

# Legislative Assembly

Thursday, 20 September 1990

THE SPEAKER (Mr Michael Barnett) took the Chair at 10.00 am, and read prayers.

## PETITION - MT LESUEUR NATIONAL PARK PROPOSAL

### *Coal Mining or Power Stations Opposition*

DR ALEXANDER (Perth) [10.03 am]: I have a petition which reads as follows -

To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned, request that the Parliament, in recognition of the immense biological diversity and importance of the Mt Lesueur area:

Several members interjected.

The SPEAKER: Order!

Dr ALEXANDER: Perhaps it is because several petitions in similar terms have been presented before, but I believe this one deserves reading. The petition continues -

- 1) create a National Park with boundaries as recommended by the Environmental Protection Authority,
- 2) no coal mining or power stations be permitted within the boundaries or adjacent to the Mt Lesueur National Park.

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

The petition bears 80 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

[See petition No 130.]

## PETITION - PLASTIC BAGS, PACKAGING, AND POLYSTYRENE

### *Retail Shops and Food Stores Ban - Legislation Request*

DR EDWARDS (Maylands) [10.05 am]: I have a petition couched in the following terms -

To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned, request that the Parliament legislate for the banning of plastic bags/package and polystyrene in all WA retail shops and food stores.

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

The petition bears 622 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

[See petition No 131.]

## PETITION - WA INC ROYAL COMMISSION

### *Church of Jesus Christ*

MR TROY (Swan Hills - Minister for Productivity and Labour Relations) [10.06 am]: I present the following petition -

To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned Jan Meredith and the whole Church of Jesus Christ of Western Australia request in the name of Jesus Christ, with his Authority (Him being the foundation of Justice) that the Western Australian Government rules that a Royal Commission into W.A. Inc and all Government dealings with same and or other dealings be held as of now. In Jesus Christ's name Amen.

I am confident in asking on behalf of the whole Church, as we are one in spirit and in body with Jesus Christ and He is the very foundation and corner stone of Justice and Truth.

In Jesus Christ's Name,  
Amen.

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

The petition bears four signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

[See petition No 132.]

#### **PETITION - INDUSTRIAL PROJECT, WILBINGA AND BRETON BAY**

##### *Discontinuance*

MR McNEE (Moore) [10.08 am]: I present a petition in the following terms -

To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

The petition of the undersigned citizens North of the river respectfully sheweth that:

There is widespread concern in the community about the heavy industrial area proposed at Wilbinga and Bretton Bay, north of Two Rocks.

We feel very strongly against the pollution of the land and sea in our community, and therefore respectfully request that this project be discontinued.

The SPEAKER: Order! I have said this before, but it seems to be a common practice that by about Thursday of the week members take absolutely no notice of petitions. This may well be because the practice has been developing in this place that members get a sheet of petitions and simply come here and present them every day, as opposed to the practice which used to be followed, where members would obtain petition forms in their office, and when there was a significant number of them they would bring them to the House. I am not saying that this is a practice we should go back to necessarily, but I am saying that as members choose to read these petitions every day, we should at least pay them the courtesy of listening to them.

Mr TROY: The petition continues -

If we had wanted to live in the area such as is proposed, we would have purchased our homes in an area such as Kwinana - which is how our environment will eventually end up if the proposed plan goes ahead. Your petitioners humbly pray that you will give this matter earnest consideration and your petitioners as in duty bound will ever pray.

The petition bears 21 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

[See petition No 127.]

#### **PETITION - TRACK, TRAPPERS DRIVE-SHOREBIRD PARADE, WOODVALE**

##### *Upgrading*

MRS EDWARDES (Kingsley) [10.10 am]: I have a petition couched in the following terms -

To: The Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned residents of Woodvale, request that the State Government look into upgrading the existing track that connects Trappers Drive with Shorebird Parade in Woodvale.

At present it is impossible to get from one side of Woodvale to the other without going onto Whitfords Avenue. The existing track, if upgraded, will make movement within the suburb easier, especially for children at Woodvale Primary School.

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

The petition bears 1 009 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

[See petition No 128.]

## PETITION - ROTTNEST ISLAND QUADRANGLE AND GARDEN LAKE DEVELOPMENT

### *Termination*

MR McGINTY (Fremantle) [10.11 am]: I have a petition couched in the following terms -

To: The Honourable Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned, urge the State Government to terminate forthwith the development and extensions to the Rottnest Island Lodge Quadrangle and the Garden Lake area. We believe that this development does not conform with the recommendations of the Rottnest Island Management Plan. Furthermore, this development is not in keeping with the character of Rottnest Island and will have an adverse effect on the island's natural environment.

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

The petition bears 150 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

[See petition No 129.]

## SOIL AND LAND CONSERVATION AMENDMENT BILL

### *Second Reading*

Debate resumed from 6 June.

MR HOUSE (Stirling) [10.12 am]: The National Party and the Opposition are pleased to support these amendments to the Soil and Land Conservation Act. Indeed, we do so in the full knowledge that they have been brought forward by the Government to improve what has now become a very important part of Western Australia's agricultural and rural progress.

The formation of soil and land conservation districts in this State was a great step forward in the coordination of all soil and land conservation projects. Prior to the formation of groups in rural areas, soil and land conservation had been practised by individuals and there had been some sort of loose formation of people who got together to share their knowledge and to try to improve the way they operated their agricultural practices. However, it was the formation of the soil and land conservation groups by an Act of this Parliament which set up the basis by which we now have, in round figures, some 120 soil and land conservation groups in Western Australia.

I am pleased to say that not only is the number of such groups large, but also they have a large number of active participants. They have gained a great deal of stature as time has

passed. It is true to say that some of the early groups were seen from a distance as perhaps having ulterior motives - perhaps people did not understand what they were about - but we have now established a very solid formation of people who have contributed a great deal to soil and land conservation working through those groups and they have been able to attract to them a large base of support in rural areas.

As testament to that, one of the leading soil and land conservation people in Western Australia, who was perhaps a pioneer in the latter establishment of soil and land conservation groups, Rex Edmondson, who heads the Jerramungup group, was this year awarded the McKell Medal for outstanding service to soil and land conservation in Australia. That was indeed a very just and well deserved result for the great deal of dedicated service he has given. I think the Jerramungup group could be seen as a pinnacle group in soil and land conservation. It has shown the way in an area in which it is difficult to farm on a sustainable basis, and has set the standard for what has been seen as a movement right across Western Australia.

As these groups have gathered force a number of problems with the way they have operated have come to light. Indeed, I am pleased to see that this Bill will address and perhaps correct some of those problems. However, the important thing now for soil and land conservation groups is that community support outside agricultural areas has also gathered force, and I believe urban people who live in rural towns and cities and on the fringes of the cities now view soil and land conservation as a very important step. In this context we must remember that we need sustainable agriculture. As farmers we need to be able to make a living from the land without at the same time degrading its structure for future generations. It is interesting that, as every year goes by, we can look a little further back and learn from the mistakes we have made but we cannot look any further forward than we could yesterday. Bearing that in mind, it is very difficult to predict what will happen in the future, but as agriculture goes through what appears to be a serious downturn in its commodity prices in the next few years the pressure will once again go on farmers to make a living. The problem is that the way in which farmers usually address that pressure is to increase production, and when they do that they put pressure on our soil and the natural facilities they work with. That usually revolves around shortening crop rotations, running more stock per acre, or taking short-cuts which they might not normally take in good economic conditions. I am very concerned that over the next few years we may see a return to some farming practices which have diminished over the past few years, which has led to good soil practices. Because of worsening economic conditions we may return to putting more pressure on our farmers, who in turn will put more pressure on the soil to return a decent living. We must ensure that people who administer the Soil and Land Conservation Act look in a very humane way at what is happening in agricultural areas and try to act in a responsible manner when addressing those problems.

The SPEAKER: Order! Members are being very rude, and I am referring to members on both sides of the House. There is absolutely no reason at all why they should not have discussions, but it is extremely rude to have them at the tops of their voices so that I can hear from here what is being said by people who are sitting behind the member on his feet. Members should have some manners when other members are speaking in this place. The deputy leader of the National Party is not renowned for having a big voice.

Dr Alexander: He has a big mouth.

The SPEAKER: Order! That was unnecessary, and untrue.

Mr Minson: And uncharitable.

The SPEAKER: It was uncharitable, and I am sure the member did not mean it.

Dr Alexander: No; it just slipped out.

Mr HOUSE: The member is an old school friend from a long way back, and I understand him.

I was attempting to cover the matters currently handled under the Soil and Land Conservation Act and the powers of the Commissioner of Soil Conservation. The commissioner in Western Australia has administered the Act very well, in a consultative way and working through the soil and land conservation groups. To be successful, any changes to the legislation would have to be administered in the same way. In other words, a great deal

of consultation with soil and land conservation groups should be undertaken before severe action is taken against individual farmers. That is way the system has worked in the past and that is the way it ought to work in future.

As we learn more and understand about soils, and about what can and will degrade the land, it is important that we extend a service to rural people. That will allow them to understand a very complex matter. Many soil degradation problems are not immediately visible. For example, soil acidity and soil compaction, which cause a great deal of degradation, are not visible to the naked eye - as are wind erosion or salinity. People who work the land should be made aware of those problems, just as the scientists are aware. We should extend that service.

I refer now to the Soil and Land Conservation Committee which is a two-party committee of Parliament. The committee has been working hard over the last 12 months to establish, firstly, a position in regard to soil degradation in Western Australia and, secondly, to bring forward reforms and ideas to assist agricultural people and others to tackle conservation problems in future. I mention that because the amendments to the Act could be seen as cutting across the work of the Select Committee. That is not the case. I am pleased to support the amendments. Indeed, the Minister consulted me regarding the amendments prior to the establishment of the Select Committee. At that time I agreed with the Minister that the amendments should be brought in as quickly as possible, and that the Minister should not wait for the presentation to Parliament of the report of the Select Committee.

The principal purpose of the legislation is to establish the Soil and Land Conservation Council to replace the Soil and Land Conservation Committee. That is a step forward because that body will have extra power and standing in the community. Many people do not understand the way the current conservation committee works so I am pleased to see the establishment of the new body. The Minister should outline clearly to the House how he intends to go about the consultation process involved in nominating persons to the council. The Minister retains power to influence the council directly because he has the authority to appoint members to the council.

The appointment to the new council of a community representative from conservation groups in this State is another great step forward. My understanding is that the Australian Conservation Foundation will be represented on the council. I wholeheartedly support that move because soil and land conservation needs a balance of ideas; we must include people with different ideas in order to reach solutions and a formula to give the best possible results. The Australian Conservation Foundation has a lot to offer; it comprises good people who understand and extend a good service to rural areas - particularly the area I represent. That occurs at the moment through programs such as Greening Australia to which the foundation has contributed. The Australian Conservation Foundation has also had input to the many field days I have attended in my electorate. The majority of foundation members are good and sensible people who have rational ideas about how soil and land conservation should work in this State.

The introduction of conservation covenants or the land remnant vegetation scheme is an important extension. That has been one of the important initiatives because the more remnant vegetation we can save by voluntary agreements with farmers, the better. We need to extend that service; perhaps the Government needs to consider providing more encouragement and more finance for the fencing of remnant vegetation areas. This should be undertaken in a sensible way in consultation with current landowners, and in a way which will link those areas together. I would support that action strongly. That matter should be given even more prominence in rural areas.

Last year a great deal of Government assistance went to areas where much remnant vegetation exists. Perhaps the Government should direct funds into areas where not a great deal of remnant vegetation grows. I refer specifically to the mallee country which was cleared largely in the 1950s and the 1960s with chains and bulldozers rather than with axes. As a result, very little remnant vegetation remains in those areas. Therefore, a greater concentration of money and effort needs to be made to protect and establish vegetation in those parts.

Mr Bridge: A friend of mine called John Williamson has written a famous ballad called, "I don't mind if you call me a mallee boy." That illustrates the support for that area.

Mr HOUSE: A Kimberley boy like the Minister would not know about mallee country; he would know only about the Kimberley.

Another important aspect of the legislation is the establishment of the Landcare Trust by which corporations and companies can contribute funds to the trust to be administered for the benefit of land care in Western Australia. That is another important step forward because it will provide a vehicle through which a coordinated effort will be made. It will give people who care an opportunity to contribute. People living in the city, with all due respect, do not understand exactly the needs of rural areas; however, they may wish to contribute because they have a feeling of responsibility. The establishment of the trust will give those people the sure knowledge that their money will be, firstly, administered properly and, secondly, directed towards important land care projects. We need to encourage people who live in urban areas to be involved with land care and this is one way to do that.

The removal of the Statute of limitations for offences against the Act in regard to land clearing is an improvement. The six months time frame is not long enough. That raises an interesting point about clearing guidelines and regulations. A great deal of confusion exists at the moment in rural areas about clearing guidelines and about the basis on which clearing will take place in some areas. At the moment this is a grey area and it must be cleared up conclusively. People who commit offences against the Act need to feel the full weight of the law - six months is not long enough.

Finally, the administrative arrangements regarding the streamlining of the process of issuing a soil conservation notice is something I support. This is an area a little like that of the policeman applying the law in that a tremendous amount of emphasis should be placed on the way in which the Act is implemented. We can lay down rules and regulations in this Parliament - with which some of us agree and some of us disagree - but the way in which the laws are administered is terribly important. That can be seen in respect of the way in which some - I emphasise some - traffic police officers apply the traffic laws; if they used commonsense they would receive more compassion from the public for what they are trying to achieve rather than by their implementing the law in a heavy handed way. It is so important that the same principles apply to the administration of the serving of soil and land conservation notices. It is extremely important that a long consultative process occurs with the landowner who is offending against the Act rather than the notice being served in a heavy handed manner. If these people are not prepared to cooperate and handle the problem by accepting the advice they are given by the departmental officers, the only option will be to use the full weight of the legislation against them. However, this consultative process is lacking at the moment. While we have a great deal of scientific knowledge and information at the departmental level, much of that information is not disseminated to rural landowners and land users. That service must be used as much as possible so that landowners will realise the problems they are causing to their land. I have a few queries which I will raise during the Committee stage; the National Party is happy to support this legislation.

MR OMODEI (Warren) [10.33 am]: Like my colleague from the National Party, I support the Bill and commend the Minister and his department for introducing this amendment which will streamline the Soil and Land Conservation Act. In considering this matter, it is important to realise that land degradation has occurred throughout the world for many millions of years; this takes a number of forms with wind and water erosion, deforestation - which is more common these days - nutrient loss, over spraying and a host of other problems. We need to recognise that many things have occurred as a result of the growth in world population which has reached 4.4 billion today, and all of these people need to be fed, clothed, housed and provided with employment. Of course, this has a tremendous impact on the environment and causes problems with the soil and water.

Much has been said about the farmer and how he has overcleared the land and caused a great deal of degradation. In reality farmers are true conservationists as they have realised that some of their practices have harmed their asset, and many of them are moving to redress the problems. As a farmer, I would like to see my farm as a productive unit which will provide a living for my family and which will provide an aesthetically pleasing outlook. This is a sentiment that most farmers share. Of course, the general community shares the same aims and, in so doing, should share part of the cost. As farmers we talk about land rehabilitation and the development of salt tolerant species of trees and grasses, and these days agronomy is an important activity to produce better pastures. Much work has been done on cultivating

tropical species and native species. Recently, I had the pleasure of listening to an international authority on biotechnology at the Technology Park in Bentley, and some of the things he talked about, such as invitro-biotechnology, are processes and words which are foreign to us; however, these processes will be the order of the day in the future.

The Bill will be of benefit to the general community and, as I mentioned earlier, the community should share the costs involved. We all know that Australia has lived off the sheep's back for a couple of hundred years, and probably it will continue to do so even though the sheep and wool industries are in serious decline at the moment. In sharing that cost the community must realise that the true conservationist is the farmer. The farmer is the person who will rectify the problems spelt out in the Bill.

At the moment the rural community is facing a price squeeze with the cost of production in Australia at \$2.7 billion and the net return of value to farmers at \$1.7 billion; in 1990 the net income for farmers is expected to be 21 per cent less than it was in 1985-86. The Australian Bureau of Agricultural and Resource Economics forecast that interest rates would be at 17.3 per cent - which is approximately right - that we would have an inflation rate of six per cent and that the Australian dollar would be worth US\$76¢. The current situation exceeds some of those predictions which means that farmers will be facing even greater burdens in comparison with OECD nations. Our inflation rate of six per cent compares very unfavourably with the OECD average of 3.5 per cent - the Japanese inflation rate is only two per cent. The United States' interest rate is 9.6 per cent. Therefore, we must compete with these nations in selling our product to the broader community. At the moment we are expecting a further decline in the sale of beef, which will also be affected by an oversupply of mutton. Also, we expect a loss of \$400 million in sales of wheat to Iraq, and that country already owes \$480 million for wheat previously supplied - perhaps we should have held our ships back for a little longer. We will lose \$50 million in sales of live sheep to Kuwait and a further \$20 million in dairy goods to Kuwait and Iraq. The losses in the wool industry will be enormous as a result of the problems regarding the floor price and wool taxation levels. The situation is not improving as in excess of 80 per cent of wool has been bought back by the Australian Wool Commission.

In the light of all those projections and realities a farmer is expected to plant trees and rehabilitate his land; he is expected to reduce his stock land level in some irrigation areas and to adopt safer levels to ensure the most economic use of his water. All of these issues affect soil degradation at the moment. The Australian farmer is internationally efficient, and on a level playing field he would be able to compete with any farmer in the world. The rural industry is facing high taxes, high interest and high inflation. Our post farm gate labour costs are high in comparison with overseas competitors. In recent times this State has seen an increase in transport costs which will add to the burden. The Government cannot provide the social welfare services or land degradation improvements if the rural community and rural economy are not in good fettle. The huge burdens facing farmers will impact on their soil and land conservation planning. It will impact on matters in the amended Act. My colleague, the deputy leader of the National Party, mentioned the establishment of land conservation district committees. I was able to initiate the land conservation district committee in my district. It is number 107 out of 120 committees. The chairman carries out extensive consultation with land-holders and Government departments and whoever holds the position must be dedicated. The workload is such that I may have to relinquish the position to somebody who has more time.

Land conservation district committees have been successful and allow farmers and the community to address the land and soil conservation problems in catchment areas. However, in the end the farmers will solve these problems. It will not be the multitude from the city who are up in arms from time to time with concerns about the environment. It will be the grass roots people who will solve these problems. They need assistance from Government and the broader community. The community must recognise that it will be the farmers with their feet on the ground who will solve these problems. We need a Government which is prepared to adopt policies that will encourage farmers to redress land use problems and to implement programs that will withstand drought and flood. It was of great concern to me when the Hawke Government withdrew the write-offs for the retention or holding back of grain, hay and fodder to combat natural disasters. In this current economic climate we must look at the incentives to farmers to redress those problems. Governments, either State or

Federal, must be prepared to give tax rebates as well as tax incentives. If a farmer does not have a taxable income, tax deductions are of no use. A tax rebate will assist him to plan for such things as planting trees and new grass, and fencing native vegetation, which are costly exercises. As a farmer I know that when the economy gets tight and the books are not balancing the first thing that will drop off the farmer's list is tree planting and fencing of native vegetation. Farmers on low incomes need to be looked after and need to be considered when making policies.

Western Australia has a program costing \$500 000 over three years which is a matching subsidy to assist farmers with fencing of native vegetation. The Federal Government allows tax deductions for those farmers who fence off this type of vegetation only if they have a whole farm plan. With the current problems with beef, sheep and wheat across Australia at the moment not many farmers are able to produce a whole farm plan. The Prime Minister has left out those people who need the deduction the most. He has catered for the hobby farmers with small ventures where a whole farm plan can be easily put together. The Federal Government must be admonished for not recognising the cross section of the farming community. It is incumbent upon Government to put in place incentives, whether tax deductions or rebates, because this problem is costing the nation dearly, and particularly this State. The Government needs to put in place measures so farmers can recover income forgone in the name of land conservation. Farmers will receive a long term benefit if they can rehabilitate their farms as it will make them more productive. Many farmers are protecting their soil, and in actual fact much of our soil is more productive than it has been in the past. I have no doubt in my mind about that. Tax incentives for soil and water conservation are vital to redress the problems facing us today. Members on this side of the House support the Bill.

The upgrading of the soil conservation advisory committee is welcomed. I see no problems in appointing to the committee a representative of the Australian Conservation Foundation. The ACF has allocated an environmental officer to the rural community. Jill Reading from Harvey does an excellent job communicating with the pastoral industry. The ACF has achieved much in the farming community through Ms Reading's communicative role. I do not think the agricultural industry and the ACF will always agree on everything, but there is common ground. I commend the ACF. Its role on the land conservation advisory committee will be a plus.

I have some concern about the introduction of conservation covenants. I have no problem with the proposition of covenants on areas which have been agreed to. However, there will be complications when those properties change hands. Although that is covered in the Bill I envisage complications such as court action against people who are not adhering strictly to it. Imposed covenants and agreements will cause some friction in the farming community.

The Landcare Trust is a step in the right direction. The trust will be able to accept donations from individual donors such as Alcoa of Australia Ltd. I am concerned that the Landcare Trust will become a bureaucratic empire and that many of the contributions will be swallowed up. I am concerned that there should be tax deductions. Everybody should not have to channel the funds that they wish to allocate to the control of land degradation through the trust. Alcoa of Australia Ltd, to its credit, allocated \$5 million to the Avon catchment. We should not discourage that. I understand it has not received a tax concession for its initiative, which is a shame. There is great scope across this nation for corporate bodies, pastoral houses and businessmen to do things similar to Alcoa and select a land conservation district or town in the State as a project to sponsor. That would be a plus. I believe that tax deductions should be put in place, but not necessarily through the trust. The trust will cater for small people who want to donate to a central body and allocate funds in an appropriate manner.

The removal of the six months Statute of limitations and its replacement with more appropriate time periods is a step in the right direction. There has been significant illegal overclearing of land. We all know that aerial photography is expensive and occurs only from time to time. Areas that have been extensively cleared need to be photographed more often. I therefore support the concept of extending the time period from six months to two years. The Department of Agriculture will be able to service areas and implement the provisions of the legislation in a more appropriate way.

I have no problems with the provisions to streamline the serving of soil conservation notices and the retitling of the Commissioner of Soil Conservation to the Commissioner of Soil and Land Conservation. There is no doubt that arrangements to streamline the serving of soil conservation notices are necessary. A local shire council in my electorate has been served with a soil conservation notice because it cleared a reserve which it believed to be under its control. However, because of concerns by conservation elements in the community, that shire was served with a soil conservation notice. Had there been closer consultation on that matter, it may not have occurred. I want the Minister to have a look at that matter. Shires will play an integral role in assisting land conservation districts. Serving one with a notice without warning was a bit harsh. There needs to be more consultation and a broader approach to these matters so that problems can be resolved before notices are served.

I have much pleasure in supporting the amendments contained in this Bill. We need to proceed quickly because the Bill will assist in addressing some of the problems with soil degradation that we are facing in Western Australia.

**MR DONOVAN (Morley)** [10.55 am]: I would not normally consider rising on a Bill of this nature because it is a matter that has a rural focus. After consulting the Minister for Agriculture, I believe it is important that a metropolitan member from the Government side of the House address the Soil and Land Conservation Amendment Bill. Although I was only a young bloke at the time, I am reminded of the contrast between this Bill presented by the Minister and the attitude that existed in the 1950s, characterised by the slogan, "A million acres a year." That is not very long ago. Indeed, by my arithmetic, only 35 to 40 years ago the attitude in this State was to open up land and to commit it as rapidly and as vastly as possible to broad scale agriculture with very little foresight and consideration for what would be the long term cost. Here we are in 1990 dealing with a Bill which seeks to upgrade the focus of concern for soil conservation and to elevate the status of the Soil Conservation Advisory Committee to a Soil and Land Conservation Council.

It is particularly gratifying to me, as it is I am sure to the Minister and to the Government, to see the cross-parliamentary support that exists for this move. Whether we are metropolitan dwellers or country dwellers, we should place substantial importance on this matter in these times. I recall when it was considered radical, irresponsible and almost fringe lunacy to be concerned about conservation in this State. Yet, members from both sides of this Chamber are saying that not only is it important, but that we will also give it status and recognition in formal and administrative terms, which we know that soil conservation and land management properly deserve.

That is all I want to say on this matter. Land protection and conservation is seen as important in the metropolitan area.

**Mr MacKinnon:** Will you explain which Government began the first clearing bans in Australia and made efforts to stop salinity problems and the pollution of rivers in the south west? Who came in for a lot of flak at that time? Who established the Environmental Protection Authority?

**Mr DONOVAN:** I will tell the Leader of the Opposition what I will not do. I will not allow a debate like this to be degraded to provide the Leader of the Opposition with an opportunity to score political points. Not only is he desperate to score such points, but he is also out of touch -

**Mr Omodei:** On a bipartisan arrangement, surely you would acknowledge the points that he made.

**Mr DONOVAN:** - with the member and with the deputy leader of the National Party's commitment to this Bill.

**Mr MacKinnon:** How can I be out of touch with the Bill?

**Mr DONOVAN:** I do not think it behoves the Leader of the Opposition to reduce this debate in those terms. The importance of recognising these matters today is experienced as much by metropolitan people as it is by rural people. In contrast to the "million acres a year" mentality of 30 years ago, we now have the attitude that we must conserve and protect our State. That attitude will serve this State well.

**Mr Omodei:** Land degradation problems occurred in the 1930s.

Mr DONOVAN: One hopes that it is not too late and that the recognition of the issues in this Bill will be recognised willingly and will be taken up with determination by all parties involved in land conservation.

Mr House: One of the greatest challenges is getting city people to contribute and to determine how they will contribute. This question needs to be addressed and more attention should be given to it.

Mr DONOVAN: The member's point is well made and I take it well. The reason I am on my feet is that, as a metropolitan member, I simply want to draw the attention of members to the contrast between the thinking of people today and the thinking of people in the past. I am also expressing the hope that metropolitan people will take up this matter with some degree of determination and support the Government in its bid to make this legislation work. I certainly commend the Bill to the House.

MR BLAIKIE (Vasse) [11.01 am]: Members often have the opportunity to debate pieces of legislation which, by their very nature, are important and to identify legislation which will be of historic significance. The Bill we are debating is of significance to this State and the decision this House makes today will be of historic significance to the State in the future.

At the outset I criticise the Government for acting irresponsibly in some areas of conservation. The first conservation manager in this State was the Forests Department which was created by an Act of Parliament in 1919. A conservator of forests was appointed and his and the department's role was to ensure proper management of the State's forests in order that they be kept in perpetuity. One of the principal roles of the Forests Department was to manage the key forest areas to provide areas for water harvesting. It was a very important principle which was often overlooked. Another role of the department was to look over land management and that was part of its charter which goes back to 1919.

In 1983, in a speech to this House, I referred to a regret I had and I will refer to it again today; that is, that the Government of the day saw fit to remove the former Forests Department as a department in its own right. I predict that successive Governments will recognise and acknowledge that forestry is an integral part of soil and land conservation.

Mr Omodei: The local land and soil conservation committee in my electorate is representative of the forest, tin and logging industries.

Mr BLAIKIE: That is right. The management expertise of the department, which goes back to 1919, is very important. This Government did a negative thing when it took the word "forests" out of the title of the department. I venture to say that the old title will return - the name has been retained in similar departments in other States. Forestry is an integral part of soil and land conservation and forest managers are very good soil and land managers.

I refer now to the comments of the member for Morley: The record should clearly show that the first Environmental Protection Authority in Australia was established in Western Australia in 1970 and its role was the evaluation and management of the environment. The first Minister for Conservation and the Environment in any Australian State was Hon Graham MacKinnon.

Dr Gallop: When I was in Europe I heard Graham MacKinnon speaking on the radio about skylab. He said we did not mind things like that falling out of the sky because Western Australia is the State of Excitement.

Mr Lewis: That is inspiring!

Mr Wiese: That is the best contribution you have made all week.

Dr Gallop: It could have lobbed on some small country town, but it did not bother him.

Several members interjected.

The DEPUTY SPEAKER: Order! Let us return to the debate.

Mr BLAIKIE: I will treat the interjection by the Minister for Education with the regard it deserves.

Soil and land conservation management in Western Australia has been an issue for some time. In the 1970s it was deemed necessary to take legislative action. The person who took it upon himself to take responsibility for the legislation and who convinced the Government

of the day of the need to act responsibly was Hon Graham MacKinnon. He fought the issue to ensure that land clearing bans were imposed in order to protect future water resources. It was a decision which was most unpopular, but it had regard for the future interests of Western Australia. More importantly, Hon Graham MacKinnon was the Minister for Water Supplies at the time and soil and land conservation did not come within his portfolio responsibility. The then Minister for Agriculture should have been selling the legislation to farmers because it was the farmers who had to stop clearing their land as a result of increased salinity. While Hon Graham MacKinnon was not popular as a result of the proposals he took to the public - one could say that he almost bludgeoned the public into accepting them - it is now seen as an initiative of historical significance and benefit. In 1990 we can acknowledge his courage and foresight. I doubt whether any other person would have had the courage to go to the south west and tell the farmers not only that they could not clear their land, but also that the Government would resume part of it. It was one of the factors which contributed to Hon Graham MacKinnon losing his popularity, not only with his colleagues, but also with the Ministry.

Regardless of how unpopular the decision was at the time, it was the right decision to make. As one of those people who did throw the occasional stone or two at Graham MacKinnon in the 1970s, I admit I was wrong and the Parliament should record in this acknowledgment that he was right. This legislation is historic. From time to time, of course, Parliament will review and amend this legislation because Western Australia and its people recognise and understand the massive problem of soil and land degradation in this State. That has been brought about partly by ignorance and partly by the circumstances surrounding the 160-odd years of development in this State. The people who developed and cleared Western Australia did what they believed was right at the time, therefore, I do not intend to put those people in a bad light. In the 1960s I was among those who were very critical of the State Government for releasing only one million acres of land a year. I asked why the Government could not release more land, because at that time demand for land for development far outstripped the Government's ability to make Crown land available on the market. Members in this House should be more understanding of the situation, rather than condemn the parliamentarians and the Government of the day; at the time they were meeting the demands from the community. In fact, some established communities would not be here today if it were not for the development of the 1960s; for example, Esperance, Jerramungup and Ongerup.

Mr Donovan: I do not disagree with what you are saying. I responded earlier to what I thought was an attempt to point to the success of the earlier development. I was not trying to put the blame on the party in office at the time. I was trying to draw attention to the difference in attitude between then and now.

Mr BLAICKIE: I refer now to the group settlement era. I was born in 1935 and not in 1922 - which may come as a surprise to some members. In 1922 the group settlement scheme was introduced, at which time significant areas of land were developed and cleared. Part of the development clearing involved ringbarking, and thus killing, tens of thousands of trees. A Select Committee was set up in 1934 when the group settlement scheme ran into major problems, and the State and its people were bankrupt. There was no WA Inc around at the time to bankrupt the State; the scheme was a result of international pressures. It was said at the time of the inquiry that the group settlement scheme should not have been started and that the proponent of that scheme, Sir James Mitchell, had a vision of the south west of Western Australia as cleared land with rolling green pastures, hills and attractive valleys, with contented livestock. It was said that he was a fool. Some 70 years later Sir James Mitchell has been proved absolutely correct, and if these matters had been in the hands of the knockers of today, that development would never have started. However, the development did go ahead and a variety of problems have arisen in connection with rising salinity levels and pesticides. Although we are talking mainly about soil and land degradation, this legislation must also tackle the problems associated with pesticides.

It must be borne in mind that decisions are made in the light of the best advice available at the time. If, 10 or 15 years down the track, it becomes apparent that the advice was inadequate, we must then seek to remedy the situation. The decisions made in the 1960s were made on the basis of the best advice available at the time, as were the decisions made to clear land in the 1920s.

Of course, these mistakes of the past apply not only to rural areas, and it cannot be said that only the farmers have stuffed it up - to put it crudely. Certain areas of the metropolitan area have been cleared and developed, and I am sure that if people had their time again they would not clear or treat that land in the same way. For example, is it better for the Swan Valley to be a housing development site or to be retained as prime agricultural land? The ramifications of the Soil and Land Conservation Amendment Bill must be fully understood. Western Australians understand that the resources necessary to sustain life are finite. Indeed, people all over the world are beginning to understand that. There is only so much land and water available. The way we manage our resources today will affect the ability of future generations to sustain life. Our management of these resources today will have a profound impact on the people of tomorrow.

Future Governments must consider establishing a separate agency with responsibility for, and appointing a Minister in charge of, land management. It is not good enough for this area simply to be an attachment to the Department of Agriculture. That department can provide very important technical services in a range of areas but I do not believe that in the long term it should be responsible for land management. Neither should land management be covered by the Environmental Protection Authority, which provides assessments on these and other matters. Land care and soil and land management will be regarded as so important by future generations that a separate ministry will be necessary to give this matter full attention. At present 450 000 acres of agricultural land are degraded and affected, and no doubt if the surface were scratched a little harder one would find much more land was affected. We must also bear in mind the changing climatic conditions. We do not know what will be the result of the greenhouse effect; we do not know what impact that will have on our climate or if it will have any impact. If changes do occur in the climate, that will have an impact on land management practices. Governments around the world are aware of this and are spending a great deal of money to cope with it and giving a great deal of attention to it.

One of the criticisms I draw to the attention of members is that the Prime Minister does nothing for land care generally by commenting in Press releases on a tree planting exercise and suggesting that he is the world's greatest environmentalist. Of course, it will be good to plant one billion trees in Australia in 10 years, but it is important when doing so to ensure that the right species are planted in the right places. The problem cannot be solved simply by spending \$1 million on a huge tree planting program. Different varieties of trees must be used appropriately, and it seems to me that insufficient planning has been done in this area.

Another prediction I make is that land planning will be necessary in the future. It is already regarded as important in metropolitan and urban areas of Western Australia and, to a lesser extent, in small rural holdings. However, in future I believe that more attention will be paid to farm planning. This will involve farmers in some form of planning for their farm operations. Their plans will need to have regard for other people, and especially other farmers. A quick example of lack of farming planning is demonstrated by people building dairies or piggeries on creeks. Such a program will ensure such practices cease unless they comply with a planning requirement.

In my view local authorities should have an environmental planner on their staff. I can see such planners being as important to local authorities in the future as the town planner or engineer is now. When developments take place local authorities wanting environmental advice must get it from the Government or a proponent of the scheme. Local authorities need to be properly advised on such matters. Local government authorities in the Eastern States already have environmental planners to maintain the quality of their areas. I predict to the Minister that that will happen here, and probably sooner rather than later. People are critical of further controls being imposed, but we must ensure that decisions made today have regard for the future.

Mr D.L. Smith: The member is becoming quite green in his old age.

Mr BLAIKIE: I believe I am a little more practical.

Mr Clarko: The member for Vasse has been carrying a bag with trees on it for 10 years, has he not?

Mr BLAIKIE: Yes. We live in a changing society and the practices of the communities we represent will change in the next 10 to 50 years. We need an understanding of soil types and land values in order that proper decisions are made for their future.

In conclusion, as this State moves into more sophisticated land management techniques, no matter how hard councils work towards land management, their results will be unsatisfactory unless they work within water catchment areas. If they work to boundaries other than water catchment boundaries their final result in relation to soil and land management will be inhibited. The use of water catchment barriers has been the practice in other parts of the world and is now seen in the Eastern States. I believe the Minister's officers will be suggesting the State go down that path, also. In my view we need to go down that path sooner rather than later because the quicker we do that the earlier we will be able to effect proper management.

The Parliament has established a Select Committee on Land Conservation, which had an extensive opportunity to investigate this matter and which could have brought its final report to the Parliament so that all members had the full benefit of that committee's work before them when considering this legislation, which should have added to the recommendations of that committee rather than circumventing them. I am a little surprised that the Government has moved without regard for the work of that committee, which the Parliament sees as important for the future of this State. The Government would have been well advised to provide time for that committee to report so that the Parliament gained a better view of the situation in relation to this important legislation.

I support the legislation, which will be seen as historic.

**MR McNEE (Moore) [11.25 am]:** This is a tremendously important issue. It is of greater importance to every man, woman and child in Western Australia than they realise. Not only does their future depend on it, but also their very existence. If people wish to go to the front door in the morning and pick up the bottle of milk they are used to picking up, not knowing or caring where it came from, or to be able to get in the shower and turn on a tap or have a drink of water having no knowledge of where that water comes from, they must realise the importance of this issue. Probably if one asked most people what their tap is linked to they would have absolutely no idea.

**Mr Minson:** Everyone knows that milk comes in cartons and meat in plastic.

**Mr McNEE:** I have a story about that. I can well remember city friends visiting us on the farm for a weekend, which was a most enjoyable exercise. We hardly ever milk cows on our farm but on that occasion - and the Minister for Agriculture would know about this - we had a cow which had difficulty calving. That was at the time we went into cattle to avoid another disaster in the agricultural industry, but I will tell the Minister that story at another time. I had to milk it, which is something I do not like doing. Having got the milk, and not being disposed to throw it away, my wife put it in the refrigerator. I remember her asking one of the children, "Would you like a glass of milk?" The child replied, "Yes, but I would rather have a proper one that comes out of a carton." I do not blame the child for having that impression because that was probably all he had seen.

This is a super important problem. I am concerned that all the speeches we make on this subject have probably been made before. That is a worry. One of the reasons we find ourselves in this position is that soil conservation, land degradation and "plant a tree" happen to be the flavour of the month; that is what people are concerned about at present. Next year they could be concerned to save the whale, the magpie or something else. We will probably have the Magpie Welfare Organisation Committee, with bureaucrats and a whole range of other people spending lots of Government money. A year or two down the track what we are talking about today could well be a forgotten cause. It is important that that does not happen. If the Government walks away from this problem, farmers and those charged with solving the problem will be left with it.

A lot of very good work is being done. Alcoa has put \$5 million towards a conservation project in the Avon valley area, which is commendable. If we encourage private enterprise to move in and to help in these ways, and if we make the conditions such as to encourage them to do that, we may well do something positive about land degradation. The Government may believe that a bunch of bureaucrats will be able to fix it, but I do not share that belief.

Last Friday the Minister for Education was at Cunderdin Agricultural College, and I am sure he would have seen some of the work that is being done there on land care projects by the

placement of contours and banks and the fencing off of strategic places and contours. That is a commendable project because it brings home to those farmers of the future, those people who may be associated with the farming industry, and those who may be in a bank or in some other lending institution, the necessity for land care. Bankers and people in financial institutions need to know as much about land care and land conservation as do farmers. I can imagine that if a farmer submits a review to a lending institution and puts on his review an amount of \$10 000 or \$20 000 for land conservation, out of a pretty tight budget, the first thing that would get a red pencil line through it would be that item, because someone who has never had the opportunity of understanding what land care is all about - through no fault of his own - would say, "That really is not necessary. You can do without that. Fuel will cost you more because of the increased excise that has been put on it this year, and fertiliser will cost you more, and they are essential items."

During Arbor Day at Cunderdin Agricultural College we had the pleasure of having Sir Francis Burt and Lady Burt attend the tree planting ceremony. That was a very worthwhile project because it brought together the Shire of Cunderdin, the Cunderdin Agricultural College students, and children from Lesmurdie school, who actually grew the trees and spent a couple of days at Cunderdin to plant them. That provided a wonderful opportunity for those young people to get out into the paddocks and do something that they can rarely do by getting a bit of dirt on their boots and digging a hole and planting a tree; and also understanding why they are doing it, because that is important. The Cunderdin Agricultural College and the Lesmurdie school are to be commended on their forethought and for that outstanding project, which was a wonderful combination of talent and effort.

In June this year at Coorow, which is a wheatbelt town in my electorate, the year 6 and 7 students at the school and the Rotary club, in conjunction with a Subiaco school, planted trees on road verges and around the town. At Wongan Hills, which is a larger town in my electorate, the Rotary club did a similar thing. So a great deal is being done to spread the word about how important conservation is and how important it is also to those who are not directly associated with agriculture. We are all citizens of Western Australia, and whether it is the Eagles playing Melbourne on Saturday, a farmer fencing off some trees, or a crayfisherman fishing, we are all part of that action and we cannot walk away from it because our existence depends on our being a part of it. We cannot simply say that because of our geographic location we do not have to give any assistance.

I turn now to some of the causes of land degradation. One of the statements we hear frequently - and certainly every member in this House would have heard it, whether city or country - is that the land was overcleared. That may sound like a very profound statement, but let us consider why the land was overcleared. In the early pioneering times, the farmers moved into those areas and cut down the trees with their axes. That was no mean effort, and I am sure they would have liked to leave many more patches of trees for shelter, but they were not allowed to. I can remember a pioneer telling me once how he threw away his axe at the end of the day and said it was all too much for him; but the next morning he said to me, "Unfortunately I went back and picked it up." I guess that shows the spirit of those people. The land was cleared because a regulation said that unless the land was cleared, they would not be given title to it. That regulation was designed by a bunch of bureaucrats. One of the reasons was that they had no better method of controlling vermin, and vermin were a real problem. Rabbits had been introduced, and were flourishing, and there was no really effective method of controlling them.

So the farmers had to clear the land in order to comply with a law that, in hindsight, proved to be wrong, and also to provide a very necessary staple diet for a developing State. I have to support my colleague, the member for Vasse, who mentioned that it was Hon Graham MacKinnon who introduced clearing bans. I was one of those fellows who asked him if he would change his mind. He said he would not because it was right; and it proved to be right. I remember the flak that was thrown at the Government of the day for its decision. It was a courageous step and if it was not the first such move in Australia it must have been close to it. I cannot remember well enough.

Mr Omodei: They were lucky they survived with their lives at some of those meetings.

Mr McNEE: They were. I was at some of those meetings and I saw those people being denigrated and torn down, and almost being called traitors to the industry when they had that industry at heart.

Mr Blaikie: That was not the first in the world but it was the first in Australia.

Mr McNEE: I think it was too. It was a courageous and statesmanlike decision. It is a pity that this Government cannot emulate that man; were that the case we would not be talking about the loss of thousands of millions of dollars that the Government has presided over.

The DEPUTY SPEAKER: Order! I do not think that is relevant to the debate.

Mr McNEE: Sorry, Mr Deputy Speaker; I am straying. Members opposite are very touchy today. Is it Thursday?

Mr Minson: No, it is *The West Australian*.

Mr McNEE: I think that is it.

It is also said that too much land was cleared. As a young farmer I remember when the Government of the day was clearing a million acres a year. I do not know whether it actually cleared a million acres a year but that was the figure that was used.

Mr Donovan: That was the objective.

Mr McNEE: Yes, I will accept that that was the objective. I remember walking around places like Beacon, Dandaragan and Badgingarra digging holes in the ground with young friends who were from the city and now wanted to farm. Many of them went farming; some of them were shearers and some of them, believe it or not, were farm labourers. The new farmers, who came from a variety of occupations, indicated the block of land they wanted to develop. At that time a Government was in office which allowed them the opportunity to develop land and the financial situation was stable. Interest rates were at six per cent and inflation was negligible. I remember the joy the farmers expressed when they were granted the land, mean and small as their savings were. Before developing their block of land, they had to face the land board of the day. Some people failed in their endeavours, but many did not. We may criticise that program, but it had a beneficial effect on Western Australia.

Some very successful farms exist today that could not have been developed had it not been for that assistance. Many of those farmers would acknowledge the assistance they received from the banking system that helped them to develop those pieces of virgin bush. I did not have to do that; I was fortunate because I inherited my farm. However, I have great respect for the farmers who started from scratch.

One of the things that contributes to land degradation is financial pressure. Not since 1983 have I seen the rural industry under such consistent pressure as it is today. From my experience in farming, when a low occurred, a corresponding high occurred somewhere else. Those highs and lows were almost predictable. However, today, farmers are suffering due to circumstances totally beyond their control and those circumstances force them to follow practices that they know very well they should not follow. The reason for that situation is because the farmer is under pressure. Over the past few years, a farmer would have paid as much as 22 per cent interest on a loan. He may have bought a farm in the early eighties; perhaps his son married and he was clobbered with the cost. Perhaps at the same time he noticed that the land on his farm was degrading and that his yield was also declining. Being aware of the cause of that decline he would have wanted to solve the problem, with the farm almost being taken away from him. Those pressures are what contribute to land degradation on farms.

Mr Catania: Are you going to tell us about your cocky?

Mr McNEE: I will come to that. I will definitely fix the tree cockies. This year something like 20 million trees - an enormous number - are being planted by farmers. I cannot remember the exact number mentioned by Senator Crane. I dread to think how much that will cost, but I guess it would probably be about \$2.50 per tree. I doubt that the cost of fencing could be included in that figure, but it may be close. People do not understand that planting a tree in a bare paddock - a hostile environment, especially during summer - is not an easy task. A farmer does not simply dig a hole in the ground and put the tree in.

Mr Omodei: If they let the locusts go, they will have to plant them all again.

Mr McNEE: I wrote to the Minister for Agriculture last year and warned him about the locusts.

Mr Bridge: You may take credit if you like for the fact that, because of your warning last year I saw the locusts and had a meeting with the farmers who were very much assured of the appropriateness of the Government's strategy.

Mr McNEE: Is it "3D"?

Mr Bridge: Of course.

Mr McNEE: Does the Minister know what "3D" is? The "3D" is the three bloody great dobermans just inside the door.

Mr Bridge: That's not what the farmers say.

Mr McNEE: When planting a tree, the farmer must rip the ground with a decent tractor because the ground needs to be ripped for about a metre. The cost of hiring a tractor would be about \$1 000 a day. The tree must be purchased, planted and fenced. Fencing the tree is difficult and expensive. Rural members should correct me if I am wrong, but it would cost about \$1 000 per kilometre. It would not be right to simply erect a little piece of tacky fence and expect that to hold back the pests. Some of the pests which are not worth a lot of money are sheep and they must be kept under control. I am not proud to say that.

Mr Wiese: You have to keep the cockies out!

Mr McNEE: Last week a golf competition was held. The prize for the winner was 1 000 sheep.

Mr Clarko: Second prize was 2 000 sheep.

Mr McNEE: Yes. None of the golfers played to his handicap. It was a disaster.

After the tree has been planted, the farmer faces the problem of birds. This problem cannot be resolved by making powerful speeches, by a bunch of bureaucrats, by taxing people or by fining them. Only the other day a farmer told me he had planted 900 trees last year and of those 900, 60 survive today because the farmer was able to protect them from the parrots. That may sound funny, but it is a fact.

Mr Wiese: You are not allowed to shoot parrots.

Mr McNEE: That is right. With their powerful beaks, the white corellas snip the seedlings one after the other from a tree which probably costs the farmer about \$3 to plant. Is it any wonder he feels disheartened? In addition to that, when he thinks that legislation will be passed to tell him what he cannot do, he is terribly frightened.

Mr Wiese: The trouble is, cockies can't read.

Mr McNEE: That is right.

Mr Clarko: They might read and have a behaviour problem.

Mr McNEE: They do. He is faced not only with parrots, but also kangaroos and rabbits. The Prime Minister has talked about planting one billion trees, but one can see from the sums on that exercise that it would not be possible. However, the Prime Minister said he meant that one billion trees to include the trees that grow in the forests.

Mr Minson: It's 11 000 an hour.

Mr McNEE: The task is beyond my comprehension.

It is not costing \$300 million, is it? If he were to allocate the money to fencing and supplying steel posts he would do much better. He might get some trees, because the only way to get one million trees planted is through private individuals doing the work.

These are the facts. There is no sense in our saying that we can do these things unless we face up to the real problem. If I went out and shot a parrot, I suppose all hell would break loose. The kangaroos are protected too. We must look at these things in practical terms. I see kangaroos where I have never seen them before. Is it any wonder that my neighbours and I cannot keep our trees alive? Unless we face these things in practical terms we will never achieve our objective. I support what the Government is trying to do, but it will not do it by saying, "This is the way to do it."

Mr Bridge: You would not want me to show them, would you? You would not want them to show me the way to do it?

Mr McNEE: You will not do it by saying, "We have 120 land care conservation groups." Land care groups are fine, but they need assistance. People in the country will say it is not the cash they are concerned about, but the Government's spending cash in the wrong place. What they need are things like tax concessions and real help with their problems. That is where we can help. The Premier said some weeks ago that it was time for action, and so it is; but not this sort of action. If I want some help to plant a tree it is almost impossible to get, but if I want to write a report on a business I would probably get all the help in the world. Support in a practical sense does not seem to exist.

Does aerial photography still attract sales tax? I was under the impression that sales tax no longer applied to aerial photography, but a member of one of my land care groups raised this question with me. Those maps are important to people who want to plan. We need to encourage private people into the area of land conservation; we want them to assist with planning methods. Methods have not really changed when we consider trees, salt tolerant species and deep drains. There we have another problem for the shires. Who accepts responsibility for a culvert where land has subsided; a paddock which is lower than the culvert? If we are to drain the land, the culvert needs to be deepened, and that is a considerable expense for the shire. It might well be that some of that \$300 million which the Prime Minister is using on the tree program would have been better channelled towards local government authorities in an attempt to resolve salinity problems. It is strange how often salinity becomes worse and gathers great speed from a road. I suppose it is because water is held up there. I support my colleague in his approach to the Government for this legislation.

The DEPUTY SPEAKER: I remind members that we are discussing a Bill for an Act to amend the Soil and Land Conservation Act.

MR WIESE (Wagin) [11.55 am]: That was a fairly appropriate reminder, Mr Deputy Speaker. I am not going to try to compete with the oratory of the member for Moore; I shall speak to the Bill.

The Minister's second reading speech outlined very well the scope of the problem and some of the matters with which this Bill is endeavouring to deal. I think every member supports the actions and the thoughts behind the legislation. Basically we agree with most of the points covered in the Bill, but a few need to be commented on. I shall try as briefly as I usually do to comment on them.

Although we talk very strongly about the problems which have resulted from land clearing - and that is where the blame is laid - the fact is that this land was cleared and these problems arose as a result. We should be positive about this problem. The real facts we need to take note of are that, from the best figures quoted, somewhere between five per cent and seven per cent of the land which is cleared has been subsequently degraded as a result of salinity, erosion or various other factors. That is the negative side, but we must look at the positive side, which is that somewhere between 90 per cent and 95 per cent of that land is highly productive and making a great contribution to the economy of this State.

No-one set out deliberately to cause degradation of the land; deliberately to encourage salinity or any of those bad facets of land clearing. When we were clearing we did not have any idea that this would be the result. I was responsible for clearing many thousands of acres in my district. I had no concept that this would be the result. The problem is not a simple one. One cannot say one cleared the land and that resulted in the salinity. I can take members to a block of land within 500 or 600 metres of the top of the water catchment on my land. In other words, it is on my side of the divide. On one side the water goes down into the Blackwood River and 600 to 700 metres to the north of me the water goes in the other direction and finishes up in the Peel Inlet. I am at the top of the water catchment. Within about 300 metres of the outbreak of salt I have forest country. There is timber down to the very edge of that block. Within five years of clearing that land I had a major outbreak of salt at the top of the block within 300 metres of forest country and within 600 metres of the top of the divide.

I will never be convinced that land clearing is the simple explanation for that. Many other, much more complex factors come into play. Certainly land clearing was not the major reason why that salt broke out in such close proximity. I say that to explain that it is not a very simple problem but a very complex one. None of us set out to create the problems we now have, but with the 90 to 95 per cent of productive land that is left we are now

endeavouring to right the problems we have created, and that applies generally throughout the farming industry. Very few people now are not endeavouring to overcome some of the problems they have, and that should be borne in mind when we speak about the dreadful degradation of land which resulted from land clearing and the problems the farmers have created.

The rural industry will receive - and is receiving - some assistance to help overcome some of these problems. Mention has been made of the \$300 million or so which the Prime Minister has said will be made available to help us cope with the problems which are a result of farming and clearing practices in the past. I am very happy to see that, as is everybody in the rural community. However, a great many people in the rural community - and I am one - wonder how much of that money will reach the farmers and the people who are actually doing the work to reclaim that land and to overcome some of the degradation that has occurred. I do not think very much at all is getting to the individual farmers to help them cope with the problem. It seems to me that a great deal of that money is being swallowed up within the bureaucracy in the process of filtering it down. I do not think that was the intention, and I do not think it is right that it should be happening. As much of that money as is possible should be getting down to where the problem really exists; that is, on the farms. I hope some of the measures in this Bill can help do that.

One of the matters the Bill addresses is the setting up of the Landcare Trust. I hope that trust will assist in getting funds back to the land. It is important that the trust be set up in such a way that the people on the trust are very much associated with the land and know the problems which occur on the land, and hence are in a position to make the right decisions as to how the funds which go into that trust are divested to enable the problems to be coped with. I have some problems with the membership of the trust as proposed in the Bill, and some doubts as to whether the trust and its composition are the best way to ensure that money is spent in the wisest manner to ensure that some assistance is given to the man at the coalface who is actually doing the work of planting the trees, putting in the drainage, or whatever the particular conservation project might be.

Mr Graham: Who do you think should be on the trust?

Mr WIESE: I think there should be a much stronger representation on the trust from the rural and farming community, rather than from the bureaucracy. Perhaps those representatives should come from the 120 conservation groups which exist around this State. The Minister has the role of making three of the appointments to the Landcare Trust, and I hope he bears in mind my comments and ensures that the representatives on that trust are people who are in a very good position to make the right decisions as to the divesting of money through the trust.

Very strong and positive discussions and consultations should take place between the bureaucracy and the man on the spot who is involved in doing the work, and I hope we will get that discussion and consultation through the soil conservation advisory council, formerly the soil conservation advisory committee. However, again, a great many members of that council are from the bureaucracy. I know that, under this legislation, we are now putting a representative of the volunteer conservation movement onto that advisory council. That is a good move and I have nothing but praise for it; I am sure that representative will make a very good, strong and worthwhile contribution to the discussions of that soil conservation advisory council. However, if we are appointing a representative of volunteer conservation groups to the advisory council, surely we should also consider appointing somebody to represent the 120 soil and land conservation groups we have in this State. It is important that there be on the council somebody who is a direct representative of those groups, because I believe that in those groups are some people who are best able to make a contribution and to guide the soil conservation advisory council in its deliberations. That council has a major role to play, when we consider its functions. I will comment upon that when we reach the Committee stage.

Mention has been made of the important role played by remnant vegetation protection and what is being done in that regard already. I believe remnant vegetation protection has a role and I acknowledge the contributions already being made to provide financial assistance and to create remnant vegetation reserves. However, I want to make two comments. Firstly, judging by the number of submissions made to the remnant vegetation protection committee,

a great deal more money needs to be made available to enable that remnant vegetation work to proceed at a far greater pace than it is at the moment. As has already been said, it is enormously expensive to provide and erect fencing around pieces of remnant vegetation, and I share the concerns expressed by the member for Warren during his contribution to this debate that that sort of work will be the first to come to a halt as a result of the present situation in the rural community. That makes it even more important for more funding to be provided to enable that remnant vegetation conservation work to be done. It is positive work which makes a positive contribution; the trees and vegetation already in place are protected. That is a far better and quicker system than starting from scratch with cleared and degraded land and trying to establish trees and ground cover. If we can protect remnant vegetation we will be 30 or 40 years in front, rather than starting from scratch with seedlings or scratching in seeds to germinate. It is important work which needs a great deal more assistance and financial contribution. Unfortunately some people who have expressed initial interest in taking part in conservation work have been discouraged from taking action to protect remnant vegetation and becoming part of the scheme. They have been discouraged by the legal requirement to tie up the land with covenants to protect remnant vegetation land in perpetuity.

In the Minister's second reading speech mention was made of the Landcare Trust and its role in ensuring contributions made by the corporate sector become tax deductible. When the Federal Budget was brought down an announcement was made that contributions by corporate sector business people to conservation and land care work will be tax deductible. This Bill complements that initiative; it is a good and positive measure. I hope that we receive substantial contributions from the corporate sector to assist conservation work currently and in the future.

Comments have been made about the contribution by Alcoa of Australia Ltd in this regard. I have nothing but praise for the work carried out by Alcoa because that work represents a fantastic initiative. Alcoa has played a great role in encouraging and assisting conservation groups and individual farmers to become involved in conservation work. Alcoa has set a great example to individual farmers of what can be achieved by fencing land and planting trees. Alcoa has taken the initiative and it deserves all the praise we can give it.

I have mentioned previously the need for consultation between people actually involved in conservation work and the bureaucracy. I should mention an area which has recently come to my notice, one which I will use to highlight the breakdown in communication that occurs from time to time. Many members in this place would be aware that in the rural areas of Western Australia containing salt degraded land one method used to return the land to its former state involves the installation of pumps and bores into the saline aquifer. Bores are set in place which pump 24 hours a day to lower the watertable and in that way lower the salt from the surface. Crops and pastures can then be established on the land.

This method is somewhat experimental - I can cause arguments with this point anywhere I go - and it is not a perfect technique. However, in some areas the results of the pumping exercise are extremely good. In my district some very practical farmers have been watching these activities. Over the last three months they have become involved in one of the water pump schemes to lower the level of underground water. It is interesting to note that as near as I can ascertain no discussion, or at best very little, has taken place with the people vitally involved in the project. I refer to Steve West, the main proponent of the scheme, and his activities. Regulations tabled in this House at the commencement of this sitting require an owner or occupier of land who proposes to drain or pump water from on or under the land - because of the salinity of the water - and to discharge that water on or over the land, will be required to give at least 90 days' notice of such drainage or pumping to the commissioner in writing in the manner set forth in schedule 4, and the schedule is attached to that part of the regulations.

I find it amazing and alarming that initiatives such as that can be taken with little or no discussion with the person who is basically the major proponent of that form of land rehabilitation. I do not have any basic problem with the fact that notice is required but I am amazed that an initiative such as this can be taken without consultation. I wonder whether much wider discussion should have taken place with other people who may be involved - not only in that activity but also in activities which will come within the scope of those regulations. I wonder whether the commissioner - or the Minister, when he approved of the

regulations - was aware of the wide scope of the regulations. On reading the regulations I find that I will be caught within their ambit due to my undertaking an activity which will cause the same problems as those involved in pumping the underground water aquifer.

On my property I have some dams in which over time the level of salinity builds up. Every four or five years I need to pump out the dams, to silt scoop them to eliminate the salt in the mud, and to pump out the water. I discharge that water into the watercourses and eventually it finishes up either in the Peel Inlet or in the Blackwood River, depending on which dam I am working. I do that to ensure fresh water fills the dams and stock can use them again. So I am to be caught because of the regulations; I will be required to give 90 days' notice of any such work. I do not know just when I will carry out such work; that depends on seasonal conditions and the results of salinity tests on the water.

This also depends on being able to obtain a pump at the right time and operate it. I cannot give 90 days' notice of that activity, but I will have to or else I will liable to a \$2 000 fine. I wonder about the wisdom of introducing such legislation without consultation with the rural community. This highlights the need for such consultation before embarking on some of these bureaucratic initiatives. Basically, I approve of and praise the initiatives; I have sounded a few warnings - as I tend to do on occasions - and I hope the Minister takes some notice of them. I look forward to questioning the Minister in greater depth during the Committee stage.

**MR GRAHAM (Pilbara)** [12.21 pm]: I speak on this Bill not only as a country member, but also as the Deputy Chairman of the Select Committee on Land Conservation, and under Standing Orders that applies some restrictions on relating to the House the evidence that has been put to the committee. However, the soil degradation problem in Western Australia, despite what the newspapers and television tell us, is the biggest single conservation issue in Western Australia, bar none. It is the biggest problem regarding the total area affected, the impact on the industry concerned and also regarding lost dollars to this State. This problem has an extraordinarily large effect on Western Australia and has a number of associated problems. Previous speakers referred to some of those problems and I would like to put some of those problems into a broader perspective.

Farmers and pastoralists are fiercely independent people; that is, they are not only independent from one another, but one area is independent from another and they also tend to be independent from interference from bureaucrats and city based people. That view has been expressed a number of times in this debate, but with that independence comes a certain responsibility and that is where the difficulty arises with this particular conservation debate. It is a matter of balancing the interests of the farmer with the interests of the people of Western Australia and Australia as a whole. The member for Moore indicated that farmers and pastoralists produce our food and produce a large amount of our export income upon which we rely. It is necessary to have a balance between the individual farmer's rights and responsibilities with that of the industry - at a State and Federal level - and the interests of the people of Australia. One of the ways of doing that is by allowing farmers to have input to conservation issues which affect them.

Having had the luxury of travelling around Western Australia and speaking with a number of land conservation district committees and hearing their concerns, I understand how these things are structured. The districts draw farmers together with some bureaucratic assistance; however, these bodies have lost direction a little, and that should be expected with that type of structure. All wisdom on how to fix the problem does not lie with the farmer and, equally, all wisdom does not lie with the bureaucrat.

**Mr Omodei:** Most of the land conservation district committees are a mix of farmers and Government people.

**Mr GRAHAM:** That is exactly what I am saying. All wisdom does not lie with the farmer, and all wisdom does not lie with the bureaucrat. To achieve results one needs to call on the expertise of both the farmer and the bureaucrat - that is starting to happen. A provision in the Bill will upgrade the role of the land conservation district committees and that will provide the policy advice directly to the Minister, which is a definite bonus.

The member for Wagin raised the question of who should be blamed for the land being cleared. I happen to agree with him - I do not make a habit of that - in that it is

unreasonable for the people of Western Australia to lay the blame for land clearing at the door of the farmer. It was the demands which Australia placed on the agricultural sector which actively encouraged the clearing of land, and subsidies were even provided to do so. I remember in my teenage years going up to the wheatbelt and seeing two bulldozers with a chain between them ripping through the scrub.

Mr Omodei: You vandal!

Mr GRAHAM: That was a part of the way of life in the 1960s as people were paid Government grants to clear land. It was the prevailing wisdom in Australia that we must clear land to boost our agricultural industries. It is a mistake to say, as do some of the fundamental environmentalists, that we should close down all farming so that everything can go back to the way it was. If that were done we would all go hungry. We must balance our environmental concerns with our production concerns in the agricultural area. The question of who should pay for this is not addressed in this Bill. However, this subject will receive close scrutiny over the coming years.

I have yet to find anywhere in the world where the rehabilitation of agricultural land has been funded on-farm. Recently when the Select Committee on Land Conservation was in the United States of America, people went to great lengths to explain to the committee how their conservation initiatives were free from pressure and how farmers were able to make a choice about whether they wanted to take the land in or out of the schemes. They have a wonderful document in the United States called the Farm Bill which is one of the most amazing Acts of Parliament I have ever seen. It is one and a half times as thick as our Local Government Act, and from start to finish it is about subsidies, enticements and encouragements for American farmers. While we were in America the Bill's budgetary allocation was being debated in Washington and the farm subsidies involved \$US50 billion over five years. Somebody from the conservation service of the American Department of Agriculture would turn up on a farm and tell the American farmer that his paddock had a salt problem. He would say, "We suggest that you do something about it." If the farmer did not he would find that the departmental approval for his subsidy would somehow be removed. So, it is said no direct pressure is applied.

Mr Wiese: It sounds like pretty direct pressure to me.

Mr GRAHAM: The Americans maintain that it is not direct pressure and that the two are totally unrelated.

Mr Wiese: Would the current Government consider a scheme like that?

Mr GRAHAM: I certainly hope not. I would not like to see us in the situation of the US farmer - for a start, we could not afford the \$50 billion over five years. The financial imbalance in the agricultural sector in the United States is how farmers are encouraged to address the conservation issue. We have chosen not to go down that road - quite rightly - and the way forward for farm conservation in Western Australia is by actively involving the farmer. This can be done by way of catchment area as opposed to shire or council district. The farmer should be encouraged to involve himself in the conservation matters on his farm and to have some interface between Government departments and direct access to the Minister - this Bill does that.

Finally, the member for Wagin raised the question of pumping water from one farm to another and outlined the difficulties involved. The problem with pumping water varies from region to region and farm to farm. The broad answer of restricting people from pumping water until they have been given notice will work. That may cause minor inconveniences to farmers such as occurs in the United States of America where there is a restriction on farmers, or anyone who uses the land in any form, putting water back into water courses with pollutants above certain levels. A number of industries have sprung up in and around major waterways in the USA which treat the water before it goes back into the streams. For example, the piggeries use their waste products to generate electricity which reduces the amount of water used. The electricity which is generated runs tertiary treatment plants for the piggeries' water. That may result in some minor inconvenience but if it is looked at in the context of the balance between the individual farmer versus the State and the sort of regulation put on the table at the start of this year it is well worthwhile.

Mr Wiese: I do not have a problem with the regulation, I have a problem with implementing that regulation without consultation.

**Mr GRAHAM:** I am not in a position to comment on how the regulation got into this place. We can come up with simplistic answers to the problems of soil and land degradation. However, I have learnt from my Select Committee work that there is no single answer to salinity problems, water erosion or soil erosion. It is an incredibly complex question which requires a series of complex answers. Those answers will vary from State to State and from region to region. What applies to the south west of Western Australia would have no application to the pastoral regions in the Pilbara. The recommendations which will come from the Select Committee and the soil conservation committees answering to the Minister will indicate that the solution will vary region by region, shire by shire and farm by farm.

I have been handed a note saying that the pumping regulation was introduced at the request of the Soil Conservation Advisory Committee. In response to Mr Wiese's comment I am assured that there was consultation between the parties. I commend the Bill to the House.

**MR BRIDGE (Kimberley - Minister for Agriculture) [12.34 pm]:** It has been a long debate, particularly when one considers the members' general support of the legislation. It illustrates that agricultural issues have the capacity to prolong debate and that often things do not get attended to as quickly as they should. That is one of the reasons for the general nature of the debate. I will direct my attention to accommodating each of the concerns raised by members who spoke. The legislation does not in any way cross paths with the initiatives taken by our predecessors. It consolidates and substantiates to a greater extent the wide ranging changes which have occurred over many years. Any changes which give the industry a greater capacity to speak directly to the Minister are a real plus. This legislation upgrades the role of the Soil Conservation Advisory Committee to that of a council. The difference is in its functions. We may have differing views on the success of that committee, but it has operated under a structure with an advisory process to the commissioner from whom decisions flow. It will be upgraded. A group of people will be appointed with the status of a council and they will be able to speak directly with the Minister. That is a significant feature of the Bill. Many of the other amendments are designed to help that central and significant feature. It will help the council to function in its administrative operations.

We have talked about the structure of the Landcare Trust and its appropriateness or otherwise. These are matters for continuing debate and from time to time it will be our responsibility to assess them. I can see no departure from that in this Bill. The Bill will give status to the operations in place in rural areas and, for that matter, in some areas of our urban community. Society today has a very different perception about the need to care for the environment. The environmental debate needs to be considered in practical terms, in the way we set in place our policies and the mechanisms to enable changes to occur. If we do not do that the environment will suffer. We can talk about isolated instances in specific terms where the system is not operating as effectively as it should, but the broad umbrella approach to the community's responsibility must be for a commitment to a greater care for the environment. We can call it soil and land conservation, correcting salinity, water management strategies or tree planting but a rose by any other name would smell as sweet.

In the end, it comes down to whether we are prepared to make a major thrust towards a better caring program for the environment. That is why people want change. It will not necessarily be our responsibility in isolation to drive that change in the future. However, it will be our responsibility as decision makers and as legislators to respond in a practical and proper way to those views. Only through well defined, sensibly planned change through legislation will we be able to achieve that end.

A commitment to change is not the end of the story; far from it. It is part of that exciting change of this nation and the world at large paying attention to the environment which will ensure less land degradation, a lessening of salinity problems and a greater capacity to manage on-service operations whether they are to do with production associated with farming activities or with other things. They are all of equal importance.

I am happy with the support the Bill has received. However, let us apply that support to a far broader attitude to the environment. Often the member for Vasse raises issues in this Parliament that do not give me any joy. I have never heard him praise many of the things in which I have been involved, although he may think he does. However, his contribution today was valuable. He referred to the importance of a long term, visionary attitude towards

the environment. Who better is there to support that approach than the members of this Chamber? Many clear examples indicate that, with the best will in the world, many decisions in the past have been very short term ones. The end result of those decisions has been to lead us into problems and difficulties which we are now having to address. We would have been better off to pay far less attention to picking up the singular issues and concentrate on the broader picture in the hope that the nation's perception of care for the environment is a long term responsibility for each of us to share. We should have a firm responsibility, as legislators, to accommodate that perception. We have had a fair bit of luxury over the years. I have been a member of this House for 10 years.

Mr Shave: It is starting to show, Minister.

Mr BRIDGE: I admit that. I am a bit like the old stockyard horse that should be left in the long yard. There have been times when, in carrying out my responsibilities to the nation, I have been short of being absolutely positive in my attempts to achieve long term goals. One of the things about which I want to feel good when I leave this Parliament is my success in changing the public's views on these matters.

Mr Shave: There is absolutely no doubt that people will recognise you for your services.

Mr BRIDGE: The people wait a long time to recognise those things. I will not wait around.

Several specific points were raised by a number of speakers with which we will deal during the Committee stage. However, everybody has concluded that the amendments are complementary to the Act. Such amendments must be introduced from time to time to improve the system and to make it more efficient. A large component of membership of the 100 or so land conservation committees represent the grassroots level of the rural sector. They now have access to the highest level of Government. That is an indication of the importance we place on their involvement in the process. Rather than our saying to them that they represent a grassroots core of people, an advisory framework is available to them within which they should work to achieve the results they want to achieve. We have gone beyond that. We will now be able to respond better to their needs.

The member for Vasse said that this is an historic event. What he was saying is that this is the greatest piece of legislation he has ever seen. I am proud to know that that is his view.

Mr Omodei: It is only an amendment Bill!

Mr BRIDGE: It is, but it improves the parent Act. I advise the member not to dispute the views of the member for Vasse, otherwise he may not grow any more potatoes. I thank each member for their contribution and support of the Bill.

Question put and passed.

Bill read a second time.

### *Committee*

The Deputy Chairman of Committees (Mr Donovan) in the Chair; Mr Bridge (Minister for Agriculture) in charge of the Bill.

Clauses 1 to 6 put and passed.

Clause 7: Section 9 amended -

Mr HOUSE: It is my understanding from the second reading debate that the Minister's nominee to the Land Conservation Council will be someone from the Australian Conservation Foundation. I seek the Minister's clarification on that point and if that is the case, the nomination would have my support. Which groups did he consult during his consideration of the appointment of that additional person to the council?

As members are aware, the number of land and soil conservation groups in Western Australia is increasing and there are now approximately 120 of them in the State. It has been suggested by some of those groups that they should have direct representation on the Land Conservation Council. Perhaps it is something the Minister may consider at some time in the future. It would be a little difficult to appoint someone who would be a fair representative of all those groups, but it is something that should be addressed.

Mr BRIDGE: It is likely that the appointment will flow on from the existing membership of the Land Conservation Council. The question of additional representation and which

organisations should be directly represented on the council is something to which consideration should be given in the future. It is something I will consider.

Mr HOUSE: Organisations like the Western Australian Farmers Federation are represented on the council. Do they submit a panel of names from which you select the members of the council?

Mr BRIDGE: A panel of names is put to me and I make a selection.

Mr Omodei: Are the Department of Agriculture and the Department of Conservation and Land Management represented on the council?

Mr BRIDGE: Yes, they are. I advise the deputy leader of the National Party and the member for Warren that it is critical that we have the right membership on the council and for that reason we should not be too rigid in our approach when looking at the need to change the representation of the council. I am happy to meet both members to discuss that matter if they feel inclined.

Mr WIESE: The Minister did not comment on the point raised by the deputy leader of the National Party about the representation of the 120-odd land and soil conservation groups in Western Australia. Has the Minister given consideration to those organisations being represented on the council? If so, how does he intend to appoint such a representative? Would he also advise why those groups are not represented on the council?

Mr BRIDGE: I have the ability under the Act to consider which groups should be represented on the council and to make the change if it is felt necessary. However, it is not desirable to change the membership of the committee until the current members' time has expired. It is a matter to which I will give consideration.

Mr Wiese: What do you mean by saying that you have the ability to appoint those people now?

Mr BRIDGE: I am referring to the trust.

Mr Wiese: I am talking about the council. Are you saying that the ability is there in regard to the independent farmers?

Mr BRIDGE: In respect of the trust, yes and in respect of council, no. The council already has a membership. Should we agree to a change in that membership, the process should occur when the time of the members on that committee has expired and not before.

Mr HOUSE: I understand that the legislation provides for the Minister to appoint two farmers to the council. Does the Minister consider that those appointees should be people who are already members of land conservation groups? Some prominent people in those groups are farmers and they would be the logical choice.

Mr BRIDGE: Yes, I would give consideration to appointing them. I reiterate that the changes would have to be made at the expiry of the existing members' terms of appointment. Those people were appointed because it was considered they were the appropriate people to be appointed to the council. It would be extraordinary for me to tell them that I had decided to change the membership of the council when they had served only half of their time.

Mr WIESE: My understanding is that under this legislation the council will comprise one representative from local government, one from the Western Australian Farmers Federation and one from the Pastoralists and Graziers Association. I sincerely hope that the representative from local government will be a person from the rural area and not from the metropolitan area. The representative from WAFF would, I hope, be a person who has a farming background and the representative from the Pastoralists and Graziers Association would be someone from the pastoral area. There will be a representative from the Environmental Protection Authority, a person from the bureaucracy who presumably would be a non-farming person. In addition there is a representative from the Department of Conservation and Land Management who, undoubtedly, is a departmental employee and would not be from the agricultural industry. Other departmental representatives will be from the Water Authority of Western Australia and the Department of Agriculture. The Commissioner of Soil Conservation will also be on the council. The additional appointee will be a representative from a voluntary conservation movement and I understand he will be a representative from the Australian Conservation Foundation. Six out of the 11 appointees

to the council will not have an association with pastoral or farming activities. Strong consideration should be given to ensuring that the two people appointed by the Minister to the council have a strong association with the land conservation groups.

*Sitting suspended from 1.02 to 2.00 pm*

**[Questions without notice taken.]**

**Mr BRIDGE:** The member for Wagin has referred to a greater balance in the membership of the council, with greater emphasis on rural areas. I have discussed the matter with the member for Wagin during the suspension and he accepts my assurance that I will consider the matter. It is a proper request and I will be happy to accommodate the member in that regard.

**Mr WIESE:** In discussion with the Minister, arising from a previous query, I asked him to consider increasing membership of the council to 12 members, the extra member to be a representative of soil conservation groups. Presently the council comprises six non-agricultural representatives; therefore, only five members could possibly represent farming or pastoral interests.

**Mr BRIDGE:** I should highlight a qualification regarding that request. Currently the council is restricted to 11 members. The proposition to increase membership by one member requires further consideration and amendment. I am prepared to examine that approach.

**Mr HOUSE:** My understanding is that in the past the soil conservation committee advised the commissioner. The change in legislation will mean that the council will report to and advise the Minister. What is the reason for the change? I understand that the Minister will still receive advice from the commissioner; however, I do not understand why the council should advise the Minister directly.

**Mr BRIDGE:** It is a matter of view as to whether the deputy leader of the National Party sees an advantage in a group of people being assigned an advisory role and having direct links to the Minister, as opposed to that group being required to advise a commissioner. I have no doubt about which is the preferred approach. I have a very strong view that however the council is developed, with these advisory functions relevant to the interests of the community and the direct internal functions of decision making, it is appropriate to have direct access to the Minister. The status of the committee has been elevated, and that is significant. If some people say it is better to go to the commissioner, who is a public servant, as opposed to the Minister, that is a matter of judgment.

It would be preferable to have the Minister encourage input to decision making. We heard comments this morning about the deficiencies of the bureaucracy, although I do not know whether that is fair. The legislation is an example of how to reduce the degree of participation by the bureaucracy. The legislation intends to achieve that.

**Mr OMODEI:** As the council will report to the Minister, it is important that the council has a rural flavour; that is, the land conservation district committees should be adequately represented. I ask the Minister to take that matter on board when appointing the new council. Rural membership of the council should represent the majority. Under section 39 of the principal Act the appeal committee contains public servants, one being a member of the Department of Conservation and Environment, one a horticultural pastoralist and the other a person from the division of resource management of the Department of Agriculture. Any appeal body must be balanced so that rural community interests are taken into consideration.

**Mr BRIDGE:** I indicated my agreement to that proposition in my previous response to the member for Wagin. That will require an amendment at another time, but I accept the basis upon which it has been put to this Chamber.

**Clause put and passed.**

**Clause 8: Section 16 repealed and a section substituted -**

**Mr HOUSE:** What directions will the council give to land conservation district groups? The groups must retain their independence and be driven by the community in which they serve. They are set up in different areas and have differing problems. Will the council have the authority to direct, to request or to suggest courses of action?

**[Quorum formed.]**

Mr BRIDGE: Proposed section 16(e) should satisfy the deputy leader of the National Party. There is a measure of supervision and control in that section. However, once the council has been selected it will use its statutory powers sensibly and it would work in close cooperation and consultation with the land districts committee, which is central to the functions. Any erosion of that process will work against this amendment being useful. I hope that does not happen, but it does come back to the Minister. If it were illustrated that an unfair approach was being adopted by the council to a district group, it would be appropriate for the Minister to formally approach the council. I do not think that measure of authority can be removed. There must be an authority which has some influence and supervision over the council.

Mr OMODEI: Will the council have the power under new section 16(d) to direct where national soil conservation program funding will be allocated within the State. Is that a change to the current situation?

Mr BRIDGE: It will, and that does not change the current arrangement.

Mr WIESE: Who will perform the activities set out in proposed sections 16(c), (d), (e) and (g)? These functions require someone to be on the spot. Will the Minister give a guarantee that the supervisory and coordination roles in conservation related activities will not be removed from the Department of Agriculture to the Department of Conservation and Land Management?

Mr BRIDGE: There is no such guarantee. This Chamber could agree to the membership of the council, but those members could then assume practices with which we are dissatisfied. One must look at the spirit and intent of the legislation. The Department of Agriculture's resources management branch is involved in the formation of the council. The commissioner of the council has the extra advantage of being able to direct his staff. One cannot go beyond writing in supervision and coordination procedures which are intended as a safety valve.

Mr Omodei: Will it be done by the department?

Mr BRIDGE: The department will execute it - we cannot get away from that. Someone has to operate it.

Clause put and passed.

Clause 9: Part IVA inserted -

Mr OMODEI: The question of a conservation covenant and the associated register is of concern to me. I refer members to proposed section 30C(1). I have no concern with a covenant or agreement being in place while the original owner holds that property. Proposed section 30D(b) covers the transferring of covenant from the owner of the property to a new owner. Should the new owner of a property not want part of his land held under a covenant, will he be forced to comply with it? Is it necessary to have a written covenant protecting a piece of land which the owner may want to retain, for example, as native forest? If a person fails to notify the new owner within 14 days that there is a covenant over part of the property he will be subject to a fine of \$2 000, which is a heavy fine. Proposed section 30E(4) refers to section 39 of the Act which relates to appeal provisions. The appeal committee comprises two public servants and a pastoralist or horticulturist and it concerns me that the committee is weighted in favour of the Government. I wonder whether the person affected will receive a fair hearing. I understand the Minister's ruling is final and I ask whether a person would have redress under common law.

Mr BRIDGE: This matter was the subject of considerable debate in another place where it was agreed that the clause, as it stood, will accommodate all those matters raised by the member for Warren. It is a matter of judgment whether in the end the person will receive a fair hearing. We could talk about this all day and never reach a conclusion.

Mr Shave: The Homeswest residents in Willagee did not get a fair hearing about their rent increase.

Mr BRIDGE: That is the point I am trying to make. I can give an assurance in this place, but there are many players who participate in these schemes and there are changing circumstances.

Mr Omodei: I am happy that there is an appeal provision in the Bill. However, if the Minister's word is final what redress does that person have?

Mr BRIDGE: I do not know, but if he came to me, as a last resort, he would be well treated.

Mr WIESE: Proposed section 30D requires a person to notify a potential buyer - if the property is passed on to that person's son, he would have to notify his son - in writing, that a covenant is registered on the land and if that notification is not given I ask the Minister whether it would have any effect on the potential sale or transfer of the land.

Mr BRIDGE: My legal advice is that it does not.

Mr Wiese: I would be grateful if you obtained further advice and advised me accordingly.

Mr OMODEI: The reason I raised the matter is that in some cases when land ownership changes hands the new owner may not want to have a native forest or wetlands on a particular part of the property and he may decide to clear those areas and use another section of the property for a native forest or whatever. I ask the Minister whether that is possible.

Mr BRIDGE: Yes, it is possible. The commission can agree to the change. If it does not agree to it an application can be made to the tribunal which will make a decision.

Mr HOUSE: I feel very strongly about this. That is not my interpretation of what I have read. My belief is that if a person spends a lifetime planting trees and establishing a piece of land in a way which he feels is necessary for conservation and he then sells the property, there should be a method by which his work can be protected. There should be a way in which the title deed can be marked in order that the next owner does not clear the land or degrade the area in a way that the person who sold it to him would not want. When the sale takes place the covenant should be clearly pointed out at the point of transfer in order that the purchaser is aware of the conditions.

My understanding of what I have read in the Bill is not what the Minister has just said. I am not suggesting he has things wrong, but I hope he has because I feel strongly that if someone has put in all the work and effort I have mentioned the purchaser of the property should not be able to tear it down if the title deed is marked in that way. The purchaser would be aware of the conditions of purchase and there are conditions on land purchases already laid down: for example, the Water Authority has a drainage easement on blocks in the metropolitan area marked for access. There are a number of such examples. Will the Minister clarify the position?

Mr OMODEI: I will clarify some of my comments for the deputy leader of the National Party. I was talking about the 10 per cent of land retained under the Act and covered by a clearing ban. From time to time some of this land becomes degraded and it is probably in the best interests of the land-holder to clear it. If a forest area has deteriorated to a great degree I understand it can be cleared so long as two hectares are planted for every one hectare cleared. I was referring to degraded native forests rather than an area planted and nurtured by someone for a number of years. That is different from the example mentioned by the deputy Leader of the National Party.

Mr BRIDGE: A difference exists between a conservation covenant and an agreement to reserve. I think that answers the concern held by the deputy Leader of the National Party. No major disagreement exists between the members who have spoken on this point. They merely need to understand procedural arrangements.

Mr House: I understand now.

Clause put and passed.

Clauses 10 and 11 put and passed.

Clause 12: Part VA inserted -

Mr HOUSE: This clause concerns me. The proposed Landcare Trust to be established by this Bill will be another Government bureaucracy we do not need. I can see that benefits could flow from such a trust. However, I wonder whether there are not as many downsides as upsides. What is wrong with the new Soil and Land Conservation Council doing the work proposed to be done by the Landcare Trust? There may be benefits keeping the two bodies separate, but I feel the downside is greater than the upside. I will not vote against establishment of the trust as it is probably worth a try, and anything that benefits land and soil conservation has my support.

The Bill provides for a review period and will be scrutinised at the end of five years. I have raised this concern because we have been talking about reducing big Government and providing better services. The people who will serve on the Soil and Land Conservation Council will have adequate skills and their hearts will be in the right places regarding soil and land conservation, so the council may be able to perform this operation better than the people who will just serve as trust members.

If the Government and Minister argue that these bodies need financial services for accounting or investment, let the council seek that expertise rather than establishing a new body which will generate costs such as sitting fees and other fees for the Government. Let the landcare council take over this job and seek that sort of advice from professional people.

Mr OMODEI: My concerns are similar to those held by the deputy leader of the National Party. Under new part VA, proposed section 41A states -

(1) The functions of the Trust are -

- (a) to seek and encourage the making of donations and testamentary gifts to the Trust for the purposes of funding soil and land conservation projects of a public scientific or public educational nature in the State, or for promoting soil and land conservation in the State, or for either of those purposes; and
- (b) to control, manage and apply the Trust Fund . . .

The Minister mentioned in his second reading speech that donations to the trust would be tax deductible. I would like him to say how they are deductible and whether farmers require the farm plan that I mentioned in my second reading speech. I believe that if the recipients of these funds are required to have a comprehensive farm plan that will not work in current economic circumstances because they will not be able to afford it. It will only assist people on small farms or hobby farmers. Will the Minister clarify that matter?

I agree with the member for Stirling that a review will be needed. I understand the review period will be five years. I also am concerned that the trust could turn into a bureaucracy. I note that under proposed section 41E, which is related to staff and support -

The chief executive officer shall provide the Trust with the services of such officers and with such facilities and support as the Trust may reasonably require to perform its functions.

I hope we do not have another bureaucracy where donations and funds are taken up running the trust. The concept is a good one as it will provide a facility whereby small donors' funds will be pooled and distributed in an appropriate manner. However, I have the reservations I have mentioned.

Mr BRIDGE: In answer to the member for Warren, the taxation proposition he put forward has flexibility under this legislation. It is like talking about Commonwealth as opposed to State responsibilities. In the end it is a matter of whether that is true. We can suggest that these things are applicable and find under the legal process that they are not.

Mr Omodei: Are we presently getting a tax deduction?

Mr BRIDGE: Regarding the other point raised by the deputy leader of the National Party and the member for Warren, in the end it is a matter of judgment whether it is appropriate to have people whose task it will be to look at the financial considerations of the work as opposed to service and down to earth land administration. It is the view of the Government that this will provide a padding process. If the view is that we are starting a major additional bureaucracy, that is something we should be very concerned about, because that is not the intention. It is intended to assemble a group of people whose background is that of understanding economics and financial matters rather than, to put it simplistically, people more used to driving tractors. We will have to make sure that that does not happen. The council should give some guidance. The council should be able to say whether it is going outside the bounds of what it was set up to do. It may have to reign in its activities or refer the matter to me as the Minister.

Mr WIESE: I share some of the concerns expressed, and I have a few of my own to express, as I have already done during the second reading debate. The membership of the trust causes

me some concern, and the Minister has probably touched upon that already. One member will come from the council, so there will already be some input from the council to the trust. One shall be the commissioner, who is also on the council, so there is a fair amount of direction and input from the council. Three people will be appointed by the Minister, and one will have accounting experience, so that is the first man referred to with economic know how.

Having got that far, it is very important to have people with experience in the field, in the application of conservation measures, and in the sorts of things we will be trying to encourage by spending the moneys which will come into this trust. Strong account should be taken of people from land conservation groups. Those will probably be the organisations which will receive the funds. They are the people with practical knowledge; they will be in a position to say what should be done and in what direction we should be going in spending these funds. If that does not happen, the conservation groups would be far better off retaining the money in their own pockets and in their own control, spending it in the direction they want, rather than handing it over to an organisation such as the trust. The trust will have to function very practically and sensibly when it comes to deciding where the moneys will be spent, because ultimately the trust will be making decisions about the expenditure of those moneys.

Will that trust be a place where one builds up a capital resource and spends the income resulting from that capital, or will it be a vehicle whereby the capital comes from different people and it is all expended?

Mr HOUSE: I agree with the member for Wagin. In fact I would go even further. I would like the Minister to tell us whether the recipients of the fund will be aware of the source of this money. Is it possible that when the money is distributed, an announcement will be made by the Minister? I am not trying to accuse this Minister, but we could in the future have Ministers of all political colours who might use that announcement as a political ploy.

This body is potentially very powerful. It is possible that, with the emphasis which has been placed on land care, the council could have several million dollars to distribute every year. Where the organisation distributes those funds will have an influence in that area from a Government point of view. That gets back to my original point about how clearly it must be enunciated that these funds come from this body rather than from the Government itself.

The Minister has already made the point that we must trust people. I agree with that, but I am concerned about the composition of the group. I would like to see the council representing as wide a group of people in our community as possible. The member for Wagin has suggested that land care groups should be represented, and that is a very good idea. However, I am not so sure that a city accountant, who has been appointed because of his investment expertise, would be in a position to decide whether that money should be spent in the area of Koorda or Bencubbin or Mount Barker. That may not be his area of expertise. I am concerned that, as a result of the amount of money which will accumulate in this fund, this body could be in a very powerful position as far as the Government is concerned.

Mr BRIDGE: This body would be set in place for the distribution of funds. Within those guidelines it could talk about priority allocations, but that is all. It would not be there to accumulate a vast wealth and not act as a distribution agency.

Mr Wiese: It would be a distribution agency rather than a foundation?

Mr BRIDGE: That is right. That is what it is set up to do, and we must make sure that it performs that role.

If we are genuinely going to create a climate which embraces all the communities involved in land care and soil conservation strategies we need to be very sensible about the membership. If people with commercial capacity come from the country, there is no reason why they should not be attached to the council. There is no question of giving preference to country people or town people; we must look for people who have a capacity to assist the council in its function. If there are departures from that principle, a judgment will be made about that distribution. At the end of the day it is the service to that council representing the people involved in conservation which counts. My personal preference is a philosophical approach to these issues. My empathy is very much with involving a large core of country

people in schemes of this sort. They have the capacity to know what is going on out there where the major issues are to be addressed. We would not be making the best use of that resource if we were not to take that approach.

Mr WIESE: I accept that. However, I am concerned about the provisions of proposed subsection (6). The details of the constitution and proceedings of the trust, the terms and conditions of appointment of members, and the grounds on which an appointed member may be removed from office are important matters and should be included in the Bill; we should consider those matters now. We should not have to wait until the regulations appear in the *Government Gazette* to find out about these matters. I express my disquiet that they are not part of the Bill. Perhaps the Minister can explain this procedure.

Mr BRIDGE: I appreciate the member for Wagin's concerns. The arrangements will become clear when the council begins its operations; when we are aware of its membership, its priorities and policies. Were we to talk now of tightening up those safeguards we would be interfering with the flexibility of the council. In other words, although the Minister states the council will have greater status it may be seen that the Minister will have control of all these matters.

Mr Wiese: You have!

Mr BRIDGE: I know the member for Wagin has great confidence in me; he knows I will look after the council on behalf of all members, including the member for Melville who is a city bloke. The regulations will be prescribed; Parliament can disallow them if necessary. The member should trust the Minister, the system, and himself. It appears from debate today that we wish to work together.

Mr WIESE: I have great faith in my ability and in the ability of my colleagues to oversee the drafting of the constitution of the trust. The Minister is aware that the National Party has a record of being unwilling to disallow regulations so we realise the Minister understands the situation and will bear that in mind. Perhaps the Minister could indicate when we might sight the draft constitution and proceedings of the trust before he prescribes them as regulations. That could save problems. If we do not agree with them, those matters can be dealt with in the upper House. I am sure that point is not lost on the Minister.

Proposed section 41C states that the Minister has power to give directions to the trust. I have fears and reservations about that. I have great faith in the current Minister; however, I would not have been prepared to make that remark about Ministers in the past.

Ultimately the Minister has power to direct the trust in its operations; he is able to exercise political control - call it what one likes - in making those directions. He can ensure that the trust carries out his will. I am not entirely happy with that. We seem to accept that Ministers may give directions and that to publish such matters in a report is a great way to achieve accountability. However, that provides no accountability because it is a fait accompli. We can do nothing about the matter. Proposed subsection (2) presumably intends to ensure accountability; it provides that any such directions shall be included in the annual report. Accountability will not be achieved because the Minister can take action and no-one can do anything to prevent that.

Mr BRIDGE: I agree; I do possess those powers. I can only reiterate that this is a management process. If a need exists to talk to members in advance, and I am able to do that, I have no problem. I am prepared to take a balanced position. The member can take one line as a member of Parliament in which he has certain liberties which I do not have as a Minister. All things being equal, I am happy to discuss such matters with the National Party and the Liberal Party in advance.

Clause put and passed.

Clause 13: Section 44 amended and transitional -

Mr HOUSE: The clause provides that proceedings may be commenced at any time within 10 years after an offence is committed. Does this clause have a retrospective effect?

Mr Bridge: That will be the case.

Mr HOUSE: I have very serious reservations about that. There are few official ways of measuring land degradation and there is no Australian model. I could make a judgment in

the field that land degradation is occurring by wind or water erosion. We do have a certain amount of natural regeneration, but we cannot quantify that on a large scale. American land care legislation recognises natural degradation and natural replenishment and has a measure built in. Until we have an adequate basis for measurement it will be difficult to say that a person 10 years back was degrading the land, when his knowledge at the time did not give him the ability to foresee that degradation. Retrospectivity may be terribly harsh on people who did what they thought was right and in the best interest of their land, but in time has proved to be wrong. For example, we are experiencing problems with the amount of fertiliser which has leached into streams and rivers. I would be far happier with a five year retrospective period, but I will not have a bar of legislation which takes us back to 1980. We must build into the legislation a measure of commonsense.

Mr OMODEI: The Minister has indicated that he is prepared to look at this issue. In responding to the Minister's second reading speech I suggested that it would be appropriate for the Statute of limitations to be extended from six months to two years when looking back at land that had been cleared without permission, but 10 years is excessive. Clause 13(3) relates to retrospective proceedings for offences prescribed by subsection (4) and against offences made under section 48(2)(q). The proponent would have to have permission to clear land under the Act. I would like the Minister to look closely at the retrospectivity proposal. There would be a revolt out in the sticks and farmers would not take lightly to 10 years' retrospectivity in looking at overclearing.

Mr BRIDGE: I agree with the member for Warren and the deputy leader of the National Party, but I would like to take further advice. I am not satisfied that the clause should proceed in its present form and I give an assurance to the Chamber that if the concerns demonstrated here today are justified and correct, that clause will be changed in the Legislative Council.

Clause put and passed.

Clauses 14 to 17 put and passed.

Schedule put and passed.

Title put and passed.

#### *Report*

Bill reported, without amendment, and the report adopted.

### **ACTS AMENDMENT (CONTRIBUTIONS TO LEGAL AID FUNDING) BILL**

#### *Second Reading*

Debate resumed from 22 August.

MR MENSAROS (Floreat) [3.40 pm]: The Minister in his second reading speech properly said that this measure has two provisions. Firstly, it amends the Law Society Public Purposes Trust Act 1985 and, secondly, it amends the Legal Contribution Trust Act 1967. The Law Society trust fund deals with the interest on legal practitioners' trust accounts, which is paid to the Law Society and is used according to the trust deed: 30 per cent of its funds are directed to legal aid generally. That is not merely the Legal Aid Commission. It includes all sorts of organisations giving assistance to citizens seeking the protection of the legal system such as the Sussex Street Community Law Service, the Citizens Advice Bureau of WA Inc, the Youth Legal Service and of course the Legal Aid Commission.

The rest of the money, the 70 per cent left over, was used for legal education and to provide general community information on the law and how the community can gain access to the law. The Law Society claimed and has been proved to be right, that that is a very commendable purpose and did a lot of good for the community generally. The original Bill introduced by the Attorney General in another place provided for 60 per cent of the funds to be used by the Legal Aid Commission and wanted to reduce from \$2 000 to \$500 the minimum balance that practitioners must have in trust accounts before they are required to lodge moneys with the solicitors' guarantee fund.

These later provisions were deleted by the Legislative Council Standing Committee on Legislation whose recommendations, according to the records, were reluctantly accepted by

the Government. As it is now amended and before us, the first part of the Bill allocates \$400 000 from the trust to the Legal Aid Commission until the end of the 1990 financial year. Sixty per cent remaining thereafter is provided to the public purposes trust fund's balance so that the balance never goes below \$1 million. The remaining amount of 40 per cent will be distributed in a similar way to the distribution of the previous 70 per cent.

In addition, a sunset clause has been included on the recommendation of the Legislation Committee. The Government said that it does not support that clause but, oddly, it is asking this House to support the second reading and therefore must support that provision unless it will be proposed to be deleted during the Committee debate.

The final result of the first part of the Bill was arrived at after a very lengthy debate in the Committee of the Whole of the Legislative Council and by the Standing Committee on Legislation. I cannot but sympathise with the first set of arguments by the Opposition which, in a nutshell, were that, although it might be desirable to channel more money to legal aid, it is despicable to take the same money away from educational and information purposes which should not be diminished but improved with the increased demand as is the case with the new law school at Murdoch University whose law library would have been one of the main recipients of the fund.

The reason given for this change appears to be that the Commonwealth is withdrawing a considerable amount of money from the Legal Aid Commission. It is the same old story. My experience with Commonwealth and State relationships is that whenever power is to be taken over from the States, the Commonwealth is in there feet and all, but whenever a contribution has to be made, the Commonwealth withdraws. It seems that that situation has not changed. Nevertheless, the final compromise solution has to be accepted with the remark that no matter what happens to these funds, legal aid will never be adequately supported. Legal aid would not only need infinitely more funds, but also would need much more liberal conditions for applying to eligibility for legal aid. As we stand now - I do not think anyone denies this, even though they do not mention it too much - there is no equality before the law because only a selected and very small section of the community can afford litigation.

The second provision of the Bill relates to amendment of the Legal Contributions Trust Act 1967. In that respect, it should be understood that the solicitors' guarantee trust fund which was established by the parent Act, caters for compensating clients against defalcations of legal practitioners. As such it is a de facto insurance fund, although limited. The fund's reserves in Western Australia are considerably lower than in other States. The Minister rightly referred to the South Australian example. That State has a comparable population to Western Australia and yet its equivalent fund has about seven times as much money in it as this State's has. Hence, the target of the fund was increased by half - 50 per cent - on 30 June this year and it is intended to increase the fund by up to five times its present status as soon as possible.

In order to achieve this, the Bill before us reduces the minimum balance of practitioners' trust accounts from \$2 000 to \$500 below which they do not have to transfer money to the solicitors' guarantee fund. The Bill decreases the period within which the minimum balance prevails. That means that whereas in the past, if the individual legal practitioner's trust account sank only once within a year below the minimum which was \$2 000, he would be required to transfer the funds to his trust account. That period will now, under this Bill, be six months and the amount will be \$500 and there will be more likelihood of money being transferred from individual practitioners' trust accounts. The Bill increases from 65 per cent to 70 per cent, or to the prescribed percentage, the lowest balance in the trust account which has to be transferred to the fund.

As the interested parties to this Bill and the Law Society of WA appear to support this measure and as the provisions, as explained, appear to be reasonable and necessary - though I feel it is a small step towards what should be done - there is no reason that the Opposition should not support the Bill.

**MR WIESE (Wagin) [3.52 pm]:** The member for Floreat has adequately outlined the intent of the Bill. The need for this legislation comes down to the Legal Aid Commission's providing legal aid to those who seek assistance in taking their case before the courts. In this regard, two things should be considered: First, the cost to the individual to take a case to court is increasing. Second, it is becoming increasingly difficult for anyone to obtain legal

assistance to take his case to a court. Some people go before a court and mount their own defence, but in all practicality that is not an option people have any more because the law is becoming more difficult.

Mr Mensaros: And expensive.

Mr WIESE: Yes, it is. The law is very complex and an individual does not have the knowledge to mount his defence in a court. The financial aspect is pertinent to a person's ability to mount his defence. It is virtually impossible for an individual to meet the cost of a court action and more and more people are being forced to call upon the Legal Aid Commission for assistance.

I am sure every member in this House has been involved, one way or another, in trying to persuade the Legal Aid Commission to provide legal assistance to a person to take his case to court. I have approached the Legal Aid Commission on many occasions and in some cases I have been successful in persuading it that a person was in need of legal assistance. Without its assistance many people would not have access to justice. Unfortunately I have not been successful in some of the approaches I have made to the commission and the people concerned have not taken their case to a court because they could not afford to do so.

Therefore, they have been denied justice and that is a poor reflection on our justice system. Justice is beyond the financial resources of the majority of people in our community and it is beyond the resources of the community to ensure they have access to justice. Quite frankly, the Legal Aid Commission does not have sufficient funds to enable it to provide assistance to everyone seeking its assistance.

The National Party supports the Bill and what it intends to achieve.

MR D.L. SMITH (Mitchell - Minister for Justice) [3.56 pm]: I thank members opposite for their support of the Bill. The member for Floreat, in his usual learned way, gave a very accurate exposé of what the Bill is about and he made reference to the tendency of the Commonwealth Government to set up support schemes for people and to then encourage the State to gradually take over the financial responsibility for that scheme. That is what has been happening with the Legal Aid Commission. Originally it was financed on the basis of a 70:30 per cent split between the Commonwealth and the State and that split has progressively moved to 60:40 per cent.

As the member for Wagin indicated, the great problem for all of us is that the amount of money available for legal aid is simply insufficient and something like fewer than 60 per cent of applications to the commission are approved. That means that four out of 10 people who think they have a case to take to court are being denied access to that court through the legal aid system. It is important that we increase the funding to the Legal Aid Commission by accessing the funds that are available through the legal contribution trust arrangements, in order that it can assist more people in gaining access to the court process. It is critically important that everyone has access to the court - to the people who are financially disadvantaged that is a myth and not a reality.

I referred in the second reading speech to a sunset clause and said that it was proposed section 5(3): It is actually proposed section 5(4) and I intend to move for the deletion of that subclause in the Committee stage because the Government does not support it. It is important in terms of the permanent allocation of increased funds to the commission, but there is no sunset clause for the matter to be reviewed at a later date.

Question put and passed.

Bill read a second time.

#### *Committee*

The Deputy Chairman of Committees (Mr Donovan) in the Chair; Mr D.L. Smith (Minister for Justice) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Section 5 inserted -

Mr D.L. SMITH: As I indicated in my response to the second reading debate, the sunset clause which has been included by the addition of proposed subsection (4) in section 5 by the other place is not acceptable to the Government. Therefore, I move -

Page 3, line 29 - Delete the line.

Mr MENSAROS: I do not think the Opposition will argue about the Government's stance. The Government has the responsibility and the numbers in the Legislative Assembly and, in any event, if the other place feels strongly enough this matter will be decided by a Conference of Managers in due course.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 6 to 11 put and passed.

Title put and passed.

Bill reported, with an amendment.

## TRANSPORT CO-ORDINATION AMENDMENT BILL

### *Second Reading*

Debate resumed from 23 August.

MR McNEE (Moore) [4.05 pm]: This is a minor Bill which deals with some housekeeping problems. The Opposition supports the Bill which will clarify some matters. It relates to the operating shortfall of the Eastern Goldfields Transport Board operations and will allow a variety of other transport subsidies including regular road service subsidies in country regions, pensioner travel subsidy schemes in country areas and so on. The Opposition supports the Government's legislation.

MRS BEGGS (Whitford - Minister for Transport) [4.06 pm]: I thank the Opposition for its support of this Bill.

Question put and passed.

Bill read a second time.

### *Third Reading*

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mrs Beggs (Minister for Transport), and transmitted to the Council.

## SUPREME COURT AMENDMENT BILL

### *Assent*

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

## STATE FORESTS - REVOCATION OF DEDICATION

### *Assembly's Resolution - Council's Concurrence*

Message from the Council received and read notifying that it had concurred in the Assembly's resolution.

## EXPLOSIVES AND DANGEROUS GOODS AMENDMENT BILL

### *Returned*

Bill returned from the Council without amendment.

## LEGAL PRACTITIONERS AMENDMENT BILL

### *Second Reading*

Debate resumed from 22 August.

MR MENSAROS (Floreat) [4.09 pm]: This is a very small and noncontroversial Bill but in my opinion it deals with an immensely important principle which the Opposition briefly touched upon in the debate on the previous Bill introduced by the Minister for Justice; that is, the additional assistance to civil litigation in Western Australia.

Before I deal with this principle in a broader sense, let me mention that as the Bill will amend the Legal Practitioners Act, the Government has taken the opportunity to make other small alterations to that Act. Firstly, the Bill will allow fees to be charged for services provided by the Barristers' Board and, secondly, it will increase the fine for misconduct by legal practitioners from \$2 000 to \$10 000. Thirdly, it will enable the Barristers' Board to strike a legal practitioner off the roll in some cases, instead of having to wait for the Supreme Court's decision. I believe it was proper to put all these minor alterations into the one amendment Bill rather than introduce three different Bills, which is often the practice.

The main feature of the Bill is that the Law Society of Western Australia is to establish a litigation assistance fund, which is to be used to assist litigants in civil claims other than family law cases. An applicant who has a claim will pay to the fund either a reduced fee or no fee at all. The fund will then charge the litigant what is called a contingency or success fee. In other words, the litigant will be allocated the services of a legal practitioner, who will charge the Law Society his normal fee. The Law Society will then enter into an arrangement with the litigant that if the litigant's case is successful the fund will be entitled to receive a certain percentage of the damages received or whatever amount is gained as a result of the successful litigation.

I commend the Law Society for that action because although it is a very small step it is nevertheless an important step towards the aim of equality before the law. It is unfortunate that not only do we not have equality, but also we are very far from it. I always wonder why this is so seldom mentioned and is virtually ignored altogether. The concept of a contingency or success fee, probably because it is a new concept in Australia and Western Australia, has been very cautiously and even critically received. I do not share that view because I do not see that any bad results will flow from it. The fee will not be a direct charge from the legal practitioner to the client but will be an indirect claim through the fund, and the moneys built up in the fund will enable other litigants to be the beneficiaries of its assistance.

That method is not only practised in the United States but also in virtually every country on the continent, and I have never experienced any difficulty with it. In fact, it would extend very much the scope for litigation, and in many cases the success fee would not be the sole source of a fee because the legal practitioner would make a contract with the litigant that he would have to pay a minimum fee and, in case of success, a success fee. Such a system would also result in a reduced demand for litigation because if business people who are not very scrupulous know that there is a way for people to sue them and to seek legal advice and be successful, hopefully they will desist from engaging in improper practices.

I return now to the important theme of equal opportunity before the judicial authorities. There is no doubt that we do not have this equality. I am at a loss to understand why this is so seldom and so restrictively mentioned. If a woman is not employed in a position because of her sex, even though that position may be patently unsuitable for her, there is an enormous outcry about her not having an equal opportunity. We have reached the stage with this extreme outcry for equal opportunity, or so-called anti discrimination, where our preferences are often completely upside down, in my opinion at least. We expect a legal draftsman today to use better English than Shakespeare used, despite the fact that English is about the only language where we can enjoy Shakespeare to a larger extent than a contemporary writer today, yet we want to change that and do away with it on account of equal opportunity.

This is a question that up to a few years ago was very simply and ingeniously solved because the Interpretation Act said that whichever gender is expressed in a piece of legislation, it should apply also to the other gender. Yet we do not care about equality before the law. That subject is ignored. We do not care that about 80 per cent of people are discriminated against because they cannot seek and obtain a legal remedy for their grievances. This is one of the most neglected aspects of our democracy. During the four or five years that I was legal spokesman for the Opposition I received virtually daily complaints from people who wanted to either seek their rights in front of a court or to defend themselves and were not able to do so because of the narrow eligibility conditions of the Legal Aid Commission. Since that time I have received fairly frequent complaints even from constituents in my electorate, and I suppose other members would be in the same position.

I am not suggesting that I have an all-embracing and complete solution to this question but I do suggest that there are several solutions which ought to be increasingly examined and

perhaps, where necessary, implemented. This step is one of the solutions, albeit a small one. Much greater effort should be lent to remedying this important inequity.

The reasons for this unfortunate situation are manifold and should be examined. About 40 years ago when I first came to Western Australia and I was interested in continuing in legal practice, the offices I visited were entirely different from the legal offices of today. They were not in a high rise building with views over the capital city; they occupied a small room, the walls of which were lined with plenty of books. Without wishing to offend anyone, the practitioner behind the desk had more general legal knowledge then. Almost without exception, he was an all-rounder rather than a lawyer specialising in one field. One could visit Parker and Parker in Howard Street in a little back room with scarcely a window and talk to Quinton Stowe. The same applied to the law firm of Robinson Cox where Ian Medcalf sat behind a table surrounded by plenty of books and where one received much advice. The situation of today is quite different. It grew from the fact that corporate clients apparently did not care about the fees. Because of the very high fees and resulting competition, the legal offices incurred enormous overheads, which I do not think are necessary for a proper legal service. Another reason could be the organisation and set up in relation to the court procedures. They are also more expensive than one would experience in many other places.

Besides the small step provided for by this legislation, other steps could be taken to remedy the situation. Before the last election, the Liberal Party announced that it would not only seriously examine, but also endeavour to implement, some sort of insurance. There is no reason that the principle of insurance coverage for legal fees, similar to insurance coverage for medical fees, should be rejected. I acknowledge that it is difficult to implement such a scheme, particularly in Western Australia because of its small population and small scale of economics. In the insurance business, a large clientele affords greater security for the company and viable and less expensive insurance. Nevertheless, a scheme idea could be developed.

I have studied existing insurance schemes in Great Britain and in West Germany. Despite the fact that West Germany is a densely populated area, it began a legal insurance cover scheme in a specialist field. For example, when one buys a motor car one is offered a very cheap policy which provides gratis legal assistance for any litigation concerned with the motor car, whether it be damages or faults for which the dealer who sold the car is responsible. I think the number of people in West Germany who buy cars is greater than the corresponding number in Australia. The insurance policy is a comparatively cheap insurance policy which has been in operation for only three or four years and is so widely accepted that almost every car owner takes advantage of it. From the studies I have made of it, it is a fairly successful program. A couple of people from the United Kingdom who are experts in this field visited Western Australia and held discussions with insurance companies. I do not know the result of those discussions, but the idea should not be overlooked.

Everything possible should be done to bring about this, if not full equality before the law, at least near equality. I understand the Law Society of WA considered various insurance schemes and I trust it will pursue this area in conjunction with the Crown Law Department. I hope they will be successful with that as they ultimately were with the little scheme covered by this legislation.

In conclusion, despite the fact that it appears to be very small, it is an important piece of legislation covering a very important, but neglected, principle in our society. The Opposition supports the Bill.

**MR WIESE (Wagin) [4.28 pm]:** Like the Bill previously before the House, this issue arises solely because of the inability of the Legal Aid Commission of Western Australia to provide legal assistance to persons who wish to defend themselves in the courts but who do not have sufficient finance to do so. It highlights the insufficient funds available to the Legal Aid Commission. It is unfortunate that we are taking the direction indicated by this legislation.

The member for Floreat mentioned the use of contingency fee arrangements in many other countries such as the United States and in Europe. So be it. However, not being a lawyer, but probably being fairly typical of an ordinary citizen of this State, I have grave reservations about the adoption of a scheme similar to the one in the United States. I accept that this legislation and the contingency type of arrangements operating in the United States, for

example, are different from each other. However, I am not sure whether this State will still not take the same direction as the United States as a result of this legislation. We are all aware of the enormous increase in litigation in the United States compared with countries like Australia. That can be attributed to the fact that a contingency fee operates in the United States and does not operate here.

This is the thin end of the wedge. To the best of my knowledge this is the first move to adopt contingency fees in this State. If it succeeds and is shown to be workable and successful, it will not be very long before the legal profession will be seeking to go down the same path; that is, by not operating through the arrangement set up by this legislation, but operating directly as an arrangement between the client and the legal practitioner as currently operates in the United States.

[Leave granted for speech to be continued.]

Debate thus adjourned.

*House adjourned at 4.31 pm*

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# QUESTIONS ON NOTICE

## MINES DEPARTMENT - SERVICE CHARGE

### *Surveys and Mapping Counter*

1363. Mr CLARKO to the Minister for Mines:

- (1) Is a \$5 service fee now charged at the public counter of the Perth office of the Department of Mines and a \$37.50 per hour consulting fee?
- (2) Are these fees and charges included in the Schedule of Fees of the Mining Act 1978 or its Regulations?
- (3) When were these charges introduced and why?

Mr CARR replied:

- (1) A service charge of \$5 is in place at the Surveys and Mapping Division public counter.
- (2) No.
- (3) The \$5 service charge was introduced as a separate item on 1 July 1990. It was arrived at by removing the service charge component from some product charges, which resulted in the cost of those products being reduced. Service charges have traditionally been included in product charges set by the department as distinct from fees which are laid down by Statute. The surveys and mapping counter is separate from the Department of Mines main public counter. It provides access to archival information on underground plans for mines, non-current public plans and survey information. Some customers accessing this information place excessive demands on staff time but do not purchase any products. This results in overservicing those customers at the expense of other staff duties. The cost of staff time for lengthy consultations or undertaking research has been charged for many years. The current charge of \$37.70 per hour is a seven per cent increase on the \$35 charged last year.

## TRAFFIC LIGHTS - STIRLING HIGHWAY-GLYDE STREET, MOSMAN PARK

### *Installation*

1365. Mr MENSAROS to the Minister for Transport:

When were the traffic lights installed at the corner of Stirling Highway and Glyde Street, Mosman Park?

Mrs BEGGS replied:

Traffic lights were installed at the corner of Stirling Highway and Glyde Street in Mosman Park on 11 December 1979.

## MINES DEPARTMENT - SERVICE CHARGE

### *Surveys and Mapping Counter*

1380. Mr COURT to the Minister for Mines:

- (1) Why has the surveys public service counter on the second floor of the Department of Mines introduced a \$5.00 fee to service members of the public and a further \$37.50 per hour consulting fee after the first half hour of service when such a service has always been provided without such costs to the public?
- (2) Under which legislative powers or provisions of the mining Act 1978 and Regulations can such fees be introduced?

Mr CARR replied:

I refer the member to the answer to question 1363.

## MINERALS - ROYALTIES AND TAX SYSTEMS REVIEW

1384. Mr COURT to the Minister for Mines:

- (1) Has the Federal Minister for Resources, Mr Griffiths, asked the State

Government to assist in a comprehensive review of mineral royalties and tax systems he recently announced?

- (2) If so, when is this review proposed to be completed?

Mr CARR replied:

- (1)-(2)

No. I understand the Minister has not announced a review at this stage but has merely signalled that he believes such a review is appropriate.

**STATE ENERGY COMMISSION - MUJA-KALGOORLIE PIPELINE**  
*Capital Headworks Charges*

1393. Mr COURT to the Minister for Fuel and Energy:

- (1) When did State Energy Commission of Western Australia implement its policy of making customers make a capital contribution for incremental capital headworks charges on the Muja to Kalgoorlie pipeline?
- (2) How many companies have contributed to the capital headworks charges?

Mr CARR replied:

- (1) The 220kV transmission line between Muja and Kalgoorlie was commissioned in September 1984. SECWA implemented a policy at that time of applying a line charge to mining customers to reflect the capital cost of constructing the 220kV transmission line. The capital headworks costs of extending the 33kV distribution system to individual mining customers in the region were initially met by SECWA at a time when it was attractive for SECWA to sell on a marginal basis. In 1986, following a review of SECWA's extension policies, it was decided to seek recovery of the incremental headworks costs of extending the 33kV distribution system by means of a capital contribution from the customer.
- (2) A total of 30 companies are currently contributing to the capital cost of constructing the 220kV transmission line.

**CONSULTANTS - GOVERNMENT BODIES**  
*Premier's Portfolios*

1421. Mr NICHOLLS to the Premier; Treasurer; Minister for Public Sector Management; the Family; Aboriginal Affairs; Multicultural and Ethnic Affairs; Women's Interests:

- (1) How many consultants or advisors are attached to any Government bodies which are under the Premier's portfolios?
- (2) Which department, office/location is responsible for those consultants or advisors and what is the name of each consultant or advisor?
- (3) In relation to each consultant or advisor -
- what fees or salaries are paid annually or part thereof;
  - what is the period of engagement;
  - what was the date of initial engagement;
  - what additional expense provisions or benefits apply?

Dr LAWRENCE replied:

It would take considerable resources to collate the information requested. Every effort will be made to provide a reply to a more specific inquiry that includes a definition of what the member means by the term "advisor".

**CONSULTANTS - GOVERNMENT BODIES**  
*Minister for Mines etc Portfolio*

1424. Mr NICHOLLS to the Minister for Mines; Fuel and Energy; Mid West; Small Business:

- (1) How many consultants or advisors are attached to any Government bodies which are under the Minister's portfolios?

- (2) Which department, office/location is responsible for those consultants or advisors and what is the name of each consultant or advisor?
- (3) In relation to each consultant or advisor -
  - (a) what fees or salaries are paid annually or part thereof;
  - (b) what is the period of engagement;
  - (c) what was the date of initial engagement;
  - (d) what additional expense provisions or benefits apply?

Mr CARR replied:

I refer the member to the answer to question 1421.

#### CONSULTANTS - GOVERNMENT BODIES

*Minister for Transport etc Portfolio*

1427. Mr NICHOLLS to the Minister for Transport; Racing and Gaming; Tourism:

- (1) How many consultants or advisors are attached to any Government bodies which are under the Minister's portfolios?
- (2) Which department, office/location is responsible for those consultants or advisors and what is the name of each consultant or advisor?
- (3) In relation to each consultant or advisor -
  - (a) what fees or salaries are paid annually or part thereof;
  - (b) what is the period of engagement;
  - (c) what was the date of initial engagement;
  - (d) what additional expense provisions or benefits apply?

Mrs BEGGS replied:

I refer the honourable member to the answer given to question 1421.

#### CONSULTANTS - GOVERNMENT BODIES

*Minister for Works etc Portfolio*

1432. Mr NICHOLLS to the Minister for Works; Services; Regional Development:

- (1) How many consultants or advisors are attached to any Government bodies which are under the Minister's portfolios?
- (2) Which department, office/location is responsible for those consultants or advisors and what is the name of each consultant or advisor?
- (3) In relation to each consultant or advisor -
  - (a) what fees or salaries are paid annually or part thereof;
  - (b) what is the period of engagement;
  - (c) what was the date of initial engagement;
  - (d) what additional expense provisions or benefits apply?

Mrs BUCHANAN replied:

I refer the member to the answer to question 1421.

### QUESTIONS WITHOUT NOTICE

#### PARLIAMENTARY PRIVILEGE - MEMBER FOR PEEL

*Member of the Public - Serious Allegations*

393. Mr MacKINNON to the Premier:

- (1) Is the Premier aware of the serious allegations made in the Parliament yesterday by the member for Peel - who I notice is not in the House today - that a citizen of Western Australia had been involved in the illegal activities of theft and insider trading?

- (2) Will the Premier ensure that these allegations are referred immediately to the police or the appropriate authorities so that the matter can be investigated and the individual either charged or cleared?
- (3) If not, or if the member for Peel has no evidence to support this most serious allegation, will she ensure that her colleague apologises to both the Parliament, for his abuse of the privilege afforded to him by the Parliament, and to the individual concerned for the very serious slur the member for Peel has cast on that individual's reputation?

Dr LAWRENCE replied:

- (1) I could hardly but be aware of the serious allegations since they were made in the Parliament in my hearing.

(2)-(3)

It is clear that those allegations breached the standards of parliamentary behaviour I want to uphold and that, as Mr Speaker said yesterday, should be upheld. I have spoken to the member for Peel in those terms. If there is evidence of that kind, it is important for the person who holds that evidence to place it before the appropriate authorities. That is as much as anyone could expect. The fact that those events took place is not within my purview; I do not know one way or the other. But, the important thing is for this Parliament to recognise that those standards of privilege have been breached and Mr Marlborough, the member for Peel, is well aware of that fact.

The Opposition can take little comfort in this matter. It may for the moment suit the Opposition to stand in this place and suggest that members on the Opposition side of the House have never undertaken such vilification of an individual or company. Unfortunately, the rate at which the Opposition delivers those allegations is about one every half hour since I have been a member in this place. It does not sit very well with its standard that the Opposition should point to a member on this side of the House.

#### CHEMICALS - RAIL TRANSPORT *Atmospheric Release Risk Reduction*

394. Mr RIPPER to the Minister for Transport:

Will the Minister please tell the House what measures have been taken to reduce the risk of chemicals being accidentally released into the atmosphere during transport by rail?

Mrs BEGGS replied:

I thank the member for the question. An investigation was carried out by the Environmental Protection Authority after an incident on the transcontinental railway line near the South Australian border, which involved the release of a respiratory irritant, toluene diisocyanate.

The EPA recommended that Westrail take a number of steps to reduce the risk of similar incidents in the future. Those measures include: Adequate documentation be given to train crews about the content and types of dangerous goods being carried; additional information be obtainable by radio contact between the train crews and controllers; Westrail and the Department of Mines examine their procedures for certifying containers and the exchange of information between themselves and other agencies; Westrail and the Mines Department also to ensure that the tanks containing these gases are properly constructed to allow vapours to escape; and, that signs on the tanks will now be the same for those carried by rail as those taken by road. Obviously, the Government is most concerned to reduce the likelihood of such an incident recurring and it is hoped that these procedures will prevent such a recurrence.

## POWER STATIONS - COAL FIRED POWER STATION

*Bids*

395. Mr COWAN to the Minister for Fuel and Energy:

I understand the Government was reviewing the number of bids for a coal fired power station. Will the Minister advise the House whether the number of bids has now been reduced and which bidder has been dropped off the number of people seeking the contract?

Mr CARR replied:

Members will be aware that four consortiums were invited to submit detailed bids for a private power station in Western Australia. Those bids involved three submissions relating to Collie and one relating to Hill River. The State Energy Commission has been analysing those bids in great detail and communicating with each of the bidders to gain more information. That process is nearly at an end and SECWA expects to announce within the next few days a reduction of that number from four to, perhaps, one or two.

Mr Cowan: Is it true that one has dropped off voluntarily?

Mr CARR: I am not aware of that. At the time I had discussions with the commissioner yesterday four bids were still involved. I am not aware of one consortium dropping out of the bidding. An announcement of a reduction is expected within the next week. The remaining bidder or bidders will then continue to be compared against the other alternatives of a SECWA-owned coal power station or a public or private gas station.

## HOSPITALS - OLD MARGARET RIVER HOSPITAL

*Vesting Agreement*

396. Mr READ to the Minister for South-West:

Has the Government reached agreement with the Augusta-Margaret River Council on the vesting of the old Margaret River Hospital?

Mr D.L. SMITH replied:

After many years of neglect the Government has built a brand new hospital in Margaret River.

Mr MacKinnon: Thanks to the member for Vasse.

Mr D.L. SMITH: I assure the Leader of the Opposition that it had nothing to do with the member for Vasse. A member for the South West Region, Hon Doug Wenn, was the leading proponent who encouraged the Government to build that hospital.

The citizens of Margaret River have become very attached to the old hospital and want to retain it for community use. With that in mind they have been negotiating with the Government on the issue for some time. Agreement has now been reached whereby the hospital site and the buildings will be transferred to the council in exchange for a land swap arrangement. That agreement will be met with pleasure by all the community groups who have been writing to me for almost three years supporting the retention of those buildings for community use. In future it will become a centre of enormous community activity for the people of the south west.

I take this opportunity to thank the Deputy Premier for taking the trouble to go to the south west and for carrying out the final negotiations with the council. They agreed to arrangement whereby the council would take the old buildings and relinquish the current vesting of Reserve 11910 and transfer Lot 4 Station Road, Margaret River to the Asset Management Taskforce. The objects of everybody will be met by that agreement. The community will have the use of the buildings and the taxpayers of Western Australia will be able to recover something from the assets and use those assets to rebuild other hospital facilities elsewhere in the south west.

STATE GOVERNMENT INSURANCE COMMISSION - PROPERTY PURCHASE  
*Bond and Connell - Commissioners' Authorisation*

397. Mr SHAVE to the Premier:

Following the report in today's *The West Australian* that the SGIC paid millions to Bond and Connell -

- (1) Will the Premier confirm whether all the SGIC commissioners were advised of the property purchase prior to the SGIC's agreement to purchase?
- (2) If not, why not?
- (3) Will the Premier table a copy of the SGIC's minutes which authorised the two unnamed commissioners to arrange the property purchase from Mr Bond and Mr Connell?
- (4) If not, why not?

Dr LAWRENCE replied:

(1)-(4)

I do not have a copy of the minutes in my pocket, so I cannot table it. As I am not aware of the existence of that document, apart from the allegations that appeared in *The West Australian* this morning, how can I give an assurance that I will table it? It is important that members recognise about this matter, and any other matter associated with Mr Connell, Rothwells and associated companies, that if there is any suggestion these matters were not addressed in the McCusker report -

Mr MacKinnon: They were not.

Dr LAWRENCE: That is an assumption that the Leader of the Opposition and members opposite continued to make yesterday.

Mr MacKinnon: It came in answer to a question from the Deputy Leader of the Opposition last week.

Dr LAWRENCE: I understand the point. A great many allegations were investigated and evidence sifted through as it pertained to the collapse of Rothwells. I believe, and have no reason to think otherwise, that those allegations or propositions would have been put to Mr McCusker. Members opposite cannot get it through their heads that simply because they do not find what they think they should find in the McCusker report it has not been the subject of some analysis. That is simply a false premise.

Mr MacKinnon: We know who you are trying to protect.

Dr LAWRENCE: I am not attempting to protect anyone. The information I have in relation to these matters appears in the McCusker report and is available to the public at large. It is the information on which this Parliament was asked to judge the report. The initial response by the Opposition - setting aside the attempt yesterday to discredit the report - was that it was a good report.

CHALLENGE BANK - HOUSING LOAN INTEREST RATE  
*15.75 Per Cent Reduction Implications*

398. Mr CATANLA to the Minister for Housing:

- (1) Is the Minister aware that the Challenge Bank has lowered its variable interest rate on housing loans to 15.75 per cent?
- (2) If so, would she like to comment on the implications of that happening?

Mrs HENDERSON replied:

- (1) Yes.
- (2) I am pleased to see a Western Australian bank take this action. There have been what could be described as some modest reductions in home loan interest rates over recent times. It would not be an exaggeration to say that

the community generally has been waiting patiently for some of the larger banks to drop their interest rates. They have been extremely tardy in assisting struggling home buyers. There have been quite substantial drops in the 90 day bank bill rate, which I understand is currently at 13.34 per cent. Therefore, a substantial gap exists between that rate and the housing loan rate, which still stands at around 16 per cent.

When official interest rates fell by about one per cent in early August unfortunately the flow on to home mortgages was only 0.25 per cent, which was seen by many people as being a small decrease to pass on to consumers who have been quick to point out that the corresponding fall in the rate of interest paid on deposits, particularly fixed term deposits, has been rapid and not been paralleled in drops in interest rates for home loans or other loans. People have observed how quickly the banks have moved to lower their interest on deposits.

The Federal Treasurer has put the view that banks have sought to artificially keep interest rates up in order to protect their shareholders from some of the flow on caused by some of their corporate lending decisions in the 1987-1988 era and, in fact, that those shareholders ought not be protected or shielded from the kinds of losses the rest of the community suffered.

While I do not have any comment to make on that, I would say that recently financial institutions have experienced some financial difficulties, and very large sums of money have flowed from those institutions into banks, and the banks are now flush with funds. If a small Western Australian bank can drop its interest rate below the 16 per cent barrier there is no reason why the large banks, who currently are benefiting from financial difficulties in other parts of the community, should not also be able to drop their interest rates below 16 per cent.

#### PERON STATION - PURCHASE SETTLEMENT

399. Mr MINSON to the Premier:

- (1) Will the Premier confirm that the Government has not settled the purchase of Peron Station on the appointed date because of a lack of funds?
- (2) If that is not the reason, what is the reason?
- (3) Will the Government settle this debt soon or is it conditional upon World Heritage listing of the Shark Bay area?

Dr LAWRENCE replied:

(1)-(3)

I thank the Deputy Leader of the Opposition for some notice of this question since it is not within my portfolio but I certainly knew in advance that it was not through lack of funds; they have been available for some time. The reason that settlement has not proceeded and has been delayed is that the vendor has been unable to provide a clear title. The Government remains ready to settle immediately, and has the funds to do so, and it is in no way tied to World Heritage listing or issues at Shark Bay.

Mr Minson: That is not what the vendor told me yesterday.

Dr LAWRENCE: Perhaps the member should check with the vendor, but I am not in the habit of misleading the Parliament.

#### ROADS - MINNINUP ROAD-HUDSON ROAD, BUNBURY

##### *Bunbury City Council - Closure Permission Refusal*

400. Mr P.J. SMITH to the Minister for Local Government:

Following the Minister's decision to refuse permission for Bunbury City Council to close Minninup Road at Hudson Road, could he give an outline of the conditions under which he would give permission?

Mr GORDON HILL replied:

At the request of the member for Bunbury I visited the City of Bunbury and met all the parties involved with the request by the Bunbury City Council to close Minninup Road in Bunbury, which is a fairly major arterial road in that city. I met the Bunbury City Council and a substantial number of residents and business people in the local community who wanted to express a view to me about the closure of that road.

One of the reasons for the opposition to the closure of the road was that some members of the community were concerned about their inability to access the city easily via that road, which is used frequently by workers and other people travelling into the city. But perhaps a greater concern was that expressed by the local business community that the closure of the road would mean more traffic through the shopping centre adjacent to the intersection of Hudson and Minninup Road. It would mean also a greater use of the smaller arterial roads joining Minninup Road, and the local residents, and in particular the children attending both Newton Moore High School and primary schools within the region, may well have been affected by the increased flow of traffic on the streets around those schools.

In advising the City of Bunbury of my decision I indicated that it was appropriate to undertake some further studies of the flow, frequency and amount of traffic on Minninup Road following the construction of roundabouts at various intersections on that road. The reason is that since the roundabouts have been constructed following the original decision by the City of Bunbury to close that road, the traffic flows in that street have diminished considerably both in terms of the amount of traffic and the speed at which that traffic is moving when it encounters the roundabouts. I suggested also to the Bunbury City Council, and I make the suggestion again, through the member for Bunbury, that the council look at upgrading Hudson Road to take a greater traffic flow, and also that it look at the intersection of Parade Road and Bussell Highway, which has a traffic conflict problem.

Before I made that decision it was incumbent on me to seek the advice of the Minister for Police, who sought the advice of the Commissioner of Police and the Police Department, and they concurred with that view.

#### FISHING - AMATEUR FISHERMEN

##### *Licensing Decision*

401. Mr HOUSE to the Minister for Fisheries:

- (1) With reference to the suggestion that amateur fishermen be licensed, has the Minister made a decision in that regard?
- (2) If not, can he inform the House what stage his inquiry has reached.

Mr GORDON HILL replied:

(1)-(2)

The recreational fishing advisory committee established last year recommended as one of the options in a series of options a recreational fishing management proposal to establish a recreational fishing licence. As the member has indicated, that has been under examination for some time. A series of seminars and workshops has been conducted around the State to obtain community feedback. The recreational fishing advisory committee produced a booklet which outlines the various options proposed by the committee.

The seminars will culminate in a major forum to be held in Perth on 20 October with various interstate and international speakers discussing the various options for the management of recreational fishing. Following the close of submissions at the end of October on the document to which the member refers, we will examine the options again, collate the submissions provided by members of the community and examine those options. I intend

to make a recommendation to Cabinet on that and other issues early in the new year.

I am not convinced that we need to proceed with a recreational fishing licence per se. Other options can be more carefully examined. I am interested in community views. I know that the recreational fishing community holds very strong views. That includes such notable people as Lindsay Hardboard and Ross Cusack. They think we should adopt such a measure, perhaps in a different form from that which was originally proposed, but we should have a reasonable amount of funds available for recreational fishing research and management.

#### BIKEWEST - PERTH BIKEPLAN REVIEW

402. Dr ALEXANDER to the Minister for Transport:

I understand that the Government is reviewing the Perth bikeplan and the responsibility for the organisation of bicycle policy and planning. Will the Minister for Transport inform the House about the progress of this review?

Mrs BEGGS replied:

As of today, Bikewest will move from the Department of Local Government to the Department of Transport. Bikewest has helped to give a very high profile to cycling in Western Australia, both as a means of transport and as a very pleasurable recreational pursuit. I am very pleased that the organisation has done such a good job since it was set up in 1987.

It is now time for the organisation to enter a new phase, and this can be carried out more effectively within the Department of Transport. Bikewest was established originally to implement the recommendations of the Perth bikeplan, and its officers are largely responsible for the fact that about \$680 000 has been distributed in helmet rebates, and the number of primary school children wearing helmets has increased remarkably.

Bikewest has also been responsible for extending safe cycling routes in Perth and regional centres through extensive grants to local government and improved road path design policies. Regional bikeplans have also been drawn up during this time and introduced in Geraldton, Albany, Bunbury and other parts of the south west. An extensive range of safety brochures and cycling maps has also been distributed. It is important that we recognise the importance of the guidance given to the Bikewest management team by the State bicycling committee. Bikewest will continue to work towards establishing the bicycle as a safe and popular mode of transport and recreation in Western Australia.

Now that it has been determined that Bikewest will be moved from the Department of Local Government to the Department of Transport, we believe a closer formal relationship between the Department of Transport and other agencies dealing with transport issues will enable Bikewest to look after the interests of cyclists more effectively. Also, the Department of Transport has close links with the Federal Government on road safety and road funding issues which will be valuable to Bikewest.

#### ANCHOVIES - SUCCESSFUL PROCESSING COMPANY

403. Mrs WATKINS to the Minister for Fisheries:

- (1) Is the Minister aware of the success being enjoyed by a small company which is processing Western Australian anchovies?
- (2) If yes, would he care to make the House aware of this?

Mr GORDON HILL replied:

(1)-(2)

Yes, I am aware of that company, and I thank the member for the question. The Bella del Tindari brand, which processes anchovies and sardines, was

established by the Mendolia family and commenced production in April 1988. That company has gone from strength to strength and Mr Jim Mendolia, who is currently in the Eastern States meeting his distributors, is very pleased with the success of the trade to the Eastern States and is encouraged by the reaction that his new product has received. He has also travelled extensively throughout South East Asia to promote the product. From talking to people who have sampled the product, I believe it has proved to be very popular and is competing very favourably with similar products from the home of anchovies, Italy. In fact I understand that Mr Mendolia has received requests from Italy for Western Australian anchovies, so perhaps in future the home of anchovies will not be Italy but Western Australia.

The Mendolia family commenced fishing in Western Australia some 36 years ago through Mr Frank Mendolia, and since then the company has negotiated overseas markets and contracts through Hong Kong and other countries in the region as well as making Australian sales. The company is currently processing some 700 to 800 kilograms of anchovies a day. It is a very important value added industry and one which I believe is a great example for the fishing industry.

I would encourage all Western Australians to sample this very fine Western Australian product. Indeed, in order to give members of Parliament an opportunity to do just that I would like, with your permission, Mr Speaker, to table for the remainder of the sitting this container of anchovies processed by Mendolia Seafoods. This is a product worthy of all members' sampling and I encourage them to do so. If there is anything left over at the end of the day, I will sample it myself.

The SPEAKER: Order! I think it would be more appropriate for the anchovies to remain on the Minister's desk for the remainder of the day's sitting, for the information or the consumption of members.

#### BELL GROUP SHARES - NATIONAL COMPANIES AND SECURITIES COMMISSION

##### *State Government Insurance Commission - False Evidence*

404. Mr COURT to the Premier:

- (1) Why has the Government supported the State Government Insurance Commission's giving false evidence to the National Companies and Securities Commission investigation into its purchases of Bell Group shares?
- (2) Will the Government take action against the responsible people?
- (3) Who authorised the waiving of the \$1 million fine recommended by the NCSC to be imposed on Bond Corporation as a result of these transactions?
- (4) Will the Government table the relevant documents so that the public are made aware of the truth?

The SPEAKER: Order! I think that question contravenes Standing Orders, but before ruling that way I would like to see it.

Mr COURT: I will rephrase the question, as follows -

- (1) Is it a fact that the State Government Insurance Commission gave false evidence to the National Companies and Securities Commission investigation into its purchases of Bell Group shares?
- (2) Will the Government take action against the responsible people if that was the case?
- (3) Who authorised the waiving of the \$1 million fine recommended by the NCSC to be imposed on Bond Corporation as a result of these transactions?
- (4) Will the Government table the relevant documents so that the public are made aware of the truth?

Dr LAWRENCE replied:

(1)-(4)

It was interesting the way the question was phrased in the first place. It made a series of assumptions, not the least of which was that it was a fact. I am interested now that the member has asked "Is it a fact?"

My understanding is that people who have been accused of that have roundly denied it. That being so, particularly given the involvement of the National Companies and Securities Commission, it is hard to see why the Opposition persisted with the line of questioning. I would have thought that in the end it would be obvious who authorised the waiving of the fee imposed by the NCSC - the NCSC, who else could?

Mr Court: You did.

Dr LAWRENCE: The NCSC is an authority of its own making; it is not directed by a State Government.

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