

Legislative Council

Tuesday, 24 September 1985

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

PARLIAMENTARY PAPERS AMENDMENT BILL

Assent

Message from the Governor received and read notifying assent to the Bill.

LEGISLATIVE COUNCIL: STANDING COMMITTEES

Select Committee Report: Consideration

On motion without notice by Hon. D. K. Dans (Leader of the House), resolved—

That consideration in Committee of the report of the Committee on a Committee System be made an Order of the Day for the next sitting.

SESSIONAL ORDERS

*Standing Orders Committee Report:
Consideration*

On motion without notice by Hon. D. K. Dans (Leader of the House), resolved—

That consideration in Committee of the report of the Standing Orders Committee as to the operation and effect of sessional orders be made an Order of the Day for the next sitting.

STANDING COMMITTEE ON GOVERNMENT AGENCIES: URBAN LANDS COUNCIL

Report: Order Discharged

On motion without notice by Hon. Neil Oliver, resolved—

That Order of the Day No. 11 for consideration, Tabled Paper No. 148, be discharged.

POISONS ACT: REGULATION

Disallowance: Motion

HON. A. A. LEWIS (Lower Central) [4.34 p.m.]: I move—

That Poisons Amendment Regulation (No. 5) 1985 made under the Poisons Act 1964, published in the *Government Ga-*

zette on 12 April 1985 and laid on the Table of the House on Tuesday, 16 April 1985, be disallowed.

In moving to disallow this regulation, I am sure I will have the Government members on my side, especially Hon. Fred McKenzie and Hon. Mark Nevill, both of whom have said in this place in recent weeks that this Government has not increased any charges beyond the inflation rate. This charge is another one of the double standards of this Government. It refers to the seventh schedule to the Poisons Act, and when the notice increasing the seventh schedule fee from \$10 to \$15 was sent out, a letter in the following terms was sent with it—

To: To all persons holding a licence to sell by retail poisons specified in the seventh schedule

Subject: Sale of Seventh Schedule Poisons

Recent amendments have been made to the Poisons Act Regulations concerning the conditions under which poisons included in the Seventh Schedule to the Poisons Act may be sold.

You must now ensure that when a sale of a product containing a Seventh Schedule poison is made that an entry is made in a register, kept by you, of;

- (1) the date of sale
 - (2) the name, occupation and address of the purchaser
 - (3) the place and purpose of intended use,
- and that you obtain the signature of the purchaser to that entry.

In cases where the purchaser does not personally attend your premises and a delivery is made, it will be sufficient if a form accompanies the goods, which is filled in as above by the purchaser and returned to you for safe-keeping with the register.

It is emphasised that as a licence holder for sale of poisons in this category, it is your responsibility to ensure that purchasers are properly entitled to be supplied with these poisons and that proper entries are made in the register.

In other words, the person who is selling them has to verify that it is a farmer, or whatever occupation he claims he follows, who is purchasing the poison. He should be properly entitled to be supplied with these poisons, and a proper entry should be made in the register. The letter continues—

Inspections will be made to ascertain compliance with these requirements and to make sure that stocks tally in accordance with the register.

For your assistance, enclosed are the notices applicable to the sale of Seventh Schedule poisons which detail who may be legally supplied with each poison.

Hon. D. J. Wordsworth interjected.

Hon. A. A. LEWIS: I will give some examples; some that Mr Wordsworth and Mr Gayfer could readily recognise: Lucijet, Clout, Tryquat, and Sprayseed. There are numerous others which are fairly interesting; for instance, Benzene and Chloropurin. Very few of the honourable members in this place would remember that. We used to spray it down burrows to get rid of rabbits. We are both still here at a fairly advanced age—or Mr Gayfer is! It does not seem to have done us any harm.

Methyl bromide is mentioned, but then we find the following—

NICOTINE and its salts and substances containing nicotine and its salts except when included in the Fourth or Sixth Schedule or tobacco in any form.

Hon. D. K. Dans: I agree with that.

Hon. P. G. Pendal: Going through the back door.

Hon. A. A. LEWIS: To me it sounds as though this Government is doing its double standards trick again; it is trying to cause a sign to be placed in the shop of a land and stock agent, a sign similar to that required to be displayed in establishments selling cigarettes. I do not think this is a laughing matter, but of course the Government thinks it is. The Government thinks that imposing all these regulations on people in the bush is a laughing matter.

Hon. Fred McKenzie made a pretty big fool of himself the other day when he spoke about harvesters. I hope Hon. Kay Hallahan speaks on this motion and tells us why the regulations should be implemented.

Hon. Fred McKenzie: I don't accept that, you know. That is your view.

Hon. A. A. LEWIS: Would Mr McKenzie agree that this Government will not increase the price above the rate of inflation?

Hon. Fred McKenzie: No, I would not.

Hon. A. A. LEWIS: But the member made that the second point of his speech; that this Government would not increase charges above inflation.

Hon. Fred McKenzie: Have a look at your record.

Hon. A. A. LEWIS: Charges have been increased by 50 per cent.

Hon. Fred McKenzie: Have a look at your record.

The PRESIDENT: Order! I direct the member to ignore the interjections and to direct his comments to the Chair.

Hon. A. A. LEWIS: Certainly, Mr President. The interjections were not very good anyway, were they?

Members of the Government have been saying "This Government will not put up costs above the rate of inflation"; but here we see a 50 per cent increase; not only that, but we see the Government making the dealers in the bush maintain a register and telling them what will be expected, and saying that it is the dealers' responsibility to check the occupation of the person who buys a certain chemical. Will we go one step further and have only pharmacists selling poisons in the country, thus putting more people out of business?

This Government, together with its colleagues in Canberra, is putting people out of business day after day with absolutely no regard for them. Restaurateurs predict that 10 000 jobs in that industry will be lost by Mr Hawke and Mr Keating's little bungle of last week. This Government day after day is told by members of the Opposition that it is doing things which add costs to production in the bush, and here is another example.

The main reason for my bringing forward this matter was to point out the sort of standards of this Government. If this regulation had to apply to the city it never would have been brought forward; if it affected people in the suburbs it would not have seen the light of day. The Government thinks it can screw those people in the bush and get more money out of them and make them fill out more forms. The Government allows this situation to go on.

I ask the Minister in his reply to explain what is meant by, "tobacco in any form". Does every person who sells tobacco need to have a seventh schedule poison licence to sell tobacco, over and above all the other tobacco licences and charges which are imposed by this Government?

Until the House is given a satisfactory explanation, members have no other choice but to disallow this regulation.

Debate adjourned, on motion by Hon. Fred McKenzie.

ABORIGINAL AFFAIRS: LAND RIGHTS

Commonwealth Legislation: Motion

HON. N. F. MOORE (Lower North) [4.45 p.m.]: I move—

That this Parliament expresses to the Commonwealth Government its unqualified opposition to the attempted imposition on the State of Western Australia of Commonwealth legislation relating to Aboriginal land rights and advises the Commonwealth Government and Parliament that in the opinion of this Parliament—

- (a) such legislation lacks Constitutional authority and integrity;
- (b) will lead to a serious confrontation between the State of Western Australia and the Commonwealth of Australia;
- (c) in particular that the attempted imposition of such Commonwealth legislation as is contemplated will provide no material or social benefit for the Aboriginal people of Western Australia, will cause social division between Aboriginal and non-Aboriginal people in Western Australia and will set back the advancement of the Aboriginal people.

The Parliament therefore calls on the Commonwealth Government forthwith to abandon its pretence of Constitutional authority for uniform national land rights legislation and its attempt to impose such legislation on the State of Western Australia.

The Parliament asserts its sovereign Constitutional right to determine the disposition of the Crown lands of Western Australia and to act in the interests and for all the people of Western Australia without interference from the Commonwealth.

This motion was put on the Notice Paper on the opening day of this session of Parliament. It was prompted by a decision by the Federal Minister for Aboriginal Affairs (Mr Holding) to proceed with his national uniform land rights legislation. The fact that it has not been debated until now, of course, is due to the requirement that the Address-in-Reply be dealt

with before any other matters; so today has been my first opportunity to discuss this subject, even though the issue has been of paramount importance since 14 August—I think that was the date on which the Federal Minister made his decision.

Regardless of that point, the simple fact of the matter remains that land rights is still in the forefront of the public view and it is still an issue and will continue to be an issue of great concern to everybody in Australia until it is eventually resolved one way or the other.

I want to use the moving of this motion to remind some members opposite of where they stand on the land rights issue and to argue that this motion should be passed and that the Federal Government and the Federal Parliament should be advised that this House is opposed to what is intended by the Federal Government with respect to national uniform land rights.

It is probably necessary to go over a few of the matters pointed out during the land rights debate so that this motion can be put in its right perspective. It really is the next stage or the current stage of a long saga that has been going on since about 1972.

This afternoon I want to confine my remarks to the situation which has existed in WA since slightly prior to 1983 when Mr Burke was electioneering for the 1983 election. I want to remind him of what he told the people of the central desert about land rights, because it puts into context the attitude of the then Opposition on the subject of land rights and how it was being used by the Premier, particularly, to win votes in marginal seats, and particularly those which contain fairly large numbers of Aboriginal voters. The classic example, of course, was the electorate of Murchison-Eyre.

I refer to Mr Burke's speech to the Aboriginal people of Murchison-Eyre when they travelled to Perth on that long march to argue in favour of land rights, and the meeting they had at the Claremont Showgrounds. I have quoted this on many occasions and I will continue to do so to ensure that the Government realises the sorts of promises it made prior to the election, and to indicate the position it is now in.

Hon. Peter Dowding: What is your source?

Hon. N. F. MOORE: My source is *The West Australian* of 17 November 1982.

Hon. Kay Hallahan: A Liberal Party pamphlet.

Hon. N. F. MOORE: It is quoted in a Liberal Party document, yes; but it is a direct photocopy and I can get the member a copy if she wishes.

Hon. P. G. Pental: Do you deny the answers written in it?

Hon. N. F. MOORE: Members can deny the answers if they wish. The article in *The West Australian* of 17 November 1982 reads as follows—

Speaking with the aid of an interpreter, Mr Burke promised the Ngaanatjarra people freehold title to the entire central reserve area—and more.

The Labor Party, he said, recognised their claim that their traditional lands extended beyond the reserve boundaries.

The Labor Party believes that this should happen and says that the land you want is not wanted by white people anyway," he said.

"So I say these things publicly, with all these witnesses, so when my party is the government and I am the Premier you know what I have said and you will be able to tell me what I promised today to do."

That was Mr Burke's promise prior to the last election. In context, it was a promise made by the then Leader of the Opposition prior to an election to win votes for his party in marginal seats which contained significant numbers of Aboriginal voters. As it turned out, he did not win that seat for a variety of reasons. Most of all, he had the wrong policies and he had the wrong candidate standing in that seat. The Liberal Party had a candidate who was just too good for the nonsense put forward by the Labor Party in that election. The Labor Party lost, even though it promised land rights and even though it had a candidate who was working for the Federal member for Kalgoorlie for six months prior to that election. He lost then and he will lose at the next election.

Mr Burke's credibility has to be down the gurgler, particularly as I go through what happened after that promise was made in 1982. The Labor Party is committed to land rights. One has only to look at the Federal party's platform and the platform of the State party to know where the ALP stands on the subject of lands rights. For the benefit of members sitting opposite who conveniently forget what the Labor Party's platform is, the Federal platform states—

A Labor Government will—

Grant land rights and compensation to Aboriginal and Islander communities, using the principles and recommendations of the Aboriginal Land Rights Commission (Woodward Report) as a basis for legislation, subject to a continuing review.

To save the time of the House, I refer members to the Federal platform of the ALP. Members can read it to see the Labor Party's views on land rights. It believes in land rights based on a system recommended in the Woodward report which was commissioned by the Whitlam Government.

The State Labor Party's platform, which has not changed over the years, states—

Land rights.

Accordingly, a Labor Government will—

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

It is interesting that the State Labor Party accepts credit for the Northern Territory Aboriginal Land Rights Act, even though, from time to time, Mr Burke finds it expedient to name Mr Fraser as the one who initiated that legislation. I do not support Mr Fraser.

Hon. Peter Dowding: Actually, he is becoming quite trendy.

Hon. N. F. MOORE: In fact, he would probably get on with Mr Dowding. I take exception when Mr Burke claims, on the one hand, that Mr Fraser initiated the Northern Territory legislation and, on the other hand, the platform of the ALP claims credit for the same thing. That is an example of Mr Burke's soft-shoe shuffle.

Hon. Peter Dowding: You know it is referring to the legislation that did not get passed.

Hon. N. F. MOORE: That was much worse in the eyes of the people than the legislation that was introduced. Mr Viner, who was the Minister who introduced the legislation, was under enormous pressure from the Labor Party at the time to make the legislation worse. The Labor Party argued against Mr Viner's legislation on the grounds that it did not go far enough.

Hon. Mark Nevill: He had a record margin.

Hon. N. F. MOORE: Is that not interesting? The Labor Party, now that land rights has turned around, is claiming that the Northern

Territory legislation was introduced by Mr Fraser. Mr Fraser showed dreadful perception of what people wanted bringing in such a piece of draconian legislation. However, the Labor Party ignores the fact that Mr Viner, who introduced the legislation, was attacked by the Labor Party on the ground that the legislation did not go far enough. It tries to have it both ways.

Hon. P. G. Pandal: Do you remember that Mr Dowding was going to resign?

Hon. N. F. MOORE: He has been going to resign on several occasions, as I recall. He has not resigned, but he has moved out of his own bailiwick for a safer part of the world. I guess that is his first step towards becoming Premier, as was reported in the newspapers.

I mentioned the Federal and State platforms of the Labor Party in order to get into our minds what the situation was in 1983 when the Burke Government came to office. It came to realise, under a fair amount of pressure, that land rights were not a sinecure at all but that there was opposition in the community to that proposition. Like all Governments, it initiated an inquiry called the Seaman inquiry. That was a fairly expensive sort of operation. I think it cost around \$1 million for Mr Seaman to report that land rights should be introduced in Western Australia, roughly along the lines of the Labor Party's platform, surprisingly.

Mr Burke, by then, had found that land rights was a no-no in Western Australia. On the same day that the Seaman report was made public, so was the statement of principles of the Government which said that some aspects of the Seaman report would not be introduced and that the Government had decided that in view of the political consequences of introducing legislation based on the Seaman report, it had better introduce principles which were different from those espoused by Seaman and, to an extent, were different from the Labor Party's platform.

We had the charade of all these people coming together to write legislation based on the statement of principles and so we had brought into Parliament Mr Burke's version of land rights.

Members will know, if they read the debates on that legislation, that it was not accepted by the Parliament for very good reasons.

Hon. Peter Dowding: It was not accepted by your party.

Hon. N. F. MOORE: Whether the Minister likes it or not, it was not accepted by Parliament. If we passed the Government's legislation, he would say that it was passed by the Parliament because that is what this place is. The legislation was rejected by the Parliament of Western Australia. Mr Dowding would argue that it was not.

Hon. Peter Dowding: Your party could not even make up its mind and tell the lower House what you were going to do with it.

Hon. N. F. MOORE: I have been here for about eight years, but I have never heard anything quite like that before. That is a most extraordinary comment by the Minister. From the day we became the Opposition, we said, "No land rights in Western Australia." That policy has not changed since then and it will not be changed in the future. That is our position. We have said that land rights are wrong and we decided in the Parliament to knock them out. It is as simple as that. Mr Dowding's claim that we could not make up our minds is the most absurd comment he has ever made, and he has made a few.

Mr Burke introduced legislation which was, in the view of some people, a watered-down version of land rights. In fact, I said in my comments at the time that it was the thin end of the wedge. I said it was the beginning of land rights and it was introduced to Parliament so that Parliament could establish land rights as a principle that could be accepted. I argued against the legislation on the ground that, even though some interest groups supported it, were it to pass, it would establish, once and for all, that land ought to be made available to Aborigines on the basis of race and race alone. That is why the legislation was defeated. However, Mr Burke publicly stated that he was attempting to get legislation passed in some form or other in trying to square himself off with the electorate by pretending that what he was doing was in some way moderate. It was a watered down version of what land rights were all about.

[Questions taken.]

Hon. N. F. MOORE: The impression the Government attempted to create was that the land rights legislation was in some way moderate. My view is that it was not as draconian as the Northern Territory legislation, but that it provided for the principle of land rights, which is something I do not agree with. I also saw it as the thin end of the wedge. My thinking on that matter was influenced by the views of John

Cardell, the assistant secretary of the ALP, when he wrote the following to the *Daily News* on 11 October 1984—

We do not expect all our ideals to be achieved immediately.

He was referring to the Government's statements of principles which were released at the same time as the Seaman report.

Mr Cardell clearly pointed out to me that the Labor Party was bringing in legislation which it hoped might be passed through the Parliament. The legislation was to provide the basis to implement land rights down the track and the Labor Party needed to get the Legislative Council to agree. Of course, it did not.

The next step in the saga of land rights came about when the Federal Minister for Aboriginal Affairs (Mr Clyde Holding) announced the preferred land rights model. This was announced with a great fanfare and a two-page Press release on 20 February 1985 by Mr Holding.

It is important for the House to know what is contained in the preferred model because that is what the motion is all about. The motion states that we should tell the Federal Government that we do not want its land rights in Western Australia and, therefore, we should know what its land rights are so that we know what we do not want.

I will quote from some of the important parts of the preferred land rights model in order that members know what it is all about. One must bear in mind that this is the sort of legislation Mr Holding announced in August this year and which he said would be implemented by the Federal Labor Government.

This is the legislation about which Mr Burke seemingly became somewhat annoyed. The general principles of the national land rights model proposed by Mr Holding are as follows—

1.1 Commonwealth legislation to:

- be capable of operating concurrently with compatible State legislation;

- be capable of embracing proposed as well as existing State laws;

- add rights to those accorded under State laws where necessary.

1.3 The Commonwealth not to seek to override State land rights legislation which is consistent with the Commonwealth's preferred model.

The Commonwealth will not override the States so long as State legislation is the same as Commonwealth legislation. It is an absurd situation. To continue—

1.4 Aboriginal land to be subject to normal Commonwealth laws and to State laws to the extent they are consistent with the principles in Commonwealth legislation.

In other words, if the laws of the State as they apply to Aboriginal land are consistent with the Commonwealth's view, that will be acceptable. Of course, the alternative applies—if the laws of the State are not acceptable to the Commonwealth they will not apply. It is clearly a transgression of the State's powers and ability to make its own laws with respect to land.

The second section of the preferred model relates to title to Aboriginal land, and states—

2.2 Land vested in these Aboriginal bodies as a general rule to be held under inalienable freehold title.

We all know from the land rights debate in this place what inalienable freehold title refers to. It continues—

2.4 Grants of inalienable freehold title should be made in respect of

- Aboriginal reserves and mission land currently occupied by Aborigines; and

- land granted as a consequence of successful land claims.

That land will be given under inalienable freehold title. Section 3 relates to the claim and vestment of land, and states—

3.1 All Aboriginal reserves and mission land currently occupied by Aborigines to be available for direct grant to relevant Aboriginal bodies.

I want members to remember the words "direct grant". They are very significant when talking about constitutional matters further down the track. It continues—

3.2 Land to be available for claim by Aborigines:

- former Aboriginal reserves and mission land which are currently vacant Crown land, unoccupied and unallocated

- vacant Crown land which is subject to a mining interest or tenement (subject to considerations set out in Section 10)

—all other vacant Crown land which is unused and unallocated for other purposes

—Commonwealth National Parks.

That gives some idea of the extent to which land claims will be able to be made under Mr Holding's preferred model in the event that it should become law. That land in Western Australia amounts to approximately 45 per cent of this State and in Australia it is approximately 25 per cent of the land. I might add that it is a significant area of land.

Section 4 of the preferred model relates to land claim procedures, and states—

4.1 Aboriginal claims for land grants to be on the basis of:

- traditional entitlement;
- historical association;
- long term occupation or use; and/or
- specified purposes (for example, the needs of town campers).

Those procedures are quite similar to the situation which applied in the land rights legislation introduced by the Burke Government.

Section 7 refers to community living areas, and states—

7.1 Provision to be made in each State and Territory for Aborigines to apply for excision of community living areas from pastoral properties within five years of the proclamation of the legislation.

Section 8 deals with access to Aboriginal land, and states—

8.1 Access to Aboriginal land generally to be subject to the consent of the Aboriginal land holder.

That is the permit system. If a person wants to go onto Aboriginal land he must get permission.

Section 9 relates to mineral exploration and development of Aboriginal land, and states—

9.1 Aborigines are to be able to exercise substantial rights over exploration and mining on their land and be given an opportunity to seek a negotiated settlement or to raise objections and argue their case before an appropriate Tribunal if they do not wish activity to proceed.

Section 9.5 states—

Aborigines to have access to payments in the nature of mining royalty equivalents...

That facility is not available to anyone else. Further on under section 11, referring to sites of significance, it states—

11.3 A separate independent Commonwealth Authority to be established to conduct hearings and to evaluate claims in respect of heritage protection.

That is another example of Commonwealth intrusion into an area which is none of its business.

I have given a very simple explanation of the contents of Mr Holding's proposition which is the basis on which he proposes to legislate. Mr Holding's model provoked some reaction in the community and, in fact, it provoked an alarmist response from the mining industry, which is very adamantly opposed to the provisions of the proposed model.

Hon. Peter Dowding: You had to pick your words very carefully.

Hon. N. F. MOORE: Like the Minister, I always pick my words carefully because words that are not carefully chosen are often thrown back at one out of context.

The reaction of the mining industry to the model was to say the least very uncomplimentary; it was not prepared to go along with it. In fact, the industry indicated that it proposed to embark on a nationwide campaign against the model. The reaction from Aborigines was also uncomplimentary; they said Mr Holding's legislation did not go far enough. It seems to be a case of a Minister trying to be all things to all people and finishing up being nothing to nobody. Mr Burke's reaction, of course, was to say that we could not adopt this land rights legislation because people did not like it. He discovered, when his own land rights legislation was defeated, that people do not want Aboriginal land rights.

Hon. Peter Dowding: It cannot be said that this House is reflective of the will of the people.

Hon. N. F. MOORE: The Minister would agree that the vast majority of Western Australians and Australians are opposed to land rights.

Hon. Peter Dowding: This House is not reflective of the will of the people.

Hon. N. F. MOORE: Whether or not the Minister agrees, on this occasion when the legislation was rejected the House reflected the will of the people. Had the Minister read his leader's Press statement on the subject he

would see that that fact is acknowledged. The Premier said that land rights are not acceptable to Western Australia.

Mr Burke, Mr Wilson on the odd occasion and Mr McDonald went backwards and forwards to Canberra trying to negotiate a position different from the preferred model because Mr Burke had got the message that the preferred model was not acceptable and would cause problems electorally at the next election.

He negotiated what he describes as a compromise between his position in Western Australia and Mr Holding's position at the Commonwealth level. In fact, I do not think it is a compromise. I think it is a sell-out, but to get some idea of what Mr Burke describes as his "compromise" one needs to read the Premier's media statement of 14 August 1985, which states—

The Premier, Mr Brian Burke, today revealed the basis on which the State Government had been negotiating with the Commonwealth in an attempt to achieve a compromise on Aboriginal land rights.

The elements of the W.A. proposals were—

long-term leases for Aboriginal groups over land already held as Aboriginal reserves to give security over the land.

the introduction of guidelines for the entry onto Aboriginal land of people wishing to explore for minerals.

the establishment of an advisory tribunal to make recommendations to the State Minister with special responsibility for Aboriginal Affairs on whether explorers should be allowed onto Aboriginal land and, if so, on what terms and conditions. The tribunal would also have made recommendations about any subsequent mining developments.

a series of programmes to cater for the economic and social advancement of Aboriginal communities, such as the provision of power and water supplies and better health services and alcoholism treatment.

I would have thought that that sort of programme is necessary without it having to be tied in with the land rights debate—it should be in place whatever happens.

Hon. Peter Dowding: Why did you not do it when your party was in Government?

Hon. N. F. MOORE: We spent millions in this area as the Minister well knows.

Hon. Peter Dowding: You are no help at all to the programme.

Hon. N. F. MOORE: Mr Dowding never has and he never will be able to indicate any way in which I personally have endeavoured to stop funding being spent on any Aboriginal organisations which were in genuine need.

Hon. Peter Dowding: You are nit-picking again.

Hon. N. F. MOORE: I am one of those people who believes that every cent spent from the public purse should be accounted for and if there is anything wrong with that, then clearly I am in the wrong place. It is a role of Government, and of Government Ministers, to know where funds are being spent and whether they are being used for the purposes for which they were allocated.

Hon. Peter Dowding interjected.

Hon. N. F. MOORE: When I talk about the Seaman inquiry and some of the Minister's friends who are yet to account for those funds, I am entitled to do so and I will continue to talk about the matter, whether or not the Minister calls it nit-picking.

I return to the media statement from which I was quoting. It reads as follows—

As a consequence of the implementation of this programme in Western Australia, there would have been no federal land rights legislation affecting the State.

That was the basis of the so-called compromise that Mr Burke was attempting to achieve with Mr Holding. I believe Mr Burke was about to reach that compromise when somebody pulled the rug from under his feet and I understand that the person who pulled the rug from under his feet was the Prime Minister, who changed his mind at the last minute after some pressure was applied by people involved in the land rights movement.

Mr Burke was really trying, in his so-called compromise, to bring in land rights without legislation. When one looks at what he was seeking to do, one finds it was to give land rights by using existing powers without coming to the Parliament. Thus, the idea of long-term leases to allow Aboriginal groups rights over Aboriginal reserves would not have required legislation; the question of entry onto reserves

would not have required legislation; nor would the setting up of a tribunal, I imagine. The question of spending money also would not have required legislation. Mr Burke was seeking to introduce land rights into Western Australia and bypass the Parliament. He sought to get the Federal Government to agree, because Mr Burke has consistently throughout this debate sought to put some land rights in place. It does not matter how wishy-washy, or how minimal this land rights legislation is; he sought to put it in place because once the Parliament approves of the principle and the principle is accepted, that is the beginning. Once the principle is established, one can build on it. Once land is given to a group of people, it cannot be taken away from them. It is as simple as that. That is the basic political equation: Once land rights have been given, they cannot be taken away. Once this Government had any land rights legislation passed, it would then use that as the basis upon which it would go further towards implementing its land rights policy.

Hon. Graham Edwards: It is a Communist plot.

Hon. N. F. MOORE: I do not know about that because I do not mix with them—

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): Order! There are too many interjections from the Government benches.

Hon. N. F. MOORE: Now the fate of this so-called compromise is to be found in *The Australian* of 14 August—

The Federal Minister for Aboriginal Affairs, Mr Holding, announcing yesterday that Cabinet had endorsed the principles of the preferred national land-rights model, said the Government now clearly wished that land rights be implemented by the States in action broadly consistent with the Commonwealth's principles.

In other words, Mr Holding had managed to receive the Federal Cabinet's approval to toss Mr Burke's so-called compromise out the door and to accept that national uniform land rights, based on the preferred Holding model, should be introduced. It probably will not be introduced until after the next State election, but I guess that is to be understood.

Hon. Kay Hallahan: Were you instrumental in blocking it?

Hon. N. F. MOORE: The Hon. Kay Hallahan clearly has not been listening very closely. I am talking about uniform land rights legislation which I predict will not be

introduced by the Federal Government in the same way as the gold tax will not be brought in until after the next election.

Hon. Peter Dowding: Come on, Mr Moore!

Hon. N. F. MOORE: Hon. Peter Dowding can read about what Mr Keating is trying to do. Mr Keating said that he would have an inquiry. Why did he not come out and say that there would be no tax on gold? He knows darned well that his inquiry has been put in place for six months until after the election. The first day that the Government gets a chance, a tax on gold will be imposed.

The response to Mr Holding's statement about the fact that there will be legislation was quite predictable. Mr Burke released a Press statement, and on 15 August *The Australian* reported as follows—

The West Australian Premier, Mr Burke, fears that a social backlash could rip apart his government at the next State election if the Commonwealth gets its way on Aboriginal land rights.

That clearly explains why Mr Burke had found himself in the position where he had to say something quite extraordinary about what should be done about land rights, and why he should take such a strong line against the Commonwealth. The article continues as follows—

According to senior State Government sources yesterday. Mr Burke recognises that his government's own rejected package of land-rights laws were themselves ahead of public opinion, and the so-called Holding plan would be even more divisive.

I do not know what the Government sources are, but this particular Government is very good at having "A Government spokesman said", or "A source close to the Premier said", or "A source close to the Government said". Here we have a "senior Government source" saying that Mr Burke recognises that his own legislation was ahead of its time. It was more than that, it will never be accepted and the so-called Holding plan will be even more divisive than his own legislation, which the senior Government sources now accept and agree is divisive. That is what we argued in this place for hours when we debated this Bill. It was then divisive, it is still divisive and this legislation that Mr Holding is talking about is also divisive, as accepted by the senior Government source as quoted in *The Australian*.

Mr Burke then announced his High Court challenge. He said, as reported in *The West Australian* of 14 August—

On hearing of Commonwealth plans to negotiate for uniform legislation on the "Clyde Holding model" the Premier, Mr Burke, declared that WA would challenge it in the High Court.

He said further on—

The WA Government was confident of mounting a successful High Court challenge...

This is good politics on Mr Burke's part. He continues to convey the impression that he is in some way opposed to land rights, even though he has brought in his own legislation, and has endeavoured to negotiate with the Commonwealth for wish-washy land rights. He has consistently been trying to put some land rights legislation on the books while at the same time he has been endeavouring to convince the public that in some way he is against land rights. He knows that electorally he will go down the gurgler very rapidly—whenever the next election is—if he is seen to be supporting land rights.

He is desperately trying to get himself off that hook he got himself onto when talking to the Aboriginal people at the Claremont Showgrounds, when he told them they could have everything they wanted provided they voted for him.

Hon. Peter Dowding: He didn't.

[Resolved: That business be continued.]

Hon. N. F. MOORE: So we have Mr Burke promising land rights in order to earn votes. Then we have his endeavour to legislate for land rights while trying to convince the public that he is not in favour of land rights, despite his Bill. Then he goes to Canberra to push his view on land rights. When he is told to get lost by Mr Hawke and Mr Holding, he says, "I will take you to the High Court." So we have Mr Burke doing his best to convince the people that he is against land rights, while at the same time he is proposing to bring in land rights and while he is actually committed to land rights.

Hon. Peter Dowding interjected.

Hon. N. F. MOORE: This is all relevant, although it might take Mr Dowding time to understand that this motion is all about national uniform land rights. I have been giving the history of land rights so that members might know precisely how we have got to the present situation where national uniform

land rights might be introduced. I have been explaining Mr Burke's unhappy role in the whole matter.

Hon. Kay Hallahan: His has been a brilliant role.

Hon. N. F. MOORE: He has been brilliant perhaps in convincing some people that while he is wanting to bring in land rights, while he is committed to land rights, he is in some way against it. The fact that some people believe this, is a tribute to Mr Burke's media activities.

Hon. Kay Hallahan: His genuine attempt to do something.

Hon. N. F. MOORE: Is he in favour of land rights?

Hon. Kay Hallahan: Of course.

Hon. N. F. MOORE: I am paying credit to the Premier's ability to have the people believe one thing when he does something else. He is clever, but it will catch him out one day. The motion reads as follows—

That this Parliament expresses to the Commonwealth Government its unqualified opposition to the attempted imposition on the State of Western Australia of Commonwealth legislation relating to Aboriginal land rights and advises the Commonwealth Government and Parliament that in the opinion of this Parliament

(a) such legislation lacks Constitutional authority and integrity;

My next remarks will relate to paragraph (a); that is, to the Commonwealth's constitutional authority and integrity. Mr Burke agreed with this as will be seen from his comments in a media statement on 13 August 1985. It reads as follows—

The Western Australian Premier, Mr Brian Burke, said this afternoon that any Federal land rights legislation affecting WA would be challenged in the High Court.

He said the State was completely confident of mounting a successful challenge, based on the Constitutional certainty that laws regarding the tenure and transfer of land were the province of the States.

Hon. Graham Edwards: Who put us into the Federal scene in the first place?

Hon. N. F. MOORE: I have just been giving a history lesson of the last two years.

Hon. Graham Edwards: It was an undemocratic Opposition in the Council of this State.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): I suggest that Mr Moore should ignore the interjections and address the Chair.

Hon. N. F. MOORE: Mr Burke claims that the State has constitutional power which prohibits the Commonwealth from bringing in national uniform land rights. He says that the States have control over land tenure and the transfer of land. I agree with him. The Commonwealth has certain powers listed under section 51 of the Constitution; the rest of the powers belong to the States.

Quite clearly, the question of land ownership and land transfer are matters which are rightly the province of the States, and Mr Burke agrees with this. He has said that he is absolutely confident that any challenge to the High Court would be successful because land rights are outside the constitutional parameters of the Commonwealth.

The editorial in *The West Australian* of 15 August 1985 also argues this, and I read as follows—

It goes without saying that unless Canberra's approach undergoes a dramatic transformation any federal legislation should be challenged in the High Court. The right of States to control their land must be protected, not only by the present WA Government but by any future administration.

That is clearly what ought to happen.

Let us consider the Constitution itself while I am talking about whether the Commonwealth has the relevant constitutional authority and integrity. If we consider the Commonwealth's powers, and in particular part 5, "Powers of the Parliament", we find that the preamble to section 51 reads as follows—

The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:—

One of the appropriate subsections is subsection (xxvi), which reads as follows—

The people of any race for whom it is deemed necessary to make special laws:

That was the subsection which was altered by the referendum of 1967, which deleted the words "other than the Aboriginal race in any State". The other applicable subsection is subsection (xxxi).

Hon. Peter Dowding: Did you support the referendum?

Hon. N. F. MOORE: I certainly did, and I will come to that later, to some of the lies and deceptions told at the time. Subsection (xxxi) reads—

The acquisition of property on just terms from any State or person for any purpose in respect of which the Parliament has power to make laws:

Some people argue that those two subsections of section 51, when put together, give the Commonwealth the power to grant land rights. This motion says that the Commonwealth does not have that authority, and we argue that it does not have that authority.

The legislation Mr Holding wants to introduce asserts that section 51(xxvi) enables the Commonwealth to make laws for the people of any race for whom it is deemed necessary to make special laws. However, section 51(xxvi) does not give the Commonwealth the power to give away any land. Mr Holding's proposed legislation talks about granting land to Aborigines; it talks about giving it away. The Constitution does not give the Commonwealth Government the power to do that.

Section 51(xxix) of the Constitution gives the Commonwealth Government the power to acquire land on just terms. Mr Holding's proposed legislation does not talk about resuming land or acquiring land and paying just terms. His legislation talks about enabling Aborigines to claim land and have it granted to them, yet that is clearly outside the ability of the Commonwealth with respect to its constitutional power.

If Mr Holding decides to amend his legislation or to alter his intention to provide for the acquisition of land, I would argue as Mr Burke does from time to time that Federal coffers do not have enough money to pay for it. When we consider what Mr Holding proposes for Australia—that 25 per cent of Australia be made available for claim—and when we work out how much 25 per cent of Australia is worth, we realise it would be a whole lot more than what is contained in the Federal Treasury. There is no way in the world that the Federal Government would commit itself to purchasing 25 per cent of Australia for Aborigines. Clearly, the Commonwealth policy to bring in national uniform land rights is unreal. Certainly Mr Holding's legislation does not have the constitutional authority to do so. It certainly does not contain the integrity to do so.

When we consider the question of integrity as outlined in the motion, we must look at whether Governments ought to do what the population wants them to do. National uniform land rights is of such importance that any Federal Government which tried to introduce such land rights, by using what it considered to be its constitutional powers, would be lacking any integrity.

Clearly the people of Australia, not just of Western Australia, have expressed through a variety of opinion polls that they do not accept land rights. If we look at the reasons the Constitution was changed in 1967 we see that any attempt to use that amendment to bring in land rights would also be short on integrity. I want to read what was said in the "Yes" case during the debate prior to the 1967 referendum. It stated—

It will make it possible for the Commonwealth Parliament to make special laws for the people of the Aboriginal race, wherever they may live, if the Parliament considers it necessary.

This would not mean that the States would automatically lose their existing powers. What is intended is that the National Parliament would make laws, if it thought fit, relating to Aboriginals—as it can about many other matters on which the States also have power to legislate. The Commonwealth object will be to co-operate with the States to ensure that together we act in the best interests of the Aboriginal people of Australia.

Clearly it calls for a relationship between the States and the Commonwealth with respect to Aboriginal legislation. For any Federal Government to attempt to bring in national uniform land legislation without the support of the States would be complete abrogation of the intention of the "Yes" case during the 1967 referendum.

In my view the Commonwealth will continue to lack the authority and integrity to legislate for land rights until it has had a referendum on the subject. Similarly, Mr Burke does not have the integrity or the authority to bring in land rights in Western Australia without a referendum on the subject.

Hon. Peter Dowding: Come on! That logic does not follow at all.

Hon. N. F. MOORE: I challenge the Government. If the people of Western Australia say through a referendum—and I am challenging

the Government to hold one at the next State election—that they want land rights, I will be the first to shut my mouth because I am of the opinion that the people agree with the point of view I hold; they do not want land rights. A Government which endeavours to introduce land rights demonstrates a lack of integrity and certainly has no authority because the people have expressed in a variety of ways that they do not want land rights.

If the Government believes land rights should be introduced and it wants to convince me as a voting member of the community that I should go along with the idea, the Government should hold a referendum at the next State election. That is a good time to do it; it would save money, and we would know once and for all whether people want land rights. Then the Government would know whether it had the authority or integrity to bring in land rights. The Government should do it to prove to itself what is agreed and what is not.

Hon. P. H. Wells: Their surveys tell them it will not work.

Hon. N. F. MOORE: That is right; that is why they will not do it. I challenge the Government to hold a referendum; I challenge it to put its money where its mouth is.

Paragraph (b) of the motion says the attempted imposition of Commonwealth legislation will lead to a serious confrontation between the State of Western Australia and the Commonwealth. That should be obvious to all people who have taken an interest in the subject of land rights. There is a clear division of opinion, not only between Mr Burke and Mr Holding, but also between Sir Joh Bjelke-Petersen and Mr Holding, and I would expect between Mr Gray in Tasmania and Mr Holding. I am not sure about Mr Wran, Mr Cain, and Mr Bannon.

Hon. Peter Dowding: Don't you know what is happening over there?

Hon. N. F. MOORE: I do know, but I am not sure what their attitude is to Mr Holding's point of view. It is self-evident that the proposed Commonwealth legislation would lead to confrontation between the Commonwealth and the States, particularly between Western Australia and the Commonwealth.

Paragraph (c) of our motion relates to the material and social benefits to the Aboriginal people which would be provided by land rights. We have argued about that in this House before, and I do not propose to go over those matters again. As far as I am concerned there is

no evidence which indicates that Aborigines are materially or socially better off in the Northern Territory than anywhere else, and of course the Northern Territory has land rights legislation.

Finally, the motion says the Parliament calls on the Commonwealth Government forthwith to abandon its pretence of constitutional authority for uniform national land rights legislation and its attempt to impose such legislation on the State of Western Australia. The motion goes on as follows—

The Parliament asserts its sovereign Constitutional right to determine the disposition of the Crown lands of Western Australia and to act in the interests and for all the people of Western Australia without interference from the Commonwealth.

That part of the motion where we are arguing that the disposition of Crown land in Western Australia is not an area in which the Commonwealth can legislate, is supported by the words of Mr Burke, who said—

The State was completely confident of mounting a successful challenge, based on the constitutional certainty that laws regarding the tenure and transfer of land were the province of the States.

I would expect members opposite to follow the lead of the Premier and support the call of this Parliament to the Federal Government to abandon its pretence of having the authority and integrity to introduce national uniform land rights. I am sure they will support us when we assert the sovereign constitutional rights of this State to look after its own land matters and I am sure they will support the motion in its entirety, because it clearly explains the situation.

I want to conclude by making a prediction. Throughout this land rights debate I have been making predictions to my colleagues and many of them have come true as circumstances have unfolded. In the unlikely event—I would say it is impossible—that the Burke Government wins the next election in this State, and in the even more unlikely event that it wins control of the Legislative Council, the first batch of Bills which come before the Labor dominated Parliament will include a land rights Bill based on the platform of the Labor Party. It will not be the Bill we had before; not Mr Burke's watered-down compromise arrangement as he calls it, but land rights based on the platform of the Labor Party.

I would not say that if Mr Burke had not done one thing: He went to the Federal Conference of the Labor Party in Canberra in July last year and supported the continuation of the Labor Party's Federal platform on land rights. He went there and made not one murmur within the confines of the Labor Party against land rights. He voted for it, as did all the Western Australian delegates. They supported the continuation in the party's Federal platform of a commitment to national uniform land rights based on the Woodward report, which is the basis of the Northern Territory legislation.

Hon. Peter Dowding: What month was that?

Hon. N. F. MOORE: In July 1984.

Hon. Peter Dowding: When was the Seaman report with the statement of principles released? Do you remember that?

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): Order!

Hon. N. F. MOORE: I do not care what the statement of principles said.

Hon. Peter Dowding: What date was it?

Hon. N. F. MOORE: I do not know the date; it does not matter.

Hon. Peter Dowding: Was it after July?

Hon. N. F. MOORE: What is in the platform of the Federal Labor Party completely overrides anything the State Labor Government might say outside that conference. The Minister knows as well as I do that he cannot just say outside the conference that the Government has changed its mind and does not believe in that conference decision any more. The Government is stuck with that whether it likes it or not, and Mr Burke supports the conference decision.

Hon. Peter Dowding: You cannot get your months right.

Hon. N. F. MOORE: That is why I say if Mr Burke ever gets the chance to control both Houses of this Parliament he will bring in land rights based upon the party's Federal platform. It is there for everybody to see, including Mr Edwards who I assume can read it.

Hon. Graham Edwards: How do you get on with Mr Clarko?

Hon. N. F. MOORE: Is it not interesting that when members opposite cannot win an argument they change the subject?

They are hooked on national land rights. It is the basis of their Federal and State platforms.

Mr Burke supported the Federal platform of the Labor Party, which I quoted from at the beginning of my speech, and which provides for national uniform land rights for the whole of Australia. For the benefit of Mr Edwards, that is what Mr Burke is committed to. It does not matter what he says outside the confines of that conference. What matters is that when the Labor Party conference gets together and makes decisions about things, the decisions are binding on members of Parliament. The same applies at the State level, but I understand where there is a conflict the Commonwealth decisions override the State decisions. I believe that is the reason that if Mr Burke ever gets a chance again to bring in land rights in Western Australia, it will be the first thing he will do. The only reason that we do not have land rights in Western Australia now, and the only thing that will stop us getting land rights in the future, is for either the Liberal Party to win Government or to remain in control of the Legislative Council and to continue to reject legislation which is clearly racist, divisive, and against the best interests of Western Australia.

This motion ought to be supported by both sides of the House. No doubt Mr Dowding will support it because he argues along the lines of his leader, that the Constitution and powers of the Commonwealth are not there and this Parliament ought to pass a motion to advise the Parliament of the Commonwealth and the Government of the Commonwealth that land rights are not acceptable in Western Australia. Certainly land rights are not acceptable in legislation passed by a Canberra Government against the wishes of the people in Western Australia and against the wishes of the Parliament of Western Australia which has already made a decision on this matter. The people of Western Australia ought to know that if they vote Labor in the coming election they will be voting for land rights, because if Mr Burke ever gets control of both Houses that will be the first thing that he does.

If Mr Burke had not supported land rights at the Federal conference I would be inclined to believe some of his utterances but I do not believe them because when he had a chance in front of all of his colleagues, he did not say a word. He went along with the majority of his colleagues and his vote, and the vote of his colleagues in Western Australia, was that they would support national uniform land rights, and that is where he stands. That is where he will stay until such time as he gets out of the Labor Party or the platform is changed. He will

not do that because he believes in land rights and therefore we, as the Parliament, ought to tell Mr Hawke and the Federal Parliament that it is none of their business. They should keep their hands off Western Australia from the point of view of the land that it owns and that land rights are not acceptable.

HON. KAY HALLAHAN (South-East Metropolitan) [5.56 p.m.]: I oppose the motion. I think we have seen an incredible act of hypocrisy once again on the part of the Opposition and the mover of this motion. The ending of the member's speech clearly showed that this is simply an exercise in political expediency by an Opposition which has nothing to recommend it to the community but this very controversial issue which has caused a great deal of confusion and divisiveness, much of which we can thank the Opposition for in this State.

Despite members interjecting it is quite clear that other people think there is much confusion and we can thank members of the Opposition for their great caravanserai around the countryside with their meetings, stirring up people and scaring them. We all know that people who have nothing constructive to add will resort to fear tactics in order to make some impression on the electorate. It is a scandalous situation and the Opposition will stand judged for that in the years to come.

Several members interjected.

The **DEPUTY PRESIDENT** (Hon. D. J. Wordsworth): Order! The Minister is not giving his own member a chance to speak. I remind Hon. Colin Bell that he might have the same dealt out to him if he interjects.

Hon. KAY HALLAHAN: We heard Hon. Norman Moore bringing to our attention many items from the Press. I thought he would be very impressed by this one. It is an interesting article which I think should well go into the *Hansard* record of our debates, so I may defer that until after the tea suspension. It will be no doubt of interest to members to contemplate what the editorial of our daily newspaper had to say on this subject the day after the Bill was defeated in this House. The heading on another paper was "Libs kill Burke's land rights". Are members proud of that heading?

Opposition members: Yes, we are.

Hon. KAY HALLAHAN: I would like it recorded in *Hansard* that all those stupid Opposition members are proud of that. I am glad I am not associated with it.

Hon. G. E. Masters: How about putting it on your election pamphlets next time?

Hon. KAY HALLAHAN: I will choose what goes on my election pamphlets.

Sitting suspended from 6.00 to 7.30 p.m.

Hon. KAY HALLAHAN: Before the suspension I referred to an article in *The Daily News* of April 17 1985. On the following day there appeared in *The West Australian* an editorial headed, "What now?" Because I believe the words of that editorial are succinct and in line with my own thinking on the matter, I think it would be good to have them on record in *Hansard*. This is what *The West Australian* had to say—

ONE day WA will have to come to terms with Aboriginal land rights. It is a pity that the opportunity to do so now has been lost.

The Aboriginal Land Bill came before Parliament after a gestation period that was possibly unrivalled. The Government had gone to extraordinary lengths to ensure that no opportunity for consultation was missed. Though those on both sides found flaws in the Bill, there remained wide agreement that it satisfied a fair measure of Aboriginal aspirations while properly taking into account the rights and needs of the non-Aboriginal population.

No more. Now, thanks to the Legislative Council, that exhaustive process of consultation has come to nothing. The hopes of Aborigines for some recognition of their cultural identity, and compensation for past and present mistreatment, have been shattered. Though it was never seriously suggested that land rights, for want of a better term, would solve all the problems faced by Aborigines, there was reason to believe that secure land tenure would help to restore their pride and atone, in part, for two centuries of exploitation and degradation.

So what happens now? The Liberals might have tossed out the legislation, but the problems it addressed cannot be similarly dismissed. The Burke government made an honest and valiant attempt to grapple with a problem it never needed. Politically it was on a hiding to nothing, yet it persisted and won over vital areas of interest in trying to ensure that the needs of WA's Aborigines could be met without needless encroachment on the well-being of others.

Now we face the threat of insensitive federal intervention and an accompanying bout of political hysteria in which the

plight of Aborigines may well be trampled into insignificance. That would be a sad day all round, and one which the ALP—here and in Canberra—would soon regret.

On the subject of politics, it was hard to miss the irony surrounding the defeat of the Aboriginal Land Bill.

The Liberals have often invoked the principle of equality in opposing the entire concept of land rights, but they showed no compunction about using their numbers in the electorally unequal Upper House to defeat the legislation. Some people remain more equal than others.

That editorial sums up much of what I feel on the whole issue. In fact I think it was written by somebody with a great deal of sensitivity and awareness of the whole concept of people's rights in the community, people's differences, electoral laws which are unequal, and the incredible ineptitude and dogmatism of the Opposition in this House.

It was a great disappointment to me that that Bill was defeated, because it was in part a small acknowledgment of the cultural differences in our community and those of our indigenous people before the Europeans arrived. It was an acknowledgment of their attachment to the land in a special way which other cultural groups do not have—certainly not those of us with a European background. We seem to deny any specific attachment. It was an attempt to show that this community believes there is a case for redress of the denigration of the Aboriginal people.

More importantly, the Bill would have passed into the law the concept of the Aborigines' cultural claim to the land, and a recognition of the fact that they do have some claim to that land.

It would not have affected most Western Australians. The reason it became an issue to Western Australians was the terrible campaign carried out by the Opposition, an expensive, notorious and dishonest campaign attempting to make the land rights issue one of great significance to Western Australians who would otherwise be quite unaffected, and generally would have no part of their lives in any way impeded by the legislation becoming law in this State.

As far as the Aboriginal people are concerned, we all know they had greater aspirations than those enshrined in the Bill, but they nevertheless would have felt that we valued

them and that we had a recognition of their culture and heritage. It would have been a start, by saying to them that they are of value and that they are a legitimate part of this multicultural society.

Hon. P. G. Pendal: Why don't you put the Bill up again in about three months?

Hon. KAY HALLAHAN: When we have a representative House and the member does not sit with people who do not represent the community, we will bring in many progressive things.

Hon. P. G. Pendal: Ninety one per cent supporters!

Hon. KAY HALLAHAN: That is a misleading quote. It came down to 45 per cent for and 45 against at the time the Bill was before this House.

Hon. G. E. Masters: Are you going to introduce it again?

Hon. P. G. Pendal: Just before the election; let the people decide.

Hon. KAY HALLAHAN: It is all very well for the member to say what we should do. The Premier did his best and sections of this community put in a lot of time and reached areas of agreement.

Hon. G. E. Masters: Why do you not put it up again?

The PRESIDENT: Order! I suggest the honourable member ignores the interjections because the interjections tend to direct the honourable member away from the terms of this motion. I have been listening very carefully to what the honourable member has said and is saying. Unless she adheres to what I am suggesting she does now—that is, that she ignores what anybody else is saying—it may well be found she is talking about something which is not contained in this motion.

Hon. KAY HALLAHAN: Mr President, I am sure that I can embrace the motion in my comments. I would not like to be seen not to be addressing the motion.

The Bill produced a great deal of community discussion at the highest levels of mining, pastoral, agricultural and other very significantly affected groups which found they could reach some agreement on the concept of land rights.

To be debating now this motion moved by a member of the Opposition who was one of the leaders against that whole conciliatory Bill is

unacceptable. Mr President, I hope I have reassured you about the direction my speech is taking.

The PRESIDENT: Order! The honourable member will reassure me by the words she uses. I am in possession of the motion, and the member's telling me that she is speaking to the motion, and the idea of her speaking to the motion, may well be two different things. But I will be the judge of that. I am not endeavouring to hinder her; I am suggesting that if she listens to the interjectors she will find herself straying from the terms of the motion. I am trying to help her.

Hon. KAY HALLAHAN: Thank you, Mr President.

One group which is widely representative of the community and which would undoubtedly support the comments I am now making is a group of Christian churches. I was very pleased to be able to attend their special service in St Mary's Cathedral on 10 February 1985. It was a very interesting service concerned with people's perceptions of the legislation in question. I will read part of the proceedings to members to give them the flavour of the service that took place. The service involved a lot of Aboriginal people and I remind members that these churches put in a great deal of effort to come up with a form of service which would be acceptable to everyone and which went to the heart of the problem. The following is from the prayers of petition—

Leader: God our Father, Your love for us is everlasting. You nourish us with Your word. Through it You lead us to a deeper understanding of Your mystery and You form us in Your image. Your spirit is at work among us. For this, we praise and thank You, Lord. We have heard Your call. The Land Rights question leaves us confused, often misinformed and hesitant to become involved.

All: Lord, we ask for guidance in the matter of land rights; and we ask for courage to find the truth and act upon it.

Leader: The Aboriginal people are dispossessed.

All: Lord, we pray for a greater understanding of the history of our country. Lord, break through our hardness of heart.

Leader: The dispossessed people are powerless.

All: Lord, we pray for a right use of power. We pray for all those leaders involved in this issue—bless them with integrity, courage and a single-minded pursuit of justice.

Leader: Aboriginal people have inherited a spiritual link with land.

I thought that would be of interest to members, given the fact that we begin our proceedings each day in this House with two prayers.

It seems to me that we have had extraordinary support for our stand on Aboriginal land rights right across the board. It was support for a Bill which would have given some recognition to Aboriginal people; it was support for a Bill which would have raised the status of this House in the eyes of the community; it was support for a Bill which would have gone a long way to tackling what has now become a very divisive issue.

I strongly oppose, in the strongest possible terms, this motion before the House, just as I will strongly oppose any similar motion. I hope that when the motion is put, that will be the last we see of this sort of thing coming forward from the Opposition, because I believe that the attitude of Opposition members is built on political expediency. Members opposite belong to a party which is going to the electorate without anything constructive to put forward and which is absolutely dependent on divisive issues in the hope of gaining support at the next State election.

The PRESIDENT: Order! I say to honourable members and particularly those behind the dais that audible conversation in this Chamber is out of order and rude.

HON. V. J. FERRY (South-West) [7.44 p.m.]: I support the motion before us so ably moved by Hon. Norman Moore. His contribution today was extremely notable and showed he had done a tremendous amount of work and put in a great deal of thought to his presentation. His motion is one that can be supported by the House. I hope that will be the case, because it is deserving of support.

We as Western Australians need to demonstrate to the Commonwealth Government and indeed to all Australia that we here in Western Australia have State rights affecting a number of areas, and especially this issue of so-called land rights for one ethnic group, rights which would give that group privileges over all other citizens in the country.

It is interesting to reflect on what has happened in WA over the last couple of years in regard to land rights. Since the issue has been in the public arena, an overwhelming objection to so-called land rights has been expressed by the vast majority of Western Australians. There is no question about that. We have witnessed a vast rejection by most people and very sound expressions of opinion right through the community indicating that for the vast majority of Western Australians the land rights proposition of the Burke Labor Government and the one contemplated by the Federal Government, are just not on. The Burke Labor Government on this issue has created its own water jump into which all its members have fallen. They built their pit of water and then fell into it.

It has been said that we need to correct past misdemeanours in this country in respect of Aborigines. But we cannot turn back the hands of time; we cannot return to the 1780s, to the time when Europeans came to Australia in numbers.

We must have regard for Western Australia as it is now. Our State is made up of a whole range of citizens of various ethnic backgrounds. The Labor Party wants to give privileges to one group because of their race. There is no doubt that we all understand that any citizen, of whatever race, who requires help should be afforded that help. This is so no matter what his ethnic background. To suggest that a particular race of people should be given land privileges above all other races is just not on. Therefore, the suggestion that the Commonwealth Government should intervene and use its influence to override State rights is just not on for Western Australia. I would fight to the last of my strength to make sure that did not happen.

This motion is quite appropriate in calling on the Parliament, not just this House, to ask that the Commonwealth Government abandon claims to constitutional authority to introduce uniform national land rights legislation. We object to the intention to impose such legislation on this State.

Especially in the last 12 months it has been proved that negotiations between the various sections of our community and the Burke Labor Government have led to false expectations. Well-meaning people have come together as representatives of various sections of our community and have agreed that we should have some form of land rights.

Having done that, the Burke Government forgot the most important ingredient—what do the people of Western Australia think of the proposition? The Government forgot about the majority of the people. It got a tremendously rude shock when there was a violent reaction in the public arena against land rights. Now the Burke Government is trying to back-pedal as fast as it can. I think it is issuing spades to all its members with orders to bury this issue as fast as they possibly can. But it will not lie down and die because the Commonwealth Government is seemingly determined to thrust its opinion onto Western Australia in relation to land rights. That is not for us at all; therefore this motion is most appropriate. We should use this vehicle as an expression of opinion for Western Australians throughout the State. It is something all members of this House can support.

This Parliament has a sovereign right to exercise its will in regard to laws about land and the allocation of Crown land in this State. Land is a States' right issue, no matter which State one lives in. We in Western Australia jealously guard that right. I do not know of any land at all in Western Australia which has been given away to a particular ethnic group. Some special arrangements are made from time to time, but as a general rule that is not the case because we treat people equally.

I come back to the point that the proposition of granting land to one group in the community will not materially help those people. They certainly need help in many other areas, as do other sections of our community. The granting of land will not overcome their several problems.

Hon. Robert Hetherington: Who said it did?

Hon. V. J. FERRY: That is for the member to judge.

Hon. Robert Hetherington: What are you talking about? It is a lot of nonsense.

Hon. V. J. FERRY: There is no doubt in my mind that the Western Australian people have expressed themselves very clearly without taking a constitutional ballot on the issue. Opinion is very clear in the area I represent, the south-west. I have had tremendous support from a wide section of the community and all ethnic groups, which have come to me and said, "That is the right stand; we are all Australians." One or two people in different sections of the community say, "That is not right; we want to grab a bit of land." Responsible people recognise they are Western

Australians, and Australians, and they are proud of it. We do not want different nations in one land. There are enough difficulties around the world today. All members can think of a number of countries which have problems with racial tension. We want to engineer our society in this country so that we eliminate most of those pitfalls which are reflected in so many other countries. We are generally a peaceful nation; there is no question about that.

The PRESIDENT: Order! Some tension will arise here in a minute if honourable members do not come to order.

Hon. V. J. FERRY: I conclude by giving my complete support to this motion. I hope the Government will support it and take note that the people of Western Australia will not stand for this sort of legislative proposal from the Commonwealth or from the State Government.

HON. P. G. PENDAL (South Central Metropolitan) [7.55 p.m.]: I want to make a brief contribution to the debate in support of the motion very ably moved by Hon. Norman Moore, and in particular to use as the springboard for my remarks the words in paragraph (c) of the motion where it is suggested that the conferring of land rights will cause social division between Aboriginal and non-Aboriginal people in Western Australia. I do so because tonight the attitude of the Christian churches has been raised by way of supporting the cause of the Labor Party in wanting to introduce land rights in Western Australia. I want to make this clear because I suggest considerable misrepresentation has been made about the position of at least one major Christian church in Australia. I refer to the position of the Catholic Church.

Hon. Kay Hallahan interjected.

The PRESIDENT: Order!

Hon. P. G. PENDAL: I refer members opposite to a publication which I have on my desk in my office in Como, a copy of which I would willingly and gladly make available to them by tomorrow if they are interested enough.

Hon. Peter Dowding interjected.

Hon. P. G. PENDAL: If Mr Dowding listens he may learn something.

In this small booklet, which was produced by three Jesuit scholars, one of whom was Mr Frank Brennan SJ, who apart from being a deacon within the Jesuit order is also a son of Mr Justice Brennan of the High Court—

Hon. Kay Hallahan: He is not opposed to land rights.

The PRESIDENT: Order!

Hon. P. G. PENDAL: If Hon. Kay Hallahan listens she may learn something, too.

Hon. Peter Dowding: Not from you, mate.

The PRESIDENT: Order! I have been very tolerant of honourable members, and from time to time I have suggested that the interjections are out of order and members have kept quiet for a couple of seconds. Now you are not even bothering to do that, and I am assuring you that the decorum of this place will be maintained, even if it gets to the stage where I am the only one left in here. I am warning honourable members that defiance of my requests can only lead to unpleasant situations being created. For goodness sake, allow the honourable member the right to be heard in silence which each and every one of you has. Several things will emanate from that; one will be, most importantly, that this motion will be dealt with a lot more expeditiously.

Hon. P. G. PENDAL: There was no question with this booklet, whose name escapes me for the moment, that the three co-authors as Jesuits favour in one form or another Aboriginal land rights. Perhaps that will answer Mrs Hallahan's interjection.

A point I tried to make when the Bill was being debated in this House some months ago is this: Land rights has never been endorsed by the Catholic Church in Australia, contrary to the claims made by many people in the community. The booklet to which I refer carries a brief foreword by, I think, Archbishop Rush who is the Roman Catholic Archbishop of Brisbane, and if I remember correctly is the Chairman of the Australian Episcopal Conference on Aboriginal matters.

In the foreword of that book, Archbishop Rush says two things. Firstly, he says there can be no doubt—no dispute by any person in Australia—that the Aboriginal people have been badly treated in the last 200-odd years of European settlement. He makes that statement, and goes on to say that there is no doubt in his mind, as a Christian and as a Catholic leader, that there needs to be some recompense and some things done to right those wrongs towards Aborigines. Of that there is no doubt in his mind and, indeed, I support that.

Archbishop Rush then goes on to say that it is not for him, nor any bishop—Mr Dowding, or Mrs Hallahan—to say that that demand for justice—which is legitimate—is necessarily

translated out to the conferral of Aboriginal land rights. This puts on it an entirely different complexion from that which some people in this community try to portray the Catholic Church's position to be.

It will also interest those members to know that I came by that publication some considerable time after I made my own speech in this House. Indeed, the booklet was given to me by Archbishop Foley, the Catholic Archbishop of Perth. He felt that I could benefit by reading those three chapters by the three co-authors, and it came as a considerable support and comfort for me personally to find those remarks of Archbishop Rush in the foreword to that booklet which, I repeat for the benefit of members opposite, conveyed the message that there was no doubt that the Aboriginal people were entitled to have the wrongs against them righted. However, it was another thing entirely—a different matter—for people to assume that the only way that justice could be done was to confer land rights on the Aboriginal people. Therefore, this is a timely opportunity to set the record straight, because that endorsement that was so vigorously claimed simply never existed.

I support the motion.

HON. ROBERT HETHERINGTON (South-East Metropolitan) [8.03 p.m.]: I had no intention of speaking on this motion until Hon. Phillip Pendal got up. I do not think anybody on this side of the House has claimed that the Catholic Church has a position. Certainly, I have talked to many Catholic priests who have a position on land rights for Aborigines.

Two things worry me about this motion. The first is the statement about constitutional authority. I am not a member of the Supreme Court, and I do not want to be supporting a motion that remarks on constitutional authority. Whether Commonwealth legislation is wise or not wise is a different question.

The other thing that worries me is that there is so much pontificating and so many words spread around here about Aborigines, as if they have some kind of equality in this community. That makes me very angry. I think it is time we stopped trying to lay down the law and taking these positions, and speaking as if the average Aborigine is like Ernie Bridge and can get his property by buying it, as some people have said at various times. We have to face the fact that in fact we have treated the Aborigines improperly and harshly, we have slaughtered them and conquered them in this country, and

it is time we did something about it. It is time we did something to remedy the social injustices that are faced by the Aborigines in our society. It is time we faced the fact that the number of Aborigines in our gaols is far greater in proportion than the number of Europeans. That is not because Aborigines are *per se* more immoral or more criminal than anybody else; it is because they are at the bottom of the heap and have been treated with scant justice since we settled this country, and they are still quite often treated with scant justice. It is time we faced this fact and got together instead of hurling anathemas at people like Clyde Holding.

An Opposition member: That is not what this motion is about.

Hon. ROBERT HETHERINGTON: Let me make my own speech—the member has made his. I will still interject on the person interjecting on me. I am sorry, Mr President, I should not do that, but sometimes I am carried away.

It is time we stopped producing motions that attack Clyde Holding or the Federal Government. I do not always agree with Mr Holding, but I know he is a decent, honourable person who has the benefit of Aborigines at heart. He may not always go about it the way I think he should go about it, but it would be better if, instead of passing motions like this and confronting each other, we should say that the Aborigines have suffered injustice since the white people conquered them, poisoned them, and quite often slaughtered them. They have had their culture ruined and they are culturally disadvantaged in our society, and we should get together and try to do something about it instead of doing what members opposite do—particularly Hon. Norman Moore and his leader; starting to produce fear campaigns about Aborigines and producing dishonest statements and incorrect statements about what the Burke Government was trying to do. God knows, Brian Burke tried hard enough with his Bill to bring some sort of compromise and consensus and decency, although he failed because it failed in this House.

An Opposition member: He was running scared.

Hon. ROBERT HETHERINGTON: He was not running scared at all. I listened to him all the way through and I knew what he was trying to do.

If there are any people of goodwill around this place, it is time we sat down to see if we can bring some kind of justice to Aborigines. Nobody on this side of the House has ever claimed that land rights is the panacea, the be-all and end-all. Nobody has ever claimed that.

Hon. A. A. Lewis interjected.

Hon. ROBERT HETHERINGTON: Well, it is true, Mr Lewis. The member can make his fatuous ahs as much as he likes, but it has not been claimed by people on this side of the House. We know that, if land rights were introduced tomorrow, there would still be many problems as far as Aborigines are concerned, particularly as far as urban Aborigines are concerned. This worries and concerns me and I just get sickened—and I am not talking about the honourable gentleman who just sat down—

Hon. H. W. Gayfer: Where were the Aborigines poisoned?

Hon. Peter Dowding: There are plenty of documentations of that.

Several members interjected.

The PRESIDENT: Order!

Hon. ROBERT HETHERINGTON: Thank you, Mr President. I am glad the other speeches have now finished.

I am sickened by the people who claim that Aborigines are just like anybody else—who say, “Just let them go and they have equal rights with the white community, to get everything we have.” It is true in one sense; it is like the statement that everybody has an equal right to stay at the Ritz or the Sheraton. I know many Aborigines in my electorate who have fewer equal rights than I have because I happen to get more money.

I do not say that I earn the money; I am given it by a beneficent Government which thinks that members of Parliament should get it. Aborigines do not have the same rights; they do not have the same rights to education or a whole range of other things. Instead of this confrontationism that we—

Hon. E. J. Charlton: That’s not because of their colour.

Hon. ROBERT HETHERINGTON: Learn a bit of history, comrade.

PRESIDENT: Order! I tell the honourable member the same as I told previous speakers. You allow the interjectors to divert you from the substance of this motion. I will not let members continue to traverse legislation that

has previously been dealt with in this House. This motion has nothing to do with that legislation. Obviously, I will not put honourable members in a straitjacket, but the way some of them are behaving it might not be a bad idea. I suggest that Hon. Robert Hetherington ignore the interjections and address the Chair. He will get along famously then.

Hon. ROBERT HETHERINGTON: With due respect, Mr President, I have not been canvassing the rights and wrongs of past legislation; I have been canvassing the rights and wrongs of present attitudes. I was canvassing the rights and wrongs of the attitude of the Premier whom various people tonight have criticised for his attitudes. I think his attitudes are not bad attitudes, and I am saying so.

The attitude behind this motion is one that we could do without. We could do better if we looked at the injustices and settled down to try to right them. We might then not have the confrontation either in this House or with the Federal Government that we seem to be having.

For that reason I do not support the motion. I can see merit in some of the things it says, but I do not support it because I think it is an undesirable motion to pass in this House.

HON. PETER DOWDING (North—Minister for Employment and Training) [8.12 p.m.]: The Government does not support this motion because it is moved with words and with an intention which simply are duplicitous because the Government's position has already been made perfectly clear. The Government's position was made clear by the Premier on 13 August when he made a detailed statement which I will read so that it is incorporated into *Hansard*. It reads—

The Western Australian Premier, Mr Brian Burke, said this afternoon that any Federal land rights legislation affecting W.A. would be challenged in the High Court.

He said the State was completely confident of mounting a successful challenge, based on the Constitutional certainty that laws regarding the tenure and transfer of land were the province of the States.

However, if for any reason this challenge failed, the State would then seek compensation payments from the Commonwealth for Crown lands appropriated. Such payments would require enormous sums that would be beyond the financial capacity of the Commonwealth Treasury.

Mr Burke said the Commonwealth had been told that the W.A. Government would not tolerate any intrusion into the State's rights in this field.

"Western Australians have made it perfectly plain over the last two years that they do not want land rights on the Holding model" Mr Burke said.

"We would be failing in our responsibility as a government if we did not recognise the strong expressions of opinion on this matter by Western Australians and act firmly to uphold them."

"No government in Australia has tried harder than the present W.A. Government to achieve a sensible compromise on land rights.

"We appointed a full-scale inquiry to canvass all aspects of the issue and then engaged in lengthy discussions with all the parties affected by land rights to get a consensus.

"We achieved legislation that conferred significant benefits on Aborigines without hurting any other section of the community.

"When this legislation failed, we undertook long negotiations with the Commonwealth to give them the benefit of our experience in the field so that any legislation they brought forward might reflect the support we had achieved in W.A.

"Now we have been slapped in the face.

"There is not the slightest doubt that Federal legislation on the Holding model will be unacceptable to a big majority of Australians and will only provoke a bitter community debate from which the Aboriginal people, already the most disadvantaged section of the Australian community, and the Hawke Government will be the only losers.

"Let me assure my colleagues in Canberra that this issue looks very different in rural and outback Australia than it does in the trendy restaurants and terraces of Sydney and Melbourne.

"The Hawke Government has now brought down on its own head a political row that will at least rival the tax debate.

"I would have thought that after that experience, they would have thought twice before entering into another battle of that magnitude.

"The W.A. Government has a responsibility to stand up for the interests of Western Australians and no-one in this State—black or white—will be well served by legislation on the Holding model.

"The Commonwealth is engaged in an exercise in futility," Mr Burke said.

That document makes no apologies for taking a very tough stand on a very sensitive issue. Just as honourable members opposite when they were in Government had numerous occasions of significant disagreements with the Federal Government, then a Liberal Government, we also in Western Australia have not dissimilar experiences from time to time despite the fact that on the whole the States have a much better arrangement under a Federal Labor Government than they ever did under a Federal Liberal Government.

The position of the Western Australian Government has been very well expressed. It is most regrettable that the Opposition seeks to do more than simply make some political gains without any real intention of making a point to anybody outside Western Australia about this issue.

In supporting this motion, Hon. Norman Moore gave one of the most clear illustrations of the inability of sections of his party to grapple with the real issues raised by the land rights debate. It is interesting to see this vast gulf between the expressions of opinion of Hon. Norman Moore and Hon. Philip Pandal, the latter not being a man whose intellect I much admire or whose politics I have much sympathy for. But at least he is able to give and articulate a clear expression of the problems confronting Aboriginal people which Hon. Norman Moore, as spokesman for the party, seems unable to grasp. He seems so unable to grasp it that he has not yet remembered that when he sat on this side of the House—not on the front bench on which no doubt he never will sit, at least during the period that he is likely to be in the Parliament—he supported the Aboriginal Communities Act which was a piece of legislation put up by the Liberal Government—

Hon. P. G. Pandal: An excellent piece.

Hon. PETER DOWDING: Thank you, Mr Pandal. More, more! I am interested in the member's stepping into the hole.

The Liberal Party introduced and supported legislation which provided different laws for different racial groups in different parts of the country. That is the essence of the Aboriginal

Communities Act. I have already made it clear in past speeches in this House that there are many elements of that Bill and of the attitudes of the then Attorney General, Mr Medcalf, who had a relatively enlightened view of the problems confronting Aboriginal communities and was very supportive of that legislation. Nothing could be clearer than that that legislation flies completely in the face of all the principles espoused by the Liberal Party's present spokesman on Aboriginal Affairs. He cannot run away from that fact. Nor can he run away from the same sort of pedestrian outlook expressed by Hon. Vic Ferry. They cannot run away from the fact that their Government, as has ours, has supported the continuation of there being Aboriginal reserves which are reserves for people who are Aborigines.

In fact they have special rights and privileges in relation to Aboriginal reserves. The Liberal Party when in Government over many years did nothing to amend the Land Act which gives special rights to Aborigines to enter upon pastoral leases and hunt. That was a special privilege given to a special section of the community for a special reason, and the reason is that they have different rights arising from historical circumstances. For so long as the Opposition continues to mount a campaign of fear which is based on a threat to a majority of Australians that somehow or other they are going to lose something to which they are entitled or someone else will get something to which they are not entitled, there can be no rational debate about land rights.

One of the great contributions Hon. Brian Burke, the Premier of this State, has made is that he has been able to get groups with conflicting interests and differing attitudes to support a piece of legislation that was introduced into this House. The reason he was able to do this was that there was a real understanding amongst people who took the time to sit down and work through the issues involved in land rights. It is impossible for that message to be put out and articulated when we are faced with the sort of fear campaign that we have seen mounted by the Liberal Party of this State.

Hon. Norman Moore is a spokesman for the Liberal Party who has actually facilitated and encouraged the movement around this country of a man who belongs to the League of Rights, a most unsavoury and despicable organisation. It is in fact an organisation from which, I believe, most right-thinking Australians would totally dissociate themselves. Yet Hon. Norman

Moore is delighted to have in his electorate a man who wrote a complete load of tripe called *Red Over Black*, which was part of the Liberal Party's fear campaign to make people believe that land rights was a real threat. The Liberal Party facilitates the movement of this man on lecture tours around the country.

That is why the Government will not support the motion before this House tonight. The fear campaign organised by Hon. Norman Moore and his friends is something with which the Government will have no truck. The view of the Premier of the State has been well expressed already. It is impossible for the Government not to remind honourable members that the House is not democratically elected; therefore to ask this House to express the opinion of the people of Western Australia is ludicrous. This House would have the credibility to pass such motions only if members opposite were prepared to support constitutional reforms.

I was listening on the radio recently to a report on the tragedy of South Africa and I heard an interview with a man who lived in a white suburb who was expressing his point of view. He made three points about Africans. When he was asked why he opposed Africans coming to live in his own suburb he said that he thought they were happy as they were. If that was not so, it was not right that they should come because they had not earned the right to live in this area as they had not worked hard enough to accumulate the wealth that he had accumulated. The third point was that even if the Africans moved into the area they would not be able to handle it. That is the same expression that we have heard so often from the Opposition on the issue of Aboriginal rights and entitlements.

I do not believe that I have ever heard Hon. Norman Moore in this House or anywhere else speak of the prejudice which is the constant experience of the Aboriginal people on a day-to-day basis. I do not think I have ever heard him suggest that Aboriginal people experience that sort of problem on a regular basis. We in this place have never heard Hon. Norman Moore express concern about the racism which is directed towards Aborigines.

We have never heard him express concern about the disadvantages they suffer nor have we heard him say what he believes are the rights and equalities of the people—say, the children of the dispossessed, the disadvantaged, the dislocated. We have never heard from Hon. Norman Moore in this regard

and the reason is that his focus is so right wing, so determinedly sure of the supremacy of the wealthy, upper class, white-dominated members of this community that we find he is unable to express any sort of sympathy in terms of Aboriginal affairs.

It is not the case that the entire Liberal Party is like that; it is only the members opposite. Amongst Liberal Party members, there are many people who are concerned at the extremism that exists in the Western Australian Liberal Party. When I travel to the Eastern States and meet Federal members in the Liberal Party, I find they are constantly concerned about the right wing expressions of the Liberal Party in this State, which are no better encapsulated than in the sort of obstinacy that we hear from Hon. Norman Moore.

It is very interesting, with all the great upheaval that has been happening in the Liberal Party in its right and left wings, that even the Federal members of the Liberal Party are trying to wind John Howard back from cooperating too much with Bill Hassell because everyone knows that Bill Hassell is a loser and he will be a loser at the next election. I do not believe that members opposite will get any clearer demonstration of the sort of fear tactics of the Liberal Party than that raised in this motion in the House at this time. It is irrelevant in the general sense of things because the Government has already made its position absolutely crystal clear.

It is, of course as Hon. Norman Moore says, the thin end of the wedge. He is talking about the charade of getting community groups together to achieve a consensus, and he is talking about the confusion of people; yet he does nothing to allay their fears and confusion. In that sort of environment, it is impossible to have a discussion about the direction in which a community should go for the benefit of its members.

Hon. Vic Ferry is equally wooden and unimaginative in his tackling of this problem, and quite different from the expressions of Hon. Phil Pandal. Hon. Vic Ferry says seriously that it is wrong to introduce a privilege for one race; yet he too supported the Aboriginal Communities Act. He too supported the amendment to the Aboriginal Heritage Act which was introduced in 1980, and was amended in 1982, and which provided significant privileges for the Aboriginal religion over all others which do not have the same expressions of power.

He himself has never been prepared to talk about the abandonment of the Aboriginal reserves, yet he talks about the injustices of the privileges and the Aboriginal Affairs Planning Authority Act which also provides privileges for Aboriginal people which are not available for non-Aborigines.

Let us be quite clear that this Government is committed to addressing the problems of Aboriginal people and is absolutely determined to see that we create justice in this State for those people. Since this undemocratic House has rejected what is a most important piece of legislation, the Government is pursuing a course of action which will create for the Aboriginal people in the State some fairness and some equality.

One example of the bigotry—if I might be so bold—of Hon. Norman Moore is his constant critical reference to what the Premier told the Aboriginal people in 1982 when they came to Perth to discuss the matter with the then Leader of the Opposition. He told them that he would be dedicated towards their achieving the permanency of the right over the reserves which they presently occupy. We can take it that Hon. Norman Moore wants to take that right away from those people; and they will no doubt be interested to hear what he has said tonight.

Secondly, when the Premier was told by them that they had concerns about some of the boundaries and offered to examine the boundaries to see if they could be altered in a way that suited the community's real interest in the land, he agreed to do so; yet it appears that Hon. Norman Moore is prepared to accept the permanency of boundaries which were arbitrarily fixed without reference to the interests of the people concerned, and which will not impact adversely on anyone else in the area.

The Ngaanjarra people will no doubt be interested to read of Mr Moore's intransigence on any amendment to the boundaries of reserves. It is shocking that the Opposition should use this House, which on any view of the matter is not representative of the views of the community, to seek to send a message outside this House to anybody when the position of the Government is most clearly put so that everyone in Western Australia, Australia, and indeed the Federal Government, understands our position without equivocation.

HON. A. A. LEWIS (Lower Central) [8.31 p.m.]: The Minister for Employment and Training, who asked us not to interject, said that I was not representative of my area because two of the three lower House members are Labor members, and I happen to be a Liberal. I will deal with that sort of comment. The man has been hoist with his own petard. You will remember, Mr President, he came into this place yelling and screaming about certain Aboriginal rights. While he was in diapers some of us were dealing with the Aboriginal people, and I am one of those who was dealing with them. Of course, now Mr Dowding leaves the House—

Hon. P. H. Lockyer: As usual.

Hon. A. A. LEWIS: —as usual, when he has finished speaking. That man has done more harm to the cause of the Aboriginal people in Western Australia—

Hon. P. H. Lockyer: What about the John Pat case in Roebourne?

Hon. A. A. LEWIS: —with whom I have been dealing since 1939 or 1940, than has any one man in Western Australia.

Opposition members: Hear, hear!

Hon. A. A. LEWIS: He is a disgrace as an elected representative of the north of this State.

Hon. P. H. Lockyer: A tourist!

Hon. V. J. Ferry: He won't be for long.

Hon. A. A. LEWIS: That is why he is leaving the north of the State. I became very hurt when I was virtually forced to my feet by Hon. Kay Hallahan who has a very short knowledge of the Aboriginal people, calling Opposition members stupid in their attitudes. The only reason I am on my feet tonight is because I am sure that the Aboriginal people I represent—and there are quite a lot of them—believe that I am not stupid and that I represent them to the best of my ability.

Many Aboriginal people in Hon. Peter Dowding's electorate talk to me and still correspond in one way or another with me about the attitudes of the Australian Labor Party and how they have been completely and utterly conned by that party—another set of double standards by a party that could not be trusted by the public, let alone the Aboriginal portion of that public.

The Burke Government tried to con the pastoralists, the miners, and the Aborigines with its land rights Bill. The Government tried to con the public by saying, "If you don't take our Bill the Holding Bill will be worse." I am led to

believe that the Holding Bill will never see the light of day because the Hawke Government has realised what is going on. It has realised that it cannot get the public to support it on this sort of issue. The public has seen through the ALP. The ALP has been used and duped by Holding, Hawke, and Burke.

Do they believe what they say about land? Does this State Government really believe what it says about the allocation of land? Look at the story the Government is telling the Aborigines, the farmers, the conservationists, and the foresters. In land management terms if those stories are added together we see the Government is lying to all four groups. It is not being truthful to anyone. The conservationists have woken up, have they not, because they have certainly put a rocket in the place. The Aborigines have woken up and, of course, they will just not turn up to vote because they have had enough of being put upon by members of Parliament such as the previous speaker.

Hon. Robert Hetherington spoke about pontification and performance. I believe the member is a very honourable member, but really! He went on to talk about South Africa and mentioned the differences. What does the member want us to do?

Hon. Robert Hetherington: Get it right.

Hon. A. A. LEWIS: I have got it right. The problem is that the member gets uptight and races into an argument. The bushmen were the first inhabitants of South Africa and the whites and Zulus conquered the bushmen. I hear nothing from the ALP supporting the bushmen. I have heard them support the Zulus and other black tribes, but never the bushmen, yet in Australia they go on about the Aborigines. There are so few of them left now. Hon. Robert Hetherington would know how many.

Hon. Robert Hetherington: I have not been to visit them.

Hon. A. A. LEWIS: That is right. Aborigines have been slaughtered and badly treated and some members of this House resent that treatment very much because they have been responsible for Aborigines being looked after like decent human beings and treated as such. These people are raising all this kerfuffle. Who is doing the shouting, if it is not Hon. Peter Dowding, Hon. Kay Hallahan, or Hon. Robert Hetherington? There are members who deal with the Aborigines—"Talk to them and treat them as equals"—yet those members claim the Aborigines are being slaughtered every time they open their mouths. Pastoralists have done

more for the Aboriginal race than the Labor Party will ever do with its pontification and lack of knowledge of Aborigines and their goals.

I congratulate Mr Moore for introducing this motion so lucidly. He put the Government in the pits of despair. Not one Government speaker has been able to answer any of Mr Moore's points.

Mr Dowding quoted Mr Burke who had said that he did not want land rights of the Holding model. I do not take shorthand, but Mr Burke said that. He tried to use that as his argument when talking to people before the Burke Bill came before Parliament. We know that the ALP is committed to this senseless act of taking land anywhere that it thinks it can win votes. This is a disgusting way to run the Government, but we are getting more and more used to this Government's double standards.

The Opposition is accused by Mr Dowding of creating a furor on Aboriginal land rights. Mr Dowding's presence in Roebourne and some very interesting facts arising from that presence during the John Pat case is something that I will raise at a later stage. Many facts came to my knowledge over the weekend.

The PRESIDENT: Order! This debate has been going on for several hours. I have asked many previous speakers to address themselves to the motion. Although they have ranged far and wide of the terms of the motion, each member occasionally referred back to it. I suggest to Hon. A. A. Lewis that I have waited patiently for his first reference to it and I am yet to hear it. The comments made by other members to which he has referred were made, I suggest, in reference to the main thrust of this motion. I suggest, therefore, that, in his contribution, he somehow relates himself to the motion. Some of the things he is saying certainly have nothing to do with it.

Hon. A. A. LEWIS: Mr President, with due respect, paragraph (c) of the motion refers to—

... the attempted imposition of such Commonwealth legislation as is contemplated will provide no material or social benefit for the Aboriginal people of Western Australia,

I am sorry if I did not tie that into what I was saying. It seems to me to be fairly conclusive that that is what I was talking about. I will try to tie in with that attempted imposition by the Commonwealth Government.

The PRESIDENT: It had escaped me.

Hon. A. A. LEWIS: I am sorry. Either I lack the ability to be able to convince you or something else has happened.

I continue with the imposition by the Commonwealth that Mr Moore talks about and refer to different groups within the community. Have we a right to look at different groups in the community and say what we are doing for them? Interjections and comments have been made about nothing being done for individual groups. I wonder whether this Government has not created a rod for its own back.

[Quorum formed.]

Hon. A. A. LEWIS: Is the Government, with legislation, still trying to split the community?

I thought tonight's speech by Hon. Norman Moore was one of the most brilliant I have heard in this House. He elucidated the problem without becoming emotional. Hon. Kay Hallahan, Hon. Robert Hetherington, and Hon. Peter Dowding replied with much emotion but did not answer one of the points raised by Mr Moore in his motion. If it had been a debate the score would have been 10:0, and Mr Moore had three speakers up against him.

I do not think the Federal Government has got the guts to introduce land rights legislation. I do not think Mr Holding is game to do it. I think the Federal Government is on its knees.

Mr Dowding spoke about a campaign of fear and used extravagant terms which were nonsense. I heard some of the speakers who went around the country. They put the case fairly and squarely to the people. That is what the Burke Government was not game to do. Members do not expect this Government to be fair and square on anything with its double standards. It keeps on trying to con people with its stories. The attack on Mr Moore about the League of Rights was not explained by the Minister. He then jumped into remarks about South Africa. He has limited knowledge about that subject, too. I guess, to tie it up with the motion, he was saying that that was the sort of imposition that he expected from the Federal Government in Australia. Was he saying that that is what he wanted from Mr Holding?

I dealt with South Africa the other night.

Hon. Robert Hetherington: You did not deal with it at all; you just talked about it.

The DEPUTY PRESIDENT (Hon. John Williams): Order!

Hon. A. A. LEWIS: Despite your ruling, Mr Deputy President (Hon. John Williams) Hon. Robert Hetherington is probably right. I only talk about it, but I only wish to God I could deal with it. I could deal with the misbeliefs.

I received a letter from an English-born friend of mine who works in a bank in Johannesburg. He said that considering the progress that has been made in his country, it is amazing that it has made that progress only to have the western world cut it off.

A Government member: Too little too late.

Hon. A. A. LEWIS: That was an interesting comment.

Referring again to the letter I received from my South African friend, he said that the coloured South Africans would now suffer because of the attitude of the western world. He said that nobody gave South Africa credit for what it had done. I think he was right. He is a good man who was recently in Australia. He is not a Mr Dowding type or a Mrs Hallahan type when he talks about Aborigines. He does not know all the answers.

I am getting sick of Mr Hetherington's lectures and his pontificating as if he knows all the answers. I am sick to death of members of the Labor Party coming into this House and trying to thrust their views down our necks without having any knowledge of the people about whom they are talking or having dealt with them in any shape or form.

Hon. Kay Hallahan: It is rubbish to suggest that.

Hon. A. A. LEWIS: They are trying to push their views down our necks and they are trying to wriggle off the hook on which their Premier has got them. The Premier is not keen on the imposition of land rights on people. It appears to me that members of the Labor Party get up in their places, call people stupid and abuse people who are not prepared to debate the motion. Again tonight the arrogance of Mr Dowding was outstanding.

Hon. Kay Hallahan: His was a very good speech.

Hon. A. A. LEWIS: It was a speech that did not touch the subject or the heart of the problem.

Several members interjected.

The DEPUTY PRESIDENT (Hon. John Williams): Order! I called for order three times, but still three members persisted in interjecting. I ask members to stop interjecting and to allow the debate to continue.

Hon. A. A. LEWIS: Thank you, Mr Deputy President. I am trying to close my remarks and I am sure some members would be pleased to hear that, but I am not going to let the Government off the hook. It seems to me that members of the Government think they can rise in their places in this House and lecture members of the Opposition or even heckle them, without anyone biting back. We have more members on the Opposition benches—

Hon. Robert Hetherington: There are more people.

Hon. Garry Kelly: You have more people.

The DEPUTY PRESIDENT: Order! Again I call for order.

Hon. A. A. LEWIS: We have more people on this side of the House who are concerned for Aborigines and who have more knowledge about the working and living habits of Aborigines than does the entire Labor Party in this Parliament.

It is shameful of the Government to play politics with this motion which is aimed at the Federal Government and which states, "We do not want your interference in land rights. We will handle our own State's rights that refer to land and you keep out." This is what the motion is all about and all we have heard from the Government has been excuses or abuses. I do not believe it does justice to Mr Moore's very good motion.

I support the motion.

HON. H. W. GAYFER (Central) [8.56 p.m.]: I support the motion moved by Hon. Norman Moore. Some members from the Government side of the House would say they would expect me to support it.

I went through a similar situation many years ago when I was a member of a Government that agreed to and gave drinking rights, as it was known at that time, to the Aborigines of this State.

I well remember the then Minister for Native Welfare (Hon. Edgar Lewis), who was a member of my party, breaking down in the party room. He said that it would be the end if Aborigines were given drinking rights. He was of the impression that they were not ready for drinking rights at that time and that it would be wrong if they were granted it. However, he was overruled and he worried about this matter to such an extent that, although it is not generally known, he collapsed in his office one Sunday morning. Eventually, when he brought the legislation to the House he was a broken man

because he believed it would not be of any value to the Aboriginal people because they were not ready for it. I am sure he was right and it is a problem with which we are now faced. This aspect is dealt with in paragraph (c) of Mr Moore's motion.

Hon. Robert Hetherington said that land rights was not a panacea for all problems and that it covered only part of them. I believe the problem created in trying to resolve one of the questions facing one part of the community will cause more disruption to the other part of the community than the exercise will prove to be worth. What Hon. Norman Moore has stated is perfectly true; that is, there will be a serious confrontation between the State of Western Australia and the Commonwealth of Australia if the Commonwealth legislation is passed. We are all aware that that will be the case, and that the confrontation will be faced by Western Australia because the Premier has stated to the Federal Government that he does not want its legislation in Western Australia. A confrontation is sure to arise in the ALP's family. The Premier certainly knows what he is talking about because it is the wish of the majority of people in Western Australia that the land rights legislation be discarded. In fact, Aborigines should be acquiring land in Western Australia in exactly the same way as everybody has to acquire it.

Whether we here like it or not that is the universal thinking of the majority of Western Australians. Hon. Norman Moore is again quite correct when he said that a plebiscite should be held, possibly at the next election or at some other suitable time, when this very point would be proved.

Paragraph (c) of the motion states that this will cause social division between Aboriginal and non-Aboriginal people in Western Australia and will set back the advancement of the Aboriginal people. This is the main question with which I shall deal.

There is a division now between Aboriginal and non-Aboriginal people and this division is worse than it was last year; it was worse then than it was the year before. The division is there particularly in country areas where most contact occurs between Aborigines and non-Aborigines. It never used to exist, and I should know that because I can claim a little station knowledge, although perhaps not as much as can some people in this Chamber. The division definitely exists. I am aware that the workers who used to be employed on our station are no

longer available to work there today. In other words, the workers of yesterday are no longer around.

It is not only the Aboriginal land rights question that is causing the gap between the people; it is the handouts that are already in place for the Aborigines, and this is just one additional matter. Hon. Robert Hetherington made the statement that Aborigines do not have access to the same rights and same education, and that they do not understand the rights and wrongs of the present attitudes. He made those statements during his speech. The white person also does not understand the rights and wrongs of the present attitudes towards Aborigines. They are completely bewildered about their future progress in this State as well as trying to observe what is going on with the Aborigines.

The social division exists. I am aware of this as a member of Parliament from the letters I receive from different groups, organisations, and individuals who write asking exactly what the Aborigines get from the Government as far as handouts and allocations are concerned. They can be called whatever one likes. Generally the people to whom I refer use different terminology, and it is not always as polite as the word "allocations".

It is interesting to consider some statistics which I took from one of my files this evening. In order to answer some of the questions I am often asked, some time ago I sought information with regard to funds provided to Aborigines. I have a photostat of these figures dated 25 May 1984. The figures are more than 12 months old and were provided by the Parliamentary Library and Legislative Research Service of the Parliament of Australia and related to expenditure on programmes for Aborigines.

Table 1 of the expenditure on programmes for Aborigines by the Department of Aboriginal Affairs in 1983-84 indicates that the following amounts were involved: Administration, \$19 million; Housing, \$13 million; Health, \$27 million; Education, \$14 million; Employment, \$19 million; Social Support, \$7 million; Community Management, \$35 million; Culture and Recreation, \$3 million; Legal Aid, \$11 million; Training, \$6 million; Consultation and Research, \$12 million; Aboriginal Development Commission Programmes, \$43 million; Administration, \$14 million; and, Land Rights, \$14 million; making a total of \$240 million.

In addition to these programmes administered by the Department of Aboriginal Affairs there was expenditure on other major

programmes by other departments. I quote again for the year 1983-84: Department of Housing and Construction—rental assistance for Aborigines, \$52 million; Department of Education and Youth Affairs—Aboriginal student programmes, \$41 million; and, Department of Employment and Industrial Relations—Aboriginal employment programmes, \$25 million; making a total of \$120 million or thereabouts.

It does not finish there; in addition to the amounts appropriated to the Aboriginal Affairs portfolio, the following Commonwealth departments and statutory authorities provided special programmes of assistance to Aborigines: Department of Health, \$5.5 million; Department of Education, \$55 million; Department of Social Security, \$750 000; Department of Housing, \$52 million; and Department of Employment and Industrial Relations, \$60 million.

I totalled those three groups of figures and ascertained that the total expenditure was \$535 million for 160 000 people, men, women and children, as at the last census in 1984.

That is the sort of thing that I refer back to Mr Moore's motion, which states that further social division will be caused between Aboriginal and non-Aboriginal people in Western Australia. It is the expected handouts and this wealth that is seemingly given and evidenced for no great purpose because the situation now is as though nothing has been done. Nothing has been done in the past and it has been suggested that we should now give away land so that Aborigines can own some land. Last year, if I remember correctly, an allocation of \$58 million was made to the Aboriginal Development Commission, the ADC. That allocation had no ties to it at all. I could not help thinking at the time that if that money was untied and if the Aborigines were earnest about acquiring land they could have used the money to purchase land, especially when one considers that \$60 million from the total budget allocated.

That \$60 million would buy the whole of the Corrigin Shire. Next year if they like to spend it again it will buy the whole of the Bruce Rock Shire. Mr Deputy President (Hon. John Williams), in 10 years they might own 10 shires if they want to allocate that money for the purpose of buying land, the same as you and I if we want to own it.

Mr Hetherington says Aborigines do not have the money other people have. I have just quoted authentic figures from the Parliamen-

tary Library and Legislative Research Service. This is colossal expenditure for 160 000 people.

Mr Deputy President, I do not mind if it does the good which is claimed. But when one goes to Meekatharra, to Cue, to Norman Moore's country, or to my country, one sees what the conditions are there. All the money in China will not make any difference.

The same will apply to the land. Gogo, Cheribun and Christmas Creek are being carved up with three other stations into stations with 2 000 head of cattle on each to provide a family with a living. We cannot find out who will get the land. It will not be the employees who used to work on those stations, but others who may have been looking over the fence. Those are the people who will get it in the long term.

This will not make any difference at all, because economically one would have to be an expert to be able to manage a holding of that size with that many cattle and expect to keep one-self and one's relatives going. This move to hand over willy-nilly the land of the State by means of land rights—some 48 per cent or perhaps more—to complete mismanagement, to those who lack expertise, would be a disgrace to the whole of our community and certainly to Western Australia.

The people out there are not aware of it. That is why this sort of talk and this sort of legislation will only drive a wedge further between the Aboriginal and non-Aboriginal communities. They know very well that it will not be looked after in 90 per cent of the cases. The odd one may make a go of it, but the others will not succeed. Let them come into the industry, the same as we did, in the same way as our sons will come into the industry if they want to become farmers tomorrow.

What is the difference? If my son wants to buy a farm tomorrow he has either me or a bank. I do not have the sort of figures behind me to get land, nor has he a right.

Hon. Garry Kelly: How can they get it?

Hon. H. W. GAYFER: I have just explained all that. They come in exactly in the same way as anybody else. They have exactly the same rights. Is there something wrong with that, Mr Kelly?

Hon. Garry Kelly: They are all equal to start with?

Several members interjected.

Hon. Garry Kelly: You say—

The DEPUTY PRESIDENT (Hon. John Williams): Hon. Garry Kelly will come to order—for the third time. I shall take further steps if he continues.

Hon. H. W. GAYFER: The Aboriginal shares in everything this State and this Commonwealth offer at the present moment—schooling, hospitals, and everything else. It is theirs the same as it is ours. That is fairly equal.

On top of that they get another \$535 million because of the colour of their skin. It is as simple as that. I say they are equal and are treated equally. If anybody is not treated equally it is possibly the white child, particularly in the northern part of our State. One only has to live up there and compare the availability of education and other matters to see who comes out of this best.

Hon. Garry Kelly interjected.

The DEPUTY PRESIDENT: Order!

Hon. H. W. GAYFER: All we say in respect of this is that there should be equal opportunity to purchase, to have land allocated, to get on and run one's land, station, or whatever. One section should not have any great advantage over the other.

I realise that the logic has gone completely over my honourable friend's head, but I am telling you, Sir, as Deputy President of this House, that the granting of these land rights will lead eventually to serious confrontation between the State of Western Australia and the Commonwealth. It will also cause social division between Aboriginal and non-Aboriginal people in Western Australia.

One must believe that, because it has already happened. The mere talk of it without it coming into being has done that. It is no good just sitting down here in the metropolitan area; one must get over the hills and hear what they say.

If anyone thinks this matter is not creating a social difference between the two groups, get out to Kellerberrin or some place like that. It is there and it is simmering. Everything we do by bringing in legislation which is not acceptable increases the tension.

An Opposition member: War in the making!

Hon. H. W. GAYFER: I do not know about war in the making. It is something we do not want. I certainly do not want it.

I started this speech by saying that I was a member of the Government which granted drinking rights to Aborigines throughout

Australia. Nobody in this House can say that was the proper thing to do. At the time everything pointed to the fact it should be done in the interests of equality. But it was absolutely wrong, and the elders of the tribes will tell us it was wrong too.

Perhaps there should not be a law which stopped anybody in this community from having something his brother had. On the other hand, it has proved to be wrong.

Mr Hetherington talks of the numbers in gaol. I would say that most of those are in gaol because of that devil alcohol. We gave them equal rights and equal access to drink. We did that in the days of Edgar Lewis and it was absolutely wrong. If anyone would like to get into the utility with me and come up to Meekatharra to see who is sitting in the gutter, especially on Thursdays, I can show him.

I am not convinced this will be the answer to the problem. I am not sure that the \$535 million that is already being handed out is being used expeditiously and is the answer to the problem of black versus white in this community. I am frightened by the social disturbance this talk of land rights has created between whites and blacks.

HON. N. F. MOORE (Lower North) [9.20 p.m.]: In winding up this debate I must say how surprised I am that Government members are not supporting the motion. Here we have the Premier of WA going to great lengths to tell the people of this State that he is going to oppose Federal land rights; he is even talking of a High Court challenge against Federal legislation to introduce national uniform land rights. That is what he is telling the public of WA, and he has received a very good run in the Press, so much so that some members of the public believe Mr Burke is in some way opposed to land rights. But as I explained in my opening address, this is precisely what he has been endeavouring to do—to convince the people that even though he supports land rights, he does not.

The situation tonight is that I have moved a motion which seeks the support of the Parliament in calling on the Federal Parliament and the Federal Government to understand that we are opposed to national uniform land rights. I moved the motion in the expectation that Government members would support it because it is worded along the same approach that Mr Burke espoused in August when Mr Holding announced he would be bringing in national uniform land rights legislation. So I am surprised that Government members have

taken such a strong line against the motion. Mr Dowding was particularly adamant in his arguments against it.

The motion expresses to the Commonwealth Government this Parliament's unqualified opposition to the attempted imposition on the State of WA of Commonwealth legislation for Aboriginal land rights. What is wrong with that? We are saying we should do that because such legislation lacks constitutional authority and integrity. Mr Burke himself said that, and earlier I quoted his Press release. He has said that the Commonwealth does not have the constitutional power to introduce such legislation because the question of land and land tenure especially is the province of State Parliaments. So, why cannot Government members support that?

The motion goes on to suggest that such national uniform land rights will lead to a serious confrontation between the State of Western Australia and the Commonwealth. What is wrong with supporting that?

I can imagine Government members being a little squeamish about supporting paragraph (c) because they believe that land rights will in fact help Aborigines. Nevertheless, Government members could have moved to delete or amend that paragraph.

The last part of the motion indicates that the Parliament calls on the Commonwealth Government to abandon its pretence of constitutional authority for uniform national land rights legislation and its attempt to impose such legislation on WA. Mr Burke agrees that the Commonwealth has no constitutional authority to do so.

Finally, the motion ends with the indication that the Parliament asserts its sovereign constitutional right to determine the disposition of the Crown lands of Western Australia. That is what Mr Burke has said. What is wrong with this Parliament asserting that right? That is what we are here for. With Federal Parliaments of either ilk desperately trying to get more power, it is opportune for State Parliaments to assert their rights, and one right is to look after the disposition of our Crown lands. Why cannot Government members support that?

Hon. Fred McKenzie: We had that opportunity and you rejected it.

Hon. N. F. MOORE: We rejected what the people of WA wanted rejected, and that was the land rights Bill the Government introduced. I am asking Government members now to sup-

port a motion to have the Federal Government not introduce uniform national land rights, to which the Premier says he is opposed. Here is an opportunity for Government members to join with us and put this motion through the House and then to send it off to the Federal Government to show that the Parliament of WA is united in its opposition to the Federal legislation on land rights. The Government could have suggested an amendment to any part of the motion and we would have considered it. But, no, Mrs Hallahan jumped up and said how wrong the motion was, and quoted the editorial in *The West Australian*. The person who wrote that stupid editorial got it all wrong and if members have read editorials since then, they will have noticed that he has started to have second thoughts about what he said because he has seen the results of opinion polls conducted by his own newspaper and has seen that the people of WA support what the Opposition in the Legislative Council of WA did. There is no question about that.

If members opposite disagree, they should bring back that Bill and have another go at it. They would see again what the people of WA think about this subject. If members opposite believe that the Bill is what is needed in WA—

Hon. Kay Hallahan: We do.

Hon. N. F. MOORE: —they should bring back the legislation, just as the Government intends doing with a few other Bills so that they can be tossed out again and thereby build up the number of Bills knocked back by the Opposition. Bring it back word for word so that this House can toss it out again, then the Government can point to another Bill defeated by the Opposition, so that it can say that the Legislative Council has knocked out 27½ Bills this session. However, the Government will not say that the same Bill has been knocked back four times.

Hon. Kay Hallahan: That is ludicrous.

Hon. N. F. MOORE: The member should have a look at the pecuniary interests Bill before the Parliament and compare it with the previous Bill. They are word for word. If the Government thinks the land rights Bill was so good, I challenge it to bring it back again. Better still, I challenge it to hold a referendum at the next election and see the people's reaction to land rights. The Government will see just how opposed to land rights are the people of WA.

The Government's opposition to this motion exposes Government members for what they are. They support land rights. They support their platform. They are bound by their platform and they support it. As I explained earlier this afternoon, Mr Burke voted for that platform at the Labor Party's national conference. He believes there should be national land rights, but he is creating an enormous smoke-screen across the political arena in WA to give the impression that in some ways he does not like land rights but believes that perhaps we should try a little here and there. But deep down he believes in land rights. Although the Premier publicly opposes the Commonwealth's move, his supporters here will not put up their hands and support him. Mr Burke would not put up his hand at the national conference and vote against land rights. At that national conference he supported national uniform land rights based on the Northern Territory model. Government members here will not put up their hands tonight and say no to the Commonwealth Government's attempt to introduce national uniform land rights.

That is what this motion is all about. Members opposite support national uniform land rights, whether they like the idea or not. The evidence is here tonight; it is absolutely and totally clear. They could tonight prove that that is not the case by putting up their hands and supporting this motion, but they will not do so. They expose themselves for what they are.

Question put and passed.

ACTS AMENDMENT (HOSPITALS) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. D. K. Dans (Leader of the House), read a first time.

Second Reading

HON. D. K. DANS (South Metropolitan—Leader of the House) [9.31 p.m.]: I move—

That the Bill be now read a second time.

The thrust of this Bill is to provide maximum protection for patients by ensuring there are acceptable minimum standards of care in all nursing homes and private hospitals.

Honourable members will be aware of the considerable concern which has been expressed in the past by the media and the public over standards of care provided by private nursing

homes. Before coming to office, the Australian Labor Party in this State pledged in its health policy it would—

Ensure that the operation of nursing homes was adequately supervised, and

take action to prevent lodging houses or similar places representing themselves as nursing homes.

This Bill fulfils both those promises.

Before outlining the main provisions of this Bill, I believe it would be beneficial for members to understand the background to this legislation. Members may recall the major debates in the Legislative Assembly on the subject of the late Mr Reginald Berryman and the justifiable public concern based on allegations that the standard of care he received was inadequate to the point of being a very serious case of neglect.

Shortly after being elected, this Government ordered an inquiry into aspects of the care and treatment given the late Mr Berryman before his death. The inquiry took longer to conduct than the Minister for Health would have liked, but as soon as the results were available to the Minister, he tabled the full report in this Parliament. That report referred to the liaison—and lack of it—between the then Mental Health Service and Penn-Rose Nursing Home where Mr Berryman spent most of his time. It made some recommendations concerning our mental health laws and the Minister for Health has ensured those recommendations are now available to Parliamentary Counsel drafting new mental health legislation which, in due course, will be brought before the Parliament.

Honourable members' attention is drawn to the Berryman case because one of the problems it highlighted was the fact that, under the existing legislation, virtually anyone running a boarding house or lodging house can call such an establishment a nursing home. This Bill addresses that problem.

Public concern about nursing home standards of care, while reawakened by the Berryman publicity, was not just engendered by that particular case. It was, and continues to be, a major worry for those who have elderly or infirm relatives on whose behalf they seek care. The depth of that concern can be judged by the fact that a special Senate Committee of Inquiry into nursing home care was established under the chairmanship of Senator Pat Giles. Anyone who read its report could not fail to understand the importance of legislation such as that we are introducing today.

It was in response to this widespread concern that, knowing the legislation before the House today would take some time to prepare, the State Government moved to address one of the major problems related to nursing home care—staff-patient ratios. In October of last year, the Government amended the private hospital regulations to improve staff-patient ratios, stipulating a minimum number of hours per day of nursing care for each patient in private hospitals, maternity hospitals, and nursing homes. These new regulations will become an integral part of the Hospitals Act as the Government is proposing to amend it.

Honourable members are further advised that in a continuing bid to protect patients, the Government has, in the past 12 months, doubled the number of inspections made of nursing homes. Any complaint received about a nursing home is fully and vigorously investigated. I might add that we are assisted in these endeavours by the Nursing Homes Association of Western Australia (Inc.) which shares Government concern and complements our efforts to ensure the highest standards are maintained in WA nursing homes.

One of the problems the Government has encountered in attempting to change existing legislation to protect the public is that, as a result of history rather than any other factor, some of the laws and rules affecting nursing homes are to be found in the Health Act; others impinge upon the Hospitals Act. This Bill proposes that all matters relating to hospitals be transferred from the Health Act to the Hospitals Act. It also makes provision for the licensing of day hospital facilities.

At the moment, the Health Act provides for the establishment of hospitals and sanatoriums for the treatment and care of cases of tuberculosis. It is the Health Act which provides for the registration of private hospitals, the term being used to include nursing homes and maternity homes as well as larger general hospitals.

These provisions are in the Health Act historically because of the need to ensure that the standards of care provided are satisfactory and that the safety of the buildings is of sufficient standard not to put the health of patients at risk. The Hospitals Act, on the other hand, is mainly concerned with the establishment, maintenance, and management of public hospitals. The opportunity is now being taken to bring the provisions for nursing homes and public hospitals into the one Act.

In order not to lose any of the controls over the standards of building construction and maintenance that the Health Act presently provides, similar provisions to those of the Health Act have been included in the Hospitals Act. The Bill provides that all premises proposed as private hospitals, including nursing homes, be subject to the approval of the Commissioner of Health. After he is satisfied that a building complies with standards of construction and safety and is suitable for use as a nursing home or private hospital, he may approve the use of such premises for that purpose. These standards will be made available, in the form of guidelines, with which any person proposing to conduct such a business must comply in order to have the premises approved.

A time limit has been imposed on the Commissioner of Health, within which time a decision on the result of the application for a licence is required to be communicated to the applicant. Where an existing approved hospital has been sold or leased, the applicant, being the new owner or lessee, must be advised of the decision on that application within 30 days of its receipt by the department. In the event of a decision being made to refuse to issue a licence, the unsuccessful applicant can appeal to the Minister within 30 days of that decision being made.

Controls necessary to ensure the health, safety, and well-being of patients—presently held by the commissioner under the Health Act—will be transferred to the Hospitals Act. These controls include such matters as building standards, management, equipment and staffing requirements, and the power to cancel a licence or even close the premises if the circumstances warrant such serious action.

This Bill includes provision for an appeal to a Local Court by a person whose licence to conduct a nursing home or private hospital has been cancelled by the commissioner. A new provision is also included to specify that, when a licensee which is a body corporate is found guilty of an offence under this part of the Act, every director, manager, and secretary of the company is equally liable unless each can prove that the offence was committed without his consent or knowledge or against his wishes, advice, or attempts to prevent the commission of the offence.

Provision has been included for the Governor to make grants and subsidies towards the costs of establishing or maintaining private hospitals and nursing homes. A proviso in this clause requires that

the grant or subsidy is payable on condition that the licence holder agrees to conduct the hospital in accordance with any conditions that may be imposed or directions that may be given by the commissioner at any time.

There are, at present, five charitable organisation nursing homes being assisted by a total payment of over \$8 million per annum by the State Government towards their operating expenses. We have traditionally enjoyed a close cooperation with these nursing homes in terms of ensuring the highest possible standards of service are maintained. A clause in this Bill puts that cooperation on a formal basis to ensure that these premises complement the overall State programme for nursing home services.

Honourable members may be aware that an amendment to the National Health Act took effect on 1 September. It provided that a benefit can be paid by health insurance funds in respect of charges raised against a patient using a day hospital, provided the facility is approved and licensed as a hospital under State law and that the professional services provided were prescribed for this class of benefit. Therefore, another provision in this Bill relates to the inspection and licensing of day hospital facilities. The provision ensures that a person undergoing a minor surgical procedure and recovery over an extended period during the day in such a facility receives a high standard of service and is provided with accommodation and equipment that meets appropriate standards. By bringing these facilities under the Hospitals Act, similar standards of operation as apply to private hospitals and nursing homes can be imposed on these types of premises.

As explained, because these premises will be approved and licensed by the State, the patients will be able to receive a refund for charges made for use of such facilities when used for prescribed professional services.

Another benefit of this Bill is a minor amendment to an existing provision whereby the Minister can establish depots for supplying equipment, stores, drugs, and other requisites to hospitals. The existing provision will be widened to authorise the Minister to supply such goods to any facility operating under any Act administered by the Minister. This broadening of the provision will enable hospitals and clinics conducted by the Alcohol and Drug Authority, dental health clinics, child health clinics, and community health centres to

benefit from the Government Stores hospital contracts, and thus result in economies of scale in bulk purchases.

Opportunity has also been taken in this Bill to update existing legislation. For example, a provision in the Hospitals Act which empowers the Minister to set aside wards in public hospitals for the treatment of private patients is repealed by this Bill. The provision to be repealed is no longer required as persons are now classified as public patients or private patients. Wards are not so classified now, but if ever the situation arose where this requirement was deemed necessary, it could be achieved administratively.

The Bill also transfers the current Health Act provision that provides that a hospital board shall, when requested by the Minister, set aside any portion of the public hospital for the reception and treatment of cases of infectious disease.

Regulations are also empowered to be made in respect of the good management of these portions of public hospitals and also for the detention, discipline, and maintenance of good conduct of patients admitted with any infectious diseases. This power and others, permitting regulations to be made to search persons and possessions, restrain infectious disease patients, administer appropriate medication, and treat prisoners, are all current provisions in the Health Act relating to the treatment of cases of tuberculosis.

Another amendment to the Hospitals Act proposes to widen the present power for authorised officers to visit public hospitals to enable that authorisation to include private hospitals. Because this then authorises the medical examination of patients in private hospitals by a departmental medical officer, it is seen that this could have the potential to upset existing doctor-patient relationships. Therefore, this authority to medically examine patients has been made subject to a complaint being received by the department, the medical practitioner being advised of the proposed patient examination and being invited to attend, and the licensee of the hospital where the patient is accommodated also being advised of the proposed examination.

Other amendments to the Hospitals Act in this Bill are to amend existing provisions to indicate that appropriate provisions relate to public hospitals only. The Bill also includes

provision to repeal or appropriately amend those parts of the Health Act dealing with hospitals.

Savings and transitional clauses are included in the Bill to enable matters in action to continue to have lawful effect during the transition from one Act to the other and to protect existing registered facilities.

A final clause has been added to the Bill to make the operation of the Hospitals Act subject to review after five years from 1 January 1986 and after every five years thereafter. This implements Cabinet's decision to have the operation of all legislation establishing statutory authorities subject to either a termination requirement or a review requirement, whichever is considered the most appropriate measure. In this case it is considered that a review requirement is the most appropriate and this has, accordingly, been included.

The purpose of this Bill is to protect patients. While the public, quite rightly, should have the choice of a wide range of health care, Western Australians also have a right to expect this Parliament to frame legislation to control the standards of care available to the community.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. John Williams.

FIRE BRIGADES AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. D. K. Dans (Leader of the House), read a first time.

Second Reading

HON. D. K. DANS (South Metropolitan—Leader of the House) [9.45 p.m.]: I move—

That the Bill be now read a second time.

The Bill seeks to amend the Fire Brigades Act in four principal areas. These are amendments to provide for—

- (a) an employee representative on the Western Australian Fire Brigades Board;
- (b) specific powers to undertake a wider range of fire-related services, including private sector training, and to charge a fee for these additional services;
- (c) recouping costs of technological developments through their sale to other user organisations in the areas of

systems and equipment research and development that have a market beyond their use in this State's fire service; and

- (d) the use of rolls maintained by the Valuer General pursuant to section 26 of the Valuation of Land Act for the purposes of apportioning local government contributions to the board's operations.

In relation to employee representation on the WAFBB, the Bill provides for the appointment to the board of an employee representative elected by permanent employees and increases the number of board members to 12. This provision is in keeping with the Government's objective of encouraging a greater degree of employee participation in decision making. This initiative will improve the efficiency of the fire service by providing to the board's deliberations a higher level of practical expertise.

The proposal to provide specific powers to charge for certain services to a degree reinforces previous practice where the Western Australian Fire Brigades Board has obtained revenue from providing services to sundry organisations on a cost recovery basis. Current examples include—

- (a) Servicing of privately-owned fire appliances;
- (b) training in fire protection matters; and
- (c) emergency services other than fire—e.g. pumping out flooded basements.

The WA Fire Brigades Board maintains equipment, manpower and specialist skills in all areas related to fire protection, rescue, and the handling of hazardous chemical emergencies. From time to time both the private and public sectors seek the assistance of the brigade for the provision of training in facets of these specialist skills or in the use of some related equipment. For example, harbour masters from isolated ports and mining companies who maintain a fire protection capability for their workplace often request assistance in training personnel.

The board is also strengthening its commitment to the education of the public in fire safety, and has recently opened a fire safety education centre. Apart from the monetary advantages, the additional activities referred to would generate employment opportunities for

firefighting personnel who, through injury or other disability, are unable to perform normal duties.

This Bill provides specific powers for the board to undertake these roles, to make charges where applicable, and to receive voluntary gifts of money and equipment from the community when appropriate.

The third initiative is a very exciting proposal as it provides tangible evidence of the benefits to be gained from supporting technological research in the public sector—something this Government has strongly supported. The WA Fire Brigades Board is heavily committed to the development of systems and equipment, including computerised data and communications systems, directed to improving the efficiency of the brigade. Many of these developments have a marketable value beyond their immediate use within the fire service. This Bill empowers the board to recoup some of the cost of such developments as an offset against the cost of providing an effective and efficient fire service to the general community.

The remaining provision is to replace reference to water rateability as a means of apportioning contribution apportionment between local government with valuations contained on the roll maintained by the Valuer General. Local government contributions towards the WA Fire Brigades Board operation costs in united fire districts are currently apportioned according to "gross rental value in force under the Valuations of Land Act 1978, of all land subject to water rates". The valuation roll maintained by the Valuer General does not discriminate between land subject to water rates and that which is not. It has proved impractical to accurately relate water supply records to the valuation rolls maintained by the Valuer General. This Bill provides that the valuation roll maintained by the Valuer General pursuant to section 26 of the Valuation of Land Act shall be used in the apportionment of local government contributions to the board whether or not the land is subject to water rates.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. Tom Knight.

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES AMENDMENT BILL

Second Reading

HON. D. K. DANS (South Metropolitan—Leader of the House) [9.50 p.m.]: I move—

That the Bill be now read a second time.

This Bill effects two major changes to the Registration of Births, Deaths and Marriages Act. The first change is to allow a choice of surname under which a child may be registered in the register of births. The Act now requires that a child take the surname of the father unless the mother does not disclose the father's particulars at birth, in which case the child takes the mother's surname.

It is proposed that in future there should be a choice of using the surname of either parent or a combined form of the surnames of both parents, with or without hyphen. This choice of surnames will apply where the names of both parents are recorded on the registration of birth and they have different surnames. Clause 4 effects this change. Clause 5 provides that where agreement cannot be reached between the mother and the father in respect of the surname or combined form of surname proposed to be registered, registration shall occur in accordance with present procedures.

The second change will allow the entry in the birth register of a surname which is nominated on the basis of a recognised religious or ethnic custom or naming procedure. This choice will be available where either the mother or father of the child subscribes to the religion or is a member of the ethnic group in question. This change is of particular relevance to members of the Malay Islamic community of the Christmas and Cocos (Keeling) Islands living in Western Australia, who have for some time sought to register births in accordance with their religious and cultural requirements.

There are obvious problems in attempting to accommodate our Act to naming customs which members of the Malay community, for example, have expressed a wish to follow. The idea of a person having given and surnames has been used since the establishment of birth records in Western Australia. The same idea is reflected in the registration systems used in the other Australian States and territories, and is acknowledged in much important legislation in both Commonwealth and State jurisdictions. Clearly, it is far too ingrained to be changed in any fundamental way.

Members of the affected communities have now accepted that they must be prepared to put forward some name for registration as a surname. Implementation on that basis is now provided for in what will be subsections (3), (4) and (5) of the new section 21A, which is set out in clause 4 of the Bill. The proposal is that with children belonging to prescribed ethnic groups, the registrar will accept for registration as a surname any name nominated by the parents and which, in his opinion, is in accordance with the naming procedure of the particular ethnic group.

Clause 7 provides that the mother and the father of a child whose surname was entered in the register of births prior to this amendment may apply to the Registrar General to amend the register of births to enter as the surname of the child a surname in accordance with the recognised religious custom or naming procedure. It is proposed that this apply for six months from the date of which a relevant religious or ethnic custom is prescribed. Fees will not be charged for effecting such changes.

It is also proposed to amend registration of birth forms to include reference to the mother's occupation. Current forms show only father's occupations. It is also proposed to delete reference to a father's occupation on registration of death forms. These changes will have the effect of treating both sexes in a non-discriminatory way, and is consistent with the Government's general policy in this area. Clause 8 effects this by amending the second schedule to the Act.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. Margaret McAleer.

LIQUOR LICENSING (MORATORIUM) AMENDMENT BILL

Second Reading

HON. D. K. DANS (South Metropolitan—Minister for Racing and Gaming) [9.54 p.m.]: I move—

That the Bill be now read a second time.

A liquor licensing moratorium came into effect on 10 April 1983. It involved the suspension of applications to the Licensing Court for the granting of certain liquor licences and permits. The Liquor Licensing (Moratorium) Act giving legislative backing to the moratorium was assented to by Parliament on 1 December 1983. Expiration of the moratorium was nominated as 10 April 1984, but provision was

made for an extension if required. Subsequently, by an Order-in-Council, the period was extended until 31 December 1985.

The Act also gave discretionary powers to the Minister to allow applications to be made to the Licensing Court if he formed the opinion that extraordinary circumstances existed. The purpose of this Bill is to delete, at an appropriate time, the discretionary powers of the Minister, and to extend the duration of the moratorium until 31 December 1986.

The intent of the moratorium was to stabilise those sections of the liquor industry which were experiencing difficulties due to a decline in liquor consumption on licensed premises and which were feeling the effects of an over-supply of liquor licences in certain categories and centres.

A Royal Commission was set up to review these matters. The commission's report has been studied by the Government and some of the recommendations have been accepted. Significant changes to the Liquor Act are anticipated, particularly in respect of the composition of the Licensing Court and the setting up of a liquor licensing administrative authority. In order to give adequate time for the proposed changes to take effect and to consolidate the beneficial effects of the moratorium, the Government takes the view that the moratorium should be extended.

The Government is also of the view that the discretionary powers of the Minister in respect of applications to the licensing Court should not be retained if a new liquor authority is established. Provision is made in the Bill for these powers to be deleted at an appropriate time.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. G. E. Masters (Leader of the Opposition).

TOTALISATOR AGENCY BOARD BETTING AMENDMENT BILL

Second Reading

Debate resumed from 4 September.

HON. G. E. MASTERS (West—Leader of the Opposition) [9.56 p.m.]: The Opposition supports the Bill before the House. It should be noted that the Government proposes to increase the penalties for people acting illegally as bookmakers and for people betting with a person other than with a licensed bookmaker. The increase in the penalties is significant. For example, the penalty at present for a person acting illegally as a bookmaker is \$1 000 mini-

mum and \$2 000 maximum, with two months' imprisonment. The Government proposes to increase those fines to \$5 000 minimum and \$10 000 maximum with a three-month imprisonment term.

A person who is betting with other than a licensed bookmaker can at present be fined a minimum of \$200 and a maximum of \$1 000 and be sentenced to one month's imprisonment. The Government intends to increase those penalties significantly to a minimum of \$500 and not more than \$2 000. Although the Opposition does not oppose the increases in these penalties it should be noted that in his second reading speech the Minister said—

In the past year, the Australian Police Ministers' Council and meetings of Ministers responsible for racing have agreed that realistic penalties are necessary to deal with the problem of illegal bookmaking and illegal betting.

I ask the Minister whether he can give us some information and background on any strong evidence there may be that the problem is increasing or that the police or any other source have evidence that there is more illegal bookmaking and illegal betting, or that there is a laundering of certain moneys in this way. There must be a very good reason for the significant increases. I understand that the Minister has some comments to make in this respect. In the interests of the public and of the members of Parliament he might enlighten us with these details.

We support the Bill and look forward to the Minister's comments.

HON. P. H. LOCKYER (Lower North) [9.59 p.m.]: I too support the Bill, but I would like the Minister to enlarge upon those aspects which the Leader of the Opposition asked him to enlarge upon; namely, the reason for such an increase in illegal bookmaking fines.

I want the Minister to give some consideration to looking at the whole bookmaking system in this State. In my view this Bill does not go far enough.

There is a problem as far as bookmaking is concerned. I speak of the bush. Bookmaking is a dying art; not many people go into the bookmaking industry. Legislation like this is put there for that reason; people go into illegal bookmaking because there are so many charges, so many impediments, to bookmakers that they find it difficult to make a dollar. The increasing taxes on their turnover charges are such that the TAB has classed bookmakers as a dying race.

I know a number of members on both sides of the House will agree with me that one does not see any young bookmakers. In the north-west especially I cannot remember seeing a new bookmaker in the ring in the last five or 10 years. There is no encouragement for them, which is a terrible shame. Some country race clubs will find themselves in the situation of the Exmouth race club, where only one or two bookmakers appeared this year. The Landor picnic race club had only one bookmaker. Bookmakers almost have to be driven out there because it is not the place to make a big dollar, and costs to get there are high.

At the country races, the provincial races, and the national at Belmont a number of bookmakers are worried about their future because costs are driving them out of business. There seems to be an increase in illegal bookmaking. Perhaps this is one of the reasons why this is taking place. Far be it from me to set myself up as an expert on the subject, but a number of bookmakers have drawn to my attention the fact that costs are killing them. Perhaps the Government wants to drive them out and have all betting run by the TAB.

HON. JOHN WILLIAMS (Metropolitan) [10.02 p.m.]: I shall be very brief. I ask the Minister if he will have a look at one of the things which irritates bookmakers and probably contributes to what Hon. Phil Lockyer was speaking about. I do not know whether the House was aware of the fact that if a bookmaker wants to go on holiday he must close down his business. This is the only group of people who have to do such a thing. Generally, one has a manager or general manager or at least an assistant who can carry on. Now for a bookmaker to go on holiday is a penalty.

The bookmaker's income comes from fielding at racing. If he wants to go on holiday with his family, if he wants a break from it, or if he wants to have his staff take on the job, as it were, it is not allowed because of this law.

I ask the Minister to look at this sympathetically and see if any amendment could be brought in to assist here. I would support that, because I believe every person is entitled to a holiday, yet his business should not suffer because he is away.

HON. D. K. DANS (South Metropolitan—Minister for Racing and Gaming) [10.05 p.m.]: I thank members for their support. I shall answer the last two speakers first.

I point out that this Bill is aimed at illegal bookmakers, not legal ones. Any approach from the WA Bookmakers Association will be treated sympathetically by me.

Mr Williams made a rather trite remark. He said bookmakers could not go on holiday when he thought they should and leave an offsider to carry on. That is one of the reasons why bookmakers like to shut down. They do not like to leave one of their offsidiers to carry on.

Several members interjected.

HON. D. K. DANS: In looking at charges levelled at bookmakers, the first place to look is the race club itself. I have had no complaints from the bookmakers, neither has it been drawn to my attention they are all going broke. I know they were all going broke years ago. Now I understand there is a waiting list to get onto the course.

HON. P. H. LOCKYER: Not in the bush.

HON. D. K. DANS: I did not say in the bush. There is a waiting list to become a registered bookmaker. If one goes into the bookmaking business, as in any other business, one's success depends on how good one is. If one is good one stays there and perhaps becomes a Robbie Waterhouse.

Several members interjected.

HON. P. H. LOCKYER: You can see how many licences have been given away.

HON. D. K. DANS: That is so.

The other comment is the use of the word "industry". For the first time in the history of this country, in the Treasurer's speech the racing industry has been recognised as an industry. That is very significant and it is something we have been looking at for some time.

To answer Mr Masters, these increases in penalties came about as the result of a meeting in Hobart between Ministers for Police, Police Commissioners, and Ministers for Racing and Gaming. Victoria has recently introduced legislation which provides for higher penalties than those proposed in this Bill.

In the first instance the Bill is designed to protect the TAB. Without a viable TAB the racing industry would be dead.

The second question is: Why do we want to protect the TAB? It is not much good having two systems running side by side. We have a legal system which returns a large amount of money to the Government and to the racing clubs which keep that industry a very viable one and provide employment for many people.

It is an established fact in Australia—I do not know to what extent in Western Australia but I have been told that there is not a great deal to worry about here, although I have been alerted to the fact, which may be only hearsay—that there is a very efficient phone betting system operating illegally in this State.

The Costigan report found beyond a shadow of doubt that in Australia as a whole—and I use that term advisedly—a vast illegal system is operating, and these are big punters. The money generated in this area is said to go to feed the drug trade.

I am inclined to believe Costigan; I think he did a very good job. If there were even a whisper of that, we must make the penalties as severe as we possibly can to dissuade people from getting into this area.

Large sums of money of course get laundered in this manner. That is something we want to protect ourselves from.

We have been very successful in the policing of illegal bookmaking in this State. I am not talking of the chap who takes a few bob in the shop; he is normally apprehended at some time or other.

It is very difficult to detect the incidence of illegal phone betting. It is said there is almost a separate telephone system in Australia with any number of telephones connected, if one knows one's way around. There is no list of numbers; someone presses a switch in the exchange and that is all there is to it.

All this surfaced at the conference in Hobart. I have since had the opportunity to talk to a very special police task force in Sydney. It is composed of tertiary-trained detective sergeants and what have you. What Costigan said is verified by them. It is a protection for us here and also a very great protection for the TAB itself, because without a shadow of doubt the TAB in this State under successive Governments is the most efficient in the world and we want to keep it that way.

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 Hon.

D. K. Dans (Minister for Racing and Gaming), and transmitted to the Assembly.

AGRICULTURAL PRODUCTS AMENDMENT BILL

Second Reading

Debate resumed from 17 September.

HON. P. H. LOCKYER (Lower North) [10.12 p.m.]: The Opposition supports this Bill. It is in line with the Government's past commitment to get rid of unnecessary statutory authorities. This body is considered to be unnecessary because, quite frankly, the agricultural industry itself sees no further need for these sorts of authorities.

It is quite interesting that the Legislative Council Select Committee on the Fruit and Vegetable Industry found quite consistently while visiting various parts of Western Australia and in fact Australia, that it was universally agreed that quality control was the most important part of the agricultural industry. This is reflected in the reason for this Bill being brought before the House. The industry has taken into its own hands the necessity to do its own quality control, often even before the produce reaches the market. Obviously the Government has seen this as a reason to do away with these three statutory bodies. They seem to be quite superfluous and for that reason the Opposition sees no reason to oppose the Bill.

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 Hon. D. K. Dans (Leader of the House), and passed.

ADJOURNMENT OF THE HOUSE

HON. D. K. DANS (South Metropolitan—Leader of the House) [10.16 p.m.]: I move—

That the House do now adjourn.

Court Witness: Mr Richard Warwick

HON. MARGARET McALEER (Upper West) [10.17 p.m.]: I submit that the House should not adjourn until I have described the distress, inconvenience, and expense that a Mr

and Mrs Warwick have been put to in the course of a police court case. This afternoon Mrs Warwick rang me from Geraldton, considerably distressed, to tell me that her husband had been threatened with arrest if he did not appear in court today when he believed he had permission from the police not to so appear. Later, at Mrs Warwick's suggestion, I rang her husband who is now in Perth. Mr Richard Warwick is a businessman, the Manager of Birds Eye Foods Co. Some time ago he was asked to call at the local police station to pick up a subpoena. He was being called as a witness for the Crown and the case was set down for hearing on Tuesday, 24 September, which of course is today.

Mr Warwick was aware at the time that his father-in-law, Mr Harry Start, was ill in the Geraldton Hospital. Early last week it became evident that Mr Start was very ill indeed and that it was only a matter of days before he died. Mr Warwick wanted to take his wife to Geraldton to be with her father, if possible, and to support her mother on his death. On Tuesday or Wednesday of last week he rang the Police Prosecutor's office to speak to Detective Warnock who was handling the case. However, Detective Warnock was absent—I think because he was ill—so Mr Warwick spoke to another officer in that office. Mr Warwick did not know or did not remember the name of that officer. He explained that his father-in-law might die at any time and that he would have to go to Geraldton and remain there for the funeral which might very well not occur until the Monday. Someone from the Police Prosecutor's office then rang him back and said that in the circumstances it was believed that his family obligations came first; he was not a major witness and the case was not one dealing with a terribly serious crime.

Mr Start died on Thursday and Mr Warwick rang the Police Prosecutor's office again and spoke to Detective Randall who was standing in for Detective Warnock. He told Detective Randall that the funeral would probably take place on the Monday. He was told to take off and not to worry, but if he could get back, to do so. In the meantime, he was asked to give his Geraldton address and Detective Randall said he would ring if there was any problem. The funeral did take place yesterday, I understand, but the first that Mr Warwick heard from the police was at 10.00 a.m. today. Detective Warnock asked why he was not in court and Mr Warwick informed him of the circumstances and of his conversations with the police

in the Police Prosecutor's office before he left for Geraldton. Detective Warnock said he would talk to Judge Heenan about it and then rang back to say that the judge said that since the funeral had taken place on Monday Mr Warwick was obliged to have been present in court today and that he must come down to Perth for tomorrow's hearing. Mr Warwick explained that as it was then 10.00 a.m. he had missed the plane from Geraldton to Perth. His son had left 20 minutes earlier on his way back to Perth and was in his own car and his wife of course had to remain in Geraldton to support her mother.

Mr Warwick enlisted the help of the local superintendent in Geraldton, but the answer came back from Perth that if he did not come, the police would issue a warrant for his arrest. He got into his car about 10.20 a.m. and arrived in Perth sometime between 2.00 p.m. and 3.00 p.m. The case was still in progress, but it was adjourned until tomorrow without his being called as a witness. He will therefore attend court tomorrow. In the meantime his wife remained in Geraldton with her mother and will have to fly back to Perth.

Even if the police had contacted Mr Warwick yesterday, he could have arranged to fly to Perth this morning and left the car for his wife and her family. He and his family would not have been upset by the threat of his arrest and he would not have been obliged to drive nearly 300 miles at the best possible speed when he was totally unprepared and very upset. Even so, the fact is that he believed that he took every precaution to discuss the matter with the police before he went to Geraldton. He had received an assurance that it was all right for him to go and to stay if the circumstances required. He has been put, unnecessarily, I think, to great inconvenience. His wife and his mother have been greatly distressed at a time which was for them already very distressing. He has been humiliated by being threatened with arrest.

I will send a copy of this speech to the Attorney General and the Minister for Police and Emergency Services. I believe that Mr Warwick deserves an apology from the police. Untoward expenses to which he has been subjected by these circumstances should be reimbursed.

Television: "Four Corners" Programme

HON. P. H. LOCKYER (Lower North) [10.22 p.m.]: I do not believe that the House should adjourn until I bring to the House's attention an appalling programme that appeared

last night on the Australian Broadcasting Corporation's current affairs show "Four Corners". In all my years of watching the ABC, I thought that, on most occasions, it presented balanced programmes. Last night in my view it defamed people because certain allegations were made against the Police Force. The show was biased. It cast a slur upon policemen who have served in difficult outposts. It will take a long time for people to forget that slur.

This morning, while I was in Carnarvon, many many people came to me and complained about the programme. I suggest to those who have not seen it that they take the opportunity to go to the Parliamentary Library and view the programme. Regardless of people's views on racism or anything else they will be appalled by the programme. It placed policemen who have served in difficult places such as Roebourne, Wiluna, and Kellerberrin in a style of Nazism at its very worst.

Many policemen who serve in those places would not even consider doing what this kangaroo court alleged they do. Many policemen serve in these places. In Wiluna, in my electorate, the policemen do very many kind acts which far outweigh any allegations of cruelty to any person, regardless of race or creed.

In fact, they go to extreme lengths to look after people who are less fortunate than they are. One should see the amount of times in Wiluna when a policeman has picked up kids who are left outside hotels at sunset while their mothers and fathers drink in the pub. They take these kids back to their homes so that they are fed and put to bed. That happens every day. The wife of Sergeant Eddy Lawtie, who was in charge of the station at Laverton, collected clothes during the day to send to the stations. Her husband, who had worked hard all day, spent his nights packing the clothes to take to them. Yet, the ABC saw fit to broadcast a programme last night which would make anyone feel sick. A judge and jury sat in judgment on those policemen, and yet they have to be put through this kangaroo court operation in which they have no opportunity to defend themselves.

I understand that the Police Union has said that it will not give any more Press releases to the ABC. Whether that is the answer I do not know. I think the whole thing was appalling.

"Edwin Fox": Purchase

HON. P. G. PENDAL (South Central Metropolitan) [10.26 p.m.]: I also will not keep the House long. However, I do not think that it should adjourn until I have a couple of minutes

to express my disappointment at the decision of the Government, announced by way of questions on notice tonight, in which the Minister for Tourism informed the Parliament that the State Government was no longer pursuing the idea of trying to repatriate the nineteenth century convict ship, *Edwin Fox*, from New Zealand. People may not be aware that the hulk of that nineteenth century ship probably represents a unique opportunity to retrieve a part of Western Australia's convict history in such a way that it could become a major money-spinner as a tourist attraction. In fact, I will go so far as to say that, had the matter been handled properly, it would have been self-funding within a couple of years.

The *Edwin Fox* is the fifth oldest ship known to mankind. Some people draw parallels between the value of the *Edwin Fox* to Western Australia and the value of the *Mary Rose* to British maritime history.

The *Edwin Fox* was a troop carrier in the Crimean war. We are therefore talking about the period of the 1850's. Later in that decade it was used to bring convicts to Western Australia. It tied up at Long Jetty, which existed at Fremantle. In fact, a relic of that jetty is used today in the chair used by the Speaker. A plank from that jetty has been used.

It would have been magnificent to repatriate that ship and to have it restored and to put it off Bathers Beach at Arthur Head at Fremantle, hopefully in time for the America's Cup. It would thus return to a place that it no doubt visited well over 130 years ago. I do not think we will get another opportunity to retrieve such an important part of our history. Certainly, we will not be able to retrieve one that could have been turned into a self-funding proposition. It would not be an impost on the taxpayer.

I was concerned to learn, by way of answers given to this House tonight by the Minister for Tourism, that the archaeological experts at the WA Maritime Museum may not have even been consulted on the matter. I think the Minister indicated that the hulk was in a very poor state of repair and therefore was not a viable proposition. People from all around the world have given me advice to the contrary; that if it was possible to raise a ship like the *Mary Rose* which had been beneath the water for over 400 years, then raising the *Edwin Fox* from this small bay in New Zealand is not really such a monumental task.

If there is any way to reconsider the decision, I urge the Minister for Tourism to do so. We will never get another opportunity like this.

*Commercial Education Society of Australia:
Award*

HON. JOHN WILLIAMS (Metropolitan)
[10.30 p.m.]: I apologise for delaying the House, but this is the only opportunity I have to put on record the notable achievement of an officer of this Parliament. Were this officer to have obtained a similar achievement outside this House it would have been well recorded. I

am talking about Miss Cheryl Sanderson, who is a member of our *Hansard* staff. She recently competed in an Australia-wide shorthand examination and she was successful in winning the Sir James Pitman Shield for the best and fastest Pitman shorthand writer in Australia. I think Miss Sanderson's achievement merits some recognition, and that is the reason I have recorded her accomplishment in *Hansard*. I add my own congratulations to her for her feat in achieving 220 words per minute.

Question put and passed.

House adjourned at 10.31 p.m.

QUESTIONS ON NOTICE

109. *Postponed.*

LAND: TRANSFERS ACT

Amendment

141. Hon. I. G. MEDCALF, to the Attorney General representing the Minister for Lands and Surveys:

- (1) Does the Government intend to introduce a new Transfer of Land Act in the current session of Parliament?
- (2) Why is this considered necessary?
- (3) In view of the reference in the Governor's speech that there will be ample opportunity for public comment, will the Bill be proceeded with during the current Parliament or allowed to lie on the Table until next year?

Hon. J. M. BERINSON replied:

- (1) Yes.
- (2) The present Act was passed in 1893, and many of its provisions date from the original Act of 1874. The legal principles upon which the Act is founded have stood the test of time, but the antiquated drafting is a source of increasing concern. The objective is to bring the Act up to date, making it easier to read, interpret, and administer and to enable the Office of Titles to utilise modern techniques of register management.
- (3) The Bill is intended to serve as a basis for public discussion. It will be allowed to lie on the Table until next year.

ABORIGINAL AFFAIRS

Village: Onslow

146. Hon. N. F. MOORE, to the Minister for Employment and Training representing the Minister with special responsibility for Aboriginal Affairs:

- (1) Is the Government constructing an Aboriginal village at Onslow?
- (2) If so—
 - (a) what has been the expenditure to date;

- (b) what is the expected total expenditure of the project; and
- (c) what has been the source of the funding?

Hon. PETER DOWDING replied:

- (1) Yes.
- (2) (a) The expenditure to date totals \$1.966 million;
- (b) the expected total expenditure is \$2.642 million;
- (c) funded by Commonwealth grants.

COMMUNICATIONS

Aussat Satellite: Transponder Capacity

147. Hon. N. F. MOORE, to the Leader of the House representing the Minister for Communication:

- (1) Has the Government purchased any transponder capacity on the Aussat satellite for use by any State Government department?
- (2) If so, will the Minister provide details?
- (3) If not, does the Government propose to purchase any transponder capacity and for what purpose?

Hon. D. K. DANS replied:

- (1) No.
- (2) Not applicable.
- (3) At this stage the Government has no plans to purchase transponder capacity for use by State Government departments.

MINISTER OF THE CROWN: PREMIER

Meeting: Baskerville Hall

149. Hon. NEIL OLIVER, to the Leader of the House representing the Premier:

- (1) What were the objectives of the meeting attended by the Premier at Baskerville Hall on Thursday, 12 September 1985?
- (2) Who organised the meeting and who was the chairman?
- (3) Were any invitations issued to members of Parliament who represent this electorate?
- (4) How many local residents were in attendance at this meeting?

Hon. D. K. DANS replied:

- (1) To inform residents in the area of the background and content of the Swan Valley policy.
- (2) The launch of the Swan Valley policy was jointly organised by the Town Planning Department and Department of Premier and Cabinet, and was chaired by Mr Gavan Troy MLA.
- (3) No, other than to Mr Gavan Troy in his capacity as chair.
- (4) It is estimated that between 400 and 450 local residents attended.

TRANSPORT: BUSES

Northern Suburbs: Increased Patronage

153. Hon. P. H. WELLS, to the Minister for Employment and Training representing the Minister for Transport:

- (1) Are media reports, which are attributed to the Minister, that the increased and reorganised bus service to the northern suburbs has brought about a 15 per cent increase in patronage, correct?
- (2) How many people are represented by this increase?
- (3) What is the additional expenditure for the increased services?
- (4) What is the additional income for the increased services?
- (5) How many of the additional passengers other than children are on concession rates?
- (6) What is the additional cost to the MTT in providing for the additional passengers on concession rates other than children?

Hon. PETER DOWDING replied:

- (1) Yes. Patronage in the northern corridor has increased in the vicinity of 15 per cent. As the member would appreciate, patronage does fluctuate from day to day.
- (2) Checks taken before and after the new services were introduced showed a net increase of some 450 passengers per weekday travelling from the areas served by Karrinyup and Warwick bus stations towards Perth. Coupled with an additional local increase of 50 passengers daily, this indicates an increase

of about 500 customers per weekday in the northern corridor, or around 5 000 trips per working week.

- (3) Additional expenditure is in the vicinity of \$400 000 per annum.
- (4) Additional revenue amounts to approximately \$200 000 per annum.
- (5) and (6) No surveys have been taken.

CHARITABLE ORGANISATIONS

Health (Cloth Materials) Regulations

156. Hon. P. H. WELLS, to the Leader of the House representing the Minister for Health:

- (1) Further to question 125 of 4 September 1985—

What were the dates of the discussions in which charitable groups indicated that the Health (Cloth Materials) Regulations as published on 15 March 1985 would have no adverse effect?

- (2) Who was present at these discussions?
- (3) What groups or organisations did they represent?

Hon. D. K. DANS replied:

- (1) to (3) Appropriate amendments to these regulations were discussed at a meeting on 22 March 1983. The following representatives from respective groups attended—

- (1) Salvage to Care—Mr A. Brodie
- (2) Good Samaritan Industries—Mr K. Lehmann
- (3) Save the Children Fund—Mr R. Hall
- (4) RSPCA—Mr W. V. Carter
- (5) Lioness Club—Ms I. Donaldson
- (6) Lioness Club—Ms E. Langman
- (7) St Vincent de Paul—Mr F. Preshan
- (8) St Vincent de Paul—Ms M. Cogan
- (9) St Vincent de Paul—Ms C. Rockwood
- (10) Christian Welfare Centre—Mr L. Stanton
- (11) Christian Welfare Centre—Ms R. McDonald
- (12) Red Cross—Mr D. Burns
- (13) Amnesty International—Ms M. Anderson

- (14) Amnesty International—Mr D. Anderson
- (15) Beehive Industries—Mr M. Levinson
- (16) Cat Welfare Society—Mrs T. Jackson
- (17) Cat Welfare Society—Mrs S. Hughes
- (18) Lions Club—Mr W. Adams
- (19) Lions Club—Mr T. Chapple
- (20) Salvation Army—Mr D. Gudgeon
- (21) WACOSS—Ms A. Bartlett

As well, departmental officers visited premises between 23 February and 18 April 1983 and inspected the premises and clothing and discussed the issues. These included—

- (1) Trugrade Pty Ltd—Mr W. Smith
- (2) Paraquad Industries—Mr B. Smith
- (3) Paul Kennedy and Company
- (4) Good Samaritan Industries—Mr P. Syllester
- (5) Wesley Central Mission—Mr S. G. Jansen
- (6) Anglican Op Shop—Stirling Street, Perth
- (7) Government Stores—Mr H. Clarson
- (8) Police Department
- (9) Prisons Department—Mr D. Parker
- (10) Mental Health Services—Mr L. Howlett
- (11) Pyrtton Training Centre
- (12) Dorset Hostel
- (13) Country hospitals—Medical Department—Mr F. Casella
- (14) Royal Perth Hospital—Mrs Tredrea
- (15) Community welfare and education department—laundry manager—Mr P. Van Eggher
- (16) Red Cross Society of WA—Mr R. Felton
- (17) Climatic Shirt Company—Mr B. Nevard
- (18) Perth Clothing Company—Mr E. Kerr
- (19) ALSCO—Mr K. Gill
- (20) Initial Services Australia Pty Ltd—Mr A. Clayton
- (21) West Coast Linen Service—Mr J. Campbell
- (22) Ensign Services Australia Pty Ltd—Mr K. Coghlan
- (23) Nulsen Haven—Mrs S. Wallis
- (24) Salvation Army—Captain P. Coleman
- (25) Johnson and Johnson Australia Pty Ltd—Mr D. McKinnon
- (26) Commercial Cleaning Supplies—Mr D. Luppina
- (27) Good Shepherd Laundry—Mr G. Gloss
- (28) Hygienic Laundry—Mr J. Dean
- (29) Save the Children Fund—Mrs M. Gibbons
- (30) Ragman—Mr T. Courtley
- (31) Peacock Manufacturing Comp—Mr C. Peacock
- (32) Christos Nursing Home—Matron Missen
- (33) Catherine McAulley Child Care Centre
- (34) Ace Rag Traders
- (35) St John of God Hospital, Subiaco—Mr B. Lee
- (36) Amnesty International—Mrs M. Anderson
- (37) Church of Christ Christian Welfare Society—Mrs L. Purser
- (38) Commonwealth Departments—Army, Navy, Administrative Services, etc—Mr M. Jacques
- (39) Repatriation Hospital—Mr J. Newton
- (40) Perth Linen Service—Mr R. Howell
- (41) Pells Surplus Stores—Mr B. Kennedy
- (42) Wellington Surplus Stores—Mr A. Starke
- (43) Nukleen Industrial Dry Cleaners—Mr R. Knight
- (44) Spastic Welfare Association of WA Inc—Mr J. Mathews
- (45) Rag Time Clothing Company
- (46) City Dry Cleaners—Mr C. Burton
- (47) St Vincent de Paul—Mr H. King

- (48) New Rag Supplies—Mr L. Howes
- (49) J. C. Johnston and Son Pty Ltd—Mr J. Howlett
- (50) Sunset Hospital—Mr R. Peerless
- (51) Anglican Op Shop, Fremantle—Mr D. Spruce
- (52) Hospital Laundry and Linen Service—Mr E. Brown
- (53) Swan Cottage Homes—Mrs R. Lane
- (54) Wesley College—Mr J. Maloney
- (55) Associated Laundry Services—Mr P. J. Tinsley
- (56) Stanlee—Mr G. Fitzsimmons
- (57) Slow Learning Children's Group
 - (a) Welshpool Training Centre—Mr M. Steytler
 - (b) Activ Industries
 - (c) Collier Training Centre—J. R. Richardson
 - (d) Hawkevale Economy Centre—Mrs Dalton
- (58) Castle Cotton Supplies—Mr W. Dawson
- (59) Swan Industrial Cloths—Mr N. Gibson
- (60) Kimberly-Clark Australia Pty Ltd—Mr J. Kerr
- (61) Quality Cleaning Cloths
- (62) Windsor Wiper Sales—Mr K. Arbuckle

During these discussions it was established that an amendment to the regulations would have no adverse effect.

Few regulations have received as much consideration and discussion with involved groups. I would encourage organisations who feel they have been adversely affected to discuss it with my department's officers.

WORKS

Building Management Authority: Tenders

157. Hon. P. H. WELLS, to the Leader of the House representing the Minister for Works:

- (1) What were the jobs and prices tendered by the Building Management Authority for jobs in the last six months?
- (2) With which of these tenders was the BMA successful?

- (3) What were the starting and completion dates of each job?
- (4) Where jobs were not completed, what is the anticipated completion date?

Hon. D. K. DANS replied:

- (1) to (4) Building Management Authority maintenance office—
 - Windows—Quote \$8 900
 - Successful
 - Starting date: 26 July
 - Completion date: 9 August
 - Finished on time.
 - Woodvale School—Stage 1—
 - Balance of fixed furniture (original contractor went bankrupt)—
 - Quote \$10 300
 - Successful
 - Starting date: 5 August
 - Completion date: 30 August
 - Finished on time.
 - Woodvale School—Stage 2A—
 - Furniture—Quote \$24 030
 - Not successful.
 - Kent Street High School—
 - Electrical work—Quote \$1 700
 - Unsuccessful.
 - State Housing Commission—
 - Air-conditioning maintenance—
 - Quote \$2 991
 - Unsuccessful.
 - Kalgoorlie College—
 - Furniture—Quote \$100 856
 - Quote withdrawn.
 - Mullaloo Heights Primary School—
 - Replacement of roofs and gutters—
 - two quotes as \$1 754 and \$1 840
 - Both quotes unsuccessful.

TRANSPORT

Boats: Licence Fees

158. Hon. N. F. MOORE, to the Minister for Employment and Training representing the Minister for Transport:

- (1) Under what authority does the Department of Marine and Harbours charge a licence fee for boat hire and drive owners?
- (2) How is this fee determined and is the revenue used for any particular purpose?

Hon. PETER DOWDING replied:

- (1) The owners of hire and drive vessels are required to obtain a licence under the Western Australian Marine Act 1982, prior to the vessels being let on hire.

The licence fee charged by the Department of Marine and Harbours is provided for in the WA Marine (Hire and Drive Vessels) Regulation 1983.

- (2) The licence fee is provided to defray the department's expenses in determining, applying, and administering the safety and operational conditions associated with hire boat services.

HOUSING

Land Sales: Public Auction

159. Hon. N. F. MOORE, to the Leader of the House representing the Minister for Lands and Surveys:

How does the Department of Lands and Surveys determine the upset price for residential lots which it sells by public auction?

Hon. D. K. DANS replied:

By ministerial direction, upset prices are set at levels reflecting fair market value. Sources of information used to establish such levels include advice from the Valuer General, and the results of recent sales of comparable land conducted by the department.

In centres where reliable sales evidence is not available or high servicing costs so dictate, upset prices are set at levels to recover proportionate shares of servicing costs, planning and surveying costs, and administrative overhead costs—including marketing costs—plus a component for land value.

TRANSPORT

Bus Transfer Station: Booragoon

163. Hon. P. G. PENDAL, to the Minister for Employment and Training representing the Minister for Transport:

- (1) When was the Booragoon bus transfer station established?
- (2) What number of passengers board or alight from the station each day?

- (3) From where do feeder buses come?

- (4) Have any complaints been received from commuters who are unable to find parking at the station?

- (5) Are any plans in hand to acquire car parking facilities to encourage commuters to use the bus instead of cars?

- (6) Has any consideration been given to relocating this station to an area which allows greater parking facilities for prospective bus commuters?

Hon. PETER DOWDING replied:

- (1) Established 8 December 1974. Relocated to present site 25 September 1983.

- (2) These passenger numbers are not kept. However, the MTT believes total passenger movements to be in the order of 3 000 per weekday of which 2 600 are transfers from bus to bus.

- (3) Feeder services ex Leeming, Bateman, Bullcreek, Murdoch, and Bibra Lake. Other main line services feed from Fremantle via Coolbellup, Myaree, and Hilton Park; Munster via Phoenix Park; and from Perth.

- (4) Yes.

- (5) and (6) Alternatives are being examined with a view to encouraging maximum efficient use of public transport services.

LAND ACQUISITIONS

Statistics

164. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Works:

- (1) What number of properties have been resumed or acquired by the Government in accordance with the provisions of the Public Works Act in each of the past 10 years?

- (2) What was the annual payout for these properties in each of those years?

Hon. D. K. DANS replied:

- (1) and (2) The information sought by the member is currently being compiled. The Minister for Works will advise the member in writing in due course.

AGED PERSONS

Senior Citizens' Centre: Geraldton

165. Hon. MARGARET McALEER, to the Leader of the House representing the Minister for Health:

- (1) Can the Minister give an assurance that the proposed senior citizens' centre in Geraldton has a high priority for funding?
- (2) If it has, will funds become available for the commencement of the building in this financial year?

Hon. D. K. DANS replied:

- (1) Funding for capital facilities such as the Geraldton centre will now come from the home and community care programme. Applications for funding under the programme will shortly be called for, and new and outstanding applications will then be considered in the light of priorities recommended by the HACC advisory committee. Decisions for funding will be made jointly by the Minister for Health and the Commonwealth Minister for Community Services.
- (2) It is expected that the first decisions on projects to be financed from 1985-86 funds will be made in early December 1985.

ROAD BRIDGE

Burswood Island: Traffic

166. Hon. P. G. PENDAL, to the Minister for Employment and Training representing the Minister for Transport:

- (1) What impact, if any, will the completion of the Burswood Island Bridge have on present traffic loads on—
 - (a) the Causeway;
 - (b) Shepperton Road;
 - (c) Albany Highway; and
 - (d) the Narrows Bridge?
- (2) If no such information is available will the Minister have studies undertaken to answer the above?
- (3) What information is available or what evidence is there to support the contention that a one-way system for Shepperton Road and Albany Highway is impractical?

Hon. PETER DOWDING replied:

- (1) The construction of the Burswood Bridge and the associated city northern bypass are expected to have the following effects on traffic flow—
 - (a) The Causeway: a reduction of approximately 30 000 vehicles per day;
 - (b) Shepperton Road: a reduction of approximately 4 000 vehicles per day;
 - (c) Albany Highway: no significant change in the Victoria Park area.
 - (d) the Narrows Bridge: a reduction of approximately 8 000 vehicles per day.
- (2) Answered by (1).
- (3) The extent of commercial development and the consequent traffic generated, including heavy pedestrian movements across Albany Highway in the Victoria Park shopping area, preclude the use of this road for through traffic.

CRIME

Neighbourhood Watch Programme: Geraldton

167. Hon. MARGARET McALEER, to the Attorney General representing the Minister for Police and Emergency Services:

- (1) How many people are involved in the neighbourhood watch programme in Geraldton?
- (2) Into how many units are they divided?
- (3) How many people are in each unit?
- (4) What sections of Geraldton are covered by the units?
- (5) How often do the people in each unit meet?

Hon. J. M. BERINSON replied:

- (1) to (5) Neighbourhood watch is the concept of public and police working together to prevent crime.

A group of citizens interested in establishing a neighbourhood watch scheme approach the department for information.

The scheme encourages residents individually and/or in groups of up to five immediate neighbours to ensure that

their properties are safeguarded and to be alert for any unusual happenings in their area.

Planning involves liaison with the local council concerned, service groups, and other community organisations.

The State coordinator, who is a police officer attached to the community affairs section of the Police Department, is responsible for establishing the scheme upon request, arranging to address the local government body and interested persons on the concept, media coverage, and supply of information kits to selected outlets. Each kit contains five sets of information.

In each area where the scheme is established a local police officer is appointed as coordinator for that area.

As participation in the neighbourhood watch scheme is purely voluntary, statistical information as to the number of residents or people involved or how often they meet is not kept. Any individual is free to call at a designated distribution point and collect an information kit.

The scheme in this instance covers the whole of the Geraldton-Greenough area, a population of 24 790 persons.

CRIME STATISTICS

Geraldton

168. Hon. MARGARET McALEER, to the Attorney General representing the Minister for Police and Emergency Services:

- (1) What was the reported crime rate in Geraldton for the years—
 - (a) 1981-82;
 - (b) 1982-83;
 - (c) 1983-84; and
 - (d) 1984-85?
- (2) How many crimes of breaking and entering were reported during those same years?
- (3) How many crimes were solved in Geraldton for each of those years?
- (4) How many crimes of breaking and entering were solved in Geraldton for each of those years?

Hon. J. M. BERINSON replied:

- (1) Total reported crime in Geraldton—
 - (a) 1981-82—1 523
 - (b) 1982-83—1 699
 - (c) 1983-84—2 058
 - (d) 1984-85—2 144.
- (2) Breaking and entering offences reported in Geraldton—
 - (a) 1981-82—Not known
 - (b) 1982-83—422
 - (c) 1983-84—557
 - (d) 1984-85—583.
- (3) Offences solved in Geraldton—
 - (a) 1981-82—Not known
 - (b) 1982-83—445
 - (c) 1983-84—466
 - (d) 1984-85—553.
- (4) Breaking and entering offences solved in Geraldton—
 - (a) 1981-82—Not known
 - (b) 1982-83—78
 - (c) 1983-84—102
 - (d) 1984-85—83.

169. *Postponed.*

ENERGY: STATE ENERGY COMMISSION

Wagin: Staff

170. Hon. W. N. STRETCH, to the Minister for Employment and Training representing the Minister for Minerals and Energy:

- (1) How many persons are employed at the Wagin State Energy Commission depot?
- (2) How many persons were employed there—
 - (a) one year ago;
 - (b) two years ago?
- (3) How many employees travel to Wagin to work at that depot or on work centred on that depot from—
 - (a) Narrogin;
 - (b) Katanning?
- (4) Is it the SEC's ultimate plan to have the Wagin depot unmanned, and service its section of the operation from Narrogin and/or Katanning?

Hon. PETER DOWDING replied:

- (1) 11.
- (2) (a) 12;
(b) 12.
- (3) (a) 1;
(b) none.
- (4) No. There will be a service crew of at least two persons attached to Wagin for some years.

171. *Postponed.*

NEW ENTERPRISE SCHEME

Financial Assistance: Committee

172. Hon. TOM STEPHENS, to the Minister for Employment and Training:

- (1) Who are the members of the committee advising the Minister on applications for financial assistance under the "New Enterprise Scheme"?
- (2) What qualifications and/or experience led to each of these committee members' appointment?

Hon. PETER DOWDING replied:

- (1) Mr Reg Doran
Mr Michael Anderson
Mr James Saunders
Mr Brian Childs
Mr Brian Pilkington
Mr Murray Knowles
Mr Peter Casey
Mr Steve Drake-Brockman.
- (2) Details of qualification and/or experience will be supplied to the member.

MINERALS

Telfer: Economic Benefit

173. Hon. TOM STEPHENS, to the Minister for Budget Management:

- (1) Does the Government have available to it any detailed analysis of the economic benefit to the State of the mining operations at Telfer?
- (2) Could the Minister make this analysis available to me together with any detailed analysis of any costs to the public purse of this project.

Hon. J. M. BERINSON replied:

- (1) No.
- (2) Not applicable.

174. *Postponed.*

HEALTH

Nursing Sister: Telfer

175. Hon. TOM STEPHENS, to the Leader of the House representing the Minister for Health:

- (1) Does the Department of Health provide a full time nursing sister at Telfer?
- (2) What other health or medical services are provided to the town?
- (3) What is the annual cost of any of these services and does the mining company involved at Telfer provide a contribution to the department to cover any of these costs?

Hon. D. K. DANS replied:

- (1) Yes.
- (2) Visiting dental service and visiting school nurse.
- (3) Nursing post—\$47 900 per annum.
Dental service—\$3 500 per annum.
Mining company provides accommodation and meals at no cost to visiting personnel.

HEALTH

Alcohol: Government Revenue

176. Hon. TOM STEPHENS, to the Minister for Budget Management:

- (1) Could the Minister make available any details of the amount estimated to have been received by the State Government in 1984-85 as a result of the production, distribution, and sale of alcohol within Western Australia.
- (2) What was the amount allocated by the State Government to finance alcohol rehabilitation programmes throughout WA in 1984-85.

Hon. J. M. BERINSON replied:

- (1) \$24.3m. from liquor licence fees.
- (2) It is not possible to determine total State costs in this field as expenditure is incurred in the course of other work by a number of departments including Health, Police, and Community Services. In addition, the Government makes grants to a number of charitable organisations which may be involved in alcohol rehabilitation programmes. The amount allocated to the Alcohol and Drug Authority was \$4.5m. in 1984-85.

LAND RELEASE

Walpole West: Sewerage

177. Hon. W. N. STRETCH, to the Leader of the House representing the Minister for Water Resources:

With regard to the Walpole West Land Subdivision, and in reference to question No. 100 of 29 August 1985—

- (1) Are sewerage headworks, being planned to be built now, expected to cover the 311 blocks in the entire release?
- (2) Are the costs of such headworks to be spread over the 311 blocks ultimately planned, or carried by the current release of 31 blocks?
- (3) What is the estimated cost of connecting each block to the sewerage system?
- (4) Will the existing allocated houses and blocks be obliged to connect into the proposed sewerage system?

Hon. D. K. DANS replied:

- (1) Sewerage headworks will be planned to cater for the 311 lot subdivision, but will be constructed in stages.
- (2) The costs of headworks will be met by the Water Authority. The subdivider will be expected to pay the cost of all reticulation sewers internal to the subdivision, and also contribute towards the cost of the sewerage connecting link through standard lot charges.
- (3) A detailed design of the reticulation scheme has not been completed, therefore estimated costs for connection of each block cannot be provided at this stage. Lot charges for September 1985 are currently \$443 per lot.
- (4) No. Sewerage will only be extended to this area if requested by the local authority in the future.

HORTICULTURE

Grapes: Marketing Review.

178. Hon. NEIL OLIVER, to the Leader of the House representing the Minister for Agriculture:

I refer to a Press release headed "Review of Grape Marketing" in *The West Australian* of 29 July 1985 re-

garding a statement by the Minister of an immediate review by a joint industry-State Government committee.

- (1) Has the review been completed?
- (2) Will its report be made public?
- (3) When was the first meeting held?
- (4) How many meetings were held?
- (5) Who were the members of this immediate review committee?

Hon. D. K. DANS replied:

- (1) No.
- (2) This will be considered after I have examined the report.
- (3) No meetings have been held.
- (4) and (5) I am awaiting final nominations to the committee from participating organisations. Those nominated to date are—

Mr J. Ledder—representing the Retail Trader's Association;

Mr J. Beros—representing growers;

Mr M. Lendich—representing growers, and

Mr J. Mercer—representing the Chamber of Fruit and Vegetable Industries.

TRADE: EXPORTS

Apples: Air Cargo

179. Hon. NEIL OLIVER, to the Leader of the House representing the Minister for Agriculture:

- (1) Why is valuable air cargo space for Brunei and Singapore being set aside for export apples which are normally sea-shipped? Is it because of the nature, weight, size and value of the product?
- (2) What alternative perishables commodities by tonnages were shipped since the introduction of the service?
- (3) What was the percentage of capacity utilised for each flight?

Hon. D. K. DANS replied:

- (1) I am advised that cargo space is not being "set aside" for apples on flights to Brunei and then to Singapore.
- (2) Since the first direct flight to Brunei then Singapore on 6 August 1985, 102.385 tonnes of foodstuffs—fruit, vegetables, meat—have been flown or shipped on seven flights. Of this only 0.063 tonnes were apples.
- (3) Calculations, based on a payload capacity of 42 tonnes, suggest that the percentage capacity utilised, on a weight basis, was—
 - Flight 1—33 per cent
 - Flight 2— 8 per cent
 - Flight 3—46 per cent
 - Flight 4—51 per cent
 - Flight 5—30 per cent
 - Flight 6—29 per cent
 - Flight 7—53 per cent.

HORTICULTURE

Grape Varieties: Research

180. Hon. NEIL OLIVER, to the Leader of the House representing the Minister for Agriculture:

- (1) Is the Minister aware that the Premier at a meeting held at the Swan Valley Athletic Club, Herne Hill on 7 January 1982, made the following statement—

We will provide market expertise to expand both local and overseas markets; market research into the expansion of those markets and finally, upgraded technical support, including new grape varieties from the Department of Agriculture that will set the grape industry on a more profitable course.

- (2) Was the Minister present at a Baskerville meeting of some grape growers in the Swan Valley when the Premier made the following statement—

The Government will provide concessional-interest loans to table grape growers who produce for the export market. The loans

would be used for cold-storage facilities, reticulation and water supplies and trellising.

Money will be made available to produce a marketing plan for the table grape industry and to increase its competitiveness in South East Asia.

Hon. D. K. DANS replied:

- (1) No. I was not aware that this particular statement had been made as I was not present at the meeting.
- (2) Yes.

ENERGY: GAS

Pipeline: East Perth-Guildford Railway Reserve

181. Hon. NEIL OLIVER, to the Minister for Employment and Training representing the Minister for Transport:

Further to question 110 asked on 3 September 1985 regarding the Dongara-Perth natural gas pipeline installed in the Guildford-East Perth railway reserve—

- (1) What is the minimum distance at any given point the pipeline is installed from the permanent way?
- (2) Does this minimum distance comply with the current Railways of Australia code?
- (3) If (2) is "No", then why not?

Hon. PETER DOWDING replied:

- (1) 2.5 metres at a point where the carrier pipe is sleeved and protected by the structural members.
- (2) No.
- (3) Railways of Australia code makes provision for special cases.

Although location of the pipeline generally complies with the Railways of Australia code minimum distance, interpretation of safety standards has changed over time. Exemptions granted under the Railways of Australia code in 1970 are now unlikely to be given in view of greater knowledge and experience with the construction of pipelines.

TRAFFIC LIGHTS

*Canning Highway-Douglas Avenue Intersection:
"Walk" Phase*

182. Hon. P. G. PENDAL, to the Minister for Employment and Training representing the Minister for Transport:

I refer to his department's refusal to instal a "Walk" phase at the intersection of Canning Highway and Douglas Avenue and ask—

- (1) Are any other highway intersections in the metropolitan area equipped with "Walk" phases?
- (2) If so, will he name them and indicate why they qualify for the "Walk" phase and Douglas Avenue does not?

Hon. PETER DOWDING replied:

- (1) and (2) There are no traffic signals at any declared highway or main road intersection which incorporate a "Walk" phase.

"EDWIN FOX"

Purchase

183. Hon. P. G. PENDAL, to the Minister for Tourism:

I refer to my earlier approaches, letters and questions on the possible acquisition of the *Edwin Fox* and ask what, if any, progress has been made in securing this historic convict vessel for Western Australia?

Hon. D. K. DANS replied:

The Government has decided, after very careful consideration, not to proceed with the acquisition of the *Edwin Fox*.

QUESTIONS WITHOUT NOTICE

PORTS AND HARBOURS: BUNBURY

Dispute: Redeployment

149. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

Is the Government considering sending an officer of redeployment to Bunbury to arrange for Government jobs to be provided to the men dismissed by the Bunbury Port Authority?

Hon. PETER DOWDING replied:

A number of discussions which involve a number of options are taking place at the present time between the parties involved in the Bunbury Port Authority dispute. The matter is before the Federal commissioner, who has had some discussions with the parties, and the discussions will resume tomorrow morning.

In order that the Government might know what the position might be for employment in the Bunbury region, an officer of redeployment is making an analysis, but there has been no decision, nor any offer made at this stage. The Government is simply wanting to be in a position of facilitating the Bunbury Port Authority's resolution of this dispute and getting the port back into operation.

PORTS AND HARBOURS: BUNBURY

Dispute: Redeployment

150. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

Has the Government indicated to the Maritime Workers Union and to those men who have been dismissed that if all else fails they will be found Government jobs?

Hon. PETER DOWDING replied:

That has not been indicated to any parties to the dispute. I should make it clear at this stage that while there have been discussions in order to clarify the position of various parties, there has been no resolution, nor any offer of resolution, of the dispute.

HEALTH: HOSPITAL

Royal Perth: Dispute

151. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

Has the Minister been advised of an industrial dispute yesterday and today at the Royal Perth Hospital construction site?

Hon. PETER DOWDING replied:

I understand that there was some dispute, but I have no detail of it.

"EDWIN FOX"

Purchase

152. Hon. P. G. PENDAL, to the Minister for Tourism:

I refer the Minister to question on notice 183, the answer to which was given to me today. He announces in that answer the abandonment of plans to proceed with the project to secure the historic convict vessel *Edwin Fox*. I ask the Minister—

- (1) Was the Minister for Tourism consulted about the concept of bringing the *Edwin Fox* back to WA?
- (2) If so, on what grounds were the decisions to abandon the project based?

Hon. D. K. DANS replied:

- (1) and (2) The decisions concerning the cost and the state of the *Edwin Fox* were made by Cabinet. There were no funds available for the project, and it was doubtful that the *Edwin Fox* could be restored to its original state.

"EDWIN FOX"

Purchase

153. Hon. P. G. PENDAL, to the Minister for Tourism:

I thank the Minister for Tourism for the answer to my previous question and I ask—

- (1) Was any estimate of cost arrived at?
- (2) If so, by whom?
- (3) If so, what was the extent of that cost?

Hon. D. K. DANS replied:

- (1) to (3) Advice was received, but I am not sure of the details. I do not think it would be necessary for the member to put the question on notice because I will try and find out the answer and advise him verbally tomorrow.

The general opinion was that the whole proposition was not a sound one.

"EDWIN FOX"

Purchase

154. Hon. P. G. PENDAL, to the Minister for Tourism:

- (1) Were the archaeological and maritime experts attached to the WA Maritime Museum at Fremantle consulted about the possibility of bringing the project to fruition?
- (2) If so, what was their attitude about the state of the hull as it exists at the present time?

Hon. D. K. DANS replied:

- (1) and (2) To the best of my knowledge they were not consulted.

GAMBLING: TWO-UP

Legalisation: Port Hedland

155. Hon. P. H. LOCKYER, to the Minister for Racing and Gaming:

Would the Minister inform the House whether he has received an approach from an individual or individuals from Port Hedland concerning the possibility of legalising two-up in that town similar to Kalgoorlie?

Hon. D. K. DANS replied:

On one occasion when Cabinet met at Port Hedland I was approached by a gentleman who requested that the Government give some consideration to legalising the game of two-up there. Since then I have received some inquiries from Port Hedland on behalf of the person whom I think the member is talking about, and I have given him to understand that the question of legalising two-up in other parts of

Western Australia is subject to the development of a policy after the comprehensive gaming inquiry conducted on behalf of the Government by Mr Dan Mossenson. The matter is still

under consideration, and I do not know what the outcome will be or when the legislation will be put together.