

Legislative Council

Tuesday, the 11th September, 1979

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

THE LATE LORD LOUIS MOUNTBATTEN

Condolence: Acknowledgment

THE PRESIDENT (the Hon. Clive Griffiths): I shall read the following letter received from the Agent General—

Dear Mr Griffiths,

With reference to your letter of 29th August regarding the death of the Earl Mountbatten of Burma, I have had the resolves of both Houses of Parliament in Western Australia conveyed to Her Majesty the Queen and to the Mountbatten and Brabourne families.

With compliments,
Yours sincerely,
L. W. SLADE
AGENT GENERAL

BILLS (9): ASSENT

Messages from the Governor received and read notifying assent to the following Bills—

1. Bulk Handling Act Amendment Bill.
2. Cattle Industry Compensation Act Amendment Bill.
3. Stipendiary Magistrates Act Amendment Bill.
4. Sunday Entertainments Bill.
5. Land Tax Assessment Act Amendment Bill.
6. Dental Act Amendment Bill.
7. Radiation Safety Act Amendment Bill.
8. Skeleton Weed (Eradication Fund) Act Amendment Bill.
9. Valuation of Land Act Amendment Bill.

WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL (No. 2)

Assent

Message from the Governor received and read notifying assent to the Bill as follows—

In accordance with advice contained in the Certificate of the Parliamentary Council and by virtue of Clause 2 of this Bill which was inserted to comply with Section 736 of the United Kingdom Merchants Shipping Act,

1894, I have sought the declaration of the approval of Her Majesty the Queen of the provisions of the Act in accordance with Section 2 thereof.

PARLIAMENTARY COMMISSIONER FOR ADMINISTRATIVE INVESTIGATIONS

Retirement

THE PRESIDENT (the Hon. Clive Griffiths): I have a further letter addressed to me and I shall read it to honourable members as follows—

Dear Mr President,

It is with very mixed feelings I write to inform you and the Members of your House of my intention to retire as Parliamentary Commissioner for Administrative Investigations, such retirement to take effect from 4th January next. In view of the nature of this office it seems desirable a substantial period of notice should be given.

May I express to you and your predecessors in office my deep appreciation for your unfailing help and courtesy. I would also like to express to both Ministers and Members alike my gratitude for their support and encouragement.

It is, however, not enough merely to express personal appreciation; the occasion warrants some broader comment. Western Australia was the first State to appoint a Parliamentary Commissioner or Ombudsman and this was a notable innovation but it is one thing to take such a step, it is quite a different matter to make it effective. To achieve the latter one must have acceptance by Parliament, Authorities and public alike. Had members of Parliament attempted to use the office for their own political advantage or involved it in public political controversy, the whole concept would have been doomed to failure. It is with real pride I can say nothing of this nature occurred nor has the slightest attempt been made to bring political pressure to bear on the Office. In a remarkably short time Authorities accepted the new institution while some 6 000 complaints indicate the public has not been slow to avail itself of a means to redress its grievances against those in authority. Avoiding boastfulness and self abnegation alike, I believe I shall leave the office in good shape and standing.

Although I am retiring, I trust there may be occasions in the future when I can still be of some service to the State.

Yours faithfully,
O. F. DIXON
Parliamentary Commissioner for
Administrative Investigations

QUESTIONS

Questions were taken at this stage.

BILLS (4): THIRD READING

1. Legal Practitioners Act Amendment Bill.
2. Constitutional Powers (Coastal Waters) Bill.
3. Crimes (Offences at Sea) Bill.
4. Off-shore (Application of Laws) Act Amendment Bill.

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

BUSH FIRES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 30th August.

THE HON. R. T. LEESON (South-East) [4.52 p.m.]: This Bill contains three small amendments which in the main are designed to clear up some anomalies which have existed over a number of years; and they are not of any great consequence. The only one of any substance is that requested by the Country Shire Councils' Association which will enable councils to elect the number of appointees and to appoint more than one deputy for each fire weather officer.

We support the Bill.

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [4.53 p.m.]: I thank the Opposition for its support of this small Bill. Since local government has accepted more responsibility in relation to bush fires, as provided for in the last amendments which came before the House, the legislation has worked very well on the whole. Bush fires have become much more the responsibility of those who live in the country and have to contend with them. I think it is preferable to remove this responsibility from the department's hands and place it in the hands of local authorities and those who are most concerned with bush fires.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

RESERVE (WOODMAN POINT-JERVOISE BAY) BILL

Second Reading

Debate resumed from the 23rd August.

THE HON. R. F. CLAUGHTON (North Metropolitan) [4.56 p.m.]: This Bill deals with the excision of approximately 25 hectares from an area of "A"-class reserve which was set aside for camping and recreation, and is part of the new arrangements dealing with the locality known as Jervoise Bay as contained in Metropolitan Region Scheme Amendment No. 255/31, which has been tabled in Parliament. This particular piece of land is supposed to be used for the fabrication of equipment for the North-West Shelf development.

It is a matter of some comment that the environmental quality of Cockburn Sound has greatly deteriorated with the building up of industrial establishments around the bay and with the restriction of water flow following the construction of the causeway to Garden Island. Much of the comment in the report deals with public concern in relation to this development. I am reminded of the biblical quotation, "For what is a man profited, if he shall gain the whole world, and lose his own soul?" It is a somewhat analogous situation in relation to Cockburn Sound that we are prevailed upon to accept increasing industrial use of the area surrounding the bay and the development of the sound as a port.

However, in so doing we lose the advantages provided by the sheltered waters; advantages which make life pleasant and enjoyable, and perhaps even meaningful. Therefore to say it will provide work and the means of sustenance is not a sufficient reply to the criticism of people who object to further industrial development, because people require more than that in their lives. What would it profit us if we finally exploited all the immense resources of this country and so desolated the land by that and by industrial development that it was no longer a pleasant place in which to live? We must maintain a degree of balance in decisions regarding the uses to which land is put.

The Opposition recognises that in the proposals partly contained in the Bill and fully developed in the tabled report, improvements are included in

respect of the uses to which land surrounding the bay may be put. That land which is currently set aside for industrial uses will now be set aside for reserves. That is a good and worth-while development, for which we give the Government and the MRPA full credit. However, it is only part of the story; the locality has its value mainly as a water recreational resource for the community. Perth has a population of some 800 000 people with very small areas of sheltered water available for them to take part in recreational activities on and in the water. That is the reason that public feeling is so strong in respect of what has occurred at Cockburn Sound.

The Government has stated it is not possible to obtain an alternative site to the land which is to be excised. It says it examined sites elsewhere. When one looks at Cockburn Sound itself, as I did along with the Hon. Des Dans and the members for the area (Mr Don Taylor and Mr Mike Barnett), one must agree it is the best and most logical site on the sound for the purpose for which the Government has stated it should be used. However, I believe the public would find it difficult to conceive that nowhere else along the great extent of the Western Australian coast is it possible to find an alternative site.

One of the points made by the Government in putting forward this proposal is that the site has protected waters which are necessary for the nature of the construction which is to take place. We all know that Western Australia has a highly dangerous coast and large numbers of wrecks may be found along its length—a figure of 1 500 was quoted just recently.

The Hon. R. Thompson: There are a few at Cockburn Sound, too.

The Hon. R. F. CLAUGHTON: Yes, it forms part of the coast, of course. This emphasises the fact that the public have very limited places where they may participate in recreational activities on protected waters; and this places Cockburn Sound in a very special category. If we accept the word of the Government that it is difficult to find protected waters elsewhere, then I think the Government also must recognise that point is true in respect of people who want to use protected waters for recreation.

In a review of the needs of industry and the resources available to industry, it is obvious that areas which may not be suitable for recreation could be made available for industry. The report stated that the Government should make known the results of its studies in respect of alternative sites. A section at the end of the report tends to deal with that matter and sets out the

requirements for a site to be used for such purposes. It shows that Jervoise Bay fulfils pretty well all the conditions, which makes it an ideal site. However, the report does not go into any great detail in relation to sites elsewhere along the coast. The information offered in the report does not demonstrate that an exhaustive study was made of the reasons that alternative locations were not suitable. From that point of view I think the Government is open to criticism.

We find the report stated that efforts should be made to satisfy the public that evaluations have in fact been made in respect of alternative sites.

The Labor Party is not inclined to support this legislation because a Class "A" reserve is to be excised. It believes in principle that this should not be done. We oppose the excision to that extent, but that would not be a major ground for opposing the proposals in general.

The Government has attempted to justify the excision of this recreational land on the grounds that it is in a poor condition and has been used for quarrying purposes. The Government says it is a very poor example of the original heath which covers the rest of the reserve. Certainly anyone visiting the locality would agree that quarrying has occurred there and certainly the site is not an attractive one compared with the original heath land. But that is a weak ground for justifying the excision of the land because at the moment it is vested for camping and recreation. As a result of the quarrying level areas have been created which currently are used by the clubs established there, partly for a go-kart track. Certainly if one wanted to park a caravan on the site one would find it would be much easier to do so on level land than on the original heath land.

We could claim that the Shire of Cockburn has been rather slow to tidy up the quarried area, but that is about all the criticism we could offer. The shire may well have been thinking that by using limestone from the area the site was being made more suitable for camping and other recreational purposes.

The land surrounding the area to be excised remains an undisturbed piece of heath land. The lack of activity in that area has ensured that the original bush remains so that the public have a chance to enjoy and appreciate it. We would find very few examples within a reasonable distance of Perth of this original heath-type of plant community.

I would say the Government's attempt to justify the excision on the grounds that the land has been used for quarrying and that no great effort has been made by the local authority to tidy it up is a

weak attempt indeed. Those are weak grounds for excising land from the reserve. Stronger reasons need to be given. When we read the objections made by citizens—and they came from all over the metropolitan area and beyond—we find that in the main people object to the fact that industrialisation has led to pollution of the sound. The water quality is very poor. Great disturbance of the natural environment of Cockburn Sound has occurred. Further development can only add to the sum of that pollution.

In reading this report and the information put out by the Shire of Cockburn, which include the comments of various experts who have examined Cockburn Sound, one finds that very little effort has been made to control the pollution. As a side issue, I would mention the departure of Dr Chittleborough, who was extremely dissatisfied with his scope for improving that aspect. This report comments on that aspect in several places. In fact, the recommendations on pages 16 to 19 of the report indicate that there has been gross negligence on the part of the authorities in managing the water environment.

The approval of the EPA in recommendation 1 contains a very strong criticism of what has happened in the past. The approval is completely conditional on the level of interest and intent on the part of the controlling authorities, to ensure that action is taken to prevent future pollution and to cure that pollution which has already occurred. Recommendation 1 reads—

Providing the management programme and further work suggested in the ERMP, together with the recommendations contained in this report are accepted and implemented, no environmental objection can be seen to the proposal proceeding. The ERMP as presented should be endorsed except for those sections which should be modified as indicated.

It is apparent that the EPA would continue to give its support only if those matters were attended to. Obviously, if no action is taken to improve the quality of the waters of Cockburn Sound, the EPA could hardly continue to approve the developments proposed in the Bill before us.

The people working in the EPA would be greatly concerned for the future. Certainly the past would have given them very little cause for optimism.

One of the important aspects, as mentioned under succeeding recommendations, is the fact that the existing pollution is capable of being reduced and brought to acceptable standards. If we accept that statement in this report, it places a

stigma on the Government because the pollution has not yet been controlled.

Recommendation 2 was the one for which I was looking earlier. It reads—

Information on the evaluation of alternative sites should be made public in order that the community can assess the rationale behind the selection and balance what is gained against what is lost.

As I have stated, that has hardly been done, according to the information contained in this report.

Another reason given by the Government to justify the increased industrialisation of this area of the bay is that Woodman Point will compensate in part for the various changes—the moving of the explosives area, for example, which makes available to the public an area which has not been available freely in the past. I am reminded that Woodman Point was to compensate for the loss of Garden Island. It could hardly compensate now for the loss of the recreational area to be excised by this Bill.

Although this aspect is not covered in the Bill, I would like the Government to continue to prevail on the Australian Government to ensure that better access is provided to Garden Island. Some families have used it as a holiday resort for generation after generation. Their virtual exclusion from the island is hardly justified by the supposed defence purposes which have been stated.

We are all aware that the defence establishment was intended to provide a port facility as much as a defence facility. It is highly likely that facility will be like the gun which sits in a prominent position on Rottnest Island; it will never be used in anger. The nature of warfare will have changed so much it will be an interesting historical item in the future.

The Hon. Neil McNeill: I can recall very serious objections by members of the Labor Party when those fortifications were being removed—the ones on Rottnest Island and along the coast. In fact, I could name the members and when it occurred.

The Hon. R. F. CLAUGHTON: I have no doubt it was as much a political matter at that time as are the defence facilities on Cockburn Sound in more recent times. What such facilities do for the defence of the country is a different question altogether. Certainly their placement has meant the loss of a very important recreational facility.

In the report the comments made by citizens show a consistent feeling of disbelief that a Government will not take sufficient care to protect Cockburn Sound and its waters as a recreational facility. I will select some comments at random, as follows—

124. Accepts need for industry but suggests it be located further north to avoid polluting environment of coast.

125. Opposes further industrialisation in Cockburn area on aesthetic/scenic grounds.

126. Industry is necessary, but not at expense of wasting our natural heritage; retain the beaches.

They indicate the theme that runs through all these objections.

There is a big credibility gap for the Government to fill in relation to this aspect. The public does not accept the assurances that the quality of the area will be protected. It believes that whatever facilities are added will increase the pollution and cause the eventual loss of the bay and Cockburn Sound as a recreational reserve.

All the recommendations are commendable. If the proposals were carried out, perhaps we would have no qualms or fears about what might eventuate there. If all that was said were true, the area would be much better than it is now.

Concern has been expressed in respect of Owen Anchorage. It has been said there is strong pollution from the effluent of the meatworks. That is unnecessary and it is highly dangerous to the public. If the effluent is not controlled, the public should not be allowed in the area. The report makes the point that unless the water in Owen Anchorage is improved, the public should be kept out of it.

I understand that is the area to which the Jervoise Bay Yacht Club is to be moved, so the members of the club would use the waters in the locality of that pollution. The report states that unless the effluent is controlled, people should not be allowed into the water. The Government should make a commitment in relation to that aspect. Before any changes are made, discharges should be cleaned up, and the possibility of salmonella infection should be removed.

Increased noise was another matter raised in the recommendations. The citizens of Wattleup would experience increased noise as a result of the industry in the area and the noisy vehicles operated by members of the Tiger Go-Kart Club. That is an aspect which should be attended to before the changes are put into effect.

We accept, as we must, that the legislation will be passed. However, the Government should give assurances that, if the area to be excised as a result of the Bill is not used for the stated purposes, it will be returned to an "A"-class reserve and retained for recreational purposes. That is the least the Government can promise.

The Government said the area had to be excised because the activities of the company fabricating the particular equipment concerned needed very protected waters, and that there was no other area suitable for the purpose.

To carry through that reasoning, surely if the area is not used for the purposes set out in the legislation, the Government should give the assurance that it will be returned to its present vesting.

I have covered the matters to which I wanted to refer. The Cockburn Town Council has objected strongly to this matter. However, I should like to return to the point I made earlier in relation to the other zoning changes proposed in the tabled report. These are highly desirable and we want them put into effect. We doubt whether Cockburn Road would remain in a usable state if the fabrication plant developed, because the nature of the construction is such that the land east of the current line of Cockburn Road would be required. It is difficult to imagine uncontrolled traffic continuing to travel through what would be the busy end of a large industrial plant.

I am told the jackets and module units are extremely large pieces of equipment and that large machinery is required to transport them from one point to another. Members of the Labor Party, like Government members, are hopeful the North-West Shelf development will continue to progress and become an important enterprise for the State. Therefore, we do not want to delay an activity which will assist that development. At the same time, however, we should like to point out the concern felt by the public in this regard. That is our proper role, and I have pointed out the problems that may occur.

THE HON. R. THOMPSON (South Metropolitan) [5.35 p.m.]: I do not intend to be like the last speaker and have a ticket each way on this legislation. I express my total opposition to the Bill before us.

I would like to go back to 1961 and point out the snide manner in which the Government attempted to excise this very reserve from being an "A"-class reserve for the purpose of the construction of ships by the Southern Cross Shipbuilding Company. The Government attempted to do this through its Reserves Bill.

Most of the companies in Western Australia which have the name "Southern Cross" attached to them go bankrupt. This was the case with Southern Cross Hotels, Southern Cross Homes, and the Southern Cross Shipbuilding Company. The latter company operated in North Fremantle in 1961; but it went bankrupt, as did most of the other companies bearing that name.

I should like to refer to the history of Jervoise Bay and Woodman Point, and particularly to the fact that the Minister said, in his second reading speech, that this reserve had been ravaged. Of course, that is utter nonsense. It was not a reserve when it was ravaged.

In approximately 1914 quarrying occurred in this area when Henderson Naval Base was under construction. Mr Berry, who is a little older than I, would probably agree.

The Hon. G. W. Berry: That is correct.

The Hon. R. THOMPSON: The quarrying which occurred was for the construction of the groyne which exists in the area today. This was built in preparation for the construction of the Henderson Naval Base. That died a natural death; it was never continued.

Woodman Point is, and always has been, under the control of the quarantine authority. A gate was erected in the middle of the reserve at that time and it is still standing. For some unknown reason, in the 1950s the authorities started to lock the gate so that people were denied access to Woodman Point.

I took the place of Mr Gilbert Fraser in this Chamber. At that time he was Minister for Local Government and, as a result of a deputation by him, the quarantine authority—

The Hon. G. C. MacKinnon: I thought you took Mr Davies' place. Who took his place?

The Hon. R. THOMPSON: The Hon. Des Dans.

The PRESIDENT: Order! The honourable member is still wrong; but that has nothing to do with the debate.

The Hon. R. THOMPSON: I accept I am wrong. Mr Dolan took Mr Davies' place.

At that time people were being denied access to Woodman Point. Following a deputation by Mr Gilbert Fraser it was agreed that Woodman Point would be open to the public on Saturdays, Sundays, and public holidays. However, on occasions people's vehicles became trapped in the area and the owners had to wait until the following Saturday to reclaim them.

Representations were made to the Government of the day so that people could have access to the

beach. In 1957 this stretch of land was made an "A"-class reserve. The focal point of the reserve is where the groyne is located and where the Cockburn Power Boats Association carries out its activities. The Tiger Go-Kart Club and the public launching ramp are in the same area.

It was necessary for the then Shire of Cockburn to quarry—not ravage—a sufficient area for parking. I believe I should set the record straight in regard to the comment made by the Minister that the reserve had been ravaged.

This land is vested in the Cockburn Town Council for the purpose of camping and recreation. The council employees tried for some years to obtain land on which to establish a caravan park and to construct holiday cottages. However, the council, in its wisdom, decided it would not let one group of people have control of an "A"-class reserve.

The Hon. Neil McNeill: Hasn't some quarrying taken place in the last 12 months or so for some other purpose in that locality?

The Hon. R. THOMPSON: The council is still clearing land. Quarrying was conducted in several places previously.

The Hon. Neil McNeill: I am talking about the last 12 months.

The Hon. R. THOMPSON: Quarrying has not been conducted on a very big scale. It has been a matter of cleaning up in preparation for the provision of more recreational facilities.

It must be remembered that before the land can be leased, whether by the Cockburn Town Council or anyone else, authority must be obtained from the Minister. I should like to refer to a speech I made on this subject on the 9th November, 1961. I quoted a letter from the then Shire Clerk of the then Cockburn Shire Council. It reads, in part, as follows—

The following are the points raised by the shire clerk of the Cockburn Shire Council in support of the case for the retention of the area as a Class "A" Reserve between the groyne and the breakwater:—

1. On the southern end there is approximately two hundred yards of sandy beach.
2. Between the Groyne and the breakwater there is approximately 550 yards of ground nearly level with the sea shore and extending eastward to the cliff face a distance of 200 yards.

3. These are the only portions of the coastline in this reserve that are accessible other than climbing down a cliff face.
4. The area between the Groyne and the Breakwater is level with the sea, because of the fact that it was extensively quarried some years ago.
5. The Tiger Go-Kart Club by expenditure and voluntary labour have built up assets to the value of £3,000 on the area between the Groyne and the Breakwater.
6. On the 29th August, 1961, application was made to the Minister for Lands for lease approval to the Go-Kart Club. No reply has been received to such application, although a signed lease between this Authority and the Go-Kart Club was enclosed.

I referred to the snide manner in which the Government tried to excise the land in 1961. At that time I received the full support of the members of the National Country Party and some Liberal Party members. As a result, the clause to which I objected was deleted from the Reserves Bill.

When the Bill was returned to the Assembly, the clause was reinstated, because the Government had the numbers. Despite the objections made by the then Cockburn Shire Council, the Government proceeded with this legislation. However, the council stuck to its guns and after weeks of protracted debate the matter went to a committee of managers. I was a member of that committee and, fortunately, it saw fit to leave the reserve as it was and it has remained in that state ever since.

The reserve was created in 1957 and in 1961 Charles Court, as he was then, as Minister for Industrial Development, endeavoured to introduce industry into the area. I do not intend to let the then Cockburn Shire Council off the hook completely. After I had fought the battle for the council, and Parliament had agreed to its request, the council then allowed 10 blocks of land in the area to be used for shipbuilding. Some years ago it gave in to the Government and allowed the thin edge of the wedge to make its way into Jervoise Bay. That was a colossal mistake. Although the council needed the support of members of Parliament in order that this area could be retained as an "A"-class reserve, it allowed industry into the area without referring the matter to members at that time.

So as far as the Cockburn Town Council and I are concerned, mistakes have been made.

As I go along, I will prove, Mr President, that the Government has set out to obtain reports that are in line with its thinking, and it has paid for these reports. We know that one can get any report one wants if one is prepared to pay for it. T. S. Martin & Associates; Soros, Longworthy, and McKenzie; and the Metropolitan Region Planning Authority were asked for this type of report. No Minister can deny that because the organisations concerned were asked to consider one area and one area only.

I would like the Minister to answer some questions. What areas other than Jervoise Bay were investigated by the Government? What is the proposed cost to relocate the explosives depot—which the Minister told us in his second reading speech is to go south of Rockingham—the Cockburn Power Boats Association, the public launching ramp, the Tiger Go-Kart Club, and the Underwater Explorers Club of WA? What will be the cost of the construction of the new roadway? Incidentally, the Main Roads Department does not agree totally with the plan for the construction of the new roadway.

The Parliament is entitled to know what all this will cost. It is also of interest to me and to the public generally to know how much the Government has paid for the reports that are now before us. I am sure that many thousands of dollars have been spent on these reports, and yet the Government will make up its mind irrespective of them. In fact, as I pointed out, the reports are in line with the Government's thinking.

It is very strange that the Government is proceeding at this stage when the Chittleborough report is due out in a few months' time. Probably that report is being printed at the moment, but if its findings are in total opposition to this plan, the Government will proceed on the basis of the reports it has obtained.

There is one person only who thinks that the Cockburn Sound is cleaner now than it was when he was a child, and that is Michael Kailis. Michael Kailis has written letters to the Press, and he has attended Chamber of Commerce meetings. He says that he swims in the sound every day, but he is misleading the public generally. Even the Environmental Protection Authority and Soros, Longworthy, and McKenzie say that the sound is not as clean as it was.

Why were these studies limited to the Jervoise Bay area? Why were not the industries in Kwinana included so that Soros, Longworthy, and

McKenzie could have brought out a full and honest report about the effluent that is being pumped into the Kwinana end of Cockburn Sound?

We have heard a great deal about the grand development that is to take place in this area, but I would like to ask the Government this question: have any companies or organisations made a firm commitment for land in the area? The only one I know of is the company with which Mr Michael Kailis is involved. If firm commitments or approaches have been made to the Government, we are entitled to know about them. Perhaps this whole plan is a pie-in-the-sky flowover from 1961. Many other areas along our coastline could be utilised for this purpose.

What is the estimated cost of carrying out the recommendations contained in the metropolitan region town planning scheme that has been tabled for our perusal? At a later stage I would like to discuss those recommendations more fully.

What guarantees is the Government giving that the water quality of Cockburn Sound will be improved? That leads us, of course, to the burning question: when will the water quality be improved?

Some years ago legislation was introduced into this Chamber in relation to CSBP & Farmers Limited. I spoke against that legislation at the time, and I said that if 350 tonnes of residue a day was pumped into Cockburn Sound, it would neutralise the salt to some degree. However, at that time I had no idea that cadmium would be pumped into the sound as well. This evil has caused the closing down of commercial fishing operations in the sound. Is the Government now intending to rewrite the agreements it rushed into with the companies bordering on the seashore in the Kwinana region of Cockburn Sound? Does the Government intend to say to the iron producers, "You cannot dump effluent into the ocean; you cannot leave your slag along the seashore"? I know that the companies are not doing this at present, but the agreement contains such permission.

I admit that I carried on a running fight with Alcoa of Australia Limited when it first set up its operations in this area. A few months ago I met with the manager of this company, and he assured me that no effluent from Alcoa now goes into the sound. I must give credit to this company, but it is the only one in this area that does not pour some sort of poison into the sea.

The Hon. Neil McNeill: To your credit, you changed your attitude to Alcoa greatly.

The Hon. R. THOMPSON: A dozen times in this Chamber I said that the company would have to do something about the problem, and it came up with a solution. Certainly there were many teething troubles.

When the company first started its operations in this area, I would sometimes receive a telephone call that effluent was being pumped into the sound. I would drive there as fast as I could, and I would sprint 300 yards along the beach to collect water from the effluent pipe. I would then have this effluent analysed at my own cost. I believe my efforts were worth while, because the company could see that it was doing the wrong thing. However, that is the only company to which I can pay tribute.

As I have mentioned, the reports commissioned by the Government did not permit the studies to extend into Cockburn Sound proper. These reports were related to Jervoise Bay and Owen Anchorage. A great many pollutants go into the sea from Owen Anchorage. One company approached me in 1965 indicating that it was prepared to meet the cost of erecting spoil tanks in various places. The effluent would be pumped into these storage tanks, and then fed into the sewer which is piped to Woodman Point.

If memory serves me correctly, I moved a motion in this House that this plan be implemented. The reply from the Government was that the sewerage system was based on a high pressure main and that it was not possible to accept the effluent from the industries in the area; that is, from the WA Meat Exports Pty. Ltd. at the one end to Anchorage Butchers (WA) at the other. Of course, after that attempt the companies lost interest and they are still pumping filth into the sound. Over the years the *Daily News* and the *Sunday Independent* have both carried articles about this problem and they have published photographs of floating offal, sulfonated oil, and blood which, depending on the tide, pollute the area from Coogee Beach to Woodman Point.

Woodman Point is to become an "A"-class reserve as a salve for the taking of Jervoise Bay. Of course, some years ago the Government allowed Cockburn Cement Ltd. to construct a sand-washing plant at the end of Woodman Point. The filth from that sand-washing plant will destroy Coogee Beach and Woodman Point as swimming areas in the future.

In the metropolitan region town planning scheme we find that the cost of these grand plans for Woodman Point is to be borne by the Cockburn Town Council and the Government, with the MRPA as the manager of the project. I

do not think the Cockburn Town Council is sufficiently interested to develop Woodman Point, nor does it have the money to do so. The main factor influencing the council is the filthy sewerage works constructed directly to the east of Woodman Point. Anyone who has driven along Cockburn Road on a morning when an easterly breeze is blowing will agree with me that the stench is obnoxious. If any steps are being taken to abate this stench, I have not heard of them.

Sitting suspended from 6.00 to 7.30 p.m.

The Hon. R. THOMPSON: Prior to the tea suspension I was saying that further along the road from the Woodman Point sewerage works there are breather pipes which are extremely putrid. Members can imagine that in a residential area the prevailing breezes on hot summer days and nights carry a smell which the local residents have to suffer. Members can appreciate the smell that emanates from the Woodman Point sewerage works.

The Government has made the blunder of blunders by buying Woodman Point from the Commonwealth Government with a view to establishing it as a playground for the southern sector of the metropolitan area. If the Government had wanted to establish these works, it should have left the "A"-class reserve intact, and constructed the shipbuilding and allied industries at Woodman Point.

The people are sick and tired of being told by the Premier and in reports commissioned by this Government that this is what is needed, and this is what the people will have. The people will not accept that, because Woodman Point is not a "goer" as far as the people of Cockburn are concerned.

If members refer to the submissions made in relation to the amendment to the metropolitan region scheme, they will find that the submissions came from far and wide. From memory, I think there were 139 submissions. About six submissions supported the Government, and the rest opposed it.

The whole coastline has been ruined. The Government has taken the seafront from the people, and it is giving them something that will be smelly and second class. What about the cost? One of the questions asked is, "What will be the cost to the public purse? What are the public going to pay for the relocation of all these things?"

For much less money, the Government could develop Woodman Point north of the existing shipyards, and there would not be a squeal from the public, the Cockburn Town Council, or

anybody else. The Jervoise Bay area is one that people love, for one reason or another. If we tried to take away an extremely beautiful part of Bunbury, the Leader of the House would be on his feet in Cabinet, doing something to protect an area that people like.

If one drives from Fremantle or Perth to Rockingham, the only part of Cockburn Sound one can see from the car is the area of land that is to be excised. People do not like that idea. Members can well understand that the Premier's popularity throughout Western Australia is dropping. The Premier tells people what they shall do, and when they shall do it.

On Saturday, the 25th August, 1979, an article appeared on the front page of *The West Australian* which read as follows—

PREMIER SEES A SUBTLE THREAT

The Premier, Sir Charles Court, last night warned of a subtle new propaganda offensive against democracy.

He said that the susceptibility of democratic governments to electoral pressure was being exploited as never before.

Further down he said something about international democracies and national comparisons. Then he said—

Locally, mysteriously-financed pressure groups were trying to force governments into irrational decisions through high-powered arousal of emotions based on false evidence.

The article continued on page 7 as follows—

One of the most recent disappointing examples of pressure-group approach had involved the Cockburn Town Council response to the development at Jervoise Bay, he said.

[The Mayor of Cockburn, Mr D. Miguel, this week criticised the Government's decision to go ahead with plans to take 25 hectares from an A-class reserve for industrial use.]

Sir Charles said that the Government was providing space in Cockburn Sound so that big orders could be won for work on the North-West Shelf gas project.

He said: "When so many people need work, I find it incredible that any authority would publicly oppose a work-making essential service of this kind except for reasons which do not reflect public interest.

That is the type of person we have leading the State, telling the Cabinet what it will do, when it will do it, and how it will do it.

The Hon. O. N. B. Oliver: Did you also read the leading article in *The West Australian* of that day?

The Hon. R. THOMPSON: Mr Oliver can follow me if he wishes.

Let us consider the reports that perhaps went through the Liberal Party room, although I doubt it. Let us consider the report commissioned by the Government. God knows how much it cost. It is the report by T. S. Martin & Associates. On page 100 of that report we read—

The location and extent of the Report area shall be the general area of Woodman Point/Jervoise Bay localities together with the adjacent seaward and land-back areas.

One can have anything in a report if one is prepared to pay for it. Of course, T. S. Martin & Associates were confined to an area. There was only one area for them to report upon.

If any member wants to hear the objectives of the report, I will read them out.

The consultants were given a job to do—to prepare a favourable report. However, within that report they do refer to some safeguards that the Government should take. They made recommendations, which are on page 95 of the report. They said—

This Study shows that there is a need to provide additional marine facilities on the metropolitan coastline to meet the requirements of expanding shipbuilding and fishing industries and to allow components for the off-shore oil production industry to be constructed in Western Australia. Jervoise Bay is the most appropriate location for such facilities.

That is the only area they investigated. That is brought out in the Soros, Longworth and McKenzie management report. That was the only area investigated.

How honest or dishonest is the Government in proposing such a scheme as this? I would say it is totally dishonest.

I mentioned earlier the Main Roads Department was opposed also to the relocation of Cockburn Road. The proposed relocation of Cockburn Road is not justifiable in environmental and economic terms. The existing Cockburn Road between Woodman Point and Naval Base is a beautiful scenic drive. I made that point earlier. On page 48 of the planning study we read—

It is the opinion of the Main Roads Department that a continuous coastal road will always be required through the Study

Area. At the moment, this function is carried out by the existing Cockburn Road.

It goes on to deal with a number of reasons. If the coastal road was relocated, it would go through a wetland area. Stock Road, the next road which is contiguous with Cockburn Road, would not be able to carry the traffic.

The report deals with costs. It is point 3.2 on page 11 of a submission made by the Cockburn Town Council which reads—

3.2 Upgrading can be achieved progressively without massive outlays of funds in any one year. The estimated cost for providing an upgraded single carriageway on the present alignment is \$1,120,000 and for a dual carriageway is \$2,128,000 not including land costs.

3.3 As services use the existing road reserve, this reserve will have to be maintained unless someone pays for their relocation.

The Hon. R. J. L. Williams: Will you tell *Hansard* what report that is, because you are quoting from so many?

The Hon. R. THOMPSON: This is a statement in the Jervoise Bay Rationalisation Environmental Review and Management Report of April, 1979, from the Town of Cockburn. I believe I read out the page numbers.

The Cockburn Town Council has done a considerable amount of work examining all the reports which have been circulated. On page 15 of this report the following comments appear—

Alternative locations to Cockburn Sound and Owen Anchorage have not been considered adequately. During the proceedings of the three committees involved in studying the Jervoise Bay rationalisation proposal, the council representative asked for a study of alternative locations to Cockburn Sound and Owen Anchorage. Such a study has never been produced.

Page 3, paragraph 1 of the planning study reads—

The Metropolitan Regional Planning Authority was directed by Cabinet in May, 1978 to inquire into and report on the ways and means of enabling new industrial development to establish in Jervoise Bay and the recreational development to proceed at Woodman Point.

That is a Cabinet decision. Item 6 of the consultants' brief reads—

Cabinet has resolved that plans should be prepared for expansion and improvement of shipbuilding facilities south of Jervoise Bay

and for recreational uses and associated facilities at Woodman Point.

Is any member of the Government going to deny that? Page 2, section 1.3 of the minutes of the Woodman Point-Jervoise Bay study committee meeting held on the 21st July, 1978, reads—

Choice of Location.

It was noted that the preamble to the terms of reference would specify that a choice of a location is restricted by a decision of the Government that Jervoise Bay is to be the location for an enlarged shipbuilding industry and as such the merits of other alternative sites would not be required.

I believe I am making my point adequately—and so was the Town of Cockburn—that this was a direction from the Premier. He decided Cockburn Sound would be used in this way.

Page 16 of the report reads, in part, as follows—

The Department of Industrial Development should be asked to justify that section of its Use Warrant on Page 35 of the Planning Study Item 6 which reads—

The site must be in an area where an adequate labour force of the appropriate kind is readily available; that is, the site needs to be in close proximity to a substantial existing council.

If we want to look at an alternative site for the developmental stage of the North-West Shelf gas project, an area where there is much unemployment, and where there is a skilled labour force, we can choose between Cockburn Sound and Port Hedland. Which site is closer to the North-West Shelf? Of course Port Hedland is. The transport of equipment to the North-West Shelf would be much easier from Port Hedland.

I am not concerned about where the jobs are provided. I do not believe the particular area in which the industry is located will benefit greatly. Port Hedland has more to offer than Jervoise Bay as far as transportation to the site is concerned. Of course, members have read the comments made in the report. It says that Jervoise Bay is the site that was selected by the Government.

We can look further at the report and at what is going to happen to Cockburn Sound generally. It has always been the objective of the Leader of the House to ask people to do certain things, rather than to compel them to take specific action. That is why we have polluted water in Cockburn Sound today. We can blame the present Minister and those before him for their lack of initiative in failing to tell industry that the

water in Cockburn Sound and along other parts of the coastline of Western Australia is an Australian heritage. It belongs to the public. It does not belong to industry which operates in Western Australia and continues to pollute the sea and atmosphere.

I shall read again from page 1 of the report of the Cockburn Town Council as follows—

The conclusions on water quality are based on insufficient data and existing controls are inadequate.

The following is an extract from page 7 of the consultants' progress report to the technical committee at its meeting held on the 27th November, 1978. It is headed "Environmental disturbances" and reads as follows—

Proposed industrial usage will disturb the marine environment through reclamation of the foreshore by piling, dredging and by occupancy of water areas now used for recreational purposes only. Additionally, industrial activity will introduce new levels of pollutants into the atmosphere and into the water. Paint and particles from sand blasting will be airborne from the off-shore construction site and from the shipbuilding activities. Oils will inevitably find their way into the water.

Proposed recreation usage will also disturb the existing environment by occupancy of unused places and by construction of breakwaters, jetties and reclaimed areas. The shoreline will be subjected to erosion. Boating activities, particularly in marinas, will result in discharge of oil, paint and organic matter into the water.

Water quality is a central environmental concern. Because it is not possible, on present information, to definitively predict the effect of developments on water quality, there is a need for an ongoing water quality monitoring programme as proposed in Section 10.2.

Although it is considered that the half-curtain break-water will not inhibit interchange to any marked degree, a programme to establish local water movements before and after any break-water construction is essential. This is necessary because of the paucity of existing data.

Of course, if members look at the Martin and Soros reports, they will see that the people involved in the inquiries could find no information within Government departments relating to water movement cycles, because the nature of water movement had not been studied.

On page 2 of the Government report the following comments appear—

Nature of Water Movement

No detailed study of water movement in Jervoise Bay has been made. Information which is available is largely derived from a coarse grid (1km square) numerical modelling study of Cockburn Sound and Owen Anchorage as a whole (Appendix 'B'). This model has been tested against measured currents taken in Cockburn Sound.

This is a Government report. As I said earlier, one pays for a report and one gets what one wants if one pays for it. Although comments like this are made, it is still recommended that the scheme should proceed.

Page 53, paragraph 3 of the report says—

Water movement within Jervoise Bay would be expected to be topographically controlled by the shape of the Bay area. From the above studies, the rate of flushing is uncertain, but would be expected to be low. Such behaviour is important because of the proximity of the sewage outfall.

I should like to mention that it is not uncommon to see raw sewage in Cockburn Sound. The Government should extend the sewage outlet pipes at least another five or six kilometres into the sea so that Cockburn Sound does not become polluted from that source.

The Hon. G. C. MacKinnon: That raw sewage would not come from the treatment plant.

The Hon. R. THOMPSON: It has been reported in the Press on numerous occasions that raw sewage has been seen in Cockburn Sound.

The Hon. G. C. MacKinnon: It is coming from ships, not from the treatment plant.

The Hon. R. THOMPSON: The way the treatment plant smells, I would not be surprised what is coming out of it.

The Hon. G. C. MacKinnon: Of course you would be surprised. You know how a waste water treatment plant works. It is physically impossible. It comes from a yacht or boat.

The Hon. R. THOMPSON: Page 95, paragraph 3 of the report reads as follows—

In the absence of a more detailed investigation, this form of breakwater is favoured in place of the more conventional rubble mound breakwater because of lower cost and because it would not restrict water circulation as much as the latter type.

On page 101 we see the following—

Provision of better conditions for the shipyards at Jervoise Bay is expected to enable the yards to handle and repair bigger ships and obviate the need to 'slip' all vessels. This could cause problems. Water circulation in Jervoise Bay is minimal and enclosure by the necessary breakwaters will further hamper water mixing and interchange. It is essential that an adequate sewer system, discharging to the Metropolitan Water and Sewerage Board be constructed through the shipyard and fish handling area, and that all waste water both from the shipyard and from the ships should be discharged to the sewer. The study team are advised that this will be undertaken.

I should like to know by whom the study team is advised, because we have heard these promises before. I have heard them for 20 years, but I should like to point out that the promises made by Governments are never kept. As a result, Cockburn Sound is polluted at the present time.

I could spend hours on this report alone. On page 7 the comments made in the report have been condensed and we see the following statement—

Further condensing of these extracts highlights the insufficient data.

It is pointed out here what the various reports have said. It reads—

It is not possible, on present information, to definitively predict...

It then refers to—

The paucity of existing data.

A detailed study of water movement in Jervoise Bay has not been conducted.

The rate of flushing is uncertain, but would be expected to be low.

In the absence of a more detailed investigation, other studies, such as the Cockburn Sound study, will continue.

Despite this lack of data, the evaluation by Soros, Longworthy, and McKenzie was that no adverse effect will be registered provided certain management provisions are complied with.

The Cockburn Town Council made the following comment—

The track records of the Government and those departments exercising pollution controls in Cockburn Sound give no reason for confidence that stringent controls can or will be exercised in the future. There is obviously a potential pollution hazard which

will become a reality under the Rationalisation proposals.

Of course, the Cockburn Town Council recommended that the Government be advised water circulation in Jervoise Bay is so low that gross deterioration of the water quality will result from implementation of the proposals and that the Jervoise Bay rationalisation plan should be abandoned.

It should never have been started. If the Government had been honest it would have carried out a complete study of other areas rather than complete the ruin of Cockburn Sound. That is the intention of the Government because, as the Cockburn Town Council said—and I agree—there is no justification for these works to be constructed in Cockburn Sound. The Rockingham Shire Council is up in arms at the present time because the metropolitan region scheme will not be amended. That allows wharfage to take place in its area.

Over the years we have listened to the Government and the experts, and where have we got? We have got into a bloody great mess; that is the stage we have reached. The Government, and the Ministers, should wake up to themselves and try to see where we are heading, and why.

Everything which means something to the people in the area will be lost. I asked earlier for some costs the State will pay for this proposed grandiose scheme. I do not imagine there are many firm offers at this stage. At page 17 of the Cockburn Sound Commission report it is stated that there has been no cost/benefit analysis. The report reads—

No real attempt has been made to assess the costs and benefits of the proposals in economic and environmental terms. The following estimated costs have been extracted from the Study and the Report:—

That is alarming when it is realised that three shipbuilding establishments in Cockburn Sound will disappear. The costs of re-establishment are set out as follows—

	\$
Breakwaters (Stages 1, 2 & 3)	12 080 000
Dredging new channel	250 000
Sewerage to foreshore industries	250 000
Re-location Tiger Go-Kart Club	80 000
Re-location Cockburn Power Boat Club	100 000

The relocation of the Cockburn Power Boat Club is underestimated because its new clubrooms cost \$80 000, and a large sum of money has been spent on the clubrooms since then. Incidentally, I am a member of that club, as is the Deputy Premier.

The relocation of the club would be in the order of \$250 000. The re-establishment costs continue—

	\$
Re-location Coastal M/C Club	20 000
Re-location Underwater Explorers Club	8 000
Acquisition rural & industrial property Russell Road	500 000

Those costs add up to \$13 288.

The Hon. G. C. MacKinnon: I think that last figure probably is wrong.

The Hon. R. THOMPSON: I am sorry if I quoted the wrong figure. The total is \$13.288 million. However, the costs for the following facilities have not been given—

Fishing wharves and unloading equipment
Freezers and cold stores
Administration offices and staff facilities
Re-location of public launching ramps
Power, water, drainage, telex to oil rig site
Filling loading-out platforms
Land acquisition for re-location of Cockburn Road
Upgrading of Yangebup Road
Upgrading of Russell Road
Further water circulation studies
Water quality monitoring.

We are about to give the Government a blank cheque. The Government should do some more homework so that we know, the State knows, and the taxpayers know—and the people whom the Government has tried to fool also know—exactly what the venture will cost. They should know what they will pay for the land.

Is the project to be beneficial to the State in real money terms? Could the establishment be located at Port Hedland? What other sites have been examined by the Government? Certainly none have been mentioned in the report by the Government. Why are we being fooled? I oppose this Bill completely.

THE HON. I. G. PRATT (Lower West) [8.05 p.m.]: As always, it has been interesting to listen to the Hon. Ron Thompson. I was interested particularly in the early part of his speech when he related to us some of the history of the area. That was interesting to listen to, but it was all about the past. We are living in the present.

Everyone in Western Australia should be concerned that this Bill is one small part of something which is very big. I refer to the North-West Shelf development. I have been concerned deeply at some of the publicity about that project. Some people have been endeavouring to scare the

public. They have not been telling the truth about the proposed development, and in some cases they have been telling half-truths.

The Hon. R. Thompson: Such as?

The Hon. I. G. PRATT: I allowed Mr Thompson to have his go, and I would now like to have mine. Unlike Mr Thompson's, my policy is not to suggest this facility should go to the north of the State. I want it placed near my electorate, because many people are looking for employment and this project will help to provide that employment. That is where my responsibility lies.

This Bill will provide for the excision of 25 hectares of land from Reserve No. 24309, and it will cancel the existing vesting of that land. In his second reading speech the Minister told us two important facts about this piece of land. Firstly, he told us it had been vested in the Town of Cockburn for recreation and camping. Secondly, he told us—and it does not appear to be in dispute—that two-thirds of the area has been used for quarrying until quite recently, as was mentioned by the Hon. Neil McNeill. Again, that was not disputed.

Why should there be an outcry with regard to this piece of recreational land when the people who had the use of it did not utilise it very much, or maintain it for that purpose? This despoiled piece of land is to be made available to ILDA for the production of wealth, the creation of enterprises, and the creation of jobs. That is very important and should not be overlooked.

The very least that can be said is that we are losing 25 hectares of land which, at present, is not being used to its capacity. That land will be lost as part of an enterprise which will provide wealth for this State, and jobs for our people. In fact, that is the least that could be said. Much more could, and should, be said.

This excision is part of a package, and the package is much more significant than the 25 hectares of land. It is significant for the people of Rockingham and Kwinana who are looking for employment. It is significant for the whole of our State.

In exchange for this 25 hectares of land ILDA will make available an additional 400 hectares of land for recreation and parkland. The 25 hectares of land are to be used for the production of components for the offshore rigs and 400 hectares of land are to be added to the parklands and reserves of the area. At a cost of \$2.5 million the State Government will add to this 400 hectares the Woodman Point site of 260 hectares also to be used for parks and recreation.

If we examine the simple arithmetic we will find that the 25 hectares of land which will be converted to provide wealth and jobs for our State will be replaced with 660 hectares of land for parks and recreation. In other words, we will have a credit of 635 hectares to the parks and recreation land. That is the package deal and, to my mind, it is a good deal in any man's language. It is a good deal for recreation, for the environment, and for the people of the State.

For each hectare of land which will be converted to provide wealth and jobs for our State—for each single hectare—an additional 25 hectares will be provided for parks and recreation. So, recreation will gain at a ratio of 25:1.

It has been stated that another site should have been chosen. Mr Thompson suggested Port Hedland, and I have already given my views on that location. Another vocal person suggested a piece of land further south at Kwinana. However, that land is required for the expansion of other industries. In other words, it is required for other people's jobs and I would not go along with the suggestion that the project be shifted to that area even though it would mean less travelling for my electors. We have to keep our options open for the expansion of industries already established in the area.

Too often people claim to support job-creating activities, but at every opportunity they try to frustrate those activities. With the present unemployment situation that is a callous stand for those people to take. Every time they delay or frustrate activities of this sort they cost people jobs. They keep people out of work, and that is a disgrace.

The red herring of pollution has been dragged across this project by people who oppose it. It is significant that the industry to be established will be pollution free. The opponents to the scheme are not prepared to stand up and show how this activity is supposed to create pollution.

We know the condition of the water in Cockburn Sound is not good and that is not disputed by me, nor by the Government. In fact, there is a commitment by the Government to act in this matter when the Cockburn study has been completed and is under consideration. It is not a factor in this matter; it is something entirely separate.

If an industry were to be established which would pollute the sound, we should be discussing it. We would be wrong if we did not. However, why on earth is it being raised in a discussion on a project which will not create pollution? Let us get things in perspective; let us not worry about non-

existent pollution; let us create something which needs to be done.

The Minister mentioned the removal of the explosives depot to the Rockingham Shire. I have checked this out to my satisfaction because I represent the people in Rockingham, and I am satisfied there is no problem involved and there is no objection to the resiting.

Mention was also made of the organisations using the land in question. Planning has taken place to ensure they will have alternative sites and, in fact, it would seem they will have better sites. It would be stupid in the extreme to start to negotiate conditions at this stage, as was suggested, before the passing of the Bill to excise the land.

If that negotiation had taken place and arrangements had been made at that stage, what would happen if Mr Thompson's pipe dream came true and Parliament rejected the Bill? We would be in an absurd situation.

This is a well-planned project. It is of vital significance to the people I represent in Rockingham, and no doubt to the neighbouring people who live in Kwinana and who also want jobs and security. However, it is of greater significance and importance to the people of Western Australia and of Australia generally because it is one of the springboards which will lead to the development of the North-West Shelf and the prosperity, the jobs, and the improvement in our way of life which that will bring. I cannot see how a person with any conscience can actively oppose this legislation; I most certainly support it.

THE HON. G. W. BERRY (Lower North) [8.16 p.m.]: I would like to say a few words on this measure. Mr Thompson said that no other site had been considered. I would like to draw his attention to Metropolitan Region Scheme Amendment No. 255/31. I found some interesting information contained in appendix B which is headed, "Jervoise Bay Planning Study". In part it reads—

All sites other than those at Geraldton, Bunbury and Cockburn Sound were eliminated when tested against the criteria.

It was and still is considered a proposition to building the accommodation modules for both Woodside's platforms in Geraldton, and general planning to enable this to be done is continuing. It was considered impossible for modules other than accommodation to be done on this site due to site conditions and the workforce and back-up facilities not being available.

The Hon. R. Thompson: You are confirming what I said.

The Hon. G. W. BERRY: To continue—

Potential sites in the Bunbury area were finally eliminated after a careful review of the criteria, particularly 1 and 3.

Six separate sites were considered within (or adjacent to) Cockburn Sound—

Robbs Jetty
Transfield Rig site
ILDA land north of BHP steelwork jetties
Mangles Bay
Moore River area
Jervoise Bay.

The Hon. R. Thompson: That is the metropolitan area. I was quoting from the studies by Soros and T. S. Martin & Associates.

The Hon. G. W. BERRY: I understood the honourable member to say there had been no consideration of any other sites.

The Hon. R. Thompson: I said there had been no studies made of any other sites, and you cannot read anything different in that document because I have studied it.

The Hon. G. W. BERRY: That is Mr Thompson's opinion. I am looking at this document put out by the Metropolitan Region Planning Authority. I would say that consideration has been given to other sites.

The Hon. R. Thompson: I said that no study had been undertaken. I read out the terms of the studies.

The Hon. G. W. BERRY: I heard that.

The Hon. G. E. Masters: You continue with your speech, Mr Berry.

The Hon. G. W. BERRY: This report goes on to state—

Robbs Jetty was eliminated on the basis of the non-desirability of associating heavy marine construction activities in proximity of the meat exporting facilities.

Transfield rig site was eliminated against criteria 1, 3 and 4 and because of its proximity to the recreational activities proposed for Woodman Point.

The ILDA land north of the BHP steelwork jetties was eliminated on the basis of criteria 1, 2 and 3.

The criteria are listed here, and I believe Mr Thompson mentioned them. To continue—

The Mangles Bay area was rejected on the basis of criteria 1, 2 and 3.

The Moore River area was rejected on the basis of criteria 1 and 4.

The Hon. R. Thompson: But no studies were carried out.

The Hon. G. W. BERRY: From my reading of the report I believe studies were carried out, and the studies concerned the piece of land considered the most suitable. I might be wrong.

The Hon. G. E. Masters: I do not think you are wrong at all.

The Hon. G. W. BERRY: When he was introducing the Bill, the Minister had this to say—

The State Government has reached a firm understanding with the Commonwealth Government for the acquisition of Commonwealth held land at Woodman Point and is arranging also to shift the explosives depot to an alternative site in the Rockingham district. In consequence virtually the whole of Woodman Point will become "A"-class reserve for the purposes of conservation and recreation.

That is quite an extensive area of land.

The Hon. R. Thompson: You know the area as well as I do, and if you take your family down there when an easterly wind is blowing, the smell is putrid.

The Hon. G. W. BERRY: The same could apply to an area in City Beach.

The Hon. R. Thompson: Why create a recreation area in such conditions?

The Hon. G. W. BERRY: The same situation would not apply for the whole of the magazine area.

The Hon. R. Thompson: You go down there when a south-easterly breeze is blowing and see what happens.

The Hon. G. W. BERRY: I believe that the information contained in this report is quite different from what Mr Thompson stated.

THE HON. NEIL McNEILL (Lower West) [8.20 p.m.]: I would like to support Mr Berry's comments. I would say that from the look on Mr Thompson's face, he now realises he has drawn the crabs.

The Hon. R. Thompson: And catching a lot, too.

The Hon. NEIL McNEILL: In my view he was attempting deliberately to draw a red herring across the trail. He repeated constantly that no study had been undertaken, and I ask him what he considers the report of the Metropolitan

Region Planning Authority to be. Of course it is a study; a study undertaken by the MRPA.

No-one refutes that the study carried out by T. S. Martin & Associates was a study of Jervoise Bay. However, the MRPA had already eliminated the other sites, and the study Mr Thompson says was not undertaken was undertaken by the MRPA.

The Hon. R. Thompson: You know it was never carried out.

The Hon. NEIL McNEILL: The elimination process was applied to all the areas referred to by Mr Berry.

The Hon. R. Thompson: You know all about it—tell us when?

The Hon. NEIL McNEILL: It was carried out over the period of the MRPA's examination.

The Hon. R. Thompson: It does not mention anywhere when it was carried out.

The Hon. NEIL McNEILL: Surely we do not have to elaborate more than we have done. It is a pity Mr Thompson spoilt what would otherwise have been regarded as a useful contribution to the debate. He has had a long association with the area and knows a good deal of its history, and we were prepared to accept his contribution as an educational one. However, he then strayed well from the point.

Mr Thompson referred also to the obnoxious smells from the sewerage outfall just south of Woodman Point. As a result of constantly travelling along this road I know that one can experience the smell to the south of the sewerage outfall as well. In fact, it would not surprise me to know that sometimes it pervades the very area of this "A"-class reserve, the proposed site of the fabrication plant. Mr Thompson knows that is not very far away.

The Hon. R. Thompson: You are now talking about the other 406 hectares of the "A"-class reserve. The smell will go over that, also.

The Hon. NEIL McNEILL: Yes.

The Hon. R. Thompson: This is what you are telling us now.

The Hon. NEIL McNEILL: Perhaps Mr Thompson is trying to direct my thinking to the point where I will defend that sewerage outfall. However, I will not do that. It is a dreadful situation, and the smell is absolutely obnoxious in the whole immediate area.

The Hon. R. Thompson: You have gone up in my estimation.

The Hon. NEIL McNEILL: There is no reason that the smell will be any worse—or indeed as

bad—in the developed Woodman Point area referred to in the measure before us, and I am sure Mr Thompson knows that.

I would like to make a general observation about what we are doing. No-one disputes the possibility of further deleterious effects upon Cockburn Sound. However, the Bill contains certain assurances, and the Premier made a statement when this development was announced. If this is a properly managed industry, there is no real risk of pollution from it. I am sure Mr Thompson will accept that assurance, but in addition, the Premier and the Government have given an undertaking that they will do what needs to be done to clean up the sound, and presumably we will know what needs to be done when the Chittleborough report is tabled.

We cannot blame just this Government for what has happened in Cockburn Sound. Generations of people, and, indeed, numerous Governments as well, have contributed to the water pollution in the area. I am sure even Labor Governments take some pride in whatever involvement they had in the initial establishment of industry along the Cockburn Sound foreshore, and particularly in the Kwinana area. So I reject any charge that this Government, and this Government alone, is responsible for the despoiling of the Cockburn Sound environment.

I will not refer to Mr Claughton's comments in detail because I believe it was fairly obvious that Mr Claughton was really struggling. It is understandable that he had to battle to speak against this measure because he would not have a great deal of knowledge of the area concerned. Certainly he would not have Mr Thompson's knowledge of it. In fact, as Mr Thompson said, the Opposition was having two bob each way because it recognises that there will be great advantages from this industry. The Opposition must be mindful of the job opportunities it will create. No-one is more conscious of this than I am, and I am particularly pleased that further trade avenues will be opened up for the young people of the area. This appears to be one of the most pressing needs at the present time, particularly around Rockingham.

I acknowledge that the site of this industry is not in my province at all. It lies within the boundaries of the province represented by Mr Thompson and Mr Dans, and by the member for Cockburn in another place. It is not without significance that although the member for Cockburn (Mr Taylor) criticised the project in recent weeks, he was not quite as vitriolic as some of his colleagues have been. I do not want to put words into his mouth, but it appears to me that he

realises the advantages which will flow from the locating of this fabrication plant at the Jervoise Bay site.

Mr Claughton wandered far and wide, and he referred to the development of the naval facilities at Garden Island. I think he alluded to the fact that the proposed development at Woodman Point may be something of a trade-off for what has happened on Garden Island. I do not know whether I am prepared to accept that; I would like to hear some greater authority make that statement before I believe it is the case.

Over a long period efforts have been made to obtain the Woodman Point area from the Commonwealth so that it could be made available to the public in the form of recreational facilities. Indeed, I am prepared to acknowledge that Labor Governments also have made efforts to try to secure this land. Equally, Garden Island long has been considered as the site for a proposed defence establishment.

It is true that all these things may well have an effect upon the environment of the Cockburn Sound area; it is one of those situations where Governments recognise value judgments must be made. Many years ago a decision was made to establish industry on the Kwinana strip, and from this, other things have developed. Let us not forget that the day the first spade was turned on the Kwinana strip, tens of thousands of people in Western Australia were tremendously grateful to the Government of the day. Governments of both political colours have been interested in developing the Kwinana area.

However, we continue to make value judgments, trying to establish a balance by placing industry in one area and creating dormitory areas such as Parmelia, Medina, Calista and, subsequently, Rockingham; this, in turn, creates other pressures.

It has long been recognised that a great deal of the foreshore in the area has been denied to local people and tourists. However, extensive efforts have been made by the Government to provide the public with alternative recreation areas. I wonder how much more a Government could have done to compensate for these things in trying to maintain a balance. The Government has provided adequate recreation areas for the public, and this Bill will continue that practice.

Let members consider what has happened in the area south of Rockingham, or at Long Point, which we hope will be a large and sophisticated development to cater for the dormitory and residential areas which will arise as a consequence of this development. The principle was laid down

a great many years ago; we have the Woodman Point and now the ILDA land which is to be approved in the swap deal in this exercise. Such land is enormously expensive and will cater for the recreational needs of a developing community. These are the flow-on benefits in the establishment of a most significant industrial area..

We must recognise it may bring with it some disadvantages, such as making Cockburn Sound less attractive. However, Western Australia has hundreds of miles of beaches and foreshore—perhaps not as close to the metropolitan area as Cockburn Sound—which can be used for recreation. So, when alternative sites are not available elsewhere, some regard must be had for the need to establish industry close to the metropolitan area.

These are all the issues which must be taken into account by the Government and by impartial bodies such as the MRPA and local authorities in order to ensure we have the best of both worlds. Certainly, compromise is necessary in both directions, but I repeat that the general aim is to achieve the best of both worlds.

I share the view expressed by other members that it would be nice not to have to rely on industry, so that we could maintain the idyllic setting of Cockburn Sound and other waterways. That, however, is the price we must pay for progress. I note that everybody seems to want progress until he has it and then he adopts a cynical attitude and says, "Now we have it, we must deny it to others." This Government has a responsibility to provide the people not only with adequate recreational facilities, but also with employment opportunities.

Frequently this Government is criticised on the grounds that it is doing little or nothing to provide employment opportunities for the people. However, when it adopts a very positive attitude in order to achieve the very things for which the Opposition—quite fallaciously—criticises it, it again is subject to criticism because apparently it is doing it in the wrong place or to the wrong extent or whatever. I suppose that is what politics are all about. However, as far as I am concerned, politics do not need to be like that. In his contribution to the debate Mr Cloughton seemed to convey the same view because in my opinion he put forward the most half-hearted opposition to the Bill.

I support the legislation.

Debate adjourned, on motion by the Hon. G. E. Masters.

STAMP ACT AMENDMENT BILL

Second Reading

Debate resumed from the 16th August.

THE HON. R. HETHERINGTON (East Metropolitan) [8.38 p.m.]: When I first read the Minister's second reading speech and saw that the Bill would raise only another \$200 000, I wondered whether the mountain had laboured and brought forth a mouse. However, I realised that this was not the purpose of the Bill and I accept the point that the officers of the Government have laboured for three years to try to update the Act and get rid of anomalies.

The kind of things which are mentioned in the Bill and the kind of changes we find bring out the changes in our society since the original Bill was passed in 1882 and replaced by the present Act in 1921. We find such things as the fee of 10s., or \$1, for simple conveyances being updated in the Bill to \$5. When the original Bill was introduced in 1882, 10s. would have been about a full week's pay for a labourer. Certainly, in the 1830s, it was more than a full week's pay. Even the first basic wage introduced by Mr Justice Higgins in 1907 as being "the amount a man, his wife, and three children might live on in modest comfort in a civilized society" was only two guineas, so the original 10s.—today's dollar—was quite a high duty. Now, of course, it is a mere nothing and practically to make it worth collecting it is to be increased to \$5.

I mention this merely because it means that the Bill before the House is being introduced in a completely different kind of society from that which existed when the original Bill was introduced. This is brought home to me when I see that no longer are we to pay for anything by revenue stamps, which I remember doing when I first came over here and had to register my modest orchard.

I should point out at this stage that I do not intend to oppose the Bill; I accept that, unlike other Bills which have been introduced before Budgets, it has been introduced at this time not in an attempt to raise charges before the Budget is introduced, but because it represents an updating of the legislation. The charges are to be increased, it is true, but an additional \$200 000 a year—although I would not mind receiving it—is a comparatively small amount of money to a Government.

There is no doubt the Government's intentions are perfectly laudable and that the Act as it now stands is in need of amending to bring it up to date. However, perhaps it should be tidied up a little. Initially, I intended to stand and agree with

this Bill and sit down again; I was going to say it was a very detailed piece of legislation and we could not catch up with the detail. Having accepted the principle of the Bill, I would not here quibble about the detail.

However, during the suspension of the sitting for tea one of my constituents telephoned me and said she did not like this Bill at all. So, I thought I should mention one of the things she said to me because it shows that people do not see things in the same way.

For example, she referred to the increase in duty from 50c to \$2 and said that it might just as well be thrown out altogether because it was such a fiddling amount, but that in any case it represented an extra impost on young people buying houses. That was the burden of her complaint.

On first sight I accepted the Minister's argument that it was a good thing to try to avoid duty-splitting and that therefore the Government had tried to get rid of some of the anomalies and problems which arise. In the Minister's second reading speech, he said—

By another arrangement a purchaser agrees to buy a block of land on the understanding that the vendor will erect a house on the land for the purchaser. Ultimately, the house is completed and the property is then transferred to the purchaser. However, in many instances the transfer is presented to the State Taxation Department on the basis of only the land being transferred. This creates an inequitable situation between taxpayers and seriously disadvantages many other selling agencies.

This certainly seems logical, but the person who spoke to me about it said that, from her point of view, what was happening would disadvantage young people buying a house for the first time. Many of them paid a deposit, bought their land, and in due course arranged for a house to be built. She worked out—her figures may be wrong—that if a person bought land for \$15 000 it would cost that person \$205 in duty. If the house cost \$25 000, there would be an extra \$355 in duty.

Her argument was that this is an additional impost on young people who are already finding it hard to find the money to obtain a house. I do not know whether the Leader of the House thinks this is a good argument—I am not sure. I would like to think about it and raise it during the Committee stage. I will have more suggestions put to me—probably tomorrow, when I presume the Committee stage will proceed. I do not want

to press this matter unduly. I merely point out to the Leader of the House that not everyone sees the Bill in the same way.

Perhaps it is worth considering that where there has been a charge of 10s. since 1882, when not very many working people were buying or transferring property, and when this amount was perhaps half a week's wage, the charge now could be removed rather than increased to perhaps \$5, which is said to be a reasonable figure. A change to \$5 would be a very modest increase. Perhaps we should consider just how people are transferring property, the sort of property they are transferring, and the conditions placed on them when they sell property. In other words, perhaps it is not so logical merely to update a charge. We should consider the effects on young people who are transferring or buying land.

I can see there is some argument here, but I think possibly it would produce more anomalies. Certainly at this stage I will not tell the Government that what it has done is wrong; that would be foolish of me because I do not know enough about this matter. I am sure the Leader of the House would be the first to tell me so. The change is also illustrated by the fact that building societies are no longer to get an exemption from duties on their cheques, because they, too, raise money differently and as the Minister said, they act as normal banking businesses.

So what was sensible in the past is now no longer sensible and those building societies can be treated like any other institution. In other words, we are operating in an entirely different social system, where people relatively further down the scale are buying and transferring houses and owning their own property instead of just renting. Perhaps we should rethink some of the things in the Bill. I am not suggesting it should be thrown back into the melting pot, but perhaps certain things could be rethought to see whether or not they are appropriate and whether or not it might be appropriate in some cases to get rid of certain charges rather than update them.

In some cases the Government, in good sense, has got rid of minor duties because it costs more to raise them than they are worth and because they produce minor irritations.

With those very few worries the Opposition will not oppose the second reading of the Bill. We appreciate the tremendous job that has been done by the public servants who have worked on this Bill for the last three years. Like my leader in another place, I considered that perhaps the Commissioner of State Taxation was given large powers, but we both accept there are appeals from

his decisions. It is probably a good thing that the commissioner now has the overriding authority in the collection of all taxation. This brings about a desirable uniformity. In general I commend the Government for the Bill. As I am fed further information I may raise other queries for consideration by the Minister during the Committee stage. I support the Bill.

THE HON. G. C. MacKINNON (South-West—Leader of the House) [8.51 p.m.]: I thank the Hon. Mr Hetherington for his support of the Bill. It is not my intention to go on with the Committee stage tonight. We shall go into Committee at a later date for the very reason Mr Hetherington mentioned. Indeed, the main burden of his speech dealt with one of those matters which the Government would like to re-examine, with the prospect of placing an amendment on the notice paper if necessary.

There are other matters which have been drawn to our attention, such as in regard to the purchase or transfer of land or house and to which further consideration is to be given. I believe one or two other members have some concerns which could be passed on to the Commissioner of State Taxation. If our examination shows there is room for improvement an amendment will be placed on the notice paper, in which case we would probably not go on with the Committee stage tomorrow.

In the interim I trust that every member is satisfied with the very excellent work which has been done on this measure in the hope it will clarify matters.

Question put and passed.

Bill read a second time.

WILDLIFE CONSERVATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 23rd August.

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [8.54 p.m.]: During the second reading debate on the Bill some comments were made by the Hon. R. F. Cloughton on behalf of the Opposition and by the Hon. A. A. Lewis on behalf of the interests he represents. The Hon. R. F. Cloughton raised points which I feel I can answer conjointly with some of the points raised by Mr Lewis.

In the intervening period careful attention has been given to the points they raised.

The Hon. R. F. Cloughton indicated that it seemed rather extraordinary that legislation was required to provide for Ministers to speak to one another. Indeed, it does seem rather extraordinary

and, of course, legislation is not required for Ministers to speak to one another. This legislation goes much further than merely requiring Ministers to speak to one another; in fact, it does not actually require them to do so, but it says that in certain circumstances where a matter is likely to arise, the Ministers may confer. I point out that the word "may" is used. It not only affects departments, which of course affects Ministers, but it also affects local authorities.

The object is to provide a kind of half-way house between absolute freedom and the need for a permit. Departments can do many things which do not breach the law. They may be able to carry out their statutory duties without breaching the law, but on the other hand there may be situations where they are a bit unsure whether or not they might breach the law.

The Hon. A. A. Lewis referred to a bulldozer driver who might disturb a noisy scrub bird's nest—not that this particular Bill deals with noisy scrub birds. However, it is a reasonable illustration of the kind of situation which could arise. It could be that a bulldozer driver might disturb some rare flora. It might not be known that it is rare, protected, or just ordinary flora. How would the bulldozer driver know?

As a matter of precaution—and I hope the Hon. A. A. Lewis will appreciate that this is an explanation—

The Hon. A. A. Lewis: Not a very good one.

The Hon. I. G. MEDCALF: The member has not heard it yet.

The Hon. A. A. Lewis: So far you have not taken the first step forward. I was going to ask the President to bring you back to the Bill.

The Hon. I. G. MEDCALF: The kind of problem which the member foresaw was where the bulldozer driver was not certain whether or not he was likely to breach the law.

In those cases it is desirable that there should be an opportunity for Ministers and departments to confer, for the matter to be raised on an unofficial basis, and for discussion to be held. The reason for this unusual provision, when Ministers obviously can confer without this being in the Act, is to draw attention to the fact that in certain circumstances it is desirable to overcome problems before they arise and to try to iron out situations before they develop to a stage where someone does breach the law. That is the reason for that provision being in the Bill. I think members will appreciate that it is a much better way to resolve such matters, rather than let the bulldozer operator drive his vehicle over some rare flora and thereby commit an offence.

It is much better to have a meeting of the people concerned in advance whereby they can say, "What is the situation here? Is this an area in which there is protected or rare flora? When we put a road through here are we likely to breach this Act?" With discussion between the Director of Fisheries and Wildlife or the Minister for Conservation and the Environment, it is quite likely that the possibility of breaching the law would be avoided.

The Hon. A. A. Lewis: You must be joking! Really how would the Minister or the director know whether there was rare flora there, when they have not even named about 30 orchids as being rare?

The Hon. I. G. MEDCALF: If they have not been named they are obviously not gazetted as rare. Such flora may be very rare but they would not be rare under the Act. If they are not named they clearly do not come under the Act. If Mr Lewis has suggestions as to which ones are rare and which ones he believes should be gazetted, I would be most grateful if he would submit them and I will pass them on to the Minister. I am quite certain the Director of Fisheries and Wildlife will have that investigated with a view to having the flora proclaimed.

The Hon. A. A. Lewis: For two years it has been known that they are rare.

The Hon. I. G. MEDCALF: Again, Mr Lewis is talking about flora which is not gazetted. We would like to know about them, so if he can provide the information we will be grateful.

The Hon. A. A. Lewis: You will get it.

The Hon. I. G. MEDCALF: Mr Cloughton said, "I am referring to the fact that in this measure a prosecution for an offence against the legislation can be undertaken only by the director." Now, that is true. The old Bill provided for a prosecution to be launched by any person and this Bill has changed that. The only persons who can now lodge a prosecution are the director or persons authorised by the director. It is felt that this is a reasonable arrangement, and that a number of contentious and tedious prosecutions should not be allowed simply for the purpose of hampering a person who has a statutory authority to perform; for example, such persons as those in the Main Roads Department, an engineer, or the driver who has some task to perform. He should not be subjected to continual acts of prosecution, which will not enable him to carry out his task.

The Hon. R. F. Cloughton: There are frivolous attempts that would not be entertained.

The Hon. I. G. MEDCALF: There is no way of stopping them. The prosecution launched by

someone has to be heard by the court. There could be a whole series merely for the purpose of holding up some worth-while enterprise. For that reason the prosecutions should be brought by a responsible but independent person. The independent person is the Director of Fisheries and Wildlife, and he is charged with that specific task. It is felt that he will not take his responsibility lightly.

Mr Cloughton also referred to the penalties and said that they had not been reviewed for a long time. That is perfectly true; the point is well taken. I am informed that the Minister will look at that and it is very likely that the penalties will be reviewed. Possibly, in the near future, the penalties will need to be increased.

Mr Lewis raised a number of points. He said that this Bill has been provided to make it easy for departments to get around the real meaning of the legislation. That is not so. I have explained the reason for that halfway-house type of situation where the department can confer and the local authority can also raise matters with the Minister, so that the problem can be resolved without a prosecution. It can be resolved in advance when the situation first arises or even before it has arisen. That is a salutary provision and one which Mr Cloughton has implied does not usually appear in legislation. It is a salutary way to get over problems as they arise between Government departments such as the Department of Conservation and Environment, the Main Roads Department, the SEC, the Water Board, and others, all of which have tasks to perform. This will enable them to confer in advance, with a view to resolving problems and thus making departments aware of their responsibilities.

The Act is still binding on the Crown. Mr Lewis seems to doubt this. It is binding on the Crown and it is expressly stated that it is binding on the Crown. It is in the amending Bill of 1976 and it is in the Bill before us. This Act binds the Crown.

The Hon. R. F. Cloughton: Only the director can bring prosecutions.

The Hon. I. G. MEDCALF: Yes. I hope the honourable member does not suggest the director would not do his job. I assure him that the director will do his job. If someone has breached the Act he will bring a prosecution, without doubt.

The Hon. A. A. Lewis: Against the MRD?

The Hon. I. G. MEDCALF: From whom does the honourable member think the director will take orders?

The Hon. A. A. Lewis: I looked at section 92E. You convince me it binds the Crown.

The Hon. I. G. MEDCALF: The honourable member intimates that a senior public servant would not do what he is supposed to do. I think the honourable member, after a moment's reflection, would agree that would be an untenable proposition.

This is a way of trying to resolve difficulties and it seems to me that my argument is helping to resolve the problem which Mr Lewis raised on a previous occasion in 1976—

The Hon. A. A. Lewis: You had to amend it again, because we raised it then. We will be raising it again in 1982.

The Hon. I. G. MEDCALF: —when he referred to the bulldozer driver and what would happen. He asked whether the driver would be the poor bunny being shot at. Because of these provisions he will not be the poor bunny being shot at. There will now be a conference in advance where they can resolve the problem as to whether there is protected or rare flora in the vicinity. I believe that answers Mr Lewis' question concerning the driver who might otherwise be held to be responsible for something he had done in ignorance and good faith. This is a reasonably sensible proposition, and I repeat that the Act does bind the Crown. The Crown has to obtain a permit from the Minister, but there is a way to resolve difficulties in a halfway-house to try to avoid that situation arising. The Crown is still bound; there is no question of it.

Mr Lewis indicated that he objected to the phrase "reasonable manner" and stated that the onus of proof remained with the person being prosecuted. No doubt we will return to this in the Committee stage; but the onus of proof is not on the person being prosecuted.

The section Mr Lewis is referring to is the defence section. Admittedly if you are raising a defence you have an onus of proof to defend yourself, but the onus of proof that an offence has been committed is on the prosecution. The prosecution has to prove that the defendant had damaged, taken, or destroyed protected or rare fauna. The prosecution has to prove that positively. But it is a defence for the defendant to prove that whatever he did as a statutory duty he did in a reasonable manner. So it is not reversing the onus of proof. Anyone who has to put up a defence is expected to do so for himself; one cannot expect the prosecution to do it for him. One has to put up one's own defence.

The Hon. A. A. Lewis: Legal well; sunk into the depths.

The Hon. I. G. MEDCALF: It is just as well we have a bit of logic here on occasions.

The Hon. A. A. Lewis: That is right, and let us have some by reading the Bill to see what it says—not the notes.

The Hon. I. G. MEDCALF: One has to read what is in the Bill, I agree. It has to be read in the light of the whole Bill and not just one little portion. It has meaning only when the provisions before it are read.

Mr Lewis wanted to know why we cannot simply say that anyone who takes rare flora must have a permit in writing from the Minister instead of having two clauses to provide for much the same thing. This item can be dealt with in the Committee stage because other members will not appreciate what the reference is. It is necessary to have a licence to take protected flora; that is, unless it is to be taken from one's own land. If one is taking flora from Crown land a licence is needed. With regard to rare flora, there may be people who think because they have a licence they are entitled to take rare flora, but it is a licence for protected flora only.

Rare flora cannot be taken from one's own land. To take rare flora from one's own land one needs the further consent of the Minister, even though a licence is held for protected flora. Consent must be given by the Minister. That is the reason for the requirement which Mr Lewis questioned.

Mr Lewis also referred to the noisy scrub bird. He said that as far as he could see one could drive a bulldozer right through the nest of one without fear of prosecution. I am able to inform him that that is not so. The noisy scrub bird is protected. It is a protected bird, as he should know very well. It is found in a very restricted area on a nature reserve near Two People Bay, and regulations under section 46 of the Wildlife and Conservation Act set out in very clear terms that it is an offence to disturb a nature reserve. Now, a bulldozer driver cannot drive around in a nature reserve without committing an offence. In addition, that section of the reserve which contains the noisy scrub bird, or its habitat has been declared to be a prohibited entry area. So it cannot be entered, with or without a bulldozer. So much for the noisy scrub bird. One cannot knock them off with a bulldozer, because one would be committing an offence.

The Hon. A. A. Lewis: Instead of being smart—

The Hon. I. G. MEDCALF: I am not being smart.

The Hon. A. A. Lewis: I realise that.

The Hon. I. G. MEDCALF: The honourable member implied that I was. I am not being smart. I think I am entitled to answer the point the honourable member made.

The Hon. A. A. Lewis: I compared it with something.

The Hon. I. G. MEDCALF: The honourable member is satisfied now, I presume, that a bulldozer driver who knocks off a noisy scrub bird will be in trouble.

Although he may say he did not, Mr Lewis said—

The Hon. A. A. Lewis: You can read what I said; it is in *Hansard*.

The Hon. I. G. MEDCALF: I will quote what Mr Lewis said as follows—

In my opinion, no real research has been conducted in regard to what we as Western Australians and Western Australian Governments are going to do in the total wildlife scene over the next 20, 30 or 40 years.

That is a quotation from *Hansard* and it appears under the name of the Hon. A. A. Lewis.

The Hon. A. A. Lewis: I do not deny it.

The Hon. I. G. MEDCALF: Again, I am not being smart but I think I am entitled to answer it. The Department of Fisheries and Wildlife has a research institute called the Western Australian Wildlife Research Centre. The chief research officer is Dr Andrew Burbidge. In September, 1978, an open day was held for all members of Parliament.

The Hon. A. A. Lewis: I was present.

The Hon. I. G. MEDCALF: At that time talks were given on the research being undertaken and its specific relevance to the department's role in fauna conservation both for the present and for the future.

Certainly the Minister would be the first to admit the department does not have as many people on the staff as he would like. Unfortunately, due to the constraints of finance and the parlous state of the Treasury it is not possible to have more staff than the department has at the moment, but the department is very anxious to have more people if possible. Therefore, it is not the fault of the department that it does not have more staff. But certainly those at the research centre have a very keen awareness of the type of research and planning needed to cope with the pressure which will arise in the decades to come. They are doing their best to cope and carry out as much research as possible with the facilities at their disposal.

Mr Lewis referred to one other matter. He wanted to know how a matter could arise. The phrase used in the Bill is "Where . . . a matter arises". A discussion will take place between the departments and the Ministers concerned. I think the honourable member wanted to know how a matter would arise.

The Hon. A. A. Lewis: No. I want to leave out the passage "arises, or" in line 19.

The Hon. I. G. MEDCALF: The wording is "a matter arises, or may arise". A matter arises where something in the nature of a problem, a dispute, or a controversy occurs which has to be resolved. The matter arises because something has happened which precipitates the problem. The phrase "may arise" relates to the future, where there is a likelihood that a dispute, problem, or controversy will arise or a situation will occur in the future. That phrase has been inserted to cover not only the present situation but also future situations. It is difficult to see how the clause would make sense if we dispensed with those words.

I do not believe the points which have been raised affect the validity of the Bill. The Bill is an attempt to provide a more workable solution in a difficult area. It must be appreciated that the Government has accepted the obligation of trying to preserve certain protected and rare flora in the State because of the desire to protect the wildflowers of the State. Therefore it is necessary to bring in some regulations which are not only strict but which will also provide some flexibility in terms of the obligations departments have to carry out their statutory duties and, indeed, which private persons and local authorities have as well. For that reason the Government has modified the legislation it brought in in 1976. It is true that legislation was not proclaimed, but it is hoped this regulation will resolve the difficulties which developed in the implementation of the earlier legislation.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

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

Clauses 1 to 3 put and passed.

Clause 4: Section 5 of amending Act amended—

The Hon. A. A. LEWIS: The Minister has given an explanation and has tried to cover what was said in the debate with the information given to him. I am fascinated by some of the answers he has given me. The halfway house type terms in the Bill, with Ministers and departments conferring on an unofficial basis, do not seem to me to be very good for anybody, let alone for the people who are meant to be implementing the legislation and overcoming problems before they arise. This whole attitude tends to imply that the only sources of knowledge on this subject and the only people who know anything about it are the Ministers and departments sitting in Perth. I remember another Minister in this place being very adamant that the amendments to certain sections in 1976 were absolutely right. I wonder whether that is one of the reasons they were not proclaimed and those same sections have now been amended again.

It would be a good idea if we occasionally listened to the public and the people who know something about wildflowers who are in the actual situation in the bush of having to deal with the problem. It may be remembered that the Hon. T. O. Perry, who was a member of this House, quite often mentioned Mr Eric Chapman. Mr Chapman informed me as late as last Saturday morning that the department has some 30 orchids which have not been named. He is not blaming the department, because it has only one botanist to name them. If we are to have controls in these matters, perhaps it would be better to have botanists who know the situation. These ladies and gentlemen are being put to a great deal of trouble to obtain species and send them up to Perth, only to find the botanist is away lecturing, and people with less professional qualifications tell them, "No, those species are so-and-so." These are the experts in Perth with whom the Ministers and the departments will be conferring if the botanist is away.

Some of these species have been waiting for names for seven years. The only time the people in the country have a win is when the botanist, who really knows his job, is there and can put a name to the species, saying definitely that they are new varieties or new species, rare or not. Strangely enough, these species have been sent up to Perth six or seven years running, and the gentleman who sends them up has been told, "No, they are not new species." The botanist returns and says of the same species, "What a wonderful find!"

These are the people the Minister wants me to believe can confer with departments and Ministers to make decisions about what is

happening in the bush. These are the experts. It horrifies me that this situation should continue and that we sitting here should be lampooned for thinking the Minister and the department are not the ultimate in making decisions for the wide public outside. Let me inform the Minister that the wide public outside probably have at least as much expertise as those "experts" and they are looking for scientists to help them with that expertise. If the Government kept its sticky fingers out of the business and let those people look after the flora and fauna of this State, we would be better off than we are in trying to centralise everything in the city.

The Attorney General said of the director that he is a responsible and independent person. I agree he is responsible, but if the Attorney General can tell me the director is an independent person in the matter of launching prosecutions, I will be extremely surprised. I thought "independent" meant being totally devoid of any connection, and I cannot see that the director is an independent person.

How can matters be resolved by the Minister in advance? I wonder where it says inspections by the relevant departments are necessary. I cannot find anywhere in the legislation provision for inspections in relation to matters which are to be resolved in advance. Conferring in advance is a marvellous idea but I think "resolving in advance" is a little too strong a term when dealing with wildlife and wildflowers. The Minister said that resolving and conferring in advance made the departments more responsible. I can agree about conferring in advance, but I cannot see his argument as far as resolving in advance is concerned.

The crunch comes with the phrase "it is still binding on the Crown". I would be glad if the Minister would explain the meaning of proposed new section 9(2) (e). If it does not mean the Governor in Executive Council—in other words the Minister—can make the decision after conferring, I will be extremely surprised.

That is the way it reads to me. I have looked at the parent Act and all the amendments to it, and I can see no situation in which the Government virtually can make a decision which does not bind the Crown. The provision says that where Ministers do not agree the matter shall be referred to the Governor who may finally and conclusively determine the matter, and effect shall be given to any such determination.

I may be completely wrong, but I think in this case the use of the words "the Governor" means that a decision of the Cabinet is submitted to

Executive Council. The Cabinet would have been persuaded by one Minister or another that such a course should be adopted. In that case, is the decision binding on the Crown? I am not a legal person, but I know a little bit about the English language, and it appears to me the Executive can do what it likes. I hope the Attorney General can explain the meaning of this provision.

Let me refer now to determinations made in advance. Once again, no inspection will be made; the Ministers or the departments will confer without sending experts to the area concerned, and they will determine in advance what will happen. It is provided that the Crown must obtain a permit. Bully for the Crown! What will happen if the Ministers do not agree and the matter goes to the Governor in Executive Council?

I do not know what one must do to convince the Government it is on the wrong track. The Hon. D. J. Wordsworth and I were proven right in 1976, because the Government did not proclaim that legislation. The Attorney General and another Minister entered into certain legal argument on that occasion. We are now going over the same ground, but the Government has done a worse job than it did with the 1976 amendments. This Chamber and the people of Western Australia deserve a better deal than they are getting at the moment.

The Hon. I. G. MEDCALF: Mr Lewis was certainly right when he said he was going beyond the confines of this clause in his comments. He ranged far and wide. I do not propose to do that. However, I must comment on his remark that the Government seems to assume that the only source of knowledge is within the Government. That is utterly fallacious. The Government has never assumed in any matter such as this that the only source of knowledge is within itself. The Government has received a great deal of advice from outside people in relation to the general subject of wildflowers and their preservation. I will not give any illustrations of that at the moment because it is quite beyond the scope of this clause. However, on many occasions the Government has sought advice from outsiders. Indeed, for many years we had voluntary wardens who had no connection with the Government and who were charged with certain duties under the Act.

To say that the Government assumes that the only source of knowledge is within itself or that it attempts to lampoon members of the Parliament or the public who live in the country, or any other people, is ridiculous. Clearly the Government is well aware that many country people have far more knowledge of the intimate details of flora

and fauna in their areas than have some people sitting in an office in Perth. Nonetheless, it is the Government's obligation to provide legislation which will do the best it can in the circumstances to preserve the flora and fauna of the country. The Government is most mindful of this, and that is the reason for the amendments made to the Act in 1975, 1976, and 1977; and it is the reason for the amendments proposed in the Bill. The 1976 amendments were not the only ones; the Government has tried previously to come to terms with the problem.

When dealing with the clause, Mr Lewis said it is absurd to say that the provisions of the Bill do not bind the Crown. Even though he must admit that in proposed new section 9 (1) it is stated that the provisions of this Act relating to flora bind the Crown, Mr Lewis is really saying they do not.

The Hon. A. A. Lewis: You are giving yourself a letout in proposed new section 9(2).

The Hon. I. G. MEDCALF: I think the reason Mr Lewis says the provisions of the measure will not bind the Crown is that if some matter arises it will be determined by the Governor; therefore, how can the provisions of the Act bind the Crown? He has asked the question fairly, and he will get a fair answer. Whether he accepts it is up to him.

Proposed new section 9(2) refers only to a particular matter, which may be a problem, controversy, or situation, which may be tackled in advance. It talks about a matter which arises or may arise, which refers to the future.

That is the kind of question that would arise as to whether a department may enter a certain area. For example, the SEC may need to place poles along a certain track, and it may want to know whether it is an area in which flora and fauna are protected. But that does not alter the fact that if the department ignores whatever decision is made and breaches the Act, a prosecution will follow.

Proposed new section 9(2) does not prevent the necessity for the department to obtain a permit if it is necessary to disturb protected flora on Crown land. The department must still go through the motions, and if it breaches other sections of the Act it will be liable. This provision covers those situations which arise all the time and may involve the kinds of conflicts which occur between departments with different functions to perform. It is an attempt to resolve difficulties which may arise.

I am sure Mr Lewis will not accept that; it is up to him. I point out once again that proposed new section 9(2) refers to a situation, problem,

controversy, or argument; but an offence can still occur even though the matter may be resolved by a decision of Executive Council. An offence can still occur in respect of destroying, plucking, or running over protected flora. Those offences can occur where a matter has not been raised or a decision made, and they can occur also where a decision has been made and ignored.

It is most desirable, firstly, that we should stop these conflicts occurring between departments; and, secondly, that protected flora is not destroyed. Those are the precise reasons for proposed new section 9(2).

The Hon. A. A. LEWIS: We are beginning to get somewhere. I wonder who will sue whom when an argument arises—it does not have to arise, but “may” arise. I think the Attorney General agreed with my explanation of how Cabinet makes a decision through the Executive Council. The Cabinet having made a decision, we arrive at a situation in which in effect the Government has said the SEC can install a power line through a certain area. However, the SEC still must obtain a permit, and the Crown is bound absolutely. Who sues whom, and who is the loser? If Cabinet has given approval, does the Minister for Conservation and the Environment then sue the Government? It is rather confusing to a layman, and certainly must be confusing to people outside this place. It is difficult to ascertain who is liable. Can the Attorney General give examples of cases in which departments have sued other departments after the Cabinet has made a final decision?

The Hon. I. G. MEDCALF: Unfortunately Mr Lewis is not reading the whole of the legislation. He is reading the Bill before us and overlooking several parts of the old section 9 which are not being amended. If a department has a statutory duty to perform, then it does not commit an offence if it disturbs protected flora, as Mr Lewis would have discovered had he read the rest of the Bill.

The Hon. A. A. Lewis: I am only asking for a simple explanation.

The Hon. I. G. MEDCALF: I am endeavouring to make the explanation as simple as possible. It is necessary to obtain a permit if protected flora is likely to be disturbed and this applies equally to Government departments and private persons. It applies equally to a bulldozer contractor and to an SEC driver going about his lawful business. However, it is a defence to be able to say, “I am carrying out a statutory duty.”

The Hon. A. A. Lewis: That is in the next clause.

The Hon. I. G. MEDCALF: That is right; I am trying to explain to the member that he has not read the whole Bill. It is a defence for a person to be able to say, “I am carrying out a statutory duty, and it is unfortunate that I must disturb some protected flora; however, I am carrying out my duty in a reasonable manner.” That is already a defence, and it is not necessary for the Executive Council to make a decision in that regard. However, a question may arise in respect of a borderline case. In other words, the persons concerned may not know the flora is protected or the flora might be a rare species which has not been gazetted.

Those are the questions which have to be determined. Many situations arise in which Acts are silent. Many things happen in real life for which there are no covering Statutes. There has to be flexibility. That is the reason for it—to prevent situations arising where there is conflict which means that an innocent person has committed an offence. However, if in the doing of his statutory duty he happens to run over protected flora, he may claim the defence which appears in the next clause. It does not matter whether it has been discussed by the department, or whether there has been consultation with the Minister or the Executive Council. He has a defence provided he did what he did in a reasonable manner, pursuant to a statutory obligation.

The Hon. A. A. LEWIS: I am fascinated. The Minister has not answered my question about when Cabinet has made a decision. He has told me what the defence could be. Now he is going on the defensive. Proposed new section 9 (2) deals with Government departments, local authorities, and Ministers; but I do not see anything about individual people.

The Hon. I. G. Medcalf: Have a look at proposed new section 9(3).

The Hon. A. A. LEWIS: I want the Minister to explain bit by bit—

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): I think it would be better if you addressed your remarks to the Chair.

The Hon. A. A. LEWIS: I certainly will. Some of the Minister's replies have been quite good, but he is not giving the answer I am looking for. I may be very silly about this, as I was in 1976; but the Government did not proclaim the Act then.

Where is the Crown bound? I cannot see that in these provisions. The Minister says in proposed new section 9(1) the Crown is bound. Under proposed new section 9(2) one has to go to the Executive Council. That is the way it reads to me.

The Hon. I. G. MEDCALF: That is not what the Bill says. Proposed new section 9(2) refers to "any matter" which may arise. Could one have a more general word than "matter"? "Any matter" means "any thing". The matter may be any item the subject of discussion or controversy. It could be any number of things; but it does not exonerate anybody from committing an offence under this Act. A person who, having obtained a ruling, destroys protective flora without having a permit or breaches another section of the Act is still liable.

I do not really know that I can explain it in more simple terms. This is the way in which a person can sort out any matter, any thing, any problem, any subject about which there may be some contention.

The Hon. A. A. Lewis: Whose ruling is it?

The Hon. I. G. MEDCALF: This is the ruling of the Minister.

The Hon. A. A. Lewis: This is the crux of the matter. It is the Minister's ruling?

The Hon. I. G. MEDCALF: That is right. If the Ministers do not agree, it goes to the Cabinet. Mr Lewis is assuming that "any matter" is synonymous with the failure to obtain a permit for the destruction of flora. The "matter" may be nothing to do with the destruction of flora. However, there may be a situation of doubt whether a particular matter may constitute a breach, or whether a permit may be required or not. If a ruling was given by Executive Council in that case it would be unlikely that any prosecution would be brought.

The Hon. A. A. LEWIS: I think we have thrashed out that subclause. I am not receiving the answers I require. The Minister will not give me any different answers, so I will move on.

I am a little concerned about proposed section 9(3). It seems to me that the Ministers and departments have a halfway house, but there is no such outlet for private individuals. I wonder whether the Minister would comment on that.

The Hon. I. G. MEDCALF: One has to consider the two situations. Where two Ministers disagree, obviously one of them cannot give a ruling so it has to go to a higher authority. In that case, it is the Executive Council. In the case of proposed subsection (3), the decision is made by the Minister. There is therefore no question of two Ministers disagreeing. The Minister gives a ruling, and it is hoped that that ruling will be of assistance to the person who asks for it.

There is no obligation on anyone to ask for a ruling. He may ask the Minister for a ruling; and

if he does so, he is trying to improve his position. We are giving him an opportunity to do so. We are giving to private persons the halfway house that we give to departments.

The Minister's ruling becomes binding, but it does not mean that anyone has to ask for a ruling in the first place. If he makes an application, he receives a ruling which is binding. He is bound in exactly the same way as the Government department is bound. He still has to observe the Act.

The Hon. A. A. LEWIS: I go along with the Minister to a degree. A "matter arising" could be all sorts of matters. It need not be an offence. What if somebody else brought up that matter?

The Hon. I. G. Medcalf: Nobody else can do it.

The Hon. A. A. LEWIS: It says, "... the matter shall be finally and conclusively determined by the Minister upon a written application by that person to the Minister. . . ." As I read it, it does not mean that that person has to raise the matter.

The Hon. I. G. Medcalf: No, he does not have to do so.

The Hon. A. A. LEWIS: If somebody else raises the matter—

The Hon. I. G. Medcalf: No-one else can bring the matter up.

The Hon. A. A. LEWIS: The matter may be raised by anybody, as I read the subclause.

The Hon. I. G. MEDCALF: It is quite clear that the only person who can raise the question and make the application is the person who has a duty or obligation imposed on him. He is the only person who can apply to the Minister. He would apply only if he wanted a ruling that would guide and benefit him. If he does not obey the ruling, he still does not commit an offence. His only offence would be if he breached another section of the Act.

Clause put and passed.

Clause 5: Section 13 of amending Act amended—

The Hon. A. A. LEWIS: I raise the question of the onus of proof. I will not take very long with this, because I have heard the Minister's arguments and I do not agree with them. I refer members to the wording of proposed new section 23B(2).

I object to the words "reasonable manner". If a person is charged the onus should be on the prosecutor to prove the person offended knowingly. We have used the word "knowingly" previously in legislation. Why should somebody

have to prove it was an unavoidable incident? Why should not the prosecutor have to prove he did it?

The Hon. I. G. Medcalf: He has to.

The Hon. A. A. LEWIS: I will take the word of the Attorney General for it, but it does not say so in the Bill.

The Hon. I. G. MEDCALF: It does not say so in the Bill; it is contained in the 1976 amending Act. This is an amendment to section 23B of the Act. This appears in the 1976 amending Act in section 13. We have deleted subsection (2) of section 23B and we propose to insert another subsection. We have to look at subsection (1). This requires the Crown to prove positively that the offence was committed. It says, "a person shall not on Crown land wilfully take protected flora". The onus is on the Crown to prove he took protected flora. Now we are providing a defence.

Clause put and passed.

Clause 6 put and passed.

Clause 7: Section 17 of amending Act amended—

The Hon. A. A. LEWIS: This clause is a little too verbose. I cannot see why, if a person takes rare flora from his own land or from any other land, he should have to get permission in writing from the Minister.

The Minister's explanation did not say why it could not be done in a far smarter way so that one knows one has to have two types of licences, a protected flora licence and a rare flora licence. It would be far easier administratively for the public to understand.

The Hon. I. G. MEDCALF: This was referred to in the second reading debate when it was asked, "Why is it that you cannot simply provide that they have to get a permit from the Minister to take rare flora?" In other words, why cannot one just get the Minister's permission in writing? The reason it has been put in this form is this: We are talking about rare flora and not protected flora. If a person owns land he can take protected flora from that land without a licence; but he has to obtain a licence to take protected flora from Crown land. He cannot take rare flora from his own land without getting the consent of the Minister. If a person already has a licence and wishes to take rare flora from Crown land, it is believed he will say, "I have a licence to take protected flora. I do not have to go to the Minister to get further consent."

The clause has been drafted in this manner, because it is believed by the Department of Fisheries and Wildlife that it is necessary to make

it clear to members of the general public that even though they have a licence to take protected flora, they must still get the further consent of the Minister if they want to take rare flora from their own private land. They have to get the consent of the Minister in writing to take rare flora from Crown land or from their own land.

The Hon. A. A. LEWIS: A man may obtain a motorbike licence, a car licence, a truck licence, an omnibus licence, or an articulated truck licence. It would be more sensible to say, "You have a protected flora licence. You do not need this licence if you wish to take flora from your own land. If anybody wishes to take protected flora from Crown land he must have a licence." However, if one wishes to take rare flora from Crown land or private land, one must obtain the permission of the Minister in writing.

However, I will simply vote against the Bill and wait until similar legislation is produced in a few years' time at which stage we may be able to arrive at a sensible situation.

Clause put and passed.

Clause 8: Section 26 of the principal Act amended—

The Hon. A. A. LEWIS: Mr Cloughton made a point in relation to this clause and I will not debate it further. It is obvious the Government will not accept that the director is not an independent person.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

ADJOURNMENT OF THE HOUSE

THE HON. G. C. MacKINNON (South-West—Leader of the House) [10.08 p.m.]: I move—

That the House do now adjourn.

Football Finals: Television Coverage

THE HON. A. A. LEWIS (Lower Central) [10.09 p.m.]: I do not want to speak at any great length; but it has been necessary to mention this matter when the football finals have been held over the last five seasons. The Hon. Tom McNeil, the Hon. Ron Leeson, and the Hon. Tom Knight have managed to obtain television coverage of the football finals in their areas. We are now in the situation that the Bunbury area is the only one in which television viewers cannot watch the football

finals. It has reached the stage in the town of Kojonup where those who live on one side of the Albany Highway point their television antennae towards Mt. Barker and can watch the football finals; but those who live on the west side of Albany Highway point their antennae towards Bunbury and cannot watch the match.

It is a ludicrous situation. The ABC and the WANFL are at fault. For many years pleas have been made in this place on a number of occasions and I hope another plea may tip the scales in our

favour and we may be able to watch the football finals on television this year.

I do not barrack for any of the teams playing in the finals; therefore, it does not worry me. However, I believe the people who live in Boyup Brook and who are just as far from Perth as the people who live in Katanning or Kojonup, should be able to watch the football finals on television.

Question put and passed.

House adjourned at 10.10 p.m.

QUESTIONS ON NOTICE

ACCREDITATION TECHNICAL EVALUATION NATIONAL DISASTERS

State Advisory Committee

192. The Hon. J. C. TOZER, to the Leader of the House representing the Chief Secretary:

- (1) Who are the members of the newly-formed Accreditation Technical Evaluation National Disasters—ATEND—State Advisory Committee other than its Chairman (Mr Stan Cann)?
- (2) How were the members of the ATEND committee selected?
- (3) (a) Do any of the committee members work and live in the cyclone-prone north-west coastal area of Western Australia; or
(b) have any of them had extensive experience in the region in the past?
- (4) Will the Minister advise, in brief summarised form, the function of ATEND and its State advisory committee?

The Hon. G. C. MacKINNON replied:

- (1) The membership of the State advisory committee is—

Member Organisation	Represented by—
Public Works Department	Mr S. B. Cann (Chairman)
Commonwealth Department of Housing and Construction	Mr F. W. Statham
Local Government Department	Mr R. C. Paust
Western Australian Fire Brigades Board	Mr S. Gibbons
The University of Western Australia	Dr C. Massey
CSIRO	Mr J. P. Brophy
Master Builders' Association of WA	Mr F. M. Torrance
School of Engineering and Surveying, Western Australian Institute of Technology	Dr A. H. Nash
Association of Consulting Engineers Australia	Mr N. T. Nedkoff
Western Australian State Emergency Service	Mr D. L. Hill

- (2) The member organisations were selected as representative of the fields of professional expertise and administration involved in the designing and construction of buildings and other structures, in related materials research, and in the formulation of building and engineering codes and standards for design and construction.
- (3) (a) No.
(b) A number of the member organisations have had extensive experience, in their particular fields, related to buildings and other structures in the region.

- (4) To accredit technical experts for the purpose of visiting natural disaster areas to inspect and report on performance of materials, products and structures under extreme conditions, with the purpose of assisting in the improvement of building and engineering codes and standards for future design and construction.

EDUCATION

Japanese Language

193. The Hon. J. C. TOZER, to the Minister for Lands representing the Minister for Transport:

Additional to information supplied in answer to question 182 on the 29th August, 1979, and recognising the importance to Australians learning the language of Australia's major trading partner, Japan, will the Minister give consideration to—

- (1) The implementation of an external study programme in Japanese at the appropriate educational institution in this State?
- (2) As far as is known by the Education Department, do any facilities exist for external studies of the Japanese language with—
 - (a) a recognised educational institution in eastern Australia; or
 - (b) a private commercial educational organisation anywhere in Australia?

The Hon. D. J. WORDSWORTH replied:

- (1) The question will be examined by the Western Australian Post Secondary Education Commission. However, I am informed that external study programmes in languages are difficult to develop and are not common. Further, any new course would require strong justification on the basis of need before funds would be made available.
- (2) (a) As far as is known only the University of Queensland offers an external study programme in Japanese.
(b) Not known.