

# Legislative Council

Thursday, 14 August 1980

The DEPUTY PRESIDENT (the Hon. V. J. Ferry) took the Chair at 2.30 p.m., and read prayers.

## NOONKANBAH STATION

### *Government Actions: Urgency Motion*

THE DEPUTY PRESIDENT (the Hon. V. J. Ferry): Honourable members, I have received a letter from the Hon. P. M. Dowding, in the following terms—

Dear Mr President,

Standing Order No. 63 provides for the moving of an adjournment motion for the purpose of debating some matter of urgency.

In accordance with the provision of Standing Order No. 63 I wish to advise you of my desire to move for the adjournment of the House for the purpose of discussing the role of the Government in the Noonkanbah dispute and in particular:

“That this House deplore the actions of the Government in:

- (a) refusing to register as a “Protected Area” within the meaning of the Aboriginal Heritage Act the land upon which the No. 2 drill site at Noonkanbah is located, yet at the same time dealing with the land as a Sacred Site within the meaning of that Act
- (b) ignoring the rights of the members of the Yungngora Community at Noonkanbah
- (c) claiming that the national interest requires the drilling of the Sacred Land
- (d) refusing to offer meaningful negotiations with the Yungngora Community with a view to resolving the dispute
- (e) requiring the Police to act as a para-military force in this dispute
- (f) since 1976 conducting a concerted attack on the rights of Kimberley Aborigines. ”

Yours sincerely,

PETER DOWDING  
MEMBER FOR NORTH PROVINCE  
IN THE LEGISLATIVE COUNCIL

THE HON. P. M. DOWDING (North)  
[2.38 p.m.]: I move—

That the House at its rising adjourn until Friday, 15 August, at 2.15 p.m.

The DEPUTY PRESIDENT: Standing Order No. 63 requires that four members must rise in their places to support the proposition. Are these members available?

Four members having risen in their places,

The Hon. P. M. DOWDING: I rise on this matter because I believe it to be of the utmost importance that this House should have the opportunity to debate a matter of such paramount urgency.

The Hon. P. H. Lockyer: Urgent to you.

The Hon. P. M. DOWDING: The honourable member may not think it is urgent, but it is urgent for everybody else in Australia, including the Liberal Government of Western Australia.

The Hon. P. H. Lockyer: It is the only subject you have spoken on over the last 12 months.

The Hon. P. M. DOWDING: Perhaps the honourable member should have listened to my maiden speech—not only with his eyes, but also with his ears.

In my letter to the Presiding Officer I outlined the particular items I wished to discuss, and the first one reads—

That this House deplore the actions of the Government in:

- (a) refusing to register as a “Protected Area” within the meaning of the Aboriginal Heritage Act the land upon which the No. 2 drill site at Noonkanbah is located, yet at the same time dealing with the land as a Sacred site within the meaning of that Act.

Members may not have put their minds to the legal intricacies of the Aboriginal Heritage Act. Had they done so, they would have seen that, clearly, this land in respect of which the drill site is located is land which is considered sacred. It is considered sacred firstly by the statutory instrumentality established to make these sorts of determinations. There is no doubt at all as to the views of the Trustees of the Western Australian Museum. Had it not been for the fact that the Government of Western Australia was prepared to deceive the public, it may well have been that the Trustees' report would not have been made public. However, as it turned out the relevant Ministers set out to mislead and deceive the public as to the true situation.

The Trustees are an august body and their director is a man of some sensibility in the carrying out of his duties. On 8 June 1979 the Director of the Western Australian Museum sent a memorandum to the Acting Minister for Education, Cultural Affairs, and Recreation—the Minister responsible for the Aboriginal Heritage Act—on the subject of a mining proposal at Noonkanbah Station. His memorandum reads as follows—

I refer to our recent discussions concerning the above. I have now been able to speak directly with Mr Bindon and have seen a draft summary report of his investigations in the area from 31st May to 5th June. His report confirms the earlier conclusions, as conveyed, for example, in my memorandum to you of 5th June, as follows:

1. the whole area within which any drill hole could be located by the company falls under the influence of the special sites shown to Mr Bindon by the Aboriginals of the clan descent group for that area.
2. the site complex is significant in both a religious and economic context. Mythological connections are both authentic and ancient and are intimately linked to the economic present.
3. it is the opinion of the Aboriginal Community that any utilisation of the drill zone, particularly the substrate, by the company would be deleterious to the site complex.

The Trustees considered Mr Bindon's findings at a meeting yesterday and discussed them with him. They endorsed the decision of the Aboriginal Cultural Material Committee to seek Protected Area status.

I will return to that memorandum in a minute. There can be no doubt in the minds of the public, nor can there be any doubt in the minds of the members of this Chamber, if they have read that report with a genuine desire to learn, that the Director of the Museum, the Trustees, and, indeed, the anthropologists and the Aboriginal Cultural Material Committee, had all come to the same conclusion; namely, that this was land which, to use the English word we have inserted into the Aboriginal Heritage Act, indeed was sacred land.

The Hon. T. Knight: Why did they not stop drilling for water? Or is it only oil drills which affect sacred ground?

The Hon. P. M. DOWDING: That is a very nice point; I will deal with it in due course.

The Hon. R. Hetherington: He will deal with it when he is ready.

The Hon. P. H. Lockyer: He will not, because he does not know.

The Hon. A. A. Lewis: You are adopting a policy of wait-and-see, and then you will say nothing.

The Hon. P. M. DOWDING: If members opposite have so little faith in the Trustees of the Museum, why does not the Government sack them? If members opposite have so little faith in the anthropologists, why did the Government treat the land as though it was sacred land? The truth is that if it were not sacred land, the Minister had no business directing the Trustees to consent to mining on the land. That is the point members opposite seem to forget. At all material times, the Government of Western Australia has acted on a legal basis as though it was dealing with sacred land.

The Hon. T. Knight: How is it any different from any other pastoral property?

The Hon. P. M. DOWDING: It is different because the Trustees of the Museum have made a finding under a law which members opposite approved in 1972. The realities of the situation are that if the Minister for Agriculture (Mr Old) shared any of the doubts members opposite apparently feel—without having gone into the matter—one would have expected him to notify the Trustees that he rejected their interpretation of the advice or that he rejected the status the land was said to hold.

However, the Minister for Agriculture did neither of those things. He treated the land as falling within the province of the Aboriginal Heritage Act; he treated it as sacred land.

Do members opposite want to have a disputation with the Minister on that point? Do they believe he was off the beam? Do they criticise him for his findings?

The Hon. A. A. Lewis: What about making your speech, and we will deal with you later.

The Hon. P. M. DOWDING: The reality is that the Minister treated this land as sacred land. That is the fundamental starting point of any discussion about the tragedy that this Government has introduced into the State of Western Australia. The fact of the matter is that when the Minister directed the Trustees, he did not say to them, "Nonsense! You do not know what you are talking about! I do not accept your findings." The Minister directed the Trustees to exercise their powers and obligations under the Aboriginal Heritage Act and permit mining on

land that he thought must be a sacred site. If it were not a sacred site, the Minister had no business directing the Trustees to issue a consent for mining; but that is what he did. His direction is dated 14 June 1979. So, he spent six days considering the intricacies of a detailed plan and report covering many pages relating to the work carried out at Noonkanbah Station by people who were accepted by this Government as experts in their field.

Mr Deputy President, with respect, it is gross duplicity on the part of members opposite and on the part of the Minister for Agriculture and subsequent Ministers of the Government who have spoken on the issue now to say there is some doubt as to whether this land is sacred land. We do not hold some Ministers of this Government in much credibility and without wanting to cast aspersions on anyone, one must accept that the Minister for Cultural Affairs has consistently tried to deceive the public on this issue.

The Hon. A. A. Lewis: What rot!

The Hon. P. M. DOWDING: Mr Lewis obviously does not read the newspapers.

The Hon. A. A. Lewis: I do not believe everything I read in the newspapers.

The Hon. P. M. DOWDING: We have members of the Press sitting up there day after day reporting what they hear and see in this place; surely Mr Lewis does not say he disbelieves what they report.

The Hon. A. A. Lewis: I usually read *Hansard*; I find it to be accurate.

The Hon. P. M. DOWDING: On 25 June 1980, the Minister for Cultural Affairs is reported as saying that the area of influence was not precisely identifiable and the land in question was neither sacred nor a special site.

The Hon. A. A. Lewis: From what are you quoting?

The Hon. P. M. DOWDING: If Mr Lewis had been listening, he would know, because I have already told the House. I am sorry that for the last 100 years, members of this House have been listening to speeches given in more moderate terms; I am sorry if I am making some departure from that tradition. However, it happens to be a subject on which the attention of the community not only of Western Australia and of Australia generally, but also of the international scene is being focused; the whole world is witnessing the tragic, racist behaviour of this Government.

The Premier has been repeating this misleading and distasteful statement as to the Government's preparedness to protect sacred sites. He has

repeatedly said that his Government will do all things necessary to protect sacred sites.

Yet the facts of the matter which the Premier cannot escape are that this land is sacred—and the Government has acted on the basis that it is sacred—and that the Museum has been forced to consent to mining on this sacred land.

The Hon. N. F. Moore: How much of the land is sacred?

The Hon. P. M. DOWDING: The honourable member should ask the Trustees of the Museum. Perhaps the honourable member, if he is so devoted to the issue, might say that he is prepared to accept the views expressed by the Trustees of the Museum. In the course of the debate, I would like to hear honourable members opposite make their position clear, if they have the gumption. Do they genuinely believe the trustees have failed in their duty? Do they genuinely believe the trustees have misled the Government or the population, and if so, why do they not say so?

The Hon. N. F. Moore: How much land do they regard as sacred?

The Hon. D. K. Dans: Judging by the interjections, you are doing very well.

The Hon. P. M. DOWDING: The second proposition I ask members opposite to consider is that, if the land is sacred, should it not be respected? Perhaps members opposite, in the course of this debate, also would make their position clear on this point. Do they say and do they support the view, which the Government repeatedly expressed, that if the land were sacred it would be respected? Members opposite cannot have it both ways.

A number of speakers in this House at various times have supported the view that the Aboriginal Heritage Act was proper legislation and that the sacred sites ought to be protected. It is interesting to note that even in those days, Mr Alan Ridge as he then was, was prepared to support legislation protecting sacred sites. It is obvious that someone in the Liberal Party got to him very quickly and changed his thinking.

I refer now to a speech made by the Hon. G. C. MacKinnon, then the member for the Lower West Province, on Thursday, 20 April 1972. His speech can be found on page 832 of *Hansard*, and in part it reads as follows—

Many people believe that most of the Aborigines no longer care about traditional sacred grounds or emblems, law boards and the like. However, this is not so.

I interpolate here to indicate that that places him fairly and squarely at odds with the Minister for

Cultural Affairs. Like a number of police officers and members of the public he, too, is at odds with the Minister.

Members opposite cannot have it both ways. Either they support the principles they espoused in 1972 and agree that sacred land ought to be protected, or they do not support the view. Judging by the interjections we have heard today, it is fairly clear members opposite have all retreated from the position they so happily took in 1972.

The Hon. R. J. L. Williams: We have retreated from your intemperate behaviour.

The Hon. P. M. DOWDING: The Minister for Cultural Affairs is at odds not only with the Hon. Graham MacKinnon, but also with the Attorney General. The Minister for Cultural Affairs is reported to have said there are no tribal Aborigines left, yet it is of interest to note that only a few days ago, as I am sure the Attorney General will recall, he informed the House that there were tribal Aboriginal communities in the north. He said—

Yes, it is intended to extend the Aboriginal communities Act to three communities at the present time. They are Beagle Bay, Lombardina, and Balgo. It is quite conceivable that the Act will be extended at a future date to other communities, both tribal and non-tribal, but the question of priority of extension will have to be given careful consideration.

#### *Point of Order*

The Hon. G. C. MacKINNON: At the conclusion of his remarks, would the honourable member please table the documents from which he has just quoted?

The Hon. P. M. DOWDING: I certainly will. I do not want to waste the time of the House. I am not quoting from a file, but from a series of documents.

The Hon. G. C. MacKINNON: The honourable member is wasting our time. I do not want another lecture from another lawyer. He is now taking things from the file.

The DEPUTY PRESIDENT: If the honourable member wishes to quote from documents, he must be prepared to have them tabled.

The Hon. P. M. DOWDING: I accept that, but with respect, I have in this folder a number of documents, some of which I have quoted from. As I understand the Standing Orders, if I quote from documents I ought to be prepared to table them. I indicate that I am prepared to do that.

The Hon. G. C. MacKINNON: It seems the honourable member has not read Standing Order No. 154. It seems he has not given us the courtesy of reading Standing Orders yet. He ought to table the file, without taking things out of it.

The DEPUTY PRESIDENT: For the edification of members, I will read Standing Order No. 151—

151. A document quoted from by a Member not a Minister of the Crown may be ordered by the Council to be laid on the Table; such order may be made without notice immediately upon the conclusion of the speech of the Member who has quoted therefrom.

The Hon. G. C. MacKINNON: Mr Deputy President, would you please define the term "document"? I think it means file.

The Hon. D. K. Dans: Come off it; who is wasting time now?

The DEPUTY PRESIDENT: It is my considered view that the member quoting from a document must table that document he has, in fact, been quoting from, and not all the papers he may have attached to it.

#### *Debate Resumed*

The Hon. P. M. DOWDING: Thank you, Mr Deputy President. I note that the former Leader of the House is not really in a position to lambast me for not reading Standing Orders—apparently he has not read them himself.

As I said a moment ago, not only is it a fact that the Hon. Graham MacKinnon is at odds with the Minister for Cultural Affairs, and not only are members opposite showing that they are also at odds with the Minister—judging by their interjections—but we have also the Attorney General at odds with the Minister for Cultural Affairs. This does not surprise me as I have a great deal of respect for the Attorney General and his legal capacity.

It is worth noting, to see the extent to which this Government has deceived the public, to what extent other people with some expertise have gone and expressed their opinions as being critical of the Government. I refer to *The West Australian* of Thursday, 14 August and the article headed, "Grayden accused of scare tactics". It reads as follows—

The Minister for Cultural Affairs, Mr Grayden, was accused yesterday of trying to coerce public opinion on the Noonkanbah issue.

The president of the Anthropological Society of WA, Mr John Stanton, said that

Mr Grayden was trying to scare the public by saying that Noonkanbah was no more significant than Aboriginal sites in WA already developed.

"That is a massive over-statement which is not factual," Mr Stanton said.

And further on—

Mr Stanton said that his society was dismayed at the imbalanced information supplied by the Government on the Noonkanbah issue.

Balanced information was not reaching the public and because the issue was drawn out, it had reached a stage where the public was no longer truly aware of the main points.

I would accept that as a fair and reasonable statement on the conduct of this Government, but the head of the Anthropology Department at the University of Western Australia (Basil Sansom) said yesterday—

... that Noonkanbah was seen in its true proportion when considered in the light of Section 39 of the State Aboriginal Heritage Act.

Definition of it gave Noonkanbah special significance because the WA Museum and its trustees were instructed to pay particular attention to sites which had proved spiritual affiliation for Aborigines.

Out of thousands of possible spiritual sites, those guidelines bring numbers down to a real and sensible level." Professor Sansom said.

The legislation was written to maintain sensible proportions. In this case, Noonkanbah speaks for itself.

Now, with all due respect to members who worry about the extent to which the Aboriginal sacred sites may intrude into our victorious Anglo-Saxon culture in this State, the reality is that Government members are never game to put their money where their mouth is. The Government is never game to give the Museum enough resources to register the sites and evaluate the extent to which they fall under the provisions of the Aboriginal Heritage Act.

As members may have heard in recent times members of the Yungngora community at Forrest River have, over the last two years, been anxious to ensure that it cannot be said that they are simply finding sacred sites where people want to drill. They wish to have that worked out, before people come and drill. They want the Museum people to register the land they hold to be sacred, but the Museum's response is that it has not the

resources necessary because this Government will not provide them.

If the Government is fair dinkum about wanting to see the extent to which the sacred sites will intrude into what some people regard as a victorious culture then why does it not make the determination on the extent to which these areas should be protected?

This is the whole problem with the Government's response over the Noonkanbah issue. It bleats about whether the land is sacred and says it is anxious to protect the sacred sites, but there is no attempt to ascertain which land is sacred, which land should be recorded as sacred, and which land should be protected.

Until the Government does that, and is prepared to do that, it is a travesty of justice that it should introduce a Bill which is designed to enforce its own way.

The Hon. P. H. Lockyer: Why is this situation different from any other?

The Hon. P. M. DOWDING: It is not different, except to the extent that in 1976 the Commonwealth Government provided funds so that the people who were the traditional clan descendants of the area might return to their land as a prelude to—

The Hon. P. H. Lockyer: It was a pastoral lease.

The Hon. P. M. DOWDING: —any sort of recognition of some special entitlement of Aboriginal people. It is necessary first of all that there be no other claims in law. The experience in the Northern Territory has shown that if one is to introduce any form of land tenure based on the needs and entitlements of Aborigines, one will never obtain that sort of legislation through Executive for an area over which there is an existing title recognised by law.

There is every sense in the Commonwealth Government—through its land fund commission—first acquiring the pastoral lease and then seeking to ensure the Aboriginal people receive national recognition. It is proper that in Western Australia the Government, and the members of its party in the Federal Government, do not introduce—

Several members interjected.

The Hon. P. M. DOWDING: —such legislation. Members opposite should vote against it at the end of the year.

It is a ridiculous proposition because members of the Government in this House are in one way part of the Commonwealth process and are saying we cannot recognise this because it is not the law.

Members of this Government are sitting here every day of the week changing or amending the laws or making laws. It is fairly obvious they do not sit at it too often because in my short time I have been here I feel they are always rushing off to dinner as soon as it is six o'clock.

Several members interjected.

The Hon. P. M. DOWDING: This is in conflict with their brethren in the other place who are prepared to do a day's work.

Several members interjected.

The Hon. P. M. DOWDING: We ought to be analysing whether it is appropriate for an amendment to the law in this State to be made rather than our not giving the community anything because it is law.

It is necessary that a change be made because we have given special rights to individual groups in the past. Perhaps members who have been sitting in this House for some time—it is unfortunate that the Hon. Graham MacKinnon has left just now—can be of assistance in this matter.

Several members interjected.

The Hon. P. M. DOWDING: In 1970 an amendment was made to the Mining Act under Statute No. 33. Members of the Government were parties to this amendment which made special laws for people who cultivate land. Members of the Government will now be embarrassed to learn that in 1977 they were legislating to give a special group special rights in respect of minerals.

I realise it may be asking too much of the Government members to look at this Statute, but if they do they will see that they amended the law to provide to persons, who cultivated their own land, power to bargain in respect of mining. Not only that, we also have the nefarious situation which has existed since 1893 and this House should give some thought to doing something about it.

It is nigh-on 100 years since the position was clearly established; but the owners of almost all the land throughout the south-west of Western Australia and other parts of the State which was alienated before 1893, still hold the mineral rights over that land.

The Hon. A. A. Lewis: It was 1899.

The Hon. P. M. DOWDING: I will look at the Statutes. I think it was 1893, but I will stand corrected. I am indebted to the honourable member for his assistance. It has something to do with an Act introduced in 1893. Whether it was 1893 or 1899, it is still nigh-on 100 years since special sections of the community have had

special rights to which the rest of the community are not entitled.

It does not lie happily in the mouths of members opposite to complain now that we are suggesting, a long time afterwards, that there is another section of the community which should have a fair go from this Government and the invaders of this country.

What do other people outside Western Australia think of the actions of this Government? Let us look outside the State because I concede that within the State there may be too great a focus and too close an association to make a proper evaluation.

*The Sydney Morning Herald* of Wednesday 13 August—a newspaper which is not noted for its support of radical policies and which is not constantly heard to support the Labor Party—contained an article, the heading of which is "Dangerous convoy". It states—

The Court Government in Western Australia has committed a deplorable blunder by calling its present confrontation with Aborigines and trade-unions over oil drilling at Noonkanbah, near Broome. It will compromise Australia severely in the eyes of the world, and especially the Third World.

The Hon. P. H. Lockyer: Rot!

The Hon. P. M. DOWDING: Mr Lockyer, who is so worldly and knowledgeable about Aborigines, in due course will be able to make his contribution and disavowance of the views expressed by *The Sydney Morning Herald*.

Several members interjected.

The Hon. P. M. DOWDING: The article continues—

The spectacle of a convoy of heavy trucks, under police escort, ploughing remorselessly through Aboriginal picket lines on their way to desecrating remote Aboriginal sacred sites provides the perfect scenario for those who wish to depict Australia as a racist country committed to pursuing its historic maltreatment and exploitation of Aborigines, while mouthing assurances to the contrary.

The Hon. N. F. Moore: How are the sacred sites going to be desecrated?

The Hon. P. M. DOWDING: I introduce a note here *sotto voce* so that I do not offend members opposite. The simple answer is that you, Mr Deputy President, and other members of the Chamber may not have an understanding of Aboriginal law. None of us here can claim to be an expert in areas of Aboriginal custom, culture, or religion. I would not say to a Roman Catholic

whose faith I do not share that I could not understand why he would be unhappy if I threw his altar wine down the drain or gave it to a "metho" drinker in the street, or if I trampled on his "bikkies". I would not say that was an irrational act.

The Hon. D. J. Wordsworth: Did not you say it was unlawful when we were swearing on the Bible?

The Hon. P. M. DOWDING: I said that according to my own beliefs it was not lawful for me. That is what "unlawful" means. Perhaps the Minister should have a look at it.

I do not laugh at the Christian religion or the Jewish religion. When the Hon. Joe Berinson wanted to take his oath wearing the garment which is appropriate in his religion, I did not hear members opposite sniggering, or saying they could not understand it, or asking him why he did it. I thought that with commendable sincerity members opposite were prepared to accept the view that a member is entitled to hold his religious views. Without any invective, I put it to members that Aboriginal people in Western Australia who retain their tribal identity and religious beliefs are entitled to express them, without there being a constant cry—

The Hon. N. F. Moore: I asked how the sacred sites were going to be desecrated.

The Hon. P. M. DOWDING: I do not regard it as desecration to drink a cup of wine. In fact, I am more than partial to a cup of wine, and if that is a symbolic religious act I do it every evening. I can understand that a Roman Catholic would regard it as desecration for me to drink the altar wine before the service started; and when the Aborigines say, and the Museum Trustees support them, that to put a drill into the substrata of an area desecrates the site, I would have thought members opposite would not say, "I do not think it does." They should be analysing the Aboriginal religion, calling on the experts to the extent that they cannot understand the Aborigines and their religion, and taking the point of view that if it is genuinely said that putting a drill hole in the substrata interferes with the sacred site they ought to accept it. I do not know why drinking a cup of wine or eating a thing which looks like a bit of slimming bread should be offensive when it is done in a particular ceremony; but some people do it and I respect their point of view.

The Hon. P. H. Lockyer: What about the other pastoral properties in the area?

The Hon. P. M. DOWDING: The Hon. Mr Lockyer gives me an opportunity to address myself to the question: What about the rest of the

area? It is fair to say that up to at least the late 1960s and early 1970s it did not matter what an Aboriginal said; no-one was going to listen to him. There is example after example of an Aboriginal person complaining about something and being overruled.

The fact of the matter is that prior to 1972 there was no Statute which would have ensured the protection of an Aboriginal sacred site. As members in this Upper House who sit on the opposite side have held sway on malapportionment and gerrymander since the inception of this House, I am surprised they did not introduce legislation to protect the sacred sites if they think they are really worth protecting. Why was it that until 1972 no Aboriginal sacred site in this State was given statutory respect? Perhaps members have an answer to that, and it might well be that no-one gave a damn; no-one was prepared to take Aboriginal culture seriously. It was regarded as a primitive culture from which it was best that people be drawn away as soon as practicable. That is why Government after Government, both Labor and Liberal, carried on the scurrilous and outrageous conduct of taking young children away from their mothers.

The Minister for Fisheries and Wildlife can laugh at that, but people of my vintage were taken away from their mothers, not because their mothers were incapable of looking after them, but because their mothers had copulated with white persons and the babies had a lighter skin. That is a fact which cannot be denied. As the Minister for Fisheries and Wildlife obviously finds that statement unbelievable, he should read what the Minister for Cultural Affairs said in 1957, when he was not the Minister for Cultural Affairs, in the report to both Houses of Parliament of a Joint House Committee which was set up to inquire into the condition of Aborigines at Warburton. He obviously surprised members opposite because he broke new ground.

The new ground he broke in his report was that Aboriginal mothers loved their children as much as if not more than white mothers loved theirs, that the policy of the Government in ensuring the children were separated from the tribal women as soon as possible and raised in orphanages was not a policy of which we should be proud, and it should not continue. I will read Mr Grayden's report. He was breaking new ground, and ever since then he has had the reputation of being a bit of a "whizz" about Aborigines. If that is all he could come up with in 1957, it is either a terrible indictment of him—which I do not think it is—or an indictment of the whole community attitude, and I do not exclude members of this House.

Several members interjected.

The Hon. P. M. DOWDING: I have not deprecated the Hon. Bill Grayden's views expressed in 1957 because I indicated it was the common interpretation that that was the best he could come up with. The doubt I expressed was about the community attitudes of the day.

Let us turn for a moment to what *The Sydney Morning Herald* said about the very pressing and genuine issue whether it is in the national interest that we override the wishes of the Aboriginal community and the findings of the Trustees of the Museum. That is a legitimate argument. I do not think members opposite can be seriously heard, despite their exalted office, in disputing with the Director and Trustees of the Museum; but they can be heard on the genuine political point whether it is in the national interest.

[Resolved: That motions be continued.]

The Hon. P. M. DOWDING: I am indebted to the House and to the Leader of the House for enabling me to continue.

This is what the leader of *The Sydney Morning Herald* said—

It is also reasonable to point out that Sir Charles—

The leader refers, members may be surprised to learn, to the Premier of Western Australia. It continues—

—has a genuine interest in mining oil because Australia needs it. But in the final analysis the country's immediate need of more oil must take second place to the need, in conscience, to try to redress the wrongs done to Aborigines over the past 200 years.

The Hon. N. F. Moore: That is something not everyone accepts.

The Hon. P. M. DOWDING: Mr Moore might not accept it, but at least let him hear the argument. It continues—

If in the process, the Aborigines make what appear unreasonable demands, politicians have no moral right to lose patience with them in five minutes, considering that white people granted themselves two centuries of unreasonableness towards Aborigines. Sir Charles's exasperated resort to confrontation resurrects the historic spectre Australians want to exorcise—that of a European-derived culture arrogantly imposing its will for exploitive purposes on defenceless primitives. His action is dismaying. Certainly we need oil—if indeed there is oil at Noonkanbah—but not

at this price. Any oil there can wait until wiser counsel prevails on both sides.

With all due respect, even though I do not accept the concept of defenceless primitives, that is a genuine attempt to come to grips with the question; and it is a valid political point to which I hope members will give due consideration.

Let us look for a moment at the realities of this prospect. Let us remember for a moment that the proposition which the community really wanted to achieve was a period during which sacred sites could be evaluated and registered without the need for confrontation. That was the prime aim of the Noonkanbah community.

Was it necessary to do this act at this time? That is the point raised by *The Sydney Morning Herald*. Firstly, let it be said that the prospects of finding oil at Noonkanbah are not good. I am not a geologist. I find it very difficult to understand the series of lines and hieroglyphics that appear on geological maps. Therefore, I would quote from notes I have been supplied with which concern a meeting held at Noonkanbah on 30 May 1979. The speaker is a Mr Murray Johnstone who, I understand, is a senior official with the petroleum division of the Mines Department of Western Australia. Members opposite might not like the Trustees of the Museum, nor might they like to accept what the Director of the Museum says; but I would think they would take some notice of what a senior official of the petroleum division of the Mines Department says on this point. He was the first representative of the Government to visit Noonkanbah and report to the community. This was what he reportedly said—

My name is Murray Johnstone and I am representing the Minister for Mines and the Mines Department of the government of Western Australia.

... We in the Mines Department are forcing the companies to do this work. There's a company here that wants to drill a well to look for petroleum. Now they could drill it some other time. But the Mines Department wants them to drill it now, because this is when we said they should drill the well. So if there is any opposition to the drilling of the well, the Mines Department are the people that are forcing this drilling; and its opposition not to a company, but it's opposition to the government.

The Hon. N. F. Moore: Who took that record?

The Hon. P. M. DOWDING: Someone at the community.



The Hon. N. F. Moore: Was it a member of the community?

The Hon. P. M. DOWDING: I do not know.

The Hon. N. F. Moore: Surely if you are quoting it, you should know who wrote it?

The Hon. P. M. DOWDING: Mr Johnstone continued—

... Now as I said the success for looking for oil and gas in the Kimberley district here has not been good. There's been one show of oil up near Meda Station near Derby, and there's been nothing else. So looking at it scientifically the chances of a well here finding oil or gas are probably ten to one, or maybe even fifty to one against them finding oil or gas. Very, very slim chances. But it's a chance the government wants these people to take, and these people are willing to spend \$2 million to take this chance and probably find nothing.

I ask members, in a genuine attempt to try to resolve some of the problems raised by this situation, to take a deep breath and contemplate whether that information is true. If it is in fact an accurate geological description of the situation, then what has happened is that Sir Charles Court—the Premier of this State—and the Government of this State have done something to prove a point and not because the national interest required it. I put it to members opposite that members of their Government have been spoiling for an argument with the Aborigines ever since 1976 when the Government first set about removing the right of Aborigines to vote.

The Hon. N. F. Moore: That is absolute nonsense.

The Hon. P. M. DOWDING: It is not only people such as I who think this way, but occasionally people such as Lord Hailsham of Marylebone do, too; it is not only the left wing agreeing with the right wing, or the right wing agreeing with the left wing, because there are others who hold the same view. I refer to a former private secretary to Malcolm Fraser, a gentleman by the name of Mr Cross, who was also until recently a chief executive of an exploration firm working in the Kimberley.

Let us see what Mr Cross said last night on the ABC programme "Nationwide" which, as everyone knows, commands a great deal of respect.

The Hon. N. F. Moore: The fact that you said that makes it pretty obvious what was said.

The Hon. P. M. DOWDING: If Mr Moore has Reds under the bed I am sorry for him. This is what Mr Cross had to say—

Well I think it has confused the situation and I think that a lot of people would rather the State Government hadn't gone about this matter in the way that it has. I think a lot of mining companies just wish the State Government would pull its head and go to ground.

Then he goes on to say—

Well, what I suspect is that the State Government has decided once and for all to confront both the aborigines and also think the people that have the real sort of...

Then he said—

I think the Premier seized on this fiction that Amax must drill this hole within a certain period of time to meet its obligations and he said we will make sure they do. Now he could have easily diffused the whole issue by relieving the obligation to Amax which a State Government can do at anytime by delaying or deciding to...

That is the view expressed by a person who is not only experienced in the political scene at a top level but also is a Press secretary. Press secretaries are honourable people. We seem to think that we must have more and more of them. I am not sure the Opposition agrees with that because Press secretaries are rather like lemmings; they come in hordes to the Liberal Government and then run away and jump over cliffs when a Labor Government appears. The fact of the matter is that Mr Cross went on to say—

I think mining companies are sensible and they ought to be left alone and market forces ought to be allowed to operate.

What a remarkable thing for a man to have to say to his Government that bleats day in and day out that it has a sort of eternal hold on free enterprise. Members are dumbstruck. They cannot even interject at that proposition.

The Hon. G. E. Masters: We are disappointed.

The Hon. P. M. DOWDING: With regard to the national interest, I put to members opposite—and I trust I am putting these things in such a way that they accept that these are my views, even though I am quoting the views of others—that it is not really a case where the national interest requires not only drilling at this place, but also drilling at this place at this time.

The Hon. N. F. Moore: Do you base your views on those of Mr Johnstone from the Mines

Department, and Mr Cross, who is a Press secretary?

The Hon. P. M. DOWDING: I understand the Hon. Norman Moore is not inclined to agree with the senior civil servants in the Museum. Do not tell me he now will have a disputation with a senior member of the Mines Department.

The Hon. N. F. Moore: If he can tell whether there is oil in the ground, he should be on the world market because he would make millions of dollars.

The Hon. P. M. DOWDING: The Hon. Norman Moore wants to take issue, apparently, with every senior civil servant in the State.

The Hon. N. F. Moore: If he said there is no oil there—

The Hon. P. M. DOWDING: The Hon. Norman Moore should go and ask him. The fact of the matter is that not only were there alternative sites on which the oil rig could drill, but also it was taken away from an area which was the best oil prospect in the country. There was a scream from Eneabba when the rig was moved. It was only the head contractor who was able to take the pressure from the removal of the rig. The fact is that Eneabba is the place where it is all happening. There will be \$500 000 of taxpayers' money go down the drain because the Government insists on having—

The Hon. O. N. B. Oliver: That is incorrect.

The Hon. P. M. DOWDING: —an armed convoy to Noonkanbah. The Government removed the rig from the best prospect in the area—

The Hon. A. A. Lewis: You admitted you knew nothing about geology earlier. Just stick to Noonkanbah, and we will listen.

The Hon. P. M. DOWDING: I am indebted to the Hon. Sandy Lewis. I will stick to Noonkanbah. If he does not mind, I will move a few miles sideways and deal with Ellendale.

The Hon. P. H. Lockyer: Yes—move 100 000 miles west and we will be happy.

The Hon. P. M. DOWDING: That is a major contribution to the debate from the Hon. Phil Lockyer.

When the Museum made its recommendation to the Government about Noonkanbah, it said that the area which this drill rig was designed to operate in, intended to operate in, and required to operate in was Ellendale Station. May I read from a report of 8 June 1979, to which I referred earlier? This will put at rest the fears of some members opposite—and I accept that some of the fears are genuine although others are not. Some

people fear the proposition that as soon as one wishes to put down a drill hole, one finds a sacred site.

There are many Aboriginal people in the north; and if the Hon. Phil Lockyer took the opportunity to step down from his exalted position as a shire councillor and went out and spoke to the Aboriginal people occasionally, he would know they believe that as soon as one finds a sacred site, some mining company wants to put a drill down on it.

The Hon. T. Knight: I understand that one sacred site boundary goes into the next one.

The Hon. P. M. DOWDING: The Hon. Tom Knight does not understand; and I do not blame him for not understanding, because this is not an easy subject. The fact is that some of us have researched this topic. I do not want to be abusive to the Hon. Tom Knight. I am saying in a genuine way that we are trying to impose on another culture, with another language, a series of unusual words that are not necessarily relevant. The Aboriginal people do not have a word for "sacred site". They might have numerous words meaning "sacred site". In fact, there are sacred sites of great importance, and sacred sites of lesser importance.

In some areas of this country, as the Western Australian Museum knows, and as the mining companies know, the Aboriginal people have occasionally been prepared to concede that a sacred site, so called, is not so sacred that it ought not to be drilled; and an area of land which has been regarded as sacred can be let go because there are no longer any traditional owners who feel they are owned by that site.

This is a matter of record. This is not something we have dredged up for this debate. One can ask the Mt. Newman Iron Ore Company Ltd., of which Amax is a part, to confirm it. The director of the Museum said this—

I have now also received verbal reports, from staff who returned to Perth last night, on the Ellendale Station proposal, which we have been informed by the Mining Company is considered by them a "fallback" position. I am assured that there is no conflict in that case with current Aboriginal opinion or practice or with any archaeological evidence. Should the company wish to drill there I am sure that on present information consent would be given. The Mining Company are aware of my views on the matter.

The point I make is that prior to the issue of this direction to the Museum to consent to the mining, the Minister was aware that the mining company

knew that it could have moved a few miles sideways and drilled somewhere else.

*Sitting suspended from 3.45 to 4.01 p.m.*

The Hon. P. M. DOWDING: Refreshed and invigorated after the afternoon tea suspension, I should like to put two propositions to members. I am sure all members of the House regard it as appropriate and desirable that they should exercise their political polemics from time to time. I hope members will deal with the two propositions I will raise with an open mind. The Hon. Philip Lockyer might like to make a note of them so that he can deal with them.

The first proposition is whether or not this land is sacred and who should make such a decision. Should it be made by the public, the members, the Minister, or the people who are entrusted with the job of administering the Aboriginal Heritage Act? Alternatively, should the decision be made by someone else, such as a judicial officer? That seems to me to be a fair proposition with which members ought to take the opportunity to deal.

The second proposition is this: Is it in the national interest that this land should be drilled at the present time? I genuinely wish to hear honest expressions of opinion from members on those propositions. I do not wish to hear inflammatory views, such as those which have been expressed elsewhere.

The Hon. P. G. Pendal: Are you saying there should not be the power of veto over the Museum Board?

The Hon. P. M. DOWDING: I am grateful for that interjection, and I will deal with it. I take the view that the Minister should not have the power of veto. I believe that, if there is to be a power of veto on a matter as important as this, that power should lie with the Parliament. I accept that the Executive has to have a role; but this is an area of political decision-making of great importance. We are not dealing with a bunch of Aborigines sitting in the bush, making a nuisance of themselves. It is a matter of principle.

With reference to the third world, I ask members to see this problem as one which is putting Australia, along with a number of other countries including the USSR, in the category of those countries which persecute minorities. Some members may regard that attitude as being unfair or wrong and they may not believe that the Government is in fact doing that.

However, the action taken by the Government is seen as involving the persecution of minorities. Therefore, the decision is one of such political importance that I believe the Parliament should deal with it. The Parliament should have the

overriding power to make a decision after listening to the views of people entrusted with expert information and knowledge of the matter. In this situation the rights and liberties of citizens are of great importance and their religious beliefs are at risk.

In terms of the Aboriginal culture, the arguments that occurred in England between the Catholics and Protestants and the Throne and the Pope, are only drops in the ocean of their culture; and yet they were matters of such importance that the Parliament dealt with them. I believe the same situation applies here.

Of course, it is very difficult to say that this Parliament ought to deal with the matter, because it is such a gerrymandered House. However, one would hope that, in due course, members opposite will take the view that we on this side of the House take, and encourage the slow movement towards democracy which is taking such a long time in this Chamber.

Returning to the other proposition raised by way of interjection, which concerns the person who should make the decision, I should like to point out that it could be said the Trustees of the Museum are not the people who ought to be making the determination, because they do not have the opportunity to do anything other than receive information.

Despite the fears expressed by the Hon. Mr Pike about the operation of the Aboriginal Land Rights (Northern Territory) Act, the reality of the situation is that there are times when the way to get around the difficult situation of deciding who should make the decision is for somebody to go and hear the evidence.

I may be accused of looking for a judicial solution because I am a lawyer by training; but it is a way to solve the problem. Despite interjections during a previous debate in this Chamber, the fact of the matter is, collecting evidence and sifting information is a time-honoured way to solve problems.

I understand that there are members opposite who possess goodwill in regard to this matter, but they are working under a difficulty, because the Premier does not possess such goodwill.

The Hon. A. A. Lewis: Come on!

The Hon. P. H. Lockyer: No Western Australian has been more patient than he.

The Hon. P. M. DOWDING: The Premier has not once been prepared to compromise on the matter which is fundamental to the issue; that is, should land which the Museum Board says is sacred—land the anthropologists say is sacred,

the Trustees of the Museum say is sacred, the Aboriginal community say is sacred—be controlled. That is the one issue on which the Premier has not been prepared to compromise.

Members opposite should not try to mislead other members of the House who do not know the facts. Do not let it be said that the Premier has been most patient. He is not known for his patience and members opposite will no doubt have felt the whip end of his tongue from time to time. No doubt they will continue to do so.

The Hon. A. A. Lewis: He is far more patient than you are.

The Hon. P. M. DOWDING: I agree with the member; but that does not mean a thing.

I should like to deal with the next proposition I mentioned in my letter and that is the paramilitary style in which this action has been carried out. The words "paramilitary style" are not mine. I should like to quote from *The Age* of Saturday, 9 August 1980. In an editorial opinion headed, "A gunboat to Noonkanbah", the following comments appear—

A convoy of 50 trucks flanked by police cars, motor cycles and support vehicles has embarked on a 2 500-kilometre journey which could bring disaster to race relations in Australia.

It then goes on to describe the mission. To continue—

Its mission is to transport an oil drilling rig across Western Australia to the remote Kimberley Ranges, to the homeland of the Yungngora people on Noonkanbah station. There, the rig is to be erected under police guard on an area under the influence of the Great Goanna Spirit, an area of profound significance to the Yungngora. It will be transported along a private farm track that the WA Government has declared a public road. It will be erected on a site taken by the WA Government from the Yungngora and declared public land. And then, protected by the WA police, it will drill for oil.

This paramilitary operation is the Court Government's final solution to the long impasse between the Yungngora and an American company that is determined to drill for oil on their land.

The Hon. A. A. Lewis: It is not their land. It is a pastoral lease.

The Hon. P. M. DOWDING: To continue—

Since the Yungngora reacquired their homeland in 1977 with Federal Government help, their attempts to develop it as a

workable cattle station have been hampered by more than 600 claims for mineral exploration on the land.

Something which astounds the member for Kimberley and myself—I thought it would have astounded the Hon. Philip Lockyer also—is the logical philosophy that the Hon. Philip Lockyer and other members of the House who represent the pastoral community should be standing side by side with the Aboriginal community, demanding protection for their pastoral operations from the widespread incursion of mining. However, members opposite just sit there and do nothing. I believe the reason they do this is that the Premier is in the grip of the mining company and he will not allow members opposite to speak out about the matter.

The Hon. N. F. Moore: I believe you ought to read the 1978 Mining Act.

The Hon. P. M. DOWDING: The member who has just interjected ought to read the current Mining Act. Amendment No. 33 of 1970 did not refer to the pastoral people of this country. How the Hon. Norman Moore can sit in this House and be content with the situation when he represents a pastoral area, I do not know. It must astound his electors as much as it astounds me.

I shall continue with the quotation from *The Age* as follows—

The most serious are those of the American oilmen Amax Petroleum (Australia) Inc., whose claims include sites traditionally sacred to the tribal community. Despite insistent opposition from the Aborigines, Amax, backed by the Court Government, has decided to drill the land regardless of their wishes.

Perhaps members opposite would like to tell the House which aspect of this editorial from *The Age* is factually incorrect. To continue—

It has ordered an expensive oil rig to carry out its search before the wet season comes in October. Thus the present convoy.

The whole story is another enactment of the dreadful history of racial exploitation. Once again, Europeans are using their superior power to take the land of another race in search of wealth. It may be police cars and guns and drilling rigs instead of gunboats and plantations. But the principle is the same, and it is one that is morally outrageous to most Australians.

Those are rather heavy words for one of the newspaper barons to permit in an editorial. This

newspaper is not known as being one with left-wing, socialist ideals. To continue—

The Federal Government, which has constitutional responsibility for Aboriginal affairs, has been too timid to protect the Yungngora so far.

The concluding paragraph of the editorial reads as follows—

The moral issues are no less so. But what is involved is a basic question of historic and contemporary justice. Unless the Fraser Government steps in immediately to assert the broader national interest—as opposed to the national interest narrowly defined in economic and financial terms—Australia could be set for a fateful confrontation.

If members opposite deal with the question of the national interest, I hope they will direct their minds to the national interest in the broader context, and not as *The Age* aptly puts it, "Narrowly defined in economic and financial terms."

The Hon. P. G. Pental: Are you saying it is okay to mine on a sacred site if someone decided that the national interest was involved?

The Hon. P. M. DOWDING: I am prepared to say in this House or publicly that there should be no mining on sacred sites; but I am prepared to say also that I am not aware of any religious community which, in times of absolute threat—without any suggestion that they are losing their integrity—is not prepared to re-examine the position of their culture and their religion. I am not saying the Yungngora community would do that and I am not saying that they ought to; but it is the traditional way in which religions have dealt with those sorts of problems.

That is something which should not be imposed on the people; it is something that should be worked out in the light of the present situation. Despite the interjection from the former Leader of the House (the Hon. G. C. MacKinnon), I ask members to accept that the situation does not exist and is not likely to exist in the foreseeable future of this country. The fact of the matter is there is no national interest requiring drilling to take place at Noonkanbah.

In 1972 the present Minister for Cultural Affairs predicted this sort of situation might occur. He was actually fearful of the powers of the director of community affairs. I am fearful of the powers and activities of the present Minister. I believe the comments made by Bill Grayden on 30 May 1972 are worth considering. They appeared in *Hansard*, and they were as follows—

The Director of the Department of Community Welfare will be a man to be feared in our community. He will have access to this information and the department will be very much similar to the gestapo in Germany prior to the war or the secret police in Russia.

When the Minister made that statement he was more properly predicting the role of the present Minister for Police and Traffic (the Hon. W. R. B. Hassell).

The State Government has presided over a situation where \$500 000 or more—the Government will not disclose the exact figure—of public money has been spent to ensure that a multinational company has rights over those of Australians.

The Hon. G. E. Masters: Where did you get the figure of \$500 000?

The Hon. P. M. DOWDING: It has been worked out on information known to the public. No doubt the Minister has access to the 28-page report and possibly could tell this House the true cost. I rely on him, or the Minister, to tell us the precise cost.

Many police—tens of police and probably hundreds of police—have been tied up in one of the most massive security paramilitary operations ever seen in Western Australia. I believe the "copper" hates it, and the "copper" on the ground does not like being the meat in the sandwich between this dreadful Government and the civil rights of a minority group, so that the Government can impose the will of an American multinational company on them.

I suggest that members opposite will agree the police are at Noonkanbah not only to coerce the Aborigines, but also to make sure that Amax and Richter do not run away. The police have been placed in the position of having to mount a guard inside a fence, with barbed wire strands at the top, enclosing an area of four hectares. They patrol the area constantly. Is the Government afraid of the 170 Aborigines who, under successive Governments, have been deprived of education, who did not have a vote until 1967, and who have been kept in squalid poverty? It was not until the Labor Government in this State and the Labor Federal Government realised the inequity of our behaviour in the past that the situation was rectified, despite the efforts of people such as members opposite who represent the selected interests in this country.

We have seen the same paranoia from the Commissioner of Police in his political utterances in public. The Skull Creek incident at Laverton,

and the Royal Commission which followed, showed the position to be disgraceful. No doubt members opposite would not have the gall to try to justify that incident.

In 1976 and 1977 this Government executed a plan to deprive the Aborigines of their right to vote. Members opposite may be interested to know that the Government enforced unlawful acts.

The Hon. R. G. Pike: Why did they not take it to the courts?

The Hon. P. M. DOWDING: They did. The Appeal Court pushed aside the Aborigines, and allowed a mining company and its drillers to go onto a site upon which it was not lawful for them to drill. The Government suddenly discovered it had been caught with its skirts up, and it rushed through another direction to the Museum Trustees to consent to drilling on another site. The mining company had gone onto a site protected under the Act, and that is reported in a document of the Supreme Court of Western Australia. The Aboriginal Legal Service took them to task.

The Hon. R. J. L. Williams: What was the result?

The Hon. P. M. DOWDING: The result was that the present Government realised it was in error, and introduced a new law by directing the Trustees of the Museum to consent to the drilling of another sacred site. It is all very well for the member opposite to shake his head, but if he would like to read the document in the Supreme Court dated 21 March, when Justice Brinsden imposed a ban, he will see the truth in what I am saying. Within seven days the Government changed the law, so let us not pretend that the forces of law and order actually can succeed while this Government is in power.

The Hon. R. J. L. Williams: Are you saying the judiciary is corrupt?

The Hon. P. M. DOWDING: Do not be silly.

The Hon. R. J. L. Williams: Of course, you are.

The Hon. P. M. DOWDING: Perhaps the honourable member is a little hard of hearing and I should speak more loudly. Obviously, he misses the point. On 20 March Commissioner Leitch is reported to have said that 34 policemen were on standby in case of trouble. On 30 March there was an order from the Supreme Court, and on 31 March the judiciary upheld the law. The Government sneaked in the back door, embarrassed by its stupidity and its untruthfulness. It had to use force to do that which was wrong, so it changed the law.

The Hon. P. G. Pental: That happens on many occasions.

The Hon. P. M. DOWDING: I say it does, while the present Government is in office. The Government took that action to the amazement of every democratic community in the world. It seems I am touching some sensitive nerves.

I can assure members opposite that I have the facts and I can reply to any points raised. The Government opposite changed the law by amending Regulation 8 under the Aboriginal Affairs Planning Authority Act to ensure that the will of the Government would be done, and that the rights of the minority would not be protected. Perhaps that is the sensitive nerve which has to be pursued.

A number of Acts have been amended to change the law, and then by regulation the law has been changed again to suit the purposes of the Government. The gazettal of the Noonkanbah access road, as a public road, was a classic example. The Government does not believe in law and order.

The Hon. A. A. Lewis: We are a responsible Government.

The Hon. P. M. DOWDING: The Government has resumed land on which is a sacred site in order to further its own end.

The Hon. D. J. Wordsworth: Did you say the sacred site was the area where the drilling is to take place?

The Hon. P. M. DOWDING: If the Minister cares to read the report from the Museum he would find that is quite so.

The Hon. D. J. Wordsworth: It is not actually so. The report does not actually say that drilling is to take place on the site.

The Hon. P. M. DOWDING: I am grateful for the interjection. The Minister should examine the plan which the Museum submitted to his Government, and which showed that the whole shaded area was sacred to the Aboriginal people. It also shows that both drill sites are on the sacred area, so the Minister should not try to mislead the public or the Press. That is not true.

The Hon. P. H. Wells: Did you say it was not true?

The Hon. P. H. Lockyer: The Aborigines approved of that site themselves.

The Hon. P. M. DOWDING: I am glad the member has interjected; I will deal with that point.

Several members interjected.

The DEPUTY PRESIDENT: Order! There are far too many interjections.

The Hon. P. M. DOWDING: That is a valuable interjection which should be dealt with. I am sorry I have irritated some members in this House. I have done my best to understand Standing Orders, and I hope members will be prepared to assist me.

If the Aborigines did agree to drilling on the site—and I have some first-hand knowledge of the situation in which that choice was made—they did so when the Mines Department, the Government, and the mining company said to the community, "We will drill on the area which the Museum has said is sacred, and which is approximate to a number of areas of very great significance. We can drill either in this area, or that area." The community representatives replied that for a number of reasons they did not want drilling on any of the land. The Government, the Mines Department, and the mining company said that drilling would go ahead no matter what. The community representatives asked for time to consider the matter, and the Government offered them five minutes. The Government was told, time after time, that the community did not want drilling anywhere.

The Hon. P. G. Pental: It goes back to 1976.

The Hon. P. M. DOWDING: In 1976, 1977, 1978, 1979, and 1980 they have said the same thing. Surely it is not difficult for the honourable member to digest the fact that they did not want drilling anywhere on the site.

The Hon. P. G. Pental: Nowhere on the station.

The Hon. P. M. DOWDING: I said, "Nowhere on the station".

Several members interjected.

The DEPUTY PRESIDENT: Order!

The Hon. P. M. DOWDING: It is a joy to listen to the interjections and hear the pearls of wisdom which are thrown up occasionally.

I put it to members they cannot deny the fact that the community consistently has stated that it does not want drilling. They are frightened that their sacred sites will be affected by drilling. They are frightened that the company will impinge on sacred sites, and therefore they prefer that drilling does not occur anywhere.

The land held by the Aborigines at Noonkanbah is sacred, and the Museum Trustees have said it is sacred. The Trustees of the Museum said that the whole of the shaded area on the plan was sacred, and ought not to be drilled. However, that is where the drill site is.

The Hon. N. F. Moore: What is the area?

The Hon. P. M. DOWDING: It is 40 square miles. Members are trying to make it difficult for me to get my point across.

The Hon. P. H. Lockyer: It is hard to get anything out of you.

The Hon. P. M. DOWDING: There is a concerted attack on the Aboriginal people in the Kimberley. This is not the first time this Government has been responsible for such an attack on the Aborigines in the Kimberley, and elsewhere. When Sir Charles Court went to the community ostensibly to negotiate whether or not there would be drilling, he made it clear the area would be drilled. It was not negotiable. The real issue was where on the shaded area the drill would operate. The fact is the document established that point.

If I am in error on the documents, I challenge the Government to produce them. The Hon. P. H. Lockyer has never seen the Museum report, and so he nods his head wisely. This is the document I have in my hand.

The Hon. P. G. Pental: Your case collapsed on "Nationwide".

The Hon. P. M. DOWDING: My case collapsed on "Nationwide"? I proved the Minister was touting a map around from television station to television station which was different from the map given to his Government by the Museum. It was patently and totally false in the sense that it did not include in it the shaded area the Museum said should be protected.

On 2 May 1980 it turns out this Government submitted plans for the resumption of areas of Noonkanbah Station. I have here a document which is a copy of the miscellaneous diagram No. 35 and it will be my privilege and pleasure to table it in due course.

The document concerned makes it quite clear that 28 days before the Premier want to Noonkanbah, ostensibly to have some real discussions with the community as to whether or not drilling would go ahead, the resumption of part of the sacred site and the resumption of the road was already in train. The Government cannot tell members of the public—nobody would swallow it—that it was a contingency plan. It is not called "contingency plan area to be resumed", "area likely to be resumed", or "suggestion No. 1 of the area to be resumed". It is entitled, "area to be resumed", and it was produced, checked, recorded and registered on 2 May 1980—secretly. It was not a public document at that stage.

The Hon. D. J. Wordsworth: One moment you say it is registered, and the next you say it is secret.

The Hon. P. M. DOWDING: I am saying to the Minister that the document shows a clear intention on the part of the Government to go ahead with the resumption, and that the negotiations were a public relations exercise. Some members interjecting would know how to put together a good public relations exercise! It will be my pleasure to seek the tabling of that document in accordance with your earlier direction, Sir.

In the time left to me—

The Hon. P. H. Lockyer: How long would you like? I am enjoying it.

The Hon. P. M. DOWDING: I did not realise that the Hon. P. H. Lockyer was running the House. No doubt he will in due course—he is working on it. In 1976 a plan was put together by members of the Liberal Party, the purpose of which was to deprive Aborigines of their vote. That was a finding of a Supreme Court judge in the Court of Disputed Returns of this State.

The Hon. P. H. Lockyer: Of which you were a lawyer.

The Hon. P. M. DOWDING: It is interesting to note that Mr Justice Smith expressed some surprise that certain evidence had not been sought to be laid before him. On page 44 the learned trial judge had this to say—

The adoption by the respondent of a plan which the respondent conceded was contained in a document entitled "Instructions to Legal Scrutineers in the Kimberley District" and the implementation of that plan by five lawyers at the seven named polling stations was admitted in the respondent's amended answer,

The respondent was a certain Keith Alan Ridge. So the honourable member should not make hoarse interjections of surprise. It was admitted in the pleadings, and if he had any legal training, he would know that is an admission binding the person making it.

The Hon. P. H. Lockyer: You are speaking as a good manipulator of that vote yourself.

The Hon. P. M. DOWDING: The judge continued—

... in that pleading the respondent denied that the purpose of the plan was to deprive illiterate Aboriginal electors of a fair and free opportunity of voting for the petitioner. Notwithstanding this denial, the respondent did not seek to explain in evidence why he

adopted the plan or the reason for its implementation.

Further down on page 44 we are told—

Mr Chaney was handed the documents at a briefing which took place at the Liberal Party headquarters in West Perth, at which other lawyers who ultimately travelled to the Kimberleys on polling day, with the exception of Mr Dixon, were also present. Those who attended this briefing included Mr R. M. Rowell—

A gentleman who seems to have been given a bit of a "job for the boys". The report continues—

—Mr Chilla Porter an organiser for the Liberal Party. Mr Dixon, who was not contacted in regard to going to the Kimberleys until later on that day, was handed a like folder of documents by Mr Peter Kyle, a member of the Liberal Party Campaign Committee...

I would like to interpolate here that it is very interesting, despite all the allegations of electoral malpractice against members on this side of the House the judge found that never once was there a time that any members of the Liberal Party gave evidence on oath of such malpractice. Mr Justice Smith made some note of that odd fact.

No doubt members will have asked my predecessor why he did not give evidence if he was so full of the facts of the matter. The judge went on to state—

It is of importance to emphasise that in his pleadings the respondent did not allege any malpractice by the petitioner or his agents during the electoral campaign or any manipulation of electors literate or otherwise—

The silence from the other side is deafening! To continue—

—and that throughout the protracted hearing, no evidence was adduced which would in any way support the suggestions of malpractice referred to in the documents handed to the lawyers.

Then on page 46 Mr Justice Smith had this to say—

I am satisfied, that at this time the respondent who on the evidence, had been campaigning personally in the area during the fortnight preceding polling day, was well aware that he could anticipate little support from Aboriginal electors resident in that part of the electorate coming within the sphere of influence of the Derby branch of the Liberal Party and who were likely to vote at the



seven polling stations to which the legal scrutineers were ultimately posted.

Then on page 47 His Honour said—

In the absence of explanation from the respondent as to his reasons for the adoption of this plan, it seems to me that the only inference open on the evidence is that the intention was to stultify the use by illiterate electors of How to Vote cards as a medium of instruction in an area in which it was known that a large number of illiterate electors were enrolled who were unlikely to support his candidature and by that means to circumvent the instruction which was known by the respondent's campaign organisers to have been given by the Returning Officer to the presiding officers as to the use illiterate electors are entitled to make of such cards.

There can be no doubt that the implementation of the plan in association with the telegram which had been despatched on the eve of the election by the Chief Electoral Officer, created confusion in the minds of the presiding officers at no less than six of the nominated polling stations, as to the performance of their duties when dealing with illiterate electors. The outcome was the commission of numerous errors by such officers and the effective disfranchisement of a large number of illiterate voters.

I ask members to note that in his judgment Mr Justice Smith makes it clear that two people had a part in the sending of this telegram which ought never to have been sent. One of these people was the then Minister for Justice, and the other was the present Attorney General. Mr Justice Smith said of this telegram—

... in my opinion, it was an instruction with which in the circumstances, he should not have complied and in despatching the telegram he acted in error.

Not only did the Attorney General take a part in the sending of this instruction, despite the advice of his law officers, and not only did the then Minister for Justice instruct the Chief Electoral Officer contrary to the proper carrying out of his duties, but also the then Minister authorised a memo with which Mr McIntyre said he did not agree. It was in these words—

Subsequently advised by C.E.O. that the above telegram was well received by P.O.'s and was of assistance to them.

That was not what Mr McIntyre said on oath to the judge. So it is not the case that the Ministers were misled by inaccurate information fed to them by people who ought to have known better.

The people in the area were misled into taking part in a concerted attack on the Aborigines, and the former member for Kimberley participated in that attack. The shameful fact is that ever since then the Government has been giving the Aborigines in the Kimberley a very hard time, and if the words ring any bell in members' ears, it certainly was a sad and degrading day.

In my respectful submission to this House, it is a shocking travesty of justice on the part of the Government. In making the decision on Noonkanbah, the Government has acted totally contrary to the wishes, spirit, and desires of the Aboriginal people, for the benefit of an American multinational company without any question of the national interest being at stake. It has used our massive Police Force—no doubt to the embarrassment of many members of that force—in an effort to bludgeon the Aborigines into the dust.

#### *Point of Order*

The Hon. A. A. LEWIS: Could I again be assured that the honorary member will table the originals of the documents from which he is quoting, and not photostat copies?

#### *Debate Resumed*

The Hon. P. M. DOWDING: I table the following documents—

A copy of the judgment of the Court of Disputed Returns, No. 1 of 1977 .

A copy of the plan—

#### *Point of Order*

The Hon. H. W. GAYFER: On a point of order, do I take it that the honourable member is now closing the debate?

The DEPUTY PRESIDENT: The honourable member is tabling documents.

The Hon. P. M. DOWDING: I seek your guidance, Sir. I do not want to close the debate.

The DEPUTY PRESIDENT: The honourable member has been asked to table the documents, and I will be obliged if he will hand them to the Clerk.

The Hon. P. M. DOWDING: Do you want me to identify them, Sir?

The DEPUTY PRESIDENT: No.

The Hon. P. M. DOWDING: I am more than pleased to—

The DEPUTY PRESIDENT: Order! You have completed your speech.

*The papers were tabled (see paper No. 182)*

*Debate Resumed*

**THE HON. D. J. WORDSWORTH** (South—Minister for Lands) [4.44 p.m.]: I would like to speak to this motion. Paragraph (a) of the member's letter reads as follows—

- (a) refusing to register as a "Protected Area" within the meaning of the Aboriginal Heritage Act the land upon which the No. 2 drill site at Noonkanbah is located, yet at the same time dealing with the land as a sacred site within the meaning of that Act.

No doubt on a first reading of that anyone would wonder to what it refers. However, I believe the gist of the argument relates to semantics. On 7 June the acting Minister for Cultural Affairs gave notice to the Trustees of the Museum advising them to take action under section 18 of the Aboriginal Heritage Act.

Section 18 of the Act refers to "Aboriginal sites required for other purposes". Mr Dowding then assumes that the Government recognises the drill site as a sacred site, but, of course, at no time has the Government said it was a sacred site. However, it was necessary to indicate to the Museum that the Government considered the area of land on the Noonkanbah pastoral lease was required for the drilling of an oil exploration well and incidental purposes pursuant to exploration permit No. 97 issued under the Petroleum Act of 1979.

When one looks at the Act, one realises that simply because the land is an Aboriginal site does not necessarily make it a sacred site. I refer to part II, section 5 which deals with the application of places which are to be considered as sites under the various sections.

No-one would disagree there are numerous sacred sites on Noonkanbah Station, or that there were disputes over the whole area. We suddenly were presented with the terminology, "areas of influence" which is not covered by the Act. Therefore, the Government was acting very properly in giving notice to the Museum in the manner it did. In no way was the Government admitting this was a sacred site. The Premier has assured everyone there is no sacred site there, and that no sacred site has been registered with the Museum.

As members are aware, land does not become a sacred site or a protected area until the Governor in Executive Council declares it to be such.

The Hon. P. M. Dowding: It is a sacred site by definition of the Act. It does not need the Governor's intervention to make it sacred. It needs the Government's intervention to make it

protected. That is what the Museum wanted, and you would not do it.

The Hon. D. J. WORDSWORTH: The Act is quite explicit that the Governor in Executive Council must declare it as such. However, that did not take place and there is no doubt the area is not a declared site.

That is one of the areas of confusion in the minds of the public regarding this entire matter. The Opposition continually has referred to this area as a sacred site, when it is not a sacred site by any legal definition. At best, it can be described as "an area of influence". This is a terminology which seemed to appear at Noonkanbah. It was very interesting that when the directors of the Noonkanbah pastoral lease met the Premier and were asked whether they had ever heard of an area of influence, they had to admit they had not. Yet amazingly, this alleged area of influence appeared on Noonkanbah.

I do not think any member would mock the beliefs of the Aborigines. If they wish to believe a goanna descended into the ground at Pea Hill, that is within their province. However, we do disagree if we cannot continue to drill on Noonkanbah because the Aborigines claim it might hurt the goanna under the ground.

A number of sacred sites have been registered. One would think from some of the Press reports that the Government had made no effort to identify sacred sites on Noonkanbah. In fact, the Government has made every effort. However, when we sent an anthropologist to Noonkanbah at the time the No. 2 site was being surveyed, the Noonkanbah community refused him access to the property.

What exactly are the rights of the Aboriginal lessees of this property? The Aborigines are there as lessees of a pastoral lease. Indeed, it is a very old pastoral lease, established in 1882 by Alexander Forrest as one of the first pastoral leases. It was owned by Sol Emanuel at a later stage. It is interesting to note that in 1936, there were 99 979 sheep on the property. They are now down to less than 5 000 cattle, which is indicative of the type of management of the property.

The Government was questioned yesterday regarding improvements on the property; obviously it is in rather a sorry state at the moment.

When these pastoral leases were purchased by the Federal Government the Aborigines who were accepting the lease stated—in fact, in most cases they signed to this effect—that they would abide by the pastoral sections of the Land Act. This is the crux of the problem we are now experiencing.

Having obtained these pastoral leases, Aborigines now feel that because sacred sites are situated on some of these properties, they hold the law to the land and can control who goes onto that property and what activity shall take place.

It has been well established in the pastoral industry over some 100 years that mining may take place on a pastoral lease, and that the lessee does not have any mineral rights. This condition has been accepted throughout the industry. It has always been understood that when these leases were granted—and some of them covered huge areas—it was possible the land would be put to more intensive use, both mining and agricultural, and that people should be free to search for minerals on the leases. At a later stage, there could be further agricultural development on the leases, particularly where rainfall warranted such development.

The difficulty confronting us today is that we have one group of lessees on pastoral leases claiming mineral rights and another group, comprising people whose families in many cases have lived in the area for as long as 100 years, who are unable to claim such rights. So, we are faced with a situation of inequality.

It is not hard to understand the difficulties which occur if, when a pastoral lease comes up for sale, it is purchased by the Federal Government and handed over to Aboriginal interests, who then claim advantages which are not enjoyed by the holders of other pastoral leases. If this situation is allowed to continue, it will cause utter confusion in the pastoral industry. This is one of the reasons the Government has repeatedly stressed that Noonkanbah Station is a pastoral lease. It is a significant point, and if we do not recognise its importance, the entire pastoral industry will fall apart. Indeed, the industry is in great difficulty at present, because of drought and unviability in certain areas.

The Hon. H. W. Olney: It is already falling apart.

The Hon. N. F. Moore: That is not right.

The Hon. D. J. WORDSWORTH: We have seen some leases transferred at a very nominal price. Frankly, if these stations are bought up by Aboriginal interests and they enjoy mineral rights, obviously more and more such properties will be purchased by Aboriginal interests, thus creating a great deal of confusion in the pastoral industry.

Many of these problems were brought about by the Aboriginal Land Rights (Northern Territory) Act of 1976. This piece of legislation reflects the attitude to land rights not only of the Labor

Party, but also of the Federal Liberal Party, because it was originally formulated in the Whitlam days and subsequently enacted by the Fraser Government; it has carried on since then.

The Hon. H. W. Olney: The Fraser Government's Bill was quite different from the original draft.

The Hon. D. J. WORDSWORTH: It may have been. However, even the Fraser Government's mellowed-down legislation has created many difficulties. I will not speculate on the effect the original legislation would have had!

As I have said, even the modified legislation has created considerable difficulties. Mr Pike read from a Northern Territory newspaper an article illustrating the problems experienced there. There is a vital difference between the Northern Territory situation and pastoral leases in Western Australia. The Northern Territory legislation was designed so that Aborigines could lay claim to vacant Crown land, and in no way is a pastoral lease vacant Crown land. It may be considered vacant Crown land under the Mining Act for the purpose of mining exploration, but that is as far as it goes. I reiterate that pastoral leases contain very strict conditions which must be observed.

There is no way that Senator Chaney or Mr Viner can compare the Northern Territory situation with that in Western Australia. When one considers what has happened in the Northern Territory because of this legislation, one sympathises with them because some 52 per cent of the Northern Territory has been claimed by Aboriginal interests. This is causing considerable confusion because Aborigines are granted an inalienable title to the land. Therefore, no new roads can be built. In fact, when the title relates to land on both sides of a road, the holders of the title may even prevent access. One has only to look at the last election in the Northern Territory—an election fought on this issue—to understand how unsuccessful the legislation has been.

Therefore, the main theme of the Government's argument is that Noonkanbah Station is a pastoral lease, and the conditions of the lease should be observed. As the Minister who administers the pastoral sections of the Land Act, I try to treat all people as being equal. I am quite happy to allow the Aborigines of Noonkanbah to carry on running that property in a peaceful manner. In no way can they think they can prevent people entering the property and carrying out other claims on the land. The land is and will remain a pastoral lease.

**THE HON. I. G. MEDCALF** (Metropolitan—Leader of the House) [5.00 p.m.]: I did not really seriously intend to speak in this debate because this matter of sacred sites is one that more intimately concerns the Minister for Lands. However, it is necessary for me to comment on the statement made by the Hon. Peter Dowding in relation to the Court of Disputed Returns. My conscience is completely clear about the part I played on that occasion. People can quote what they like and they can say what they like, but if they stick to the truth of the matter, as some honourable members have done in the past, they will concede that the comments made by the honourable member can well be misconstrued in relation to the part played by myself in this matter, when I and the Minister for Justice were being very grossly, maliciously, and falsely attacked from certain quarters.

To say that I played a part in the sending of the telegram is correct only in the general sense, since I did, with the Crown Solicitor, settle the final terms of the draft of the telegram. I had no part in the actual sending of it. But to say I did this despite advice from law officers to the contrary is a complete misconstruction of the events. The only law officer with whom I consulted was the Crown Solicitor, who took the view that it was perfectly proper for a telegram to be sent by the Chief Electoral Officer under the instructions of the Minister for Justice. In fact, the Crown Solicitor prepared the draft of that telegram. He brought it to me and together we settled its final form. Subsequently, the Minister for Justice instructed the Chief Electoral Officer pursuant to his powers, whereby the Chief Electoral Officer holds office under the Minister.

That point was overlooked by the Hon. Mr Justice Smith in his judgment, and I made this comment publicly at the time, and no-one has ever suggested that that was wrong.

The Hon. P. M. Dowding: The evidence was that in December 1976, after asking advice from the Crown Solicitor, he advised that no such instruction should issue. How can it be said that in sending the telegram you did not have the advice? Perhaps the law officer changed his mind, too, but he gave that advice in December 1976.

The Hon. I. G. MEDCALF: The instruction the law officer referred to was different from the telegram sent. I did not play a part in the sending of the telegram contrary to the advice of the law officers. So the honourable member was wrong in making that statement. Nor was I misled into taking part in a concerted attack on Aborigines by racists. I think that is a summary of what the member said. I was not misled by racists or

anyone else. The only person who communicated with me on this matter was the Minister for Justice. All this is set down in a statement which appears in *Hansard* and which I made to this House on 10 November 1977. I had no connection with anyone else, whoever they might be.

The Hon. P. M. Dowding: Why did you not give evidence before Justice Smith?

The Hon. I. G. MEDCALF: I was not asked, and no-one suggested that I should.

The Hon. P. M. Dowding: You are aware the Chief Electoral Officer gave evidence?

The Hon. I. G. MEDCALF: I am sorry, but I decline to be cross-examined by the honourable member in relation to this matter.

The DEPUTY PRESIDENT: I assure the Leader of the House he has my full support.

The Hon. I. G. MEDCALF: I have given my version of this matter quite clearly, and my comments appear in *Hansard*. My comments are the truth and the whole truth. I have nothing to conceal, and I do not see any future in going over the matter again. I make it clear my conscience is transparently clear on this matter. I have nothing to hide. This matter has nothing to do with the issue before us, but in view of the fact it was raised by the honourable member, I thought I should clarify my position further.

The honourable member also suggested that I was at odds with the Minister for Cultural Affairs because he had said there were no tribal Aborigines and I had said there were. My comments were in answer to a question asked by the honourable member with respect to the Aboriginal Communities Act. He had asked if it was to be extended to cover every tribal and non-tribal group.

I answered that the Act was to be extended to cover three immediate groups. However, that does not indicate that I am at odds with the Minister for Cultural Affairs. It is all a matter of degree. I did not say there were tribal groups, and nor did I say there were non-tribal groups. I made no comment on that issue. The honourable member would surely agree with me that there may be doubt as to whether or not the three communities I mentioned are tribal groups in the full meaning of the term. The groups I referred to were those at Balgo, Beagle Bay, and Lombardina.

The Hon. P. M. Dowding: Balgo is clear.

The Hon. I. G. MEDCALF: That is probably so, but it is all a matter of degree. When one says a group is tribal, one has to state to what degree it is tribal. Surely this argument is self-evident.

The Minister for Cultural Affairs evidently was talking about tribal groups in the full sense of the term. I am talking about a group which still has some leaders who are recognised tribal leaders. The question of my disagreeing with the Minister is really drawing a rather long bow.

I must also point out to the honourable member that I have no wish to rush out to dinner. When we adjourned the House during the last couple of weeks, it was done to suit the general convenience of all members. I have been endeavouring to arrange our programme to suit the general convenience of members. If the honourable member wishes to stay here all night, I am quite prepared to stay here also. I assure him I have done so on many occasions. But this matter of trying to make out that we are wanting to rush off to dinner is quite unnecessary.

The Hon. D. K. Dans: Both you and Mr Dowding can stay together—I won't join you.

The Hon. I. G. MEDCALF: I will be cancelling my dinner engagement tonight; I am afraid that is one of the exigencies of being a member of Parliament. I do not mind doing that. I consider it quite improper for the honourable member to make that kind of comment.

It rather gives the impression that we are not dedicated to our duties. I consider all honourable members are dedicated to their responsibilities; I have not found one who is not. To suggest we will be adjourning the House and rushing off to dinner is quite unfair and completely uncalled for.

The honourable member made a number of points, but I do not intend to go over all of them. There are one or two matters I should mention. The first is the question whether or not a community is a tribal one, and of course it is a matter of degree. So is the question whether or not a piece of land is sacred, or whether anything else is sacred—it is a matter of degree. One could say there are degrees of sacredness in the sense that some places and some areas are more sacred than others, or of more religious significance than others. There are some places that are most holy to various religious practices. There are other areas that are less holy, and other places that are not holy at all.

To say the whole of the 40 square kilometres at Noonkanbah is sacred is indeed stretching a very long bow.

The Hon. P. M. Dowding: That is what the trustees say, not me.

The Hon. I. G. MEDCALF: I thought the member said it.

The Hon. P. M. Dowding: You are not an expert and neither am I.

The Hon. I. G. MEDCALF: I thought the member was suggesting the entire area was sacred; if not, I will desist in my argument. On the assumption that the honourable member did believe the area was sacred, I point out that the anthropologists have shown that there are areas of influence in between sacred sites.

The particular area where the No. 2 drill site is located is an area of influence. I am going back to the point that there are some areas which are more sacred than others, and for that reason it is stretching a very long bow to say the whole of the area is sacred. It may be a convenient argument, but it does not accord with the facts.

As to the question of the amendments to the Mining Act in 1970, I remind the honourable member that the Noonkanbah homestead area, which is a very considerable area, is a freehold title. The freeholders of Noonkanbah have exactly the same rights as any other freeholders.

The Hon. P. M. Dowding: But some have more rights than others.

The Hon. I. G. MEDCALF: The 1970 amendments applied to the freehold at Noonkanbah in the same way as they applied to all freehold titles.

The Hon. P. M. Dowding: To a limited type of freehold.

The Hon. I. G. MEDCALF: They have a title in fee simple around the homestead.

The Hon. P. M. Dowding: Only specific classes of freeholders have rights.

The Hon. I. G. MEDCALF: The amendments applied to cultivated land. If the people at Noonkanbah cultivated land, their rights would be the same.

The Hon. P. M. Dowding: But not the same as for people who do not cultivate.

The Hon. I. G. MEDCALF: I believe the point has been made.

On the question of the national interest and the likelihood of oil being found, I would point out that I am no more of a geologist than is the honourable member, and I would not know if they will find oil there, or anywhere else. I am told that according to geologists, there is a very promising structure there and they are hoping they might find oil.

There may be pundits who write for newspapers, or pundits in other areas who say no oil will be found; but I would not like to accept that as being gospel. I am told that geologists

consider it a very promising structure and there is quite a likelihood of oil being found. Surely otherwise they would not be interested in that drill site.

As for the Premier sending the convoy there to prove a point, surely that suggestion is quite ridiculous and absurd. The convoy went there because the company with the exploration permit is hopeful of finding oil.

The Hon. D. K. Dans: When it drills a hole.

The Hon. I. G. MEDCALF: Clearly, they believe they might find oil. Is it possible a company would spend money—thousands of dollars a day—just to enable the Premier to prove a point?

It is clear that the matter of finding oil is of national interest. Oil is absolutely necessary to our economy and our lifestyle and that fact is generally recognised. The point does not need to be laboured any further.

As for the State Government being antagonistic towards Aborigines, I ask: why should that be? Why on earth should anyone suggest that the State Government should be antagonistic towards Aborigines when one considers the amount of money which has been expended and is being expended by this Government on Aborigines throughout the State? It is a preposterous suggestion.

The Hon. P. M. Dowding: Most of it is Commonwealth money.

The Hon. I. G. MEDCALF: Then why should State funds be spent through the good offices of the Community Welfare Department, through the Public Health Department, and all other State departments for the assistance of Aborigines? There are other forms of special assistance for Aborigines through the Education Department, the homemaker service, and many other services. Surely one cannot overlook these assistances and say that the State Government dislikes Aborigines and is trying to eradicate them, or whatever the honorable member suggested.

As for the suggestion that the Premier is playing a personal part in this, all I can say is that it is just ridiculous. It is as ridiculous a comment as the others which have been made and they scarcely deserve a reply.

The remark that the Government is acting in an unlawful way and using a paramilitary force is so extravagant and ridiculous that I do not believe I need comment any further.

**THE HON. LYLA ELLIOTT** (North-East Metropolitan) [5.17 p.m.]: I support the motion and I add I do so with some degree of trepidation

and humility following the excellent and eloquent speech made by my new colleague, the Hon. Peter Dowding. Judging by the reaction from certain members of this Chamber I think we are in for an interesting time.

In indicating my strong support for the motion I believe the Noonkanbah situation is merely symptomatic of a rather unhealthy and undemocratic position which has been developing in this State since the present Government took office in 1974.

The Court Government's actions and legislation have brought this State into disrepute not only nationally, but also internationally as a State which is becoming both repressive and racist.

We have been hearing platitudes from members opposite about democracy, but this Government has been tying up the State, so tightly—both legally and physically—that we are headed for a police State.

Let us look at the evidence which suggests that this Government is authoritarian. I ask: What are the marks of a totalitarian or authoritarian Government? Firstly, such a Government attempts to destroy trade unions. Indeed, the present Government is guilty of this offence.

#### *Point of Order*

The Hon. R. G. PIKE: We have allowed a great deal of latitude on the letter before us, but there is nothing in the letter that mentions trade unions or anything about it. I am quite happy for the honourable member to debate that matter at another time; however I think we should debate the matter before us.

The DEPUTY PRESIDENT: When Mr Pike rose, I was examining the matter before the Chair. It is clear to me that there is no reference to unionism or unions in it. Therefore, I request the Hon. Lyla Elliott to confine her remarks within the context of the letter to me.

#### *Debate Resumed*

The Hon. LYLA ELLIOTT: I ask for your indulgence, Mr Deputy President, because I am endeavouring to present my case in support of paragraphs (e) and (f) in that letter. I hope, Sir, you will be patient.

The DEPUTY PRESIDENT: I will be patient if the honourable member confines her remarks to the context of the letter and the Standing Orders.

The Hon. LYLA ELLIOTT: The actions of this Government over a period of time have become increasingly repressive, not only in its legislation dealing with Aboriginal matters, but

also with matters dealing with trade unions and other sections of the community.

The point I wish to make is extremely important. I was referring to the marks of an authoritarian Government. This is precisely the aim of the letter in paragraphs (e) and (f). One of the marks of an authoritarian Government is a clamp-down on trade unions and that is what this Government has done firstly by legislation. It has done this with the Fuel and Energy Bill, the Essential Foodstuffs and Commodities Bill, the Industrial Arbitration Bill, and section 54B of the Police Act. This legislation has powerful punitive implications.

The DEPUTY PRESIDENT: I insist the honourable member confine her remarks to the words in the letter. What the honourable member has just said is not related to it.

#### *Point of Order*

The Hon. F. E. McKENZIE: Paragraph (e) states, "...required the police to act as a paramilitary force in this dispute".

The DEPUTY PRESIDENT: There is no point of order.

The Hon. F. E. McKENZIE: Unionists have been arrested.

The DEPUTY PRESIDENT: There is no point of order. If members read the letter they will find that there is no mention whatsoever of unions or unionism.

#### *Debate Resumed*

The Hon. LYLA ELLIOTT: I will relate what I am saying to the important aspects of the letter. Firstly with the campaign as far as Noonkanbah is concerned, I believe there has been persecution of the trade union movement with the arrest of members of unions. The Noonkanbah dispute is also related to the rights of trade unionists or people who wish to protest or participate in any dispute. The Government's action is representative of the repressive nature of its law. This Government wishes to denigrate and destroy the credibility of people who wish to become involved in this serious issue. They include not only the trade union members, but anyone in the community who dares to dissent from the policies of this Government. The integrity of these people is being attacked. They are being accused of being evil troublemakers. That is the type of language that has been used during the present dispute.

This Government is authoritarian in its actions and attacks on the unions and people of this State who wish to dissent from its policies.

My third point relates to paragraph (f) in the letter.

The Hon. R. G. Pike: I hope the honourable member will keep to the letter now and speak about that which is relevant. I am being charitable.

The Hon. LYLA ELLIOTT: There is not a charitable bone in the honourable member's body.

The DEPUTY PRESIDENT: Order!

The Hon. LYLA ELLIOTT: Another trait of an authoritarian Government is to make it difficult for its opponents to win elections. The Hon. Peter Dowding has already referred to this. I do not intend to deal with the Electoral Districts Act, but I wish to refer to the amendments to the Electoral Act in 1976 and 1979 and the disgraceful incident in the 1977 Kimberley election, both of which represent a conspiracy by the Liberal Party to deprive the Aboriginal voters in the north of their legitimate right to vote.

The fourth charge I make against this Government is that like a Government which is totalitarian it has used the police in a political situation to enforce the will of the Government on a certain group. I am sure all members have received a copy of the publication *Reporter*. It is a publication by the Australian Institute of Criminology. On page 1 of the issue of 4 June 1980, under the heading, "High crime rate in Perth" is the following—

Perth has the highest rates in Australia for breaking and entering, robbery with violence, fraud, forgery, false pretences, and assault, according to a paper by Institute researchers Mr John Braithwaite and Mr David Biles, which will be published in a forthcoming edition of the *Australian and New Zealand Journal of Sociology*, (Volume 16, No. 1, 1980).

What a lovely reputation for the State to have! The highest crime rate in Australia! Yet, we have the Government using the Police Force to escort a convoy of mercenaries—whose purpose is to bulldoze their way through—to Noonkanbah in a brutal show of strength. Instead of the police carrying out their legitimate function, of fighting crime, the Government is using them for a political exercise.

This action has been referred to by *The Sydney Morning Herald* as a deplorable blunder.

The Hon. I. G. Pratt: Mercenaries?

The Hon. LYLA ELLIOTT: They are mercenaries and I do not care if the honourable

member sends them a copy of my speech. What justification is there for such action? It can be described only as paramilitary. How can the Government justify such an action which is forcing the Yungngora people to allow a giant multinational company—which last year made a net profit of \$339 million—to destroy their land? That is an area which has been established as having important religious significance.

Until 3½ years ago the 140 people now living at Noonkanbah were living in miserable squalor on the fringes of Fitzroy Crossing. They were living under conditions which are constantly criticised by non-Aboriginal Australians. In 1976 the Commonwealth Government provided money to purchase Noonkanbah for the Yungngora community. It is their traditional country. The land was purchased to help the community re-establish itself socially, economically, and culturally. Today on Noonkanbah people are working the station. There is no alcohol or prostitution, but there is a community school.

In our eyes the living may be a little primitive, but the people have regained some of the lost dignity and independence of their forefathers. It is extremely important that we do not now turn back the clock and take that away from them.

Now, it is possible to make sensible and reasonable arrangements with these people if the Government is prepared to show tolerance and understanding.

I do not want someone to tell me that this has been going on for four years. What is four years in the life of the Aboriginal culture, tradition or history. Those people have been here for 40 000 years and we are talking about a miserable four years.

It is possible to make reasonable and sensible arrangements with these people on the land. It has been done in South Australia, where the Government of that State and the Pitjantjatjara Council have made progress in discussions on land use and arrangements for mineral exploration and development. The South Australian Government is taking steps towards giving title to reserve lands to the Pitjantjatjara people, which will allow them to negotiate directly with companies regarding mining on their land. Even the Queensland Government has granted leases for 50 years to the Aurukun and Mornington Island communities with rights to negotiate with the mining companies. In the Northern Territory direct negotiations take place.

The Federal Minister for Aboriginal Affairs (Senator Chaney) pointed out in one of his fine contributions to *The West Australian* that where Aboriginal communities are being re-established

on their traditional land and there is evidence of marked improvement in their health and self-esteem, with a drop in alcohol consumption and juvenile delinquency.

Before I conclude, I want to quote from a speech made by Dr Coombs on 2 June last year. As members are aware, until 1968 Dr Coombs was the Governor of the Reserve Bank. From 1967 to 1977 he was Chairman of the Council for Aboriginal Affairs. He was appointed or elected as one of a committee of rather distinguished people to negotiate an Aboriginal treaty. I will read an extract from a book entitled *It's Coming Yet*, a publication containing a speech made by Dr Coombs on the ABC on 2 June last year. He said—

White occupation of this continent which began in 1788 has proceeded step by step and is only now being taken into its final stages. As settlers found or realised the potential of new areas of land, it was occupied and used for their purposes, just as today the inhospitable rock country and swamps of Arnhem Land and the arid deserts of the centre are being scoured for their mineral wealth. And as this invasion proceeded the Aboriginal inhabitants were pushed aside if not worse, and deprived of the basis of their livelihood and the foundation of their society.

I want to remind white Australians of some aspects of that occupation which many like to forget.

Firstly, before the arrival of Europeans, Aboriginal Australians had occupied the whole of this continent under a system of land ownership with clear rules governing occupancy, use and inheritance as effective as any system in the world.

The British Government and the new arrivals chose to ignore this system and the rights of Aboriginal inhabitants which it expressed. At no time did the invaders bargain, negotiate, make payment, conclude a Treaty or show any willingness to understand or respect the institutions of the indigenous people. I have sometimes wondered whether, if the Japanese invasion of Australia which was threatened during the last world war had occurred, the destruction of our rights and property would have been as absolute as that imposed on Aborigines by the white invasion.

Secondly, the European occupation was achieved by a long series of acts of aggression. This was no peaceful infiltration in the face of which Aborigines



declined—inevitable victims in evolutionary progress. The evidence piles up that in many places what occurred was a ruthless genocide by the most shameful means against Aboriginal resistance which was often prolonged and courageous and often broken only by the force of superior capacity to destroy life.

Thirdly, in taking the land, we did not merely deprive Aborigines of property. We took also the source of their livelihood, the very foundation of their society, the basis of the rights and obligations on which it was built, and above all the source of the religious convictions which gave purpose and justification to their lives. Mr Justice Woodward in 1974 said that possession of land alone made possible 'the preservation of a spiritual link... which gives each Aboriginal his sense of identity and lies at the heart of his spiritual beliefs'. Professor Stanner has said that in taking the land from Aborigines 'we took what to them meant hearth, home, the source and locus of life and everlastingness of spirit!' Can aggression be more absolute?

I submit that the recent invasion of Noonkanbah by the convoy of trucks, with the full support of the Court Government, was an act of aggression and deserves to be strongly condemned by this Parliament.

**THE HON. P. H. LOCKYER** (Lower North) [5.36 p.m.]: I rise somewhat reluctantly on this occasion. I am sure the Hon. Peter Dowding is quite pleased that at last I have the opportunity to speak. I interjected on some occasions this afternoon, more from frustration than anything else.

The Hon. P. M. Dowding: I hope you feel easier about it.

The Hon. P. H. LOCKYER: I do. We have heard this afternoon about a subject which the Hon. Peter Dowding holds closer to his heart than any other subject on which he is likely to speak in this House.

On occasions, he had the temerity to question the rights of other pastoralists and whether they should have sacred sites or be allowed to do something different from that which the Aborigines did at Noonkanbah Station. This disturbs me because there is a large number of pastoralists in my electorate. The Hon. Peter Dowding tried to hoodwink members of this Chamber into thinking he had information that those pastoralists had agreed to what the Aborigines were doing at Noonkanbah.

I make it quite clear that, unlike the Hon. Peter Dowding, I go to all parts of my electorate, including the pastoral, mining, and Aboriginal areas. I do not take time off from parliamentary sittings to take a ride out to Noonkanbah to see what my flunkies are doing up there. I ask my electors to pass on to me their opinions. My electors in the pastoral industry are appalled at what is happening at Noonkanbah at the moment, and at the attitude taken by the Australian Labor Party and the trade union movement in supporting what is a ludicrous situation.

*The West Australian* today, apart from correspondence from the Hon. Peter Dowding who is having a running battle with the Minister for Local Government, contains an article which makes some interesting points.

The Hon. P. M. Dowding: Do you think she should be muzzled?

The Hon. P. H. LOCKYER: There is only one person who I think should be muzzled, and I leave it to the honourable member to imagine who it is! I was amazed when the Hon. Peter Dowding said early in the afternoon that I should have hopped off my podium and spoken to some other people. When I was the Shire President at Port Hedland I used to speak to everybody. I even spoke to the Hon. Peter Dowding on many occasions. In fact, during his campaign for the Australian Labor Party, I used my position as the shire president to entertain him, along with some of his Australian Labor Party confreres, as I thought it was proper to do. I took some exception to the honourable member's comments on that score. Those who know me know I have no scruples about to whom I will and will not speak. I speak to anyone who is worth speaking to.

In the news of the north we come back to the Past President of the Australian Labor Party in Port Hedland who is a respectable gentleman in the town.

Several members interjected.

The Hon. P. H. LOCKYER: I have not a great deal to say on this subject because much of what has been said does not need answering. The debate was forced on us. I quote from today's issue of *The West Australian* as follows—

The saga of the Noonkanbah dispute is gradually becoming a farce with everyone trying to get in on the act.

Peter Cook is "flogging a dead horse" in trying to involve the union movement.

There seem to be more reporters than unionists at the picket lines.

The Hon. P. M. Dowding: It is in order to talk about unions now.

The Hon. P. H. LOCKYER: The article continues—

An interesting sidelight to all the publicity associated with the sacred site at Noonkanbah is the fact that the sacred sites are springing up everywhere.

The Hon. Peter Dowding might not realise it, but the town of Port Hedland is in his electorate.

The Hon. P. M. Dowding: I have an office there which you would know about.

The Hon. P. H. LOCKYER: The honourable member has an office at Karratha and a house at Mt. Lawley, when he said he was going to live in Broome. We will discuss that another time. To continue—

Apart from Plonky's Point, I was only ever aware of one sacred site in the Port Hedland district and that was the tribal initiation area.

It seems now that we have found another one.

The whole of the limestone ridge outside the Mt Newman boundary is covered with rock carvings.

They are so extensive that the Shell depot is built on top of a lot of them.

Some years back an area was fenced off so that some of the best carvings could be protected.

Now it seems that a request has been made that the public be banned from this area.

How silly can you get.

That comes from a man who has lived in the north all his life, and he obviously does not take the view of the Hon. Peter Dowding.

I come back to the pastoral properties of Western Australia. There cannot be one rule for one group and another rule for another group. The Hon. Peter Dowding said that many pastoralists disagreed with the Mining Act during the recent mining boom. I take it he was referring to the boom in about 1968. Some pastoralists in that area were not happy with the Act, and they were not happy with the fact that people could come in and cut their fences down; but they put up with it. If it were not for the pastoralists allowing these people to go onto their properties, we would not have places like Leinster, which was Leinster Downs Station.

The Hon. P. M. Dowding: It was bought by the company.

The Hon. P. H. LOCKYER: If the honourable member had his way, we would have goanna eggs sitting in the middle of the area and it would be nothing like it is now.

The Hon. D. K. Dans: What did they do with the goanna eggs?

The Hon. P. H. LOCKYER: Among the pastoralists it is a subject for much mirth. I was pleased the Minister for Lands raised the subject of pastoral leases. I hope it got through to the Hon. Peter Dowding that Noonkanbah is a pastoral lease which is subject to the same rules as every other pastoral lease in Western Australia.

I do not see why there should be any difference. If one is a pastoralist, one has to sign a paper saying he will pay the lease and obey the rules which are set down for everybody. Bear in mind that I was born in a pastoral industry and have lived all my life in the north, as did my family before me. I am not a tourist who has been in the north for only the last four or five years and has suddenly jumped on the bandwagon. I have been there all my life, and I speak with some authority on the subject.

The rules applying to pastoralists must apply equally to leases throughout the State, including those held by Aborigines. I respect the right of Aborigines to have sacred sites delineated. With regard to the sacred site delineated on the television programme the other night by the Hon. Bill Hassell, I agree with what the Government has done. The drill site is 1.3 kilometres away from the closest recognised sacred area. I think we have been patient for long enough.

As for the so-called para-military operation, I think Mr Dowding referred to armed escorts. I will guarantee that if we sifted through the whole lot of them we would not find even a couple of 0.22 guns. It was not a para-military operation; it was just an efficient way of ensuring people could get on with their job without any mucking about. The elected Government was not going to allow those people to be interfered with by radicals, unionists, and others who do not wish to obey the law.

Of course, we could see some of the old troops there—Dennis Day from Port Hedland and Bill Musham from Karratha, who was sitting back half-full of kerosene as usual. We saw the people from the Seamen's Union and the Transport Workers' Union—the same old people who go to the courthouse, pay their bills, and walk out again.

The Hon. P. M. Dowding: What about the church people who were arrested?

The Hon. P. H. LOCKYER: They should get on with what they were ordained to do.

The Hon. D. K. Dans: That is exactly what they were doing.

The Hon. P. H. LOCKYER: I am ashamed that a person of such standing as Bishop Witt, whose religion I share, but whose thoughts I certainly do not share, should become mixed up in this.

The Hon. P. M. Dowding: He is not one of your supporters.

The Hon. P. H. LOCKYER: If he supports what members opposite are doing, then he supports civil disobedience; and in my view that is not right.

As I was saying, one sees the same old troops every time in the mining camps, being arrested for the same old things. If I heard that 20 people were charged up there, I reckon I could give 15 or 16 of their names before I heard them. Members opposite squirm in their seats.

The Hon. F. E. McKenzie: It is the same old crew making the unjust laws.

The Hon. P. H. LOCKYER: I am new to this House, and I do not believe I have ever heard support for the Government expressed so strongly as I have heard it expressed throughout my electorate in recent times. I have never before heard people say, "Thank God you are getting on with it, Charlie, because it has to be done and you cannot just sit back." That is true, we cannot sit back; we already have had four years of being put off. One has only to look at the Arab world and to see the upheaval there to realise that we must press on with our search for oil. The only time people like the interjectors opposite will get on with the job is when the lights go out.

The Hon. P. M. Dowding: We will get on with it.

The Hon. P. H. LOCKYER: We will get on with the drilling, whether or not members opposite like it, because we are the elected Government and elected Governments are responsible. We are doing what must be done.

The Hon. Lyla Elliott: Hitler was elected, too.

The Hon. P. M. Dowding: Kosygin reckons it is wrong to break the law; that is why there are so many dissidents in Russia.

The Hon. P. H. LOCKYER: No doubt Mr Dowding speaks with some authority.

Several members interjected.

The DEPUTY PRESIDENT: Order!

The Hon. P. H. LOCKYER: In quick summary, the strong view put to me by my

constituents, especially those involved in the pastoral industry, is that the Government is doing the right thing. The laws applicable to pastoral areas must be the same for everybody, even the Noonkanbah community.

I oppose the motion.

**THE HON. G. E. MASTERS** (West—Minister for Fisheries and Wildlife) [5.50 p.m.]: As I represent the Minister for Police and Traffic in this House, I feel I should comment on paragraph (c), from which it could be inferred that the Minister for Police had a part to play in respect of what members opposite call the para-military force accompanying the convoy going north. While listening to Mr Dowding's speech, I was inclined to think that he went to great lengths—

The Hon. D. K. Dans: And very well, too.

The Hon. G. E. MASTERS: —and it seems to me we may well receive the doubtful privilege of listening to a great deal more advice from the honourable member. Probably it will be given more freely at a far lesser cost than was his custom in his previous vocation.

The Hon. P. M. Dowding: I will send a bill if you like.

The Hon. G. E. MASTERS: That will not be necessary; the member will be paid monthly, whether or not he likes it.

I want to ensure the House understands that the Government in no way directs the police, and never has done, any more than it interferes with courts. There is a suggestion in the motion that the Government plays a part in directing the police in their activities. I made it quite clear that is not and will not be the case.

The Hon. P. M. Dowding: It is hard to believe that in the light of recent events.

The Hon. G. E. MASTERS: The police are required to uphold the laws of the land.

The Hon. P. M. Dowding: But you keep changing them to suit yourself.

The Hon. G. E. MASTERS: No, Parliament changes them. We are the elected Government, as was pointed out by the previous speaker. Parliament makes the laws, and the Police Force is there to uphold the laws.

The Hon. P. M. Dowding: The Aboriginal Heritage Act is a law and you have directed that it should be broken.

The Hon. G. E. MASTERS: I make the point that the police have a job to do; that is, to uphold the laws of the land.

There is no doubt of that and Mr Dowding, surely, would understand that as well as anyone in

this House. He smiles because he knows it is true, and I am pleased to see him smiling for once this afternoon.

I am very surprised indeed that in recent speeches, mainly from new members of the Opposition, we have heard a great deal about democratic rights and basic freedoms. They are what we all stand for. However, it makes one wonder when members of the ALP in this House, and their supporters outside it, are keen to support the activities of those who are breaking the law. In other words, they are supporting law-breakers. This is a forum for the making of laws, not a place to support those who break them.

The Hon. P. M. Dowding: Change the unfair ones.

The Hon. G. E. MASTERS: If the honourable member thinks laws are unfair he is perfectly entitled to bring forward changes which will be given careful consideration. If members opposite think their case is strong enough, let them take it to the people and say, "This is what we want to do." As has occurred in past years, they will be thrown out.

The Hon. P. M. Dowding: Change the laws affecting this House, and we will win.

The Hon. G. E. MASTERS: Members opposite constantly go around criticising this House and saying it is not good. The public will never vote for them.

The Hon. P. M. Dowding: They did. I am here.

The Hon. G. E. MASTERS: We must recognise that there are people who make a concerted effort to destroy our way of life, and those people are aided and abetted by the ALP members in this House.

The Hon. P. M. Dowding: The Premier is one of them.

The Hon. G. E. MASTERS: Come on! Mr Dowding does not really mean that. Even he could break into a grin at such a silly remark.

The Hon. P. M. Dowding: I think the Premier's conduct is outrageous.

The Hon. G. E. MASTERS: He is the best Premier this State has had for many a year, if not the best ever. The Labor Party has not been able to get a man to compete with him.

Getting back to the subject under discussion, we were talking about the reason that the police needed to take action to protect those people involved with the convoy. That action was taken of their own volition, and not by Government direction. The implication contained in the motion is an attack on the Police Force of the sort to which we are beginning to become accustomed.

Members opposite are always saying the police are wicked people; but they have a job to do to protect the people of this State. Mr Dowding should remember that.

If the morals of the Police Force are weakened, then its very existence is threatened. The safety of the officers of the force has been threatened by the activities of some members in this House.

Several members interjected.

The DEPUTY PRESIDENT: Order!

The Hon. G. E. MASTERS: Let us consider why the police have to take the action that they do.

The Hon. P. M. Dowding: They are incited.

The Hon. G. E. MASTERS: I will ignore that because it is such a silly remark. The roads in this State are paid for by the public of Western Australia. They are paid for by taxes, and the people who pay for them have a right to travel on them free of hindrance. They have a basic freedom to travel on roads without being stopped by law-breakers.

The owners of the trucks concerned pay their taxes just as Mr Dowding does. They pay fuel tax and road taxes, and there is no doubt at all they were being threatened while using the road. If Mr Dowding were to leave tonight in his car, and try to drive through 500 Liberals—

The Hon. P. M. Dowding: I could be arrested. That is the law. You should know that.

The Hon. G. E. MASTERS: If I may be permitted to make my speech, I will not be as long as Mr Dowding. I promise him. At least I am consistent. I say the trucks should be able and must be able to get through. They are going about their lawful business.

If Mr Dowding stepped in his car tonight and drove to Derby, and there were 500 Liberals trying to block the road so he could not go through, I would support police action to arrest them and to make room for him to drive through. I believe that is his basic right. That is really what we are talking about. We are talking about the rights of people to go about their business.

It seems strange that Mr Dowding would suggest that there should be one law for one person and a different law for another. Perhaps I could suggest he does not believe in any laws for some groups—

The Hon. P. M. Dowding: I believe in law and order, but not improper law.

The Hon. G. E. MASTERS: Mr Dowding talks about law and order when it suits him. We

discovered that today, from some of the outrageous statements he made.

Let us face the facts. The police were there to do a job. They were there to ensure that the trucks went about their lawful business. The police were not directed by the Government.

The Hon. D. K. Dans: You don't believe that.

The Hon. G. E. MASTERS: If we read the reports prior to the trucks moving and prior to the equipment moving, it was quite clear there was going to be a move from Mr Cook and his cronies at Trades Hall—the board of directors of the lady and gentlemen opposite in this House. Mr Cook gave a firm indication that he was going to stop the trucks if he possibly could.

The Hon. D. K. Dans: When did he say that?

The Hon. G. E. MASTERS: So the police would have to be there to take the necessary action. In the past, we have seen many occasions when trucks and people going about their lawful business have been threatened—even threatened with injury. Surely the police had to act in those cases.

The Hon. P. M. Dowding: If they are threatening injury, arrest them and charge them. But, you have not done that in this case. No-one has been arrested for threatening anyone or injuring anyone.

The DEPUTY PRESIDENT: Order!

The Hon. G. E. MASTERS: The police were there, and attempts were made to protect the public going about their lawful business. It was clearly set out in newspaper headlines in the last few days that there were many people arrested at different sites. They were obstructing traffic and they were arrested. If we looked at the lists of people arrested at Roebourne and Karratha, we would see that most of them were not Aborigines. In fact, I believe at Roebourne the 30 Aborigines had to be dragooned into making some sort of demonstration.

The Hon. P. M. Dowding: Whom by? Who dragooned them? Why don't you step outside the House and name the persons so we can deal with them. Who dragooned them?

The Hon. G. E. MASTERS: Does Mr Dowding want me to state the names of the people who were arrested at Karratha? They were union members. I would suggest that some of them, in fact, were sent up by plane, just to cause trouble. They were flown up at trade union expense. The rank and file members—

The Hon. P. M. Dowding: Name them.

The Hon. G. E. MASTERS: Those who were arrested—

The Hon. P. M. Dowding: Name them.

The Hon. G. E. MASTERS: Those arrested at Karratha were Paddy Hartnett, Transport Workers' Union organiser; Colin Saunders, Federated Engine Drivers and Firemen's Union organiser—

The Hon. D. K. Dans: Was he flown up there?

The DEPUTY PRESIDENT: Order! The Minister has the floor.

The Hon. D. K. Dans: He is talking about unionists.

The DEPUTY PRESIDENT: He is talking about individuals.

The Hon. G. E. MASTERS: I am talking about the obstruction that took place, and the reason the police had to take the action they did.

The Hon. P. M. Dowding: Are you going to mention Bill O'Donoghue? He lives there.

The Hon. G. E. MASTERS: Is he a friend of Mr Dowding?

The Hon. P. M. Dowding: Of course he is. He is one of my electors.

The Hon. G. E. MASTERS: Bill O'Donoghue, Electrical Trades Union organiser; Colin Hollett—

The Hon. P. M. Dowding: He lives there, too.

The Hon. G. E. MASTERS: He would be a good friend of Mr Dowding? He is an organiser of the Amalgamated Metal Workers and Shipwrights' Union. James Bacon, Builders' Labourers' Federation organiser—

The Hon. D. K. Dans: Were those people flown up? That is the point you made.

The Hon. G. E. MASTERS: I have said I am quite sure there were some people flown up.

The Hon. P. M. Dowding: Come on!

The Hon. G. E. MASTERS: Then there was Darrell McClusky, Australian Workers' Union. The point I am making is that the obstruction was not by the Aborigines at all; they were set up by Mr Cook and his cronies who were determined to stop the trucks going through.

The Hon. P. M. Dowding: You have not told us who dragooned the Aborigines.

The Hon. G. E. MASTERS: Mr Dowding should not talk about this being a para-military operation. The police were simply doing their job, protecting the public.

The Hon. D. K. Dans: Before you sit down, tell me who dragooned the Roebourne Aborigines?

The DEPUTY PRESIDENT: Order! There are far too many interjections.

The Hon. G. E. MASTERS: I do not have to state the names. Members opposite know them better than I do. Members opposite know that this situation has nothing to do with Aboriginal rights or anything else. It is purely a political issue.

The Hon. R. Hetherington: Nonsense!

The Hon. G. E. MASTERS: Members opposite are clouding the issue. They are orchestrating the whole thing.

The Hon. R. Hetherington: That is not true.

The Hon. G. E. MASTERS: The public are happy about the activities of the police officers. They are very pleased indeed that the police officers took the action they did, because they look with fear at the future. People should be free to go about their business.

I want to say that the Government has not directed the police officers to take action. The police acted to protect the rights of the public and to protect the rights of the individuals.

THE HON. P. G. PENDAL (South-East Metropolitan) [6.04 p.m.]: Before the tea break, I would like to make this point—

The Hon. D. K. Dans: What makes you think you are going to dinner?

The Hon. P. G. PENDAL: I am quite happy to be here till midnight, to sit the hours members opposite seem to think we should not spend in this place.

I am not sure how many members of the Opposition understand just how seriously the Hon. Peter Dowding has compromised the Labor Party on the issue that he has debated. I will admit he was very eloquent; but nonetheless he has allowed his eloquence to obstruct his mind. On a very fundamental issue, he has allowed himself to be compromised; and he has compromised Labor policy on this matter.

Through a series of deliberate interjections I tried to get Mr Dowding to talk about the power of veto that the Minister for Cultural Affairs currently has over the Museum Board. Through Mr Dowding, the Labor Party has made it very clear that the Minister ought not have that power of veto.

Mr Dowding, as a result of one of my interjections, made the point that if a veto had to exist—and he seemed a little reluctant to admit that—that power of veto had to rest with the Parliament and not with an individual Minister. Therefore, through Mr Dowding this afternoon, the Labor Party has admitted that someone ought to have the power of veto.

The Hon. P. M. Dowding: The Parliament always has it.

The Hon. P. G. PENDAL: Mr Dowding does not like the idea that it is the Minister for Cultural Affairs who has that power of veto. But what he is saying and accepting is that it is the role of Parliament to exercise that power of veto. Once we accept that someone or a group of persons, like a Parliament, has the power of veto, we immediately have to accept that sacred sites and land rights are a negotiable issue. Once we accept this, as Mr Dowding has in this House tonight and as the Labor Party announced in its national policy on 22 June this year, we have also to accept the fact that sacred sites, which up till now the ALP has considered to be so sacred as to be inviolable, are considered to be a negotiable and dispensable issue.

The Hon. P. M. Dowding: Tell us how the Parliament could possibly legislate to prevent it legislating on the same issue at some stage in the future. Parliament has always had the ultimate right to intervene.

The Hon. P. G. PENDAL: Mr Dowding seemed to use so many double negatives that I am not able to understand what he was getting at. So for years now the Labor Party has made itself out to be a party where there is a definite dividing line over which its members must never step on this question of sacred sites and land rights for Aborigines in Australia. Out of the mouth of Mr Peter Dowding today, the ALP has accepted that sacred sites and so on are dispensable and at the very least are a negotiable issue. In other words, he and his party stand guilty of the very charges they level against this Government.

It is also a fact that the ALP has very strongly qualified its support for land rights and sacred sites. The proof of this is to be found in a newspaper report which Mr Dowding hoped we would refer to earlier. In *The West Australian* of 27 June 1980 the Labor Party announced its policy on Aboriginal affairs for the forthcoming Federal election. Part of the article is as follows—

The document also said that a Labor government would redraft Aboriginal land-rights legislation for the Northern Territory to give traditional owners the power of veto over mining.

The veto would be over-ruled only by both Houses of Parliament if the national interest required this.

The Hon. P. M. Dowding: That is exactly what I said.

The Hon. P. G. PENDAL: I deliberately drew out Mr Dowding on that matter in order to make my point. By interjection, I asked the member at what stage did a sacred site become a negotiable

matter. He replied that in his view there ought never be any mining on sacred sites. That is now recorded in *Hansard*. It means that this particular member of the Australian Labor Party has repudiated the policy of his own party in terms of the national interest, that qualifying thing that waters down the very strong point the Labor Party has tried to make for many months.

Miss Elliott referred in her address to the Government, using terms such as authoritarian and totalitarian. If this Government is to be accused of being authoritarian because it wishes to uphold the law, I am very proud to belong to a Government that is authoritarian, if that is to be the criterion. I have no lesser supporter in making that statement than a former leader of Mr Dowding's party, Mr John Tonkin. In 1972, as Premier of Western Australia, Mr Tonkin made it abundantly clear that, in his words, "The law must be upheld." He went on to say that whether a law is good or bad, it must be obeyed just the same, otherwise we would have anarchy. I offer those words to Miss Elliott because she has stood in this place and talked about this authoritarian Government whose only desire is to see law and order upheld; a Government which has applied the law in an even-handed fashion to both white and black people.

While we are talking about the rights of people, which the Opposition has been so keen on doing this afternoon, I remind the House that there is another party which has rights in this matter, and that is the AMAX exploration company. It has rights under the law of this State and, what is more, it has obligations under the law of this State. I hope that, if AMAX ever does back down, the Government of which I am a member will ensure it does not allow the law to be made an ass.

A sad result of the trade union and the ALP's stance has been the role of the churchmen—the degrading role churchmen have played in this affair. Before I get accused of making anti-clerical statements or being accused of anti-clericalism, I indicate I am happy and proud to be a practising member of a Christian church in our community. But the role of certain churchmen has been nothing more than degrading. I have been appalled by their behaviour. They have adopted a very sanctimonious stand and said that anyone who has a contrary view to theirs on the Noonkanbah issue is un-Christian. I reject and resent that.

I am not suggesting that these people have no role to play, but I suggest they re-examine the way in which they are making their views heard. Innocently maybe, they are causing big divisions

within their own ranks, divisions where there should be no divisions; provocations where there should be no provocations in a Christian church. They might take a leaf out of the book of the present Pope, a man incidentally who has suffered probably more repression and persecution than any church leader in Australia ever has. The Pope has suffered more repression and persecution than most Aborigines in Australia. Yet despite that, he has called for his clergy around the world to leave politics and get back to their parishes.

I make the point that many of the churchmen are being duped by the catch-cries of people who have not the slightest interest in the welfare of the Aborigines. The proof of their being duped came in Mr Hartnett's comments on television when he was interviewed on Sunday evening. He made it abundantly clear that the issue at Noonkanbah had nothing whatsoever to do with sacred sites; it had nothing whatsoever to do with Aborigines, in his opinion. In his view, there was only one issue at stake—and I would like all members to underline this in their minds—and the only issue at stake was that someone had had the audacity to cross and defy the ACTU. That was the laudable complexion he put on the whole of the Noonkanbah debate.

I should like to finish on the following note. Last week the opponents of what this Government is trying to achieve said that the rig would not leave Eneabba. It did. Last week also—around the middle of last week—the opponents of what this Government is trying to achieve said the rig would not reach Noonkanbah. In fact the rig has arrived there.

I implore the three members of the Cabinet in this House to pass on to the rest of the Cabinet Ministers the importance of taking the final step and carrying out the drilling at Noonkanbah. The drilling should be carried out for one reason only and that is, unless drilling takes place, we will have officially in Western Australia from that moment on a policy of apartheid.

The great irony is that the very people in this place who have been most vociferous in their opposition to apartheid in places such as South Africa, are the very people who want to see apartheid brought into Western Australia. Unless drilling proceeds at Noonkanbah and unless black and white people are given the same privileges in this State, we will have apartheid. If the coloured people in this State are given the sorts of privileges the opponents of the Government would like them to have, as from that moment we will have apartheid in this State.

For that reason I support the actions taken by the Government and I strongly oppose the motion.

**THE HON. R. G. PIKE** (North Metropolitan) [6.17 p.m.]: I rise to make a brief contribution to this debate. I should like to begin by making a point in regard to the manner in which the Hon P. M. Dowding quoted extensively, with frequent interpolations. There seems to be a phalanx of legal eagles on the opposite side of the Chamber dealing with this matter. I do not object to the member quoting extensively from various sources, but by interpolating constantly and making frequent insertions he tended to give a false impression. I should like members to take note of that point.

I wish now to turn to a matter which I believe is worthy of note in regard to this issue. I have in my hand a publication by the Socialist Communist Party of Australia dealing with Noonkanbah. It was actually published by the Socialist Party of Australia, 392 Sussex Street, Sydney. My investigations revealed this party is a breakaway Communist Party. There is some argument as to whether this Socialist Communist Party represents the greatest Communist Party membership or whether the residual party does. However, I will table this paper. It contains an attack on the Government of Western Australia in regard to the attitude it has taken over the situation at Noonkanbah. It is important that the publication be mentioned in view of the fact that so many Government opponents have been associated with this matter inside and outside the House.

I should like to quote a paragraph of the article as follows—

It is also reported that the Court Government plans to use State of Emergency powers and send forty armed police with camping gear to back up the invasion of the Aboriginal property by the mining company.

It is relevant and proper that we should be aware that that type of inflammatory propaganda is being used by the Socialist Communist Party of Australia, in backing the point of view put by the Labor Party Opposition here tonight.

I believe history will reveal, in regard to this dispute, that the Aborigines concerned were asked to ask for the assistance we are seeing now. We read everywhere that the Aborigines are spontaneously asking people to assist them. I believe history will reveal that is simply not the case.

I should like to make the further point that, in the words of Mr Dowding, we are talking about 40 square miles of area of influence. That is the

so-called "special" area which the Labor Party is claiming should remain sacrosanct according to the varying degrees of interpretation which have been given already by the previous speaker. I concur with the point that has been made and that is, the dispute is not about sacred sites, it is about land rights and land ownership. That is what we are talking about here tonight.

I should like to make the point that has been made already here tonight that Pea Hill and parts of the balance of the area involved in this dispute have been drilled previously. They have been drilled for water and they have even been used as a site for gun emplacements.

Any other points I might make would be merely repetitious. Therefore, I conclude by saying that the Liberal-National Country Party coalition in this State will not support a situation which will introduce a possible reverse apartheid position in Australia where the Aboriginal people will have greater rights than white people.

The Hon. R. Hetherington: Are you saying they should not even have the benefit of the Act?

**THE HON. G. C. MACKINNON** (South-West) [6.20 p.m.]: The Aboriginal Heritage Act is being treated here tonight in a rather sorry manner. Mr Dowding took me to task for leaving the Chamber today when in fact I went out to do some research on the matter. Indeed, Mr Dowding did not even have the courtesy to listen to the Minister when he replied to the remarks made by Mr Dowding.

I should like to point out that, at the present time, three Labor members are sitting in their seats in this House and Mr Dowding has just returned to the Chamber. I spoke on this matter at a seminar arranged for the staff. Mr Dowding probably left the Chamber to talk to someone who is giving him instructions outside.

The Hon. P. M. Dowding: I was talking to the Press, if you want to know.

**The Hon. G. C. MacKINNON**: When Mr Dowding began his speech today, Mr Berinson, on such an important occasion, was late entering the Chamber, as was I. Mr Olney has been the best sitter of the day. I will not discuss the ability of members opposite as lawyers. I had a great deal of respect for lawyers and I have no reason to love them, as members are fully aware; but observing the behaviour of members opposite today, I do not even respect them any more.

I handled the Aboriginal Heritage Bill when it was introduced in this Chamber. Members can verify my remarks by consulting *Hansard*. The Bill was introduced by Mr Willesec. Most of his misfortunes were occasioned by assaults and



brutality on the part of his colleagues in this State. However, that is another story.

The Aboriginal Heritage Bill was introduced in this House and went through both Houses of Parliament with a great deal of sympathy from both sides of the House, because the purpose of the legislation was quite clear. It is expressed succinctly in section 19, subsection (1) of the Act as follows—

Where the Trustees recommend that any Aboriginal site is of outstanding importance the Governor may, by Order in Council, declare that site to be a protected area.

In today's discussions, in typical fashion, Mr Dowding who displayed more paranoia than sense, took the stand that, if the Trustees of the Museum made a statement about a sacred site, it automatically became a protected or a sacred site. Mr Dowding bemused me completely, because he used both terms on an interchangeable basis.

The Hon. P. M. Dowding: Perhaps I can set you right.

The Hon. G. C. MacKINNON: Mr Dowding cannot do anything for me. He spoke too long, too loudly, and too vociferously for anybody's patience this afternoon. He has already made approximately five supplementary speeches by way of interjection. Perhaps he ought to have learned by now that interjections should be sharp rejoinders. You, Sir, have shown exemplary patience when listening to the supplementary speeches Mr Dowding has made in order to bolster his false arguments.

We appreciate that, if the situation and the price is high enough and one is in the right line of duty, one can argue for any calling at all. I myself do not know of that situation, but I have heard that it is serious.

There has been so much nonsense said about this situation that it almost beggars description. I was tremendously impressed by the contribution of the Hon. Philip Pandal. I am delighted that we have in our party a younger member who shows so much promise.

There has been very little reference made by the opposite side of the House to the intention of the Aboriginal Heritage Act. No comment has been made of the tremendous amount of valuable work and research and the anthropological duties carried out by the Museum staff. There has been no reference made to the assistance given to the Museum by the Noonkanbah community—far more than to the university.

The honourable member was correct when he made reference to my being the Minister for

Cultural Affairs some time ago. Indeed, it was at my suggestion that the Aboriginal Heritage Act was transferred from an area it should not have been in and placed in charge of the Museum under the Minister for Cultural Affairs.

The Museum does a great job. It advises the Government. I have seen comments in the newspaper about the white man's sacred sites. I would have no doubt—I am not a religious person in that sense—that if an article of outstanding value were to be found beneath a cathedral then it would have to be recovered.

The Hon. H. W. Gayfer: The Israelites would bore through Mt. Taber to find oil.

The Hon. G. C. MacKINNON: We will get a second opinion on that. I believe we will receive many legal comments judging from the questions that were placed on notice the other day.

I am sorry that the total nature of the House has been changed so rapidly by a few members. It just does not do anyone any good. Mr Dowding has behaved like a rabbit in a warren. He has been in and out of this place which such speed on so many occasions today, yet the only time I happened to be out of the House he had to make a comment.

This Bill was introduced in both Houses of Parliament with a great deal of goodwill. The purpose of the Aboriginal Heritage Act was that an effort should be made to record sites which are sacred.

The Hon. P. M. Dowding: It was to protect them, not record them.

The Hon. G. C. MacKINNON: It was to protect them also. In the initial discussions we were talking about the vandalism which had occurred in a number of areas. We were concerned about the protection of those areas under the legislation. It does not matter what the university says.

The site is declared by the Governor-in-Council. Until that is done, it is not a sacred site. So all this talk about what the Museum says on sacred sites bears little substance in law. Mr Dowding cannot have it both ways. He cannot do everything in a legalistic way and then suddenly switch around and say he wants the sites declared in a fairly rough and ready procedure.

The initial speech on the Bill was made by the Hon. Bill Willesee and the second was made by me. It was never envisaged that this piece of legislation should be used in a way which gave special privileges to one group of Australians above another.

We are facing a real and serious threat in regard to our future energy resources and it is essential that wherever oil may be, it be recovered.

That is the purpose of the operation at Noonkanbah and every possible sensitivity has been used to ensure that it is done in a proper way.

It was never the intention of this Government in 1972 to not look at the sensitivities of the matter. I believe that Mr Dowding, and those lauded by him, read too much into the sensitivity of the matter and this has been picked up by the newspapers in other places. In 1972 the matter was dealt with in an amicable and friendly basis.

**THE HON. T. KNIGHT** (South) [6.32 p.m.]: I support fully the actions of the Government and I condemn the motion that has been moved in this House today.

Whilst listening to the debate it has become clear to me why members opposite are so small in number. If we can go back, since the evolution of time it has been that the strongest in our world rule; meaning that the people with the most numbers and support govern.

I believe members should consider this aspect and that point has been made by people throughout Western Australia. It has been made also to me by groups with whom I have been involved especially in discussions at public meetings. In debate about this situation the stand has been made that the people support the Government. The Government is here because it has the support of the people and the Government is representing the majority, not the minority.

The proposed policies and the proposed hold back of the Opposition on mining and the exploration for oil at Noonkanbah is not in the national interest. We are all Australians and members opposite often talk about our all being Australians. That means we and the Aboriginal people are all Australian. Anything that happens in this country is of national interest and it is just as important for the Aboriginal people that we find oil as it is for anyone else.

It appears that the Labor Party, with its support for the ACTU and the TLC, wishes the unions and not the Government of the day to govern this country. I ask the Opposition: What would be its attitude if it were ever fortunate enough to be elected the Government of this country or State? Will the Opposition still abide by the policies and directions laid down by the trade unions? Another question which has been asked of me by people in the public sector is: Where do the sacred sites start and finish?

It seems that one sacred site finishes half way from the centre of the next sacred site. That seems to be the common thing. Is all Australia to be declared a sacred site? Are we to back off? Are we all expected to ship out and leave it to the Aborigines?

The Hon. P. M. Dowding: No-one has said that, not even the Aborigines.

The Hon. T. KNIGHT: The member opposite had his opportunity to speak and I listened to him. I ask him now to listen to a few facts, and I ask him to dwell on them.

I have had an argument put to me on many occasions—which I do not intend to pursue—that perhaps we should sit back and allow the Aborigines to get what they want and then apply for equal rights. I do not want my comment to be taken as racist, but many people in the public sector are making that statement. We are all Australians.

Mr Al Grassby, who was a Minister in the Whitlam Government, now has the job of looking into ethnic affairs and racial discrimination in Australia. Perhaps we should get Mr Grassby to look at the situation on the grounds of racial discrimination against whites.

I believe the Government is doing the right thing, and the public does not want to see us back down in the national interests of Australia for Australians. I do not support the motion moved by the Hon. Peter Dowding.

**THE HON. R. HETHERINGTON** (East Metropolitan) [6.36 p.m.]: I support the motion. Before I get into the motion I will refer to a remark by Mr Pental that if we are not careful we will have apartheid in Australia. I think I should make it clear—because this is something which has been bandied around in relation to the Aborigines at Noonkanbah—to people who talk about Aboriginal rights why I, in the past and now, object to the South African form of apartheid, which is not what Mr Pental referred to.

The Hon. P. G. Pental: Yes I did. Separate development of this State for blacks or coloureds, and separate development of this State for others. I abhor that.

The Hon. R. HETHERINGTON: Perhaps Mr Pental will allow me to say what I understand by "apartheid". Apartheid, as it was outlined by the South Africans, referred to separate development. They argued that the black South Africans should have their own homeland which should be developed separately. The theory was fine, because it really suggested that there would be a

division of South Africa between white South Africans and black South Africans. No doubt there was to be a division where each should develop according to his output and his ability to develop, with the blacks separated from the whites. But, that is not how it has ever worked.

Apartheid in South Africa, which nobody is advocating in Australia or Western Australia, is a system under which the 10 million black Africans have one third of the land—and not the most arable or best land but land which is eroding away—and the four million white South Africans have the rest. There is no separate development because the economy is based on cheap black South African labour. Therefore, South African apartheid is a misnomer because it does not look for genuine separate development. It means the black Africans are kept away, except when they are useful to the whites. The black South African servants are not allowed to take their families to live with them; they have to live in the villages. So, when people object to apartheid, that is what they refer to.

The Hon. P. G. Pandal: That is a very narrow view of it.

The Hon. R. HETHERINGTON: It is not narrow at all. I am objecting also. I want to do something which seems to be unusual in this debate; I want to get away from the legalities and get back to talking of the rights of the Aboriginal people in Australia.

The legal position is quite clear at present. The Government is acting within its legal powers. The criticism I make is that the Government is acting legally, but acting immorally. The immorality of the Government's action lies in the fact that the Government, in its activities, could quite well destroy the fragile community structure of the Aboriginal people of Noonkanbah.

This at a time when after degradations, humiliations, and ill-treatment, of the Aboriginal people which until quite recently suffered—there was certainly a double standard and a double set of laws in the past, one for the whites and one for the Aborigines, where white man's law was applied to the Aborigines in a way they could not understand and which was morally unjust—at Noonkanbah the community at least has some hope of finding an identity and in rebuilding a culture that is essentially their own.

If the community is destroyed we destroy them as autonomous moral personalities potentially; that is we will destroy their chance of becoming people confident of their own identity and able to choose between alternative ways of life and

alternative actions, and where they will, to some extent, become responsible for their own actions.

To a great extent we have heard a lot about Christianity today. To Christians and liberal humanists of our Western tradition, law and morality are not synonymous. To deny this is to approve of what went on in Germany during Hitler's Third Reich where the Nazi perpetrators of genocide argued that they were guiltless because they had obeyed their superiors and obeyed the law as it stood. I know I am on sensitive ground and I do not want anyone to think I am accusing the Government of being fascist. What happened in Nazi Germany is the logical extension of the view which equates law with morality and makes the Government of the day the author of our moral code.

Equally abhorrent is the totalitarian view of democracy, the view that the minority must always be subject to the interests of the majority as interpreted by the Government. That view is one I argued against strongly as an undergraduate, when it was put before me by my Stalinist-Marxist friends.

The Hon. D. J. Wordsworth: You have already mentioned it this session.

The Hon. R. HETHERINGTON: I will do it again before I finish because democracy is important. I have suggested that this Chamber is not democratic, and I do not think our parliamentary system is democratic.

What I am saying about the present Government and the present situation in Western Australia with regard to Noonkanbah is that implied in the Government's attitude is a confusion of morality with the law. It is implied—it does not come out fully because many statements are made about what is going on—that if an action is legal it is morally right, and that the Government's view of the interests of the majority is morally superior to the rights and interests of the minority.

The moral issue is the central issue in my opinion, and this is the issue the Government is refusing to face squarely. What has happened over the past many months is that spokesmen for the Government, including the Premier and the Minister for Cultural Affairs—and I sometimes wonder, when I see some of his statements, whether "Cultural" should be spelt with a "K"—seize on aspects of the developments which occur and make a great fuss about them, tending to forget the central and basic issue, which to my mind is the rights and needs of the Aboriginal people of Noonkanbah. That is the basic issue in this matter.

Two things stand out as far as the Government is concerned in relation to the whole sorry business. The first—and it has been clear all the way through—is the Government's determination at all costs to force Amax to drill an area which the Aboriginal people of Noonkanbah claim is a sacred site. That was the original issue, and originally it was the only issue. This is the issue which every statement of the Premier shows is not negotiable. When he talks about negotiations, it is quite clear that his negotiation on this issue is to get the Aboriginal people to listen to reason, to take the reasonable view; and the reasonable view, as always, is the Premier's view.

The Hon. D. J. Wordsworth: Negotiations have gone on for years, as everyone knows.

The Hon. R. HETHERINGTON: They have not negotiated that key issue, and when the Noonkanbah people disagree, we have statements that they are being manipulated by outside forces, by trade unionists, by political opportunists, by some kind of international conspiracy—as the Premier said when someone demonstrated against him in London as ex-patriate Australians have done for years—or they are being manipulated by romantics who do not understand the reality of the situation.

The Premier insists that the people of Noonkanbah should not listen to outside influences. The only influence they should listen to is the beneficent, paternalistic Government. This is what has been wrong with this Government ever since the present Premier has been in charge of it. It is his great weakness that he thinks what he believes to be good for the country is necessarily good for the country. He does not like anybody who disagrees with him. In my opinion, this has meant a decline in Liberal Government morality on these issues since the retirement of Sir David Brand.

The second thing that comes out—and I have a large pile of newspaper clippings which I have been reading for some time—is the Government's obsession with the land rights issue. The Government was the first party to bring it up. When Professor Berndt of the university mentioned it, the Government castigated him but used it and said the people of Noonkanbah had taken it up. It seems to me what the Government is doing by its insistence that the whole issue is one of land rights is forcing the Aboriginal people of Noonkanbah into the position where they are about to demand land rights. If they do that because they find if they have a pastoral lease their sacred sites are not protected and they need more, the Premier can blame himself. But of course he will not; he will blame everybody else.

There are vast conspiracies surrounding him—shades of Stalin. The nonsense that goes on in this State about conspiracies threatening the beleaguered Premier on all sides!

We find Government Ministers dealing with this problem with all kinds of slogans. I will just mention them. "One law for all." "Equality." "There must be no special privileges for the Aboriginal people. It would lead to apartheid, just as in South Africa." That is nonsense. The Government talks about law and order, in which I believe, and it talks about the unions, which are irrelevant to what I am saying.

The Hon. D. J. Wordsworth: I was not aware that the Minister had referred to apartheid.

The Hon. R. HETHERINGTON: Some Ministers have.

The Hon. D. K. Dans: Some Government speakers.

The Hon. R. HETHERINGTON: Then the Minister for Cultural Affairs talks about the multitude of sites which are on such a grand scale that, once we let Noonkanbah, the first domino, go it will destroy the economy of the State. It is the domino theory, the preoccupation and obsession of the Government about what might happen one day if it examines this one issue and gives way.

Finally, there is the disgraceful argument, brought up by the Minister for Cultural Affairs, about plane-loads of drink and card playing. I want to say something about this as an aside. If there is an alcohol problem among the Aborigines, it is an extension of the white alcohol problem, and alcohol was given to them by white people. People get drunk—

The Hon. O. N. B. Oliver: That is how Noonkanbah came about, too.

The Hon. R. HETHERINGTON: —when they are lost or unemployed. I was very interested to find more drunkenness in the streets of Krakow in Poland, when I was there last year, than I have ever seen before.

The Hon. N. F. Moore: You have not been to Laverton recently.

The Hon. R. HETHERINGTON: I have not been to Laverton recently.

The Hon. N. F. Moore: It is a shocking situation.

The Hon. R. HETHERINGTON: I have no doubt there are some shocking situations.

The Hon. P. G. Pandal: Are you saying the Aborigines ought never to have been given drinking rights?

The Hon. R. HETHERINGTON: I am not saying that at all. I am saying if there is an alcohol problem, it is an extension of our alcohol problem. It is a great problem and we ought to do something about it.

The Hon. N. F. Moore: Nobody makes them drink.

The Hon. R. HETHERINGTON: Nobody makes members of Parliament drink, either.

The Hon. N. F. Moore: That is right.

The Hon. R. HETHERINGTON: So they do it quite freely, and I should think it would be a good idea not to imply there is some sort of moral degradation and people should therefore lose their rights. Let us not talk about Noonkanbah because of plane-loads of alcohol going into the Aborigines. That was the kind of argument used by the aristocracy in the nineteenth century. The poor were condemned for being drunk but the rich were allowed to drink, gamble, and fornicate. That is the same attitude we see today—one morality for the white people and one for the Aborigines.

We must try to do something about the problem. Time and time again we have been told that the Government is trying to protect the genuine sacred sites. It seems to me that there are sacred sites, more sacred sites, and top sacred sites. Who are we to decide that what we find is a sacred site? The Trustees of the Museum say that Noonkanbah is a sacred site, and the Minister uses his power to override them. I would like to say as an aside that that is a deficiency in the Act. If the Minister had only the power to override, the issue would become clearly a political one. It is not what the anthropologists say, nor what the Aboriginal people say about sacred sites: the Minister is now an instant expert!

Another argument that has flourished in the Press is that the Aboriginal people make up only one of 100 ethnic groups all of whom are to be treated equally. All the members of the other ethnic groups have come to Australia since 1788, and to Western Australia since 1829. These people seized the land and if the indigenous inhabitants got in the way, they were destroyed.

Since the great post-war immigration there has been a move in Australia to say we should not enforce conformity; we should encourage ethnic cultures in our plural society. That is fine. But now the ethnic argument—to help migrants assimilate and become part of the community, and to help old Australians accept them although they are different, and let them maintain their differences which is desirable—is being

applied to the Aboriginal people of Australia. They were the first people of Australia.

The Hon. N. F. Moore: Is that absolutely correct?

The Hon. D. K. Dans: To the best of our knowledge, yes.

The Hon. P. M. Dowding: For 40 000 years anyway.

The Hon. N. F. Moore: There is a suggestion another race was here prior to the Aborigines.

The Hon. R. HETHERINGTON: There may have been, but as far as I am concerned, they were the established and indigenous people who had their special relationship with the land.

The Hon. T. Knight: If we go back far enough we were all one, so what's the difference.

The Hon. R. HETHERINGTON: If the honourable member cannot understand what I am saying, it is no wonder our country is in trouble. The Aboriginal people are unique and certainly they were one of our earliest inhabitants. They were established before we arrived here. When the Europeans came, their tribal system and their culture was almost destroyed.

I would suggest members read about some of the shootings that took place in the early days.

The Hon. P. M. Dowding: What about the Royal Commission into the Forrest River trouble? That took place in 1926—that is not the past.

The Hon. R. HETHERINGTON: When this country was settled an attempt was made to assimilate the Aborigines, to bring them up to our superior culture. That is what the liberals wanted, and the attempts failed. The Aborigines had no equality in the past.

The Hon. O. N. B. Oliver: They rebelled against us.

The Hon. R. HETHERINGTON: My goodness—they rebelled against our taking their land away from them! They rebelled against our stocking their water holes and shooting their kangaroos. Their hunting grounds were occupied.

The Hon. O. N. B. Oliver: It sounds as though you are talking about the Red Indians and not the Aborigines.

The Hon. R. HETHERINGTON: I am talking about both, if the honourable member looks at his history. I wish Mr Oliver would sometimes talk sense, but that is too much to hope for. His is a case of abysmal ignorance. He could not understand an argument spelt out in words of one syllable.

The Hon. N. F. Moore: Are you suggesting we give some land to them?

Several members interjected.

The DEPUTY PRESIDENT: Order! There is too much conversation. I would like the honourable member to resume his speech.

The Hon. R. HETHERINGTON: I am trying to point out to members that attempts made to achieve any form of equality for Aborigines have failed. They have theoretical equality before the law but no real equality. They will not have equality until we bring in some kind of positive discrimination, perhaps through legislation.

The Hon. N. F. Moore: There is a lot of positive discrimination already, as you are well aware.

The Hon. R. HETHERINGTON: There is still much to be done. There are still problems in our society, some of which are of our own making and are very difficult of solution. We should be tolerant of the Aboriginal people, and certainly we cannot deal with these very complex questions by simplistic slogans like, "One law for all", or "Equality for all", and ignore the real inequality which we force on Aborigines and ignore the need to take positive steps to help undo the mistakes of the past. Mr Knight may suggest we have not made mistakes in the past, but Mr Norman Moore would not suggest that. We need a lot of goodwill—

The Hon. N. F. Moore: Nobody disagrees with that.

The Hon. R. HETHERINGTON: —to try to undo the mistakes of the past.

On 24 April 1980 *The West Australian* carried a report that the Minister for Lands said that no more pastoral leases would be granted to Aboriginal communities until the Noonkanbah dispute was resolved. So the pressures have been put on; this kind of moral blackmail is something I deprecate. However, I will just deprecate it and move on. On the same day and in the same paper the Minister for Cultural Affairs (Mr Grayden) said—

Aborigines in Western Australia are for the most part detribalised and have voluntarily accepted the Australian way of life because of its benefits.

I would not have thought they had much choice other than to accept the Australian way of life. They have accepted some of the benefits, but also find themselves in the position of being very much third-class citizens. The Minister, also said, "In the same way, however, as they rationalise surface disturbances, Aboriginal communities in other parts of Australia have rationalised all forms of

mining activity." Apparently all we have to do is keep at them, and they will give in.

But more important is an article which appeared in *The West Australian* on 8 August. It was written by the Premier (Sir Charles Court). I do not want to read the entire article; the Leader of the House will be happy to know that. I want to read only a couple of sections because they bring out the attitudes of the Premier which I think are wrong and with which I disagree. These are the crux of my criticisms of the Premier and his Government. In the article the Premier says—

Despite the efforts of some romantics to argue that Aborigines can find their identity only in the land and in the mythology of the past, the fact remains that the majority of them seek to establish themselves in the broader community and there can be little doubt about the inevitability of this trend for the future.

Then he talks about rural communities such as Noonkanbah and says they provide a communal home and a retreat from the ravages of alcohol for some. He goes on to say they are essentially pastoral properties where the old are secure and the young are given the opportunity to train properly for the options that are open to them. The Premier also says—and this is one of the things we are worried about—

It must also be emphasised that the community at Noonkanbah was guaranteed protection of its genuine, identified sacred sites.

A little further on, he says—

The current exploratory drilling can be carried out without any adverse effect on the life of the community and the great majority of the members of the Yungngora community are well aware of this.

The Hon. P. M. Dowding: That is totally and absolutely false.

The Hon. R. HETHERINGTON: I think it is probably wrong, yes. The Premier is an assimilationist. This does not surprise me because all of his attitudes are nineteenth century attitudes. He is a nineteenth century capitalist developer.

The Hon. P. G. Pental: He makes a very good job of it.

The Hon. R. HETHERINGTON: That is highly debatable, and I will debate that when I speak to the Address-in-Reply. I have always said the Premier is a man of great vision, but it is a pity it is tunnel vision. He cannot see beyond

development, and he cannot see the dangers in his development programmes.

The Hon. P. G. Pental: What about all the other areas quite apart from development? What about cultural matters?

The Hon. R. HETHERINGTON: As far as I can see from the Premier's statements he is as sure as any nineteenth century white Liberal was sure of the superiority of our culture and religion, and he thinks the Aborigines should join us in due course—get with the strength and join the superior people. In fact, of course, the way things are developing the Aborigines will be in the broader community not because they choose to be, but because they are forced to be.

Sir Charles Court says that in respect of strength in their own identity, Aborigines should look not to the myths of the past. It seems to me that Aborigines have to look not to the myths of the past, but to their own religious beliefs of the present.

They have to find identity, strength, and cohesion in time to face the white community which is still alien. This was brought home to me last year when I was asked to visit the members of an Aboriginal general studies course housed in the Perth Technical College. Let me here pay tribute to the former Minister for Education (Mr P. V. Jones). The Aboriginal course was about to be broken up because the rooms being used were required for other use. I was called in and stood in front of 80 people who told me how important it was that they continued the course; how they met each other while doing the course; how they became literate; and how they learnt to walk and act with dignity so that they felt a sense of identity one with the other which enabled them better to live in the community in which they had to live.

I managed to find a spare Catholic school which the Catholic Education Commission was prepared to make available. I told the Minister, and he got it for the class. For this I am grateful, but it is just one small thing. It brought home to me the reality of the fact that the Aboriginal people of Australia are looking to find their own identity.

One of the things I noticed is that when we talk we refer to Aborigines having myths, whereas European Australians have religions. I noticed the other day when Mr Dowding made a remark about religious sites, there were gasps of amazement and interjections in the House. Apparently to some members sacred sites are not religious sites but are something rather different. To the Aborigines they are a part of their religion.

If one believes in ethnic equality, as I do, then one must respect the religion of those people. I believe the Premier underwrites the strengths of myths.

I am reminded of the remark attributed to Stalin: "How many divisions has the Pope?" Stalin found later that the Pope may have had no divisions, but what Stalin would regard as the myths of the Roman Catholic Church were a very powerful influence in the satellite countries of the Soviet Union. Religion as we all know, if we stop to think about it, tends to be mixed inextricably with culture and with a sense of identity in the community. In the case of minorities, their beliefs help to hold them together and maintain them as a people.

This was brought home to me once by a Jewish friend, not in this State, who did not believe in God yet who had his son ritually circumcised and belonged to the Synagogue because his religion was essential to his sense of identity and to his culture. Of course, the Jews have survived in Europe as a cultural identity because their religion has made them whole and given them a sense of identity. It has kept them against the world.

In Ireland with the British occupation which started with Henry II, from the time of the Tudors the Government tried to bring in a one-law-one-religion homogeneity. Of course the Roman Catholic Church survived and remained the centre of resistance and retained its sense of identity, with the result that in the twentieth century the British were forced to withdraw from their occupation of Southern Ireland.

The bitter aftermath of the British attempt to force homogeneity and its own culture is still to be found in Northern Ireland. It has left a continuing and very unhappy problem.

Of course, we will not have that kind of problem with the Aborigines. We solved that. We had our final solution in Tasmania: We killed them off. If the Aboriginal people really get tough, they have no hope of beating us in any military way. They cannot use force against our force.

The Aborigines must rely on the conscience of the people who hold the power in our society. I am suggesting that we try to develop that conscience. I am suggesting to some of the members opposite who made remarks about legalities that they think about the problem a little further. We should try to imagine what it is to be an Aboriginal in our society today.

Some Aboriginal people in Australia retain their tribal identity; it has not yet been completely destroyed. I take the point made earlier by the

Leader of the House that it is all a matter of degree. There are some Aborigines who retain their tribal traditions and cultures, although I do not know to what degree. However little of these traditions they retain, it gives them a feeling of belonging. They are trying to find their identity in the land and in their own living religion—not in the myths of the past but in the living religion of the present.

I agree with the Premier that the Aboriginal people may eventually join the broader community. I believe it probably is inevitable and it may even be desirable, although I may be wrong on that point.

We should try to ensure that this decision is their decision, to be made in their own time, in their own way, when they are ready. They must not simply be assimilated. This to me is the importance of Noonkanbah. Here we have not a traditional hunting society any longer, but a group of people holding a pastoral lease running cattle. My information is that, despite the drawbacks they have faced and despite a failing to do some of the things they should be doing, they are beginning to restore pastures and waterholes, and to run the pastoral lease fairly well. Thus, they are emerging as a community with their own sense of identity. They are returning to a new version of their old culture because, naturally, if they returned to their old culture they would revert to a hunting community, and to their traditional religion which unified them.

This is what is important in regard to the sacred site question. It is important to the living, growing, developing community at Noonkanbah. The question at issue is not what the religious site around Pea Hill meant in the past, or whether some Aborigines in the past were indifferent to that area, or whether in fact it was drilled or damage was done in the past to the site. This argument misses the whole point.

Its importance is that it is a religious site now in relation to Aboriginal beliefs now and their beliefs of what drilling will do to the site now.

The Hon. N. F. Moore: That is drawing the long bow. It means you can change your mind whenever you like.

The Hon. R. HETHERINGTON: The arguments of rationality and objective criteria which are advanced by the Government do not really help the situation. Mr Grayden's homily on secret sacred sites and Mr Hassell's flourishing of maps will not overcome the problem. The question is how important the sites are to the religious

beliefs of the Aboriginal people of Pea Hill, and to the survival of their community.

To find this out and to decide what action needs to be taken requires that representatives of the Government listen and listen and negotiate and talk; they should try to establish communication with a people who have not yet learnt to communicate—because, after all, they have had some freedom only in the last eight years.

The Government is obsessed with its domino theory, and that kind of obsession can lead to confrontation and bloodshed. We need to look at this issue now, not at what might happen.

In trying to prevent land rights, I believe the Government has increased the demand because people find that a pastoral lease does not protect their need for something more. Photographs of police officers standing at ease along the road were reminiscent of police I saw on the station at Freidrickstrasse in East Berlin. I am not criticising the police; I am just pointing out how it looked. The drama of the drills and their escorts when pictured on television looked for all the world like a juggernaut crushing the gentle people of Noonkanbah; it appears as though they will be yet another sacrifice to the white ideal of progress.

I suggest we stop thinking in slogans and try to understand the requirements and needs of the people at Noonkanbah. We should try to think through the implications of what we are doing.

I am reminded that the kings in French history were given names like Charles the Bald and Charles the Fat. One Frankish leader was called Charles Martel, or Charles the Hammer because he was the hammer of the infidels; he hammered great Muslim fighting forces.

It would be sad if we had our own Charles the Hammer, who finished up in the history books as the man who hammered into the ground the hopes and aspirations of the Aboriginal people.

I appeal to the Government to think again. I am not making any political capital out of this. As somebody said to me the other day, "You will not win any political kudos out of this." I do not know whether or not we will; that is irrelevant. A matter of high principle is at stake here and it is a principle which I support. Therefore, I support the motion and ask the Government, for God's sake, to think again.

THE HON. N. F. MOORE (Lower North) [7.23 p.m.]: As usual I enjoyed the remarks of Mr Hetherington. Apart from hearing his point of view on a particular subject before the House, I



also get a good history lesson; I always take it on board.

Mr Hetherington said that the argument was about morals and really had nothing to do with the law, which seemed to contradict what Mr Dowding said earlier.

The Hon. R. Hetherington: I said I was not going to deal with it.

The Hon. N. F. MOORE: He talked about Governments governing on a basis of moral considerations rather than consideration of the actual letter of the law. I would not like to see a situation where we make decisions based upon whatever moral considerations we may have at the time, while ignoring the letter of the law. Aboriginal law, as members know, is based upon mythology.

I do not want to argue about morals in this matter because it is more a question of law. Morals are a little like sacred sites; they mean different things to different people.

The real crux of this matter is that we are talking about a pastoral station, the lease of which is held by an Aboriginal group. Noonkanbah is a pastoral lease, not a sacred site. I get sick to death of reading in the newspaper that Noonkanbah is a sacred site.

The Hon. J. M. Berinson: Why can it not be both?

The Hon. N. F. MOORE: Part of Noonkanbah is a sacred site, but the whole of Noonkanbah is not. It is accepted by the Government that there are sacred sites on Noonkanbah Station. Obviously, there are many sacred sites in other parts of Western Australia.

Members might recall the Weebo stone incident in the 1960s. The area around the stone is fenced off to prevent exploitation of the Weebo stone.

The Hon. P. M. Dowding: What do the Trustees of the Museum say—

The Hon. N. F. MOORE: The Trustees of the Museum say there are certain sacred sites—

The Hon. P. M. Dowding: And this is one of them.

The Hon. N. F. MOORE: I will deal with the question of the area of influence later.

We should look at the drill site itself, and members should bear in mind that the company moved from the original drill hole. The new drill hole is 3.5 kilometres from Pea Hill. I would like to remind the compeere of the "Nationwide" programme we occasionally, unfortunately, look

at, that there is to be no drilling at Pea Hill. She said last night on "Nationwide" that the Government will allow drilling at Pea Hill; but that is not correct. The drilling site is 3.5 kilometres from Pea Hill, and it is 1.25 kilometres from the nearest identified sacred site. I am not talking about areas of influence just yet.

The Hon. P. M. Dowding: That is not what the Museum says.

The Hon. N. F. MOORE: Mr Dowding should look at the map. The map shows the drill hole 8.6 kilometres from the Noonkanbah homestead.

I will now deal with matters relating to the area of influence, which is the area around the sacred sites. I questioned Mr Dowding on several occasions about how big the area is. He said it was 40 square miles. My information is that it is 12 000 hectares. I do not know whether that is the same or not; but 12 000 hectares of land is an enormous amount of territory.

I would like to know how anybody could decide that there was a particular point at which an area of influence stops. It was even suggested by somebody at one time that the whole station was the area of influence, and that it stopped at the boundaries. The boundaries of the station were drawn up by white men some 90 years ago; and they bear no relationship to Aboriginal sacred sites.

The Hon. P. M. Dowding: The Aborigines never said they did, and neither does the Museum.

The Hon. N. F. MOORE: That is a statement that was made in a newspaper.

Many speakers on our side of the House tonight have talked about what they consider to be the crux of the problem—not sacred sites, but the question of land rights and royalties from mining which takes place on Aboriginal leases.

Mr Hetherington discussed the question of land rights at great length. If we provide the Aboriginal people with land rights over this pastoral property or any other pastoral property in Western Australia, we are giving them something which we do not give to the white people. It is as simple as that. White people can lease a pastoral property, but they cannot buy the freehold of one. At one time they could buy the homestead area on freehold; but they cannot do that any longer. We do not sell pastoral properties on a freehold basis. However, the suggestion that Aboriginal people should be given some special form of freehold title would mean we had one law for them and one law for white people.

Mr Pike used the words "reverse apartheid". Mr Hetherington went to great lengths, as he

usually does, in an academic argument about what apartheid means. It means different things to different people; but it means different laws for different people. There are different laws for white people and different laws for coloured people in South Africa. I do not accept that as a reasonable way to govern a country. I do not suggest we should have that sort of situation in Western Australia.

It is rather ironical that the State Government of Western Australia has been accused of using South African tactics. Yet, it is suggested that we should have two different laws for two different groups of people, giving large tracts of freehold land to Aboriginal people. To my mind, that is reverse apartheid, which means different laws for different people.

I have obtained the impression from reading the newspapers that prominent church people are saying that there are some Europeans—"white Anglo-Saxons", as Mr Dowding referred to them—who feel guilty about the fact that their ancestors invaded—to use Mr Dowding's word again—the country of Australia. If Mr Dowding refers to the history of mankind, he will learn there has been wave after wave after wave of groups of people invading other countries.

The Hon. P. M. Dowding: Do you approve of the Russian invasion of Afghanistan, on the basis of that?

The ACTING PRESIDENT (the Hon R. J. L. Williams): Order! I would remind members that as long as I am in the Chair I will not allow unruly interjections, according to the Standing Orders.

The Hon. D. K. Dans: You have my support on that.

The Hon. N. F. MOORE: I support the fact that the Aboriginal people should have made every endeavour at the time to prevent the invasion, just as I support the people in Afghanistan who are resisting the Russian invasion. The whole of history indicates that one race of people is conquered by another, and the land is taken from the original inhabitants. That has been a fact of life ever since mankind existed.

The State Government has been accused of not negotiating on the question of land rights, or sacred sites, or whatever one wishes to call them, at Noonkanbah. However, three Ministers went up there to talk to the Aboriginal people. The Premier has been up to Noonkanbah, and he has written to the community outlining his attitude. However, he has received no reply to that letter. The Federal Minister, Senator Chaney, has also

been consulting with both the State Government and the Aboriginal people.

For all these reasons, I think the question comes down to a very simple matter; that is, that the Government is not prepared to say that 12 000 hectares of land is a sacred site, and that therefore there should not be any drilling on it. Now we have this fully blown-up situation in Western Australia today. Really, it is a pity that the trade union movement—and I mention the trade union movement specifically—has adopted the attitude it has. Its blatant disregard and disrespect for the law, which is the law of the land, leads to the very disappointing situation that has taken place in recent times.

I oppose the motion.

THE HON. H. W. OLNEY (South Metropolitan) [7.32 p.m.]: I rise to make a short contribution to this debate in support of the motion. I am glad Mr MacKinnon is in the House because if he was not I could not comment on some of his remarks. I am sorry I am unloved by him—

The Hon. H. W. Gayfer: You could comment on his remarks, but you should not make reference to the fact people are not sitting in their seats.

The Hon. H. W. OLNEY: Not only am I unloved by him, but apparently I do not have his respect. He will be pleased to know that as long as I sit here I will be earning the same fee tonight as everybody else—as indeed he is. He may also be pleased to know that I accept, in substance, much of what he said about the legislation with which we are particularly concerned.

The Aboriginal Heritage Act was passed in 1972, apparently by common consent of both of the major political parties. It was the first piece of legislation in this State which gave recognition to the general concept of Aboriginal land rights. It recognised that the Aboriginal people, in some respects at least, had some special connection with the land, and it was a connection that was worth preserving to the extent that the legislation made provision for the registration and protection of certain sites.

That was in 1972. Of course, it is well known that later that year the Whitlam Government came to power. One of the first things done by the then Prime Minister was to honour one of his election promises, to appoint a Royal Commission into land rights. Mr Whitlam appointed Mr Justice Woodward to investigate the question of land rights and how to implement the granting of land rights to the indigenous inhabitants of Australia.

Arising out of the Woodward reports, the Federal Labor Government introduced legislation which was frustrated by the coup in November 1975, but which was amended somewhat, watered down, and adopted by the present Government. That legislation applies in the Northern Territory.

Much has been said about that and I do not intend going into that aspect at all except to make the point that the concept of rights relating to land for the Aboriginal people of Australia is a new concept and, I suggest, a growing concept.

The Hon. H. W. Gayfer: Is that what this is all about—land rights?

The Hon. H. W. OLNEY: Indeed, as time goes by, the conscience of the Australian community is expanding somewhat and recognising the situation which has been forced upon the indigenous inhabitants of this continent. A day or so ago I asked a question without notice of the Attorney General, which he did not reply to then, but at a later stage. I asked him if he had ever given any thought to the real basis of the Crown claim to sovereignty over land in Western Australia. He later said that he had given some thought to it and that he supported the common law position. It seems that Mr Moore has a different view, because in his remarks he suggested the sovereignty of the Crown to land is based on conquest, and that is not the common law position which has been upheld by the High Court in Australia in *Coe's case*, and that is the basis of what I think the Attorney General meant by the common law position; that is, that Australia was occupied and the Crown claimed its right by occupation and not by conquest. There is a substantial difference between the two, and it has never been suggested by those who support the Crown's title to land that conquest took place.

I wish to be as brief as I can and to develop one further point. The Premier has been reported in this morning's news—I believe it was taken from a Press release he issued yesterday—to the effect that the eyes of the world were upon us and looking in "horror" at the dreadful industrial situation which has developed with drillers refusing to drill at Noonkanbah. He asked just how on earth we could expect our trading partners and overseas investors to invest here with that sort of situation occurring.

The Premier was right when he said—and I give credit where it is due—that the eyes of the world were upon us. Some of the eyes might well be on the industrial situation, but many of the eyes are on the general handling of this situation by the State Government. I do not propose to canvass any question of morals, religion, or liquor,

but what I do propose to put to this House is that, irrespective of the legal rights or wrongs of the situation, the way this matter has been handled has given the impression not only to the people of Western Australia, but also to the people of the rest of Australia and to the people overseas that the Government is in some way subjugating the will of the indigenous people by this heavy-handed approach in having a convoy with a police escort and other paraphernalia used to take equipment to Noonkanbah.

I shall refer to what other people have said about the situation in Western Australia. What I refer to may not be accepted by all and, indeed, some of it may not be true; but I intend putting it forward as an example of what responsible people think of the situation in Western Australia. The people I shall quote are credible types and they are the people who will be helping to form world opinion, so it is regrettable that the handling by the State Government of this situation and its relationship with the Aboriginal people has got to the stage that to the outside world we appear to be racist and totalitarian.

Miss Elliott referred earlier to what Dr Coombes had written in a preface to a book published in October last year and written by Mr Stewart Harris. Mr Harris is not one of those who could be called "a pinko, left-wing Communist". He has impeccable credentials, and I shall quote as follows—

Mr Stewart Harris graduated in history from Cambridge University and was the Australian correspondent of *The Times* (London) from 1957 to 1973. He also reported from Vietnam and from Egypt during the 1967 war with Israel, and from Southeast Asia. From 1973 to 1977 he was a senior research fellow at the Australian National University, travelling widely through Aboriginal Australia in cities and tribal areas. He wrote *This Our Land* (ANU Press, 1972). He is now a foreign affairs research specialist in the Parliamentary Library, Canberra.

The document from which I have quoted is one of the publications sponsored by the Aboriginal Treaty Committee about which I asked a question of the Attorney General. It is one of the publications I will be sending to him, because he has kindly agreed to look at the material I send him.

In this publication, Mr Harris has dealt with the background to the European occupation of Australia and the relationships of the European community with the Aboriginal community. As a

preliminary, he sets out what was said by a Liberal Party senator, one Neville Bonner, whom we all know was the first descendant of the indigenous people of this country to become a member of Parliament.

Mr Bonner moved a motion in the Senate on 19 September 1974 on this matter, and it reads—

That the Senate accepts the fact that the indigenous people of Australia, now known as Aborigines and Torres Strait Islanders, were in possession of this entire nation prior to the 1788 First Fleet landing at Botany Bay, urges the Australian Government to admit prior ownership by the said indigenous people, and introduce legislation to compensate the people now known as Aborigines and Torres Strait Islanders for dispossession of their land.

In support of that motion, Senator Bonner said a number of things, and I shall quote some of them. I shall quote from page 8 of the publication, as follows—

What I am seeking is true and due entitlement for dispossession. Surely no one can deny that the Aborigines and Torres Strait Islanders were dispossessed of what was theirs by right of inheritance. Does any honourable senator in this chamber dispute the findings of eminent anthropologists that the indigenous people, now known as Aborigines and Torres Strait Islanders, were in possession of this entire nation for thousands of years prior to 1788? I suggest that there are among honourable senators here those who will cry out in dismay and disbelief at the wording of this motion because just who among us but me, one of the remnants of the noble tribes who once walked with pride in the fact that this glorious and wonderful land was theirs, will be able to look at this through the eyes of the Aborigines and Torres Strait Islanders?

And further on—

It has been said so many times by so many wise men that it takes a big man to admit a mistake. I ask: Are you then, Australia composed of big men? Are you willing now to admit a mistake? Are you prepared to admit that your forefathers took this land? This shame, Australia, I say, is your inheritance. There were no treaties. There were no compensations as such.

That, of course, raises another question which I put to the Attorney General the other day when I asked him whether or not he was aware that, of all the former British colonies, the Australian

colonies were the only ones in respect of which no treaty or settlement was arrived at. There has been a great deal of writing about that recently and I will be supplying it to the Attorney General and hopefully he will be able to read that also.

In this context, the author (Mr Harris) had certain comments to make about the situation in Western Australia. Perhaps some of us may not agree with what he says; but it appears to me to be factual. The point I am making is that this is what people are saying about Western Australia, particularly in regard to the way in which we, as a State, are handling our relationships with the indigenous people. I shall quote from page 66 of the document as follows—

In Western Australia the situation for Aborigines is only marginally better than it is in Queensland. Reserves remain Crown property, although the traditional owners live on them. But there is no provision for any claims to be made for freehold title to them. Title to the reserves is vested in the Aboriginal Affairs Planning Authority, which is a State government body. The Aboriginal Lands Trust, whose chairman is Ken Colbung (a former sergeant in the Australian army in Korea), is an Aboriginal body charged with the control and management of Aboriginal land, but it remains little more than advisory, although it does have a political sense which enables it to influence government in many ways. Entry on to reserves used to be controlled by the Commissioner for Aboriginal Planning who is also WA director of the federal Department of Aboriginal Affairs in Perth. But recent legislation has given this power to the Minister for Community Welfare, who is also Minister in charge of the Planning Authority. The Commissioner used to defer to Aboriginal wishes and he would not, at one time, allow mining companies to enter the Oombulgurri reserve—which is why the power was taken from him.

However until recently the WA government did permit the Aboriginal Land Fund Commission to buy leasehold properties for Aboriginal groups and the Noonkanbah Pastoral Company, for example, which comprises almost 300 people running a million acre cattle station about 100 miles from Fitzroy Crossing, is going strongly. Late last year its objection to diamond exploration on its property by CRA was overruled in the mining warden's court. (CRA had pegged 98 claims.) But the mining warden, D. McCann, did suggest that

they protect their sacred sites by using the Aboriginal Heritage Act. Then he added, with perception, that the Act had the typical flaw that it did what the white man thought was in the interests of the Aboriginal!

The following is a quote from Warden McCann—

We continue to do things to Aborigines rather than with them.

To continue Mr Harris' comments—

It was a profoundly wise remark. Happily, a Treaty would enable us all to cooperate together as one people. Then in 1979 the Texas-based Amax company was given permission to explore for oil on Noonkanbah, and the Aborigines objected, threatening to spear trespassers and seeking an injunction against Amax employees coming on their land. Dickie Skinner, the Aboriginal spokesman for Noonkanbah, said that their property, bought for them in 1977, had 12 000 cattle and gave homes to people who used to live in fringe camps near towns (many were stockmen who had been dismissed from cattle stations).

The Hon. D. J. Wordsworth: I do not think you are winning Mr MacKinnon's admiration.

The Hon. H. W. OLNEY: I do not need Mr MacKinnon's admiration.

The Hon. D. J. Wordsworth: But your short speech is a long extract from a document.

The Hon. H. W. OLNEY: I have spent 23 years having to defer to interjections from the bench and now I am here, I do not have to listen to interjections and I do not have to answer them. At the risk of wearying members, I will proceed. I shall continue to quote from the document written by Mr Harris as follows—

West Australian government opinion seems to be hardening against any form of real self-determination for Aborigines. Recently, for example, the people at Yandeyarra in the Kimberleys were not allowed to buy the lease of an adjoining property which they wanted, although they could afford to buy it with their own money. The government has refused to transfer the lease. Initially, Noonkanbah itself was bought for them by the Aboriginal Land Fund Commission, which has bought 10 other properties in WA. Now the WA government seems to be moving towards the Queensland policy of refusing to permit the purchase of properties for Aboriginal groups. It has been reliably reported that government members are afraid of a sort of 'black state'

running from WA through the Territory into Queensland, where they fear that the big reserves in the north might also one day become Aboriginal land. The implication is that Aborigines are not real Australians. Perhaps the owners of Vestey's in Britain and King Ranch in Texas are better Australians?

He then makes the following comment—

(There is also the strange argument that pastoral leases are for cattle and not for people.)

At the risk of losing the pastoral vote in the South Metropolitan Province, I would suggest that comment, which Mr Harris has placed in parentheses, is the nub of the whole argument. On the one side the Aborigines see themselves as a people dispossessed and as a people struggling to preserve what little they have left of their heritage; whereas, on the other side, the European-style Government of this country, and members of this House, see pastoral leases as pastoral leases.

The Hon. D. J. Wordsworth: I am glad they are using pastoral leases for breeding cattle and not people because many cattle are dying.

The Hon. H. W. OLNEY: The Minister for Lands said that Noonkanbah was opened up by one of the Forrests—I believe he referred to Alexander Forrest—and at one time it had, I believe, 99 000 sheep. We all know what the sheep have done to the pastoral stations and the land around them.

The Hon. P. H. Lockyer: Stay in your courts. That is where you belong.

Several members interjected.

The Hon. H. W. OLNEY: One has only to go to Carnarvon, where I have lived, and perhaps other members have lived there also, and one will see how much of Western Australia comes down in the river every time there is a flood. This occurs as a result of sheep grazing on pastoral stations.

The Hon. P. H. Lockyer: How many trips did you do into the bush when you were in Carnarvon? You probably sat in your air-conditioned courtroom.

The Hon. H. W. OLNEY: I intend to reply to that interjection. When I was in Carnarvon I travelled the whole area from Shark Bay in the south to Port Hedland, Marble Bar, and Wittenoom in the north. I travelled throughout the whole area and, at that time, there was no air-conditioning in the north.

Several members interjected.

The DEPUTY PRESIDENT: Order!

The Hon. H. W. OLNEY: Members will be pleased to know that I have almost finished, except to reiterate that this whole exercise has brought Western Australia into disrepute. I do not know about the legal rights and wrongs of the matter; but it has been handled in a way which has made us, as a State, look as if we are treating these harmless, peace-loving people as if they were less than human or less than Australian. I am sorry for that.

We have to bear the shame spoken about by Senator Bonner. We have been here as a European community for almost 200 years. Our consciousness is just awakening and it is about 10 years since people started saying, "Well, did our ancestors do the right thing in 1788 and the years following that?" We know they did not and it is about time we made amends.

**THE HON. A. A. LEWIS** (Lower Central) [7.55 p.m.]: I think it is a sad day. I do not take the same line as the Hon. Howard Olney. I have had associations with Aborigines since before Mr Dowding was born and those associations have been in three States.

It seems to me that people like to make smart political points with a great and wonderful people. Some people, parties, and unions are attempting to gain political points or score points for themselves without any regard for the Aboriginal people.

The Hon. F. E. McKenzie: The biggest offender is the Government, and you know that.

The Hon. A. A. LEWIS: I will not answer the member's inane interjections. However, I will answer if he has something of value to say. One part of the motion says that not one single person can say that the Noonkanbah people, the main people involved in this issue, have ever shown that they want privilege and concessions greater than those guaranteed to other Australian people.

The Hon. Lyla Elliott: I do not know what that means.

The Hon. A. A. LEWIS: The mover of the motion demanded certain things embodied in the motion; that is, certain sets of special conditions should be made for the Noonkanbah people.

The Hon. P. M. Dowding: I said "uphold the law".

The Hon. A. A. LEWIS: I was reading from the motion and the member was asking for certain things.

The Hon. P. M. Dowding: I was asking you to declare certain things.

The Hon. A. A. LEWIS: Does the honourable member agree that the Noonkanbah people, the

people involved in this dispute, have never shown that they want privileges and concessions greater than those granted to other Australian people?

The Hon. P. M. Dowding: They want sacred sites protected.

The Hon. A. A. LEWIS: Mr Dowding either agrees with that comment or he does not. Some people, and I include the Government, have been genuinely involved over a number of years in attempts to reach a solution to the problem. The member for Kimberley said, "Never mind land rights, sacred sites, and all the other things which effectively have combined to produce the most disgraceful situation one could ever imagine at Noonkanbah." The member for Kimberley said this in the other House last week.

The member for North Province made a fairly effective contribution. He lambasted the Government. That is a duty of the Opposition.

The Hon. F. E. McKenzie: And the Government deserves it!

The Hon. A. A. LEWIS: Unlike the members of the Labor Party, I have crossed the floor and voted against my party at certain times. It will be the day when I see a Labor Party member do that. I use my conscience and not the conscience of any political party to make decisions in this place. It would be a good idea if the members of the Opposition used their conscience instead of making smart remarks whilst looking at this problem.

The Hon. P. M. Dowding: You would probably cross with us because you know we are right.

The Hon. A. A. LEWIS: The only time I moved an amendment in this place the whole Labor Party walked out. That was to the Mining Act. The Opposition did not have the guts to say which side it was on. Do not speak to me about the Australian Labor Party and the way the conscience of its members works, because they have dictatorial attitudes and must vote the way their Caucus tells them.

#### *Point of Order*

The Hon. P. M. DOWDING: Mr Deputy President, we have heard from the other side of the House an attempt to prevent the Hon. Lyla Elliott ranging her remarks and I must say I do not understand how the honourable member can range his remarks on this matter.

The DEPUTY PRESIDENT: There is no point of order because the member is replying to interjections.

*Debate Resumed*

The Hon. A. A. LEWIS: Whilst discussing funds which were allocated to the Museum, Mr Dowding made several wide assertions about the lack of Government funding. Unfortunately I do not have the last income and expenditure statement of the Western Australian Museum at the time of the Tonkin Government, but I can tell the honourable member that in 1972 the Tonkin Government gave \$618 000 to the Museum from the Consolidated Revenue Fund.

The Hon. P. M. Dowding: The Act was only passed at the end of 1972. There was no call to map sacred sites prior to that. There was no law.

The Hon. A. A. LEWIS: If the honourable member will wait until I finish my statement he may learn something. In the year ended 30 June 1978 Consolidated Revenue gave almost four times that which the Tonkin Government gave. The amount was \$2 486 000.

This shows that Mr Dowding's facts were not researched. He was making a speech from emotion and not from any basic fact. I liked his emotion; it stirred the House up a little and gave it a nice afternoon. However when we come into this place we deal with facts. We are dealing with an extremely important subject.

I believe this motion should never have been brought before this House in the way it was. Let us calmly discuss the matter without shouting—and I believe we have come down to the *sotto voce*. I believe we have come down to a reasonable level so let us look at the letter to the President. Mr Dowding stated in part that the Government was—

... refusing to register as a "Protected Area" within the meaning of the Aboriginal Heritage Act the land upon which the No. 2 drill site at Noonkanbah is located, yet at the same time dealing with the land as a Sacred site within the meaning of that Act.

This has been explained by far better orators than myself. The exact way the Government sees the position has been explained and I think the people see it in a similar way. It is obvious to me when reading the speech of the member for Kimberley in the other place that he is at odds with the member for North Province.

The member for Kimberley and the member for North Province are obviously at odds yet the member for North Province wishes us to take his point of view against that of his fellow member.

*Point of Order*

The Hon. P. M. DOWDING: Mr Deputy

President, you have ruled on that matter and with respect the member is quoting what was said in another place during this session.

The DEPUTY PRESIDENT: I heard the honourable member refer clearly to what another member said, but I did not hear him say a member in another place, at that particular point. I ask him to come to order.

*Debate Resumed*

The Hon. A. A. LEWIS: Let us look at paragraph (d) which reads—

refusing to offer meaningful negotiations with the Yungngora Community with a view to resolving the dispute.

I do not know what the words "meaningful negotiations" mean to the honourable member. I would think the meaning is to listen to both sides of an argument, and then come back with counter-proposals. I wish the member would listen to me instead of reading Standing Orders, which he should have learned when first elected to this House.

What does "meaningful" mean? I believe it means listening to the point of view of both sides and trying to understand those points of view, and then proceeding from that point. From what one reads it is obvious that some people do not want anything at all to happen at Noonkanbah—the whole of the Noonkanbah Station.

I agree with the honourable member that there has been considerable publicity in the media about this subject, and about the fact that the areas are not defined. I have a feeling from when I was at Noonkanbah, some time ago—the honourable member probably would still have been at school—the airstrip went through part of the shaded area on the map, and that the woolshed is in the shaded area.

Noonkanbah Station had a run of very good managers after the time it was overstocked. It was their job to try to regenerate the property. I knew some of those managers, and they were very good. From what I recall from my days at Noonkanbah, the Aboriginal community were listened to and yet in those days I heard nothing at all about the areas mentioned being included in a sacred site.

The Hon. P. M. Dowding: That speaks of your poor relationship with the Aboriginal people, not necessarily the fact that this is all rubbish.

The Hon. A. A. LEWIS: I wonder whether it was a poor relationship. I think some of the Aborigines had a very good relationship with us, and I went to some pains to try to explain it to the member. Some of us have had a meaningful

relationship with Aborigines throughout Australia for a number of years.

The Hon. P. M. Dowding: You are reflecting on the Museum Trustees.

The Hon. A. A. LEWIS: I could not give two hoots about the Museum Trustees. I do give two hoots about the people at Noonkanbah.

The Hon. P. M. Dowding: What about the Museum Trustees?

The Hon. A. A. LEWIS: All right, be legalistic and talk about the Museum Trustees. We are talking about the people of Noonkanbah. Do not let us have any nonsense about the Museum Trustees otherwise I will give the member a few short words on academics and lawyers.

The whole situation is being taken out of context by legalistic jargon. The Museum Trustees really do not know what the Noonkanbah community want.

The Hon. P. M. Dowding: You should go and ask them.

The Hon. A. A. LEWIS: Nobody can get near them because they have been stirred up by people who have no interest in the community, and have an interest only in their own area.

The Hon. Lyla Elliott: You do not believe that.

The Hon. A. A. LEWIS: I do believe it, and I have seen it. It is probable that Noonkanbah is just the start because those selfish people who could not care less about the Aborigines will continue to do it. I refer to the motion now before us tonight.

The Hon. P. M. Dowding: What about naming them and then defending yourself in a court against them.

The DEPUTY PRESIDENT: Order! The Hon. A. A. Lewis will address the Chair.

The Hon. A. A. LEWIS: I will address the Chair because the honourable member has just sunk to the lowest I have ever heard. One would think he was here to defend his motion, without challenging one to go outside and name people.

I do not want to inflame this debate; I want to set out the ground rules. Some people do not give a damn about the Aborigines, but are prepared to use them as tools in their own private wars.

The Hon. P. H. Lockyer: Hear, hear!

The Hon. A. A. LEWIS: It think that is a disgrace.

The Hon. D. K. Dans: Name them in this Chamber.

The Hon. A. A. LEWIS: I think this motion, together with the words of the other member who

represents the seat of Kimberley, are inflammatory.

#### *Point of Order*

The Hon. P. M. DOWDING: On a point of order, Mr Deputy President, I draw your attention to Standing Order No. 84 which says not that no member shall talk about a debate in another place, but—

No Member shall allude to any debate of the current Session in the Assembly . . .

With respect, the honourable member is alluding to it.

The DEPUTY PRESIDENT: Members, the Standing Order is there and what has been said is quite correct. I have been very lenient during the debate which has taken place today and I request members to understand and abide by Standing Orders. The Hon. A. A. Lewis has had his attention drawn to this matter, and I request that he abide by the Standing Order.

#### *Debate Resumed*

The Hon. A. A. LEWIS: With due deference to you, Sir, I will. It shows how thin the under-belly can get.

The Hon. D. K. Dans: To whom are you referring?

The Hon. A. A. LEWIS: I had better not allude to Mr Dans. It does show how thin skinned some people can get. They are prepared to make all sorts of comments, but when a few comments are thrown back they get a little sore.

Finally, I think I have said enough to prove that this motion should be thrown out. The credibility of the proposal does not really stand up. I share the concern—as do all Government members—for the future of the Aboriginal people. I would hate to see another performance similar to this one where some people are trying to utilise their own political philosophy without due regard to those people we ought to be protecting and looking after. I do not care about all the treaties spoken about by Mr Olney, and it is probable he does not agree with all those comments himself. At least this may be a start where we can look at and discuss it. However, I get extremely annoyed when I see very good Aboriginal friends of mine being led by the nose by people who are only trying to make political capital out of them.

THE HON. I. G. PRATT (Lower West) [8.15 p.m.]: I do not wish to make a speech of the fiery nature of some which have been made today—probably because by nature I am a quiet



sort of a fellow. I have been spurred to make some interjections during the debate on statements with which I have not agreed.

I have never been to Noonkanbah, or to the north of the State, for that matter, and I probably know as much about what is actually happening in the physical day-to-day operation at Noonkanbah as some members know about the dairying industry, the fruit-growing industry, or bauxite mining. But I do know a great deal about what happens in my electorate and I monitor very closely the thoughts and feelings expressed by the people in my electorate. It is because of the thoughts and feelings that have been expressed to me that I rise to oppose the motion.

While I have not been to the north of the State, during my life I have had a fair amount to do with Aboriginal people. I went to school in a small country town with some Aborigines. In my many years as a school teacher I taught many Aboriginal children and had very good relations with them. I have been actively involved with them in sport in my younger days, and I have dealt with some very talented and some not very talented Aboriginal people. In these capacities we deal with them not as Aboriginal people but as Australian citizens—as people.

The Hon. P. M. Dowding: It is only very recently that we have been prepared to call them Australian citizens—13 or 14 years.

The Hon. I. G. PRATT: If Mr Dowding has finished his latest speech, I will continue. I do not happen to be the embodiment of a militant conscience, as Mr Dowding is. I have always had quite good relationships with Aboriginal people and I have no need to parade my conscience or my ancestors' conscience in front of the community.

I have been very concerned over recent times. It is impossible to specify the actual period of time. In fact, only last week I was having a discussion with my wife and expressing concern about what is happening in our community and the effect such things as the confrontation at Noonkanbah and the publicity which comes from motions like this one are having on the community as a whole, not just on the Aboriginal people. Some people want integration and some do not, on both sides, both coloured and white.

However, tolerance and respect are sought after and valued by people of all colours or races. The only way we can achieve that in what is perhaps a multi-racial and multi-coloured society is on the basis of equality. Without equality we will not have tolerance, and without equality we will not have respect.

I said a short time ago I have been involved with Aboriginal people and people of Aboriginal descent in the fields of sport and education, and people in the Aboriginal community are achieving things for themselves. In the past the progress may have been small and slow but those who were able to cope could set an example to their fellows. The example exists in the fact that they were able, probably at great effort to themselves, to do the things they wanted. They could obtain freehold land and build on it, and in recent years they have had a considerable concession to enable them to build houses on land they have purchased, as anyone else in the community can do. The sad thing is that the confrontation that has developed and been highlighted is eroding their acceptance of these things.

In recent months, in the conversations one hears at shopping centres and at functions, as the Hon. Tom Knight mentioned, this subject is frequently raised. I honestly think members on the other side of the House should take stock of the kind of people who are raising the subject. I represent an area which at the last election returned me with a small majority after the distribution of preferences. It is not a blue-ribbon Liberal seat, because of growing industrial development in the area and adjacent to it in the electorate which is represented by my colleagues the President and the Hon. Philip Pandal. I move very freely in the area and have taught at various schools in it. I have held positions in sporting clubs and organisations which overlap my province. It is an area which does not vote strongly in my party's direction. I find in talking to people in this area that concern is growing about what is happening in our community on a racial basis. Unfortunately, there is a tendency for a racial attitude to develop which was not present in our community five or 10 years ago.

The Hon. P. M. Dowding: What do you think existed for 150 years? It was embodied in the law.

The Hon. I. G. PRATT: Speaking or listening to people is an interesting experience for politicians. I think it should be compulsory for them. Those who are so volatile should go around some of the suburbs, particularly the Labor areas, do some listening around shopping centres, and so on, to find out what the people they represent think about this matter, as I have done among the people I represent. I am not suggesting all the people I represent agree with the Government. Obviously they do not. In fact, I seem to recall the odd letter to the Press condemning the Government. It is the right of the people to do that.

The overwhelming attitude that is being expressed to me is that the Government should get in and do something. Unfortunately, it is becoming an attitude of antagonism towards the Aboriginal people, and that is a very sad thing. If an attitude of antagonism grows towards the Aboriginal people, we will have no chance of a society which has tolerance, respect, and goodwill. It will be a divided society. Motions such as this one are helping to widen the gap. I honestly believe the burden of what is happening belongs squarely on the shoulders of the people who do these sorts of things.

People have expressed to me the thought that they are prepared to go along with people of Aboriginal descent enjoying within their community and suburb the same rights and privileges as everyone else has—perhaps better rights and privileges, because Aborigines have lower interest rates for their homes and other concessions. However, the point they make is that if they can enjoy those rights and privileges in the metropolitan area, why should they have any other rights and privileges on a pastoral lease?

The Hon. P. M. Dowding: Because the Aboriginal Heritage Act says so.

The Hon. I. G. PRATT: These are not pastoralists; these are suburban people, the bulk of the people. The Hon. Des Dans has made many spirited speeches about the number of people in the metropolitan area. He says most of them vote Labor.

The Hon. D. K. Dans: I do not recollect having made a speech like that.

The Hon. I. G. PRATT: These are the people who are echoing concern about the situation.

It is to these people that members of both sides need to listen. The members who are promoting confrontation in this matter would do far better to talk reason than to talk philosophy. I do not question their motives as individuals, although I do question the motives of the party.

An Aboriginal person who purchases a home in the suburbs may find his home and land resumed for a road in the same way as a white man may do. Why should not the same principles apply to all? Why should we not attain equality for everyone?

The Hon. R. Hetherington: We would like to get equality, yes.

The Hon. I. G. PRATT: We should promote tolerance in our community, and not conflict, intolerance, or the degradation of anyone.

**THE HON. D. K. DANS** (South Metropolitan—Leader of the Opposition) [8.26 p.m.]: It

was not my intention to speak in this debate for the simple reason that I do not know anything about Aborigines. I cannot claim even a small knowledge of them. However, I would like to say that I support fully the words of the Hon. P. M. Dowding. He spoke with great clarity and accuracy during his speech and in reply to interjections.

The Hon. Neil McNeill: No, he was not accurate.

The Hon. D. K. DANS: I believe he was. I want to congratulate other speakers in the debate because this is where we are supposed to talk about these matters. I reject out of hand any suggestion that raising a matter of this kind in the Chamber could somehow or other worsen the situation.

The Hon. D. J. Wordsworth: I thought the challenge was that the statement should be made outside the Chamber.

The Hon. D. K. DANS: I cannot follow the Minister, but that is not unusual.

The Hon. D. J. Wordsworth: I thought Mr Dowding challenged Mr Lewis to make a statement outside the Chamber.

The Hon. D. K. DANS: I was not even talking about Mr Lewis. Usually Mr Lewis gives me plenty of ammunition, but he did not do so tonight.

Mr Pratt made a comment about racism. Leaving aside the Aboriginal problem, we must accept that Australia is a racist society.

The Hon. I. G. Pratt: Should we promote that?

The Hon. D. K. DANS: Of course we should not. However, even up till last year every bus stop around the metropolitan area carried the slogan, "Out Asians". We refer to Italians as wogs, Greeks as grecos, etc.

During the 200 years of white settlement in Australia, nearly every Australian has looked upon the Aborigines as second-class citizens. I have not even read the Aboriginal Heritage Act, but I believe it contains a passing reference to discrimination in favour of Aborigines. I submit to the Chamber there is no discrimination in favour of the Aboriginal population either in Western Australia or in Australia as a whole.

I recollect the remarks of an American who said in regard to the American Negroes that if the rest of American society were travelling at 100 miles an hour, that society should make sure that it was travelling at one million miles an hour on behalf of the Negroes because that is the speed at which it would need to travel to bring them up to the level of the white society. If that is true in the

United States, it is true also in this country of ours, only more so.

Mr Pratt used two terms—respect and tolerance. These are the very words to describe what is missing in the present situation. Despite all the fine speeches made here tonight, where are we today? Sure there is a rig at Noonkanbah, but the owners of that rig have said unequivocally that they will not employ non-union labour to operate it, and certainly they will not import workers. At this moment the spokesman for CSR is saying that the company will not drill. These eventualities should have been looked at in the first instance.

Like a number of other speakers in this Chamber, I am concerned about our image, not only our image throughout Australia, but our image throughout the world. Rightly or wrongly—and I will not debate that—we show up very badly in the world Press as well as in the national Press.

Mr Masters expected me to believe that the term “paramilitary operation” was something dreamt up by the ALP. It was not dreamt up by us. The word was used by the Press of this country. Whether it was or was not a paramilitary operation, that is how it appeared.

What has happened to the Government's image? The Government now appears like a mob of pack rapists looking at the innocent victim. Its members should hang their heads in shame. Even people who do not care for the Aborigines at all believe that the Government has engaged in an exercise of overreaction.

The Government is not one step further advanced in regard to drilling a hole in an area which the geological surveys say may contain oil. So what has it proved? Nothing.

My understanding is that with a little patience and a little more time it may have been possible to reach some agreement on a limited basis. All this conflict could have been avoided and the drilling may have taken place.

The implications of this operation go far beyond Noonkanbah. What will happen to the truck drivers?

The Hon. G. E. Masters: What do you suggest will happen to them?

The Hon. D. K. DANS: Based on my own experience—

The Hon. G. E. Masters: That would be fair comment.

The Hon. D. K. DANS: —no doubt the names of these drivers will get out. When the people who have employed them are finished with them, no

employer in Australia will touch them with a 40-foot barge pole.

The Hon. G. E. Masters: They might be self-employed.

The Hon. D. K. DANS: Well bully for them.

The Hon. G. E. Masters: Well, what do you suggest will happen if they are self-employed?

The Hon. D. K. DANS: I am just pointing out the problems.

The Hon. G. E. Masters: Are you putting forward threats?

The Hon. D. K. DANS: No.

The Hon. R. Hetherington: Of course he is not putting forward threats. He is just trying to explain something.

The Hon. D. K. DANS: I am sympathetic to them in some respects because this is something which is deeply ingrained in the history of this country. Those men will be cast aside by those who used them. What I am saying is that with a little more tolerance and respect, the situation would never have arisen. So instead of having one problem with the Noonkanbah community, it has been escalated into a multiplicity of problems that will just not go away overnight.

The Hon. G. E. Masters: Are you suggesting that because they have exercised their right of choice and done the job, something will happen to them?

The Hon. D. K. DANS: I will not use the term which was used earlier in this debate. However, are members opposite going to tell me that what was at first one problem has not now become about 10 problems? The Government is no closer to putting a hole in the ground than it was four years ago, according to the remarks of the company official. We are no closer now than when meaningful negotiations were started four years ago; and I say in all innocence that I do not know whether that is true or false.

The Hon. G. E. Masters: I am intrigued to know what will happen to the drivers.

The Hon. D. K. DANS: I do not know, but I saw what happened to the plumbers on the CBH job. They were sacked.

The Hon. G. E. Masters: Some of these may be self-employed. Are you suggesting they are in some sort of danger?

The Hon. D. K. DANS: Mr Masters is not sufficiently experienced in these matters, otherwise he would know that no-one will employ them ever. If they are self-employed drivers they become tainted. It is not the workers who cast them aside, but the employers. When I worked in

a union I saw other waterfront unions which did not condemn workers who worked during a strike; instead they were accepted back into the union. However, I have seen the other side of the coin where employers use people and then later on abuse them and cast them to the four winds. That is the point I am making.

The other matter I wish to discuss is the role of the Deputy Premier in this disastrous operation.

The Hon. P. H. Lockyer: A great job!

The Hon. D. K. DANS: When Sir Charles was overseas, the Deputy Premier was trying to make a name for himself. He was making all the statements about secret Government plans, etc. If that is the kind of leadership we can expect if he becomes the Premier, heaven help us.

The Hon. P. M. Dowding: And the Aborigines!

The Hon. D. K. DANS: Last but not least, my sympathy goes out to the Police Force. I know a number of policemen. I was once spokesman on police matters; and I get on well with the commissioner. I am aware that many police officers are becoming concerned about the role they are called upon to play. If ever there was a time in history when we needed confidence in and respect for our Police Force, it is now.

The Hon. G. E. Masters: I would agree with that.

The Hon. D. K. DANS: Normal law-abiding citizens in this community are becoming fearful of the situation. Bear in mind that the Labor Party did not invent or use the term "paramilitary operation"; I believe that was coined by the Press.

The Hon. G. E. Masters: What are the public getting fearful of?

The Hon. D. K. DANS: I would like to know from the Government who paid for the operation; what is the future of Amax in this country; and what is the future of CSR in this country? I know that Mr Gordon Jackson from CSR is a person of common sense. He is a level-headed man, and he will want to flee this State as fast as he can because the stigma that has attached itself to the Western Australian Government, rightly or wrongly will attach itself to all of the people who do business with the Government in and around Noonkanbah.

After all, it is only in the last few years—I think since 1967—that we have recognised Aborigines as people. For some 200 years before that we used and abused them. Now in the space of a few years we expect them to be able to negotiate and come up with answers.

Mr Lewis referred to Noonkanbah as a sheep station. I think it was the biggest sheep station in

Australia; if not, it certainly ran more sheep than any other property in Australia.

The Hon. D. J. Wordsworth: Cut it out!

The Hon. D. K. DANS: That is what I am led to believe; do not hold me to my word, because counting sheep is the job of the Minister for Lands.

Mr Lewis said the shearing shed at Noonkanbah was built on a genuine sacred site.

The Hon. N. F. Moore: No, it is not a genuine site.

The Hon. D. K. DANS: He also said the airstrip is on a sacred site. I would not doubt that for a moment because when those things were built the people in charge of the station were not those who are in charge of it now, even though they might have lived on the land.

The fact of the matter is this: despite all the reprehensible actions on behalf of the Government, which have caused one problem to escalate into about 10—and which have blackened Western Australia's name around Australia and presented us overseas as the worst racist society possible—I am astounded that the Government is still no closer to getting Amax to drill for oil. So what was the purpose of the exercise? Was it to act tough and to say, "We will not let the black B's get away with anything"?

The Hon. G. E. Masters: That is a silly thing to say. It does you no credit at all. I would expect it from Mr Dowding, but not from you, because I thought you were more intelligent than that.

The Hon. D. K. DANS: The Government should go away and think about this: Despite all its reprehensible actions the problem of Noonkanbah is still unresolved. In fact, I do not think the Government is one inch closer to a resolution; probably it is further away. It has caused irreparable damage to Western Australia and to our image.

The Hon. G. E. Masters: That is quite incorrect.

The Hon. D. K. DANS: I suggest that the Government should go away and think about the matter and then immediately set about trying once more to reach agreement with the Noonkanbah community so that this blot on our national character may be erased—if ever it could be. The blot will not go away; it will leave scars for years. I believe that as a result of the anxiety of the Deputy Premier to prove himself we have got into a situation which will be difficult to retrieve.

Motion, by leave, withdrawn.

*House adjourned at 8.45 p.m.*