. Margaret McAleer, MLC.  
(2) The existing facility, which was only a temporary one in the first instance, will be closed.

#### EDUCATION: SCHOOL

##### *Mullaloo Heights*

69. The Hon. R. F. CLAUGHTON, to the Minister for Lands representing the Minister for Education:

Further to my question No. 58 of the 24th April, 1979, regarding Mullaloo Heights school, as the Minister is aware that parents have no road access to the school, and they are not permitted to use the temporary access road to which the Minister refers, will he advise when parents can expect a road to be constructed for their use?

The Hon. D. J. WORDSWORTH replied:

Parents will be able to reach the school by car when the developers construct Charonia Road, for which they—the developers—are wholly responsible. It is not possible to predict when this work will be carried out.

#### HER MAJESTY'S THEATRE

##### *TVW Enterprises*

70. The Hon. R. F. CLAUGHTON, to the Leader of the House representing the Premier:

In respect of the management of Her Majesty's Theatre, would the Premier advise—

- (1) What are the terms and conditions under which TVW Enterprises will manage the theatre?  
(2) (a) Has the committee been appointed that will fix rents, lay down policy and guidelines, and co-ordinate activities;  
(b) if so, who are the members of this committee?

- (3) To what degree will the decisions of this committee be able to affect the management decisions of TVW Enterprises in the running of the theatre?

The Hon. G. C. MacKINNON replied:

- (1) to (3) The appointment of the committee and final terms and conditions have not yet been determined, and the member will be advised in due course.

#### ENERGY: SOLAR

##### *Hot Water Systems*

71. The Hon. R. F. CLAUGHTON, to the Attorney General representing the Minister for Fuel and Energy:

- (1) Has the Government initiated a study of the likely impact of solar hot water services on the rate structure of the State Energy Commission?  
(2) If so—  
(a) is the study completed and a report available; or  
(b) if still ongoing, when will it be completed?  
(3) Has a decision been made to institute an incentive system to encourage wider use of solar energy for—  
(a) domestic use;  
(b) commercial use; and  
(c) industrial use?

The Hon. I. G. MEDCALF replied:

- (1) No specific study has been initiated, but this is one factor that is continually kept under review by the State Energy Commission.  
(2) Not applicable.  
(3) The Government is actively supporting solar energy through the activities of the Solar Energy Research Institute. This will have the effect of encouraging the wider use of solar energy within the State.

The question of financial incentives is one for the Federal Government to decide upon, and the Western Australian Government has already made representations to seek the elimination of discriminatory taxes and the possibility of taxation incentives for solar appliances.